

DUNKIRK CITY CHARTER - ARTICLE XIX

ARTICLE XIX Transitional Provisions

§ 19.00. Effective Date of Charter.

This Charter upon approval by referendum in the manner provided by law, shall become effective January 1, 1978, and all elective offices as provided by this Charter shall be filled at the General Election of November, 1977.

§ 19.01. Charter Supersedes Certain Laws.

Upon the adoption of this Charter, all laws and parts of laws relating to or affecting the City remaining in force when this Charter shall take effect are hereby repealed and superseded to the extent that they or any of them are inconsistent with the provisions of this Charter. All local laws and ordinances of the City in effect on the effective date of this Charter shall remain in full force and effect thereafter to the extent that they are not inconsistent with any of the provisions of this Charter.

§ 19.02. Offices, Boards, Commissions, Bureaus and Agencies Continued.

Offices, Boards, Commissions, Bureaus, Agencies and positions of employment of the City shall continue until abolished, modified, or superseded by action of the Common Council but subject to the provisions of this Charter.

§ 19.03. Officers and Employees.

Except as otherwise provided in this Charter, nothing herein contained shall affect or impair the rights or privileges of officers or employees of the City or of any department existing at the time when this Charter shall take effect, or any provision of law in force at the time when this Charter shall take effect and not inconsistent with the provisions of this Charter, in relation to the personnel, appointment, rank, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the City generally or officers or employees of any department. Whenever this Charter provides for an office, board, bureau or commission by the same name or title as existed under the prior Charter, the incumbent or incumbents of such prior office, board or commission upon the effective date of this Charter shall continue as officers or members of the board, commission or bureau respectively, under this Charter for the remainder of their unexpired terms. In addition to all offices abolished for the reason that they are inconsistent with the provisions of this Charter, the office of City Engineer is expressly abolished and the term of the incumbent is terminated as of December 31, 1977.

§ 19.04. Transfer of Personnel and Functions.

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Wherever by any provision of this Charter functions, powers or duties are assigned to any department or officer which have been heretofore exercised by any other department or officer, all officers and employees in the classified municipal Civil Service who, at the time when this Charter shall take effect, are engaged in the performance of such functions, powers or duties shall be transferred to the department to which such functions, powers or duties are assigned by this Charter, without examination and without affecting existing compensation or pension or retirement rights, privileges or obligations of such officers and employees.

§ 19.05. Continuation of Powers and Duties.

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

§ 19.06. Pending Actions and Proceedings.

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

§ 19.07. Laws Repealed.

Chapter five hundred thirty-eight of the laws of nineteen hundred nine constituting the Dunkirk City Charter and all acts amendatory thereof and supplemental thereto are hereby repealed; except that the provisions of Article XIII entitled "Street Improvement" and Article XIV entitled "Construction of Sewers" are hereby extended and continued in full force and effect as to any of such improvements which were constructed or have been constructed prior to

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the effective date of this Charter, and the costs incurred in such construction and the manner of providing for the assessment and collection thereof shall continue to be exercised in accordance with the provisions of Article XIII and Article XIV.

§ 19.08. Amendment of Charter.

This Charter may be amended by a local law enacted in accordance with the provision of Municipal Home Rule Law.

§ 19.09. Separability.

If any provision of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy.

§ 19.10. Liberal Construction.

This Charter shall be liberally construed to achieve its objectives and purposed.