

Draft: 8/16/17

**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2017**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING  
THE CITY OF BEACON CHARTER**

A LOCAL LAW to  
amend the City of  
Beacon Charter.

BE IT ENACTED by the City Council of the City of Beacon as follows:

**Section 1.** Chapter C of the City of Beacon entitled "Charter" is hereby amended as follows:

**Chapter C. Charter**

**Article 1. Title; Powers of City; Boundaries**

**Sec. 1.00. Short title.**

This Charter shall be known and may be cited as "Charter of the City of Beacon."

**Sec. 1.~~02~~01. Purpose.**

The purpose of this Charter is to provide the legal framework for organizing and operating the government of the City of Beacon.

**Sec. 1.~~04~~02. Corporate name.**

The City of Beacon, hereinafter referred to as the "city," shall continue to be a municipal corporation in perpetuity, as heretofore established and as provided by law, under the name "City of Beacon."

**Sec. 1.~~06~~03. Powers of the city.**

The city shall have all powers granted to a city of its population under the constitution and laws of the State of New York, as fully and completely as though they were specifically enumerated in this Charter.

**Sec. 1.~~070~~4. Authorization to sell or convey city-owned property.**

The purpose of this chapter is to supersede General City Law § 23(2)(b) so as to authorize the public or private sale or lease of real property owned by or in the control of the city through public or private transaction.

- A. Authorization for sale or lease. The City Council may by a resolution adopted by majority vote, sell, convey, exchange, grant or release any city real estate or franchise belonging to or under the control of the city at public or private sale, and grant rights or interests in, over, under and across any real property in which the city has any right, title or interest, for such consideration and upon such terms and conditions as the City Council may deem proper, and with respect to the sale of surplus real property, such terms and conditions may include purchase money mortgages, installment contract sales and any other means of selling and financing.
- B. Procedure for sale at public auction. Real property owned by the city leased, sold or otherwise alienated by public sale shall be at public auction or by sealed bid to the highest bidder, under proper regulations as to the giving of security and after public notice of the time and place and terms of such sale has been published at least once in the official newspaper of the city at least one week prior to such sale.

**Sec. 1.~~080~~5. Vested rights and duties.**

All property, power, contracts, local laws, ordinances, rules, regulations, obligations and liabilities of the city existing at the time of adoption of this Charter, unless explicitly superseded by this Charter, shall be in no way affected or changed by its adoption. All actions and proceedings pending for or against the city at the time that this Charter takes effect shall be continued unless the parties shall otherwise stipulate.

**Sec. 1.~~064~~9. Construal.**

The powers of the city under this Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this Article or provided by the laws of the State of New York.

**Sec. 1.~~420~~7. Intergovernmental relations.**

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one (1) or more states or civil divisions or agencies thereof, as authorized by the Constitution and Laws of the State of New York.

**Sec. 1.~~460~~8. Boundaries of the wards.**

The city shall be divided into four wards, the boundaries of which shall be set forth in the City Code and reviewed and adjusted as appropriate within six months after publication of the results of each Federal decennial census. ~~The current ward boundaries are as follows (all references to a street refer to its center line; all references to a compass point are approximate):~~

~~Ward One:~~

~~From the point on the western city boundary where it touches Red Flynn Drive; then~~

~~South on Red Flynn Drive, across the railroad overpass to Beekman Street; then~~

~~Northeast on Beekman Street to North Avenue; then~~

~~South on North Avenue to Main Street; then~~

~~East on Main Street to Fishkill Avenue; then~~

~~North on Fishkill Avenue to Verplanck Avenue; then~~

~~West on Verplanck Avenue to Matteawan Road; then~~

~~North on Matteawan Road to Camp Beacon Road; then~~

~~North on Camp Beacon Road and continuing in the same direction to the northern city boundary; then~~

~~10. Along the northern and western city boundaries back to the starting point.~~

~~Ward Two:~~

~~From the point on the western city boundary where it touches Red Flynn Drive; then~~

~~South on Red Flynn Drive, across the railroad overpass to Beekman Street; then~~

~~Northeast on Beekman Street to North Avenue; then~~

~~South on North Avenue to Main Street; then~~

~~East on Main Street to Teller Avenue; then~~

~~South on Teller Avenue to Wolcott Avenue; then~~

~~West on Wolcott Avenue to Sargent Avenue; then~~

~~South on Sargent Avenue to South Avenue; then~~

~~South on South Avenue to the midpoint of Fishkill Creek; then~~

~~South along the midpoint of Fishkill Creek to the southern city boundary; then~~

~~Along the southern and western city boundaries back to the starting point.~~

~~Ward Three:~~

~~From the point on the eastern city boundary where Mount Beacon Monument Road crosses;  
then~~

~~West on Mount Beacon Monument Road to East Main Street; then~~

~~West on East Main Street to Washington Avenue; then~~

~~North on Washington Avenue to Grove Street; then~~

~~West on Grove Street to Liberty Street; then~~

~~South on Liberty Street to East Main Street; then~~

~~West on East Main Street to Main Street; then~~

~~North on Main Street to Verplanck Avenue; then~~

~~West on Verplanck Avenue to Matteawan Road; then~~

~~North on Matteawan Road to Camp Beacon Road; then~~

~~North on Camp Beacon Road and continuing in the same direction to the northern city  
boundary; then~~

~~Along the northern and eastern city boundaries back to the starting point.~~

~~Ward Four:~~

~~From the point on the eastern city boundary where Mount Beacon Monument Road crosses;  
then~~

~~West on Mount Beacon Monument Road to East Main Street; then~~

~~West on East Main Street to Washington Avenue; then~~

~~North on Washington Avenue to Grove Street; then~~

~~West on Grove Street to Liberty Street; then~~

~~South on Liberty Street to East Main Street; then~~

~~West on East Main Street to Main Street; then~~

~~North on Main Street to Verplanck Avenue; then  
West on Verplanck Avenue to Fishkill Avenue; then  
South on Fishkill Avenue until it turns into Teller Avenue; then  
South on Teller Avenue to Wolcott Avenue; then  
West on Wolcott Avenue to Sargent Avenue; then  
South on Sargent Avenue to South Avenue; then  
South on South Avenue to the midpoint of Fishkill Creek; then  
South along the midpoint of Fishkill Creek to the southern city boundary; then  
Along the southern and eastern city boundaries back to the starting point.~~

## Article 2. City Council

### Sec. 2.00. Composition; eligibility; election; terms.

- A. ~~Compensation~~Composition. There shall be a City Council of six (6) members and a Mayor. The term "Council" or "City Council" shall include the Mayor unless said Mayor is excluded by express provision therefrom or by operation of law. Two (2) of the Council members will be elected at-large, and the remaining four (4) Council members will be elected from ~~districts~~ wards, the boundaries and dimensions of which shall be determined by the City Council, in conformity with constitutional requirements and the requirements of the Laws of the State of New York.
- B. Eligibility. Only qualified voters of the city shall be eligible to hold the office of Council members and Mayor. Any such elected officer of the city shall vacate ~~his~~ the office upon removal of his / her domicile from the city and shall be disqualified from holding such office.
- C. Qualifications. Every elected or appointed city officer shall possess the qualifications prescribed by the Public Officers Law of the State of New York, except as otherwise provided in this Charter.
- D. Election and terms. ~~The first city election under this Charter shall be held on the first Tuesday in November in the year 1991 and in conformity with the Election Law. The terms of the officers so elected shall begin on January 1, 1992. Thereafter, regular elections shall be held as provided by this Charter, to elect successors to those officers whose terms are about to expire.~~

- (1) The Mayor shall be elected for a term of four (4) years.

- (2) The Council members shall be elected for a term of two (2) years.
- (3) Four (4) Council members shall each represent one (1) of the four (4) ~~districts~~ wards of the city, and a Council member representing such ~~district-ward~~ shall be domiciled and a qualified voter therein.

#### **Sec. 2.~~0201~~. Compensation and expenses.**

The salary for each of the six (6) Council members shall be ~~nine-eleven~~ thousand dollars (\$~~911,000-~~) per annum, and for the Mayor ~~twenty-five~~thirty thousand ~~dollars-five hundred dollars~~ (~~\$2530,000~~500) per annum. ~~The Council may determine the compensation of the Council members and for the Mayor by ordinance. This includes, but is not limited to, salary, health insurance and/or other fringe benefits.~~ Council members and the Mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office. In addition, the Council members and the Mayor shall have the option of receiving individual health insurance ~~coverage~~benefits, individual or family coverage, through the City of Beacon's health insurance plan, such insurance policy type shall be determined by the Director of Finance. A Council member who receives health insurance benefits through the City's health insurance plan shall receive a reduced salary of nine thousand dollars (\$9,000) per annum, and for the Mayor twenty-five thousand dollars (\$25,000) per annum. The City's contribution toward the premium cost of providing ~~this individual coverage, individual or family~~, shall be at the same percentage contribution rates as is provided to the City's department heads with the balance being paid for by the Council member or the Mayor who elected such health insurance coverage. Council members and the Mayor may secure family coverage through the City's insurance plan but such person is responsible for any such cost above the individual coverage cost. -This shall take effect on January 1, 2018 with respect to Council members and the Mayor.

#### **Sec. 2.~~0402~~. Mayor.**

The Mayor shall preside at meetings of the Council and shall be recognized as chief executive officer of the city government. The Mayor shall appoint the Council Secretary. The Mayor, with the consent of a majority vote of the Council, shall appoint all members to, and fill all vacancies on, all boards, commissions and similar bodies created and authorized by state law or this Charter. The Mayor may appoint, from time to time, such nonsalaried advisory committees as may be necessary to make nonbinding recommendations as to those matters which they are assigned to review. ~~The Mayor shall submit a yearly planning report to the Council no later than June 1.~~

#### **Sec. 2.~~0603~~. Prohibitions.**

- A. Holding other office. Except where authorized by law, no Council member shall hold any other city office or employment during the term for which elected to the Council; and no former Council member shall hold any compensated appointive city office or

employment until one (1) year after the expiration of the term for which elected to the Council.

- B. Appointments and removals. Neither the Council nor any of its members, with the exception of the Mayor, shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the Mayor or any subordinates are empowered to appoint, but the Council may express its views and fully and freely discuss with the Mayor anything pertaining to appointment and removal of such officers and employees.
- C. Interference with administration. Except for the purpose of inquiries and investigations under Section 2.4206, neither the Council nor any of its members shall direct or otherwise manage any city officer or employee, other than through the City Administrator or Mayor.

**Sec. 2.0804. Vacancies in elective office.**

- A. Creation of vacancies. A vacancy in an elective office shall exist when the person elected fails to qualify for the office within thirty (30) days thereafter, dies, resigns, ceases to be domiciled in the city and/or ward from which elected, is determined to be either mentally or physically incompetent to perform the duties for which that person was elected or is convicted of a felony or a crime involving a violation of oath of office or when a judgment of a court declares the election void, the office forfeited or vacant or when the person fails or refuses to file the official oath or undertaking as prescribed by law.
- B. Procedures. If a vacancy shall occur in any elective office of the city (with the exception of Mayor), otherwise than by expiration of term, the Mayor, with the consent of the majority of the City Council, shall appoint a duly qualified person to fill such vacancy until a successor is chosen in accordance with the Public Officers Law. If a vacancy in an elective office is not filled by the Mayor with Council approval within forty-five (45) days of its occurrence, the Council shall have the power to fill such vacancy by four (4) affirmative votes of the Council. In the event that no appointment is made to fill the vacancy as hereinbefore provided, the Council may call a special election to fill such vacancy for the unexpired term. Such a special election shall be held no later than ninety (90) days from the occurrence of the vacancy. If the vacancy shall occur in the office of Mayor, the City Council, by a majority vote of its members, shall appoint a duly qualified person to fill such vacancy until a successor is chosen in accordance with the provisions of the Public Officers Law. In the event that no appointment is made to fill the vacancy in the office of Mayor within forty-five (45) days of its occurrence, the Council may call a special election to fill such vacancy for the remainder of the unexpired term. Such a special election shall be held no later than ninety (90) days from the occurrence of the vacancy. During the interim, the person so appointed as Mayor pursuant to Chapter 23 of the Code of Ordinances shall perform the duties of Mayor until the vacancy is

filled as hereinabove provided and shall assume the additional compensation for Mayor while assuming those duties.

- C. In the event there is a conflict with the language contained in either Chapter 19 or Chapter 23 of the Code of Ordinances, the terms of this section shall supersede the provisions in Chapters 19 and 23 of the Code of Ordinances entitled "Continuity of Government" and "Disaster Preparedness Committee," respectively.

**Sec. 2.~~1405~~. Judge of qualifications.**

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of and removal from their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office other than those grounds causing an immediate vacancy, by operation of state law, shall be entitled to a public hearing on demand, after seven (7) days' written notice. Notice of such hearing shall be published in one (1) or more newspapers of general circulation in the city at least one (1) week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts. In determining the qualifications of its members, the Council shall use the standards set forth in the Public Officers Law and General Municipal Law, and such additional standards as may be enacted by Charter amendment or local law, provided that the same are not inconsistent with the Public Officers Law or General Municipal Law.

**Sec. 2.~~1206~~. Inquiries and investigations.**

The Council shall have access to all information concerning any aspect of the affairs of the city, and may request such information in writing. The Council shall also have the power to make formal investigations into any aspect of the affairs of the city, and for such purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails to obey any subpoena or lawful directive of the Council pursuant to this section shall be punished as provided by law for contempt.

**Sec. 2.~~1407~~. Independent audits.**

The Council shall obtain an independent audit of all financial accounts at least once annually. Such audits must be conducted by a certified public accountant who has no direct personal interest in the financial affairs of the city government or any of its officials. The annual audit must be reported to the Council and the public no later than ~~April 30~~ June 30 of each year.

**Sec. 2.~~1608~~. Procedures.**

- A. Meetings. The Council shall meet regularly twice in every month at such times and places as the Council may prescribe by rule. The Mayor's office shall prepare and make public a written agenda ~~the Friday at least two (2) working days~~ before each



regular Council meeting. Special meetings may be held on the call of the Mayor or of four (4) or more members, and whenever practicable, upon no less than twenty-four (24) hours' written notice to each member. All meetings shall be public; however, the Council may recess for the purpose of discussing, in a closed or executive session, those topics or items for which the Public Officers Law allows a closed session. The general subject matter for consideration must be expressed in the motion calling for such closed session. Final action thereon shall not be taken by the Council until the matter is placed on the agenda.

- B. Rules and journal. The Council shall determine its own rules and order of business and shall provide for keeping of a full and accurate journal of its proceedings and communications, which shall be a public record. They shall provide for public comments at all meetings.
- C. Workshops. In order to prepare for regular meetings, the Council may meet in informal public workshops. Workshop meetings shall be subject to the same requirements as regular meetings with respect to notice, public attendance, advance public agenda, and public record. No formal legislative decision may take place at a workshop. Any Council member may request the Mayor add an item to the workshop agenda and if not added to the Agenda, a Council member may at the next workshop meeting request that the item be added to the end of the Agenda upon approval of a majority of the Council. Any Council member may refer to workshop any item of business that has not been previously reviewed in workshop and/or any item of business discussed at a regular meeting which requires further discussion.
- D. A majority of the whole number of the Council, including vacancies, abstentions and any members disqualified, shall constitute a quorum, and the same number shall be necessary to perform and exercise any power, authority or duty of the Council.
- E. Official newspaper. The Council shall designate on an annual basis an official newspaper or newspapers, which may be a daily or weekly newspaper of general circulation in the City of Beacon.

## **Sec. 2.~~1809~~. Action requiring an ordinance or local law.**

The Council shall have the power to enact ordinances for any lawful purpose, within its powers, as provided and authorized by § 20 of the General City Law or any other statute of the State of New York. The Council may enact local laws, for any purpose authorized under the laws of the State of New York, pursuant to the procedures set forth by the laws of the State of New York for such enactments.

## **Sec. 2.~~2010~~. Ordinances in general.**

All proposed ordinances must be presented, in writing, by the Council at least one (1) meeting before adoption, except for emergency ordinances as provided in Section 2.~~2412~~.

All ordinances, resolutions and charter amendments adopted by the Council shall be recorded in the journal.

**Sec. 2.~~22~~11. Franchises.**

No franchise or renewal thereof shall be granted except upon a public hearing, a notice of which shall be published at least three (3) weeks before the date set for the hearing. The request for such franchise or renewal shall be on file with the City Clerk for public inspection for the three (3) weeks prior to the date of the hearing.

**Sec. 2.~~24~~12. Emergency ordinance.**

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting emergency clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) Council members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

**Sec. 2.~~26~~13. Publication of ordinances and resolutions.**

The Council shall cause ~~a summary of the entire text of~~ every ordinance and of every resolution having the effect of law ~~to be printed in full in the minutes of the meeting at which they are introduced and adopted, and of the entire text of each amendment to this Charter, to be published promptly in the official newspaper following its adoption before it becomes effective.~~ The full text of the ordinances, resolutions and charter amendments shall be published on the City website and made available to the public, free of charge, from the City Clerk. ~~The published notice shall specifically state that a full copy of the ordinance or resolution may be obtained, free of charge, from the City Clerk.~~

**Article 3. Mayor; Administrator**

**Sec. 3.00. Powers and duties of Mayor.**

- A. ~~1.~~ The Mayor shall appoint, subject to Council approval, all city employees, department heads and administrative officers provided for by this Charter, created by the Council, authorized or approved by the Council or required by State Law.
- B. ~~2.~~ The Mayor shall have the power to remove, suspend or terminate any and/or all city employees, department heads, and/or administrative officers where and when the Mayor deems it necessary, except as otherwise provided for by this Charter or personnel rules adopted pursuant to this Charter and/or state law.
- C. ~~3.~~ The Mayor may authorize any administrative officer who is subject to the Mayor's authority and supervision to exercise any of the Mayor's powers with respect to subordinates in that officer's department, office or agency.
- D. ~~4.~~ The Mayor shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law.
- E. ~~5.~~ The Mayor shall see that all laws, provisions of this Charter and acts of the Council subject to enforcement by the Mayor or by officers or subject to the Mayor's direction and supervision are faithfully executed.
- F. ~~6.~~ The Mayor shall direct the City Administrator to prepare the budget ~~prepare~~ and submit the annual budget and capital program to the Council.
- G. ~~7.~~ The Mayor shall submit to the Council and make available to the public by ~~March~~ May 1 each year a complete written report on the finances and administrative activities of the city as of the end of the prior year.
- H. ~~8.~~ The Mayor shall make such other reports as the Council may require concerning the operations of city departments, officers and agencies subject to the Mayor's direction and supervision.
- I. ~~9.~~ The Mayor shall keep the Council fully advised as to the financial condition and future needs of the city and make recommendations to the Council concerning the affairs of the city.
- J. ~~10.~~ The Mayor shall perform such other duties as are specified in this Charter or may be required by the Council.
- K. ~~11.~~ The Mayor shall sign ~~all~~ contracts when authorized and approved by the Council.
- L. ~~12. The Mayor shall designate a purchasing agent who shall be responsible for all city purchases.~~
- M. ~~13.~~ The Mayor, as the chief executive officer of the city government, shall represent the city at functions which require official representation.

- N. ~~14.~~ The Mayor shall notify the City Council of the expiration dates of all appointed positions that are subject to this provision, at least sixty (60) days prior to said expiration date. The Mayor shall also post a notice ~~at City Hall~~ on the City website and publicly announce all such expiration dates at the same time as Council notification. Resignations shall be announced at the first Council meeting following the receipt of said notice of resignation by the Mayor.
- O. ~~15.~~ Nominations and applications for such positions shall be accepted from both the Council and the public for a two-week period following said notification. Applications received by the Mayor prior to the notification set forth above shall also be considered for these positions.
- P. ~~16.~~ Proposed appointments by the Mayor will not be added to the agenda between the adjournment of a workshop session and the commencement of the following City Council meeting.

### Sec. 3.01. Acting City Administrator.

- A. ~~Each year the City Administrator shall recommend to the Mayor two individuals qualified to fill in as Acting Administrator. At the beginning of the year, at the annual reorganization meeting, the Mayor shall publicly announce and approve the two individuals. If and when an Acting City Administrator is required to perform the duties of City Administrator, a resolution shall be approved by the City Council appointing one of the two individuals. Council hereby creates the position of Acting City Administrator who may be appointed by the Mayor, subject to Council approval, whenever the Mayor determines that~~ An Acting City Administrator may be appointed, whenever the Mayor determines that:
- (1) The City Administrator is medically unable to perform his ~~or~~ her duties full-time;
  - (2) The City Administrator is or will be on a leave of absence or vacation for more than ~~five (5) days~~ thirty (30) days;
  - (3) The City Administrator is prevented by an emergency from carrying out his ~~or~~ her duties;
  - (4) The City Administrator has resigned or is terminated.
- B. Qualifications.
- (1) If the Acting City Administrator is expected to perform for less than three (3) consecutive months, the Acting Administrator shall possess a baccalaureate degree from an accredited college or university or at least one (1) year of special training in public administration and finance or at least three (3) years' successful experience in a responsible executive position in governmental administration,

or any equivalent training or combination of experience and training sufficient to indicate capacity for effective governmental administration.

- (2) If the Acting Administrator is expected to or does perform in that capacity for more than three (3) consecutive months, the Acting City Administrator's qualifications shall be a baccalaureate degree from an accredited college or university and at least one (1) year of special training in public administration and finance and at least three (3) years' successful experience in a responsible executive position in governmental administration, or any equivalent training or combination of experience and training sufficient to indicate capacity for effective governmental administration.
- C. Upon determination by the Mayor of the existence of any of the events set forth in Subsection A, the Mayor's appointment of the Acting City Administrator shall commence on a date designated by the Mayor. The Acting City Administrator shall have all the powers and perform all the duties of the City Administrator during any period of the City Administrator's absence.
- D. The Acting Administrator shall terminate upon the City Administrator's resumption of his ~~or~~ /her duties full time.
- E. The Acting City Administrator's compensation shall be determined by the Mayor, subject to Council approval.
- F. The Mayor or the Council may require certification from a medical doctor that the City Administrator is able to resume full-time duties where the City Administrator's absence is due to medical reasons.
- G. The Acting City Administrator's term of appointment shall not exceed six (6) months unless reappointed by the Mayor with Council approval prior to the expiration of the six-month period.
- H. An appointment of an Acting City Administrator shall be made no later than sixty (60) days after any of the events set forth in Subsection A occurs, as may be determined by the Mayor.

### **Sec. 3.02. City Administrator.**

- A. The Mayor shall appoint a City Administrator subject to an affirmative vote of a majority of the Council members. The City Administrator shall serve at the pleasure of the Mayor. Prior to appointment, the City Administrator shall be qualified with a baccalaureate degree from an accredited college or university and at least one (1) year's special training in public administration and finance and by at least three (3) years' successful experience in a responsible executive position in governmental administration, or by any equivalent training or combination of experience and

training sufficient to indicate capacity for effective governmental administration. The City Administrator shall attend all Council meetings and shall have the right to take part in discussion, but may not vote.

B. The City Administrator shall, as directed by the Mayor:

- (1) Supervise the operations of all departments and units of the city government. As the Supervisor of all department heads, the City Administrator has the authority to discipline any department head for cause, up to but not including termination.
- (2) Prepare or cause to be prepared and submit to the Mayor an annual budget and a capital program pursuant to the provisions of Article 5 of the Charter and Code, and when the same has been approved by the Mayor and the Council, administer the operations under his/her jurisdiction and within those budgetary provisions.
- (3) Report to the Mayor on the needs, finances and progress of the city in conforming to its Comprehensive Plan, with such recommendations for action by the Council.
- (4) Promulgate a personnel and salary plan and, when it is approved by the Council, faithfully execute and adhere to its provisions, and in the same manner revise and update such plans as may be necessary.
- (5) Negotiate, on behalf of the city, agreements with recognized employee representatives on conditions of employment, wages, employee sick leave, vacations, compensatory time off, health insurance, retirement plans and such other personnel matters as may be negotiated, and recommend to the Mayor necessary action thereon as they may deem necessary.
- (6) He/She shall see that all laws and provisions of the Charter and the Code and directions of the Council, subject to enforcement by him/her or officers subject to his/her supervision, are faithfully executed.
- (7) Promulgate a uniform purchasing plan for the procurement of all goods and services required in the administration of the city government, and when approved by the Mayor and the Council, faithfully administer the same.
- (8) Execute such purchasing and service contracts as may be required for the effective administration of the government and the care of its equipment and property under such general authorization as he/she may request and the Mayor and the Council may, by resolution, grant.

- (9) Authorize the attendance of city officials and employees at meetings, seminars and other such gatherings and functions, within budgetary limits or upon special action by the Council.
- (10) Authorize functions and duties not otherwise provided for by the Charter and Code, to units of his/her own choosing, and to transfer employees from one unit to another, temporarily or permanently, as he/she may deem appropriate.
- (11) Act promptly to deal with minor emergencies and breakdowns in city service, and assign administrative resources as available and needed to deal with major emergencies.
- (12) Pursue grant proposals that may benefit the city.
- (13) Carry out such related and nonconflicting duties as may be directed by the Mayor, or as the Council may, by resolution, empower the Mayor to assume, within the constraints imposed by the Charter and Code.
- (14) Approve each voucher, claim or account presented.
- (15) Sign all orders and vouchers for any material or services ordered, rendered, delivered or used.
- (16) Approve all bonds or other security and all public liability and property damage insurance policies required by this Charter and the Code of Ordinances to be given in favor of the city and its inhabitants.

**Sec. 3.0403. Removal of Administrator.**

The Mayor, with the consent of the council, may remove the Administrator from office in accordance with the following procedures:

- (1) The Mayor shall submit to the Council a preliminary resolution which must state the reason for removal and may suspend the Administrator from duty for a period not to exceed thirty (30) days. A copy of the resolution shall be delivered promptly to the Administrator.
- (2) Within fifteen (15) days after a copy of the resolution is delivered to the Administrator, the Administrator may file with the Council a written response to the preliminary resolution.
- (3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members, at any time after the expiration of fifteen (15) days from the date when a copy of the preliminary resolution was delivered to the Administrator. The Administrator

shall continue to receive his/her salary until the effective date of a final resolution of removal.

**Sec. 3.~~05~~04. Acting Mayor.**

~~A. Title. This local law shall be entitled “A Local Law Adding to the City Charter Section 3.05 to the Powers and Duties of the Mayor to Appoint an Acting Mayor.”~~

~~B.~~A. Intent and purpose. This local law provides for the creation of the position of Acting Mayor, who shall be appointed by the Mayor to assure that the office and powers of the Mayor are properly executed in the absence of the Mayor from office or where the Mayor’s disability causes his/her absence, preventing the Mayor from executing the functions of the Mayor’s office.

~~C.~~B. Appointment of Acting Mayor.

- (1) The City Council hereby creates the position of Acting Mayor, who shall be appointed by the Mayor, subject to City Council approval, within three (3) months of the City of Beacon’s reorganization meeting.
- (2) In the event of a tie vote of the City Council on the approval of the Mayor’s appointment of an Acting Mayor, the Mayor’s appointment shall stand.

~~D.~~C. Qualifications of Acting Mayor. The Acting Mayor shall be a member of the City Council at the time of appointment.

~~E.~~D. Duties of Acting Mayor. The Acting Mayor shall have all the powers and perform all the duties of the Mayor during any period of the Mayor’s absence from office and shall be entitled to cast one (1) vote as Acting Mayor and no vote as a Council member.

~~F.~~E. Term of service. The Acting Mayor shall cease serving as Mayor upon the termination of the Mayor’s absence and resumption by the Mayor of his/her mayoral duties.

~~G.~~F. Compensation. The Acting Mayor will not receive compensation for services as Mayor.

~~H.~~G. Determination. The determination of whether a vacancy exists in the elective office of Mayor shall be made as set forth in City Charter Section 2.~~08-04~~ and the Public Officers Law. If there is a conflict between the language of this local law and Section 2.~~08-04~~ or the Public Officers Law, the terms of Section 2.~~08-04~~ or the Public Officers Law shall supersede the provisions of this law.

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~~11~~. Effective date. This law shall take effect immediately upon its filing in the office of the Secretary of State.

## Article 4. Administrative Departments

### Sec. 4.00. General provisions.

- A. Creation of departments. The Council may establish city departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies.
- B. Personnel system. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence, and according to the provisions and requirements of the Civil Service Law.
- C. Salaries. The Mayor shall fix reasonable salaries of all department heads and nonelected, nonaffiliated personnel, within the budgetary limits set by the Council.
- D. The Mayor and City Council shall approve in advance the creation of all employment positions within the City of Beacon, by roll call vote. Prior to such vote, the Mayor shall provide the Council with the position title, rate of pay, description of duties to be performed and the planned date of hire.

### Sec. 4.~~0201~~. City Attorney.

The City Attorney shall be a law firm or an attorney and counselor at law, duly licensed to practice law in the State of New York for at least five (5) years prior to appointment. The City Attorney shall be appointed by the Mayor with the consent of the Council. The City Attorney shall serve at the pleasure of the Mayor for a term that shall not exceed four (4) years and shall commence with the appointment of the Mayor at the beginning of the Mayor's term of office. The City Attorney shall be the legal advisor of the Mayor and Council and all city departments, boards and commissions. The City Attorney shall conduct all cases in court wherein the City shall be a party plaintiff or defendant or a party in interest and shall perform such other duties as are required by law.

### Sec. 4.~~0402~~. City Clerk.

The City Clerk shall:

- A. Perform all duties assigned to the position by law, unless modified in the City Code, and such other duties as requested by the City Administrator.

- B. Act as the City's custodian of records, the Records Access Officer, and receive all documents filed with the City.
- C. Be the depositor and custodian for all performance bonds.
- D. Give notice of all City Council meetings to members and the public, and shall be the custodian of the journal of its proceedings.
- E. Act as the City Registrar and issue dog licenses.
- F. File all propositions submitted to the citizens of Beacon, together with the affidavits of publication and posting thereof as required in the Code of Ordinances and resolutions adopted by the City Council.
- G. File such other reports, records, oaths, documents and instruments as are required to be filed by the laws of the State of New York and the provisions of the Beacon Code of Ordinances and City Charter.

#### **Sec. 4.0603. Department of Finance.**

There shall be a Department of Finance, the head of which shall be the Director of Finance, which shall be responsible for the management and disbursement of all City revenues and other assets. The individual so appointed to the position of Director of Finance shall have attained certification as a certified public accountant, or shall have a graduate degree in law, business, or public administration with a minimum of five years of experience in public finance; or shall possess ~~or an~~ equivalent qualifications, certification ~~or and~~ experience ~~and shall possess the experience and qualifications~~ necessary to perform the duties of the office. Whether a candidate meets the requisite experience and qualifications to serve as Director of Finance shall be determined by the City Administrator.

#### **Sec. 4.0804. Department of Public Works.**

~~There shall be a~~ Public Works Department as organized. ~~and staffed upon the effective date of this Charter shall continue until otherwise provided by local law or ordinance.~~

#### **Sec. 4.1005. Fire Department.**

The Fire Department shall be organized and staffed as set forth in City Code Chapter 31 and any amendments thereto ~~and shall continue until otherwise provided by law or ordinance.~~ There shall be a full-time Fire Chief, who shall be a paid employee of the City appointed by the Mayor, subject to the consent of the Council. There shall also be one (1) or more unpaid Assistant Fire Chiefs, to be known as First Assistant Fire Chief and so on, who shall be appointed from the ranks of the volunteer firefighters pursuant to the provisions set forth in City Code § 31-9 and any amendments thereto.

#### **Sec. 4.10.1. Fire and Inspection Coordinator.**

~~The position of Fire and Inspection Coordinator may be appointed by the Mayor with the consent of the City Council. The Fire and Inspection Coordinator shall:~~

- ~~1 At the Fire Chief's direction, supervise and assign daily work activities to paid career firefighters.~~
- ~~2 At the Fire Chief's direction, assign Fire Department personnel to cover vacation, holiday, personal leave and other approved time off, together with reviewing and approving or denying all leave requests.~~
- ~~3 Coordinate and supervise fire inspections of multiple dwellings and other occupancies in consultation with the Building Department.~~
- ~~4 At the Fire Chief's direction, monitor performance and conduct regularly scheduled performance evaluations of all paid career firefighters.~~
- ~~5 At the Fire Chief's direction, coordinate and supervise paid career firefighter's training.~~
- ~~6 Participate in fire suppression and emergency medical treatment activities, as required.~~
- ~~7 Perform new construction inspections, zoning law administration, code enforcement duties, fire inspections and building plan review, as required.~~
- ~~8 Complete required reports relative to personnel, training, zoning law administration, code enforcement duties, construction inspections, and fire inspections.~~
- ~~9 Enter and inspect any such building, structure or premises in the City of Beacon and may perform any other act or duty necessary for the proper enforcement of the codes, ordinances and law of the City of Beacon.~~
- ~~10 Issue all appropriate notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations.~~
- ~~11 Issue summons and appearance tickets for violations of the codes, ordinances and local laws of the City of Beacon.~~
- ~~12 Be designated as a career firefighter in the City of Beacon Fire Department.~~
- ~~13 Perform related work and duties as required.~~

**Sec. 4.1206. Police Department.**

~~The Police Department, as organized and staffed upon the effective date of this Charter, shall continue until otherwise provided by local law or ordinance.~~ The executive head of the Police Department shall be the Chief of Police, who shall be appointed by the Mayor, with the consent of a majority of the Council, pursuant to the Civil Service Law.

**Sec. 4.1407. Office of Assessor.**

The Assessor shall be appointed by the Mayor with consent of a majority of the Council for a term as provided by the New York Real Property Tax Law. The office of Assessor shall meet the qualification standards set forth in the Real Property Tax Law.

**~~Sec. 4.16. City Officers:~~**

~~The positions of Code Enforcement Officer, inspectors and other officers of the city as existing on the effective date of this Charter shall continue until otherwise provided by local law or ordinance. Every city officer shall, before he enters upon the duties of his office, take, subscribe and file with the City Clerk the constitutional oath of office.~~

**Article 5. Financial Procedures**

**Sec. 5.00. Fiscal year.**

The fiscal year of the city shall begin on the first day of January and end on the last day of December.

**Sec. 5.0201. Submission of budget and budget message.**

At the first regular meeting in October of each year the Mayor shall submit to the Council a proposed budget for the ensuing fiscal year and an accompanying message.

**Sec. 5.0402. Budget message.**

The budget message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the city's debt position and include such other material as deemed appropriate.

**Sec. 5.0603. Budget.**

- A. Specifications. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Mayor deems appropriate or the Council may require. The budget shall utilize the most feasible combination of expenditure classification by funds, organization unit, program, purpose or activity and object. It shall begin with a

clear general summary of its contents and shall show in detail all estimated income, including the proposed tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures.
  - (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each.
  - (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the city and the proposed method of its disposition. Subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.
  - (4) All equipment budget lines must include a separate itemized list of proposed equipment purchases for that budget year with proposed expenditures for each piece of equipment. No equipment may be purchased during the course of the fiscal year that is not included on said itemized list, unless the Council approves, upon a roll-call vote, any addition or deletion from said list.
- B. Balanced budget. The total of proposed expenditures shall not exceed the total of estimated income.
- C. Notice and hearing. The Council shall publish in the official newspaper of the city and one (1) or more newspapers of general circulation in the city the general summary of the budget and a notice stating:
- (1) The times and places where copies of the message and budget are available for inspection by the public; and
  - (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.
- D. Amendment before adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service.
- E. Adoption. The Council shall adopt the budget on or before the 31st day of the last month of the fiscal year. In the event that the Council fails to adopt a budget by said

date, then, in such event, the proposed budget of the Mayor shall, by operation of law, become the budget for the ensuing fiscal year. If the default budget provides for a tax levy in excess of the allowable levy limit, the City Council shall pass a resolution to reduce the amount of the tax levy to an amount that complies with the allowable levy limit. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. The property tax therein proposed shall constitute a levy.

- F. Quarterly reports. The Mayor shall submit to the Council a written summary of the quarterly financial report each year in April, July and October.

**Sec. 5.~~9804~~. Capital program and action.**

- A. Submission to council. The Mayor shall submit to the Council a five-year capital program by May 31 of each year.
- B. Notice and hearing. The Council shall publish in the official newspaper of the city and in one (1) or more newspapers of general circulation in the city the general summary of the capital program and a notice stating:
- (1) The times and places where copies of the capital program are available for inspection by the public; and
  - (2) The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program.
- C. Adoption. The Council, by resolution, shall adopt the capital program with or without amendment after the public hearing and on or before the 31st day of July of each year.

**Sec. 5.~~0540~~. Amendments after adoption.**

- A. Supplemental appropriations. If during the fiscal year the Mayor certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.
- B. Emergency appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

- C. Reduction of appropriations. If at any time during the fiscal year it appears probable to the Mayor that the revenues available will be insufficient to meet the amount appropriated, he/she shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him/her and his/her recommendations as to any steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance reduce one (1) or more appropriations as allowed by law.
- D. Transfer of appropriations. All budget transfers of moneys, except transfers within a department as provided below, must be approved by the City Council upon a roll-call vote, for each requested transfer. No transfers may be made within a department involving accounts for payroll, employee benefits and equipment purchases. In addition, budget transfers of any unencumbered appropriation balance which exceeds ~~three-seven~~ thousand five hundred dollars (\$~~37,500.~~) must also be approved by the City Council upon a roll-call vote for each requested transfer.

**Sec. 5.~~1206.~~ Administration of budget.**

- A. Payment and obligations prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made, and unless the Mayor or his/her designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such illegal authorization or payment shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and he/she shall also be liable to the city for any amount so paid.

**~~Sec. 5.14. Public moneys:~~**

- ~~A. The Mayor, or an officer designated by the Mayor, shall, under the power and control of the City Council, have the direct management of the revenue of the city, except as otherwise provided by this Charter or by ordinance. The Mayor, or his designate, shall be ex officio City Treasurer, with the usual duties and powers of that office.~~
- B. No city officer or employee shall utilize an automatic signature ~~a signature stamp or signature plate~~ in processing checks to pay bills and vouchers incurred by the City of Beacon, except in the case of payroll or accounts-payable checks.

**Sec. 5.~~1608.~~ No liability without appropriation.**

Except as herein otherwise specifically provided, the city expenditures in any one (1) year shall not be increased over and above the amount provided in the budget duly adopted by

the City Council pursuant to Section 5.~~06-03~~ herein. No contract involving the expenditure and no expenditure for any improvement to be paid out of the general or special funds of the city or for defraying the expenses and liabilities of the city shall exceed in any one (1) year the amount provided in said budget to be paid out of the said general and special funds so appropriated and set apart, but the said general funds shall be maintained for, used and devoted to be particular purposes specified in said budget, except that the unexpended balance in any budget appropriation may, by motion, be transferred to any other budget appropriation contained in said duly adopted budget.

**Sec. 5.~~1809~~. Unlawful to incur expense unless appropriation made.**

It shall not be lawful for any department or officer of the city to incur or contract any expense or liability for or on behalf of the city unless such an appropriation shall have been made concerning such expenses. Such contract shall be ab initio null and void as to the city for any other or further liability; provided, first, that nothing herein contained shall prevent the city from providing from sums made available for such purposes pursuant to the Local Finance Law for the payment of any expense the necessity of which is caused by any casualty, accident or unforeseen contingency arising after the passage of the Budget; and provided, second, that the provisions of this section shall not apply to or limit the authority conferred pursuant to the Local Finance Law nor for moneys to be collected by special assessments for local improvements. It shall be lawful for the City Council upon the happening of any emergency and upon the declaration of such emergency by resolution of the Council to appropriate from any unexpended funds not otherwise designated for specific purposes by law sufficient funds for the payment of any expenses created by such emergency.

**Article 446. Collection of Taxes**

**Sec. 446.00. Levy and collection of taxes.**

Any and all issues relating to the collection of Beacon City taxes are hereby governed by the applicable provisions of the New York State Real Property Tax Law, Article 9, entitled, "Levy and Collection of Taxes," as the same may be amended from time to time.

**Sec. 446.021. Procedures for enforcement of collection of delinquent taxes.**

Any and all issues relating to the enforcement of collection of delinquent taxes are hereby governed by the applicable provisions of the New York State Real Property Tax Law, Article 11, entitled, "Procedures for Enforcement of Collection of Delinquent Taxes," as the same may be amended from time to time.

**Article ~~67~~. Planning**



## Sec. ~~67.00~~. Comprehensive Plan.

- A. Content. The Council shall adopt ~~the a Comprehensive Plan and amend it from time to time pursuant to General City Law Section 28-a existing Master Plan, or shall amend the same, to constitute a Comprehensive Plan~~ to govern the future physical development of the city.
- B. Periodic update. Separate from any individual amendments, the Council shall periodically undertake a full update of the Comprehensive Plan, at least every 10 years. The Council may delegate such responsibility either to the Planning Board or to a special committee whose members the Mayor shall appoint and the Council approve.
- ~~C. Adoption. Upon receipt of a proposed Comprehensive Plan or proposed modification of the existing plan, the Council shall, by resolution, refer such proposal to the City Planning Board, which shall within a time specified by the Council report its recommendations thereon. After receipt of the recommendations of the Planning Board, the Council shall hold a public hearing on the proposal and shall thereafter adopt it by resolution with or without amendment.~~
- ~~D. Effect. The Comprehensive Plan shall serve as a guide to all future Council action concerning land use and development regulations, community development programs and expenditures for capital improvements.~~

## Sec. ~~67.0201~~. Implementation of Comprehensive Plan.

- A. Land use and development regulations. The Council may by ordinance adopt land use and development regulations, including, but not limited to an official map and zoning and subdivision regulations.
- ~~B. Annual report on comprehensive implementation. At the beginning of each year, to review progress on implementation of the current Comprehensive Plan, including an enumeration of actual changes in the prior year and expected changes in the current year.~~
- ~~C. B.~~ Community development. The Council may by ordinance provide for redevelopment, rehabilitation, conservation and renewal programs for: (1) the alleviation or prevention of slums, obsolescence, blight or other conditions of deterioration, (2) low-income housing, ~~and~~ (3) the achievement of the most appropriate use of the land, and (4) promotion of sustainability and resiliency in capital projects.
- ~~D. C.~~ Council action. Before acting on any proposed ordinance concerning land use and development regulations, community development or expenditures for capital improvements, where such ordinance refers to a matter covered by the

Comprehensive Plan, the Council shall refer the proposal to the City Planning Board, which shall, within a time specified by the Council and prior to public hearing on the proposed ordinance, report its recommendations thereon. In the event that such ordinance is contrary to the Comprehensive Plan, then and in that event, the ordinance shall not take effect until such time as the Comprehensive Plan is amended following such public hearing.

**Sec. ~~67.0402~~. Planning Board.**

There shall be a City Planning Board consisting of seven (7) members appointed by the Mayor, with the consent of the City Council, for terms of three (3) years, from among the qualified voters of the city. Members of the Board shall hold no other city office. The Board shall make recommendations to the Mayor and the City Council on all matters affecting the physical development of the city, shall be consulted on the Comprehensive Plan and the implementation thereof as provided in Sections ~~67.00~~ and ~~67.02-01~~ and shall exercise all other responsibilities as may be provided by law.

**Sec. ~~67.0603~~. Zoning Board of Appeals.**

There shall be a Zoning Board of Appeals consisting of five members appointed by the Mayor, with the consent of the City Council, for terms of three years, from among the qualified voters of the city. Members of the Board shall hold no other city office. The Board shall hear and determine appeals from administrative decisions, petitions for variances and such other matters as may be required by the Council or by the laws of the State of New York.

**Article ~~78~~. Nominations and Elections**

**Sec. ~~78.00~~. Regular election.**

The regular city election shall be held on the first Tuesday of November in each odd-numbered year.

**Sec. ~~78.02~~. Nominations and elections.**

All city nominations for election to city office and all elections shall be conducted in accordance with the Election Law of the State of New York and shall be held at such time as may be specified by said Election Law.

**Sec. ~~78.0403~~. Qualification of voters.**

All citizens qualified by the laws of the State of New York to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified voters of the city within the meaning of this Charter.

**Sec.- ~~78.0604~~. Procedures for elections.**

Candidates for the at-large seats on the City Council must be so designated. Candidates for the ward seats must be domiciled in the ward from which they are seeking election, and only qualified electors shall be eligible to hold such office.

## **Article ~~89~~. Finances, Taxation, Local Assessments and Improvements**

### **Sec. ~~89.00~~. Indebtedness and taxation.**

The city shall have the power to contract indebtedness for any municipal purpose, if authorized by the Local Finance Law of the State of New York or any other state law, to accomplish any lawful purpose to the extent authorized for such purpose and subject to the provisions of this Charter. The city shall have the power to raise money to defray the cost of the carrying on of the general government and for the doing of any of the things authorized by law, by general taxation and by local assessment where authorized, not to exceed the amounts otherwise provided by law.

### **Sec. ~~89.0201~~. Bond referendum.**

Any bond ordinance hereafter adopted by the Council authorizing the issuance of bonds of the city, other than bond ordinances expressly excepted hereafter, shall be subject to a permissive referendum to be called and conducted under the same procedures for permissive referenda set forth in the Municipal Home Rule Law.

### **Sec. ~~89.0403~~. Notice of adoption.**

Notwithstanding the provisions of the Municipal Home Rule Law, the City Clerk shall, within ten (10) days after the adoption of any bond ordinance which is subject to a permissive referendum, publish a notice in the official newspaper of the city, which notice shall state the date of adoption of such bond ordinance and that such bond ordinance was adopted subject to a permissive referendum and shall contain a summary of such ordinance and state that a full copy of said ordinance is available, free of charge, from the City Clerk.

### **Sec. ~~89.0604~~. Referendum procedures.**

Any bond ordinance which is subject to a permissive referendum shall not take effect until the time limits for a permissive referendum as provided in the Municipal Home Rule Law have expired without a petition being presented, or until approved by an affirmative vote of a majority of the qualified electors of the city after the filing of a petition pursuant to the Municipal Home Rule Law. If a petition be filed as provided by the Municipal Home Rule Law, a proposition for approval of the bond ordinance therein described shall be submitted at the next general election in the city unless the Council, within thirty (30) days after the filing, shall direct by resolution that such proposition be submitted at a special election which shall be held not less than ninety (90) days nor more than one hundred twenty (120) days after the filing of such petition.

Any such petition may be made upon separate sheets, and the signatures to each shall be signed and authenticated in the manner provided by the Election Law for the signing and authentication of designating petitions insofar as applicable. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one (1) petition. The City Clerk shall examine each such petition so filed with ~~him~~ the City Clerk and shall, not later than thirty (30) days after the date of filing, transmit to the Council a certificate that he/she has examined it and found that it complies or does not comply, as the case may be, with the requirements of the law. If, within thirty (30) days after the filing of any such petition, a written objection thereto is filed with the Supreme Court, or any Justice thereof, of the judicial district in which the city is located, such Court or Justice shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by § 335 of the Election Law.

In the event that the Council shall determine to submit a proposition for the approval of a bond ordinance at a special election, the Council shall, in a resolution making the determination, specify the date of such special election, whether voting machines or paper ballots will be used, the persons to act as election inspectors as hereinafter provided, the hours during which the polls will remain open at such special election, which shall include at least three (3) consecutive hours between 7:00 in the morning and 7:00 in the evening, the polling place or places therefor and the text of the proposition to be submitted thereat. The City Clerk shall cause notice of any such special election to be published once in the official newspaper of the city not less than ten (10) nor more than twenty (20) days before the date of such election, which notice shall state the date of the election, the hours during which the polls will remain open, the polling place or places and the text of the proposition to be submitted thereat. Such notice shall also contain an abstract of the bond ordinance referred to in such proposition, briefly summarizing the subject matter thereof. The Council shall select from the election inspectors previously designated for general election purposes pursuant to the Election Law not fewer than two (2) nor more than four (4) persons to act as election inspectors for each polling place at which such a special election shall be held. In other respects, such special election shall be conducted, the votes canvassed and the results certified and returned so far as practicable in the manner prescribed by the Election Law to the extent not inconsistent with this section.

The qualifications for voting on a proposition for the approval of a bond ordinance submitted at either a special or general election pursuant to this section shall be the same as the qualifications for voting upon the election of city officers.

**Sec. ~~89.0805~~. Notice of referendum.**

In the event that a proposition for the approval of any bond ordinance shall be submitted at an election pursuant to this Article, the City Clerk shall cause a notice of such submission to be published once not less than ten (10) nor more than twenty (20) days before the date of such election, which notice shall set forth the text of such proposition, summarizing the

subject matter thereof and stating that a true copy of the same may be obtained, free of charge, from the City Clerk.

**Sec. ~~82.1006~~. Exceptions to referendum.**

The provisions of this Article pertaining to permissive referenda shall not apply to any bond ordinance authorizing the issuance of bonds in an amount of two hundred fifty thousand dollars (\$250,000.) or less, nor to any bond ordinance authorizing the issuance of bonds for capital improvements of which more than fifty per centum (50%) of the cost thereof is to be levied by assessments upon property especially benefited thereby, nor to any bond ordinance authorizing the issuance of bonds for the payments of judgments or compromised or settled claims against the city or awards or sums payable by the city pursuant to a determination by a court, officer, body or agency acting in an administrative or quasi-judicial capacity, or providing for the construction or maintenance of sewer treatment facilities or water pollution control facilities.

**Sec. ~~82.1207~~. State and county taxes.**

Payment of all taxes for state and county purposes shall be made as collected, or by the end of the calendar year for which the warrant for the same is delivered, whichever shall occur first, without interest or penalty.

**Article 910. General Provisions**

**Sec. 910.00. Personal financial interest.**

No officer or employee of the City of Beacon shall engage in any conduct constituting a conflict of interest or a prohibited action, as provided in Article 18 of the General Municipal Law of the State of New York, nor shall such officer or employee fail to disclose any interest required to be disclosed under such law. In addition to any penalty provided by state law, such officer or employee who shall knowingly and intentionally violate this section shall be removed from office or employment in the manner provided by law or by this Charter.

**Sec. 910.0201. Prohibitions.**

A. Activities prohibited.

- (1) No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of age, handicap, race, sex or political or religious opinions or affiliations.
- (2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder or in any

manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

- (3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative officer shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.
- (4) No person shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive city position.
- (5) No person who holds any elected or compensated appointive city position shall solicit any contribution to the campaign funds of any political party or any candidate for public office during working hours, nor shall such person at any time use the name of the city or his/her office for such purposes.

- B. Penalties. Any officer or employee of the city who shall: (1) make a false or deceptive report or statement in the course of his/~~or~~ her duties; (2) receive compensation except for payment from the city for performance of any official duty; or (3) accept or receive any gratuity from any person whose interest may be affected by his/her official action shall be guilty of a misdemeanor and, if convicted, shall forfeit his/~~or~~ her office or employment immediately upon conviction.

#### **Sec. 910.042. Charter review.**

The Mayor, with the consent of the City Council, shall appoint a commission at least every ten (10) years after the effective date of this Charter to review the Charter and to make recommendations to the Mayor and the City Council for revision or amendment.

#### **Sec. 910.0603. Amendment ~~or-repeal~~ Procedures.**

This Charter shall only be amended by adoption of a local law pursuant to the procedures set forth in the Municipal Home Rule Law.

#### **Sec. 910.0804. Penalty for violation.**

Any person who shall violate any of the provisions of this Charter for the violation of which no punishment has been provided herein shall be deemed guilty of a violation and, upon conviction thereof, shall be punished by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.

#### **Sec. 910.4005. Limitation of actions against city.**

A. No action or proceeding to recover or enforce any claim, debt or demand against the city shall be brought until the expiration of thirty (30) days after the same has been presented, in writing, to the City Council. All actions brought against the city, upon any contractual liability, express, ~~or~~ implied or quasi-contract, must be begun within one (1) year and ninety (90) days from the time when the cause of action accrued; or, for injury to a person or property because of negligence, within one (1) year from the time of receiving such injuries; and, in all other cases, within six (6) months after the cause of action accrued. No civil action shall be maintained against the city for damages or injuries to persons or property sustained in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, path or place or in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk, grating, opening, drain or sewer being of faulty design or construction, defective, out of repair, unsafe, dangerous or obstructed unless, previous to the occurrence resulting in such damages or injuries, written notice of the existence of such snow or ice at the particular place or of the defects or unsafe, dangerous or obstructed condition of the particular place shall have been filed in the office of the City Administrator of the city, and it shall be made to appear that there was a failure or neglect within a reasonable time after the filing of such notice to remedy the condition.

B. No civil action shall be maintained against the City of Beacon for damages or injuries to person or property sustained in consequence of the existence of a defect in any of the playground equipment, playing fields, paths, grounds of any playground or public park owned, operated or maintained by the City of Beacon or for a defect in any such equipment, place or facility maintained at a public bathing beach, skating rink or pond owned, operated or maintained by the City of Beacon unless, prior to the occurrence resulting in such damage or injury, written notice of the existence of such defect relating to the particular equipment, playing fields, paths, grounds of any playground or public park owned, operated or maintained by the City of Beacon shall have been filed in the office of the City Administrator of the city and unless it shall be made to appear that there was a failure or neglect to remedy or repair such alleged defect or condition in the equipment, facility or place or to cause the equipment, facility or place to be otherwise made reasonably safe within a reasonable time after the filing of such notice.

C. All claims against the city for damages or injuries to person or property alleged to have been caused by the misfeasance or negligence of the city or any of its officers or employees shall be presented to the City Council, in writing, within ~~thirty ninety~~ (30) days after the happening of the accident or injury out of which the claim arose. Such writing shall describe the time when, the particular place where and the circumstances under which the damages or injuries were sustained and the cause thereof; it shall also state, so far as then practicable, the nature and extent of the damages or injuries; shall also state the place of residence of the claimant by street and number, and, if there be

no street or number, it shall contain such statement as will disclose the place of residence; and all such claims shall be verified by the oath of the claimants. The omission to present such claim within ~~thirty ninety~~ (30) days from the date when such alleged injuries were received and to commence an action within one (1) year ~~and ninety (90) days~~ from the time of such alleged injuries shall be a bar to any claim or action therefor against the city; but no action shall be brought upon any such claim until thirty (30) days have elapsed after the presentation of the claim to the City Council.

D. Nothing contained in this section shall be held to repeal or modify any existing requirement or statute of limitations which is applicable to this class of actions, but on the contrary shall be held to be an additional requirement to the rights to maintain such action, nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence nor to impose upon the city any greater duty or obligation than that it shall keep its streets and public places in a reasonably safe condition for public use and travel.

E. The place of trial of all actions or proceedings against the city or any of its officers, boards or departments shall be the County of Dutchess.

## **Article 10. Transitional Provisions**

### **~~Sec. 10.00. Charter replacement.~~**

~~This Charter shall replace the previous City Charter in its entirety.~~

### **~~Sec. 10.02. Transitional provisions.~~**

~~Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.~~

### **~~Sec. 10.04. Rights of officers and employees.~~**

~~A. All elected officials shall continue to hold their respective offices until January 1, 1992, and shall perform the duties of their respective offices as prescribed herein.~~

~~B. Appointed officials whose offices are continued pursuant to this Charter shall continue to hold their respective offices until the expiration of the term for which they were originally appointed and shall perform the duties of their respective offices as prescribed herein and shall be subject to removal only as originally provided at the time of their appointment.~~

~~Continuation of powers and duties. Any powers which are conferred and duties which are imposed upon an officer, board, commission or department under any laws of the State of New York or by any ordinance or local law in force at the time this Charter takes effect shall~~



~~be retained and exercised by the officer, board, commission or department except as amended by the provisions of this Charter.~~

~~C. Continuation of status and classification. All officers and employees of the city who shall hold office or be employed subject to Civil Service Law and Rules when this Charter shall take effect shall continue in their respective positions and employment and in their respective civil service classifications and status as officers or employees of the city, consistent with the provisions of this Charter.~~

#### **~~Sec. 10.06. Transfer of officers and employees.~~**

~~Pursuant to the provisions of this Charter, any functions, powers or duties heretofore exercised by an officer, department, board, commission or agency, including the officers and employees in the classified civil service, who are engaged in the performance of such functions, powers or duties at the time this Charter takes effect shall be transferred to the office, department, board, commission or agency to which such functions, powers or duties are assigned by this Charter without examination and without affecting existing compensation, pension or retirement rights, privileges or obligations of such officers and employees.~~

~~All records, property and equipment whatsoever of any office, department, board, commission or agency the powers and duties of which are assigned to any other office, department, board, commission or agency by this Charter shall be transferred and delivered to the office, department, board, commission or agency to which such powers and duties are assigned.~~

#### **~~Sec. 10.08. Transfer of powers.~~**

~~If a city department, office or agency is abolished by this Charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this Charter or, if the Charter makes no provision, designated by the City Council.~~

#### **~~Sec. 10.10. Severability.~~**

~~If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.~~

#### **~~Sec. 10.12. Effect of Charter on existing provisions.~~**

~~All existing city ordinances, resolutions, orders and regulations shall continue to be in full force and effect after the effective date of this Charter, except as to those matters which are expressly and specifically addressed by this Charter. All local laws previously enacted shall remain in full force and effect.~~

**~~Sec. 10.14. Repealer and savings clause.~~**

~~All existing city ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective are hereby repealed only to the extent to which they are directly repealed or annulled by this Charter. Otherwise, all such existing city ordinances, resolutions, orders and regulations adopted pursuant thereto shall continue to be in full force and effect after the adoption and effective date of this Charter.~~

**~~Sec. 10.16. Effective date of new Charter.~~**

~~Upon the adoption of this Charter at the referendum or election held in 1989, it shall thereupon become effective insofar as and to the extent that it governs and controls the election of the Mayor, Council members, City Judge and county legislators in the primary and general elections of 1991. In all other respects this Charter shall become effective on the first day of January 1992.~~

**~~Sec. 10.18. Code review task force.~~**

~~Upon adoption of this Charter, the City Council shall appoint, within ninety (90) days thereafter, a task force to review the administrative codes and local laws of the City of Beacon for consistency with this Charter and to make written recommendations to the City Council to prepare the existing government for the transition to the new form of government adopted under this Charter.~~

**Article 11. Collection of Taxes**

**~~Sec. 11.00. Levy and collection of taxes.~~**

~~Any and all issues relating to the collection of Beacon City taxes are hereby governed by the applicable provisions of the New York State Real Property Tax Law, Article 9, entitled, "Levy and Collection of Taxes," as the same may be amended from time to time.~~

**~~Sec. 11.02. Procedures for enforcement of collection of delinquent taxes.~~**

~~Any and all issues relating to the enforcement of collection of delinquent taxes are hereby governed by the applicable provisions of the New York State Real Property Tax Law, Article 11, entitled, "Procedures for Enforcement of Collection of Delinquent Taxes," as the same may be amended from time to time.~~

**Section 3. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter C , entitled “Charter” of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 4. Numbering for Codification**

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “ Local Law” shall be changed to “ Chapter,” “ Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 5. Severability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 6. Effective Date**

This local law shall take effect immediately upon filing with the Office of the Secretary of State.