

Chapter 383, TELEPHONE BOOTHS, PUBLIC

[HISTORY: Adopted by the City Council of the City of Binghamton 10-5-1970 (Ch. 20, §§ 20-49 through 20-55, of the 1970 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks -- See Ch. 355.

§ 383-1. Permit for erection and maintenance required; approval of and charges for permit. [Amended by L.L. No. 5-1975]

It shall be unlawful to install or maintain a public telephone booth on any street, sidewalk or public grounds of the City without a permit therefor. The permittee shall obtain a permit from the City for every installation. Each permit, before becoming valid, shall be approved by the City Engineer. There shall be no charge for such permits.

§ 383-2. Location restrictions. [Amended by L.L. No. 5-1975]

The permit required by this chapter may be issued by the City Engineer, provided that the following conditions are complied with:

- A. No public telephone booth shall be erected within six feet of a building line unless consent of the owner of the abutting premises is first obtained.
- B. No public telephone booth shall be erected in any park unless approval is first obtained from the Commissioner of Parks and Recreation.
- C. No public telephone booth shall be installed in any location where it will unreasonably interfere with the use of the street by the public or it will unreasonably interfere with the use of the abutting property.
- D. No public telephone booth shall be placed on sidewalks unless at least 24 inches from the curb.

§ 383-3. Indemnity agreement between City and permittee.

In consideration of the granting of a permit by the City to install or maintain a public telephone booth on any street, sidewalk, or public ground of the City, the permittee will indemnify and save harmless the City from all claims, suits, actions, damages, judgments and costs of every name and description, in any way arising out of or resulting from the erection or maintenance of telephone booths, under any such permit, and shall defend on behalf of the City all such claims, suits, actions or proceedings which may be instituted against the City; provided that the City shall, within a reasonable time, in the event of any such action or other claims, give the permittee written notice of all accidents or claims to which this indemnity agreement relates, and shall furnish the permittee with copies of all such claims and of all process or other papers served upon the City in connection therewith as soon as practicable; and provided further that said City shall permit the permittee to undertake the defense of all such claims, suits, actions or proceedings, cooperate in their defense, and refrain from settling thereof without the written consent of the permittee. All such indemnification agreements shall be approved by the Corporation Counsel.

§ 383-4. Revocation of permit. [Amended by L.L. No. 5-1975]

Any and all permits granted under the provisions of this chapter shall be revocable by the City upon at least 30 days' prior written notice to the permittee, following which the permittee shall remove the public telephone booth or booths and restore the site of any removed booth to a safe and proper condition to the satisfaction of the City Engineer.

§ 383-5. Size, installation, maintenance and lighting of booths. [Amended 8-21-1972 by Ord. No. 193-72]

Booths shall be of a type or types acceptable to the City of Binghamton and subject to review and approval by CAUD. The permittee shall install and maintain each booth at no cost to the City. The permittee shall

provide and make power connections reaching each installation, and the City shall furnish free electric current for the lighting of each booth.

§ 383-6. Termination of service. [Amended by L.L. No. 5-1975]

The permittee may terminate the service and remove any and all public telephone booths upon at least 10 days' prior written notice to the City Engineer, and shall restore the site of any removed booth to a safe and proper condition, to the satisfaction of said Engineer.

§ 383-7. Record of receipts; City to receive commission.

The permittee shall furnish accurate records of receipts and shall pay to the City a commission on charges collected at each of the public telephone booth locations in connection with said service, all in accordance with the regulations and the standard rate of commission adopted by the permittee from time to time. Such commissions shall be received by the Treasurer of the City, and shall be deposited to the general funds of the City.