

LOCAL LAW #2 of 2023

A LOCAL LAW AMENDING THE OGDENSBURG CITY CHARTER

Be it enacted by the City Council of the City of Ogdensburg as follows:

SECTION 1. AUTHORITY

The City derives its authority to enact this Local Law from Municipal Home Rule Law § 10 (1) (c) (1), which expressly authorizes cities to revise their charters by local law.

SECTION 2. Article XVII, §C-59 of the City Charter of the City of Ogdensburg entitled Preliminary budget be and the same is amended as follows:

A. On or before the 15th day of October of each calendar year, the City Manager shall submit to the City Council a preliminary budget for the ensuing fiscal year of the City of Ogdensburg and an accompanying message.

SECTION 3. Article XVII, §C-60 of the City Charter of the City of Ogdensburg entitled Preliminary budget be and the same is amended as follows:

In order to enable the City Manager to prepare the preliminary budget, the head of every department and/or agency of the City of Ogdensburg shall file with the City Manager no later than the 15th day of August of each year estimates in writing specifying in detail the amount of and the objects of expenditures required in their respective departments or agencies during the next fiscal year, including in those estimates a statement of each of the salaries of officers and employees of the departments and an estimate of revenues to be received in the ensuing fiscal year.

SECTION 4. Article XVII, §C-61 of the City Charter of the City of Ogdensburg entitled Acceptance of preliminary budget; modifications be and the same is amended as follows:

The City Council, after receiving the City Manager's preliminary budget, shall accept the proposed preliminary budget or make any modifications to it as the City Council may desire and, on or before the 31st day of October of each year, shall file the accepted proposed preliminary budget with the City Clerk and the Comptroller of the City of Ogdensburg. The proposed preliminary budget shall be a public record and shall be available for inspection by the general public at the office of the City Clerk.

SECTION 5. Article XVII, §C-62 of the City Charter of the City of Ogdensburg entitled Notice of public hearing be and the same is amended as follows:

On or before the 31st day of October of each year the City Council shall fix a date, time and place for a public hearing on the preliminary budget before the City Council and direct the City Clerk to publish notice of the public hearing at least five days before the date of the hearing in the official newspaper of the City, or, if no official newspaper has been designated, the notice of the public hearing shall be published in a newspaper of general circulation within the City.

SECTION 6. Article XVII, §C-63 of the City Charter of the City of Ogdensburg entitled Holding of public hearing be and the same is amended as follows:

The City Council shall meet on the date, at the time and at the place fixed for the purpose of holding the public hearing on the budget. Such hearing shall be held and completed before the 15th day of November of each year. At this hearing all persons desiring to be heard in relation to the budget shall be heard. However, the City Council may establish rules of procedure for such public hearing and such rules may provide limitations on the time allocated to any speaker.

SECTION 7. Article XVII, §C-64 of the City Charter of the City of Ogdensburg entitled Adoption of budget; filing be and the same is amended as follows:

The City Council, at a regular or special meeting held after the public hearing but not later than the 1st day of December, shall by resolution adopt or amend and adopt the budget, which budget when adopted shall thereupon become the annual budget of the City for the ensuing fiscal year. At the same meeting at which the annual budget is adopted, the City Council shall adopt a resolution appropriating the various amounts in the budget as approved for the departments and agencies of the City, and for the several purposes specified in the budget. Within 30 days after the adoption of the budget, the Comptroller as Chief Officer shall file with the State Comptroller a certified copy of such budget, and such other information as the State Comptroller may require. However, failure of the City Comptroller to file such information with the State Comptroller as required by § C-59 or this section shall not invalidate a tax levied by the City.

SECTION 8. Article XVII, §C-64.1 of the City Charter of the City of Ogdensburg entitled Failure to adopt budget be and the same is amended as follows:

If the City Council fails to adopt or amend and adopt the budget by December 1st, then the budget as submitted by the City Manager shall be deemed to be the budget of the City for the ensuing fiscal year, and expenditures shall be made in accordance therewith. Such failure to act shall be deemed a positive action to adopt the appropriation and tax levy resolutions relative to the preliminary budget in the same manner as set forth in §§ C-64 and C-70.

SECTION 9. Article XVII, §C-70 of the City Charter of the City of Ogdensburg entitled Annual tax levy shall be deleted in its entirety and replaced with the following:

§ C-70 Tax Collection

Except as otherwise provided by this Article XVII of the City Charter, The City of Ogdensburg will collect City real property taxes in accordance with the procedures set forth in Article 9 of the New York State Real Property Tax Law.

SECTION 10. Article XVII, §C-71 of the City Charter of the City of Ogdensburg entitled Extension of taxes shall be deleted in its entirety, and shall be replaced with the following:

§ C-71 Taxes Payable in Installments

- A. Upon receipt of the annual City real property tax bill, an owner of real property may elect to pay the total amount of the taxes set forth in such statement on or before the 31st day

of January; or he/she may elect to pay such taxes in installments, as authorized by section 972 of the Real Property Tax Law.

- B. In the event that an owner of real property chooses to pay his/her City real property taxes in installments, City real property taxes shall be due and payable at the office of the City Comptroller in three installments, as nearly equal as possible, on or before the 31st day of January, on or before the 31st day of March and on or before the 31st day of May, respectively.
- C. Each installment other than the first shall be subject to interest at the rate determined pursuant to section 924-a of the Real Property Tax Law, up to and including the date on which it is to be paid. Such interest shall be amortized over all scheduled payments. If an installment is not paid on or before the date it is due, additional interest shall be added as provided by section 975 of the Real Property Tax Law.

SECTION 11. Article XVII, §C-72 of the City Charter of the City of Ogdensburg entitled Payment of taxes shall be deleted in its entirety.

SECTION 12. Article XVII, §C-73 of the City Charter of the City of Ogdensburg entitled Tax notices shall be deleted in its entirety.

SECTION 13. Article XVII, §C-74 of the City Charter of the City of Ogdensburg entitled Tax bills shall be deleted in its entirety.

SECTION 14. Article XVII, §C-75 of the City Charter of the City of Ogdensburg entitled Collection periods; interest shall be deleted in its entirety.

SECTION 15. Article XVII, §C-76 of the City Charter of the City of Ogdensburg entitled Tax receipts shall be deleted in its entirety.

SECTION 16. Article XVII, §C-81 of the City Charter of the City of Ogdensburg entitled Unpaid Taxes be and the same is amended as follows:

In case any City taxes remain unpaid or uncollected upon the 31st day of May succeeding the delivery of the warrant, the City Comptroller shall make and deliver to the County Treasurer or county officer performing the functions of a County Treasurer an account of taxes paid and unpaid, subscribed and affirmed as true. The County Treasurer shall, if satisfied that such account is correct, credit the City with the amount of such unpaid delinquent taxes.

SECTION 17. SEVERABILITY

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

therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

SECTION 18. EFFECTIVE DATE. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.