

NYS Office of Information Technology Services

Overview Document for Hierarchal Locality Dataset

The content below is derived from the Local Government Handbook published by the NYS Department of State accessible at <http://www.dos.ny.gov/lg/>.

County

New York State outside New York City is divided into 57 counties. The five boroughs of the City of New York function as counties for certain purposes, although they are not organized as such nor do they operate as county governments.

Counties in New York are very diverse in population and demographics. The 2010 Census populations of the counties vary from Suffolk County's 1,493,350 to Hamilton County's 4,836. St. Lawrence County is the largest in geographical area, with over 2,700 square miles, and Rockland is the smallest, with 175 square miles. The most densely populated county is Nassau County with more than 4,700 people per square mile, and the most sparsely populated is Hamilton County, with fewer than 3 people per square mile.

Of the state's 57 counties outside New York City, 21 contain no cities. All counties include towns and villages although the number of each varies widely, from 32 towns in St. Lawrence, Cattaraugus and Steuben counties to three towns in Nassau County, and from Hamilton and Warren counties' one village each to Nassau County's 64 villages.

Historical Development

The patterns of county government organization in New York were set in colonial times. The "Duke's Laws" of 1665 created "ridings," or judicial districts, which were in effect a system of embryonic counties. In 1683, an act of the first Assembly of the colony established the first 12 counties – adding 2 to the 10 which had previously come into existence – and created the office of sheriff in each county. These original counties were Albany, Cornwall, Dukes, Dutchess, Kings, New York, Orange, Queens, Richmond, Suffolk, Ulster, and Westchester. Cornwall and Dukes were deemed part of Massachusetts after 1691.

The first State Constitution in 1777, which designated counties, towns and cities as the only units of local government, recognized the existence of 14 counties that had been established earlier by the colonial Assembly. Two of those counties were ceded to Vermont in 1790 in the settlement of the New Hampshire land-grant controversy. All of New York's other 50 counties, were created by acts of the State legislature. The state's newest county, Bronx, was established in 1914.

City

The first State Constitution, adopted in 1777, recognized the existing charter of New York and Albany and authorized the Legislature "...to arrange for the organization of cities and incorporated villages and to limit their power of taxation, assessment, borrowing and involvement in debt." Since that time separate special legislative acts have been necessary to establish each new city, although later developments permitted cities to replace or amend their charters by local action.

By 1834, six new cities had been chartered along the state's principal trading route, the Hudson-Mohawk arterial between New York City and Buffalo. These new cities were Brooklyn, Buffalo, Hudson, Rochester, Schenectady and Troy. Thirty-two more cities were created between 1834 and 1899, as thousands of immigrants were attracted to the state. The most recently chartered city in New York is the City of Rye, which came into being in 1942.

No general law provides authority for the incorporation of cities; there is no statutory minimum size, either in population or geographical area, which must be met for an area to become a city. Furthermore, there is no concept of progression from village to city status. The primary difference between a city and a village is that the organization and powers of cities is set out in their own charters, while most villages are organized and governed pursuant to provisions of the Village Law. Also, unlike a city, a village is part of a town, and its residents pay town taxes and receive town services.

The Forms of City Government

A city's charter forms the legal basis for the operation of a city. The charter enumerates the basic authority of the city to govern, establishes the form of government, and sets up the legislative, executive and judicial branches of city government.

Each city has enacted and amended various ordinances and local laws over time and has often codified these enactments into a code of ordinances and/or local laws. Together, the charter

and code prescribe the method and extent to which a city carries out its legal powers and duties.

Because all cities have separate charters granted by the State Legislature, and all now have the power to revise their charters by local action, it is difficult to describe a common city structure. All cities have elected councils, but elections are by wards, at large, or a combination of the two. Most cities have mayors; some mayors are elected at large by the voters, while others are selected by the council. Otherwise city government in New York exhibits a variety of forms.

Town

Town government in New York can be traced to both New England and Dutch colonial government arrangements, in the Hudson Valley. The state's towns, encompass all territory within the state, except territory within cities and Indian reservations. In size, towns are the most diverse of all the units of local government.

Towns existed independently in the colonial period. When New York became a state, towns were generally regarded as creations of the State Legislature that existed to serve state purposes. Town governments now, however, have long been recognized as primary units of local government. They possess authority to provide virtually the full complement of municipal services. By statutory and constitutional adjustments, towns are flexible units that can function as rural or as highly urbanized general purpose units of government, depending on local needs.

The Beginnings of Town Government

Town government in New York has both Dutch and English roots, with even earlier antecedents in the Germanic tribes – the English word “town” is derived from the Teutonic “tun” meaning an enclosure.

The Dutch communities established in the Hudson Valley in the early seventeenth century were easily integrated with the strong, tightly knit version of town government that was brought a few years later by immigrants from Massachusetts and Connecticut to the eastern shores of Long Island. In 1664, Charles II claimed the territory between the Connecticut and the Delaware rivers by right of discovery and conveyed it to the Duke of York. His agent, Colonel Nicolls, armed with a commission as Governor, appeared with a fleet off the shore of New Amsterdam, and the Dutch quickly capitulated.

Immediately after they established British sovereignty in New York in 1664, the English began to more fully develop the patterns of local government. Issued in 1665, the code of Laws, known as the “Duke’s Law,” confirmed the boundaries of 17 existing towns and provided for

the basic organization of town governments. These laws gave freeholders the right to vote and provided for a town meeting system resembling one that is still used in New England.

Town government continued to develop throughout the remainder of the Seventeenth and into the Eighteenth Century. A town court system grew up. Provision was made for a chief fiscal officer, known as a town treasurer, a forerunner of the present supervisor. In 1683, the first general property tax was imposed. In 1703, provision was made for a system of highways.

The State Constitution of 1777 recognized the existence of 14 counties and some towns. The Constitution provided that "it shall be in the power of the State Legislature of this State for the advantages and conveniences of the good people to divide the same into such other and further counties and districts as it may then appear necessary." Between 1788 and 1801, the Legislature was especially active in dividing counties into towns. However, the form of town government remained essentially the same as it had been under British rule.

In the early decades of the Nineteenth Century, town government began to assume a more modern form. In the Ninth Edition of the Revised Statutes of New York, laws affecting towns were segregated in Chapter 20 of the General Laws. This chapter was the immediate predecessor of the Town Law. The title "Town Law" appears to have been used first in its modern sense when laws affecting towns were recodified by Chapter 569 of the Laws of 1890 and made applicable to most towns with certain exceptions. In 1909, another recodification grouped statutes applicable to towns into Chapter 62 of the Consolidated Laws.

Despite these recodifications, the Town Law still contained general statutes and special acts which duplicated each other. In 1927, a Joint Legislative Committee set about to recodify the Town Law once again. The result was the present Town Law, which is chapter 634 of the Laws of 1932.

Village

In New York State, the village is a general purpose municipal corporation formed voluntarily by the residents of an area in one or more towns to provide themselves with municipal services. But when a village is created, its area still remains a part of the town where it is located, and its residents continue to be residents and taxpayers of that town.

The first village was incorporated at the end of the eighteenth century. The village form of municipal organization became a prominent feature of the state's growing metropolitan areas between 1900 and 1940. The patterns of village organization are similar to those of cities.

Many people think of villages as being small, rural communities. Population size alone however, does not determine whether one community becomes a village and another remains

as an unincorporated “hamlet” in a town. In New York State a village is a legal concept; it is a municipal corporation. The largest village in the state, Hempstead in Nassau County, had more than 53,000 residents in 2010, while the smallest city, Sherrill had 3,071. Forty-eight of New York’s 62 cities had populations in the year 2010 that were smaller than Hempstead’s.

What is a Village?

A village is often referred to as “incorporated.” Legally, cities, towns, villages and counties are all “incorporated.” Hence there are no “unincorporated villages” in New York State. The vernacular “incorporated village” likely came to be used because villages are areas within towns for which an additional municipal corporation has been formed.

First mention of the village as a constitutional civil division appeared in a section of the 1821 New York State Constitution prescribing qualifications of voters. The Constitution of 1846 required that the Legislature “provide for the organization of cities and incorporated villages.” The Legislature passed a general Village Law in 1847, but continued to incorporate villages through the enactment of special charters, as it had for the previous half-century. Separate incorporation led to a variety of village government forms, even for villages of similar characteristics. In 1874, a revised State Constitution forbade incorporation of villages by special act of the State legislature. Since that time, New York State villages have been formed through local initiative pursuant to the Village Law.

An 1897 revision of the Village law required those villages with charters to comply with provisions of the Village Law that were not inconsistent with their charters. It also gave the charter villages the option of reincorporating under the general law. Although numerous charter villages did reincorporate, 12 villages still operate under charters. These are: Alexander, Carthage, Catskill, Cooperstown, Deposit, Fredonia, Ilion, Mohawk, Ossining, Oswego, Port Chester and Waterford.