

TITLE I **Incorporation; Boundaries; Civil Divisions; Definitions**

§ 1 **#1 Short title; public act.**

This Act is a public act and shall be known as the "Charter of the City of Salamanca."

#2 Effective Date.

If approved by the voters at the November 2023 general election, this Charter shall take effect on January 2024.

§ 2 **#3 Boundaries of the city.**

Beginning at angle post fifteen in the south bounds of the Allegany Indian reservation, which post is also the southwest corner of the Village of West Salamanca as established by an Act of Congress, approved February nineteenth, eighteen hundred and seventy-five, and running thence easterly along the reservation line to a point two thousand eight hundred ninety-six feet distant; thence south sixty degrees thirty minutes east to a point one thousand seven hundred eighty-three feet distant; thence south twenty degrees thirty minutes west nine hundred thirteen feet to the north line of lands **formerly** owned and occupied by Louis and Frank Hall; thence due east and along the north line of said Hall and others to a point one thousand seven hundred three feet distant; thence north forty-seven degrees forty-five minutes east eight hundred ten feet to angle post thirteen in the reservation line; thence easterly along the reservation line six thousand nine hundred ninety-six feet to angle post twelve and the east line of the Village of Salamanca as fixed by an act of congress of eighteen hundred and seventy-five; thence northerly and along said east line of the Village of Salamanca to the south bounds of the right of way of the Western New York and Pennsylvania Railroad Company; thence easterly along said south bounds of said railroad, as measured along said south bounds, to a point eighteen hundred feet easterly from said east line of the Village of Salamanca; thence northerly across the **AlleganyAllegheny** River and along the west bank of the Great Valley Creek to a point which is about seven hundred feet northerly as measured along the west bank of said creek from the north reservation line; thence north seventy-one degrees ten minutes west to a concrete monument on the west side of the highway leading to the Buffalo, Rochester and Pittsburg Railway Company's undergrade crossing to Great Valley Center and which monument indicates the southeast corner of a lane running from the highway to the railroad yards and belonging to the Buffalo, Rochester and Pittsburg Railway Company; thence continuing the same course and along the south bounds of said railroad lane to the east bounds of the Buffalo, Rochester and Pittsburg Railway Company's yards; thence southerly along said east bounds of said railway to the north reservation line; thence westerly along said reservation line four hundred and ninety feet to the west bounds of said railway's right-of-way leading from East Salamanca to Bradford, Pennsylvania; thence northerly along the west bounds of said railway

company's right-of-way aforesaid, eight hundred fifty-five feet to the south bounds of the Buffalo, Rochester and Pittsburg Railway Company's yards; thence westerly along the south boundaries of said yards nine hundred and twenty feet to the east bounds of said railway company's right-of-way leading from East Salamanca to Salamanca; thence southerly along said right-of-way five hundred and thirty-four feet to the north reservation line; thence westerly along said reservation line to the west bounds of the last mentioned right-of-way; thence northerly along said west bounds to a point which is three thousand two hundred fifty-three feet distant as measured along said west bounds; thence north seventy-six degrees west to a point which is one thousand two hundred forty-eight feet distant; thence south twenty-one degrees west and parallel to a laid out highway known as "Highland Avenue" to a point two thousand two hundred fifty-four feet distant; thence south fifty-two degrees west to a point seven hundred one feet distant; thence south seventy degrees forty-five minutes west three hundred thirty-eight feet to a point on the reservation line; thence westerly along said reservation line to the west line of the Village of West Salamanca as established by an Act of Congress of eighteen hundred and seventy-five; thence southerly along said west line of said Village of West Salamanca to angle post fifteen in the reservation line and the point of beginning.

§ 3 #4 Corporation name and powers.

1. The citizens of the State of New York from time to time inhabitants within the boundaries of the City of Salamanca, as aforesaid, shall be a municipal corporation in perpetuity under the name of the "City of Salamanca." Said corporation may take, purchase, hold, sell and convey real and personal property; it may take by gift, grant, bequest and devise and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks or gardens, for the erection of statues, monuments, hospitals, public libraries, public buildings, grounds for the burial of the dead or other public use, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation, and may provide for the proper execution of said trust and may have, use and from time to time alter a common seal, may sue and defend in all courts and may do anything necessary to carry into effect the powers granted it.

2. Towns of Salamanca and Great Valley.

The Towns of Salamanca and Great Valley shall hereafter consist of all the territory heretofore constituting said towns, except that portion thereof embraced within the boundaries of the City of Salamanca, and the territory embraced within the boundaries of said city as hereinbefore described shall not constitute or be a part of the Towns of Salamanca and Great Valley.

3. Succession of liabilities.

The corporations known as the "Villages of Salamanca and West Salamanca" and included in the boundaries of said city are hereby dissolved, and that portion of the corporations of the Towns of

Salamanca and Great Valley outside of the Villages of Salamanca and West Salamanca, as they now exist, and included in the boundaries of said city are hereby separated and divided from said Towns of Salamanca and Great Valley, respectively, and included in and made a part of said city, subject to the provisions of this Act. The City of Salamanca shall succeed to and be vested with all the rights and property of said Villages of Salamanca and West Salamanca and with all the rights and property belonging to and embraced in that part of the Towns of Salamanca and Great Valley included in the boundaries of said city, and shall succeed to and be liable for all the liabilities of said village corporations of every name and nature, and shall succeed to and be liable for all the liabilities of the Towns of Salamanca and Great Valley as may be equitably proportioned between said town corporations and said city, as hereinafter provided by this Act, and every suit, prosecution or proceeding commenced by or against said village corporations and pending at the time of the passage of this Act shall be continued by or against and in the name of said city, and the name of said city shall be substituted instead of said village corporations, and, in the name of said city, all suits, actions or proceedings may be continued, and every suit, prosecution or proceeding commenced by or against said town corporations and pending at the time of passage of this Act shall be equitably adjusted between said town corporations and said city, as hereinafter provided.

All divisions of said villages, and the portions of said towns included within said city, into road, fire or other districts, all highways, streets, parks and alleys shall remain, be and continue such divisions, highways, streets, parks and alleys in the City of Salamanca, and all ordinances, rules and regulations of the Board of Trustees of said Village of Salamanca in force at the time of the passage of this Act shall be and continue to be in force and shall have the same force and effect over the entire limits of the City of Salamanca as in and by this Act established, until repealed, modified or changed by the Common Council of said city; subject, however, to the provisions of this Act. All ordinances, rules and regulations now existing and in force in the Village of West Salamanca and in that part of the Towns of Salamanca and Great Valley included in the bounds of said city are hereby repealed. Said Common Council is hereby authorized and empowered, in the name, for and in behalf of the City of Salamanca to enforce all such ordinances, rules and regulations of the Village of Salamanca, and all contracts of said villages and all contracts of said towns, as may be proportioned between said city and towns as aforesaid, and the portions of said towns included within the boundaries of said city, including collections of debts and demands, impositions and collections of fines and penalties, prosecution and defense of all suits; and to do, take and perform all other acts and proceedings that may be or become necessary or proper to carry out and enforce said contracts, ordinances, rules and regulations with the same force and to the full extent as might have been done by or on the part of the Board of Trustees of said Village of Salamanca, as though the boundaries of said Village of Salamanca had been the same as the boundaries of said City of Salamanca, and the rights and privileges of all persons or parties that may have arisen or accrued under, pursuant to or by reason of any such contract,

ordinance, rule or regulation, or otherwise, as well as any liability that may have arisen by reason thereof, shall remain and be the same under this Act as they would have been under the corporation of the Village of Salamanca, as though the boundaries of said Village of Salamanca were coterminous with the boundaries of the City of Salamanca, and all rights and liabilities of said villages and those of said towns as may be equitably proportioned or adjusted between said towns and said city, existing at the time of the passage of this Act, shall be in no wise affected or changed thereby; but all actions and proceedings which may be hereafter commenced to enforce or protect any such accrued or existing rights, privileges or liabilities shall be brought and prosecuted or defended by or in the name of the City of Salamanca.

All rules and regulations pertaining to the government of the fire department of said Village of Salamanca, in force at the time of the passage of this Act, shall remain, be and continue the same under said city and shall be extended to the boundaries thereof, as under said village government, until repeal thereof, and the adoption of other or further rules and regulations in relation thereto, and all officers and members of said Fire Department of the Village of Salamanca and all members of the Fire Department of the Village of West Salamanca and of that portion of the Town of Great Valley included in the bounds of said city shall become and be the officers and members of the Fire Department of the City of Salamanca and shall perform all the duties devolving upon them as such firemen and have and retain all the rights and privileges in the same manner and in all respects as if this Act had not been passed; subject, however, to the further provisions of this Act. The ownership and control of all the property and effects pertaining to or connected with the Fire Departments of said villages shall, by virtue of this Act, vest in the City of Salamanca and in the Fire Department thereof.

§ 4 #5 **Division into wards; ward boundaries.**

The eCity shall be divided into five (5) wards as follows:

1. First ward.

The first ward of said city shall include all of said city north of the center of the ~~Allegany~~Allegheny River and west of the center line of Main Street and all territory west of a line extended north at right angles to the center line of State Street from the point where Main and State Streets intersect.

2. Second ward.

The second ward of said city shall include all of said city south of the center of the ~~Allegany~~Allegheny River and west of the center line of Division Street and west of the center line of Division Street extended southerly to the south boundary of the city, and south of the center line of Broad Street from the point where the same intersects with the center line of Division

Street, to the point where it intersects with the center line of Front Avenue and west of the center line of Front Avenue to the intersection of the center lines of Front Avenue and Race Streets and all territory west of a line drawn north at right angles to the center line of Race Street from the intersection of the center line of Race Streets and Front Avenue to the center of the ~~Allegany~~Allegheny River.

3. Third ward.

The third ward of said city shall include all of said city north of the center of the ~~Allegany~~Allegheny River, east of the east boundary line of Ward Number 1, south of the north reservation line and west of the center lines of Lincoln Avenue to the reservation line and extended southerly to the center of the ~~Allegany~~Allegheny River. ~~There shall also be included in this ward the island in the Allegany River commonly known as "Island Park" and now owned by the country club.~~

4. Fourth ward.

The fourth ward of said city shall include all of said city south of the center of the ~~Allegany~~Allegheny River and east of the east boundary line of Ward Number 2.

5. Fifth ward.

The fifth ward of said city shall include all the remainder of said city.
(As amended by L. 1917, Ch. 716.)

§ 5 #6 **Definitions.**

The official and fiscal year of the city shall commence with the first day of January in each year. The term "streets," as used in this Act, includes highways, avenues, alleys and lanes. The term "resolution," as used in this Act, includes all motions, orders, rules, regulations and bylaws other than ordinances. The word "person" as used in this Act, shall be construed to include all persons, firms, companies, corporations and associations.

TITLE II City Officers; Eligibility; Elections; Appointments; Terms of Office; Compensation; Filling Vacancies

§ 10 **City officers.**
Combined with §13 – new Charter #7

~~The officers of the city shall be a
Mayor,
City Judges,
Acting City Judge,~~

~~Comptroller,
City Clerk,
Deputy City Clerk,
City Attorney,
Chief of Police,
Chief of Fire Department,
Superintendent of Water and Light,
Commissioner of Taxation and Assessments,
Superintendent of Public Works,
five (5) Aldermen [one (1) from each ward],
five (5) Supervisors [one (1) from each ward]
and such other officers as may be deemed necessary for the proper administration of the city government.~~

~~There shall also be
five (5) Commissioners of Fire;
five (5) Commissioners of Police;
five (5) Commissioners of the Board of Public Utilities;
five (5) Commissioners of Recreation;
five (5) members of the Board of Examining Plumbers;
three (3) Commissioners of Municipal Civil Service;
five (5) Commissioners of Veterans Emergency Housing; and
five (5) members of the Library Commission. Board of Trustees~~

~~The Common Council shall have power and authority in its discretion to create as officers of the city, and appoint a City Engineer, Commissioner of Deeds and such other city officers as may be deemed necessary and advisable for the proper administration of the city government.~~

~~The two (2) additional Commissioners of Police created by this local law shall initially be appointed by the Mayor for terms expiring respectively on the 31st day of January in the years 1953 and 1954, and upon the expiration of each said term, the appointee for each said office shall serve for three (3) years, as shall all future appointees to said Board.~~

~~(As amended by L. 1917, Ch. 716; L.L. 1946, No. 1; L.L. 1948, No. 1; L.L. 1949, No. 2; L.L. 1952, No. 1, § 1; L.L. 1956, No. 1, § 1; L.L. 1970, No. 3; L.L. 1976, No. 3; L.L. 1982, No. 2; L.L. 1990, No. 1; L.L. 1990, No. 4; L.L. 1992, No. 2)~~

§ 11 #8 Eligibility to city officers.

Local Law needed

No person shall be elected to any city office or appointed to any city office, except:

~~Acting City Judge,~~
City Attorney,
City Engineer,
General Manager of Public Utilities ~~Manager of Water and Light,~~
Superintendent of Public Works
Comptroller,

unless he or she shall at the time be a resident elector of said city, nor shall any person be elected or appointed to any ward office unless he or she shall at the time be a resident elector of the ward for which he or she is elected or appointed. ~~No person shall be elected City Judge unless he or she shall have been, for at least one (1) year previous to his or her election, duly admitted to practice as an attorney and counselor in the several courts of this state.~~ Whenever any officer of said city, other than listed above, ~~City Engineer or City Attorney~~ shall cease to be a resident of said ~~eCity or of the district~~ or ward for which he or she was elected or appointed, his or her office shall thereby become vacant. ~~The Common Council may waive or modify any residency requirements established by this Charter for any appointed City Officer to the extent permitted by law.~~

~~(As amended by L. 1917, Ch. 716; L.L. 1938, No. 1; L.L. 1948, No. 1; L.L. 1951, No. 2; L. 1953, Ch. 878, § 273; L.L. 1967, No. 1; L.L. 1973, No. 2; L.L. 2000, No. 1; L.L. 2012, No. 1.)~~

§ 12 #9 Elected city officers

1. Elective city officers. The elective officers to be elected by the city at large shall be a Mayor and a City Judge; the elective officers of the city to be elected by each ward shall be one (1) ~~Alderman~~ ~~Council Member~~.

2. Terms. ~~of elective officers~~. Other than as provided by this ~~Act~~ ~~Charter~~, the terms of the office of Mayor and ~~Alderman~~ ~~Council Member~~ shall be two (2) years ~~to commence the first day of January following his or her election.~~

3. Term limits. It is hereby declared to be the public policy of the City of Salamanca to limit to not more than eight (8) consecutive years the time elected officials can serve as Mayor or ~~Alderman~~ ~~Council Member~~ so that elected representatives are citizen representatives who are responsive to the needs of the people and to broaden opportunities for political participation. Notwithstanding any provision to the contrary contained in the Charter, no person shall be eligible to be elected to or serve in the office of Mayor or ~~Alderman~~ ~~Council Member~~ if that person had previously held such office for four (4) or more full consecutive terms, unless one (1) full term or more has elapsed since that person last held any such office. ~~; provided, however, that in~~

~~calculating the number of consecutive terms a person has served, only terms commencing on or after January 1, 1996, shall be counted.~~

~~4. Notwithstanding the provisions of paragraph 2 and 3 above the term of office of the Mayor and Aldermen elected at the general election to be held in November of 2009 shall be a three (3) year term commencing January 1, 2010 and expiring December 31, 2012. Thereafter, the term of office of the Mayor and Aldermen shall be governed by the provisions of paragraph 2 above. In addition, the one (1) additional year which the Mayor or an Alderman may serve as a result of this one time extended three (3) year term of office shall not be a violation of the term limits provision of paragraph 3 above.~~

§ 13 #7 **Appointive city officers enumerated.**
Move to § 10

1. The elective officers of the City of Salamanca shall be:

Mayor
Five(5) Council Members [one (1) for each ward],
City Judge

2. ~~a.~~ The appointive officers of the City of Salamanca shall be:

~~a~~ City Clerk,
Human Resource Specialist,
~~a~~ Deputy City Clerk,
~~a~~ Comptroller,
~~a~~ Library Director
~~a~~ Youth Bureau Director,
Assessor,
~~a~~ City Attorney,
Chief of Police,
Chief of Fire Department,
Superintendent of Public Works,
City Engineer
General Manager of Public Utilities
Plumbing Inspector,
~~a~~ substitute Plumbing Inspector,
~~Bingo Inspector,~~
Civil Defense Director,
Dog Control Officer,

~~Acting~~ City Judge,
~~voting machine custodian,~~
City Historian,
~~r~~Records ~~m~~Management ~~e~~Officer,

There shall also be:

five (5) Commissioners of Police,
five (5) Commissioners of Fire,
five (5) members of the Board of Examining Plumbers,
five (5) Commissioners of the Board of Public Utilities,
five (5) members of the Library ~~Commission~~ Board of Trustees,
six (6) members of the Board of Public Works,
five (5) members of the Zoning Board of Appeals,
five (5) members of the Joint Leasing Commission,
five (5) members of the Industrial Development Agency,
three (3) members of the Board of Ethics,
three (3) members of the Board of Assessment and Review,
~~seven (7) members of the Salamanca Hospital Authority~~
seven (7) members and (2) alternate members of the Planning Commission,
fifteen (15) members of the Youth Board,
five (5) members of the Recreation Commission,
five (5) members of the Salamanca Housing Authority
three (3) city appointed members of the Joint Venture Commission on Economic Development,

and such other appointive officers as the Common Council may deem necessary and advisable to create for the proper administration of the City government.

~~b.-~~
~~The City Clerk,~~
~~Deputy City Clerk,~~
~~Comptroller,~~
~~Library Director Manager, ??~~
~~Youth Bureau Director,~~
~~Assessor,~~
~~City Attorney,~~
~~Plumbing Inspector,~~
~~substitute Plumbing Inspector,~~
~~Bingo Inspector,~~
~~Civil Defense Director,~~

~~Dog Control Officer,
City Historian,
records management officer,
voting machine custodian,~~

#11 Appointive City Officers

1. **Appointing City Officers:** ~~a~~All members of boards or commissions for whose appointment no provision is made in the City Charter, ~~as amended,~~ or by other law shall be appointed by the Mayor, subject to the approval of the Common Council and subject to any state or local applicable Civil Service laws, rules or regulations. In all other cases where there is a chief executive officer or superintendent or chief of a department, the appointment shall be made by the Common Council. **One of each of the five (5) Commissioners of the Fire, Police, Recreation and Board of Public Utilities shall be a Council Member designated by the Mayor as Chairperson.**

2. **Terms:** **Appointees shall serve for a term of (2) years,** ~~E~~except as such identified appointees may have their term of office controlled and determined by another provision of the City Charter, a general law of the State of New York or state or local civil service law, rule or regulation. ~~, such identified appointee shall serve for a term of two (2) years.~~

4. ~~e.~~ **Nonresident member:** Anything to the contrary notwithstanding, one (1) nonresident of the City of Salamanca may be appointed to membership on any commission or board of the city, with the approval of two-thirds (2/3) ~~(1/3)~~ majority of the Common Council, provided that such person is a taxpayer of the City of Salamanca.

Moved to Clerk and DPW sections

d. The City Clerk and Superintendent of Public Works shall hold office for two-year terms. However, the City Clerk and Superintendent of Public Works, after having completed satisfactory service for three (3) terms, shall hold office for an indefinite term and shall be removed only through the exercise by the Common Council of those procedures and processes as equate with those set forth in Title B, § **75** et seq., of the Civil Service Law. Time in office prior to the enactment of this local law shall be credited toward the completion of six (6) years of satisfactory service as provided for herein.

TITLE XVII Joint Leasing Commission

~~e.~~ **#123.** Joint Leasing Commission representatives: ~~eligibility, appointment, removal, vacancies.~~

1. **Eligibility:** No person shall be appointed as a city representative to the Joint Leasing Commission unless he or she at the time shall be a resident, leaseholder and taxpayer of the city.

2. Appointment: The two (2) eCity representatives to the Joint Leasing Commission shall be appointed by the Council.

3. Removal: The Council may remove the eCity-appointed member to the Joint Leasing Commission for dishonesty, incapacity, neglect of duty or other irregularities, giving such representative reasonable notice thereof and a reasonable opportunity to be heard, and such representative may be suspended pending such investigation.

4. Resident of City: Whenever any city representative shall cease to be a resident of the city, his or her office shall thereby become vacant.

5. Vacancy: If a vacancy occurs for any reason, the Council shall fill the vacancy by appointing a new representative meeting all of the eligibility requirements of this section within thirty (30) days after the vacancy occurs.

~~(As amended by L. 1917, Ch. 716; L.L. 1946, No. 1; L.L. 1948, No. 1; L.L. 1949, No. 2; L.L. 1952, No. 1; L.L. 1955, No. 7; L.L. 1956, No. 1; L.L. 1963, No. 3; L.L. 1970, No. 3; L.L. 1976, No. 3; L.L. 1982, No. 2; L.L. 1989, No. 2; L.L. 1990, No. 2; L.L. 1990, No. 4; L.L. 1992, No. 1; L.L. 1992, No. 2; L.L. 1994, No. 1; L.L. 1995, No. 2; L.L. 2000, No. 2; L.L. 2021, No. 1.)~~

~~§ 14 ——— Compensation of city officers.~~

~~Each Alderman shall receive an annual salary of three thousand five hundred dollars (\$3,500.) as compensation for his services. The Commissioners of Water and Light, Commissioners of Parks, Fire, Police Commissioners and Commissioners of Public Works shall receive no compensation for their services. The annual salary of the Mayor shall be six thousand five hundred dollars (\$6,500). The annual salary of the City Judge shall be eight hundred dollars (\$800.). The annual salary of the City Comptroller for the year 1957 as fixed in the budget is hereby increased from four thousand six hundred dollars (\$4,600.) to six thousand dollars (\$6,000.). The annual salary of the City Clerk shall be one thousand eighty dollars (\$1,080.). The annual salary of the Commissioner of Charities shall be three hundred fifty dollars (\$350.). The annual salary of the City Assessor shall be four hundred dollars (\$400.). The City Attorney, the Chief of Police, patrolmen, Superintendent of Public Works, the Chief of the Fire Department, First Assistant Chief of the Fire Department, Deputy City Clerk and city physician shall receive such compensation as shall be fixed by the Common Council, and hereafter t~~

#12 The salaries of all officers of the eCity, elective or appointive, shall be fixed by the Common Council.

Be it enacted that the Common Council of the City of Salamanca be and hereby is empowered to fix the salary or compensation of the officials and employees of said city by resolution.

~~(As amended by L. 1917, Ch. 716; L.L. 1942, No. 2; L.L. 1946, No. 1; L.L. 1947, No. 1; L.L. 1949, No. 2; L. 1953, Ch. 878, § 275; L.L. 1957, No. 1; L.L. 1970, No. 3; L.L. 1978, No. 2; L.L. 1978, No. 3; L.L. 1984, No. 2; L.L. 2021, No. 1.)~~

§ 15 **Commencement and expiration of terms of office.**

~~The term of office of each officer elected at a general city election shall, other than as herein provided, commence with the beginning of the next fiscal and official year after such election, namely the first day of January following his or her election.~~

#11 Appointive City Officers

3. Commencement of Term: The term of office of each officer appointed by the Mayor or the Mayor and the Common Council for a full term shall, ~~other than as herein provided~~ commence on the first day of February of the year in which the appointment is required to be made. ~~, except as such identified appointees may have their term of office controlled and determined by another provision of the City Charter, a general law of the State of New York or state or local civil service law, rule or regulation, such identified appointee shall serve for a term of two (2) years.— The term of office of the Superintendent of Public Works, City Engineer, Chief of the Fire Department and First Assistant Chief of the Fire Department shall begin on the first day of March of the year in which the appointment is required to be made. The term of the fifth Commissioner of Water and Light first appointed shall begin in the month of March 1956, the date of his appointment, and shall expire on the 31st day of January 1959, and thereafter, said term shall be for a period of three (3) years.—~~

~~(As amended by L. 1917, Ch. 716; L.L. 1946, No. 1; L.L. 1949, No. 2; L. 1953, Ch. 878, § 276; L.L. 1956, No. 1, § 3; L.L. 1965, No. 1.)~~

§ 16 **#10 City elections.**

The Common Council in conduction all City elections shall conform to and be governed by the general laws of the State of New York. ~~, except as otherwise provided herein. The Council shall provide polling places, ballot boxes, voting machines and other necessary apparatus, equipment and material for all elections in the city and shall make provision in its annual budget for the cost of the same and for personnel required to perform election duties. Such necessary personnel, equipment and apparatus shall be provided in each of the polling places in each of the designated election districts of the city for general and primary elections and at the polling place or polling places designated by resolution of the Common Council for special elections. At each general election, other than as herein or otherwise provided, a successor shall be elected to each elective city officer whose term of office shall expire with the year in which such election is held.~~

~~Public notice of every election under this Act shall be given by the Common Council with the notice thereof to be published in the official newspaper of the city at least once in each week for two (2) consecutive weeks immediately preceding the holding of such election. Said notice shall designate the office or offices to be voted for or the proposition or propositions to be voted at such election, the location of the polling place or places, the hours of opening and closing of the designated polling place or places and other information as may be required by the general laws of the state. The polling places at each general or primary election shall be opened and kept open and closed in each election district as required by the general laws of the state for general and primary elections, and the polling place or places designated for use at special elections shall be opened and kept open and closed as may be determined by resolution of the Common Council. The inspectors of election and other election official required by the general laws of the state shall be appointed and designated as required by said general laws. The inspectors shall canvass all votes cast for officers or on propositions and shall declare and make a statement of the results in each election in the same manner as required by the general laws of the state and file the same immediately with the City Clerk. The City Clerk shall at least one (1) week before the date fixed by law for the first meeting of the Board of Registry for a city election notify each inspector of election, in writing, of his appointment as such inspector and of each day for the meeting of the Board of Registry in each election district of the city and of the date of such election. Registration for all elections shall be conducted as required by the general laws of the state.~~

~~Every inhabitant of said city who shall at the time and place of offering his vote be qualified to vote for a member of Assembly shall then and there be entitled to vote for all officers to be elected by the city at large and for all ward officers to be elected in his ward. To entitle any person to vote upon a proposition to raise money by tax, he or she must be over twenty-one (21) years of age, a resident of the city and must also be the owner of property in the city assessed upon the last preceding assessment roll thereof. No person shall vote in any election district except that in which he shall reside at the time he offers his vote, and shall have so resided for at least thirty (30) days immediately prior to the election at which he offers his vote, except as herein provided. Each ward of the city shall constitute an election district until some further division be made pursuant to the general election law.~~

~~A special city election shall not be called at any time within sixty (60) days prior to the time of holding the annual city election. (As amended by L. 1917, Ch. 716; L. 1943, Ch. 710; L.L. 1958, No. 2.)~~

~~§ 17 ——— **Canvass of votes at annual city election.**~~

~~The Common Council of said city shall meet as a Board of City Canvassers on the next Thursday after each regular city election. The City Clerk shall present to the Common Council at said meeting the certified statements of the result of such election in the several election districts of the city, as delivered to him or her by the inspectors of election of such districts. The Common Council shall canvass such certified statements and determine and declare the whole number of votes cast for all the candidates for each office to be filled at such election, the number of votes cast for each such candidate and what person was elected thereto. The person having the greatest number of votes for the respective offices to be filled for the whole city and those having~~

~~the greatest number of votes for the offices to be filled by the several wards shall be declared duly elected.~~

#10 In case of a tie vote, the Mayor shall recommend a nominee to the ~~and~~ Common Council for approval. Should the Common Council fail to approve such nominee, the described process shall be repeated until a nominee is approved by the Common Council. This nominee shall fill such office by appointment until a special election is held. ~~for the full term.~~

~~The City Clerk shall enter such determinations and declarations in the minutes of the meeting of the Common Council.~~

§ 18 #12 Official salaries, ~~when payable; fees and perquisites.~~

The salaries of City officers shall be payable in such installments and at such times as the Common Council shall determine.

The compensation fixed by the Common Council or by law for the several officers shall be in full for all services which they shall, respectively, perform for said city in any and all capacities, other than as herein provided.

Where the same person holds more than one (1) city office, said person shall be entitled to receive the salary or compensation of said offices. ~~, but shall not be entitled to receive the salary of more than one (1) of said offices. All fees and perquisites received by such officers shall, other than as especially provided by this Act or in pursuance of general law, be paid into the treasury for the benefit of the general city fund. (As amended by L.L. 1925, No. 4.)~~

§ 19 #11 5. Suspensions and removals ~~of appointive city officers.~~

The ~~Mayor,~~ Common Council with the approval of the Mayor ~~and each city board having appointive powers~~ may remove any ~~e~~City officer appointed by them for a specified term of office for dishonesty, incapacity, neglect of duty or other irregularities, giving such officers reasonable notice ~~thereof~~ and ~~a reasonable~~ opportunity to be heard, and such officer may be suspended pending such investigation.

TITLE IV

§ 20 #25 Filling vacancies. – Mayor and Council Member

Whenever a vacancy occurs or exists in the offices of Mayor or ~~Alderman~~Council Member of the city other than by reason of expiration of term, such vacancy shall be filled as follows:

~~A.~~ 1. Mayor: If the office of Mayor becomes vacant, it shall be filled automatically by the President of the Common Council following his or her resignation as ~~Alderman~~Council Member.

~~B.~~ 2. Council Member: If the office of ~~Alderman~~Council Member becomes vacant, it shall be filled by the Mayor. ~~reviewing the recommendation of the City Committee of the political party of the Alderman whose office is vacated within ten (10) days of a nominee for filling such vacancy.~~ The Mayor shall recommend such nominee to the Common Council for approval. Should the Common Council fail to approve such nominee, the described process shall be repeated until a nominee is approved the Common Council.

Any vacancy filled as provided in § 20 hereof shall be for the remaining term of the office.
~~(As amended by L.L. 1938, No. 3; L. 1953, Ch. 878, § 277; L.L. 1983, No. 1.)~~

TITLE III **City**City Officers; Their General Powers and Duties

§ 21 #14 Official oath required of all **city**City officers.

Each officer of the **city**City shall, before he or she enters upon the duties of his or her office, take and file his or her official oath in accordance with Article XIX of the Constitution and § 10 of the Public Officers Law, ~~and for omission so to do he or she shall be subject to all the liabilities and penalties prescribed by § 1820 of the Penal Law^[1] and §§ 13, 14 and 15 of the Public Officers Law.~~

~~Each Mayor, City Clerk, and City Judge and Commissioner of Deeds shall, forthwith upon his or her election or appointment, file a certificate with the City Clerk of his or her election or appointment to act, and also take and subscribe the constitutional oath of office before the Clerk of the County of Cattaraugus.~~

~~[1] Editor's Note: Section 1820 refers to the section of the old 1909 Penal Law. As such Penal Law was revised in 1965, former § 1820 was omitted.~~

§ 22 #16 Official bond or undertaking of **city**City officers.

Each City Clerk, ~~City Engineer, Commissioner of Charities and City Judge~~ Comptroller, Mayor as well as any other officer or employee so designated by the Common Council shall, before he or she enters upon the duties of his or her office, execute and file an official bond or undertaking in accordance with § 14 of the General Construction Law and §§ 11, 12 and 13 of the Public Officers Law, and for omission so to do shall be subject to the penalties and liabilities prescribed by law in § 1820 of the Penal Law, and §§ 13, 15 and 30 of the Public Officers Law; other than

as herein provided, the penal sum named in any such bond or the sum specified in any such undertaking as the maximum amount of liability thereon shall be fixed by the Common Council.

§ 23 #17 Liability of cityCity officers for unauthorized expenditures and other official misconduct.

No officers of said cityCity or other person shall have power or authority to make any purchase in behalf of or on the credit of the cityCity or to contract any debts or liabilities against the cityCity, unless authorized so to do by or in pursuance of the provisions of this ActCharter or general law; and no account, claim or demand of any kind shall be allowed or paid unless so authorized. If any officer of the cityCity shall vote for any appropriation or for the payment or expenditures of any moneys not authorized by or in pursuance of law, such officer shall be liable to a penalty ~~of one hundred dollars (\$100.)~~, to be recovered by the cityCity in a civil action, and shall be guilty of a misdemeanor. **Such officers shall be subject to removal as well as any other penalties and actions by law.**

If the Common Council or any cityCity board shall pass any resolution authorizing or purporting to authorize any expenditure of money by the cityCity for any purpose, exceeding the amount authorized by or in pursuance of law to be expended in any year by the Common Council, each officer voting for such resolution shall be personally liable for the amount thereof, and each officer present in the meeting at the passage of the resolution shall be deemed as voting for the resolution unless his or her dissent thereto is entered in the minutes of the meeting at which such resolution was passed, but the CityCity of Salamanca shall not be liable therefor, and neither the Common Council nor any cityCity board or cityCity officer shall pay any debt or expenditure so contracted or made. ~~If any officer of the city authorized to make any contract in his or her official capacity or to take part in making any such contract becomes voluntarily interested in such contract, he shall be liable to the penalty prescribed by § 1868 of the Penal Law.~~

If any person, having been an officer of said cityCity, whose term of office has expired, shall not, within five (5) days after notification and request, deliver to his or her successor in office all property, papers and effects of every description in his or her possession or under his or her control belonging to said cityCity or appertaining to such office, he or she shall be liable to a ~~penalties and consequences as provided by law. of one hundred dollars (\$100.), to be recovered by the city in a civil action, together with all damages caused by his or her neglect or refusal, and he or she may also be proceeded against, as provided in § 1836 of the Penal Law or under any general law of the state.~~

~~§ 24~~ **(Reserved)**

§ 25 #15 City officers authorized to administer oaths and take affidavits and acknowledgments.

Each Mayor, City Clerk, and City Judge ~~and Commissioner of Deeds~~ of the cityCity shall have the ~~same~~ power and authority to administer oaths and take and certify affidavits and acknowledgments as provided by law. ~~a Justice of the Peace of towns in the County of Gattaraugus.~~

§ 26 #20 General powers and duties of the Mayor.

The Mayor shall be the chief executive officer of the cityCity and shall have and exercise all the powers conferred upon him or her by this ActCharter or by the general statutes of this state not inconsistent with this ActCharter. It shall be the Mayors his duty to see that the laws of this state and the ordinances and bylaws passed by the Common Council are faithfully executed within the cityCity.

2. The Mayor He shall sign, on behalf of the cityCity, all contracts made by it and cause the Seal of the cityCity to be affixed thereto.

1. The Mayor He shall be the presiding officer of the Common Council.

~~He or she shall appoint two (2) members from each of the fire companies to act as fire police, whose duty it shall be to preserve order at all fires under the direction of the Chief or Captain of Police and perform such other duties as may be prescribed by the Mayor.~~

3. The Mayor He shall have power and authority to call out and command the police officers, ~~fire police~~ and fire ~~fighters~~men of the cityCity whenever, in his or her discretion, he or she shall deem it necessary, and such command shall be in all respects obeyed. Whenever necessary for the prevention or suppression of public disturbances, mobs or riots, it shall be his or her duty to take such action as is otherwise authorized by law. ~~Chapters 3 and 4 of Title 2, Part 2, of the Code of Criminal Procedure.~~

4. It shall be his duty to exercise a constant supervision and control over the conduct of all cityCity officers, and he or she shall have power and authority to examine, at all times, the books, vouchers and papers of any officer or employee of said cityCity and to take and hear testimony and proof in pursuance of law. ~~§§ 842 to 869 of the Code of Civil Procedure.~~

1. He or she may designate, from time to time, the place in said cityCity where he or she will keep his or her office.

5. It shall be the duty of the Mayor to communicate to the Common Council as soon after his or her election as practicable and as often thereafter as he or she may deem expedient a general statement of the affairs of the cityCity in relation to its finances, government and improvement, with such recommendations as he or she may deem proper.

TITLE VI Human Resource Department

§ 39 General powers and duties of the Human Resource Department.

The Human Resource Department shall oversee the administration of personnel and labor relations for the City, and compliance with and enforcement of all applicable laws, including without limitation the New York Civil Service Law, New York Labor Law and the New York Human Rights Law. The Human Resource Department shall also perform such other duties as may be directed by the Common Council or Mayor.

The Human Resource Office shall be at such place as the Common Council shall provide and designate. Immediately preceding leaving office, or employment, a member of the Human Resource Department shall relinquish all papers and property belonging to said City or pertaining to the affairs of the City in connection with the duties of his or her office.

TITLE VII City Comptroller

§ 27 #40 General powers and duties of the City Comptroller.

The City Comptroller shall be the fiscal officer of the cityCity and shall perform such duties incident to his office as the Common Council may require. The City Comptroller He shall keep an office at such place as the Common Council shall provide and designate.

1. BUDGET The City Comptroller He shall keep separate accounts of the different funds of the cityCity and shall not pay out any moneys chargeable to any fund in excess of the amount standing on his or her books to the credit of such fund and shall not knowingly pay money from any fund which is not properly chargeable thereto.

2. FINANCIAL REPORT The City Comptroller shall, before the first meeting of the Common Council in each month, file with the City Clerk a report showing in detail the total expenditures and receipts of cityCity moneys during the next preceding calendar month, a summary statement of the receipts and expenditures of the cityCity moneys during that portion of the current fiscal year expiring with the last day of such preceding month and the balance at the end of such standing to the credit of each of the cityCity funds. Such statement shall be in such form as shall be prescribed, from time to time, by the Common Council.

3. BONDING During the month of January in each year and before the 31st day thereof, the Comptroller or the person serving as Acting Comptroller, if such there be, or at the time of initial appointment to the office of Comptroller or Acting Comptroller whenever said time shall be, shall execute and file with the City Clerk an official bond **or undertaking as required by law or the Common Council.** ~~issued by an authorized and approved surety or bonding company doing business in the State of New York, which bond shall be payable to the City of Salamanca in such penal sum as shall be fixed by resolution duly adopted by the Common Council. Such bond shall be subject to the approval of the City Attorney.~~

The expense of said bond **or undertaking** shall be a ~~city~~**City** charge. Said bond **or undertaking** shall bind said official to the faithful discharge of his duties and to promptly account for and pay over all moneys or property received by him in his official capacity. ~~The provisions of §§ 11, 12 and 13 of the Public Officers Law of the State of New York shall apply to any said officer and his said bond or the failure to file said bond.~~

Such bonds **or undertaking** shall be approved by the Common Council; a certificate by the City Clerk or such approval shall be endorsed thereon, ~~and the bond as endorsed shall be filed and recorded in the Clerk's office of the County of Cattaraugus, in the same manner as the official bond of town collectors,~~ and such bond shall be a lien on all property of such Comptroller until the conditions of such bond **or undertaking**, together with all the costs and charges which may accrue upon the prosecution thereof, shall be fully satisfied, whereupon the Common Council shall by resolution declare that such bond **or undertaking** is satisfied, and a copy of such resolution duly certified by the City Clerk may be filed and recorded in the office of said **County City** Clerk and shall operate to discharge the same and the lien thereof from record.

4. COLLECTION OF TAXES ~~A true copy of such bond and certificate shall be filed in the City Clerk's office.~~ It shall be the duty of the Comptroller, personally, to receive all state, county, **city****City** and local taxes and assessments ~~and water and light rents~~ which may be paid at such office and to retain there, and not elsewhere, the possession of the warrants and assessment rolls which may from time to time be delivered to him **or her** by the **Clerk-Assessor** of the **city****City**. He **or she** shall enter, daily, ~~in suitable books~~ all sums of money received by him **or her** for taxes or otherwise, with the name of the person or corporation on whose account the same shall be paid.; ~~and shall at the expiration of each month exhibit the same in his office to the Mayor and Finance Committee of the Common Council for inspection.~~ He **or she** shall ~~also enter in a column in keep a record~~ of the assessment rolls in his **or her** possession, ~~opposite with~~ the names of the persons or corporations whose ~~shall pay their taxes or assessments are unpaid, including the fact of payment,~~ the amount ~~thereof~~ and the date when unpaid. ~~He~~ **The Assessor** shall ~~also~~ keep a record of all persons and their respective addresses who may pay taxes for nonresidents of said **city****City** and the ~~addresses residence~~ of such nonresidents so far as he **or she** can ~~determine. -ascertain the same.~~

5. CUSTODIAN AND PAYMENTS The Comptroller shall be the custodian of all securities, obligations and other evidences of debt belonging to said ~~city~~City. ~~The Comptroller~~ He shall ~~annually~~ settle with the Common Council ~~and as much often~~er as it may be required for all tax rolls and warrants issued to him and for all moneys received or collected by him or her and produce the proper vouchers of the City officers for all moneys paid upon the invoices. ~~warrants, drafts or orders of said officers.~~

8. LEAVING OFFICE ~~At the time of the annual settlement and i~~ Immediately preceding leaving office, ~~the expiration of his term of office or within such time after the annual settlement as the Common Council may fix,~~ he or she shall relinquish pay to his or her successor ~~in office~~ all such moneys remaining, ~~in his hands and deliver to such successor in office all~~ assessment rolls books, papers and property belonging to said ~~city~~City or pertaining to the affairs of the ~~city~~City in connection with the duties of his or her office.

(As amended by L.L. 1949, No. 9; L. 1953, Ch. 878, § 278; L.L. 1955, No. 7, § 2.)

~~§ 28~~ **General powers and duties of the City Judges.**

~~The City Judges shall be the judges of the City Court, which shall have both civil and criminal jurisdiction.~~

~~He or she shall possess all the jurisdiction, power and authority in both civil and criminal proceedings as are or may be vested in Justices of the Peace of a town, together with such other powers and duties as are conferred upon him or her by this Act, and shall be entitled to the same fees in civil proceedings as such Justices of the Peace.~~

~~The City Judge shall attend at his office every weekday in the year at nine o'clock in the morning and remain for such length of time as the business of said court shall require.~~

~~§ 29~~ **Acting City Judge, designation of, et cetera; compensation. OCA (Office of Court Administration) provides a process to fill in**

~~The Mayor shall designate, in writing, to be filed with the City Clerk, an attorney who shall, only during sickness, absence from the city, disability or inability of the City Judge to act, exercise in the place and stead of the City Judge all the powers of said Judge, including jurisdiction in cases then pending before said City Judge. Such designation shall terminate at the expiration of the term of office of the then City Judge or sooner at the option of the Mayor. The Mayor may revoke such designation and redesignate at will. The compensation of said Acting City Judge shall be such sum as the Common Council shall determine, not exceeding the sum of four dollars (\$4.) for every day actually spent in the discharge of the duties provided for in this Act. He shall present an itemized and verified bill for his said services monthly to the Common Council, who shall audit, allow and pay the same. The amount so paid to the Acting City Judge shall be deducted from the salary of the City Judge, except in cases where the City Judge is for good cause excused from~~

duty by the Common Council, which excuses shall in no one (1) year exceed in the aggregate the period of thirty (30) days exclusive of Sundays. ~~(As amended by L.L. 1973, No. 2.)~~

TITLE V City Clerk

§ 30 #38 General powers and duties of the City Clerk.

1. He or she shall keep an office at such place as the Common Council shall provide and designate.

The City Clerk of said cityCity shall be ~~ex officio~~ Clerk of the Common Council, of all the commissions appointed and created by the Common Council. ~~, including the Commissioners of Health, The City Clerk shall be the Registrar of Vital Statistics of the City. city, and shall perform all the duties of the Town Clerk required by the general laws of the state, not inconsistent with this Act or the Local Finance Law. The City Clerk~~ He shall perform such other duties incident to his or her office as may be required by the Common Council or by any such commission and board.

1. TERM The City Clerk shall hold office for two-year terms. However, ~~the City Clerk~~ after having completed satisfactory service for three (3) terms, shall hold office for an indefinite term and shall be removed only through the exercise by the Common Council of those procedures and processes as equate with those set forth in ~~Title B § 75 of the Civil Service Law.~~

2. RECORDS The City Clerk He shall keep the minutes of the meeting of the Common Council and of each board and commission of which he or she is ~~ex officio~~ Clerk and shall record in books to be kept for that purpose all proceedings of the Common Council and of each such board and commission and index the same. He or she shall have charge, custody and control of the corporate seal, books, papers, documents and official minutes of the cityCity, except as otherwise provided by or in pursuance of law. He or she shall keep a book and alphabetically index and record therein all bonds of the cityCity officers as well as all contractors or other bonds running to the cityCity or any of its officers and note therein the date of filing each such bond.

3. CERTIFICATION The City Clerk He shall, upon request and payment of the fees therefor, make certified copies of all records and documents in his or her possession or under his or her control, as such Clerk ~~or ex officio Clerk~~ and may affix the corporate seal of the cityCity to any such certificate, ~~and such seal shall be deemed to be his~~ or shall affix the City Clerk's official seal, and any such certified seal shall be evidence as provided by law. ~~in § 933 of the Code of Civil Procedure.~~ He or she shall be entitled to demand and receive fees from each person for such certified copies made and delivered, at the rate of ten cents (\$0.40) per folio, ~~from each~~

~~person~~ other than a ~~city~~City officer for City business. ~~, upon whose request any such certified copy is made and delivered.~~

4. MONTHLY RECEIPTS The City Clerk ~~He~~ shall keep an accurate account of all fees and money received by him ~~or her~~ as such Clerk ~~or ex-officio~~ Clerk, other than his ~~or her~~ salary, including fees received by him ~~or her~~ as Registrar of Vital Statistics, and shall, on or before the 10th day of each month, pay all such fees and moneys received by him ~~or her~~ during the month immediately proceeding, to the City Comptroller to the credit of the ~~contingent-~~ general fund, for which he ~~or she~~ shall take a receipt and file the same in his ~~or her~~ office. Such receipt shall, at all times, be subject to examination by the Common Council or any member thereof.

5. PAYMENT OF BILLS He ~~or she~~ shall ~~draw~~ prepare and countersign all vouchers, orders, ~~or warrants for~~ bills or claims audited by the Common Council, boards, ~~commissions~~, or other City officers authorized by this ~~Act~~Charter to audit the same.

1st Part - The City Clerk's ~~His~~ office is hereby declared a ~~Town-~~ Clerk's office for the purpose of depositing and filing therein all books and papers required by law to be filed in a ~~Town-~~City Clerk's office, ~~and he~~ The City Clerk shall possess all the powers and ~~perform~~ discharge all the duties of a ~~Town-~~City Clerk ~~required by the general laws of the state~~, not inconsistent with this ~~Act~~Charter or the Local Finance Law.

6. RECORD OF DEEDS It shall be the duty of the City Clerk to keep a record in a book, provided for that purpose ~~by the Common Council~~, showing transfers, deeds and conveyances of all real property in the ~~city~~City, by entering the names of the grantors, the grantees, the date of the transfer, the date of filing and such a description of the property either by number and street, or otherwise, so as to locate the same, he ~~or she~~ shall stamp on the bank of said deed the time of filing the same in his ~~or her~~ office and sign his ~~or her~~ thereto. For filing any such deed, transfer or conveyance, ~~including a will~~, the City Clerk shall receive a fee. ~~of five dollars (\$5.)~~. It shall not be lawful for the County Clerk and he ~~or she~~ shall not receive for record any deed, transfer or conveyance of land in the City of Salamanca before the same shall have been filed with the City Clerk aforesaid, and the stamp of filing of the City Clerk on any such transfer, deed or conveyance shall be conclusive evidence that the same has been filed in his ~~or her~~ office. The ~~Assessor Commissioner of Taxation and Assessments~~ shall ~~weekly~~ inspect said ~~City~~City Clerk's records of deeds, transfers or conveyances and record the same and pertinent information therefrom in the records of his office from which the assessment roll is prepared.

~~The Deputy City Clerk shall perform such duties as may be assigned by the City Clerk and the Common Council and shall have and exercise all of the powers and duties of the office of City Clerk during the temporary absence or inability of the City Clerk.~~

~~(As amended by L. 1943, Ch. 710; L. 1953, Ch. 878, § 279; L.L. 1960, No. 1; L.L. 1990, No. 3.)~~

~~§ 31 ——— The City Attorney.~~

~~The City Attorney shall be the sole official adviser of the Common Council and all the boards and other officers of the city including the Assessor. He shall when directed by the Common Council prosecute and defend all actions and proceedings by and against the city and every department thereof, attend the meetings of the Common Council and perform such other professional services relating to said city as the Mayor or Common Council may direct. He shall when required prepare all legal papers, contracts, deeds and other instruments for the city and the different departments thereof. The City Attorney shall, at the expiration of his term of office, hand and deliver to his successor in office, as soon as qualified, the record or register of all suits or proceedings in which the city or any of its departments may be a party and also all papers on the part of the city therein, and also sign stipulations substituting said successor as attorney for the city to such suits or proceedings, to the end that a substitute order may be entered making such substitution. All costs in litigated cases, wherein the city is successful, shall belong to the city and, when collected, shall be paid to the Comptroller and credited to and form a part of the general fund of the city. He shall receive such compensation as the Common Council may determine. He shall furnish to the Mayor and Common Council such reports and information from time to time, as the Mayor or the Common Council may require.~~

TITLE XIII City Engineer

§ 32 #87 **General powers and duties of the City Engineer.**

The City's Civil Engineer, when the office is created by the Common Council, shall perform all of the cityCity engineering required by the Common Council or Board of Public Works and by the other departments and the other officers of the cityCity. Any engineer hired by the City shall be a NYS Certified Licensed Civil Engineer.

1. The City Engineer He shall make all preliminary surveys for the opening, making, constructing, paving, macadamizing, repairing, grading and establishing the grade of all streets, side and crosswalks, gutters, storm sewers, sewer inlets and the measurement of all work done on the same or on other public places in the cityCity and prepare plans, profiles and specifications therefor, when necessary or when required by the Board of Public Works, and shall perform such other duties as may, from time to time, be required by the Common Council.

2. The City Engineer He shall have no power to contract any liability or debt on the part of the cityCity, except as authorized by the Common Council or the Board of Public Works.

3. The City Engineer ~~He~~ shall keep in his ~~or her~~ office books and records of all surveys and maps of streets, avenues and lanes and the grade thereof and sidewalks, water mains, sewers, sewer inlets with location and grade thereof.

4. Such books and records shall be properly indexed and shall be the property of the ~~city~~City and transmitted with all other matters pertaining to his ~~or her~~ office to his ~~or her~~ successor.

5. The City Engineer ~~He~~ shall receive such compensation for services rendered as may be approved by the Common Council ~~and Board of Public Works in joint session.~~

~~#79~~ Term ~~General powers and duties~~ of the Superintendent of Public Works.

The Superintendent of Public Works shall hold office for two-year terms. However, after having completed satisfactory service for three (3) terms, shall hold office for an indefinite term and shall be removed only through the exercise by the Common Council of those procedures and processes as equate with those set forth in Title B § 75 et seq of the Civil Service Law.

§ 33 ~~#80~~ ~~General powers and d~~Duties of the Superintendent of Public Works.

The Superintendent of Public Works shall be under the direction of the Common Council, ~~sitting as the Board of Public Works.~~ ~~until such time as said Common Council shall create Commissioners of Public Works, as provided in this Act.~~

2. ~~He or she shall h~~Have the general supervision and direction over all the streets, ~~storm~~ sewers and ~~related~~ engineering and shall perform such other duties as the ~~Common Council Commissioners,~~ Board of Public Works shall direct.

~~He or she shall at each regular meeting of Board of public works or Common Council, as the case may be, present thereto a payroll in such a form as the Board of Public Works may prescribe, verified by his or her oath, setting forth the work done for the city under his or her charge since the last payroll. and specifying the name of each person employed thereon; the time he labored, his wages, number of days and the amount due him. Said payrolls, when audited, shall be audited and paid from the proper fund of said city, on account of which said work shall be performed or said expenses incurred.~~

§ 34 ~~#21~~ General powers and duties of ~~T~~the Council Members ~~Aldermen.~~

It shall be the duty of every Council Members ~~Alderman~~ to:

1. ~~a~~Attend the regular and special meetings of the Common Council.; ~~to~~

2. ~~a~~ Act upon committees when ~~thereunto~~ appointed by the Mayor or Common Council.; ~~to arrest or cause to be arrested all persons violating the laws of this state or ordinances, bylaws or police regulations of the city when such violations are committed in his or her presence; to~~

3. ~~r~~ Report to the Mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; ~~to~~

4. ~~a~~ Aid in maintaining peace and good order in the ~~city~~ City.; ~~and to~~
Council Members shall perform or assist in performing all such duties as are by this ~~Act~~ Charter enjoined upon the Council Members of said ~~city~~ City separately or upon the Common Council thereof.

~~The Aldermen of each ward shall be fence viewers and shall possess all the powers and authority, in respect to division fences or walls in their ward, which are given by law to fence viewers of towns with respect to division fences and shall be entitled to receive the same fees as fence viewers of towns.~~

Move to TITLE XVI XVIII
§ 35 #124 **The Assessor.**

The City Assessor shall perform all the duties required of him or her by this ~~Act~~ Charter in rotation to the assessment of property in said ~~city~~ City as well for the purpose of imposing taxes levied by ~~the Board of Supervisors of~~ Cattaraugus County as those levied by the Common Council of said ~~city~~ City. ~~and to that and he or she shall perform all the duties and possess all the powers and authority of Town Assessors, except as modified by this Act.~~

~~The Assessor~~ He shall ~~as fast as fixed and~~ estimated by him or her, ~~and a reasonable time~~ before the first day of ~~July~~ August of each year, ~~establish,~~ exhibit and furnish ~~to the appointive Assessors~~ all values and assessments as estimated by him, ~~and the three (3) Assessors or a majority thereof shall fix and establish all values and assessments prior to the first day of August of each year and prior to the completion, filing and review thereof and shall meet together from time to time for such purpose.~~

~~§ 36 (Reserved)~~

~~§ 37 Powers and duties of Supervisors.~~

~~The Supervisors of the City of Salamanca shall have the same powers and duties as Supervisors in the towns of Cattaraugus County, except as otherwise provided by the Local Finance Law, and shall be members of the Board of Supervisors of the County of Cattaraugus. They shall receive the same compensation allowed by law, in the same manner as Supervisors of terms, except fees for copying assessment rolls and extending taxes, which last mentioned fees shall be paid~~

~~to the City Clerk for the use of the city. The Supervisors elected, appointed or qualified under this Act shall be recognized by the Board of Supervisors of Cattaraugus County and be allowed to take their seats as members of said Board and participate in all the deliberations and proceedings of said Board during their term of office, and each of the wards of said city shall at all times be entitled to the same representation as the towns of Cattaraugus County. Other than as provided by this Act, their term of office shall begin on the first day of January next after their election. They shall also discharge all other duties imposed upon them by this Act. Each of said wards of said city shall be regarded as a town of Cattaraugus County for the purpose specified in Title 3, Chapter 10, Article II, of the Code of Civil Procedure¹⁴¹ respecting the selection, drawing and procuring the allowance of trial jurors. The Supervisors of each ward respectively and the City Clerk and Assessor of said city shall perform in said ward the duties prescribed in said article. A duplicate of each list of jurors selected by them respectively shall be filed in the office of the Clerk of said city, which shall be deemed a Town Clerk's office for that purpose. The Supervisors and the Clerk and Assessors of said city shall meet in the Clerk's office at the time provided by law and proceed to discharge the duties imposed upon them by the Code of Civil Procedure as aforesaid and by this Act; and the list made by them, each Supervisor acting for the ward only in which he was elected, shall constitute the list of persons to serve as trial jurors for the ensuing three (3) years. The Supervisors elected under this Act and the Clerk and Assessors of said city shall meet every third year thereafter for the same purpose and make and file lists so required of them. (As amended by L. 1943, Ch. 710; L. 1945, Ch. 839.)~~

§ 38 #13 Powers and duties of other **cityCity** officers.

The powers and duties of all other **cityCity** officers shall be such as are hereafter prescribed in this **ActCharter** or, when not so prescribed, as provided by existing general laws applicable to such officers.

§ 39 #18 Payments of money **must be made** from and into the **gGeneral fFund** when not otherwise provided.

Other than as herein provided, all moneys belonging to said **cityCity** shall be paid to the Comptroller thereof and deposited to the credit of the general **cityCity** fund; and all payment of money made by said **cityCity** or by any board, **commission** or officer thereof, when authorized by or in pursuance of law, and the fund from which such payment is not otherwise designated, shall be made from the general **cityCity** fund, but nothing in this **ActCharter** shall be construed as limiting, modifying or repealing any provision of any general law.

~~§ 39-A ——— (Reserved)~~

~~§ 39-B ——— (Reserved)~~

TITLE IV The Common Council

§ 40 #19 Organization ~~and procedure~~ of the Common Council.

The Mayor and the ~~Aldermen~~Council Members of said city shall constitute the Common Council thereof.

#24 Procedures of the Common Council.

2. **Voting:** At all meetings of the Common Council each ~~Alderman~~Council Member present shall have one (1) vote.

3. **Tie vote:** The Mayor, when present, shall preside at all meetings of the Common Council ~~and shall be counted as a member thereof solely to constitute a quorum~~, but he ~~or she~~ shall have no vote except in case of a tie.

4. **Common Council President:** At the first meeting of the Common Council in each official year or as soon thereafter as practicable, the Common Council shall choose one (1) of the ~~Aldermen~~Council Members to be ~~temporary~~ President, who shall during such official year be the presiding officer of the Common Council in the absence of the Mayor, and while the Mayor is absent from the city or unable to perform his ~~or her~~ duties, said presiding officer shall be Acting Mayor and have all the powers and duties and be subject to all the obligations and liabilities of the Mayor. The Acting Mayor of the Common Council shall not lose his ~~or her~~ vote as ~~Alderman~~Council Member by reason of his ~~or her~~ acting as presiding officer of the Common Council at any time, but when he ~~or she~~ shall vote as an ~~Alderman~~Council Member, he ~~or she~~ shall have no casting vote on a tie.

5. **Meetings:** The Common Council shall hold regular ~~or stated~~ meetings at least twice a month and at such other times as it shall by resolution designate.

6. **Special Meetings:** The Mayor or, in his ~~or her~~ absence, the Acting Mayor or any three (3) ~~Alderman~~Council Member may call special meetings by notice, in writing, served personally upon the other members of the Council or left at their ~~resident. usual place of abode.~~

1. **Rules:** The Common Council shall determine the rules of its own proceedings not inconsistent with the provisions of this ~~Act~~Charter.

~~The attendance of absent members may be compelled by the Common Council, or by a meeting thereof, at which less than a quorum is present, by the entry of a resolution and order in the minutes directing the Chief of Police or any police officer of the city to arrest such absent member and fetch~~

him before the Common Council at the meeting at which such member was absent or the next, or some subsequent meeting of the Common Council, to answer for his neglect. DELETE

7. **Quorum:** A majority of the Common Council, ~~including the Mayor as a member thereof,~~ shall be a quorum for the transaction of business, but a smaller number may **adjourn** from time to time.

8. **Passing Resolution or Ordinances:** A majority of the ~~Aldermen~~**Council Members** present and voting at any meeting of the Common Council at which a quorum shall be present shall be sufficient to pass any resolution or ordinance, except that no resolution authorizing or involving the expenditure of money or collection of money by a tax or assessment shall pass unless it receive the assent of a majority of all the ~~Aldermen~~**Council Members** in office, and other than as provided in this ~~Act~~**Charter**; provided, however, that the vote required for the authorization of the issuance of obligations shall be governed by the Local Finance Law.

2. **cont'd** The ayes and **nays** ~~noes~~ shall be called and recorded on all resolutions and appointments.

9. **Executive Session:** All meetings of the Common Council shall be public, except **as otherwise authorized by law** ~~when the public interests require secrecy;~~ but no vote shall be taken in ~~secret or~~ executive session.

~~(As amended by L. 1943, Ch. 710.)~~

§ 41 #26 **Mayor's approval or veto.**

Every resolution or ordinance of the Common Council, except rules for its own government and resolutions for the appointment of officers, shall, before it takes effect, be presented forthwith by the Clerk to the Mayor. If the Mayor approves thereof, he **or she** shall sign it within ten (10) days after receipt thereof by him **or her** and file it so signed with the City Clerk.

If the Mayor does not approve it, he **or she** shall, within ten (10) days after receipt thereof by him **or her**, return it to the City Clerk with his **or her** objections thereto, in writing, and a statement that he **or she** does not approve thereof, and it shall have no force or effect unless the Common Council shall thereafter reconsider it and pass it over the Mayor's veto by the concurring vote of at least two-thirds (2/3) of the total number of ~~Aldermen~~**Council Members** in office, which vote shall be taken by ayes and **nays** ~~noes~~ and entered on the minutes, together with the objections of the Mayor.

If any such resolution or ordinance so presented to the Mayor shall not be returned by him **or her** to the City Clerk within ten (10) days after the receipt thereof by the Mayor, it shall, at the expiration of such ten (10) days, have the same force and effect as if it has been approved by him **or her** and filed with the City Clerk. If any such resolution contains one (1) or more items appropriating money,

the Mayor may sign it with a written statement ~~attached~~ ~~appended~~ thereto that he or she object to one (1) or more of such items, and each item so objected to shall have no force or effect unless such items be reconsidered separately by the Common Council and passed over the Mayor's vote in the same manner as a resolution wholly vetoed.

Except rules for the government of the Common Council and appointment to office, no resolution or ordinance of the Common Council shall have any force or effect or be deemed to have been enacted by the Common Council unless either it be approved by the Mayor or be not returned by the Mayor to the City Clerk within ten (10) days after the receipt thereof by him or her or unless it be passed over the Mayor's veto in pursuance of the provisions of this section, unless otherwise provided by this ~~Act~~Charter.

§ 42 #28 ~~Time of taking effect of r~~Resolutions and ordinances; ~~publication in official newspapers.~~

1. Any resolution or ordinance shall take effect as a legislative act at the time of approval thereof by the Mayor after passage by the Common Council if no time for its taking effect is specified in the resolution or ordinance, or if the resolution or ordinance specifies that it is to take effect immediately upon its adoption by the Common Council; it shall take effect at the beginning of the eleventh day after receipt by the Mayor of the resolution or ordinance if the Mayor fails to return it to the City Clerk within ten (10) days after the receipt thereof by him or her; or it shall take effect at the time of the passage of the resolution or ordinance over the Mayor's veto if he or she returns it with his or her disapproval and the Common Council passes the resolution or ordinance over the Mayor's veto.

2. Any ordinance or resolution enacted by the Common Council or by any board or commission may specify the time when it is to become effective. No ordinance shall take effect and be binding until after publication at least once in the official newspaper or newspapers available within of the city, ~~if such there be,~~ of a verbatim copy of the ordinance or of the title and a brief abstract of the ordinance indicating its general nature and purpose, notwithstanding any specification therein of a previous time for its taking effect or of the provisions of Paragraph 1 hereof. In the event that an abstract is published, there shall be included a notice that a copy of the ordinance is on file with the City Clerk for public inspection.

3. An ordinance may also be effective without publication upon personal service of a copy thereof properly certified by the City Clerk upon the person or persons directly affected thereby, in which event the ordinance shall become effective at the time of said service. If no date be specified, the ordinance shall take effect upon the date of, and after, its required publication.

~~(As added by L.L. 1948, No. 2, § 2.)~~

§ 43 #29 Maximum amount of annual city tax levy.

The Common Council may raise by tax upon the real and personal property assessable in the city in each year certain amounts, which shall be estimated and designated each year for the following purposes:

1. ~~For the payment of~~ A sum necessary for the expenses of the Police Department, ~~and station house, including the salary of the City Judge, compensation of the Acting City Judge and the salaries of the officers of said Department;~~ are to be designated the "Police Fund."
2. A sum necessary for paving, repairing, macadamizing and keeping in order the streets, sidewalks, crosswalks, gutters, lanes, public buildings, places and grounds of said city, for defraying the expenses of constructing, repairing and keeping in order the sewers, for the service of the City Engineer, the Superintendent of Public Works and his or her assistants and employees, the erection and maintenance of bridges and culverts and other expenses relating to streets and highways, to be designated the "Public Works Fund."
3. A sum necessary for constructing, maintaining, repairing, beautifying and acquiring parks, playgrounds and public markets, to be designated as the "Park Fund."
4. A sum necessary for defraying the expenses of supplying and keeping in good condition and repair the engine houses, hose, hose carts, hook and ladder trucks-carts, fire alarm telegraph and other apparatus deemed necessary for the extinguishment of fires and for paying the salaries and wages of officers and employees of the Fire Department, to be designated the "Fire Fund."
5. (Reserved)
6. (Reserved)
5. 7. A sum necessary for extending, repairing, maintaining, acquiring and constructing the lighting power system of said city, including expenses of all necessary apparatus and fixtures connected therewith, including the service of the Electric Department Supervisor, Superintendent of Light, his or her assistants and employees, to be designated as the "light Electric Fund."
6. 8. A sum necessary for extending, repairing, maintaining, acquiring and constructing the water system of said city, including the expense of purchasing lands, easements and rights-of-way incident thereto and expenses of all necessary apparatus and fixtures connected therewith, including the service of the Superintendent of Water Department Supervisor, his or her assistants

~~and~~ employees, together with all necessary expenses connected with furnishing water for the extinguishing of fire, to be designated as the "~~w~~Water ~~f~~Fund."

~~7. 9.~~ A sum necessary for defraying general and contingent expenses, for the payment of all salaries and other expenses not otherwise provided for, to be designated as the "~~g~~General ~~e~~City ~~f~~Fund."

In addition to the amounts which shall be included in the annual tax levy for the foregoing purposes, there shall be included such amounts as shall be necessary to meet the principal and the interest on the bonded and other indebtedness of the ~~e~~City falling due during the fiscal year for which the tax is levied and to meet all indebtedness remaining unpaid on all judgments against the ~~e~~City. ~~; and for such further sums as shall have been voted at a regular city election or at a special city election called for the purpose, and a~~Also for such other sums as the Common Council is authorized to expend for purposes specified in this ~~Act~~Charter.

~~10. (Reserved)(As amended by L. 1917, Ch. 716; L. 1953, Ch. 878, § 325(2); L.L. 1955, No. 3.)
§ 44 (Reserved)~~

§ 44-A #30 Preparation of budget. ~~Annual reports and estimates by boards and officers.~~

1. Between the first and 15th day of January in each year, all boards, commissions, department heads and officers shall estimate in detail the expenses and income of their respective commissions, department or offices for the next fiscal year and shall certify such estimates to the Common Council.

~~The City Judge shall present an estimate of the amount of fines and penalties which, in his judgment, will probably be received by the City Judge during the next fiscal year.~~The City Comptroller shall make a detailed statement by items of all other expenses and income of the ~~e~~City as estimated by him for the next fiscal year, including an itemized statement of the principal and interest of all bond and other indebtedness of the ~~e~~City which will fall due during the next fiscal year, together with a statement of unpaid taxes, local assessments and the amount which, in his ~~or her~~ judgment, will probably be received by the ~~e~~City during the next fiscal year, and all expenditures and income from every source known to him ~~or her~~. ~~The City Clerk shall make a detailed statement of all judgments against the city then remaining and such other items of income and expense as are known to him. (As added by L.L. 1962, No. 4.)~~

§ 44-B #30 cont'd ~~Preparation of budget.~~

~~2. 1.~~ On or before the 15th day of February in each year, the Common Council shall consider such estimated and determine the entire amount necessary to be raised to pay the amount of interest and any installment of principal falling due upon the bonds or other debt of the city and to

defray the expenses of the city for the ensuing fiscal year. Said Common Council may approve, increase or reduce any of the estimates of the various boards, commissions, department heads and officers aforesaid and shall adopt a tentative budget containing all of the estimated items of income and disbursement for the ensuing year.

3. ~~2.~~ Following completion of such tentative budget and the adoption thereof, a public hearing to consider such budget shall be held on or before the 24th day of February, and at least five (5) days' notice of such hearing specifying the date thereof shall be published once in the official newspaper. Following such hearing, the Common Council shall have the right to make such changes in the tentative budget as the Common Council shall deem desirable.

4. ~~3.~~ Following the completion of any changes and on or before the first day of March, the Common Council shall adopt the final budget and shall immediately pass an appropriation resolution referring to such budget, appropriating the funds therein specified, and shall ~~levy the amount of such appropriation together with any special tax which shall have been voted, the aggregate amount thereof~~ constitute the annual tax levy.

~~(As added by L.L. 1962, No. 4.)~~

§ 45 #31 Financial reports.

~~Each of the officers and boards specified in the last section otherwise than as provided in this Act shall, The City Comptroller shall,~~ at the close of the fiscal year, make a written report to the Common Council of all expenditures made or incurred ~~by said officers or said board~~ during such year, showing separately and by items the amount expended from each fund ~~which may be drawn on by such board,~~ and the balance standing to the credit of each such fund. ~~All officers and boards receiving any money, other than that raised by taxation, shall in such report make an itemized statement of the same received by them, specifying the date of such receipt, the amount thereof and the person by whom the same was paid.~~

§ 46 #29 -7 Cont'd Subdivision of funds.

The Common Council shall subdivide the funds of the city, as established by this ~~Act~~ Charter, and the City Comptroller shall ~~restate~~ amend his or her accounts of the funds so subdivided accordingly.

§ 47 #23 The general legislative powers.

The general legislative powers of said eCity for all proper municipal purposes, except such power as may be vested in other eCity boards, commissions or officers, shall be vested in the Common Council. ~~The Common Council shall furnish the officers of the city with necessary office room, office~~

~~furniture, books and stationery; shall keep in proper repair the public buildings of the city; may authorize any city officer to inspect any place or places to ascertain whether the same are in safe condition and, if not, may require the same to be made so; may require any officer of the city to furnish reports, information or estimates whenever deemed proper by the Council; may employ a pound keeper, a sealer of weights and measures, a secretary and treasurer of the Fire Department and such other employees of the city as may be necessary to execute the work which the Common Council is authorized and required to cause to be executed, may define their duties and fix their compensation.~~

Notwithstanding any provision of this ActCharter to the contrary, and unless otherwise specifically provided by a general law, the Common Council shall appoint, hire, remove and set the compensation of all City officers and employees, **except that this provision shall not apply to the employees of the Board of Public Utilities, for whom the Board of Public Utilities shall appoint, hire, remove and set the compensation of all such employees.**

In any case where a Board or Commission exercises oversight with respect to a department, such Board or Commission may submit a recommendation to the Common Council during the Common Council's consideration of an appointment of an officer or employee in such department.

~~(As amended by L. 1917, Ch. 716; L.L. 2021, No. 1.)~~

~~§ 48 (Reserved)~~

~~§ 49 #22 Control of finances and property; ordinances, rules and regulations~~ **General Powers of the Common Council.**

The Common Council shall exercise all the corporate powers conferred by this ActCharter, shall:

1. ~~h~~**H**ave the management and control of the finances and of all the property, real and personal, belonging to said corporation, other than as provided in this ActCharter.;

2. ~~shall audit~~ **Review** the salaries of all officers of the ~~e~~**C**ity.

3. ~~, for which no provision for the audit of which is made herein, and~~ **Oversee** the expenditure of all moneys not under the control of any other board or commission, which shall be paid by the City Comptroller from the appropriate funds in his **or her** hands upon the order of the Mayor and City Clerk.;

4. ~~and shall~~ **h**ave power within said ~~e~~**C**ity to make, establish, publish and modify, annul and repeal ordinances, rules, regulations and bylaws for any of the purposes heretofore specified in this ActCharter.

5. ~~and shall h~~Have power to regulate, license or in proper case to prohibit any of the following acts, vocations and businesses: according to the City Municipal Code.

~~1. Hackmen, cartmen, draymen, the owners and drivers of conveyances of persons or property for hire.~~

~~2. Billiard and pool rooms, bowling alleys, skating rinks, dancing halls, playhouses, circuses, sideshows, exhibitions of legerdemain, curios, chance or skill and all other places of amusement or entertainment for which an admission fee or other income or profit, direct or indirect, is received.~~

- ~~1. Auction stores, pawnshops, auction sales, hawking, peddling and sales in said city; and house-to-house peddling, sales or solicitation of orders, except the peddling of fruits, agricultural products, meats and fish.~~
- ~~2. The conveying, keeping, storing, use or sale of gunpowder, fireworks, firecrackers, torpedoes, gasoline, dynamite, nitroglycerine or other combustible or explosive substance or compounds.~~
- ~~3. Slaughterhouses, storage plants, garages, markets, wagons and stores for the sale of fish, milk, meats, hides, fruits or vegetables.~~
- ~~4. Billposting; the erecting and maintaining of signboards or billboards; the distributing, posting or circulating of handbills, posters or other printed or written matter, in or about the streets or public places of said city.~~
- ~~5. The keeping of dogs and of any dangerous animals or reptiles.~~
- ~~6. Any other business, act or vocation, the prohibition, regulation or licensing of which is proper for the preservation of public health, safety or good morals.~~
- ~~7. To prevent vice and immorality, to preserve peace and good order, to prevent and quell riots and disorderly assemblages.~~
- ~~8. To suppress disorderly houses, houses of ill fame, gambling, gaming tables and all instruments and devices employed in gaming; to regulate or restrain pool and billiard playing by minors in public places; to restrain and punish street beggars, vagrants and mendicants; to regulate and restrain all occupants and business noxious to public comfort.~~
- ~~9. To determine the existence and direct the removal of public nuisance in any part of the city; and if the same be not removed within such time as the Common Council shall direct, to cause the same to be removed at the expense of the city and to declare such expense to be a lien on the lot and to enforce the collection thereof by leasing or selling the premises in the manner provided in this Act for the collection of taxes or assessments or by action against the owners of the lot or any other persons who may have erected, suffered or maintained such nuisance; and in case of the nonremoval or abatement of any nuisance, the Common Council may impose a penalty therefor and enforce the collection thereof, as prescribed by this Act.~~
- ~~10. To prevent horse racing, immoderate driving of horses or motor vehicles or cycles in the streets of said city, to prohibit and punish every game, practice and amusement, in the public streets or elsewhere,~~

~~having a tendency to frighten teams and horses or to injure or annoy persons passing in or along the highways of the city or to endanger property.~~

- ~~11. To prevent or regulate coasting or bicycle riding and ball playing in the streets and public places of the city; to regulate and determine the places of bathing within said city. To prevent and regulate driving upon the sidewalks in the city; provided, however, that the servants and employees of the city may drive upon the sidewalks for the purpose of plowing and cleaning the snow therefrom.~~
- ~~12. To establish and build and regulate public pounds, station houses and lockups within said city.~~
- ~~13. To restrain the running at large of cattle, horses, swine, sheep, goats and geese and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of keeping and proceedings.~~
- ~~14. To prevent or regulate the unnecessary blowing of whistles and the ringing and tolling of bells, blowing of horns or crying of goods or wares, firing of guns, powder or other explosive compounds and the making of any improper noise which may tend to disturb the peace of the city and the sale of firecrackers, rockets, squibs or other explosive compounds.~~
- ~~15. To regulate the holding of grade crossings by and the speed of running of trains or cars in said city and to regulate runners, state drivers and others in soliciting passengers and others for any state, omnibus, hotel or otherwise.~~
- ~~16. To compel, direct and regulate the planting of shade trees and ornamental trees along the streets and sidewalks of said city and to prevent the injury or defacement of fences, posts and buildings in said city.~~
- ~~17. To permit building material to be deposited on the street in front of any lot, to such extent and for such time as it may prescribe. To regulate the erection and maintenance of telegraph, telephone and trolley poles upon the streets or public places of said city or the stretching of wires in, over, under or upon the streets or public grounds or on, over or in front of any building or buildings in said city, and may require that all telegraph or telephone wires be carried under the surface of such streets as said Common Council may designate, in subways to be constructed wholly at the expense of the persons, companies or corporations owning said wires or operating the same, except that any such ordinance or regulation shall apply to the wires of all such corporations on said street, provided that after reasonable notice to a company or companies affected and after a hearing it shall appear that public necessity and convenience require that such wires be carried under the surface of the street. The determination of the Common Council shall be subject to review by certiorari.~~
- ~~18. To ascertain the boundaries of the city and of all streets, alleys and highways therein, to give names to streets and numbers to lots and tenements and to change the same in its discretion. All expenses incurred by virtue of this section shall be levied and collected from all the property embraced within the corporation tax district at the same time and in the same manner as other general city taxes are levied and raised.~~
- ~~19. To prescribe and define such powers and duties of officers and employees of said city as are not specified in this Act and are not inconsistent therewith.~~
- ~~20. To call special meetings of the inhabitants of said city whenever in its judgment the public interests require the same, and to carry into effect all lawful resolutions adopted at any of said meetings or any regular or special elections.~~

24. ~~Whenever the Common Council shall resolve by the affirmative vote of two thirds (2/3) of its members that an expenditure ought, for the benefit of the city, to be made for any specific purpose set forth in the resolution or upon the presentation to the Common Council of a petition signed by at least fifty (50) electors of the city qualified to vote upon a proposition, setting forth the same, it shall make an estimate of the sum necessary therefor and for all such purposes, if there be more than one (1), and publish such resolution and estimate for at least twice, once in each week, in the official newspapers, together with a notice that at a time and place or places therein specified a special election of the taxpayers of the city will be held to decide whether the amount of such expenditure shall be raised by tax. Such election shall be held at such place or places as the Common Council shall designate. The Common Council shall appoint three (3) inspectors of such election and fix their compensation, and the Mayor shall fill all vacancies occurring among them. All provisions of law prescribing the duties of inspectors of election and their powers with reference to preserving order at elections and false swearing and fraudulent voting thereat shall, so far as applicable, apply to the special election held hereunder. The election shall be by ballot, and each ballot shall contain a brief statement of each purpose for which such expenditure is required and the amount thereof and be in the form required by the election law for voting upon questions submitted. The inspectors shall, at the time and place designated as aforesaid, sit without intermission from twelve o'clock, noon until nine o'clock in the afternoon, to receive the ballots cast at such special election, and shall deposit the same in a suitable ballot box to be provided by the city. If the right to vote of any person offering to vote at such special election be challenged by any other person entitled to vote thereat, an inspector of the election shall administer to him the following oath: "You do swear that you are over twenty one (21) years of age, a resident and a taxpayer of the City of Salamanca and that you have not voted at this election?" After he shall take such oath and if he shall be assessed upon the assessment roll of the city, his vote shall be received. The inspectors shall canvass the votes received immediately after closing the polls and make a certificate, signed by them or two (2) of them, stating the whole number of ballots voted at such election, the whole number for each special tax and the whole number against each special tax and deliver the same forthwith to the City Clerk. The City Clerk shall deliver the same to the Common Council at its next meeting, and it shall cause the result of said election thus certified to be entered in the minutes. No more than one (1) such election shall be held in any one (1) year, except by the two thirds (2/3) vote of the Common Council or if the proposition should be resolved by the Common Council or presented by petition as heretofore provided within sixty (60) days of the annual election, then the same shall not be submitted to the electors of said city until the annual election. After such special tax or taxes shall have been authorized as herein provided, the Common Council may proceed to authorize the expenditure of the amount thereof for the purpose or purposes specified in its published statement aforesaid and sanctioned by such election; provided, however, that such expenditure shall be made only during the fiscal year for which such tax or taxes are to be levied.~~
25. ~~Fire limits. The Common Council or the Board of Fire Commissioners, when created in the City of Salamanca, is hereby given the power and authority to fix the fire limits within said city by resolution, which shall be filed in the office of the City Clerk and become a public document open to inspection at all times during the office hours of said City Clerk.~~
26. (Reserved)
27. (Reserved)
- (As amended by L. 1917, Ch. 716; L. 1943, Ch. 710; L.L. 1957, No. 4; L.L. 1970, No.

§ 50 #32 **Violation of ordinances.**

The Common Council may ~~provide~~ **establish** penalties, forfeitures and imprisonment to punish violations of any ordinance enacted by the Common Council, and the City of Salamanca or any of its officers designated to enforce any ordinance may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any ordinance enacted by the Common Council.; ~~notwithstanding that a penalty, forfeiture and/or imprisonment may have been provided to punish violations thereof.~~

~~(As amended by L. 1916, Ch. 414; L.L. 1970, No. 3; L.L. 1976, No. 2.)~~

§ 51 #33 **Licensing occupations.**

Licensing occupations are to be established through the City Municipal Code or governed by the Cattaraugus County Office of Economic Development, Planning and Tourism.

~~If an ordinance of the city prohibit the carrying on of any occupation without a license therefor, the Common Council may fix the fee for such license or may prescribe the minimum and maximum limits to the fee which may be charged therefor in the discretion of the Mayor. All applications for such licenses shall be made to the Mayor. The Mayor may grant or refuse any such license in his discretion. If the Mayor determine to grant such license, he shall issue an order to the City Clerk to issue such license upon the production of a receipt from the City Comptroller for the amount specified in such order and receipt, and he shall issue such license accordingly. The City Comptroller shall credit all fees so received by him to the general city fund. The Clerk shall keep in his office a record of each license, the person to whom issued and the fee paid therefor. Any license may be summarily revoked by the Mayor or Common Council.~~

§ 52 #27 **Official newspaper.**

The Common Council shall, ~~at its first meeting in each official year or as soon thereafter as practicable, fix and determine the legal fee per folio or otherwise of publication of all minutes of meeting, notices, bylaws, rules, ordinances and regulations and such reports and other matters as the Common Council may direct to be published in the official newspaper of the city.~~

~~Thereupon t~~The Common Council shall designate one (1) newspaper **published** **delivered** in said **e**City in which paper ~~all such matter as aforesaid specified~~ shall **be published** **ed** notices, bylaws, rules, ordinances and regulations and such reports and other matters as the Common Council may direct. ~~at the fees so prescribed.~~

The newspaper so designated shall be the official newspaper of the city for the ensuing official year for the purposes ~~above aforesaid~~ and until the next annual designation, provided that said newspaper shall agree, with said Common Council, ~~to make the aforesaid publications at the fees prescribed by the Common Council.~~

The ~~a~~Affidavit of ~~Publication the publisher or proprietor~~ of the official newspaper ~~or of the bookkeeper or foreman in charge of the publication of said newspaper~~ shall be ~~presumptive~~ evidence of the fact of such publication.

~~(As amended by L.L. 1962, No. 1.)~~

§ 53 #34 Conflict-of-interest ~~Officers not to be interested in contracts or purchases.~~

It shall not be lawful for the Mayor, ~~or any Council mMember.~~ ~~of the Common Council or any a~~ member of any of ~~the municipal boards or commission, of said city or any superintendent or any clerk,~~ agent or employee of said ~~e~~City, ~~employed by any of the municipal boards therein~~ (beyond the compensation ~~which such superintendent or clerk, agent or employee may be the aforesaid are~~ justly entitled to) ~~for services by him actually rendered~~ to be voluntarily interested, directly or indirectly, if any contract made or work done by, for or on behalf of said ~~e~~City, by any municipal board or commission of which he ~~or she~~ is a member or employee. ~~;~~ ~~nor shall any such person be voluntarily interested, directly or indirectly, in the purchase or sale of any merchandise, material, substance, supplies or requirements for any of the uses or purposes of said eCity or by any board or commission of which he is a member or employee. ; nor shall any such person receive therefrom or thereon or in consideration or in consequence thereof any commission, divisions, discounts, gift or moiety.~~

It shall not be lawful for any of the ~~municipal boards or commission~~ of said ~~e~~City to audit any account or issue any warrant for the payment of any claim for services rendered or for work, labor or materials furnished by any person during the time such person shall have held the office of Mayor, ~~Alderman~~Council Member or member of any of the ~~municipal boards or commissions~~ of said ~~e~~City or for any service rendered by the authority of the board or commission of which such person was at the time a member. A violation of any of the provisions of this section ~~shall be dealt with in the manner provided by law. is hereby declared to be a misdemeanor.~~

~~(As amended by L. 1917, Ch. 716.)~~

§ 54 #35 Rules and regulations for transaction of ~~e~~City business.

The Common Council shall have power to make such rules, regulations and adopt such methods for the convenient transaction of the business of the city by the several boards, ~~commissions~~

departments and officers thereof, not inconsistent with the duties and powers given such boards, departments and officers by this ~~Act~~Charter and general laws.

§ 55 #36 **Franchises.**

No person or corporation shall erect any pole or string any wire along, in, ~~or~~ over or under any street, bridge or sidewalk or along, in, ~~or~~ over or under any land owned by said eCity; or lay any track or any additional track in or upon such street or bridge or on any land owned by the eCity; or erect any signboard, post, pillar or other obstruction in, upon or over any such street, bridge or sidewalk or upon any land owned by the eCity; unless a franchise or permit ~~therefor~~ shall be ~~hereafter~~ granted by the Common Council or Board of Public Utilities of said eCity; and it is made the duty of the Mayor, ~~and~~ Chief of Police or General Manager of the Board of Public Utilities summarily to remove any pole, wire, track, post or signboard erected in violation of this provision.

No franchise shall be granted hereafter for a period exceeding ~~twenty-five (25) fifty (50)~~ years, and any such franchise shall specifically prohibit any sublease, assignment or other transfer of all or part of the rights obtained under such franchise without the consent of the Common Council.

A grant of any franchise by said Council shall not become valid and take effect unless made as aforesaid, and no grant of a new franchise or for the extension of a franchise now existing shall become valid without a three-fourths (3/4) vote of all the members of the Common Council, unless approved by a majority vote of the ~~taxpayers~~ registered voters taking part in a special election called for the purpose of voting on such franchise grant.

In no case shall extension of any franchise now existing in the city be granted for any period of time beyond the limitation of the original grant of said franchise.

§ 56 #37 **Hearings.**

Upon written complaint by any twenty-five (25) ~~taxpayers~~ City residents, asserting that any person or persons, corporation or corporations operating under a license or franchise granted by the city are not complying with the provisions of such grant, the ordinances of the city or the laws of the state, the Common Council is authorized to conduct a full investigation and public hearing as to the conduct of such persons or corporations under such grant.

~~§ 57(Reserved)~~

TITLE V XII **Department of Public Works, Local Improvements, Street, Highways, Construction of Sewers, Paving of Streets and Construction of Sidewalks**

§ 58 #74 **Board of Public Works.**

The Mayor and ~~Common~~ Council ~~Members~~ of the City of Salamanca shall constitute the Board of Public Works and shall exercise all the powers and duties conferred by this Title upon the Board of Public Works ~~until such time as the Common Council shall create a separate Board of Public Works as herein provided. (As amended by L. 1917, Ch. 716.)~~

§ 59 #75 **Organization.**

~~The Commissioners of Public Works appointed as herein provided shall constitute the Board of Public Works.~~

The Board of Public Works shall within the first ~~meeting~~ ~~week of February~~ in each year organize by the ~~election~~ ~~Mayoral~~ ~~appointment~~ of one (1) of their members as ~~Chairperson~~ ~~President~~ for the ensuing year, who shall preside at the meetings when present and who shall not lose his ~~or her~~ vote as a member of the Board by reason of his ~~or her~~ acting as presiding officer.

#77 Meetings of the Board

The Board of Public Works shall hold a meeting at least once in each month. Special meetings may be held on the call of the ~~Chairperson~~ ~~President~~ or any two (2) members of the Board.

#76 Vacancy

In case any vacancy shall occur in the office of ~~Commissioner~~ the Board of Public Works in said ~~city~~ ~~City~~, such vacancy shall be filled in accordance with § 25 regarding the filling of vacancies of the Mayor or Council Members. ~~for the unexpired term in the same manner as provided in this Act for the original appointment. Resignation from the office of Commissioner of Public Works shall be made to the Common Council of said city and shall be subject to its acceptance.~~

#77 Cont'd

At any meetings of the Board of Public Works, a majority shall constitute a quorum. ~~(As amended by L. 1917, Ch. 716.)~~

§ 60 #78 **Powers and duties of Board.**

The Board of Public Works shall be Commissioners of Highways in and for said ~~city~~ ~~City~~ and shall have the powers and perform all the duties of the Commissioner of Highways in towns, other than as provided in this ~~Act~~ ~~Charter~~. The Board of Public Works shall have power to:

~~1. To appoint an engineer and Superintendent of Public Works, which engineer and Superintendent shall be responsible to the Board of Public Works.~~

1. ~~2. To m~~Make rules and regulations for its own government and for the government of the Superintendent of Public Works and City Engineer.

2. ~~3. To make~~ Approve all contracts relating to construction, paving and repair of the streets, sidewalks and storm sewers and the cleaning of the streets, sprinkling and the removal of dirt therefrom, the grading, paving and repaving and macadamizing and remacadamizing of all streets, public places and public squares and laying and extending of storm sewers and the provision of all materials, machinery, implements and utensils necessary therefor.

~~4. To appoint, hire and remove, within the authority and procedures provided under the Civil Service Law, all employees, servants, clerks, laborers, mechanics and personnel assigned to the Department of Public Works.~~

~~(As amended by L.L. 1976, No. 5; L.L. 1997, No. 3; L.L. 2005, No. 4; L.L. 2017, No. 1.)~~

§ 61 #80 Cont'd **Duties of Superintendent of Public Works.**

He shall be the head of the Department of Public Works and shall have the listed authority and obligations, to the following wit:

1. To enforce ~~make~~ all rules and regulations for the conduct of all labor, services and functions of said Department ~~and all of its personnel.~~

3 ~~2.~~ Subject to the approval of the Board of Public Works, to initiate all contracts and prepare all specifications for contracts relating to construction, paving and repair of the streets and sidewalks and the cleaning of the streets, ~~sprinkling and the removal of dirt therefrom,~~ the grading, paving and repairing and macadamizing and remacadamizing of all streets, public places ~~and public squares~~ and the provisions of all materials, machinery, implements and utensils necessary therefor.

4. ~~3. To~~ lay out, make, open, grade, level, regulate, pave, macadamize, ~~plank, gravel,~~ clean, repair and improve highways, streets, lanes, alleys, sidewalks, storm sewers, gutters, drains, ~~aqueducts,~~ crosswalks and alter, amend widen, straighten and discontinue the same through any lands, buildings or enclosures in said ~~city~~City.

5. ~~4.~~ To supervise, control and direct the maintenance, repair, operation and conduct of all parks and recreation areas.

6. ~~5.~~ To supervise, control and direct all operations and functions as are presently assigned to the Department of Public Works and as from time to time may hereafter be assigned by the Common Council of Board of Public Works to said Department of Public Works.

~~(As amended by L. 1917, Ch. 716; L.L. 1976, No. 5; L.L. 1997, No. 3; L.L. 2005, No. 4; L.L. 2017, No. 1.)~~

§ 62 #81 ~~Opening, altering or extending~~ **Changes made to streets; assessments of benefits and payment.**

1. Whenever the Board of Public Works shall intend to lay out, alter, widen, extend, contract or discontinue any street, lane, alley or highway in said ~~city~~City and the lands of any person or corporation or any right or easement therein that will be necessary for such purpose and whenever the Board of Public Works shall intend to acquire lands, rights or easements therein for any other purpose mentioned in this ~~Act~~Charter, it shall cause the same to be surveyed and monuments placed showing the line thereof and a map to be made of the same, which shall be filed in the City Clerk's office, showing upon such map the lots, tracts and parcels of land and rights or easements therein that are deemed necessary to be taken and the commencement, course and termination of the street, lane, alley or highway proposed to be laid out, widened, extended or altered or other work or improvement proposed to be made in or through the land so to be taken. And for that purpose, the Board of Public Works and those acting under its direction shall have power to enter upon any grounds in said ~~city~~City.

The Board of Public Works, subject to the approval of the Common Council, shall then declare by resolution its intention to take and appropriate said property for the proposed improvement, and thereafter it may purchase of the owner or owners thereof the land or right or easement therein deemed necessary and make him or them such compensation as it shall judge reasonable upon receiving from such owner or owners a conveyance thereof to the ~~city~~City subject to the approval of the Common Council. In case the Board of Public Works is unable to agree with the owner or owners for the purchase of any real estate or land or right or easement therein required for the purpose aforesaid, it shall acquire the same by condemnation proceedings under the provisions of the condemnation law of this state, Chapter 23 of the Code of Civil Procedure and amendments thereto.

2. After such damages shall have been ascertained and determined, or in case of agreement with owner or owners as herein provided, said Common Council shall declare a district of assessment ~~therefor and shall then direct the Commissioners~~ making the award to assess the amount awarded for damages, ~~with the Commissioners' fees~~, specifying the aggregate amount of the same, upon the property within such district of assessment, or in case of agreement with the

owner or owners as herein provided, the Common Council shall proceed to assess the amount agreed upon for compensation upon the property within such district of assessment.

The ~~Commissioners or the~~ Common Council shall proceed to assess such amount upon the property benefited by such improvement in a just and equitable manner and as near as may be, in proportion to the benefits received; such assessment shall be made in the same manner as other local assessments, except that ~~such Commissioners or~~ the Common Council shall direct such part of said expenses to be assessed upon the ~~city~~City, and such part locally, as they or it shall deem just; the powers and duties of ~~the Commissioners or~~ the Common Council shall be the same as those of Assessors. When the assessment roll shall be filed, the assessment may be appealed from in the same manner and the Common Council shall possess the same powers in reference thereto and proceed in the same manner as on appeals from other local assessments.

3. Immediately after the final determination of all proceedings in which any award shall have been made, the Common Council shall cause to be paid or tendered to the respective owners the amount awarded to each, respectively, less any sum which shall have been assessed against them for any benefits on account of such improvements. In case any such owner shall refuse the same or be unknown or nonresident of the ~~city~~City or for any reason be incapacitated from receiving the amount or the right thereto be disputed or doubtful, the Common Council may make payment of the portion to the County Treasurer of the County of Cattaraugus and file therewith a statement of the facts and circumstances in each case and a transcript of the ~~report of the Commissioners or the~~ proceedings of the Common Council relating to the ascertainment of the amount so paid in. Upon such payment or tender or payment to said Treasurer being fully made, the fee of the land shall be vested in the ~~city~~City.

~~(As amended by L. 1917, Ch. 716.)~~

§ 63 #82 To acquire privileges to dispose of stagnant or surface water.

The Board of Public Works shall on an order from the Common Council have power to enter upon any lands or grounds in the ~~city~~City and appropriate such property for the purpose of conveying off any stagnant or surface water within and throughout the ~~city~~City, and thereafter said Board of Public Works may purchase from the owner or owners thereof the land or right or easement whenever deemed necessary and make him ~~or her~~ or them such compensation as it shall judge reasonable and just upon receiving from such owner or owners a conveyance thereof to the ~~city~~City.

In case said Board is unable to agree with the owner or owners for the purchase of any real estate or land or right or easement required therein for the purpose aforesaid, it shall acquire the

same by condemnation proceedings under the provisions of the condemnation law of the state, proceeding in the same manner as obtaining lands for the street purposes elsewhere specified in this Title. **(As amended by L.L. 1976, No. 5.)**

TITLE VI **XVI** Salamanca Board of Public Utilities

§ 76 **#105** Organization.

The ~~five (5) members~~ ~~six (6) Commissioners~~ of the Salamanca Board of Public Utilities, who shall be appointed by the Mayor subject to the approval of the Common Council, ~~as herein provided~~ shall constitute the Salamanca Board of Public Utilities. ~~A majority of all the Commissioners shall constitute a quorum for the transaction of business.~~

The City Clerk shall at all times, without additional compensation, act as Clerk to said Board. ~~and~~ it shall be his/her duty to keep a record of its proceedings in a book kept for that purpose. The City Clerk shall have the custody of all books and papers belonging to said Board. Said books and papers shall at all times be open for inspection of the members of the Board. The City Clerk shall ~~to~~ do all such clerical work as such Board shall ~~from time to time~~ prescribe.

#106 The Board of Public Utilities appointed as hereinbefore provided shall constitute the Board of Public Utilities.

The Board of Public Utilities shall within the first meeting in each year organize by the Mayoral appointment of one (1) Council Member as Chairperson and the election of one (1) of their members as Vice-Chairperson for the ensuing year. The Chairperson, or in their absence the Vice-Chairperson, shall preside at the meetings when present but shall not lose his vote as a member of the Board by reason of his acting as presiding officer.

#107 The term of office of each member appointed shall be for three (3) years excluding the Chairperson which will coincide with their elected term.

#108 In case any vacancy shall occur, other than by expiration of term, in the Board of Public Utilities in said City, such vacancy shall be filled for the unexpired term in the same manner as provided for the original appointment. Resignations from the Board of Public Utilities shall be made in writing to the City Clerk.

#109 The Board of Public Utilities shall hold a meeting at least once in each month. Special meetings may be held on the call of the Chairperson or any two (2) members of the Board. At any meetings of the Board of Public Utilities, a majority shall constitute a quorum.

#110 ~~Said~~ The Board of Public Utilities may make and from time to time alter or amend bylaws, rules and regulations for the transaction of its business ~~and prescribe times and places for the regular meetings and the method of calling and holding special meetings and prescribed the character of business that may be transacted thereat.~~

~~(As added by L.L. 1970, No. 2; as amended by L.L. 1976, No. 3.)~~

§ 77 **#113 Powers and duties of the Board.**

The municipal water, **light electric** and sewerage facilities of the City of Salamanca shall be under the control and supervision of the Salamanca Board of Public Utilities.

#116 Authority to sell or lease water, power and sewer systems.

Neither the Common Council of said ~~City~~ nor the Board of Public Utilities ~~Commissioners~~ shall have the power or authority to sell or lease said municipal water, **light power** and sewerage systems to any person or persons, corporation or corporations ~~except when authorized by a vote of the resident owners of taxable property over the age of twenty-one (21) years of the city at a special election,~~ except that the ~~Commissioners of the~~ Salamanca Board of Public Utilities, ~~with the approval of the Common Council,~~ may enter into a contract with any ~~telephone, telegraph, railroad or other public service~~ corporation providing for the joint ownership use and construction of any poles, wires or transmission or other distribution lines of the system whenever it may appear proper to said ~~Commissioners~~ Board to make such an agreement and on such terms and conditions as the ~~Commissioners~~ Board may approve.

#113 1. The Board shall keep the water and **light power** systems in repair, and they shall from time to time improve and extend said water and **light power** systems within said city and **service area**. ~~within the Towns of Salamanca and Great Valley. The surplus earnings of said water and light systems of the city, after the cost of operation, management, ordinary improvements has been paid and the payment of accrued interest upon outstanding bonds issued for water and light purposes or heretofore issued, after the payment of such bonds as they mature and after the requirements of the sinking fund have been fully met may, in the discretion of the Board, be applied toward the improving and extending water and light facilities systems and equipment. If the surplus earnings after all the charges as above are provided for are met, are in excess of twenty-five thousand dollars (\$25,000.), then said Board, with the consent of the Mayor, may, at any time after the first publication of the estimates as provided by the Charter in § 44 and before the budget is finally adopted and as therein provided, file a statement with the Common Council of any amount if may be able to turn over to the city for the ensuing year, and such amount shall be treated by the Common Council in the making of the budget as an estimated revenue.~~

2. The Board shall have control of all improvements and additions to the water and **light power** systems, facilities and equipment and any extension of said water and **light power** systems. Said Board shall have the power to make all contracts necessary or incidental to the execution of the powers conferred by this ~~Act~~ Charter.

3. Said Board shall have the direction, control and management of the operation of all the sewer facilities of the City of Salamanca, including the ~~sewerage disposal~~ Wastewater Treatment pPlant, its pumping stations and all auxiliary facilities, and the planning and layout of new sewer extensions.

4. Said Board shall have the direction and control of all the employees appointed or hired to operate said sewerage disposal facilities as the same are hereinafter described.

5. It shall be the responsibility of the Board to provide for the maintenance and operation of such sewerage facilities as to comply with all federal, state and local regulations applicable to such sewer plant and facilities and to periodically inspect, repair and maintain the sewerage facilities as considered necessary.

#114 Said Board shall have the power to make all contracts necessary or incidental to the execution of the power conferred by this ~~Act~~ Charter.

#112 2. Said Board may appoint or employ such officers, supervisor or personnel or persons acting temporarily in such positions; sewer plant operator, consultants, engineers, analysts, and other specially qualified personnel; and all other officers and employees, including laborers, necessary and required.

3. The Board shall prescribe the duties, authority and terms of employment, wages, salary and other compensation; and all other conditions of employment of all officers, employees or specially qualified personnel except as the same may be otherwise provided for in any labor management contract entered into by the City of Salamanca and the employees engaged, in work in either the water, ~~light~~ electric or sewer facilities of said eCity.

4. Provided further, however, that said Board shall be the authorized and designated bargaining unit for said City of Salamanca in bargaining conducted under the Public Employees Fair Employment Act (Taylor Law) on behalf of the employer as to the employees in the employ of said Board only. The foregoing shall supersede all provisions of the City Charter in conflict with these provisions.

5. The General Manager and all employees handling money belonging to the city should give a bond in the form usual for city officers in the penal sum prescribed by said Board.

The employees of the Salamanca Board of Public Utilities and sewerage plans need not necessarily to residents of the City of Salamanca.

6. The General Manager and ~~Commissioners~~ Board of Public Utilities shall have full control of said water, ~~light~~ power and sewer systems within the eCity system and outside said eCity pursuant to contract heretofore or hereafter made and shall exercise the power and fulfill the duties connected with the management and regulation thereof and of the use of water, electricity and sewerage by said municipality or by any person or persons, firm or firms, corporation or corporations, municipal, domestic or foreign, and may enforce the observance thereof by cutting off the supply of water and electricity and the use of sewer facilities or by the imposition of penalties.

7. The Salamanca Board of Public Utilities shall audit the salary of the General Manager of the Board of Public Utilities ~~Department of Water, Light and Sewerage and the expenditure of all~~

~~money for materials~~, supplies, equipment and labor purchased or provided by said Board which shall be paid by the labor purchased or provided by said Board which shall be paid by ~~the Comptroller~~ Board of Public Utilities Business Manager from the water, light electric and sewerage funds hereof upon the order of the Chairman of the Salamanca Board of Public Utilities.

~~In addition to the power hereinbefore set forth and without intending to limit the Board powers expressed, said Board shall have power to:~~

~~1. (a) To make all contracts~~

#114 including those relating to construction of laying out and extending sewers and the provision of all materials, machinery, implements and tools necessary; ~~therefor.~~

~~(b) To layout, make, repair and maintain sewers and auxiliary fixtures and systems;~~

~~(c) To cause to be made all necessary surveys, maps and profiles relating to any work within its jurisdiction.~~

~~2. 1. Sewer extension; rights for construction and extension resolution maintenance of sewers.~~

~~(a) The Salamanca Board of Public Utilities of the City of Salamanca, by resolution or resolutions duly adopted by that Board, may at any time or times decide that the public sewers of said city, including sewage disposal Wastewater Treatment pPlants, shall be built and extended in and along any street or streets of said eCity. The public sewer systems to be therein specified pursuant to and in accordance with the sewer plans of said eCity, duly adopted and approved by the State Board of Health, and on file in the City Clerk's office in said eCity.~~

~~2. Consent for rights for construction or extension. and In addition, the owners of more than one-half (1/2) of the total feet front or more than one-half (1/2) of the bona fide owners of the property abutting upon the street in which the sewer is to be built or extended give consent thereto, in writing, or if in place of said consents the Common Council shall by resolution vote to concur with said Board of Public Utilities that the building or extension of said sewer is expedient and necessary.~~

~~3. Publication of Notice. said The Board of Public Utilities shall publish at least two (2) weeks' notice in the official newspapers of said eCity that at a time and place therein specified it will meet to make a final determination thereof. Such notice shall contain a brief description of the character, location and extent of the proposed construction or extension. At such meeting of said Board, any person interested or affected shall be entitled to be heard for or against any such proposition to build or extend such sewer.~~

~~(1) 5. Expense of sewer construction or extension. The expense of such building and~~

extending of sewers in and along streets that border upon and are contiguous and adjacent to any property owned by the eCity, including intersections of streets and including the expense of any ~~sewage disposal~~ Wastewater Treatment pPlant, exclusive of the amount charged to any railroad company, shall be paid by the eCity at large from the gGeneral and sSpecial pPublic uUtility iImprovement fFund; the balance of the expense of constructing and extending said sewers shall be paid and become a charge upon and shall be assessed against such real estate and real property benefited thereby or abutting and bordering upon and adjacent to the street or streets, alleys, public place or way or any part of the expenses of laying or constructing such sewer shall be assessed upon any land not benefited thereby or bordering upon or touching the part or parts of such street or other way or public place upon or in which sewers are laid or extended or which is not adjacent thereto.

(2)—4. **Determination to construct or extend sewer.** If the Board of Public Utilities shall finally determine to make the extension or construct such sewer, it shall record an order therefor in its minutes, shall estimate the whole cost thereof and report the same to the Common Council. And thereupon, if said Common Council approve, said Board of Public Utilities may build and construct said sewer by contract therefor duly advertised and let to the lowest bidder in all things as provided in [the Purchasing Policy Guidelines of the City of Salamanca](#). ~~§ 24 herein.~~

(3)—6. **Ascertaining expense and report to the Common Council.** Upon the completion of such sewer or extension thereof, it shall be the duty of the Board of Public Utilities to ascertain the whole cost and expense thereof, including all labor and materials therefor, cost of engineering, printing and all other necessary expenses connected therewith or incidental thereto, including all interest on any bond anticipation notes which may have been issued for such purpose, and certify the same to the Common Council of said eCity. ~~and The Board~~ shall apportion the total costs and expenses thereof upon all the real estate benefited thereby or fronting, abutting upon or adjacent to said street, ~~or section of street or public square~~ upon which or in which said sewer was laid, in proportion to the frontage of the respective lots or parcels of land and in proportion to the benefit which each owner of said real property may be deemed to receive, first deduction he ~~or she~~ share thereof imposed upon the eCity and the share of any proportion thereof which any street or other railroad company may be liable to pay and shall thereupon report the same to the Common Council with a list of all the lots and parcels of land liable to assessment, with their respective frontage and a description thereof; and the Common Council shall thereupon proceed to assess the costs and expenses thereof as herein provided.

(4)—7. **Assessment of expense.** The Common Council shall assess upon any railway company liable to assessment hereunder and upon the eCity its share of the costs of such sewer construction, and said assessment shall be collected by the ~~Comptroller~~ Board of Public Utilities as provided therein. The Common Council shall assess the residue of such expense upon the real estate fronting upon said street or section of street, public place or square or adjacent thereto or benefited thereby as hereinbefore provided and shall make a just and

equitable assessment of the amount so fixed by it against said owners and occupants and upon such land deemed to be benefited as herein provided, assessing each parcel as near as may be in proportion to the benefit to such land and which each owner of real property may be deemed to receive therefrom. ~~and The Board~~ shall thereupon cause a notice to be published in the official newspapers of said ~~e~~City that the assessment roll has been filed with the City Clerk and that the Common Council will on a certain day and place to be therein specified, which shall not be less than ten (10) days from the first publication of said notice, proceed to confirm said assessment at the time or place to which the Common Council may from time to time adjourn said hearing, any person interested may appear before the Common Council and apply to have said special assessment roll as it may deem just and by resolution confirm the same; said assessments shall thereupon be and become final and conclusive upon all the parties interested, the property owners against whom assessment has been made may pay the amount so assessed to the ~~BPU Business Manager-City Comptroller~~. All moneys derived from a sale of obligations issued to provide for the payment of the costs and expenses of such improvements shall be kept by the ~~BPU Business Manager Comptroller~~ of said ~~e~~City as a separate fund and designated the "~~p~~Public ~~u~~Utilities ~~i~~mprovement ~~f~~Fund," and all orders for the payment of any moneys from said fund shall be drawn directly upon said ~~f~~Fund and shall be signed by the ~~BPU Business Manager Mayor~~ and countersigned by the ~~Mayor or Comptroller Clerk~~ of said ~~e~~City.

~~(5)~~ **8. Acquisition of real property.** The Board of Public Utilities shall have the power to acquire for and in the name of the ~~e~~City by agreement or appraisal in such manner as heretofore provided and also in such manner as is authorized by the condemnation law of this state and any local law authorizing and describing condemnation procedures any lands, easements, privileges, rights and estate necessary for the construction and maintenance of sewers or sewage disposal plants. ~~and The Board~~ may also enter upon any private lands or waters for the purpose of making necessary surveys, constructing or extending such sewers or to prevent the overflow of natural water sources and protect public health and property. ~~and The Board~~ shall not be liable therefor unless some unnecessary damage shall have been done and then only for the actual damage, provided that, in all cases involving an expenditure of money, it shall have first submitted to the Common Council its estimate of the cost of such real estate and that the Common Council shall have approved the same and authorized the expenditures proposed, or, in cases where the expenditures proposed in such estimate are to be raised by taxes levied for the fiscal year in which such expenditures are to be made, that the same shall have been approved by the taxpayers at a special election. And on acquiring the same either by agreement or appraisal or by condemnation proceedings, as hereinbefore provided, said City of Salamanca shall be liable to pay therefor said agreed price or appraisal value thereof. But the Common Council shall have the right to authorize the expenditure, ~~of not to exceed five thousand dollars (\$5,000.) in any one (1) year~~ for the purpose of altering or repairing a ~~sewage disposal~~Wastewater Treatment ~~p~~Plant or repairing and extending a trunk line sewer or altering or repairing any sewer or sewers now in existence in any of the streets of the City of Salamanca, if it shall be deemed expedient or necessary to do so, and the expenditure thereof shall be payable by the ~~e~~City at

large out of the ~~p~~Public ~~u~~Utility ~~i~~Improvement ~~f~~Fund in the same manner as hereinbefore provided.

~~(As added by L.L. 1970, No. 2; as amended by L.L. 1981, No. 3.)~~

§ 77A #121 Fluoridation of municipal water supply.

Notwithstanding any other provision of this City Charter, ~~including those in §§ 77 and 78,~~ all decisions regarding the addition or removal of fluoride from the municipal water supply shall be made solely by the Common Council. ~~(As added by L.L. 1996, No. 4, § 1.)~~

§ 78 #115 Duties of General Manager of Salamanca Board of Public Utilities.

The General Manager shall be the executive officer of the Salamanca Board of Public Utilities and shall under its direction have the general supervision and direction of all water, ~~light~~electric and sewerage facilities within the jurisdiction of the Board.

- ~~1. He~~ The General Manager shall have the supervision and direction of laying all water mains, erecting poles, stringing electric wires and laying all of conduits from private dwellings or other places and any connecting or lateral pipes and keeping the same in repair.
2. Such lateral pipes and conduits shall not be laid and connected until a permit therefor shall be obtained from the General Manager of the Salamanca Board of Public Utilities, and all such connecting or lateral pipes and conduits and the fixtures thereto shall be constructed under and according to the directions of the General Manager.
3. The General Manager shall be charged with the supervision of the operation of the sewerage disposal facilities ~~Wastewater Treatment Plant~~ and ensuring that said facilities are operated in accordance with all state, federal and local laws, rules and regulations. ~~(As added by L.L. 1970, No. 2.)~~

§ 79 #117 Water and light rentals.

The Board of Public Utilities ~~Commissioners~~ shall establish a scale of rentals for the use of water and light to be called "~~w~~Water ~~r~~Rentals" and "~~light~~ Electric ~~r~~Rentals," respectively, and to be paid at such time as the Board may prescribe. Such rentals shall be a lien upon the real property upon which the water or light is used, for ten (10) years from time to time of such use, superior to any mortgage, judgment, other lien of any nature, except general, city and school taxes assessed upon the property, which shall be prior thereto, any conveyance thereof shall not alter its legality upon a subsequent grantee; provided, however, that notice shall be mailed to the owner of such real property, whenever the payment of any water rental or ~~light~~ electric rental is delinquent by the City Comptroller, said Board may adopt ordinances not inconsistent with the law and with this ~~Act~~Charter for the enforcement of the collection of water and ~~light~~ electric and may enforce the observance thereof in cutting off the supply of water and electricity or by the imposition of penalties. ~~(As added by L.L. 1970, No. 2.)~~

§ 80 **#119 Sewer Rent Law rentals.**

The Board of Public Utilities shall establish a scale of rents to be called "Sewer Rents."

1. The owner of any parcel of real property connected with the sanitary sewer system of the City of Salamanca or serviced by the City of Salamanca Board of Public Utilities shall pay a Sewer Rent for the use of such sanitary sewer system, which Sewer Rent shall become due and payable monthly at the same time that the water bill for public water supplied to such real property becomes due and payable. The Sewer Rent shall be included as a separate charge on the water bill.
2. The Sewer Rents consists of two separate and distinct components: a flat monthly charge based upon the size of the potable water meter(s) servicing the property pursuant a schedule and an amount equal to one hundred thirty-seven percent (137%) of the charge for public water supplied to any such property during the monthly billing period.
3. Owners of real property connected to the sanitary sewer system, but having a private water supply shall, at their expense, meter such private water supply, such meter having been approved by the Board of Public Utilities, and shall pay Sewer Rents as set forth above based upon the amount of water consumed on the premises as if the water had been purchased from the City of Salamanca Board of Public Utilities.

~~Sewer rentals for use of city sewer facilities shall be established by the Common Council in accordance of the Sewer Rental Law enacted by the Common Council of the City of Salamanca and known as~~

4. All of the other sections of "~~L.L.~~ Local Law No. 2 for the year 1969 shall remain in full force and effect."

~~(As added by L.L. 1970, No. 2.)~~

§ 81 **#118 Furnishing water and light to towns and villages.**

The Board of Public Utilitiesy ~~Commissioners~~ may in its discretion contract with the Town Boards of the Town of Salamanca or Great Valley, or both, to furnish water for the extinguishment of fires and for sanitary and other public purposes and may contract therewith to furnish ~~light electric~~ for lighting the highways of said towns and with any other person or persons for domestic consumption either of water or ~~light electric~~. Said Board may in addition and as permitted for municipalities so to do, contract for furnishing sewer services and facilities to consumers, both individual and corporate, outside of the geographic limits of the City of Salamanca.

~~(As added by L.L. 1970, No. 2.)~~

§ 82 **#111 Books, accounts and reports.**

The Salamanca Board of Public Utilities shall assume the function and obligation of keeping all books, records, reports and accounts of the Salamanca Board of Public Utilities, showing the cost of the maintenance of said water, ~~light~~electric and sewer facilities and of extending the water and ~~light~~electric facilities, and it shall make all of its own collections and expenditures and shall furnish, whenever required by the Common Council, such information, in writing, as to the business and affairs of said water, ~~light~~electric and sewer systems and operations as may be required by the Common Council.

Annually before the city adopts its tentative budget, the Board of Public Utilities and the Common Council shall agree upon a sum to be paid by the Board of Public Utilities to the ~~g~~General ~~f~~Fund of the city as and for services, ~~materials and supplies furnished by the offices of the City Clerk and by the City Comptroller's Office~~ to the Board of Public Utilities.

~~(As added by L.L. 1970, No. 2; as amended by L.L. 1987, No. 3; L.L. 1988, No. 1.)~~

§ 83 **#120 Sewer ~~Rent~~ ~~f~~Fund.**

All moneys collected for sewer services by reason of the Sewer Rent Law ~~enacted by the City of Salamanca and known as "L.L. No. 2 for the year 1969"~~ shall be turned over to the City Comptroller and shall be credited to a special fund known as the "~~s~~Sewer ~~r~~Rent ~~f~~Fund." ~~Annually, the Common Council, as a part of its budgetary procedure as described in the City Charter, appropriate from general tax revenues an amount as submitted by the Board of Public Utilities and approved by the Common Council, sufficient when augmented by the revenues realized by reason of the Sewer Rent Law enacted by the City of Salamanca and known as "L.L. No. 2 for the year 1969," to defray the cost and expenses of carrying out all of the functions of said Board of Public Utilities as described in this chapter. Said appropriation and t~~These revenues collected by the ~~City Comptroller~~ Board of Public Utilities under the abovementioned "Sewer Rent" ~~said L.L. No. 2 for the year 1969~~ shall be ~~turned over to the City Comptroller~~ handled by the Board of Public Utilities and shall together constitute a special fund to be known as the "~~s~~Sewer ~~r~~Rent ~~f~~Fund." Moneys in said ~~f~~Fund shall be used in the following order:

1. For the payment of the cost of ~~management~~, operation, maintenance and repairs of the ~~sanitary~~ sewer system or such part or parts thereof for which sewer rents have been established and imposed.
2. For the payment of the interest on ~~any bonds~~ or the amortization of ~~any bonds~~ or payment of indebtedness which has been or shall be incurred for the construction of the sewer system or such part or parts thereof for which sewer rents have been established or imposed.
3. For the construction of sewerage treatment and disposal works which necessary appurtenances, including pumping stations, or the extension, enlargement or replacement of or additions to such sewer systems or part or parts thereof.

and for any other purposes authorized by the laws of the State of New York, but shall not be used for the extension of a sewer system to serve non-sewered areas.

~~The revenues derived from sewer rents shall not be used:~~

- ~~(1) To finance the cost of any extension of any part of a sewer system other than the sewerage treatment and disposal works with necessary appurtenances, including pumping stations, to serve unsewered areas if such part has been constructed wholly or partly at the expense of real property especially benefited; or~~
- ~~(2) For the payment of the interest on and the amortization of or payment of indebtedness which is to be paid in the first instance from assessments upon benefited real property.~~

~~All moneys and revenues collected from assessments upon benefited real property shall be credited to a special fund to be known as "sewer rent fund" and shall be used first for the payment of the cost of maintaining the sewer service; second, for the payment of interest on any bonds issued in connection with the sewer service being rendered; and then for the amortization of any bonds issued to finance the construction of facilities used in connection with the sewerage disposal system, including separation of storm sewers from the sanitary sewer system. (As added by L.L. 1970, No. 2.)~~

§ 84 #122 Unlawful acts and penalties.

Any unlawful act whereby said water, electric or sewer facilities or any property or apparatus belonging or pertaining thereto shall be injured or an unlawful connection made thereto shall be deemed a misdemeanor, and the person or persons convicted thereof shall be punished to the extent of the law accordingly, ~~and it shall also be a misdemeanor~~ for any person or persons, corporation or corporations to move, cut, remove, alter or in any manner interfere with the wires, poles, pipes, facilities or any other equipment or appurtenances to the water system, the light power system or the sewerage system without first having obtained the consent, in writing, of the General Manager of the Board of Public Utilities. ~~Superintendent of Water, Light and Sewerage.~~

All provisions of the Charter of the City of Salamanca, local laws and ordinances of the City of Salamanca insofar as they conflict with this local law are hereby superseded, but otherwise shall remain in full force and effect. ~~(As added by L.L. 1970, No. 2.)~~

TITLE VII XIV Recreation Commission **Department of Parks**

~~§ 85 ————— Transference of powers, duties, authority and appropriations to Department of Public Works.~~

~~The powers, duties and authority heretofore vested in the Department of Parks are transferred to the Department of Public Works, which shall henceforth have, possess and fulfill the same.~~

~~Appropriations heretofore made for the Department of Parks are transferred to the Department of Public Works for said purposes.~~

~~Personnel employed in the Department of Parks are transferred to and placed under the authority of the Department of Public Works. (As added by L.L. 1949, No. 3.)~~

~~§ 86~~ **Commissioner of Recreation.**

~~A Department of Recreation is hereby established for the City of Salamanca. This Department shall be operated by the Commission of Recreation which is hereby established.~~

#94 Powers and duties of the Recreation Commission.

The Commission shall possess all of the powers and be subject to all of the responsibilities of local authorities as set forth in Article 13 of the General Municipal Law, ~~although said Commission is not created pursuant to said law.~~
(As added by L.L. 1949, No. 5.)

§ 87 **#88 Recreation Commission Members; terms of office; appointments.**

The Recreation Commission shall consist of ~~six (6)~~ **five (5) members**, each a resident of the City of Salamanca, who shall be appointed by the Mayor subject to the approval of the Common Council. ~~The commissioners shall each have the right to one vote and shall exercise all the powers and duties conferred by this Title upon the Recreation Commission.~~

#90 Term of office

~~Initially the appointment of members shall be as follows: two (2) members for terms expiring on the 31st day of January 1952 and two (2) members for a term expiring on the 31st day of January 1953 and one (1) member for a term expiring on the 31st day of January 1954. Upon the expiration of each initial term, the term of office of each member thereafter appointed shall be for three (3) years, excluding the Chairperson which will coincide with their elected term. The terms of the present incumbents of such Commission are hereby terminated as of the 31st day of January 1951, and their successors to such offices of members of such Commissions shall be appointed pursuant to this section for terms beginning on the first day of February 1951.~~
(As added by L.L. 1949, No. 5; as amended by L.L. 1949, No. 8; L.L. 1951, No. 1; L.L. 1976, No. 3.)

#91 Vacancy and resignations.

In case any vacancy shall occur, other than by expiration of term, in the Recreation Commission in said City, such vacancy shall be filled for the unexpired term in the same manner as provided

for the original appointment. Resignations from the Recreation Commission shall be made in writing to the City Clerk.

~~§ 88 — Organization; meetings.~~

#92 Meetings of the Commission

The Recreation Commission shall hold a regular meeting at a minimum at least four (4) times per year as necessary as called by the Chairperson. ~~at least once each month and s~~Special meetings can be held upon the written or oral request of a majority of the Commissioners. ~~or at the call of the Chairman.~~

#89 Organization.

The Recreation Commission appointed as hereinbefore provided shall constitute the Recreation Commission.

The Recreation Commission shall within the first meeting in each year organize by the Mayoral appointment of ~~O~~one (1) Council ~~m~~Member ~~shall be elected~~ as Chairperson~~man~~ and the election of one (1) of their members as Vice-~~Chairperson~~~~man~~ for the ensuing year. The Chairperson, or in their absence the Vice-Chairperson, shall preside at the meetings when present but shall not lose his or her vote as a member of the Commission by reason of his or her acting as presiding officer.

#88 The City Clerk or such other person as may be designated by the Common Council, shall at all times, without compensation, act as Clerk of said Commission. It shall be his or her duty to keep a record of its proceedings in a book kept for that purpose. The City Clerk shall have the custody of all books and papers belonging to said Commission. Said books and papers shall at all times be open for the inspection of the members of the Commission. The City Clerk shall do all such clerical work as such Commission shall from time to time prescribe.

~~Each member of the Commission shall be entitled to cast one (1) vote.~~

#92 A majority of the Commission shall constitute a quorum.
(As added by L.L. 1949, No. 5.)

§ 89 **#93 Rules for the Recreation Commission.**

The Recreation Commission shall be empowered to adopt rules for the conduct of all business within its jurisdiction.

~~(As added by L.L. 1949, No. 5.)~~

~~§ 90 Authority; powers; duties.~~

~~(a) #94~~ The Recreation Commission shall have power to establish and develop recreation programs for the City of Salamanca and shall have charge of all recreational activities and provide for the use of all recreational facilities under the control of the City of Salamanca, including athletic fields, skating facilities, playgrounds, theatre, and similar facilities.

~~#~~The Recreation Commission is authorized to allocate the use of said facilities, establish and enforce regulations, policies and practices governing the same and shall act as the adviser to the Mayor and Common Council on recreational matters.

~~#~~ The Recreation Commission shall maintain a relationship with ~~liaison~~ and shall ~~cooperate~~ coordinate with the Board of Education on the use of recreational facilities and the establishment and development of recreational programs.

~~#95~~ Maintenance of recreation facilities.

The Commission is not authorized to maintain, nor is it responsible for the maintenance of, any of the facilities under its control, such authority being vested in the Board of Public Works.

The Recreation Commission may and shall make recommendations, reference repair, maintenance or purchase of recreational facilities to the Board of Public Works, which shall cooperate with the Recreation Commission at all times, and to the Mayor and Common Council.

~~#94~~ In order to accomplish its programs, with authorization from the Common Council, the Commission is authorized to hire such employees as may be necessary.

~~(b) #96~~ Concessions.

1. The Recreation Commission shall have authority to control the sale of merchandise by concession or otherwise, in all parks, ~~and~~ playgrounds skating facilities, and similar facilities of the eCity; in exercising said authority it shall have the authority to lease concessions for such purpose on such terms as the Commission shall fix.

2. All such concessions shall be let by contract by the Recreation Commission for the eCity only after public notice and bidding ~~in accordance with the provisions of the City Charter.~~

3. All funds accruing from said contracts shall be deposited in the general funds of the city with the Comptroller. All concessions shall be operated in conformance to rules adopted by the Commission.

~~(As added by L.L. 1949, No. 5; as amended by L.L. 1953, No. 1.)~~

TITLE XV Youth Board

§ 97 Youth Board.

The Youth Board shall consist of no less than thirteen (13) members and no more than fifteen (15) members, who shall be appointed by the Mayor subject to the approval of the Common Council. Board members shall consist of persons residing in or working in the community for the duration of the term of office. Membership shall include three (3) school youth representatives. At least two (2) of the aforementioned Board members shall be Common Council Members, appointed by the Mayor for their term in office. The Board members shall each have the right to one vote and shall exercise all the powers and duties conferred by this Title upon the Youth Board.

The Youth Bureau Director, or such other person as may be designated by the Common Council, shall at all times, without additional compensation, act as Clerk to said Board. It shall be his or her duty to keep a record of its proceedings in a book kept for that purpose. The City Clerk shall have the custody of all books and papers belonging to said Board. Said books and papers shall at all times be open for the inspection of the members of the Board. The Youth Bureau Director shall do all such clerical work as such Board shall from time to time prescribe.

§ 98 Organization.

The Youth Board members appointed as hereinbefore provided shall constitute the Youth Board.

The Youth Board shall within the first meeting in each year organize by the election of one (1) Youth Board Member as Chairperson and such other officers as may be necessary. The Chairperson shall preside at the meetings when present but shall not lose his or her vote as a member of the Board by reason of his or her acting as presiding officer.

§ 99 Term of office.

The term of office of each member appointed shall be five (5) years excluding the Council Members which will coincide with their elected term. Furthermore, school youth shall serve until high school graduation.

§ 100 Vacancy and resignations.

In case any vacancy shall occur, other than by expiration of term, in the Youth Board in said City, such vacancy shall be filled for the unexpired term in the same manner as provided for the original appointment. Resignations from the Youth Board shall be made in writing to the City Clerk.

§ 101 Meetings of Youth Board.

The Youth Board shall hold a regular meeting once in each month. At least six (6) members present of the Youth Board shall constitute a quorum, however, all quorums must be at least fifty percent (50%) adults. Special meetings can be held upon the written or oral request of a majority of the Board. Special meetings require two-thirds (2/3) attendance of the membership must be present to constitute a quorum. Summary reports of said meetings and all special meetings concerning plans, programs, and expenditures shall be made to the Executive Director in writing.

§ 102 Rules for the Youth Board.

The Youth Board shall be empowered to adopt by-laws, rules and regulations for the conduct of all business of the Board.

§ 103 Powers and duties of the Youth Board.

1. Develop policies and programs for youth development, youth services, delinquency prevention and control of crime.
2. In cooperation with the Director, create plans for youth programs and make recommendations to the Mayor for the needs of youth in the City.
3. Encourage cooperation between agencies and community organizations to encourage sound youth programs.
4. All funds directly controlled or expanded by the Youth Board shall be handled through the Office of the City Comptroller.

§ 104 Powers and duties of the Youth Bureau Director.

Responsible for administration of the Youth Bureau Program including guidance, counseling, public relations, agency coordination and business activities of the Bureau.

Shall provide professional advice and assistance to the Youth Board and shall coordinate programs approved for funding.

TITLE VIII XI ~~Board of Fire Commissioners and~~ Fire Departments

§ 91 #64 ~~Board of~~ Fire Commissioners.

~~The Mayor and Common Council of the City of Salamanca shall constitute the Board of Fire Commissioners and shall exercise all the powers and duties connected with and incident to the control, government and discipline of the Fire Department of the City of Salamanca until such time as the Common Council shall create a separate Board of Fire Commissioners as herein provided. (As amended by L. 1917, Ch. 716.)~~

The Fire Commission shall consist of five (5) members who shall be appointed by the Mayor subject to the approval of the Common Council pursuant to the City Charter. The commissioners shall each have the right to one vote and shall exercise all the powers and duties conferred by this Title upon the Fire Commission.

The City Clerk shall at all times, without additional compensation, act as the Clerk of the Fire Commission. It shall be his or her duty to keep a record of its proceedings in a book kept for that purpose. The City Clerk shall have the custody of all books and papers belonging to said Commission. Said books and papers shall at all times be open for the inspection of the members of the Commission. The City Clerk shall do all such clerical work as such Commissioners shall from time to time prescribe.

§ 92 #65 Organization.

The Fire Commissioners appointed as hereinbefore provided shall constitute the ~~Board of~~ Fire Commissioners.

They shall ~~within the first week of February in each year~~ annually organize by the Mayoral appointment of (1) Council Member as Chairperson and the election of one (1) of their members as ~~President~~ Vice-Chairperson for the ensuing year, ~~who~~ The Chairperson, or in their absence the Vice-Chairperson, shall preside at the meetings when present but who shall not lose his or her vote as a member of said Commission ~~Board~~ by reason of his or

her acting as presiding officer.

In case any vacancy shall occur in the ~~office-Board~~ of Fire Commissioner in said city, such vacancy shall be filled for the unexpired term in the same manner as provided for the original appointment. Resignations from the ~~office-Board~~ of Fire Commissioner shall be made to the ~~Common Council-Clerk~~ of said city in writing and shall be subject to its acceptance.

~~(As amended by L. 1917, Ch. 716.)~~

#66 Term of office.

The term of office of each member appointed shall be for two (2) years excluding the Chairperson which will coincide with their elected term.

#67 Vacancy and resignations.

In case any vacancy shall occur, other than by expiration of term, in the Fire Commission in said City, such vacancy shall be filled for the unexpired term in the same manner as provided for the original appointment. Resignations from the Fire Commission shall be made in writing to the City Clerk.

§ 93 #68 Meetings of Commission-Board.

Said Board of Fire Commissioners shall hold meetings at least once in each month, ~~and s~~ Special meetings may be held on the call of the ~~President-Chairperson~~ or any two (2) members of the ~~CommissionBoard~~. ~~The attendance of two (2) Commissioners shall be necessary to-~~ A majority of the members of said Commission shall constitute a quorum.

~~(As amended by L. 1917, Ch. 716; L.L. 2021, No. 1.)~~

~~§ 94 (Reserved)~~

§ 95 #70 Duties of Chief of the Fire Department ~~and First Assistant Chief.~~

It shall be the duty of the Fire Chief to operate the Fire Department of said City, of which Department he or she shall be the chief executive officer and shall have full control of the Fire Department, subject to the general oversight of the Fire Commission, or as otherwise provided by this Charter ~~The Chief of the Fire Department shall, under the direction of the Board of Fire Commissioners, have the general superintendence and custody of the~~

It shall be his or her duty to see that the fire engines and other fire apparatus and

conveniences for the prevention and extinguishment of fires. ~~It shall be his duty to see that the same~~ are kept in proper order and to make report, in writing, to the ~~Board of~~ Fire Commissioners at such times as said Commissioners may require.

It shall be his ~~or her~~ further duty to be present at fires and to take command of the fire companies present and exercise a general supervision and control of the operations and proceedings of the different companies present and to give direction concerning the same.

#71 Duties of Assistant Chief of the Fire Department.

It shall be the duty of the Assistant Chief to be present and aid the Chief of the Fire Department at all fires.

~~(As amended by L. 1917, Ch. 716; L.L. 2021, No. 1.)~~

~~§ 96 Annual report to Mayor; taxes for Fire Department purposes.~~

~~Said Board of Fire Commissioners shall, on or before the 15th day of October in each year, prepare an estimate which shall contain and include in detail all such sums of money (within the amount which the Common Council is authorized to insert in the annual tax levy under the provisions of this Act) as in the judgment of said Board of Fire Commissioners will be actually required for the salaries of all paid members of said Department, the wages of employees, the purchase of hose, horses and apparatus, furniture, fuel, light, stationery, printing, advertising, necessary supplies and repairs and other incidental expenses of the Fire Department including the fire alarm telegraph and furnish the same to the Mayor, as provided in this Act. Whenever, in the judgment of said Board of Fire Commissioners, the needs of the Department shall require the purchase of real estate or the expenditure for any purpose in any one (1) year of a greater sum than that authorized by this Act to be inserted by the Common Council in the annual tax levy, they shall likewise report the same in detail to the Mayor in order that the necessary proceedings may be taken by the Common Council, if said report be acted upon favorably by said Common Council, to acquire such property. (As amended by L. 1943, Ch. 710.)~~

§ 97 #72 Audit of bills; report of fires and fire losses.

All bills for expenditures and services connected with said Fire Department must be audited and ordered paid by the Board of Fire Commissioners and paid by the Comptroller as provided in this ~~Charter~~Act.

~~Said Board of Fire Commissioners~~ Fire Chief shall, ~~on or before the 10th day of January in each year,~~ monthly present to the Fire Commission and Common Council of said City a

report showing ~~the number of a complete inventory of all property under their charge, which report shall also exhibit a particular statement of all~~ fire alarms and fires which have occurred in said city during the preceding ~~month. year, together with the cause of all such fires, as far as the same shall have been ascertained.~~ It shall also show the quality of hose which shall have been used, the names of all officers and members of said Fire Department and of the companies therein and the names of all persons in the employ of said Fire Commissioners and the compensation paid to them and a statement of all expenses paid or incurred in the Fire Department during the year and such other information relating to the Fire Department as to said Commissioners shall seem important.

§ 98 ~~#69~~ Rules for the Department.

The ~~Board of~~ Fire Commissioners shall make such rules and regulations as it may deem best for its government or the Fire Department, provided that such rules and regulations shall not conflict with the laws of the state or of the United States, ~~or action of the Common Council.~~

§ 99 ~~#73~~ Charge and sale of property.

Said Board of Fire Commissioners shall have charge of all property now in use or hereafter to be acquired by the City of Salamanca for the purpose of extinguishing fires, including all the rooms for storing the same.

Said Board of Fire Commissioners shall also have power, by and with the approval of the Common Council of said city, to sell the same or any part thereof, except real estate, the proceeds of such sale to be forthwith paid over to the City Comptroller and by him ~~or her~~ kept in a separate fund, the moneys of which may, by said Board of Fire Commissioners, be applied to the purchase of other apparatus or property or for any other Fire Department purpose.

~~§ 100 Appropriation of unexpended moneys.~~

~~All moneys in the hands of the Treasurers of the Villages of Salamanca and West Salamanca which have been raised or provided for Fire Department purposes and unexpended when this Act shall take effect are hereby appropriated for the purpose provided by this Article.~~

~~§ 101 Officers of present fire companies to serve out their term; exempt firemen.~~

~~The officers of each of the present fire companies of the Villages of Salamanca and West Salamanca in office at the time this Act takes effect shall continue in office until the~~

~~expiration of the terms for which they were elected or appointed. The members of each of said companies may, pursuant to rules to be prescribed by the Board of Fire Commissioners and subject to the confirmation of said Board, elect, expel or accept the resignation of any of the members and officers of said companies. Every member of any of the fire companies of said city, while such member, shall be exempt from serving in the militia, except in case of war, invasion and insurrection, and every person who shall serve in such Fire Department five (5) successive years shall thereafter be entitled to like exemption from military service, and a certificate of such service, authenticated by the Mayor of the city, with the corporate seal attached, shall be presumptive evidence before all courts and officers, civil and military, of such exemption. The members of any of the fire companies of said village in service when this Act takes effect shall be entitled to credit the term of their service in said companies of said villages in computing the number of years of service required by this Act to secure the exemptions provided in this section. (As amended by L. 1917, Ch. 716.)~~

TITLE IX X The Police Department

§ 102 #49 ~~Board of Police Commissioners.~~

The ~~Board of~~ Police Commissioners shall consist of ~~six (6)~~ five (5) members who shall be appointed ~~for a three (3) year term~~ by the Mayor subject to the approval of the Common Council pursuant to ~~§§ 10 and 13, as amended,~~ of the Charter. pursuant the City Charter. The commissioners shall each have the right to one vote and shall exercise all the powers and duties conferred by this Title upon the Police Commission.

The City Clerk shall at all times, without additional compensation, act as ~~be~~ the Clerk of the Commission. ~~Board,~~ It shall be his or her duty to keep a record of its proceedings in a book kept for that purpose. ~~and~~ The City Clerk shall have the custody of all books and papers belonging to said Commission. ~~Board.~~ Said books and papers shall at all times be open for the inspection of the members of the Commission. ~~Board.~~ The City Clerk shall do all such clerical work as such Commission shall from time to time prescribe.

~~(As amended by L. 1917, Ch. 716; L.L. 1953, No. 1, § 3; L.L. 1976, No. 3; L.L. 2021, No. 1.)~~

§ 103 #50 Organization.

The Police Commissioners appointed as hereinbefore provided shall constitute the Board of Police Commissioners.

They shall ~~within the first week of February in each year~~ annually organize by the Mayoral appointment of a City council member as chairperson and the election of one (1) of their

members as Vice-Chairperson ~~President~~ for the ensuing year. The Chairperson, and in their absence the Vice-Chairperson, ~~who~~ shall preside at the meetings when present and ~~who~~ shall not lose his or her vote as a member of said Commission ~~Board~~ by reason of his or her acting as presiding officer.

#51 Term of office.

The term of office of each member appointed shall be for three (3) years excluding the Chairperson which will coincide with their elected term.

#52 Vacancy and resignations.

In case any vacancy shall occur, other than by expiration of term, in the office of Police Commissioner in said City, such vacancies shall be filled for the unexpired term in the same manner as provided in this Act for the original appointment. Resignations from the office of Police Commissioner shall be made to the Common Council of said city and shall be subject to its acceptance. in writing to the City Clerk.

1. #53 Meetings of Commission

Said ~~Board of~~ Police Commissioners shall hold meetings at least once in each month., and Special meetings may be held on the call of the Chairperson ~~President~~ or any two (2) members of the Commission. ~~Board~~. A majority of the members of said Commission ~~Board~~ shall constitute a quorum.

(As amended by L. 1917, Ch. 716; L.L. 2021, No. 1.)

~~§ 104 — Officers of police, patrolmen and special policemen.~~

~~Said Board of Police Commissioners shall, within ten (10) days after their appointment, organize as the Board of Police Commissioners. The permanent police force of the Village of Salamanca shall, as to its component parts, remain as now constituted until the same shall be reorganized by the action of the Common Council pursuant to the authority vested in it by this Act. Upon the application of any corporation, society, person or persons showing the necessity therefor, said Board of Police Commissioners may, whenever deemed expedient, appoint and swear in special policemen, not exceeding the number so applied for, who shall serve for a time not exceeding that stated in the application, but the compensation of such special policemen, which shall be fixed by the Board, shall be paid by the corporation, society, person or persons requesting their appointment. Said special policeman may be removed at any time by said Board, without cause assigned therefor, and notice of such removal shall be forthwith given to the corporation, society, person or persons who applied for their appointment as aforesaid; such Board may also, upon any emergency or for any special purpose, appoint special policemen at a compensation to be fixed by the Board.~~

§ 105 #55 **Qualification of police.**

The qualification of police officers shall be as established by law, including the Civil Service Law, and/or by the Common Council.

~~No person shall ever be appointed a Chief of Police, Captain, Lieutenant, Sergeant, police officer, patrolman or special policeman by said Board the Common Council or shall continue to hold office as such who is not a citizen of the United States or who has ever been convicted of crime or who cannot understand English or read and write the English language.~~

~~§ 107(Reserved)~~

§ 108 #56 **Duties of Chief of Police ~~or Captain.~~**

It shall be the duty of the Chief of Police ~~or Captain under the direction of said Board~~ to ~~operate~~ ~~superintend~~ the Police Department of said ~~e~~City, of which Department he or she shall be the chief executive officer and shall have full control of the Police Department ~~patrolmen~~, subject to the ~~general oversight~~ ~~direction of said Board~~ of Police Commissioners, or as otherwise provided by this Charter.

He or she shall keep ~~a book of~~ ~~electronic~~ records, ~~to be denominated "police records,"~~ in which he or she shall make daily entries of all the proceedings of ~~his the~~ Department and of all the services rendered by him or her and ~~the several members of the p~~Police-force Department. He or she shall, ~~at the monthly meeting on the first day of each month,~~ report to the ~~Board of~~ Police Commissioners the state of his Department; the service performed by the members of the ~~p~~Police-force Department, respectively; the amounts respectively due each of them for their services in the preceding month; and whether any of them have been disorderly in their behavior or delinquent in their duties.

He shall do and perform such other duties as may be required by said ~~Commission. Board,~~ ~~including the keeping of a record of the weather.~~ He or she shall work with the Police Commission for the betterment of the Police Department but shall not violate any New York State laws or union agreements.

~~§ 109 (Reserved)~~

~~§ 110 Exemption from military and jury duty.~~

~~No member of the Police Department is liable to military or jury duty or to arrest on civil process or to service of subpoena from civil courts while actually on duty, nor shall be hold any other City office or be employed in any other department of the city government.~~

~~§ 111 ——— Officer not to be delegate.~~

~~No officer of the police force department shall be a member of or delegate to any political convention, nor shall be be present at any such convention except in the performance of duty relating to his position as such officer or member; and any violation of these provisions shall work a forfeiture of his office or position, and it shall be the duty of the Board of Police Commissioners to dismiss him from his office or position and enter of record the cause of such dismissal.~~

~~§ 112 ——— Unlawful conduct at primaries, et cetera.~~

~~It is unlawful for any police officer to solicit any person to vote at any political caucus, primary or election for any candidate or to challenge any voter or in any manner to attempt to influence any voter at any political caucus, primary or at any election or to be a member of any political committee; and any person violating the provisions of this section shall forfeit his position under the city government.~~

§ 113 #57 Powers and duties of pPolice Officers.men and Deputy Clerk of the Police Commission.

The members of the pPolice Department force of said eCity shall possess in every part of the State of New York all the common law and statutory powers of Constables, except for the service of civil process, and any warrant for search or arrest issued by any Magistrate of the State of New York may be executed in any part of the state by any member of the pPolice Department force of said eCity without any endorsement of said warrant and according to the terms thereof; they shall also have the same power and authority which a Constable possesses in civil cases and special proceedings, under the common law and statutory law .,including proceedings in bastardy cases. In all cases in which they are authorized to act, they shall possess the same powers, perform the same duties and be subject to the same liabilities as constables, except as herein otherwise provided.

They shall execute the orders and commitments of the City Judge in said eCity and of all courts held by him or her for the trial of criminal cases. They shall convey all persons sentenced by him or her to confinement in any jail, penitentiary or house of refuge, to such place of confinement, and they shall serve and execute all civil processes or proceedings issued or directed by any officer or court in said eCity.

They shall also convey to the city pound all cattle, swine and other unauthorized animals forbidden to run at large by law or the ordinances of said eCity whenever the same are so found on any of the streets or alleys of said eCity. and They shall further aid in the enforcement of the bylaws and ordinances of said eCity by directing a compliance therewith whenever an omission so to do is observed and, upon further neglect or refusal to obey the same, by arresting all violators thereof in the manner provided by the laws of the State of New York.

~~In addition to such other duties as may be imposed by the Board of Police Commissioners, the Deputy Clerk of the Police Commission of the City of Salamanca shall, within the territorial limits~~

~~of the City of Salamanca, have the same powers and duties as policemen. (As amended by L. 1916, Ch. 414; L.L. 1925, No. 5.)~~

§ 114 #58 **Service of criminal process.**

All criminal process for any offense committed within said eCity issued out of any court within said eCity and all process, subpoenas, bench warrant or otherwise issued by the District Attorney of the County of Cattaraugus relating to any offense committed within said city may be served by a member of said pPolice Department force.

§ 115 #59 **Expenses in execution of process.**

The necessary expenses incurred in the execution of criminal process within said eCity shall be a charge against the eCity. No fees or compensation whatever, other than as herein provided, shall be charged or received by any officer or member of said pPolice Department force for the arrest, confinement or discharge of any person or for mileage and travel or for serving any warrant, subpoena or process or for discharging any other duty required by this ActCharter; nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime or for the service of any warrant, subpoena or other process in any criminal case, other than as herein provided.

§ 116 #60 **Presents or rewards.**

No member of the police department force or special policemen shall receive any present or reward for services rendered or to be rendered unless the following is met:

- ~~1.~~ 1. with the Written consent of the Board of Police Commissioners, such consent to be given, in writing, and is filed with the Clerk.;
2. Permitted by law.
- ~~2.~~ and any one (1) of their number who shall receive any fee or reward in violation of this section shall be subject to disciplinary action. ~~thereby forfeit his office.~~

§ 117 #61 **Payment of salaries and expenses.**

The Comptroller shall pay the salary of the members of the police department force monthly, as it shall become due, on the warrant of the Board of Police Commissioners. The contingent expenses of the Police Department ~~and for rent of station house and telephones, expenses for office furniture, fuel, light, stationery, printing, advertising, policemen's badges and batons and other necessary expenses~~ shall be paid by the Comptroller of said city upon the invoices warrant of the Board of Police Commissioners. All invoices warrants of said Commission Board must be

authorized by a vote ~~of the Board~~ and be signed by the ~~Police Commission. Chairman and Clerk thereof.~~

~~§ 118~~ ~~Appropriation of moneys.~~

~~All moneys in the hands of the Treasurers of the Villages of Salamanca and West Salamanca which have been raised or provided for police purposes and unexpended when this Act takes effect are hereby appropriated for the purposes provided by this Title.~~

§ 119 #54 **Bylaws of police force.**

The ~~Board of~~ Police Commissioners shall make such bylaws, not inconsistent with the laws of this state, as may be necessary for the government of the ~~pPolice force-Department~~ hereby established, for regulating the powers and duties of the officers and members thereof, for uniforming them and for the maintenance of law and good order in said ~~eCity~~, but no bylaw concerning the enforcement of any ordinances of said city shall take effect until after it shall be approved by the Common Council of said ~~eCity~~.

~~Said Board of Police Commissioners shall hold stated meetings each month and other meetings upon the call of the Mayor or of any two (2) members.~~

§ 120 #62 **Station houses.**

The Board of ~~Public Works~~ Police Commissioners shall provide and keep in order such station houses, lockups and other necessary accommodations as shall be required for the use of said ~~pPolice Department force~~.

Said Board of ~~Public Works~~ may also employ some suitable and competent person to serve as ~~cleaner janitor~~ of such station houses and lockups, at a compensation to be fixed by them, if authorized so to do by the Common Council.

§ 121 #63 **Commitment to ~~pPolice sStation~~.; ~~account of criminal expenses chargeable to county.~~**

The City Judge of the ~~eCity~~ may commit to the police station in said ~~eCity~~ any person charged with crime and pending an examination for trial therefor, and the officer in charge of said police station in said ~~eCity~~ is authorized and required to receive any such person so committed and retain him ~~or her~~ in custody in accordance with committal.

~~The Board of Police Commissioners of the City of Salamanca shall, at the annual meeting of the Board of Supervisors of the County of Cattaraugus, render to said Board of Supervisors an itemized account of such criminal expenses as shall be properly chargeable to the County of Cattaraugus. Such expenses, which shall include a proportional part of rent of station, lighting of,~~

~~heating and cleaning the same, board of prisoners, expense of transportation of prisoners under sentence to place of confinement and the sum of twenty-five cents (\$0.25) for each transient-poor lodger sent by the Commissioner of Charities of said city to such station houses shall be audited by said Board of Supervisors and provided for and paid in the same manner as all other county charges. Said money shall be received by the City Comptroller and credited to the police fund.~~

TITLE XIII VIII City Court

§ 28 #41 General powers and duties of the City Judges.

The City Judges shall be the judges of the City Court, which shall have both civil and criminal jurisdiction, as provided by law.

~~He or she shall possess all the jurisdiction, power and authority in both civil and criminal proceedings as are or may be vested in Justices of the Peace of a town, together with such other powers and duties as are conferred upon him or her by this Act, and shall be entitled to the same fees in civil proceedings as such Justices of the Peace.~~

~~The City Judge shall attend at his office every weekday in the year at nine o'clock in the morning and remain for such length of time as the business of said court shall require.~~

§ 148 #42 City Court.

There shall be a Salamanca City Court. of The civil and criminal jurisdiction, practice and procedure of the City Court shall be as provided by law. The City Judges shall be the Judges of the Court.

The Court shall be open as is necessary to carry out matters before the court. for the transaction of business each day in the year, except Sundays and legal holidays, and upon those days for such purposes as are provided by law.

~~§ 149 Rooms and Supplies.~~

~~The Common Council of the city shall provide suitable rooms and properly furnish the same for holding Court therein; provide for furnishing the necessary blank books, stationery and other necessary articles for the use of said Court; and provide for the payment of all necessary expenses of said Court.~~

~~§ 150 Jurisdiction in civil actions and proceedings.~~

~~Except as limited by the next succeeding section, the City Court shall have jurisdiction of the following civil actions and proceedings, to-wit:~~

- ~~1. An action to recover damages upon or for a breach of contract, express or implied, other than a promise to marry, when the sum claimed does not exceed five hundred dollars (\$500.).~~
- ~~2. An action to recover damages for a personal injury or an injury to property, where the sum claimed does not exceed five hundred dollars (\$500.).~~
- ~~3. An action for a fine or penalty not exceeding five hundred dollars (\$500.), including the penalty imposed by the provisions of any city ordinance of said city.~~
- ~~4. An action upon a judgment not exceeding five hundred dollars (\$500.), rendered in said Court or in any court of the state of local jurisdiction, not being a court of record.~~
- ~~5. An action to recover one (1) or more chattels, with or without damages, for the taking, withholding or detention thereof, where the value of the chattels as stated in the affidavit of the plaintiff does not exceed the sum of five hundred dollars (\$500.).~~
- ~~6. To render judgment upon the confession of the defendant where the amount confessed does not exceed the sum of one thousand dollars (\$1,000.).~~
- ~~7. Summary proceedings under Title 2 of Chapter 17 of the Code of Civil Procedure^{f41} and the application for the removal of a person from real property in such proceedings may be made to the City Judge as is provided in § 2223 of the Code of Civil Procedure, and the procedure before the City Judge and in the City Court shall be as is prescribed by said Title.~~
- ~~8. Any other civil action or proceeding of which Justices of the Peace of towns have jurisdiction, including bastardy cases, in which the City Judge shall sit as the Court. **(As amended by L. 1916, Ch. 414.)**~~

~~§ 151~~ ——— ~~**Not to take cognizance of certain actions.**~~

~~The City Court shall not take cognizance of a civil action in either of the following cases:~~

- ~~1. Where the title to real property comes in question, as is prescribed in Title 3 of Chapter 19 of the Code of Civil Procedure,^{f41} and when such question arises, the pleadings and practice shall be the same as are provided by law for courts of Justices of the Peace in towns in regard thereto.~~
- ~~2. When the action is to recover damages for false imprisonment, libel, slander, criminal conversation, seduction or malicious prosecution.~~
- ~~3. Where, in a matter of account, the sum total of all the accounts of both parties, proved to the satisfaction of the Court, exceeds one thousand dollars (\$1,000.).~~
- ~~4. Where the action is brought against an executor or an administrator as such, except where the amount of the claim does not exceed the sum of five hundred dollars (\$500.) and the claim has been duly presented to the executor or administrator and rejected by him.~~

~~§ 152~~ ~~**Process, practice, et cetera; appeals from judgments, et cetera.**~~

~~The process and all mandates of the City Court, the service and enforcement thereof, the proceedings thereunder and the practice and procedure in said Court and before the City Judge shall be the same as in courts of Justices of the Peace in towns, except as otherwise provided in~~

~~this Act, and all provisions of law applicable to Justices of the Peace in towns and the courts held by them and the proceedings had before them and to their official acts, duties and powers shall apply to the City Court and the Judge thereof; and appeals may be taken from judgments of the City Court, and all proceedings before the City Judge may be reviewed and transcripts of judgments filed in the office of the Clerk of the County of Cattaraugus, and the enforcement of such judgments shall be had in the same manner and with like force and effect as in courts of Justices of the Peace in towns; and for the purpose of determining the jurisdiction of such City Court, except as the same is increased or extended or modified by this Act, the city shall be regarded as a town.~~

~~§ 153~~ ——— **Trial jurors.**

~~The Mayor, City Clerk and elective Assessor shall meet on or before the first day of February in each year at a place within the city appointed by the Mayor and select from the last assessment roll of the city and make a list of at least one hundred (100) names of the persons, together with their occupations and places of residence, whom they believe to be qualified as trial jurors, as prescribed in Article 16 of Chapter 30 of the Consolidated Laws, known as the "Judiciary Law," and each person whose name is contained in said list must, unless he is excused or discharged, serve as a trial juror for one (1) year from the first day of February of that year, and thereafter until another list is filed. Duplicate certified copies of said list shall be made by the City Clerk, one (1) of which shall be filed within five (5) days in his office and the other with the City Judge. The names of the persons appearing on said list shall be trial jurors of the City Court.~~

~~§ 154~~ ——— **Opening and vacating judgments.**

~~The City Court in civil cases shall have power to open and vacate any judgment rendered therein, upon such terms and conditions as it may deem just, within the time limited for an appeal therefrom, upon application of any party aggrieved thereby, and the City Judge may make an order staying in the meantime proceedings, upon such judgment until the hearing and decision of the motion therefor, and upon the service of such order upon the officer having the mandate for the enforcement of such judgment, proceedings for the enforcement thereof shall be stayed accordingly. Five (5) days' notice, in writing, of the application to open or vacate such judgment must be given by the party making the same; and such notice shall be served as is provided by law, for serving notices of appeal from judgment of a Justice of the Peace.~~

~~§ 155~~ ——— **Evidence.**

~~All entries of the Clerk's minutes or copies thereof duly certified by the Clerk and the corporate seal thereto annexed shall for any purpose be evidence in all courts of the state of facts therein stated; and in actions and proceedings for the recovery of fines and penalties, the certificate of the Clerk of the city, under the corporate seal of said city, setting forth any ordinances, bylaw, rule or regulation and certifying the adoption of the same and the date of such adoption, shall be presumptive evidence of the existence and adoption of any such ordinance, bylaw, rule or regulation.~~

~~§ 156~~ ——— **Costs and fees.**

~~In all civil actions and proceedings brought in this Court, the same costs and fees shall be paid, taxed and recovered as in actions or proceedings before Justices of the Peace in towns. The Court shall demand and receive of the moving party prepayment of all such fees, unless the party shall file an affidavit, in writing, showing to the satisfaction of the Court that the action or proceeding is begun in good faith and that the applicant is without means to pay such fees, in which case the Judge may, in his discretion, issue the proper process, without charging for Court fees, but shall in all cases require the applicant to pay in advance the fee for serving such process. All fees received by the City Judge shall belong to the city; and the City Judge shall not directly or indirectly receive to his own use any fees or perquisites except his salary. In addition to such fees as may have been paid or incurred by the prevailing party, he shall be allowed as an indemnity in case he has appeared by an attorney admitted to practice in courts of record in this state (and not otherwise), the following sums as expenses:~~

- ~~1. If a judgment is rendered for plaintiff upon default or by confession, to the plaintiff three dollars (\$3.).~~
- ~~2. If judgment is rendered for plaintiff otherwise than upon a default, to the plaintiff three dollars (\$3.), and an additional sum equal to ten per centum (10%) of the recovery when the action is brought to recover a sum of money or ten per centum (10%) of the value of the property as fixed by the judgment when the action is brought to recover a chattel, but not in any case to exceed twenty-five dollars (\$25.) in all.~~
- ~~3. If a judgment of nonsuit is rendered for defendant without trial, to the defendant two dollars (\$2.).~~
- ~~4. If a judgment is rendered for the defendant after trial, except as specified in the next subdivision, to the defendant five dollars (\$5.), and the Court in its discretion may allow five dollars (\$5.) additional.~~
- ~~5. If an affirmative judgment is rendered for the defendant, to the defendant the same sum as if he had been a plaintiff.~~
- ~~6. No costs or fees shall be allowed or incurred in an action brought upon a judgment of this Court unless such action be brought more than five (5) years after the recovery of the judgment sued on.~~

~~§ 157~~ ——— **Jurisdiction of City Judge in criminal cases.**

~~The City Judge in all criminal actions and proceedings and special proceedings of a criminal nature for and on account of offenses committed or charged to have been committed within the city shall have all the jurisdiction and authority which a Justice of the Peace of a town would have if such offenses were committed or charged to have been committed in the town, including bastardy proceedings, in which latter proceeding it shall not be necessary for the City Judge to associate with himself another Magistrate.~~

~~Said City Judge shall also exclusively have and exercise the jurisdiction provided by § 50 hereof in case of the violation of all city ordinances. And the City Court shall possess and exercise all the powers conferred upon courts of special sessions and shall be subject, in the exercise of such powers, to all provisions of law relating to courts of special sessions; and upon conviction in said Court for any misdemeanor of which the Court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a County Court. (As amended by L. 1916, Ch. 414.)~~

~~§ 158 ——— **Amount of fees, et cetera; deposit of fees; account of criminal business; docket to be kept.**~~

~~The City Judge shall keep an accurate account of all fees and fines received, from whom received, the time of receiving the same; and on the first business day of each month shall deposit with the Comptroller the amount thereof received in the last preceding month, with a detailed statement of the items thereof, verified by the affidavit of the City Judge to the effect that the same is correct and that it embraces all moneys paid into said Court or received by said City Judge for fees and fines during criminal business done by him. He shall keep an account of all his proceedings and in his docket a complete and accurate record of all process issued from and returned to said Court and of all proceedings in every civil or criminal action and all proceedings brought therein or before him and shall enter therein the judgment and decision of said Court or Judge. Such docket shall have the same force as evidence in courts of this state as dockets of Justices of the Peace in towns. (As amended by L.L. 1955, No. 4.)~~

~~§ 159 ——— **Compensation of peace officers.**~~

~~The fees and mileage of a peace officer authorized to make arrests in the City of Salamanca and who does not receive a salary from the city in connection with the arrest, examination, conviction and commitment of a tramp or of a vagrant under Subdivisions 1, 5 or 6 of § 887 of the Code of Criminal Procedure^[1] or of a person charged with public intoxication or with violating § 1221 of the Penal Law^[2] may be fixed by the Common Council for all offenses occurring in the city, but shall in no event exceed the sum of two dollars (\$2.) in any one (1) case.~~

~~[1]Editor's Note: See now the Criminal Procedure Law.~~

~~[2]Editor's Note: See now § 240.40 of the Penal Law.~~

~~§ 160 ——— **Rules.**~~

~~The City Judge may make rules not inconsistent with any law of this state to govern the practice and procedure in his court and fixing the sum of money required as a preliminary deposit to secure prepayment of fees by parties in civil actions.~~

§ 161 #43 **The City Attorney.**

The City Attorney shall be the head of the Department of Law. **The City Attorney shall be an attorney licensed to practice law in the State of New York.**

§ 162 #44 **Salary. Compensation**

The **salary compensation** of the City Attorney shall be fixed by the Common Council, and ~~he the City Attorney~~ shall receive no fees or other compensation of any kind whatever.

§ 163 #45 **Duties of City Attorney.**

- ~~3.~~ 1. **The City Attorney** ~~He~~ shall be and act as the legal adviser of the Common Council and of the ~~several~~ officers, boards, and departments of the **City**. ~~and he~~
- ~~4.~~ 2. **The City Attorney shall** attend the meetings of the Common Council as **required**.
- ~~5.~~ 3. **The City Attorney, when directed by the Common Council,** shall appear for and protect the rights and interests of the **City** in all actions, suits, and proceedings brought by and against **the City and** any **City** officer, board, or department; and such officers, boards, or departments shall not employ other counsel.
- ~~6.~~ 4. All costs in litigated cases, wherein the **City** is successful, shall belong to the **City** and, when collected, shall be paid to the Comptroller and credited to and form a part of the general fund of the **City**.
- ~~7.~~ ~~5.~~ ~~He~~ **The City Attorney** shall, when required, prepare all legal papers, contracts, deeds and other instruments for the **City** and other **City** departments.
- ~~8.~~ 6. **The City Attorney shall be available to review City contracts when requested by any City officer.**
- ~~9.~~ 7. The City Attorney shall perform other professional services relating to the **City** as the Mayor or Common Council may direct.
- ~~10.~~ 8. The City Attorney shall, at the expiration of his **or her** term of office, hand and deliver to his **or her** successor in office, as soon as qualified, the record or register of all suits or proceedings in which the **City** or any of its departments may be a party and also all papers on the part of the **City** therein, and also sign stipulations substituting said successor as attorney for the **City** to such suits or proceedings. ~~, to the end that a substitute order may be entered making such substitution.~~

~~No written contract providing for the payment of two hundred dollars (\$200.) or more, entered into by the city or any of its officers, boards or departments, shall be acted under until there shall be endorsed thereon by the City Attorney a certificate to the effect that the city officer, board or department which has executed the same on behalf of the city had authority and power to make such contract and that such contract is in proper form and properly executed; and he shall attend to all the law business of the city and discharge such other duties as may be prescribed in the ordinances of the Common Council.~~

~~§ 164~~ **Payment of moneys.**

~~He shall pay over at once to the Comptroller all moneys collected by him for or on behalf of the city, including fines and penalties; and he shall annually, on the first Tuesday of February, file with the Mayor of the city an inventory of all the books and property belonging to the city in his custody and report to the Common Council from time to time as it may direct concerning the condition of the affairs of this Department.~~

§ 165 **#46 Compromise of suits.**

He The Department of Law shall, whenever he it considers that the best interest of the City will be observed thereby, enter into an agreement, in writing, subject to the approval of the Common Council, to compromise and settle any claim against the City, which agreement shall be reported to the Common Council at its next meeting and be and constitute a valid obligation against the City; and the amount therein provided to be paid shall be included in the next City tax budget; and when raised to be paid to the claimant.

~~(As amended by L. 1943, Ch. 710; L. 1945, Ch. 839.)~~

§ 166 **#47 Employment of counsel.**

The City Attorney, with the written consent of the Mayor or when authorized by the Common Council, may employ counsel to assist in conducting the functions and duties of the Department of Law. ~~him in the trial, argument and conduct of important cases or proceedings in which the city is interested or a party.~~

§ 167 **#48 Judgments; report upon to Common Council.**

The City Attorney shall immediately report to the Common Council any judgments entered against the City.

~~The amount of any judgment recovered against the city and payable by it, remaining unpaid, with the interest due thereon, in case no appeal is intended to be taken or in case such judgment is finally affirmed on an appeal taken, shall be reported by the City Attorney immediately after the~~

~~same shall have become payable, to the Common Council; and such amount may be raised in the next levy of taxes for the expenses of the city or may be provided, in whole or in part, pursuant to the Local Finance Law. Unless execution upon such judgment shall be stayed such judgment. If the amount thereof is raised by taxation, shall be paid out of the first moneys paid into the city treasury on account of such levy, in the order of their recovery. Until the money so raised be paid into the treasury and payment of judgment refused, no execution shall issue against the city unless the amount of such judgment shall not have been included in the tax levy; provided, nevertheless, that if there be any money in the treasury to the credit of a fund derived from the revenues of the city, other than by taxation and not otherwise appropriated, sufficient to satisfy such judgments, the Common Council shall direct the payment therefrom of such judgments in the order of their recovery. (As amended by L. 1943, Ch. 710; L. 1945, Ch. 839.)~~

TITLE XV **XX** Action by and Against the City

§ 168 **#148** Limitation of actions against the city.

~~No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until after the expiration of thirty (30) days after the claim, debt or demand shall have been presented to the Common Council for audit.~~

~~All actions brought against the city upon any contract, liability, expressed or implied, must be commenced within one (1) year from the time that the cause of action accrued, and in all other cases within six (6) months after the refusal of the Common Council to allow the claim, except that no action shall be maintained against the city for damages for a personal injury or an injury to property alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof, unless the same shall be commenced within six (6) months after the cause of action therefor shall have accrued, nor unless a written verified statement of the nature of the claim and of the time and place at which such injury is alleged to have been received shall have been filed with the City Clerk within ten (10) days after the cause of action shall have accrued.~~

~~An action on such a claim shall not be commenced until the expiration of thirty (30) days after it is presented.~~

The City of Salamanca shall not be liable for any damage or injury sustained in consequence of defects in, want of repair or obstruction of any of the highways, streets, alleys, sidewalks, crosswalks or public places of the eCity, unless the **City Clerk Superintendent of Public Works** shall have had **prior written actual** notice of the defects in, want of repair or obstruction of any of the highways, streets, alleys, sidewalks, crosswalks or public places of the city at least twenty-four (24) hours before the happening of the casualty from which such injury or damage may have resulted.

~~§ 169 ——— Disqualification of judge or juror because of residence in city.~~

~~No person shall be disqualified for acting as judge or juror by reason of being an inhabitant or freeholder in the City of Salamanca and in any action or proceeding in which the city is a party or interested.~~

~~§ 170 **Civil actions to recover penalties.**~~

~~Civil actions to recover any penalties or forfeiture incurred under this Act may be brought in any court having jurisdiction thereof.~~

~~Such action shall be brought in the corporate name of said city, and, in any action brought in the City Court, it shall be lawful to complain generally for the amount of such penalty or forfeiture, stating the section of this Act or of the ordinance under which the penalty is claimed, and to give the special matter in evidence, and the defendant may answer by simply denying the truth of the complaint and give the special matter in evidence.~~

~~If such action be brought in the City Court against an alleged owner of real property, the fact that title to real property comes in question on the pleadings or appears on the trial shall not deprive the court of jurisdiction, but may be litigated and determined by the Judge as the right of the case may appear; but such judgment shall not be evidence concerning the title of real property in any other action or proceeding.~~

~~The first process, in any such action, brought in the City Court shall be by summons, which may be made returnable forthwith, and an execution may be issued immediately on the rendition of judgment. All penalties and forfeitures shall be forthwith, upon collection, paid to the City Comptroller to the credit of the general city fund; when any judgment shall be rendered in the City Court in favor of or against the City of Salamanca in any action brought for the recovery of any penalty or for forfeiture or in any other action in which the City of Salamanca shall be a party, the City Judge shall within ten (10) days thereafter file with the City Clerk a transcript of such judgment for which he shall be entitled to charge the sum of twenty-five cents (\$0.25) and include the same in the costs of said judgment; and in case said Judge shall omit to file such transcript or to do any of the acts above described, he shall forfeit the sum of twenty-five dollars (\$25.) for each and every of such omissions, to be recovered in an action by the city against said City Judge.~~

~~Whenever a judgment in favor of the city shall be recovered for twenty-five dollars (\$25.) or upwards, exclusive of costs, a transcript thereof may be filed in the office of the Clerk of Cattaraugus County, and thereupon the same shall become a lien upon the property of the defendant in such judgment to the same extent and may be collected and enforced in the same manner as other judgments recovered before Justices of the Peace and transcripts filed in pursuance of the laws of the State of New York.~~

TITLE XVI XVIII Assessment and Taxation

§ 171 #125 Assessment of taxes.

A. The Assessor shall in each year prepare an assessment roll of the persons and property taxable within the city, in the same manner and form as is required by law for the preparation of town assessment rolls, except as modified by this Charter.

B. For the purposes of assessment for taxation, all land and improvements within the city and outside of the limits of the Allegany Indian Reservation shall be subject to taxation as set forth by the laws of New York State.

C. For the purposes of assessment for the county taxes, the leasehold estates, leasehold estates of inheritance and freehold estates created pursuant to the followings Acts of Congress, leases entered into pursuant to said Acts of Congress and pursuant to § 71 of the Indian Law of New York State shall be assessed and taxable in the same manner as real property:

I. Act of 1875 (approved February 19, 1875) (18 statute 330).

ii. Act of 1890 (approved September 30, 1890) (26 statute 558).

D. For the purposes of assessment for city taxes, the leasehold estates, leasehold estates of inheritance and freehold estates created pursuant to the following Acts of Congress, leases entered into pursuant to said Acts of Congress and pursuant to § 71 of the Indian Law of New York State shall be assessed and taxable in the same manner as real property:

I. Act of 1875 (approved February 19, 1875) (18 statute 330).

II. Act of 1890 (approved September 30, 1890) (26 statute 558).

III. Seneca Nation Settlement Act of 1990 (approved November 3, 1990) (104 statute 1292).

E. It shall be sufficient to state the name of one (1) of the owners or occupants of said land and also the street and number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street on which it fronts shall be given. In case no inhabited building is on the land, the owner may be designated as "unknown." No error in the name of the owner or occupant shall invalidate the assessment. Only one (1) assessment shall be made in each year for all the taxes levied within the city during the year. The Assessor shall in the first instance and prior to the review thereof fix and establish all values and assessments thereof in all respects as provided ~~by § 35 of Title III of~~ this Charter.

~~(As amended by L.L. 1940, No. 1; L.L. 1962, No. 8; L.L. 1996, No. 2.)~~

§ 172 **#126 Completion of roll and review of assessment and equalization.**

The Assessor shall complete such assessment roll and shall file **one (1) copy** ~~three (3) copies~~ with the City **Comptroller Clerk** and shall give notice and perform all the acts required by the general

tax law of the state governing the completion of the roll and review of the assessment. ~~(As amended by L.L. 1962, No. 8.)~~

~~§ 173 — Equalization and levy for state and county taxes.~~

The ~~Assessor~~ ~~City Clerk~~ shall immediately thereupon proceed to prepare the roll for the ensuing year. ~~He shall, upon the written direction of the Assessors, by~~ correcting all clerical errors appearing therein, make a true copy of the assessment roll as corrected, ~~certify it under the seal of the city and deliver~~ ~~provide~~ it to the ~~Chairman or Clerk of the Board of Supervisors of the County of Cattaraugus~~ ~~County Real Property Tax Office.~~ ~~at its next annual meeting.~~ The ~~Board of Supervisors of Cattaraugus County~~ ~~New York State Department of Taxation and Finance, the Office of Real Property Tax Services,~~ shall in each year equalize the assessments within the City of Salamanca with the assessments of the towns in said county, in the same manner as the assessments are required to be equalized between such towns.

~~The Board of Supervisors shall not cause the state and county tax apportioned to said city to be spread upon any tax roll of property within the city, but shall, by resolution, ascertain and direct the amount of tax to be levied in the city for state and county purposes and shall, on or before the 15th day of December in each year, certify such resolution under the hands of the Chairman and the Clerk of the Board of Supervisors, to the Common Council of the city, and file such resolution with the City Clerk, and the City Clerk shall thereupon extend and apportion such tax on the assessment roll, together with the city taxes, levied as hereinafter provided, and no other extension and apportionment of such state and county taxes need be made.~~

§ 174 **#127 Levy of taxes by Common Council; tax rolls.**

The Common Council must annually, at the times hereafter specified, cause to be levied and raised by general tax upon all taxable property in the city, according to the valuation upon the assessment roll last verified by the Assessor, corrected as aforesaid:

a. During the month of December and following ~~the receipt of the~~ a resolution of the ~~County Legislature~~ ~~Board of Supervisors provided by § 173,~~ the amount of taxes so certified to be assessed upon the city. Such tax is hereinafter referred to as the "~~e~~County ~~t~~Tax." ~~The City Assessor shall distribute the County Tax bills together with the Indian Lease Rent bills, such notice to be mailed on or before the 10th day of January in each year.~~

b. During the month of March and following the adoption of the budget for city purposes provided for in § **44-B**, the amount necessary to defray the expenses for the next fiscal year as authorized and provided by this ~~Act~~ ~~Charter~~, including the amount of all interest and any installment of

principal falling due upon the bonds or other debt of the city. Such tax is hereinafter referred to as the "City Tax." (~~As amended by L.L. 1962, No. 8.~~)

§ 174-a #128 ~~Rentals on Indian leases~~ Rent; payment by city; reimbursements by levy.

The greater part of the corporate limits of the City of Salamanca is located on the Allegany Indian Reservation and is held under written leases granted to the owners thereof by the Seneca Nation of Indians pursuant to the Acts of the Congress of the United States enacted in the years eighteen hundred seventy-five (18 U.S. Stat. 330) and eighteen hundred ninety (26 U.S. Stat. 558).

The City of Salamanca is the owner of various tracts of land within said city and of highways and public buildings therein and is dependent for its corporate expenses upon the taxes levied on real property within said city which is held under the leases aforesaid. Continuance of the validity of such leases is vital to the City of Salamanca and to its corporate existence.

The cancellation of any of the leases within such City of Salamanca would seriously impair the ability of such city to pay its expenses and maintain its corporate organization. The City of Salamanca has acquired under tax sales many parcels of real estate in the city upon which rentals are in default, and the city may in the future acquire other parcels of real estate by reason of tax sales upon which defaults have occurred or may hereafter be allowed to occur in the payment of rentals on leases by which said premises are held.

The ability of the City of Salamanca to borrow money and maintain its corporate credit depends on the maintenance of the validity of such leases under which real property in the City of Salamanca is now held.

All rents reserved in said leases within the corporate limits of the City of Salamanca are hereby declared to be a lien in favor of the city upon the premises described therein, superior to any other liens, except general taxes, so long as said leases or renewals thereof or leases hereafter granted under the Acts of Congress aforesaid are in force.

The Common Council of the city shall cause to be levied and raised each year an assessment of rent upon each parcel of real property located within the corporate limits of the city held under any such leases in an amount equal to the rent reserved in each such lease. [The City Clerk under the direction of the Common Council shall extend and apportion such amount of the rental so reserved on each parcel of real property so held by lease new or hereafter in force, in a separate section, to be part of and attached to the assessment roll delivered to him in each year, and shall forthwith file the same and perform such other acts as are required of him by § 175 of this Article as amended.]

[The City Clerk or such other person who is authorized to have the Indian lease rental assessment records in his or her charge is authorized and directed to apportion the rent reserved in any said lease in the event of subdivision thereof and to make the necessary entries on said records.] Such rentals shall become liens upon delivery of the roll with a warrant annexed thereto, under the seal of the city to the Comptroller, as provided in § **175** of this ActCharter, and such rentals shall be payable to the Comptroller on or before the 15th day of February after the delivery of such roll and warrant.

The Comptroller of the city shall on or before the 19th day of February in each year pay to such person, officer, agency or organization as may be designated by or pursuant to Act of Congress of the United States the aggregate sum of all of said rentals so levied. All provisions relating to the levy and collection of taxes and assessments in this ActCharter as amended shall apply to the levy and collection of the assessment of rentals authorized by this ActCharter.

Nothing in this section shall be construed to authorize the taxation or assessment of the property of the Seneca Nation of Indians or of any individual Indian.

~~(As added by L. 1942, Ch. 231; as amended by L. 1949, Ch. 787; L. 1953, Ch. 878, § 282.)~~

§ 174-b #129 Levy of Indian rental.

Such Indian Lease Rental specified in § **174-a** of this Charter shall be levied by the Common Council during the month of December in each year at the same time that the county tax is levied, and notice of the amount of such rental as so extended and apportioned shall be given to the person appearing on the assessment roll as the owner thereof in the same manner as herein provided for giving notice of assessment of tax, such notice to be mailed on or before the ~~15~~10th day of January in each year.

~~(As added by L.L. 1962, No. 8.)~~

§ 175 #130 Issue of tax roll and warrant to Comptroller.

Immediately following each levy of the county tax, the levy of the Indian Lease Rent and the levy of the eCity tTax, the City Clerk, under the direction of the Common Council, shall extend and apportion said taxes on a copy of the assessment roll delivered to him or her each year and shall certify the same to be correct rolls of the county tax and the city tax and shall, on or before January ~~15~~10, following the levy of any such county tax, and on or before April 10 following the levy of any such eCity tTax, deliver the same to the Comptroller with a warrant annexed, under the seal of the eCity, commanding him or her to receive, levy and collect the several sums in the rolls specified as assessed against the person or property therein mentioned or described, with such penalties and percentages on interest as is in the aetCharter provided in the manner provided by law for the

collection and levying of county taxes ~~by town collectors~~ and to return said warrants and rolls to the Clerk on the day following the date of sale for unpaid taxes hereinafter provided.

From the time of the receipt of the tax rolls and warrants by the Comptroller, all taxes assessed and levied upon any real estate, leasehold estates of inheritance or freehold estates shall be a lien upon ~~such real estate, leasehold estates of inheritance or freehold estates~~ the ~~aforementioned~~ for the amount of the tax, Indian Lease ~~r~~Rental, penalties and interest until the same shall be fully paid.

~~(As amended by L. 1917, Ch. 716; L.L. 1937, No. 1; L.L. 1940, No. 2; L.L. 1951, No. 3, § 2; L.L. 1962, No. 8.)~~

§ 176 #131 **Collection of assessments and notice thereof.**

The Comptroller shall receive, levy and collect all sums of money duly assessed against person or property to pay the expense of paving or repaving any street, section of a street or public place or for the construction or extension of any sewer in any street or public place on or before June 30 of each year. The Comptroller shall give notice of the amount of each such rental assessment to the persons affected by such assessment on or before the first day of June of each year in the manner herein provided for notice of taxes, except that no notice thereof need be published. Such assessment shall be construed as a tax and shall be subject to penalties and interest as herein provided for taxes and shall be enforced in the manner and at the times herein provided for the enforcement of taxes.

~~(As amended by L. 1917, Ch. 716; L.L. 1937, No. 1; L.L. 1951, No. 3, § 2; L.L. 1962, No. 8.)~~

§ 177 #132 **Notice of receiving taxes.**

Immediately upon the delivery of any tax roll ~~and warrant to~~ the Comptroller, ~~he~~ shall publish a notice in the official newspaper of the ~~e~~City that he ~~or she~~ will attend at ~~the Comptroller's his~~ office with said roll and warrant until December 1, ~~following, Saturdays, Sundays and legal holidays~~ ~~excepted and~~ during regular business hours to receive all taxes and Indian Lease ~~r~~Rentals so levied, ~~and it shall be his duty or the duty of his duly authorized Clerk to attend accordingly.~~

~~He~~The Comptroller shall also mail to each person on said assessment roll at his ~~or her~~ last known post office address notices showing the taxes and Indian Lease ~~r~~Rentals so assessed against him ~~or her~~, together with ~~a brief recital~~ the notification of the time in which such tax may be paid. Such notice shall be mailed within the fifteen-day period ending on the date on which such taxes and Indian Lease ~~r~~Rentals are first payable as provided herein. ~~The Assessor shall keep a record of all persons and their respective addresses who may pay taxes for nonresidents of said City and the addresses of such nonresidents so far as he or she can determine.~~

Every person may pay each of the taxes and Indian rentals above specified to said Comptroller without any fees thereon during the period specified in this ~~Act~~ Charter, and after the final date for payment without penalty so specified, ten percent (10%) shall be added to the tax, Indian Lease ~~r~~Rentals or assessments then past due, and commencing thirty (30) days thereafter, interest at the rate of one-half of one percent (1/2 of 1%) per month or fraction thereof shall be charged. All penalties and interest provided for in this section shall belong to the city.

The for final payment of all taxes, Indian Lease ~~r~~Rentals and assessments without penalty or interest shall be the date next following the levy thereof specified as follows:

- (a) February 15 for the Indian rentals.
- (b) The last day of February for the county tax.
- (c) The last day of May for the city tax.
- (d) The last day of June for the assessments.

~~(Amended by L.L. 1962, No. 8; L.L. 1963, No. 2; L.L. 1971, No. 6; L.L. 1984, No. 3.)~~

§ 178 #133 **Tax receipts.**

Immediately upon receiving any tax, Indian Lease ~~r~~Rental or assessment, the Comptroller shall enter in a column in the tax roll prepared for the purpose and opposite the name of the person or corporation paying the same the fact of payment and the date thereof and shall give the person paying the same a receipt therefor. Any person may pay any one (1) or more taxes or assessments upon his property leaving others unpaid to be enforced or to be paid later. ~~in the manner provided by this Act.~~ All tax bills issued by the Comptroller for taxes shall be numbered consecutively, and all receipts issued by the Comptroller for taxes paid to him shall bear the same number, and the Comptroller shall not receipt for more than one (1) year's taxes on the same property in one (1) tax receipt.

The form of such tax, Indian Lease ~~r~~Rental and assessment notice to be mailed and the form of receipt herein provided for shall be determined by the Comptroller with the approval of the Common Council. A copy of the receipt of a tax bill stub showing the number of such tax bill, the amount and the date of payment shall be retained by the Comptroller and filed with the ~~City Clerk~~ Records Management Officer. After ~~six (6) seven (7)~~ years have elapsed from the date of payment, such duplicates, receipts or stubs may be destroyed, ~~with the exception of school taxes which shall be held in perpetuity.~~

~~(As amended by L. 1917, Ch. 716; L.L. 1962, No. 8.)~~

§ 179 #134 **Notice of unpaid taxes and demand of payment.**

If any tax, Indian Lease ~~rRental~~ or assessment levied during the current year shall remain unpaid on the 31st day of November of each year, the Comptroller shall on December 1 mail a notice specifying all unpaid taxes, Indian Lease ~~rRentals~~ and assessment levied during the year including the school tax and specifying the serial number of the tax bill and requiring the taxpayer to pay the same to the Comptroller by December 10 following. Such notice shall be deposited in the post office in the ~~eCity properly enclosed in a postpaid envelope mailed~~ directly ~~ed~~ to such person at the address stated on the tax bill or at such other address as shall have been specified to the ~~Comptroller~~ City Assessor, in writing. Such notice may also be served upon such person personally. It shall not be necessary to make any other demand for payment of said tax. ~~(As amended by L.L. 1962, No. 8.)~~

§ 180 #135 **Collection of tax by civil action.**

The Comptroller is hereby authorized and empowered to recover, by action in any court of competent jurisdiction and in the corporate name of the city, the amount of every tax and Indian ~~lLease rRental~~ remaining unpaid after December 10, with the additions and fees unpaid thereon, and to recover judgment therefor with twelve percent ~~per centum~~ (12%) interest thereon and the cost and expenses of such action. ~~The City Judge shall have exclusive jurisdiction to try such action when the sum claimed does not exceed five hundred dollars (\$500.-).~~

A transcript of the judgment obtained in such action may be filed and such judgment docketed in the office of the Clerk of Cattaraugus County, and it shall, however small the amount, thereupon become a judgment of the County Court of said county and the lien of the amount of said judgment, upon all real estate of the judgment debtor, situate in said county and shall have the same priority over any other lien or encumbrance upon or transfer of property charged with the tax for which action was brought as the lien of the tax sought to be recovered in said action.

Upon any judgment recovered for said unpaid taxes and/or Indian lease rentals and docketed in said County Clerk's office, execution may be issued and collected as provided by law and all the provisions of law in reference to sale and redemption of real estate on executions shall apply to sales, redemptions or such proceedings which may be had under this ~~Act~~ Charter. **(As amended by L.L. 1917, Ch. 716; L.L. 1962, No. 8; L.L. 1971, No. 9.)**

§ 181 #136 **Proceedings in case of failure to collect tax or warrant.**

On or before the first day of December ~~next~~ after any tax shall have been imposed upon any real estate, leasehold estates of inheritance or freehold estates in said city, the Comptroller shall make and deliver to the Assessor a transcript of any and all such taxes which remain unpaid. ~~, and it It~~

shall be the duty of the Assessor, on or before the 10th day of December ~~thereafter~~, to make and deliver to the Comptroller a statement containing a brief general description of the location, present boundaries and estimated quantity of each parcel of said lands, leasehold estates of inheritance or freehold estates in lands in said city, and in case any such lands, leasehold estates of inheritance or freehold estates in lands in said city shall have been erroneously assessed, ~~;~~ ~~t~~ Then it shall be the duty of such officer to make and include in said statement a correct assessment at the same valuation as before, and such corrected assessment and the amount of taxes levied upon said lands, leasehold estates of inheritance or freehold estates shall be as valid and effective ~~ual~~ for all purposes as though they had been originally corrected.

~~(As amended by L. 1917, Ch. 716; L.L. 1940, No. 3; L.L. 1962, No. 8.)~~

~~§ 182~~ ~~#137~~ ~~Sale of Possession of lands for unpaid taxes.~~

(1) Whenever any such tax, penalty or interest or any part of either of them shall remain unpaid on the 10th day of December, the Comptroller shall proceed to ~~publish a notice of~~ ~~advertise and sell~~ the lands, leaseholds of inheritance and freehold estates in lands in said City, upon which the same was imposed, for the payment of such tax, penalty or interest or the part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall also be a charge upon such lands.

~~§ 182-a~~ ~~Exceptions.~~

~~The Common Council of the City of Salamanca shall be authorized by resolution to relieve the Comptroller from the obligations imposed by § 182 of Title XVI of the Salamanca City Charter as added by L.L. No. 8 for the year 1962 as to certain estates and land upon which there remains payable taxes, penalty or interest, when in the judgment of the Common Council, the costs of the tax proceedings outlined in Title XVI would exceed the benefit to be realized by the city. (As added by L.L. 1971, No. 10.)~~

~~§ 182-b~~ ~~Exceptions.~~

~~(1) The Common Council of the City of Salamanca shall be authorized by resolution to relieve the Comptroller from the obligations imposed by Section 182 of Title XVI of the Salamanca City Charter as to certain estates and land upon which there remains payable taxes, and/or Indian lease rental payments and penalties or interest when in the judgment of the Common Council, the benefit to the City of protecting and preserving its tax base exceeds the benefit to the City of selling a tax sale certificate at the tax sale.~~

~~(2) In the event the Common Council has adopted the resolution as provided for in Section 182-b(1) with respect to any particular property or estate, t~~ The Comptroller shall designate the subject property as Tax Pending. At any time within one (1) year from the date the subject property is designated as Tax Pending the owner of the leasehold estate, or free hold estate if the property

is located outside the territorial boundaries of the Seneca Nation of Indians' Allegany Reservation, or any person having a lien upon any such parcel may pay to the City Comptroller the tax arrearage which was owed as of the date the subject property was designated as Tax Pending with interest thereon at the rate of fifteen percent (15%) ~~per annum~~ from the date that the subject property was designated as Tax Pending.

Upon payment of the required amount to the Comptroller as herein provided, the Comptroller shall give such person a receipt for the amount paid and shall remove the property from the designation of Tax Pending.

(3) At least three (3) months before the expiration of the one year period during which the payment ~~authorized by Section 182-b(2)~~ can be made the Comptroller shall commence the publication of a notice which shall show the date when the property was designated as Tax Pending and the last day by which the payment ~~authorized by Section 182-b(2)~~ can be made without other or further description and such notice shall be published at least twice in each of the three (3) months in the official newspaper of the City. A copy of such notice shall be served personally on the owner or occupants of the subject property, or if unoccupied, posted on the premises at least twenty (20) days before the expiration of such time for final payment. The publication and service of such notice shall bar and preclude any and all persons except the City or its assigns or the person finally making the payment ~~authorized by Section 182-b(2)~~ in case the payment ~~authorized by Section 182-b(2)~~ is not made as herein provided.

(4) If the payment ~~authorized by Section 182-b(2)~~ is not made as herein provided the Comptroller, upon approval of the Common Council shall execute a deed conveying the subject property to the City or its assigns or as designated by the Common Council pursuant to resolution.

~~(As added by L.L. 2009, No. 1; as amended by L.L. 2010, No. 1.)~~

§ 183 #138 **Notice for the sale of land for taxes.**

The ~~City Clerk Comptroller~~ shall ~~cause to be~~ published a notice ~~of such also~~ containing a description of the lands, leaseholds of inheritance or freehold estates in land within said city to be sold and specifying the time and place of sale in the official newspaper of the city, once a week for at least two (2) successive weeks, immediately prior to day of sale, and shall also post such notice of sale in at least three (3) public places in the city at least fourteen (14) days before the day of sale.

On the day named, the Comptroller shall commence the sale of such lands, leaseholds of inheritance or freehold estates in said city and shall continue such sale ~~from day to day~~ until the

whole thereof shall be sold. ~~Before the sale, the owner of any parcel of land leaseholds of inheritance of freehold estates in said city or his representatives or any person interested therein may avoid the sale thereof by paying the tax or taxes to the Comptroller with all accrued interest, fees, additions and expenses. (As amended by L.L. 1933, No. 2; L.L. 1940, No. 5; L.L. 1962, No. 8.)~~

§ 184 #139 **Manner of conducting sale of land for taxes.**

Each parcel shall be sold at public auction to the highest bidder. The purchasers on such sales shall pay the amounts of their respective bids to the Comptroller following the Common Council's acceptance of such bid. ~~immediately after each parcel shall be struck off.~~ In case a purchaser shall fail to pay the amount of his or her bid, as herein prescribed, the Comptroller shall forthwith offer the parcel for sale again and proceed as though it had not been sold ~~struck off.~~ Should there be no bid ~~of the amount due on any lot, parcel of land, leaseholds of inheritance or freeholds estates in said city to be sold, then the Comptroller shall bid the same in for the city, and the city is hereby authorized to acquire said parcels and~~ the Common Council shall have the care and control of all such parcels and may lease or sell and convey the same.

As soon as practical after the sale, the City Attorney ~~Comptroller~~ shall prepare a deed ~~operate and execute in duplicate~~, as to the parcel sold, a certificate of such sale describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof and stating the fact of the sale, the name of the purchaser, the sum paid therefor, and the amount due thereon at the time of the sale., ~~the name of the person or persons against whom such tax was assessed, and the name of the reputed owner thereof. One (1) of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the Comptroller.~~

The Comptroller shall deliver the deed ~~other duplicate certificate~~ to the Clerk of the County of Cattaraugus, who shall file the deed ~~said certificate~~ in his or her office and record the same in a book to be kept in said Clerk's office for that purpose, and shall index the deed certificate in the name of the ~~of the City person to whom the parcel was assessed, the name of the reputed owner thereof~~ and the name of the purchaser in the same book and manner as deeds are required by law to be indexed.

The County Clerk shall be entitled to receive the fees provided by law for each deed certificate so filed and recorded, which fee shall be paid by the Comptroller and shall be a part of the expenses of the sale of the parcel. If from any cause the Comptroller shall be unable to attend at the time and place of sale, the City Clerk of said eCity may conduct the sale with the same force and effect as though made by the Comptroller.

~~(As amended by LL. 1940, No. 5; LL. 1962, No. 8.)~~

§ 185 #140 **Disposition of proceeds of sale.**

The proceeds of the sale of each parcel, other than those struck off to the eCity, shall be applied to the payment of the expenses of the sale as herein provided, and the extinguishment of the tax, penalty or interest for which it was sold and if there shall be any residue, the Comptroller shall hold the same until the owner of the premises at the time of such sale shall redeem them from the sale as herein provided, and the Comptroller shall pay such owner said surplus. In all other cases, the Comptroller shall hold the same until after the period of redemption shall have expired and then he or she shall pay such surplus, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus or statutory foreclosure of a mortgage on real estate.

In case any taxes shall be assessed and levied upon real estate, leaseholds of inheritance or freehold estates in said eCity, which have been sold for taxes, subsequent to such sale, and before the redemption thereof or conveyance thereof to the purchaser, and the same shall be unpaid, the Comptroller may deduct the amount thereof from any surplus in his or her hands of the sum bid for the same, if there be any surplus; if there shall be no surplus or the same shall be insufficient to pay such taxes, the person redeeming shall pay the same, otherwise, the purchaser shall pay the same before he or she shall receive his or her conveyance of the same.

~~(As amended by L.L. 1940, No. 7.)~~

~~§ 186 ——— **Redemption of lands.**~~

~~The owner of or any person interested in or having a lien upon any parcel, lot, leasehold of inheritance or freehold estate so sold may redeem the same from such sale at any time within one (1) year by paying the Comptroller, for the use of the purchaser or his assigns, or if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate as having been bid for the premises with interest thereon at the rate of fifteen per centum (15%) per annum from the day of sale, together with any tax or assessment upon said parcel or any part thereof that said purchaser or assigns or persons before redeeming shall have paid between the day of sale and the day of redemption, with interest at the rate of fifteen per centum (15%) per annum upon such tax or assessment from the time of payment. In case of the redemption of any land, leaseholds of inheritance or freehold estates sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the Comptroller shall give such owner a receipt for the amount paid by him to effect such redemption, and on the production thereof by such owner to him, the County Clerk shall cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his office. (As amended by L.L. 1940, No. 8; L.L. 1986, No. 2.)~~

~~§ 186-a~~ **Exceptions.**

~~Notwithstanding the provisions of Section **186**, the Common Council of the City of Salamanca shall be authorized by resolution to direct the Comptroller to redeem on behalf of the City of Salamanca unredeemed tax sale certificates upon the expiration of one (1) year from the date of the tax sale and before conveyance of the property to the holder of the tax sale certificate when in the judgment of the Common Council, the benefit to the City of protecting and preserving its tax base exceeds the benefit to the City of conveying the property to the holder of the tax sale certificate. Upon the redemption of such tax sale certificate by the Comptroller the City of Salamanca shall become the holder of the tax sale certificate and the disposition of the tax sale certificate shall be at the discretion of the Comptroller subject to approval of the Common Council. (As added by L.L. 2009, No. 1.)~~

~~§ 187~~ **Notice of redemption.**

~~At least three (3) months before the expiration of the time for the final redemption of any parcels, lots, leaseholds of inheritance or freehold estates so sold, the Comptroller shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least twice in each of said three (3) months in the official newspapers of the city. A copy of such notice shall be served personally on the owner or occupants of the lands or, if unoccupied, posted on the premises at least twenty (20) days before the expiration of such time for final redemption. The publication and service of such notice shall bar and preclude any and all persons except the purchaser on such sale or his assigns or the person finally redeeming from any interest in or lien upon such lands, leaseholds of inheritance or freehold estates or any part thereof, in case said lands, leaseholds of inheritance or freehold estates shall not be redeemed from such sale hereinbefore provided. (As amended by L.L. 1940, No. 9.)~~

§ 188 #141 **Conveyance of real estate sold for taxes.**

If **For** any parcel so sold ~~shall not be redeemed as herein provided,~~ the Comptroller, ~~immediately after the expiration of said one (1) year,~~ shall execute and deliver to the purchaser, his **or her** heirs or assigns or to the **e**City or its assigns ~~to the person finally redeeming, as the case may be,~~ a conveyance of the real property, leaseholds of inheritance or freehold estates so sold, which conveyance in case of real estate held in fee by the owner shall vest in the grantee an estate in fee, but in case of leaseholds of inheritance or freehold estates, said conveyance shall vest in the grantee only the estate by which said leaseholds of inheritance or freehold estates are hold from the Seneca Nation of Indians pursuant to the Acts of Congress of eighteen hundred seventy-five, approved February nineteenth, eighteen hundred seventy-five (18 statute 330), and of eighteen

hundred ninety, approved September thirtieth, eighteen hundred ninety (26 statute 558), and § 71 of the Indian Law of the State of New York, subject only to the liens, if any, of unpaid taxes or assessments thereon. ~~The Comptroller executing such conveyance shall be entitled to demand and receive from the grantee one dollar (\$1.) for preparing every such conveyance, but all purchases made for the city in any year shall be included in one (1) conveyance, and no fees shall be charged therefor.~~

The Common Council shall establish a fee scheduled for such conveyance. Every such conveyance shall be executed by the Comptroller, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county, and such conveyance in case of real estate held in fee by the owner shall vest in the grantee an absolute estate in fee simple, but in case of leaseholds of inheritance or freehold estates, said conveyance shall vest in the grantee only the estate by which said leaseholds of inheritance or freehold estates are held pursuant to the Acts of Congress of eighteen hundred seventy-five, approved February nineteenth, eighteen hundred seventy-five (18 statute 330) and of eighteen hundred ninety, approved September thirty, eighteen hundred ninety (26 statute 558), and § 71 of the Indian Law of the State of New York, subject to all claims which the state may have thereon for taxes, other liens or encumbrances and which shall be presumptive evidence that the sale and all proceedings prior thereto from and including the assessment of the land, leaseholds of inheritance or freehold estates aforesaid sold and that all notices required by law to be given previous to the expiration of the time allowed by law for the redemption thereof were regular and in accordance with all the provisions of law relating thereto.

After two (2) years from the date of recording such conveyance in the office of the Clerk of Cattaraugus County, such presumption shall be conclusive. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate. Said grantor or his or her assigns or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands, leaseholds of inheritance or freehold estates from and after the execution of such conveyance and may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his or her term without permission of his or her landlord.

~~(As amended by L.L. 1940, No. 10.)~~

~~§ 189 ——— Settlement by Comptroller for taxes collected.
????~~

~~It shall be the duty of the Comptroller to pay over to the Treasurer of Cattaraugus County at the end of each week during the period that the tax roll and warrant is in his hands all moneys received by him for county and state taxes. He shall take duplicate receipts for each payment, one (1) of which shall be immediately filed with the City Clerk. All other moneys received by him for taxes~~

~~shall daily be deposited in such banks as are made depositories of the city, by resolution of the Common Council. Except as otherwise provided by this Act, the Comptroller shall settle with the County Treasurer for state and county taxes in the manner required by law of town collectors and with the Common Council for city taxes and assessments in the same manner. At the time of the delivering to him of the duplicate city roll and tax warrants, the Comptroller shall receipt for the same and shall then be charged with the whole amount which he is thereby authorized to collect. He shall not be authorized to credit himself with any amount as unpaid on any warrant until he shall make and file with the City Clerk an affidavit stating the amount unpaid and setting forth the reason in each case why such tax or assessment is or has not been collected. [The Common Council may thereupon order and authorize said Comptroller to credit himself with the whole or any part of said tax or assessment unpaid, and the Comptroller shall be credited only with such amount as the Common Council shall so order.] [Upon settling with the Common Council, the Comptroller must show that he has duly settled with the County Treasurer for state and county funds.] The City Clerk shall, on the delivery of the blank tax receipts to the Comptroller, charge the Comptroller with the number of receipts delivered, and the Comptroller shall immediately examine the numbering of the receipts and reports to the City Clerk any irregularity found therein. The Comptroller shall receipt to the City Clerk therefor and shall be held strictly accountable for all receipts found missing at regular settlements; also for all the detached receipts, including receipts, the duplicates of which do not show the entry of taxes. All irregularities in the issuance of receipts that render them worthless must be shown on the face of the original, which must in no case be detached from the duplicate. At the time of the annual settlement, the Comptroller shall deliver to the City Clerk all duplicates of receipts issued by him and other receipts delivered and charged by the City Clerk to him.~~

§ 189.1 **#143 Exemption from taxes and special ad valorem levies imposed by the City of Salamanca.**

The Common Council shall have the power and be charged with the duty of carrying out the purposes and intent of ~~Article 4-A of the Commerce Law of the State of New York~~ and § 485 of the Real Property Tax Law of the State of New York and such other applicable laws ~~of the state~~ or regulations ~~promulgated in conjunction therewith~~ so as to grant ~~to~~ eligible business facilities as defined by the aforesaid laws, tax exemption or tax credit from taxes and special ad valorem levies or assessments imposed upon real property and improvements;. **Once** meeting the requirements for eligibility for tax credit and exemptions ~~as provided for in Article 4-A of the Commerce Law of the State of New York and § 485 of the Real Property Tax Law of the State of New York, provided that~~ the owner or operator of the eligible business facility **shall**, on a form ~~prescribed~~ **provided** by the Assessor, shall make application to the Common Council before the tax status date accompanied by a **eCertificate of eEligibility** issued by the New York State Job Incentive Board and

simultaneously therewith, files such application with the State Board of Real Property Services of ~~Equalization and Assessment~~ and the New York State Job Incentive Board.

Upon submission of the aforesaid application, certification and such additional information as may be required by the Common Council and within the time prescribed for submission by such Common Council before such tax status date, said Common Council shall either, with or without a hearing, process said application for exemption and if found to meet the requisites herein provided, determine the assessed value of such tax credit or exemption in accordance with such ~~e~~Certificate of ~~e~~Eligibility and enter such value on the exemption portion of the assessment roll.

The Common Council may grant such an exemption for a period not to exceed ten (10) years and shall determine the percentage of exemption for each of said number of years not to exceed ten (10) years, or combination thereof, and may further specify that the exemption so granted shall continue from year to year during the selected period of years, only if the certificate of eligibility is not revoked or modified, and upon the condition that annually, said certificate is renewed or extended by the New York State Job Incentive Board.

Any exemption so granted by the Common Council shall commence with the appropriate assessment roll prepared on the next following taxable status date of the City of Salamanca.

~~(As added by L.L. 1976, No. 1.)~~

§ 190 #144 **Power of Common Council as to void and erroneous assessments.**

The Common Council of the city may, in its discretion, release, discharge, remit or commute any portion of the taxes assessed or levied against any person or property for any error, irregularity or omission in the levying of said taxes or in any of the proceedings relating to the same. In case any assessment shall remain unpaid on account of any irregularity, omission or error in any assessment authorized by this ~~Act~~Charter or the laws in force when such tax was levied or in case of error in the description of lands held either in fee, leaseholds of inheritance or freehold estates or in the description of the owner or occupants, the Common Council may, in its discretion or upon the application of any person interested, proceed to correct such irregularity, omission or error or cancel, remit or commute such tax or cause the amount so unpaid to be reassessed on the property, the assessment against which remains unpaid or upon the owner or occupant thereof; and the Common Council is hereby authorized and empowered to make such reassessment upon giving ten (10) days' personal notice thereof to the owner, agent or occupant of the property against which the amount remains so unpaid.

It may direct the City Comptroller to correct any irregularity, omission or error, and such reassessment or correction shall have the same effect as if said assessment had been properly

made. But the Common Council shall not alter any valuation made by the Assessors. Any omission to comply with the provisions of this ~~Act~~Charter in making an assessment or levying a tax or creating a lien shall not render such assessment or the tax levied thereunder or the assessment made or lien created thereby void, but shall be treated as an irregularity merely, and it shall be the duty of any and all courts in case it shall appear that such irregularity exists to direct the same to be corrected or amended or the omission supplied, if possible.

In case any tax or assessment shall be void or have failed for want of jurisdiction or for any irregularity, mistake or inadvertence in levying or assessing the same, the Common Council shall have power and it shall be their duty to cause the same to be reassessed in a proper manner. Any sum paid thereon shall be credited upon the tax so reassessed, and, if the sum paid shall exceed the amount so reassessed, the excess shall be refunded to the person entitled thereto. **(As amended by L.L. 1940, No. 11.)**

§ 191 ~~#145~~ **Collection of local assessments.**

Whenever an assessment shall be ordered for local improvements, the assessment shall be made to resemble in form as nearly as practicable the tax list and be provided with a column in which payments can be entered by the Comptroller. All provisions relating to the collection of taxes in this ~~Act~~Charter shall be applicable to the collection of assessments mentioned in this ~~Act~~Charter.

TITLE XVII **Miscellaneous**

§ 192 ~~#40 -7~~ **Claims against fire insurance proceeds for delinquent taxes.**

Upon the adoption of a resolution providing that the City of Salamanca Comptroller shall serve upon the New York State Superintendent of Insurance notice of intention to claim against fire insurance proceeds for delinquent real estate property taxes, as authorized by ~~§ 22, Subdivision 3, of~~ the General Municipal Law, the City of Salamanca may nevertheless release or return to the insured any or all amounts to which it would be otherwise entitled to claim, provided that the insured agrees with the ~~c~~City, in writing, to restore the affected premises to the same or improved condition that the subject premises was in prior to the time that the lien of the City of Salamanca against proceeds provided for by ~~§ 22 of~~ the General Municipal Law arose, subject to such conditions as such resolution shall provide to guarantee performance of such obligation by the insured.

(As added by L.L. 1993, No. 1.)

§ 193 ~~#146~~ **Partial exemption from City real property taxes for persons over 65 years of age.**

1. ~~The purpose of this local law is to grant a p~~Partial exemption from City taxation may be granted to the extent of 50% of the assessed valuation of real property less all other existing

exemptions on property which is owned by certain persons with limited income who are 65 years of age or over meeting the requirements set forth in § 467 of the Real Property Tax Law.

2. Real property owned by a person 65 years of age or over shall be exempt from ~~City~~ Tax to the extent of 50% of the assessed valuation, less all other existing exemptions, subject to the following conditions:

(a) The owner, or all of the owners, must file an application annually in the Assessor's office at least 90 days before the day for filing the final assessment roll of the City of Salamanca, which said date for filing the final assessment roll is March 1st or such other time as may hereafter be fixed by law. Application for such exemption must be made by the owner or all of the owners of the property on forms to be furnished by the City Assessor's office and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such Assessor's office **on or before March 1. ~~at least 90 days before the day for filing the final assessment roll as aforesaid.~~**

(b) The income of the owner or the combined income of the owners must not exceed **\$18,000** ~~\$14,000~~ for 12 consecutive months prior to the date the application is filed, which application must be filed before March 1 **of each year. At the time of application, all prior City taxes must be paid in full. ~~, 1997, and such amount shall be increased to \$15,000 effective March 1, 1998, which application must be filed before March 1, 1998.~~**

(c) Title to the property must be vested in the owner or, if more than one, in all the owners for it least 24 consecutive months prior to the date that the application is filed.

(d) The property must be used exclusively for residential purposes, be occupied in whole or in part by the owners and constitute the legal residence of the owners.

(e) Where title is vested on either the husband or the wife, combined income may not exceed the sums as applicable for the years described in Subdivision (b) hereof; provided, further, that the appropriate partial exemption shall be applicable to premises wherein the person or persons entitled to the partial exemption have conveyed the premises but retained life use thereof.

3. Any conviction of having made any willful false statement in the application for such exemption shall be punishable by a fine ~~of not more than \$100~~ and shall disqualify the applicant or applicants from further exemption for a period of five years.

4. Notwithstanding § 2(a) hereof, a property owner who has received an exemption pursuant to this law on the preceding assessment roll and fails to file before **taxable** status date for another

annual exemption may nevertheless file the application, provided that it is filed before the hearing of **complaints Grievance Day**, and it will be treated as if such application had been filed on or before **March 1**. ~~the taxable status date.~~

~~(L.L. 1991, No. 1; as added and amended by L.L. 1994, No. 3; as amended L.L. 1997, No. 2.)~~

~~§ 194 ——— (Reserved)~~

~~§ 195 ——— **Sinking fund.**~~

~~The Common Council may create a sinking fund or sinking funds to provide for the redemption of any bonded indebtedness heretofore existing or hereafter created, and for that purpose may raise annually by taxation a sum which will produce at their maturity an amount equal to the sum of the principal of the bonds to retire which the sinking fund is created.~~

~~A sinking fund created for the purpose of amortizing an indebtedness covered on account of a water works system, light plant or other property or means of accommodation through which a profit is realized by the city may be maintained out of the surplus earnings of such system, plant or property and if the revenues thus derived shall not be sufficient to provide for the sinking fund requirement, said Common Council may provide for such deficiency and pay the same in the same manner as it may provide for the payment of the principal and interest on other bonded indebtedness of said city.~~

~~The City of Salamanca, in addition to the power which it possesses, to raise money for all purposes by taxation, shall have power to raise by a general tax annually, upon the real and personal property assessed for taxation in said city, such sum as may be necessary to provide for the payment to meet such sinking fund requirements, as may have been authorized by the Common Council. All taxes collected and funds set apart for sinking fund requirements shall be kept in a separate fund and may be invested in such securities as the Mayor, Common Council and Comptroller may agree. The amount raised by taxation in any year, to be used for sinking fund payments, shall not exceed one fourth of one per centum (1/4 of 1%) of the total assessed valuation of said city.~~

~~§ 196 through § 202. (Reserved)~~

§ 203 **#40 -6 All moneys to be paid to Comptroller.**

All officers or other persons who shall receive any money for or belonging to the city, by or under the provisions of this Act or otherwise, shall, within ten (10) days after its receipt, pay the same over to the Comptroller of the city and take his receipt therefor except as otherwise provided in this Act.

~~§ 205 ——— **Reading of Charter, ordinances, records, et cetera, in evidence.**~~

~~The Charter of the City of Salamanca may be read in evidence from the volume of session laws of the State of New York, containing said Charter, from the volume printed by the authority of the Common Council or from a certified copy made by the City Clerk or from the volume of ordinances~~

~~and bylaws provided by authority of Common Council; and all records and accounts of the city which the city officers are required by law to keep shall be presumptive evidence of the truth of their contents in any court.~~

§ 206 ~~#40~~ -5 **Audit and payment of claims.**

The City Comptroller shall pay all claims demands and bills, when duly audited by the respective commissions or boards of the several departments subject to the approval of the Common Council, except that those audited by the **Board of Public Utilities Commissioners of Water and Light** shall not be subject to such approval. ~~(As amended by L. 1917, Ch. 716; L. 1953, Ch. 878, § 283.)~~

~~§ 207 — **Assessments, liens, et cetera.**~~

~~All taxes heretofore levied and all assessments made and liens declared by the Villages of Salamanca and West Salamanca or the Boards of Trustees thereof or by the Towns of Salamanca and Great Valley or the Town Boards thereof or by Trustees of School Districts Numbers 4 and 5 of the Town of Salamanca and School District Number 1 of the Town of Great Valley, upon property in said villages, or in that portion of said towns included within the boundaries of the City of Salamanca shall be, remain and continue existing liens against said property and enforceable by the City of Salamanca in the manner herein provided, and all assessments heretofore made and liens created or assumed to be created by the Villages of Salamanca and West Salamanca or the Boards of Trustees thereof or by the Towns of Salamanca and Great Valley or by the Town Boards thereof or by the Trustees of said school district, against property in said villages or in the portions of said towns included within the boundaries of said city are hereby legalized, confirmed, ratified, approved and declared lawful and are made valid liens in favor of said City of Salamanca and enforceable by said city in the manner hereinbefore provided, but the provisions of this Act shall not in any manner affect any actions heretofore commenced and now pending against said Villages of Salamanca and West Salamanca or against the Towns of Salamanca and Great Valley or against said school districts or the officers thereof.~~

~~The Common Council of said city shall have the authority and is hereby empowered to accept a surrender of any franchise or any right or rights given under any franchises heretofore granted by the Board of Trustees of the Villages of Salamanca and West Salamanca or by the Town Boards of the Towns of Salamanca and Great Valley within the portion of said towns included in the boundaries or said city without any impairment of the remaining rights created under said franchises and on such terms as the Common Council may deem just.~~

~~§ 208 — **County Court always open.**~~

~~The County Court is always open for the hearing of any application or appeal under this Act.~~

~~§ 209 — **The time when this Act shall take effect.**~~

~~This act shall take effect immediately. (L. 1913, Ch. 507, became effective May 14, 1913.)~~

§ 210 #142 **Real estate; lease or sale.**

Any real property belonging to the eCity or in control of the eCity may be leased, sold or otherwise alienated at public or private sale. No lease or sale or other alienation at public auction shall be authorized except by resolution of the Common Council receiving the approval of a majority of the Council Members Aldermen-in-office, and no lease, sale or other alienation at private sale shall be authorized except by resolution of the Common Council receiving the approval of two-thirds (2/3) of the Council Members Aldermen-in-office.

Real property belonging to the eCity may be sold, transferred or leased to or exchanged with any municipal corporation or corporations, school districts, fire districts, State of New York, the United States government, an Indian Nation or authorized and approved agency or housing authority of such municipal corporation, school district, fire district, state, federal government or Indian Nation, at or for such consideration and upon such terms and conditions as the Common Council may determine in its discretion.

Move above The phrase "real property belonging to the eCity" as used in this chapter shall not include real property acquired by the eCity as a result of tax sale or real property acquired by the eCity as a result of tax lien foreclosure actions.

(As added by L.L. 1976, No. 6)

~~§ 215 — Unpaid ambulance bills to be lien against real property.~~

~~1. When a person who has any beneficial interest in real property located within the City of Salamanca fails to pay when due for ambulance services provided by the city to such person, the amount of any unpaid bill, together with interest thereon, shall constitute a lien against the benefited person's real property and shall be included upon the city tax bill issued for that property.~~

~~2. The lien created by Subdivision 1 of this section shall be enforced in the same manner as the lien for unpaid taxes is enforced pursuant to the provisions of the City Charter.~~

~~(As added by L.L. 1996, No. 1.)~~

TITLE XXII **XIX** **Sale or Disposal of City-Owned Personal Property**

§ 1 #147 **Sale or disposal of city-owned personal property.**

4. The Common Council or any commission or board of the eCity may order any personal property of the City of Salamanca under its control which is not needed for public use and is so certified, the value of which amounts to five hundred thousand dollars (\$5,000) (\$500.) or more, to be sold either at public auction or by sealed bid to the highest responsible bidder. Before any board or commission shall hold any such sale, the Mayor and Common Council shall be informed as to the proposed sale and the reasons therefor.

2.1. Such auction and sale shall be held under the direction of the Common Council or commission or board concerned, which shall take the necessary proceedings to conduct and consummate such sale in accordance with the following procedure:

(a) Public notice in proper form of such sale shall be published in the official newspaper of the city once each week for three (3) successive weeks immediately proceeding the date of the sale. Such notice shall contain provisions as to the date, time and terms of sale, the posting of security and the forfeiture thereof in event of default, the other matters as may be directed by the Common Council or the commission or board concerned.

(b) The Common Council or the commission or board concerned may reject any or all bids received.

(c) Such sale shall be effective only upon the approval of a majority of the Common Council and the approval of the Mayor or upon approval of a majority of the commission or board concerned.

(d) The successful bidder shall be required to pay ~~twenty-five~~ ten percent (25~~10~~%) of his ~~or her~~ bid in cash or certified check at the time of the sale as security therefor, which sum shall be returned to the bidder in the event that the sale is not approved.

(e) In the event that the bid is accepted and the sale approved, the balance of the purchase price shall be paid in cash or by certified check upon delivery of the property to the bidder. In the event that the successful bidder fails to pay the whole purchase price at the time and place designated, his ~~or her~~ deposit shall be considered forfeited and shall become the property of the City of Salamanca as liquidated damages.

(f) Upon receipt by the City of Salamanca of the whole purchase price, the Mayor, if the sale has been held by the Common Council, or the Chair~~person~~man of the commission or board concerned shall execute and deliver on behalf of the City of Salamanca a bill of sale for the personal property sold.

(g) In the event that the Common Council shall approve by majority vote a proposed sale to be conducted by a sealed bid, the procedure of Subparagraphs (a), (b), (c), (e) and (f) of Paragraph 1 shall be followed, and the procedure of Subparagraph (d) shall be modified so as to require a bidder, under the sealed bid method, ~~to submit with his sealed bid a certified check of twenty-five percent (25%) of his bid at the time of the submission of such bid, which said sum shall be returned to the bidder in the event that the bidder is not the high bidder or in the event that the sale is not approved.~~

~~3-2.~~ In the event that the personal property certified as not needed for public use is less than five hundred thousand dollars (\$5,000) (~~\$500.~~) in value, the same may be disposed of at private sale for the best obtainable price and in the best interest of the City of Salamanca by the Common Council or the commission or board concerned. ~~The entire amount of the sale price must be paid in cash or by certified check at the time by the successful bidder, who may thereupon be given the requisite bill of sale duly executed by the proper representative of the City of Salamanca.~~

~~4-3.~~ The proceeds for any such sale after deduction of the necessary expenses therefor shall be deposited with the City Comptroller and credited to the ~~u~~Unestimated ~~r~~Revenue ~~f~~Fund., ~~except in the case of the Water and Light Department, any proceeds shall be paid to the water and light fund.~~

~~5-4.~~ The Common Council or the commission or board concerned may authorize the exchange of such property for other property of like nature or may dispose of the same by trading-in, without resort to the foregoing provisions, but subject to the existing provisions respecting the award of contracts for the purchase of property by the City. ~~of Salamanca.~~

~~(As added by L.L. 1949, No. 7; as amended by L.L. 1975, No. 1.)~~