

CHARTER

CHARTER OF THE CITY OF WATERTOWN
[Laws of 1923, Chapter 660, as amended]

TITLE I
Incorporation and Boundaries
(§§ 1 through 3)

TITLE II
Officers, Powers and Duties
(§§ 4 through 18)

TITLE III
Powers and Duties of the Council
(§§ 19 through 28)

TITLE IV
City Officers; Their Powers and Duties
(§§ 29 through 43)

TITLE V
Departments
(§§ 44 through 45)

TITLE VI
Department of Public Works
(§§ 46 through 53)

TITLE VII
Department of Water
(§§ 54 through 65)

TITLE VIII
Department of Public Safety
(§§ 66 through 77)

TITLE X
(Reserved)

TITLE XI
(Reserved)

TITLE XII
Local Improvements and Assessments
(§§ 91 through 108)

TITLE XIII
Assessment and Collection of Taxes
(§§ 109 through 151)

TITLE XIV
(Reserved)

TITLE XV
(Reserved)

TITLE XVI
(Reserved)

TITLE XVII
Miscellaneous Provisions
(§§ 227 through 254)

TITLE I
Incorporation and Boundaries

§ 1. In the district of the country in the County of Jefferson, included within the boundaries described in the next section, shall be a city by the name of "Watertown," and the citizens of this state, from time to time inhabitants within the said boundaries, shall be a corporation by the name of the "City of Watertown" and as such in that name may sue and be sued, complain and defend in any court, make and use a common Seal and alter it at pleasure and may receive by gift, grant, devise, bequest or purchase and hold and convey such real or personal estate as the purposes of the corporation may require. All the real estate or interest in real estate and the personal property now owned or possessed by or held in the name of the City of Watertown are hereby vested in the City of Watertown, with power to hold or convey the same as the purposes of said corporation may require. The said corporation shall also have the powers and privileges conferred by the statutes of this state upon cities of its class as well as those conferred by this Act.

§ 2. The territory within the following boundaries shall constitute the City of Watertown: (As amended by L.L. 1993, No. 5; L.L. 1994, No. 3; L.L. 1999, No. 1; L.L. 2005, No. 3; L.L. 2005, No. 5; L.L. 2005, No. 6; L.L. 2011, No. 3)

BEGINNING at a point on the southerly bank of the Black River on the prolongation of the centerline of Hunt Street (formerly called the Cold Creek crossroad), said point formerly described as being 49.50 feet from the water's edge of the Black River, and said point now located about 40 feet southerly from the southerly bank of the Black River at high water mark;

THENCE from said point of beginning, S13°27'49"W, along the prolongation of the centerline of Hunt Street, a distance of 37.52 feet to a city boundary monument found in the centerline of the present macadam surface of Hunt Street, and 15.5 feet southerly from the centerline of the present macadam surface of Huntington Street;

THENCE continuing S13°27'49"W, along the centerline of Hunt Street, a distance of 748.57 feet to a city boundary monument found marking an angle point in the said centerline, said monument being located on the westerly edge of the present macadam surface of Hunt street;

THENCE S10°48'43"E, along the centerline of Hunt Street, a distance of 306.53 feet to a city boundary monument found marking an angle point in the said centerline, said monument being located on the easterly edge of the present macadam surface of Hunt Street;

THENCE S13°49'11"W, along the centerline of Hunt Street, a distance of 1886.29 feet to a city boundary monument with brass disc marked "City Bndry Mon 1997", found; said monument being located 7.5 feet easterly from the centerline of the present macadam surface of Hunt Street, and 32.5 feet northerly from the centerline of the present macadam surface of State Street;

THENCE continuing S13°49'11"W, a distance of 33.18 feet to the intersection of the centerline of Hunt Street with the centerline of State Street;

THENCE S69°38'11"E, along the centerline of State Street, a distance of 113.41 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found at the intersection of the said centerline with the centerline of Gifford Street, said monument being located in the centerline of the present macadam surface of State Street, and 25 feet westerly from the centerline of the present macadam surface of Gifford Street;

THENCE S04°05'49"W, along the centerline of Gifford Street, a distance of 1116.22 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found and being located 0.8 feet westerly from the centerline of the present macadam surface of Gifford Street, and 48 feet southerly from the centerline of the present surface of Olmsted Drive;

THENCE S04°08'22"E, along the centerline of Gifford Street as it previously existed, a distance of 410.09 feet to a corner of the original city boundary as described in Section Two of Title One of Chapter Seven Hundred and Fourteen of the laws of Eighteen Hundred and Sixty Nine, said corner being marked by a P-K nail found 17.3 feet easterly from the centerline of the present macadam surface of Gifford Street, and 2.8 feet westerly from the face of curb on the east side of Gifford Street;

THENCE S65°53'28"W, along the original city boundary, a distance of 18.55 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found in the centerline of the present surface of Gifford Street;

THENCE continuing S65°53'28"W, an additional distance of 26.36 feet to a point on the westerly margin of Gifford Street as it existed in 1946, said point found on a gabion wall (1997), said point also being located N65°53'28"E, a distance of 26.36 feet from the same concrete monument with brass disc marked "City Bndry Mon 1997", mentioned in the last course;

THENCE from said point on the gabion wall, S06°26'13"E, along the westerly margin of Gifford Street, as it existed in 1946, a distance of 621.87 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found on the easterly boundary of the 148 acre parcel of land conveyed to the City of Watertown, New York by Catherine Boyer et al by Deed dated June 24, 1946 and recorded in the Jefferson County Clerk's Office on December 3, 1946 in Book 471 of Deeds at page 362, said monument being located 24.5 feet westerly from the centerline of the present macadam surface of Gifford Street;

THENCE S18°32'47"W, along the easterly boundary of the said 148 acre parcel, a distance of 856.74 feet to a concrete monument with brass disc marked "City Bndry Mon 1997", said monument found marking the southeasterly corner of said 148 acre parcel, said monument being located 6 feet northerly from the northerly end of a macadam driveway on the northerly side of Crane Lane, said driveway being located about 390 feet westerly from the center of Gifford Street;

THENCE N79°51'54"W, along the southerly boundary of the said 148 acre parcel, a distance of 355.04 feet to a concrete monument with brass disc marked "City Bndry Mon 1997", said monument being found at the northeasterly intersection of two ATV trails;

THENCE continuing N79°51'54"W, along the said southerly boundary, a distance of 21.00 feet to a 2" steel fence post found in concrete marking an angle point in the said boundary;

THENCE S54°31'54"W, along the southeasterly boundary of the said 148 acre parcel, a distance of 731.30 feet to a concrete monument marked DPP found marking an angle point in the said southeasterly boundary, said monument being located southeasterly about 120 feet from the south end of the men's white tee on the 10th hole of the Watertown Golf Course;

THENCE S42°57'32"W, along the said southeasterly boundary, a distance of 659.74 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found in the remains of an old barbed wire fence line and stone row, marking the southeast corner of the said 148 acre parcel, said monument being located southerly about 230 feet from the center of the 7th green of the Watertown Golf Course;

THENCE N73°40'29"W, along the southerly boundary of the said 148 acre parcel, a distance of 1253.51 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found marking the southwest corner of the said 148 acre parcel, said monument being located about 50 feet easterly from the 6th green on the Watertown Golf Course;

THENCE N03°06'46"E, along the west boundary of the said 148 acre parcel, a distance of 14.00 feet to a concrete monument found marked DPP, said monument also being easterly of the 6th green on the Watertown Golf Course;

THENCE continuing N03°06'46"E, along the said west boundary, a distance of 659.74 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found on the original city boundary, said monument being located about 50 feet southeasterly from the 16th green on the Watertown Golf Course;

THENCE S65°53'28"W, along the original city boundary, a distance of 2344.60 feet to a stone monument found on the easterly edge of Gotham Street, said monument being located 22 feet southerly from the centerline of the present macadam surface of Gotham Street, and about 1600 feet southeasterly from the entrance to the City of Watertown Thompson Park;

THENCE continuing S65°53'28"W, along the original city boundary, a distance of 4331.29 feet to a concrete monument with brass disc marked "CITY BNDRY MON 2011" set at the most northeasterly corner of the Samaritan Medical Annexation of 2011;

THENCE S00°33'57"E along the new (2011) city boundary to a concrete monument with brass disc marked "CITY BNDRY MON 2011" set at the most southeasterly corner of the Samaritan Medical Annexation of 2011;

THENCE S89°26'03"W along the new (2011) city boundary, a distance of 676.79 feet to a concrete monument with brass disc marked "CITY BNDRY MON 2011" set at the most southwesterly corner of the Samaritan Medical Annexation of 2011; said monument also on the original city boundary;

THENCE S65°53'28"W, along the original city boundary, a distance of 887.45 feet to a city boundary monument found on the westerly edge of the sidewalk on the easterly side of Washington Street, said monument being located about 29 feet easterly from the centerline of the present macadam surface of Washington Street;

THENCE continuing S65°53'28"W, a distance of 2.72 feet to a point;

THENCE N57°25'30"W, a distance of 4389.11 feet to a point on a city boundary monument found 11.5 feet northerly from the centerline of the present macadam surface of Holcomb Street, said point being located 0.08 feet southwesterly from the center of the said monument, and said monument being located about 2100 feet southwesterly from the center of Barben Avenue;

THENCE continuing N57°25'30"W, a distance of 1465.11 feet to a point on a city boundary monument found 22 feet south from the centerline of the present macadam surface of Ives Street, at House No. 1409, said point being located 0.02 feet northeasterly from the center of the said monument;

THENCE continuing N57°25'30"W, a distance of 2794.45 feet to a city boundary monument found 6 feet southerly from the centerline of the present macadam surface of Massey Street, and about 50 feet westerly from Conrail Drive;

THENCE continuing N57°25'30"W, a distance of 1981.74 feet to a point in a swamp about 250 feet easterly from the Interstate Route 81 right-of-way;

THENCE N03°38'29"E, a distance of 60.00 feet to a found concrete monument with brass disc marked "City Bndry Mon 1997" found in a thorn apple thicket 124 feet easterly from a point in the easterly right-of-way fence of Interstate Route 81, and said point in the right-of-way fence being located southerly a distance of 165 feet from a sign that reads "Lodging Exit 45", and said monument being located S13°09'23"E, a distance of 512.99 feet from a concrete monument with brass disc marked "City Ref. Mon 1997", said reference monument being located 14.5 feet easterly from the easterly edge of the easterly shoulder of Interstate Route 81 opposite mile marker "152", said reference monument also being located 316 feet northerly from the aforementioned "Lodging Exit 45" sign;

THENCE continuing N03°38'29"E, a distance of 3966.43 feet to a city boundary monument found on the southerly edge of Arsenal Street at the Interstate Route 81 Exit 45 northbound exit ramp, said monument being located 8.5 feet easterly from the centerline of the present macadam surface of the said off ramp, and 31 feet southerly from the centerline of the present surface of Arsenal Street;

THENCE N12°34'29"E, a distance of 144.36 feet to a point in the easterly highway limits of Interstate Route 81 in the division line between the City of Watertown to the east and the Town of Watertown to the west, said point also being located a direct tie of N15°18'19"W, a distance of 6.06 feet from a ½" iron pipe found at the intersection of the easterly highway limits of Interstate Route 81 and the northerly street margin of Arsenal Street; said point marking the southwest corner of lands annexed to the City of Watertown by Local Law No. 5 of 2005; (VISION DEVELOPMENT)

THENCE N15°18'19"W, along said highway limits a distance of 273.93 feet to a concrete highway monument found;

THENCE N00°03'08"W, along said highway limits passing through an iron pipe found at 9.75 feet and continuing a total distance of 580.64 feet to a concrete highway monument found;

THENCE in a generally northeasterly direction along said highway limits and along a curve to the right at a radius of 6850.0 feet, passing through an iron pipe found at 1338.92 feet, and continuing a total distance of 1810.96 feet to a point, said point being situate a direct tie of N07°35'11"E, and a direct tie distance of 1805.69 feet from the last mentioned concrete highway monument;

THENCE S82°22'08"E, a distance of 413.58 feet to a point in the division line between the City of Watertown to the east and the Town of Watertown to the west; said point marking the northeast corner of lands annexed to the City of Watertown by Local Law No. 5 of 2005; (VISION DEVELOPMENT)

THENCE N12°34'29"E, along the existing division line between the City of Watertown to the east and the Town of Watertown to the west, a distance of 842.30 feet to a point; said point marking the southeast corner of lands annexed to the City of Watertown by Local Law No. 1 of 1998; (TOPED DEVELOPMENT)

THENCE N67°05'36"W, along the division line between TOPED DEVELOPMENT on the north and SHERWOOD MEDICAL COMPANY on the south, a distance of 309.75 feet to a concrete highway monument found in the easterly highway limits of Interstate Route 81;

THENCE in a generally northeasterly direction along said highway limits and along a curve to the right at a radius of 6850.0 feet, a distance of 580.17 feet to a concrete highway monument found, said monument being found a direct tie of N25°24'04"E and a direct tie distance of 580.00 feet from the last mentioned highway monument;

THENCE N53°14'19"E, along said highway limits, a distance of 58.85 feet to an iron pipe found;

THENCE S71°48'41"E, along the division line between TOPED DEVELOPMENT on the south and CRACKER BARREL RESTAURANT on the north, a distance of 138.28 feet to a point in the division line between the City of Watertown to the east and the Town of Watertown to the west; said point marking the northeast corner of lands annexed to the City of Watertown by Local Law No. 1 of 1998; (TOPED DEVELOPMENT)

THENCE N12°34'29"E, along the division line between the City of Watertown to the east and the Town of Watertown to the west, a distance of 484.29 feet to a concrete monument with brass disc marked "City Bndry Mon 1997" found on the southerly side of Coffeen Street, 12 feet from the south edge of the shoulder of Coffeen Street, and about 100 feet westerly from the Interstate Route 81 Exit 46 northbound exit ramp;

THENCE N68°35'50"E along the division line between the City of Watertown on the southeast and the Town of Watertown on the northwest, a distance of 687.15 feet to a point in the southeasterly highway margin of Interstate Route 81; said point marking the southwesterly corner of lands annexed to the City of Watertown by Local Law No. 1 of 2005; (81 FRONT ST. DEVELOPMENT)

THENCE N15°44'27"E along the southeasterly highway margin of Interstate Route 81, a distance of 110.75 feet to an iron pipe found;

THENCE N17°04'39"W along the southeasterly highway margin of Interstate Route 81, a distance of 421.59 feet to an iron pipe found;

THENCE in a generally northeasterly direction along said highway margin and along a curve to the right at a radius of 6850.0 feet, passing through a concrete highway monument at a distance of 660.60 feet, (said monument being located 1 foot easterly from the highway right-of-way fence line and about 500 feet southerly from mile marker "154"), and continuing a total distance of 1731.81 feet to a concrete highway monument found, said monument being found a direct tie of N47°30'19"E, and a direct tie distance of 1727.20 feet from the last mentioned iron

pipe; said monument also being located 1 foot westerly of the highway right-of-way fence line at the "Exit 47 ¾ Mile" sign;

THENCE N54°46'11"E, along the southeast margin of Interstate Route 81, a distance of 944.34 feet to a concrete highway monument found on the southeasterly margin of Interstate Route 81, said monument being located 4 feet southerly from the end of the said highway fence line, and about 46 feet southerly from the southerly bank of the Black River at high water mark;

THENCE continuing N54°46'11"E, along the southeasterly margin of Interstate Route 81, a distance of 30.30 feet to a concrete monument with brass disc marked "City Bndry Mon 1997", said monument being located about 16 feet southerly from the southerly bank of the Black River at high water mark;

THENCE continuing N54°46'11"E, along the southeast margin of Interstate Route 81, a distance of 145.37 feet to a point in the center of the Black River;

THENCE in a generally southeasterly direction, upriver along the centerline thread of the Black River, a distance of about 1490 feet to a point on the original city boundary, said point being located a direct tie of S37°23'21"E, and a direct tie distance of 1454.14 feet from the last mentioned point;

THENCE N68°35'50"E, along the original city boundary, a distance of 475.73 feet to a point in the southbound lane of New York State Route 12E, (Main St. W), said point being located S21°24'10"E, a distance of 2.30 feet from a found city boundary monument, said monument being located about 1600 feet south from Interstate Route 81;

THENCE continuing N68°35'50"E, along the original city boundary, a distance of 3177.40 feet to an 8" square stone monument found at the westerly edge of the present macadam surface of Bradley Street (1997), said stone monument also found about 185 feet westerly from the centerline of railroad tracks crossing Bradley Street;

THENCE S67°52'26"E, along the division line between the City of Watertown on the south, and the Town of Pamela on the north, a distance of 3110.86 feet to a point in LeRay Street, said point being located S22°07'34"W, a distance of 0.79 feet from a found city boundary monument, said monument being located near the intersection of Damon Drive, and 33 feet northerly of the "City of Watertown" sign;

THENCE continuing S67°52'26"E, along the division line between the City of Watertown on the south and the Town of Pamela on the north, a distance of 339.23 feet to a 5/8" rebar in concrete found in the easterly street margin of Mill Street, the highway limits of U.S. Route 11 and the boundary line between the City of Watertown on the south and the Town of Pamela on the north; said rebar marking the southwest corner of lands annexed to the City of Watertown by Local Law No. 13 of 2005; (BROOKLINE DEVELOPMENT)

THENCE S86°56'30"E, a distance of 37.00 feet to an iron pipe found in the easterly highway limits of U.S. Route 11;

THENCE in a generally northeasterly direction, along the easterly highway margin of U.S. Route 11 and along a curve to the right at a radius of 3494.4 feet, a distance of 73.34 feet to a ½" iron pipe with cap found, said iron pipe being situate a direct tie of N05°36'23"E, and a direct tie distance of 73.34 feet from the last mentioned pipe;

THENCE S85°03'36"E, a distance of 150.00 feet to a ½" iron pipe with cap found;

THENCE N04°56'26"E, a distance of 200.00 feet to an iron pipe found;

THENCE S85°03'38"E, a distance of 267.88 feet to a point;

THENCE N10°17'34"E, a distance of 142.13 feet to a point;

THENCE N87°07'54"E, a distance of 191.51 feet to a point;

THENCE N72°00'04"E, a distance of 61.25 feet to a point;

THENCE S80°47'50"E, a distance of 824.27 feet to a point;

THENCE N87°48'16"E a distance of 31.48 feet to a point;

THENCE in a generally southeasterly direction, 40 feet westerly thereof and parallel to the westerly margin of Plaza Drive as the margin curves to the left at a radius of 789.20 feet, a distance of 275.30 feet to a point, said point being situate a direct tie of S12°11'20"E, and a direct tie distance of 273.91 feet from the last mentioned point;

THENCE S03°00'18"W, passing through a ½" iron pipe with cap found at 92.61 feet and continuing a total distance of 182.57 feet to a ½" iron pipe with cap found;

THENCE S86°58'11"E, a distance of 173.39 feet to an iron pipe with cap found in the westerly margin of Plaza Drive;

THENCE in a generally southeasterly direction, along the westerly margin of Plaza Drive as it curves to the left at a radius of 749.20 feet, a distance of 86.38 feet to a ½" iron pipe with cap found in the westerly street margin of Plaza Drive, said iron pipe being situate a direct tie of S44°05'40"E, and a direct tie distance of 86.33 feet from the last mentioned pipe;

THENCE S05°19'31"W, a distance of 498.20 feet to a ½" iron pipe with cap found in the boundary line between the City of Watertown on the south and the Town of Pamela on the north; said pipe also marking the southeasterly corner of lands annexed to the City of Watertown by Local Law No. 13 of 2005; (BROOKLINE DEVELOPMENT)

THENCE S67°52'26"E, a distance of 3852.12 feet to a city boundary monument found in the centerline of the present macadam surface of Pearl Street; said monument situated about 870 feet easterly of Fassett Street;

THENCE continuing S67°52'26"E, along the boundary line between the City of Watertown on the south and the Town of Pamela on the north, passing though a city boundary reference

monument found at a distance of 2368.88 feet, and continuing a total distance of 2482.04 feet to a point, said point being the westerly corner of "Parcel B", lands annexed to the City of Watertown by Local Law No. 2 of 1998, and amended by Local Law No. 1 of 1999;

THENCE N56°08'28"E, a distance of 447.57 feet to a city boundary monument found at the northerly corner of "Parcel B";

THENCE S06°40'46"E, a distance of 423.38 feet to a point in the boundary line between the City of Watertown on the south and the Town of Pamela on the north; said point being the southerly corner of "Parcel B";

THENCE S67°52'26"E, passing through a city boundary reference monument found at 114.48 feet and continuing a total distance of 618.82 feet to a city boundary monument found with brass disc marked "City Bndry Mon 1997", said monument being located on the southerly side of gravel stock piles of "Benchmark Industries" (1997); said monument also located about 39 feet northerly from the center of an old abandoned railroad bed; said monument also located about 350 feet northerly from the centerline of Water Street, directly behind the I.B.E.W. Local Union 910;

THENCE S05°37'26"W, along the boundary line between the City of Watertown on the west and the Town of Pamela on the east, a distance of 1624.82 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the westerly street margin of the (old) Eastern Boulevard (66' wide R.O.W.), said monument being the northerly corner of "Parcel C", land annexed to the City of Watertown by Local Law No. 1 of 1999;

THENCE continuing along the boundary line between the City of Watertown on the west and the Town of Pamela on the east, in a generally southwesterly direction, along the westerly margin of Eastern Boulevard and along a curve to the right at a radius of 604.00 feet, a distance of 146.35 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the westerly street margin of Eastern Boulevard (66' wide R.O.W.), said monument being situate a direct tie of S05°37'26"W, and a direct tie distance of 145.99 feet from the last mentioned point, said monument being the southerly corner of "Parcel C";

THENCE continuing S05°37'26"W, along the boundary line between the City of Watertown on the west and the Town of Pamela on the east, a distance of 488.97 feet to a point, said point being located N05°37'26"E along the old city boundary, a distance of 48.88 feet from a city boundary monument also known as gps monument number 140, said point being the most northwesterly corner of "Parcel A", lands annexed to the City of Watertown by Local Law No. 2 of 1998, and amended by Local Law No. 1 of 1999;

THENCE along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest in a generally northeasterly direction, along the southerly highway limits of N.Y.S. Route 3 and along a curve to the left at a radius of 1994.86 feet, a distance of 154.12 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument being situate a direct tie of N36°59'42"E, and a direct tie distance of 154.08 feet from the last mentioned point, said monument being a corner of "Parcel A";

THENCE N32°14'20"E, along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest, a distance of 421.39 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument being a corner of "Parcel A";

THENCE N29°51'28"E, along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest, a distance of 466.11 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument marking a corner of "Parcel A", said monument also marking a corner of a parcel of land conveyed by Florence L. Salsbury to Jefferson County Society for the Prevention of Cruelty to Animals, Inc., recorded in the Jefferson County Clerk's Office on December 18, 1957 in Liber 655 of deeds at Page 303;

THENCE N76°18'27"E, along the boundary line between the City of Watertown on the south and the Town of Pamela on the north, a distance of 637.83 feet to a concrete monument found, said monument marking a corner of "Parcel A", said monument also marking a corner of the parcel of land mentioned in the last course;

THENCE N06°23'15"W, along the boundary line between the City of Watertown on the east and the Town of Pamela on the west, a distance of 769.16 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument marking a corner of "Parcel A", said monument also marking a corner of a parcel of land mentioned in the last course;

THENCE along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest in a generally northeasterly direction, along the southerly highway limits of N.Y.S. Route 3 and along a curve to the right at a radius of 1855.49 feet, a distance of 751.06 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument being situate a direct tie of N46°31'54"E, and a direct tie distance of 745.95 feet from the last mentioned monument, said monument marking a corner of "Parcel A";

THENCE N47°39'33"E, along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest in a generally northeasterly direction, a distance of 178.00 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument marking a corner of "Parcel A";

THENCE N60°28'18"E, along the boundary line between the City of Watertown on the southeast and the Town of Pamela on the northwest in a generally northeasterly direction, a distance of 1149.12 feet to a city boundary monument found with brass disc marked "CB PAM 1998" in the southerly highway limits of N.Y.S. Route 3, said monument marking a corner of "Parcel A";

THENCE in a generally northeasterly direction along the southerly highway limits of New York State Route 3, and said boundary line, along a curve to the right at a radius of 3893.34 feet, a distance of 495.23 feet to a city boundary monument found with brass disc marked "CB PAM

1998”, said monument being situate a direct tie of N64°06'57"E, and a direct tie distance of 494.90 feet from the last mentioned monument, said monument marking a corner of “Parcel A”;

THENCE S14°01'00"E, along the division line between the Town of Pamela to the east and the City of Watertown to the west, a distance of 157.29 feet to a point, said point marking a corner of “Parcel A”;

THENCE N69°29'00"E, along the division line between the Town of Pamela to the north and the City of Watertown to the south, a distance of 99.00 feet to a point, said point marking a corner of “Parcel A”;

THENCE S14°01'00"E, along the division line between the Town of Pamela to the east and the City of Watertown to the west, a distance of 52.80 feet to a ½" iron pipe with cap found, said iron pipe marking a corner of “Parcel A”;

THENCE N67°59'00"E, along the division line between the Town of Pamela to the north and the City of Watertown to the south, passing through a ¾" iron pipe found at 235.34 feet and continuing a total distance of 440.22 feet to a point, said point marking a corner of “Parcel A”;

THENCE N82°44'00"E, along said division line, a distance of 145.70 feet to a city boundary monument found with brass disc marked “CB PAM 1998”, said monument being in the division line between the Town of Pamela to the northwest, and the Town of LeRay to the east, and the City of Watertown to the southwest, said monument marking the most northeasterly corner of “Parcel A”;

THENCE S05°48'46"E, along the division line between the Town of LeRay to the east and the City of Watertown to the west, a distance of 195.81 feet to a point in the centerline thread of the Black River, said point marking a corner of “Parcel A”;

THENCE in a generally southeasterly, southerly, southwesterly, westerly, and northwesterly direction, downriver, along the centerline thread of the Black River and the division line between the Town of LeRay to the northeast, the City of Watertown to the west and the Town of Watertown to the southeast, to a point, said point being in the division line between the Town of Watertown and the City of Watertown to the west, being situate a direct tie of S26°27'41"W, and a direct tie distance of 2371.56 feet from the last mentioned point, said point marking a corner of “Parcel A”;

THENCE S00°15'34"E, a distance of 195.19 feet to a ½" iron pipe found; said iron pipe being situate 21 feet southerly from the southerly bank of the Black River at high water mark;

THENCE continuing S00°15'34"E, a distance of 102.23 feet to a ½" iron pipe found;

THENCE S80°41'27"W, a distance of 227.04 feet to a ½" iron pipe found;

THENCE S38°59'26"W, a distance of 159.00 feet to a point;

THENCE N64°45'34"W, a distance of 25.00 feet to a point;

THENCE S40°08'46"W, a distance of 530.64 feet to a ½" iron pipe found;

THENCE S28°01'50"E, a distance of 206.89 feet to a ½" iron pipe found;

THENCE S70°47'00"W, a distance of 88.70 feet to a ½" iron pipe found;

THENCE S64°16'42"W, a distance of 137.28 feet to a ½" iron pipe found;

THENCE N30°05'57"W, a distance of 16.50 feet to a ½" iron pipe found;

THENCE S60°56'32"W, a distance of 62.50 feet to a ½" iron pipe found;

THENCE S28°10'32"E, a distance of 7.19 feet to a ½" iron pipe found;

THENCE S61°49'33"W, a distance of 84.55 feet to a ½" iron pipe found;

THENCE S26°10'25"E, a distance of 23.36 feet to a point;

THENCE S60°15'28"W, distance of 231.90 feet to a point;

THENCE S26°52'37"E, a distance of 95.25 feet to a ½" iron pipe found in the northerly assumed margin of Ridge Road (Huntington Street);

THENCE in a generally southwesterly direction, along the northerly assumed margin of Ridge Road (Huntington Street), a distance of 1351.7 feet to a ½" iron pipe found; said iron pipe situate a direct tie of S59°11'04"W, and a direct tie distance of 1348.74 feet;

THENCE N16°56'50"W, a distance of 66.70 to a ½" iron pipe found;

THENCE continuing N16°56'50"W, a distance of 29.98 feet to a point on the shore of the Black River at high water mark;

THENCE in a generally southwesterly direction along the shoreline of the Black River as it winds and turns, a distance of 66.70 feet to a point on the shoreline at high water mark, said point being located a direct tie of S76°20'59"W, and a direct tie distance of 66.36 feet from the last mentioned point;

THENCE S16°55'50"E, a distance of 30.05 feet to a ½" iron pipe found;

THENCE continuing S16°55'50"E, a distance of 68.84 feet to a ½" iron pipe found in the northerly assumed margin of Ridge Road (Huntington Street);

THENCE in a generally northeasterly direction along the northerly assumed margin of Ridge Road (Huntington Street), a distance of 180.60 feet to a point in the centerline of Cold Creek, said point being located a direct tie of S88°30'09"W, and a direct tie distance of 178.06 feet from the last mentioned point;

THENCE in a generally northeasterly direction along the center of Cold Creek, a distance of 100.2 feet to a point in the shoreline of the Black River at high water mark, said point being located a direct tie of N17°22'36"E, and a direct tie distance of 98.13 feet from the last mentioned point;

THENCE in a generally northwesterly direction along the shoreline of the Black River at high water mark, as it winds and turns, a distance of about 570 feet to a point on the "original" boundary of the City of Watertown as previously described, and said point being located N63°55'44"W, and a direct tie distance of 552.76 feet from the last mentioned point;

THENCE S05°37'26"W, a distance of 40.00 feet to the point and place of beginning.

CONTAINING about 261,843,080.40 square feet (6,011.09 acres) of land.

§ 3. (Repealed L.L. 1996, No. 1.)

TITLE II Officers, Powers and Duties

§ 4. The general election laws of the state shall apply to and govern all the elections in the city.

§ 5. The City of Watertown having adopted the simplified form of government, defined as Plan C under the Optional City Government Law, being Chapter 444 of the Laws of 1914, shall hereafter be governed by the provisions thereof, and nothing in this Act contained shall be construed to alter, abridge, enlarge, restrict or in anywise affect the application of said Act or of any of the provisions thereof to said city.

§ 6. The City Judge shall hold office for a period of ten (10) years; his term of office shall commence on the first day of January 1928. The City Judge now in office shall continue to serve as such until the expiration of the term for which he was elected. The City Judge shall have full-time status effective January 1, 1987. (As amended by L. 1937, c. 275; L. 1953, c. 878, § 303; L. 1986, c. 469, § 2; L.L. 1996, No. 1.)

§ 7. Whenever a vacancy shall occur in any elective office, the Council, except as herein otherwise provided and except as provided by the New York Public Officers Law, as amended, shall fill the same by appointment for the remainder of the political year next succeeding the first annual election after the happening of the vacancy. (As amended by L.L. 1996, No. 2.)

§ 8. The appointive officers of the city shall be a City Manager, City Clerk, City Comptroller, City Engineer and Superintendent of Public Works and such other officers as may have been or may be appointed or designated pursuant to any provision of law applicable to said city. All

appointive officers shall be appointed in the manner and shall serve for the respective terms provided by law. The appointive officers, now in office pursuant to any provision of law, shall continue to serve until the expiration of the terms for which they were respectively appointed, at which times their successors shall be appointed in the manner and for the terms provided by law. (As amended by L.L. 1996, No. 2.)

§ 9. Commissioners of Deeds for the city shall be appointed as provided by law.

§ 10. If any vacancy shall occur in any appointive office, the same shall be filled for the unexpired term in the same manner as the original appointment.

§ 11. The Governor of the state may remove the Mayor from office at any time upon presentation of charges against him/her and after opportunity for him/her to defend. All pertinent provisions of law in respect to the removal from office of Sheriffs shall apply to such removal of the Mayor. All appointive officers and all elective officers, except the Mayor, shall be removable by the Council on charges after hearing as hereinafter provided. (As amended by L.L. 1996, No. 2.)

§ 12. Every person elected or appointed to any office shall, before assuming the same, take the oath of office prescribed by the Constitution before some officer authorized by law to take affidavits and file the same in the office of the City Clerk, and every person who shall omit to take and file his/her oath of office within twenty (20) days after personal service in writing of a notice from the City Clerk of his/her election or appointment shall be deemed to have declined the office and the office shall be deemed vacant. (As amended by L.L. 1996, No. 2.)

§ 13.1. (As amended by L.L. 1993, No. 6¹; repealed L.L. 1996, No. 1.)

§ 13.2. If any member of the City Council or any officer elected shall cease to be a resident of the city, such change in residency shall create a vacancy in his or her office. (As amended by L.L. 1993, No. 6; L.L. 1996, No. 1.)

§ 14. No person shall hold two (2) offices at the same time, except as herein otherwise provided, but this section shall not be so construed as to prohibit a city officer from being appointed a Commissioner of Deeds or to prohibit any city officer, other than the Mayor, or a member of the City Council, from being appointed a trustee of the Roswell P. Flower Memorial Library or to prevent such a trustee from being elected or appointed to any office. (As amended by L.L. 1996, No. 2.)

¹ Editor's Note: This local law also provided for the repeal of former §§ 13 through 13.6 and the renumbering of former §§ 13.7 and 13.8 as §§ 13.1 and 13.2.

§ 15. Upon the appointment of any officer by the Mayor, he/she shall forthwith file a certificate of such appointment with the City Clerk; the City Clerk shall present such certificate to the Council at its next regular or special meeting duly called and shall immediately after the confirmation of such appointment by the Council as provided by law or immediately after the filing with him/her of a certificate of election give notice in writing to each person so appointed or so elected as the case may be. (As amended by L.L. 1996, No. 2.)

§ 16. Every person residing in said city, who shall at the time and place of offering his/her vote be qualified to vote for member of assembly, shall be entitled to vote for city officers, to be elected by virtue of this Act. (As amended by L.L. 1996, No. 2.)

§ 17. (Repealed L.L. 1996, No. 2.)

§ 18. If any officer, who may be required by any provision of law or by any city ordinance to execute any bond or other instrument before or after entering upon his office, should fail to execute the same in the manner prescribed by law or by such ordinance within ten (10) days after he shall have been duly notified so to do, in case the office be elective, the Council may declare such office vacant and in case it be appointive may declare such office vacant, and the same shall be filled in the manner provided by law in cases of vacancies in office.

TITLE III Powers and Duties of the Council

§ 19. As provided in the Optional City Government Law, all the legislative powers of the city shall be and hereby are vested in the Council. Said powers may be exercised as provided by ordinance or rule adopted by it.

§ 20. In addition to the exercise by the Council and city officers of the powers granted to the city by the general laws of the state, the Council shall have power and there is hereby imposed upon it the duty:

1. To enforce obedience to the ordinances passed by it by ordaining fines or penalties for every violation thereof, not exceeding a fine or penalty of two hundred fifty dollars (\$250.) and/or a maximum of 15 days in jail for any one (1) offense. Within the limit above prescribed, it may ordain a maximum and minimum fine or penalty for the violation of any ordinance. In any ordinance relating to a nuisance or to buildings within the fire limits, the Council may provide that each day's continuance of the condition prohibited thereby, after notice, shall constitute a separate and distinct violation thereof and that the fine or penalty therein prescribed may be imposed for each violation. (As amended by L.L. 1996, No. 2.)

2. To control the finances and all the property real and personal belonging to the city, except as otherwise provided by law not inconsistent herewith. It shall have power to determine the amount of expenditures each year to be made, except as herein otherwise provided.

3. To try any appointive or elective officer of the city, except the Mayor, upon written charges preferred and served by its direction upon the officer charged, together with a notice of the time and place for the hearing and trial, and it shall have the power to take evidence in relation to the charge and issue a subpoena under the hand of the Mayor or member of the City Council presiding at such trial with the same force and effect of a subpoena issued out of the Supreme Court. The Council shall by resolution entered upon the minutes after due hearing either acquit or convict the party charged according to the evidence; but no conviction shall be had except under the vote of a majority of all the members of the Council. Upon conviction, the party charged shall be either censured or removed from office as the Council may by resolution determine. The votes of the Council upon such resolution shall be by yeas and nays and entered upon the minutes. (As amended by L.L. 1996, No. 2.)

4. (Reserved)

5. To enter into a contract with an appointed City Manager for a period of time which may, by reason of its duration, bind a future Council to its terms. However, in no event shall any Council enter into any one (1) contract with an appointed City Manager for a period exceeding two (2) years. (As added by L.L. 1995, No. 4.)

6. To review the City Manager's contract and performance by March 1 of each year. (As added by referendum 11-2-1993; amended by referendum 11-7-1995.)

7. To enter into a contract with an appointed City Clerk for a period of time, which may, by reason of its duration, bind a future Council to its terms. However, in no event shall any Council enter into any one contract with an appointed City Clerk for a period exceeding two years. (As added by L.L. 2007, No. 7.²)

8. To review the City Clerk's contract and performance by March 1 of each year. (As added by L.L. 2007, No. 7³)

§ 21. The Mayor, the members of the City Council, City Manager, City Clerk and each deputy of the City Clerk shall have the power to administer oaths and take affidavits and acknowledgments within the city, the same as Commissioners of Deeds; they shall also have power to administer any oath or to take any affidavit, in respect to any hearing, trial or matter pending before them, or any of them, and to issue subpoenas and compel the attendance of witnesses and the production of papers and documents. Any false testimony upon any such hearing or inquiry is hereby declared to be perjury and may be punished as provided by law for that crime. (As amended by L.L. 1996, No. 2.)

§ 22. The Council shall have power to establish and maintain what shall be known as "building lines," thereby defining, prescribing and regulating the distance or number of feet from the sidewalk or walks located upon either side of any street, public place or square in the City of Watertown, which any person or persons, corporation or corporations owning property

²Passed by referendum 11-6-2007.

³ Passed by referendum 11-6-2007.

abutting upon any such public street, place or square shall be permitted to erect or build any house block or building.

§ 23. The Council shall have power to enact all such ordinances as may be necessary to carry into effect any general power or discharge any duty conferred or imposed by this Act or by any provision of law.

§ 24. 1. No ordinance shall be passed by the Council on the same day upon which it is introduced except by unanimous consent.

2. The Council shall have power to modify, rescind, amend or repeal any ordinance or ordinances enacted by it.

3. As soon as may be after its enactment, every ordinance shall be recorded in a book kept for that purpose by the City Clerk. Such record shall include the signature of the Mayor, attested by the Clerk, and such record or copy thereof, certified by the Clerk, shall be presumptive evidence of the passage of the ordinance and of the facts certified. There shall be filed in the office of the Clerk proof of the publication of such ordinances as are published in the official newspaper of the city.

4. The City Clerk shall upon its enactment cause every ordinance to be either published in the official newspaper of the city once or to be printed in suitable form for distribution, as may be directed by the City Manager.

§ 25. The Council may, by ordinances, subject to the provisions of the Optional City Government Law and subject to the provisions of this Act and of the laws of the state, regulate the powers and duties of any city officer; and it shall have power to investigate all city officers and boards and shall have access to all records and papers kept by any city officer or board; and shall have power to compel the attendance of witnesses and the production of books, papers and other evidence at any meeting of the Council and for that purpose may issue subpoenas signed by the Mayor.

§ 26. All of the funds of the city are under the control of the Council, and no moneys shall be paid out of such funds by the City Comptroller except as approved by the City Manager. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 27. (Repealed L.L. 1996, No. 2.)

§ 28. (Repealed L.L. 1996, No. 2.)

TITLE IV

City Officers; Their Powers and Duties

§ 29. The Mayor and City Council. The Mayor and members of the City Council shall have such powers and shall perform such duties as are conferred and imposed upon them respectively by the Optional City Government Law of 1914, the New York General City Law, the Public Officers Law, this charter and the general laws of the state. (As amended by L.L. 1996, No. 2.)

§ 30. City Comptroller. The term “City Comptroller” as used herein shall mean the person empowered by law or designated pursuant to ordinance to perform and discharge the usual duties of a City Comptroller in cities of the third class. Such duties shall be prescribed by and performed pursuant to ordinance or resolution adopted by the Council. They shall also be performed by direction of the City Manager.

The City Comptroller shall be the fiscal officer of the city; he shall be the collector of all taxes, assessments and water rates; he shall perform the duties, possess the powers and be subject to the liabilities and obligations prescribed by law for town collectors, subject to the provisions of this Act, and all taxes, water rates and assessments within the limits of the city shall be received or collected by him; and he shall receive, keep and disburse all moneys belonging to the city and to every board thereof. It shall be his duty to collect all moneys due the city, including taxes, assessments and water rates, with due diligence, and any neglect in so doing shall be cause for his removal from office. He shall pay no moneys from the treasury of the city excepting upon warrants signed as herein provided, specifying from what fund and for what purpose the amount named therein is payable; he shall file all such warrants and keep an accurate account of all receipts and payments in such manner as the Council shall direct. The Council shall at its first meeting in each year designate some incorporated bank or banks or trust company located in the City of Watertown for the deposit of all moneys belonging to such city and shall notify the Comptroller of such designation; a bank once designated shall continue to be the place of deposit until another shall be designated. Every bank designated as a depository of city funds pursuant to this section shall execute a bond to the city with such securities and for such an amount as the Council may determine. The City Comptroller shall deposit to the credit of the City of Watertown once in each day all moneys in his hands, excepting one hundred dollars (\$100.) or less, in such bank or banks as the Council shall have designated, as above provided. All interest allowed by such bank or banks upon any money so deposited shall belong to the city and be credited to the city by said bank or banks. (As amended by L.L. 1991, No. 6.)

§ 30-A. Deputy City Comptroller. The office of Deputy City Comptroller is hereby created. He shall have full power to perform and discharge all of the duties of the City Comptroller prescribed by the Charter of the City of Watertown, in cities of the third class and as required of the chief fiscal officer of such cities in the absence of or in the event of a vacancy in the office of the City Comptroller, including but not limited to the power to sign checks and all other obligations of the City of Watertown. (As added by L.L. 1974, No. 1; amended by L.L. 1991, No. 7.)

§ 31. City Engineer. The term “City Engineer” as used herein shall mean the person empowered by law or designated pursuant to ordinance to perform and discharge the usual duties of a City Engineer in cities of the third class. Such duties shall be prescribed by and performed pursuant to ordinance or resolution adopted by the Council. They shall also be performed by direction of the City Manager.

§ 32. City Auditor. The office of City Auditor and Deputy City Auditor are abolished. All references to duties prescribed for the City Auditor and/or Deputy City Auditor, whether contained in this Charter or Watertown City Code, shall be performed by the office of the City Comptroller. (As amended by L.L. 1993, No. 2.)

§ 33. City Clerk. The Council shall appoint a City Clerk who shall have such powers and perform such duties as the Council may from time to time prescribe. He/she shall be the custodian of all papers and records belonging to the City; he/she shall act as Clerk of the Council and shall keep the minutes of the meetings of the Council; he/she shall keep an accurate record of all moneys received by him/her as Clerk and upon receipt thereof pay the same over to the City Comptroller, take a receipt therefor and file the same in his/her office; he/she shall have the duties and title of City Historian and shall be the custodian of all historical records and artifacts; he/she shall have power to appoint as many Deputy Clerks as the Council may by resolution authorize; and at such compensation as the Council may provide; such Deputy Clerks shall perform such duties as the City Clerk may direct and shall hold their positions during the pleasure of the City Clerk. All papers and records kept and filed in the office of the City Clerk shall, during office hours, be open to inspection by any citizen or taxpayer of the City. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2; L.L. 1999, No. 2.)

§ 34. The City Attorney. The City Council shall select an attorney or law firm to be retained on a contract basis to perform and discharge the usual duties of a City Attorney or Corporation Counsel in cities of the third class. Such attorney or law firm shall be called the “City Attorney,” but not be an officer of the city. The City Attorney shall have such duties as shall be prescribed by and pursuant to ordinance or resolution adopted by the City Council. Duties shall also be performed by direction of the City Manager. The City Attorney shall be the official legal advisor of the Mayor, the Council and any board or officer of the City; shall prosecute and defend all actions and proceedings brought by or against the city or by or against any of its officers as such; shall represent the city in all proceedings and prosecution in the City Court for the violation of any ordinance of the city and shall be the legal advisor of the police in all matters pertaining to the Police Department. When, in this section or in any provision of the City Code, reference shall be made to the “Corporation Counsel,” such term shall be deemed to refer to the City Attorney described in this section. (As amended by L.L. No. 1993, No. 3.)

§ 35. City Assessors. The term “Assessors” as used herein shall mean the person or persons empowered by law or appointed or designated pursuant to ordinance to perform and discharge the usual duties and functions of Assessors in place of the Council and referred to herein either as Assessors or Assessor. Except as herein otherwise provided, the City Assessors shall have as

to the city all the powers and perform all the duties conferred and imposed upon Town Assessors by provision of law of the state relating to taxes and assessments.

§ 36. The City Judge. The City Judge shall have all the powers and perform all the duties conferred and imposed upon a City Judge by the Constitution and laws of the State of New York. (As amended by L.L. 1996, No. 2.)

§ 37. The Constables. The Constables of the city shall perform such duties as are by law prescribed for Constables in the towns and counties of the state and shall be entitled to the same fees therefor; the said Constables shall not as such be compelled to serve within the City of Watertown any summons, warrant or other process issued by the City Court for the execution of the laws of the state for the prevention of crime and punishment for criminal offenses or of the police laws or regulations of the state or of the said city or of any proceeding collateral to or connected with the execution of such general laws or police laws or regulations, nor shall the County of Jefferson or any of the towns therein or the City of Watertown be liable to pay any such Constables any fees for services under such summons, warrant or process.

§ 38. (As amended by L. 1943, c. 710; repealed L.L. 1996, No. 1.)

§ 39. The Board of Audit. The Mayor, City Manager and City Clerk shall constitute the Board of Audit and the Mayor shall be the Chairperson thereof. Every pecuniary claim or demand of twenty dollars (\$20.) or more arising upon contract against the city shall in the first instance be filed with the City Clerk and shall contain the items of the claims and be sworn to by the claimant or his duly authorized agent. All such claims, if disputed, and all claims for injuries or damage resulting from the alleged negligence of the city or any of its officers, shall be referred to the Board of Audit. The Board of Audit shall examine into such disputed claim or claims for damage resulting from the alleged negligence as speedily as practicable, and said Board shall have power to allow or disallow said claim or claims and in case the claim or claims be allowed to direct payment of the same. The Board of Audit shall have power to investigate and audit the accounts of every officer and board of the city, shall have access to books and accounts kept by any official or board of the city and may compel the attendance of witnesses and the production of papers before it by subpoena, issued over the signature of the Mayor and the Seal of the city, attested by the City Clerk. Noncompliance with such subpoena shall be subject to such penalty as the Council may prescribe. Each member of said Board of Audit may administer oaths to witnesses, and intentional false swearing as to any material fact by any witness under examination by the Board of Audit shall be perjury. No disputed bill or claim for injuries or damages resulting from alleged negligence shall be paid or allowed before the Board of Audit shall have taken action thereupon, and no action shall be brought thereon until forty (40) days after the presentation thereof to the City Clerk. (As amended by L.L. 1956, No. 2; L.L. 1996, No. 2.)

§ 39-A. Invoices. Every pecuniary claim or demand arising upon contract for which an invoice is required by the city shall be submitted on a form to be furnished by the city. Such

invoice shall be itemized and shall be certified by the claimant or his/her duly authorized agent under penalty of perjury.

An invoice shall be required by the city for payment for all work, labor and services performed for the city by any person, firm or corporation and/or for the payment of all goods, ware and merchandise sold to the city. (As amended by L.L. 1973, No. 1; L.L. 1996, No. 2.)

§ 40. The Board of Review. The City Council shall appoint a Board of Assessment Review of five (5) members in accordance with § 523 of the New York Real Property Tax Law. (As amended by L.L. 1996, No. 2.)

§ 41. No officer of the city or of any board thereof shall in any manner be interested, directly or indirectly, in any contract to which the city or any board thereof shall be a party, which he/she as such officer has taken or shall take part in authorizing for the purchase or hire of any property, furnishing materials or for furnishing or performing any work, labor or service, except in respect of his/her own compensation from the city or any board thereof or in granting any franchise or privilege; and no officer elected or appointed shall receive any perquisite, emolument, fee or compensation except his/her salary or pay from the city or any board thereof for any act done or service rendered by him/her in his/her official capacity, nor shall he/she accept or receive any sum of money or other valuable thing, fee or commission upon or derive any advantage from the sale or hiring of any property to or by the city or any board thereof. The violation of any provision of this section shall be a misdemeanor. (As amended by L.L. 1996, No. 2.)

§ 42. The City Clerk, City Judge, the City Comptroller, Constables and any other officer required so to do by the Council shall severally before assuming their offices execute a bond to the city in such sums as the Council shall direct and with such sureties as the Council shall approve conditioned for the faithful performance of the duties of their respective offices and that they will properly apply and account for all moneys and other property received by them respectively. All bonds given by such officers shall be filed and recorded in the office of the City Clerk in a book to be kept for that purpose. The neglect to execute and file an official bond as above provided by any officer required so to do prior to his/her assuming the duties of his/her office and in case such bond shall be required by the Council after the commencement on his/her term of office within ten (10) days after such requirement shall create a vacancy in such office. In all cases in which a bond is required from any officer by the provisions of this Act, the sureties therein shall justify in an amount which shall be in the aggregate twice the penalty of such bond. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 43. The respective city officers shall have such powers and duties in addition to those enumerated in this title as are conferred or imposed by law or by this Act or which may be conferred or imposed by ordinance enacted pursuant to any provision of law.

TITLE V
Departments

§ 44. The departments of the city shall be:

1. Public Works Department;
2. City Engineering Department;
3. Police Department;
4. Fire Department;
5. Water Department. (As amended by L.L. 1996, No. 2.)

§ 45. The City Manager shall be the administrative head of each department, subject, however, to ordinances enacted and rules and regulations adopted and promulgated by the Council.

TITLE VI
Department of Public Works

§ 46. The Department of Public Works shall include all streets, highways, bridges, sidewalks, curbs and gutters, sewers, subways, parks, playgrounds and all public lands, buildings and works.

§ 47. The said Council is vested with the charge of bridges, streets, sewers, gutters, curbs, sidewalks, public parks, places and squares within the city and of all machinery, tools and implements used in connection therewith and of lighting and naming the streets, giving numbers to lots and tenants and changing the same, but the management, control and maintenance thereof shall be exercised by the City Manager under the direction of or pursuant to ordinance enacted by the Council. (As amended by L.L. 2005, No. 10.)

§ 48. The Council shall have power through the exercise thereof by the City Manager or other officers or employees to grade, pave, repave or macadamize or otherwise improve any street or section of a street or any public place or square and to fix and regulate the grade line of streets and sidewalks and to cause sidewalks and gutters to be made and curbs to be set, of such material as it may direct. It may also regulate the planting, trimming, rearing or removing of all trees in the streets, public parks, places and squares in the city.

§ 49. In the exercise of the powers hereby specifically granted and of the powers vested in the Council by the general laws of the state, it may acquire for and in the name of the city by purchase, agreement or by condemnation any lands, easements, privileges, rights and estates

necessary for the construction and maintenance of any building or buildings or any works with which it is vested by this Act or by law, and for that purpose it may enter upon or cause to be entered upon the lands for the purpose of making the necessary surveys.

§ 50. (Repealed L.L. 1996, No. 2.)

§ 51. No bid for construction work may be accepted for an amount exceeding the thresholds contained in the New York General Municipal Law without advertisement and receipt of competitive bids pursuant to New York General Municipal Law. Any contract which may be thus executed may provide that the person or corporation entering into the same shall execute a bond to the city for the faithful performance of the same in an amount to be approved by the City Manager. No such contract shall be let, the expense whereof is to be borne in whole or in part by assessment upon the property benefited, and no work shall be done thereunder until the confirmation of the assessment for such improvement as provided by this Act. (As amended by L.L. 1996, No. 2.)

§ 52. Any contract or contracts for lighting the public streets, parks and places of the city shall not be let for a period longer than five (5) years.

§ 53. It shall be the duty of the owner or occupant of any property fronting on any street, public square, place or highway of the city to build, keep in repair and rebuild sidewalks in front of his/her said property upon such established grade and of such materials and size as the Department of Public Works may direct. It shall be the duty of such owner or occupant to clean, keep free and clear from snow and ice such sidewalks. The Council may provide by ordinance for the enforcement by proper penalties of the provisions of this section. In case of the failure of any property owner or occupant to build such sidewalk as above provided, when notified so to do, or to clean, keep free and clear from snow and ice such sidewalks, the City Manager may cause such sidewalk to be constructed or may cause such sidewalk to be cleaned, kept free and clear from snow and ice and shall file a certificate of the actual cost thereof, not exceeding the expense of labor and material or the expense of cleaning or keeping such sidewalks free and clear from snow and ice, with the City Comptroller, who shall certify the same to the Assessor, and the same shall thereupon be assessed by the Assessor upon the property of such owner and shall be levied and collected at the same time as and as a part of the city tax. The cost or reasonable value of any work performed by or material furnished by any department of the city to any property for its benefit may, if the same remains unpaid after demand therefor, be certified to the Assessor and shall thereupon be likewise assessed, levied and collected as and as a part of the city tax. The city may also collect the same and shall have power to enforce such collection by action in the name of the city, and any judgment recovered therefor shall be a lien upon the premises in front of which said sidewalk was constructed or for the benefit of which such work was performed. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

TITLE VII
Department of Water⁴

§ 54. The Council is vested with the charge of waterworks, waste waterworks, waterpowers, reservoirs, pipes, buildings, structures, dams, powerhouse, hydrants, machinery, lines and of all appliances and materials pertaining thereto or used in connection therewith, which may now belong to or may hereafter be acquired by the city, but the management, control, maintenance, and protection thereof shall be exercised by the City Manager under the direction of or pursuant to ordinance enacted by the Council. (As amended by L.L. 1984, No. 2; L.L. 1996, No. 2; L.L. 2012, No. 1.)

§ 55. Whenever in the opinion of the Council it may be advisable to lease all of its powerhouses, sites, waterpower, lines, buildings or structures, now or hereafter belonging to the city, and shall so resolve by an affirmative vote of four-fifths (4/5) of its members, it shall publish such resolution, together with the terms and conditions of the proposed contract to lease, and a notice that at the time and place therein specified a special election of the taxpayers of the City of Watertown will be held to decide whether such lease shall be made, in the official newspaper of the city three (3) times each week during the two (2) weeks next preceding the date fixed for such special election.

Such special election shall be held at the time and place specified in said notice and shall be conducted in the manner provided in this act for holding special elections for extraordinary expenditures.

The City Clerk, after receiving a certificate of said election from the Inspectors appointed to hold the same, shall deliver such certificate to the Council at its next meeting, and it shall cause the result of the election thus certified to be entered in its minutes, and if the whole number of votes received at such election in favor of the execution of said contract to lease exceeds the whole number of votes against the same, the Council shall certify the same to the Mayor of said city, who shall thereupon forthwith execute such contract to lease.

The Council may lease without a special election all of its surplus power in excess of city requirements for a term not exceeding forty (40) years. (As amended by L. 1943, c. 710; L.L. 1984, No. 2; L.L. 1990, No. 5.)

§ 56. The Council shall have the power to make all contracts relating to the construction of dams, waterworks, waste waterworks, sewer collection (sanitary, storm, and combined), water mains, reservoirs, conductors, generators, lines, buildings, structures, pump houses, and machinery, and to make provision for the purchase of hydrants, fountains, pumps, and all materials, machinery, implements, utensils, and meters necessary therefor. (As amended by L.L. 1971, No. 2; L.L. 1983, No. 3; L.L. 1984, No. 2; L.L. 1996, No. 2; L.L. 2012, No. 1.)

§ 57. 1. The city, without further action of the Council, shall have and may continue to exercise the powers that it now exercises pursuant to the provisions of this section as heretofore

⁴ Editor's Note: This title, formerly Departments of Water; Electric Light and Power, was amended by L.L. 2012, No. 1.

in force and of § 56, namely, to generate electricity and to use it for lighting the streets and public places and lighting and heating the public buildings of the city and of the county within the city, to sell and dispose of it for industrial purposes and to sell, furnish, transmit and deliver it for purposes described in, and in accordance with, the provisions of such § 56.

2. The city, if it be so determined by resolution of the Council adopted and approved in the manner hereinafter provided in this subdivision, also may establish a system or systems for supplying electrical energy to the city and, for pay, directly to its inhabitants for light, heat and power by any approved method or methods and may maintain and operate the system so established. Such a system may be established only pursuant to a resolution of the Council adopted by vote of four-fifths (4/5) of all its members. The resolution shall fix the maximum cost of establishing the system and initiating its operation and may specify the method or methods authorized to be employed for furnishing the service and/or whether and how much, if any, of an existing private system shall or may be acquired and whether by purchase only or by either condemnation or purchase and/or an authorization of other acquisitions and of construction and improvement work, either new or as additions to or extensions of an established system.

3. For the purposes of any provision of this section, the city may erect poles and lines and excavate for and lay conduits within the city and in the streets and public places thereof and may maintain the same and any poles, lines, equipment and conduits so located, acquired by the city.

4. Nothing contained in this section shall be held to prevent the city from selling and delivering within the city electricity, not needed for use within the city, for resale and distribution by the purchaser for use and consumption beyond the city limits.

5. Except that the city need not apply for nor obtain from the Public Service Commission a certificate of authority for establishing, maintaining or operating the system or engaging in the activities provided for in this section, all of the provisions of Article 4 of the Public Service Law, applicable to a municipal corporation which manufactures or provides and which sells and/or distributes electricity, shall apply to the City of Watertown. (As amended by L. 1934, c. 712; L. 1943, c. 710; L.L. 1984, No. 2.)

§ 58. (As amended by L.L. 1984, No. 2; L.L. 1991, No. 6; repealed L.L. 1996, No. 2.)

§ 59. (As amended by L.L. 1984, No. 2; L.L. 1991, No. 6; repealed L.L. 1996, No. 2.)

§ 60. For any of the purposes within the scope of this title, the Council shall have power to acquire for and in the name of the city by agreement any lands, buildings, easements, privileges, rights and estates, fixtures, poles, wires, equipment or other personal property necessary for the construction, repair, extension and maintenance of any or all parts of said purposes or of the works in connection therewith and may also enter into and upon any lands for the purpose of making the necessary surveys. In case the Council cannot agree with the owner or owners of said real estate or interests therein, upon the price to be paid therefor, it may

proceed in the name of the city to acquire or perfect title thereto in the manner provided by the Condemnation Law. (As amended by L.L. 1984, No. 2.)

§ 61. The Council shall have the power to regulate the use of the water and electricity supplied, and waste water treated, and to grant permits therefor, to fix and to change from time to time the price to consumers for the use thereof, the terms and time of payment and the penalties for nonpayment; to change from time to time the manner of supply to consumers of water and electricity and waste water to be disposed; to provide for the protection of and preservation of the waterworks, waste waterworks, reservoirs, dams, pipes, buildings, structures, waterpower, powerhouses, machinery, lines, generators, conductors, and the appurtenances thereof, by the adoption of regulations and rules which may be enforced by ordinance; and in addition thereto, the observation of such rules and regulations with respect to the use of water and electricity and disposal of waste water where no ordinance may have been enacted in relation thereto. The Council may also cause said regulations, in case of violation thereof, to be enforced by cutting off the use and supply of the water and electricity and disposal of waste water. (As amended by L.L. 1984, No. 2; L.L. 2012, No. 1.)

§ 62. (As amended by L.L. 1984, No. 2; L.L. 1991, No. 6; repealed L.L. 1996, No. 2.)

§ 63. (As amended by L.L. 1984, No. 2; L.L. 1991, No. 6; repealed L.L. 1996, No. 2.)

§ 64. (As amended by L.L. 1984, No. 2; repealed L.L. 1996, No. 2.)

§ 65. (As amended by L.L. 1984, No. 2; repealed L.L. 1996, No. 2.)

TITLE VIII

Department of Public Safety

§ 66. There shall be a Police Department and a Fire Department. The City Manager shall, subject to the approval of the Council, designate the number of persons, with their rank and salaries, to be appointed to service in each said department. All appointed to service in the Police Department shall be known as “police officer,” and all appointed to service in the Fire Department as “fire fighters.” The persons now serving as police officers and fire fighters in the City of Watertown shall continue to serve as such without reappointment. The City Manager may designate and appoint as many special police officers with or without pay as he/she may deem necessary; they shall possess the same powers as police officers. (As amended by L.L. 1996, No. 2.)

§ 67. Subject to the approval of the Council, the City Manager shall make such rules and regulations for the management, conduct and discipline of each department as he/she deems advisable or necessary, and he/she shall have the power to enforce the same. He/she shall also

have the power to remove or dismiss any member of either department at any time, but no order of dismissal from service shall be made except for cause and until an opportunity is given to such member to be heard. (As amended by L.L. 1996, No. 2.)

§ 68. All the property, real and personal, now owned or which may hereafter be acquired by the City of Watertown for the use of the Fire Department shall be under the control of the Council, and all moneys, required by any law of this state to be paid by agents of insurance companies not incorporated under the laws of this state, for the use and benefit of the Fire Departments of cities, to which the City of Watertown or the Fire Department thereof may be entitled, shall hereafter be paid to the Comptroller of the City of Watertown, who shall deposit the same, except the portion thereof payable to the Firemen's Association of the State of New York under the provisions of the Insurance Law, as soon as received, to the credit of the Firemen's Pension Fund. (As amended by L.L. 1991, No. 6.)

§ 69. (Repealed L.L. 1996, No. 2.)

§ 70. Each police officer and special police officer shall, before entering upon the discharge of his duties, take and subscribe and file in the office of the City Clerk the constitutional oath of office and if required so to do, execute a bond to be approved by the City Manager, conditioned for the faithful performance of his/her duties and accounting for all moneys received by him/her in his/her official capacity. (As amended by L.L. 1996, No. 2.)

§ 71. (Repealed L.L. 1996, No. 2.)

§ 72. No fees or compensation, other than herein provided, shall be charged or received by any police officer for the arrest, confinement or discharge of any person or for mileage or for serving any process or warrant or for discharging any other duty by this Act required to be performed by him/her. But any reasonable or necessary expense incurred by any police officer, when traveling in the discharge of his/her duties as such, shall be paid by the city, and the city is hereby authorized to charge the County of Jefferson or the City of Watertown as one (1) of the towns thereof, as the case may be, the moneys thus paid, and the same shall be audited and allowed by the Board of Legislators of said county or by the City Comptroller of the City of Watertown to and for the benefit of said City of Watertown and shall be paid to the Comptroller of said city and by him/her passed to the credit of the City's General Fund. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 73. No police officer shall receive any present or reward for services rendered or to be rendered. (As amended by L.L. 1996, No. 2.)

§ 74. The Council is hereby authorized to charge the County of Jefferson or the City of Watertown as one (1) of the towns thereof, or to any town therein, for services performed by the police officers in criminal proceedings, such fees as are allowed to constables of towns for like services and chargeable to said county, city or towns, and the same shall be audited and allowed by the Board of Legislators of said county, or the City Comptroller, to and for the

benefit of the City of Watertown, and shall be paid to the City Comptroller of said city and be credited by him/her to the general city fund. In cases arising under the ordinance or police laws or regulations of the City of Watertown, where judgments shall be rendered in favor of said city or where said city would be entitled to judgment, the same fees for the services of such police officers, as constables would be entitled to for like services, shall be included in such judgment and charged for the benefit of the city and when paid or collected shall be paid to the Comptroller thereof within five (5) days after its receipt and credited by him/her to the City's General Fund. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 75. All fines collected under and by virtue of the ordinances of the City of Watertown and all moneys collected as revenues, penalties or for the services of the police officers authorized by this Act, under any such ordinances and in pursuance of any statute, shall be paid to the City Comptroller of said city within five (5) days after their receipt. (As amended by L.L. 1996, No. 2.)

§ 76. The Council of the City of Watertown shall provide such station houses, lockups and other necessary accommodations as shall be required for the use of the Police Department.

§ 77. (As amended by L.L. 1996, No. 1; repealed L.L. 1996, No. 2.)

TITLE X⁵
(Reserved)

TITLE XI⁶
(Reserved)

TITLE XII
Local Improvements and Assessments

§ 91. The term “local improvement” shall mean any improvement, work or benefit, whether done by the City under the direction of the City Manager or by contract, the cost of which, or part thereof, by this Act, by ordinance of the Council or otherwise by law is to be borne by the abutting property or the property benefited or its owner.

§ 92. The Council shall have power to pave, repave, surface and resurface, macadamize and remacadamize, curb or recurb any street, section of a street, highway, square and public place and construct or rebuild sewers or provide for other local improvements, and it may determine that the entire cost of any such improvement shall be a general City charge or that the entire

⁵Editor's Note: Former Title X, Department of Health, as amended, which consisted of §§ 84 through 87, was repealed by L.L. 1996, No. 2.

⁶Editor's Note: Former Title XI, Department of Charities, was repealed by L.L. 1996, No. 2.

cost shall be raised by assessment upon the abutting property or owners; or it may determine and provide that a portion of the cost of such improvements shall be borne by the abutting property or owners and a portion thereof by the City and what said portions shall be. Any such improvements shall include, if so determined by the Council, street intersections, curbs and gutters, relaying of sidewalks and the required grade, grading and spacing between the sidewalk and curb and such other work as may be incidental or essential to the completed improvement.

§ 93. The Council may at any time designate any street, highway or public place or any part thereof as one to be paved, repaved, surfaced or resurfaced, macadamized or remacadamized or otherwise improved by curbing or within which a sewer shall be built or a sewer rebuilt, and it shall thereupon cause plans and specifications to be prepared for such proposed improvement and shall determine whether such improvement to be made partly as a general City charge and partly as a charge or expense upon the abutting properties or whether the entire expense shall be made a charge upon the abutting properties. After such plans and specifications have been prepared and presented to the Council, it shall order a hearing thereon and shall cause to be published for at least three (3) times during two (2) successive weeks a notice thereof, in the official newspaper of the City. In the event that the Council shall be considering whether all or a portion of the cost of the proposed improvement shall be a charge or expense upon the abutting properties, the Council shall further require notice of the public hearing to be given to each abutting property owner which could be affected, by first-class mail, addressed to the owner at the address for mailing shown on the City's most recent assessment roll. Any person interested shall be entitled to be heard at such meeting, and after said hearing the Council may discontinue the matter of said improvement or it may determine to proceed therewith, and it shall then fix the percentage of the entire cost to be paid as a general City charge and the percentage to be paid by assessment upon the abutting properties or owner or it may determine that the entire cost be paid by the abutting properties or owner. The determination by the Council, whether the improvement to a street, highway or public place is a paving, repaving, surfacing or resurfacing, macadamizing or remacadamizing within the contemplation of this Title, shall be conclusive. (As amended by L.L. No. 2002, No. 3)

§ 94. Such improvement may be done by contract or by the City under the direction of the City Manager, as the Council shall prescribe. If it is ordered done by contract, the City Manager or the City Engineer, by direction of the City Manager, shall provide uniform terms and conditions for bidding, fix the security to be given, advertise for sealed proposals, receive, open at the time fixed and tabulate such proposals and report them to the Council, with such recommendation as he/she may have to make. The Council shall designate the kind of improvement and the material to be used and, if a satisfactory proposal is received, may direct the execution of a contract for such improvement, in substantial accord with the plans and specifications for the particular kind of improvement designated. (As amended by L.L. 1996, No. 2.)

§ 95. Upon the completion of plans and specifications for said improvement, the Council shall determine, upon estimates furnished by the City Engineer, the whole cost thereof and the amount to be paid by the City, if any, and the amount to be borne by local assessment and shall thereupon by resolution direct the City Assessor to proceed to make the assessment for such

local improvement and shall cause to be served upon the City Assessor a copy of such resolution certified by the Clerk, together with a statement of the portion of the expense of such improvement to be borne by local assessment upon the property benefited thereby, together with a statement of the portion of the expense thereof, if any, which any street railroad company may be liable to pay on account of paving between its tracks and on each side of them. The Assessor shall, after such local assessment is ordered, proceed as soon as practicable to make an assessment roll of said local assessment, in which they shall set down, in separate columns and according to the best information obtainable by them, the names of all the owners or occupants of the lands assessed, the Assessor's subdivision thereof, if any, a brief description of the lands to be taxed to each person, giving the approximate area thereof, whether or not it is vacant land and, when practicable, also the street and street number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street or streets on which it fronts, together with the number of linear feet frontage of property upon the street, if any, and the amount of the expense of such local improvements assessed on each piece of property, apportioned as equitably as may be according to the benefit received. (As amended by L.L. 2002, No. 3)

§ 96. The City Clerk shall publish said assessment roll in the official City newspaper at least once, not less than ten (10) days before presenting the said assessment roll to the Council at its next regular meeting or at a subsequent regular meeting, at which meeting any person interested may appeal to the Council, in writing by first class mail, for the correction of such assessment. If there be no appeal or if there be an appeal and the Council shall decide to dismiss it and if the Council be satisfied as to the regularity of the proceedings upon the assessment, it shall confirm the assessment roll. If there be an appeal which the Council decides to entertain, it shall, at the next regular meeting of the Council, hear such appeal and shall cause the appellant to be duly notified by first class mail. After such hearing the Council shall have power to correct such assessment and to confirm the same as corrected or to annul and set aside the same and direct a new assessment to be made in the manner hereinbefore provided, and the proceedings upon any new assessment shall be the same as provided herein for the original assessment. When confirmed by the Council as herein provided, an assessment shall be final and conclusive on all parties interested. (As amended by L.L. 2002, No. 3)

§ 97. As soon as the Council has confirmed an assessment for local improvements, a warrant shall be annexed to the assessment roll thereof under the hand of the City Manager and Seal of the city, addressed to the City Comptroller, commanding him/her to collect from the several persons named or the property described in the same assessment roll the several sums levied in said roll, and said roll, with a warrant so annexed, shall be delivered to the City Comptroller; the City Comptroller shall thereupon proceed to collect the several sums levied and assessed in said local assessment roll in the same manner, except as to notice and with the same fees as provided herein for the collection of the city taxes, and all the provisions of this Act relative to the collection of the city taxes and the sale of lands for the nonpayment thereof shall apply to the collection of any such assessment for local improvements, except as herein otherwise provided. Due notice of such assessment shall be published once in the official newspaper of the city and a statement thereof mailed to each abutting property owner, and the amount due shall be payable in thirty (30) days. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 98. The Council may direct that a part of the cost of such improvement, which is a general city charge, shall be paid from any budget appropriation for street improvements. It may also provide that any abutting owner liable for assessment on account of such improvement be given an opportunity to pay his/her, its or their proper share of such cost after the confirmation of the assessment roll and thereby be relieved from subsequent assessment. (As amended by L. 1943, c. 710; L.L. 1996, No. 2.)

§ 100. If bonds are issued to finance such improvement in whole or in part, after the issue and sale of such bonds, the Council shall ascertain the total amount of such bonds and interest until the last bond matures and the amount thereof to be paid (1) by the abutting property; excluding, however, any property which may have paid its proper part in advance and order that such amount be assessed as a local improvement upon such abutting property, according to linear foot frontage, as herein provided for local improvements and be paid in substantially equal installments corresponding to the duration of the bonds; (2) by such street railway company, proportionately to the amount chargeable against such company and order that such amount be assessed against such company in the same manner as a local improvement and be paid in similar installments; (3) by the city, in case any part of the city's share of such entire cost has been included in such bond issue and shall direct that such share be paid in the same number of substantially equal installments, by including one (1) such installment in each year's tax budget thereafter until such issue is paid. Whenever any one (1) of said installments becomes due, the owner of the property assessed may pay any or all assessments remaining unpaid, with accrued interest thereon. Additions of interest shall be made to each due and unpaid installment at the rate of one per centum (1%) per month after such installment shall become due and payable. (As amended by L. 1943, c. 710.)

§ 101. Assessments for local improvements shall be made upon the real property adjoining or abutting the same or upon the property benefited as the case may be, including all real property otherwise exempt from taxation.

§ 102. Installments of assessments for local improvements shall be billed with the City tax bill and shall be paid at the same time and in the same manner as the City tax. At the time each installment becomes due and payable, it shall become a lien upon the property upon or against which it is assessed, and if not paid at the time the next City tax becomes payable it, with all fees and additions, shall be added to such tax against such property and become a part thereof and its payment enforced by action in the City Court or in a court of record or by sale in the same manner as unpaid City taxes. (As amended by L.L. 2002, No. 3)

§ 103. (Repealed L.L. 1996, No. 2.)

§ 104. The share of the abutting property or the assessment against such property for any local improvement shall be determined according to the linear or foot frontage, or by such other equitable method as shall be determined by the City Council, and each property owner shall pay

proportionately to the frontage of his/her or its property upon the street or in accordance with the Council's alternative equitable method. In the case of a pavement or repavement, surfacing or resurfacing or macadamizing or remacadamizing, the quantity thereof chargeable to each property shall be ascertained by measurements from the curbing or curblin in front of each said property to the center line of said street. (As amended by L.L. 1996, No. 2; L.L. 2002, No. 3.)

§ 105. Before paving, repaving or macadamizing any street or portion thereof in which a sewer is constructed or a water or gas main is laid, the Council shall make, after notice and failure of the owner or owners of the property adjacent thereto and not having the pipe connections hereinafter designated so to do, pipe connections with said sewer, water or gas main, or either thereof, as the case requires, therefrom to a point two (2) feet beyond the sidewalk side of the curbing at such locations and of such size and dimensions as it may determine. The expense of making any such pipe connections shall be paid to the Comptroller of the city by the property owner, and may be sued for and recovered by an action at law in any court having jurisdiction of an action involving a like amount, in the name of the City of Watertown against the owner or owners of the property on account of which it is made. The cost of such connections shall not be added to the expense of said pavement for the purpose of assessment but shall nevertheless become and be a lien upon the property benefited and may be levied and collected in like manner as city taxes. (As amended by L.L. 1991, No. 6.)

§ 106. Every street surface railroad corporation, so long as it shall continue to use or maintain any of its tracks in any street, avenue or public place in the city, shall have and keep in permanent repair that portion of such street, avenue or public place between the rails of its tracks and two (2) feet in width outside of its tracks, under the supervision of the Department of Public Works, and whenever required by it to do so, and in such manner as it may prescribe. In case of the neglect of any corporation to make pavements or repairs after the expiration of twenty (20) days' notice to do so, the Council may make the same at the expense of such corporation, and it may make such reasonable regulations and ordinances as to the rate of speed, mode and use of tracks and removal of ice and snow as the interest or convenience of the public may require. A corporation whose agents or servants willfully or negligently violate such an ordinance or regulation shall be liable to the city for a penalty not exceeding five hundred dollars (\$500.), to be specified in such ordinance or regulation.

§ 107. The word "expense" as used in connection with paving or macadamizing in this Title shall be construed to include the expense of curbing, grading, necessary culverts and retaining walls, engineering and other expenses appertaining to paving or macadamizing whenever such expenses arise in connection with the paving or macadamizing provided for in this Title.

§ 108. In case any local assessment shall prove insufficient to pay the expenses of the improvement for which it was made, the Council may direct the City Assessor to make a further assessment for the amount of the deficiency; such further assessment shall be founded on the first assessment roll and the like proceeding shall be had thereon as though it were an original assessment. If on any assessment too large an amount shall be raised, the excess shall be

refunded ratably to the then owner of the abutting property so assessed. (As amended by L.L. 2002, No. 3)

TITLE XIII⁷
Assessment and Collection of Taxes

§ 109. 1. The taxable status date in the City of Watertown shall be deemed to be the December 1st immediately preceding the filing of the tentative roll. The valuation date in the City of Watertown shall be the July 1st immediately preceding the filing of the tentative roll. The Assessor shall make and complete, on or before the 15th day of January in each year, the tentative assessment rolls for the city. The Assessor, on or before the 31st of March, shall make and complete the final assessment rolls of the city. It shall be the duty of the Assessor to make assessments for all local improvements in accordance with the provisions of this Act. Said Assessor shall also keep his/her office in City Hall and shall keep the same open during business hours on all business days. (As amended by L.L. 1996, No. 2; L.L. 2007, No. 8.)

2. When the Assessor shall have completed his/her tentative assessment roll, he/she shall file it in his/her office and shall give notice by publication thereof in the official newspaper of the city once that (1) such roll is completed and filed and that all persons interested may examine the same at the Assessor's office; (2) that on the second Tuesday of February next ensuing, the Board of Assessment Review will sit to hear complaints on the same. (§ 109 as amended by L. 1936, c. 596; L.L. 1961, No. 1, § 1; by L.L. 1961, No. 2; L.L. 1996, No. 2; L.L. 2007, No. 8.)

3. Upon completion of the tentative assessment roll, the Assessor shall meet informally with property owners for a minimum of three (3) days, not less than 10 days prior to the second Tuesday of February. As a result of these meetings the Assessor may file verified correction of errors to the tentative roll with the Board of Assessment Review, stipulate to an agreed upon assessment with the complainant per Real Property Tax Law § 524 Para. 3 or make recommendations to the Board of Assessment Review acting on a properly filed complaint.

The Assessor shall make no changes to a filed tentative roll except by the direction of the Board of Assessment Review. (As amended by L. 1936, c. 596; L.L. 1961, No. 1; L.L. 1961, No. 2; L.L. 2007, No. 8.)

§ 110. At least a majority of the members of the Board of Assessment Review shall meet to hear complaints in relation to assessments on the second Tuesday in February in each year. The hours of said hearing shall be for a period of at least four hours, not necessarily continuous, between nine o'clock in the morning and ten o'clock in the evening but in no event less than two hours after six o'clock in the evening. The Board of Assessment Review may hold as many adjourned hearings as necessary to hear all complaints. When said Board has finished its review, it shall forthwith certify its decisions and determinations, and file the same in the office of the Assessor. It shall be the duty of the Assessor to prepare the assessment rolls according to

⁷Editor's Note: See Ch. 271, Art. IX, Collection of Delinquent Taxes, for provisions regarding continuation of collection procedures.

the decisions and determinations of the Board of Assessment Review. (As amended by L. 1953, c. 878, § 304; L.L. 1961, No. 1, § 2; L.L. 2007, No. 8.)

§ 111. Complainants appearing before the Board of Assessment Review shall be required to file a statement under oath specifying the respect in which the assessment complained of is excessive, unequal or unlawful; the statement must be made by the person assessed or whose property is assessed or by some person authorized to make such statement and who has knowledge of the facts stated therein. The Board of Assessment Review may administer oaths, take testimony and hear proofs in regard to any such complaint and the assessment to which it relates; it may require the person assessed or his agent or representative or any other person to appear before it and be examined concerning such complaint and to produce any papers relating to such assessment with respect to his property or his residence for the purpose of taxation. The Board of Assessment Review shall, after said examination, fix the value of the property of the complainant and for that purpose may diminish the assessment thereon. If any such person or his agent or representative shall willfully neglect or refuse to attend and be so examined or to answer any material question put to him, such person shall not be entitled to any reduction of his assessments. Minutes of the examination of every person examined by the Board of Assessment Review upon the hearing of any such complaint shall be taken and filed in the office of the City Clerk. (As amended by L.L. 2007, No. 8.)

§ 112. The Assessor shall immediately, upon the filing with him/her by the Board of Assessment Review of its decisions and determinations, proceed to prepare the final assessment roll for the ensuing year. He/she shall make such changes therein as may be directed by the Board of Assessment Review. (As amended by L.L. 1996, No. 2; L.L. 2007, No. 8.)

§ 113. On or before the 31st day of March, the final assessment roll or a certified copy thereof, when thus finally completed, shall be filed in the office of the City Clerk. The Assessor shall forthwith cause a notice to be published once in the official newspaper, that such assessment roll has been finally completed and stating that it has been so filed and will be open to public inspection. (As amended by L.L. 2007, No. 8.)

§ 114. Any person, persons, company or corporation may, within thirty (30) days after the final completion and filing of the assessment roll and the publication of the notice thereof as required by the preceding section, present to a Justice of the Supreme Court or at a special term of the Supreme Court in the Fifth Judicial District a petition duly verified, setting forth that the assessment is illegal, specifying the grounds of the alleged illegality, or if erroneous by reasons of overvaluation, stating the extent of such overvaluation, or if unequal in that the assessment has been made at a higher proportionate valuation than the assessment of other property on the said roll, specifying the instances in which said inequality exists and the extent thereof and that he, they or it, as the case may be, will be injured thereby. Such petition must show that the application has been made in due time to the Board of Assessment Review to correct the assessment. From and after the presentation of said petition, the provisions of Article 7 of the Real Property Tax Law of the State of New York, as to the procedure for the review of

assessments by certiorari, shall be applicable. (As amended by L.L. 1961, No. 1, § 3; L.L. 2007, No. 8.)

§ 115. The County Legislature shall equalize the assessment roll with those of the other towns of the county, as required by law, and shall, by resolution, adopted on or before the 15th day of December in each year, ascertain and direct the amount of tax to be levied, assessed and raised in the City of Watertown for county and other lawful purposes within the control of such County Legislature and shall, on or before said date, certify such resolution under the Seal of the county to the Assessor. The Council shall thereupon direct that the amount required by such resolution be levied and the said county tax extended on the assessment rolls for that year by the Assessor as herein provided, together with a sum to be fixed by the Council annually to meet partially the city's obligation to pay for property sold by the City Comptroller for delinquent county tax at the annual tax sale held by the City Comptroller pursuant to the Charter of the City of Watertown and to meet partially the expenses of the city in carrying out the assessment and tax collection functions for the county tax required of the city. Such amount shall be known as the county tax budget for the City of Watertown and, as levied, assessed and extended on the assessment rolls for the year, shall be raised by tax upon the real property liable to taxation in the city according to the valuations thereof as fixed in said rolls. Such amount or taxes when so levied, assessed and extended shall be known as the "county tax" and shall be due and payable on the 15th day of January in each year. (As amended by L.L. 1969, No. 1; L.L. 1991, No. 6; L.L. 1996, No. 1; L.L. 2007, No. 8.)

§ 116. On or before the first day of May in each year, the trustees of the Roswell P. Flower Memorial Library, Municipal Civil Service Commission and Plumbing Board shall estimate in detail the expenses and the income of their respective departments for the next fiscal year, together with an estimate of the balance which may remain in any fund in their respective departments at the close of the fiscal year and shall certify such estimate to the Council. All other city departments and officials shall at the same time submit like estimates to the City Manager. The Council shall also make a detailed statement by items of all other expenses of the city as estimated by it for the next fiscal year. At the last regular or special meeting in May, the Council shall pass upon such estimates. At that meeting or at any meeting to which an adjournment may be had, it shall revise such estimates and determine the entire amount necessary to be raised to defray the expenses of the city for the ensuing fiscal year. Such estimates shall be known as the "city tax" budget. The several amounts therein named shall be levied, assessed and extended upon the assessment rolls for the ensuing fiscal year and raised by a tax upon the real and personal property liable to taxation in the city according to the valuations thereof as fixed in such rolls at the time and in the manner herein provided. Such amount or taxes so levied, assessed and extended shall be known as the "city tax" and shall be due and payable on the first day of July in each year.

§ 117. (Repealed by L. 1953, c. 878.)

§ 118. The rolls upon which such assessments are made, herein called and known as "assessment rolls," shall be prepared so as to conform so far as practicable with the general

requirements of law. Subject to the provisions of law, the city tax and the county tax may be apportioned and extended upon the same roll or the same copy of such roll or upon separate copies of such roll. The Council may direct and prescribe how and in what manner the same shall be done and when completed. (As amended by L. 1953, c. 878, § 325; L.L. 2007, No. 8.)

§ 119. When the Assessor shall have apportioned and extended any tax on such assessment roll, as directed, and completed the same, he/she shall forthwith present the same to the City Manager, and when approved by the City Manager, a warrant shall be annexed thereto signed by the City Manager and the City Clerk in substance commanding the City Comptroller or such officer as may be designated to receive, levy and collect the several sums in said assessment rolls specified as assessed and taxed against the persons or property therein described and named with such fee, percentage, penalty or interest or either as in this Act provided, in the manner provided by law for the collection and levying of county taxes by town collectors. The completed roll containing the city tax, apportioned and extended as aforesaid, shall be delivered to the Comptroller on or before the 20th day of June in each year. The completed roll, containing the county and state tax so apportioned and extended, shall be delivered to the Comptroller on or before the first day of January in each year. (As amended by L. 1953, c. 878, § 306; L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 120. At any time after the completion of any assessment or tax roll, whether the same be for a general tax or local improvement, the Council may direct the correction of any error made in any name or in copying or in levying or extending any tax; provided, however, that five (5) days' previous notice thereof shall be given to the party or person interested or affected.

§ 121. At any time the Council may order and cause to be stricken from any assessment roll any property, which is illegally assessed and wrongfully thereon or the assessment of which is for any reason illegal and wrongful, and may cancel and annul any tax extended and apportioned thereon, and may order repayment of any such tax which has been paid. In case any tax or assessment of any kind shall be void or fail for want of jurisdiction or because of any omission or irregularity in any respect in the levying or assessment thereof or in the sale or proceedings taken for the sale of real estate upon which it was assessed, the Council shall have power, and it shall be its duty, to cause the reassessment of such property, or of the proper amount of such tax or assessment thereof; or may order the Assessor to reassess the cost of a local improvement thereof, or may direct a resale of such property; any such reassessment shall for all the purposes of this Act be deemed and taken to be an original assessment and such resale an original sale.

§ 122. The Council of the city shall have power to prescribe by ordinance for the assessment of any property which has been omitted from any assessment roll and to order and direct that a just and equitable amount be assessed, levied and extended against such property for the periods for which taxes or improvements are so omitted; and to order and direct that such amount so ordered assessed be added to the next city tax against such property. The fact that title to such property has changed since such omission occurred shall not prevent the Council from making such just and equitable assessment to cover such omission.

§ 123. Every tax levied, assessed or extended upon any roll shall become delinquent, if not paid within one (1) month after the same becomes due and payable, and thereafter there shall be added to such tax a penalty of five per centum (5%) of the amount thereof, together with one per centum (1%) of such amount for the first month of delinquency or part thereof and thereafter with one-half of one per centum (1/2 of 1%) per month or part thereof, to be collected by the City Comptroller at the time such tax is paid. Such addition or penalty shall belong to the city. (As amended by L. 1936, c. 226; L.L. 1991, No. 6.)

§ 124. Upon receiving the tax or assessment rolls for the city and county and state taxes and each and every one of them, the City Comptroller shall cause a notice to be published in the official and all the daily newspapers published in the City of Watertown once a week for four (4) weeks, beginning respectively as follows; city tax beginning the fifth day of July; county and state tax beginning the 15th day of January. Such notice will state and shall be to the effect that the City Comptroller will attend at his/her office with said roll and warrant during the month stated and that he/she will receive payment of such tax at his/her office on each business day of the month from 9:00 a.m. to 4:00 p.m. such notice, when so published, shall be deemed to be a personal demand upon each and every person, corporation and association upon such roll for the payment of the tax as assessed. The Council may direct the City Comptroller or the Assessor to send to each person, association or corporation whose name appears upon any tax or assessment roll, an advance statement of the amount of such tax or assessment in such form as may be prescribed. (As amended by L. 1946, c. 596; L. 1953, c. 878, § 307; L.L. 1963, No. 1; L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 125. The Council shall have the power to extend the time for the collection of any tax or assessment for local improvements, for such period as it may deem advisable, and to postpone or regulate the time for the collection of penalties or additions for delinquent taxes. It may also postpone and change the date when either the city tax or county and state tax shall become due and payable if in its judgment such postponement is desirable or warranted by reason of any unusual delay in the preparation of assessment rolls, budgets, extension of taxes or the giving of any notice to property owners directed by the Council, or by reason of the failure of the County Legislature to certify the amount of tax to be levied for state and county purposes at the time provided for by this Act. (As amended by L. 1953, c. 878, § 308; L.L. 1996, No. 1.)

§ 126. All and each of the taxes or assessments paid during the month of the publication of the City Comptroller's notice, as provided for by this Title, shall be payable without penalty or interest; provided, however, that upon the state and county taxes, the City Comptroller shall be entitled to receive and shall collect for the benefit of the city the same fees as are received by and paid to town collectors pursuant to the provisions of the Tax Law of the State of New York; said fees so collected by the City Comptroller shall belong to the City of Watertown and shall be deposited by him in the general city fund. On May 1 of each year, the City Comptroller shall prepare a statement of all taxes outstanding and unpaid on the city and county and state tax rolls and combine and assemble the same to show the total outstanding against each piece of property; thereafter such statement shall be known as the "total tax" unpaid. Upon payment of

any tax in such statement and before advertisement of sale as herein provided, the same addition shall be charged for collector's fees paid thereon and penalties and interest as if such tax were separate. During the first ten (10) days in the month of May each year, the City Comptroller shall mail to each delinquent taxpayer a notice in writing stating the taxes unpaid and the amounts thereof assessed and levied against said taxpayer and the fees, interest and penalties that are due thereon on the first day of May of that year, as the same are fixed by § 123 of this Act. Said written notice shall also contain the statement that, unless said tax, penalty, interest and fee is paid to the City Comptroller on or before the first day of the following June, the lands upon which the same were imposed will be sold for the payment of such tax, penalty, interest or fee or the part remaining unpaid. The expenses of such sale shall be a charge upon such lands so sold. (As amended by L. 1931, c. 505; L. 1936, c. 226; L. 1953, c. 878, § 309; L.L. 1991, No. 6.)

§ 127. (Repealed by L. 1953, c. 878, § 325(2), Schedule "A".)

§ 128. The Comptroller shall give a receipt for each and all payments of city or county and state taxes, which receipts shall be signed by him/her. (As amended by L. 1953, c. 878, § 310; L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 129. It shall be the duty of the City Comptroller to pay over to the County Treasurer, at the end of each week during the month in which said county and state taxes are collected, all the money he/she shall have then received for taxes for county and state purposes, and on the first day of March of each year, the City Comptroller, unless otherwise directed by the Council, shall pay over to the County Treasurer of Jefferson County the balance of the county and state tax budget, and, thereafter, all county and state taxes remaining outstanding and uncollected with all fees, additions and penalties shall be and become the property of the city, and the City Comptroller shall not be required to make any return of unpaid taxes to the County Treasurer or to surrender the roll or warrant to him/her. Any such unpaid state and county taxes shall be enforced and collected in the manner provided for the collection of city taxes, and any and all sums thus collected shall be placed in the general city fund. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 130. If any tax or assessment appearing upon the county and state tax roll, the money for which tax the city has paid or credited to the County Treasurer, is for any reason uncollectible because of error, illegality or other cause, a record of the amount of such uncollectible taxes or assessments, so paid or credited by the city, shall be kept by the City Comptroller and reported each year to the Council. The Council may direct that such amount of uncollectible tax be added to the amount of the next county and state tax budget, when reported to it, and be levied, extended and collected with such budget amount; when collected, such amount shall be credited to the city and placed in the general city fund. (As amended by L. 1953, c. 878, § 311; L.L. 1991, No. 6.)

§ 131. At the time of the delivery to him/her of any assessment roll and warrant, the Comptroller shall deliver to the Assessor a receipt acknowledging the reception of the same and shall then be charged with the whole amount which the said roll and warrant delivered to him/her authorized him/her to collect; and whenever any payment for county and state taxes shall be made, as herein provided, by the City Comptroller to the County Treasurer, the Comptroller of the city shall stand charged with the same, and he/she shall not be authorized to credit himself/herself with any amount as unpaid on any warrant, until he/she shall make and file with the Assessor an affidavit stating the amount unpaid and setting forth the reasons in each case why such tax or assessment is or has not been collected. The Council may thereupon order and authorize said Comptroller to credit himself/herself with the whole or any part of said tax or assessment unpaid, and the Comptroller shall be credited only with such amount as the Council shall so order. But no such settlement or any settlement had by the Council or by any city officer as to any tax or assessment shall be final or conclusive; and no bond or other security given by any Treasurer or Comptroller shall be invalidated by or canceled on any such settlement but shall remain in full force and be held for one (1) year thereafter by the city. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 132. All taxes and assessments remaining unpaid for thirty (30) days after the last day upon which the same are payable may be sued for by the city and recovered in an action against any person or corporation liable therefor, but the judgment in such action in favor of the city shall not operate to release any lien of such taxes or assessments until satisfied. The owner of real property, or an interest therein, if his name is correctly entered on the roll, shall be personally liable for taxes levied therein. The owner of real property shall include individuals and corporations regardless of where they reside or conduct business. (As amended by L.L. No. 1995, No. 7.)

§ 133. On or before the 15th day of April next after any tax shall have been imposed upon any real estate in said city, the Comptroller shall make and deliver to the Assessor a transcript of any and all such taxes which remain unpaid, and it shall be the duty of the Assessor, on or before the first day of May thereafter, to make and deliver to the Comptroller a statement containing a brief general description of the location, boundary and estimated quantity of each parcel of said lands, and in case any such lands shall have been erroneously assessed, then it shall be the duty of such officer to make and include in said statement a corrected assessment at the same valuation as before, and the Assessor shall also have power, and it shall be his/her duty, to insert in such revised roll any real estate in the city which may have been omitted in the general roll and assess said real estate in such corrected assessment roll at its value at the time the original assessment was made, as such value may be determined by him/her, upon giving two (2) days' notice thereof to the owner or agent of such property; he/she may add to said roll, with proper corrections, the amount of any unpaid assessments for local improvements or judgments recovered on account of sidewalks built in front of any such property by the city or for other work done or material furnished for the benefit of any property and not paid for at the time of making such corrected assessment roll; or the cost of any sidewalk constructed by the city or the expense of cleaning any sidewalk by the city or the cost of any work done or material furnished for the benefit of any property, as provided by this Act. The Assessor shall complete such revision within ten (10) days after the delivery to him/her of such transcript as aforesaid and shall deliver the corrected rolls to the City Comptroller; such corrected

assessment and the amount of the taxes or assessment levied upon said lands shall be as valid and effectual for all purposes as though they had originally been correct. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 134. The Council shall have all the powers in relation to the correction or otherwise of the city assessment rolls that County Legislature have or may have by statute in the case of town assessment rolls and town or county taxes, and such powers shall be exercised in the same manner as they are or may be exercised by the County Legislature. (As amended by L.L. 1996, No. 1)

§ 135. Whenever any tax, penalty, interest or fee or any part of either of them shall remain unpaid on the first day of June, the Comptroller shall proceed to advertise and sell the lands, upon which the same was imposed, for the payment of such tax, penalty, interest or fee or the part remaining unpaid, and the expense of such sale, as hereinafter prescribed, shall also be a charge upon such lands. (As amended by L.L. 1991, No. 6.)

§ 136. The Comptroller shall, immediately after the said first day of June, cause to be published once in each week, for three (3) successive weeks, in the official newspaper published in the city, a list or statement of the parcels of land charged with any unpaid tax, penalty and interest and fee as may be shown by the total tax statement, describing each parcel according to the descriptions required by this Act, with a notice that each of the said parcels of land will, on a day to be specified in such notice, be sold at public auction at a place in the city therein specified, to discharge the tax, penalty, interest or fee and the expenses of sale, which shall be due thereon at the time of the sale. In advertising on resident lots or plot of lots "owners unknown," to be sold for the nonpayment of taxes and assessments or water rents, the City Comptroller may advertise all the lots belonging to the same plot or purchase in one (1) parcel. The charge for publishing said notice shall be the printer's legal rate as fixed by statute for each piece or lot of land described in said notice. On the day and at the place stated in said notice, the Comptroller shall commence the sale of said parcels of land and shall continue the sale from day to day until all shall be disposed of. (As amended by L. 1931, c. 505; L. 1936, c. 596; L. 1991, No. 6.)

§ 137. The said city tax and county and state tax shall from the time a warrant for the collection of each, respectively, is delivered to the City Comptroller, be and become a lien upon the lands, property or person upon which the same and each thereof is assessed and taxed. Each installment of an assessment for a local improvement shall likewise become a lien upon the lands thus assessed from the time when such assessment becomes due and payable. (As amended by L. 1953, c. 878, § 312; L.L. 1991, No. 6.)

§ 138. The purchasers on such sales shall pay the amounts of their respective bids to the Comptroller immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his/her bid, as herein prescribed, the Comptroller shall forthwith offer the parcel for sale again and proceed as though it had not been struck off. Should there be no bid of

the amount due on any lot or parcel of land to be sold, then the Comptroller shall bid in the same for the city, and the city is hereby authorized to acquire said parcels, and the Council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the Comptroller shall prepare and execute in duplicate, as to each parcel sold, a certificate of such sale, describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof and stating the fact of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, that no interest shall be paid on the sum paid therefor in excess of the amount due at the time of the sale, the name of the person or persons against whom such tax was assessed and the name of the reputed owner thereof. One (1) of said duplicates shall be delivered to the purchaser or, in case the parcel was struck off to the city, then it shall be retained by the Comptroller. The Comptroller shall deliver the other duplicate certificate to the Clerk of the County of Jefferson, who shall file said certificate in his/her office and record the same in a book to be kept in said Clerk's office for that purpose and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof and in the name of the purchaser, in the same book and manner as deeds are required by law to be indexed. The County Clerk shall be entitled to receive a fee of fifty cents (\$0.50) for each certificate filed and recorded, which fee shall be paid by the Comptroller and shall be a part of the expenses of the sale of the parcel. (As amended by L. 1939, c. 339; L.L. 1991, No. 6.)

§ 139. If from any cause the Comptroller shall be unable to attend at the time and place of sale, the City Clerk of said city may conduct the sale with the same force and effect as though made by the Comptroller. (As amended by L.L. 1991, No. 6.)

§ 140. The owner of, or any person interested in or having a lien upon, any parcel or lot so sold may redeem the same from such sale at any time within two (2) years by paying to the Comptroller, for the use of the purchaser or his assigns or if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the amount due at the time of sale, with interest thereon at the rate of twelve per centum (12%) per annum from the date of sale, together with any tax, assessment or water rate upon said parcel or any part thereof that the said purchaser or assigns or persons, before redeeming, shall have paid between the day of sale and the day of redemption, with interest at the rate of twelve per centum (12%) per annum upon such tax assessment or water rate, from the time of payment. No interest shall be paid by anyone on the sum paid to the City Comptroller for a tax certificate in excess of the amount due at the time of the sale plus the expenses of such sale. (As amended by L. 1939, c. 339; L.L. 1991, No. 6.)

§ 141. The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided and to the extinguishment of the tax, penalty or interest for which it was sold, and if there shall be any residue, the Comptroller shall hold the same, without interest, until the owner of the premises at the time of such sale shall redeem the same from the sale as herein provided, and if so redeemed by said owner, the Comptroller shall thereupon pay to the purchaser of said premises at such sale the surplus, without interest, in excess of the amount due the city for taxes, penalty, interest and expense. And if there be any dispute or uncertainty as to such owner of the premises at the time

of such sale, such owner shall be ascertained in the same manner and by the same proceedings as in case of surplus on foreclosure of a mortgage on real estate. In case of redemption by a party other than the owner, the Comptroller shall hold the surplus, without interest, until after the period of redemption shall have expired and then he shall pay such surplus, without interest, and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in case of surplus on foreclosure of a mortgage on real estate. (As amended by L. 1939, c. 339; L.L. 1991, No. 6.)

§ 142. At least three (3) months before the expiration of the time for the final redemption of any parcel or lots so sold, the Comptroller shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least once a week for three (3) successive weeks in the official newspaper of said city. The publication of such notice shall bar and preclude any and all persons, except the purchaser on such sale or his heirs or assigns or the person finally redeeming, from claiming any interest in or lien upon said lands or any part thereof, in case the said lands shall not be redeemed from such sale as herein provided. (As amended by L.L. 1991, No. 6.)

§ 143. If any parcel or lot so sold shall not be redeemed as herein provided, the Comptroller, as soon as is reasonably practicable after the expiration of said two (2) years, may execute and deliver to the purchaser, his/her heirs or assigns or to the city or its assigns or to the person finally redeeming, as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the liens, if any of unpaid taxes, assessments or water rates thereon. The Comptroller executing such conveyance shall be entitled to demand and receive from any grantee, except the city, fifteen dollars (\$15.) for preparing every such conveyance, but all such purchases made for the city in any year shall be included in one (1) conveyance. Alternatively, as soon as is reasonably practicable after the expiration of said two (2) years, where the city is the holder of the certificate of sale, the Comptroller may instruct the County Clerk to cancel the certificate of sale by a proper entry at the foot of the record of such certificate in his/her office and sue for the full amount due on the real estate as determined by the last day for redemption in the name of the city, and recover in an action against any person(s) or corporation liable therefor. A judgment in such action in favor of the city shall not operate to release any lien of such amount due on the real estate until fully satisfied. The owner of real property, or an interest therein, if his/her name is correctly entered on the roll, shall be personally liable for taxes levied therein. The owner of real property shall include individuals and corporations regardless of where they reside or conduct business. (As amended by L.L. 1991, No. 6; L.L. 1993, No. 1; L.L. 1995, No. 7; L.L. 1996, No. 2.)

§ 144. Such conveyance shall be executed by the Comptroller, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county. Every tax deed given by the Comptroller shall be presumptive evidence that the proceeding and all proceedings therein and all proceedings prior hereto from and including the assessment of the real property affected and all notices required

by law were regular and in accordance with all provisions of law relating thereto. After two years from the date of the recording of such deed, the presumption shall be conclusive. No proceedings to set aside such deed may be maintained unless the proceeding is commenced and a Notice of Pendency of the proceeding is filed in the office of the Jefferson County Clerk prior to the time that the presumption becomes conclusive. (As amended by L.L. 1991, No. 6; L.L. 2003, No. 2.)

§ 145. Said grantor or his/her assigns or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance and may cause the occupants of such lands to be removed therefrom and the possession thereof delivered to them in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his/her term without permission of his/her landlord. (As amended by L.L. 1996, No. 2.)

§ 146. Whenever any grantee under any sale shall be unable to obtain possession of the lands conveyed to him by reason of any error or irregularity in the assessment of any person or property or in the levying of a tax or any proceedings for collection of any tax, the Council shall refund to the purchaser the money so paid with interest, the same to be audited and paid as other city charges.

§ 147. After the city shall have acquired the title to any lands sold for taxes, such lands shall be exempt while owned by the city from all taxes. (As amended by L.L. 2007, No. 8.)

§ 148. Whenever any assessment, water rate or lien upon real estate under this Act, except taxes, shall have remained unpaid in whole or in part for four (4) months from the date when the same because a lien, the Council may direct the Comptroller to sell the land upon which such lien exists, and the Comptroller shall thereupon make and deliver to the Assessors a statement thereof, and the Assessors shall make and deliver to the Comptroller a description of such lands as hereinbefore provided, and he/she shall forthwith proceed to advertise and sell said lands in the same manner as in case of unpaid taxes, and all the provisions of this Act as to such sales shall apply to sales under this section. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 149. In case of the redemption of any lands sold for taxes, as herein provided, by the person who was the owner thereof at the time of the sale, the Comptroller shall give such owner a receipt for the amount paid by him/her to effect such redemption, and on the production thereof by such owner to him/her, the County Clerk shall cancel the certificate of sale by a property entry at the foot of the record of such certificate in his/her office. (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

§ 150. Whenever any assessment for any local improvement shall have been imposed under the provision of this Act, upon any real estate in the city, it shall be lawful, at any time within

the period fixed for the payment of said assessment, for the owner or owners of said real estate, upon which said assessment is imposed to file with the Comptroller of such city a written application that the said city shall assign and transfer to such person, persons or corporation as said owner or owners may in said application name, the assessment in question and the right of the city to recover of such owner or owners and from said real estate, the amount of said assessment and interest thereon in which application such owner or owners shall expressly waive all defenses to such assessment, which waiver shall be conclusive against such real estate. Upon the filing of such application and the payment to the city of the full amount of such assessment with interest thereon due, the city all, by its Comptroller, execute and deliver to said person, persons or corporation, named by said owner or owners, a proper instrument in writing, selling, assigning and transferring to such person, persons or corporation, the assessment imposed upon the real estate in said application described and all the right of such city to recover from said owner or owners or from or out of the said real estate the amount of said assessment and any interest thereon; and, further, transferring and assigning to said assignee or assignees the lien of such city upon such real estate by reason of said assessment. The amount of such assessment shall, from the date of said transfer, bear interest at such lawful rate and be payable at such time as may be agreed upon between said owner or owners and said assignee or assignees, by an agreement or by successive agreements endorsed upon said assignment and transfer or upon any subsequent assignment thereof. After the execution of such written instrument of assignment or transfer, the lien of said assessment theretofore existing in favor of such city upon said real estate shall continue to exist in favor of such assignee or assignees or his or their legal representatives or assigns, providing, however, that said lien shall terminate at the end of three (3) years after the date when said assessment or any installment thereof becomes due, unless an action for the foreclosure thereof shall be sooner brought and a notice of the pendency of said action filed in the Clerk's office of Jefferson County. The holder of such assignment or transfer shall, upon default in the payment of the amount of said assessment and interest, at the time agreed upon, have the right to collect the amount due and enforce his said lien by an action for the foreclosure thereof. (As amended by L.L. 1991, No. 6.)

§ 151. There shall be kept by the City Comptroller in his/her office a book in which shall be kept a record of all assessments so assigned, containing a transcript of the assessment from the original assessment roll, the name of the person or persons who, as owner, made the application for the assignment, the date of the assignment and the name of the assignee or assignees. Such record shall be indexed in the name of the person or persons against whom the assessment was made and in the name of the person or persons making the application for the assignment. Upon making such assignment, the Comptroller shall mark upon the original assessment roll, opposite the assessment so assigned, a statement that such assessment has been assigned, the name of the assignee or assignees and a reference to the record thereof in the aforesaid book. A note of any subsequent assignment, if any, by such assignee or assignees, shall be made by the Comptroller and a record thereof in said record book, and such assignment shall be filed with the Comptroller. On the filing with the Comptroller of a satisfaction piece, properly executed by the original assignee or assignees, or by his/her or their legal representatives or assigns showing the payment of said assessment and all interest thereon, he/she shall thereupon mark opposite said record in said book the words "satisfied of record." (As amended by L.L. 1991, No. 6; L.L. 1996, No. 2.)

TITLE XIV⁸
(Reserved)

TITLE XV⁹
(Reserved)

TITLE XVI¹⁰
(Reserved)

TITLE XVII
Miscellaneous Provisions

§ 227. The city shall have all the powers necessary to the exercise of the rights and the discharge of the duties conferred and imposed upon it by this Act. The enumeration herein of its powers shall not be construed to deny, annul or disparage any power possessed by the city by virtue of any provisions of any existing law consistent with this Act and not repealed hereby.

§ 228. The political year shall begin with the first day of January, and the terms of office of all officers shall be computed by the political year, although the officers may not have been appointed until after the year shall have begun, except in case of those whose terms of office are specifically made to commence at another time.

§ 229. The fiscal year in the City of Watertown shall commence on the first day of July.

§ 230. No person, board or department in the city shall have the right to incur any indebtedness for the city, except as authorized by the Council or other municipal board or department in conformity with the provisions of this Act or the Local Finance Law. (As amended by L. 1943, c. 710.)

§ 231. No civil action shall be maintained against the City of Watertown for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk, crosswalk or public building being defective, out of repair, unsafe, dangerous or obstructed, unless at least forty-eight (48) hours previous to the occurrence resulting in such damages or injury written notice of the defective, unsafe, dangerous or obstructed condition of said street, highway, bridge, culvert, sidewalk, crosswalk or public building was actually given to the City Clerk or City Manager, and there was a failure or neglect within a reasonable time

⁸Editor's Note: Former Title XIV, Bonds, as amended, which consisted of § 153, was repealed by L.L. 1996, No. 2.

⁹Editor's Note: Former Title XV, Sinking Fund, which consisted of §§ 158 through 161, was repealed by L.L. 1996, No. 2.

¹⁰Editor's Note: Former Title XVI, The City Court, as amended, which consisted of §§ 162 through 226, was repealed by L.L. 1996, No. 2.

after the receipt of such written notice to repair or remove the defect, danger or obstruction complained of. No such action shall be maintained for damage or injuries to the person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street or public building, unless written notice thereof relating to the particular place was actually given to the City Clerk or the City Manager, and there was a failure or neglect to cause such snow or ice to be removed or the place otherwise made reasonably safe within a reasonable time after the receipt of such notice.

The city shall not be liable in a civil action for damages or injuries to person or property or invasion of personal or property rights of any name or nature whatsoever, whether casual or continuing, arising at law or in equity, alleged to have been caused or sustained, in whole or in part, by or because of any omission of duty, wrongful act, fault, neglect, misfeasance or negligence on the part of the city or any of its agents, officers or employees unless a notice of claim shall have been made and served in compliance with § 50-e of the General Municipal Law, nor unless an action shall be commenced thereon within one (1) year after the happening of such accident or injury or the occurrence of such act, omission, fault or neglect. The omission to present such claim as aforesaid in compliance with § 50-e of the General Municipal Law shall be a bar to any action or proceeding therefor against the city; but no action shall be commenced to recover upon or enforce any such claim against the city until the expiration of three (3) months after the service of said notice. Nothing herein contained, however, shall be held to revive any claim or cause now barred by any existing requirement or statute of limitations nor to waive any existing limitation now applicable to any claim or cause of action against the city. (As amended by L.L. 1954, No. 1, § 1.)

§ 232. (Repealed L.L. 1996, No. 2.)

§ 233. All ordinances, rules and regulations heretofore enacted or adopted by the Common Council, the Council, any board or department of the city and not inconsistent with this Act or with the Optional City Government Law are continued in full force and effect until amended or repealed. Any ordinance, regulation or rule inconsistent with the provisions of this Act is hereby repealed.

§ 234. No costs, fees, disbursements or allowances shall be recovered or inserted in any judgment against the City of Watertown or against any of its officers or authorized agents, where said city would be liable to such officer or authorized agents, unless the claim, whether arising on contract, express or implied or on tort, upon which such judgment is founded, shall have been presented for payment to the Council of the City of Watertown at least forty (40) days before the commencement of an action thereon.

§ 235. Every act, ordinance, bylaw, public regulation, resolution or proceeding of the Council or of any board of the City of Watertown may be read in evidence in all courts and places in this state, either:

1. From a copy of such act, ordinance, bylaw, public regulation, resolution or proceeding certified by the City Clerk, under the Seal of the city, or

2. From the printed volume of ordinances, bylaws and public regulations printed by authority of the Council.

§ 236. The Charter of the City of Watertown may be read in evidence from the volume containing such Charter, printed by authority of the Council, or from a copy certified by the City Clerk or from the Session Laws of the State of New York containing the same.

§ 237. The word “person” in this Act shall be construed to include persons, firms, companies, corporations and associations.

§ 238. A description and map of all the streets, highways, alleys, lanes, side- and crosswalks, drains, sewers, water mains, hydrants, public squares and walks in said city, heretofore laid out or which shall have been dedicated to the public or given to the village or City of Watertown or which shall have been used or occupied by the public for twenty (20) years, shall be recorded in a book to be kept by the City Clerk for that purpose, and said map shall be filed and kept in the office of the City Clerk. A description of every street, public ground, sidewalk, crosswalk, drain, sewer, water mains, hydrant and public square and walk, thereafter made or altered or discontinued, shall be recorded in the same book or in a set of books to be kept for that purpose, and a map of every new street hereafter made and of every alteration in a street shall be made and filed with and kept in the office of said Clerk. Said record and map shall be prima facie evidence of the facts therein stated, described or portrayed in all actions or courts.

§ 239. The money for all leases, licenses and for all penalties and forfeitures for a violation of this Act or the bylaws, ordinances or regulations of the city and all fines imposed in and by the City Court and all costs received or collected in actions brought in the name of the city in the City Court shall be paid to the City Comptroller for the use of the said city and by him passed to the credit of the general city fund. (As amended by L.L. 1991, No. 6.)

§ 240. (Repealed L.L. 1996, No. 1.)

§ 241. Excepting as herein otherwise specifically provided, in case the city shall expend any moneys or incur any obligations at the request or on account of any town or the County of Jefferson for which such town or county may be liable, the amounts paid by such town or county on account of such obligations incurred or moneys expended shall be passed by the City Comptroller to the credit of the general city fund. (As amended by L.L. 1991, No. 6.)

§ 242. (Repealed L.L. 1996, No. 2.)

§ 243. No new street shall be accepted as a city street unless it be at least three (3) rods in width and a map thereof be filed in the office of the County Clerk of the County of Jefferson and with the City Engineer and a deed thereof for highway purposes, together with an abstract of title, be delivered to and filed with the City Clerk. Such street may be accepted upon recommendation of the City Engineer and after such work as he/she may require, by way of sewer and water installation, grading, macadamizing, paving or curbing, at his/her option, shall have been done. (As amended by L.L. 1996, No. 2.)

§ 243-a. Private streets with a sixty-foot right-of-way or twenty-eight (28) feet in width, curb to curb, may be accepted by the city as city streets upon the owners thereof conveying title of the bid of any such street to the city. The deed of any such street shall contain a clause excepting and reserving to the owner, his successors and assigns the right to use, maintain and replace any sewer, water, gas, electric, telephone or any other utilities which may serve the abutting properties running beneath or above such street. Any expense incurred for the use of such facilities shall be borne by the property owner served or owners of the facilities serving and at no cost to the city. A map thereof shall be filed in the Jefferson County Clerk's office and with the City Engineer. (As added by L.L. 1968, No. 1; as amended by L.L. 1996, No. 2.)

§ 244. If between the apportionment and extension of any tax on the assessment rolls, as provided for in this Act, the actual collection of the tax or assessment so apportioned and extended the city should issue tax anticipation notes against such taxes or assessments so apportioned and extended, the amount of such notes remaining unpaid as of the first day of March, in the case of the county and state tax, and as of the first day of August, in the case of the city tax, shall be included in the tax levy for the following year in the particular budget for which said money was borrowed and repaid out of the first moneys collected as taxes which may be available; and in case of the recovery of any final judgment against the city which cannot be paid out of the general city fund after defraying the ordinary expenses of the city payable from such fund, the City Council shall include the amount of such judgment or judgments in the tax levy for the following year in addition to the amount authorized by this Act to be raised as city taxes. (As amended by L. 1943, c. 710; L. 1945, c. 839; L. 1953, c. 878, § 312.)

§ 246. No pecuniary obligation whatever shall be created on the part of the city which shall not be payable in the fiscal year and which cannot be discharged from the income of the same year, except as otherwise provided herein or in the Local Finance Law and excepting that a contract may be made for the lighting of the public streets, parks and place of the city or for the collection of garbage, ashes and other waste materials or for the purchase of aviation fuel for a period not exceeding five (5) years, but the total amount of the expense of lighting the streets and parks of the city or for the collection of garbage, ash and other waste materials, as well as for the purpose of aviation fuel for each year, shall be raised by taxation as herein provided. (As amended by L. 1943, c. 710; L.L. 1970, No. 1.)

§ 247. Disposition of real estate. Notwithstanding the provisions of Paragraph 2 of Subdivision b of § 23 of the General City Law or of any other statute of the State of New York, except as hereinafter mentioned, the Council of the City of Watertown is hereby authorized:

(a) Disposition of real estate. The City Council may, by resolution adopted by a three-fourths (3/4) vote of all members of the Council, sell, convey, exchange, grant or release any city real estate belonging to or under the control of the city, apply such real property for a period not to exceed ninety-nine (99) years, at public or private sale, and grant rights or interest in, over, under and across any real property, in which the city has any right, title or interest, for such consideration and upon such terms and conditions as the City Council may deem proper; and with respect to the sale of surplus real property, such terms and conditions may include purchase money mortgages, installment contract sales and any other means of selling and financing.

The time of sale shall be the date of the deed from the city.

This section shall not, however, apply to the sale or lease of water, light or power, nor shall it in any way affect the provisions as to water, light and power as the same appear in Title VII of the Charter of the City of Watertown.

(b) Disposition of franchises.

(1) Franchises acquired at tax sale. To sell or lease a franchise belonging to or under the control of the city, which franchise is not needed for a public purpose, at a negotiated price of sale without need of advertising same or it may sell or lease such franchise at public auction to the highest bidder, upon such terms and conditions and under proper regulations as to security which the Council shall require by ordinance.

(2) Other acquired franchises. To sell or lease a franchise acquired by it in any other manner, including purchase, devise or gift at public auction, to the highest bidder, upon such terms and conditions and under proper regulations as to security which the Council shall require by ordinance.

(3) Minimum upset bids for disposition of franchise. All bids for the sale of franchises described in (1) and (2) of this section at public auction shall be subject to a minimum upset bid equal to the fair value of said franchise as fixed by the City Manager. (As amended by L.L. 1977, No. 1; L.L. 1985, No. 1, § 1.¹¹)

¹¹Editor's Note: Sections 2 through 6 of L.L. No. 1-1985 read as follows:

Section 2. All sales and leases of real estate and of every franchise shall be authorized or approved by a three-fourths (3/4) vote of all members of the Council.

Section 3. The authority of the city to lease part of its real property pursuant to § 20 (Paragraph 2-a) of the General City Law as therein prescribed shall continue.

Section 4. Validity. If any section, subsection, paragraph, clause, sentence or phrase of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. The provisions of this local law shall not apply to the sale or lease of real property owned by the city or the Watertown Urban Renewal Agency acquired by either for urban renewal purposes and which real property may be disposed of under the provisions of Article 15 and/or Article 15-A of the General Municipal Law of the State of New York as amended relating to urban renewal.

Section 6. Effective date. This local law will take effect forty-five (45) days after its adoption, pursuant to the Municipal Home Rule Law, and after filing as therein provided.

§ 248. (Repealed L.L. 1996, No. 2.)

§ 249. Wherever it is provided in any franchise given by the city, or in any bond, contract or other agreement in favor of the city, that any act or thing shall be done or demand or notice made or given by any officer of the city therein named, such act may be done or demand or notice made or given by the officer, body or department named, if there be such, and if not, by the officer, board or body possessing or discharging like powers, functions or duties. No such franchise, bond, contract or agreement shall in any manner be impaired by the passage of this Act but shall continue in full force, and the duties imposed and the powers conferred in and by any such franchise, bond, contract or agreement may thereafter be exercised and discharged by the officer, body or department upon whom is conferred like powers, functions or duties, under the provisions of this Act or any ordinance, without regard to the official name or designation of such officer, body or department.

§ 250. Any ordinance, rule or regulation, in force in said city, inconsistent with this Act is hereby repealed.

§ 251. (Repealed L.L. 1996, No. 1; L.L. 1996, No. 2.)

§ 252. (Repealed L.L. 1996, No. 2.)

§ 253. (Repealed L.L. 1996, No. 2.)

§ 254. (L. 1923, c. 660; became effective May 22, 1923; repealed L.L. 1996, No. 2.)