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THE CONSOLIDATED LAWS
OF
NEW YORK
ANNOTATED

Book 63
Village Law

With
Annotations From State and Federal Courts

Kept to Date by Cumulative Annual Pocket Parts



Brooklyn, N. Y.
EDWARD THOMPSON COMPANY

[1951]

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sonal car is used. 3 Op.State Compt. 356, 1947.

2. Dues

There is no authority to expend

public funds for dues to the New York State Sewage Works Association or to the American Water Works Association. 3 Op.State Compt. 204,

1947.

§ 359-b. Appropriations for expenses of conferences of village officials

The board of trustees of any village is hereby authorized and empowered to include annually in the budget and raise by taxation in such village, a sum sufficient to defray the proportionate share of such village to meet the actual and necessary expenses of maintaining and continuing the conference of village officials of the villages in the county in which such village is located and any of its activities for the purpose of considering and devising practical ways and means of promoting and obtaining greater economy and efficiency in the government of such village. Added L.1939, c. 39, eff. March 7, 1939.

§ 359-c. Money for maintaining the municipal electric utilities association of the state of New York in any of its activities

The board of trustees of any village, or the board in control of an electric utility, owned and operated by the village is hereby authorized to include annually in the budget and pay from the proceeds of the operation of said utility its proportionate share of the actual and necessary expenses of maintaining and continuing the municipal electric utilities association of the state of New York, and any of its activities in this state, for the purpose of devising practical ways and means for obtaining greater economy and efficiency in the operation of municipally owned electric light plants. Added L.1941, c. 260, eff. April 11, 1941.

ARTICLE 15-A—VILLAGE MANAGER

Sec.

- 360. Preparation and presentation of petition.
- 361. Form of petition.
- 362. Proceedings to review sufficiency of petition.
- 363. Submission of proposition at annual or special village election.
- 364. Publication of notice and conduct of election.
- 365. Form of ballot.
- 366. Effect of adoption of plan.
- 367. Effect of rejection of plan.
- 368. Continuance of plan when adopted.
- 368-a. Discontinuance of plan.
- 369. Legislative powers vested in board of trustees.

- Sec.
- 370. Powers and duties of mayor.
- 371. Administrative and executive powers.
- 372. General duties of village manager.
- 373. Appointment of village officers and employees.
- 374. Powers and duties of other village officers.

Historical Note

Article added by L.1927, c. 650, § 47, eff. July 1, 1927.

§ 360. Preparation and presentation of petition

At any time after the adoption of this act, a petition may be presented to the board of trustees of the village in the form and signed and certified as provided in the next section. The petition shall be presented by filing the same with the village clerk. It shall be signed by electors of the village qualified to vote upon a proposition to a number at least equal to thirty per centum of the number of votes cast therein at the last village election at which a mayor of the village was elected preceding the presentation of the petition. Added L.1927, c. 650, § 47; amended L.1935, c. 521, § 2, eff. April 26, 1935.

§ 361. Form of petition

The petition shall be in substantially the following form:

To the board of trustees of the village of; we, the undersigned electors of this village qualified to vote upon a proposition, respectfully petition your honorable body to cause to be submitted to a vote of the electors of the village, the following question:

Shall the village of adopt the form of government defined as "The village manager plan" as provided by article fifteen-a of the village law of the state of New York?

Signatures of electors	Residence, street and number
.....
.....
.....
.....

The execution of the petition by an elector shall be acknowledged by him or it may be proved by the oath of a witness who shall swear that he knows the electors and that the petition was signed by the electors in the presence of the witness. The petition may be in the form of separate sheets, each sheet containing at the top thereof, the petition as above set forth and when bound together and offered for filing, these shall be deemed to constitute one pe-

tion. Added L.1927, c. 650, § 47; amended L.1935, c. 521, § 2, eff. April 26, 1935.

§ 362. Proceedings to review sufficiency of petition

Such petition which complies with the requirements of the article both as to form and number of signers and manner of execution shall be accepted as prima facie sufficient. The supreme court or any justice thereof within the judicial district or the county court of a county wherein the village is located shall have summary jurisdiction upon the complaint of an elector to determine the sufficiency of the petition and the genuineness of the signatures thereon and the qualifications of the electors signing the same and may make such order in the premises as justice may require; but such summary proceeding shall be instituted within thirty days after the presentation of the petition. Added L.1927, c. 650, § 47, eff. July 1, 1927.

§ 363. Submission of proposition at annual or special village election

The village clerk shall present the petition at the first regular meeting of the board of trustees after filing of same. If the board of trustees shall determine that the petition complies with the provisions of this article it shall submit a proposition to the electors of the village qualified to vote upon propositions at an annual or special village election as follows:

If the petition is presented to the board of trustees after the fifteenth day of February and before the last day of December, the board of trustees shall call a special election to be held not more than sixty days thereafter; if the petition is received after the last day of December, and before the fifteenth day of February, it shall be submitted by the board of trustees at the annual election. The provisions of this chapter relative to the holding of annual or special elections and not conflicting with this article, shall apply to the manner of holding and conducting such elections. Added L.1927, c. 650, § 47, eff. July 1, 1927.

Notes of Decisions

1. Qualifications of voters

Only persons qualified to vote upon proposition. Op. Atty. Gen., 1934, 51 St. Dept. 483.

§ 364. Publication of notice and conduct of election

The village clerk shall give notice of the submission of the proposition as provided for in this chapter and the election shall be con-

ducted by the same officers appointed to conduct the annual election. The polling places shall be the same as were designated for the holding of the last annual election unless otherwise ordered by the board of trustees. Added L.1927, c. 650, § 47, eff. July 1, 1927.

§ 365. Form of ballot

The general form of ballot shall conform as nearly as may be, to the requirements of the ballot for propositions as set forth in this chapter, except that the proposition shall be set forth as follows:

Shall the government of the village of be conducted under the village manager plan, as provided for in article fifteen-a of the village law of the state of New York? Added L.1927, c. 650, § 47, eff. July 1, 1927.

§ 366. Effect of adoption of plan

If a majority of the total number of votes cast for and against the adoption of the village manager plan at an annual or special village election, shall be in favor of its adoption, the village shall thereafter be operated under the village manager plan as hereinbefore provided. But the board of trustees may determine that the form of government shall not be changed until the beginning of the next official year. Added L.1927, c. 650, § 47, eff. July 1, 1927.

§ 367. Effect of rejection of plan

Should a majority of the votes so cast be against the adoption of the plan proposed, no petition proposing the same plan shall be presented within one year thereafter. Added L.1927, c. 650, § 47, eff. July 1, 1927.

§ 368. Continuance of plan when adopted

Should the village manager plan be adopted at such election, the same shall continue in force and effect for the period of at least two years after the commencement of the terms of office of the officials elected or appointed thereunder and no petition proposing a discontinuance of such plan shall be presented during a period of eighteen months after such adoption. Added L.1927, c. 650, § 47, eff. July 1, 1927.

§ 368-a. Discontinuance of plan

Subject to the provisions of section three hundred sixty-eight, a petition may be presented and filed with the village clerk proposing a discontinuance of the village manager plan in any village in which

such plan is operative pursuant to the adoption of a proposition theretofore duly submitted. Such petition must be in the form signed by the electors and certified as provided in sections three hundred sixty and three hundred sixty-one of this article, as amended by this act. The village clerk shall present the petition to the board of trustees at the first regular meeting of the board held after the petition has been filed. If the board of trustees shall determine that the petition complies with the provisions of such sections, it shall submit to the electors of the village qualified to vote upon propositions, a proposition for the discontinuance of the plan. Such proposition may be submitted at an annual or special village election. The provisions of this article relating to the time and manner of submission, publication of notice and conduct of the election upon a proposition submitted for the adoption of the village manager plan, also shall apply to a proposition for the discontinuance of the plan. If a majority of the total number of votes cast for and against the proposition for the discontinuance of the plan shall be in favor of its adoption, the village manager plan shall thereafter be discontinued in such village and the powers and duties of the village manager, except as modified by law shall thereafter be exercised and performed by the board of trustees of the village, provided, however, that the board of trustees may determine that the form of government shall not be changed until the beginning of the next official year. Should a majority of the votes cast upon the proposition be against its adoption, no petition proposing the discontinuance of the plan shall be presented within two years after such election. Added L.1935, c. 521, § 3, eff. April 26, 1935.

§ 369. Legislative powers vested in board of trustees

All the legislative powers of the village conferred upon or possessed by it are hereby vested in the board of trustees, which shall be composed of a mayor and four trustees. Added L.1927, c. 650, § 47, eff. July 1, 1927.

§ 370. Powers and duties of mayor

The mayor shall preside at all meetings of the board of trustees; he shall be the official head of the village for service of civil process; he shall have no power of veto, but shall have the same power as a trustee to vote upon all matters coming before the board. Added L.1927, c. 650, § 47, eff. July 1, 1927.

§ 371. Administrative and executive powers

The administrative and executive powers of the village including the power of appointment of officers and employees, except

the village clerk, village attorney and treasurer and in the county of Westchester officers and members of the police department where such a department has been established pursuant to law, are vested in an official to be known as the village manager who shall be appointed by the board of trustees and hold office during the pleasure of such board; he shall receive such compensation as shall be fixed by the board of trustees by ordinance. Added L.1927, c. 650, § 47; amended L.1933, c. 188, eff. April 12, 1933.

§ 372. General duties of village manager

The village manager shall be the administrative head of the village government. He shall see that within the village, the laws of the state and ordinances, rules and by-laws of the board of trustees are faithfully executed; he shall attend all meetings of the board of trustees and recommend for adoption such measures as he shall deem expedient; he shall make reports to the board of trustees from time to time upon the affairs of the village, keep the board of trustees fully advised of the financial condition of the village and its future financial needs; he shall prepare and submit to the council, a tentative budget for the next fiscal year. Added L. 1927, c. 650, § 47, eff. July 1, 1927.

Notes of Decisions

1. Loans, negotiation of

The negotiation of a loan for village purposes is beyond the jurisdiction of the village manager, as it is exclusively within the power of the village board. Op.Atty.Gen., 1932, 45 St.Dept. 626.

§ 373. Appointment of village officers and employees

Such village officers and employees as the board of trustees shall determine are necessary for the proper administration of the village, except the village clerk, village attorney and treasurer and in the county of Westchester officers and members of the police department where such a department has been established pursuant to law, shall be appointed by and may be removed by the village manager; but the village manager shall report each such appointment and removal to the board of trustees at the next meeting thereof following any such appointment or removal; the village clerk, village attorney, village treasurer and officers and members of the police department where such a department has been established pursuant to law, shall be appointed and their salary or compensation fixed by the board of trustees as provided in this chapter. Added L.1927, c. 650, § 47; amended L.1933, c. 189, eff. April 12, 1933.

Notes of Decisions

Jurisdiction to appoint 1	solute in the village manager. Op.
Police officers 2	Atty.Gen., 1932, 45 St.Dept. 637.

2. Police officers

Prior to the amendment of 1933 the number and salaries of police officers was determined by the village board while the power to appoint and remove them was in the village manager. Op.Atty.Gen., 1932, 45 St.Dept. 637.

1. Jurisdiction to appoint

Prior to the amendment of 1933 the power of appointment and removal of all village employees except village clerk, attorney and treasurer, was ab-

§ 374. Powers and duties of other village officers

The officers and employees of the village, excepting the police justice, village clerk, village attorney and village treasurer shall perform such duties as may be required of them by the village manager under general regulations of the board of trustees. Added L. 1927, c. 650, § 47; amended L.1947, c. 403, eff. March 26, 1947.

ARTICLE 16—EFFECT OF CHAPTER

Sec.

- 380. Effect of chapter on special villages.
- 381. Effect of revision on general villages.

§ 380. Effect of chapter on special villages

A village incorporated under and subject to a special law, and each officer thereof, possesses all the powers and is subject to all the liabilities and responsibilities conferred or imposed upon a village incorporated under this chapter, or upon an officer thereof, not inconsistent with such special law.

Historical Note

Section derived from Village Law of 1897, c. 414, § 340; originally revised from L.1884, c. 308.

Cross References

Villages incorporated under special acts, see note under section 381.

Notes of Decisions

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1. Law governing

The provisions of a special law continue to govern the powers, liabilities, and responsibilities of villages incorporated under the special law and of officers of such villages, where such provisions are inconsistent with the