

Part C

CHARTER OF THE CITY OF SYRACUSE--1960*

* **Editors Note:** Part C of this publication is the Charter of the city of Syracuse--1960, being Local Law No. 13 of 1960, as amended. The Charter is printed as enacted and subsequently amended with history notes and/or editor's notes indicating legislative history. Except as otherwise noted, the catchlines for the sections in the Charter were contained in the legislation from which it is derived.

LOCAL LAW No. 13

A local law of the city of Syracuse providing a new charter for the city of Syracuse, and generally superseding acts and local laws inconsistent therewith.

Became a law November 8, 1960 with the approval of the Mayor. Passed by the local legislative body of the city of Syracuse and referendum approved. Filed in the office of the secretary of state December 12, 1960.

Be it enacted by the common council of the city of Syracuse as follows:

THE CHARTER OF THE CITY OF SYRACUSE

ARTICLE I.

INCORPORATION AND FORM OF GOVERNMENT

Section 1-101. Title.

This local law shall be known as "the charter of the city of Syracuse--1960."

Section 1-102. Corporation.

The citizens of the state of New York, from time to time inhabitants of the territory comprised within the boundaries of the city of Syracuse, shall continue to be a municipal corporation in perpetuity under the corporate name of "city of Syracuse" and the same shall in that name be a body politic and corporate in fact and in law, with power of perpetual succession; all property, rights and interests now possessed or enjoyed by the city of Syracuse, shall continue to be possessed and enjoyed by it. The city, and all officers, departments, commissions, boards and other agencies thereof, shall have, enjoy and be subject to all authority, rights and powers now possessed by it or them, and all obligations or duties now owed by it or them, and shall perform all duties devolved upon it or them under and by virtue of all existing general or special laws of the state of New York or hereafter devolved upon the city of Syracuse, or upon such officers, departments, commissions, boards or agencies, by any general or special laws hereafter enacted, except insofar as such authority, rights, powers, obligations or duties are and shall be lawfully governed, modified or affected by the provisions of this charter. Subject to the provisions of the City Home Rule Law, any provisions of law, local law or ordinance including all laws, local laws or ordinances creating, providing for or continuing any office, officer, department, board, body, commission or other city

agency, inconsistent with this charter are hereby repealed.

Section 1-103. Form of government.

The government provided by this charter shall be known as the mayor-council form of government.

ARTICLE II.

POWERS

Section 2-101. Powers.

(1) The city shall retain to the same extent as if herein repeated, all of the authority and power that it has or could claim under the constitution and statutes of this state and local laws of the city, at the time of the adoption hereof, except to the extent that such power or authority is herein expressly modified or limited.

(2) Specifically the provisions of general, special and local laws and ordinances applicable to the city of Syracuse, including but not limited to the following:

L 1885, Ch. 26--as amended, charter of 1885

L 1906, Ch. 631--as amended, water

L 1928, Ch. 187--as amended, municipal court

L 1928, Ch. 188--as amended, court of special sessions and traffic court

L 1892, Ch. 509--as amended and repealed--police pension fund

L 1905, Ch. 683--as amended--police and firemen's pensions

L 1905, Ch. 681--as amended--finance, claims against the city, assessments, local improvements

L 1905, Ch. 684--as amended--public works, city engineer

L 1914, Ch. 300--as amended--public works, acquisition of real property, assessment

L 1905, Ch. 685--as amended--public safety, police, commissioner of public safety

L 1906, Ch. 75--as amended--assessment and taxation

L 1907, Ch. 356--as amended--intercepting sewer board act

L 1929, Ch. 658--as amended, sewers, flood prevention

L 1907, Ch. 457--as amended and superseded--gas, electricity, public safety

L 1919, Ch. 353--public health

L 1913, Ch. 227--public health, head of examiners in midwifery

L 1917, Ch. 397--as amended--parks

L 1920, Ch. 447--as amended--planning commission

L 1922, Ch. 544--as amended--planning commission

L 1947, Ch. 176--as amended--discontinuance of public markets, parks and playgrounds

L 1933, Ch. 568--as amended--Onondaga county public works act

L 1937, Ch. 690--as amended--collection of county taxes by city

L 1958, Ch. 813--as amended--acquisition of property for joint use of city and county

L 1960, Ch. 1057--as amended--issuance of revenue anticipation notes for urban renewal

except insofar as in whole or in part they or the provisions thereof or any of such provisions are repealed or superseded by or are inconsistent with the provisions of this charter, shall continue in full force and effect.

The general powers of the city shall include but not be limited to the following:

- (a) To take, purchase, hold, lease, exchange, sell and convey such real and personal property as may be necessary, proper or useful for the purpose of the corporation, within and where authorized by law without the limits of the city.
- (b) To take by purchase, gift, grant, bequest or devise, and to hold and administer real and personal property within and without the limits of the city, absolutely or in trust, for any public use or municipal purpose including that of education, art, ornament, health, charity or amusement, for airports, parks or gardens, for the use or erection of statues, monuments, buildings or structures, or for water supply, without restriction or upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said corporation and to provide for the proper administration and maintenance of the same.
- (c) To make, have and use, and from time to time alter a common seal.
- (d) To contract and be contracted with, to sue and be sued, to complain and defend, and to institute, prosecute, maintain and defend any action or proceeding in any court or before any tribunal, board or commission.
- (e) To take by eminent domain, real property for any corporate public purpose or object, including lands and property within the city or easements therein owned or occupied by corporations or

persons themselves having the right of eminent domain and held or used for public purposes by such corporations or persons, but only, in the case of lands occupied by such corporations or persons having the right of eminent domain, such right, title or interest in such lands or property as may be necessary for the purpose of sewers, water works or supply, streets and street lighting, and canals, basins, slips, rivers and creeks, and other public water improvement.

- (f) To take by eminent domain more land and property than is needed for actual construction in the laying out, widening, extending or relocating of parks, public places, highways or streets when the council deems such taking necessary for the public interest and for the complete public enjoyment of such parks, public places, highways or streets; provided, however, that the additional land and property so authorized to be taken shall be more than sufficient to form suitable building sites, abutting on such parks, public place, highway or street. After so much of the land and property has been appropriated for such park, public place, highway or street as in the discretion of the council is needed for the actual construction thereof, the remainder may be sold or leased by the city subject to any restrictions deemed necessary for public benefit.
- (3) In addition to the foregoing, the city shall have all of the authority and power that may hereafter be vested in it by enlargement or addition by the state of New York.
- (4) The authority and power heretofore enjoyed, herein retained, and all additional authority or power herein claimed shall subsist, notwithstanding the repeal of any statute, until such authority, or power be altered or taken away by specific provision of the constitution or laws of this state or by amendment of this Charter.
- (5) No enumeration of any authority or power herein or hereinafter made, and no repeal of any law under which the city now has nor could now claim any authority or power, shall be construed as limiting or abolishing any of the authority or power hereinabove set forth.

ARTICLE III.

THE COMMON COUNCIL

Section 3-101. Number, terms and removal of councilors.

- (1) The council shall consist of a president and nine (9) members of whom the president and four (4) members shall be elected from the city at large and five (5) from districts.
- (2) (a) The term of the president of the council shall be four (4) years beginning on the first day of January next following the date of his election.

Any president of the council elected as such for two (2) full consecutive terms after January 1, 1991, shall be ineligible to be elected to the office of president for a term next following the end of the second consecutive term of office for which he was elected.

- (b) The term of at-large members of the council shall be four (4) years beginning on the first day of January next following the date of their election.

Any at-large member of the council elected as such for two (2) full consecutive terms after January 1, 1991, shall be ineligible to be elected to the office of councilor-at-large for a term next following the end of the second consecutive term of office for which he was elected.

- (c) The term of district councilors shall be two (2) years beginning on the first day of January next following the date of their election.

Any district councilor elected as such for four (4) full consecutive terms after January 1, 1991, shall be ineligible to be elected to the office of district councilor for a term next following the end of the fourth consecutive term of office for which he was elected.

(3) The council may punish or expel a member for disorderly conduct, for a violation of its rules or for official misconduct or may declare his seat vacant by reason of absence continuing for the space of two (2) months or more. But no expulsion shall take place and no vacancy on account of absence shall be declared except by the vote of three-fourths (3/4) of the full membership of the council, nor until the delinquent member has had an opportunity to be heard in his defense.

Members of council may also be removed from office in the manner provided otherwise by law.
(L.L. No. 15-1974; L.L. No. 2-1991, § 1)

Section 3-102. Salaries of councilors and the president.

The salary of each councilor shall be twenty thousand dollars (\$20,000.00) per annum effective January 1, 2001, with annual increases for the years 2002 through 2004 effective January 1 of each specified year at the following rates: for the year 2002, two (2) percent of the salary of the previous year; for the year 2003, two (2) percent of the salary of the previous year; and for the year 2004, two (2) percent of the salary of the previous year. The salary of the president of the council shall be twenty-three thousand dollars (\$23,000.00) per annum effective January 1, 2001, with annual increases for the years 2002 through 2004 effective January 1 of each specified year at the following rates: for the year 2002, two (2) percent of the salary of the previous year; for the year 2003, two (2) percent of the salary of the previous year; and for the year 2004, two (2) percent of the salary of the previous year.

(L.L. No 5-1964; L.L. No. 5-1968; L.L. No. 5-1974; L.L. No. 15-1974; L.L. No. 4-1981, §§ 1, 2; L.L. No. 4-1983, §§ 1, 2; L.L. No. 25-19-90, § 1; L.L. No. 3-2001, §§ 2, 3)

Section 3-103. Election of councilors.

(1) (a) At the election to be held on the first Tuesday following the first Monday of November in 1961 a president of council, one councilor from each council district, and two (2) councilors-at-large shall be elected.

(b) At the election to be held on the first Tuesday following the first Monday of November in 1963 one councilor shall be elected from each council district and two (2) councilors-at-large shall be elected to fill the vacancies which shall occur by expiration on January 1, 1964. Thereafter on the first Tuesday following the first Monday of November of each odd-numbered year, election of members of council to fill vacancies which shall occur by expiration of terms of councilors on the first day of January next shall be held.

(2) Vacancies in the office of councilor shall be filled as follows:

- (a) In case of a vacancy in the office of district councilor, except by expiration of his term, the remaining members of the council by majority vote shall appoint a qualified elector of the district to fill the same until the first day of January following the next election at which the vacancy can be filled, as provided by law.
- (b) In case of a vacancy in the office of the councilor-at-large, except by expiration of his term, the remaining members of the council by a majority vote shall appoint a qualified elector of the city to fill the vacancy until the first day of January following the next election at which the vacancy can be filled, as provided by law.
- (c) A vacancy in the office of president of the council shall be filled in the same manner as vacancies in office of councilor-at-large.
- (d) Persons selected by the council to fill vacancies of unexpired terms shall have the same qualifications of residence and otherwise as were required of the person filling the office prior to such vacancy.

(3) The council shall be the judge of the election, returns and qualifications of its members.

(L.L. No. 15-1974, § 1)

Section 3-104. Council districts.

(1) There shall be five (5) council districts from which the district councilors shall be elected.

(2) The five (5) council districts shall consist of the following wards and districts therein:

1. *First District:*

Ward	Districts
1	3, 6, 8.
3	2, 3, 4, 5, 6, 7.
4	1, 2, 3, 4, 5, 6, 7, 10.
5	1, 3.
6	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
9	2.

2. *Second District:*

Ward	Districts
1	1, 2, 4, 5, 7.
2	1, 2, 3.
3	1.
7	1, 2, 3, 4.
8	1, 2, 3, 4, 5.
10	1, 2, 3, 4, 5, 6, 7.
11	1, 2, 5.

3. *Third District:*

Ward	Districts
11	3, 4, 6, 7, 8.
12	3, 4, 5, 6.
13	1, 2, 3, 4, 5, 6, 7, 8, 9, 10.
14	3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.
19	3.

4. *Fourth District:*

Ward	Districts
9	1, 3, 4, 5, 6, 7.
12	1, 2.
14	1, 2.
15	1, 2, 3, 4.
16	2, 3, 4, 5.
17	1, 2, 3.
18	1, 2.
19	1, 2, 4, 5, 6, 7.

5. *Fifth District:*

Ward	Districts
4	8, 9, 11.
5	2, 4, 5, 6, 7, 8, 9, 10, 11.
16	1.
17	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18.
19	8.

(3) Not later than June 30, 1963, and thereafter not later than six (6) months after the availability of population data on a ward or census tract basis after each federal decennial census, the council shall reconsider the boundaries of the council districts. If it finds that the number of persons enumerated in any council district is less than fifteen (15) or more than twenty-five (25) percent of the total persons enumerated in the city, it shall forthwith proceed by ordinance to redistrict the city in such manner that each district shall contain not less than seventeen (17) nor more than twenty-three (23) percent of the population of the city.

Ordinances for redistricting shall not be subject to any action of the mayor, either approving or disapproving of same.

(L.L. No. 2-1967; L.L. No. 15-1974)

Editors Note: The council districts appear as amended by Ord. Nos. 252(5-8-72), 98(2-16-75), 189(5-6-91), and 257-2002(6-3-02).

Section 3-105. Qualifications of councilors.

A councilor shall be a citizen of the United States and a qualified elector of the city, and shall not hold any other elected public office at the time of his election or during his tenure of office, membership in the armed forces to the extent provided by law, or as a notary public or as a commissioner of deed excepted. The president of the council and councilors-at-large shall have been residents of the city for at least one year immediately preceding their election. District councilors shall have been residents of the districts from which elected for at least one year immediately preceding their election. Removal of residence from the city by the president of council or a councilor-at-large or from the councilmanic district by a district councilor following his election or during his term of office shall constitute immediate forfeiture of office and a vacancy shall exist. (L.L. No. 15-1974; L.L. No. 16-1981, § 1)

Section 3-106. Organization of the council; officers; rules and employees.

(1) *Meetings of the council--organization.* The members of the council shall meet in the room provided for that purpose within seven (7) days after the first day of January after their election and organize, provided that such meeting shall not be held on Sunday, and such meeting shall be held no later than the first regular meeting of the council. Such meeting shall be called by the president of the council. The council may at any regular meeting, elect one of its members president pro tempore to act in the temporary absence or disability of the president and to be the president of the council in case of a permanent vacancy in that office. Until such permanent vacancy shall be thus filled, the mayor shall preside over the meetings of the council. Until such vacancy is thus filled, the council shall transact no business except to adjourn from time to time. When a member of the council is elected president, he shall be entitled to vote as a member of the council.

(2) *[Authority; rules.]*

(a) The council shall have authority and control over all of the employees of the common council other than the secretary appointed by the president of the common council pursuant to section 3-107 of the Charter of the city of Syracuse.

(b) The council shall adopt rules governing its officers and employees and for the organization of committees and the transaction of its business.

(3) *[Voting.]* No member of the council shall be excused from voting except on matters involving the consideration of his own official conduct, or when his financial interests are involved, in which case, such member shall not vote.

(4) *[Special meetings.]* The council shall hold regular meetings at times to be determined by it from time to time. The president of the common council or a majority of its members may call a special meeting of the council by causing a written notice thereof, specifying the object or objects of the meetings, to be served by the city clerk upon each member personally, or by mail directed to his place of residence or place of business, at least twenty-four (24) hours before the time fixed for such meeting. A majority of all the members of the council shall constitute a quorum to do business, but less than a quorum may adjourn from time to time, and compel attendance of absent members.

(5) *[Quorum.]* A majority of the full membership shall constitute a quorum to do business, but less than a quorum may adjourn from time to time, and compel attendance of absent members.

(6) [*Meetings open to public.*] The meetings of the council shall at all times be open to the public and its records open to public inspection during reasonable office hours.
(L.L. No. 29-1991, § 1; L.L. No. 6-1996, § 1)

Section 3-107. President of the council.

The president of the council shall preside at all meetings of the council, shall appoint all committees, regular and special, and may appoint and at pleasure remove a secretary. He shall discharge such other duties as may be prescribed by ordinance of the council. In case of a tie vote, the president of the council may vote upon all resolutions and ordinances submitted to the council for its action. For the purpose of determining a quorum, or of a majority vote, or of a two-thirds vote, the president shall not be counted as a member of the council.

Section 3-108. Official journal.

The city clerk shall keep a journal of the proceedings of council in which it shall record its official acts, including the record of the vote on all local laws, ordinances, and resolutions. The council shall arrange to have such journal printed and make copies available on reasonable terms to any interested person.

Section 3-109. Official newspaper.

At the first meeting of the council for the purpose of organization, as provided herein, or at an adjourned meeting thereof it shall designate not more than two (2) newspapers published in the city to be the official paper or papers of the city. The council may, by two-thirds vote of all its members, determine to designate but one official paper, in which case it shall designate a daily newspaper, and the paper receiving the highest number of votes shall be the official paper for two (2) years and until a successor is designated. Unless the council shall so determine to designate but one official paper, it shall designate two (2) official papers and of which at least one shall be a daily newspaper, and each member shall be entitled to vote for but one paper, and the two (2) papers having the highest number of votes shall be the official papers for two (2) years and until a successor or successors shall be designated. Such official paper or papers shall publish such matters and in such form as shall be prescribed by statute or otherwise by ordinance of the council. In case an official paper shall refuse or fail to act or perform as such, the council may in its discretion, as hereinbefore provided, designate a successor. All bills and accounts for publication in official newspapers and all city printing and advertising shall be a city charge, and shall be paid by the commissioner of finance.

The council may, by ordinance, prescribe the form in which the proceedings and reports of the city officers, boards and departments shall be issued and the printing and binding of the same shall be performed under contract awarded as in the case of other city contracts.

Section 3-110. Publication of ordinances and official acts.

All local laws, ordinances and resolutions of the council shall be printed in the journal of proceedings of the council except as otherwise provided by local law.

Section 3-111. Investigations.

(1) The council shall have power to investigate any officer, department, commission or board of the

city, and to incur expenses therefore which shall be a general city charge in the absence of an appropriation. It may require the production of papers kept by any person which may relate to such investigation or the attendance of any person having knowledge of the subject matter of the investigation. To this end it may issue subpoenas for witnesses to appear or to produce books, records, and papers before it, to administer oaths to witnesses and to examine them and such books, records and papers.

(2) If any person contends that he is adversely affected by reason of testimony which has been produced in the course of such investigations, he shall, as a matter of right, be permitted to address the council or the committee of the council conducting such investigation and to be represented by counsel in such instance.

Section 3-112. Appointment of accountant.

At the beginning of the third year of the term for which the city auditor is elected and at such other times not less often than each two (2) years thereafter as it may deem appropriate, the council shall engage a certified public accountant to review the manner in which the auditing department is performing its duties. Such accountant shall also audit the expenses of the department of audit. Reports by such accountant shall be made to the mayor and the council.

Section 3-113. City clerk.

(1) The council shall choose a clerk. He shall be a city clerk and shall attend the meetings of the council, keep a journal of its proceedings and discharge such other duties as may be prescribed by ordinance. The city clerk shall transmit to the head of each office, department or board, copies of all ordinances in any manner affecting any of the matters of which any such office, department or board shall have jurisdiction. He shall have custody of the city seal.

(2) The clerk shall keep each ordinance passed in a book provided for that purpose. He shall give notice in writing to each officer of his election or appointment and of the amount of his official bond or undertaking, if any. He shall cause to be published all notices, advertising matters or proceedings as required by the provisions of this charter or by law or ordinance.

Cross References: City seal designated, Pt. O, § 2-1.

Section 3-114. Release of liabilities in favor of the city.

The council by ordinance and by a two-thirds vote of its members may compromise or release any liability to the city, including past due and unpaid taxes and assessments, either before or after sale to the city, upon such terms and conditions as the council may impose. The council may by a majority vote of its membership release and cancel any future liability on any bond or undertaking given to the city but such release or cancellation shall not affect the liabilities of the parties to the bond or undertaking for any act or default committed prior to such release or cancellation. Upon such compromise, release or cancellation, the city clerk shall execute and deliver a certified copy of the ordinance to the city auditor and the commissioner of finance and in the case of taxes and assessments a duplicate certified copy of such ordinance to the commissioner of assessment.

ARTICLE IV.

LEGISLATION

Section 4-101. Legislative power vested in the council.

All legislative powers heretofore, now or hereafter vested in the city or exercised by any person or body in connection with any activity within the city shall be exercised by the council.

Section 4-102. Local legislation.

The council shall act in relation to legislative matters by local law or ordinance. The enacting clause of all local laws, except as otherwise provided in the City Home Rule Law, shall be: "Be it enacted by the common council of the city of Syracuse as follows:"

The enacting clause for all ordinances shall be: "Be it ordained"

Section 4-103. Introduction, consideration and passage of ordinances.

(1) Proposed ordinances must be in writing and may be introduced by any member and may be adopted at any meeting of the council, and any ordinance may contain more than one subject.

(2) All the legislative acts of the council shall be by ordinance and on the passage of each ordinance, the yeas and nays of the members voting thereon shall be entered in full upon the journal. The passage of any ordinance shall require the affirmative vote of at least a majority of all the members of the council, except as otherwise provided by this charter, by the Local Finance Law or by law. Each motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon. No ordinance shall be passed by the council on the same day in which it is introduced except by unanimous consent.

(3) The legislative power of the common council shall include all powers and authorities which are now vested in or enjoyed by the common council of the city of Syracuse under or by virtue of any general or special law, and all powers which may lawfully be vested in such council except as in this charter otherwise provided.

(4) No appropriation of money shall be made for any purpose except by ordinance specifying each item, the amount thereof, and the department or specific purpose for which the appropriation is made.

Section 4-104. Submission of ordinances to the mayor.

(1) Every ordinance adopted by the council shall be signed by its presiding officer and presented promptly to the mayor by the city clerk.

(2) If the mayor approves it he shall sign it and return it to the city clerk, and the ordinance or local law shall thereupon take effect, unless a time be specified therein for it to take effect, and subject to the provisions of the City Home Rule Law. If he disapproves it, he shall return it to the city clerk with his objections stated in writing, and the city clerk shall present the same with such objections to the council at its next regular meeting, and such objections shall be entered in its journal. The council may, within thirty (30) days thereafter, reconsider the same; if, after such reconsideration, two-thirds of all the members of the council shall vote to pass the ordinance, or local law, the same shall take effect, subject in the case of a local law to the provisions of the City Home Rule Law notwithstanding the objections of the mayor, unless a greater number of members were

necessary according to the provisions of this charter for the original passage of the ordinance, in which case unless as many members as were requisite for the original passage of the ordinance shall vote to pass the ordinance it shall not take effect. If any ordinance shall not be returned by the mayor to the city clerk within ten (10) days, or any local law, within thirty (30) days, after it shall have been presented to him, or if such ordinance or local law shall be returned within such period without the mayor's approval, the same shall take effect in like manner as if the mayor had approved and signed it.

(3) The mayor may disapprove or reduce any item or items of appropriation in any ordinance except any such item or items appropriated for the purpose of auditing or investigating any part or all of the executive branch. Subject only to the foregoing exceptions the approved part or parts of any ordinance making an appropriation shall become law unless subsequently passed by the council over the mayor's veto as provided herein.

(4) At any time prior to the return of an ordinance by the mayor, the council may recall the ordinance and reconsider its action thereon.

(5) All ordinances which have been introduced or have become law shall immediately be deposited in the official archives of the city clerk. The city clerk shall note on the face of the ordinance the date and time it has become law. Except as provided in the City Home Rule Law or within the ordinance itself, it shall become effective immediately. Local laws and ordinances which have become law shall be forthwith printed in the official journal, provided that a different method of publication may be ordained for codes and general codifications.

(6) Every ordinance shall, upon its taking effect as herein provided, be recorded in a book kept for that purpose by the city clerk. Such records shall include the signature of the president, attestation of the city clerk and the mayor's written approval, or in case of his disapproval a memorandum of its passage over his veto; or in his case the ordinance took effect because he failed to approve or disapprove and return it within ten (10) days, then a memorandum to that effect. Such record or a certified copy thereof, shall be presumptive evidence of the passage of the ordinance and of the facts certified. The original engrossed or typewritten ordinances for each year shall be bound together and kept in the custody of the city clerk.

Section 4-105. Local laws.

All local laws shall be introduced, considered and enacted in accordance with the procedure prescribed by law.

Section 4-106. Codification of local laws and ordinances.

(1) The council shall, within two (2) years of the effective date of this charter, cause a code to be prepared containing all of the local laws and ordinances of the city and special acts of the state legislature applying specifically to the city of Syracuse. Consistent with law or this charter, such code shall be prepared under the supervision of the department of law, but the council may authorize the department to contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes.

(2) When the code, or any general revision of the whole or part thereof, shall have been prepared, the council shall cause copies of the same to be prepared and made available for public distribution at such fee or charge as may be prescribed by the council. The code and general revisions of the whole or parts thereof shall not

be required to be printed in the official newspaper but the council shall cause the code or revisions to be printed and distributed through the city clerk.

(3) All local laws and ordinances of a general legislative character adopted subsequently to the adoption of the code shall be as amendments to the charter or code and shall recite the section numbers to be assigned to the text of such local laws or ordinances in the charter or code. To this end, each local law or ordinance shall prior to final passage be submitted to the department of law which shall approve it as to form and provide proper identification for its place in the charter or code.

Section 4-107. Consideration and adoption of the annual budget.

The council shall consider and adopt the annual budget in the manner provided in article VI of this charter.

Section 4-108. Budget or revenues.

The amount of estimated expenditures contained in the annual estimate adopted by the council, less the amount of estimated revenues applicable to the payment thereof and the amount of all judgments payable prior to the tax levy, shall constitute the tax budget. The council shall levy and cause to be raised by tax the amount of said budget, and the amount shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city as provided by law and this charter.

Section 4-109. Definition.

Where the term "full membership of the council" is used in this charter, it shall mean the full number of positions on the council, excluding the president.

Section 4-110. Legal counsel.

The council is empowered to appoint, and to fix the salary of legal counsel to assist them in the preparation of legislation, to provide legal advice to the council and to represent the council in litigation when authorized by the council to do so.

(L.L. No. 22-1989, § 1)

ARTICLE V.

[EXECUTIVE]

CHAPTER 1.

THE EXECUTIVE BRANCH

Section 5-101. Organization.

The executive branch shall consist of the office of the mayor, which shall include the director of budget administration, and the following departments and boards, all of which are hereby created and established, or if created by statute, recognized:

(1) Departments.

Department of assessment

Department of audit

Department of aviation

Department of community development

Department of engineering

Department of finance

Department of fire

Department of law

Department of parks, recreation, and youth programs

Department of police

Department of public works

Department of purchase

(2) Board and Commissions.

(a) Administrative.

(b) Attached to departments.

To the department of planning--

The planning advisory commission

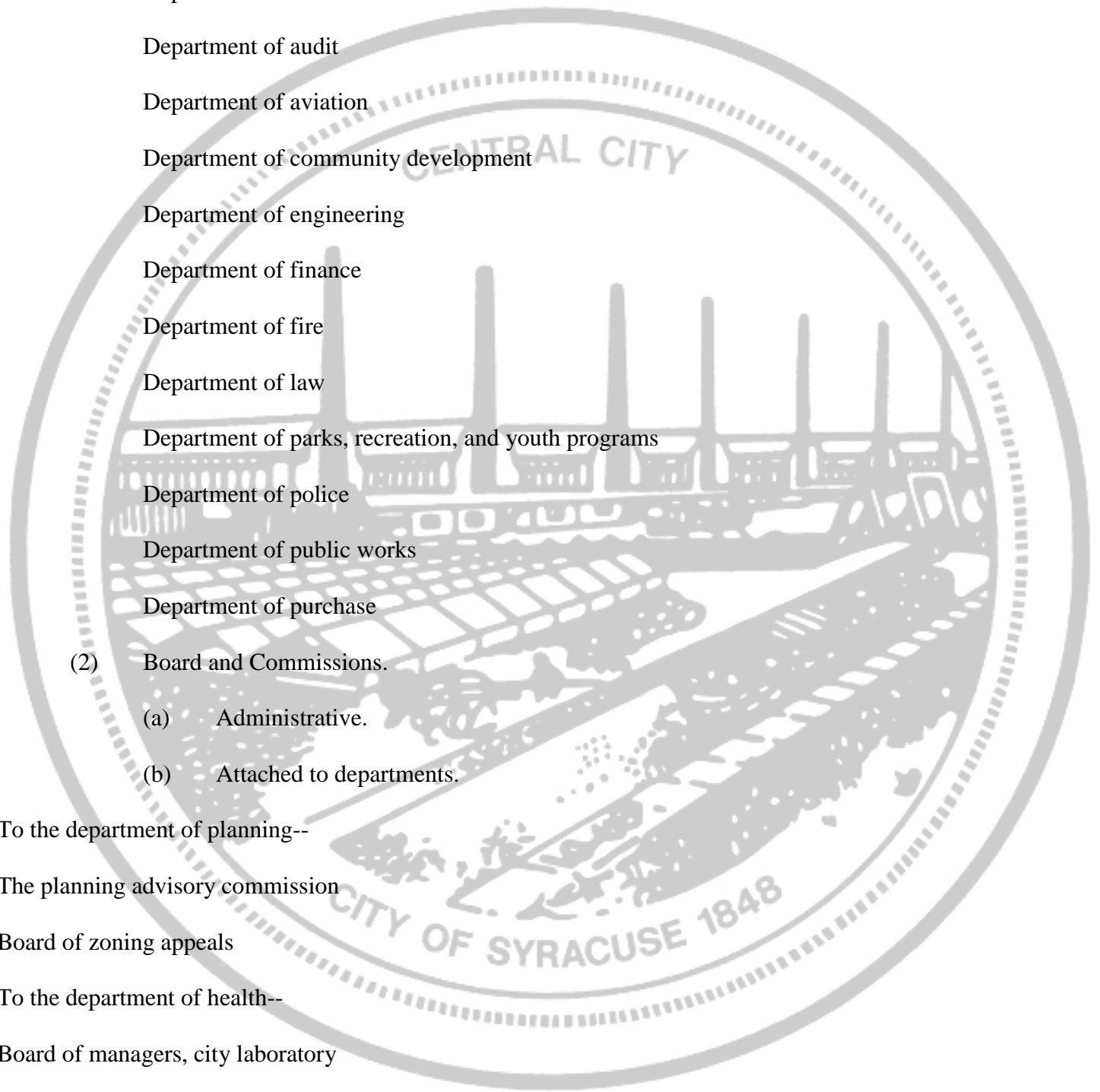
Board of zoning appeals

To the department of health--

Board of managers, city laboratory

Board of plumbing examiners

To the office of mayor--



Bureau of research

Director of budget administration

(L.L. No. 19-1986, § 1; L.L. No. 22-1989, § 2; L.L. No. 10-1994, § 2)

Editors Note: The above listing has been superceded by local laws amending portions of this charter other than the above.

Cross References: Department of public instruction, Pt. S, § 16-1.

Section 5-102. Appointments by mayor.

Except for the department of audit, the heads of all departments and the members of all boards and commissions shall be appointed by the mayor.

Section 5-103. Assignment of activities.

The council may, by local laws or ordinances, assign or reassign to offices, departments and boards additional activities or functions or those activities not herein or otherwise assigned by statute.

Section 5-104. Powers and duties of officers and department heads.

- (1) Subject to the provisions of law, department heads, administrative boards and the city clerk shall have the power to appoint, promote, discipline, and remove all officers and employees in their respective offices, departments, or boards, and to assign and supervise the performance of their duties.
- (2) Each department head and the city clerk shall appoint and may remove a deputy who shall act for the department head during his absence or disability or during a vacancy until his successor is appointed.
- (3) Each officer, department head or administrative board shall, subject to the approval of his immediate superior, or if he is an elected official on his own authority, prescribe such rules as are necessary for the internal government and organization of his office, department or board. In the case of elected officers or department heads these powers shall be exercised without the requirement of approval.
- (4) Each officer, department head or administrative board shall, subject to the approval of the mayor, adopt such regulations, consistent with applicable statute or ordinance, as are necessary to the performance of the functions assigned to such office, department or administrative board.
- (5) Each officer, head of department, and chairman of a board shall present to the mayor annually not later than March thirty-first a report of the activities and work of the office, department, or board during the preceding year. A copy of each such report shall be submitted by the mayor to the president and each member of the council.
- (6) City officers, within the meaning of this charter, include all persons elected or appointed to any office of the city created or authorized by this charter or otherwise by local law or ordinance. All appointments to any city office shall be evidenced by a certificate in writing, signed by the appointing officer or if the appointment be made by a board or commission, by the presiding officer thereof, and filed forthwith in the office of the city clerk.

Section 5-105. Powers of administrative boards and commissions.

The administrative boards created or recognized by this charter shall have the same powers and duties with respect to their functions as those prescribed in this chapter for officers and department heads generally, unless otherwise provided by this charter or applicable statute.

CHAPTER 2.

THE MAYOR

Section 5-201. Election and term.

At the city election in the year 1961 and each fourth year thereafter, a mayor shall be elected by the electors of the city for a term of four (4) years, and he shall take office the first day of January following his election.

Any mayor elected as such for two (2) full consecutive terms shall be ineligible to be elected to the office of mayor for a term next following the end of the second consecutive term of office for which he was elected. (L.L. No. 38-1985, § 1)

Section 5-202. Qualifications.

The mayor shall be a citizen of the United States, a qualified elector of the city, and shall have been a resident of the city for at least one year immediately preceding his election.

Section 5-203. Compensation.

The annual salary of the Mayor shall be one hundred fifteen thousand dollars (\$115,000.00) per year effective January 1, 2008, and for each year thereafter.

(L.L. No. 21-1965; L.L. No. 18-1970; L.L. No. 5-1974; L.L. No. 26-1974; L.L. No. 1-1976; L.L. No. 28-1977, §§ 1, 2; L.L. No. 1-1980, §§ 1, 2; L.L. No. 2-1983, §§ 1, 2; L.L. No. 1-1988, §§ 1, 2; L.L. No. 2-1990, §§ 1, 2; L.L. No. 28-1994, § 2; L.L. No. 13-2008, § 2)

Section 5-204. Vacancy in office.

- (1) Whenever there shall be a vacancy in the office of mayor the president of council shall act as mayor.
- (2) During the temporary disability or absence of the mayor which prevents him from attending to the duties of his office, the president of council shall act as mayor.
- (3) When the president of council is acting as mayor under the foregoing paragraph, he shall exercise no power of appointment or removal from office, or sign, approve or disapprove any local law during the first thirty (30) days or any ordinance during the first nine (9) days as acting mayor, provided that these limitations may be waived upon the declaration of an emergency by a three-fourths vote of the entire membership of the council.

(4) During any period of service as acting mayor, the president of council shall perform none of the duties ordinarily assigned to him as president of council, except as hereinafter prescribed in section 5-302.

Section 5-205. Powers and duties.

(1) *Executive and administrative powers.* The mayor shall be the chief executive officer of the city. He shall be responsible to the people for the administration of the affairs of the city and he shall see to it that the work of all officers, departments, and boards is properly coordinated. To this end, he shall:

- (a) See that the laws of the state, the provisions of this charter, local laws, ordinances, and regulations of the city are enforced.
- (b) Remove or suspend at his pleasure any person whom he may appoint to a position of trust or emolument.
- (c) Receive and examine all complaints made against any officer for neglect of duty or malfeasance in office.
- (d) Have authority to examine the books, papers, records, accounts, moneys, securities and property of the city in the possession of all offices, departments, and boards which he supervises, and may in his discretion delegate such authority to one or more competent persons.
- (e) Request the auditor to make any special audit or examination he deems appropriate.
- (f) Require of officers, departments or boards, the preparation and submission to him of any reports he deems appropriate.
- (g) Sign all contracts, bonds or other instruments requiring the assent of the city, except those which other officers are authorized by this charter, or by the council under this charter, to sign. The signature of the mayor on bonds or other negotiable instruments may be by a controlled facsimile or other similar device.
- (h) Administer oaths necessary or appropriate for the performance of his duties.
- (i) Exercise such other powers and perform such other duties as may be prescribed by statute, this charter or ordinance.

(2) *Powers with respect to council.*

- (a) The mayor may:
 - (1) Present to the council messages or information which in his opinion are necessary or expedient.
 - (2) Attend council meetings. He may express his views on matters pending before the council.

- (3) Veto local laws as provided by statute and ordinances as provided by this charter.
- (b) The mayor shall in each January present an annual message to the council upon the state of the city.

Section 5-205A. Additional powers and duties.

In addition to the powers and duties provided in section 5-205 herein the mayor shall:

- (1) Review, modify, and recommend the annual budget to the council in accordance with Article VI of this Charter.
- (2) Review, amend and approve budgetary allocations and allotments of appropriations in accordance with Article VI of this Chapter.
- (3) Transfer appropriations within an office, department, or board, from one class or work program to another.
- (4) Transfer appropriations between offices, departments and boards when approved by ordinance of council.
- (5) Fix the number and compensation of officers and employees of all offices, departments and boards, except when fixed by law.
- (6) Review, modify, adopt and transmit to the council each year a six-year capital improvement program.
- (7) Approve acquisition or disposition of real property.
- (8)
 - (a) Award contracts for professional services, following the completion of the administrative procedure established in accordance with paragraph (b) below, subject to the approval of the common council.
 - (b) The mayor shall establish an administrative procedure to be used to assist him in the exercise of the authority to award professional service contracts. The administrative procedure shall include a request for proposal process, a screening committee consisting of representatives of city departments and such other persons as the mayor shall determine to be necessary. In addition, the administrative procedure may provide for alternative procedures for the various types of professional service contracts to be awarded including but not limited to architects, engineers, construction managers, management consultants, auditors, real estate developers, lawyers, and real estate appraisers, and may provide for waiver of the administrative procedure in those instances where the mayor determines such a waiver to be necessary in the public interest based on the circumstances, including but not limited to financial, legal or public necessity grounds. In those instances where a waiver is determined to be necessary, the mayor may state in writing the reasons for such a waiver.

The request for proposal process shall be applicable to all professional service contracts which involve the expenditure of ten thousand dollars (\$10,000.00) or more. The mayor shall include a member or members of the common council in the administrative procedure to assist the common council in the performance of the approval required by paragraph (a) above.

- (c) The administrative procedure established in accordance with paragraph (b) above shall include the solicitation of qualified professional firms and individuals to be included on a master list for use in the request for proposal process and a minimum of three (3) firms and/or individuals shall be solicited for each professional services contract even when a waiver of the request for proposal procedure is authorized.

(L.L. No. 22-1989, § 3; L.L. No. 26-1990, § 1)

Section 5-206. Office of management and budget.

The mayor shall appoint a director of management and budget to perform the following duties:

- (1) *Budget division.* Under the supervision of the mayor, the director of management and budget shall be responsible for the performance of the following functions relative to the budget:
 - (a) Preparation, in the manner provided by this charter, of the annual budget and the capital program and submission of them to the mayor.
 - (b) Supervision of the execution of the budget.
 - (c) Progressive improvements of the budget procedures with a view to the installation of program or performance type budgeting as promptly as feasible.
 - (d) Preparation of information concerning the status of the financial affairs of the city which will keep the mayor, the council and the public informed as to all offices, departments and boards receiving appropriations from the city treasury.
- (2) *[Qualifications of director.]* The director of management and budget shall have had, during the ten (10) years immediately preceding their appointment, at least five (5) years of experience at the executive or administrative level in the field of state or municipal budget administration, or shall have been graduated from an accredited degree-granting college or university where their major emphasis shall have been in business administration or related fields, and shall have had at least five (5) years of experience in accounting, business administration or related fields in public or private employment, or shall possess a satisfactory combination of said educational and experience qualifications.

(L.L. No. 1-1963; L.L. No. 22-1989, § 4; L.L. No. 1-1992, § 1; L.L. No. 12-2002, § 2, 6-20-02)

Section 5-206A. Division of purchase.

The director of management and budget shall be responsible for performance of the following functions relating to the division of purchase:

- (1) Purchase all materials, supplies, equipment and services required by the city except such services as the council by local law or ordinance may designate for procurement through other offices, departments and boards.
 - (2) Award all contracts for public improvement and the performance of any work except contracts awarded pursuant to law by the council or the mayor for professional or other services or work.
 - (3) Adopt, subject to the provisions of this chapter, plans and specifications for all materials, supplies, equipment, services, work and public improvements submitted with requisition for purchase. When no specifications are submitted, or when items are subject to standardization of specification, the division of purchase shall prepare necessary specifications or plans. The division of purchase shall secure the advice of the office, department or board with respect thereto and may requisition technical assistance therefrom.
 - (4) Inspect materials, supplies and equipment purchased by the division of purchase for the purpose of ascertaining whether they comply as to quantity and quality, time of delivery and in all other respects with those ordered. Reports of findings shall be made to the department of audit.
 - (5) Procure such insurance and bonds as directed by the council.
 - (6) Maintain or supervise the maintenance of all storerooms and warehouses of the city.
 - (7) Compile and maintain a comprehensive inventory of all furniture, supplies and equipment owned by or in possession of the city, showing cost, serial numbers, location and other pertinent information.
 - (8) Determine, at least annually, which personal property in each office, department and board is unserviceable or no longer required. The division of purchase shall dispose of surplus personal property by reassignment to the offices, departments or boards of the city or by sale to the highest competitive bidder, after appropriate advertising in the official newspaper.
 - (9) Make contracts for supply to the city of power and utilization facilities for municipal purposes and for supply of other public utility services to the city.
 - (10) Provide for all agencies of the city government centralized services for reproduction of written and graphic materials, photography, mailing and messenger service, where such centralized services are determined by the director of management and budget to be in the best interests of the city.
- (L.L. No. 12-2002, § 2, 6-20-02)

Section 5-206B. Deputy director of office of management and budget for the division of purchase.

The office of management and budget shall have a deputy director for the division of purchase who shall be authorized to act relative to the purchase functions transferred to the office of management and budget by this local law in the same manner and in the same capacity as the deputy commissioner of purchase was authorized to act for the commissioner of purchase prior to the transfer of functions authorized by this local law.

Section 5-206C. Competitive bids.

(1) Upon public notice and in accordance with regulations to be prescribed by general ordinance of the council, the director of management and budget shall let to the lowest responsible bidder who will give adequate security therefore, all contracts for the performance of any public work and/or services, or for the supply of any material or equipment required by or for the use of any officer, department, board, commission or other city agency in all cases where a contract for public work and/or services involves an expenditure of more than twenty thousand dollars (\$20,000.00) and in all cases where a contract for purchase of any material or equipment involves an expenditure of more than ten thousand dollars (\$10,000.00), unless by ordinance of the council adopted by a vote of not less than two-thirds of all members thereof and approved by the mayor, it is determined to be impracticable to procure such work and/or services, materials and/or equipment by contract, in which case the director of management and budget shall procure such work and/or services or purchase such material and/or equipment for the officer, board or department designated by said ordinance.

(2) In the event that the total of purchases requested by any single officer, department, board, commission or other city agency, of the same or substantially similar articles, goods, supplies or materials, shall be in such amount as to involve charging against the appropriation for such officer, department, board, commission or agency (except for the salaries of city employees) in excess of the sum of ten thousand dollars (\$10,000.00) or in the event that the total work and/or services to be performed in whole or in part by other than city employees shall be in such amount as to involve charging against the appropriation for such officer, department, board, commission or agency (except for the salaries of city employees) in excess of the sum of twenty thousand dollars (\$20,000.00), during any consecutive period of six (6) months or less, the director of management and budget shall make no purchase and employ or contract for no work and/or services which will bring such a total within such period in excess of the sum of ten thousand dollars (\$10,000.00) or twenty thousand dollars (\$20,000.00) respectively, without public letting except on the written authorization of the mayor or by the council by ordinance as above provided.

(3) The power of the council to waive competitive bidding and the power of the director of management and budget to contract for the performance of work, supplies or materials as provided by Section 151 of Local Law No. 7 of 1935, as last amended by Local Law No. 3 of 1948, shall continue and shall not be deemed superseded by any provision of this charter.

(4) Subject to the foregoing provisions, where any work and/or services or repairs needed to be done shall not exceed twenty thousand dollars (\$20,000.00) in cost, or materials or supplies to be furnished for any officer, board, commission, department or other city agency shall not exceed ten thousand dollars (\$10,000.00) in cost, the director of management and budget may purchase the same on written orders.

(5) The director of management and budget shall obtain such bids or competition therefor and in such manner as shall be practicable.

(6) The director of management and budget shall have power to reject all bids or proposals if in the director's opinion the lowest bid or proposal is excessive.

(7) With the cooperation of the officer, board, commission or head of the department or other city

agency, by or for the use of whom or which any supplies, materials, equipment, work or services are required, the director of management and budget shall prepare specifications and a full and detailed description of the supplies, materials, equipment, work and/or services for which contracts will be let, the director shall give notice of the day and hour and place at which proposals therefor will be opened, which notice shall describe the supplies, materials, equipment, work and/or services for which the contract will be let.

(8) Such specifications for the performance of any work and/or services and for the supply of any materials or equipment shall set forth with sufficient detail to inform all persons proposing to bid therefor, the nature of the work and/or services to be done and the materials or equipment to be supplied, and written or printed copies thereof shall be delivered to all applicants therefor.

(9) Every contract for a public improvement shall be based upon an estimate of the whole cost thereof, including all expenses incidental thereto and connected therewith which estimate shall be furnished to the director of management and budget by the proper officer, department, board, commission or other city agency having charge of the work and/or services or of the improvement, or requiring the supplies, equipment or materials. (L.L. No. 12-2002, § 2, 6-20-02; L.L. No. 8-2008, § 1)

Section 5-206D. Emergency work.

(1) In case of public emergency involving accident or injury, by which the heating or plumbing of any of the public buildings or any of the fire or water works plants, equipment or apparatus shall become disabled, the division of purchase upon requisition from the head of the department having jurisdiction thereof, which requisition shall show the nature of the emergency and the necessity for such repairs, and upon the written approval of the mayor, shall cause such repairs thereto be made without a letting of contract.

(2) In the event of grave public emergency which in the opinion of the division of purchase requires the letting of a contract or the making of a purchase in excess of the sum of twenty thousand dollars (\$20,000.00) under such circumstances that competitive bidding as hereinabove provided for would constitute a serious detriment to the public interest, the director of management and budget may certify an oath to the mayor the emergency and the reasons why in their opinion it is necessary to let such contract or to make such purchase without competitive bidding and the mayor may authorize the same. Immediately upon such authorization, a complete copy of the certificate of the division of purchase, including the reasons given, and authorization of the mayor, shall be published in the official paper of the city. (L.L. No. 12-2002, § 2, 6-20-02; L.L. No. 8-2008, § 2)

Section 5-206E. Extra work on public contracts.

No extra work shall be paid for by the city in connection with the carrying out of any contract for any work or improvement, except where made necessary by unforeseen contingencies and then only if before the performance of such extra work, there shall have been filed by the director of management and budget a requisition therefor, showing the necessity for such extra work, from the officer, department, board, commission, or other city agency upon whose requisition the original contract was let, and there shall have been filed by the director of management and budget with the mayor a certificate stating that such extra work is necessary and showing the reason therefor, and the mayor shall have approved the same in writing showing the necessity for such extra work. Immediately upon such approval by the mayor, said written approval shall be published in the official paper of the city of Syracuse. No bid or proposal shall be received or contract awarded, other than for a

local improvement or work to be performed by the city, for or involving the placing or maintenance of any structure, erection, obstruction or excavation within, under, over, along or upon any street or public place within the city, unless the person to whom such contract shall be awarded shall have a franchise permitting the same. (L.L. No. 12-2002, § 2, 6-20-02)

Section 5-206F. Contracts for lighting.

The council shall prescribe by ordinance the general standards and conditions under which the director of management and budget shall enter into contracts for municipal lighting and supply of electrical power, except that standards relating to the intensity of lighting shall be fixed upon recommendations from the commissioner of public works.

(L.L. No. 12-2002, § 2, 6-20-02)

Section 5-206G. Ornamental lighting.

(1) The council may, by ordinance, provide for special or ornamental street lighting in one or more streets of the city or parts thereof and from time to time may alter, discontinue or extend the same. If it shall determine to make any such improvement, including any alteration or extension thereof, it shall cause a notice of the proposed improvement and of its intention to order the same to be served upon all persons interested by causing a copy of such notice to be published in five (5) successive issues of at least one of the official paper or papers, Sundays and legal holidays excepted, the last publication thereof to be at least ten (10) days before such improvement shall be ordered and such notice shall be deemed sufficient and no further or different notice shall be required.

(2) At the regular meeting of the council next succeeding the expiration of ten (10) days after the last publication a public hearing shall be held on said improvement at which persons interested may appear and be heard upon said proposed improvement. If at said public hearing objection is made to the proposed improvement by any person interested, the improvement shall not be ordered except by ordinance adopted by two-thirds vote of all the members of said council.

(3) Whenever the residents of any street, streets or parts thereof, shall hereafter desire to establish therein special or ornamental street lighting, or any alteration or extension thereof, they shall present to the council a petition of the property owners of not less than seventy-five (75) per centum of the front foot lineal measurements of the property, adjoining and abutting upon both sides of the street, streets or parts thereof where said special lighting or alteration or extension thereof is proposed to be established. The maximum cost of lighting said street or streets according to the standard of street lighting in the city shall be certified by the commissioner of public works and the council by ordinance shall apportion the excess cost of said special lighting or alterations or extensions thereof that shall be borne by the city at large and the balance thereof shall be assessed pro rata per lineal foot of frontage upon the property fronting and abutting upon the street, streets or parts thereof included in said special lighting or the alteration or extension thereof, but in no event shall the taxable property upon any street, streets or parts thereof where said special lighting is established, altered or extended be charged with less than twenty-five (25) per centum of the total charges or expenses of the special lighting and alterations and extensions thereof.

(4) After any special ornamental lighting or any alteration or extension thereof has been established for at least ten (10) years the same may be ordered discontinued by ordinance of the council in the same manner

and subject to the same procedure above provided for establishing special lighting, including the publication of the notice of intention to discontinue, the holding of a hearing, and in case of objection of an interested person only upon a two-thirds vote of all members of the council. The property owners of not less than seventy-five (75) per centum of the front foot lineal measurements of the property adjoining and abutting upon both sides of the street, streets or parts thereof where said special lighting or extension or alteration thereof has been established for at least ten (10) years may also petition the council for an ordinance discontinuing the same in the same manner as above provided for petitioning for the establishment of special lighting.

(5) The director of management and budget may contract for lighting in said streets where said special lighting is established as said director may deem proper and expedient. Any contract so entered into shall be in conformity with the provisions of this section except that the bond to be given for the faithful performance of the contract shall be in such amount as the director of management and budget may determine. The amount of any contract that may be entered into for such special lighting pursuant to the provisions of this section shall be assessed ratably upon the real property in such street or streets pursuant to the provisions of this section and such assessment shall be levied, enforced and collected upon and between the taxable property in said city liable to assessment therefor as herein provided, in the same manner, by the same proceedings, at the same time, under the same penalties, having the same lien and by the same officers as the city taxes, charges and expenses of said city are levied, enforced and collected.

(L.L. No. 12-2002, § 2, 6-20-02)

Section 5-206H. Complaints.

Within five (5) days after the making of the award upon any city contract, any unsuccessful bidder may appeal from such award upon written objections filed with the mayor. The mayor, president of the council, and the commissioner of finance, as a board of contract appeal, shall immediately proceed to review such award and may in their discretion grant a hearing thereon. Such board shall have the power to affirm the award or to reverse it. In the event that such award shall be reversed, such board shall order the rejection of any and all bids and the readvertising of the subject matter of such award.

(L.L. No. 12-2002, § 2, 6-20-02)

Section 5-206I. References to the commissioner of purchase and/or department of purchase.

All references to the department of purchase and/or the commissioner of purchase in any special act, special law, ordinance, local law, the Charter of the city of Syracuse--1960, as amended, and rules or regulations in relation to the functions transferred to the office of management and budget, be and are hereby amended to refer to the director of management and budget or designated deputy director of the office of management and budget for the division of purchase and/or the office of management and budget, division of purchase.

Further the provisions of this local law shall be applicable to all existing contracts awarded by the department of purchase prior to the effective date of this local law amending the Charter of the city of Syracuse and all powers and duties of the commissioner of purchase and/or department of purchase relative to such existing contracts shall be performed by the director of management and budget and the office of management and budget with like authority in accordance with the provisions hereof.

(L.L. No. 12-2002, § 2, 6-20-02)

Section 5-206J. Savings clause.

This local law shall not be deemed to repeal or revise Section 151 of Local Law No. 7-1935, as amended, Local Law No. 10-1938, or Local Law No. 3-1948, and further this amendment shall be deemed to continue all power and authority of such local laws previously granted the department of purchase and the commissioner of purchase, in the office of management and budget and director of management and budget and the deputy director of management and budget for the division of purchase established by this local law amending the Charter of the city of Syracuse-1960, as amended.
(L.L. No. 12-2002, § 2, 6-20-02)

Section 5-207. The bureau of research.

The mayor shall appoint a director of research who shall be the head of the bureau of research.

- (1) The bureau of research, whenever requested by the mayor or council, shall make such investigations and studies and propose such systems, plans and programs as may tend to increase the effectiveness or efficiency of the city government or any one or more of its agencies.

Section 5-208. The office of federal and state aid.

Editors Note: Section 5-208 was repealed by L.L. No. 18-1986.

CHAPTER 3.

BOARD OF ESTIMATE*

* **Editors Note:** Chapter 3 of article 5 was repealed by L.L. No. 22-1989, § 5.

CHAPTER 4.

DEPARTMENT OF ASSESSMENT*

* **Cross References:** Taxation, Pt. L, Ch. 14, Pt. S, Ch. 19, Pt. M, Ch. 14; board of assessment review, Pt. O, Ch. 35; special assessment district, Pt. O, Ch. 38, Pt. S, § 19-101 et seq.; Pt. M, § 14-26 et seq.

Section 5-401. Functions.

The department of assessment, headed by the commissioner of assessment, shall:

- (1) Annually assess in the manner provided by law all real property in the city not exempt by law from taxation and shall make a separate assessment roll for each ward and shall complete the assessment roll on or before September 30. Effective for the fiscal year beginning July 1, 1994 and for each fiscal year thereafter, such assessment rolls shall be completed on or before March 31, 1994 and on or before March 31 for each year thereafter.
- (2) The city engineer and the commissioner of finance shall, on or before the first day of June 1962 and on or before the first day of June of each year thereafter, furnish or cause to be furnished to the

commissioner of assessment a complete statement of all lands within the city adjoining or abutting upon any street in and along which any of the city water mains or distribution pipes are laid upon which lands water rates have not accrued or been paid to the city for the use of city water during said calendar year as a basis for the annual water frontage tax otherwise by law provided. Effective for the fiscal year beginning July 1, 1994 and for each fiscal year thereafter, the city engineer and commissioner of finance shall provide such information on or before the first day of December, 1993 and on or before the first day of December of each year thereafter.

- (3) On or before the first day of June 1962, and on or before the first day of June of each year thereafter, the commissioner of public works shall estimate and certify to the commissioner of assessment the cost of all improvements for the sprinkling, oiling, cleaning and flushing of streets of the city incurred or to be incurred as provided by law or ordinance, and to be included in the ensuring tax levy, accompanied by a statement of the streets or parts thereof covered by said improvements as a basis for the tax for sprinkling, oiling, cleaning and flushing of streets as otherwise provided by law. Effective for the fiscal year beginning July 1, 1994 and for each fiscal year thereafter, the commissioner of public works shall perform the duties provided herein on or before the first day of December, 1993 and on or before the first day of December of each year thereafter.
- (4) On or before the first day of June 1962 and on or before the first day of June of each year thereafter, the commissioner of finance shall report to the commissioner of assessment the sum or sums properly chargeable against any parcel of property on account of repairs to or the construction of gutters or sidewalks or the incurring of any expenditures or obligation on the part of the commissioner of public works, the city engineer, or other duly authorized officers, departments, or city agencies, authorized by law, ordinance or regulation on account of and chargeable to said parcel as a basis for the tax for such miscellaneous charges otherwise provided by law. Effective for the fiscal year beginning July 1, 1994 and for each fiscal year thereafter, the commissioner of finance shall perform the duties provided herein on or before the first day of December, 1993 and on or before the first day of December of each year thereafter.
- (5) Upon completion of the assessment rolls annually, but not prior to July 1, the commissioner of assessment shall file them for inspection in his office and shall thereupon give public notice causing the same to be published once each week for two (2) successive weeks in the official paper or papers of said city, which said notice shall be the effect that the assessment rolls are complete and the same are on file at his office and open for inspection by the public during office hours for fifteen (15) days after the same are filed for inspection which publication shall be completed at least five (5) days before the expiration of such period. Effective for the fiscal year beginning July 1, 1994 and for each fiscal year thereafter, the commissioner of assessment shall complete the tentative assessment rolls annually but not prior to January 1, 1994 and not prior to January 1 for each year thereafter.
- (6) All complaints in relation to such assessments shall be brought in the manner required by Article 5, Title 1-A of the New York State Real Property Tax Law. The board of assessment review shall hear such complaints and make determination in accordance with such article. For the purpose of instituting a proceeding to review an assessment of real property under the provisions of the Syracuse Tax and Assessment Act, Chapter 75, Laws of 1906, as amended, said assessment rolls

shall be deemed to be finally corrected as of September 30. Effective for the fiscal year beginning July 1, 1994 and for each fiscal year thereafter, the assessment rolls shall be deemed finally corrected as of March 31, 1994 and as of March 31 for each year thereafter.

- (7) The taxable status of real property shall be determined annually as of July 1. Effective for the fiscal year beginning July 1, 1994 and for each fiscal year thereafter, the taxable status of real property shall be determined as of January 1, 1994 and annually thereafter as of January 1.

(L.L. No. 24-1977; L.L. No. 4-1992, §§ 1, 2; L.L. No. 12-1993, § 1)

Editors Note: Chapter 75 of the Laws of 1906 is found in Part S, section 19-26 et seq., of this publication.

Section 5-402. Real property.

- (1) The commissioner of assessment shall maintain a comprehensive and accurate inventory of all real property in which the city has any right, title or interest.
- (2) Maintain records and maps of all real property in the city showing which property is subject to taxation and which property is by law exempt from taxation.
- (3) Negotiate lease and, when authorized by council, lease real property owned by the city for such periods as such property is not required for municipal purposes.

Section 5-403. Deputies.

The commissioner of assessment shall appoint three (3) deputies, one of whom shall be designated in his appointment as the deputy, and in the case of absence or disability of the commissioner, or of a vacancy in his office, such first deputy shall discharge the duties of the office until the commissioner returns, his disability ceases, or the vacancy is filled.

CHAPTER 5.

DEPARTMENT OF AUDIT

Section 5-501. Functions.

The department of audit, headed by the city auditor, shall:

- (1) Conduct, at least annually, an audit (commonly known as a post-audit) of the affairs of every officer, department and board of the city, including the board of education and the Syracuse Housing Authority.
- (2) Conduct special audits whenever the mayor or council shall order them to be made.
- (3) Furnish copies of all audit reports to the official concerned, to the mayor and the council.
- (4) Make such recommendations for the improved administration of affairs of the city government as it shall deem proper.

- (5) Submit to examination of its accounts and audit procedures by accountants appointed by the council to make such examination.

(L.L. No. 1-1992, § 2)

Section 5-502. Deputy.

The deputy city auditor shall be a certified public accountant, or shall either,

- (a) have served for at least three (3) years in the department of audit, making audits, or
- (b) shall have had at least three (3) years of experience in the full-time, responsible position in the field of auditing and accounting, or the auditing of municipal accounts.

Section 5-503. Scope of audits.

The audits conducted by the department shall be of such scope, procedure and content to meet generally accepted highest standards in the field of municipal auditing. When appropriate such audits shall be made promptly after completion of transactions and in matters of moneys in possession of the city shall be substantially continuous.

Section 5-504. The city auditor.

(1) The city auditor shall be elected by the qualified electors of the city at the general election to be held on the first Tuesday following the first Monday in November in 1963 and each four (4) years thereafter. Any city auditor elected as such for two (2) full consecutive terms after January 1, 1991, shall be ineligible to be elected to the office of city auditor for a term next following the end of the second consecutive term of office for which he was elected. He shall have been a resident of the city for one year prior to his election. A vacancy in the position by death, resignation, disqualification or removal shall be filled by a majority vote of the total membership of the council until a successor is elected and qualified in the manner provided by law.

(2) Effective January 1, 2000, the salary of the city auditor shall be fifty thousand thirty-eight dollars (\$50,038.00) with annual increases for the years 2001 through 2003 at the following rates: for the year 2001, two (2) percent of the salary of the previous year; for the year 2002 two (2) percent the salary of the previous year; and for the year 2003, two (2) percent of the salary of the previous year. The increases in salary shall be effective each year as of January 1.

(L.L. No. 8-1962; L.L. No. 4-1968; L.L. No. 5-1974; L.L. No. 26-1974; L.L. No. 5-1978, §§ 1, 2; L.L. No. 1-1980, §§ 1, 2; L.L. No. 3-1983, §§ 1, 2; L.L. No. 4, §§ 1, 2; L.L. No. 5-1988, §§ 1, 2; L.L. No. 10-1989, § 1, L.L. No. 2-1991, § 2; L.L. No. 22-1999, § 2)

CHAPTER 6.

DEPARTMENT OF AVIATION*

* **Cross References:** Airport generally, Pt. O, Ch. 3 and appendix, Pt. S, Ch. 2.

Section 5-601. Functions.

The department of aviation, headed by the commissioner of aviation shall:

- (1) Have jurisdiction, direction and control over, administer, maintain, manage and operate all aviation facilities required by the city, including airports, lands, structures, runways, equipment and appurtenances.
- (2) Adopt, subject to the approval of the council and mayor, regulations for the maintenance of order and safety with respect to, and for the utilization of all aviation facilities and appurtenances owned by or under the control of the city, and affix penalties for violations thereof, pursuant to law and consistent with the laws, rules and regulations of the state of New York or the United States government or agencies thereof pertaining thereto.
- (3) Conduct negotiations with respect to, and, when authorized by council and pursuant to law of local law, grant leases, concessions, licenses and permits for use of aviation facilities, lands, structures and appurtenances.
- (4) Establish, subject to approval by the council, schedules of charges for use of aviation facilities, lands, structures and appurtenances. All rentals, fees and funds collected or received by the commissioner in the discharge of his official duties or by the department of aviation, shall be deposited by the commissioner with the commissioner of finance and credited by him to the general fund.
- (5) Prepare for and upon request by the commissioner of finance such reports as will accurately reflect the costs of performance of the functions of the department by necessary or desirable categories.
- (6) The commissioner of aviation may, from time to time, with the consent of the mayor and after a hearing required by section 352 of the General Municipal Law as now or hereafter amended which the commissioner is hereby authorized to conduct, rent as a concession the privilege of operating various services or conducting business activities on the municipal airport and in buildings thereon for such legal purposes as are consistent with the conduct of the airport and with the laws, regulations, deeds or contracts pertaining thereto, including the provisions of sections 352 and 352-a of the General Municipal Law as now or hereafter amended, upon such terms and conditions as he shall deem in the best interest of the city and as shall meet the approval of the mayor. No such concession shall be for a term in excess of five (5) years, except that such concession may provide for a renewal thereof for a term or terms not exceeding in the aggregate five (5) years in addition to the original term, subject to the approval of the mayor and upon such other and different conditions or rentals as the mayor shall determine.

The commissioner of aviation is hereby granted blanket authority to enter into leases of floor and corridor space within the terminal building and of outdoor ground space, exclusive of roads, walks, runways, parking lots, etc., at the municipal airport for periods not to exceed thirty (30) days without a public hearing upon such terms and conditions and rentals on the occasion of each lease as the mayor may approve.

Provided that the foregoing provisions of this section are not intended and shall not be constructed to authorize the commissioner to lease any lands of the airport for construction or maintenance of buildings or conduct of flying operations thereon, nor to make or let any concession or lease embracing an entire building.

(7) Unless covered by a blanket bond or bonds covering city officers generally pursuant to law, the commissioner and his first deputy, before entering upon the duties of their offices, shall each execute and file with the city clerk an official undertaking in such penal sums as may be prescribed by the council.

(8) Perform such other and further duties as may be prescribed by ordinance of the common council not inconsistent with the provisions of law or this charter.

(L.L. No. 15-1964; L.L. No. 21-1968; L.L. No. 2-1974; L.L. No. 22-1989, § 6; L.L. No. 1-2004, § 1)

Editors Note: L.L. No. 15-1964 repealed L.L. No. 7-1959 which was reenacted by L.L. No. 1-1961.

Section 5-602. Vacancies.

The commissioner shall appoint a first deputy and such other deputies or other subordinates and personnel as may be prescribed by the mayor. In case of the absence or disability of the commissioner or of a vacancy in the office, the first deputy shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled as provided by law.

(L.L. No. 22-1989, § 7)

CHAPTER 7.

DEPARTMENT OF ENGINEERING

Section 5-701. Functions.

The department of engineering, headed by the city engineer, shall:

(1) Perform all the engineering and surveying services in the affairs and business of the city.

(2) Supervise the design and construction of all city buildings.

(3) Keep the official maps of the city.

(4) Supervise the construction of all sanitary and storm sewers and drains.

(5) Establish the grades of streets and supervise the location in the streets and public places of the city and elsewhere of gas, water and electrical conduits, lines, equipment and appliances of the city and of any public utility company operating within it and of the approval of places of locating same.

(6) Investigate all complaints of violations of law governing matters for which the department is responsible.

(7) Issue rules and regulations necessary and desirable to effectuate the administration and

enforcement of all laws over which the department has jurisdiction.

- (8) Maintain, operate and keep clean such public buildings and the grounds appurtenant thereto, as the mayor shall direct.
- (9) Cause all structures owned by the city and not required for municipal purposes to be properly maintained.
- (10) Perform such other and further duties as may be required by law or ordinance.

(L.L. No. 11-2002, § 1, 6-20-02)

Section 5-702. Right of entry.

The city engineer and the deputies or such other officers and employees of the department as are authorized by the city engineer, shall have the power without fee or hindrance, to enter, examine, inspect or cause to be examined or inspected, any building, structure or premises for the purpose of carrying out the duties or responsibilities of the department.

(L.L. No. 11-2002, § 1, 6-20-02)

Section 5-703. Specifications.

Assist the office of management and budget, division of purchase in the development of standard specifications of materials and supplies; in the preparation of plans and specifications for any purchase of materials, supplies and equipment; in the preparation of any plans and specifications required in any work to be done for the city.

(L.L. No. 11-2002, § 1, 6-20-02)

Section 5-704. References to bureau of technical services and city engineer and/or department of engineering.

(1) All references to the deputy commissioner of the bureau of technical services and/or the department of public works in any ordinance, local law, the Charter of the city of Syracuse-1960, as amended, and rules and regulations in relation to the functions transferred to the department of engineering be and are hereby amended to refer to the city engineer and/or department of engineering.

(2) All references to the city engineer and/or department of engineering in any special act or law, ordinance, local law, the Charter of the city of Syracuse-1960, as amended, and/or rule or regulation, except as provided for in section 5-2104 of the city Charter relative to the department of water, shall be and are hereby deemed to refer to the city engineer and/or department of engineering as established by this local law.

(L.L. No. 11-2002, § 1, 6-20-02)

Section 5-705. Cooperation with community development.

The department shall cooperate with the department of community development in coordinating its activities with the urban renewal programs of the city of Syracuse.

(L.L. No. 11-2002, § 1, 6-20-02)

CHAPTER 8.

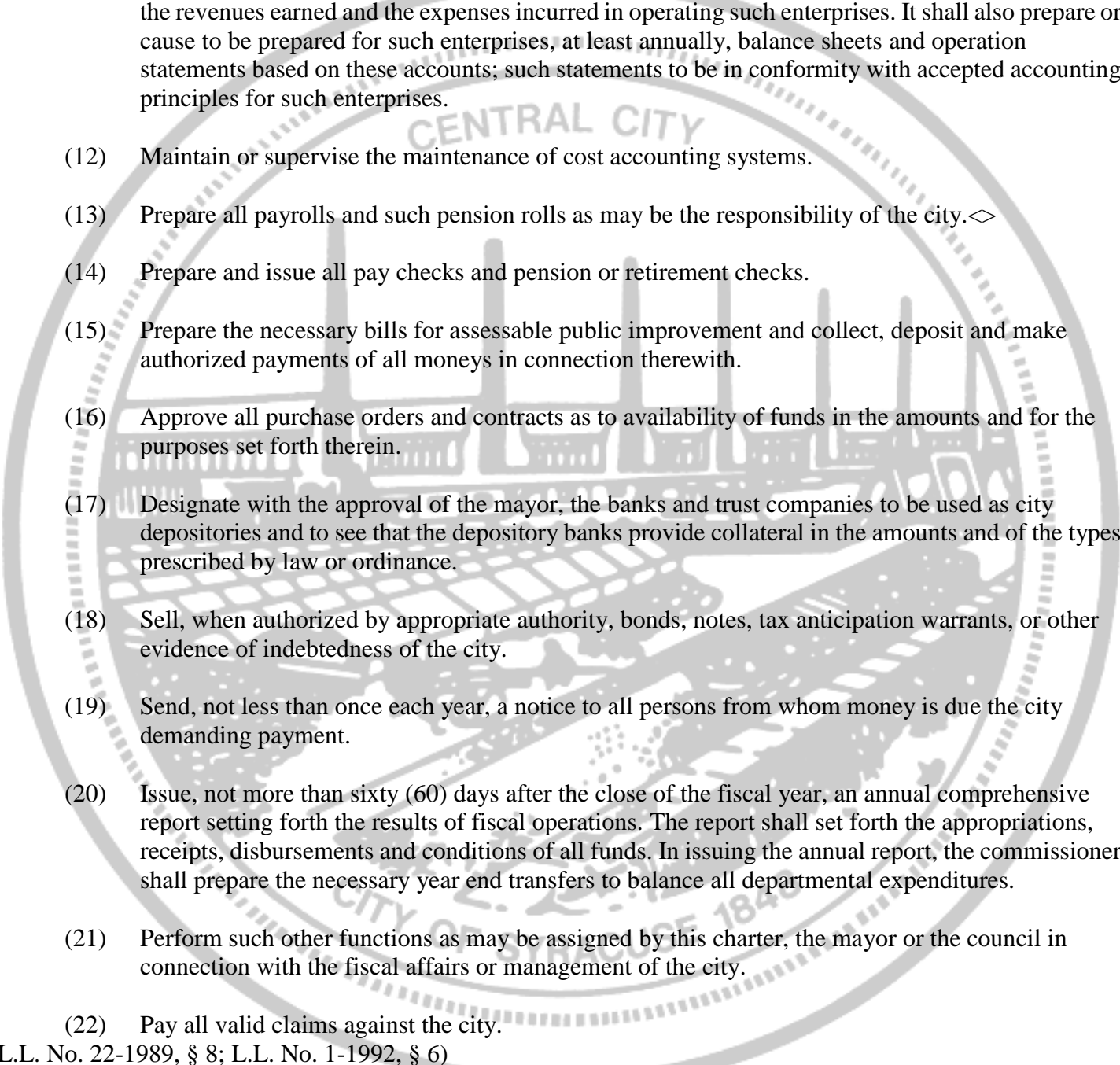
DEPARTMENT OF FINANCE*

* **Cross References:** Financial affairs, Pt. L, § 1-21 et seq.; replacement of lost, destroyed warrants, Pt. L, § 1-31 et seq.; authority regarding the issuance of bonds, Pt. M, § 1-11 transacting business with city, Pt. M, § 1-26; taxation, Pt. L, Ch. 14, Pt. S, Ch. 19, Pt. M, Ch. 14.

Section 5-801. Functions.

The department of finance, headed by the commissioner of finance, shall:

- (1) Collect all taxes, license and permit fees, and other moneys which may be legally due to or receivable by the city or any of its officers, departments, boards or commissions; provided that the council, by the affirmative vote of two-thirds of its membership, may authorize the receipt of moneys directly by officers, departments or boards, where economy of administration or public convenience requires.
- (2) Collect, when directed or authorized by law, all taxes, license and permit fees, and other moneys which may be legally due to or receivable by any public office, department or board in the city or in Onondaga county which is not generally covered by the provisions of this charter.
- (3) Sell property upon which taxes are not paid within the period prescribed by law.
- (4) Prepare tax bills for all taxes on real property in the city, and when appropriate, prepare tax bills for revenues and other claims due the city.
- (5) Issue receipts of all moneys collected by the department.
- (6) Maintain the treasury of the city, into which shall be deposited all moneys of the city.
- (7) Deposit daily the moneys of the city and moneys collected by the city for others in the depository banks and trust companies to the credit of the proper funds.
- (8) Keep accurate and complete accounts of all receivables, receipts and disbursements.
- (9) Assist in the administration of the annual budget and appropriations from the proceeds of and bonds or notes issued for capital purposes through the maintenance of commitment ledgers and see that all disbursements are pursuant to authorizations adopted under the terms of this chapter or applicable law.
- (10) Provide the mayor, council, the director of budget administration and other officers, departments or boards, information pertaining to their financial affairs which may be required by them for the proper discharge of their functions.

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- The image contains a large, faint watermark of the Central City Seal in the background. The seal is circular and features a central illustration of a cityscape with several tall buildings. Above the cityscape, the words "CENTRAL CITY" are written in a semi-circle. Below the cityscape, the text "CITY OF SYRACUSE 1848" is visible. The seal is surrounded by a decorative border of small dots.
- (11) Prescribe the accounting system for any financial account maintained by any officer, department or board and to prohibit the keeping of any account which, in the judgment of the department, is unnecessary. In addition to other accounts and statements which may be called for by law or this charter, the department shall establish or prescribe accounts for municipal enterprises which derive a substantial part of their revenues from charges made to the public to show, on an accrual basis, the revenues earned and the expenses incurred in operating such enterprises. It shall also prepare or cause to be prepared for such enterprises, at least annually, balance sheets and operation statements based on these accounts; such statements to be in conformity with accepted accounting principles for such enterprises.
 - (12) Maintain or supervise the maintenance of cost accounting systems.
 - (13) Prepare all payrolls and such pension rolls as may be the responsibility of the city.<>
 - (14) Prepare and issue all pay checks and pension or retirement checks.
 - (15) Prepare the necessary bills for assessable public improvement and collect, deposit and make authorized payments of all moneys in connection therewith.
 - (16) Approve all purchase orders and contracts as to availability of funds in the amounts and for the purposes set forth therein.
 - (17) Designate with the approval of the mayor, the banks and trust companies to be used as city depositories and to see that the depository banks provide collateral in the amounts and of the types prescribed by law or ordinance.
 - (18) Sell, when authorized by appropriate authority, bonds, notes, tax anticipation warrants, or other evidence of indebtedness of the city.
 - (19) Send, not less than once each year, a notice to all persons from whom money is due the city demanding payment.
 - (20) Issue, not more than sixty (60) days after the close of the fiscal year, an annual comprehensive report setting forth the results of fiscal operations. The report shall set forth the appropriations, receipts, disbursements and conditions of all funds. In issuing the annual report, the commissioner shall prepare the necessary year end transfers to balance all departmental expenditures.
 - (21) Perform such other functions as may be assigned by this charter, the mayor or the council in connection with the fiscal affairs or management of the city.
 - (22) Pay all valid claims against the city.
- (L.L. No. 22-1989, § 8; L.L. No. 1-1992, § 6)

Section 5-802. Payment of claims against the city.

Before paying any claim against the city, the commissioner of finance shall approve it as to validity in

amount and purpose. He may require from any officer or employee of the city or of the claimant such sworn information as he shall deem necessary to establish the validity of the claim.

Section 5-803. Assignment of employees to other departments.

The Department may assign its own employees to offices, departments or boards to collect moneys when the volume of work warrants such assignments; in other cases where an officer, department or board is authorized to receive moneys, it shall deputize an employee of such officer, department or board to act for the department in the receipt of such moneys.

Section 5-804. Settlement of disputed claims.

The commissioner of finance shall execute no settlement of any disputed claim for any tax, license, damage covered by insurance, or other liability of any person to the city without the approval of the corporation counsel, the mayor and the president of council or any two (2) of them.

Section 5-805. License functions.

The department of finance, headed by the commissioner of finance, shall:

- (1) Administer and enforce, except as may otherwise be provided by this Charter, statute or local law, all laws relating to licenses issued by the city.
- (2) Issue all such licenses and make all inspections, tests or examinations prerequisite to the issuance of such licenses.
- (3) Determine by inspection, in cooperation with the department of police, whether any person is in violation of the conditions of any license issued by it and to take any and all lawful action as may be necessary to enforce compliance with the conditions of such license.
- (4) Refuse, revoke or suspend any license applied for or issued by it, after notice and offer of an opportunity to be heard with respect thereto served in writing upon any applicant or licensee affected thereby.
- (5) Perform such other and further duties relating to licenses as may be prescribed by this Charter or other ordinance, local law or laws.

(L.L. No. 8-1995, § 2)

Section 5-806. Definition of license.

For the purposes of this chapter, "license" shall mean any license, permit or other authorization required by law, the issuance of such is not assigned by this Charter or statute to some officer, department or board of the city other than the department of finance.

(L.L. No. 8-1995, § 2)

Section 5-807. Procedures.

(1) The commissioner of finance, or a deputy commissioner of finance as designated by the commissioner, shall issue the licenses.

(2) If the department of finance, through the commissioner of finance or the designated deputy commissioner, as provided in section 5-807(1), determines to refuse to issue, revoke or suspend a license, it shall deliver in writing a notice of intention to so refuse, revoke or suspend such license to the applicant or licensee affected. Said notice shall afford said applicant or licensee the opportunity of a hearing in respect to such refusal, revocation or suspension before the commissioner or the designated deputy commissioner of finance, within ten (10) days following delivery of such notice. Upon the determination by the commissioner, or the designated deputy commissioner, following such hearing, any applicant or licensee shall have the right to judicial review thereof, pursuant to law.

(3) The commissioner of finance may establish rules of procedure for hearings or licenses or permits and the revocation or suspension thereof, consistent with applicable law.

(L.L. No. 8-1995, § 2)

Section 5-808. Audit and counsel.

The city auditor shall monthly examine the receipts and disbursements of the department of finance relating to licenses and shall advise the department of finance on the safeguarding and accounting of funds it receives relating to licenses. The corporation counsel shall provide the department of finance with legal representation in proceedings for refusal to issue, revocation and suspension of licenses and general legal advice in the conduct of its affairs and business relating to licenses.

(L.L. No. 8-1995, § 2)

Section 5-809. Enforcement.

The department of police shall cooperate with the department of finance in the inspection and examination of applicants and licensees and in the enforcement of all ordinances and laws within the jurisdiction of the department of finance relating to licenses.

(L.L. No. 8-1995, § 2)

Section 5-810. Revenues.

The department of finance shall comply with the regulations of the commissioner of finance with respect to the safekeeping, deposit and accounting of all revenues collected from the issuance of licenses.

(L.L. No. 8-1995, § 2)

Section 5-811. Transfer of functions and completion of pending actions.

Any and all license applications and proceedings relating to licenses under Chapter 20 of Article V of the Chapter of the city of Syracuse--1960, as amended, which are pending and which have not been completed by the license commission and/or commissioner of licenses before the effective date of the transfer of the functions of the license commission to the department of finance, as provided for herein, shall be administered, enforced and completed by the department of finance, in accordance with the applicable provisions of this Charter and the

ordinance and regulations applicable to such license applications or proceedings relating to licenses, under the provisions of this local law.
(L.L. No. 8-1995, § 2)

Section 5-812. [References to license commission and/or the commissioner of license.]

All references to the license commission and/or the commissioner of licenses in any ordinance, local law and/or Charter of the city of Syracuse--1960, as amended, in relation to the functions transferred to the department of finance, be and are hereby amended to refer to the commissioner of finance or the designated deputy commissioner of finance and/or the department of finance.
(L.L. No. 8-1995, § 2)

CHAPTER 9.

DEPARTMENT OF FIRE*

* **Cross References:** Fire department, Pt. O, Ch. 12; appointment of firemen, Pt. S, § 5-2; department of safety, police building and fire regulations, Pt. S, Ch. 5.

Section 5-901. Functions.

The department of fire, headed by a chief of fire, shall:

- (1) Organize, administer, supervise and discipline the fire force of the city.
- (2) Extinguish fires and investigate their causes. Reports of the causes of fires shall be made to the department of police.
- (3) Operate communication systems either separately or in conjunction with other departments.
- (4) Make routine inspections of all premises in the city with a view to determining hazardous conditions relating to fire or to adequacy of exits in places of public assembly. Reports of hazardous conditions found shall be made to the department of urban improvement.
- (5) Provide fire protection and fire fighting operations with respect to all aviation facilities owned or controlled by the city and to have jurisdiction over such equipment and facilities as may be required to carry out such functions on any aviation installation operated by the city and to assist the department of aviation in relation to the fire protection and fire fighting operations at the airport. The fire department may answer calls for assistance involving aircraft accidents or emergencies outside of the area regularly served by such force and may engage and participate in fire training programs in areas outside the area regularly served. In furtherance of such outside service the chief of fire, subject to approval of the common council, is authorized to enter into mutual aid agreements with the United States, the State of New York, any local government, fire district, fire protection district, or fire company in accordance with applicable federal and state laws, rules and regulations pertaining to outside service by local fire departments and upon such terms and conditions as may be agreed upon by the chief of fire and such governments, districts, or

companies.

- (6) Possess such other powers and perform such other duties as may be prescribed by law or by ordinance of the council.
- (7) All reference to the crash rescue and fire fighting forces in any ordinance, local law and/or Charter of the city of Syracuse 1960, as amended, in relation to functions relating to the department of aviation and aviation facilities under the jurisdiction of the city of Syracuse are hereby amended to refer to the department of fire.

(L.L. No. 1-2004, § 2)

Section 5-902. Emergency authority.

The chief, or acting chief, shall have authority in an emergency to cause to be pulled down or demolished any structure which in his judgment is essential to the extinguishment or control of a fire.

Section 5-903. Other fire forces prohibited.

No officer, department or board of the city, other than the department of fire shall have a fire force except as shall otherwise be specifically provided for and authorized by the appropriate provision of this charter.

(L.L. No. 20-1968)

Section 5-904. Reserved.

Editors Note: Local Law No. 1-1992, § 7, amended the Charter by deleting provisions contained in Pt. C, § 5-904. Said provisions pertained to mandatory retirement for members of the fire department.

Section 5-905. Exemption from service of process.

No member of the uniformed service of the department of fire shall be liable to military or jury duty, or to arrest on criminal or civil process while on duty.

Section 5-906. Political activity restricted.

No member or officer of the uniformed service of the department of fire shall engage in political activities while on scheduled duty or while wearing the uniform or any part thereof of the department of fire. Violations of the section shall be subject to penalties promulgated by the chief of fire.

(L.L. No. 5-1972)

Section 5-907. Fire pension fund.

The provisions of law or local law covering the establishment and maintenance of pension funds for the benefits of members of the department of fire shall be unimpaired by this chapter.

Cross References: Death benefits for certain beneficiaries of firemen, Pt. O, § 2-46; proceeds of certain penalties to be placed in firemen's pension fund, Pt. O, § 12-3; "Section 375e" benefits for firemen, Pt. M, § 12-27; 1966 supplemental pension for retired firemen, Pt. S, § 13-27; 1969 supplemental pension for retired firemen, Pt. S, § 13-28; supplemental pension for widows and certain dependents of deceased firemen, Pt. S, § 13-29; firemen's pension fund generally, Pt. S, § 13-58 et seq.

Section 5-908. Chief of fire.

The chief of fire shall appoint a first deputy and such other deputies and subordinates as may be prescribed by the board of estimate, except as otherwise prescribed by law. In the case of absence or disability of the chief or a vacancy in the office, the first deputy chief shall discharge the duties of the office until the chief returns, his disability ceases or the vacancy is filled. The chief of fire, with the approval of the mayor, shall make, adopt, promulgate and enforce such reasonable rules, orders and regulations for the government, discipline, administration and disposition of the officers and members of the department of fire as may be necessary to carry out the functions of the department. Disciplinary proceedings against any member of the department shall be conducted in accordance with the rules and regulations of the department and the provisions of law applicable thereto, including the Civil Service Law.

Section 5-909. Right of entry.

The chief of fire and his deputies and such other officers or employees of the department as are authorized by the chief, may have the power, without fee or hindrance, to enter, examine, inspect or cause to be examined and inspected, any building or property for the purpose of carrying out the duties or responsibilities of his department.

Section 5-910. Constitution of fire department.

The council shall have the power by ordinance to determine the number of officers and members of the department of fire and the classes and grades into which they shall be divided, except that it shall not have the power to diminish the number of the members of said department. The number of officers or members of said department shall not be increased without the approval of the mayor. The council may pass ordinances not inconsistent with law or with this Charter for the government of the Department of Fire and regulating the powers and duties of its officers and members. The chief shall appoint, as vacancies in said department occur, all officers and members thereof, and classify and apportion them into grades to conform to such ordinance.
(L.L. No. 22-1989, § 9)

Section 5-911. Residence.

Subject to the provisions of section 3 of the Public Officers Laws, the existing residence requirements for appointment and continuance in office of officers, members and employees of the department shall continue in force and effect unless hereafter superseded, modified or amended by the council by local law.

CHAPTER 10.

DEPARTMENT OF HEALTH

Editors Note: Chapter 10 of article V was repealed by L.L. No. 15-1966.

CHAPTER 11.

DEPARTMENT OF LAW

Section 5-1101. Functions.

The department of law, headed by the corporation counsel, shall:

- (1) Supervise and direct the legal affairs of the city.
- (2) Provide legal advice to the council, when requested by the council, the mayor, and to all officers, departments and boards concerning any matter affecting the interest of the city.
- (3) Have charge of all legal matters in which the city has an interest, or to which the city is a party, with power and authority to institute and prosecute or to intervene in any and all suits or other proceedings, civil or criminal, as may be deemed necessary for the assertion or protection of the rights and interests of the city; provided however, that when there is a conflict of interest between the mayor and the council, as determined by the council, legal counsel of the council shall represent the council in all proceedings where there is a conflict.
- (4) Prepare for introduction or render an opinion upon any local law, ordinance or resolution at the request of the mayor or any member of the council.
- (5) Prepare or supervise at the direction of the council a codification of the local laws and ordinances and acts of the state legislature applying specifically to the city, and maintain a current and comprehensive index of ordinances.
- (6) Approve as to form and legality all written contracts, documents and other legal instruments in which the city may be interested.
- (7) Perform such other duties not inconsistent with the functions of the department as may be assigned to him by the mayor or by ordinance.

(L.L. No. 22-1989, § 10)

Section 5-1102. Corporation counsel and legal staff.

- (1) The corporation counsel shall be an attorney licensed to practice in the state of New York.
- (2)
 - (a) The professional staff of the department shall consist of a first assistant, and such other assistants, and such special counsel as shall be authorized by the mayor as may be required for the proper conduct of the affairs of the department. The first assistant and assistants of the corporation counsel shall be licensed to practice in the state of New York except as provided in section 5-1102(2)(b).
 - (b) The professional staff of the department shall also include, when authorized by the mayor, qualified law school graduates who have taken the examination for admittance to the practice of law in the courts of record of the state of New York immediately available after graduation from law school or are otherwise eligible for such examination in accordance with the laws and rules of the state of New York. Such person or persons shall be supervised by the corporation counsel and shall be limited to the performance of such legal duties and responsibilities as permitted by the applicable laws and rules of the state of New York until such time as the person is duly licensed to practice law in the state of New York. A law school graduate employed pursuant to this paragraph shall be required to successfully complete the examination for admittance to the practice of law

referred to herein within the period of one year from the original date of employment and shall not be eligible to hold such position after having been notified of failure to pass two (2) such licensing examinations.

(3) The first assistant corporation counsel shall, during the absence or disability of the corporation counsel, possess all the powers and perform all the duties of the corporation counsel, and in case of the death of the corporation counsel or of a vacancy in that office, shall act as corporation counsel until the appointment and qualification of a corporation counsel.

(L.L. No. 3-1964; L.L. No. 1-1970; L.L. No. 1-1990, § 1; L.L. No. 22-1989, § 11; L.L. No. 1-1990, § 1)

Section 5-1103. Compromise of claims.

(1) The department of law shall, whenever it considers that the interest of the city will be served thereby, enter into an agreement in writing, subject to the approval of the mayor, to compromise and settle any claim against the city, exceeding the sum of five thousand dollars (\$5,000.00), which agreement, when approved by the common council, shall constitute a valid obligation against the city.

(2) The corporation counsel shall, whenever he considers that the interest of the city of Syracuse will be served thereby, enter into an agreement in writing to compromise and settle any claim against the city of Syracuse, not to exceed five thousand dollars (\$5,000.00), which agreement shall constitute a valid obligation against the city.

(L.L. No. 29-1977; L.L. No. 15-1980, § 1; L.L. No. 1-1990, § 2; L.L. No. 22-1989, § 12; L.L. No. 1-1990, § 2)

CHAPTER 12.

DEPARTMENT OF PARKS, RECREATION AND YOUTH PROGRAMS*

* **Editors Note:** Local Law No. 10-1994, § 1, filed June 20, 1994, renamed the former "department of parks and recreation" as the "department of parks, recreation, and youth programs."

Cross References: Parks, playgrounds and public grounds, Pt. O, Ch. 17, Pt. S, Ch. 14; planning and parks commission, Pt. S, § 15-21 et seq.

Section 5-1201. Functions.

The department of parks, recreation and youth programs headed by a commissioner of parks, recreation and youth programs shall:

- (1) Direct, supervise, care for and manage the parks of the city.
- (2) Acquire, construct, install, and maintain recreational facilities, equipment, and other recreational property of the city.
- (3) Arrange, provide for, operate and conduct public recreation programs in the parks and schools of the city and on other city property where permitted, subject to regulations adopted by the board of education where applicable.

- (4) Care for the shade trees of the city.
- (5) Grant, upon approval of the council, concessions to be operated within the parks and other recreational facilities.
- (6) Perform such other and further duties as may be prescribed by this charter, local law or laws. (L.L. No. 17-1965; L.L. No. 1-1992, § 8; L.L. No. 10-1994, § 2; L.L. No. 7-1995, § 3; L.L. No. 11-2002, § 2, 6-20-02)

Section 5-1202. Rules and regulations.

The commissioner of parks, recreation and youth programs shall have power, with the approval of the council, to adopt rules and regulations, including schedule of fees for use of parks and recreational facilities, not inconsistent with law or this charter for the regulation of the public parks and other recreational facilities of this city and for the protection, safety and welfare of the public. Such rules and regulations shall have the legal force and effect of city ordinances.

(L.L. No. 17-1965; L.L. No. 1-1992, § 9; L.L. No. 10-1994, § 2)

Section 5-1203. Parks, recreation and youth programs advisory board.

The parks, recreation and youth programs advisory board shall consist of no less than nine (9) members to be appointed by the mayor, each of whom shall serve terms not in excess of three (3) years, commencing with the date of appointment. In addition, such ex officio members to include a member of the common council and two (2) members of the board of education shall be appointed to a term concurrent with that to which they are elected. The board shall advise and guide the commissioner of parks, recreation and youth programs on policies, procedures and programs relative to the care and management of the parks and the operation and conduct of public recreation and youth programs in the city.

(L.L. No. 6-1966; L.L. No. 10-1994, § 2)

CHAPTER 13.

PLANNING COMMISSION*

* **Cross References:** Planning, Pt. S, Ch. 15, Pt. M, Ch. 13; board of zoning appeals, Pt. O, Ch. 26; planning and park commission, Pt. S, § 15-21 et seq.; urban renewal agency, Pt. S, § 1-61.

Section 5-1301. Functions.

The city planning commission shall:

- (1) Prepare and maintain a comprehensive development plan for the city and for all land situated within three (3) miles of the boundaries of the city. The plan shall set forth present and proposed streets, parks, playgrounds, public buildings, open spaces, and all other public facilities; the present and proposed utilization of privately owned land by major purpose or class; the designation of those areas suitable for development, rehabilitation or renewal, including those for public housing projects; the designation of land to be used for major thoroughfares, mass

transportation purposes; and off-street storage of vehicles.

- (2) Make recommendations to the mayor and the council concerning all proposed ordinances relating to new streets and the proposed widening, extending or discontinuing of streets.
- (3) Approve or disapprove all plans, plats, maps or descriptions showing the layout of parcels of land and any thoroughfare within the city or within three (3) miles beyond the limits of the city. No such plan, plat, map or description or amendment or modification thereof shall be received or recorded in the office of the clerk of Onondaga county or incorporated upon the official map of the city unless such approval is endorsed thereon.
- (4) Prepare a comprehensive zoning plan to consist of a zoning ordinance and official zoning map which shall regulate the nature of use by appropriate classes and districts of all real property in the city. Such plan may determine by classes and subclasses the uses which will be permitted and excluded; the height and bulk of buildings hereafter erected; the area of yards, courts, distances of structures to be erected from property lines, and open spaces, provided that all such determinations shall be uniform for each class of buildings through any district but the determinations in one or more districts may differ from those applicable in other districts. The zoning plan and all amendments thereto shall be effective only upon adoption by council.
- (5) Submit to the office, department or board concerned recommendations with respect to:
 - (a) Each proposed municipal project involving the dedication, opening, widening, extending or discontinuing of streets.
 - (b) The location of mass transportation routes.
 - (c) The design, location, placing, erection and acceptance of public monuments, memorials, statues, drinking fountains, ornamental lights, public buildings and all permanent works of art, decoration or ornament placed or erected in any street, public place or on other public property.
 - (d) The acquisition of land for park and playground purposes, monuments and other public places.
- (6) Submit recommendations to the director of budget administration on each project submitted by any office, department or board for inclusion in the capital program or capital budget.
- (7) Review, approve or disapprove the general location and general layout of all redevelopment, renewal and public housing projects in order to determine their conformance to the comprehensive development plan of the city and its metropolitan area.
- (8) Approve or disapprove resolutions and reports required by law, as a condition precedent to the adoption of a public housing plan or project, an urban renewal project or similar public projects.
- (9) Prepare and present to the council an official map of the city pursuant to the provisions of law.

(10) The city planning commission is authorized to promulgate and adopt by resolution reasonable regulations governing its own procedure for carrying out the powers granted it under this article or by law and may also prescribe by resolution, reasonable fees for filing and processing all applications to the commission pursuant thereto, but no such resolution which prescribes fees shall become effective unless and until approval by the council of the city of Syracuse.

(11) Perform such other and further duties consistent with the function of its office as may be prescribed by ordinance of the council not inconsistent with law and the provisions of this charter.

(L.L. No. 7-1968)

Cross References: Approval of subdivision maps, etc., Pt. S, § 15-1.

Section 5-1302. Height and bulk of buildings, areas and density.

The city planning commission shall also have the power by and with the consent by ordinance of the council to regulate and limit the height and bulk of buildings hereafter erected, to regulate and determine the area of yards, courts and other open spaces and to regulate the density of population of any given area, and for said purposes to divide the city into districts. Such regulations shall be uniform for each class of buildings through any district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers and to promote the public health and welfare including, so far as conditions may permit, provision for adequate light, air and convenience of access, and shall be made for reasonable regard to the character of buildings erected in each district, the value of land and the use to which it may be put, to the end, that such regulations may promote public health, safety and welfare and such regulations may promote public health, safety and welfare and the most desirable use for which the land of each district may be adapted and may tend to conserve the value of buildings and enhance the value of land throughout the city.

(L.L. No. 7-1968)

Section 5-1303. City planning commission.

(1) The city planning commission shall consist of five (5) members appointed by the mayor, not more than three (3) of whom shall be members of the same political party.

(2) Members of the city planning commission shall serve for terms of one year, two (2) years, three (3) years, four (4) years and five (5) years respectively, and the successors to the original commission members shall serve thereafter for a term of five (5) years.

(3) Members of the city planning commission shall be residents of the city of Syracuse.

(4) Members of the city planning commission shall serve without compensation but may be reimbursed for actual expenses incurred in performance of their duties.

(5) Members of the city planning commission shall annually elect a chairman from its own members.

(L.L. No. 7-1968)

Cross References: Planning and parks commission, Pt. S, § 15-21 et seq.

Section 5-1304. Recommendations.

(1) It shall be the duty of the council to submit to the city planning commission any proposed ordinance that is required to be reviewed, approved or disapproved by such commission.

(2) The city planning commission shall either approve or disapprove all matters required to be submitted to it for action within sixty (60) days of receipt thereof, except as otherwise provided by law. Should the city planning commission fail to act within such period, its approval shall be presumed.

(3) When the city planning commission has disapproved any matter submitted to it for its formal approval, it shall return it to the council and the office, department or board concerned with such recommendations as it deems appropriate.

(4) When the city planning commission has disapproved any proposed ordinance relating to new streets or the proposed widening, extending or discontinuing of present streets, the adoption of the ordinance shall require the concurrence of two-thirds of the full membership of the council.

(5) When the city planning commission has disapproved any proposed ordinance relating to matters other than those described in the preceding subdivision (4), the council may nevertheless adopt such ordinance by a majority vote.

(6) In the event that any member or members of the city planning commission fail to agree with the recommendations of the city planning commission on any matter of which a recommendation is required to be submitted to the council for legislative action, such member or members of the city planning commission may submit or upon the request of any member of the council shall submit his or their report and recommendations, together with copies of the recommendation of the majority of the city planning commission or those of any of its members relating to the subject of such report and recommendations, to the council and furnish copies thereof to the mayor, and the council shall have the right to adopt such legislation as it might deem advisable to carry out the recommendations of a member or members of the city planning commission by majority vote, except as hereinabove otherwise provided, or as required by law.

(L.L. No. 7-1968; L.L. No. 1-1992, § 10)

Section 5-1305. Changes in the zoning plan.

(1) Petitions for changes in the zoning plan shall be made to the city planning commission.

(2) The city planning commission shall conduct hearings with respect to the proposed changes in the manner prescribed by law. After the conclusion of such hearings, the commission shall maintain or modify the zoning plan in the manner deemed to best serve the public interest.

(L.L. No. 7-1968)

Section 5-1306. Board of zoning appeals.

There shall be established a board of zoning appeals which shall have the powers and functions set forth by ordinance of the council. The board of zoning appeals heretofore established and in force and effect at the time this charter takes effect shall continue with such powers and functions as are now or may hereafter be conferred upon it by ordinance of the council. The ordinance establishing a board of zoning appeals as amended may from time to time be amended, modified, altered or annulled by further ordinance of the council.

(L.L. No. 7-1968)

Section 5-1307. Syracuse-Onondaga county planning agency.

To permit the city planning commission to carry out its functions, the city of Syracuse and the county of Onondaga by contract pursuant to article 5-G of the General Municipal Law may provide for a joint municipal service to be known as the Syracuse-Onondaga County Planning Agency. The members of the county planning board and the city planning commission, acting jointly, shall constitute the membership of the Syracuse-Onondaga County Planning Agency who shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties. The cost and expense of the operation of the agency shall be paid by the city of Syracuse and the county of Onondaga pursuant to said contract.

(L.L. No. 7-1968)

Section 5-1308. Powers and functions of the Syracuse-Onondaga county planning agency.

The Syracuse-Onondaga county planning agency shall:

- (a) Perform all those functions delegated by law to the city planning commission and the county planning board.
- (b) Prepare and maintain a comprehensive development plan for the county of Onondaga including the city of Syracuse.
- (c) Coordinate all planning activities affecting the county and the city.
- (d) Cooperate with villages and towns in Onondaga county relative to planning matters by mutual agreement, including the providing of professional planning services.

(L.L. No. 7-1968)

Section 5-1309. Director of planning for Syracuse-Onondaga county planning agency.

There shall be a director of planning appointed jointly by the county executive and the mayor of the city of Syracuse from a list of qualified candidates recommended by the Syracuse-Onondaga County Planning Agency. The director of planning shall be responsible for conducting all planning studies and work delegated to him by the agency. He shall serve, or appoint a representative or representatives to serve as secretary to the city planning commission and the county planning board. He shall be responsible for the employment and supervision of an adequate planning staff within budget appropriation as recommended by the agency and approved by appropriate governmental units where required.

(L.L. No. 7-1968)

CHAPTER 14.

DEPARTMENT OF POLICE*

* **Cross References:** Vacations and leaves of absence for policemen, Pt. O, § 11-17 et seq.; police department, Pt. O, Ch. 19; department of public safety, Pt. S, Ch. 5; appointment of policemen, Pt. S, § 5-2.

Section 5-1401. Functions.

The department of police, headed by a chief of police, shall

- (1) Organize, administer, supervise and discipline the police force of the city.
- (2) Enforce traffic regulations and investigate traffic accidents.
- (3) Operate communication systems either separately or in conjunction with other departments.
- (4) Make all legal searches, seizures, and arrests and exercise all legal authority incident thereto which is conferred by the laws of the state upon police officers.
- (5) Members of the police department, other than surgeons, in criminal matters have all the powers of peace officers under the general laws of the state, and they shall also have the power and it shall be their duty to arrest any person found by them violating any of the penal ordinances of the city or laws of the state, and to take such person before the proper city magistrate. Such person shall be dealt with in the same manner as if he had been arrested upon a warrant theretofore duly issued by such magistrate. They shall report violations of law and ordinances coming to their knowledge in any way under regulations to be prescribed by the chief of police with the approval of the mayor. They shall also have, in every other part of the state, in criminal matters, all the powers of constables and any warrant for search or arrest issued by any magistrate of the state may be executed by them in any part of the state according to the tenor thereof without indorsement. They shall possess such other powers and perform such other duties as may be provided by law or ordinance of the council.
- (6) Serve all process for any criminal offense committed within the city and all process to recover or enforce any penalty for violation of city ordinances issued out of any court or by any magistrate within the city, and every process, subpoena or bench warrant issued by the district attorney of Onondaga county, relating to any offense committed within the city, and process subpoenas or warrants issued by the coroner of Onondaga county in any inquest held in the city relative to the death of any person.
- (7) Assist other officers, departments and boards in the enforcement of functions assigned to them.
- (8) Enforce all laws, including local laws and ordinances of the city, and seek to prevent the violation thereof.
- (9) Maintain peace, protect life, property, and all other rights and liberties of the people; and do and perform all other acts which may be assigned to it by proper authority or required by law or ordinance of the council.

Section 5-1402. Emergency and special police.

- (1) *Emergency police.*

(a) In case of riot, general conflagration, flood, or other grave emergency, the mayor may appoint or authorize the department to appoint emergency police. Such appointments shall be for a period of not more than thirty days and may be extended for like periods only by the express authorization of the mayor and two-thirds vote of the council.

(b) Emergency police shall have such powers as may be vested in them by the department and shall be subject to the rules prescribed by the department for the regular police force to the extent applicable.

(2) *Special police.*

(a) The department may, in the manner prescribed by ordinance, and subject to standards which the department shall have set forth in regulations, deputize persons not members of the police force to exercise limited police powers. Persons, when exercising such powers with respect to privately owned property or places, shall not be paid from public funds and shall not be entitled to public employee benefits for such services. Regular city employees exercising such powers with respect to public property or places shall be entitled only to compensation and benefits attached to their regular employment.

(b) The department shall prescribe rules and regulations governing the exercise of police power by persons so deputized and may suspend or cancel the deputization at its discretion.

(3) Regular members of the police department shall not be permitted to act as special police.

(4) The department shall not appoint or deputize any person to exercise police functions under this section who has been previously convicted of a felony or who in the opinion of the department is not of good moral character.

Cross References: Special police, Pt. O, § 19-2.

Section 5-1403. Other police forces prohibited.

No office, department, or board of the city, other than the department of police, shall have a police force.

Section 5-1404. Assumption of command by the mayor.

In case of riot, conflagration, or other public emergency, the mayor may take command of the whole police force, including the chief of police.

Section 5-1405. Reserved.

Editors Note: Local Law No. 1-1991, § 11, amended the Charter by deleting provisions contained in Pt. C, § 5-1405. Said provisions pertained to mandatory retirement of members of the police department.

Section 5-1406. Exemption from service of process.

No member of the uniformed services of the department of police shall be liable to military or jury duty, or to arrest on criminal or civil process while on duty.

Section 5-1407. Political activity restricted.

No member or officer of the uniformed service of the department of police shall engage in political activities while on scheduled duty or while wearing the uniform or any part thereof of the department of police. Violations of the section shall be subject to penalties promulgated by the chief of police. (L.L. No. 1-1992, § 12)

Section 5-1408. Police pension funds.

The provisions of law or local law covering the establishment and maintenance of pension funds for the benefit of members of the department of police shall be unimpaired by this charter.

Cross References: Death benefits for beneficiarys [beneficiaries] of certain policemen, Pt. O, § 2-46 et seq.; 1961 supplemental pension for retired policemen, Pt. S, § 13-26; police pension, Pt. L, § 12-101 et seq.; 1966 supplemental pension for retired policemen, Pt. S, § 13-27; 1969 supplemental pension for retired police, Pt. S, § 13-28; supplemental pension for widows and certain dependents of deceased policemen, Pt. S, § 13-29; police pension fund, Pt. S, § 13-51 et seq.; section "375e" benefits for policemen, Pt. M, § 12-27.

Section 5-1409. Chief of police.

The chief of police may appoint deputy chiefs of police, not exceeding five (5)* in number, authorized and empowered to act generally for and in place of the chief of police. The chief of police may designate the order in which such deputy chiefs so appointed shall discharge the duties of the office of chief of police in case of and during the absence or disability of the chief or a vacancy in the office. The chief of police may appoint such other subordinates as may be prescribed by the board of estimate, except as otherwise prescribed by law. The chief of police, with the approval of the mayor, shall make, adopt, promulgate and enforce such reasonable rules, orders and regulations for the government, discipline, administration and disposition of the officers and members of the department of police as may be necessary to carry out the functions of the department. Disciplinary proceedings against any member of the department shall be conducted in accordance with the rules and regulations of the department and the provisions of law applicable thereto, including the Civil Service Law.

*Formerly four (4).

(L.L. No. 16-1962; L.L. No. 5-1969; L.L. No. 14-1970; L.L. No. 16-1986, § 1)

Section 5-1410. Right of entry.

The chief of police and his deputies and such other officers or employees of the department as are authorized by the chief, may have the power, without fee or hindrance, to enter, examine, inspect or cause to be examined and inspected, any building or property for the purpose of carrying out the duties or responsibilities of his department.

Section 5-1411. Constitution of police department.

The council shall have the power by ordinance to determine the number of officers and members of the department of police and the classes and grades into which they shall be divided, except that it shall not have the

power to diminish the number of the members of said department. The number of officers or members of said department shall be increased without the approval of the mayor. The council may pass ordinances not inconsistent with the law or with this Charter for the government of the department of police and regulating the powers and duties of its officers and members. The chief shall appoint, as vacancies in said department occur, all officers and members thereof, and classify and apportion them into grades to conform to such ordinance. (L.L. No. 22-1989, § 13)

Section 5-1412. Residence.

Subject to the provisions of section 3 of the Public Officers Law, the existing residence requirements for appointment and continuance in office of officers, members and employees of the department shall continue in force and effect unless hereafter superseded, modified or amended by the council by local law.

Cross References: Special provisions for residency of policemen, Pt. S, § 3-3.

CHAPTER 15.

DEPARTMENT OF PUBLIC WORKS*

* **Cross References:** Public works art, Pt. S, Ch. 18; solid waste collection and disposal, Pt. O, § 14-11 et seq.; streets and sidewalks, Pt. O, Ch. 24, Pt. S, Ch. 18; plumbing, water and sewers, Pt. O, Ch. 18; sewers and flood prevention works, Pt. S, Ch. 17; sewers, Pt. L, Ch. 13; bids for certain local improvement work, Pt. S, § 18-29; cleaning of public buildings, Pt. O, § 2-18.

Section 5-1501. Functions.

The department of public works, headed by the commissioner of public works, shall:

- (1) Collect and dispose of solid waste in accordance with applicable laws, ordinances and regulations.
- (2) Clean and flush the streets of the city.
- (3) Construct, pave, repave, resurface, repair and maintain the streets and bridges of the city.
- (4) Supervise construction of, or construct sidewalks.
- (5) Construct, maintain and reconstruct all sanitary and storm sewers and appurtenant structures and facilities including interceptors under the jurisdiction of the city and the maintenance of streams providing storm drainage, except as assigned by the mayor or council to another department.
- (6) Collect, treat and dispose of wastewater and/or stormwater, including the construction and maintenance of appropriate physical facilities, except as assigned by the council to other governmental units.
- (7) Maintain and service all motor vehicles owned by the city, except those whose maintenance is assigned by the mayor to other department.
- (8) Perform any and/or all functions herein enumerated with the department's own forces or contract

for the same in the manner provided by law.

- (9) Acquire, subject to provisions of statute and this charter, real estate on behalf of or for the city of Syracuse.
- (10) Determine materials to be used in surfacing of streets and public places.
- (11) Adopt regulations governing the erection, construction, extension, alteration, maintenance and repair of plumbing, and receive applications for and issue permits for connections of service to the sewer system consistent with appropriate rules and regulations of the federal, state and local governments.
- (12) Certify to the department of assessment the cost of all improvements or services to be paid for by special assessments.
- (13) Supervise and grant permits for the cutting or opening of streets by any person, including public utilities and holders of franchises.
- (14) Develop, in cooperation with the planning commission, a plan for the transportation of persons and movable property within, to, from, and through the city of Syracuse. If shall continuously revise such plan in the light of developments in the field and development of the community.
- (15) Develop a program of off-street parking of motor vehicles.
- (16) Determine, consistent with law and ordinance of the council, the location and nature of islands, signals and other devices for the regulation and control of vehicular and pedestrian traffic.
- (17) Determine, consistent with the provisions of law and ordinance of the council, including the traffic code, the direction in which traffic may move upon each of the streets of the city.
- (18) Receive and review from the department of police copies of all traffic accident reports, and upon the basis of findings take remedial steps if within the authority of the department or, if otherwise, recommend appropriate steps to the mayor.
- (19) Recommend sites to be acquired for off-street parking of motor vehicles.
- (20) When authorized by the council and consistent with law, erect, maintain, reconstruct and/or operate off-street parking facilities.
- (21) Review division plans, platting of streets, and engineering designs for streets or other structures directly related to movement or storage of motor vehicles and make recommendations to the appropriate departments of the city or state government and to the mayor with respect thereto.
- (22) Recommend for adoption by the council by ordinance regulations for the movement of vehicles and persons and for the parking or storage of vehicles.

- (23) Determine the type, location and intensity of public street lighting, and supervise the city lighting contract.
- (24) Determine the type and location of street name signs.
- (25) Install and maintain street name signs and signals, signs, and other devices for regulation of vehicles and pedestrians.
- (26) Perform such other and further duties as may be prescribed by ordinance of the council not inconsistent with law and the provisions of this charter.

(L.L. No. 19-1986, § 2; L.L. No. 1-1992, § 13; L.L. No. 7-1995, § 2; L.L. No. 11-2002, § 3, 6-20-02)

Section 5-1502. Deputies.

The department of public works shall have a first deputy and additional deputy commissioners, as determined by the mayor, to be necessary to carry out the responsibilities of the department of public works as set forth in section 5-1501.

(L.L. No. 7-1995, § 2; L.L. No. 11-2002, § 3, 6-20-02)

Sections 5-1503--5-1506. Reserved.

Editors Note: Section 3 of L.L. No. 11-2002 deleted §s 5-1502, and 5-1504--5-1506, and renumbered § 5-1503 as § 5-1502. The deleted sections pertained to bureau of technical services, right of entry, specifications, and cooperation with community development respectively and derived from L.L. No. 7-1995.

Section 5-1507. [References to city engineer and/or department of engineering.]

All references to the city engineer and/or department of engineering in any ordinance, local law, and/or Charter of the city of Syracuse--1960, as amended, in relation to the functions transferred to the department of public works, be and are hereby amended to refer to the commissioner of public works, or the deputy commissioner of the bureau of technical services and/or the department of public works.

(L.L. No. 7-1995, § 2)

CHAPTER 16.

DEPARTMENT OF PURCHASE*

* **Editors Note:** Chapter 16 of article V was rescinded by Section 1 of L.L. No. 12-2002.

Cross References: Municipal contracts, work and improvements, Pt. O, § 2-23 et seq.; transacting business with city, Pt. M, § 1-26 et seq.

CHAPTER 17.

DEPARTMENT OF TRANSPORTATION*

* **Editors Note:** Chapter 17 of article V was repealed by L.L. No. 19-1986.

CHAPTER 18.

DEPARTMENT OF NEIGHBORHOOD AND BUSINESS DEVELOPMENT*

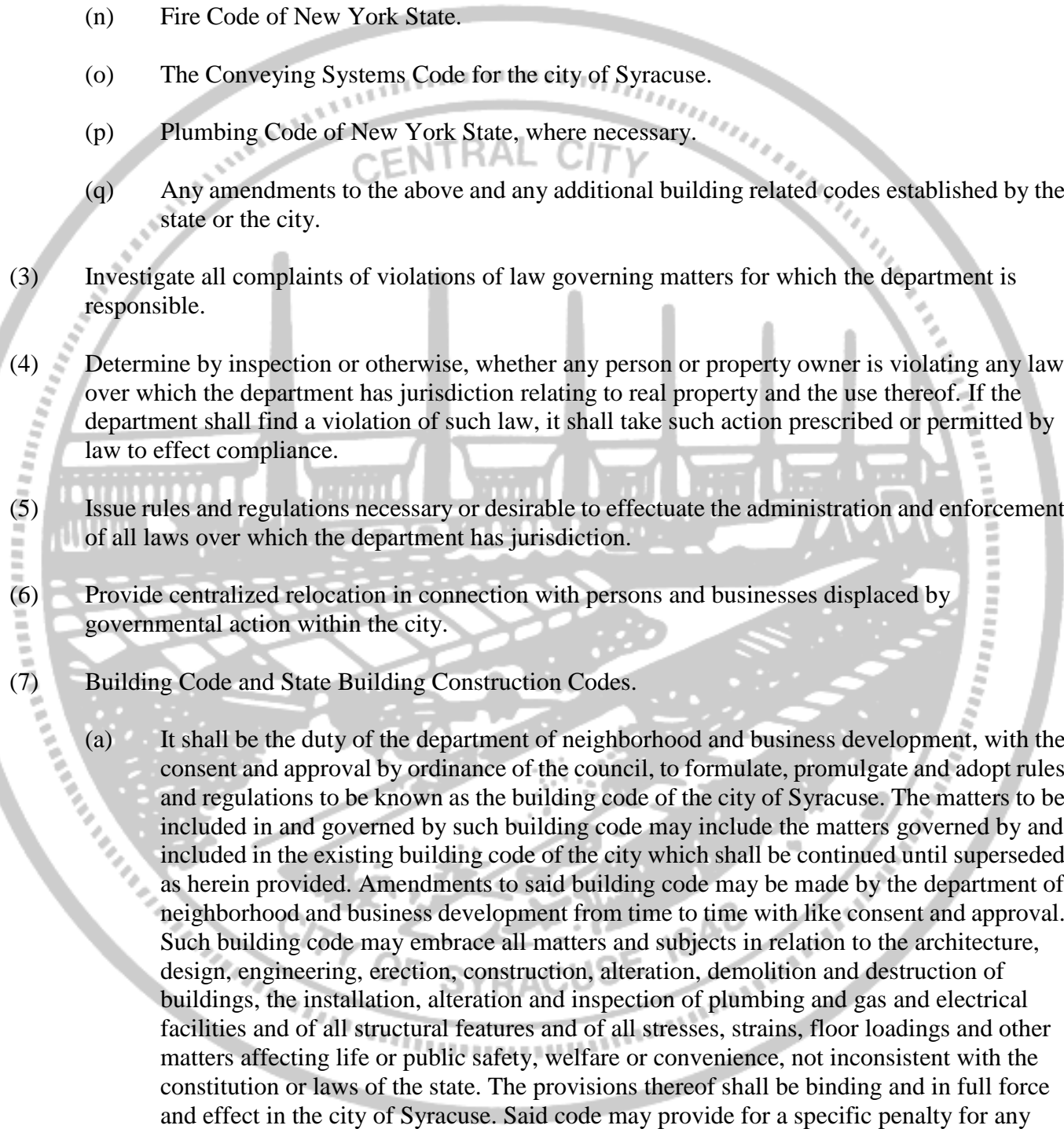
* **Editors Note:** Section 2 of L.L. No. 2-2010 rescinded Ch. 18, Department of Community Development, as previously amended by L.L. Nos. 2-1975 and 1-1992. Section 1 of L.L. No. 2-2010 amended Ch. 18 to read as herein set out.

Cross References: Housing code, Pt. O, Ch. 27.

Section 5-1801. Functions.

The department of neighborhood and business development headed by the commissioner of neighborhood and business development shall:

- (1) Develop, conduct and coordinate neighborhood and business development, slum clearance, urban renewal, rehabilitation and conservation programs, and a comprehensive housing program.
- (2) Coordinate all building inspection programs and administer and enforce, except as may otherwise be provided by this charter, statute or local law:
 - (a) All laws relating to the protection of persons and property from hazards of fire, except that the department of fire shall continue to have jurisdiction over the administration of the fire prevention code.
 - (b) All laws relating to the use, condition, erection, alteration, maintenance, repair, public utility service, heating and ventilating facilities or the removal and demolition of buildings and structures, or parts thereof, and the grounds appurtenant thereto.
 - (c) The zoning rules and regulations, as amended.
 - (d) The New York State Multiple Residence Law, as amended.
 - (e) The Syracuse Property Conservation Code, as amended.
 - (f) The New York State Building Code, as amended.
 - (g) Energy Conservation Construction Code of New York State.
 - (h) Fuel Gas Code of New York State.
 - (i) Mechanical Code of New York State.
 - (j) Property Maintenance Code of New York State.
 - (k) Residential Code of New York State.

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- (l) The Syracuse Building Code, including the electrical code.
 - (m) The warm air heating ordinance and regulations.
 - (n) Fire Code of New York State.
 - (o) The Conveying Systems Code for the city of Syracuse.
 - (p) Plumbing Code of New York State, where necessary.
 - (q) Any amendments to the above and any additional building related codes established by the state or the city.
- (3) Investigate all complaints of violations of law governing matters for which the department is responsible.
- (4) Determine by inspection or otherwise, whether any person or property owner is violating any law over which the department has jurisdiction relating to real property and the use thereof. If the department shall find a violation of such law, it shall take such action prescribed or permitted by law to effect compliance.
- (5) Issue rules and regulations necessary or desirable to effectuate the administration and enforcement of all laws over which the department has jurisdiction.
- (6) Provide centralized relocation in connection with persons and businesses displaced by governmental action within the city.
- (7) Building Code and State Building Construction Codes.
- (a) It shall be the duty of the department of neighborhood and business development, with the consent and approval by ordinance of the council, to formulate, promulgate and adopt rules and regulations to be known as the building code of the city of Syracuse. The matters to be included in and governed by such building code may include the matters governed by and included in the existing building code of the city which shall be continued until superseded as herein provided. Amendments to said building code may be made by the department of neighborhood and business development from time to time with like consent and approval. Such building code may embrace all matters and subjects in relation to the architecture, design, engineering, erection, construction, alteration, demolition and destruction of buildings, the installation, alteration and inspection of plumbing and gas and electrical facilities and of all structural features and of all stresses, strains, floor loadings and other matters affecting life or public safety, welfare or convenience, not inconsistent with the constitution or laws of the state. The provisions thereof shall be binding and in full force and effect in the city of Syracuse. Said code may provide for a specific penalty for any violation thereof.
 - (b) The building code in force at the time this charter takes effect as amended and the State

Uniform Fire Prevention Building Codes, as amended, shall continue to be applicable in the city of Syracuse until amended, modified or superseded.

- (8) Maintain an inventory of historic properties and assist in the historic designation process and historic preservation efforts both in the residential and commercial property areas.
- (9) Provide assistance to existing businesses in the city to foster retention and/or expansion of such businesses and assist such businesses relative to available financial incentive programs including, but not limited to, grants and loans which may be provided under applicable federal, state, and local programs.
- (10) Promote the development and location in the city of new businesses and assist such new businesses relative to available financial incentive programs including, but not limited to, grants and loans which may be provided under applicable federal, state, and local programs.
- (11) Develop and implement marketing efforts for the city and coordinate efforts by the department and other city departments, officers, and boards in the marketing of the city on local, regional, state, national, and international levels.
- (12) Assist and cooperate with the Syracuse Urban Renewal Agency, industrial development agencies, and economic development corporations relative to business development opportunities for existing and new businesses in the city and provide support services to these agencies.
- (13) Foster participation in and cooperation by the city in economic development initiatives undertaken by other levels of government as well as the private sector which provide opportunities for economic development in the city.
- (14) Perform such other functions and duties relative to neighborhood development as may be required by this Charter, ordinances, local laws, and other laws.
- (15) Perform such other functions and duties relative to business development as may be required by this Charter, ordinances, local laws and other laws.

(L.L. No. 2-2010, § 1)

Section 5-1802. Right of entry.

To the extent permitted by law, the commissioner or such other officers and employees of the department as are authorized by the commissioner, shall have the power without fee or hindrance, to enter, examine, inspect or cause to be examined or inspected, any building, structure or premises for the purpose of carrying out the duties or responsibilities of the department. No person exercising a right of entry pursuant to this section shall violate the rights of any individual as guaranteed by the Constitutions and laws of the United States and the state of New York.

(L.L. No. 2-2010, § 1)

Section 5-1803. Deputies.

The commissioner of the department of neighborhood and business development shall have two deputy commissioners. One of the deputy commissioners shall be designated as deputy commissioner of neighborhood development and the other deputy commissioner shall be designated as deputy commissioner of business development. The deputy commissioner of neighborhood development shall act for the commissioner during the absence or disability of the commissioner or during a vacancy in the office of commissioner until a successor is appointed.

(L.L. No. 2-2010, § 1)

Section 5-1804. References to the department of community development.

All references to the department of community development or the commissioner of community development in any ordinance, local law and/or the charter of the city of Syracuse-1960, as amended, in relation to the functions transferred to the department of neighborhood and business development, be and are hereby amended to refer to the commissioner of the department of neighborhood and business development and/or the department of neighborhood and business development.

(L.L. No. 2-2010, § 1)

Section 5-1805. References to the department of economic development.

All references to the department of economic development or the director of economic development in any ordinance, local law and/or the charter of the city of Syracuse-1960, as amended, in relation to the functions transferred to the department of neighborhood and business development, be and are hereby amended to refer to the commissioner of neighborhood and business development and/or the department of neighborhood and business development.

(L.L. No. 2-2010, § 1)

CHAPTER 19.

DEPARTMENT OF BUILDING AND HOUSING CONTROL*

* **Editors Note:** Chapter 19 of article V as added by L.L. No. 13-1965 was repealed by L.L. No. 14-1967. Chapter 19 as originally enacted had been repealed by L.L. No. 17-1965.

CHAPTER 20.

LICENSE COMMISSION*

* **Editors Note:** Chapter 20 of article V was repealed by L.L. No. 8-1995, § 1. Former Chapter 20 derived from L.L. No. 16-1965.

CHAPTER 21.

DEPARTMENT OF WATER*

* **Cross References:** Water supply and water department, Pt. 5, Ch. 20.

Section 5-2101. Functions.

The department of water, headed by the commissioner of water, shall:

- (1) Construct, maintain and operate all necessary and desirable facilities for the supply and distribution of a safe, potable water supply for the city.
 - (2) Adopt, subject to the approval of the council, regulations governing the city water supply not inconsistent with regulations issued by the commissioner of health of the county of Onondaga, and receive applications for and issue permits for connection of services to the water system.
 - (3) Grant permits for the use of hydrant wrenches and reducers.
 - (4) Administer and supervise all necessary data collection and maintaining all records relating to the billing for services provided by the department and the collection of monies due for such services, including, but not limited to, the sale of water.
 - (5) Administer and enforce, except as may otherwise be provided by this Charter, statute or local law, all laws, ordinances and regulations relating to the water supply system.
 - (6) Investigate all complaints of violations of laws, ordinances and rules and regulations governing matters for which the department is responsible.
 - (7) Keep the official maps of the city water system.
 - (8) Perform such other and further duties as may be required by law, local law or ordinance.
- (L.L. No. 7-1995, § 1; L.L. No. 9-1995; L.L. No. 1-2010, § 1)

Section 5-2102. Deputies.

The commissioner of water shall have two (2) deputy commissioners. One of the deputy commissioners shall be designated as deputy commissioner of water operations and the other deputy commissioner shall be designated as the deputy commissioner of water-finance. The deputy commissioner of water operations shall act for the department head during his absence or disability or during a vacancy until a successor is appointed.

(L.L. No. 7-1995, § 1)

Section 5-2103. Right of entry.

The commissioner of water and his deputies or such other officers and employees of the department as are authorized by the commissioner of water, shall have the power without fee or hinderance to enter, examine, inspect or cause to be examined or inspected, any building, structure or premises for the purposes of carrying out the duties or responsibilities of the department.

(L.L. No. 7-1995, § 1)

Section 5-2104. [References to the city engineer and/or department of engineering.]

All references to the city engineer and/or department of engineering in any ordinance, local law and/or Charter of the city of Syracuse--1960, as amended, in relation to functions relating to the water system transferred to the department of water, be and are hereby amended to refer to the commissioner of water and/or the department of water.

(L.L. 7-1995, § 1)

CHAPTER 22.

RESERVED*

* **Editors Note:** Section 3 of L.L. No. 2-2010, rescinded Ch. 22, Department of Economic Development, which was comprised of § 5-2201, and had derived from L.L. No. 10-2002.

ARTICLE VI.

[FINANCE GENERALLY]

CHAPTER 1.

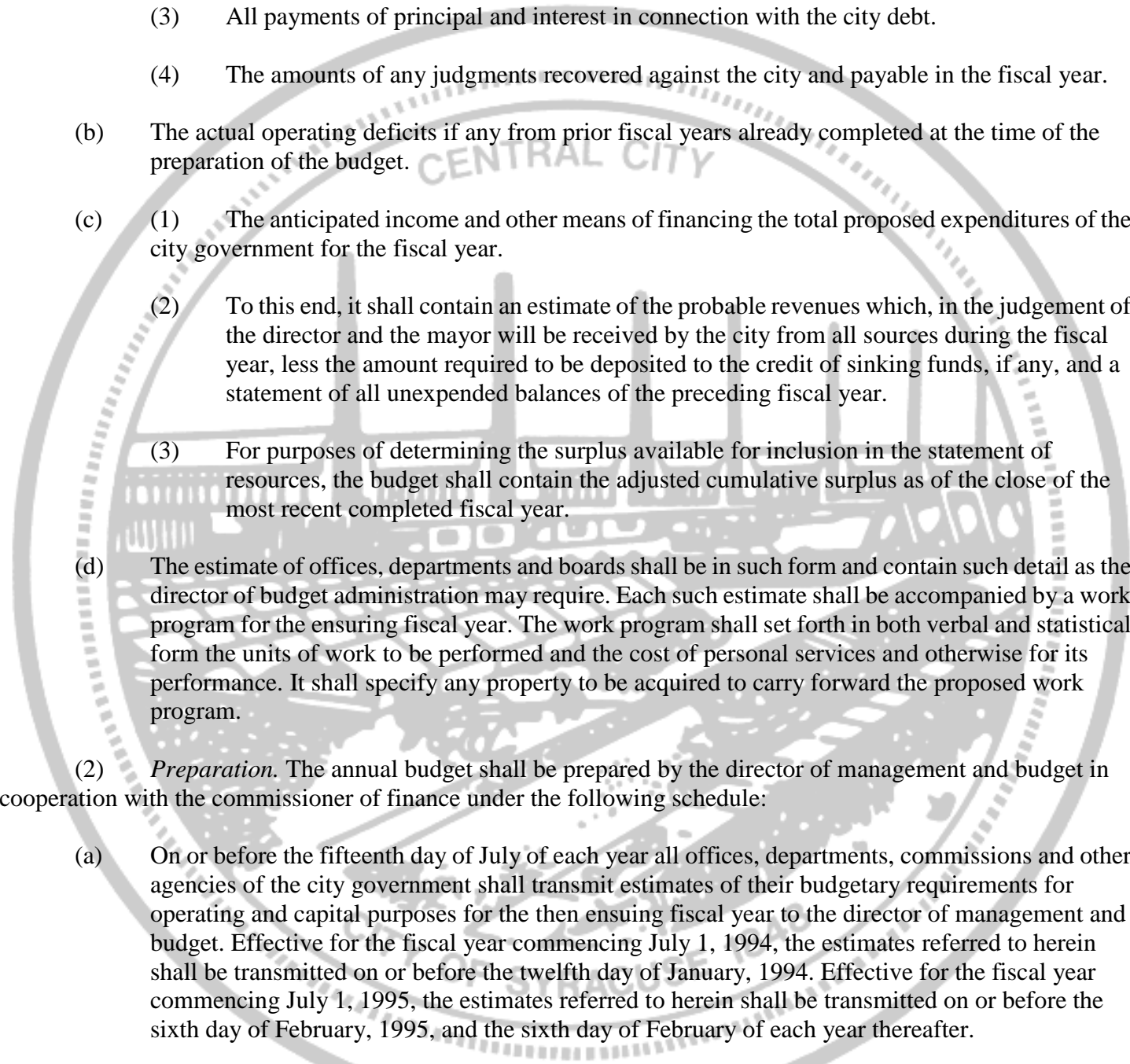
BUDGETARY ADMINISTRATION

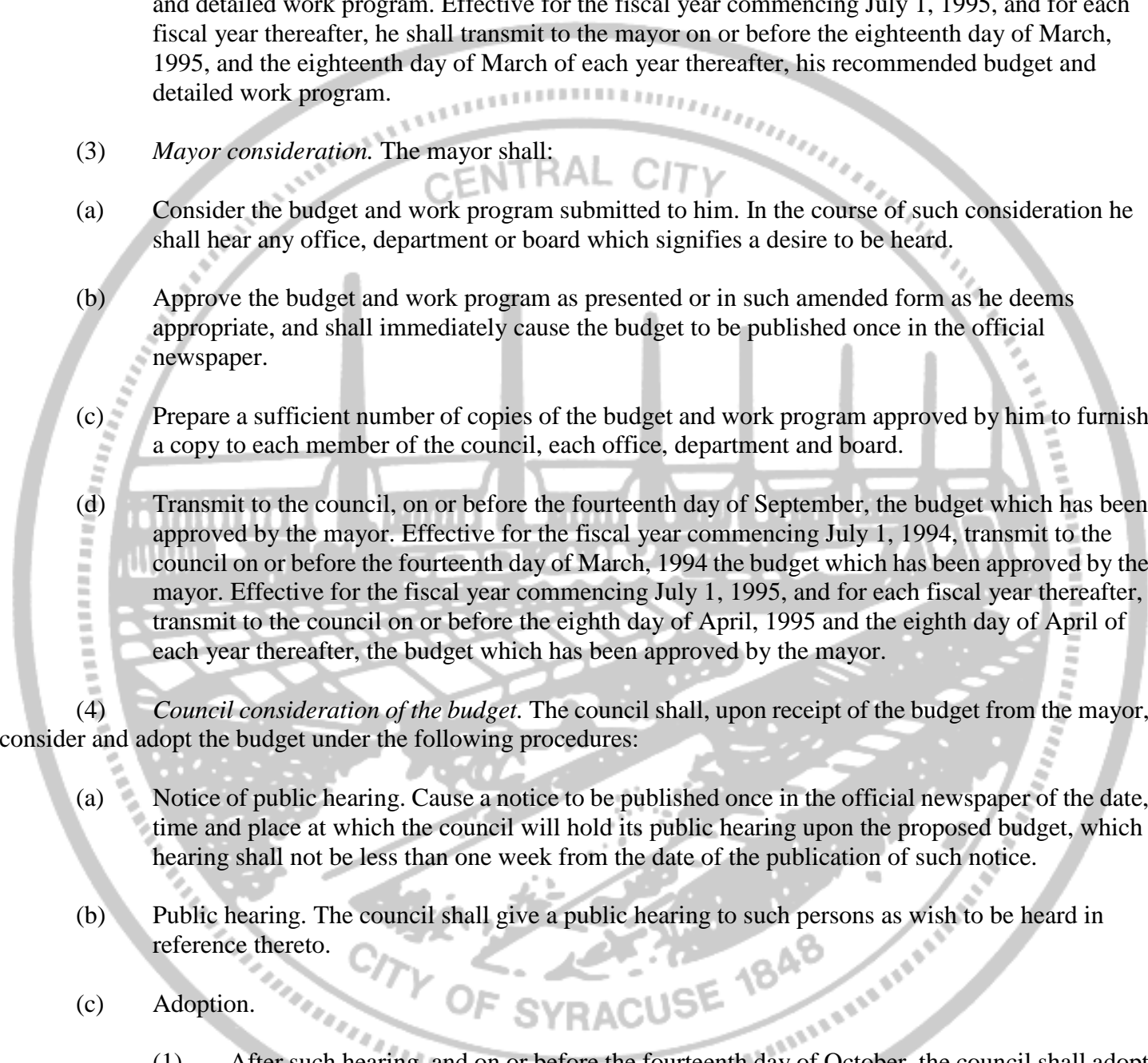
Section 6-101. Fiscal year.

- (1) The fiscal year of the city shall commence on the first day of July effective July 1, 1994 and thereafter.
- (2) The fiscal year for the period commencing January 1, 1994 shall be the six-month period ending June 30, 1994 and a budget shall be adopted in accordance with the existing procedure for such six-month period.
- (3) The fiscal year of the city shall commence on the first day of January until the effective date of [sub]sections (1) and (2) above.
(L.L. No. 12-1993)

Section 6-102. Preparation and adoption of the budget.

- (1) *Content.* The annual budget of the city government shall present a complete financial plan for the ensuing fiscal year. It shall set forth:
 - (a) The expenditures for the preceding year, the appropriations and current estimate of expenses for the present year, and all proposed expenditures for the ensuing years relating to:
 - (1) Operation maintenance of all offices, departments and boards for which appropriations are to be made or taxes levied by the city.

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- (2) All expenditures for each capital project to be undertaken or executed during the fiscal year which is to be paid for in whole or in part from the surplus or current revenue of the city, insofar as practicable.
- (3) All payments of principal and interest in connection with the city debt.
- (4) The amounts of any judgments recovered against the city and payable in the fiscal year.
- (b) The actual operating deficits if any from prior fiscal years already completed at the time of the preparation of the budget.
- (c) (1) The anticipated income and other means of financing the total proposed expenditures of the city government for the fiscal year.
- (2) To this end, it shall contain an estimate of the probable revenues which, in the judgement of the director and the mayor will be received by the city from all sources during the fiscal year, less the amount required to be deposited to the credit of sinking funds, if any, and a statement of all unexpended balances of the preceding fiscal year.
- (3) For purposes of determining the surplus available for inclusion in the statement of resources, the budget shall contain the adjusted cumulative surplus as of the close of the most recent completed fiscal year.
- (d) The estimate of offices, departments and boards shall be in such form and contain such detail as the director of budget administration may require. Each such estimate shall be accompanied by a work program for the ensuing fiscal year. The work program shall set forth in both verbal and statistical form the units of work to be performed and the cost of personal services and otherwise for its performance. It shall specify any property to be acquired to carry forward the proposed work program.
- (2) *Preparation.* The annual budget shall be prepared by the director of management and budget in cooperation with the commissioner of finance under the following schedule:
- (a) On or before the fifteenth day of July of each year all offices, departments, commissions and other agencies of the city government shall transmit estimates of their budgetary requirements for operating and capital purposes for the then ensuing fiscal year to the director of management and budget. Effective for the fiscal year commencing July 1, 1994, the estimates referred to herein shall be transmitted on or before the twelfth day of January, 1994. Effective for the fiscal year commencing July 1, 1995, the estimates referred to herein shall be transmitted on or before the sixth day of February, 1995, and the sixth day of February of each year thereafter.
- (b) He shall promptly examine such estimates and may require such financial material and information as he may request from any office, department or board in respect thereto. Upon the basis of the estimates submitted, the information gathered, and in light of the general fiscal policies of the mayor, he shall prepare the budget and work program.

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- (c) He shall transmit to the mayor on or before the twenty-fourth day of August his recommended budget and detailed work program. Effective for the fiscal year commencing July 1, 1994, he shall transmit to the mayor on or before the twenty-first day of February, 1994 his recommended budget and detailed work program. Effective for the fiscal year commencing July 1, 1995, and for each fiscal year thereafter, he shall transmit to the mayor on or before the eighteenth day of March, 1995, and the eighteenth day of March of each year thereafter, his recommended budget and detailed work program.
- (3) *Mayor consideration.* The mayor shall:
- (a) Consider the budget and work program submitted to him. In the course of such consideration he shall hear any office, department or board which signifies a desire to be heard.
 - (b) Approve the budget and work program as presented or in such amended form as he deems appropriate, and shall immediately cause the budget to be published once in the official newspaper.
 - (c) Prepare a sufficient number of copies of the budget and work program approved by him to furnish a copy to each member of the council, each office, department and board.
 - (d) Transmit to the council, on or before the fourteenth day of September, the budget which has been approved by the mayor. Effective for the fiscal year commencing July 1, 1994, transmit to the council on or before the fourteenth day of March, 1994 the budget which has been approved by the mayor. Effective for the fiscal year commencing July 1, 1995, and for each fiscal year thereafter, transmit to the council on or before the eighth day of April, 1995 and the eighth day of April of each year thereafter, the budget which has been approved by the mayor.
- (4) *Council consideration of the budget.* The council shall, upon receipt of the budget from the mayor, consider and adopt the budget under the following procedures:
- (a) Notice of public hearing. Cause a notice to be published once in the official newspaper of the date, time and place at which the council will hold its public hearing upon the proposed budget, which hearing shall not be less than one week from the date of the publication of such notice.
 - (b) Public hearing. The council shall give a public hearing to such persons as wish to be heard in reference thereto.
 - (c) Adoption.
 - (1) After such hearing, and on or before the fourteenth day of October, the council shall adopt such budget as presented or as amended by it. Effective for the fiscal year commencing July 1, 1994, the council shall adopt such budget as presented or as amended by it on or before the thirteenth day of April, 1994. Effective for the fiscal year commencing July 1, 1995, the council shall adopt such budget as presented or as amended by it on or before the eighth day of May, 1995, and the eighth day of May each year thereafter. The council shall not have the power to diminish or reject any items which relate to the sums directed by the

county legislature of the county within which the city is situated to be levied within the city for state and county purposes, or the sums lawfully payable within said fiscal year upon judgments. The council may strike out or reduce line items therein and may add thereto line items of appropriation, provided that such changes are stated separately and distinctly from the original line items of the budget and refer each to a single object or purpose, and/or the council may reduce or increase total revenues and expenditures provided in the budget, as provided by the mayor.

If no changes are made by the council, the budget, as passed by it, shall be deemed to have been adopted without any action of the mayor; if, however, the budget as passed by the council contains any such changes, it must be presented by the city clerk to the mayor on or before the fifteenth day of October of each year for his consideration of such changes. Effective for the fiscal year commencing July 1, 1994, the city clerk must present the budget to the mayor on or before the fourteenth day of April, 1994. Effective for the fiscal year commencing July 1, 1995, and for each fiscal year thereafter, the city clerk must present the budget to the mayor on or before the ninth day of May, 1995, and the ninth day of May for each year thereafter. If the mayor approves all the changes, he shall affix his signature to a statement thereof and return the budget and such statements to the city clerk. The budget, including the changes as part thereof, shall then be deemed to have been adopted. The mayor may object to any one or more of such changed items and in such case shall append to the budget a statement of the changed items to which he objects with the reasons for the objections to the city clerk who shall present the same to the council at its next meeting. The council shall thereupon enter the objections upon its journal and proceed to reconsider the changes so objected to. If upon such reconsideration two-thirds of all the members constituting the council vote to approve such changes, or any of them, notwithstanding the objections of the mayor, the budget with the changes so approved, together with changes not so objected to by the mayor, shall be deemed to have been adopted. If the budget with the changes is not returned by the mayor to the city clerk with his objections within ten (10) days after its presentation to him, it shall be deemed to have been adopted. If a budget has not been adopted, as herein provided, on or before the seventh day of November of each year, then the budget as submitted by the mayor, including all additions to which he has failed to object, shall be the budget for the ensuing fiscal year. Effective for the fiscal year commencing July 1, 1994, if a budget has not been adopted, as herein provided, on or before the seventh day of May, 1994, then the budget as submitted by the mayor, including all additions to which he has failed to object, shall be the budget for the ensuing fiscal year. Effective for the fiscal year commencing July 1, 1995, and each fiscal year thereafter, if a budget has not been adopted, as herein provided, on or before the first day of June, 1995, and the first day of June of each year thereafter, then the budget as submitted by the mayor, including all additions to which he has failed to object, shall be the budget for the ensuing fiscal year.

- (2) The council shall, however, have the power with the approval of the mayor to reduce the salaries of all city officers and regularly employed city employees either by a fixed percentage or by a scale of percentages, the larger salaries to be reduced by larger percentages. Such reductions as made shall apply to the salaries of elected as well as of adopted city officers.

- (3) After the adoption of the budget, the council shall not have the power to change the work program.
- (4) The council may authorize the publication of such a number of copies of the budget for sale to the public at a price fixed by it as it may determine.
- (5) *Budgeting of surplus revenues.*
- (a) The several sums enumerated in the budget as estimated revenues and the money necessary to be raised by taxes in addition thereto, to pay the expenses of conducting the business of the city, for the purposes contemplated by the Charter and otherwise by law, shall be and become applicable in the amounts therein named for the purpose of meeting said appropriations.
- (b) The amount of estimated expenditures contained in the annual estimate adopted by the council, less the amount of estimated revenues applicable to the payment thereof and the amount of all judgments payable prior to the tax levy, shall constitute the tax budget. The council shall levy and cause to be raised by tax the amount of said budget, and the amount shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city as provided by law and by this Charter.
- (c) In case the revenues received by the city exceed the amount of such estimated revenues named in said annual estimate, or in case there remain any unexpended balances of appropriation made for the support of the city government or for any other purpose, then such surplus revenues or such unexpended balances shall, except as otherwise provided by law or by ordinance of the council with the approval of the mayor, remain upon deposit and be included as part of the estimated revenues for the second succeeding year.
- (d) Except for grant-in-aid from other governments for capital purposes, no moneys received by the city from any other source which shall be in addition to or in supplementation of the estimates contained in the budget shall become available for expenditure until the year following their receipt, unless otherwise provided by the mayor.

(L.L. No. 22-1989, § 20; L.L. No. 4-1991, §§ 1, 2; L.L. No. 1-1992, § 15; L.L. No. 12-1993, § 2; L.L. No. 25-1994, §§ 1--3)

Section 6-103. Supervision and enforcement of the budget.

- (1) *Duties of the mayor and the director of management and budget.*
- (a) Promptly upon the adoption of the budget, and not later than the twenty-seventh day of December, the director of budget administration shall prepare a recommended schedule of allocations of each appropriation by organizational unit or work program and allotments of appropriations by appropriate period of time. In the preparation of the allocations and allotments, he shall give proper attention to the schedule for accomplishment of the approved work program on a realistic schedule. Effective for the fiscal year commencing July 1, 1994 and for each fiscal year thereafter, the director of budget administration shall prepare the recommended schedule of allocations and

allotments required herein not later than the twenty-sixth day of June, 1994 and the twenty-sixth day of June of each year thereafter.

- (b) The recommended schedules shall be presented to and promptly approved, in original or amended form, by the mayor.
- (c) Approved allocations and allotments shall be certified to the commissioner of finance and to all offices, departments and boards. The commissioner of finance shall approve no commitment of expenditure except in pursuance thereof.
- (d) The director of management and budget shall give continuous supervision to the execution of the budget and work program. He shall report promptly to the mayor any significant deviation therefrom.
- (e) Allocations and allotments may be modified from time to time by the mayor.
- (2) *Keeping budget balanced.*
- (a) If at any time during the fiscal year the mayor shall ascertain that the available income, plus fund balances, for the year will be less than the total appropriations, he shall revise and reconsider the work programs and allotments for the several offices, departments and boards so that no expenditure shall be made or obligation incurred in excess of the said income and fund balances available.
- (b) This section shall not be construed to prevent the city from financing any expenditure pursuant to the applicable sections of the Local Finance Law.

(L.L. No. 22-1989, § 21; L.L. No. 1-1992, § 16; L.L. No. 12-1993, § 2)

Section 6-103A. Budget report to the common council.

- (1) The mayor shall submit a report to the common council annually on March 15 of each year concerning the budget for the current fiscal year. Such report shall be available to the public.
- (2) The report, referenced in paragraph 1 above, shall contain:
 - (a) A summary table showing all revenues received and expenditures made for the first six (6) months of the current fiscal year, presented in a form that will allow comparison with the budget as enacted.
 - (b) The summary table shall display revenue and expenditures for each operating department, for special objects of expense, and for all other funds including but not limited to airport, sewer, and water.
 - (c) A variance explanation shall be provided for any and all revenue and expenditures which are significant.

- (d) A listing and description of any and all revenues, the receipt of which are contingent on actions yet to be taken or concluded by the common council, the Onondaga County Legislature, the state or federal government, or others.
- (e) Proposed revisions to the current fiscal year budget for revenues and expenditures determined by the mayor to be necessary to provide for a balanced budget, along with documentation and data and a revised work program.
- (f) An estimate of any deficiency or surplus in revenues anticipated for the current fiscal year, and the reasons for such surplus or deficiency.

(3) The council, upon review of such report, may request the mayor to consider revisions to the current fiscal year budget.
(L.L. No. 7-1996, § 1)

Section 6-104. Transfers of appropriations.

(1) If at any time during the fiscal year the mayor shall ascertain that the appropriation for any office, department, board, commission or other city agency is or will be exhausted, he may, with the approval by ordinance of the council, transfer funds to such appropriation from any surplus funds not otherwise appropriated, or from the appropriation made in the budget for any other office, department, board, commission or agency.

(2) If such transfer is made from any office, department, board, commission or other city agency, the allocations and allotments shall be reduced accordingly.
(L.L. No. 22-1989, § 22)

Section 6-105. Contracts and expenditures prohibited.

No office, department, board, commission or other city agency shall, during any fiscal year, expend or contract to be expended any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes of which provision is made in the annual budget, in excess of the amounts appropriated by said budget, as adopted by the council, for any office, department, board, commission or other city agency or purpose of such fiscal year.

Any contract, verbal or written, made in violation of this section shall be null and void as to the city, and no moneys belonging to the city shall be paid thereon, provided, however, that nothing herein contained shall prevent the making of contracts for light, heat or power, or for water, the collection or disposal of garbage, the collection or removal of rubbish and ashes, for periods exceeding one year.

Nothing herein contained, however, shall be held to prohibit the proper officer having authority in the premises from expending such sums as may be made available, pursuant to this charter or section 29.00 of the Local Finance Law, or to prevent the spread of, or to suppress any contagious or infectious disease, or any epidemic in the city, in addition to the amount appropriated for such purpose.

Section 6-106. Payment of judgments against the city.

The amount of any judgment recovered against the city and payable by it, remaining unpaid, the interest due thereon, in case the time of appeal therefrom has expired and no appeal has been taken, or a certificate of no appeal therefrom has been given by the corporation counsel, or in case such judgment is finally affirmed, or an appeal taken and the execution thereon shall not be stayed, shall be reported to the council immediately after the same shall have become payable, as aforesaid; and the amount thereof shall be included in the next city tax budget. Such judgments shall be paid in the order of their recovery out of the moneys first paid to the city on account of the annual taxes. If, however, there be any moneys in the treasury to the credit of any funds derived from city revenues, other than taxation, in excess of the estimated revenues from such source, and not otherwise appropriated, sufficient to satisfy judgments against the city, the commissioner of finance shall issue warrants for the payment of such judgments out of said funds in the order of their recovery. Until the moneys applicable to the payment of a judgment have been raised and paid to the city and payment of a judgment has been refused, no execution shall issue against the city unless the amount of such judgment shall not have been included in the tax budget.

Section 6-107. Revolving funds.

The council may provide in the annual budget a revolving fund for use by the commissioner of purchase in making purchases of standardized materials, supplies and equipment used in large quantities by the several offices, departments or boards in the city, whenever in his opinion market conditions are favorable for the making of such purchases.

Section 6-108. Capital program.

- (1) Annually the director of budget administration shall prepare a capital program setting forth his recommendations as to capital projects to be undertaken by the city within the succeeding six-year period.
- (2) With respect to each project, the program shall contain a careful description of the proposed project together with its estimated cost; a justification of the proposed expenditure; an estimate of the effect of the project upon operating cost of the city within each of the three (3) years following its completion; the years in which appropriations from general or loan funds will be required for execution of the project; the sources of funds, other than city funds, which are to be utilized in the financing of such project; and such other information as the mayor or the council may order to be set forth therein.
- (3) The capital program shall be accompanied by a project of the schedule of incurring debt for financing such program and the amount of estimated debt service requirements for principal and interest on the present and project debt during the next eight (8) years.
- (4) In the preparation of the capital program, the director shall consult with and secure the opinion of the department of planning with respect to the priority of the scheduling of projects, and the conformity of the projects to the long term development plan.
- (5) The director of management and budget shall present the proposed capital program to the mayor who shall approve it in original or amended form and transmit it to the council not later than the first day of July of each year. The council shall consider the proposed capital program in conjunction with any proposed capital appropriation but shall not be required to approve or disapprove the proposed program.

Effective for the fiscal year commencing July 1, 1994 and for each fiscal year thereafter, the capital program shall be transmitted by the mayor to the council not later than the first day of January, 1994 and the first day of January of each year thereafter.

(L.L. No. 22-1989, § 23; L.L. No. 1-1992, § 17; L.L. No. 12-1993, § 2)

CHAPTER 2.

ACQUISITION AND DISPOSITION OF PROPERTY*

* **Cross References:** Personal property sales, Pt. L, § 1-41 et seq.; conversions of abandoned vehicles for city use, Pt. L, § 15-16.

Section 6-201. Acquisition of real estate.

The commissioner of public works, when duly authorized by the council, shall in accordance with the provisions of statute of local law conduct the negotiations or condemnation proceedings for the acquisition of real property on behalf of or for the city.

Section 6-202. Disposition of real property.

(1) Real property belonging to the city which is not needed for a public purpose may be sold or leased under ordinance adopted by the council.

(2) Before any real property shall be sold, the council may obtain from the department of planning and the department of urban improvement their recommendation as to whether such property should be retained for some future public use or in connection with some urban renewal program. Failure to obtain such recommendation shall not be deemed a condition precedent nor affect the validity of the sale.

(3) Real property belonging to the city which has been acquired or used for a public purpose shall be sold at public auction to the highest bidder unless the council shall otherwise provide by local law.

(4) Real property or lands belonging to the city which have been acquired as a result of nonpayment of taxes or assessments may be sold or disposed of by the city in its name by such officer and upon such terms by private or public sale thereof as shall be determined by ordinance of the common council, approved by the mayor.

(5) Real property belonging to the city may be leased by the council under such terms and conditions as the ordinance approving the lease shall provide.

(6) No real property shall be leased or sold until the common council shall have adopted an ordinance approving the award thereof.

(L.L. No. 22-1989, § 24)

Section 6-203. Franchises.

(1) Franchises may be granted pursuant to ordinance of council.

(2) Franchises shall be granted to the highest bidder at public auction thereof.

(3) No grant of a franchise shall be effective until the mayor approves the award thereof.

(4) The council may grant, subject to the approval of the mayor, to the owner or lessees of any existing franchise, under which operations are actually being carried on, such additional rights or extensions in the streets in which the said franchise exists, upon such terms as the interests of the city may require.

(5) No franchise shall be granted for a period of more than fifty (50) years.
(L.L. No. 22-1989, § 25)

CHAPTER 3.

DEBT ADMINISTRATION

Section 6-301. Authorization, issue and sale of bonds, notes and obligations of the city.

Bonds, notes and other obligations of the city shall be authorized, issued and sold pursuant to the provisions of the Local Finance Law of the state of New York or other law of the state applicable thereto.

Section 6-302. Limitation upon funded debt.

Except as now or hereafter required by the constitution or general laws of the state of New York, including the provisions of the Local Finance Law, no mandatory or permissive referendum shall be required for any bond ordinance or resolution authorizing the issuance of bonds for capital improvements in the city of Syracuse.

Section 50-a of "The charter of the city of Syracuse--1935," as added by local law number 7 of 1945, as amended, is hereby superseded and repealed.

CHAPTER 4.

TAXATION*

* **Editors Note:** As N.Y. Laws 1993, Chapter 602, enacted uniform procedures for the enforcement of the collection of delinquent real property taxes and authorized the city to continue its current system with the adoption of a local law, Local Law No. 3 of 1994, section 4, filed on June 22, 1994, provides as follows:

The city of Syracuse therefore hereby elects to continue the collection of real property taxes, including delinquent real property taxes, and enforcement of the same pursuant to the provisions of the city of Syracuse Tax and Assessment Act (Chapter 75 of the Laws of 1906, as amended) and the provisions of the Charter of the city of Syracuse (Local Law No. 13-1960) as amended and as such Charter and special acts may be amended from time to time.

Cross References: Taxation, Pt. L, Ch. 14, Pt. S, Ch. 19, Pt. M, Ch. 14.

Section 6-401. Levy of taxes and imposition of fees and charges for services.

Except as provided elsewhere in this Charter or by law, all taxes, fees and charges for services rendered by the city shall be by ordinance, or when required by statute, by local law. Such ordinances and local laws shall be

adopted by the council in the manner provided in this Charter.
(L.L. No. 22-1989, § 26)

Section 6-402. The tax roll.

(1) All the sums to be raised by tax for general city and school purposes pursuant to statute shall be assessed and prorated upon and among the owners or occupants of real estate and the real estate named and specified in the corrected assessment rolls of the several wards ratably in proportion to the valuation therein stated.

(2) The commissioner of assessment shall cause the taxes annually imposed for general city and school tax purposes to be extended in the corrected tax and assessment rolls by causing to be computed and set down in a column thereof headed, "tax for general city purposes" and "tax for school purposes" respectively opposite the several sums set down as the valuation of real property the respective sums in dollars and cents to be paid as taxes thereon rejecting the fraction of a cent.

(3) The commissioner of assessment shall thereupon cause to be annexed to said rolls the proper warrants of the city signed by the mayor and countersigned by the commissioner of assessment, directing and requiring the commissioner of finance to collect in the manner provided by law from the several persons and parcels of property named therein, the several sums mentioned in the columns of the rolls under the headings "tax for general city purposes, school purposes, water tax, oiling, sprinkling, cleaning and flushing tax and miscellaneous taxes" opposite the respective names or descriptions and shall cause said rolls to be filed with the commissioner of finance on or before December 15, 1962 and on or before December fifteenth each year thereafter. Effective for the fiscal year commencing July 1, 1994 and for each fiscal year thereafter, the commissioner of assessment shall perform the duties provided for herein on or before June 14, 1994 and on or before the fourteenth day of June of each year thereafter. Said rolls when so filed with the commissioner of finance shall constitute the general city tax rolls of said city. The total amount of said several sums so mentioned and described and so prorated and assessed upon and among said owners or occupants of real estate and the real estate named and specified in said general city tax roll under the headings "tax for general city purposes, school purposes, water tax, oiling, sprinkling, cleaning and flushing tax and miscellaneous taxes" shall constitute the general city tax assessed upon and chargeable to each. The term "city tax" wherever used shall mean general city tax.

(4) The general city tax upon property of each person and upon each parcel of property respectively in the column of said general city tax roll when completed and filed with the commissioner of finance shall be a lien on the real estate described therein as being chargeable therewith and shall remain such lien until paid.

(5) After said rolls are so filed the commissioner of finance shall forthwith cause a notice to be published in the official paper that the same is left with him for collection.
(L.L. No. 12-1993, § 2)

Section 6-403. Payment of taxes.

(1) (a) Effective for the fiscal year commencing July 1, 1995 and for each fiscal year thereafter through the fiscal year commencing July 1, 2001, any taxpayer may pay the city tax in four (4) equal installments. Effective for the fiscal year commencing July 1, 2002 and for each fiscal year thereafter, any

taxpayer may pay the city tax which for purposes of the payment schedule shall be deemed to include general city tax, special lighting charges, sidewalk repair and replacement charges, vault repair and replacement charges, gutter repair and replacement charges, water frontage tax, flushing charges, water pipe replacement charges including lead pipe replacement charges, and various miscellaneous charges for delinquent water rents and fees, demolition expenses, inspection fees, and board up and clean up fees, in four (4) equal installments and such quarterly payments shall be subject to the same fees and penalties as provided herein relative to quarterly payments.

(b) Effective for the fiscal year commencing July 1, 1994, any taxpayer may pay his city tax in four (4) equal installments. Any taxpayer who pays his entire city tax for the current year on or before the thirty-first day of July shall be allowed the following discounts: One percentum on the amount of the second installment; two (2) percentum on the amount of the third installment; three (3) percentum on the amount of the fourth installment. Any taxpayer who shall pay on or before July thirty-first an amount equal to two (2) or an amount equal to three (3) installments of his city tax, shall be allowed one percentum discount on an amount equivalent to his second installment and two (2) percentum discount on the amount equivalent to his third installment, as the case may be. Any taxpayer may pay the first installment or an amount equal to two (2) or more installments of his city tax for the current year on or before July 31 without fee or penalty.

(2) Effective for the fiscal year commencing July 1, 1994 and for each fiscal year thereafter, if any taxpayer shall not on or before July 31 have paid the entire first installment of his current city tax, fees shall be added thereto and he shall pay fees at the rate of one and one-half (1 1/2) percentum thereof per month for a period of eight (8) months. After the date of the tax sale for said unpaid tax or part thereof, fees shall be added upon the amount stated in the tax sale certificate and he shall pay fees at the rate of twelve (12) percentum per year.

(3) Effective for the fiscal year commencing July 1, 1994 and for each fiscal year thereafter, the second, third and fourth installments of the city tax, if all previous installments shall have been paid, may respectively be paid without fees as follows: The second installment which shall be due the first day of October may be paid without fees on or before the thirty-first day of October; the third installment which shall be due the first day of January may be paid without fees on or before the thirty-first day of January; the fourth installment which is due the first day of April may be paid without fees on or before the thirtieth day of April.

(4) (a) Effective with the fiscal year commencing July 1, 1994, if the third installment due the first day of January is paid after the thirty-first day of July but on or before the thirty-first day of October, a discount of one percentum shall be allowed thereon; if the fourth installment due the first day of April is paid after the thirty-first day of July, but on or before the thirty-first day of October, a discount of two (2) percentum shall be allowed thereon. If such fourth installment is paid after the thirty-first day of October, but on or before the thirty-first day of January, a discount of one percentum shall be allowed thereon.

(b) Effective for the fiscal year commencing July 1, 1995, and for each fiscal year thereafter, there shall be no discount for the payment of any installments in advance.

(5) If any tax or installment thereon remains unpaid after the time when such tax or installment may be paid without fees, fees shall be added thereto and the taxpayer shall pay fees at the rate of one and one-half (1 1/2) percentum per month for eight (8) months figured from such time as would apply if no part of said tax had been

paid. After the date of the tax sale on account of any such unpaid taxes or part thereof fees shall be added upon the amount stated in the tax sale certificate and he shall pay fees of twelve (12) percentum per year.

(6) Effective with the fiscal year commencing July 1, 1994 and for each fiscal year thereafter, if any tax or part thereof remains unpaid after the thirtieth day of June, the proceedings for its collection shall be as provided by Chapter 75 of the laws of 1906, as amended.

PROVISIONS RELATING TO PAYMENT OF COUNTY TAXES:

- (7) (a) Effective for the county fiscal year commencing January 1, 1996, and for each county fiscal year thereafter, any taxpayer may pay the county tax in four (4) equal installments.
- (b) Effective for the county fiscal year commencing January 1, 1994, and for the county fiscal year commencing January 1, 1995, any taxpayer may pay his county tax in four (4) equal installments. Any taxpayer who pays his entire county tax for the current year on or before the thirty-first day of January shall be allowed the following discounts: One percentum on the amount of the second installment; two (2) percentum on the amount of the third installment; three (3) percentum on the amount of the fourth installment. Any taxpayer who shall pay on or before January thirty-first an amount equal to two (2) or an amount equal to three (3) installments of his county tax, shall be allowed one percentum discount on an amount equivalent to his second installment and two (2) percentum discount on the amount equivalent to his third installment, as the case may be. Any taxpayer may pay the first installment or an amount equal to two (2) or more installments of his county tax for the current year on or before January 31 without fee or penalty.
- (8) Effective for the county fiscal year commencing January 1, 1994 and for each county fiscal year thereafter, if any taxpayer shall not on or before January 31 have paid the entire first installment of his current county tax, fees shall be added thereto and he shall pay fees at the rate of one and one-half (1 1/2) percentum thereof per month for a period of eight (8) months. After the date of the tax sale for said unpaid tax or part thereof, fees shall be added upon the amount stated in the tax sale certificate and he shall pay fees at the rate of twelve (12) percentum per year.
- (9) Effective for the county fiscal year commencing January 1, 1994 and for each fiscal year thereafter, the second, third and fourth installments of the county tax, if all previous installments shall have been paid, may respectively be paid without fees as follows: The second installment which shall be due the first day of April may be paid without fees on or before the thirtieth day of April; the third installment which shall be due the first day of July may be paid without fees on or before the thirty-first day of July; the fourth installment which is due the first day of October may be paid without fees on or before the thirty-first day of October.
- (10) (a) Effective with the county fiscal year commencing January 1, 1994, and for the county fiscal year commencing January 1, 1995, if the third installment due the first day of July is paid after the thirty-first day of January but on or before the thirtieth day of April, a discount of one percentum shall be allowed thereon; if the fourth installment due the first day of October is paid after the thirty-first day of January, but on or before the thirtieth day of April, a discount of two (2) percentum shall be allowed thereon. If such fourth installment is paid after the thirtieth day of April, but on or before the thirty-first day of July, a discount of one percentum shall be allowed

thereon.

- (b) Effective for the county fiscal year commencing January 1, 1996, and for each county fiscal year thereafter, there shall be no discount for the payment of any installments in advance.

(11) If any tax or installment thereon remains unpaid after the time when such tax or installment may be paid without fees, fees shall be added thereto and the taxpayer shall pay fees at the rate of one and one-half (1 1/2) percentum per month for eight (8) months figured from such time as would apply if no part of said tax had been paid. After the date of the tax sale on account of any such unpaid taxes or part thereof fees shall be added upon the amount stated in the tax sale certificate and he shall pay fees of twelve (12) percentum per year.

(12) Effective with the county fiscal year commencing January 1, 1994 and for each fiscal year thereafter, if any county tax or part thereof remains unpaid after the thirty-first day of December, the proceedings for its collection shall be as provided by chapter 75 of the laws of 1906, as amended.

CITY PROVISIONS RELATING TO THE SIX-MONTH FISCAL YEAR COMMENCING JANUARY 1, 1994:

(13) Effective only for the six-month fiscal year commencing January 1, 1994 and ending June 30, 1994, any taxpayer may pay his city tax in two (2) equal installments. Any taxpayer who pays his entire city tax for the six-month fiscal year on or before the thirty-first day of January shall be allowed the following discounts: one percentum on the amount of the second installment. Any taxpayer may pay the first installment or an amount equal to two (2) installments of his city tax for the six-month fiscal year on or before January 31 without fee or penalty.

(14) Effective only for the six-month fiscal year commencing January 1, 1994 and ending June 30, 1994, if any taxpayer shall not on or before January 31 have paid the entire first installment of his current city tax, fees shall be added thereto and he shall pay fees at the rate of one and one-half (1 1/2) percentum per month for a period of four (4) months. After the date of tax sale for said unpaid tax or part thereof, fees shall be added upon the amount stated in the tax sale certificate and he shall pay fees at the rate of twelve (12) percentum per year.

(15) Effective only for the six-month fiscal year commencing January 1, 1994 and ending June 30, 1994, the second installment, if all previous installments shall have been paid, may respectively be paid without fees as follows: the second installment which shall be due the first day of April may be paid without fees on or before the thirtieth day of April.

(16) Effective only for the six-month fiscal year commencing January 1, 1994 and ending June 30, 1994, if any tax or installment thereon remains unpaid after the time when such tax or installment may be paid without fees, fees shall be added thereto and the taxpayer shall pay fees at the rate of one and one-half (1 1/2) percentum per month for four (4) months figured from such time as would apply if no part of said tax had been paid. After the date of the tax sale on account of any such unpaid taxes or part thereof, fees shall be added upon the amount stated in the tax sale certificate and he shall pay fees of twelve (12) percentum per year.

(17) Effective only for the six-month fiscal year commencing January 1, 1994 and ending June 30, 1994, if any tax or part thereof remains unpaid after the thirtieth day of June, 1994, the proceedings for its

collection shall be as provided by chapter 75 of the laws of 1906, as amended.

PROVISIONS RELATING TO THE FISCAL YEAR COMMENCING JANUARY 1, 1993 AND FOR PRIOR FISCAL YEARS:

(18) Effective for the fiscal year commencing January 1, 1993 and prior fiscal years, the following provisions shall remain in effect: Any taxpayer may pay his city tax in four (4) equal installments. Any taxpayer who pays his entire city tax for the current year on or before the thirty-first day of January shall be allowed the following discounts: One percentum on the amount of the second installment; two (2) percentum on the amount of the third installment; three (3) percentum on the amount of the fourth installment. Any taxpayer who shall pay on or before January thirty-first an amount equal to two (2) or an amount equal to three (3) installments of his city tax, shall be allowed one percentum discount on an amount equivalent to his second installment and two (2) percentum discount on the amount equivalent to his third installment, as the case may be. Any taxpayer may pay the first installment or an amount equal to two (2) or more installments of his city tax for the current year on or before January 31 without fee or penalty.

(19) Effective for the fiscal year commencing January 1, 1993 and prior fiscal years, if any taxpayer shall not on or before January 31 have paid the entire first installment of his current city tax, fees shall be added thereto and he shall pay fees at the rate of one and one-half (1 1/2) percentum thereof per month for a period of eight (8) months. After the date of the tax sale for said unpaid tax or part thereof, fees shall be added upon the amount stated in the tax sale certificate and he shall pay fees at the rate of twelve (12) percentum per year.

(20) Effective for the fiscal year commencing January 1, 1993 and prior fiscal years, the second, third and fourth installments of the city tax, if all previous installments shall have been paid, may respectively be paid without fees as follows: The second installment which shall be due the first day of April may be paid without fees on or before the thirtieth day of April; the third installment which shall be due the first day of July may be paid without fees on or before the thirty-first day of July; the fourth installment which is due the first day of October may be paid without fees on or before the thirty-first day of October.

(21) Effective with the fiscal year commencing January 1, 1993 and prior fiscal years, if the third installment due the first day of July is paid after the thirty-first day of January but on or before the thirtieth day of April, a discount of one percentum shall be allowed thereon; if the fourth installment due the first day of October is paid after the thirty-first day of January, but on or before the thirtieth day of April, a discount of two (2) percentum shall be allowed thereon. If such fourth installment is paid after the thirtieth day of April, but on or before the thirty-first day of July, a discount of one percentum shall be allowed thereon.

(22) If any tax or installment thereon remains unpaid after the time when such tax or installment may be paid without fees, fees shall be added thereto and the taxpayer shall pay fees at the rate of one and one-half (1 1/2) percentum per month for eight (8) months figured from such time as would apply if no part of said tax had been paid. After the date of the tax sale on account of any such unpaid taxes or part thereof fees shall be added upon the amount stated in the tax sale certificate and he shall pay fees of twelve (12) percentum per year.

(23) Effective with the fiscal year commencing January 1, 1993 and prior fiscal years, if any tax or part thereof remains unpaid after the thirty-first day of December, the proceedings for its collection shall be as provided by chapter 75 of the laws of 1906, as amended.

(L.L. No. 16-1980, § 1; L.L. No. 12-1993, § 2; L.L. No. 4-1995, § 1; L.L. No. 7-2001, § 1)

Cross References: Payment of city taxes and penalties for late payment, Pt. S, § 19-36.

CHAPTER 5.

[PROVISIONS SAVED FROM REPEAL]

Section 6-501. Savings clause.

(1) All proceedings, matters and things relating to tax years 1993 and prior may be continued and completed under the provisions of this charter and by the office, department or board charged with responsibility or authority in the premises, by virtue of the provisions of this charter.

(2) The local laws, ordinances, codes and regulations of the city in force at the time this local law takes effect shall continue in force, so far as not inconsistent herewith, until repealed or amended, provided that any action required to be done during a specific time period or on or by a specific date in relation to the fiscal year by any office, department or board shall be done during the specific time period or on or by the specific date necessary to complete such action before, during or after the city's fiscal year as established by this local law. (L.L. No. 12-1993, § 3)

ARTICLE VII.

FINANCING OF ASSESSABLE PUBLIC IMPROVEMENTS*

* **Cross References:** Determination of names of property owners for special assessments, Pt. O, § 2-25; special assessment generally, Pt. S, § 19-38 et seq.; special assessment district, Pt. O, Ch. 38, Pt. S, § 19-101 et seq., Pt. M, § 14-26 et seq.

Section 7-101. Construction of sewers.

Except where the council shall provide by ordinance for so doing wholly as a general city charge, no sewer shall be built except upon the petition of the owners of one-third (1/3) of the linear foot frontage of the property against which the cost thereof is to be assessed as provided by law, and in such event the ordinance providing for the construction of such sewer shall specify the property to be assessed; provided, however, that upon certificate of the commissioner of health, stating that the construction of such sewer is necessary or proper for the protection of the public health, the construction of such sewer may be ordered by a vote of two-thirds (2/3) of all the members of the council, by ordinance likewise specifying the property to be assessed.

Section 7-102. Assessment procedure.

Assessments against property for public improvements and the flushing of streets shall be made in the manner provided by law and consistent with the provisions of this Charter.

Section 7-103. Special assessments.

Except as otherwise provided herein, and except where the council shall provide by ordinance for the grading, widening, paving, repaving or resurfacing of a street or streets as a general city charge, no street shall be graded, widened, paved, repaved or resurfaced except upon the petition or consent in writing of the owners of two-thirds (2/3) of the linear foot frontage of the property abutting upon such street or portion thereof to be

graded, widened, paved, repaved or resurfaced, and of any other or additional property to be assessed for the cost of such improvement. The ordinance providing for such grading, widening, paving, repaving or resurfacing shall specify the property against which the cost thereof is to be assessed. Such petition or consent may specify the proportion of the cost of such grading, widening, paving, repaving or resurfacing which the owners of the said property signing such petition or consent propose shall be assessed against the said property, and if an ordinance fixing and distributing such cost in accordance with such petition or consent, and specifying against which the cost of the improvement is to be assessed, shall be adopted, such improvement shall thereupon be made. Such petition or consent may specify or designate the general kind of pavement or material to be used in making such improvement and the contract for such improvement shall be awarded for the kind of pavement or material so designated by the property owners and to the lowest bidder for doing the work with the kind of pavement or material so designated, who will furnish adequate security therefor. Such petition may also designate and specify a particular make, style or brand of the kind of pavement or material to be used in making such improvement, in which event the contract therefor shall be awarded to the lowest bidder for such make, style or brand or such kind of pavement or material who will give adequate security, although the same is not the lowest bid for such kind of pavement or material designated.

Notwithstanding the foregoing provision hereof the common council shall have jurisdiction and authority, without the petition or consent of the owners of property affected thereby and liable to assessment therefor, to order in any one year the paving of streets not to exceed ten (10) miles in length and the grading of streets not to exceed six (6) miles in length. The ordinance declaring its intention to make any such improvement shall not be passed except by a two-thirds vote of all the members of the common council and when approved by the mayor shall be deemed a substitute for the petition or consent of property owners and thereafter the same notices shall be served and the same steps and proceedings had and taken, and the expense thereof be provided for, defrayed, assessed, levied and collected in the same manner and by the same proceedings as in the case of a like improvement instituted by petition or consent of property owners.

All existing general, special or local laws or ordinances including chapter 75 of the laws of 1906, chapter 634 of the laws of 1905, and chapter 300 of the laws of 1914, all as amended, applicable to the method of assessing the cost and the distribution thereof in connection with the construction of trunk sewers, except as herein provided, of sidewalks; of the repair and replacement of sidewalk and pavements shall be continued, except that in each such case, the ordinance providing for the improvement shall specify the property against which the cost thereof is to be assessed.

The provisions hereof shall not be deemed to supersede, amend or repeal the provisions of section 32 of chapter 684 of the laws of 1905 as last amended by chapter 710 of the laws of 1943, but such section as so amended shall continue in force and effect unless and until hereafter amended or repealed.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS

Section 8-101. Board defined.

For the purposes of this charter, the word "board" is intended to embrace the word "board," "commission," "authority" or similar agency.

Section 8-101.1. Gender.

For the purpose of this charter the pronouns "he" or "him" shall be deemed to refer to both male and female persons.

(L.L. No. 12-1987, § 1)

Section 8-102. Boundaries.

The boundaries of the city of Syracuse shall continue as established at January first, 1962, until modified by law. The boundaries of its wards shall continue as so established until modified by law or local law.

Editors Note: The boundaries of the city are affected by the following:

(1) The provisions of section 3 of the city's 1885 Charter (Ch. 26 of 1885) as amended by the following acts:

Year	Chapter
1887	368
1899	361
1907	553
1908	170
1909	324
1914	282
1915	527
1917	429
1920	574
1921	531
1922	166

(2) The following acts of the legislature (An "R" under comments column indicates act was subject to referendum):

Year	Chapter	Comments
1886	252	
1886	397	
1886	647	
1926	517	R
1926	518	R
1926	519	R
1926	626	
1928	189	
1928	274	R
1928	314	R
1928	315	R
1928	342	R
1928	343	R
1930	221	
1931	26	
1935	548	R
1935	562	R
1953	763	

1962	433	
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(3) The following local laws:

Year	Number
1962	10

Section 8-103. Bonds and undertakings for officers and employees.

(1) No person elected or appointed to a city office shall enter upon or continue in the discharge of the duties of his office until he shall have executed and filed with the city clerk the official undertaking, if any, required by this charter or by the council to be given and the same shall have been approved as to its form and validity by the corporation counsel and as to the sufficiency of the sureties by the mayor.

(2) The council shall consistent with the provisions of law or local law, determine by ordinance the amount and nature of surety bonds or undertakings which the department of purchase shall procure for the purpose of protecting the city against losses which may arise from the lack of faithful performance of the duties or through the fraudulent or dishonest acts of employees and officers of the city.

(3) To the extent permitted by law, the council may require a so-called blanket undertaking or bond in lieu of individual undertakings or bonds.

Cross References: Bonding of city officers and employees, Pt. O, § 2-8 et seq.

Section 8-104. Oath of office.

The oath of office required by law of any officer or employee of the city shall be filed with the city clerk.

Section 8-105. Administration of oaths.

The mayor, the president of council, the city clerk, heads of departments and their deputies shall have authority to administer oaths and take evidence, affidavits, and acknowledgments in all matters and proceedings pertaining to the department and its official duties.

Section 8-106. Office hours.

The city offices shall be kept open to the public for the transaction of business by the public each day of the year, Saturdays, Sundays and legal holidays excepted, during such hours as may be prescribed by the council.

Cross References: City office hours, Pt. O, § 2-27.

Section 8-107. Full-time employment.

All persons holding any office or employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held to the extent that their services may be necessary for the full and complete discharge of the duties of such office or employment, and a failure so to do shall be ground for removal.

Section 8-108. Dual office-holding regulated.

No person shall at the same time receive salary for more than one city office created or authorized by law or this charter.

Section 8-109. Additional fees or compensation prohibited.

(1) No officer of the city, a justice of a city or municipal court, or a clerk of said court, shall have or receive to his use any perquisites, compensation or fees for services pertaining directly or indirectly, or which may hereafter be added to the duties of his office, in addition to his salary; and all perquisites, compensation and fees paid to and received by any such officer for services pertaining directly or indirectly, or which may hereafter be added to the duties of his office, other than his salary received from the city, shall be the property of the city, and shall be paid by the officer receiving the same to the city treasury.

(2) Notwithstanding the foregoing limitation, the corporation counsel shall be entitled in actions and proceedings in which the city or any officer, department or board shall be successful, to receive to his own use all costs and allowances which shall be collected from the adverse party, but he shall repay to the city all amounts disbursed in the progress of such actions and proceedings which were taxable as disbursements therein, and which shall have been paid by the city whenever and as soon as such amounts are collected, provided, however, that all costs, allowances and disbursements in proceedings for the opening of streets and the acquisition of land by condemnation shall be collected and paid over to the city for its benefit.

Section 8-110. Restrictions on officers and employees interest in contracts.

(1) No person receiving compensation from funds appropriated by the city shall be interested directly or indirectly in any contract to which the city is a party, either as principal, surety or otherwise; provided, however, the foregoing provisions shall not prevent such persons from entering into agreements, contracts or other written understandings with the city in order to obtain grants or loans with respect to residential property owned by such persons.

(2) No persons holding a position of trust under this charter shall be interested in any contracts relating to their official duties and the matter over which they, or the board of which they are members, have control.

(3) Subject to the provisions of article 18 of the General Municipal Law, no person receiving compensation from funds appropriated by the city, or his partner, employee, agent or firm with which he is associated, may purchase from or sell to the city any real or personal property for use of the city when such person has the power or duty to (a) negotiate, authorize or approve any such purchase from or sale to the city; or (b) appoint an officer or employee who has any of the powers or duties set forth herein.

(4) Any contract made in violation of this section shall be void and the office of any person violating the same shall be vacant.

(5) A person shall not be deemed to be interested in a contract, purchase or sale made by a corporation which, from or to the city solely by reason of the fact that he is a stockholder or director of such corporation unless he or a member of his immediate family is the beneficial owner of fifty (50) percent or more of the stock of such

corporation.

(6) The term "city officer" as used herein shall not be deemed to include commissioners of deeds. (L.L. No. 9-1983, § 1; L.L. No. 6-1988, § 1)

Section 8-111. Officers, trustees of public property.

The council and the several members thereof, and all officers and employees of the city shall continue pursuant to law to be trustees of the property, funds and effects of said city respectively, so far as such property, funds and effects are or may be committed to their management or control, and every taxpayer residing in said city shall continue to be a cestui que trust in respect to the said property, funds and effects respectively; and any co-trustee or any cestui que trust shall be entitled as against said trustees and in regard to said property, funds and effects to all the rights, remedies and privileges provided by law for any co-trustee or cestui que trust; to prosecute and maintain an action to prevent waste and injury to any property, funds and estate held in trust; and such trustees are hereby made subject to all the duties and responsibilities imposed by law on trustees, and such duties and responsibilities may be enforced by the city or by any co-trustee or cestui que trust aforesaid.

Section 8-112. Residence requirements for officers and employees.

(1) Officers of the city shall be at the time of their election or appointment, and continue to be during their continuance in office, residents of the city of Syracuse except as otherwise provided by law or this charter.

(2) Employees of the city shall be at the time of their appointment and continue to be during their continuance in the employment of the city, residents of the city of Syracuse except as otherwise provided by law, local law or ordinance of the council.

Cross References: Special provision to residency of police officers in airport area, Pt. S, § 2-2.

Section 8-113. Signature and copies of contracts.

(1) The mayor shall sign all deeds. He, the commissioner of purchase, or any officer designated by the council may sign contracts. No contract shall be valid unless signed by an authorized officer and sealed by the official seal of the city.

(2) A copy of each fully executed contract of the city shall, upon request of the signatures thereof, be provided to them without charge.

Section 8-114. Procedure for adoption of rules and regulations.

(1) The mayor may adopt rules of general applicability to all offices, departments and boards of the city, consistent with law and the provisions of this charter.

(2) The head of each office, department and board shall adopt suitable rules governing the internal organization and operation of their departments, including the discipline of their employees. Such rules shall be presented to the mayor for approval. Prior to promulgation by the head of the office, department, or board, such rules shall be submitted to the department of law for opinion as to legality. When approved, copies thereof shall be provided to each officer and employee affected thereby.

(3) *Regulations.*

- (a) The head of each office, department, and board, with the approval of the mayor, may adopt reasonable regulations supplementing the provisions of law to effectuate the functions assigned to the office, department or board.
- (b) With the approval of the mayor, temporary regulations may be adopted without prior public notice or hearing but shall be published promptly once in the official newspaper if they are to be in effect more than three (3) weeks. Such temporary regulations shall not continue in effect for more than ninety (90) days and may not be repeated as temporary regulations within one year from the date of original adoption.

Section 8-115. Civil actions against the city.

(1) No civil action shall be maintained against the city for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed unless previous to the occurrence resulting in such damages or injury written notice of the defective, unsafe, dangerous, obstructed condition of said street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the commissioner of public works and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damages or injuries to the person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk or street unless written notice thereof relating to the particular place was actually given to the commissioner of public works, and there was a failure or neglect to cause such snow or ice to be removed, or the place otherwise made reasonably safe within a reasonable time after the receipt of such notice.

(2) The city shall not be liable in a civil action for damages or injuries to person or property or invasion of personal or property rights of any name or nature whatsoever, whether casual or continuing, arising at law or in equity, alleged to have been caused or sustained, in whole or in part, by or because of any omission of duty, wrongful act, fault, neglect, misfeasance or negligence on the part of the city, or any of its agents, officers or employees unless a notice of claim shall have been made and served in compliance with section 50-e of the General Municipal Law, nor unless an action shall be commenced thereon within one year and ninety (90) days after the happening of such accident or injury or the occurrence of such act, omission, fault or neglect; but no action shall be commenced to recover upon or enforce any such claim against the city until the expiration of thirty (30) days after the service of said notice. Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitations or to waive any existing limitation now applicable to any claim or cause of action against the city.

(3) No action or special proceeding, for any cause whatever, except as hereinafter provided, relating to city property or involving the rights or interests of the city shall be prosecuted or maintained against the city unless it shall appear by and as an allegation in the complaint or necessary moving papers that a written verified claim upon which such action or special proceeding is founded was served on the city, in the same manner as a summons under the CPLR, within three (3) months after the accrual of such claim. The provisions of this section shall not apply to an action or special proceeding founded upon tort which shall be governed by the provisions of sections 50-i and 50-e of the General Municipal Law.

(L.L. No. 20-1978; L.L. No. 12-1981, § 1)

Section 8-116. Commissioner of deeds.

- (1) Officers of the city shall continue to have powers of commissioners of deeds where so provided by law.
- (2) Commissioners of deeds shall be appointed in the manner prescribed by law.

Section 8-117. Sick leave.

Editors Note: Section 8-117 was repealed by L.L. No. 9-1965.

Section 8-118. Penalties.

Any person violating a local law, ordinance or regulation adopted pursuant to this Charter, shall be guilty of a misdemeanor, except that an ordinance may provide that a violation thereof shall be an offense or infraction, and the common council may within any such local law or ordinance, or by general ordinance, provide that any person guilty of such violation shall be liable to a fine which shall not exceed two thousand dollars (\$2,000.00) in amount, or imprisonment not exceeding one hundred fifty (150) days, or both such fine and imprisonment, or such local law, ordinance or regulation may provide for a civil penalty not exceeding two thousand dollars (\$2,000.00) to be recovered by the city in a civil action or other lawful method set forth in the local law, ordinance or regulation. The city may maintain an action or special proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of, any ordinance of the city or any provision of the building code, sanitary code, or of the zoning regulations or ordinances, notwithstanding that the local law or ordinance may provide a penalty for such violation.

(L.L. Law No. 11-1998, § 1; L.L. No. 14-2008, § 1)

Section 8-119. Effect of invalidity in part.

If any clause, sentence, paragraph, section or part of this charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

ARTICLE IX.

TRANSITORY PROVISIONS

Section 9-101. Continuity.

(1) It is the purpose and intent of this charter to set forth the structure of the city government and the manner in which it is to operate when the same shall take effect and to continue in force all other provisions of law affecting the city not inconsistent with the provisions of this charter in force at the time when this charter shall take effect, until repealed or amended or until continued in the revision and codification herein prescribed.

(2) The functions of all offices, departments and boards of the city shall, after the effective date of this charter, be those herein contained unless expressly otherwise stated.

Section 9-102. Continuation in office.

(1) The following elective or appointive officers in office when this charter takes effect, shall continue in their offices until the expiration of the terms for which they have been elected or appointed:

- (a) Councilors at large elected for terms expiring January 1, 1964.
- (b) The city auditor elected for term expiring January 1, 1964.
- (c) Members of the recreation commission, advisory planning commission and the board of zoning appeals.

(2) All appointed officers shall continue in their offices until removed or until their successors shall have been appointed and qualified under this charter.

(L.L. No. 15-1974, § 1)

Section 9-103. Transfer of personnel, records, property, functions, powers and duties.

City officers and employees, who shall be holding offices or positions in the city's service at the time this charter takes effect, and whose functions, powers and duties in whole or in part shall by virtue of this charter be transferred to a different existing office, department or board, or to an office, department or board created by this charter, may by resolution of the board of estimate be transferred without examination to such different or new office, department or board, and all contracts, books, maps, plans, papers, records and property pertaining to or used in connection with the exercise or performance of the functions, powers or duties so transferred, shall be delivered to the office, head of the department or board to which such transfer is made. All authorities, rights, powers, duties and obligations enjoyed or possessed by or devolved upon any office, officer, department, board or employee, as of the time when this charter shall take effect, shall continue and be preserved except where inconsistent with the provisions of this charter; if such authority, rights, powers, duties or obligations in whole or in part, are transferred to, granted to or devolved upon any different existing office, officer, department, board or employee, or to any office, officer, department, board or employee created or newly authorized by this charter, then such authority, rights and powers shall be possessed by and such obligations or duties shall be devolved upon and performed by the office, officer, department, board or employee to whom or which they are transferred or granted or upon whom or which they are devolved by the provisions of this charter.

Section 9-104. Savings clause.

(1) All proceedings, matters and things which shall have been begun but not completed by the city or by any office, department or board, prior to January 1, 1962 are hereby ratified and confirmed; and may be continued and completed under the provisions of this charter and by the office, department or board charged with responsibility or authority in the premises, by virtue of the provisions of this charter, including all proceedings for the levying of taxes and assessments, the collection thereof and the sale of lands for nonpayment thereof, which may be pending and incomplete on January 1, 1962, and the rights, obligations and liabilities of the parties in any suit or special proceedings pending in any court on January 1, 1962, including proceedings for the levying of taxes and assessments, the collection thereof, and the sale of lands for nonpayment thereof shall be adjudged and determined in such suits and proceedings as if this charter had not been adopted.

(2) The local laws, ordinances, codes and regulations of the city in force at the time this charter takes effect, shall continue in force, so far as not inconsistent herewith, until repealed or amended. Whenever any office, department or board or any officer or employee of the city is referred to or designated in any such local laws, ordinances, codes and regulations, such designation, after this charter takes effect, shall be deemed to refer to and include the office, department or board which under this charter shall have jurisdiction of the matters provided for in such ordinance.

(3) Insofar as the provisions of this charter are the same in terms or in substance and effect as provisions of law in force when this charter shall take effect, relating to or affecting the city of Syracuse, the provisions of this charter are intended to be not a new enactment but a continuation of such provisions of law, and this charter shall be so construed and applied.

Section 9-105. Effective date of charter.

(1) This charter when submitted to the electors of the city of Syracuse at the general election to be held in the year 1960, and approved by them at such election, pursuant to the City Home Rule Law, shall take effect and become operative on the first day of January 1962 except as follows:

- (a) Beginning January 1, 1961, the limitations on the number of terms and years which the mayor, the president of the common council, and members of the common council may serve in office are removed.
- (b) There shall be elected by the city, at the general election to be held in 1961, a mayor, president of the council, two (2) councilors-at-large, and district councilors for the terms hereinabove prescribed.
- (c) The budget for the 1962 fiscal year adopted in 1961 shall provide for operation of the city government in accordance with this charter.

(2) The provisions of this charter requiring the preparation of a program budget shall become effective in the preparation of the budget for the year 1964.
(L.L. No. 15-1974)

Section 9-106. Laws superseded and repealed.

All laws and parts of laws in force when this charter shall take effect are hereby superseded so far as they affect the city of Syracuse, to the extent that the same are inconsistent with the provisions of this charter, and no further.

Section 9-107. Effective only on approval of electors.

This local law shall take effect and become operative if approved by an affirmative vote of a majority of the qualified electors of the city of Syracuse voting thereon at the general election to be held in the city of Syracuse on November 8, 1960.

Section 9-108. Referendum.

The proposition that this local law be adopted shall be submitted to the electors of the city of Syracuse at such general election to be held on the eighth day of November 1960 in accordance with the provisions of section 18 of the City Home Rule Law, as amended. If the proposition receive the affirmative vote of a majority of the qualified electors voting thereon, this local law shall be deemed adopted and shall become operative as herein described, but if the proposition do not receive such affirmative vote no provision of this local law shall take effect or become operative.

