

Chapter 29, CITY COURT

[HISTORY: Adopted by the City Council of the City of Binghamton 10-5-1970 (Part C of the 1970 Code). Amendments noted where applicable.]

ARTICLE I, Organization

§ 29-1. Jurisdiction; establishment. [Amended 12-4-2006 by L.L. No. 2-2006]

Binghamton City Court is a New York State run court of record with both civil and criminal jurisdiction as provided in the Uniform City Court Act (Judiciary Law/UCCA §§ 101 through 2301).

§ 29-2. Full- and part-time Judges; Acting Judge or Judicial Hearing Officer; vacancies; removal. [Amended L.1968, c.240; 12-4-2006 by L.L. No. 2-2006]

- A. Two full-time judges serve the Court and are chosen by election every 10 years. Each full-time judge takes office on the first day of January following such election. Salary is fixed by the New York State Legislature by statutory enactment. Each judge must be a resident of Binghamton and have been admitted to practice for five years. A full-time City Court Judge shall not engage in the practice of law, act as an arbitrator, referee or compensated mediator in any action or proceeding, or engage in the conduct of any other professional business that interferes with the performance of his or her judicial duties.
- B. One part-time (1/4) City Court Judge serves the Court by appointment of the Mayor for a six-year term. The Judge, by statute, must be a resident of the City in which he/she is appointed and be an admitted attorney, practicing law in this state for at least five years. The next appointment date is December 28, 2007, and every six years thereafter.
- C. An Acting City Court Judge and/or a JHO (Judicial Hearing Officer) may be appointed by order of the Administrative Judge of the Sixth Judicial District. The extent of the appointment and duties pursuant thereto shall be delineated by the Administrative Judge.
- D. In the event of temporary disqualification of a City Court Judge, i.e., illness, accident or disability, the Administrative Judge of the Sixth Judicial District may assign City Court Judges, duly elected or appointed, from other jurisdictions in the Sixth Judicial District or justices of a town or village court in the County of Broome to fill the vacancy.
- E. In the event of a permanent vacancy, i.e., retirement, death or removal of a City Court Judge, the Mayor of the City of Binghamton shall appoint a qualified replacement until a special election can be held the November following the vacancy.
- F. The Appellate Division of the Supreme Court Third Department may remove any City Court Judge upon recommendation of the Commission on Judicial Conduct (Judiciary Law § 43).

§ 29-3. Compensation of Judges. [Amended 12-4-2006 by L.L. No. 2-2006]

City Court Judges, both full-time and part-time, are compensated by New York State legislative enactment (Judiciary Law § 221-i). Acting City Court Judges and Judicial Hearing Officers, appointed by the Administrative Judge, are paid on a per-diem basis.

§ 29-4. Powers of Judges. [Amended 12-4-2006 by L.L. No. 2-2006]

The Judges of the City Court shall possess all the powers and exercise all the jurisdiction in all matters, suits and proceedings conferred by the laws of the State of New York under the Uniform City Court Act, §§ 101 through 2301, and the Code of the City of Binghamton, including the power to punish for contempt, both criminal and civil, conferred by the laws of the State of New York. The Senior City Court Judge, in

consultation with the other full-time Judge, shall supervise the business of the Court. She/He shall, under the guidelines of the New York State Office of Court Administration and the consent of the Administrative Judge, prescribe the hours and scheduling of the Court's business.

§ 29-5. Chief Clerk. [Amended 12-4-2006 by L.L. No. 2-2006]

- A. The Chief Clerk of the Court shall supervise the Court employees under the civil service laws and the directives of the Office of Court Administration. The Chief Clerk is responsible to keep the official records of the Court and to maintain the financial accounts of the Court, including the taking of bails, fines, surcharge and any penalties or all monies for which the Court is responsible. The Chief Clerk shall distribute these monies in accordance with the law and keep all records concerning the same. The Chief Clerk shall have the authority to delegate his/her responsibilities to the Deputy Chief Clerk and any clerk employed by the court for that purpose. Other duties of the Chief Clerk include, but are not limited to:
- (1) To keep the seal of the Court and affixing the same to such papers and documents, as required by law.
 - (2) To keep, store and maintain any and all books, accounts, papers and records of the Court as prescribed by law and the Office of Court Administration.
 - (3) To schedule employees to attend to the business of the Court and assist the judges in their duties.
 - (4) To issue and sign subpoenas, transcripts of judgments, executions, commitments and certificates of conviction.
 - (5) To perform such other duties as are inherent in the Office of Clerk and also as he/she shall be directed to perform by the City Court Judges.
- B. The Chief Clerk, and all subordinates, including Chambers Staff, shall be selected and paid in accordance with the law as prescribed by the New York State Legislature (New York State Civil Service Law) and the rules of the Chief Judge.

§ 29-6. Jurisdiction of Chief Judge of Court of Appeals. [Added 12-4-2006 by L.L. No. 2-2006]

As a state court in the Unified Court System, Binghamton City Court falls under the purview of the Chief Judge of the Court of Appeals (NY Constitution Article 6, § 28).

- A. The Chief Judge of the Court of Appeals shall be the Chief Judge of the State of New York and shall be the chief judicial officer of the Unified Court System. There shall be an administrative board of the courts, which shall consist of the Chief Judge of the Court of Appeals as Chairperson and the presiding justice of the Appellate Division of the Supreme Court of each judicial department. The Chief Judge shall, with the advice and consent of the administrative board of the courts, appoint a Chief Administrator of the courts, who shall serve at the pleasure of the Chief Judge.
- B. The Chief Administrator, on behalf of the Chief Judge, shall supervise the administration and operation of the Unified Court System. In the exercise of such responsibility, the Chief Administrator of the courts shall have such powers and duties as may be delegated to him or her by the Chief Judge and such additional powers and duties as may be provided by law.
- C. The Chief Judge, after consultation with the administrative board, shall establish standards and administrative policies for general application throughout the state, which shall be submitted by the Chief Judge to the Court of Appeals, together with the recommendations, if any, of the administrative board. Such standards and administrative policies shall be promulgated after approval by the Court of Appeals.

§ 29-7. State rules applicable to City Court regarding salary allocations. [Added 12-4-2006 by L.L. No. 2-2006]

The Chief Judge of the Court of Appeals in compliance with the Constitution has promulgated the following rules:

- A. Salary schedules for nonjudicial officers and employees allocated to salary grades; promulgation; placement thereon.
 - (1) The chief administrator of the courts shall promulgate salary schedules for state-paid positions in the Unified Court System, allocated to salary grades, in accordance with law.
 - (2) This subsection shall apply to each nonjudicial officer or employee of the Unified Court System in a position allocated to a salary grade and paid pursuant to a salary schedule, who moves to another position allocated to the same salary grade, provided:
 - (a) His or her former position is in a collective negotiating unit established pursuant to Article 14 of the Civil Service Law and his or her new position is in another collective negotiating unit or not in any such unit, or
 - (b) His or her former position is not in a collective negotiating unit and his or her new position is not in a collective negotiating unit and his or her new position is in such a unit.
 - (3) Each such nonjudicial officer or employee shall receive a basic annual salary upon such movement, to be determined as follows:
 - (a) Where his or her new position is paid pursuant to the same salary schedule as his or her former position, such nonjudicial officer or employee shall be paid the same basic annual salary in his or her new position as he or she received in his or her former position.
 - (b) Where his or her new position is paid pursuant to a salary schedule ("new salary schedule"), which is different from the salary schedule pursuant to which he or she was paid in his or her former position ("former salary schedule"), he or she shall be placed on such new salary schedule and paid a basic annual salary on such new salary schedule which shall equal a rate that represents the same proportion of the maximum salary of his or her grade on the new salary schedule, as his or her basic annual salary under the former salary schedule represented of the maximum salary of his or her grade on such former salary schedule.
- B. All state-paid positions in the competitive, noncompetitive and labor classes in the Unified Court System shall be allocated to a salary grade by the administrative board of the judicial conference and shall be paid in accordance with this section. In the discretion of the administrative board any or all state-paid exempt class positions may also be so paid, within the appropriation available therefor.
- C. Additional increment.
 - (1) Notwithstanding any inconsistent provision of this chapter, when an employee holding a position allocated to a salary grade prescribed in Subsection A of this section has reached, on or after April 1, 1999, a salary equal to or in excess of the maximum salary of the grade of his or her position and thereafter has rendered continuous service in such position, or in a position in the same salary grade, he or she shall be entitled, on the first day of the fiscal year following completion of four years of such service, to an additional increment of the grade to which his or her position is allocated and, following completion of eight years of such service, to a second additional increment of such grade. The salary of such employee shall not be increased, pursuant to the provisions of this subsection, to an amount in excess of the maximum salary of the grade of his or her position plus one additional increment of such grade or, upon qualifying for such second additional increment, to an amount in excess of

the maximum salary of the grade of his or her position plus two additional increments of such grade.

(2) For the purposes of this subsection:

- (a) An employee who has reached a salary equal to or in excess of the maximum salary of the grade of his or her position and whose position, on or after April 1, 1972, is reallocated to a higher salary grade shall be deemed to have had continuous service at the maximum salary of the grade of his or her position, notwithstanding the fact that, as a result of such reallocation, he or she is not receiving the maximum salary of the higher salary grade to which his or her position is reallocated.
- (b) An employee who has not reached the maximum salary of the grade of his or her position and whose position, on or after April 1, 1972, is reallocated to a higher salary grade shall be deemed to have reached the maximum salary of the grade of his or her position on the date on which he or she would otherwise have reached the maximum salary of the grade from which his or her position was reallocated.
- (c) When a position, on or after April 1, 1972, is reclassified to a title allocated to a higher salary grade, with no substantial change in duties and responsibilities from those associated with the former title, the incumbent's eligibility for additional increments authorized by this subsection shall be determined as though his or her position had been reallocated to such higher salary grade; such employee shall not be deemed to be appointed or promoted to a position in a higher grade for purposes of determining his or her salary therein.
- (d) When an employee is appointed or promoted to a position in a higher salary grade or, in a case not subject to the provisions of Subsection C(2)(c) of this subsection, when a position is reclassified to a title allocated to a higher salary grade and the incumbent thereof is appointed or promoted to such reclassified title, his or her eligibility for additional increments authorized by this subsection shall be determined on the basis of his or her service after the date of such appointment or promotion, except that, notwithstanding the other provisions of this subsection, where his or her salary upon appointment or promotion is equal to or greater than the maximum salary of the grade of his or her position plus one additional increment of such grade but less than such maximum salary plus two additional increments of such grade, he or she shall be eligible for an additional increment in accordance with the provisions of this subsection upon completion of four years of continuous service in such position following appointment or promotion.
- (e) An employee who has been on a preferred list pursuant to the rules of the administrative board of the judicial conference or § 243 of the Military Law, or has been on leave of absence, or who has resigned, and who has been reinstated to his or her position or a similar position, shall be deemed to have continuous service; provided, however, that such employee shall be credited with service in his or her position only in a fiscal year for which he or she would otherwise be entitled to receive an increment in such position if he or she were not receiving a salary equal to or in excess of the maximum salary of the grade of his or her position.
- (f) An employee shall not be credited with service in his or her position in any fiscal year where such service was unsatisfactory or insufficient to render him or her eligible for an annual increment if he or she were not receiving a salary equal to or in excess of the maximum salary of the grade of his or her

position, but the failure to receive credit for such year shall not constitute an interruption of his or her continuous service.

- (g) When an employee is appointed, demoted or reinstated from a higher grade position to a lower grade position, he or she shall receive credit toward eligibility for additional increments in the lower grade position for his or her years of service in the higher grade position as though such service had been rendered in the lower grade positions.

D. Annual increments; determination of salaries.

- (1) Rates of compensation. An employee holding a position allocated to one of the salary grades included in Subsection A of this section shall receive the minimum salary of the salary grade to which his or her position is allocated, plus the number of increments which corresponds with the number of his or her years in service in such position, unless his or her services during the year immediately preceding shall have been found to be unsatisfactory. No employee shall receive an increment which would result in his or her receiving an annual salary in excess of the maximum of the salary grade to which his or her position is allocated or of the amount to which he or she may be entitled pursuant to Subsection A of this section.
- (2) Appointment above minimum salary in certain cases. Notwithstanding any other provision of this chapter, with respect to positions allocated to salary grades in Subsection A of this section, if the annual salary of an employee subject to the provisions of this section who has rendered 26 biweekly periods of service during the period from April 1, 1970, through March 31, 1972, is less than \$6,000 per year, such employee in lieu of such annual salary shall receive an annual salary of \$6,000.
- (3) Notwithstanding any other provision of this chapter, no employee whose salary is below the minimum of the salary grade to which his or her position is allocated shall receive more than two increments in the fiscal year beginning April 1, 1973.

E. Appointments and promotions to higher grade positions.

- (1) If an employee is appointed or promoted to a position in a higher grade, he or she shall receive an increase in salary, upon such appointment or promotion, which is equivalent to the full increment payable in the position to which he or she is appointed or promoted, or he or she shall be paid the minimum salary of the grade of the position to which he or she is appointed or promoted, whichever results in a higher annual salary.
- (2) Upon the reallocation of a position to a higher salary grade, the salary of any employee previously appointed or promoted from such position to another position in a higher grade shall not be less than the salary which he or she would otherwise be entitled to receive if such promotion occurred immediately following such reallocation.
- (3) For the purpose of computing future increments such employee shall be credited with the number of years of service in the higher grade position to which he or she is appointed or promoted which corresponds with his or her resulting rate of compensation as determined pursuant to this subsection.

F. Appointments, transfers, reinstatements, demotions and displacements to lower grade positions. If an employee is demoted or displaced to a position in a lower grade, or is appointed, transferred or reinstated to a position in a lower grade, he or she shall, upon such demotion, appointment, displacement, transfer, or reinstatement, receive the rate of compensation which corresponds with the total number of his or her years of service in the positions from which and to which he or she is demoted, displaced, appointed, transferred or reinstated, as the case may be, and, for the purpose of computing future increments, he or she shall be credited with the number of years of service in such position which corresponds with such rate of compensation. If an employee is demoted to a position in a lower grade, he or she shall, upon such demotion, be paid the salary in such lower grade which

corresponds with the number of his or her years of service in the grade from which he or she was demoted, or, in the discretion of the administrative board of the judicial conference, he or she may be paid a higher rate of compensation, not exceeding the maximum of the grade to which such position is allocated, and not exceeding the rate of compensation received prior to such demotion, and, for the purpose of computing future increments, he or she shall be credited with the number of years of service in such position which corresponds with such rate of compensation.

- G. Appointment, transfers and reinstatements to similar grade positions. If an employee is transferred to a similar position, or is appointed or reinstated to a position in the same salary grade, he or she shall be paid the same salary in such new position as he or she received in his or her former position, except that, in the case of a transfer, if such salary does not correspond with the schedule established for the new position, he or she shall be paid the rate of compensation for the new position which most nearly corresponds with the salary he or she is then receiving. An employee so appointed, transferred or reinstated shall be eligible to receive the increments in the schedule established for the new position based upon the number of his or her years of service in the new position and in his or her former position.
- H. Appointments, promotions, reinstatements, and transfer of employees occupying nonallocated positions.
- (1) An employee who has been continuously occupying a position which is not allocated to one of the salary grades described in Subsection A of this section and who is appointed, promoted, reinstated, or transferred to a position allocated to one of the salary grades in such subsection, the minimum salary of which is equal to or lower than the annual rate of compensation then received by such employee, shall, upon such appointment, promotion, reinstatement or transfer, be paid the minimum salary of the grade of such allocated positions plus the number of increments which corresponds to the number of years of his or her service in his or her former unallocated position or positions during which he or she received a salary equal to or in excess of the minimum salary of the position to which he or she is appointed, promoted, reinstated or transferred, not to exceed the salary that he or she was receiving in his or her former position immediately prior to the date of such appointment, promotion, reinstatement or transfer, and not to exceed the maximum salary of his or her new position.
 - (2) For the purpose of computing future increments, he or she shall be credited with the number of years of service in such new position which corresponds with such rate of compensation. For the purposes of this subsection, the annual rate of compensation of the incumbent of an unallocated position compensable on an hourly or per-diem basis or on any basis other than at an annual salary rate shall be deemed to be the compensation which would have been payable if the services were required on a full-time annual basis for the number of hours per day and days per week established by law or administrative rule or order.
- I. Allocation of nonallocated positions.
- (1) When a nonallocated position is allocated to one of the salary grades described in Subsection A of this section, the annual salary of the incumbent thereof shall be determined in accordance with this subsection.
 - (2) Notwithstanding the provisions of Subsection I(3) of this subsection, the annual salary of any nonallocated position, compensable on an annual basis, shall not, upon allocation to a salary grade, be reduced for the then permanent incumbent by reason of any provision of this section so long as such position is held by the then permanent incumbent.
 - (3) When a nonallocated position is allocated to one of the salary grades described in Subsection A of this section, the incumbent thereof, whether employed on a permanent or temporary basis, shall be paid the minimum salary of the salary grade to which such position is

allocated, plus the number of increments which corresponds with the number of his or her years of service in such position; provided, however, that such incumbent shall not receive an annual salary in excess of the maximum salary of the grade to which his or her position is allocated or the amount to which he or she may be entitled pursuant to Subsection C of this section, as the case may be.

- (4) No employee whose salary would be increased by such allocation shall have any claim against the state for the difference, if any, between his or her former salary and that which he or she should receive as a result of such allocation for the period prior to the date such allocation became effective.
- J. Accrual of increments. Annual increments shall take effect on the first day of each fiscal year, subject, however, to the provisions of § 44 of the State Finance Law. An employee who has served the equivalent of at least 12 complete payroll periods of actual service during the fiscal year in his or her position shall be eligible to receive an increment in such position on the first day of the next succeeding fiscal year; provided, however, that an employee appointed or promoted at any time during the fiscal year, who received an increase in salary upon such appointment or promotion which was less than two full increments of the grade of the position to which he or she was appointed or promoted shall be eligible to receive in such position on the first day of the next succeeding fiscal year the difference between two full increments of the grade of such position and the increase in salary which he or she received upon such appointment or promotion, notwithstanding the fact that he or she has less than the equivalent of 12 complete payroll periods of actual service in such position during the fiscal year. Notwithstanding the provisions of this section, where an employee receiving the maximum salary or the maximum salary plus the first additional increment, as the case may be, of the grade of his or her position is appointed or promoted to a position in the next higher salary grade, his or her salary on the first day of the fiscal year on which he or she would otherwise be entitled to the first additional increment of the grade of his or her former position, if he or she had been receiving the maximum salary in his or her former position at the time of such appointment or promotion, or on the first day of the fiscal year on which he or she would otherwise be entitled to the second additional increment of the grade of his or her former position, if he or she had been receiving the maximum salary plus the first additional increment in his or her former position at the time of such appointment or promotion, shall not be less than the salary to which he or she would be entitled if such appointment or promotion occurred on such first day of the fiscal year.
- K. Service credit for temporary and provisional employment. Except as otherwise expressly provided herein, temporary or provisional service shall be treated in the same manner as permanent service for the purpose of this section.
- L. Reallocations; adjustment of salaries.
 - (1) When any position allocated to a salary grade in Subsection A of this section is reallocated on or after April 1, 1972, to a higher salary grade other than Grade 38, the annual salary of a then incumbent on the effective date of such reallocation shall be determined as follows:
 - (a) If, on the effective date of such reallocation, the annual salary of such incumbent would otherwise, if such reallocation did not occur, be identical with the hiring, first, second, third, fourth, fifth, sixth or seventh year rate of compensation of the lower grade from which such position is reallocated, or a rate of compensation equal to one or two additional increments above the maximum salary of such lower grade, his or her annual salary shall be increased to the corresponding rate of compensation of the higher grade to which such position is reallocated.
 - (b) If, on the effective date of such reallocation, the annual salary of such incumbent would otherwise, if such reallocation did not occur, be less than the rate of compensation equal to two additional increments above the maximum salary of the lower grade from which such position is reallocated,

and not identical with the hiring, first, second, third, fourth, fifth, sixth or seventh year rate of compensation of such lower grade or with the rate of compensation equal to one additional increment above the maximum salary of such lower grade, his or her annual salary shall be the salary he or she would otherwise receive on the date of such reallocation in such lower grade if such reallocation did not occur plus the difference between the next higher rate of higher grade to which such position is reallocated.

(c) If, on the effective date of such reallocation, the annual salary of such incumbent would otherwise, if such reallocation did not occur, exceed the rate of compensation equal to two additional increments above the maximum salary of the lower grade from which such position is reallocated, his or her annual salary shall be the annual salary he or she would otherwise receive if such reallocation did not occur plus the difference between such rate of compensation and the corresponding rate of compensation of the higher grade to which his or her position is reallocated, but his or her salary shall not be increased to an amount in excess of the maximum salary of the grade to which his or her position is reallocated plus two additional increments of such grade.

- (2) If an employee has been appointed or promoted from one position allocated to a salary grade in Subsection A of this section to another position allocated to a higher salary grade and his or her former position, on or after April 1, 1972, and within two years after such appointment or promotion, is reallocated to a higher salary grade, the salary of such employee in the second position on the effective date of such reallocation shall not be less than the salary which he or she would otherwise be entitled to receive on such date had such appointment or promotion occurred on such date.
- (3) The provisions of this subsection shall apply to temporary and provisional employees, as well as permanent employees.
- (4) When a position allocated to a salary grade in Subsection A of this section is reclassified to a title allocated to a higher salary grade, and such reclassification represents no substantial change in duties and responsibilities from those associated with the former title, the incumbent thereof may continue to serve in such position without further examination, and his or her salary in his or her new title shall be determined in accordance with the provisions of this subsection.

M. Status of employees upon transfer of functions. The salary of any employee of a civil division, public authority or other public benefit corporation who, upon transfer of his or her functions to the state, is transferred to a position in the Unified Court System which is allocated to a salary grade, and the salary of any employee of a private institution or enterprise, whose employment is continued in an allocated position pursuant to law upon the acquisition by the Unified Court System of such institution or enterprise, shall be prescribed by the chief administrator of the courts within amounts available thereof, at a rate between the minimum salary of the grade to which the employee's position is allocated and the maximum salary of such grade plus two additional increments; provided, however, that if the salary received by such employee immediately prior to such transfer or entry into service with the Unified Court System was an amount greater than the minimum salary of the grade to which his or her position is allocated and less than the maximum salary of such grade plus two additional increments of such grade, his or her salary as prescribed by the chief administrator shall not exceed the salary received by him or her immediately prior to such transfer or entry. For the purpose of computing future increments, such employee shall be credited with the number of years of service in such position which corresponds with his or her salary as determined pursuant to this subsection.

§ 29-8. Stenographer.

- A. The present City Court stenographer, who was duly appointed from an eligible list established by the Civil Service Commission of the City of Binghamton, shall continue as City Court stenographer under this act. All further appointments shall be made by the City Judge from the eligible list established as the result of competitive examination by the said Commission.
- B. The stenographer of the Court shall take stenographic notes of the testimony and other proceedings in all cases heard or tried before the Court. Such notes shall be filed with the Clerk (of the City Court), and the stenographer shall furnish a transcript of the same when requested upon payment of the prescribed fees. All stenographic notes and minutes made by the stenographer shall become a part of the records of the Court and belong to the City of Binghamton and shall be retained for a period of at least three years.
- C. The City Judge may appoint a temporary City Court stenographer from time to time in the absence or disability of the regular stenographer.
- D. The stenographer shall receive an annual salary to be fixed by the Council of the City of Binghamton.
- E. A temporary stenographer shall receive such compensation for the period of service as shall be fixed by the Council of the City of Binghamton.

§ 29-9. Constables; appointment of additional employees.

- A. The present constables of the Court shall continue in office until the terms of office for which they were duly appointed respectively shall have expired or unless sooner removed by the Mayor of the City of Binghamton.
- B. As vacancies occur after the effective date of this act, all constables shall be appointed by the City Judge to hold office during the pleasure of the City Judge. The number of constables appointed by the City Judge shall be five or such lesser number as the City Judge shall deem adequate for the work of the Court. The appointment of constables shall be made in writing and filed in the office of the City Clerk of the City of Binghamton.
- C. The constables shall perform in the City Court the same duties as are performed by sheriffs in courts of record and such other duties as they are directed to perform by the Judge. They shall have the same power to serve and execute all process and mandates of the Court within the County of Broome as a sheriff, and all provisions of law relating to the powers, duties and liabilities of the sheriff shall apply to constables so far as the same can be made applicable and are not in conflict with the provisions of this act. The constables shall be employees of the City of Binghamton.
- D. The constables shall receive for the services performed by them the fees prescribed by § 29-31B of this act and such additional compensation as shall be fixed by the Council of the City of Binghamton.
- E. The City Judge shall appoint such other employees as are provided for by the City Council.

§ 29-10. Oath of office required.

Before entering upon the discharge of their official duties, the City Judge, Special City Judge, Acting City Judge, Clerk, temporary Clerk, stenographer and temporary stenographer and constables shall take the oath of office prescribed by law and file the same in the office of the City Clerk.

§ 29-11. Bond required of certain officers.

The City Judge, Special City Judge, Clerk, temporary Clerk and constables, before entering upon the discharge of their official duties, shall each execute and file in the office of the City Clerk a bond, in an amount fixed by the Council of the City of Binghamton, to be approved by the Mayor and conditioned that they will faithfully

perform the duties of their respective offices and fully account and pay over all money received by them in the performance of their duties.

§ 29-12. Seal.

The Court shall have an Official Seal to be furnished by the City, upon which shall be engraved thereon the words, "City Court of Binghamton, N.Y. Seal."

§ 29-13. Expenses, rooms and supplies.

The Council of the City of Binghamton shall provide suitable rooms, light, heat, furniture, and necessary books and supplies for the use of the Court and shall provide for the payment of the salary and compensation of the judges and employees of the Court, and for whatever else may be necessary for the transaction of the business of the Court. In default of such provisions or any of them being made by the Council, any Justice of the Supreme Court residing in the Sixth Judicial District of the state is authorized, upon the application of the City Judge showing such default, to make such provisions by an order which shall have the same effect as though the directions contained therein had been made by the Council, and the expense thereof shall be a City charge.

ARTICLE II, Civil Jurisdiction and Procedure

§ 29-14. Civil jurisdiction, territorial.

In civil cases, process and mandates of the Court may be served and executed throughout the County of Broome.

§ 29-15. Civil jurisdiction, generally.

- A. The City Court shall have jurisdiction:
 - (1) In an action to recover a sum of money only, where the amount demanded in the complaint does not exceed \$4,000, exclusive of interest and costs;
 - (2) In an action to foreclose a lien on a chattel, where the amount sought to be recovered does not exceed \$4,000, exclusive of interest and costs;
 - (3) In an action to recover one or more chattels, with or without damages for the taking, withholding or detention thereof, where the value of the chattel or chattels does not exceed \$4,000;
 - (4) In a summary proceeding to recover the possession of real property situated wholly or partly within the City, and to remove tenants therefrom;
 - (5) To enter judgment upon confession, where the sum confessed does not exceed \$4,000, exclusive of interest and costs.

- B. Notwithstanding the jurisdiction hereinabove conferred upon the City Court, its authority shall not be construed:
 - (1) To extend to any cause in which the title to real property is involved;
 - (2) To include the right to exercise equity jurisdiction, except that an equitable defense may be interposed.

§ 29-16. Civil jurisdiction, residence requirements.

- A. Except as provided in Subsection B of this section, the plaintiff or defendant, or one of the plaintiffs or defendants, must reside within the City of Binghamton. A person, an association or a corporation having an office or a place for the transaction of business within the City or being engaged in the business of transportation therein is, for the purposes of this section, to be deemed a resident thereof.

- B. In a summary proceeding to recover the possession of real property or in an action to foreclose a lien on a chattel, or to recover one or more chattels, neither the plaintiff nor the defendant need reside within the City if the real property or chattel is located within the City.

§ 29-17. Civil practice, general provisions.

- A. The provisions of the Civil Practice Law and Rules, notwithstanding express reference by name or classification therein to any other court, shall apply to the City Court as far as the same can be made applicable and are not in conflict with the provisions of this act.
- B. Where the word "state" is used in applicable provisions of the Civil Practice Law and Rules, it shall be construed to mean "county" as applied to the City Court if the context of the particular section or rule permits of such construction.
- C. The City Court, within the limits of its jurisdiction, is vested with all the powers possessed by the County Court in like causes.

§ 29-18. Processes, warrants and other mandates; methods of service. [Amended L.1963, c.887]

- A. Processes, warrants, and other mandates may be served upon a party within the County of Broome or in any part of any adjoining county within the state in like manner as in the Supreme Court, except as otherwise provided in this act or rules adopted pursuant thereto. Service may also be made upon the Secretary of State, Superintendent of Insurance, or any other designee for the service of process, in any action within the jurisdiction of the Court, where such service is authorized by any statute, and such service shall be effected pursuant thereto.
- B. An order for substituted service of a summons upon a defendant, whether a domestic corporation other than a municipal corporation, a joint stock or other unincorporated association having a president or treasurer residing within the County of Broome, or a natural person residing within said county, may be made by the Court, or a judge thereof, upon satisfactory proof that the plaintiff has been or will be unable, with due diligence, to make personal service of the summons within the county or within an adjoining county in the state.
- C. The summons shall not be served by publication, except that in an action in which a warrant of attachment has been granted, and a levy has been made thereunder upon property of the defendant within the County of Broome, an order may be obtained within 30 days after the granting of the attachment, providing for the service of the summons upon the defendant by publication.
- D. Where a warrant of attachment has been granted and a levy has been made thereunder upon property of the defendant within the County of Broome, service of the summons in lieu of publication may be made personally upon the defendant within or without the County of Broome, whether or not an order has been made for service by publication.
- E. Where a warrant of attachment has been granted, and the summons cannot with reasonable diligence be served within the County of Broome, it may be served by leaving a copy thereof, together with the warrant of attachment and the inventory of the property attached, at the last known place of residence of the defendant in the County of Broome, with a person of suitable age and discretion, or, if such person cannot be found there, by posting them on the outer door, and also depositing another copy of each in the post office, enclosed in a sealed, post-paid wrapper, directed to the defendant at his or her residence. If the defendant has no place of residence in the County of Broome, the constable shall deliver a true copy of the summons, warrant and inventory to the person in whose possession the property attached is found and send another copy of each by registered mail,

addressed to the defendant at his or her last known address. The defendant's return receipt, the summons and an affidavit of compliance herewith, shall be filed with the Clerk of the Court within 30 days after the defendant's return receipt is received by the plaintiff. Service of process shall be complete 10 days after proof thereof is filed.

- F. The provisions of the Civil Practice Law and Rules governing like service in the Supreme Court shall apply where the summons is served pursuant to the provisions of Subsection B, C or D of this section.

§ 29-19. Pleadings.

Pleadings shall be written and in accordance with the Civil Practice Law and Rules.

§ 29-20. Time frames.

- A. Appearance, answer and reply. The summons shall require the defendant to serve his or her answer or appear in the action within six days after service of the summons, except that where the summons is served outside the County of Broome, the summons shall require the defendant to serve his or her answer or appear in the action within 12 days after service of the summons. If the complaint does not accompany the summons, it shall be served within six days after service of the notice of appearance. A reply shall be served within six days after service of the answer.
- B. Amendments. The time within which a pleading may be amended of course shall be six days, and an amended pleading shall be answered within six days after it has been served.
- C. Motions. Notice of a motion under Rule 3024 of the Civil Practice Law and Rules shall be served within six days after the service of the pleading to which the motion is addressed. Notice of a motion under Rule 3211 of the Civil Practice Law and Rules shall likewise be served within six days after the service of the pleading to which the motion is addressed except in those instances when the motion may be made at any time prior to trial as provided in such rules.
- D. Notice of motion. Unless brought on by order to show cause, notice of motion shall be served at least six days before the date set therein for hearing except where attorneys for the several parties have their offices in the same City, when notice of three days may be given.
- E. Note of issue. The note of issue may be filed by either party with the Clerk of the Court at any time after issue is first joined. It shall state the title of the action, the names and addresses of the attorneys, the time when the last pleading was served, the specific nature and object of the action, and, if such cause be entitled to a preference, demand therefor.
 - (1) At the time of such filing, the party filing the same shall also serve an exact copy thereof upon the other party.
 - (2) Within five days after the filing of the note of issue, the Clerk shall notify each party in writing of the date of trial assigned to the cause by the Court.
 - (3) The trial shall proceed upon such date unless adjourned by the Court for good cause shown.
 - (4) Rule 150 of the Civil Practice Law and Rules shall be applicable to notes of issue in all other respects.
- F. Motion for new trial. A motion for a new trial upon the Judge's minutes shall be made within five days after rendition of the verdict of the jury.

§ 29-21. Attachments.

An attachment may be levied upon any property within the County of Broome upon which an attachment may be levied in an action in the Supreme Court, except real property and interest therein.

§ 29-22. Removal when question of title to realty is raised.

If it shall appear that the title to real property will come in question in the action, it may be removed to a court having jurisdiction thereof, in accordance with the provisions of § 325 of the Civil Practice Law and Rules.

§ 29-23. Counterclaims.

If a counterclaim in excess of the Court's jurisdiction is interposed, the Court may, nevertheless, grant judgment to the extent of its jurisdiction, but the defendant shall be deemed to have waived any right to further recovery.

§ 29-24. Juries.

- A. Demand. Trial by jury shall be deemed to have been waived unless a demand therefor has been made and the fee prescribed by § 29-31A(8) has been paid. In the event the party filing the note of issue desires a jury trial, he or she shall demand same in the note of issue and pay the prescribed fee. In the event that the other party desires a jury trial, he or she shall file a written demand therefor with the Clerk within two days after the service of the note of issue upon him or her and pay the prescribed fee; a copy of such demand shall be served upon the other party within the same period of time.
- B. Jury lists. The officers charged by law in Broome County with selecting the persons qualified to serve as jurors in the County and Supreme Courts shall furnish the Clerk of the City Court with the names of such qualified persons who are residents of the City. Jurors shall be drawn from among such persons.
- C. Ballots and jury boxes. The Clerk must prepare suitable ballots by writing the name of each person appearing on the list, with his or her place of residence and other information, on a separate piece of paper. The ballots must be uniform in appearance, and the Clerk must deposit them in a box kept for that purpose, to be known as the "undrawn jury box." The ballots containing the names of persons who have been summoned and appeared for service must be placed in a box to be known as the "drawn jury box." When all ballots have been drawn from the undrawn jury box the whole number must be returned to the undrawn jury box.
- D. Summoning of jurors; jury terms.
 - (1) When a jury trial is demanded the Clerk must draw, from the undrawn jury box, such number of names as shall be prescribed by the Court, and shall deliver a list thereof to a constable, who shall summon the persons named therein to attend the Court at a specified time to serve as jurors. The constable may summon such persons personally or by mail.
 - (2) The Court may, by rule, provide that a jury term be established during certain periods of the year for the trial of jury cases. A jury panel shall be drawn to try jury cases generally for each of such terms and shall consist of such number of jurors as shall be prescribed by the Court. At least three days' notice of attendance shall be given to persons summoned to serve as jurors. Provisions of law relating to the summoning of jurors and their attendance in the county court shall be nearly as may be, apply to the summoning and attendance of jurors in the City Court.
- E. Numbering of jurors. A jury shall be composed of six persons.
- F. Drawing of jurors. The jury shall be selected from among the persons summoned and attending pursuant to Subsection D of this section. It shall be drawn in the same manner as in the county court. Each party may peremptorily challenge not more than three of the persons drawn as jurors for the trial. This provision shall be applicable to criminal as well as civil cases.

§ 29-25. Decision; time to render.

- A. A decision upon the trial of a nonjury case may be general in form as though it were a verdict by a jury.
- B. The decision of the Court on the trial of a nonjury case, or upon the hearing of a motion, shall be rendered within 14 days after the matter has been finally submitted for determination, unless an extension of time be agreed to in writing by both parties or by stipulation in open court. If the decision is not rendered within such time, either party may move for a new trial upon that ground. If the decision has not been rendered when the motion is heard, the Court must make an order for a new trial.

§ 29-26. Judgments. [Amended L.1963, c.887]

- A. Upon application, the Clerk must deliver a transcript of a judgment. If the judgment is for the recovery of a chattel which has been delivered to the unsuccessful party, or for the value thereof, the Clerk shall insert in the transcript an additional statement setting forth the nature of the action and specifying the chattel described in the judgment.
- B. Upon presentation of a transcript of a judgment and payment of the filing fee, the Clerk of Broome County must endorse upon the transcript the date of its receipt and must file it in his or her office and must docket the judgment as of the time of the receipt of the transcript, in a book kept by him or her for that purpose as prescribed by law; and if the judgment is for the recovery of a chattel which has been delivered to the unsuccessful party or for the value thereof, he or she must enter in the docket the particulars of the judgment as stated in the transcript.
- C. Upon the docketing of a judgment as prescribed in Subsection B of this section it shall be deemed a judgment of the Broome County Court and may be enforced accordingly. This shall not prevent the City Court or a judge thereof from vacating, setting aside or modifying the judgment or staying execution thereon.

§ 29-27. Executions.

No execution other than an execution pursuant to § 684 of the Civil Practice ActEN shall issue out of the Court after a transcript of the judgment has been issued.

§ 29-28. Appeals.

Appeals in civil causes may be taken to the County Court of Broome County, in the manner provided in Article 55 of the Civil Practice Law and Rules from:

- A. A judgment in an action;
- B. A final order in a special proceeding;
- C. An order granting or denying a new trial;
- D. An order granting or denying a motion to open a default and to vacate a judgment or final order entered thereon;
- E. An order granting or denying a motion to vacate a judgment or a final order upon the ground that the judgment was rendered or the final order was made without service of summons or process;

- F. An order granting or denying a motion to discharge a defendant from arrest, or an order granting or denying a motion to vacate or modify a warrant of attachment or a requisition to replevy or a warrant of seizure;
- G. An order denying a motion for summary judgment or for judgment on the pleadings;
- H. Any other order, provided that leave to appeal be granted:
 - (1) By the judge who made the order, upon motion made within eight days after service of a copy of such order with notice of entry thereof; or
 - (2) In the event of the denial of such leave in the City Court, by the County Court of Broome County upon motion made within 10 days after such denial.
- I. Upon the determination of an appeal to the County Court of Broome County, as provided in this section, or of a further appeal to the Appellate Division, as provided in Article 57 of the Civil Practice Law and Rules, a certified copy of the order of the appellate court with the original case or papers upon which appeal was heard shall be transmitted to the Clerk of the Court, and the judgment, if any, rendered or directed, pursuant to such order, shall be entered by such Clerk.

§ 29-29. Small claims.

The Court may, by rule, establish a part for the determination of small claims, pursuant to the following provisions:

- A. Small claims defined. The term "small claim," as used in this section, shall mean and include any claim or cause of action or counterclaim within the jurisdiction of this Court except summary proceedings for the recovery of real property, where the amount claimed by the plaintiff or claimant or defendant, or the value of the property affected or of the right claimed does not exceed \$25, exclusive of interest and costs.
- B. Small claims procedure, generally. The Court may, by rules, regulate the practice and procedure controlling the determination of small claims and prescribe and furnish the forms for instituting them. They shall constitute a simple, informal and inexpensive procedure for the prompt determination of such claims so as to do substantial justice between the parties in accordance with the rules and principles of substantive law. The provisions of the Civil Practice Law and Rules and this act shall apply to claims brought under this section, so far as the same can be made applicable and are not in conflict with the provisions of this section. In case of conflict, the provisions of this section shall control. Nothing contained in this section, however, shall be construed to render inapplicable statutory provisions relating to privileged communications and the provisions of § 4519 of the Civil Practice Law and Rules.
- C. Commencement of action. Actions on small claims shall be commenced upon payment by the claimant of a filing fee as set from time to time, without the service of a summons, and, except by special order of the Court, without the service of any pleading other than a statement of his or her cause of action by the claimant or by an attorney in his or her behalf to the Clerk, who shall reduce the same to a concise written form and record it in a docket kept for such purpose. A notice of such claim and of the time set for the hearing thereof shall be sent to the person complained against by registered mail to his or her last known place of residence with return receipt requested. The cost of sending such notice shall be included in the filing fee hereinbefore specified.
- D. Transfer. The Court shall have power to transfer any small claim or claims to any other part of the Court upon such terms as the rules may provide, and proceed to hear the same according to the usual practice and procedure applicable to other parts of the Court.

- E. Trial by jury. A person commencing an action upon a small claim under this section shall be deemed to have waived a trial by jury, but if said action shall be removed to a regular part of the Court, the plaintiff shall have the same right to claim a trial by jury as if such action had originally been begun in such part. Any party to such action, other than the plaintiff, prior to the day upon which he or she is notified to appear or answer, may file in the Court where the action is pending a demand for a trial by jury and his or her affidavit that there are issues of fact in the action requiring such a trial, specifying the same, and stating that such trial is desired and intended in good faith. Such demand and affidavit shall be accompanied with the jury fee required by law and an undertaking in the sum of \$50 in such form as may be approved by the rules, payable to the other party or parties, conditioned upon the payment of any costs which may be entered against him or her in the action or any appeal, within 30 days after the entry thereof; or, in lieu of said undertaking, the sum of \$50 may be deposited with the Clerk of the Court and thereupon the Clerk shall forthwith transmit such original papers or duly attested copies thereof as may be provided by the rules of the part of the Court to which the action shall have been transferred and assigned and such part may require pleadings in such action as though it had been begun by the service of a summons and such action may be considered a preferred cause of action. In any small claim which may have been transferred to another part of the Court, the Court may award costs up to \$25 to the plaintiff if he or she prevails.
- F. Review. A person commencing an action upon a small claim under this section shall be deemed to have waived all right to appeal, except that either party may appeal on the sole ground that substantial justice has not been done between the parties according to the rules and principles of substantive law.
- G. Res judicata. A judgment obtained under this section may be pleaded as res judicata only as to the amount involved in the particular action and shall not otherwise be deemed an adjudication of any fact at issue or found therein in any other action or Court.
- H. To whom procedure unavailable. No corporation, partnership or association and no assignee of any small claim shall institute an action or proceeding under this section.
- I. Procedure alternative. Procedure under this section shall not be exclusive but shall be alternative to the procedure in actions commenced in the Court by the service of a summons.

ARTICLE III, Costs and Fees

§ 29-30. Costs.

In a civil action or proceeding there shall be allowed to the prevailing party, who has appeared by attorney, the following sums as costs, which in no event shall be less than \$3 nor more than \$50:

- A. To the plaintiff, if he or she recovers judgment after trial is commenced, 10% of the amount recovered or of the amount demanded in any counterclaim, whichever is greater, but in no event less than \$5.
- B. To the defendant, if he or she recovers judgment after trial is commenced, 10% of the amount demanded in the complaint or recovered on his or her counterclaim, whichever is greater, but in no event less than \$5.
- C. To either party, who recovers judgment before trial, costs shall be allowed at 1/2 of the rates prescribed by Subsection A or B as the case may be, but in no event more than \$15.

- D. Where an action or counterclaim is discontinued before trial, costs shall be allowed at the rates prescribed by Subsection C of this section. Where an action or counterclaim is discontinued after the trial thereof has commenced, costs shall be allowed at the rates prescribed by Subsection A or B as the case may be.
- E. If the defendant interposes a counterclaim, and both the plaintiff's complaint and the defendant's counterclaim are dismissed, costs shall be awarded as follows: The plaintiff's costs shall be computed at the rates prescribed in Subsection A of this section based on the amount demanded in the counterclaim, and the defendant's costs shall be computed at the rates prescribed in Subsection B of this section based on the amount of the plaintiff's claim, such computation being made without regard to the limitation of \$50 prescribed in this section, and the costs to be included in the judgment, in no event to exceed \$50, shall consist of the amount of the difference between the plaintiff's costs and the defendant's costs as thus computed and shall be awarded to the party whose costs as above computed are the larger. Neither party shall be entitled to disbursements. If the defendant interposes a counterclaim and both the plaintiff and defendant recover on their claims, the plaintiff's costs shall be awarded at the rates prescribed in Subsection A of this section, based on the amount recovered upon his or her claim, and the defendant's costs shall be awarded at the rates prescribed in Subsection B of this section, based on the amount recovered upon his or her claim; the costs to be included in the judgment shall consist of the amount of the difference between the plaintiff's costs and the defendant's costs, which shall be thus computed without regard to the limitation of \$50 heretofore prescribed by this section and shall be awarded to the party whose costs as above computed are the larger. Costs as finally awarded by virtue of this subsection shall not exceed \$50.
- F. To either party, where provision for costs is not otherwise made, the Court may, in its discretion, award costs not exceeding \$10.
- G. To either party, the Court may, in its discretion, grant costs not exceeding \$10, upon a motion, including the adjournment of a trial.
- H. In an action for the recovery of one or more chattels or for the enforcement or foreclosure of a lien, plaintiff's costs shall be computed upon the value of the chattel or the amount of the lien as assessed or found by the Court or jury, and the defendant's costs shall be computed upon the value of the chattel or the amount of the lien as claimed by the plaintiffs.

§ 29-31. Fees in civil matters. [Amended L.1960, c.249, L.1963, c.887]

The following fees and no others shall be paid in civil matters:

- A. Court fees. There shall be paid to the Clerk of the City Court, before the services hereinafter enumerated are performed, fees in an amount as set from time to time for the following:
 - (1) Furnishing a transcript of judgment.
 - (2) Issuing execution or the renewal of execution.
 - (3) Issuing a commission.
 - (4) Filing and indexing an assignment of judgment.
 - (5) Filing a note of issue.
 - (6) Filing a notice of appeal.
 - (7) Issuing an order of arrest, a warrant of attachment, a requisition to replevy or a warrant of seizure.
 - (8) Entry of judgment or final order.
 - (9) Issuing a precept in a summary proceeding to recover possession of real property and for issuing a warrant to dispossess.

- (10) Trial by jury, to be paid by the party demanding the jury at the time of filing the demand, not to be refunded in case for any reason a jury is not summoned.
 - (11) Certifying a copy of a paper on file in the Clerk's office, except that no fee shall be charged for certifying a return on appeal.
- B. Fees of constables. There shall be paid to a Constable of the Court by the party requiring his or her services, fees in an amount as set from time to time for the following:
- (1) Serving a summons.
 - (2) Serving a petition and precept or other mandate by which a special proceeding is commenced.
 - (3) Serving a summons and executing an order of arrest.
 - (4) Serving a summons and levying a warrant of attachment.
 - (5) Serving a summons and affidavit and executing a requisition in an action for recovery of a chattel.
 - (6) Taking charge of a jury during their deliberation.
 - (7) Notifying the jurors to attend a trial.
 - (8) Collecting money by virtue of an execution, a warrant of attachment, or an attachment for the payment of money in an action or special proceeding.
 - (9) Each mile necessarily traveled going and returning to serve a summons or to serve or execute any other mandate, except a venire, the distance to be computed from the place of abode of the person served or the place where it is served to the place where it is returnable, except that a constable shall not be entitled to mileage for service or execution within the City of Binghamton. When two or more mandates in one action are served or executed against two or more persons in one journey, a Constable shall be entitled in all to the same amount for each mile necessarily traveled.
 - (10) Constables shall also be entitled to receive for other services performed by them the same fees to which a sheriff would be entitled for like services if performed by a sheriff.

§ 29-32. Disbursements.

A prevailing party shall be allowed his or her necessary disbursements whether he or she has appeared in person or by an attorney, except as provided by § 29-30E.

§ 29-33. Jury fees.

A person notified to attend as a juror is entitled to a fee as set from time to time for attending and serving upon the trial of an action or hearing of a special proceeding, and to a fee as set from time to time for attending to serve when not sworn.

§ 29-34. Stenographer's fees.

The City Court stenographer is entitled, for a copy fully written out from his or her stenographic notes of the testimony or other proceeding taken in an action, or a special proceeding in this Court, and furnished upon request to a party or his or her attorney, to a fee as set from time to time. He or she shall also be entitled to the same fee for furnishing one copy of the testimony to the appellant on an appeal and to a fee as set from time to time for additional copies.

ARTICLE IV, Criminal Jurisdiction and Procedure

§ 29-35. Criminal jurisdiction, territorial.

The criminal jurisdiction conferred by this act shall extend to charges of crimes and offenses committed within the territorial limits of the City of Binghamton. A warrant issued by a judge shall be executed only by a peace officer and may be executed, without endorsement by any other magistrate, in any county by any peace officer in the state.

§ 29-36. Criminal jurisdiction, generally.

- A. The City Judge shall possess all the powers and jurisdiction of a magistrate.
- B. The Court shall have the jurisdiction of a court of special sessions, to be exercised under the title of the City Court, and shall have, in the first instance, exclusive jurisdiction to hear, try and determine any charge of misdemeanor committed within the City of Binghamton. It shall also have exclusive jurisdiction to hear, try and determine all complaints and charges of violations of the Binghamton City Charter, local laws, ordinances and rules and regulations adopted pursuant thereto or pursuant to any other law.
- C. Any charge of misdemeanor pending before the Court may be removed to a court sitting with a grand jury in the manner provided by Sections 57 and 58 of the Code of Criminal Procedure, except that a complaint or charge involving violation of the Binghamton City Charter, local law, ordinance, rule or regulation shall not be removed.
- D. The Court shall have power, upon conviction, to impose such sentence as is provided by law for the particular crime or offense.
- E. The City Judge shall have power to let to bail as provided by law, all persons brought before him or her charged with a crime or offense, and shall not be limited by Criminal Procedure Law § 170.25.

§ 29-37. Criminal procedure.

Except as herein provided, all provisions of the Criminal Procedure Law relating to inferior courts of local jurisdiction shall apply to criminal actions, proceedings and matters in the City Court.

ARTICLE V, General Provisions

§ 29-38. Pending actions and proceedings.

- A. No civil action or proceeding or matter pending before the City Court when this act takes effect shall abate or in any way be affected by the passage of this act, but all such actions or proceedings so pending shall thereafter be continued before the City Court established by this act.
- B. Subsequent proceedings in an action or proceeding or matter so continued before the City Court must be conducted in accordance with the laws in force on the day before this act takes effect, except that the Court or Judge may apply thereto, in the interest of justice, any remedial provision of this act not inconsistent with the proceedings theretofore had or taken in such action or proceeding.

§ 29-39. Laws repealed.

Chapter 482 of the Laws of 1931, entitled, "An Act to amend the Supplemental Charter of the City of Binghamton, in relation to the City Court of Binghamton," and all acts and parts of acts amendatory thereof or supplemental thereto, are hereby repealed.

§ 29-40. Title.

This chapter shall be known as the "Binghamton City Court Act."

§ 29-41. Effective date.

This act shall take effect on July 1, 1950.