

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1995**

No. 53

Introduced by Council Members Berman, Dear and Pagan (by the request of the Mayor);
also Council Members McCabe and Rivera (Passed under a Message of Necessity
from the Mayor)

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to consolidation of the office of the city sheriff within the department of finance and repealing chapter 44 of the New York city charter and section 7-513 of the administrative code in relation thereto.

Be it enacted by the Council as follows:

Section 1. Chapter 44 of the New York city charter is REPEALED.

§2. Section 1502 of the New York city charter is amended to read as follows:

§1502. **Deputies.** The mayor may appoint three deputy commissioners. *In addition, the mayor shall appoint one deputy commissioner whose function shall be to serve as the city sheriff.* The commissioner and deputy commissioners shall provide a bond. The first deputy commissioner shall supervise and be responsible for the operations of the parking violations bureau.

§3. The New York city charter is amended by adding a new section 1526, to read as follows:

§1526. **Office of city sheriff.** *1. There shall be within the department an office of the city sheriff which shall be subject to the supervision and control of the commissioner of finance. Notwithstanding any other provision of law, the commissioner of finance may exercise or assign within the department such management functions of the office of the sheriff, including but not limited to those functions related to the appointment and removal of deputy sheriffs and other personnel of such office pursuant to the civil service law, as he or she may deem appropriate to achieve effective and efficient functioning and management of such office.*

2. Except as otherwise provided by law, the city sheriff shall exercise the functions, powers and duties formerly exercised by the sheriffs of the several counties.

§4. Section 7-503 of the administrative code of the city of New York is amended to read as follows:

§7-503. **Sheriff; accounting for fees.** The sheriff shall be paid a salary to be fixed by the mayor. All fees shall be the property of the city. All sums so received,

except as otherwise provided by law, shall be [paid over monthly to] *deposited* by the commissioner of finance, without deduction, *in accordance with section fifteen hundred twenty-three of the charter.*

§5. Section 7-506 of such code is amended to read as follows:

§7-506. **Disposition of moneys collected.** All moneys collected by the sheriff or any of the sheriff's subordinates in any action or proceeding except fees authorized by law shall be paid to the party or parties to whom they are directed to be paid. When the sheriff is not so directed [he or she shall forthwith deposit all moneys collected by him or her to the credit of the action or proceeding on one of the banks or trust companies in the city designated by the general rules of court as a place of deposit of moneys brought into court] *all such monies shall be deposited by the commissioner of finance in the court and trust fund accounts maintained by the commissioner of finance in accordance with applicable law.* The money so deposited shall be withdrawn only on an order of the court on notice to the [sheriff] *commissioner of finance* and all parties who have appeared in the action or proceeding.

§6. Section 7-513 of the administrative code of the city of New York is REPEALED.

§7. Section 7-515 of such code is amended to read as follows:

§7-515. **[Business hours] Additional hours.** a. [The office of the sheriff shall remain open for the transaction of business every day in the year, except Saturdays, Sundays and holidays, from nine o'clock in the forenoon to four o'clock in the afternoon and except during the months of July and August when it shall remain open for the transaction of business from nine o'clock in the forenoon until two o'clock in the afternoon except Saturdays, Sundays and holidays. The sheriff may order any of the] *The* sheriff's subordinates or employees *may be ordered* to serve during [such] *any* additional hours as the proper performance of the duties of the office requires.

b. Whenever the last day on which any paper is required to be filed or delivered or any act is required to be done or performed in such office expires on Saturday, *Sunday or a public holiday*, the time therefore is hereby extended to and including the next business day.

§8. Any agency or officer to which is assigned by this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by this local law.

§9. Any rule in force on the effective date of this local law, promulgated by an agency or officer whose power to promulgate such rule is assigned by this local law to some other agency or officer shall continue in force as the rule of the agency or officer, to whom such power is assigned, and such agency or officer may hereafter duly amend, supersede, or repeal such rule.

§10. All records, property and equipment whatsoever of any agency, all the functions, powers and duties of which are assigned to any other agency by this local law, shall be

transferred and delivered to the agency to which such functions, powers and duties are so assigned.

§11. No existing right or remedy of any character shall be lost, impaired or affected by reason of the adoption of this local law.

§12. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by this local law.

§13. Whenever by any provision of this local law functions, powers or duties are assigned to any agency or officer which have been heretofore exercised by any other agency or officer, all officers and employees in the classified city civil service who at the time that this local law shall take effect are engaged in the performance of such function, powers or duties shall be transferred to the agency to which such functions, powers or duties are assigned by this local law, without examination and without affecting existing compensation or pension or retirement rights, privileges or obligations of such officers and employees.

§14. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city or of any agency existing at the time when this local law shall take effect, or any provision of law in force at the time when this local law shall take effect and not inconsistent with the provisions of this local law in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement plans rights and any other rights or privileges of officers or employees of the city generally or officers of any agency.

§15. This local law shall take effect thirty days after the date of its enactment into law. The department of finance and the city sheriff may, on or after the date of enactment of this local law, take any administrative actions necessary for the implementation of this local law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on June 14, 1995, and approved by the Mayor on June 27, 1995.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 53 of 1995, Council Int. No. 569) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 14, 1995: 49 for, 0 against.

Was approved by the Mayor on June 27, 1995.

Was returned to the City Clerk on June 28, 1995.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel