

City of Wellsville

City Charter

The People of the State of New York, represented in the Senate and the Assembly, do enact as follows:

ARTICLE I. IN GENERAL

§1-1. Short title.

This Act shall be a public act known and cited as the "Charter of the City of Wellsville, New York."

§ 1-2. Definitions and rules of construction.

- (a) *General Construction Law.* Unless the context requires otherwise, the New York General Construction Law, as now or hereafter amended, applies to this Charter.
- (b) *Additional definitions and rules of construction.* Unless the context requires otherwise, the following definitions and rules of construction apply to this Charter. In the event of a conflict between the provisions of this subsection and the General Construction Law, the provisions of this subsection control.
- (c) *Catchlines of sections, subsections, etc.; effect of history notes.* Catchlines for sections, subsections or paragraphs that are printed in boldface or italicized type are intended as mere catchwords to indicate contents and are not titles or part of the law, nor shall they be so deemed when amended or reenacted. History or source notes appearing in parentheses after sections are not intended to have any legal effect, rather they are merely intended to indicate the derivation of the matter contained in the section. All references to articles, chapters or sections are to the provisions of this Charter.

- (d) *Charter*. "Charter" means the Charter of the City of Wellsville, New York.
- (e) *City*. "City" means the City of Wellsville, New York.
- (f) *Council*. "Council" means the Council of the City.
- (g) *County*. "County" means Allegany County, New York.
- (h) *Elector*. "Elector" means a person who is qualified to register to vote.
- (i) *Liberal construction*. It is intended that the provisions of this Charter is to be liberally construed.
- (j) *May*. "May" is to be construed as being permissive.
- (k) *Must*. "Must" is to be construed as being mandatory.
- (l) *Nontechnical and technical words*. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (m) *Officer*. "Officer" means all individuals elected under this Charter, department heads and other persons designated by this Charter as officers.
- (n) *Official titles*. All references to officers, employees, boards, commissions and authorities are to officers, employees, boards, commissions and authorities of the City.
- (o) *Resident of the City*. "Resident of the City" means a person whose actual principal domicile, where the individual resides, as indicated by where the individual usually sleeps and maintains usual personal and household effects, is within the corporate limits of the City.
- (p) *Shall*. "Shall" is to be construed as being mandatory.
- (q) *State*. "State" means the State of New York.

(r) *Tense.* Words used in the past or present tense include the future as well as the past and present.

§ 1-3. Creation and name; powers in general.

The citizens of the state who may from time to time reside within the territorial limits of the City of Wellsville are hereby created a municipal corporation in perpetuity to be known as the City of Wellsville. The City may take, hold, purchase and convey real property 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, gardens or grounds for the burial of the dead or other public use and for the erection of statues, monuments and public buildings, upon such terms as may be prescribed by the grantor or donor and accepted by such corporation. It may sue and be sued, complain and defend in any court of law or equity; it may adopt and use a common seal and alter the same at pleasure; and it may do anything necessary to carry into effect the powers granted to it. The City has all powers granted by the State Constitution and general laws of this state.

§ 1-4. Town of Wellsville.

The territory within the boundaries of the City shall not be part of the Town of Wellsville.

§ 1-5. Boundaries. The boundaries of the City shall be the boundaries of the Village of Wellsville as established on the effective date of this Charter and as subsequently modified pursuant to law; such boundaries are ratified and confirmed.

§ 1-6. Civil and Fiscal year. The civil and fiscal year of the City commences on January 1 of each year.

§ 1-7. Other agencies. Other agencies, bureaus, departments, boards, commissions and offices not provided for in this Charter exist as provided by state law.

§1-8. Bonded debt. When this act takes effect the City of Wellsville shall be and become liable for the entire bonded debt of the Village of Wellsville, its certificates of indebtedness, and other obligations issued and outstanding. The City shall also be liable for such share of all bonds and other lawful obligations issued by the Town of Wellsville, and which bonds and other lawful obligations are legally chargeable against the property located within the incorporated limits of the City of Wellsville, in proportion that the total assessed value of property in the City of Wellsville shall bear to the total assessed value of property in the in the Town of Wellsville. For this purpose the last assessment roll of the Town of Wellsville before the passage of this Act shall be the basis of such computation.

§1-9. Succession of rights and liabilities. The corporation known as “The Village of Wellsville,” and included in the boundaries heretofore described and set forth, is hereby declared to be dissolved on and after the first day of January, two thousand and seven; and all property, real and personal, rights, powers, privileges and contracts at the time of this dissolution possessed owned, occupied, exercised or enjoyed by, as well as all the duties contracts, obligations and liabilities imposed upon said “The Village of Wellsville” and on and after the first day of January, two thousand and seven, hereby transferred to, vested in and imposed upon

said “The City of Wellsville;” and all ordinances, rules and regulations of the board of trustees of said “The Village of Wellsville” then in force, shall be and remain valid in effectual as the ordinances, rules and regulations of said city and its Council until repealed, modified or changed, subject, however, to the provisions of this act; and said Council is hereby authorized and empowered, in the name, for and in behalf of the “City of Wellsville,” to enforce all such contracts, ordinances, rules and regulations, including collection of debts and demands, imposition and collection of fines and penalties, prosecution and defense of all suits, and to do, take and perform other acts and proceedings that may be or become necessary and 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 party of the board of trustees and “The Village of Wellsville,” or either; and 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 said Village charter; and all rights and liabilities of said Village existing on the thirty-first day of December, two thousand and six, shall be in no wise affected or changed thereby; but all actions and proceedings which may be thereafter 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 Wellsville.” All actions or proceedings then pending for or against said Village may be continued by or against and in the name of said Village, or at the option of the parties thereto, the name of said city may be substituted, and in such name all such actions or proceedings may be continued. All rules and regulations pertaining to the organization and government of the fire department of “The Village of Wellsville” in force on the thirty-first day of December, two

thousand and seven, shall, except as hereinafter in this act provided, remain, be and continue the same under the said city 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 shall be such officers and members of the fire department of the "City of Wellsville," and shall perform all the duties devolving upon them as such firemen and have and retain all their 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 property and effects pertaining to or connected with the fire department of "The Village of Wellsville, " shall, by virtue of this act, vest in the "City of Wellsville," and in the fire department thereof, respectively, in the same manner and to the same extent in all respects as the same is now vested in said village and its fire department, respectively.

§1-10. Election of officers in the Town of Wellsville. That portion of the present Town of Wellsville which at the time of passage of this act lies without the limits of the present Village of Wellsville, and which, after this act goes into effect, is to constitute the whole of the said Town of Wellsville, shall at the election of town officers to be held in two thousand six elect town officers to take the place of the said town officers whose terms expire on the thirty-first day of December, two thousand six, and no person shall then be nominated or elected to any of said offices who shall at the present time of such election be a resident of the Village of Wellsville. If any town officer of the Town of Wellsville at the time of passage of this act shall be a resident of the Village of Wellsville he shall serve out the unexpired term of his office a said officer of the Town of Wellsville, and his successor shall be a resident of the Town of Wellsville, as same shall be constituted on and after the first day of January, two thousand seven. As soon as

practicable after the passage of this act, and prior to the first day for registration, two thousand six, the town board of the Town of Wellsville as constituted at the time of passage of this act, shall meet and redistrict for election purposes that portion of said town which lies without the limits of the City of Wellsville. The town officers of the Town of Wellsville are hereby continued in office and shall have jurisdiction according to their respective offices only in that portion of the town hereby set apart and created as the Town of Wellsville after the officers provided for by this act shall qualify.

§1-11 Continuation of village government. The village government of the Village of Wellsville, as it exists at the time of the passage of this act, shall continue until the first mayor elected takes office under this act, and the officers of said village, elective and appointive, including the members of all boards and commissions thereof at the time of the passage of this act shall continue to hold office as such until such mayor elected takes office under this act, except as herein otherwise provided. This provision, however, shall not be construed as changing or qualifying this authority now vested by the charter of the Village of Wellsville, or by the village law in the board of trustees or other officers of the village, to make removals or appointments or to fill vacancies as empowered by said charter of the Village of Wellsville or said village law.

§1-12 Bridges

On the date the first elected Mayor of the City of Wellsville takes office, all responsibility for bridges in the City shall be the responsibility of the City, and shall no longer be the responsibility of the Town of Wellsville or the County of Allegany, except that any liability incurred by the

Town or County prior to said date, whether or not a claim had been filed by said date shall remain with the Town or County.

§1-13 Sales Tax

Notwithstanding any other provision of state law, sales taxes shall be shared by the County of Allegany with the City of Wellsville, starting in the year after this Charter is approved pursuant to Section 15-8 of this Charter, pursuant to County of Allegany Resolution No. 187-04 as adopted by the Board of Legislators of the County of Allegany on the 28th day of September, 2004. This provision may not be amended by the City without the prior approval of the Board of Legislators of the County of Allegany.

§1-14 City of Wellsville - Town of Wellsville Cooperation

A. In order to continue the cooperation between the Village of Wellsville and the Town of Wellsville, upon the creation of the City of Wellsville, the following services shall continue unless discontinued by the vote of both the City Council and the Town Board:

1. The City of Wellsville will take over the existing Recreation Department. Upon the request of the Town, the City shall purchase the Recreation Building located on Main Street in the Village of Wellsville for \$1, and the City of Wellsville will take over full ownership and responsibility for that facility. The City of Wellsville will administer and fund the maintenance of Island Park, the Lagoon fields, and Tuller field.

2. The City of Wellsville will provide 10 hours per week of code enforcement service at no cost to the Town. If the Town wishes to retain the services of the code enforcement officer for an

additional five hours per week, this will be done at a rate of \$125 per week, billable on a semi-annual basis, which rate will be negotiated to reflect current costs every five years.

3. The City of Wellsville will continue to provide free rent to the Town of Wellsville at the current municipal building.

4. When the city charter is presented for a vote to the Village residents, a table of tax comparisons for the Town and Village residents pre and post city will accompany any literature distributed for evaluation.

5. When the city charter is presented for a vote to the Village residents, the costs for a new city court facility will accompany any literature distributed for evaluation.

6. All negotiated agreements between the Town and Village shall remain in full force with the City assuming the rights and obligations of the Village.

7. The Town Board shall remain the lead agency for controlling current town-wide shared services including but not limited to assessor, airport, dog control, programs for the aging, and programs for youth. The Town and the City will continue to share the cost of those services at a rate commensurate with the population of the most recent US census

ARTICLE II. OFFICERS

§ 2-1 Elected Officers

The electors of the city shall elect a Mayor, four (4) Council-members-at-large, and the Judges of the City Court.

§ 2-2 Appointed Officers

A. There shall appointed as Officers of the City a City Clerk, City Treasurer, Police Chief, Fire Chief, City Assessor, Corporation Counsel and Superintendent of Public Works.

B. Department head appointments shall be made by the Mayor, subject to approval by the Council.

C. The positions of City Assessor and Corporation Counsel may be filled by contracted professionals, rather than employees, at the discretion of the Council.

§ 2-8. Term of office of elective officers

A. The term of each elective officer commences on the first day of January succeeding his or her election, and the term of office is four (4) years

B. Notwithstanding paragraph A of this Section, at the first election for Council members after the granting of this Charter, the two highest recipients of votes shall be elected to four (4) year terms, and the next two highest recipients of votes shall be elected to two (2) year terms.

§ 2-9. Term of office of administrative officers

All officers appointed by the Council shall hold office during their pleasure, unless otherwise specified in this Charter or by law.

§ 2-10. Power to fix salaries

The Council shall have power to fix the salaries and wages of the Mayor and all other officers and employees within the total amount contained in the annual appropriation ordinance for personal service and within such additional amounts as may be appropriated for said purpose in each of the several departments, divisions, offices, courts, commissions and boards.

§ 2-11. Additional fees or compensation not to be paid

No officer of the city receiving a stated salary or compensation may have or receive to his or her use any perquisites, compensation or fees for services pertaining directly or indirectly or which may hereafter be added to the duties of his office in addition to his or her salary, and all perquisites, compensation and fees paid to and received by any such officer for services pertaining directly or indirectly or which may hereafter be added to the duties of his office, other than his or her salary received from the city, are the property of the city and must be paid by the officer receiving the same into the city treasury.

ARTICLE III. MAYOR

§ 3-1. Election; term; qualifications.

There shall be a Mayor elected by the voters of the city for a term of four years. The Mayor shall be a resident of the city.

§ 3-2. Vacancies in the Office of Mayor

The Council shall fill a vacancy in the office of Mayor arising otherwise than by expiration of term by appointing by a majority vote a person who is registered in the same political party as the person who vacated the office. If the person so appointed is a member of Council, the office of the member of Council appointed as Mayor shall be declared vacant by the Council and filled pursuant to § 4-2 of the Charter. The person so appointed Mayor holds office until the first day of January succeeding the first annual election held in time to permit the filing of nominating petitions following the vacancy, at which a successor must be elected for the unexpired term. If the Council fails to appoint a Mayor

within thirty (30) days of a vacancy in the office of Mayor, there shall be a special election held within ninety (90) days of such vacancy to elect a successor to serve the unexpired term.

§ 3-3. Powers and duties generally.

- (a) The Mayor shall be the chief operating officer of the city. The Mayor shall exercise a constant supervision over the conduct of all subordinate officers and employees and examine all complaints against them for misconduct or neglect of duty and report the facts to the Council.
- (b) The Mayor may examine the books, vouchers and papers of any board, commission, officer or employee of the city and summon and examine under oath any person in relation thereto. The Mayor may require any board or department of the city to furnish the Mayor or the Council with any information, data and reports; neglect or refusal to furnish the same shall be a misdemeanor on the part of the official or person neglecting or refusing so to do.
- (c) On or before October 1 of each year, the Mayor shall submit budgets for the ensuing year as provided in this charter.
- (d) Except as otherwise provided by law and this charter, the Mayor shall negotiate on behalf of the city all contracts and agreements required to be executed as an act of the city.
- (e) The Mayor shall keep the Council at all times fully advised as to the financial condition and needs of the City.
- (f) The Mayor shall perform such other duties as may be required by the Council.
- (g) The Mayor shall have such other powers and duties as are provided by state law, this charter, local law, ordinance or city resolution.
- (h) The Mayor shall be a member of the Council, and shall have a single vote on all matters before the Council, and shall not have veto power over any action of the Council.

(i) The Mayor shall designate at the annual organization meeting, a Council member to serve as liaison to each City department and board, which designation shall not be subject to Council approval.

§ 3-4. Enforcement of laws.

The Mayor shall see that the laws of this state, this charter and the legislation adopted by the Council are faithfully executed.

§ 3-5. Supervision of departments, offices, etc.; delegation of powers.

(a) Except as otherwise provided by law and this charter, the Mayor shall direct and supervise all departments, offices and agencies of city government.

(b) Pursuant to the provisions of the Civil Service Law, the head of each department shall be appointed by the Mayor with the consent of the Council and shall serve until removed. The Mayor may authorize any city officer or department head 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 or department head's department, office or agency.

§ 3-6. Communications and recommendations to Council.

The Mayor shall communicate to the Council at its first meeting in February of each year a general statement of the affairs of the city in relation to its finances, government and improvements, with such recommendations as the Mayor may deem proper. The Mayor shall recommend to the Council

such measures as deemed necessary to expedite or carry into effect any legislation which the council shall have passed.

§ 3-7. Execution of deeds, contracts and other papers.

When authorized by the Council, the Mayor shall execute on behalf of the city all deeds, contracts and other papers required to be executed as an act of the city.

§ 3-8. Deputy Mayor

The Mayor shall appoint, a Council member as Deputy Mayor, to carry out the duties of the Office of Mayor during the absence or incapacity of the Mayor, which approval shall not be subject to Council approval

ARTICLE IV COUNCIL

§ 4-1. The Council.

- A. All legislative power of the city shall be vested in a body known as the "Council" or "Council," which shall consist of four (4) Council members at Large and the Mayor.
- B. The Council shall be the Finance Board of the City as that term is defined in paragraph 4(b)(2) of Section 2.00 of the Local Finance Law.

§ 4-2. Vacancies on the Council.

- A. Vacancies in the office of member of the Council other than the Mayor arising otherwise than by expiration of term or by recall shall, within one (1) month, be filled by appointment of a nominee of the members of the Council by an eligible resident of the city of the same political

affiliation as the person who vacated the office by a majority vote of the remaining members of the Council.

B. If the Council has not filled the vacancy within thirty (30) days from the date the vacancy occurs, then the President of the Council shall fill the vacancy by appointment of a person from the same political party as the person who vacated the office. The person so appointed shall hold office until the first day of January succeeding the first general election held in time to permit the filing of nominating petitions following the vacancy, at which a successor must be elected for the unexpired term.

§ 4-3. Organization meeting.

The Council shall meet on the first business day in each January, following a general municipal election, and organize as the Council of the City of Wellsville.

§ 4-4. Meetings.

The Council shall fix the time of its regular meetings. Special meetings may be called at any time by the Mayor, or any three (3) members of Council. The City Clerk shall cause a written notice thereof, specifying the object of the meeting, to be served upon each member personally or to be delivered at the member's usual place of residence at least twenty-four (24) hours before the time fixed for such meeting, except that, if such notice is served prior to 5:00 p.m., the time for the special meeting may be fixed at any time after 9:00 a.m. the following day. Council members may waive service of such notice in writing. At such special meeting no business other than that named in the notice of meeting shall be transacted.

§ 4-5. Rules of proceedings; quorum; compelling attendance of members .

The Council may determine the rules of its own proceedings and is the judge of the election and qualification of its members. Its meetings are public and its records open to public inspection, and a majority of all its members constitute a quorum to do business. It may compel the attendance of absent members at any meeting properly called and may punish or expel a member for disorderly conduct, for a violation of its rules or for official misconduct or declare his or her seat vacant by reason of absence continuing for the space of at least two (2) months; but no member may be expelled and no vacancy be declared on account of absence, except by the vote of three-fourths ($\frac{3}{4}$) of all the members of the Council, after the delinquent member has had an opportunity to be heard. All appointments and designations by the Council are determined upon a vote taken by a roll call of its members and an entry upon the journal of the choice of each member or of the ayes and nays, if any.

§ 4-6. Legislative acts.

A. General procedures. The City Council shall act by local law, ordinance or resolution.

B. Local laws. Local laws shall be adopted pursuant to Section 20 of the Municipal Home Rule Law of the State of New York. No local law shall be approved until a public hearing thereon has been held before the Council, which hearing shall be held on public notice of at least five (5) days. The vote shall be taken by ayes and nays, and the names of the members present and their votes shall be entered in the journal of proceedings. Every local law passed by the City Council shall be certified by the City Clerk and filed with the Office of the Secretary of State.

C. Ordinances. No ordinance, unless otherwise provided by local law, unless it be an ordinance fixing the salary or salaries of certain city officers or employees or adopting the budget, levying the annual tax or confirming the roll or rolls of items to be added to the annual tax, shall be voted upon earlier than the third day after its introduction into the Council, except by the approval of four (4) members of the Council. On the passage of every ordinance which is not passed by unanimous vote, the ayes and nays of the members voting thereon shall be entered in full upon the journal. The passage of an ordinance requires the affirmative vote of at least a majority of all the members of the Council, except as otherwise provided by the Local Finance Law. No ordinance shall be approved until a public hearing thereon has been held before the Council, which hearing shall be held on public notice of at least ten (10) and no more than twenty (20) days. Every ordinance shall be certified by the City Clerk after its passage by Council.

D. Resolutions. The adoption of a resolution requires the affirmative vote of at least a majority of the members of Council. A resolution shall not have the force or effect of law, but shall be binding upon the members of Council.

§ 4-7 Publication of local laws, ordinances, proceedings of the Council and official notices.

All local laws, ordinances introduced or adopted at any meeting of the Council and the complete minutes of each such meeting shall be printed within sixty (60) days after the adjournment of the meeting and shall be distributed by the City Clerk to each member of the Council, to the Mayor and to the head of each city department and bureau. Local Laws and ordinances shall be printed in full in the minutes of the meeting at which they are introduced but, unless amended, shall be

published by title only in the minutes of subsequent meetings at which they are considered; provided, however, that it shall not be necessary to print and/or distribute any maps which may be adopted as a part of any local law or ordinance; and provided further, however, that it shall not be necessary to print and/or distribute any local law or ordinance that exceeds twenty-five (25) pages typewritten and double-spaced with one-and-one-half-inch margins, as long as two (2) copies of said local law or ordinance are submitted to the City Clerk when introduced and are kept on file by the Clerk for public inspection, and as long as the title of said local law or ordinance is printed in the minutes of the meeting at which it is introduced with the notation that said ordinance exceeds twenty-five (25) pages and is on file with the City Clerk for public inspection. At the close of each year it shall be the duty of the City Clerk to have the minutes of all meetings held during that year printed, indexed and bound in adequate number. Official notices that are required by law to be published shall be published in the official newspaper of the city, except as otherwise provided by the Local Finance Law.

§ 4-8. Municipal code.

A. The Council shall provide for the publication, in book form, of a municipal code consisting of:

1. The Charter of the City of Wellsville and a schedule of all special acts of the legislature and special local laws pertaining to the City of Wellsville.

2. All ordinances and local laws of a general nature.

B. The City Clerk shall provide for the printing and distribution of a periodic supplement to both the Charter and the local laws and ordinances, which said supplements shall contain, in loose-leaf form, all amendments and additions of the preceding period.

§ 4-9. Official newspaper

The Council shall annually designate the official newspaper for the city, and the Mayor shall enter into contracts with the publishers of the newspapers so designated containing such conditions as may be necessary or appropriate. Both the designations and the contracts shall be made pursuant to the applicable requirements of § 70-a of the New York State Public Officers Law.

§ 4-10. Local Laws, Ordinances and proceedings as evidence.

The printed minutes of the Council and the printed ordinances of the Council heretofore or hereafter published, certified by the City Clerk under the City Seal or printed or purporting to be printed under authority of the Council, or purporting to be the printed minutes or printed local laws, ordinances of the Council, are presumptive evidence of the ordinances, resolutions, bylaws and rules contained therein, of the reports, communications, petitions and documents presented to the Council contained therein, of the acts and recitals of occurrences contained therein, of all proceedings of the Council and of all other matters contained therein, and are presumptive evidence of the due adoption and publication of all local laws or ordinances contained therein. A certificate signed by the City Clerk under the City Seal, certifying to the contents, adoption and

publication of an local law or ordinance or of any of said facts, is presumptive evidence of the facts contained in such certificate.

ARTICLE V DEPARTMENT OF RECORDS

§ 5-1 Department of Records; head

There shall be a Department of Records, the head of which shall be the City Clerk.

§ 5-2. City Clerk.

A. The City Clerk shall attend all meetings of the Council, shall keep a journal of its proceedings and shall have the custody of the City Seal. The Clerk may appoint, to hold office during his or her pleasure, a deputy and such other subordinates as the Council may prescribe.

The Clerk shall perform such other duties as may be imposed by this or any other law or ordinance. The Clerk and the Deputy Clerk shall have the powers of a Commissioner of Deeds, and shall serve as the Tax Collector of the City.

B. The City Clerk shall also be the Treasurer of the City. The City Clerk, acting as the City Treasurer, shall be the Chief Fiscal Officer of the City as that term is defined in paragraph 5(d) of Section 2.00 of the Local Finance Law.

ARTICLE VI BUDGETS

§ 6-1. Departmental Estimates.

On or before the first day of September in each year the head of each administrative unit shall prepare and submit to the mayor an itemized estimate, in such form as the mayor may require, of (a) the sum of money deemed necessary to meet the expenditures of such administrative unit for the ensuing fiscal year, separately stating the amount required for all purposes, and (b) the revenues to be realized during the ensuing fiscal year from its operations. The mayor shall separately prepare an estimate of the sum of money required to meet the interest and principal accruing during the next fiscal year on bonds, notes and certificates of indebtedness. The term "administrative unit," as used in this article, includes the council, departments, boards and commissions empowered to appoint subordinate officers or employees, and any other board, commission or agency not embraced within a department. For purposes of this article, the president of the council shall be deemed the head of the council as such an administrative unit.

§ 6-2. Revision by Mayor.

The mayor, after hearings thereon, at which he shall require the attendance of the heads of the respective administrative units, shall revise the estimates, with power to increase, decrease or make such changes as may serve for the best interests of the city. The members of the council shall be notified of and attend such hearings and shall be permitted to make inquiry in respect to all matters affecting the items in such estimates. The mayor may make reasonable regulations governing the conduct of such hearings and may delegate the power to conduct such hearings, or any of them

§ 6-3. Mayor's Budget.

On or before the first day of October each year, the mayor shall submit to the council a budget containing a complete plan of proposed expenditures and estimated revenues for the next fiscal year. Therein shall set forth in detail and summary:

(a) Estimates of the expenditures necessary in the mayor's judgment for carrying on the city government for the ensuing fiscal year, separately stating the estimates of expenditures necessary for each purpose, and stating in total the amount necessary to accomplish every separate function of each administrative unit or other purpose.

(b) Estimates of the receipts of the city during the ensuing fiscal year under laws existing at the time of the budget is transmitted and also under the revenue proposals, if any, contained in the budget.

(c) The expenditures and receipts of the city during the last completed fiscal year.

(d) Estimates of the expenditures and receipts of the city during the current fiscal year.

(e) The balanced statements of the condition of the treasury at the end of the last completed fiscal year and the estimated condition of the treasury at the end of the current fiscal year.

(f) All essential facts regarding the bonded and other indebtedness of the city.

(g)Such other financial statements and data as in the mayor's judgment are necessary or desirable in order to make known in all practicable detail the financial condition of the city.

(h)Any recommendations of the mayor to the council with respect to new sources of revenues.

(i)For each separate function of each administrative unit or other purpose:

[i]an outline of the administrative organization for the performance of the function;

[ii]a summary of the expenditures, estimated fringe benefits and other unallocated indirect costs, and net cost or gain to the city of such function during the last two completed fiscal years, as estimated for the current fiscal year, and as budgeted for the ensuing fiscal year;

[iii] a summary explanation of any major changes in revenues or expenditures and any non-recurring revenue or expenditure;

[iv]a summary of the objectives of such function during the ensuing fiscal year, the services to be provided to the residents or government of the city, and to the extent reasonably practicable the number of units and the unit cost of each such service.

(j) A statement estimating the fiscal impact of any condition that may be reasonably foreseen as likely to cause a deficit in the ensuing year or to require a tax increase or reduction of services in order to avert a deficit in the ensuing year or in the year following the ensuing year.

§ 6-4. Restrictions on Estimates and Requests.

No estimate or request for an appropriation, except as herein before provided, and no request for an increase in any item of such estimate and no recommendations as to how the city's needs may be met shall be submitted to the council, or to any member of any committee thereof, by any department, or division of a department, any commission, board or agency of the city or by an officer or employee thereof unless required by the council.

§ 6-5. Appropriations for Capital Improvements or Payment of Capital Notes; Exclusion from Tax Limitation.

Whenever the city of Wellsville shall issue bonds or bond anticipation notes for a specific capital improvement or several specific capital improvements, or make expenditures for a specific capital improvement from the proceeds of bond or bond anticipation notes issued for a class or classes of capital improvements or from a fund into which the proceeds of bonds or bond anticipation notes are paid, that part of the cost of capital improvements which the city of Wellsville is required under the provisions of section 107.00 of the Local Finance Law to pay from "current funds," as that term is defined in paragraph a of section 107.00 of the Local Finance Law, shall be provided only by direct budgetary appropriations or the proceeds of capital notes issued for the payment of the cost of capital improvements.

The Council may by resolution elect to exclude from the tax limitation prescribed by section ten of article eight of the state constitution, all or part of the taxes required for such direct budgetary appropriations or for the redemption of such capital notes, and the amounts so excluded shall not be diverted to a purpose other than for which such appropriations or capital notes were made or issued.

For the purpose of this section, the term "capital improvements" shall mean:

(a) Any physical public betterment or improvement or any preliminary studies and surveys relative thereto, or

(b) Land or rights in land, or

(c) Any furnishings, machinery, apparatus or equipment for any physical betterment or improvement when such betterment is first constructed or acquired, or

(d) Any combination of items (a), (b), and (c), or

(e) Vehicles, including police and firefighting vehicles and apparatus, machinery for highway construction and maintenance, and motor vehicles having periods of probable usefulness assigned in subdivisions twenty-six, twenty-seven, twenty-eight, and twenty-nine of paragraph a of section 11.00 of the Local Finance Law.

§ 6-6. Action on Budget.

A. At the first meeting of the council after the submission to it by the mayor of the annual budget, the council shall proceed to a consideration thereof.

B. The council may strike out or reduce items therein and may add thereto items of appropriation, provided that such additions are stated separately and distinctly from the original items of the budget and refer each to a single object or purpose. The budget must be passed by the Council on or before the fifteenth day of November

D. If a budget has not been adopted, as herein provided, on or before the fifteenth day of November, then the budget, as submitted by the Mayor, shall be the budget for the ensuing fiscal year.

ARTICLE VII DEPARTMENT OF LAW

§ 7-1. Department established; head.

There shall be a Department of Law, the head of which shall be the Corporation Counsel.

§ 7-2 Other Counsel

The Mayor shall hire, with Council approval, such outside counsel as the City requires.

ARTICLE VIII DEPARTMENT OF PUBLIC WORKS

§ 8-1. Department established; head.

There shall be a Department of Public Works, the head of which shall be the Superintendent of Public Works.

§ 8-2. Duties of Superintendent of Public Works

A. The Superintendent of Public Works shall, except as otherwise provided by this Charter or by law: (1) Manage, maintain and operate all of the public works and physical properties of the city. (2) Direct and supervise all divisions within the Department of Public Works.

ARTICLE XI DEPARTMENT OF POLICE

§ 9 -1. Department established; head.

There shall be a Department of Police, the head of which shall be the Chief of Police.

§ 9-2. Powers and duties of Chief of Police.

The Chief of Police shall have jurisdiction and control of the administration, disposition and discipline of the Police Department and of the police force of the Department. The Chief of Police shall be the chief executive officer of the police force and shall have the power, and it shall be the chief's duty, to preserve the public peace; prevent crime; detect and arrest offenders; suppress riots and insurrections; disperse unlawful or dangerous assemblages which obstruct the free passage of public streets, sidewalks, parks and other public places; protect the rights of persons and property; preserve order; direct and regulate the movement of vehicular and pedestrian traffic for the facilitation of traffic and the convenience of the public as well as the

protection of human life; inspect and observe all places of public amusement, all places of business and other public places; enforce and prevent the violation of all federal, state and local law and ordinances, rules and regulations in force in the city; and, for these purposes, to arrest all persons charged with violation thereof. The Chief shall provide assistance to any courts in the city to such extent as may be necessary and as shall be permitted by the rules of such courts, and shall maintain and operate such telephone and radio equipment and other means of communication as may be necessary for the purposes and business of the Police Department. In the absence of appointment of any division head under this Article, the Chief of Police shall act as head of such division.

ARTICLE X DEPARTMENT OF FIRE

§ 10-1. Department established; head.

There shall be a Department of Fire, the head of which shall be the Fire Chief.

§ 10-2. Powers and duties of Fire Chief.

The Fire Chief shall have jurisdiction and control of the administration, disposition and discipline of the Fire Department and of the firemen within the Department, and shall be the chief executive officer of the Department of Fire. The Chief shall be responsible for the operation, maintenance and repair of all fire vehicles and fire equipment, and shall have sole and exclusive power and authority to extinguish fires at any place within the jurisdiction of the city. It shall be the Chief's duty to take such measures as are deemed necessary to prevent fires, be the fire warden of the city and exercise the following duties:

A. Have jurisdiction over the approval of the installation of all containers for combustibles, chemicals, explosives, inflammables or those dangerous substances, articles, compounds or mixtures, except storage tanks for oil-burning equipment which shall be under the jurisdiction of the Building Inspector.

B. Install or cause to be installed, operate, maintain and repair or cause to be repaired all fire alarm, telegraph, telephone and radio equipment which shall be used in the operation of the Fire Department.

C. Enforce and prevent the violation of all federal, state and local laws and ordinances, rules and regulations in respect to the manufacture, storage, sale, transportation or use of combustibles, chemicals, explosives, inflammable or other dangerous substances, articles, compounds or mixtures.

D. Be responsible for the investigation of the cause, circumstances and origin of fires and the suppression of arson.

E. Be responsible for the prevention of fires and danger to life or property therefrom excluding provisions relating to structural conditions of buildings which shall be under the jurisdiction of the Building Inspector.

F. Cause any building, structure or place or premises to be inspected for fire hazards by any officer or employee of the department designated for such purpose, and cause the inspection and testing of any fire alarm system or fire extinguishing equipment.

G. Also cause the inspection and testing of any fire exits and inspect the proper designation and marking thereof.

H. Be responsible to assure the training of personnel for emergency medical response and the operation of the Department's emergency medical response program.

ARTICLE XI DEPARTMENT OF ASSESSMENTS

§ 11-1. Department established; head.

There shall be a Department of Assessments, the head of which shall be the City Assessor. The appointment and term of the City Assessor shall be in conformance with the New York State Real Property Tax Law. Minimum qualification for the position of City Assessor shall be established by the New York State Office of Real Property services.

§ 11-2. City Assessor.

The City Assessor shall shall make all assessments for general tax or special assessment purposes in accordance with the provisions of the Real Property Tax Law and shall perform such other functions as may be required by other law. He/she shall be responsible for the maintenance and revision of the tax roll.

ARTICLE XII FISCAL POLICIES

§ 12-1 Appropriations; transfer of funds.

Unless otherwise specifically provided in this Charter or by law, no money shall be drawn from the city treasury nor shall any obligation for the expenditure of money be incurred except pursuant to appropriations made by the Council. Upon written request of the Mayor, the Council

may transfer an unencumbered balance in an appropriation made for one department or agency to another department or agency or may transfer any unencumbered balance in an appropriation made for a division or office to another division or office in the same department. The Mayor may transfer an unencumbered balance in an appropriation made for a division or office to another division or office in the same department, provided that such transfer does not exceed five percent (5%) of the department's budget. Such intradepartmental transfers made by the Mayor shall be reported to the Council at its next regular meeting.

§ 12-2. Annual tax levy.

The Council, at the meeting at which the annual budget is adopted shall levy taxes on all taxable property within the city as shown in the annual assessment rolls, to the amount required to be raised by tax in the annual budget. All taxes thus levied shall become liens on the properties against which they are levied on the first day of January following the levy of such taxes.

§ 12-3. Extension of taxes.

The City Clerk, on that day following the adoption of the annual tax levy by the Council, shall deliver to the City Clerk a certified copy of the resolution making such levy. Thereupon, and on or before December 31, the City Clerk shall extend the city tax as levied by the Council, and shall enter these extensions along with all delinquent special assessments, delinquent sewer taxes, delinquent water rates, delinquent rubbish collection charges and any other delinquent special charge on the original assessment rolls filed with him, which rolls then become the tax rolls of the city for the ensuing year. When the tax rolls have been thus completed, a warrant signed by the Mayor and by the City Clerk shall be attached thereto, directing the City Clerk to

collect from the persons named in the rolls the sums specified as levied against the parcels described in the rolls as owned by them.

§ 12-4. Payment of taxes.

The city tax and all delinquent assessments and charges added to the rolls pursuant to §§ 12-12 and 13 hereof shall be due and payable at the office of the City Clerk in two (2) equal installments on the 15th day of April and on the 15th day of July.

§ 12-5. Tax notices.

The City Clerk, once a week for two (2) successive weeks during the last two (2) weeks of April and the first week of May in each and every year, shall cause a notice to be published in the official newspaper of the city or, if no official newspaper has been designated, in a newspaper having general circulation in the city to the effect that he has received such tax roll and warrant and that city taxes are due and payable at his office in City Hall on any weekday, Saturday and holidays excepted, during usual business hours. The notice shall state the collection period during which taxes may be paid without penalty and the penalties to be added to nonpayment during such collection period pursuant to the Real Property Tax Law.

§ 12-6. Tax bills.

The City Clerk, on or before the 15th day of April in each year, shall mail to each owner of taxable property shown in the tax rolls, whose name and address he is able to ascertain, a statement showing the amount of taxes due on his property, the period covered, and the name and address of the collection officer. The provisions of this section are for the benefit of the

taxpayers, and the failure of the City Clerk to mail such bills or the failure of such owner to receive them shall not invalidate or otherwise affect such tax, shall not prevent the accruing of penalties for the nonpayment thereof and shall not affect the validity of interest prescribed by law with respect thereto.

§ 12-7. Collection periods; interest.

The taxes shall be due and payable in installments during the period from April 15 through May 15 and July 15 through August 15, which periods are designated as collection periods. On the day first succeeding a collection period, there shall be added to all unpaid taxes interest at the rate of five percent (5%) for the first thirty (30) days or fraction thereof, and one percent (1%) per each thirty (30) days thereafter or fraction thereof.

§ 12-8. Tax receipts.

The City Clerk shall deliver or forward by mail a proper receipt for each tax payment upon the request of the person paying the tax.

§ 12-9. Special assessments; unpaid assessments.

Special assessments, or installments thereof, are due and payable the day following the approval of the pertinent special assessment rolls by the Council. Such assessments, or installments thereof, may be paid within one (1) month following approval by the Council without penalty, which month is designated as the collection period. On the first day of each month succeeding the collection period, there shall be added to all such unpaid assessments, or installments thereof, a penalty of one percent (1%) until such assessments, or installments thereof, are paid. If any

such assessments, or installments thereof, remain unpaid for four (4) months or longer by the first day of December, they shall be added, with accrued penalties, by the City Clerk to the tax rolls for the ensuing year against the proper delinquent parcels of taxable property. Items thus added to the tax rolls shall become in all respects part of the tax levy and subject to all the penalties applicable to such levy for nonpayment.

§ 12-10. Unpaid charges to be added to tax rolls.

A. Sewer rents, water bills, rubbish collection, lawn mowing charges, demolition, grading and other special charges for municipal services relating to real property are due and payable when billed and, if unpaid for thirty (30) days or longer after the first day of December, shall be added by the City Clerk to the tax rolls for the ensuing year against the proper delinquent parcels of taxable property. Items thus added to the tax rolls shall become in all respects part of the tax levy and subject to the same penalties as provided for in § 12-9.

B. As an alternative method of collecting unpaid charges for sewer rents, water bills, rubbish collection, lawn mowing charges, demolition, grading or other special charges relating to real property, the City of Wellsville may institute any action or proceeding authorized by law against the property owner and/or recipient or beneficiary of said service. Said action or proceeding may seek any remedy allowed by law.

§ 12-11. Return of unpaid taxes.

Upon the expiration of his warrant, the account clerk shall make and deliver to the City Clerk a return of unpaid taxes.

§ 12-12. Recovery of unpaid taxes.

All taxes and assessments charged upon real estate, including those for local improvements and other charges, shall be a lien upon the same from the time of completing the tax roll therefor and such lien shall be prior and superior to all other liens and incumbrances. All such taxes, assessments and other charges may also be recovered in an action brought by the city against any person liable therefor and the lien thereof may be foreclosed by action in the same manner and by the same proceedings as in an action for the foreclosure of a mortgage upon real estate. In any action to recover any taxes or assessments or to foreclose the lien thereof, the assessment or tax roll shall in all cases be prima facie evidence of the right of recovery of the amount of such tax and assessment, and interest, and penalties, and no property shall be exempt from levy and sale for the payment of the same. Notwithstanding any other provision of this Charter, tax liens owned by the city and due and unpaid for at least two (2) years from the date on which the tax and other legal charges represented thereby became a lien shall be foreclosed by an action in rem in accordance with Title 3 of Article 11 of the Real Property Tax Law.

§ 12-13. Sale of property for nonpayment of tax.

A. Whenever any tax or assessment, and the penalties and interest thereon, shall remain unpaid nine (9) months from the date of levy thereof, the City Clerk shall advertise and sell the real estate charged therewith in accordance with the Real Property Tax Law. However, at such sale, rates of interest shall be bid in multiples of one percent (1%) or a flat bid of no interest whatsoever, and parcels shall be bid and sold separately. Except as otherwise provided herein, the City Clerk shall award such bill to the person bidding the lowest rate of interest or no interest. If more than one (1) person bids the same rate of interest, the City Clerk or other

authorized person conducting such sale shall sell the parcel to whichever of such bidders as he in his sole discretion shall determine. In any case, however, and as to any parcel, the City Clerk may reject any and all bids and bid in and purchase the same for the city at the maximum rate of interest, in which event the bid of the city shall be preferred over all other bids. The city shall likewise be deemed the purchaser at the maximum rate of interest of all parcels which are not otherwise sold at such sale.

B. Conveyance of the real estate; cancellation of the tax sale certificate. (1) If any parcel or lot so sold shall not be redeemed as provided, the City Clerk, as soon as is reasonably practical after the expiration of two (2) years from the date said tax and other charges shall become a lien, may execute and deliver to the purchaser, his heirs or assigns or to the city or its assigns, as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any, of unpaid taxes, assessments or other charges levied pursuant to § 12-78. Alternatively, as soon as is reasonably practicable after the expiration of said two (2) years, where the city is the holder of the certificate of sale, the City Clerk may cancel the certificate by a proper entry on the records of the Office of the City Clerk or on the records of the County Clerk. The City Clerk may cancel said tax sale certificate for one (1) or more of the following reasons:

(a) There is reason to believe that there may be a legal impediment to the enforcement of the tax lien affecting such parcel.

(b) The tax has been canceled or is subject to cancellation pursuant to § 558 of the Real Property Tax Law or, in the case of a tax district to which such section does not apply, the tax would be subject to cancellation if such section were applicable to the tax district.

(c) The enforcement of the lien has been stayed by the filing of a petition pursuant to the Bankruptcy Code of 1973 (Title Eleven of the United States Code).

(d) If the tax district were to acquire the parcel, there is a significant risk that it might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien.

(2) Upon the cancellation of the tax sale certificate, the City Clerk shall issue a certificate of cancellation setting forth the facts which render the tax sale certificate eligible for cancellation. The cancellation of the tax sale certificate shall have no effect upon the tax lien or other liens against the affected parcel. On cancellation of said certificate, the city may sue for the full amount due on the real estate as determined by the last day for redemption and recover in an action against any person(s) and/or business entity liable therefor. A judgment in such action in favor of the city shall not operate to release any lien of such amount due on the real estate until fully satisfied.

ARTICLE XIII Boards and Commissions

§ 13-1. Boards, Generally.

This article shall govern the creation and activity of all appointed boards, commissions, committees, councils or other like bodies in the city of Wellsville except as otherwise provided by this charter or other law. All members of appointed boards, commissions, committees, councils or other like bodies serving when this charter takes effect shall continue as such until the expiration of their terms, the positions are abolished, or they are removed pursuant to law or in accordance with the terms of this article.

§ 13-2. Meetings.

As soon as practicable following the first of the new year, and no later than January 31st of every year, each board shall hold an organizational meeting. Each board shall hold regular meetings as required by this charter or other law, and special meetings as may be necessary. Meetings shall be held upon the call of the mayor, director, the chairperson, or as specified in a written declaration by a majority of the members of such board. All meetings shall be open to the public with notice of such being filed with the city clerk.

§ 13-3. Reports.

The chair or head of each board, shall in addition to the reports required by this charter, once in each year and at other times as the mayor may direct, make to the mayor and file with the city clerk, in such form and under such rules as the mayor or this charter prescribes, reports of their operations and action.

§ 13-4. Expenses.

The members of all boards of the city established in accordance with the provisions of this charter or other law shall serve without compensation for their services as such, but may receive reimbursement from the city for reasonable and necessary expenses incurred in the performance of their official duties subject to the terms and conditions stipulated by the mayor. In no case shall any appropriations be used for compensating any member of any such board for his or her services.

§ 13-5. Qualifications.

A. Residency. No person shall be eligible for election or appointment as the head or chair of a board or commission who has not been a resident of the city for a period of at least one year preceding the date of his/her election or appointment.

B. Age . No person shall be capable of holding a civil office who shall not, at the time he shall be chosen thereto, have attained the age of eighteen years, except that in the case of youth boards, youth commissions or recreation commissions only, members of such boards or commissions may be under the age of eighteen years, but must have attained the age of sixteen years on or before appointment.

§ 13-6. Transitional Provisions

Members of the Planning Board and Zoning Board of Appeals, and other committees or commissions in existence at the effective date of this Charter shall complete the term they were appointed to serve.

§ 13-7. Removal.

A. A member of a board or commission shall be deemed to have resigned his or her office for failure to attend three (consecutive) regularly scheduled meetings, unless (s)he has filed with the chairperson written reasons for his or her absence approved by a majority of the membership and expressed in its official minutes.

B. A member of a board or commission other than the chair may be removed by the Council if the member ceases to be qualified elector of the city or upon proof of official misconduct, neglect of official duties, mental or physical inability to perform his or her duties, a conviction of a crime involving moral turpitude or conduct in any manner connected with his or her official duties which tend to discredit his or her office.

C. A member may be removed by the Council for reasons stated in writing after having an opportunity to be heard.

§ 13-8. Vacancies.

Any vacancies in any board or commission from whatever cause arising shall be filled by appointment by the appointing authority who appointed the member whose position became vacant. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such a vacancy shall be for the unexpired portion of such term.

§ 13-9. Expenditures.

The boards, committees, councils or commissions shall, within the amounts appropriated by the Council or otherwise made available by grants, expend, contract for, or direct the expenditure of such sums, and accordingly provide, as permitted by ordinance or grant, the necessary facilities and personnel.

ARTICLE XIV CITY COURT

§ 14-1 Judge of the City Court

There shall be one City Court Judge. In addition to the other qualifications for elected office, candidates for City Judge shall attorneys licensed to practice in New York.

ARTICLE XV Miscellaneous Provisions

§ 15-1. Prior notice of defects.

The City of Wellsville shall not be liable for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk or public place being out of repair, unsafe, dangerous or obstructed or in consequence of the existence of snow or ice thereon, unless notice in writing of such defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice shall have been served upon the City Clerk at least twenty-four (24) hours before the happening of the casualty from which such injury or damage may have resulted and unless notice in writing shall have been served upon the City Clerk within twenty (20) calendar days after the happening of the casualty from which such damage or injury may have resulted, and each of such notices shall particularly state such defect, want of repair or obstruction or of the existence of the snow or ice and the location thereof, and shall be served by delivering to and leaving the same with said City Clerk personally.

§ 15-2. Elected officials.

No person elected to a city office may hold any other office or employment with the city during his term of office. Notwithstanding the provisions of this section, any person other than an elected office holder may hold more than one (1) position described in this Charter at the same time.

§ 15-3. Fidelity bonds.

Every officer and employee of the city who has possession of or control over any funds of the city or the disposition thereof shall give a fidelity bond for the faithful performance of his/her duties. Such bonds shall be in such sum, with such corporate sureties, in such form and for such terms as shall be approved by the Mayor. The premium on all such fidelity bonds shall be paid by the city.

§ 15-4. Disciplinary proceedings.

Unless this Charter or a contract of the City provides a different procedure, removal and other disciplinary proceedings regarding officers and employees of the city who are protected by the New York Civil Service Law shall be governed by the provisions of the Civil Service Law as amended from time to time.

§ 15-5. Construction of improvements; assessment of costs.

The City Council may lay out, open, pave, repave, grade, regrade, repair, sprinkle, surface treat, widen or discontinue the use of any public street, and provide drainage and curbing therefor. The

City Council may construct, reconstruct, alter, maintain and repair or discontinue storm sewers and drains, sanitary sewers and water mains and laterals connected therewith. The City Council may require the construction, alteration, repair and cleaning of sidewalks or may construct, alter, repair or clean sidewalks. The City Council may construct, alter, repair or discontinue bridges over any water or watercourse. The City Council may deepen, widen or improve any watercourse and may construct, alter or repair walls along the banks thereof. The City Council may construct, reconstruct, alter, maintain, repair or discontinue sewage disposal plants and water treatment plants. The City Council may direct that the whole of the expense of any improvements or work be assessed upon the property deemed benefited, or that the whole or a part thereof be charged to the city at large and the remainder, if any, assessed upon the property deemed benefited.

§15-6 Repealer.

A. All laws, ordinances, resolutions, rules and regulations and parts thereof relating to or affecting the city when this Charter takes effect, to the extent to which they are inconsistent with the provisions of this Charter and no further, are hereby repealed and superseded. All other laws, ordinances, resolutions, rules and regulations and parts thereof shall continue in force until the same are repealed, amended, modified or superseded.

B. No special act published in the Consolidated Laws is repealed unless so stated in this Charter; however all portions of such acts that are inconsistent with this Charter are superseded.

This subsection does not revive any portion of any such special act previously repealed.

§ 15-7. Severability.

The sections, paragraphs, sentences, clauses and phrases of this Charter are severable. If any phrase, clause, sentence, paragraph or section is declared unconstitutional by the valid judgement or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections.

§ 15-8. Effective date.

This act shall take effect January first, two thousand and seven, provided, however, that this act shall be adopted and approved as follows: At the general election of the inhabitants of the territory within the proposed City of Wellsville, as in this act described, which shall be held on the first Tuesday day of November, two thousand and seven, at which there shall be submitted to the qualified voters the following proposition: Shall the legislative act of two thousand and six, approved by the governor, entitled “An act to incorporate the City of Wellsville” be approved? Unless a majority of the votes cast at such election shall be in the affirmative, this act shall thereupon become ineffective. All said inhabitants of the Village of Wellsville possessing the qualifications to vote under New York state law shall be entitled to vote at said election.