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CHARTER
OF THE
CITY OF ITHACA,
NEW YORK,

PUBLISHED BY
AUTHORITY OF THE COMMON COUNCIL,

UNDER SUPERVISION OF THE CITY CLERK.

June, 1888.

ITHACA, N. Y. :
PRESS OF THE ITHACA JOURNAL.

1888.
hk

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OFFICE OF THE CITY CLERK.

ITHACA, N. Y., June 6, 1888.

Pursuant to the provisions of the Charter of the City of Ithaca, I hereby certify that the following volume, containing the City Charter, is printed by authority of the Common Council of said city, duly given at a meeting thereof, held June 1st, 1888.

CHARLES A. IVES,

City Clerk.

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CITY OF ITHACA CHARTER.

CHAPTER 212.

AN ACT TO INCORPORATE THE CITY OF ITHACA.

APPROVED BY THE GOVERNOR MAY 2, 1888. PASSED, THREE-
FIFTHS BEING PRESENT.

TITLE I.

OF THE BOUNDARIES AND CIVIL DIVISIONS.

SECTION I. All that district of country in the town of Ithaca in the county of Tompkins, comprised within the following boundaries, namely: Commencing at the south-west corner of DeWitt's location in the town of Ithaca; thence due east along the south line of said location and the south line produced, to a point three thousand four hundred and fifty-two feet east of the east line of lot ninety-four; thence due north parallel with said east line of lot ninety-four to the north line of lot ninety-two; thence west along the north lines of lots ninety-two and ninety-four and these lines produced, to the west line of lot eighty-seven; thence south along the west line of said lot eighty-seven and the west line of said DeWitt's location to the place of beginning, shall be a city known as "the city of Ithaca;" and the citizens of this State from time to time inhabitants within the aforesaid limits, shall be a body corporate and politic by the name of "the city of Ithaca," and as such shall have the rights, powers and privileges conferred by the general statutes of this State upon municipal corporations, as well as those conferred by this act, which shall be known as the charter of said city.

City boundaries.

Number of
wards.

§ 2. The said city shall be divided into four wards, as follows:

FIRST WARD.

First ward, de-
scription of

All that part of said city lying on the westerly side of the middle of Corn, Varick and Fifth streets, shall be known as the first ward.

SECOND WARD.

Second ward.

All that part of said city bounded as follows : Beginning on the south boundary of said city in the center of Corn street ; running thence north along the center of said Corn street to its intersection with State street ; thence east along the center of said State street to its intersection with Tioga street ; thence north along the center of said Tioga street to its intersection with Buffalo street ; thence east along the center of said Buffalo street to the east boundary line of said city ; thence south along the east boundary of said city to the south boundary line of said city ; thence west along the south boundary of said city to the place of beginning, shall be known as the second ward.

THIRD WARD.

Third ward.

All that part of said city lying on the east of the center of Corn street, center of Varick street, center of Fifth street and north of the center of State street, and west of the center of Tioga street, shall be known as the third ward.

FOURTH WARD.

Fourth ward.

All that part of said city lying east of the center of Tioga street and north of the center of Buffalo street shall be known as the fourth ward.

§ 3. Whenever the population of any ward shall exceed that of any other by five hundred inhabitants the common council may alter the boundaries of the wards or increase the number thereof, so that the population in each ward shall be equal as near as conveniently may be, and shall by resolution, to be entered in the minutes of the common council, declare the limits of each ward, which resolution shall be published in one or more of the city papers for two successive weeks, but no new ward shall be created with a population of less than two thousand.

Changing of
ward bounda-
ries.

TITLE II.

OF OFFICERS, THEIR ELECTION AND APPOINTMENT.

City officers.

SECTION I. The officers of said city shall be as follows : A mayor, recorder and two supervisors, all to be elected on general ticket by the qualified voters of the city ; two aldermen from each ward to be elected by the qualified voters of the city residing in each ward respectively ; an assessor, a treasurer, a collector of taxes, a city superintendent, a city clerk, a city attorney, a pound master, such police constables, general and special, as in the judgment of the common council may be deemed necessary, and one fire warden from each ward, all of whom shall be appointed by the mayor of said city ; but the same person may be so appointed to and hold one or more of said offices at the same time. Before any person shall be so appointed to one or more of said offices the common council shall fix the maximum rate of compensation to be paid for performing the duties of each of said offices, which maximum rate shall not be changed during the incumbency of the appointee next thereafter appointed thereto, except with the consent of the mayor. The common council may also, prior to each of such appointments, prescribe the duties of such officers in addition to and not inconsistent with the duties prescribed by this act and subject to such provisions of the common council, and to the provisions of this act the mayor shall prescribe the duties and fix the rate of compensation of all officers appointed by him and of all employes of the city, provided, however, that the compensation of the collector

The common council shall fix salaries ; and prescribe duties.

shall not be greater than that allowed the collectors of towns for similar services.

§ 2. Every person elected or appointed to office under this act, who shall refuse or neglect to take and file the oath of office hereinafter required, for ten days after notice in writing from the clerk, of his election, shall be deemed to have declined the office, and his place shall be filled as in case of a vacancy, and he shall forfeit for the use of the city twenty-five dollars, to be sued for and collected in the name of the city.

Refusal or neglect to qualify.

§ 3. The said wards, until otherwise arranged as hereinbefore provided, shall constitute the election districts for all city elections held in said city, and the aldermen chosen under this act shall be inspectors of election in the several wards in which they respectively reside, and shall possess the powers and discharge all the duties of such inspectors, and all provisions of law applicable to election districts and to the inspectors of election therein, shall apply to said wards and said inspectors.

Aldermen to serve as inspectors of election.

§ 4. Every inhabitant who shall have resided in said city for thirty days and in the ward in which he shall offer his vote, for ten days next preceding the offer of his vote, and who shall at the same time and place of offering his vote, be qualified to vote for Member of Assembly, shall be entitled to vote for the officers to be elected by virtue of this act, in the ward where he shall be so qualified and reside.

Qualification of voter.

§ 5. The provisions of law in respect to elections for State and county officers, shall apply to elections held under this act so far as the same are applicable, and are not inconsistent with this act.

General laws to apply to city elections.

Places for election and advertisement of same.

§ 6. A general city election shall be held in each of the wards of said city on the first Tuesday of March in each year after the passage of this act, at such places in the several wards of said city as shall be designated by the common council, and ten days notice shall be given of such election by publishing the same in one or more papers of said city. If no place shall be appointed by the common council, the election shall be held at the same places at which the last preceding annual election of the village of Ithaca was held.

Number of aldermen and supervisors to be chosen.

§ 7. At each general city election after the passage of this act there shall be elected as hereinbefore provided one alderman from each ward in the place of the alderman from such ward whose term of office shall next thereafter expire, and two supervisors in the place of the supervisors whose terms of office shall next thereafter expire.

How election must be conducted.

§ 8. The polls of the election shall be opened at eight o'clock in the forenoon, and shall be kept open without intermission until five o'clock in the afternoon, at such place or places in each ward as the common council shall appoint, when they shall be finally closed, and the inspectors shall forthwith without adjournment, canvass the votes received by them, and shall make and certify two statements thereof, one of which shall be filed with the city clerk, and the other with the clerk of Tompkins county. The inspectors shall judge of the qualifications of electors, canvass the ballots, and make out and place in the hands of the mayor, or clerk of the city, a certificate containing a statement of the number of votes cast in each ward for each candidate respectively, and the common council shall, within one day thereafter, proceed to canvass such certificates, and shall

cause a statement of the whole number of votes cast for each candidate to be entered on their minutes, and shall declare those persons elected who have the greatest number of votes, and it shall be the duty of the clerk of the city to notify the several officers of their election. At the first regular meeting of the common council after each annual election, the persons who shall have been elected mayor and aldermen respectively, at said last election, shall each take the oath of office prescribed by the Constitution.

TITLE III.

OF THE COMMON COUNCIL.

Constitution
of the com-
mon council.
How chosen.

SECTION I. The mayor and aldermen of the city shall constitute the common council thereof. The present president of the village of Ithaca shall be the mayor of said city for the remainder of the period for which he was elected, such president, and the present members of the board of trustees of the village of Ithaca shall be the aldermen of said city from their respective wards for the remainder of the periods for which they were elected such trustees respectively. At the first election held after the passage of this act as hereinbefore provided, a mayor shall be elected as hereinbefore provided, and at each alternate general city election thereafter there shall be elected as hereinbefore provided, a mayor in the place of the mayor whose term of office shall next thereafter expire.

When council
shall meet.

§ 2. The common council shall meet at such place as the mayor shall designate, on the first Wednesday next after the annual election in each year, and at such times and places as hereinafter provided.

How the coun-
cil shall pro-
ceed. Public
sessions. As-
sessments.

§ 3. At all meetings of the common council, the mayor when present, shall preside, but in his absence one of the aldermen shall be called to the chair. In the proceedings of the common council, each member present shall have a vote, except the mayor, who shall have only a casting vote when the votes of the other members are tied, and except as hereinafter provided.

The sittings of the common council shall be public except when the public interest shall require secrecy. The minutes of the proceedings shall be kept by the city clerk and the same shall be open at all times to public inspection. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered except by a concurring vote of a majority of all the members of the common council in office, including the mayor who shall be entitled to vote thereon as a member of the council, and no tax levied, assessment-bill ordered, resolution or ordinance shall take effect until the same shall receive the approval of the mayor, as hereinafter provided.

§ 4. The common council shall hold regular meetings at least twice in each month, one of which shall be on the first Wednesday of each month and the mayor, or in his absence, any three aldermen, may call special meetings by twenty-four hours notice in writing served personally upon the other members of the common council or by leaving it at their usual places of business during business hours, or their places of abode at other times.

Stated and
Special meet-
ings.

§ 5. The common council shall determine the rules of its own proceedings and be judge of the election and qualification of its own members, and have power to compel the attendance of absent members from time to time, and to prescribe the duties of all the officers and persons appointed by them to any place whatever subject to the provisions of this act, and the general statutes of this State.

The Council
to fix rules
and enforce
attendance;
and prescribe
duties of all
appointees.

§ 6. Upon the completion of the assessment-roll in each year, the common council shall designate one

Bank designa-
ted as city de-
pository. Bank
to give bond.

or more good and solvent banks in said city as the depository of all moneys received by the treasurer of said city, and may agree with such bank or banks upon a rate of interest per annum to be paid on moneys so collected. Each bank so designated shall, for the benefit and security of the city, and before receiving any such deposits, execute to the common council of said city a good and sufficient bond, with two or more sureties, to be approved by the common council of said city. Such bonds shall be conditioned for the safe keeping and payment on the order or warrant of said treasurer or upon other lawful authority, all such deposits and the agreed interest thereon, and it shall be the duty of the clerk of the common council to file such bond in the office of the clerk of such county. It shall be the duty of the treasurer to deposit all funds belonging to the city that may come into his hands in a bank so designated and his failure so to do shall be a misdemeanor. The designation of any such bank and the depositing of moneys therewith by such treasurer, shall not release him or his sureties from any liability in relation to such moneys or in any manner affect such liability, except for loss through failure or fault of such designated bank.

Powers of council; city property, all finances. Creation of debt.

§ 7. The common council shall exercise all the corporate powers mentioned in the first section of this act, and shall have the control and management of the property, both real and personal, belonging to the city, and all the finances thereof, and except as herein otherwise provided, no debt or liability which may become a charge against said city shall be created or contracted except by the authority of said common council; and in addition to such other powers as may be herein conferred upon it, the said common council shall have full power :

1. To prevent vice and immorality, to preserve peace and good order, and to prevent and quell riots or disorderly assemblages. Preserve peace.

2. To restrain and suppress disorderly and gaming houses, all instruments and devices used for gaming, to prevent all gaming and fraudulent devices in said city, and to regulate billiard rooms and bowling alleys and shooting galleries. Suppress gambling.

3. To regulate and fix the hours of closing saloons and places where intoxicating liquors are sold. Regulate saloons.

4. To prohibit, restrain and regulate all exhibitions, circuses or other performances for money, and authorize the same on such terms as they shall deem expedient. Regulate exhibitions.

5. To suppress disorderly houses and houses of ill-fame, and to restrain and punish the keepers thereof. Suppress bagnios.

6. To restrain and punish vagrants, mendicants, street-beggars and persons soliciting alms, common prostitutes, lewd and disorderly persons, and to prevent and punish drunkenness and disorderly or immoral conduct in public places or streets. Control conduct in streets.

7. To prohibit the obstruction of the streets of said city by the gathering or assembling of persons thereon, and to authorize the police officers of said city to disperse all such gatherings or assemblages of persons, and upon the refusal of persons so congregated or assembled to disperse, when commanded so to do by a duly appointed police officer under regulations to be prescribed by the common council, such police officer Prohibiting street assemblages.

may make summary arrest of any person or persons so refusing, and take him or them forthwith before the recorder of said city, to be by him tried as disorderly persons and punished as such, and all such persons are hereby declared to be disorderly persons.

Location of slaughter and powder houses.

8. To direct the location of all slaughter-houses, markets and houses for storing gunpowder or any combustible or explosive substance, and to regulate the keeping and conveying of gunpowder and other dangerous materials, and the use of lights in barns, stables and other places.

Use of lights in stables.

Fire arms and fire works.

9. To prohibit and regulate the exhibition of fire-works, the storing and sale of gunpowder and the discharge of fire-arms within said city.

Racing, driving and sports in streets.

10. To prevent or regulate horse racing and immoderate driving in the streets of said city, and to authorize the stopping of anyone who shall be guilty of immoderate riding or driving in said streets, and to prevent the flying of kites, riding on bicycles on sidewalks, rolling hoops, playing at ball, coasting, or any other amusement practiced having a tendency to injure or annoy or endanger persons passing on the streets or sidewalks or to frighten teams or horses in said city.

Obstruction of streets, sidewalks and public grounds.

11. To prevent any encroachment, encumbrance or obstruction in or upon or over any street, sidewalk, highway or public ground in said city, and in case of neglect or refusal of any person who shall have caused any such encroachment, encumbrance or obstruction, or of the owner or occupant of any premises upon which shall be any building, fence or other structure or thing encroaching upon, encumbering or obstructing any

street, sidewalk, highway or public ground in said city, to remove the same after being notified so to do, the common council shall have power to cause such removal at the cost and expense of such person or of such owner or occupant and to collect such cost and expense as hereinafter provided.

12. To regulate and determine the time and place of bathing and swimming in the waters of said city. Swimming.

13. To establish and regulate a public pound and to restrain cattle, horses, sheep, swine, dogs, geese and other animals and fowls from running at large in said city, and to authorize the distraining, impounding and sale of the same (except dogs), for the penalty incurred and the cost of keeping and proceeding, and to make regulations for taxing and confining dogs and for destroying such as may be found running at large contrary to any ordinance and to regulate their running at large. City pound.

14. To require all persons owning or occupying property in said city and the owners of unoccupied property therein to remove all snow, ice and dirt from the sidewalks in front of the premises so owned or occupied by them and to keep the same clean and free therefrom, and in case of neglect or refusal on the part of such owner or occupant so to do, to remove the same at his expense, and to impose and collect such penalty as shall be provided by any ordinance of said city for such neglect or refusal. Removing snow, ice and dirt from sidewalks.

15. To regulate the ringing of bells and crying of goods, wares and merchandise or other commodities in said city. Bells and crying of wares.

Gift enter-
prises and
public sales.

16. To prohibit, restrain and regulate all gift enterprises or sales of goods founded upon or connected with any gift, lottery or chance, within the corporate limits of said city, and restrain and regulate the sale of goods and merchandise at public auction within the same limits, and to authorize the licensing of the latter upon such terms as the common council shall deem proper. The said common council shall likewise have the power to prohibit and regulate all hawking and peddling, auctioneering or sale of property in the streets, alleys, lanes, sidewalks and public parks and places of said city.

Water.

17. To establish, regulate and construct public reservoirs and hydrants, and to provide for supplying the city with water by means of pipes, and to make regulations in regard to the use of the same.

Weights and
measures.

18. To appoint one or more examiners of weights and measures.

Parks and
cemeteries.

19. To establish, regulate and maintain public parks in said city and cemeteries within or without the bounds of said city. To preserve, adorn and protect the same and to prohibit and prevent interments within the bounds of said city unless in such cemeteries as may be within said bounds.

Street light-
ing.

20. To provide for the lighting of the streets in the city and the protection and the safety of the public lamps to prevent the same from being lighted or extinguished by persons not duly authorized by said common council to light or extinguish the same.

Fire appara-
tus.

21. To procure fire engines and other apparatus for the extinguishment of fires and have the charge and

control of the same and provide fit and secure engine houses and other places for keeping and preserving the same.

22. To organize and establish a fire department, and to make such fire laws, rules, regulations and ordinances of said department and the rights and duties thereof, and of citizens during fires in said city, as they may deem best, and to enforce the same by suitable fines and penalties.

Fire department rules.

23. To protect property, both real and personal, of individuals at times of fires, and to appoint guards for the protection of the same, and to prescribe their various duties and compensation.

Protect property at fires.

24. To authorize the fire wardens at reasonable times to enter and examine all houses, stores, yards and outbuildings, and to ascertain if they are in a dangerous state in regard to fires. To prevent or regulate the construction of any building, chimney, fire-place, heater, stove, stove-pipe, oven repository for ashes or charcoal, boiler, furnace, or any other apparatus or thing whatever which may be considered dangerous with respect to fire, and to cause the owner or occupant of any premises upon which shall be found anything dangerous as aforesaid, to remove the same or put it in a safe condition, and in case the owner or occupant shall refuse or neglect to do so, the common council shall have power to cause the same to be done at the expense of the owner or occupant, and to collect such cost as hereinafter provided and for the purposes aforesaid or either thereof, the said common council shall have power to enter into or upon any building or premises in said city.

Duty of fire wardens.

Fire limits.

25. To prescribe limits in said city within which wooden or wooden parts of or additions to buildings shall not be erected or placed without the permission of said common council, to order the removal of such buildings or additions if erected without such permission, and to direct that any or all buildings or parts of additions to buildings thereafter to be erected or placed within said limits, shall be made or constructed of some incombustible material with such partition walls and fire-proof roofs as they may judge necessary, under such penalties as may be prescribed by said common council.

Power to transfer real-estate.

26. To purchase, hold, sell, convey and agree to purchase and convey real estate whenever necessary or expedient for the accomplishment or execution of any of the purposes or powers or duties mentioned in this act.

Curbing, grading, paving, etc., etc.

27. To cause the sidewalks on the streets and highways of said city to be raised, leveled, curbed, graded, graveled, paved, planked, and repaired and at the expense of the owners or occupants of the adjacent lands and premises, and if any of the matters or things above mentioned be not done by such owners or occupants within the time and in the manner, and of or with the material by said common council required and prescribed, the said common council may do or cause the same to be done, and may assess the expense thereof upon the owners or occupants, and cause the same to be levied and collected in the manner hereinafter in this act provided.

Shade trees. injury to same and other property.

28. To direct and regulate the planting of shade and ornamental trees along the streets and sidewalks in said city, and to prevent the injury or defacement of any trees, fences, walls, posters or buildings in said city.

29. To regulate and superintend the laying of all gas or water pipes in said city, and to require any corporation, company or person after laying or repairing such pipes in any street or highway in said city to put such street or highway in good condition or repair, and to remove all encumbrances or obstructions which such corporation, company or person may have placed or caused to be placed in any such street or highway without any unnecessary delay, and to require such corporation, company or person to keep proper signal lights burning at night at all holes or ditches or other places which may have been rendered dangerous to persons traveling such streets or highways, and in case such corporation, company or person shall neglect or refuse to do any of the acts so required of them, the said common council shall have power to cause the same to be done at the cost and expense of such corporation, company or person, and to collect such cost and expense by suit at law, or as hereinafter provided.

Laying gas
and water
pipes in
streets.

Danger sig-
nals.

30. To compel the owner or occupant of any wall or building in the city which may be in a ruinous or unsafe condition, to render the same safe or to take down and remove the same, and to prohibit such erections, and in case of the neglect or refusal of such owner or occupant to render such wall or building safe or to take down and remove the same after being notified so to do, the common council shall have power to cause the same to be taken down or removed at the expense of such owner or occupant and to collect such cost and expense as in this act provided.

Unsafe walls
and buildings.

31. To make the costs and expenses incurred by the city in pursuance of sub-divisions eleven, fourteen, twenty-four, twenty-nine and thirty of this section a

Costs and ex-
penses. Liens
in certain
cases.

lien upon the premises or lots therein mentioned or implied, and to issue warrants against the owners or occupants thereof respectively, and to collect such costs and expenses as assessments and taxes are collected.

Map of streets
unsuited to
general travel.

32. To cause to be made a map of all the streets and highways in said city, and to designate thereon and at such places on said street as they may deem proper, those streets and highways which in their judgment cannot be put in a proper condition for general travel without too great expense. To repair said streets for the convenience and benefit of the inhabitants thereof, but the said city shall not be liable for any accident or injury to person or property caused or occasioned by the defective condition of any street or highway thus designated.

Poles and
wires.

33. To control, regulate and restrain the setting of poles and stringing of wires by telegraph, telephone or electric light or other companies in the streets of said city.

Speed of
steam and
electric cars.

34. To regulate the speed of locomotives, tenders and railroad and other cars propelled by steam, electricity or horse power and to prevent the unnecessary obstruction of the streets by the same in said city, to require flagmen to be stationed or gates to be erected at street crossings by railroads in said city and to make needful regulations in regard thereto for public safety.

Private sew-
ers, drains, etc.

35. To prescribe regulations as to the locations and construction of private sewers, drains or water or gas pipes in said city and for the prevention of any injury or obstruction of any street or sidewalk thereby.

Care of public
records and
property.

36. To provide for the care, custody and preservation of the public property, books, records and papers

belonging to said city. To prevent and punish any injury to or trespass upon the same ; to make any and all necessary repairs and improvements to the same, and to cause any part thereof to be insured when they shall deem it necessary.

37. To audit such accounts and claims against the city as are made out in items and verified, and to order the payment of such as shall be allowed, and to make such rules and regulations in regard to the same as they may deem necessary and proper.

Audit and allowance of claims.

38. To correct the assessment-roll in respect to taxes imposed by virtue of this act in the same manner as a board of supervisors may by law correct the town-rolls of their county, and for this purpose said common council shall be vested with power to make such correction, and shall possess all the powers in relation to such assessment-roll that boards of supervisors have by statute in case of town assessment-rolls and town and county taxes.

Correcting assessment roll.

39. To make such general ordinances, by-laws and regulations not repugnant to the general laws of this State as they shall deem expedient for the good government of the city.

Ordinances and regulations.

40. For the purposes aforesaid, or any of them, or of executing any powers conferred upon the common council, or upon the city, by this act or otherwise, the said common council shall have full power to make, establish, publish, modify, amend or repeal ordinances, rules, regulations and by-laws, and to prescribe, fix and enforce such penalties and fines as they may deem proper for the violation of them respectively, not exceeding

Power of council to make, modify and repeal ordinances.

fifty dollars for any one offense, except as herein otherwise provided, and to collect the same of any persons guilty of such violation in any court having jurisdiction in such cases. Every such rule, ordinance and regulation or by-law shall be published once in each week for two weeks successively in one or more newspapers published in said city before it shall take effect, and every such ordinance, rule, regulation or by-law, together with a certificate by the clerk of the city of the time and manner of the publication thereof, shall be entered or recorded in a book to be provided and kept for that purpose, and the said record, or a copy thereof, certified by the clerk of said city, shall be presumptive evidence in all courts and places, and in all actions and proceedings of the due passage of such ordinance, rule, regulation or by-law, and of its having been duly published.

Adoption of
village ordi-
nances.

§ 8. All existing ordinances, by-laws, resolutions and regulations of the village of Ithaca, not inconsistent with the provisions of this act, are hereby adopted and declared to be in full force and effect within the limits of the city of Ithaca until repealed or modified as provided in this act for the repeal, amendment or modification of ordinances, by-laws and regulations.

Powers of the
recorder.

§ 9. The recorder of said city is hereby authorized and empowered to hold a court to be known as the recorder's court, which shall have the jurisdiction hereinafter provided. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws, rules or regulations made in pursuance thereof, may be brought in the corporate name of said city, in any court of record, if the sum claimed exceeds fifty dollars, and if the sum claimed does not exceed two hundred dollars, it may be brought in the recorder's

court of the city of Ithaca, and said recorder's court shall have jurisdiction exclusive of any justice's court to try and derermine the same, and render judgment therein, and in any such action brought in such recorder's court, the first process may be by warrant, and and on judgment for recovery for any such penalty or forfeiture in either court, execution shall issue against the person of the defendant, as well as against his property, in the same manner as in cases in which executions against the person are authorized to be issued upon judgments rendered in justice's courts. Every violation of an ordinance of said city shall constitute disorderly conduct within the meaning of this act.

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TITLE IV.

OFFICERS OF THE CITY, THEIR POWERS AND DUTIES.

Duties of the Mayor : to enforce laws ; to supervise and investigate subordinates, appoint committees ; to recommend, approve and veto local legislation, to try summarily any appointed officer, revoke licenses, administer oaths.

SECTION I. The mayor of the city of Ithaca shall be the chief executive magistrate thereof, and shall, when present, preside at all the meetings of the common council. It shall be his duty to take care that within said city the laws of this State and the ordinances and by-laws passed by the common council shall be faithfully executed, and as the head of the police of said city, to arrest or cause the arrest of all persons violating the same ; to exercise a constant supervision over the conduct of all subordinate officers ; to receive and examine into all complaints against them for misconduct or neglect of duty. To appoint at the first meeting of the common council in each municipal year, or as soon thereafter as may be, all standing committees required by the rules of the common council and all special committees of the common council unless by it otherwise ordered. To recommend, in writing, to the common council from time to time, such measures as he shall deem necessary or expedient for them to adopt ; to approve or disapprove of all bills, orders, resolutions or ordinances which shall have passed the common council, but if he approves he shall indorse his approval thereon in writing, and sign such approval, and if he disapproves, he shall return the same to the common council or the clerk thereof, with his objections in writing, which shall be filed by the clerk, and the common

council may at its next meeting thereafter, proceed to reconsider such ordinance, resolution, order or act thus disapproved, and if the same shall be passed by the votes of two-thirds of all the members of the common council then in office, the same shall have full force and effect notwithstanding the objection of the mayor. If any such bill, order, resolution or ordinance shall not be so returned by the mayor to the common council or clerk within five days after it shall have been presented to him (Sunday excepted), such ordinance, resolution, order or act shall have full force and effect in like manner as if duly approved by the mayor, unless the term of office of mayor shall have expired within five days after the same shall be presented to him, in which case such ordinance, resolution, order or act, shall have no force. He shall have power summarily, to hear, try and determine any complaint against any appointed officer of said city for misconduct or neglect of duty, and to suspend or remove said officer ; provided, however, that at the next meeting of the common council after such removal, he shall state his reasons therefor, in writing, which shall be spread upon the minutes of the common council ; and he shall also have power summarily to revoke any license of any hackman, cartman, or for the exhibition of any show. He shall sign all warrants ordered by the common council for the payment of moneys by the city treasurer. He shall have power to administer oaths and take affidavits and acknowledgments. In case the mayor shall be unable to perform the duties of his office in consequence of sickness or absence from the city, or if there shall be a vacancy in the office, the common council shall appoint by ballot one of their number to preside at their meetings, and the presiding officer thus chosen shall be vested with all the powers and perform all the duties of the mayor of

A Mayor pro-
tem.

Mayor has general powers; to issue warrant for arrest, co-ordinate with Recorder.

the city, until the mayor shall resume his office or the vacancy shall be supplied according to law. The mayor of the city of Ithaca shall possess all the powers and authority conferred upon the mayors of cities by any general statute of the State. He may also upon complaint being made to him under oath, issue a warrant to the chief of police or any police officer in the city of Ithaca to arrest any person charged with any crime or misdemeanor, or with any violation of any of the laws of statutes of said State within said city, and bring such person for examination or trial before the recorder or acting recorder, and such warrant may be executed by any officer to whom it is directed at any place within the State without indorsement. When such process shall be made returnable before the recorder or acting recorder, such officer upon the same being returned to him or the prisoner arrested by virtue thereof being brought before him, shall take and acquire jurisdiction on the subject matter and proceed with the case to the same extent and in the same manner in all respects as if such process had been originally issued by him. He shall have power at all times to examine the books, vouchers and papers of any officer or employe of said city and to summon and examine under oath any person connected therewith.

May examine books and papers of any city official at any time.

Duty of aldermen.

§ 2. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council, and to act upon committees when thereunto appointed by the mayor or common council. To report to the mayor all officers who are guilty of any official misconduct or neglect of duty, and to aid in maintaining peace and good order in said city and to perform or assist in performing all such duties as are en-

joined upon the aldermen of said city separately, or upon the common council thereof.

§ 3. The supervisors elected under the provisions of this act shall be members of the board of supervisors of the county of Tompkins, and it shall be their duty to represent said city at the general or any special session of the said board and to act and vote like other supervisors. They shall receive the compensation allowed by law and in the same manner as supervisors of towns for similar service.

Duty of Supervisors.

§ 4. It shall be the duty of the assessor or assessors to prepare and deliver to the common council and file with the clerk a tax roll and assessment of each tax directed to be levied upon the taxable inhabitants and property of said city, and a duplicate thereof, both of which shall be deemed originals in such way and manner as hereinafter provided.

Duty of Assessors.

§ 5. The clerk of said city shall have the custody of the records, books and papers of said city, and shall attend its meetings and act as clerk of the common council, and he shall record in the manner prescribed by the said common council, their ordinances, rules and regulations, by-laws, resolutions and proceedings, and the proceedings at elections and meeting of the inhabitants of said city. The books and papers in the office of the said clerk shall at all reasonable times, on demand, be produced for inspection to any taxable inhabitant of said city, and upon a like demand and a tender of fees at the rate of ten cents per folio therefor, he shall furnish copies of any papers or records filed with him as such clerk. Copies of all papers duly filed in his office, and transcripts from the rec-

Duty of City Clerk.

ords of said city, certified by him under the corporate seal, shall be evidence in all courts and in all actions or proceedings, in like manner as if the originals were produced. He shall keep an accurate account of all the money received by him belonging to the city, and shall, within ten days after the receipt of any moneys by him, pay the same over to the treasurer of the city, for which he shall take a receipt from such treasurer and file the same in his office and report the same to the common council at its next regular meeting. He shall also keep an accurate account of all expenditures by said city, which account shall be kept in such a manner as the common council shall direct. All moneys shall be drawn from the treasury in pursuance of the order of the common council, by a warrant upon the city treasurer, signed by the mayor or presiding officer of the common council, and countersigned by the clerk. Such warrant shall specify for what purpose the amount therein named is to be paid, and to what fund chargeable; and the clerk shall keep an accurate account of all warrants drawn on the treasurer in a book to be provided for that purpose, specifying the number of each warrant, the purpose for which issued and the number of the voucher and date of resolution upon which it is issued. He shall countersign all licenses granted by the common council or any officer of said city authorized by this act to grant the same, and shall enter in proper books full minutes of all such licenses. He shall give immediate notice in writing to any person elected or appointed to any office under this act, of his election or appointment, which notice shall be deposited in the postoffice, properly addressed to such person. He shall have the custody of the corporate seal.

§ 6. The city treasurer shall, before entering upon the duties of his office, enter into a bond with two or more sureties in such penal sum as may be fixed by the common council, which bond, when approved by the mayor shall be immediately filed in the office of the clerk of the county of Tompkins, and the common council shall have the power to increase the amount of said bond whenever, in their discretion, they may regard it to be advisable. Said treasurer shall receive and safely keep all moneys belonging to said city ; shall keep an accurate account of all receipts and payments, so as to exhibit the amount paid for each particular class of purposes for which money shall be raised, and make returns thereof in such manner and at such times as the common council shall direct, and in such account of payments or disbursements shall state therein the number of the warrant upon which every payment or disbursement was made.

Duties of City Treasurer.

§ 7. The present police justice of the village of Ithaca shall be the recorder of said city for the remainder of the period for which he was elected such police justice, or until his successor shall be duly elected and qualified. At each general election next preceding the expiration of the term of office of the recorder of said city, there shall be elected by the electors of said city, a recorder, whose term of office shall be four years unless sooner removed, and who shall hold said office until his successor has qualified.

The City Recorder to succeed the Village Police Justice.

1. The recorder so elected, before entering upon the duties of his office, shall take the oath of office prescribed by law for judicial officers, and shall file with the clerk of said city, his bond, in such penalty, and with such sureties as the common council of said city

How Recorder must qualify.

shall decide and approve of for the faithful discharge of his duties as recorder, and for the payment over to the treasurer of said city, of all funds which shall come into his hands as such recorder, according to the provisions of this act, and shall immediately thereafter enter upon the discharge of the duties of his office.

Office for Recorder.

2. The common council of said city shall provide a suitable office for said recorder. It shall be his duty to attend at such office at all reasonable hours, and to hear all matters, issue all processes and institute such proceedings as the proper administration of justice requires.

Recorder has same power as a justice in certain cases; may try without jury certain class of offenses.

3. The recorder of said city shall, in all criminal actions and proceedings and special proceedings of a criminal nature for or on account of offenses committed or charged to have been committed within said city, have all the jurisdiction and authority which a justice of the peace of any town would have, if such offense were committed or charged to have been committed in such town, exclusive of any other officer except the mayor of said city, and judges and justices of courts of records. The said recorder shall have exclusive jurisdiction and authority to hear, try and determine, summarily and without a jury, all charges and complaints against persons of disorderly conduct in said city, as defined by this act, or of such conduct in said city as constitutes such persons, tramps, vagrants or disorderly persons as defined either by this act or the statutes of this State. Whenever any person shall be brought before said recorder, either with or without warrant, charged with being such tramp, if said recorder is satisfied by the confession of such person, or by competent evidence upon such summary trial that such person is

such tramp, the said recorder shall thereupon have jurisdiction and authority to render judgment convicting such person thereof, and imposing such sentence therefor as is provided by section one of chapter four hundred and ninety of the laws of eighteen hundred and eighty-five for such offense. Whenever any person is brought before such recorder either with or without warrant, charged with such disorderly conduct, or with being either such tramp, such vagrant or such disorderly person, if said recorder shall be satisfied by the confession of such person or by competent evidence, upon such summary trial that such person has been guilty of such disorderly conduct, or is such vagrant or such disorderly person, the said recorder may thereupon take such further proceedings thereon as a magistrate is authorized by the Code of Criminal Procedure to take in such case, or the said recorder may, instead render judgment convicting such person of disorderly conduct or of being a vagrant or disorderly person as the case may be, and that he pay a fine not exceeding fifty dollars or be imprisoned not exceeding six months, or both, as the case may require, which judgment shall be enforced in the same manner, in all respects, as judgments of courts of special sessions are enforced.

4. The said recorder is hereby empowered to hold courts of special sessions in said city, and subject to the power of removal provided for in sections fifty-seven and fifty-eight of the Code of Criminal Procedure, courts of special sessions held by said recorder shall have, in the first instance, exclusive jurisdiction to hear, try and determine all charges of misdemeanors committed within said city, which are enumerated in section fifty-six of the Code of Criminal Procedure. Subject to the power of removal provided by section two

Recorder may hold court of special sessions.

hundred and eleven of the Code of Criminal Procedure, courts of special sessions held by said recorder shall also have, in the first instance, exclusive jurisdiction to hear, try and determine all other charges of misdemeanors committed within said city.

In court of special sessions Recorder may hear and determine certain charges of misdemeanor.

5. Courts of special sessions held by said recorder shall also (subject to removal as provided by sections fifty-seven and fifty-eight of the Code of Criminal Procedure, if the misdemeanor is one of these enumerated in section fifty-six of the Code, and otherwise subject to removal as provided by section two hundred and eleven of said Code), have jurisdiction to hear, try and determine charges of misdemeanors committed as follows: Committed partly within and partly without said city, or when the acts, omissions, or effects thereof, which constitute or are requisite to the consummation of such misdemeanor occur partly within and partly without said city; committed in this State on board of a vessel navigating a river, lake or canal or lying therein in the course of her voyage, or in respect to any portion of the cargo or lading of such boat or vessel, in case such river or canal passes through said city or any part thereof, or in case such lake is situated in or borders on said city, or such voyage terminates in said city or would terminate therein if completed; committed in this State or on board of any railway engine, train or car making a passage or trip on or over any railway in this State, or in respect to any portion of the lading or freightage of any such railway engine, train or car, in case such railway engine, train or car passes or has passed in the course of the same passage or trip, through said city or any part thereof, or where such passage or trip terminates in said city, or would terminate in said city if completed. Otherwise than as hereinbefore provided courts

of special sessions held by said recorder shall not have jurisdiction to hear, try or determine charges of misdemeanors not committed within said city.

6. When a person shall be convicted by a court of special sessions, held by said recorder of any misdemeanor of which such court has jurisdiction but jurisdiction of which is not conferred upon courts of special sessions by the Code of Criminal Procedure, the court of special sessions held by said recorder may render such judgment imposing such sentence therefor as a court of sessions might lawfully render and impose in case a conviction of such crime were had in a court of sessions. Except as hereinbefore provided, courts of special sessions held by said recorder, shall have all the powers and jurisdiction conferred upon courts of special sessions by the Code of Criminal Procedure, and shall be subject to all the provisions of said Code relating to courts of special sessions.

Recorder may render such judgment and impose such sentence as a court of sessions.

7. The said recorder shall have power to let to bail all persons charged with crime before him in all cases of felony when imprisonment in the State prison, on conviction for such felony, cannot exceed five years, and to institute all proceedings respecting bastardy in said city, and to hear, try and determine the same, associating with himself for that purpose some justice of the peace of the county as provided by the Code of Criminal Procedure. He shall also have the same right, power and authority within the county of Tompkins, to administer oaths and to take affidavits and acknowledgments that justices of the peace have.

Power to bail, and in with a justice to try bastardy cases

8. In case of sickness, absence from the city, disability or inability of the recorder to act, his powers and

Acting Recorder to be designated by Mayor.

duties are hereby conferred and imposed on either of the justices of the peace of the town of Ithaca who may be designated by the mayor of said city ; and it shall be the duty of the mayor of said city each year to designate one of the justices of the peace of said town, who shall act in such cases instead of the recorder, and who shall in such cases, have power to hold all courts which said recorder may hold in all respects as if held by said recorder and he shall be designated and known as "acting recorder." He shall file with the clerk of the city of Ithaca a bond as required by the second paragraph of this section, before entertaining jurisdiction of any action or proceeding by virtue of this act.

The Acting Recorder may retain jurisdiction when he issues warrant.

9. In case any warrant issued by the recorder shall be returned during his absence from the city or during his inability to attend to the duties of his office, any further proceedings may be had on such warrant before any justice of the peace of said town, designated as above provided ; and any such justice having once obtained jurisdiction over any matter under this or the preceding paragraph, may retain it and proceed to the determination of it and shall be entitled to receive for his services the same pay pro rata as hereinafter fixed for the recorder, and the same to be paid by said city, and the amount thereof to be determined by the common council of said city.

City police may serve mandates without fees for their benefit.

10. All processes and mandates issued by the recorder or the acting recorder requiring service, shall be served by the city police or by officers authorized by the law of this State to serve such processes and mandates, and when served by the city police they shall be served without fees for their own benefit, but they shall demand and receive for all process served by them properly

chargeable to the town and county, the same fees as are provided by law for constables for like services. And they shall keep an accurate account thereof, and the same shall be presented in the name of said city to, and audited by the respective boards as hereinafter provided, for the benefit of said city.

11. The said recorder and acting recorder shall not receive for their own benefit any fee for services performed under this act, but they shall demand and receive in all proceedings before them for all services rendered by them as recorder or acting recorder, the same fees as are provided by law for justices of the peace of towns for like service, and all fees and charges, which may be legally payable whenever suits or proceedings pending before either of them shall be settled or dismissed by consent, including constable fees. All such costs and fees, and all fines and penalties, or other moneys collected by either of them shall be paid to the treasurer of said city within one month from the time of receiving the same; and any failure or omission to so pay over such fines, penalties or other moneys shall be sufficient cause for removal of said recorder or acting recorder from office.

Recorder and Acting Recorder to receive legal fees same as a justice of the peace.

12. The recorder and acting recorder shall keep an account of all such fees and fines, and all criminal business done by them and such portion of said criminal business as is by law chargeable to the county shall be made out by the recorder in an itemized bill as is required by law, and he shall annually, at the time for the presentation of bills against the county of Tompkins, present in the name of said city said account, properly made and verified, to the board of supervisors of said county, and said board shall audit said account to

Keep account of and present the same when chargeable against county or town.

the city of Ithaca, and levy the same in the same manner as other county charges ; and such other portion of said criminal business as is by law chargeable to the town, shall be made out by him in an itemized bill as is required by law, and he shall annually, at the time for the presentation of bills against the town of Ithaca, present in the name of said city said account, properly made and verified, to the board of town auditors of said town, and said board shall audit said account to the city of Ithaca, and the same shall be levied in the same manner as other town charges.

Deduction from salary of Recorder for failure to perform duties.

13. The recorder shall not be paid for such time as he fails to perform the duties of his office, and a ratable proportion may be deducted from his salary because of any such failure to perform his duties, and such deduction be paid to said acting recorder, and the amount thereof be determined by the common council of said city. The recorder and acting recorder shall keep a docket of all business done by them, with full items and dates, and with proper and convenient index ; such docket shall contain a record or brief statement of all convictions, acquittals and judgments before either of them, and the same shall be open during office hours to public inspection when not in use.

Docket giving full data must be kept.

How mandates shall be signed.

14. All processes, mandates, orders, commitments or other documents made or issued by the recorder, shall be signed, in addition to his signature, "recorder of the city of Ithaca ;" when made or issued by the acting recorder, the same shall be signed in addition to his name, and title of his office, "acting recorder of the city of Ithaca."

Appeals may be taken.

14. Appeals may be taken from final orders and judgments rendered by the recorder, and the courts of

special sessions held by said recorder as provided by the Code of Criminal Procedure, and from judgments rendered by the recorder's court held by said recorder as provided by the Code of Civil Procedure for appeals from justice's courts.

16. A recorder, elected as provided in this act, may be removed from office in the same manner as a justice of the peace, as provided by title two of the Code of Criminal Procedure, and by section eighteen of article six of the Constitution of the State of New York.

Recorder subject to removal.

§ 8. The city superintendent shall have charge of the streets, sewers, bridges, sidewalks and all other property of the city, except as otherwise provided in the charter. He shall also have charge of the city cemetery and shall also be charged with the duty of contracting for all needed labor and material, subject, however, as to all his duties to the direction and rules prescribed by the common council and the mayor as hereinbefore provided.

City Superintendent; his duties.

§ 9. The police constables shall have the same power and authority, and be subject to the same liabilities and obligations, except as herein otherwise provided, as constables elected in any of the towns of the counties of the State. They may execute civil processes in suits when the city or its officers or some one of them in their official capacity may be a party and shall have and perform such other duties as shall be assigned them by the common council. It shall be their special duty to see that the police regulations and ordinances of the city be observed, and to discover and report to the mayor all violations thereof. They shall have power without process to arrest and bring before the recorder or acting re-

The Police Constables and their duties and powers.

order of the said city, persons guilty in their presence of violating the public peace and such as are designated in this act as disorderly persons who may be guilty in their presence of acts rendering them such or of disorderly conduct. All persons who shall be intoxicated in any street, park, alley or other public place in said city, and all persons, who shall by noisy, tumultuous, or riotous conduct, disturb the people ; and all persons who shall have incited or induced dogs to fight or be engaged in exciting or causing them to fight in any street or public place in the city ; and all persons who shall fight on any street or public place in the city and all persons who shall by blowing horns, hallooing or otherwise make loud noises tending to disturb the quiet of the people without just cause ; and all persons, who shall willfully and maliciously break or injure any awning or awning post, or any public lamp or lamppost or shall willfully and for purposes of disturbance or mischief give or create any false alarm of fire, or remove from or pile up before any door boxes, casks or other things for the purpose of annoyance or mischief ; and all persons who shall willfully throw ink or other liquid, or any missile or thing, upon or against or into any building of the city, with malicious intent to injure the same or to annoy any owner thereof ; and all persons, who shall willfully or maliciously injure or deface any fence, trees shrubbery, or ornamental thing in the city, are hereby declared to be disorderly persons, and may be proceeded against according to the provisions of this act.

Collector of
Taxes.

§ 10. The collector of taxes and assessments in the city of Ithaca, shall perform the duties and be subject to the duties and obligations prescribed by law for town collectors, except as herein otherwise provided,

and all taxes to be collected for the use of the city, shall be collected by him.

§ 11. The pound master shall have the powers and perform the duties conferred and imposed upon him by this act and upon town pound masters by any statute of this State, and such other lawful duties and powers as the common council may prescribe. Pound Master

§ 12. No person shall be eligible or appointed to any office unless he shall be, at the time, a resident and elector of said city, and whenever any officer of said city shall cease to be a resident of said city or shall resign to the common council or be removed, his office shall thereby become vacant. No person shall be eligible to the office of mayor, alderman or assessor unless he shall own property liable to be assessed for the expenditures of said city. Eligibility to city offices.

§ 13. The term of service of the mayor and aldermen shall be two years without compensation. Of the recorder four years, with compensation of one thousand dollars per annum. Of the supervisors, one year, with compensation the same as allowed by statute to supervisors of towns for similar service. All officers appointed by the mayor shall serve during the term of office of the mayor appointing them respectively, unless sooner suspended or removed by such mayor as hereinbefore provided (except assessor, whose term of service shall be four years, and who shall perform the duties of the members of the present board of assessors of the village of Ithaca, as their respective terms of office expire). Terms of office and compensation.

§ 14. All officers elected or appointed under this act shall hold their respective offices, unless sooner removed or disqualified, until their successors shall be elected or appointed and qualified. Officers hold until successors are chosen.

TITLE V.

TAXES AND ASSESSMENTS.

\$30,000 may be raised as annual general tax.

Council must apportion for certain objects the tax raised.

SECTION 1. The common council shall have power in each year to cause a sum not exceeding thirty thousand dollars to be raised by general tax from the taxable inhabitants of said city on the property therein liable to taxation, but on or before the first of May in each year they shall designate how much of such total amount shall be expended for each of the following purposes, namely : For the payment of the expenses of the police department, including the salary of recorder, chief of police and policemen, rent of police stations and all other expenses thereof, to be known as the police fund ; for the paving, repairing and keeping in order the highways, streets, cross walks, sewers, open courts, squares, market places, lanes, alleys and public grounds other than cemeteries and parks and the salary of the city superintendent, to be known as the highway fund ; for the construction, maintenance and repair of bridges and culverts, straightening, restraining and improving creeks, to be known as the bridge and creek fund ; for the maintenance, repair and keeping in order the public parks and cemeteries, to be known as the park and cemetery fund ; for the operation and maintenance of the fire department, including the cost of water supply, to be known as the fire department fund ; for the lighting of the streets of said city and expenses incident thereto, to be known as the lighting fund ; for the payment of salaries of officers not otherwise provided for, and the other contingent expenses of said city, to be known as

the salary and contingent fund ; and the sums expended in each year for the several purposes named shall not exceed the amounts so designated, except in case of unforeseen emergencies.

§ 2. The common council shall also cause to be raised by general tax in said city in each year the sum required for the payment of the interest on the bonds issued by the village of Ithaca in payment for the subscription of said village to the capital stock of the Ithaca and Cortland railroad and for the maintenance of a sinking fund to provide for the extinction of the principal of said bonds at maturity, provided, however, that the lands within the bounds of the city and without the bounds of the former village of Ithaca be exempt from the provisions of this section.

Tax for interest on bonds and sinking fund.

§ 3. The tax so directed to be raised shall be assessed upon all the taxable real and personal property in the city, except as stated in section two, according to the valuation of the same in the assessment rolls of the current year filed by the assessor or assessors, after said roll shall be corrected. The lands comprehended within the bounds of the city and without the bounds of the former village of Ithaca, and which are kept and used as wood lands, meadow lands, lands for horticulture or nursery purposes, pasture, orchard, and in general all lands that are kept and improved as farming lands, with their appurtenances, shall not, so long as they are so kept and used, pay taxes for the benefit of said city, except upon a valuation based upon their value for such purposes. And the lands east of the present east line of the village of Ithaca, which are north of Fall Creek, shall be exempted from tax for municipal purposes until such lands are connected with the city by street or

How tax shall be assessed and levied.

streets. Said assessment shall be completed, and notice given thereof, by the first day of April in each year. Such notice shall specify the time and place, when and where, the assessor or assessors will sit for the purpose of reviewing the same, and such meeting shall not be later than the fifteenth day of April in each year. The assessment roll shall be completed, certified and filed with the clerk of the said city on or before the first day of May in each year. The common council shall thereupon levy and assess the city taxes as herein authorized.

The roll delivered to the collector who is herein specifically directed how to proceed to collection.

§ 4. The tax-roll, when perfected, shall be delivered by the mayor or common council to the collector, with a warrant thereto annexed, under the hand of the mayor and the seal of the city, commanding him to receive, levy and collect the sums in the roll specified as assessed against the persons or property therein mentioned or described, and to return said warrant and roll within sixty days after the date of the delivery of the warrant. Immediately upon the delivery of the roll and warrant to the city collector of taxes the city clerk shall publish a notice thereof in two or more of the city papers, designating some convenient place within the city where said collector will attend during the Mondays and Saturdays of each week during thirty days, beginning with the first Monday after the delivery to him of said tax roll and warrant, from nine o'clock in the forenoon until eight o'clock in the afternoon, for the purpose of receiving payment of taxes, and it shall be the duty of said collector to attend accordingly, and any person may pay his tax at the time and place so designated. At the time of the delivery to him of any such roll and warrant, the collector shall deposit with the city clerk a copy of the warrant, thereunto annexed and endorsed thereon a receipt acknowledging the reception by him

of the original roll and warrant as the city collector, and thereupon he shall proceed to collect the unpaid taxes in the said roll specified, in the manner provided by law for the collection of county taxes, and shall have and possess all the powers and authority conferred by law on the collectors of county taxes and shall in like manner pay over all moneys collected by him to the city treasurer, and take his receipt therefor and make return to the city clerk of the amount collected and paid over by him and of the taxes remaining unpaid, and by making oath before the clerk, similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the city clerk with the amounts so remaining due and unpaid. The collector shall also deposit all moneys in his hands with the city treasurer, from time to time, as the common council shall direct, but no such settlement nor any settlement had by the common council, or by any city officer with any collector of any tax or assessment, shall be final or conclusive, and no bond or other security given by any collector shall be invalidated or canceled on any such settlement, but shall remain in full force and be held for one year thereafter by the city.

§ 5. All taxes and assessments that shall remain unpaid for three months after the date of the warrant authorizing the collection thereof shall bear interest at twelve per centum per annum from the date of the warrant, and such tax and interest may be sued for and recovered by the city against any person liable therefor. The common council may renew from time to time, any warrant issued for the collection of any tax or assessment, whenever any tax or assessment shall be returned uncollected, or issue a new warrant for the collection thereof, and in such renewal or warrant specify the time

The city may
sue for taxes
unpaid.

when the same shall be returned and direct the collection of the interest on such taxes or assessments, as the same is given to the city by this act, and the same proceedings shall be had thereupon as upon the first warrant.

Partial pay-
ment of tax by
part owners.

§ 6. If any sum of money in gross has been or shall be taxed upon any land or premises, any person or persons owning any divided or undivided part thereof, may pay such part of the sum of money so taxed, also the interest and charges due or charged thereon as the assessor appointed by the common council may deem to be just and equitable, and the remainder of the sum of money so taxed together with the interest and charges, shall be a lien upon the residue of such tax, interest or charges, in the same manner as though the residue of said tax had been imposed upon the residue of said lands or premises.

Sales for
unpaid taxes.

§ 7. Whenever any person upon whose estate or property a tax shall be assessed, shall neglect, or refuse to pay the same, or there shall be no personal property found whereon the same can be levied or out of which said tax can be collected, the collector shall make return thereof to the common council, who are authorized to cause the estate on which such tax was assessed, to be sold at public auction for a term of time, for the payment of such tax, giving notice of such sale, in one or more of the newspapers published in said city, for twelve weeks successively, at least once in each week, and serving personal notice on the owner or agent of such estate, if known ; if a resident of the said city, at least fourteen days previous to such sale, or by depositing the same in the post office, directed to such owner, at his place of residence, if known, or at the nearest post office

thereto ; but if such place of residence be unknown, then by posting a copy of said notice in a conspicuous place on such estate or premises, at least twenty-eight days previous to such sale, and the same shall be sold to the person who shall offer to take it for the shortest term for the payment of such tax with interest, and the expense of such notice and sale.

§ 8. Whenever any real estate shall be sold, for collection of any tax and the owner thereof, his heirs or assigns shall not, within one year thereafter, have paid or tendered to the purchaser or his legal representatives, or to the treasurer of the city of Ithaca, the amount of such tax and all expenses, with interest at the rate of ten per centum per annum, the common council shall deliver to the purchaser thereof, a certificate of such sale under the seal of the said city and signed by the mayor, the execution of which may be proved or acknowledged as deeds ; and upon the receipt of such certificate, the purchaser shall proceed to serve notice upon the owner or holder of any mortgage, judgment or decree, which may be a lien on said lands, or any portion thereof, personally when the owner of such encumbrance is a resident of the said city, or by letter directed to the post office of said owner ; and in case the person or parties holding or owning such mortgage, judgment or decree, shall neglect to redeem the premises designated in such certificate within six months from the time of serving such notice, such certificate may be recorded in like manner, and with like effect, as in the case of other conveyances of the title of lands. In case the holder or owner of any mortgage, judgment or decree which shall be a lien upon any land sold under the provisions of this section shall, within the period hereinbefore prescribed, pay the sum for which said lands were struck off, with

How sold for unpaid taxes.

interest to the purchaser of said lands, such holder or owner shall hold a first lien upon said lands for the amount thus paid.

Rights of purchaser at tax sale.

§ 9. The purchaser at any such sale, receiving such certificate or his executors, administrators or assigns, may, in case the lands are not redeemed, as herein provided, enter into the possession of such real estate, and hold, occupy and enjoy the same, during the term for which it was sold, and it shall be the duty of all persons having possession thereof to surrender the same accordingly, upon demand of the holder of said certificate; and in default thereof, such grantee or grantees shall be entitled to the same remedy to recover such possession as is by law provided for the removal of tenants holding over after the expiration of their term. In any proceeding instituted to recover such possession, the plaintiff shall prove that the notice to holders or owners of mortgages, judgments or decrees which are a lien upon the premises in question, has been duly given, as hereinbefore provided, and that a demand of such possession has been made subsequent to the expiration of the period of redemption hereinbefore provided. And the said purchaser shall be at liberty at any time previous to the expiration of his term of occupancy, to remove all the buildings or materials which he may erect or place on said premises.

Entry of Sales by city clerk.

§ 10. It shall be the duty of the clerk in all cases of such sale to make an entry of the same in the records of the city, with the name of such owner and a description of the property sold, the amount and term for which it was sold and the name of the purchaser.

Property omitted from assessment may be subsequently assessed.

§ 11. If any real estate liable to taxation should be omitted from the assessment roll of said city, and

should thus escape taxation, it shall be the duty of the assessor or assessors the succeeding year, to assess the tax on such omitted real estate to which it would have been liable if it had been included in said assessment-roll. If any tax on real estate shall for any cause remain unpaid, the amount thereof with interest at twelve per centum per annum may be added to the tax for the succeeding year, and charged upon the real estate upon which it was originally assessed and levied, and the same proceedings in all respects for the collection thereof, and for the collection of omitted taxes, may be had with like effect as in the case of a tax or assessment on the same real estate for the then current year.

§ 12. Whenever the common council shall be of the opinion, that the interests of said city require expenditures for any extraordinary or special purpose or purposes, which in their opinion cannot be defrayed from the said sum of thirty thousand dollars hereinbefore mentioned, after defraying the ordinary current expenses of the year, the said common council shall have power to call a special election ; but before ordering such special election, they shall make an estimate of the sum necessary to be raised for such purposes, and shall state the amount and the objects for which it is required, together with the reasons for their opinions, and cause the statement to be published in one or more of the city papers two weeks successively preceding the day of such election. The common council may, after making and publishing such statement, give two weeks' notice of an election ; and shall designate in said notice some convenient place in said city for holding the polls of said election, and the time when it shall be held. The common council shall choose two of their number to act as inspectors of said election. Every resident of

How money in excess of \$30,000 needed for special objects may be voted at a special election.

said city, of the age of twenty-one years, whose name shall be in the assessment roll made by the assessors of said city next preceding said special election and upon whose property or upon whom as the owner or possessor of property a tax shall be assessed or imposed in and by said roll, and no other person or persons whatever shall be entitled to vote at said special election. But every trustee, guardian or other person representing property mentioned or named in said roll as the possessor or representative of property assessed therein, shall, if a resident of said city, and twenty-one years of age, be considered a qualified voter as aforesaid in respect of the property so represented. The said assessment roll made by the assessor or assessors, or a copy thereof certified by the city clerk and the mayor of said city, shall be evidence of the names and assessments, as aforesaid. The polls of said special election shall be opened and closed in the same manner provided for holding city elections. On the ballots deposited on said special election shall be written or printed, or partly written or partly printed on the inside thereof, "for special tax," or "against special tax." The votes received at such special election shall be canvassed, and the result certified, and the certificates thereof filed, as prescribed by section eight of title two of this act; and the common council at their next meeting after said election, shall cause the result, as appearing by said certificate, to be entered in their minutes; and if it shall appear that the whole number of votes received at such election "for special tax" shall exceed the whole number of votes "against special tax" it shall be the duty of the common council to cause the said sum of money so voted for, to be assessed, levied and raised in addition to the sum of thirty thousand dollars, and all other sums herein required to be raised or which are or may be required to be raised by any law of

the State of New York, and said special tax may be included in the tax for the current year or for the next succeeding year or may be levied in three equal annual installments, in the same manner and with the same authority as herein conferred in reference to the said sum of thirty thousand dollars, provided always that the total amount proposed to be raised, and to be voted for in any one year at special election or elections, shall not exceed ten thousand dollars. In case of a majority of votes "for special tax," the common council may thereupon proceed to authorize the expenditure of the amount thereof for the purpose specified in their published statement, and may borrow, if they shall deem it necessary to do so, the amount so voted in anticipation of the collection of said tax for a time not exceeding three years, payable in equal annual installments, if loan shall be made for more than one year, and the amount so borrowed shall be expended upon and for the purposes for which the special tax is raised, and shall be paid as soon as the same shall become due, from the avails of the tax. The moneys raised by any special tax shall be paid to, and kept by the treasurer, distinct from any other moneys and entered into a separate account.

TITLE VI.

STREETS, HIGHWAYS, BRIDGES AND PUBLIC IMPROVEMENTS.

Aldermen
shall be Com-
missioners of
Highways.

SECTION I. Said common council shall be commissioners of highways in and for said city and shall have all the powers of commissioners of highways of the several towns of this State, subject to the provisions of this act, and they shall also have power to construct, regulate, repair, curb, straighten, widen, discontinue, alter and clean the streets, highways, alleys, bridges, side and crosswalks, drains and sewers in said city, and to prevent the encumbering and obstructing the same in any manner, and to protect the same from encroachment or injury.

Council may
record certain
unrecorded
city property.

§ 2. The common council shall have power to cause such of the streets, lanes, alleys, highways and public squares in said city, or any part thereof, as shall have been heretofore laid out, but not recorded or sufficiently described, and such as have been used for twenty years but not recorded, to be ascertained, described and entered on record in a book to be kept by the clerk of said city.

Power to lay
out streets.

§ 3. The common council shall have power, subject to the limitations imposed by the general laws of the State, to lay out, make and open streets, alleys, lanes, highways and public grounds, and may lay the same through any lands, buildings, garden, orchard or enclosure in said city.

§ 4. The common council shall have power to fix, determine, change and regulate the grade and level of the streets in said city. They shall have power to cause any street, alley, lane or highway in said city to be graded, leveled, paved, repaired, curbed, macadamized, planked or graveled, and to cause crosswalks, drains, sidewalks, sewers and aqueducts and reservoirs to be constructed, made, relaid, amended or repaired in said city, and to determine, by a resolution to be entered in the minutes of the proceedings of the common council, what part or portion of the expenses of such improvement, if any, shall be defrayed by said city, and what part by assessments upon the persons or property benefited thereby, such assessments to be made by said common council after the completion of such improvement upon the owners or occupants of the premises benefited thereby in the manner prescribed for making assessments in section nine of this title. And such assessments shall be left with the clerk of said city, as provided for assessments in said section nine, and thereafter the same proceedings shall be had and taken concerning the same and the collection thereof as are provided for assessments in said section nine, so far as the same are applicable thereto. But no public improvement, the expense of which in whole or in part is to be defrayed by a local assessment, shall be made until first requested by a petition signed by at least a majority of the owners of property to be assessed for such improvement, or unless at least three-fourths of the common council shall concur in voting any improvement to be expedient, or in determining to make the same, in which case no petition or request shall be necessary.

Power to fix grades and levels of streets.

§ 5. Whenever any street, alley, lane or public ground is laid out, altered, widened or straightened by

How private property may be acquired for public purpose.

virtue of this act, or any local improvement is made under and by virtue of title three, section seven, subdivision eleven, or any other local improvement, which requires that private property shall be taken for public purposes, the common council shall in the first instance, and before making such improvement, give notice of their intention to take and appropriate the land necessary therefor, and to make such improvement, by publishing such notice for at least three weeks successively, specifying as near as may be, the lands to be taken, in one or more of the city papers, which notice shall also notify the owners of such lands that at any time within the said three weeks, they may file with the clerk of said city their claim or claims for damages by reason of such improvement; and that application will be made to a court of record to be designated in such notice, for the appointment of three commissioners residing in said city, to ascertain the damages so claimed, and to assess the expenses of such improvement or so much thereof as may be proper, upon the lands and premises to be benefited thereby; which notice shall also specify the improvement to be made, the time when, and place where such application will be made. At the time and place so specified, the common council, by such person as they shall designate, shall make application to the said court for the appointment of such commissioners, and said claimants shall have the right to be heard thereon. The said court shall thereupon, by a rule to be entered in the minutes thereof, appoint said three commissioners to ascertain and assess the damages so claimed, and at the same time to determine what persons will be benefited by such improvement, and to assess the damages and expenses thereof upon the persons so benefited, in proportion, as near as may be to the benefit resulting to each. The hearing of

such application be adjourned from time to time by said court. The commissioners shall be sworn by any person authorized to administer oaths, faithfully and impartially to execute their duty in making such assessments according to their ability; they shall view the premises, receive any legal evidence and may adjourn from day to day. They shall, before entering upon their duties, give notice to said claimants of the time and place of their meeting, at least five days before the time of such meeting, by publishing such notice in one or more of the city papers. They shall determine and award to the owner or owners of such lands so claiming damages, such damages as they will, in their opinion sustain by the completion of the improvements after making due allowance for any benefit which said owner or owners may derive therefrom. They shall at the same time, assess and apportion the said damages and expenses of such improvement on the real estate benefited thereby, as nearly as may be, in proportion to the benefits resulting therefrom, and shall briefly describe the real estate on which any assessment is made by them. If there be any buildings on the land taken for such improvement, the value of such buildings to be removed shall be ascertained in their assessment, and the owner thereof may remove the same within ten days, or in such other time as the common council shall allow, after the confirmation of the return of the commissioners; if he shall so remove said building, the value thereof so ascertained, shall be deducted from the damages awarded to him. The determination and assessment of the commissioners, signed by them, shall be returned by them to the common council within thirty days after their appointment. The said court may, if sufficient objections are made to the appointment of said commissioners, or if any such commissioners shall re-

fuse or be unable to serve, appoint others in their places, in the manner above provided ; and the common council after the determination and assessment of the commissioners is returned to them, shall give two weeks' notice, in one or more of the city papers, that the same will, on a day specified in said notice, be confirmed, unless objections are made by some person or persons interested, are made thereto in writing and filed with the clerk. If no such objections are made as aforesaid, the determination and assessment shall be confirmed by the common council. If objections are so made, any person interested may be heard before the common council touching the matter, on the day specified in said notice, or on other days, as the common council shall appoint. The said common council shall either confirm such determination and assessment ; or annul the same, and refer the same matter back to the same commissioners, or other commissioners to be appointed by said court for the like purpose. The Commissioners shall proceed in all things in making and returning the second assessment, as in making and returning the first assessment, and the said common council shall proceed thereon as though it were an original assessment. In case the common council shall confirm the second assessment and determination, the same shall be final and conclusive on all persons interested ; but in case the common council shall annul the same, then all proceedings in relation thereto shall be null ; but nothing herein contained shall authorize the common council to discontinue or contract any street or highway, or any part thereof without the consent in writing of two-thirds of all persons owning lands adjoining thereto. On final confirmation of the report and assessment, the same, together with a copy of the order or resolution confirming the same, shall be filed with the city

clerk. The county court of Tompkins county shall be deemed to be always open for the transaction of all business and the making of all applications contemplated by this title. The same proceedings may be had for the collection of any assessments under this section as are in this act provided in respect to other assessments.

§ 6. In cases where the whole or any part of any real estate subject to any lease or other agreement, shall be taken by the common council under this title, all the covenants and stipulations contained in such lease or agreement, shall, upon final confirmation of the assessment thereof, cease, determine and be absolutely discharged ; and in all cases where a part only of any real estate shall be so taken, the said covenants and stipulations shall be so discharged, only as to the part so taken ; the county court of Tompkins county, may, on the application in writing of either or any party in interest to such lease or agreement, appoint three disinterested freeholders of the city, resident therein, to determine the rents, payments and conditions which shall thereafter be paid and performed under such lease or agreement, in respect to the residue of such real estate ; and the report of such freeholders or any two of them, under their hands, on being confirmed by the court, shall be binding and conclusive on all persons interested in such real estate.

Effect upon
leased lands.

§ 7. When the amount of any damages for taking lands as aforesaid shall be ascertained by a final confirmation of the report and assessment of the commissioners, the common council shall, within one year thereafter, pay or tender the amount of such damages to the owners of lands and tenements to whom the same shall have been allowed ; and in case such owners shall refuse the

Fixing man-
ner of paying
amount of
damages on
acquisition by
condemnation

same or be unknown, non-residents of the city, infants, lunatics, or the rights and interests of the persons claiming the same shall be doubtful or in dispute, it shall, in such case, be lawful for the common council to pay the amount of damages into the office of the clerk of the Supreme Court in the county of Tompkins, accompanied by a statement of the facts and circumstances under which such payment is made, and describing the lands and tenements taken by the city for which such damages have been awarded. The damages so paid into the Supreme Court shall be invested and paid over by it in the same manner that other moneys are invested and paid over by said court. Until such damages shall be so paid or tendered it shall not be lawful for the common council to take or enter upon such lands or tenements for the taking of which any such damages shall be allowed. When such damages shall have been so paid or tendered, as aforesaid, the said common council may immediately enter and take possession of the lands, tenements or premises in respect of which such payment or tender was made, and do and perform the alterations or improvements or other work or thing for the purpose of which such lands, tenements or premises were required and taken.

Assessments
for benefits a
lien on lands.

§ 8. Whenever any proceedings shall have been had under section five of this title, and the commissioners appointed as therein specified shall have made their estimate and assessment, and the same shall have been confirmed by the common council, if it shall then appear from such report that assessments for benefits are made against the owners of property therein, such assessments, from the date of confirmation of such report, shall be a lien on the lands in respect to which such assessment had been made, having preference over all

other liens and encumbrances whatever, and such assessments shall be collected in all respects as provided in the next following section of this title for the collection of the assessments therein specified.

§ 9. Whenever any of the improvements or repairs, or other acts herein authorized to be done by said common council, at the expense of persons in default shall have been made or done by said common council, and especially the improvements, repairs, acts, work and labor mentioned and specified in subdivisions eleven, fourteen, twenty-four, twenty-nine and thirty of section seven, title three, of this act, and in section four of this title, as chargeable upon owners or occupants, the expense thereof shall be assessed by said common council upon the owners or occupants of the lands or premises, upon, or for, or in respect to which such repairs, improvements, work or labor shall have been done ; such expense to be assessed to such owners or occupants by name, when known by said common council, and when unknown, to the unknown owners of such lands and premises, describing the same. Such assessment shall be left with the city clerk, who shall give public notice in the newspaper or newspapers employed by said city that the same has been left with him, and the common council will, on a certain day to be therein specified, which shall not be less than ten days from the first publication of said notice, proceed to confirm said assessment. During that period any person interested may appear before said common council and apply to have such assessment altered or corrected, as justice may require. The same may then be confirmed by them without further notice. All such assessments shall constitute a lien upon the lands and premises respectively upon, or for, or in respect of which they shall have been

For the collection of assessments on property taken for street and other purposes.

made. Within twenty days thereafter such assessment may be paid to the treasurer of said city. If any such assessment shall remain unpaid at the expiration of said twenty days the said common council shall issue their warrant to the collector of said city, under their hands and corporate seal, who shall proceed to collect the same out of the personal property of the persons so assessed, within sixty days after the receipt thereof by him. If the said collector shall return said warrant, at the expiration of sixty days, unsatisfied for want of personal property out of which he could satisfy the same, the said common council shall proceed to collect such assessment by a sale of the premises in the manner provided in section seven, title five of this act, for the collection of unpaid taxes, and all the provisions of sections five, six, seven and eight, title five of this act, shall be in force and apply so far as the same may be applicable to all proceedings for the collection of unpaid taxes, and the right and duties of all persons concerned shall be the same as provided in said sections.

TITLE VII.

OF THE FIRE DEPARTMENT.

Fire Depart-
ment.

SECTION I. All the powers and duties conferred upon the board of trustees of the former village of Ithaca by the act of incorporation of the Ithaca fire department, chapter two hundred and forty-four of the laws of eighteen hundred and seventy-one and the amendments thereto, are hereby conferred and imposed upon the common council of the city of Ithaca.

TITLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION I. No member of the common council shall be interested in any contract to which the city shall be a party.

Interest in contract forbidden.

§ 2. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Ithaca, in any action or proceeding in which the city is interested.

A citizen may be a judge or juror.

§ 3. The collector of the town of Ithaca shall pay into the treasury of the city of Ithaca, one-half of all sums raised by or received by said town in each year, for repairing or constructing bridges in said town, or for the payment for such repairs or construction, and the same shall be expended under the direction of the common council in repairing or building bridges in said city.

The town to pay one-half the bridge money raised by it to the city.

§ 4. No person entitled to vote at any election held under this act, shall be arrested on any civil process within the said city on the day on which such election is held.

No arrests on civil process election day.

§ 5. Every person now or hereafter elected or appointed under this act, to any office, who shall be sued for any act done or omitted to be done, under such election or appointment, and any person who shall be sued for any act or thing done by the command of any officer, shall, if any final judgment be rendered thereon, whereby any such defendant shall be entitled to costs, recover double costs, as defined by the Revised Statutes.

Double costs recoverable by any officer sued.

Buildings may be blown up or pulled down.

§ 6. The mayor or acting mayor shall have power to cause buildings to be pulled down, blown up or removed for the purpose of arresting the progress of fires, and for the extinguishment of the same. In every case where a building shall be pulled down, blown up or removed under such authority for the purposes aforesaid, and said building shall be insured, the owner thereof shall be entitled to recover from the said city, damages to the same extent as he would have been entitled to recover against the insurers, in case such building had been destroyed by fire.

Effects must be delivered a successor in office within ten days.

§ 7. If any person having been an officer in said city, shall not within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession or under his control, belonging to said city or pertaining to his office, he shall forfeit and pay for the use of the city one hundred dollars, besides all damage caused by his neglect or refusal to deliver.

Claims against the city.

§ 8. No suit shall be maintained against said city upon any claim or claims, for injuries resulting from negligence, unless the same shall be presented for payment to the common council of said city at some regular meeting thereof and until thirty days after such presentation shall have been made, or unless claim has been made within sixty days and suit begun within twelve months after the claim has been disallowed by the common council.

The city inherits the property and rights of the village.

§ 9. The city of Ithaca shall succeed to and be vested with all the rights and property of the village of Ithaca, and shall succeed to and be liable for all the liabilities of said village, and every suit, prosecution or

proceeding commenced by or against said village, may be continued by or against said city. No commissioner of excise of said city shall be elected or appointed, but the commissioners of excise of the town of Ithaca, shall continue to exercise jurisdiction over the entire town of Ithaca, including the said city.

§ 10. This act shall be deemed a public act, and the Legislature may at any time repeal, modify or alter the same. The Legislature may vary this act.

§ 11. This act shall take effect thirty days after its passage. A law on June 1, 1888.

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