

Question: A. What is the difference between a charter, a local law, an ordinance, and a regulation? B. What sources can be used to find each?

Answer:

A. Definitions (source: Westlaw: Black's Law Dictionary (9th ed. 2009).)

charter, *n.* (13c) 1. An instrument that establishes a body politic or other organization, or that grants rights, liberties, or powers to its citizens or members <Charter of the United Nations>. 2. An instrument by which a municipality is incorporated, specifying its organizational structure and its highest laws; *specif.*, a written document making the persons residing within a fixed boundary, along with their successors, a corporation and body politic for and within that boundary, and prescribing the powers, privileges, and duties of the corporation. • A city charter trumps all conflicting ordinances. — Also termed *municipal charter*. [Cases: *Municipal Corporations Key Number*8.] “Municipal Charters. — The charter issued to a municipality is in the nature of a constitution to it, being superior to all ordinances enacted by that municipality, though inferior in rank to all State laws of every kind.” Frank Hall Childs, *Where and How to Find the Law* 8 (1922). *home-rule charter*. A local government's organizational plan or framework, analogous to a constitution, drawn by the municipality itself and adopted by popular vote of the citizenry. See *home rule*. [Cases: *Municipal Corporations Key Number*65.]

local law. 1. A statute that relates to or operates in a particular locality rather than the entire state. 2. A statute that applies to particular persons or things rather than an entire class of persons or things. — Also termed (in senses 1 & 2) *local act*; *local statute*.

ordinance (or-*d*<<schwa>>-*n*<<schwa>>nts). (14c) An authoritative law or decree; *esp.*, a municipal regulation. • Municipal governments can pass ordinances on matters that the state government allows to be regulated at the local level. A municipal ordinance carries the state's authority and has the same effect within the municipality's limits as a state statute. — Also termed *bylaw*; *municipal ordinance*. [Cases: *Municipal Corporations Key Number*105.] “An ordinance ... may be purely administrative in nature, establishing offices, prescribing duties, or setting salaries; it may have to do with the routine or procedure of the governing body. Or it may be a governmental exercise of the power to control the conduct of the public — establishing rules which must be complied with, or prohibiting certain actions or conduct. In any event it is the determination of the sovereign power of the state as delegated to the municipality. It is a legislative enactment, within its sphere, as much as an act of the state legislature.” 1 Judith O’Gallagher, *Municipal Ordinances* § 1A.01, at 3 (2d ed. 1998).

regulation, *n.* (17c) 1. The act or process of controlling by rule or restriction <the federal regulation of the airline industry>. *self-regulation*. The process by which an identifiable group of people, such as licensed lawyers, govern or direct their own activities by rules; *specif.*, an organization's or industry's control, oversight, or direction of itself according to rules and standards that it establishes. • Self-regulation is often subject to the oversight of various governmental agencies, such as the Securities Exchange Commission and the Commodities Futures Trading Commission.

2. bylaw (1) <the CEO referred to the corporate regulation>. 3. A rule or order, having legal force, usu. issued by an administrative agency <Treasury regulations explain and interpret the Internal Revenue Code>. — Abbr. (usu. cap.) reg. — Also termed (in sense 3) agency regulation; subordinate legislation; delegated legislation. See merit regulation. [Cases: Administrative Law and Procedure Key Number 381–427.] — regulatory, regulable, adj. — regulate, vb. proposed regulation. A draft administrative regulation that is circulated among interested parties for comment. — Abbr. prop. reg. [Cases: Administrative Law and Procedure Key Number 392.]

B. Choices for locating local laws, ordinances, charters and regulations for New York municipalities (towns, cities, counties) depend upon the jurisdiction and what is needed.

Consider the organization of local government, type of legislative body for your particular municipality (their structure, process for promulgating and publishing rule), the form of the legal rule you are seeking (ie. local law or codified section, resolution, regulation), the currency you require, etc. Sources will vary according to the type of information sought.

Major sources:

I. New York City

1. Lexis, Westlaw, Loislaw databases (check directories for database identifiers)

2. Within several authoritative Internet sites

- NYC Council Website - <http://council.nyc.gov/html/home/home.shtml>
- New York State Legislature Public Legislative Retrieval Portal - <http://public.leginfo.state.ny.us/menuf.cgi>
- New York City Laws & Regulations Public Portal <http://72.45.128.254/nycnew/index.html>

3. Suggested public libraries

- New York City Dept of Records Municipal Archives - <http://www.nyc.gov/html/records/html/archives/archives.shtml>
- NY Public Library - <http://www.nypl.org/collections> - BPL etc for boroughs
- Libraries in section II 6 below

II. Other New York State municipalities

1. Print copies at the clerk's office for the municipality. Historical records may also be available.

2. Official government website of the particular municipality. Example: New York State

Municipality Websites Listed by County

<http://www.nysegov.com/citguide.cfm?context=citguide&content=munibycounty2>

(towns, cities, counties - links may provide government departmental office directory information, ordinances, resolutions etc).

3. Municipality's designated official commercial publisher - check with the clerk's office. Also check the list at the General Code Publishers eCode 360 online library.

<http://www.generalcode.com/ecode360/NY>

4. A current local law may be published in a designated newspaper. Check with the clerk (or your source) for the name of the newspaper and the date that your item was published.

5. Particular types of laws may be posted on a municipality's departmental website even if the entire set of laws and regulations are not. Example - housing or zoning ordinances, building or fire codes.

6. Suggested public libraries to consult

- New York State Unified Court System Public Access Libraries
<http://www.nycourts.gov/lawlibraries/index.shtml>
- New York State Library <http://www.nysl.nysed.gov/>
- The local municipal library in the jurisdiction for your item

7. Recently enacted legislation requires the NY Department of State Records Office to post all local laws on its website and to ensure they are published annually within the state's session laws. Hence, look for local laws on the Dept of State website in the near future.

III. Helpful references

Compilation of Codes, Rules and Regulations of the State of New York, Title 19. Department of State, Chapter III. Administration, Subchapter A. Bureau of State Records and Law, Part 130.

Filing Local Laws,

[https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=11f124420ac4311dd81fce471ddb5371d&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Browse/Home/NewYork/NewYorkCodesRulesandRegulations?guid=11f124420ac4311dd81fce471ddb5371d&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)) Section 130.1. Filing location.

Consolidated Laws of New York, Municipal Home Rule Law Article 3 § 27. Filing and publication of local laws.

[http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$MHR27\\$\\$@TXMHR027+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=34005543+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$MHR27$$@TXMHR027+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=34005543+&TARGET=VIEW)

See also amendment Laws of New York, 2013, Chapter 383, 9/27/13 effective March 26, 2014.

5. The secretary of state shall publish annually local laws on the department of state website and in a separate volume as a supplement to the session laws, and shall publish at least annually on the department of state website a complete codification of all local laws in effect that have been

adopted by the legislative body of each county. The clerk, or other officer designated by the legislative body of each county, shall provide local laws to the secretary of state in a manner specified by the secretary of state to facilitate the publication requirements of this subdivision.

Manz, William H. Gibson's New York Legal Research Guide, 4th Edition. Buffalo, New York: William S. Hein & Co., Inc. 2013. (Part I. Chapter 15 Local Legislation - especially Code Checklist pp. 303-323, Part II. New York City Legal Research)

New York State Department of State, Local Government Handbook, 6th edition, 2009 (reprinted 2011). http://www.dos.ny.gov/lg/publications/Local_Government_Handbook.pdf

The New York State Constitution, however, guarantees and requires that each county, city, town and village have a legislative body elected by the people of the respective governments.¹⁴ Local legislative bodies are granted broad powers to adopt local laws in order to carry out their governmental responsibilities.¹⁵

New York State, Department of State, Local Government Services website
<http://www.dos.ny.gov/lg/>

IV. Citation suggestions

See New York Official Reports Style Manual
http://www.nycourts.gov/reporter/Styman_Menu.htm

Examples for local law:

- Local Law No. 5 (1940) of City of New York § __, or Local Law No. 5 (1940) of City of NY § __ (when repeated may be shortened to Local Law No. 5 or Local Law 5)
- Local Law No. 3-2011 of the County of Nassau [Note: use the numbering format used by the municipality. When the date is clearly included in the local law number, do not repeat the date in parentheses]
- Local Law No. 4 [1984] of Village of Wesley Hills § 2