

# Municipal Home Rule

§ 23. Local laws subject to mandatory referendum. 1. A local law subject to mandatory referendum as provided in this section or in any other state statute, shall be submitted for the approval of the electors at a general election of state or local government officers in such local government held not less than sixty days after the adoption thereof unless such local law provides for its submission for approval of the electors at a special election or unless, within thirty days after the adoption of such local law, a petition signed, authenticated and subject to certification by the clerk as provided for other petitions in section twenty-four of this chapter is filed with such clerk requesting its submission at a special election. If the local law so provides or if a valid petition is so filed requesting the submission of the local law at a special election, it shall be submitted at such a special election held in such local government not less than sixty days after the adoption of the local law, the date for which special election shall be fixed by the legislative body. In either case such local law shall become operative as prescribed therein only if approved at such election by the affirmative vote of a majority of the qualified electors of such local government voting upon the proposition.

2. Except as otherwise provided by or under authority of a state statute, a local law shall be subject to mandatory referendum if it:

- a. In the case of a city, provides a new charter for such city.
- b. In the case of a city, town or village, changes the membership or composition of the legislative body or increases or decreases the number of votes which any member is entitled to cast.
- c. Changes the veto power of the elective chief executive officer.
- d. Changes the law of succession to the office of the chief executive officer of a county elected on a county-wide basis or if there be none

the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town.

e. Abolishes an elective office, or changes the method of nominating, electing or removing an elective officer, or changes the term of an elective office, or reduces the salary of an elective officer during his term of office.

f. Abolishes, transfers or curtails any power of an elective officer.

g. Creates a new elective office.

h. In the case of a city, changes the boundaries of wards, or other districts, from which members of the county board of supervisors, chosen as such in such city to represent the city, are elected.

i. Changes a provision of law relating to public utility franchises.

j. In the case of a city, reduces the salary or compensation of a city officer or employee, increases his hours of employment or changes his

working conditions if such salary, compensation, hours or conditions have been fixed by a state statute and approved by the vote of the

qualified electors of the city. No provision effecting such reductions, increases or changes contained in any local law or proposed new

charter shall become effective unless the definite question with respect to such

reductions, increases or changes shall be submitted separately from any provisions not relating to such reductions, increases or changes and

approved by the affirmative vote of a majority of the qualified electors voting thereon.

k. In the case of a city, changes a provision of law relating to the

membership or terms of office of the civil service commission of the city.

## Municipal Home Rule

§ 24. Local laws subject to referendum on petition. 1. a. A local law adopted by a county, city or town and subject to referendum on petition as provided in this section or in any other state statute, if not also subject to mandatory referendum, shall not take effect until at least forty-five days after its adoption; nor until approved by the affirmative vote of a majority of the qualified electors of the local government voting on a proposition for its approval if within forty-five days after its adoption there be filed with the clerk a petition protesting against such local law, signed and authenticated as herein required by qualified electors of such local government, registered to vote therein at the last preceding general election, in number equal to at least ten per centum of the total number of votes cast for governor at the last gubernatorial election in such local government. If such petition be so filed, a proposition for the approval of such local law shall be submitted at the next general election of state or local government officers held in such local government not less than sixty days after the filing of such petition, unless the petition request and the legislative body adopt a local law submitting such proposition at a special election held not less than sixty days after the adoption of the local law providing for such special election. The petition may be made upon separate sheets, and the signatures to each sheet shall be signed and authenticated in the manner provided by the election law for the signing and authentication of nominating petitions so far as applicable. The several sheets so signed and authenticated, when fastened together and offered for filing, shall be deemed to constitute one petition. The

clerk shall examine each such petition so filed with him and not later than thirty days after the date of its filing, or forty-five days before the day of the election at which such referendum would appear on the ballot, whichever is earlier, shall transmit to the legislative body a certificate that he has examined it and has found that it complies or does not comply, as the case may be, with all the requirements of law.

If within five days after the last day to file such certificate a written objection to the determination of the clerk be filed with the supreme court, or any justice thereof, of a judicial district in which such local government or any part thereof is located, such court or justice shall determine any question arising thereunder and make such order as justice may require. Such proceeding shall be heard and determined in the manner prescribed by section 16-116 of the election law.

b. A local law adopted by a village and subject to a referendum on petition as provided in this section or in any other state statute, if not also subject to a mandatory referendum shall be conducted as a permissive referendum as provided in article nine of the village law and compliance with that article shall be deemed to be compliance with this chapter for all purposes.

2. Except as otherwise provided by or under authority of a state statute, a local law shall be subject to referendum on petition if it:

- a. Dispenses with a provision of law requiring a public notice or hearing as a condition precedent to official action.
- b. Changes a provision of law relating to public bidding, purchases or contracts.
- c. Changes a provision of law relating to assessments of real property or benefit assessments for local improvements.
- d. Changes a provision of law relating to the exercise of the power of condemnation.
- e. Changes a provision of law relating to the authorization or

issuance of bonds or other obligations, except as provided in section

34.00 of the local finance law in the case of a city.

f. Changes a provision of law relating to the auditing of the accounts of the local government.

g. Changes a provision of law relating to the alienation or leasing of real property of the local government.

h. In the case of a city, town or village increases the salary of an elective officer during his term of office or, in the case of a county,

increases the salary of an elective officer or of an officer appointed

for a fixed term, during his term of office, except where any such

increase by a county is made in accordance with a schedule providing

higher rates of compensation through additional increments of salary

based on time service, which schedule or applicable amendment thereof

was in existence prior to the commencement of such term of office.

i. In the case of a county, establishes a county general hospital

pursuant to the provisions of the general municipal law.

j. Is a local law relating to apportionment adopted pursuant to

subparagraph thirteen of paragraph a of subdivision one of section ten

of this chapter. Notwithstanding the provisions of subdivision one of

this section:

(1) A petition signed and authenticated in number equal to at least

five per centum of qualified voters as provided in subdivision one of

this section, or to fifteen thousand, whichever is less, shall be

sufficient to require the submission of a proposition or propositions

for the approval of such a local law or the principle elements

designated therein for separate submission, at a referendum in

accordance with such subdivision.

(2) The legislative body of the local government on its own motion may

adopt a resolution requiring that a proposition or propositions for the

approval of such a local law and the principle elements therein as shall

have been designated for separate submission, be submitted at a

referendum, in accordance with such subdivision, at the next general

election, or at a special election, held not less than sixty days after the adoption of such resolution.

k. In the case of a village, creates or abolishes the office of manager.