

L A W S  
OF THE  
STATE OF NEW YORK,

PASSED AT THE  
ONE HUNDRED AND THIRTIETH SESSION

OF THE  
LEGISLATURE,

BEGUN JANUARY SECOND, 1907, AND ENDED JUNE  
TWENTY-SIXTH, 1907, IN THE CITY OF ALBANY,  
AND INCLUDING EXTRAORDINARY SESSION,  
BEGUN JULY EIGHTH, 1907, AND ENDED  
JULY TWENTY-SIXTH, 1907.

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VOL. II.

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ALBANY  
J. B. LYON COMPANY, STATE PRINTERS  
1907

### Chap. 711.

AN ACT to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the said town of Rye, and to provide for the payment thereof.

Became a law, July 23, 1907, with the approval of the Governor. Passed by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. All that piece or parcel of land, situate in the town of Rye, county of Westchester and state of New York, bounded as follows: Northerly, in part by Forest avenue and Rye Beach avenue; easterly, in part by said Rye Beach avenue, the lands of the town of Rye and the waters of Long Island sound; southerly, in part by the waters of Long Island sound and by Dearborn avenue, and westerly, in part by Dearborn avenue and Forest avenue; together with the rocks and islands in said Long Island sound in front of and adjacent to said described premises, is hereby established, appropriated and set apart as a public park, to be known as "Rye Park" upon the passage of a proposition in favor thereof at a town meeting as hereinafter provided, and said "Rye Park" shall be under the management and control of commissioners, to be appointed as hereinafter provided. Said avenues, however, shall be subject to the control of the village of Rye, for general highway purposes.

§ 2. Before any proceedings shall be taken for the condemnation of the property hereinbefore described under the provisions of this act, a proposition in favor of acquiring such lands must be adopted by ballot by the electors of said town, at the general town election to be held in November, nineteen hundred and seven. The provisions of the general election law shall apply to the proposition to be submitted under this act.

§ 3. The supervisor of the town of Rye; the president of the village of Port Chester, and the president of the village of Rye, by virtue of their respective offices, together with one commissioner to be appointed by the town board of the said town of Rye, and one commissioner to be appointed by the board of trustees of the village of Rye within sixty days after the adoption of a proposition as above provided shall constitute the commissioners of parks; the

said commissioner to be appointed by the town board shall reside in that part of the town of Rye comprising the village of Mamaroneck; said commissioners so appointed by the town board and the board of trustees of the village of Rye and their successors in office shall be residents and freeholders of the town of Rye and shall hold office for terms of two years respectively from the thirty-first day of December next ensuing after their appointment; the successor in office of the commissioners to be appointed by said town board shall be appointed by the town board of said town of Rye, and the successor in office of the commissioners to be appointed by said board of trustees of the village of Rye shall be appointed by the board of trustees of said village of Rye, and shall hold office for a like period of two years. Said commissioners so appointed shall, before entering upon the duties of their office, take and subscribe the usual oath of office and file the same in the office of the town clerk of the town of Rye. Said commissioners shall receive no compensation. Any vacancy that shall occur in said office of commissioners of parks caused by the death, resignation or disqualification of any appointed commissioners shall be filled for the unexpired term by the board, which appointed the commissioners whose office so becomes vacant, at any regular meeting thereof, or at any special meeting called and held for that purpose. The said commissioners of parks of the town of Rye shall have exclusive charge of the acquisition of lands, and shall have full supervision of the construction, improvement and management of the park, and may employ such counsel and engineer as may be necessary, and fix their compensation, to be paid out of the fund hereinafter provided.

§ 4. The said commissioners of parks of the town of Rye shall cause surveys and maps of said park to be made, and signed by the commissioners and filed by them in the office of the clerk of the county of Westchester and in the office of the town clerk of the town of Rye. The commissioners shall thereupon proceed to acquire by condemnation in the town of Rye the land and property hereinbefore described without unnecessary delay. The lands so taken by condemnation may include lands owned by any person, corporation or municipal corporation.

§ 5. All damages awarded by the report of the commissioners of appraisal and approved by the court in such condemnation proceedings as shall be taken as herein provided, with interest from the date when the right of possession to the lands for which said

awards shall have been made, together with the costs, allowances and expenses of such proceedings, as fixed by the court, shall, upon the confirmation of such report, be a charge upon the town of Rye of the same force and effect as other town charges prescribed by law; and shall be due and payable by the said town of Rye according to the report of said commissioners of appraisal. A certified copy of such report and order shall be filed with the said county clerk and town clerk of the town of Rye within five days after the granting of said order provided, however, that if said damages, interest, costs, allowances and charges exceed two and one-half per centum of the total assessed valuation of the real and personal property of the town of Rye, as appears by the assessment-roll of said town for the preceding year, then the proceeding for condemnation of said lands shall be discontinued.

§ 6. In order to provide the means for acquiring the property authorized to be acquired by this act, and any expenses necessarily incurred in acquiring the same, and for the payment for such property as may be acquired by proceedings, under the condemnation law, and the costs, allowances and expenses of such proceedings and for the purpose of laying out, improving, erecting buildings and embellishing the park established under this act, the supervisor of the town of Rye is hereby authorized and directed to borrow, on the faith and credit of said town of Rye, an amount of money not exceeding two and one-half per centum of the total assessed valuation of the real and personal property in the town of Rye as appears upon the assessment roll of said town for the preceding year as shall be necessary for such purposes, and for that purpose to issue and sell the bonds of said town, signed by said supervisor and countersigned by the town clerk, under the corporate seal of said town of Rye, which bonds shall be payable in gold coin of the United States of the present standard of weight and fineness or its equivalent in value, in not less than ten nor in more than fifty years, and bearing interest at a rate not exceeding four per centum per annum, payable in gold coin as aforesaid, semi-annually, which bonds shall not be sold for less than their par value. The said bonds shall be so issued as to provide for the payment of the indebtedness in equal annual installments, the first of which shall be payable not more than ten years from their date. They shall be sold on sealed proposals, upon notice printed in all the newspapers published in the town of Rye, and upon such other notice as may

be designated by the said commissioners of parks and posted in at least five public places in said town of Rye at least ten days before the sale to the person who will take them at the lowest rate of interest. Said bonds shall be known as "Rye Park Bonds," and shall be numbered from one to the highest number issued, and the town clerk of said town of Rye shall keep a record of the number of each bond and the purchaser thereof, or the person to whom they are issued. The proceeds from the sale of said bonds shall be paid to the supervisor of said town, and shall be paid out from time to time to the persons entitled thereto, as hereinbefore provided, and upon vouchers certified by a majority of the commissioners of parks. The amount of interest and principal of said bonds shall be a charge upon the taxable property in the town of Rye, and the said amounts for principal and interest over and above the income applicable for that purpose, as hereinafter provided, shall, as the same become due, be levied and collected in the manner required by law for other town charges. The town board of the town of Rye is hereby empowered to apply to the board of supervisors of the county of Westchester, and said board of supervisors is hereby empowered and directed to levy and assess annually upon the taxable property of the town of Rye, the sum or sums of money which may be required to pay the interest on said bonds and to redeem them at maturity. When said taxes are collected they shall be paid over to the supervisor of said town and applied by him to the payment of said principal and interest as aforesaid.

§ 7. The town of Rye shall become seized in fee of the title of said lands and appurtenances upon the entry of the order confirming the said report of the commissioners of appraisal, in accordance with the provisions of the condemnation law.

§ 8. The said commissioners of parks shall have power and are directed to lay out, construct, grade and improve said park; to appoint, in their discretion, such employees as they deem necessary for the care and custody of said park; to employ all necessary workmen, assistants and contractors, and to prescribe their duties and fix their compensation; to seize and impound all cattle and other animals found roaming at large in said park; to make reasonable rules and ordinances for the use of said park not inconsistent with the ordinances of the village of Rye. All persons offending against such ordinances shall be deemed guilty of a misdemeanor and shall be punished on conviction before

any court of competent jurisdiction in the town of Rye by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or both, at the discretion of the court. Said commissioners are authorized and empowered to bring an action in the name of the town to recover damages for the breach of any agreement relating to or growing out of the management or improvement of the park, or damages for injuries to any of the property appertaining to the park. Said commissioners are authorized and empowered to let to any person or persons for any period of time not exceeding three years, and under such rules and regulations as shall be made by said commissioners of parks, the privilege of maintaining and offering boats for hire at said park; the privilege of maintaining bath houses and bathing facilities for hire at said park, and the privilege of maintaining a public restaurant at said park, or any or all of said privileges. Said commissioners of parks shall have no power to lease any portion of said park for any other purpose than as above provided. Whenever said commissioners of parks shall determine to let any privilege, they shall cause said privilege to be sold at public auction to the highest responsible bidder, after notice of such public auction shall have been advertised in all the newspapers of said town of Rye at least once a week for two weeks successively. Said commissioners of parks shall have the power to reject any or all bids at such public auction. The person or persons to whom the privilege or privileges shall be sold and awarded shall furnish a bond in such sum as may be determined, and with such sureties as may be approved by said commissioners of parks. Said commissioners of parks shall not have the power to lease said privileges so as to exclude the people of the town of Rye from a full and free enjoyment of the waters of Long Island sound adjacent to said park, and of the right to embark and disembark to and from the said park from boats and yachts. No liquors, wines, beer or intoxicants of any kind whatsoever shall be allowed or sold in any part of said park. The trustees of the village of Rye shall provide a sufficient number of policemen for the proper policing of and for the enforcement of all laws and ordinances applicable to the said park and the maintenance of order therein and the reasonable cost thereof and therefor, approved by the said commissioners, shall be paid by the supervisor, in the same manner as other park charges, to the treasurer of the village of Rye.

§ 9. The income from whatever leases may be made by said commissioners, and from the sale of any privilege in said park, which privilege shall be sold or let out by the said commissioners of parks, shall be paid to the supervisor of the said town of Rye by the said commissioners of parks, and shall be applied by said supervisor as follows: To the proper care, expenses of maintenance, repairs and improvements of said lands and premises, and the balance of said revenue, if any, to the payment of the interest on the bonds of said town, issued as hereinbefore directed to pay for said land, and the balance, if any, shall be applied by him to the payment of said bonds as they shall become due, and when said bonds are paid, said balance shall be applied to general town purposes. All payments shall be made upon vouchers certified by a majority of said commissioners of parks. The supervisor of the town of Rye shall be the treasurer of said commissioners of parks, and shall execute and deliver yearly a bond to the town of Rye in such an amount and with such sureties as may be approved by the town board of Rye. If the expense of maintaining the park, the amount of interest on the bonds issued under this act, and the amount to be paid for any bond falling due, shall in any year exceed the amount of said income, the town board shall raise annually, by tax to be assessed upon the taxable property in said town of Rye, at the same time and in the same manner that general taxes are raised therein, a sufficient sum to meet such excess; and if the amount of income shall exceed the amount required for such maintenance, interest and bonds, the town board may apply such excess to the general purposes of the town. The commissioners of parks shall have power, from time to time, to construct buildings or other improvements in said park which they may deem expedient and necessary, and all such sums of money as shall be necessary, not exceeding one-tenth of one per centum per annum of the assessed valuation of said town as shown by the assessment roll of the preceding year, to pay therefor shall be levied and collected in the manner required by law, and the board of supervisors of the county of Westchester, upon request by the town board of the said town of Rye, shall levy and assess the said sums of money upon the taxable property of the town of Rye. Said commissioners of parks shall hold public stated meetings at least once a month between April first and November first, in each year.

§ 10. The commissioners of parks shall, on or before the first day of November in each year, make to the town board a full re-

port of their proceedings during the preceding year, with a detailed and sworn statement of all their receipts and disbursements, which report shall be audited by the board of town auditors.

§ 11. It shall be a misdemeanor for any commissioner to be pecuniarily interested, either directly or indirectly, in any contract or work of any kind whatever connected with said park.

§ 12. The said commissioners shall have power to sell any buildings or improvements at any time at public auction within the limits of said park which, in the judgment of said commissioners, shall not be required for the purposes of said park for public use.

§ 13. The commissioners of the land office are hereby authorized to release to the town of Rye any right of the people of this state in and to any land under water adjacent to and in front of any upland included in the boundaries of said park.

§ 14. This act shall take effect immediately.

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### Chap. 712.

AN ACT in relation to the use and occupancy of the hall of records in the county of New York.

Became a law, July 23, 1907, with the approval of the Governor. Passed, three-fifths being present.

Passed without the acceptance of the city.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The building in the county of New York, called the hall of records, erected under the provisions of chapter fifty-nine, as amended by chapter seven hundred and ninety-three, of the laws of eighteen hundred and ninety-seven, directing the erection of a building as nearly fire-proof as could be practically secured sufficient, among other purposes, to provide suitable accommodations for the office and use of the register of the county of New York, and for the office and use of the clerk of the county of New York, and for the offices and courts and for the use of the surrogates of the county of New York, being the various offices in which the records affecting public interests are required to be kept in said county, shall be the repository for such records in said offices, except as hereinafter provided; and the board of estimate and apportionment of the city of New York is hereby directed to

LAWS  
OF THE  
STATE OF NEW YORK,  
PASSED AT THE  
ONE HUNDRED AND THIRTY-FIRST SESSION  
OF THE  
LEGISLATURE,

BEGUN JANUARY FIRST, 1908, AND ENDED APRIL  
TWENTY-THIRD, 1908, IN THE CITY OF ALBANY,  
AND INCLUDING EXTRAORDINARY SESSION,  
BEGUN MAY ELEVENTH, 1908, AND  
ENDED JUNE ELEVENTH, 1908.

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VOL. II.

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ALBANY  
J. B. LYON COMPANY, STATE PRINTERS  
1908

ninety, chapter five hundred and sixty-nine and all amendments thereto and especially as amended by chapter three hundred and sixty-three of the laws of nineteen hundred and seven, and any other provision of the town, county and municipal law relative to the raising of funds upon the credit of municipalities had been fully observed and complied with. That all bonds issued by the town board in pursuance of said determination to so do on the part of the electors of the town of Morristown, New York, in a sum not exceeding ten thousand dollars, shall when issued be legal and valid obligations of the said town of Morristown according to their tenor and purport. This act shall not affect any action or proceeding now pending.

§ 2. This act shall take effect immediately.

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### Chap. 408.

AN ACT to ratify and confirm the proceedings at a town meeting held in the town of Rye and the adoption thereof of a proposition in favor of acquiring certain lands for a public park, pursuant to chapter seven hundred and eleven of the laws of nineteen hundred and seven.

Became a law, May 20, 1908, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The adoption by ballot at a town meeting in the town of Rye, county of Westchester, on the fifth day of November, nineteen hundred and seven, of the affirmative of the following proposition: "Shall the land in the town of Rye, bounded by Forest avenue, Rye Beach road, Dearborn avenue and the waters of Long Island sound be acquired for public park, pursuant to chapter seven hundred and eleven of the laws of nineteen hundred and seven, entitled 'An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the said town of Rye, and to provide for the payment thereof,'" is hereby declared to be a complete fulfillment of the requirements of section two of chapter seven hundred and eleven of the laws of nineteen hundred and seven, therein prescribed as

necessary for the condemnation of the property in said act described, and to be a valid adoption of the proposition specified in said section of said act, and the proceedings at said town meeting relating to authorizing the condemnation of said property for a public park are hereby ratified and confirmed and declared to be adequate and complete, and no further action under and pursuant to said section two of said act shall be requisite or necessary in proceedings to acquire the lands described in said act under the provisions thereof.

§ 2. This act shall take effect immediately.

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### Chap. 409.

AN ACT to legalize and validate all proceedings heretofore had for the issuance and sale of thirty thousand dollars bonds of the board of education of union free school district number twenty-one, of the town of Hempstead, Nassau county, New York; to authorize the execution, issuance and delivery of said bonds; and to authorize the raising of taxes to pay the principal and interest thereof.

Became a law, May 20, 1908, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The adoption of the proposition submitted at a special meeting of the qualified voters of union free school district number twenty-one of the town of Hempstead, Nassau county, New York, held November seventh, one thousand nine hundred and seven, authorizing the erection of an addition to, and the remodeling of, public school number two in said district, located on Clinton avenue, in the village of Rockville Centre, and voting a tax of thirty thousand dollars for said purpose, to be levied in installments; and the proceedings of the board of education of said district authorizing the issuance of bonds of said district in the aggregate amount of thirty thousand dollars, of the denomination of one thousand dollars each, two of said bonds to mature on the first day of January in each of the years one thousand nine hundred and twenty-one to one thousand nine hundred and thirty-five inclusive; and the sale and award of said thirty thou-

47

LAWS  
OF THE  
STATE OF NEW YORK,

PASSED AT THE  
ONE HUNDRED AND THIRTY-EIGHTH SESSION  
OF THE  
LEGISLATURE,

BEGUN JANUARY SIXTH, 1915, AND ENDED APRIL  
TWENTY-FOURTH, 1915,

AT THE CITY OF ALBANY,

AND ALSO OTHER MATTERS REQUIRED BY LAW TO  
BE PUBLISHED WITH THE SESSION LAWS.

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VOL. I.

---



ALBANY  
J. B. LYON COMPANY, STATE PRINTERS  
1915

to be fixed by the town board,<sup>3</sup> and also, except that in the county of Nassau assessors and superintendents of highways shall be entitled to three dollars per day, and the town boards of the towns of and in said county of Nassau, having a population, as appears by the last federal census, of seventeen thousand inhabitants, or more, are hereby authorized and empowered to fix an annual compensation for the assessors and superintendents of highways of said towns, not to exceed twelve hundred dollars per annum each, and to provide for the payment of said compensation, in quarterly instalments. The town board of any town may at a regular meeting, fix the compensation of the superintendent of highways of such town at a sum of not less than two nor more than five dollars per day.

§ 2. This act shall take effect immediately.

### Chap. 74.

AN ACT to amend chapter seven hundred and eleven of the laws of nineteen hundred and seven, entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the town of Rye, and to provide for the payment thereof," in relation to the powers and duties of the commissioners.

Became a law March 15, 1915, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1907,  
ch. 711,  
§§ 8, 9, 12  
amended.

Section 1. Sections eight, nine and twelve of chapter seven hundred and eleven of the laws of nineteen hundred and seven, entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the said town of Rye, and to provide for the payment thereof," are hereby amended to read, respectively, as follows:

Park com-  
missioners;  
powers and  
duties.

§ 8. The said commissioners of parks shall have power and are directed to lay out, construct, grade and improve said park; to

<sup>3</sup> Words "to be fixed by the town board" new.

appoint, in their discretion, such employees as they deem necessary for the care and custody of said park; to employ all necessary workmen, assistants and contractors, and to prescribe their duties and fix their compensation; to seize and impound all cattle and other animals found roaming at large in said park; to make reasonable rules and ordinances for the use of said park not inconsistent with the ordinances of the village of Rye. All persons offending against such ordinances shall be deemed guilty of a misdemeanor and shall be punished on conviction before any court of competent jurisdiction in the town of Rye by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or both, at the discretion of the court. Said commissioners are authorized and empowered to bring an action in the name of the town to recover damages for the breach of any agreement relating to or growing out of the management or improvement of the park, or damages for injuries to any of the property appertaining to the park. Said commissioners are authorized and empowered to let to any person or persons or corporation<sup>1</sup> for any period of time not exceeding three years, and under such rules and regulations as shall be made by said commissioners of parks, the privilege of maintaining and offering boats for hire at said park; the privilege of maintaining bath houses and bathing facilities for hire at said park, and the privilege of maintaining a public restaurant at said park; the privilege of selling ice cream at said park; the privilege of selling candy at said park; the privilege of selling cigars and cigarettes at said park; the privilege of selling soda water at said park; the privilege of selling post cards and souvenirs at said park, and the privilege of parking automobiles and vehicles at said park,<sup>2</sup> or any or all of said privileges. Said commissioners of parks shall have no power to lease any portion of said park for any other purpose than as above provided. Whenever said commissioners of parks shall determine to let any or all of said<sup>3</sup> privileges,<sup>4</sup> they shall cause any or all of said privileges<sup>4</sup> to be sold at public auction to the highest responsible bidder, who in the discretion of the park commissioners is deemed to be to the best interest and advantage of the town park and its management such determination shall be made by a

Violation  
ordinance.  
penalty.

Action for  
damages to  
park.

Lease of  
commercial  
privileges  
in park.

Lease of  
park for  
other privi-  
leges pro-  
hibited.

Auction  
sale of  
privileges.

<sup>1</sup> Words "or corporation" new.

<sup>2</sup> Words "the privilege of selling ice cream . . . parking automobiles and vehicles at said park," new.

<sup>3</sup> Words "or all of said" new.

<sup>4</sup> Formerly "privilege."

<sup>5</sup> Words "any or all of" new.

Rejection  
of bids.

Bond of  
person or  
corporation  
securing  
privilege.

Effect of  
lease of  
privileges.

Intoxicants  
prohibited  
in park.

Conduct of  
park privi-  
leges by  
commis-  
sioners.

Tax or issue  
of certifi-  
cates of  
indebted-  
ness au-  
thorized.

Certifi-  
cates of  
indebted-  
ness; execu-  
tion, inter-  
est, sale,  
etc.

resolution passed by a majority of commissioners of parks at a meeting,<sup>6</sup> after notice of such public auction shall have been advertised in all the newspapers of said town of Rye at least once a week for two weeks successively. Said commissioners of parks shall have the power to reject any or all bids at such public auction. The person or persons or corporation<sup>1</sup> to whom the privilege or privileges shall be sold and awarded shall furnish a bond in such sum as may be determined, and with such sureties as may be approved by said commissioners of parks. Said commissioners of parks shall not have the power to lease said privileges so as to exclude the people of the town of Rye from a full and free enjoyment of the waters of Long Island sound adjacent to said park, and of the right to embark and disembark to and from the said park from boats and yachts. No liquors, wines, beer or intoxicants of any kind whatsoever shall be allowed or sold in any part of said park. <sup>7</sup>Said commissioners of parks shall have the power by a resolution passed by a majority of the park commissioners to operate and conduct any or all of said privileges under their own supervision and direction, to employ a manager for that purpose, and contract, hire, and employ labor and assistants for that purpose and purchase provisions, supplies, goods, wares, merchandise, fixtures and bathing equipment to be sold, hired and used under the privileges hereinbefore enumerated from time to time for that purpose. <sup>7</sup>The said commissioners of parks may determine by a resolution passed by a majority of the commissioners of parks at a meeting to operate and conduct any or all of the said privileges, for the benefit of the town of Rye, under their own supervision and direction and the said commissioners of parks are hereby empowered and authorized to use whatever funds are in the hands of the commissioners of parks for that purpose and if such funds are insufficient the said commissioners of parks are authorized, directed and empowered to raise by taxation or in the form of certificates of indebtedness a sum not exceeding five thousand dollars for that purpose.

<sup>7</sup>Said certificates of indebtedness should be issued on the faith and credit of the said town of Rye, signed by the supervisor and countersigned by the town clerk under the corporate seal of the said town of Rye and shall be payable within one year of the

<sup>1</sup> Words "or corporation" new.

<sup>6</sup> Words "who in the discretion of . . . majority of commissioners of parks at a meeting," new.

<sup>7</sup> Following sentence new.

day and date of their execution and shall be of such form or denomination as the town board may prescribe, to bear interest at not more than the rate of six per centum per annum, and to be disposed of by such supervisor at not less than par value thereof, to pay therefor there shall be levied and collected in the manner required by law and the board of supervisors of the county of Westchester, upon request of the town board of the town of Rye, shall levy and assess the said sum of money upon the taxable property of the town of Rye. The trustees of the village of Rye shall provide a sufficient number of policemen for the proper policing of and for the enforcement of all laws and ordinances applicable to the said park and the maintenance of order therein and the reasonable cost thereof and therefor, approved by the said commissioners, shall be paid by the supervisor, in the same manner as other park charges, to the treasurer of the village of Rye.

§ 9. The income from whatever leases may be made by the said commissioners, and from the sale of any or all of said<sup>3</sup> privileges<sup>4</sup> in said park, or the income derived from the conduct and operation of any or all of said privileges enumerated in section eight of this act, under the supervision and direction of the park commissioners for the benefit of the town of Rye<sup>5</sup> shall be paid to the supervisor of the said town of Rye by the said commissioners of parks, and shall be applied by said supervisor as follows: To the proper care, expenses of maintenance, repairs and improvements of said lands and premises, and for the operation, maintenance and conduct of said privileges by the commissioners of parks<sup>10</sup> and the balance of said revenue, if any, to the payment of the interest on the bonds of said town, issued as hereinbefore directed to pay for said land, and the balance, if any, shall be applied by him to the payment of said bonds as they shall become due, and when said bonds are paid, said balance shall be applied to general town purposes. All payments shall be made upon vouchers certified by a majority of said commissioners of parks. The supervisor of the town of Rye shall be the treasurer of said commissioners of parks, and shall execute and deliver yearly a

Tax for payment.

Park police.

Cost, how paid.

Disposition of income from park leases, privileges, etc.

Payment of town bonds.

Supervisor treasurer of park commission; bond.

<sup>3</sup> Words "or all of said" new.

<sup>4</sup> Formerly "privilege."

<sup>5</sup> Word "the" new.

<sup>6</sup> Words "or the income derived . . . for the benefit of the town of Rye" substituted for words "which privilege shall be sold or let out, by the said commissioners of parks."

<sup>10</sup> Words "and for the operation, maintenance and conduct of said privileges by the commissioners of parks," new.

Tax to meet  
deficiency  
in park  
income.

Use of  
surplus  
income.

Construc-  
tion of  
buildings  
or other  
improve-  
ments.  
Tax for  
payment.

Meetings of  
park com-  
missioners.

Sale of  
unused  
buildings,  
fixtures,  
etc.

bond to the town of Rye in such an amount and with such sureties as may be approved by the town board of Rye. If the expense of maintaining the park, the operation and conduct of any or all of said privileges enumerated in section eight of this act by the commissioners of parks for the benefit of the town of Rye,<sup>11</sup> the amount of interest on the bonds issued under this act, and the amount to be paid for any bond falling due, shall in any year exceed the amount of said income, the town board shall raise annually, by tax to be assessed upon the taxable property in said town of Rye, at the same time and in the same manner that general taxes are raised therein, a sufficient sum to meet such excess; and if the amount of income shall exceed the amount required for such maintenance, interest and bonds, the town board may apply such excess to the general purposes of the town. The commissioners of parks shall have power, from time to time, to construct buildings or other improvements in said park which they may deem expedient and necessary, and all such sums of money as shall be necessary, not exceeding one-tenth of one per centum per annum of the assessed valuation of said town as shown by the assessment roll of the preceding year, to pay therefor shall be levied and collected in the manner required by law, and the board of supervisors of the county of Westchester, upon request by the town board of the said town of Rye, shall levy and assess the said sums of money upon the taxable property of the town of Rye. Said commissioners of parks shall hold public stated meetings at least once a month between April first and November first, in each year.

§ 12. The said commissioners shall have power to sell any buildings,<sup>12</sup> improvements, fixtures, or bathing equipments<sup>13</sup> at any time at public auction within the limits of said park which, in the judgment of said commissioners, shall not be required for the purposes of said park for public use.

§ 2. This act shall take effect immediately.

<sup>11</sup> Words "the operation and conduct of any or all of said privileges enumerated in section eight of this act by the commissioners of parks for the benefit of the town of Rye," new.

<sup>12</sup> Word "or" omitted.

<sup>13</sup> Words "fixtures, or bathing equipments" new.

LAWS  
OF THE  
STATE OF NEW YORK

PASSED AT THE  
ONE HUNDRED AND FORTY-SIXTH SESSION

OF THE  
LEGISLATURE

BEGUN JANUARY THIRD, 1923, AND ENDED MAY  
FOURTH, 1923

ALSO CHAPTERS 673 AND 674, PASSED AT THE  
EXTRAORDINARY SESSION, BEGUN AUGUST  
TWENTY-EIGHTH, 1922, AND ENDED AUGUST  
TWENTY-NINTH, 1922  
(SEE PAGE 1743)

AT THE CITY OF ALBANY

AND ALSO OTHER MATTERS REQUIRED BY LAW TO  
BE PUBLISHED WITH THE SESSION LAWS

VOLS. I-II



ALBANY  
J. B. LYON COMPANY, STATE PRINTERS  
1923

through windows or upon the seats, or otherwise annoying passengers or employees therein;

10. Stands on sidewalks or street corners and makes insulting remarks to or about passing pedestrians or annoys such pedestrians;

§ 723. **Punishment for disorderly conduct.** The offense of disorderly conduct is punishable as follows:

1. By imprisonment in a county jail or workhouse for a term not exceeding six months, or by a fine not exceeding fifty dollars, or by both;

2. By placing on probation for a term not to exceed two years.

§ 724. **Jurisdiction over disorderly conduct.** Any person who commits the offense of disorderly conduct shall be arraigned before a city magistrate, who shall have power to hear and determine and to render final judgment upon conviction therefor.

§ 725. **Issuance of summons or warrant.** Such magistrate, on oath of a credible witness that any person within his jurisdiction has committed the offense of disorderly conduct, may issue a summons or warrant for the appearance of such person before him.

§ 2. The provisions of this act shall be deemed as supplemental to and not as repealing any present provision of law.

§ 3. This act shall take effect immediately.

Supple-  
mental to  
present  
law.

## CHAPTER 643

AN ACT to supplement chapter seven hundred and eleven of the laws of nineteen hundred and seven, entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by said town of Rye, and to provide for the payment therefor," as amended; to provide for the acquiring, laying out and maintaining additional land for a public park in the town of Rye, and to provide for the payment therefor.

Became a law May 22, 1923, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Acquisition  
of certain  
described  
premises  
authorized.

Section 1. The commissioners of parks of the town of Rye, Westchester county, acting under and pursuant to chapter seven hundred and eleven of the laws of nineteen hundred and seven as amended, are hereby authorized to acquire the whole or any part of the premises hereinafter described as and for an enlargement and addition to the present town park, as follows: All those certain lots, pieces or parcels of land situate, lying and being in the village and town of Rye, county of Westchester and state of New York, bounded as follows: Northerly by property of the town of Rye, known as "Rye Park"; westerly by Forest avenue; southerly by property now or formerly of Shaw; easterly by the water of Long Island sound, together with the rocks and islands in said

Long Island sound in front of and adjacent to the above described premises.

§ 2. The said premises hereinbefore described, or such part of them as the same are required, are hereby established, appropriated and set apart as an addition to the present town park of the town of Rye, the same to be under the management and control of said commissioners of parks, who shall have exclusive charge of the acquisition of said lands and shall have full supervision of the construction, improvement and management of said additional park lands, and may employ such counsel and engineer or engineers as may be necessary and fix their compensation to be paid out of the fund hereinafter provided.

To be addition to present town park.

§ 3. Said commissioners of parks of the town of Rye shall cause surveys and maps of said additional park lands to be made and approved and signed by said commissioners and filed by them in the office of the clerk of the county of Westchester and in the office of the town clerk of the town of Rye. Any map or maps so approved and filed may be amended by a subsequent map or maps approved and filed as was the original, and thereafter all proceedings shall be had in reference to the last map, said map or maps or amended maps shall show the real estate to be taken or acquired. The acquiring, improving and embellishment of such additional lands under the jurisdiction of the commissioners of parks, together with the maintenance thereof and all incidental proceedings in connection therewith, for the purpose of carrying out the provisions of this act, are hereby declared to be for a town purpose.

Surveys and maps.

Declared a town purpose.

§ 4. If the said commissioners of parks or their representatives shall be unable to agree with the owner or owners of or other persons interested in the real estate shown on said map or maps so filed as aforesaid, or when by reason of legal incapacity, absence or inability of said commissioners of parks, or their representative, to meet with and consider the question of compensation to be paid to such owner or owners or other person, and no agreement can be made for the purchase of said real estate so deemed necessary for the purpose of this act, the same may be acquired by condemnation proceedings instituted by the commissioners of parks in the name of the town of Rye in the manner provided by law for the condemnation of real property for public purposes, except as in this act otherwise provided.

Acquisition of premises by condemnation.

In case the commissioners to ascertain the compensation to be made to the owners of property to be taken in proceedings for the condemnation of real estate shall be appointed, the town of Rye shall on the filing of oaths of said commissioners in the office of the county clerk of Westchester county be and become seized of all those parcels of real estate described in the petition, and which are on the map or maps shown as parcels that the fee or an easement therein is to be acquired in the proceedings in which said commissioners were appointed, and said commissioners of parks on behalf of said town of Rye may immediately or at any time or times hereafter take possession of the same, or of any part or parts thereof, and may enter upon and occupy in perpetuity all

Title when to vest in case of condemnation proceedings.

Right of entry.

Rights of  
municipal  
corporations.

the parcels of real estate described in such petition and shown on said map or maps wherein the fee is sought to be acquired, and may enter upon, through or under such parcels so shown on said map or maps in which a lessor estate or an easement is to be acquired for the purposes as in this act provided. In any such proceeding any municipal corporation may and it hereby is authorized by its governing body to consent to the taking of any property or other rights shown on map or maps as hereinafter described for a nominal consideration, or it may by the act of its governing body convey any such property or right in and to property to the town of Rye for the purposes as in this act provided.

Interest,  
costs and  
allowances.

The order confirming the report of the commissioners appointed to ascertain the compensation to be made to the owners of the property to be taken shall provide for interest on the awards from the date of the filing of the oaths of the commissioners, and shall state the amount of costs and allowances, if any, to be paid. A

Approval  
of claims.

copy of said report shall be filed with the commissioners of parks within four months thereafter, or, if appealed from, then within four months after the filing with said commissioners of a copy of any final order or judgment entered upon such appeal, whereupon the commissioners of parks shall authorize the approval of the claims therefor, which claims shall be filed with the president

Payment of  
awards.

of the park commission. The commissioners at the time of the authorizing of the approval of such claims shall fix a date for payment, provide for interest on such claims to such date and give written notice to the party or parties to whom the award is payable, or to their attorney or attorneys, that the award with interest will be paid at a place certain on a given date, and thereafter no interest shall be due or payable on account of such award.

Right to  
sue on de-  
fault of  
town.

In case of neglect or default on behalf of the town of Rye in the payment of said claim within the time aforesaid, the respective person or persons or bodies corporate in whose favor the claim shall have been filed, his, her or their executors, administrators or successors, at any time or times after the application first made by him, her or them to the supervisor of the town of Rye, for payment thereof, may sue for and recover the same with lawful interest and the costs of suit in any proper form of action against the town of Rye in any court having cognizance thereof, and in such action it shall be sufficient to declare generally for so much money due to the plaintiff by virtue of this act for real estate taken or acquired for the purpose herein mentioned. The order confirming the report of said commissioners with proof of the right and title of the plaintiff to the sum or sums demanded shall be conclusive evidence in such suit or action.

Compensa-  
tion of  
commis-  
sioners of  
appraisal.

§ 5. In all condemnation proceedings instituted pursuant to the provisions of this act, each commissioner of appraisal, upon the confirmation of the report or other determination of the proceedings, shall be entitled to receive in full compensation for his services as such commissioners of appraisal and in bar of all other claims for compensation and expenses, an allowance as may be fixed and awarded by the court as herein provided, not exceeding

five dollars for every full hour upon each day upon which he attends a meeting of said commissioners of appraisal and is actually and necessarily employed in the performance of the duties imposed upon said commissioners of appraisal at the offices provided for such meetings of such commissioners of appraisal, or at the meeting of the commissioners of appraisal to view the premises, provided that such compensation shall not be paid until it shall have been awarded and fixed by order of the court upon five days' notice to the commissioners of parks and to the attorney representing such commissioners, and upon proof by affidavit showing the nature and extent of the services rendered, the dates of rendering services and the number of hours and parts of an hour necessarily occupied upon each date. A copy of such proof shall be served with the notice of taxation.

§ 6. In all condemnation proceedings instituted pursuant to the provisions of this act when an owner in whose favor an award shall have been made in a final order or in a report of commissioners of appraisal which has been confirmed by the court is under legal disability or absent from the town of Rye, and when the name of the owner shall not be set forth or mentioned in said final order or in the report of the commissioners of appraisal or when the owner although named in said report or final order cannot upon diligent inquiry be found, or where there are adverse or conflicting claims to the money or any part of it to be paid as compensation for the property taken, the town of Rye shall pay so much of such award into court as the court may direct, to be secured, disposed of, invested and paid out as the court may direct, and the court may determine who is entitled to the same and direct to whom the same shall be paid and may in its discretion order a reference to ascertain the facts on which such determination and direction are made; and such payment shall be valid and effectual in all respects as if made to the owner; and in default of such payment into court, the town of Rye shall be and remain liable for such award with lawful interest thereon from the day upon which title to the real property for which said award is made vested in the town of Rye. When an award shall be paid to a person not entitled thereto, the person to whom it ought to have been paid may sue for and recover the same with lawful interest and costs of suit as so much money had and received to his order by the person to whom the same shall have been paid. Payments of an award to a person named in the report or a final order as the owner thereof if not under legal disability shall in the absence of notice in writing to the supervisor of the town of Rye of adverse claims thereto protect said town from any liability to any other person or persons. In case of the pledge, sale, transfer or assignment of an award by the person entitled to receive the same by virtue of the report of the commissioners of appraisal or by a final order of the court, or any other order of the court, the instrument evidencing such pledge, sale, transfer or assignment acknowledged or proved as instru-

Payment of money into court in certain cases.

Payment to person not entitled.

Payment to person named in report or order; effect.

Assignment, etc., of claim.

ments are required to be acknowledge\* or proved for the recording of transfers of real property shall be filed in the office of the supervisor of the town of Rye, who shall endorse on the said instrument its number and the day, hour, month and year of its receipt and file a copy with the commissioners of parks. If an assignment of an award be contained in an instrument recorded in an office in which instruments affecting real property are by law required to be recorded, a certified copy thereof may be filed in the office of said supervisor in the place of the original and a copy filed with the commissioners of parks. Every such instrument not so filed shall be void as against any subsequent pledgee or assignee in good faith and for a valuable consideration from the same pledgor or assignor, his heirs, administrators or assigns of the same award or any portion thereof, but assignment of which is first duly filed in the office of said supervisor. Payment to the assignee or pledgee shown to be entitled to the award by said record in the office of the supervisor shall protect the town of Rye from any liability to any other person or persons.

Sale of  
buildings,  
etc., on  
lands ac-  
quired.

§ 7. The commissioners of parks shall have power to sell any or all of the buildings or improvements upon the said additional park land whether acquired by purchase or by condemnation at any time at public auction, which in the judgment of said commissioners shall not be required for park purposes.

Control and  
manage-  
ment.

§ 8. All of the provisions of chapter seven hundred and eleven of the laws of nineteen hundred and seven affecting the government, control and management shall be applicable to any and all additional land or rights therein acquired as in this act provided, and the commissioners of parks shall also have the sole and exclusive control and management of all streets and highways within the limits of the park as enlarged under the terms of this act, with the right and power to alter or discontinue any such streets or highways.

Grant of  
lands under  
water  
directed.

§ 9. The commissioners of parks on behalf of the town of Rye may and it hereby is authorized to apply to the proper authorities of the state of New York for a grant or grants of land under water, adjacent to any uplands owned by the town of Rye and under the direction and control of the commissioners of parks and the said land board, or other state officials authorized to make and execute grants of land under water for and on behalf of the state of New York, shall and they hereby are authorized and directed to release to the town of Rye any and all rights of the state therein, such grants to be subject to such conditions and restrictions as to it or them shall seem proper, but for a nominal consideration.

Estimates  
of cost;  
issue of  
certificates  
of indebted-  
ness.

§ 10. The town board of the town of Rye at any regular or special meeting upon the request or requisition of the commissioners of parks may estimate the cost of acquiring any or all of the additional land or rights as herein provided, or at any subsequent time or times make additional estimates of such costs and by resolution from time to time authorize the issuance of cer-

\* So in original. [Should be "acknowledged."]

\* So in original. [Evidently should be "of."]

tificates of indebtedness for the whole or any part of such estimate, estimates or subsequent estimates to be payable out of the proceeds of bonds to be issued as in this act provided. The town board of the town of Rye may and they hereby are authorized and empowered to renew, extend or issue new certificates of indebtedness to redeem any certificates of indebtedness issued under and pursuant to the terms of this act.

The town board of the town of Rye is hereby authorized, directed and empowered to issue from time to time bonds of said town in an amount sufficient to take up the certificates of indebtedness issued or authorized to be issued as in this section provided. Such bonds shall become due within fifty years from their respective dates of issue; the first of said bonds to be due and payable in not more than five years from date of issue and annually thereafter as to the numbers and amounts as the town board may by resolution provide. Such bonds shall be sold for not less than their par value with accrued interests, if any, after due notice as provided by law, and shall be signed by the supervisor and attested by the town clerk of such town after affixing thereto the seal of said town. All bonds and certificates of indebtedness authorized pursuant to this act shall contain a recital that they are issued their validity and the regularity of their issue. Such certificates of indebtedness shall contain a further recital to the effect that they are payable out of the proceeds of bonds to be issued as herein provided.

Bonds issues authorized.

Bonds; maturity, sale, execution, etc.

Recitals.

The supervisor of the town shall annually present to the board of supervisors of the county of Westchester a statement showing the amount of principal and interest due on account of such bonds and certificates of indebtedness crediting against the same if any cash on hand applicable to that purpose, and the said board of supervisors shall cause such amount or amounts to be levied and raised upon the taxable property of the town in the same manner as other town charges.

Tax for payment.

Notwithstanding any other provision of law no per centum shall be due or payable to any official on the amount or amounts raised either by certificates of indebtedness or bonds and paid out as in this act provided.

No per centum payable to official.

§ 11. It shall be the duty of the town board of the town of Rye to cause to be raised annually in each fiscal year from the time this act takes effect upon the taxable property in said town in the same manner as the other taxes are levied and collected a sufficient sum to pay interest on said certificates of indebtedness and bonds when and as the same shall become due and payable, and also to raise by tax upon the taxable property of said town the moneys necessary to pay the principal on said bonds as the same shall become due.

Tax for payment.

§ 12. This act shall take effect immediately.

LAWS  
OF THE  
STATE OF NEW YORK

PASSED AT THE  
ONE HUNDRED AND FIFTY-SIXTH SESSION

OF THE  
LEGISLATURE

BEGUN JANUARY FOURTH AND ENDED APRIL TENTH  
1933

AT THE CITY OF ALBANY

ALSO LAWS OF THE EXTRAORDINARY SESSIONS  
OF 1932 AND 1933

AND OTHER MATTERS REQUIRED BY LAW  
TO BE PUBLISHED WITH THE SESSION LAWS

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VOLS. I-II

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ALBANY  
J. B. LYON COMPANY, STATE PRINTERS  
1933

## CHAPTER 704

AN ACT to amend chapter seven hundred and eleven of the laws of nineteen hundred seven, entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the town of Rye, and to provide for the payment thereof," in relation to raising certain moneys by taxation or certificates of indebtedness

Became a law May 3, 1933, with the approval of the Governor. Passed, three-fifths being present

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eight of chapter seven hundred and eleven of the laws of nineteen hundred seven, entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the town of Rye, and to provide for the payment thereof," as amended by chapter seventy-four of the laws of nineteen hundred fifteen is hereby further amended to read as follows:

§ 8. The said commissioners of parks shall have power and are directed to lay out, construct, grade and improve said park; to appoint, in their discretion, such employees as they deem necessary for the care and custody of said park; to employ all necessary workmen, assistants and contractors, and to prescribe their duties and fix their compensation; to seize and impound all cattle and other animals found roaming at large in said park; to make reasonable rules and ordinances for the use of said park not inconsistent with the ordinances of the village of Rye. All persons offending against such ordinances shall be deemed guilty of a misdemeanor and shall be punished on conviction before any court of competent jurisdiction in the town of Rye by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or both, at the discretion of the court. Said commissioners are authorized and empowered to bring an action in the name of the town to recover damages for the breach of any agreement relating to or growing out of the management or improvement of the park, or damages for injuries to any of the property appertaining to the park. Said commissioners are authorized and empowered to let to any person or persons or corporation for any period of time not exceeding three years, and under such rules and regulations as shall be made by said commissioners of parks, the privilege of maintaining and offering boats for hire at said park; the privilege of maintaining bath houses and bathing facilities for hire at said park, and the privilege of maintaining a public restaurant at said park; the privilege of selling ice cream at said park; the privilege of selling candy at said park; the privilege of selling cigars and cigarettes at said park; the privilege of selling soda water at said park; the privilege of selling post cards and souvenirs at said park, and the privilege of

parking automobiles and vehicles at said park, or any or all of said privileges. Said commissioners of parks shall have no power to lease any portion of said park for any other purpose than as above provided. Whenever said commissioners of parks shall determine to let any or all of said privileges, they shall cause any or all of said privileges to be sold at public auction to the highest responsible bidder, who in the discretion of the park commissioners is deemed to be to the best interest and advantage of the town park and its management such determination shall be made by a resolution passed by a majority of commissioners of parks at a meeting, after notice of such public auction shall have been advertised in all the newspapers of said town of Rye at least once a week for two weeks successively. Said commissioners of parks shall have the power to reject any or all bids at such public auction. The person or persons or corporation to whom the privilege or privileges shall be sold and awarded shall furnish a bond in such sum as may be determined, and with such sureties as may be approved by said commissioners of parks. Said commissioners of parks shall not have the power to lease said privileges so as to exclude the people of the town of Rye from a full and free enjoyment of the waters of Long Island sound adjacent to said park, and of the right to embark and disembark to and from the said park from boats and yachts. No liquors, wines, beer or intoxicants of any kind whatsoever shall be allowed or sold in any part of said park. Said commissioners of parks shall have the power by a resolution passed by a majority of the park commissioners to operate and conduct any or all of said privileges under their own supervision and direction, to employ a manager for that purpose, and contract, hire, and employ labor and assistants for that purpose and purchase provisions, supplies, goods, wares, merchandise, fixtures and bathing equipment to be sold, hired and used under the privileges hereinbefore enumerated from time to time for that purpose. The said commissioners of parks may determine by a resolution passed by a majority of the commissioners of parks at a meeting to operate and conduct any or all of the said privileges, for the benefit of the town of Rye, under their own supervision and direction and the said commissioners of parks are hereby empowered and authorized to use whatever funds are in the hands of the commissioners of parks for that purpose and if such funds are insufficient the said commissioners of parks are authorized, directed and empowered to raise by taxation or in the form of certificates of indebtedness a sum not exceeding twenty-five thousand dollars for that purpose, in any year. Said certificates of indebtedness should be issued on the faith and credit of the said town of Rye, signed by the supervisor and countersigned by the town clerk under the corporate seal of the said town of Rye and shall be payable within one year of the day and date of their execution and shall be of such form or denomination as the town board may prescribe, to bear interest at not more than the rate of six per centum per annum, and to be disposed of by such supervisor at not less than par value thereof, to pay there-

Twenty-  
five thou-  
sand in  
any year.

for there shall be levied and collected in the manner required by law and the board of supervisors of the county of Westchester, upon request of the town board of the town of Rye, shall levy and assess the said sum of money upon the taxable property of the town of Rye. The trustees of the village of Rye shall provide a sufficient number of policemen for the proper policing of and for the enforcement of all laws and ordinances applicable to the said park and the maintenance of order therein and the reasonable cost thereof and therefor, approved by the said commissioners, shall be paid by the supervisor, in the same manner as other park charges, to the treasurer of the village of Rye.

§ 2. This act shall take effect immediately

## CHAPTER 705

AN ACT to amend the town law (of nineteen hundred thirty-two), in relation to fire districts

Became a law May 3, 1933, with the approval of the Governor. Passed, three-fifths being present

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections one hundred and seventy-one and one hundred and seventy-two of chapter six hundred and thirty-four of the laws of nineteen hundred thirty-two, entitled "An act relating to towns, constituting chapter sixty-two of the consolidated laws," is hereby amended to read as follows: §§ 171, 172 amended.

§ 171. **Petition and hearing.** Such petition shall be signed and acknowledged or proved in the same manner as a deed to be recorded by resident taxpayers owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed district or extension thereof owned by resident taxpayers, as such valuations appear upon the latest completed assessment roll of said town. If a portion only of a parcel of such real estate appearing upon the assessment roll is situated within the proposed district, then the town board may determine the relative value of that part thereof within the proposed district, based upon the valuation of the entire parcel as the same appears upon the assessment roll. The town board shall hold a public hearing upon such petition within the limits of the fire district or the proposed fire district of the proposed territory to be annexed, and shall cause a notice thereof to be published at least once in a newspaper having general circulation in the proposed district, the first publication thereof to be not less than ten days nor more than twenty days before the day designated therein for the hearing, and the town clerk shall cause five copies of such notice to be posted conspicuously in different places within such district not less than ten nor more than twenty days before the day within the limits of the fire district or the proposed fire district of the proposed territory to be annexed.

LAWS  
OF THE  
STATE OF NEW YORK

PASSED AT THE  
ONE HUNDRED AND FIFTY-SEVENTH SESSION

OF THE  
LEGISLATURE

BEGUN JANUARY THIRD AND ENDED APRIL  
TWENTY-SEVENTH

1934

AT THE CITY OF ALBANY

ALSO LAWS OF THE EXTRAORDINARY SESSION, 1934

AND OTHER MATTERS REQUIRED BY LAW  
TO BE PUBLISHED WITH THE SESSION LAWS

VOLS. I-II



ALBANY  
J. B. LYON COMPANY, STATE PRINTERS  
1934

and the chief of police with the approval of the police committee of the board of trustees, shall have power to assign officers to such bureau. A member so appointed to any position on the police force shall only be removed from the department by the board of trustees, or fined or suspended (except that he may be suspended for not more than ten days) for misbehavior, drunkenness, neglect of duty, failure to obey orders in any capacity, and then not until after written charges shall have been preferred against him and the same shall have been publicly heard and examined by said board of trustees, after a reasonable notice to him of such proceedings and the nature thereof, and the taking of such testimony as shall be offered, and the action of the board of trustees shall be reviewable by the courts. The said trustees are authorized and empowered to raise all taxes, to be assessed upon the property, real and personal, within the bounds of said corporation and to be collected from the several owners and residents thereof annually, a sum not exceeding one-third of one per centum of the total assessed valuation of the real and personal property in said village as appears upon the assessment roll of the preceding year, for the purpose of defraying the expenses of the police department, to be known as the police fund. The police committee, consisting of three members of the board of trustees, to be annually appointed by the mayor of the village, together with the mayor of the village and the chief of police, shall be trustees of the police pension fund to be created, maintained and distributed as hereinafter provided.

§ 2. This act shall take effect immediately.

Mayor.

## CHAPTER 405

AN ACT to amend chapter seven hundred and eleven of the laws of nineteen hundred seven, entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the town of Rye, and to provide for the payment thereof," in relation to the sale of goods, wares and merchandise in such park

Became a law May 7, 1934, with the approval of the Governor. Passed, three-fifths being present

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1907,  
ch. 711,  
§ 8  
amended.

Section 1. Section eight of chapter seven hundred and eleven of the laws of nineteen hundred seven, entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by said town of Rye, and to provide for the payment thereof," as last amended by chapter seven hundred and four of the laws of nineteen hundred and thirty-three is hereby amended to read as follows:

§ 8. The said commissioners of parks shall have power and are directed to lay out, construct, grade and improve said park; to appoint, in their discretion, such employees as they deem necessary for the care and custody of said park; to employ all necessary workmen, assistants and contractors, and to prescribe their duties and fix their compensation; to seize and impound all cattle and other animals found roaming at large in said park; to make reasonable rules and ordinances for the use of said park not inconsistent with the ordinances of the village of Rye. All persons offending against such ordinances shall be deemed guilty of a misdemeanor and shall be punished on conviction before any court of competent jurisdiction in the town of Rye by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or both, at the discretion of the court. Said commissioners are authorized and empowered to bring an action in the name of the town to recover damages for the breach of any agreement relating to or growing out of the management or improvement of the park, or damages for injuries to any of the property appertaining to the park. Said commissioners are authorized and empowered to let to any person or persons or corporation for any period of time not exceeding three years, and under such rules and regulations as shall be made by said commissioners of parks, the privilege of maintaining and offering boats for hire at said park; the privilege of maintaining bath houses and bathing facilities for hire at said park, and the privilege of maintaining a public restaurant at said park; the privilege of selling ice cream at said park; the privilege of selling candy at said park; the privilege of selling cigars and cigarettes at said park; the privilege of selling soda water at said park; the privilege of selling beer at said park; the privilege of selling post cards and souvenirs at said park, and the privilege of parking automobiles and vehicles at said park, or any or all of said privileges. Said commissioners of parks shall have no power to lease any portion of said park for any other purpose than as above provided. Whenever said commissioners of parks shall determine to let any or all of said privileges, they shall cause any or all of said privileges to be sold at public auction to the highest responsible bidder, who in the discretion of the park commissioners is deemed to be to the best interest and advantage of the town park and its management such determination shall be made by a resolution passed by a majority of commissioners of parks at a meeting, after notice of such public auction shall have been advertised in all the newspapers of said town of Rye at least once a week for two weeks successively. Said commissioners of parks shall have the power to reject any or all bids at such public auction. The person or persons or corporation to whom the privilege or privileges shall be sold and awarded shall furnish a bond in such sum as may be determined, and with such sureties as may be approved by said commissioners of parks. Said commissioners of parks shall not have the power to lease said privileges so as to exclude the people of the town of Rye from a full and free enjoyment of the waters

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of Long Island sound adjacent to said park, and of the right to embark and disembark to and from the said park from boats and yachts. No liquors, wines or intoxicants of any kind whatsoever except beer, shall be allowed or sold in any part of said park. Said commissioners of parks shall have the power by a resolution passed by a majority of the park commissioners to operate and conduct any or all of said privileges under their own supervision and direction, to employ a manager for that purpose, and contract, hire, and employ labor and assistants for that purpose and purchase provisions, supplies, goods, wares, merchandise, fixtures and bathing equipment to be sold, hired and used under the privileges hereinbefore enumerated from time to time for that purpose. The said commissioners of parks may determine by a resolution passed by a majority of the commissioners of parks at a meeting to operate and conduct any or all of the said privileges, for the benefit of the town of Rye, under their own supervision and direction and the said commissioners of parks are hereby empowered and authorized to use whatever funds are in the hands of the commissioners of parks for that purpose and if such funds are insufficient the said commissioners of parks are authorized, directed and empowered to raise by taxation or in the form of certificates of indebtedness a sum not exceeding twenty-five thousand dollars for that purpose, in any year. Said certificates of indebtedness shall be issued on the faith and credit of the said town of Rye, signed by the supervisor and countersigned by the town clerk under the corporate seal of the said town of Rye and shall be payable within one year of the day and date of their execution and shall be of such form or denomination as the town board may prescribe, to bear interest at not more than the rate of six per centum per annum, and to be disposed of by such supervisor at not less than par value thereof, to pay therefor there shall be levied and collected in the manner required by law and the board of supervisors of the county of Westchester, upon request of the town board of the town of Rye, shall levy and assess the said sum of money upon the taxable property of the town of Rye. The trustees of the village of Rye shall provide a sufficient number of policemen for the proper policing of and for the enforcement of all laws and ordinances applicable to the said park and the maintenance of order therein and the reasonable cost thereof and therefor, approved by the said commissioners, shall be paid by the supervisor, in the same manner as other park charges, to the treasurer of the village of Rye.

§ 2. This act shall take effect immediately.

LAWS  
OF THE  
STATE OF NEW YORK

PASSED AT THE  
ONE HUNDRED AND SIXTY-SECOND SESSION

OF THE  
LEGISLATURE

BEGUN JANUARY FOURTH AND ENDED MAY  
TWENTIETH

1939

AT THE CITY OF ALBANY  
ALSO LAWS OF THE EXTRAORDINARY SESSION, 1939  
AND OTHER MATTERS REQUIRED BY LAW  
TO BE PUBLISHED WITH THE SESSION LAWS

VOLUME I



ALBANY  
J. B. LYON COMPANY, PRINTERS  
1939

and place specified in said notice and receive such taxes. After the first day of July, or after September first in a village of Essex county or Sullivan county<sup>2</sup> adopting the resolution above described, the treasurer shall proceed to collect the taxes remaining unpaid, with interest as herein provided, but without any other fee or charge and for that purpose be possessed of all the powers of a town tax collector. All interest collected shall belong to the village. A person or corporation who is the owner of or liable to assessment for any interest in real property situated and liable to assessment and taxation in a village in which he or it is not actually a resident, may file with the village clerk of such village, a notice stating his name, residence and post-office address, or in case of a corporation, its principal office and a description of the premises sufficient to identify the same and such notice shall be valid and continue in effect until cancelled by such person or corporation. Such person or corporation shall pay to the village clerk a fee of one dollar at the time of filing such notice. The clerk or treasurer shall, within five days after the delivery of the warrant for the collection of taxes in such village, mail to each person or corporation filing such notice at the post-office address stated therein, a statement of the tax rate, the assessment and the amount of taxes due on such property and the times and places at which the same may be paid.

§ 2. This act shall take effect immediately.

## CHAPTER 142

AN ACT to amend chapter seven hundred and eleven of the laws of nineteen hundred seven, entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the town of Rye, and to provide for the payment thereof," in relation to the sale of goods, wares and merchandise in such park

Became a law March 28, 1939, with the approval of the Governor. Passed, three-fifths being present

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section eight of chapter seven hundred and eleven of the laws of nineteen hundred seven, entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the town of Rye, and to provide for the payment thereof," as last amended by chapter four hundred and five of the laws of nineteen hundred and thirty-four is hereby amended to read as follows:

L. 1907,  
ch. 711,  
§ 8,  
amended

<sup>2</sup> Words "or Sullivan county" inserted.

§ 8. The said commissioners of parks shall have power and are directed to lay out, construct, grade and improve said park; to appoint, in their discretion, such employees as they deem necessary for the care and custody of said park; to employ all necessary workmen, assistants and contractors, and to prescribe their duties and fix their compensation; to seize and impound all cattle and other animals found roaming at large in said park; to make reasonable rules and ordinances for the use of said park not inconsistent with the ordinances of the village of Rye. All persons offending against such ordinances shall be deemed guilty of a misdemeanor and shall be punished on conviction before any court of competent jurisdiction in the town of Rye by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or both, at the discretion of the court. Said commissioners are authorized and empowered to bring an action in the name of the town to recover damages for the breach of any agreement relating to or growing out of the management or improvement of the park, or damages for injuries to any of the property appertaining to the park. Said commissioners are authorized and empowered to let to any person or persons or corporation for any period of time not exceeding three years, and under such rules and regulations as shall be made by said commissioners of parks, the privilege of maintaining and offering boats for hire at said park; the privilege of maintaining bath houses and bathing facilities for hire at said park, and the privilege of maintaining a public restaurant at said park; the privilege of selling ice cream at said park; the privilege of selling candy at said park; the privilege of selling cigars and cigarettes at said park; the privilege of selling soda water at said park; the privilege of selling beer at said park; the privilege of selling post cards and souvenirs at said park, and the privilege of parking automobiles and vehicles at said park, or any or all of said privileges. Said commissioners of parks shall have no power to lease any portion of said park for any other purpose than as above provided. Whenever said commissioners of parks shall determine to let any or all of said privileges, they shall cause any or all of said privileges to be sold by advertising as hereinafter provided for sealed bids in accordance with such terms and specifications as the said commissioners of parks may determine, or<sup>1</sup> at public auction to the highest responsible bidder, who in the discretion of the park commissioners is deemed to be to the best interest and advantage of the town park and its management, such determination shall be made by a resolution passed by a majority of the commissioners of parks at a meeting, after notice calling for sealed bids for said privileges under such terms and specifications as the said commissioners of parks shall determine,

<sup>1</sup> Words "by advertising as hereinafter provided for sealed bids in accordance with such terms and specifications as the said commissioners of parks may determine, or" inserted.

or<sup>2</sup> of such public auction, shall have been advertised in all the newspapers of said town of Rye at least once a week for two weeks successively. Said commissioners of parks shall have the power to reject any or all of the sealed bids, or<sup>3</sup> bids at such public auction. The person or persons or corporation to whom the privilege or privileges shall be sold and awarded shall furnish a bond in such sum as may be determined, and with such sureties as may be approved by said commissioners of parks. Said commissioners of parks shall not have the power to lease said privileges so as to exclude the people of the town of Rye from a full and free enjoyment of the waters of Long Island sound adjacent to said park, and of the right to embark and disembark to and from the said park from boats and yachts. No liquors, wines or intoxicants of any kind whatsoever, except beer, shall be allowed or sold in any part of said park. Said commissioners of parks shall have the power by a resolution passed by a majority of the park commissioners to operate and conduct any or all of said privileges under their own supervision and direction, to employ a manager for that purpose, and contract, hire, and employ labor and assistants for that purpose and purchase provisions, supplies, goods, wares, merchandise, fixtures and bathing equipment to be sold, hired and used under the privileges hereinbefore enumerated from time to time for that purpose. The said commissioners of parks may determine by a resolution passed by a majority of the commissioners of parks at a meeting to operate and conduct any or all of the said privileges, for the benefit of the town of Rye, under their own supervision and direction and the said commissioners of parks are hereby empowered and authorized to use whatever funds are in the hands of the commissioners of parks for that purpose and if such funds are insufficient the said commissioners of parks are authorized, directed and empowered to raise by taxation or in the form of certificates of indebtedness a sum not exceeding twenty-five thousand dollars for that purpose, in any year. Said certificates of indebtedness shall be issued on the faith and credit of the said town of Rye, signed by the supervisor and countersigned by the town clerk under the corporate seal of the said town of Rye and shall be payable within one year of the day and date of their execution and shall be of such form or denomination as the town board may prescribe, to bear interest at not more than the rate of six per centum per annum, and to be disposed of by such supervisor at not less than par value thereof, to pay therefor there shall be levied and collected in the manner required by law and the board of supervisors of the county of Westchester, upon request of the town board of the town of Rye, shall levy and assess the said sum of money upon the taxable property of the town of Rye. The trustees of the village of Rye shall provide a sufficient number of police-

<sup>2</sup> Words "calling for sealed bids for said privileges under such terms and specifications as the said commissioners of parks shall determine, or" inserted.

<sup>3</sup> Words "of the sealed bids, or" inserted.

men for the proper policing of and for the enforcement of all laws and ordinances applicable to the said park and the maintenance of order therein and the reasonable cost thereof and therefor, approved by the said commissioners, shall be paid by the supervisor, in the same manner as other park charges, to the treasurer of the village of Rye.

§ 2. This act shall take effect immediately.

## CHAPTER 143

AN ACT to amend chapter two hundred ninety-eight of the laws of nineteen hundred nine, entitled, "An act to make the office of county clerk of Tompkins county a salaried office and to regulate the management thereof," in relation to fees for searches

Became a law March 28, 1939, with the approval of the Governor. Passed, on county message, three-fifths being present

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

L. 1909,  
ch. 298,  
§ 3,  
amended.

Section 1. Section three of chapter two hundred ninety-eight of the laws of nineteen hundred nine, entitled "An act to make the office of county clerk of Tompkins county a salaried office and to regulate the management thereof," is hereby amended to read as follows:

§ 3. Such clerk shall require payment in advance for recording all papers left with him for record and shall also in each case, require payment for all other services rendered by him or his assistants in his or their official capacity by virtue of any law of this state or by order of the board of supervisors of said county, or any duty that may hereafter by law, be devolved upon him. All the fees, emoluments and perquisites which such clerk shall charge or receive, or which he shall be legally authorized, required or entitled by law to receive, including the fees received for searching and certifying the title to and incumbrances upon real estate, shall belong to the county of Tompkins. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments and perquisites for said county, except for searching and certifying the title to and incumbrances upon real property for which he shall charge for each year for which the search is made, for each name and each kind of conveyance or lien, a fee of not more than four cents nor less than two cents, and a fee not exceeding ten cents for each instrument necessarily set up, such fees<sup>1</sup> to be fixed by the board of supervisors\* at any annual

\*So in original [word misspelled.]

<sup>1</sup> Words "and a fee not exceeding ten cents for each instrument necessarily set up, such fees" inserted.

LAWS  
OF THE  
STATE OF NEW YORK

PASSED AT THE  
ONE HUNDRED AND SIXTY-THIRD SESSION

OF THE  
LEGISLATURE  
BEGUN JANUARY THIRD AND END MARCH  
THIRTIETH

1940

AT THE CITY OF ALBANY  
ALSO OTHER MATTERS REQUIRED BY LAW  
TO BE PUBLISHED WITH THE SESSION LAWS



ALBANY  
J. B. LYON COMPANY, PRINTERS  
1940

share as in this act provided, of the taxes so collected, shall deduct and retain therefrom a sum equal to one-half of one per centum of such share.

§ 454. **First assessment roll.** Upon receipt of the nineteen hundred forty-one assessment roll of the town of Rye, as provided in section four hundred fifty hereof, the city clerk shall deliver said roll to the comptroller for the purpose of extending the tax thereon. The sums adopted by the council in the tax budget for the fiscal year nineteen hundred forty-two shall be assessed on all taxable property in the city according to the valuation of the same in the assessment roll of said year, and shall be extended thereon by the comptroller. All the provisions of this act relating to the levy, collection and enforcement of said taxes shall apply to said tax roll.

§ 455. **Preparation of first budget.** In the first week of January, nineteen hundred forty-two, the council shall make an estimate of all probable revenues and expenses of the city in all departments for that fiscal year, containing all of the items prescribed by section one hundred twenty-six of this act, and shall adopt the same without the hearing provided by said section, which shall be the tax budget of the city for such fiscal year, with the same force and effect as though prepared and adopted as provided in said section.

§ 456. **Tax liens and penalties thereon, owned by town of Rye.** The city of Rye shall be entitled to a percentage of all unpaid taxes with the penalties and interest thereon, and the proceeds from all tax liens held by the town of Rye, equal to the percentage which the total assessed value of property in the city shall bear to the total assessed value of property in the combined city of Rye, village of Port Chester, that part of Mamaroneck village in the town of Rye, and all unincorporated areas located in the town of Rye. For this purpose the last completed assessment roll of the town of Rye prior to the first day of January, nineteen hundred forty-two, shall be the basis of such computation.

§ 457. **Rye town park.** The rights, duties, privileges and obligations possessed by or imposed upon the village of Rye, by virtue of the provisions of the act of the legislature creating the Rye town park and any amendment or amendments thereto shall cease and terminate on the first day of January, nineteen hundred forty-two, and thereupon said rights, duties, privileges and obligations shall for all purposes be vested in and possessed by the city of Rye but in no event shall the equal rights of each and every resident of the town of Rye as it existed prior to said date be in any way restricted or affected hereby in the use or enjoyment of the Rye town park and its facilities. Wherever in said act of the legislature creating the Rye town park and any amendment or amendments thereto any reference is made to the town of Rye, it shall be construed to include that portion of the town of Rye formerly within the village of Rye, and on the first day of January, nineteen hundred forty-two, within the city of Rye. Any

debts, other obligations or interest thereon of the Rye town park heretofore imposed upon that portion of the town of Rye within the boundaries of the village of Rye shall hereafter be borne by the city of Rye in the same proportion as the total assessed value of the entire property within the city of Rye bears to the total assessed value of the property in the combined city of Rye, village of Port Chester, that part of Mamaroneck village in the town of Rye, and all unincorporated areas located in the town of Rye, and title to the Rye town park including the buildings and improvements thereon shall vest in the town of Rye and the city of Rye in like proportion. For this purpose and so far as all debts, obligations and interest thereon of the Rye town park heretofore incurred are concerned, the last completed assessment roll of the town of Rye prior to the first day of January, nineteen hundred forty-two shall be the basis of such computation. So far as all debts, obligations and interest thereon of the Rye town park hereafter incurred are concerned, the respective total assessed valuations of property within the city and the remaining property within the town of Rye shall be equalized in each year upon the same basis of equalization and at the same rate as adopted by the county tax commission.

§ 458. **Contract with town of Rye.** During the month of January, nineteen hundred forty-two a contract in writing shall be entered into between the town of Rye and the city of Rye which contract shall set forth the rights and obligations of the town of Rye and the city of Rye as defined in this act.

§ 459. **Separability clause.** If any clause, sentence, paragraph, section, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this act, 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, and it hereby is declared to be the intention of the legislature to enact each clause, sentence, paragraph, and section separately, and it is further declared that if any clause, sentence, paragraph, section, or part of this act be held invalid or unconstitutional, the legislature nevertheless would have enacted the remainder of this act.

§ 460. **When to become operative.** Except as otherwise provided in section one hundred seventy-five of this act, the provisions of this act relating to the election of officers in the year nineteen hundred forty-one and any other provisions hereof requiring or expressly authorizing acts to be performed prior to the first day of January, nineteen hundred forty-two shall become operative on the first day of January, nineteen hundred forty-one and the remaining provisions of this act shall become operative on the first day of January, nineteen hundred forty-two, provided, however, that this act shall become operative only if the following proposition "Shall the legislative act of nineteen hundred

forty approved by the Governor entitled 'An Act to incorporate the City of Rye' become operative" shall be approved by the vote of a majority of the voters of the village of Rye, qualified to vote for the election of a member of the assembly, voting thereon at a special election to be held in the year nineteen hundred forty on a date to be determined by the board of trustees of the village of Rye. Said special election shall be called and conducted in accordance with the procedure approved in the Village Law for calling and conducting special elections.

§ 461. When to take effect. This act shall take effect immediately.

## CHAPTER 506

AN ACT to amend the labor law, in relation to the application of the unemployment insurance law to federal instrumentalities

Became a law April 15, 1940, with the approval of the Governor. Passed, three-fifths being present

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Chapter fifty of the laws of nineteen hundred twenty-one, entitled "An act in relation to labor, constituting chapter thirty-one of the consolidated laws," as added by chapter four hundred and sixty-eight of the laws of nineteen hundred thirty-five, is hereby amended by adding thereto, after section five hundred and two thereof, a new section, to be section five hundred and two-a, to read as follows:

§ 502-a. Federal instrumentalities. 1. Pursuant to the authority conferred by subsection (b) of section sixteen hundred and six of the federal unemployment tax act and in conformity therewith, any instrumentality of the United States (except such as are (A) wholly owned by the United States or (B) exempt from the tax imposed by section sixteen hundred of said act by virtue of any other provision of law), shall, beginning with January first, nineteen hundred forty, be subject, except as provided in section fifty-two hundred and forty of the revised statutes of the United States, as amended and as modified by subsection (c) of section sixteen hundred and six of said act, to all the provisions of this article. If in any year the federal social security board shall not certify this state under section sixteen hundred and three of said act, any contributions required under this article from any such instrumentality of the United States with respect to such year (including penalty and interest collected with respect thereto, if any) shall be refunded without interest.

2. Pursuant to the provisions of subsection (c) of section sixteen hundred and six of said federal unemployment tax act, the commissioner is authorized to transmit a copy of any return or

New  
§ 502-a,  
added.

501  
§ 502-a  
16-11000

**LAWS**  
OF THE  
**STATE OF NEW YORK**

PASSED AT THE  
ONE HUNDRED AND SEVENTY-SIXTH  
SESSION

OF THE  
**LEGISLATURE**

BEGUN JANUARY SEVENTH AND ENDED MARCH  
TWENTY-FIRST  
INCLUDING TWO EXTRAORDINARY SESSIONS

1953

AT THE CITY OF ALBANY  
ALSO OTHER MATTERS REQUIRED BY LAW  
TO BE PUBLISHED WITH THE SESSION LAWS

Volume I



ALBANY  
1953

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LEGISLATIVE LIBRARY  
CAPITOL  
ALBANY, N. Y.

FROM THE  
LEGISLATIVE LIBRARY  
CAPITOL  
ALBANY, N. Y.

## CHAPTER 847

AN ACT authorizing the village of Pelham in the county of Westchester to close a park or parkway in said village

Became a law April 10, 1953, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Pelham,  
village,  
park  
or  
parkway,  
close.

Section 1. Notwithstanding any inconsistent general, special or local law, upon the adoption of a proposition therefor as hereinafter provided, the village of Pelham in the county of Westchester may close that portion of the park or parkway in said village known as Franklin Place, between Wolfs Land and Nyac avenue in said village, or any part of such portion thereof, for the purpose of transferring all rights of the village therein to union free school, district number one of the town of Pelham in such county for school purposes of such district.

The board of trustees of such village is hereby authorized and empowered, upon its own motion, to cause such proposition to be submitted at an annual or special village election. Such proposition shall be submitted and determination made thereon in the same manner as provided for other propositions under the village law, except as may be inconsistent herewith; and only voters qualified as provided in such law to vote upon a proposition shall be entitled to vote upon such proposition authorized to be submitted by this act.

§ 2. This act shall take effect immediately.

## CHAPTER 848

AN ACT to authorize the commissioners of parks constituted by chapter seven hundred eleven of the laws of nineteen hundred seven, and the acts amendatory thereof and supplemental thereto, to construct, reconstruct, furnish and equip buildings in the Rye park, and to improve such park, and to authorize the city of Rye and the town of Rye to raise and contribute the moneys required for such purposes

Became a law April 10, 1953, with the approval of the Governor. Passed, on city message, pursuant to article IX, section 11 of the Constitution, by a two-thirds vote

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Rye  
and  
Rye,  
town,  
park  
buildings,  
equipment.

Section 1. The commissioners of parks constituted by chapter seven hundred eleven of the laws of nineteen hundred seven, and the acts amendatory thereof and supplemental thereto, shall have power, from time to time, to construct new buildings suitable for the Rye park or reconstruct existing buildings used for the Rye park, and to grade or improve the sites of such buildings, and to install therein the original furnishings, equipment, machinery or apparatus required for the purposes for which such buildings are to be used, and to improve the lands used for such park, and to expend for such purposes such sums of money as shall be made

available for such purposes, in the manner hereinafter provided, by the city of Rye and by the town of Rye.

§ 2. Whenever said commissioners of parks shall deem it expedient to make any improvement authorized by this act, they shall make an estimate of the maximum cost thereof and they shall prepare and deliver to the council of the city of Rye and to the town board of the town of Rye, a certificate stating the amount of such maximum cost as so estimated and portions thereof, computed as hereinafter provided, to be contributed by the city of Rye and by the town of Rye. The portion to such maximum cost to be contributed by the city of Rye shall bear the same proportion to the total estimated maximum cost stated in such certificate as the total assessed value of the entire property within the territory now constituting the city of Rye as it appeared in the assessment roll of the town of Rye which was last completed prior to the first day of January, nineteen hundred forty-two, bears to the total assessed value of the entire property within the town of Rye as shown by such assessment roll. The portion to be contributed by the town of Rye shall be the remainder of such maximum cost, as stated in such certificate.

§ 3. The council of the city of Rye and the town board of the town of Rye may, in their discretion, appropriate and make available to said commissioners of parks, for the purposes described in any certificate delivered to such council or to such town board, pursuant to section two of this act, the portions of the maximum cost stated in such certificate which are to be contributed by the city of Rye and the town of Rye, respectively. The council of the city of Rye may finance such portion of the cost of such purpose to be contributed by the city of Rye and the town board of the town of Rye may finance such portion of the cost of such purpose to be contributed by the town of Rye, pursuant to the local finance law.

§ 4. Notwithstanding anything contained in chapter five hundred five of the laws of nineteen hundred forty, and the acts amendatory thereof, constituting the charter of the city of Rye, any ordinance proposing the contracting of a funded debt for the portion of the maximum cost to be borne by the city of Rye as stated in any certificate delivered to the council of the city of Rye pursuant to section two of this act need not be submitted to or approved by the affirmative vote of a majority of the voters of said city.

§ 5. This act shall take effect immediately.

**LAWS**  
OF THE  
**STATE OF NEW YORK**  
PASSED AT THE  
TWO HUNDRED AND NINTH  
SESSION  
OF THE  
**LEGISLATURE**

CONVENED JANUARY 8, 1986 AND  
EXPIRED DECEMBER 31, 1986

ALSO

THE EXTRAORDINARY SESSION  
CONVENED AND ADJOURNED  
DECEMBER 11, 1986 — DECEMBER 30, 1986

AT THE CITY OF ALBANY

ALSO OTHER MATTERS REQUIRED BY LAW  
TO BE PUBLISHED WITH THE SESSION LAWS

**VOLUME II**



PREPARED BY  
THE NEW YORK STATE  
LEGISLATIVE BILL DRAFTING COMMISSION

§ 3. Such act is amended by adding a new section seven hundred fifty-six-a to read as follows:

§ 756-a. *Extension of placement.* (a) In any case in which the child has been placed pursuant to section seven hundred fifty-six, the child, the person with whom the child has been placed, the commissioner of social services or the division for youth may petition the court to extend such placement. Such petition shall be filed at least sixty days prior to the expiration of the period of placement, except for good cause shown, but in no event shall such petition be filed after the original expiration date.

(b) The court shall conduct a hearing concerning the need for continuing the placement. The child, the person with whom the child has been placed and the commissioner of social services or the division for youth shall be notified of such hearing and shall have the opportunity to be heard thereat.

(c) The provisions of section seven hundred forty-five shall apply at such hearing. If the petition is filed within sixty days prior to the expiration of the period of placement, the court shall first determine at such hearing whether good cause has been shown. If good cause is not shown, the court shall dismiss the petition.

(d) At the conclusion of the hearing the court may, in its discretion, order an extension of the placement for not more than one year.

(e) Pending final determination of a petition to extend such placement filed in accordance with the provisions of this section, the court may enter a temporary order extending a period of placement not to exceed thirty days upon satisfactory written proof showing probable cause for continuing such placement and that a temporary order is necessary. Such temporary order shall not be renewable.

(f) Successive extensions of placement under this section may be granted, but no placement may be made or continued beyond the child's eighteenth birthday without his or her consent and in no event past his or her twenty-first birthday.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law.

## CHAPTER 605

AN ACT to amend chapter seven hundred eleven of the laws of nineteen hundred seven, relating to a public park in the town of Rye, Westchester county, in relation to including the mayor of the village of Rye Brook in the commissioners of parks of the town of Rye

Became a law July 24, 1986, with the approval of the Governor. Passed on Home Rule request pursuant to Article IX, section 2(b) (2) of the Constitution by a majority vote, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section three of chapter seven hundred eleven of the laws of nineteen hundred seven, relating to a public park in the town of Rye, Westchester county, is amended to read as follows:

§ 3. The supervisor of the town of Rye; the president of the village of Port Chester, and the president of the village of Rye and the mayor of the village of Rye Brook, by virtue of their respective offices, together with one commissioner to be appointed by the town board of the said town of Rye, and one commissioner to be appointed by the board of trustees of the village of Rye within sixty days after the adoption of a proposition as above provided shall constitute the commissioners of parks; the said commissioner to be appointed by the town board shall reside in that part of the town of Rye comprising the village of Mamaroneck; said commissioners so appointed by the town board and the board of trustees of the village of Rye and their successors in office shall be residents and freeholders of the town of Rye and shall hold office for terms of two years respectively from the thirty-first day of December next ensuing after their appointment; the successor in office of the commissioners to be appointed by said town board shall be appointed by the town board of said town of Rye, and the successor in office of the commissioners to be appointed by said board of trustees of the village of Rye shall be appointed by the board of trustees of said village of

Rye, and shall hold office for a like period of two years. Said commissioners so appointed shall, before entering upon the duties of their office, take and subscribe the usual oath of office and file the same in the office of the town clerk of the town of Rye. Said commissioners shall receive no compensation. Any vacancy that shall occur in said office of commissioners of parks caused by the death, resignation or disqualification of any appointed commissioners shall be filled for the unexpired term by the board, which appointed the commissioners whose office so becomes vacant, at any regular meeting thereof, or at any special meeting called and held for that purpose. The said commissioners of parks of the town of Rye shall have exclusive charge of the acquisition of lands, and shall have full supervision of the construction, improvement and management of the park, and may employ such counsel and engineer as may be necessary, and fix their compensation, to be paid out of the fund hereinafter provided.

§ 2. This act shall take effect immediately.

## CHAPTER 606

AN ACT to amend the general business law, in relation to certain sales of personal property; incentives; disclosure of value

Became a law July 24, 1986, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The general business law is amended by adding a new section three hundred ninety-six-y to read as follows:

§ 396-y. *Sale of certain personal property; incentives; disclosure of value. 1. Definitions. a. The term "consumer" shall mean a natural person residing in this state.*

*b. The term "consumer goods" shall mean any item of personal property, merchandise or services, having a value of five hundred dollars or more, sold or offered for sale to a consumer, the intended use of which is personal, family or general household, not intended for immediate resale.*

*c. The term "incentive" shall mean the free offering of any gift, bonus or other inducement to purchase such consumer goods which gift, bonus or inducement shall be in the nature of intangible personal property.*

*2. Prohibition. No person, firm, corporation, association or agent or employee thereof shall provide an incentive in the sale or offering for sale of consumer goods, both such terms as defined herein, without a complete, detailed and accurate written disclosure of the actual present liquidated retail value of such incentive at the time or date of sale of the subject consumer goods and whether any tax obligations may be incurred by the consumer as a result of owning the incentive.*

*3. Enforcement. a. A consumer who has suffered a loss due to a violation of this section by a merchant is entitled to recover from the merchant actual damages. In addition, the court may award the consumer reasonable attorneys fees and court costs.*

*b. A violation of this section is a deceptive trade practice under section three hundred forty-nine of this chapter.*

*c. Whenever there shall be a violation of this section an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction by a special proceeding to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by the court or justice, enjoining and restraining any further violations, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in para-*

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.