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Alternate Chapter 52

New York City Charter Revision Commission

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Alternate Chapter 52

The revisions of Chapter 52 included herein as pages 384 to 391 would be adopted if only question 1 is approved by the electors or if both questions 1 and 2 are approved by the electors. The following revisions of Chapter 52 (pages 384A to 389A) would be adopted if only question 2 is approved by the electors.

CHAPTER 52

GENERAL PROVISIONS

Sec. 1150. Definitions. For the purposes of this charter:

1. The term "city" shall mean the city of New York, and unless the context otherwise requires, shall include the several boroughs.

2. The term "agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

3. The term "law" or "laws" shall include the constitution, this charter, any statute, the administrative code, any local law, and any ordinance, rule or regulation having the force of law.

4. The term "statute" shall mean an act of the legislature.

5. The term "maintenance" shall include minor repairs, and in case of doubt the mayor or an officer designated by him shall decide whether a repair is a minor repair.

6. The term "intercepting sewer" shall mean a sewer the principal purpose of which is the interception from other sewers

principal purpose of which is the interception from other sewers and conveyance of sewage to treatment plants. In case of doubt the board of estimate shall decide whether a sewer is an intercepting sewer.

7. a. The term "wharf property" shall mean wharves, piers, docks and bulkheads and structures thereon and slips and basins, the land beneath any of the foregoing, and all rights, privileges and easements appurtenant thereto and land under water in the port of New York, and such upland or made land adjacent thereto as was vested in the department of docks on January first, nineteen hundred thirty-eight or thereafter was or may be assigned to it or its successor agencies.

b. "Water front property" shall mean all property fronting on all the tidal waters in the port and city of New York and extending inshore to the property line of the first adverse owner and shall include such land under water extending outshore to the pierhead line or the property line, whichever extends furthest outshore.

c. "Water front commerce" shall mean the activity on water front property which encompasses the receipt of cargo or goods at the wharves, piers, docks or bulkheads from ships and their delivery to points inland or the receipt of such cargo or goods at such wharves, piers, docks or bulkheads from points inland for shipment by ships and shall include the temporary storage of such cargo or goods in the sheds or warehouses on such property pending their delivery or shipment.

d. "Furtherance of navigation" shall mean the activity on water front property which involves ship building, ship repairing, boating, dry dock facilities and similar uses.

8. The term "the port of New York" shall include all the waters of the North river, the East river and the Harlem river and all the tidal waters embraced within or adjacent to or opposite to the shores of the city.

9. The terms "three-fourths vote" and "two-thirds vote" when they apply to the board of estimate shall mean respectively three-fourths and two-thirds of the total number of votes which all the members of the board are entitled to cast.

10. The term "administrative code" shall mean the administrative code of the city.

11. The term "budget" shall mean the expense budget unless the context otherwise requires.

12. Except as in this charter otherwise provided, the term "real property" shall include real estate, lands, tenements and hereditament, corporeal or incorporeal.

Sec. 1151. Effect of this charter on existing law. a. All laws and parts of laws relating to or affecting the city of New York or the municipalities consolidated therein in force when this charter as amended shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this charter and no further.

b. All other laws and parts of laws shall continue in force until repealed, amended, modified or superseded.

c. Insofar as the provisions of this charter are the same in terms or in substance and effect as provisions of law in force when this charter shall take effect, relating to or affecting the city of New York, the provisions of this charter are intended to be not a new enactment but a continuation of such provisions of law, and this charter shall be so construed and applied.

Sec. 1152. Time of taking effect. a. This charter shall take effect on the first day of January, nineteen hundred sixty-three and thereafter shall control in respect to all the powers, functions and duties of all officers, agencies, and employees of the city as provided herein, except that chapter twelve hereof shall take effect on January first, nineteen hundred sixty-two.

b. The amendments to the charter approved by the electors on November fourth, nineteen hundred seventy-five shall take effect on January first, nineteen hundred seventy-seven, and thereafter shall control as provided in respect to all the powers, functions and duties of all offices, agencies, and employees except as further specifically provided in other sections of this revised charter and except:

(1) that existing community districts and community boards shall continue in force and effect until the new community districts and community boards pursuant to chapters sixty-nine and seventy are established pursuant to this revised charter;

(2) that powers and duties of community boards and borough boards pursuant to chapters six, eight, nine, fourteen, fifteen, twenty-seven, sixty-nine and seventy shall be assumed by the

existing community boards and borough boards on July first, nineteen hundred seventy-six and such boards shall continue to have such powers and duties until new community boards and borough boards are established within the new community districts and the boroughs pursuant to chapters sixty-nine and seventy, which boards shall assume the powers and duties specified in this charter at such time; and

(3) that the other amended provisions of this charter requiring any act to be done prior to January first, nineteen hundred seventy-seven shall take effect immediately upon adoption.

c. The amendments to the charter approved by the electors on November eighth, nineteen hundred eighty-eight shall take effect immediately, and thereafter shall control as provided in respect to all the powers, functions and duties of all offices, agencies, and employees except as further specifically provided in other sections of this revised charter.

Sec. 1153. Separability clause. If any provision of this charter or of any amendments thereto shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, it is the purpose and intent of this charter that all other provisions thereof shall nevertheless be separately and fully effective and that the application of any such provision to other persons or situations shall not be affected.

Sec. 1154. Short title. This charter shall be known and may be cited as "The New York city charter."

Sec. 1155. Public attendance at executive sessions. a. Except as otherwise provided pursuant to subdivision b of this section, the public may attend all sessions or meetings of the following agencies whenever items on the calendar of such agency are to be considered and acted upon in a preliminary or final manner: art commission, conciliation and appeals board, environmental control board, board of health, landmarks preservation commission, city planning commission, board of standards and appeals, tax commission, youth board, board of estimate and its committees, and the council and its committees.

b. Any agency specified pursuant to subdivision a of this section may convene an executive session closed to the public by a three-fourths vote of all of its members, but shall not take final action at any such meeting.