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| <b>Topic:</b>                             | Local Governance   |
| <b>Resource Type:</b>                     | Regulations  |
| <b>State:</b>                             | New York   |
| <b>Jurisdiction Type:</b>                 | State  |
| <b>Municipality:</b>                      | N/A  |
| <b>Year (adopted, written, etc.):</b>     | 1965   |
| <b>Community Type - applicable to:</b>    | Urban; Suburban; Rural   |
| <b>Title:</b>                             | New York State Statute of Local Governments: Chapter 58-A of the Consolidated Laws |
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### ***Abstract***

The Statute of Local Governments grants powers to local governments pursuant the State Constitution. These include, but are not limited to, the powers to adopt, amend and repeal ordinances, acquire real property, establish recreational facilities on the property, and administer rent in connection with the property. Local governments can also adopt zoning regulations and perform comprehensive planning work related to their jurisdiction. The legislature reserves several powers to enact laws including those laws relating to defense of state in times of enemy attack or disaster and relating to matter other than the property, affairs or government of the local governments.

### ***Resource***

**Statute of Local Governments  
Chapter 58-A of the Consolidated Laws  
Article 1. Short Title; Legislative Intent; Definitions**

#### **§ 1. Short title**

This chapter shall be known, cited and referred to as the "statute of local governments."

#### **§ 2. Legislative intent**

In providing for effective local self-government and intergovernmental cooperation which the bill of rights for local governments in article nine of the constitution declares to be purposes of the people of the state of New York, it is the intention of the legislature by the enactment of this chapter to provide a statute of local governments and to grant powers therein to local governments pursuant to paragraph one of subdivision (b) of section two of article nine of the constitution. Powers granted to local governments in this statute of local governments may be repealed, diminished, impaired or suspended only by the enactment

of a statute by the legislature with the approval of the governor at its regular session in one calendar year and the re-enactment and approval of such statute in the following calendar year.

### **§ 3. Definitions**

As used in this chapter the following terms shall mean or include:

1. "Chief executive officer." The elective or appointive chief executive officer, if there be one, or otherwise the chairman of the board of supervisors, in the case of a county, the mayor in the case of a city or village or the supervisor in the case of a town.
2. "Local government." A county, city, town or village.

## **Article 2. Grants of Powers to Local Governments**

### **§ 10. Grants of powers to local governments**

Except as otherwise specifically provided in this section, each of the following powers, which shall include but not be limited to those of local legislation and administration, is hereby granted to each local government which shall at all times be subject to such purposes, standards and procedures as the legislature may have heretofore prescribed or may hereafter prescribe:

1. The power to adopt, amend and repeal ordinances, resolutions and rules and regulations in the exercise of its functions, powers and duties.
2. The power to acquire real and personal property or any interest therein for its purposes, and to construct, reconstruct, equip, maintain, repair and operate the same for such purposes.
3. The power to acquire, establish, construct, reconstruct, equip, maintain, repair and operate recreational facilities on park or other lands, including but not limited to self-supporting, self-sustaining or revenue-producing recreational facilities.
4. The power to dispose of its real or personal property or any interest therein when no longer required for its purposes, except that this power shall not be applicable to inalienable real or personal property or any inalienable interest therein.
5. The power to fix, levy, impose, collect and administer rents, charges, rates and fees, penalties and rates of interest thereon, liens on local property in connection therewith and charges thereon.
6. In the case of a city, village, or town with respect to the area thereof outside the village or villages therein, the power to adopt, amend and repeal zoning regulations.

7. The power to perform comprehensive or other planning work relating to its jurisdiction.

### **§ 11. Reservation of power by legislature**

The legislature hereby excludes from the scope of the grants of powers to local governments in this statute and reserves to itself the right and power to enact any law described in this section notwithstanding the fact that it repeals, diminishes, impairs or suspends a power granted to one or more local governments in this statute:

1. Any law relating to the defense or protection of the state or to the continuity of state or local governmental operations during periods of emergency caused by enemy attack, actual or imminent, or by disaster.

2. Any law enacted as provided by paragraph two of subdivision (b) of section two of article nine of the constitution on request of the legislative body of each affected local government, on request of the chief executive officer of each affected local government concurred in by its legislative body or, except in the case of the city of New York, on certificate of necessity from the governor.

3. Any law amending an alternative form of county government which is subject to referendum pursuant to paragraph one or paragraph two of subdivision (h) of section one of article nine of the constitution.

4. Any law relating to a matter other than the property, affairs or government of a local government.

5. Any law authorizing the voluntary transfer of a power by a local government to another local government or other governmental agency.

6. Any law authorizing the voluntary exercise of a power by a local government in cooperation with another local government or other governmental agency.

### **§ 12. Effective date provisions of bills requiring re-enactment and approval**

1. Where a bill introduced in the legislature would have the effect of repealing, diminishing, impairing or suspending a power granted by this statute of local governments and thus would be ineffective unless re-enacted and approved in the following calendar year as provided by paragraph one of subdivision (b) of section two of article nine of the constitution, the effective date provision thereof shall read substantially as follows: "This act shall take effect (specify effective date in event of re-enactment by legislature and approval by governor in next calendar year), provided that it is approved by the governor in accordance with paragraph one of subdivision (b) of section two of article nine of the constitution and provided that it is re-enacted by the legislature and approved by the governor in the next calendar year in accordance with such paragraph."

2. Where a statute enacted in one year is introduced in the legislature in the next calendar year for re-enactment by the legislature and approval thereafter by the governor in accordance with paragraph one of subdivision (b) of section two of article nine of the constitution, the effective date provision thereof shall refer to the enactment in the previous year and shall, in addition, provide substantially as follows: "This act shall take effect (set forth the effective date), provided that it is approved by the governor in accordance with paragraph one of subdivision (b) of section two of article nine of the constitution."

### **§ 13. Publication of statutes requiring re-enactment and approval**

Whenever the governor shall approve a statute enacted in accordance with subdivision one of section twelve of this chapter it shall be deposited with the secretary of state in accordance with section forty-two of the legislative law and shall be published and indexed in a separate part of the printed volume of the session laws for such year in the same manner as a concurrent resolution of the legislature proposing an amendment to the constitution.

### **Article 3. Construction; Effective Date**

#### **§ 20. Construction**

1. Where a power granted by this statute relates to the property, affairs or government of a local government, its inclusion herein shall not be deemed to imply that the legislature has construed such power as not relating to the property, affairs or government of such local government or as restricting the powers of such local government in relation to its property, affairs or government to those powers included herein.

2. Nothing in this statute shall operate to restrict the meaning of or diminish or impair any power granted to a local government by the constitution or by any other law; nor shall the failure to include a power of a local government in this statute operate to restrict the meaning of or diminish or impair such power.

3. No power granted in this statute shall be deemed repealed, diminished, impaired or suspended by the enactment of any subsequent act of the legislature, unless such act shall be enacted and re-enacted as prescribed in paragraph one of subdivision (b) of section two of article nine of the constitution and section twelve of this statute and unless such act shall contain a specific reference to this statute.

4. If any clause, sentence, paragraph, section or part of this statute shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

5. Powers granted to local governments by this statute shall be liberally construed.

6. This chapter shall not affect or impair section sixteen hundred seven of chapter eight hundred seventy-nine of the laws of nineteen hundred thirty-six.

**§ 21. Time of taking effect; reservation of power to amend**

1. This statute shall take effect July first, nineteen hundred sixty-five.

2. This statute is hereby enacted subject to the reservation that it or any part thereof shall be subject to amendment or revision prior to its effective date notwithstanding the fact that such amendment or revision repeals, diminishes, impairs or suspends a power granted herein to one or more local governments.