

DUNKIRK CITY CHARTER - ARTICLE XVIII

ARTICLE XVIII City Court

§ 18.00. City Court.

There shall be a Dunkirk City Court of civil and criminal jurisdiction. The City Judge shall be the Judge of the Dunkirk City Court. The Court shall be open for the transaction of business each day of the year except Sundays and legal holidays and upon those days for such purpose as are provided by law.

§ 18.01. City Court - Power and Jurisdiction.

The Dunkirk City Court shall be governed in its practice and procedure by the Uniform City Court Act and Civil Practice Law and Rules. In Civil matters, the Court shall have such monetary jurisdiction of Six Thousand Dollars (\$6,000).

§ 18.02. (2.02) City Judge - Election and Term

Effective April 1, 2007, the City Judge shall be elected at large for a term of ten (10) years commencing with the general election in 2007 and every ten (10) years thereafter.

§ 18.03. (2.03) City Judge - Qualifications.

The City Court Judge shall be an attorney and counselor of the Supreme Court of the State of New York, of not less than three years' standing, and a resident elector of the City of Dunkirk, and shall not hold any other elective or appointive City or town office.

§ 18.04. (2.04) Oath of Office.

The City Court Judge elected or appointed as provided in this act, shall before entering upon the discharge of his duties, take the oath of office prescribed by law and file the same in the office of the Clerk of the City of Dunkirk.

§ 18.05. (2.05) Vacancy.

Whenever a vacancy shall occur in the office of Judge of the City Court, the same shall be filled at the next annual election, and the person so elected, shall hold office for the unexpired term, provided, however, that until the first day of January, subsequent to said election, said vacancy shall be filled by appointment of some duly qualified and competent person by the Mayor of said City of Dunkirk.

§ 18.06. (2.06) Acting City Judge.

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The Mayor shall designate in writing to be filed with the City Clerk, an attorney and counselor at-law residing within the City of Dunkirk, qualified to act as City Judge, who shall, only during sickness, absence from the City, disqualification or disability of the City Judge to act, exercise in his place and stead all the powers of said Judge, including jurisdiction in cases then pending before the said City Judge. Such designation shall terminate at the expiration of the term of office of the then City Judge. The compensation of said Acting City Judge shall be such sum as the Common Council shall determine, which may be on per diem basis.

§ 18.07. (2.07) Contempts.

The City Judge, while court is in session, shall have the same power to preserve order and punish for contempts committed in his court as are possessed by courts of record.

§ 18.08. (2.08) Clerk and Duties.

The City Court Judge shall appoint a Chief Clerk subject to the rules and regulations of the Administrative Board of the Judicial Conference and in accordance with the applicable status. Such other non-judicial personnel shall be appointed as provided by law and by resolution of the Common Council. The Chief Clerk and other non-judicial personnel of the Court shall have such powers and duties as are prescribed by law and rules.

§ 18.09. (2.09) City Court Marshals.

There is hereby created the Office of City Court Marshal. The number of such marshals shall be determined by resolution of the Common Council. Such marshals shall be appointed by the City Judge to serve during his pleasure and shall receive as compensation for their services the fees allowed to constables of towns, which they are hereby authorized to retain for their own use, regardless of any other provision of the Dunkirk City Charter or of any other law. However, the Common Council may establish an hourly or per diem rate of compensation for such marshals for attending jury trials or for other duties for which no fee is prescribed by law, which said compensation shall be a general charge against the City of Dunkirk. Such marshals shall be peace officers, possessing all of the powers of constables of towns in civil matters. Before entering upon the duties of his office, each such marshal shall furnish an undertaking in an amount determined by the Common Council in the same manner as constables of towns and such undertakings shall be approved as to form and sufficiency by the City Judge.

§ 18.10. (2.10) Selection of Jurors.

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Until such time that shall be determined by the City Court Judge or by rule or regulation of the Administrative Board of the Judicial Conference that jury terms be established by the Court, the Clerk shall draw the names of sixteen (16) eligible jurors from the undrawn jury box prepared as provided by law each time that a jury trial is scheduled to be held. The jurors shall be summoned as otherwise provided by law. Jurors shall be paid fees in an amount that shall be determined by the Common Council and such fees shall be general charges against the City of Dunkirk.

§ 18.11. (2.11) Place of Holding Court.

The Common Council of said City shall provide suitable rooms, light, fuel, furniture, necessary blanks, books and stationery for the use of said court, and shall provide for the payment of the salary of the Judge, the Acting Judge and the Clerk thereof and any other necessary expense of said court.