City of Glen Cove, NY

Friday, April 17, 2015

Chapter C. Charter

[HISTORY: Adopted by the City Council of the City of Glen Cove 12-11-1979 by L.L. No. 3-1979. Amendments noted where applicable]

Article I. General Provisions

§ C1-1. Title.

This Charter shall be known and may be cited as the "Glen Cove City Charter."

§ C1-2. Municipal corporation constituted and designated.

The City of Glen Cove is and shall continue to be a municipal corporation in perpetuity by the name of "City of Glen Cove." The territory comprised in the City of Glen Cove is bounded and described as follows:

Beginning at a stone monument in the line of the bounds of the incorporated Village of Sea Cliff at a point on the southerly side of the Glen Cove creek and running thence the following forty-eight courses and distances along the mean high water line of Hempstead harbor and Long Island sound: North sixty-six degrees seven minutes thirty seconds west four hundred and thirty-five and fifteen one-hundredths feet; north nineteen degrees four minutes thirty-five seconds east five hundred and sixty-nine and eighty-seven one-hundredths feet; north ten degrees thirteen minutes five seconds east four hundred and eighty and seventy-five one-hundredths feet; north sixty degrees forty-nine minutes ten seconds west-nine hundred and twenty-seven and seventy-six one-hundredths feet; north twenty-five degrees twenty-eight minutes ten seconds west three hundred and sixty and twenty-six one-hundredths feet; north thirteen degrees forty-four minutes west four hundred and eighteen and thirty-six one-hundredths feet; north one degrees thirty-six minutes thirty seconds west two hundred and seventeen and ninety-four one-hundredths feet; north twelve degree thirty-five minutes fifty-five seconds east three hundred and nine and twenty one-hundredths feet; north three degrees thirteen minutes west two hundred and fifty-two and thirty-five one-hundredths feet; north fourteen degrees nine minutes east three hundred and seventy-eight and seventy-one one-hundredths feet; north seven degrees thirty-one minutes west five hundred and nine and thirty-two one-hundredths feet; north thirty-nine degrees fifty-four minutes ten seconds west five hundred and twenty-three and sixty-nine one-hundredths feet; north twelve degrees forty-four minutes fifteen seconds west four hundred and eighty-two and thirty-two one-hundredths feet; north eleven degrees fifty minutes twenty seconds east three hundred and seventy-five and sixty-four one-hundredths feet; north twenty-four degrees six minutes forty-five seconds east five hundred and seventy and ninety-two one-hundredths feet;

north eighteen degrees thirty minutes twenty-five seconds east six hundred and sixty-four and thirty one-hundredths feet; north eleven degrees forty-five minutes fifty-five seconds west three hundred and sixty-five and seventy-four one-hundredths feet; north fifteen degrees ten minutes five seconds east five hundred and thirty-nine and fifty one-hundredths feet; north thirty-three degrees thirty-eight minutes fifty-five seconds west two hundred and seventeen and ten one-hundredths feet; north one degree forty-two minutes thirty-five seconds east five hundred and fifty-eight and sixty-one one-hundredths feet; north twenty-three degrees twenty-one minutes ten seconds east one thousand one hundred and seventy-two and twenty-two one-hundredths feet; north twelve degrees twenty-three minutes fifty seconds east three hundred and thirteen and eighty one-hundredths feet; north fifty degrees fifty-four minutes forty seconds east one hundred and ninety-four and twenty-eight one-hundredths feet; north sixty-eight degrees thirty-eight minutes ten seconds east seven hundred and seventy-eight and eighty-eight one-hundredths feet; north fifty-five degrees forty-six minutes twenty seconds east nine hundred and eighty and eighty-one one-hundredths feet; north forty-one degrees thirty-six minutes five seconds east one thousand and twenty-six and eighty-seven one-hundredths feet; north thirty degrees fourteen minutes thirty-five seconds east four hundred and sixty-two and eighty-five one-hundredths feet; north thirty-eight degrees twenty-five minutes fifteen seconds east three hundred and seventy-seven and three one-hundredths feet; north fifty degrees seven minutes five seconds east four hundred and seventy-one and sixty-eight one-hundredths feet; north forty-two degrees nineteen minutes thirty-five seconds east seven hundred and fourteen and forty one-hundredths feet; north forty-five degrees ten minutes forty-five seconds east four hundred and ninety-six and twelve one-hundredths feet; north twenty-six degrees forty-eight minutes thirty-five seconds east eight hundred and seventy-four and fourteen one-hundredths feet; north twelve degrees forty-four minutes thirty-five seconds east three hundred and eighty-two and thirty-eight one-hundredths feet; north forty-five degrees fifty-six minutes fifty-five seconds east seven hundred and two and sixty one-hundredths feet; north eighty degrees fifty minutes fifteen seconds east four hundred and eighty-three and forty one-hundredths feet; north twenty-five degrees two minutes thirty seconds east five hundred and twenty-six and eighty-one one-hundredths feet; north sixty-three degrees fifty-seven minutes ten seconds east eight hundred and eighteen and four one-hundredths feet; north forty-two degrees fifty-four minutes five seconds east four hundred and eight and sixty one-hundredths feet; north seventeen degrees fourteen minutes thirty seconds east three hundred and seventy-eight and twenty-three one-hundredths feet; north twenty-five degrees fifty-six minutes ten seconds east three hundred and sixty-three and forty-four one-hundredths feet; north eighteen degrees thirty-one minutes five seconds east five hundred and thirty-nine and seventy one-hundredths feet; north four degrees eighteen minutes ten seconds west three hundred and thirty-four and forty-six one-hundredths feet; south forty-nine degrees fifty-eight minutes forty seconds east three hundred and sixty-three and forty one-hundredths feet; south thirty-six degrees fifty-three minutes ten seconds east four hundred and twenty-four and seventeen one-hundredths feet; south forty-five degrees thirty-five minutes five seconds east six hundred and

forty-four and thirty-one one-hundredths feet; south fifty-three degrees eight minutes ten seconds east six hundred and thirty-six and fifteen one-hundredths feet; south fifty-eight degrees five minutes thirty seconds east eight hundred and forty-seven and six one-hundredths feet; south sixty-nine degrees eighteen minutes forty-five seconds east eight hundred and fifteen and seventy-nine one-hundredths feet; thence south one degree fifty-five minutes east, passing over a stone monument in the southerly side of east beach, two thousand nine hundred and sixteen and ninety one-hundredths feet; thence following the general course of Island Swamp brook the following three courses and distances to the head of said brook; south thirty-two minutes fifteen seconds east one thousand three hundred and sixty-nine and seventy-nine one hundredths feet; south thirteen degrees fifty-six minutes fifteen seconds east six hundred and fifty-seven and seventy-six one-hundredths feet; south ten degrees fifty-seven minutes west eight hundred and ninety-nine and eighteen one-hundredths feet; thence south eight degrees twenty-six minutes thirty seconds east nine hundred and seventy-six and fifty-eight one-hundredths feet to a stone monument; thence south nineteen degrees east one thousand three hundred and sixty-three and nineteen one-hundredths feet to a stone monument; thence south forty-three minutes east, crossing the highway which leads from Glen Cove to Lattingtown, four hundred and fifty and forty-one one-hundredths feet; thence south twenty-three degrees fourteen minutes thirty seconds west, along the easterly line of said highway, two hundred and six and ninety one-hundredths feet; thence south sixty degrees forty-seven minutes west, still along the easterly line of said highway, three hundred and thirty-five and fifty-seven one-hundredths feet to a stone monument at the intersection of the highway which leads from Glen Cove to Lattingtown with the highway which leads from Glen Cove to Locust Valley; thence south fifty-three degrees twenty-three minutes fifteen seconds east six thousand five hundred and ninety-one and sixty-six one-hundredths feet; to a point near the south-easterly corner of the lands owned by the religious Society of Friends, which point was formerly the approximate center of a large oak tree; thence south sixty-one degrees sixteen minutes thirty seconds west ninety-four and ninety one-hundredths feet to a stone monument in the southerly side of the highway which leads from Glen Cove to Oyster Bay; thence along the centre line of the highway which leads from Locust Valley to Brookville the following twelve courses and distances: South nineteen degrees forty-nine minutes east three hundred and seventy-nine and thirty one-hundredths feet; south fifteen degrees forty-five seconds east six hundred and eighteen feet; south two degrees thirty minutes west one hundred and twenty-one and forty-five one-hundredths feet; south nine degrees fifty-five minutes west four hundred and sixty one-hundredths feet; south fourteen degrees and four minutes west one hundred and ninety-four and ten one-hundredths feet; south six degrees forty-three minutes west one hundred and thirty-four and twenty-five one-hundredths feet; south nine degrees fifty minutes east three hundred and forty-two feet; south five degrees fifty-three minutes east four hundred and five and forty one-hundredths feet; south fourteen degrees nine minutes east one hundred and three feet; south twenty-three degrees forty-eight minutes east two hundred and ninety-three and fifteen one-hundredths feet; south eleven degrees thirty-five minutes east one

hundred and forty-one and twenty one-hundredths feet; south eight minutes east two hundred and fifty-two and thirty-seven one-hundredths feet to a point opposite the northeasterly corner of the cemetery of the African Methodist Episcopal church of Glen Cove; thence north eighty-seven degrees thirty-nine minutes twenty seconds west, passing over a stone monument at the northeast corner of said cemetery, five thousand seven hundred and sixty-six and ninety-nine one-hundredths feet to a stone monument; thence south two degrees thirteen minutes thirty seconds west ninety-eight and ninety-one one-hundredths feet to a stone monument at the southeasterly corner of the lands of Samuel Burke on the Frost Pond road; thence north eighty-seven degrees thirty-seven minutes west two thousand two hundred and sixty-seven and fourteen one-hundredths feet to a point in the westerly line of the highway which leads from Glen Cove to Jericho; thence along the westerly line of said highway the following two courses and distances: South six degrees twenty-one minutes thirty seconds west twenty-one and twenty-one one-hundredths feet; south forty-six minutes west six hundred and thirty-nine and fifty-seven one-hundredths feet to a stone monument at the intersection of the southerly line of Sea Cliff Avenue with the westerly line of the said highway which leads from Glen Cove to Jericho; thence south fifty-nine degrees forty-seven minutes forty-five seconds west two thousand eight hundred and forty-three and sixty-one one-hundredths feet to a stone monument in the westerly line of the lands of the Long Island Railroad Company and in the lands of Caroline Hohenrath; thence south eighty-four degrees forty-six minutes west two thousand four hundred and thirty-seven and sixty-five one-hundredths feet to the center of the highway known as Glen Cove Avenue which leads from Glen Cove to Mineola; thence along the center of said highway, being also the easterly line of the bounds of the incorporated Village of Sea Cliff the following nine courses and distances: North ten degrees twenty-two minutes west one hundred and twenty-nine and seventy-six one-hundredths feet; north four degrees twenty minutes east one hundred and seventy-nine and eighty-seven one-hundredths feet; north ten degrees fifty-three minutes east three hundred and forty-nine and sixty-seven one-hundredths feet; north eighteen degrees forty-two minutes east five hundred and seven and ninety-four one-hundredths feet; north eleven degrees twenty-eight minutes east seven hundred and ninety-seven and thirteen one-hundredths feet; north fifteen degrees one minute east two hundred and thirty-six and twenty-two one-hundredths feet; north twenty-two degrees twenty-four minutes east three hundred and twenty-five and eleven one-hundredths feet; north twenty-four degrees fifty-four minutes east one hundred and fifty-nine and twelve one-hundredths feet; north forty degrees twenty-four minutes east one hundred and eighty-nine and sixty one-hundredths feet; thence along the bounds of the incorporated Village of Sea Cliff the following eight courses and distances: North eighty-seven degrees thirty-five minutes west one thousand four hundred and forty and sixteen one-hundredths feet to a stone monument; south seventy-six degrees forty-seven minutes west seven hundred and sixty-nine and sixty-one one-hundredths feet to a stone monument; north thirty degrees forty-two minutes west one hundred and four and sixty-seven one-hundredths feet; north fifty-eight degrees fifty minutes west seventy and forty-one one-hundredths feet; south seventy-five degrees thirty-three

minutes west two hundred and forty-nine and three one-hundredths feet; north fifty-nine degrees forty-five minutes west twenty-eight and ninety-seven one-hundredths feet to a stone monument; north three degrees nine minutes east three hundred and forty-eight and fifty-three one-hundredths feet to a stone monument; south forty-seven degrees thirty-nine minutes west nine hundred and two feet to a stone monument; north nineteen degrees, thirty-one minutes west one hundred and fifty-one and thirty one-hundredths feet to the stone monument at the point or place of beginning.

Also all the lands under water lying in Hempstead harbor and Long Island Sound adjacent to said premises to the centre of said harbor and Sound respectively.

The following lands having been annexed to the City of Glen Cove pursuant to Chapter 651 of the Laws of 1933 are also a part of the City of Glen Cove:

All that tract or parcel of land formerly situate in the town of Oyster Bay, county of Nassau and state of New York, bounded and described as follows: Beginning at a point in the then Glen Cove city line where said line running westerly intersects the westerly line of Cedar Swamp road and running thence the following two courses along the then Glen Cove city line: south six degrees twenty-one minutes thirty seconds west twenty-one and twenty-one one-hundredths feet, south no degrees forty-six minutes west four hundred and two and five one-hundredths feet; thence along the extension of and southerly line of Frost Pond road and south eighty-six degrees thirty-nine minutes forty seconds east one thousand two hundred and seventy-eight and thirty-two one-hundreths feet; thence north four degrees forty-four minutes ten seconds east four hundred forty-four and seventy one-hundredths feet to a point in the then Glen Cove city line; thence, along the then Glen Cove city line, north eighty-seven degrees thirty-seven minutes west one thousand three hundred and six and twenty-six one-hundredths feet to the point or place of beginning, containing twelve and eight hundred seventy-five thousandths acres, be the same more or less.

Also all that tract or parcel of land formerly situate in the town of Oyster Bay, county of Nassau and state of New York, bounded and described as follows: Beginning at a monument in the then Glen Cove city line where said line running southerly on the westerly line of Old Frost Pond road, in the city of Glen Cove, turns in a westerly direction and running thence the following courses and distances: south three degrees thirty-six minutes fifty seconds and twenty-four and seventy-one one-hundredths feet to a monument; thence along the southerly line of Old Frost Pond road the following three courses and distances: south eighty-seven degrees thirty-seven minutes ten seconds east six hundred and seventy-seven and twenty-eight one-hundredths feet to a monument, south eighty-seven degrees forty-eight minutes twenty-five seconds east one hundred and ninety-five and sixty one-hundredths feet, south eighty-seven degrees thirty-nine minutes twenty seconds east two hundred and sixty-nine and ninety-six one-hundredths feet; thence north two degrees sixteen minutes thirty seconds west one hundred and twenty-three and

ninety-four one-hundredths feet to a point in the then Glen Cove city line; thence, along the then Glen Cove city line, north eighty-seven degrees thirty-nine minutes twenty seconds west one thousand one hundred and thirty-two and fifty-two one-hundredths feet to a monument at the point where this line intersects the westerly line of Old Frost Pond road; thence south two degrees thirteen minutes thirty seconds west ninety-eight and ninety-one one-hundredths feet to the point or place or beginning, containing three and two hundred thirty-one thousandths acres, be the same more or less.

The following lands having been annexed to the City of Glen Cove pursuant to Chapter 706 of the Laws of 1936 are also a part of the City of Glen Cove:

All that tract or parcel of land formerly situate in the incorporated village of Sea Cliff, town of Oyster Bay, county of Nassau and state of New York, bounded and described as follows: Beginning at a point on the northeasterly line of Carpenter Avenue and on the then boundary of the city of Glen Cove thence N. 59° 45' W. 37.27 feet to a stone monument; thence along the center line of Carpenter avenue, as shown on "Map of Hammond Hill Park at Glen Cove and Sea Cliff, Long Island, N.Y.", filed in the county clerk's office in Nassau county October thirtieth, nineteen hundred twenty-eight, and designated by file number six hundred sixty-six, and on the extension of said center line, N 2° 32' E. 316.97 feet to a stone monument; thence along the then boundary line of the city of Glen Cove, the following two courses and distances: N. 71° 28' 30" E. 39.39 feet and S. 3° 09' W. 348.53 feet to the point or place of beginning.

The said territory so annexed constitutes a narrow strip of land, most of which, about twenty feet in width comprises approximately one-half of the street or roadway called the Carpenter avenue extension and land adjacent thereto less than twenty feet in width.

§ C1-3. Election districts.

A. The city shall be divided into election districts.

B. The election districts of the city may be abolished, altered or divided, and new election districts created pursuant to the provisions of the Election Law.

§ C1-4. General powers.

A. The city shall have a common seal, and it shall have all the powers, subject to delegation, conferred by the General City Law.

B. In addition to the powers expressed and fairly implied the city shall have all the powers necessary to the exercise of any such powers, and in case of doubt as to the exercise of any such powers and in case of doubt as to the possession of any particular power, a liberal construction shall be given in favor of its existence.

C. Where the manner of exercising any power is not expressly given or implied, it may be prescribed by local law or ordinance.

§ C1-5. Substantial performance.

A. Whenever an act is required to be done by the City Council or an officer on a particular date but the date is allowed to pass without the act being done, it may be done as soon thereafter as practicable.

B. A substantial compliance with any of the provisions of this Charter shall be deemed a full performance thereof.

§ C1-6. Definitions.

Whenever used in this Charter, unless otherwise expressly stated or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

ADMINISTRATIVE EXPENSE

Includes the salaries and office expenses of the officers and employees of the city, but not the wages of laborers.

CHARTER

The Glen Cove City Charter.

CITY

The City of Glen Cove.

CITY COUNCIL OR COUNCIL

The elective governing body of the City of Glen Cove.

LAW

A state statute, charter, local law, ordinance or resolution.

LOCAL LAW

A law adopted pursuant to the Municipal Home Rule Law or to other authorization of a state statute or this Charter by the City Council, or proposed by a Charter Commission or by petition, and ratified by a popular vote, as provided in Article VI of the Municipal Home Rule Law or as provided in a state statute, this Charter or local law; but shall not mean or include an ordinance, resolution or other similar act of the City Council or of any other board or body of this city.

ORDINANCE

A legislative act of the City Council which is permanent in nature, unless specifically self-limiting, general in its application and may or may not contain penal provisions for its violation and must be in written form. It shall be enacted in accordance with the provisions hereinafter provided.

RESOLUTION

A legislative act of the City Council which is limited in its application or of a temporary nature, or both, and shall include, as used in this Charter, all orders, rules, motions and all other legislative acts except local laws and ordinances. Unless specifically provided, it need not be in writing.

§ C1-7. Designation of official city flower.

The violet, a flower of the genus Viola, in its common purple flowered species of eastern North America and wild form shall be the official flower of the City of Glen Cove.

Article II. Officers and Departments

§ C2-1. City officers; eligibility, term, compensation, oath.

A. The officers of the city shall consist of the following:

(1) A Mayor, to be also a member of the City Council.

[Amended 5-27-1997 by L.L. No. 3-1997]

(2) Six City Council members elected at large.

B. Each officer, unless otherwise provided in this Charter, shall be elected for the term of two years from and including the first day of January succeeding his or her election, and until the election and qualifications of his or her successor.

C. The Mayor shall receive from the city a salary of $100,000 per year, payable biweekly.

[Amended 10-24-1995 by L.L. No. 2-1997; 12-28-1999 by L.L. No. 4-1999[1]]

[1] Editor's Note: Per L.L. No. 4-2000, adopted 10-10-2000, this local law shall take effect 1-1-2001.

D. Each Council member shall receive a salary of $10,000 per year, payable biweekly.

[Amended 2-10-1987 by L.L. No. 1-1987; 12-26-1989 by L.L. No. 3-1989; 10-5-1999 by L.L. No. 4-1999]

E. Before entering upon the discharge of his or her duties, each officer shall take and file the constitutional oath of office.

F. No person shall be eligible to any elective office unless he or she is an elector of the city.

§ C2-2. Office hours for city offices.

A. Each city office shall be open Monday through Friday from 9:00 a.m. until 5:00 p.m.~~, each weekday~~ except ~~Saturdays, and except~~ holidays.

B. Whenever the last day in which any paper shall be filed or act done or performed falls on any Saturday, Sunday or holiday which said offices are closed, as herein proclaimed, the time therefore is hereby extended to and including the next business day.

§ C2-3. City Council; constituted, powers.

A. The Mayor and six Council members shall constitute the City Council for the government of the city, vested with the powers granted to the city and subject to delegation by the Council. The City Council has authority to enact, amend or repeal local laws, resolutions or ordinances not inconsistent with the laws of the state for the government of the city and the management of its business, for the preservation of good order, peace and health, for the safety and welfare of its inhabitants and the protection and security of their property.

B. All legislative acts of the City Council shall be by local law, ordinance or resolution, and on the passage of every local law, ordinance or resolution the yeas and nays of the members shall be taken and entered in full in the ~~journal~~ City Council Minutes. The Mayor and Council members shall, when physically present, vote on all questions and the votes of four shall be necessary to pass any measure unless otherwise provided in this Charter. Four members shall constitute a quorum, but a less number may adjourn.

C. The City Council, by majority vote, may retain an independent auditor.

D. The City Council shall sit with open doors and shall keep an accurate record of its proceedings which shall be a public record.

§ C2-4. Mayor; duties.

A. The Mayor shall be the chief executive officer of the city. The Mayor, with the consent of four members of the City Council, ~~exclusive of the Mayor,~~ shall appoint the heads of departments, all commissioners and all other officers and employees not elected by the people except as otherwise provided by law or by this Charter.

B. The term of office of Deputy Mayor, Director of Public Works, Controller, City Clerk, City Attorney and Deputy City Attorneys shall be one year. Subject to the provisions of the Civil Service Law, any such appointive officer may be removed at any time, with or without cause, by the appointment of another to replace or supersede such officer, in the manner provided for by this Charter. For the purposes of this section, the residency requirement of the New York State Public Officer's Law, § 3, Qualifications for holding office, is superseded to the extent that, with the exception of the Deputy Mayor, the Mayor can waive the residency requirement that an appointive public officer be a resident of the City.

[Amended 4-22-2008 by L.L. No. 3-2008]

C. The Mayor shall devote full time to the performance of the duties of the office.

D. The Mayor shall preside at all City Council meetings, may take part in the discussions and other actions of the City Council, may vote on all matters, except as otherwise provided in this Charter. The Mayor shall designate a City Council Member to preside at a Council meeting in his/her absence.

[Amended 5-27-1997 by L.L. No. 3-1997]

E. On or before the first day of October of each year, the Mayor shall prepare and submit to the City Council an itemized statement in writing of the estimated revenues and expenditures of the city for the next ensuing fiscal year, which statement shall be known as the proposed budget. The Mayor shall have no vote on the proposed budget. The Mayor shall, at least once a year, submit to the City Council and make available to the public, a complete written report on the finances and administrative activities of the city. The Mayor shall make such other reports as the City Council may require concerning the operations of city departments, offices and agencies. The Mayor shall keep the City Council fully advised as to the financial condition and future needs of the city, and make such recommendations to the City Council concerning the affairs of the city as the Mayor deems desirable.

F. The Mayor shall, subject to the approval of four members of the City Council, excluding the Mayor, by resolution, negotiate, sell city-owned property, and grant leases, concessions, licenses and permits for the use of all city land, structures, facilities and appurtenances. Notwithstanding the provisions of Subdivision 2b of § 23 of the General City Law, or any special act, local law or charter, real property belonging to the city which is not needed for public purpose may be leased and may be sold at public or private sale. Notwithstanding the provisions of Subdivision 2-a of § 20 of the General City Law, or any special act, local law or charter, real property belonging to the city which is not needed for public purpose may be leased for a period not to exceed thirty (30) years. ~~The Mayor shall have such powers and perform such other duties as are specified by law or by this Charter.~~

[Amended 11-12-2002 by L.L. No. 8-2002]

§ C2-5. General powers of Mayor.

A. The Mayor shall, subject to this Charter, exercise supervision over all agencies and over all public utilities of the city. The Mayor shall, in the name of the city, execute all instruments requiring assent of the city. The Mayor shall have such powers and perform such other duties as are specified by law or by this Charter.

B. The Mayor shall appoint one Deputy Mayor who shall possess the power to act generally for and in place of the Mayor during the absence or disability of the Mayor, except that the Deputy Mayor shall not be entitled to sit or vote as part of the City Council, nor shall the Deputy Mayor be entitled to make any appointments as herein provided. No person shall be eligible to be appointed Deputy Mayor unless he or she is a resident and elector of the City.

[Amended 4-22-2008 by L.L. No. 3-2008]

C. The Mayor shall, with the consent of the City Council, ~~exclusive of the Mayor,~~ except as otherwise provided by law, appoint the members of the Zoning Board of Appeals, pursuant to § 81 of the General City Law; the Housing Authority, pursuant to § 30 of the Public Housing Law; the Planning Board, pursuant to § 27 of the General City Law; the Recreation Commission, pursuant to § 243 of the General Municipal Law; and the members of any other commission, agency or board of the city. Persons appointed to the various boards and commissions which serve the city must be residents of the City of Glen Cove. ~~No person may be appointed to a board or commission for more than two consecutive terms, as of January 1, 1980.~~ If a vacancy is not filled within 60 days of its occurrence, the City Council shall have the power to fill such vacancy by a vote of four of its members.

D. The Mayor shall propose the creation, continuance or abolishment of such departments and divisions not otherwise called for in this Charter, as deemed necessary and in the best interest of the City, by designation in or omission from the budget, whether by original proposal of or amendment thereto, and shall determine and provide for the staffing necessary to accomplish the purpose of such departments or divisions.

§ C2-6. Removal from office.

A. The Mayor may be removed from office by the Governor for cause, after a hearing. Pending the preparation and disposition of charges, the Governor may suspend the Mayor for a period not exceeding 30 days.

B. The City Council, excluding the Mayor, shall be the judge of the qualifications of its members and of the grounds for their removal from office. A member charged with conduct constituting grounds for removal from office shall be entitled to a public hearing on demand, and written notice of such hearing shall be filed with the City Clerk and published in the official newspaper of the city at least one week in advance of the hearing. A vote of four members of the City Council, excluding the Mayor, is required for removal from office of any Council member. Any vote for removal under this section shall be subject to review by the Supreme Court of the State of New York.

§ C2-7. Succession.

The powers and duties of the Mayor shall devolve upon the Deputy Mayor until a new Mayor shall be elected or appointed as provided herein.

§ C2-8. Filling vacancy in office.

Other than as provided in this Charter, if a vacancy shall occur in any elective office of the city, otherwise than by expiration of term, the Mayor and City Council shall appoint a person to fill such vacancy until the next general election. If the vacancy shall occur in the office of Mayor, it shall be filled by appointment made by the City Council. A vacancy occurring in an appointive

office of the city, otherwise than by expiration of term, shall be filled for the balance of the unexpired term by the same authorities and in the same manner as an appointment for a full term.

§ C2-9. Department of Finance; powers, duties.

The Controller shall be appointed by the Mayor with the consent of the City Council and shall have the following powers and duties as head of the Department of Finance:

A. To be the chief fiscal officer of the city.

B. To act as custodian of all public moneys collected within the city or paid to the city.

C. To collect taxes, assessments, water ~~rates~~rents, sewer rents, rents and all other moneys due to the city except that payments made to other offices, agencies, boards or commissions shall be turned over to the Controller monthly or at such other intervals as provided by law or ordinance.

D. To act as city auditor. Audit all bills, claims and demands for payment against the city and perform any other internal audit necessary to protect the integrity of the internal controls of the city.

E. To make monthly written reports at regular meetings of the City Council of the receipts, disbursements and cash balances of the city accounts and any special reports upon the request of any members.

F. To disburse the city funds upon receipt of a signed Warrant ~~only upon order~~ of the City Council ~~evidenced by the warrant of the Purchasing Agent, and the funds for the support of the city library upon the order of the Board of Library Trustees~~.

G. To assist the Mayor in the preparation of the ~~proposed~~ city budget and exercise financial budgetary control over such budget.

H. ~~To keep complete books of account.~~ Maintain a general accounting system that provides for financial budgetary information for the separate accounts of appropriation and estimated revenues.

I. To give a bond to the city for the faithful performance of his or her duties, to be approved by the Mayor.

J. Make all arrangements for the issuance of city bonds and notes as authorized by the City Council.

K. Maintain a central payroll system.

§ C2-10. City Purchasing Agent.

A. Within the Department of Finance there shall be a City Purchasing Agent, who shall be appointed from an eligible Civil Service list by the Mayor with the consent of the City Council. The City Purchasing Agent shall:

(1) ~~Contract for and purchase~~ Procure all supplies, materials, equipment and contractual services required by any department, office, board or commission of the city, pursuant to such rules and regulations as may be established by the City Council. All purchases made ~~and contracts executed~~ by the Purchasing Agent shall be pursuant to a signed requisition from the head of the department, office, board or commission whose appropriation is to be charged. ~~The Purchasing Agent shall be required to advertise for public bids for the purchase of supplies, equipment and materials in excess of $10,000 and for the letting of public works contracts in excess of $20,000.~~All purchases shall be made in accordance with the provisions of the General Municipal Law, the City of Glen Cove's Purchasing Policy, and any other state or local legislation.

~~[Amended 3-10-1992 by L.L. No. 2-1992]~~

(2) Establish and enforce, after consultation with the heads of all departments, standard specifications for all supplies, materials and equipment to be purchased by the city.

(3) Prescribe the time of making requisitions for such supplies, materials and equipment and the future period which said requisitions are to cover.

(4) Inspect all deliveries of such supplies, materials and equipment, and cause tests to be made when necessary to determine the quality, quantity and conformance with specifications.

(5) Supervise and control and maintain any central storeroom provided for by the City Council.

(6) Enter into cooperative purchasing agreements with other government agencies.

(7) Transfer supplies to or between departments, offices, boards and commissions.

(8) Determine, at least annually, what personal property in each office or department is unserviceable or no longer required, and subject to City Council approval, sell or otherwise dispose of such supplies, materials and equipment as may be determined to be surplus, obsolete or unusable.

(9) Make contracts subject to Council approval, with public utilities for supply to the city of power, communications or other utility services.

(10) Maintain an inventory of all personal property belonging to the city.

~~(11) Purchase at the expense of the city, fidelity bonds for all officers and employees of the city required to furnish bonds to the city.~~

~~(12) Obtain and pay insurance against liability, loss or damage to the city or its property of such types and in such amounts as may be approved by the City Council.~~

~~(13) Be responsible for the collection of insurance benefits and for all other matters relating to the administration of insurance.~~

(~~14~~11) Solicit by public bid or request for proposal and recommend for award by the City Council contracts ~~for~~ to vendors that have met the required specifications and will provide the best value to the city.~~public works or improvements.~~

B. Competitive bidding is required in all situations where so designated under the provisions of the General Municipal Law, including the "best value" provision, (GML Sec. 103), and in all other situations where required by the City Council.

§ C2-11. Department of Public Works; powers, duties.

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

B. The Director of Public Works shall be appointed by the Mayor with the consent of the Council, and shall be under the direction and supervision of the Mayor.

C. The Director of Public Works shall, except as otherwise provided by this Charter or by law:

(1) Design or cause to be designed, construct or cause to be constructed, manage, maintain and operate all the public works and physical properties of the city.

(2) Supervise and administer all contracts with the city for public construction.

(3) Direct and supervise the following divisions within the Department of Public Works:

(a) Division of Highways.

(b) Division of Water.

(c) Division of Sanitation and Recycling.

~~(d) Division of Waste Management.~~

(~~e~~d) Division of Maintenance.

§ C2-12. Civil Service Commission; appointment, function.

A. The City Council shall appoint three Civil Service Commissioners to serve for two, four and six years respectively, and thereafter for six years, without compensation. Vacancies shall be filled for unexpired terms. No member of the Civil Service Commission shall hold any other office under the city.

B. The Civil Service Law shall govern the acts of the Commissioners.

§ C2-13. Restrictions upon appointment of Council members to other offices.

[Amended 5-12-1992 by L.L. No. 4-1992]

No member of the City Council shall be appointed to any office, position or employment, except for the Office of Mayor, the compensation of which was increased or fixed by the City Council while such Councilperson was a member, until after the expiration of one year from the date when such Councilperson ceased to be such a member.

§ C2-14. City Clerk; appointment, duties.

A. A City Clerk shall be appointed by the City Council at a salary to be fixed by the City Council. The Clerk shall have an office in City Hall, act as City Clerk and, in addition thereto, have the following duties:

(1) Keep the minutes of the City Council.

(2) Receive, file, index and be the custodian of all city documents and records, and other instruments required by law to be filed in the city, including petitions for nomination and such other papers pertaining to the election of officials as are required to be filed.

(3) Be the Registrar of Vital Statistics.

(4) Serve or cause to be served all notices required by the City Council, and perform such other duties as the City Council may require.

B. The office of City Clerk is declared to be a Town Clerk's office for the purpose of depositing and filing therein all books and papers required by law to be filed in a Town Clerk's office and the City Clerk shall possess all the powers and perform all the duties of a Town Clerk not inconsistent with this Charter.

C. The Mayor may designate any officer or employee of the city to serve as acting City Clerk in case of absence, temporarily or otherwise, disability or vacancy in the office of City Clerk.

§ C2-15. Building Department.

[Amended 4-14-2009 by L.L. No. 1-2009]

A. There shall be a Building Department, the head of which shall be the Director of the Building Department.

B. The Director of the Building Department shall be appointed by the Mayor with the consent of the Council, and shall be under the direction and supervision of the Mayor.

C. The Director of the Building Department shall:

a. Plan, direct and supervise the enforcement of all laws, ordinances, rules, regulations, codes and orders and for the issuance of certificates of occupancy, permits or licenses applicable to the use of land and the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of the buildings and structures and their appurtenances located in the City of Glen Cove;

b. Serve as advisor to the local Planning Board, ~~Board of Zoning Appeals~~Zoning Board of Appeals, Examining Board of Plumbers and Urban Renewal agencies;

c. Provide to the Mayor quarterly reports of all activities of the Department and all inspectors, in addition to any reports directed to be made to the Mayor; and

d. Make recommendations to the Mayor for the hiring of a Building Inspector and sufficient Assistant Building Inspectors as warranted by the workload and within allocated resources whereby each of these inspectors may act for and in place of Plumbing Inspectors, Fire Inspectors and/or Multiple Residence Inspectors.

D. This section shall take effect upon its filing with the Office of the Secretary of State.

§ C2-16. Housing authority; created, organized, powers, duties.

A municipal housing authority to be known as the "Glen Cove Housing Authority" is hereby created and established for the City of Glen Cove, in the County of Nassau, New York for the accomplishment of any or all of the purposes specified in Article eighteen of the Constitution of the State of New York. It shall constitute a body corporate and politic, be perpetual in duration and consist of five members. It shall have the powers and duties now or hereafter conferred by the Public Housing Law upon municipal housing authorities. It shall be organized in the manner prescribed by and be subject to the provisions of the Public Housing Law, and the authority, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of the Public Housing Law.

§ C2-17. Boards, commissions and agencies.

A. There is hereby continued the Youth Council, the Recreation Commission, the Board of Ethics, the Grievance Board, the Examining Board of Plumbers, the Planning Board, the Commission for Conservation of the Environment, the Commission on Architecture and Urban Design, the Zoning Board of Appeals, the Senior Citizens Advisory Council, the Harbor and Waterfront Development and Conservation Commission, and the Municipal Golf Course Commission.

B. The City Council may from time to time abolish or establish such other boards, commissions and agencies as provided in this Charter and any general or special law.

§ C2-18. Volunteer fire departments.

A. The City of Glen Cove Volunteer Fire Department shall continue to consist of the following companies:

(1) Pacific Engine and Hose Company No. 1.

(2) Hook and Ladder Company No. 1.

(3) Chemical Engine Company No. 1.

(4) Engine and Hose Company No. 4.

B. The purpose and objectives of the Department shall be:

(1) To maintain a volunteer organization to extinguish fire and to protect the lives and property of the residents of the city from destruction and damage by fire;

(2) To perform any other service in the line of fire duty when called upon by the Mayor for aid or assistance; and

(3) To render service in case of accident, public disaster or other emergencies in which their services may be required.

C. The Department and its Companies shall have all the powers and duties conferred upon it or them by all general and special laws and shall have the power to adopt and amend a Constitution and Bylaws for the organization, operation and discipline of the Department, which shall be subject to approval, amendment or revocation by the City Council. The Mayor shall generally exercise supervision over the Fire Department, shall have the powers to appoint five members to the Board of Fire Commissioners from outside the Department, to approve or disapprove the election of officers of the Department and the officers and new members of the various Companies and to approve or disapprove the removal of new members on probation. The Constitution and Bylaws of the Department shall specify the manner in which the powers of the Mayor shall be exercised.

D. Membership; meetings.

(1) The Board of Fire Commissioners shall consist of five members from outside the Department membership and one member from each of the Companies. The Fire Chief and his or her Assistant Chiefs shall be ex officio members of the Board.

(2) The members from outside the Department shall be appointed by the Mayor within one month of assuming his or her office. The Mayor shall appoint one of the outside members as Chairperson of the Board who shall vote only in case of a tie.

(3) The member of each Company shall be elected on the third Monday of December preceding the January in which the Mayor takes office.

(4) The members of the Board shall hold office during the term of office of the Mayor or until his or her successor has been appointed and qualifies.

(5) The Board shall hold such meetings and fix such rules for their government as they may deem proper.

(6) The Board shall have the power to instigate any investigation regarding the affairs of the Department or Companies or the conduct of any member of the Department which might reflect discredit to the Department, and to examine the books and records of the Department,

of any Company or any officer thereof and to summon in writing, stating reasons, any member of the Department to appear before them if such appearance is in judgment of the Board in the best interests of the Department.

§ C2-19. (Reserved)

[1] Editor's Note: Former § C2-19, Department of Code Enforcement; powers; duties, added 4-14-2009 by L.L. No. 2-2009, was repealed 1-29-2015 by L.L. No. 1-2015.

§ C2-20. Department of Personnel; powers; duties.

[Added 4-14-2009 by L.L. No. 3-2009]

A. There shall be a Department of Personnel, the head of which shall be the Personnel Officer.

B. The Personnel Officer shall be appointed by the Mayor with the consent of the Council, subject to the provisions of the Civil Service Law, and shall be under the direction and supervision of the Mayor.

C. The Personnel Officer shall:

a. Provide a uniform and comprehensive approach to the personnel management needs of the City and its employees;

b. Support the Civil Service Commission, which possesses the statutory authority to enforce the various provisions of New York State Civil Service Law and local civil service rules; and

c. Plan, direct and supervise the administration of the City's employee benefits programs.

D. This section shall take effect upon its filing with the Office of the Secretary of State.

§ C2-21. City Attorney; deputies.

There shall be a City Attorney and such deputies as authorized by the City Council who shall be appointed by the City Council at salaries to be fixed by the City Council. The City Attorney shall be and act as the attorney and counsel for the City Council, the Mayor, and all departments, officers, boards, commissions and agencies of the city. He or she shall upon request, furnish them with a written opinion on any question of law involving their respective powers and duties. He or she shall appear for and protect the rights of the city in all actions, suits or proceedings brought by or against it or any department, officer, board, commission or agency. He or she shall have power with the approval of the City Council, to appeal from orders, decisions or judgments in such cases, and to compromise and settle any claims by or against the city. The City Attorney shall prepare all local laws, ordinances, resolutions, contracts, deeds and other instruments for the city except in such instances where special counsel has been retained to perform such duties and as otherwise provided by the local finance law. Before the execution of any contract other than those prepared by special counsel, he or she shall endorse on each his or her approval of the

form and correctness thereof. He or she shall, at the expiration of his or her term of office, deliver personally to his or her successor all records and files pertaining to the office, and the record or register of all suits or proceedings in which the city or any of its officers, departments, boards, commissions or agencies may be a party and all the papers pertaining to such suits or proceedings. The City Council may designate which of the above duties of the City Attorney are to be performed by the respective deputy city attorneys.

Article III. Finances

§ C3-1. Fiscal year.

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

§ C3-2. Expenditures not to exceed appropriations; limitation.

[Amended 3-11-1986 by L.L. No. 1-1986]

A. No expenditures shall be made, and no contract liability shall be incurred for any fiscal year beyond the appropriations for such year except as otherwise provided by the Local Finance Law.

B. Notwithstanding the provisions of the New York State Constitution, Article VIII, Section 10, the amount to be raised by tax on real estate in any fiscal year, in addition to providing for the interest on and the principal of all indebtedness, shall not exceed an amount equal to 1.75% of the five-year average full valuation of taxable real estate in the city, less the amount to be raised by tax on real estate in such year for the payment of the interest on and redemption of certificates or other evidence of indebtedness described in paragraphs A and D of Section 5 of Article VIII of the New York State Constitution, or renewals thereof.

C. In all other respects, the provisions of the New York State Constitution of average full valuation shall remain in full force and effect.

D. Contracts for public ~~lighting and public water~~ utilities shall not be made for a longer period than five years.

§ C3-3. Contracts ~~exceeding $20,000 ; bidding required; emergency repairs~~ for the acquisition of goods and services.

A. The purchase of all goods and services for the City shall be executed in accordance with the provisions of the General Municipal Law and the City of Glen Cove's Purchasing Policy. ~~No contract for public works exceeding $20,000 shall be made without a published notice inviting bids according to plans and specifications on file in the office of the department having the matter in charge. All bids shall be accompanied by the names of two sureties or a surety company. All such contracts shall be let to the lowest responsible bidder who furnishes a satisfactory surety bond, unless all bids are rejected.~~

~~[Amended 1-14-1992 by L.L. No. 1-1992; 3-10-1992 by L.L. No. 2-1992]~~

B. Notwithstanding the foregoing provisions of this section, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, safety or property of the inhabitants of this city, require immediate action which cannot await competitive bidding, contracts for public work may be let in accordance with the other provisions of this Charter.

§ C3-4. Transfers of surplus funds.

The City Council may transfer the surplus not needed in any other fund~~ excepting the funds for library purposes, which may not be transferred~~.

§ C3-5. Deposits of city funds.

The funds of the city shall be deposited in ~~the local~~ a commercial bank~~s~~. Such depositories shall secure said deposits in excess of FDIC limits by furnishing~~ satisfactory corporate surety bonds, or by pledging with the city approved bonds, or securities therefor, for which the receipt of the Controller shall be given~~ sufficient collateral in accordance with the provisions of General Municipal Law.

§ C3-6. Payment of claims against city; itemizing, approval, audit required.

A. No demand against the city for money shall be paid, unless itemized in writing. Invoices or other written demands may be paid only when validated by at least two signatures. One signature shall be that of the City Controller upon audit of such invoice or demand for payment~~ Purchasing Agent or other applicable officer who shall indicate the receipt of material and/or services in good order~~. The second signature shall be that of the department head to whom the material and/or services are furnished. The department head's signature shall indicate that the expenditure was properly authorized and in keeping with approved procedure, and that the material or service has been received.

B. For the purposes of this section, a department head shall be any person reporting directly to the Mayor. All approved demands shall be submitted to the Controller for audit, review and payment as shall be directed by the Controller. ~~This procedure shall not apply to money for library purposes, which shall be paid according to the provisions of § C6-5 of this Charter.~~

Article IV. Courts and Legal Matters

~~§ C4-1. City Attorney; deputies.~~

~~There shall be a City Attorney and such deputies as authorized by the City Council who shall be appointed by the City Council at salaries to be fixed by the City Council. The City Attorney shall be and act as the attorney and counsel for the City Council, the Mayor, and all departments, officers, boards, commissions and agencies of the city. He or she shall upon request, furnish them with a written opinion on any question of law involving their respective powers and duties.~~

~~He or she shall appear for and protect the rights of the city in all actions, suits or proceedings brought by or against it or any department, officer, board, commission or agency. He or she shall have power with the approval of the City Council, to appeal from orders, decisions or judgments in such cases, and to compromise and settle any claims by or against the city. The City Attorney shall prepare all local laws, ordinances, resolutions, contracts, deeds and other instruments for the city except in such instances where special counsel has been retained to perform such duties and as otherwise provided by the local finance law. Before the execution of any contract other than those prepared by special counsel, he or she shall endorse on each his or her approval of the form and correctness thereof. He or she shall, at the expiration of his or her term of office, deliver personally to his or her successor all records and files pertaining to the office, and the record or register of all suits or proceedings in which the city or any of its officers, departments, boards, commissions or agencies may be a party and all the papers pertaining to such suits or proceedings. The City Council may designate which of the above duties of the City Attorney are to be performed by the respective deputy city attorneys.~~

§ C4-2. City Court established, organized; selection, powers, duties of City Judge, City Marshal.

A. A court of civil and criminal jurisdiction known as the "City Court of the City of Glen Cove," with a City Judge, is established in and for the city, with the same jurisdiction and powers, and with the same procedures, including appeals therefrom, as set forth under the provisions of the Uniform City Court Act of the State of New York, except that the civil jurisdiction shall be ~~limited to and including $5,000~~ in accordance with the Uniform Court Act. The court shall have the power to send its process and other mandates in an action or special proceeding of which it has jurisdiction to any part of the county, and without the county where empowered, under the Uniform City Court Act of the State of New York, for service or execution and to enforce obedience thereto.

B. The City Judge shall possess all the powers and perform the duties of judges of cities, except where inconsistent with the Uniform City Court Act of the State of New York.

C. The City Judge shall be elected as provided in this Charter, shall hold office for a term of six years and shall receive a salary to be determined by the New York State Office of Court Administration. The elected City Judge shall also serve as the Administrative Judge.

[Amended 7-27-2004 by L.L. No. 2-2004]

D. To be eligible for office the City Judge or associate City Judge shall be a lawyer duly admitted to practice for at least five years and shall be a resident of the city for at least five years. Such judge shall take and file with the County Clerk and City Clerk the oath of office prescribed by law.

~~E. The City Judge shall appoint a Chief Clerk, Deputy Clerk, Assistant Deputy Clerk, Traffic Bureau Clerk and such personnel as may be necessary, at a compensation to be fixed by the New~~

~~York State Office of Court Administration. The Chief Clerk and Deputy Clerk shall have the power to issue summonses, subpoenas, executions, transcriptions to administer oaths and take acknowledgments, to take depositions and informations and to issue warrants thereon, adjourn proceedings and act as official court stenographer and the minutes of such stenographer shall be the official minutes of the court and all proceedings. Notwithstanding the provisions of the Criminal Procedure Law or the provisions of any general or special act, the Chief Clerk or Deputy Clerk of the City Court of Glen Cove shall have the power to issue subpoenas in criminal cases, to sign and make executions, commitments to jail and other penal institutions, orders of discharge and certificates of conviction and to certify and sign copies thereof for the execution of any judgment rendered in said Court.~~

E~~F.~~ The ~~City Judge~~ City Council-shall appoint City Marshal(s) at a compensation to be fixed by the New York State Office of Court Administration, who shall have the same powers and duties and shall be subject to the same liabilities as sheriffs in courts of record and shall have within their territorial jurisdiction and subject to any limitations imposed by the Uniform City Court Act of the State of New York or by other provision of law, such power to serve and execute the process and mandates of the court as sheriff has with regard to the process and mandates of the Supreme Court. Marshal(s) shall, before entering upon the discharge of their duties, file with the City Court of the City of Glen Cove a bond in the form required of sheriffs of the county.

F~~G.~~ ~~The court shall be open on each business day from 9:00 a.m. until 5:00 p.m. and in addition thereto at such times as may be required by the Administrative Board of Judges of the Judicial Conference of the State of New York.~~ The same fees shall be charged as provided for in the Uniform City Court Act and under the Civil Practice Laws and Rules. The person against whom costs are awarded shall be entitled to the disbursements and fees as set forth in the Uniform City Court Act.

G~~H.~~ An Associate City Judge shall be appointed by the Mayor with the approval of the City Council, which person shall have the same qualifications as the elected City Judge to act in his or her temporary absence or disqualification or to hold a separate part of said Court for the disposition of such business as the City Judge may from time to time assign to him or her, and the said City Judge and Associate City Judge may hold their courts at the same time and in separate quarters with the same jurisdiction. The person so designated shall receive a salary as designated by the New York State Office of Court Administration. The Associate City Judge shall hold office for a term of six years.

H~~I.~~ Should vacancy occur in the office of City Judge, the Mayor, with the approval of the City Council, shall appoint a person with the same qualifications to fill said vacancy who shall hold office until the election and qualification of a person to be nominated and elected at the next municipal election.

~~J. The term of office of the City Judge shall be six years.~~

~~[Amended 7-27-2004 by L.L. No. 2-2004]~~

§ C4-3. Service of papers on city.

All legal or other papers required to be served on the city shall be served as provided in § 311 of the Civil Practice Law and Rules.

§ C4-4. Liability of the city of certain actions.

[Amended 1-24-1989 by L.L. No. 2-1989]

A. Damages due to defective highways; notice to city required. No civil action shall be maintained against the City of Glen Cove for damages or injuries to persons or property sustained by reason of any highway, bridge or culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of, by the witness to, such defective, unsafe, dangerous or obstructed condition of such highway, bridge or culvert was actually served upon the City Clerk or Director of Public Works in accordance with Subsection D herein, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of. Under no circumstances shall the City of Glen Cove be liable for damages sustained due to the defective conditions of city streets and highways in the absence of such prior written notice to the city of the existence of such condition.

B. Damages due to certain city property being defective; notice to city required. No civil action shall be maintained against the City of Glen Cove for damages or to persons or property sustained by reason of any defective parking field, garage, beach area, beach equipment, playground or playground equipment, ice rink or park property, swimming pool or golf course, no matter where situated, being unsafe, defective, out of repair, dangerous or obstructed unless written notice of, by the witness to, the condition of such parking field, garage, beach area, beach equipment playground or playground equipment, ice rink or park property, swimming pool or golf course, was actually served upon the City Clerk or Director of Public Works in accordance with Subsection D herein, and there was a failure or neglect within a reasonable time after giving of such notice to repair or remove the defect, danger or obstruction complained of. Under no circumstances shall the City of Glen Cove be liable for injuries or damages to persons or property due to defective conditions of the aforesaid city property in the absence of such prior written notice to the city of the existence of the defective condition causing said injuries or damage.

C. Damages or injuries due to defective traffic signs, sidewalks, walkways, footpaths or bicycle paths; notice to city required. No civil action shall be maintained against the City of Glen Cove for injuries or damages to persons or property sustained by reason of any defect or obstruction whatsoever in its traffic signs, sidewalks, walkways, footpaths or bicycle paths, in consequence of the existence of snow or ice upon any of its traffic signs, sidewalks, walkways, footpaths or

bicycle paths, no matter where situated, have been constructed, or are maintained by the City of Glen Cove pursuant to statute unless written notice of, by the witness to, said defect or obstruction causing the injuries or damages was actually served upon the City Clerk or Director of Public Works in accordance with Subsection D herein, and there was a failure or neglect to cause the particular defect to be remedied or the obstruction of the snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

[Amended 1-23-1990 by L.L. No. 1-1990]

D. Method of service of written notice by witness; contents. Service of written notice of any defect described in this section shall be accomplished by personal service or service by registered mail actually received by the city official specified herein. The written notice must be made by the witness to the condition, defect or obstruction specified. The written notice must identify with particularity the specific nature and location of each condition, deface or obstruction complained of.

§ C4-5. Condemnation and sale of condemned lands.

A. All proceedings for the acquisition of property for public purposes shall be taken under the provisions of the Eminent Domain Law.

B. Whenever any public work authorized by law shall be undertaken, the city may take for the purpose such interest or easement in lands held or used for public purposes by any corporation, taken by eminent domain or otherwise, as may be necessary for carrying out such work.

C. The City Council may exchange or sell at auction upon a published notice, any property acquired by the city for public use and which at any time shall not be required for such purpose.

Article V. Police Force

§ C5-1. Police force; organized, powers.

A. Ranks and grades; distribution.

[Amended 3-23-1999; 2-26-2008 by L.L. No. 1-2008]

(1) The police force shall consist of the following ranks or grades:

(a) Chief of Police.

(b) Deputy Chief.

(c) Lieutenant.

(d) Sergeant.

(e) Police officer.

(2) Notwithstanding the foregoing, ~~the present~~ any personnel holding ranks or grades that do not conform to C2-5.A.(1) shall continue until reduced by normal attrition.

B. The Mayor, with the consent of the City Council, shall appoint a Chief of Police, who shall be a contract employee of the City. The Mayor, upon written recommendation of the Chief of Police and with the consent of the City Council, shall appoint the members of the police force and designate their grades. The Chief and members of the police force shall take and file with the City Clerk the constitutional oath of office.

[Amended 2-26-2008 by L.L. No. 1-2008]

C. Members of the police force shall possess all the powers of a police officer as established in the New York State Criminal Procedure Law, except for the service of civil process.

~~D. This local law shall take effect upon its filing with the office of the Secretary of State.~~

~~[Added 2-26-2008 by L.L. No. 1-2008]~~

§ C5-2. Special duty; appointment of police; auxiliary police; payment.

[Amended 8-22-2006 by L.L. No. 2-2006]

A. There shall be within the Police Department, an Auxiliary Police Department whose members are proposed by the Chief of Police or his designee, subject to approval by the City Council. Said Auxiliary Police Department shall be supervised by the Chief of Police or his designee, and shall be staffed with volunteers and part-time employees holding no police powers. It shall be the duty of the Auxiliary Police to assist with traffic control, special events, and security.

B. There shall be within the Police Department a Division of Crossing Guards whose members are proposed by the Chief of Police or his designee, subject to approval by the City Council. Said Division of Crossing Guards shall be supervised by the Chief of Police or his designee, and shall be staffed with part-time employees holding no police powers. It shall be the duty of the Division of Crossing Guards to assist with traffic control and pedestrian safety at school crossings, church crossings, camp crossings, and other special events.

C. On the application of a corporation or person showing the necessity therefore, the Chief of Police may detail a regular member of the police force, or appoint and swear any additional number of auxiliary police for the special duty within the city, for which service the applicant ~~shall pay~~ may be charged by the City of Glen Cove, such sum as will reimburse the city for all costs and expenses. The auxiliary police so appointed shall be subject to the rules and directions of the police force.

§ C5-3. Division of Code Enforcement.

[Added 1-29-2015 by L.L. No. 1-2015]

A. There shall be within the Police Department the Division of Code Enforcement. Said division shall be supervised by the Chief of Police or his designee and shall be staffed with civilian

employees. Employees in this division serving as Multiple Residence Inspectors shall also have the enforcement powers of Code Enforcement Officers.

B. As § 10 of the Municipal Home Rule Law of the State of New York grants the City Council of the City of Glen Cove the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the City of Glen Cove and for the protection and enhancement of its physical environment, the Mayor with the consent of the City Council shall appoint to the Division of Code Enforcement from time to time such municipal officers, employees, or independent contractors deemed necessary to effectuate, administer and enforce such local laws.

C. The Code Enforcement Division shall be responsible for enforcement of all laws, ordinances, rules, regulations, codes and orders applicable to the use of land and the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of the buildings and structures and their appurtenances located in the City of Glen Cove. Furthermore, the Code Enforcement Division shall be responsible for enforcement of all other codes and ordinances as so conferred by the Code of the City of Glen Cove upon code enforcement officials as well as the Fire Prevention, Housing Standards, Landmark Preservation, and Noise codes.

D. If any provision of this section shall be in conflict with any other provision of this Charter or the City's Code of Ordinances, the provisions of this section shall control.

E. This section shall take effect upon its filing with the Office of the Secretary of State.

Article VI. (Reserved)

[1]

Editor's Note: Former Art. VI, Department of Public Libraries, as amended, was repealed 7-27-2004 by L.L. No. 3-2004.

§ C6-1. through C6-7. (Reserved)

Article VII. Legislation

§ C7-1. Enacting clause of ordinances.

The enacting clause of all ordinances shall be "Be it ordained."

§ C7-2. Penalties, publication and effective date of ordinances.

A. Penalties. For the purposes specified in exercising the powers of the City Council in enacting ordinances as provided in this article, the City Council shall have the power to provide for penalties, including fine and imprisonment for the violation of any of its ordinances. Notwithstanding the foregoing, and in addition thereto, the City Council may also provide for civil penalties and the city may maintain an action or proceeding in a court of competent

jurisdiction for an injunction or to compel compliance with the requirements of any ordinance of the city.

B. Publication procedure, etc. Every ordinance imposing any penalty or forfeiture for the violation of its provisions shall take effect three days after publication of a notice as hereinafter provided or a later date specified in such ordinance. The notice shall contain the title and a brief description together with a statement that such ordinance is on record with the City Clerk, which notice shall be published at least once in the official newspaper of the City of Glen Cove before it shall become effective. It shall not be necessary to publish any ordinance to be enforced within the city except as herein provided.

C. In case of insurrection, riot, conflagration or other necessity requiring immediate operation of such ordinance, it shall take effect as soon as proclamation thereof by the Mayor and after such proclamation has been posted in five conspicuous places in the City of Glen Cove.

§ C7-3. Recording and proof of local laws, ordinances, minutes, Charter.

All local laws and ordinances shall be recorded in separate books. The Charter, the minutes of the City Council and any local law or ordinance or part thereof, may be proved by a copy certified by the City Clerk under the seal of the city, or by a book or pamphlet authorized by the City Council.

§ C7-4. Repeal or amendment of ordinance.

No ordinance or part thereof shall be amended or repealed except by a subsequent ordinance or local law regularly adopted.

§ C7-5. Franchises, renewals; hearing prerequisite to grant.

No franchise or renewal thereof shall be granted, except upon a public hearing, of which a notice shall be published once a week in three successive calendar weeks in a newspaper printed and published in the city. The proposed franchise shall, during said three weeks, be on file with the City Clerk for public inspection.

§ C7-6. Enactment of local laws - public hearing prerequisite; notice of hearing required.

Before voting upon a proposed enactment of local law, the Mayor of the City of Glen Cove shall fix a day for a public hearing thereon, and shall cause notice of the time and place of such hearing to be given as hereinafter specified.

§ C7-7. Publication of notice of hearing on proposed local law.

Such notice shall be given by the City Clerk causing the same to be published once in the official newspaper at least five days prior to the day fixed for such hearing. Such notice shall contain the title of the proposed local law and shall briefly refer to the subject matter thereof.

§ C7-8. Conduct of public hearing on proposed local law.

The City Council of the City of Glen Cove will attend at the time and place appointed for such hearing and shall afford an opportunity for a public hearing concerning such local law.

§ C7-9. Council; regular meetings.

The City Council shall meet in Council chambers on the second and fourth Tuesday of each month except June, July, August and September when they shall meet on the fourth Tuesday. An agenda shall be prepared and posted in City Hall five days prior to each regular meeting. Additional meetings may be held on call by the Mayor or by four Council members as required for which no agenda need be posted in advance. Emergency items may be added to the agenda by either the Mayor or by four Council members, upon signed written notice delivered at least 24 hours prior to the meeting to each member of the City Council or by vote of 2/3 of the City Council.

§ C7-10. Designation of official newspaper; publication of notices.

A. The City Council shall designate annually a newspaper having a paid circulation of not less than 500, printed, published or having its principal office in the city, in which shall be published all matters required by law or ordinances to be published, unless otherwise provided, to be known as the official newspaper. If at any time there shall be no newspaper printed, published or having its principal office in the city, with a paid circulation of 500, the newspaper printed, published or having its principal office in the city having the largest circulation shall be designated. The designation of the official newspaper shall expire on the first day of January of each year. If there should be no newspaper printed, published or having its principal office in the city the City Council may designate any newspaper having general circulation in the city as the official newspaper.

B. When notices of a hearing or sale, or other notice is required to be published, and the time is not specified, it shall be published once a week in three successive calendar weeks; and in case of a notice of hearing, the day of hearing, unless otherwise specified, shall be the first business day after the last publication.

§ C7-11. Departmental records, reports, inventories.

Each department head shall keep a record of the affairs of his or her department, and shall submit quarterly reports thereof to the City Council, and shall annually, and oftener if required by the City Council, make a synopsis thereof which the City Council may order published. Each department head shall make an annual inventory of the personal property of his or her department, and file the same with the City Clerk.

§ C7-12. Delivery of books, records, papers to successor in office.

All books, records and papers of each department, officer and employee shall be city property and shall be delivered by the custodian thereof to his or her successor.

Article VIII. Public and Local Improvements

§ C8-1. Payment by tax.

[Amended 9-25-1990 by L.L. No. 4-1990]

The City Council may order any public work, or local improvement and/or the maintenance or repair thereof and provide for the payment thereof by tax.

§ C8-2. Payment by local assessment; hearing requested; determination, apportionment, collection of assessment.

[Amended 9-25-1990 by L.L. No. 4-1990]

A. The City Council may order any public work, or local improvement and/or the maintenance or repair thereof and provide for the payment thereof by local assessment. The City Council shall cause to be prepared and filed in the office of the Director of Public Works a roll consisting of plans and specifications of such work, or improvement, maintenance or repair, including the estimated costs thereof, the estimated amount of damages to be paid therefor if any, the proposed area of assessment, and the proportionate amount to be assessed upon each property.

B. It shall thereupon publish a notice of a hearing thereon, which notice shall include said estimate costs and damages, the proposed area and proportionate amounts. Upon the return or adjourned day, the City Council may reject the entire plan, or reduce, or add to the area, estimated damages, or proportionate amounts and thereupon deduct the same in whole or in part. Any changes or additions which substantially affect any property not included in the original area, shall be re-noticed for hearing as in the first instance. When adopted, the roll shall be filed with the Controller.

C. Upon completion of the work, improvement, maintenance or repair, the Controller shall assemble the costs thereof and shall add the damages awarded, if any, and apportion the amount upon the properties in accordance with such roll and confirm the same.

D. Any action or proceeding to review, vacate or notify the said roll after adoption by the City Council must be commenced within 30 days from the date thereof. Any error in or omission from such roll or any illegality in whole or in part may be reassessed as in the first instance.

E. The amounts so assessed shall be liens upon the respective properties, to be collected by sale as in cases of taxes.

§ C8-3. Change of grades of highways.

A. The City Council may change the grades of highways.

B. Any claim for damages for such change shall be made and processed pursuant to the Eminent Domain Law.

§ C8-4. Discontinuance of highways; hearing required; determination, payment of damages.

A. The City Council may order highways or parts thereof discontinued.

B. The City Council shall cause to be prepared and filed in the office of the Department of Public Works a map of any highway proposed to be discontinued and publish a notice of hearing thereon, and on the return, or adjourned day, order the same closed in whole or in part. If made on petition the City Council may require the owners of land within the highway discontinued to pay the expense of the proceeding and damages caused thereby.

C. Any action or proceeding to review such proceeding must be commenced within 30 days from date of the order.

D. Any claim for damages for such discontinuance must be claimed, ascertained and paid as provided in the Eminent Domain Law.

§ C8-5. Expenses added to local assessments.

The expenses of advertising and printing, and the compensation of all persons, other than salaried officers and employees necessarily employed in any proceeding under this article, shall be a part of the cost thereof.

§ C8-6. Encroachments, nuisances; care of walks, curbs, gutters; sewage disposal.

A. The Department of Public Works through an order approved by the Mayor may require the removal of all encroachments upon the highways and public lands and the abatement of all nuisances.

B. The Department of Public Works may also require through an order approved by the Mayor, the owner or occupant of any property to ~~lay, relay or repair the sidewalks, curbs and gutters, and~~ remove the snow and ice from the sidewalks and gutters in front of such property and sand the sidewalks.

C. The Department of Public Works, with the approval of the City Council, may require the owner of any property along any highway to lay water, sewer and gas service pipes from the mains in front of such property to a point beyond the curbline.

D. The Department of Public Works and the Mayor may prevent the discharge of any polluted waters not connected with the public sewer system, and may require the owner or occupant of any property to connect any discharge of polluted water thereon with the sewer system in such reasonable manner as may be prescribed.

E. Upon default by the person so required in any of the above cases to immediately comply with any requirement, the Department of Public Works may through an order approved by the Mayor cause the work to be done and sue for, or, on three days' notice of hearing, assess and levy the expense thereof upon the property whereon the encroachment or nuisance arises, or upon the property of the owner, as the case may be, to be enforced by sale as in case of taxes.

Article IX. Assessments and Taxation

§ C9-1. Assessor.

[Amended 5-27-1997 by L.L. No. 3-1997]

The Assessor shall be appointed by the City Council for a six-year term as provided in § 310 of the Real Property Tax Law. He or she shall meet all of the minimum qualification standards as required by the Real Property Tax Law. Except as otherwise provided in this Charter, he or she shall possess all the powers and duties of an Assessor as provided in the Real Property Tax Law.

§ C9-2. Assessment procedure.

A. Except as otherwise provided in this Charter, the assessment procedure shall be as prescribed by the Real Property Tax Law.

B. The assessment roll shall be prepared in such form as may be prescribed by the State Board of Real Property Services.

[Amended 5-27-1997 by L.L. No. 3-1997]

C. The taxable status of real property shall be determined annually as of the 2nd day of January commencing with January 2, 2010. In the event January 2nd is a Saturday or Sunday, the determination shall be made on the next succeeding business day.

[Amended 5-10-2005 by L.L. No. 1-2005; 8-25-2009 by L.L. No. 7-2009]

D. The tentative roll shall be completed by the first day of June of each year and shall be filed, and notice thereof shall be published, otherwise in accordance with § 506 of the Real Property Tax Law.

[Added 4-28-1992 by L.L. No. 3-1992]

§ C9-3. Board of Assessment Review.

[Amended 4-28-1992 by L.L. No. 3-1992]

There shall be a Board of Assessment Review appointed by the City Council to consist of three members in accordance with the Real Property Tax Law and shall have all the powers and duties as prescribed therein. The meeting date for this Board shall be the third Tuesday in June annually.

§ C9-4. Completion of roll; equalization.

[Amended 4-28-1992 by L.L. No. 3-1992; 5-27-1997 by L.L. No. 3-1997]

On or before the first day of August, the Assessor shall revise and complete the roll according to the determination of the Board of Assessment Review. ~~Upon completion and certification of the roll by the Assessor, the original roll shall be filed in the office of the Board of Education of the~~

~~City School District and on or before the first day in October, in the office of the Clerk of the Nassau County Legislature.~~

§ C9-5. Correction of assessments.

The City Council may correct any manifest error on an assessment upon the application of the interested party, his or her agent or attorney, and shall have power to remit the tax upon the excess valuation if such tax has been paid and if the City Council deems that an injustice has been done. Such application shall be accompanied by a written certificate, signed and sworn to by the Assessor, stating that the valuation fixed was a clerical error and that he or she intended to fix a certain other valuation, and naming such intended valuation. The assessment as corrected by the City Council shall not be lower than the amount named in such certificate.

§ C9-6. Submission of estimates, preparation of budget, assessment of taxes.

[Amended 5-27-1997 by L.L. No. 3-1997; 10-14-2008 by L.L. No. 5-2008]

A. On or before the first day of September of each year, each of the various departments reporting to the Mayor shall present a detailed budget of costs and estimated revenues for the ensuing fiscal year to the Mayor. These budgets shall be submitted to and assembled by the Controller for presentation to the City Council. The Mayor, with the assistance of the Controller, may make such changes, deletions, and additions as he or she deems appropriate before submission to the City Council.

B. On or before the first day of October in each year, the Mayor shall present to the City Council a proposed budget for the ensuing fiscal year detailing the estimated amount of income from all sources, and a detailed estimate of the proposed expenditures for current operations during the ensuing fiscal year. A copy of the proposed budget shall be filed in office of the City Clerk and shall become available for public inspection no later than 10 days after submission to the City Council.

C. On or before the 15th day of October in each year, the City Council shall hold a public hearing to solicit public comments on the proposed budget.

C1. By the 4th Tuesday of October, the City Council shall adopt the budget with or without amendment. Adoption of the budget shall establish appropriations and estimated revenues for the funds specified therein and shall fix the tax levy and determine a tax rate. Should the City Council fail to adopt the budget by the 4th of October, the proposed budget as submitted by the Mayor and as amended by resolution shall be considered to have been adopted.

D. Thereupon, the Controller shall apportion and set down opposite the several valuations of properties the sum to be paid as a tax; thereupon the roll shall be filed in the office of the Controller for collection of taxes.

§ C9-7. Collection of taxes; due dates designated.

A. Upon filing of the completed roll, the Controller shall publish notice of the filing thereof and that during a time and at a place specified he or she will receive payment of the taxes due.

B. One-half of all taxes upon real estate shall be due and payable on the first day of December, and the remaining and final 1/2 of taxes on real estate shall be due and payable on the first day of June. All taxes shall be and become liens on the real estate affected thereby and shall be construed and deemed to be charged thereon on the respective days when they become due and payable as hereinbefore provided and shall remain such liens until paid.

C. The second half of the tax on real estate which is due as hereinbefore provided on the first day of June following the payment of the first half may be paid on the first day of December or at any time thereafter, provided that the first half shall have been paid or shall be paid at the same time.

D. ~~One-half of the state and county taxes shall be payable to the County Treasurer at the times and in the manner provided in the Tax Law, and the remaining 1/2 on or before August 1.~~ The taxes for the County of Nassau shall be payable to the County Treasurer at the times and in the manner provided in the Tax Law of the County of Nassau.

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§ C9-8. Tax penalties and discount.

A. Taxes paid on or before the 10th day of January and the 10th day of July respectively, as provided in § C9-7 of this Charter shall be received without penalty. Thereafter, 3/4 of 1% shall be added for each month or fraction thereof that said taxes shall remain unpaid, computed from the first day of December and the first day of June respectively, which penalty shall be in addition to the collector's fees, if any.

B. The second half of the tax may be paid when the first half becomes due and payable, or at any time thereafter. If the second half is paid prior to January tenth, a discount of 1-1/2% (one and one-half percent) of the tax shall be allowed.

§ C9-9. Collection of delinquent taxes; sale and foreclosure of tax liens.

A. Definitions. As used in this article, the following terms shall have the meanings indicated:

[Amended 11-22-1988 by L.L. No. 2-1988]

ACTUAL RESIDENCE The principal dwelling place of the individual owner in fee or record of a lot or parcel classified as class one pursuant to § 1802 of the Real Property Tax Law of the State of New York.

CERTIFICATE OF TAX LIEN The instrument by which the city transfers a tax lien.

HOLDER OR HOLDER OF A TAX LIEN The purchaser of a tax lien and of the real property affected by such tax lien or if the purchaser has transferred the certificate of tax lien, a person in

lawful possession of such certificate of tax lien who claims title through the purchaser of such certificate of tax lien.

PERSON Any natural person, receiver, trustee, conservator, referee or any other individual acting as a fiduciary or representative capacity, whether appointed by a court or otherwise or any combination of such individuals. The term "person" as used in the definitions includes the city.

TAX LIEN Includes:

(1) The right of the city to collect taxes, penalties, interest and other charges on the real property affected by such taxes for failure to pay such taxes; and

(2) The lien against such real property for all the aforementioned items. The term "sale of tax lien" includes the sale of the real property affected by such tax lien.

B. Actions to recover unpaid taxes.

[Amended 11-22-1988 by L.L. No. 2-1988]

(1) After the expiration of the period within which the tax may be paid without penalty or interest, an action may be maintained by the Controller, as upon contract, to recover the amount of an unpaid tax, penalties and interest thereon. A judgment in such action for any amount, when docketed in the office of the County Clerk, shall be a lien upon the real property of the defendant, and such lien shall have the same priority as the taxes upon which a recovery was had in such action. An execution upon the judgment may be issued and enforced against the real property of the defendant regardless of the amount of such judgment.

(2) Supplementary proceedings may also be taken for such tax, regardless of the amount of such judgment. The amount collected by any such action or proceeding shall be used and applied by the Controller in the same manner as if the same had been collected by the sale of the tax lien under provisions of this article.

(3) The warrant delivered to the Controller shall be presumptive evidence that all previous proceedings, including the assessing and levying of a tax, were regular and according to law. A judgment in such action in favor of the Controller shall not release or in any manner affect the lien of any tax until satisfied. Nothing in such action shall be construed or held to repeal or abridge any other remedy or power given to the city for the collection of taxes on behalf of the city.

C. Collection of taxes by sale of tax lien. The collection of every tax and assessment upon real estate, with the interest and additions thereon, shall be enforced by a sale of the tax lien thereof unless the Controller shall have brought an action pursuant to Subsection B of this section. In such event, he or she nevertheless may sell the tax lien.

[Amended 11-22-1988 by L.L. No. 2-1988]

D. The right of the city to sell tax liens.

[Amended 11-22-1988 by L.L. No. 2-1988]

(1) The right of the city to receive taxes and assessments and the lien thereof may be sold by the city, and after such sale shall be transferred in the manner provided by this section. The right and lien so sold shall be called "tax lien," and the instrument by which it is assigned shall be called "certificate of tax lien." Whenever any past due tax on lands or tenements, or any assessment on lands or tenements for local improvements, shall remain open and unpaid on the 31st day of December of each year on the assessment rolls in the office of the Controller, the Controller shall advertise in sufficient time the tax liens on the said lands and tenements for sale. Such advertisement shall contain a notice to the owner or owners of such lands and tenements respectively to pay the amount of such taxes and assessments with the penalties and interest thereon, so remaining unpaid, together with the charges of such notice and advertisement, the tax lien on such lands and tenements will be sold at public auction, at a day and place therein, to be specified, but not later than the last Friday in June of the respective year, at an interest rate to be computed in accordance with Subsection E at which any person or persons shall offer to take the same in consideration of advancing the said taxes and assessments, with interest and penalty as the case may be together with the charges of the above-mentioned notice and advertisement, and charges accrued thereon.

(2) Notice and application.

(a) The City Controller shall also, prior to the commencement of publication required by Subsection D of this section, cause notice of such tax lien to be sent by first class mail to the name and address of the record owner or occupant and mortgagee, as shown on the assessment records or on the records kept by the receiver of taxes for the town or city in which the property is located, of each tax lien to be sold. Such notice shall contain a brief description of such parcel and tax lien, the aggregate amount due on such tax lien at the time of sale and a statement that unless such amount is paid prior to the commencement of tax lien sale proceedings, the tax lien will be sold. The expense of mailing such notice shall be an additional expense chargeable against the total unpaid tax lien or liens.

(b) An application from the Hardship Review Board shall be included with such notice. The application shall indicate that the owner or owners may appeal to the Hardship Review Board. If said application is approved by the Hardship Review Board, the owner or owners will be given up to the 31st day of December of that year (giving them a one-year extension) to pay taxes and assessments with the penalties and interest thereon so remaining unpaid. Upon default of such payment,

the tax lien on such lands and tenements will be sold at a public auction pursuant to Subsection D of this section.

(3) The rate of interest and penalty at which any person or persons purchase the tax lien shall be established by his or her bid. This rate thus established shall be the rate of interest and penalty for a period of two years from the date of such sale or if the lien is discharged prior to such time, then up to the time of such discharge and provided further that for all tax liens sold on lots or parcels classified as class one pursuant to § 1802 of the Real Property Tax Law of the State of New York on or after the effective date herein indicated as well as for any tax lien sold on class one lots or parcels to which title has not been conveyed to the tax lien purchaser or the assignee of such purchaser prior to such effective date, provided that in such instance 24 months have not elapsed from the sale of the tax lien and where in either instance a hardship designation has been granted the rate of interest and penalty shall be for a period of three years from the date of such sale or if the lien is discharged prior to such time, then up to the time of discharge. The rate of interest and penalty for a class one lot or parcel bearing a hardship designation shall be fixed by bid for the first two years and in the third year fixed by Subsection E(1)(e) and (f) below.

E. Interest on tax liens; how computed.

[Amended 11-22-1988 by L.L. No. 2-1988]

(1) The maximum interest and penalties which a tax lien may carry and bear are the following:

(a) If satisfied within six months of the date of sale, 10% on the purchase price.

(b) If satisfied after the expiration of six months and within 12 months of the date of sale, an additional 10% of the purchase price.

(c) If satisfied after the expiration of 12 months and within a period of 18 months of the date of sale, an additional 10% on the purchase price.

(d) If satisfied after the expiration of 18 months and within a period of 24 months of the date of sale, an additional 10% on the purchase price.

(e) If satisfied after the expiration of 24 months and within a period of 30 months of the date of sale, an additional 10% on the purchase price.

(f) If satisfied after the expiration of 30 months and within a period of 36 months of the date of sale, an additional 10% on the purchase price.

(2) However, if the rate of interest at which the tax lien was purchased is less than the maximum interest rate, the tax lien shall carry and bear such lower interest rate.

F. Postponement, suspension of sale. It shall be lawful for the Controller to suspend or postpone any sale or sales of tax liens on lands and tenements, or any portion thereof, which shall have been advertised for sale to any time not more than 30 days from the date specified in any such advertisement. All sales which shall be so postponed or suspended may be made without further advertisement other than a general notice of such postponement to be published as provided in the last subsection of this section.

[Amended 11-22-1988 by L.L. No. 2-1988]

G. Conduct of sale; bid by city.

(1) The Controller, or, in the event of his or her absence or inability to act, the Deputy Mayor, shall conduct the sales herein before provided to be made, and no auctioneer other than the Controller or the Deputy Mayor as herein provided shall be employed to make such a sale, and no auctioneer's fee shall be charged thereon. The Controller shall require from each purchaser of a tax lien at the time of such sale a deposit on account of 10% of the amount of the tax lien purchased by him or her, for which the Controller shall give his or her receipt, and not later than 60 days from the date of the sale the balance shall be paid to the Controller at his or her office. If no bid shall be received for a tax lien offered for sale, the Controller for and on behalf of the city shall bid in the tax lien, and upon such bid no deposit or payment in cash shall be required from the city. When the city has bid in any tax lien a certificate of the tax lien to the city shall be executed by the Controller in the form and matter prescribed for other notice thereof to the holder of such certificate of tax lien by mail, addressed to such address as may have been furnished to the Controller. Upon receiving the surrender of the certificate of tax lien, the Controller shall pay to the holder the amount thus deposited. The Controller upon receipt of the satisfaction money, as above provided, or upon the surrender of the certificate of tax lien shall cancel and discharge the tax upon the record.

[Amended 11-22-1988 by L.L. No. 2-1988]

(2) In any instance where the city has bid in the tax lien and received a certificate thereof, the city is authorized to advance on its behalf the amount of any subsequent tax or assessment, and in that event the tax lien for the amount of such tax so paid shall not be sold, but the amount so paid with 12% interest from the date of such payment shall be due and payable upon any redemption of the certificate of tax lien so held as a part of such tax lien.

H. Sale of property acquired by city. The city shall sell any such property so acquired upon such terms and for such sums as the City Council may by resolution fix and determine and the Mayor, on behalf of the city, shall execute, acknowledge and deliver a deed therefor.

I. Sales books; preparation, contents, use.

(1) On or before the first day of June of each year, the Controller shall make lists, in books prepared for that purpose, of all the real estate on which taxes have been levied and returned as unpaid. The books containing these lists shall be called "sales books." The sales books shall contain:

(a) An accurate description of each parcel of real estate upon which taxes remain open and unpaid.

(b) The amount of such taxes.

(c) The interest and charges on such taxes up to the date of sale.

(d) The name of the owner or occupant of or party in interest in each parcel as it appears on the assessment roll.

(2) In a separate column in the sales book opposite each such parcel, the Controller shall add to such unpaid taxes an amount sufficient in his or her judgment to cover the expenses of listing such real estate and of advertising the notice of listing and notice of sale of the tax liens on the real estate so listed. Said Controller may at any time prior to the actual sale of such property raise or lower such amount as in his or her judgment may be expedient.

(3) Any deficiency in the amount of such expenses may be paid out of any other fees, penalties or charges added to such taxes. Any surplus accruing in the amount of such estimated expenses shall be paid into the city treasury. The total of such taxes, interest, penalties, charges and expenses shall thereafter be a lien upon the real estate affected and shall be the amount required to be paid as taxes before the sale of such tax lien. If the sale or lien be postponed beyond the date up to which interest on the unpaid taxes is computed, additional interest upon the entire sum then due, at the rate of 12%, from such date to the date of the sale of such property, shall thereafter be added to and collected with such unpaid taxes.

(4) There shall also be a column in such sales books in which the Controller shall enter the name of the purchaser and the assignee of the purchaser, if any, of any tax lien when the same shall have been sold; there shall be another column in which the Controller shall enter the interest and penalty at which the purchaser shall have agreed to take the tax lien at the tax sale.

(5) The Controller shall prescribe the general form of such sales books and shall place therein such other column and spaces and information as he or she may deem expedient and useful.

J. Certificate of tax lien; execution, delivery; forfeit of deposit. Certificate of tax lien shall be made and delivered to the purchaser without charge upon the payments therein shown to be due. In case any purchaser shall not complete his or her purchase in accordance with the terms

prescribed as herein provided, then the amount deposited by him or her at the time of the sale shall be forfeited to the city, and the entire tax lien upon the lands affected by such purchase shall be sold again, such resale to be held at such time as the City Council may direct, and notice thereof shall be published as hereinbefore provided for the original sale of such tax liens. All deposits forfeited, as aforesaid, shall be paid to the Controller and credited by him or her to the necessary expenses of the resale.

K. Certificate of tax lien; scope, effect.

(1) A certificate of tax lien shall operate to transfer and assign the tax lien upon the lands or tenements described therein for taxes and assessments, interest and penalties thereon, and the charges of the notices and advertisements given pursuant to this section, and all other costs and charges so advertised for sale, and to create a lien upon property affected thereby for the interest to which the purchaser may be entitled under his or her bid, but such tax lien so sold shall be subject to all taxes and assessments which have or may become a lien subsequent to the lien of the taxes or assessments for which the tax lien is sold, also subject to any and all subsequent certificate of tax lien against said premises.

(2) A certificate of tax lien shall contain:

(a) A description of the real property affected by the tax lien as shown by the tax book.

(b) The name of the owner of the real property as it appears on the tax books.

(c) The interest and penalty at which such tax lien was purchased.

(d) The date of the sale.

(e) A statement that the tax lien was sold for unpaid city, county or state taxes, as the case may be.

(f) The amount paid for the tax lien.

(g) Such other information as the Controller shall deem expedient.

(3) Each certificate of tax lien shall be subscribed by or on behalf of the Controller, and shall be acknowledged by the officer subscribing the same in the manner in which a deed is required to be acknowledged, to be recorded in the county in which the real property affected is situated.

(4) If the tax liens on the separate and distinct lots or parcels of real estate are offered separately at a public tax sale, the Controller may include such tax lien in one certificate of tax lien.

L. Records of sales, certificate; recordation. The Controller shall keep in his or her office a public record of sales of tax liens as hereinbefore set forth, and a copy of each certificate of tax

lien issued by him or her. Certificates of tax lien and assignments of certificate of tax lien, duly acknowledged, may be filed and recorded in the office of Controller. Assignments of certificates of tax lien held by the city shall be executed by the Controller. A certificate of tax lien, and any assignments thereof duly acknowledged, shall be deemed a conveyance under Article 8 of the Real Property Law and may be recorded in the office of the Clerk of the County of Nassau. Certificates of tax lien, and all assignments thereof, shall be recorded by the recording officer in the same manner as mortgages and assignments thereof, upon payment of the proper fee therefor, but without payment of the tax under Article 11 of the Tax Law. The record in the office of the Controller of a certificate of tax lien, and of an assignment of certificate of tax lien, a record of certificate of tax lien in the office of the clerk of the County of Nassau, and of an assignment of a certificate of tax lien, duly acknowledged, in the office of the Clerk of the County of Nassau shall be evidence in any court with like effect as the original instrument of record. Neither the tax lien nor the rights transferred or created by a certificate of tax lien shall be impaired by the failure of a recording officer to record a certificate of tax lien made by the city through the Controller.

M. Rights of purchasers. There shall be due and payable to a holder of a certificate of tax lien 24 months from the date of sale of such tax lien:

(1) The amount paid for the lien.

(2) The interest and penalty thereon at the rate for which he or she purchased the lien.

(3) The costs and expenses which have accrued against the property affected by the lien, as provided in this section.

N. Payment by holder of certificate of sale; penalties thereon.

(1) The holder of a certificate of tax lien, at any time after the annual levy of taxes, may pay to the Controller any taxes so levied and any older taxes that are a lien on such property.

(2) The holder of such certificate making payment of such taxes shall be entitled to and shall receive the full amount of the taxes thus paid with interest and penalties thereon from the date of payment at the same rate and payable in the same manner as the interest and penalties at which he or she purchased such tax lien.

(3) The taxes, so paid by the holder of the certificate of tax lien, with the interest and penalty at the rate at which the tax lien was purchased, shall become a lien on the property and shall be payable at the time of the discharge of the certificate of tax lien.

O. When tax lien may be discharged.

(1) The owner of, or any person interested in or having a lien upon any real estate on which the tax lien has been sold, may satisfy the same at any time before the delivery of the Controller's deed upon the following terms:

(a) To satisfy the tax lien prior to the service of the notice to satisfy provided in the next subsection, he or she shall pay to the Controller:

[1] The sum for which the tax lien was purchased.

[2] The subsequent taxes paid by the purchaser on the property affected by the tax lien.

[3] Interest and penalties on the amounts of the tax lien and the subsequent taxes, calculated as provided for herein.

(b) To satisfy the tax lien after the service of the notice to satisfy provided in the next subsection of this section he or she shall pay to the Controller, in addition to the sum aforementioned, a further sum which shall be the actual costs of the title and tax search and of serving such notices. Such sum shall be payable only if proof of service of such notice or notices and the expense thereby incurred shall have been filed with the Controller.

(2) The Controller shall continue to receive and allow satisfactions of the tax lien in the manner set forth in this subsection and on the terms provided until the delivery of the Controller's deed.

(3) A payment made pursuant to this subsection, to satisfy a tax lien, shall be received by the Controller on behalf of the holder of the certificate of tax lien. Upon receipt of such payment, the Controller shall give notice thereof to the holder of such certificate of tax lien by mail, addressed to such address as may have been furnished to the Controller. Upon receiving the surrender of the certificate of tax lien, the Controller shall pay to the holder the amount thus deposited. The Controller, upon receipt of the satisfaction money, as above provided or upon the surrender of the certificate of tax lien, shall cancel and discharge the tax upon the record.

P. Notice to owner by holder.

[Amended 11-22-1988 by L.L. No. 2-1988]

(1) The holder of any tax lien which is not satisfied shall give notice to the occupant, owner in fee, trustee, mortgagee, judgment-creditor or purchaser at any other city tax sale of a tax lien affecting the same property and the distributees, legal representatives, and assigns of any or either of them, the guardian of any infants having any interest therein, and any other person having a lien, claim or interest appearing of record on the premises affected by such sale. The words "appearing of record" shall be construed to refer to any

person on whom a notice is hereby required to be served, the nature and degree of whose interest appears from the records kept by the County Clerk, Controller or the Surrogate's Office of the County.

(2) Such notice may be given at any time after the expiration of 21 months from the date of the sale of the tax lien. Such notice shall be printed in a clear and coherent manner using words with common and everyday meanings on the form prescribed by the City Controller for such purpose and shall state briefly:

(a) The lot or lots or parcel or parcels of land affected by the tax lien.

(b) The lien date of the tax for which the tax lien was sold and the month and year at which the tax lien was sold and other tax years which may have been paid by the holder.

(c) The expense of making searches thereon and serving the notice.

(d) The first day upon which the holder of the tax lien may elect to accept a deed of conveyance of such property or to call his or her money and foreclose his or her tax lien as the case may be, which day shall not be less than three months from the day of service of the same if the copy of the notice and affidavit be filed pursuant to Subsection P(5) on the same date. If the copy of the notice and affidavit be filed subsequent to the date of service, the first day upon which the holder of the tax lien may make his or her election shall not be less than three months from the date of such filing.

(e) The right of the owner in fee appearing of record of a class one lot or parcel that serves as the actual residence of such owner to make an application to the board of hardship review for a one-year extension of time to redeem such lot or parcel and the time period in which such an application is to be made. The information required by this subsection shall be sent on or after the effective date for the establishment of the Board of Hardship review. Such notice shall further state that the satisfaction is to be made at the office of the Controller, City Hall, Glen Cove, and that in the event that such tax lien shall not be satisfied within the time stated in such notice, the holder shall be entitled to a deed conveyance of such property or to call his or her money due and foreclose his or her tax lien, as the case may be.

(3) A holder of a tax lien shall serve notice on the owner in fee as appearing of record for said premises classified as class one by personal service, as defined in the Civil Practice Law and Rules of the State of New York when said owner is a resident of Nassau County: notice shall be served on a nonresident owner as appearing of record of class one lots or parcels and owners appearing of record of other lots and parcels and other parties

in interest as specified in Subsection P(1) above by certified mail, postage paid, return receipt requested, showing address where delivered, and addressed to such person's last known address. The receipt of the postmaster for such certified mail and the return card by the post office and the affidavit of the person mailing it, setting forth the means by which the last known address was ascertained, shall be sufficient evidence of the service of the notice. Where certified mail is not available registered mail may be substituted for service of notice.

(4) If no information can be obtained as to the last reputed place of residence of the parties in interest or any of them, the Controller, upon payment of a fee of $0.50, shall issue a certificate to the holder of the certificate of tax lien that no taxes have been paid on the property within the last three years by the person sought or if so paid that no address is disclosed by such payment. Upon the issuance of such certificate, service by registered mail shall be dispensed with.

(5) The Controller, upon receiving a copy of such notice, together with an affidavit by the holder or his or her attorney or agent that service has been properly made pursuant to this section and stating the expenses incurred for searches and serving the notice, shall make an appropriate notation of such service and expense in his or her records. Such expense must not exceed $250 and shall be collected by the Controller at the time of satisfaction of the tax lien as provided by this section. Such searches may be made by an attorney or title company, or title searcher. Not more than one notice, however, may be served by any purchaser of tax liens where the certificates of tax lien cover lots of identical title which are contiguous. However, as many certificates of tax lien as the holder may wish may be included in one notice, without respect to difference in ownership, in which event the cost shall be equally apportioned by lot.

[Amended 8-27-2002 by L.L. No. 4-2002]

(6) The validity of any deed issued by the Controller pursuant to this section, and the regularity of any proceedings prior to its delivery, shall not be affected or impaired by failure to give the notice provided for by this section, but such deed shall be as valid and effectual as if the notice had been regularly made and served. If a notice is served upon a person after the time it should properly have been served, the person so served, or his or her successor in interest, at any time prior to the expiration of one month from the date of the service of such notice, may satisfy the tax lien upon terms heretofore set forth as if the Controller's deed had not been issued. Similarly, any person who should have been served and was not so served, or the successor in interest of such person, may in the same manner satisfy the tax lien. Every such satisfaction shall be as effectual as if made before the delivery of the Controller's deed.

Q. Conveyance by the city when tax lien is not satisfied. If such tax lien is not satisfied, the Controller shall execute to the holder of such certificate of tax lien a conveyance of the real estate on which the tax lien has been sold. This conveyance shall vest in the grantee an absolute estate in fee, subject to all claims which the city may have thereon for tax or other liens or encumbrances. Such conveyance shall be executed only upon:

(1) Performance by the purchaser of the conditions which he or she is required to perform pursuant to this section.

(2) Surrender of such certificate of tax lien.

(3) The taking and paying for by the holder of an assignment of all outstanding prior tax liens upon the premises.

(4) The filing of proof of service of notice upon owners and other interested persons as herein provided.

R. Effect of conveyance by the city.

(1) The Controller may demand and receive from such grantee, for the use of the city, the sum of $10 for preparing such conveyance.

(2) Every such conveyance shall be attested by the Controller and the seal of the city shall be attached thereto. When so executed, the conveyance shall be presumptive evidence that:

(a) The sale of the tax lien was regular.

(b) All proceedings prior to such sale, including the assessing of lands affected by such tax lien were regular.

(c) All notices required by this section to be given previous to the expiration of the time allowed for the satisfaction of the tax lien were given and were regular and according to law. After two years from the date of record of any such conveyance in the County Clerk's office, such presumption shall be conclusive.[1]

[1] Editor's Note: See General City Law § 20, Subdivision 34.

(3) Two or more lots or parcels of real estate may be included in the same deed of conveyance if the tax liens on such lots or parcels were sold to the same person.

S. Application for conveyances. The holder of the certificate of tax lien (except the city and the holder who is the owner with a duly recorded title of the land sold) must make such application for a conveyance not later than three years from the day of sale of the certificate. If the application for a conveyance is not made as herein provided, the certificate of tax lien shall become void and no claim can be maintained under the purchase.

T. Recording of conveyances; cancellation thereof.

(1) Every conveyance by the Controller executed as herein provided may be recorded as other conveyances of land under the laws of this state. Such conveyance, if not recorded in the office of the County Clerk, may be returned to the Controller and canceled at any time. Such cancellation shall terminate all rights thereunder of the grantee.

(2) The Controller shall, upon demand, issue his or her certificate showing the discharge of any tax lien which may have been duly discharged as provided in this section, and such certificate may be filed in any office where the certificate of tax lien is recorded, and the recording officer with whom such certificate is filed shall record the same and upon the margin of the record of such certificate of tax lien in his or her office shall note a statement that the same has been discharged with reference to the record of such certificate in his or her office.

U. Removal of property from real estate when deed of city is invalid. If a person enters into possession of real property under such a conveyance and erects or places any building, building materials or other property on such real property, and thereafter is ousted by another person claiming adversely to such deed, the person so ousted shall have the right to remove such building, building materials or other property from such real property within three months after trial, judgment, ouster or ejectment.

V. Reimbursement for invalid or irregular certificate of tax lien.

(1) When any holder of tax liens shall be unable to recover or retain possession of any real estate affected by the tax lien, by reason of any irregularity or error in the assessment of real property, the levying of any tax thereon or the proceedings for the collection of any tax, the Controller, with the approval of the City Council, shall reimburse such holder. Such reimbursement shall be for the money paid for the tax lien, with interest from the time of its payment, at the rate of 6% less any payments made towards satisfying the tax lien or amounts collected as interest on the tax lien.

(2) Thereupon the City Council shall order a relevy and reimposition upon the same real property of any amount or sum so paid by the city. Such sum for all the purposes of this Charter shall be deemed and taken to be an original general city tax as of the date of such relevy and reimposition.

W. Notices and affidavits of publication of such notices to be preserved. It shall be the duty of the Controller to procure, preserve and register in his or her office affidavits of the publication of all the notices required to be published by this section, together with such notices. Such affidavits must be made by the Controller or the publisher of the newspaper or newspapers in which such notices were published. Such affidavits shall be presumptive proof of such publication in all the courts of this state.

X. Reissue of certificate of tax lien. If a certificate of tax lien shall have been lost or destroyed, the Controller upon submission to him or her of satisfactory evidence of such loss or destruction shall issue a duplicate of the original certificate. The evidence of loss or destruction must be in writing, proved by the oath of one or more persons to the satisfaction of the Controller, who shall preserve the same in his or her office.

§ C9-10. Cancellation of taxes imposed on wrong parcel.

If it shall appear to the City Council or the Controller that a parcel of real property, separately assessed, upon which taxes have been duly paid, has been erroneously included in the description or assessment of a larger tract or parcel or real property upon which taxes have not been paid for one or more years, the City Council or the Controller may authorize the cancellation of any such unpaid tax, upon the records of the city, insofar as it applies to or constitutes a lien upon the smaller parcel of real property so erroneously included and upon which taxes have been duly paid.

§ C9-11. Presumption of validity of taxes and of assessing for assessment roll.

It shall be presumed that every assessment of real property for the assessment roll and every tax levied is valid and regular, and that all the steps and proceedings required by law were taken and had, until the contrary shall be made to appear. Any action or proceeding, commenced by any person or persons to test the validity or regularity of any assessment for the assessment roll or of any tax levied, shall be commenced within one year from the first publication of the notice that the Controller has received the warrant from the City Council, and that such tax is ready for collection, as provided by the other provisions of the Charter.

§ C9-12. Presumption of validity of certificate of tax lien.

Whenever a cause of action, defense or counterclaim is made or founded upon a tax lien or a certificate of tax lien, the production in evidence of an instrument executed by the Controller in the form prescribed by or in behalf of the Controller shall be presumptive evidence that the lien purported to be transferred by such an instrument was a valid and enforceable lien, and that it has been duly assigned to the purchaser, and it shall not be necessary to plead or prove any act, proceeding, notice or right of action preceding the delivery of such certificate of tax lien nor to establish the validity of the tax lien transferred by such certificate of tax lien. If a party or person in interest in any such action or proceeding claims that a tax lien is irregular or invalid, or that there is any defect therein or that a certificate of tax lien is irregular, invalid or defective, such invalidity, irregularity or defect must be specifically pleaded or set forth, and must be established affirmatively by the party or person pleading or setting forth the same.

§ C9-13. Claims barred by lapse of time not to be revived.

Nothing in this article shall be held to revive or validate any claim or demand, the enforcement of which otherwise is barred by lapse of time.

§ C9-14. City may make an agreement with the county respecting their several tax liens.

The City of Glen Cove may, by resolution of its City Council, enter into an agreement with the County of Nassau with respect to any parcel of real property upon which each of the parties has tax liens. The resolution of the governing bodies of the parties to the agreement authorizing such parties to enter into the agreement may also provide for the satisfaction and discharge of such tax liens of record, although the amount realized from the sale or other disposition of the property pursuant to the agreement is insufficient to pay the full amount of the tax liens to the parties to the agreement.

A. Such agreement may provide for the sale or other disposition of such parcel free and clear of all unpaid tax liens held by the parties thereto, which liens accrued on or before the date of such sale or disposition. Such agreement may also provide for:

(1) The division of such property even though for less than the full amount of the tax liens of the parties.

(2) The distribution of the proceeds from the sale or such other disposition of the property and arrangements for such distribution when the proceeds are insufficient to discharge all such tax liens.

B. Such an agreement may also be made between the city and any person having any tax lien on or any other right, title, interest or equity or redemption in such property.

C. When authorized by resolution of its City Council the city, having a tax lien, may protect such tax lien by bidding for and purchasing the real property affected by such tax lien at a judicial sale of such real property in any action for the foreclosure of a lien for unpaid city, county or state taxes or assessments for benefit for local improvements.

D. In order to carry out an agreement authorized by this section or to bid for and purchase such property at a judicial sale as authorized by this section, the City Council of the city may:

(1) Provide funds in its budget for such purposes.

(2) Appropriate for such purposes any funds not otherwise appropriated.

E. In addition to the methods set forth above in this section, funds may be made available for such purposes by the city pursuant to the local finance law.

F. If obligations are issued to carry out such agreement or to enable the city to bid for the purchase of such property at a judicial sale, an appropriation for the payment of such obligations and the interest thereon shall be included in the budget for the year in which they become due.

§ C9-15. Delinquent water and solid waste charges and assessments.

[Amended 12-19-2000 by L.L. No. 5-2000]

Real property having delinquent water and/or solid waste charges and assessments as of December 31 of the previous year and remaining unpaid thereafter shall be subject to lien. The collection and/or sale of such lien shall be enforced in the same manner as prescribed for the collection of delinquent taxes, sale and foreclosure of tax liens as set forth in this article.

§ C9-16. Transitional provisions.

[Amended 11-22-1988 by L.L. No. 2-1988]

The provisions of Article IX that relate to the conveyance tax deed as authorized by § C9-9 of this Charter shall not be applicable to any lot or parcel designated as class one pursuant to § 1802 of the Real Property Tax Law of the State of New York on which a tax lien has been sold and title not conveyed by tax deed to the tax lien purchaser or the assignee of such purchaser prior to the effective date as hereinafter indicated and on any tax lien sold on any class one lot or parcel on or after such effective date. The remedy for the recovery of the amount due the purchaser of such a tax lien on class one lots or parcels on which title has not been conveyed to the tax lien purchaser or the assignee of such purchaser by tax deed prior to the effective date hereinafter indicated and on all other tax liens on class one lots or parcels sold on or after such effective date shall be limited to an action to foreclose the tax lien. A notice shall be sent in the manner prescribed by § C9-9 of this Charter to the owner in fee appearing on record and other parties in interest as therein specified at any time after the expiration of 21 months from the date of the sale of the tax lien. Such notice shall state the first day on which an action to foreclose may be commenced and the other information specified in § C9-9P(2) of this Charter.

§ C9-17. Action by purchaser to foreclose tax lien.

[Amended 11-22-1988 by L.L. No. 2-1988]

A. The holder of any certificate of sale of a tax lien, instead of taking a conveyance of the property, may at his or her option recover the amount paid for such certificate at the tax sale, with all interest, penalties, additions and expenses allowed by law in the foreclosure of the tax lien as provided in this article. For that purpose such holder may maintain an action in the Supreme Court or in the County Court - Nassau County to sell such property. Jurisdiction of such action is hereby conferred upon such County Court.

B. The plaintiff in such action shall include and join therein and may likewise recover upon all prior and subsequent certificates of sale of tax liens held by him, and such other taxes which he or she has paid and which relate to the same property in whole or in part. The plaintiff may include and join in one action all certificates of sale relating to two or more separate and distinct parcels of real property belonging to the same person or to two or more persons or corporations. However, all lots or parcels belonging to separate persons shall be distinctly set forth in separate paragraphs of the complaint and shall be sold under such proceedings.

C. In any action to foreclose a tax lien, the plaintiff shall make a party to such action any person who has or may have, or any person that the plaintiff has reason to believe has or may have, an interest in, or a claim upon the real property affected by such tax lien. The people of the State of New York, the County of Nassau, any municipal corporation or district may be made a party in the same manner as a natural person, but in such event the complaint shall set forth, in addition to the other matters required by law, detailed facts showing the particular nature of the interest in or the lien on such real property of such party; provided, however, that the plaintiff shall not be required to state the amount of such interest or lien.

D. The action may be commenced at any time after 24 months from the date of sale mentioned in the certificate of sale. All the provisions of the civil practice act and all other provisions of law and the rules of practice relating to actions for the foreclosure of mortgages shall apply to the action hereby authorized so far as applicable except as otherwise provided in this article. It shall be sufficient for the plaintiff to set forth in his or her complaint in such action:

(1) A copy of or the substance of his or her certificate of sale of the tax lien, and the amount of interest additions and expenses claimed by him.

(2) A statement that the tax lien has not been satisfied pursuant to § C9-9 of the Charter or that the real property affected by such tax lien and the interest, penalties, additions and expenses thereon.

(3) A statement that the plaintiff elects to recover the amount of the tax lien and the interest, penalties, additions and expenses thereon.

(4) A statement that the defendants have or may have some interest in or lien upon the property affected by the action.

E. In an action to recover the amount due the holder of such certificate of sale of the tax lien, it shall not be necessary to plead or prove any action, proceedings, or right of action, proceeding the delivery of such certificate by the City Controller or to establish the validity of the tax lien transferred by such certificate.

F. The Court shall have full power:

(1) To determine and enforce in all respects the rights, claims and demands of the several parties to such action, including the rights, claims and demands of the defendants as between themselves.

(2) To direct a sale of such real property.

(3) To direct the distribution or other disposition of the proceeds of such sale.

G. Any party to the action may become the purchaser at any such sale.

H. The parties in such action shall be paid from the proceeds of sale the several amounts found to be due to them by the judgment so far as such proceeds shall suffice to pay the same, in the order of the lawful priority of the liens and the interest of the respective parties in and against the premises as the same may be determined in this action. It shall be sufficient for any defendant who is a holder of a certificate of sale to set forth in his or her answer his or her certificate of sale or the substance thereof with the other allegations as provided in this article with regard to the complaint in the action. A defendant alleging irregularity or invalidity in the assessing for the assessment roll of the real property affected by the tax lien, the levying of the taxes on such property or the sale of the tax lien thereon shall particularly specify in his or her answer such irregularity or invalidity.

I. The conveyance made pursuant to a judgment in any such action shall vest in the purchaser all right, title, interest, estate, claim, lien and equity of redemption in and against the premises sold:

(1) Of all the parties to the action;

(2) Of each person claiming from, through or under such parties by title accruing after the filing of notice of pendency of the action; or

(3) Of persons whose conveyance or encumbrance is subsequent or is subsequently recorded.

J. All such parties and persons shall be barred and forever foreclosed by the judgment in such action of all right, title, interest, estate, claim, lien and equity of redemption in and to the premises sold or any party thereof. The judgment in any such action may direct the cancellation or satisfaction of record of taxes, assessments or other claims of any of the parties to the action.

K. Such conveyance shall not affect:

(1) Subsequent taxes and assessments, and sales on account thereof.

(2) Taxes and assessments which have become liens subsequent to the tax lien which was sold by the city to the plaintiff and which is being foreclosed by the plaintiff in an action in which the city is not the plaintiff, and sales on account of such subsequent taxes and assessments.

L. The Court, in its discretion, may designate the sheriff as the officer to make the sale of real property in any such action or proceeding. Unless the judgment otherwise directs, the officer making the sale must first pay, out of the proceeds, as a part of the expenses of the sale all taxes and assessments which are liens upon the property sold and which have become such prior to or subsequent to the filing of notice of pendency of the action. In addition he or she must satisfy any tax lien on such real property which tax lien has been sold subsequent to the filing of such notice of pendency of action.

M. The plaintiff's cost and allowances, exclusive of disbursements, shall be the same as the costs and allowances provided by the civil practice act in the case of foreclosure of mortgages on real estate by actions.

N. In any action to foreclose a tax lien sold on lots or parcels classified as class one pursuant to § 1802 of the Real Property Tax Law of the State of New York on or after the effective date herein indicated or on such other lot or parcel classified as class one to which title has not been conveyed to the tax lien purchaser or the assignee of such purchaser by tax deed prior to such effective date, the plaintiff shall be entitled to an additional allowance for reasonable counsel fees to be fixed by the Court.

O. Any party to an action to foreclose a certificate of sale of a tax lien, or any purchaser of the real property or any party in interest may give notice of such foreclosure to the city controller after the sale of such property pursuant to a judgment under such proceeding. After such notice has been duly served the items which constituted the tax lien thus foreclosed shall not be entered by the city controller on any bill or by the assessor in any assessment roll, so long as the judgment of foreclosure of such lien remains in force.

P. The remedy for the recovery of the amount due to the purchaser by action and foreclosure shall be in addition to all other remedies allowed by law with regard to certificates of sale, and shall not be dependent upon them, or any of them.

§ C9-18. Hardship Review Board.

A. There is hereby created a Hardship Review Board consisting of three members to decide applications for hardship designation. Such a determination shall be made by first ascertaining the ability to pay real estate taxes of the owner in fee of record for a lot or parcel classified as class one pursuant to § 1802 of the Real Property Tax Law of the State of New York and serving as the actual residence of such owner and then determining whether a one year extension of time to pay back taxes is warranted under the circumstances of the application. The members of the Board of Hardship Review shall be appointed by the City Council of the City of Glen Cove and shall serve without compensation, but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties. Of the three members first appointed, one shall be appointed for a term of three years, one for a term of two years, one for a term of one year. All other appointments shall be for a term of three years. The City Council of the City of Glen Cove shall also appoint, each and every year, for a term of one year, an attorney who shall serve as counsel to the Hardship Review Board and a City Council liaison. Both shall serve without compensation, but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

B. In addition to the powers and duties elsewhere prescribed in this section or as may be further prescribed by ordinance, the Board of Hardship Review shall have the power to adopt after a public hearing such rules and regulations as may be necessary to effectuate the purposes of this

section, including regulations relating to procedure, the form and content of applications to be used and any other matters incidental or appropriate to the powers and duties of the Board of Hardship review and enforcement of the provisions of this section as well as to amend or repeal any such rules and regulations. At least six days prior notice of such public hearing shall be published in the official newspaper of the city. A copy of the rules and regulations adopted hereunder and any amendments thereto shall be filed in the office of the City Clerk.

C. The owner in fee of record of a lot or parcel classified as class one pursuant to § 1802 of the Real Property Tax Law of the State of New York or any person on behalf of such owner may apply to the Board of Hardship Review for a hardship designation, provided that such lot or parcel is the actual residence of such owner. A designation of hardship shall entitle the owner in fee of record to a one-year extension of time to pay back taxes, interest, penalties and other charges commencing from the 24th month following the sale of the tax lien. An application for a hardship designation shall be on forms designed by the Board of Hardship Review for such purpose. An application may be made any time after notice of pending sale of tax lien is given to the owner or owners, and prior to the expiration of 24 months from date of such sale. During the pendency of the application, an action to foreclose the tax lien may not be commenced.

D. Whenever the Board of Hardship Review shall consider an application for hardship designation, the applicant shall notify in writing the holder of the certificate of sale of the time, date and place of the hearing by registered or certified mail, return receipt requested at least seven days prior to the scheduled hearing on such application. All interested parties shall have the right to be heard prior to any final action on the application by the Board of Hardship Review. In reaching a decision, the Board of Hardship Review shall consider all relevant factors, including but not limited to the age, financial circumstances as well as the physical and mental condition of the owner in fee of record. The Board of Hardship Review shall furnish a written report of its findings and decisions on each application to the applicant, the owner in fee of record if not the applicant, the holder of the certificate of sale and the City Controller. A copy of such written report shall be filed with the City Clerk.

E. No meeting of the Board of Hardship Review conveyed to transact business may be held unless all the members of the Board of Hardship Review receive actual written notice of such meeting specifying the meeting time and place at least three days in advance. This requirement is waived if all members attend the meeting.

F. The provisions of this section shall be applicable to any lot or parcel serving as the actual residence of the owner and designated as class one pursuant to § 1802 of the Real Property Tax Law of the State of New York on which a tax lien is sold on or after the effective date for the establishment of a hardship review board as well as to any class one lot or parcel serving as the actual residence of the owner on which a tax lien has previously been sold and to which title has not been conveyed by tax deed to the tax lien purchaser or the assignee of such purchaser prior to

the effective date for the establishment of the Hardship Review Board provided 24 months have not elapsed since the sale of such tax lien.

Article X. Transition and Separability

§ C10-1. General transition.

A. The offices of Commissioners of Finance, Public Works, Public Safety and Accounts shall be abolished as of December 31, 1979.

B. The first election of Mayor and City Council members under this article shall be at the general election of November 1979.

[Amended 5-27-1997 by L.L. No. 3-1997]

C. This Charter shall become effective on January 1, 1980.

§ C10-2. Separability clause.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section appears after such holding, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.