

Chapter 400, VEHICLES AND TRAFFIC

[HISTORY: Adopted by the City Council of the City of Binghamton 10-5-1970 (Ch. 13 of the 1970 Code). Amendments noted where applicable.]

GENERAL REFERENCES

- City-owned motor vehicles -- See Ch. 99.
- Noise -- See Ch. 292.
- Notification of defects -- See Ch. 295.
- Peddling and soliciting -- See Ch. 307.
- Transient retail merchants -- See Ch. 331, Art. I.
- Taxicabs -- See Ch. 379.

ARTICLE I, General Provisions

§ 400-1. Title.

This chapter shall be known and cited as the "Traffic Code of the City of Binghamton."

§ 400-2. Applicability.

This Traffic Code shall govern and regulate traffic within the entire area of the City of Binghamton as now bounded and defined, and shall automatically become effective in any area which may hereafter be incorporated within said City.

§ 400-3. Additional regulations. [Added 12-4-2006 by L.L. No. 2-2006]

Additional traffic regulations applicable to the City of Binghamton are found in the Binghamton Traffic Code.

§ 400-4. Definitions.

The following words and phrases, when used in this Traffic Code, shall have the meanings respectively ascribed to them as follows:

AUTHORIZED EMERGENCY VEHICLES -- Vehicles of the Fire Department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the City Council or Chief of Police of the City.

BICYCLE -- Any vehicle consisting of an arrangement or combination of two wheels, one following the other, supported by a frame, propelled by the feet acting upon pedals.

CROSSING -- Includes that portion of a public highway clearly indicated for pedestrians crossing by lines or other markings, and the extension of the sidewalk space across intersecting streets.

CURB -- The boundaries of the roadway whether marked by curbstone or not so marked.

CURB BUS ZONES -- A space adjacent to a curb, officially reserved for the exclusive use of vehicles during the loading and unloading of passengers, extending nine feet from the curb toward the center line of the street.

CURB LOADING ZONE -- A space adjacent to a curb, officially reserved for the exclusive use of vehicles during the loading and unloading of goods, wares and merchandise.

DRIVER -- A person who propels or operates or who is in charge of a vehicle.

EMERGENCY -- An occasion when, or circumstance by reason of which, a hazard is created and public safety and public health are endangered.

FIRE ZONE -- That area within a roadway for a distance of 75 feet in either direction from the boundaries of premises occupied by a public fire station.

HEAVY TRUCKS -- Every truck weighing, unladen, more than 4,000 pounds and every combination of tractor and trailer weighing, unladen, more than 4,000 pounds.

HOLIDAYS -- Refers to all the days, exclusive of half-holidays, defined as such under and pursuant to the statutes of the State of New York.

HOSPITAL ZONE -- That area within a roadway for a distance of 200 feet in either direction from the boundaries of premises occupied by a public hospital.

INTERSECTION -- The area bounded by the side lines, real or projected, of two or more public highways which meet or cross each other.

MOTOR VEHICLE -- All vehicles propelled by any power other than muscular power, except motorcycles, traction engines, road rollers, fire and police vehicles, tractors used exclusively for agricultural purposes, tractor cranes, power shovels, road building machines, snow plows, road sweepers, sand spreaders, well drillers and such vehicles as run upon rails or tracks.

MOTORCYCLE -- Every vehicle propelled by other than muscular power, which is so designated that the operator steers the vehicle by turning the single front wheel of the vehicle, except invalid chairs.

OFFICIAL TIME STANDARD -- Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in the City.

OFFICIAL TRAFFIC SIGNS AND SIGNALS -- All signs, markings, devices and signals not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

ONE-WAY STREET -- Any public street, avenue, alley, or roadway on or over which traffic is restricted to one direction.

OPERATOR -- Any person who operates or drives a motor vehicle or motorcycle upon any public street of this City.

PARK, PARKING or PARKED -- Stopping of a vehicle, motor vehicle or motorcycle upon any public street and leaving such vehicle, motor vehicle or motorcycle unattended by a person capable of operating it, for a period longer than necessary to load or unload passengers or freight.

PARKING SPACE -- That part of any street designated by ordinance or regulation as a place for the standing of vehicles.

PEDESTRIAN -- Any person making use of a public highway for foot passage. "Person" shall include any individual, firm, copartnership or corporation.

RIGHT-OF-WAY -- The privilege of the immediate use of the roadway.

SCHOOL ZONE -- That area within a roadway for a distance of 200 feet in either direction from the boundaries of premises occupied for school purposes.

STOP -- When required, means complete cessation of movement.

STOP, STOPPING or STANDING -- When prohibitive, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic-control sign or signal.

STREET or ROADWAY -- That part of the public highway intended for vehicular travel.

THROUGH STREET -- Every street or roadway, or portion thereof, at the entrance to which vehicular traffic from intersecting streets or roadways is required by law to stop before entering or crossing the same, and when stop signs are erected as provided in this chapter.

TRAFFIC INFRACTION -- The violation of any provision of this chapter governing and regulating traffic, where a penalty or other punishment is prescribed, and which is not expressly declared to be a misdemeanor. No jury trial shall be allowed for traffic infractions.

TRAFFIC-CONTROL SIGNAL -- A signaling device, either hand or electrically operated, in which different colors become visible for periods of time, during which traffic shall comply with the meaning conveyed by the color shown.

VEHICLE -- Any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except a baby carriage and devices used exclusively on stationary rails or tracks.

VIOLATION -- The commission of, or failure to perform, any act or deed required by, or commission or performance of any act or deed prohibited by, this chapter.

§ 400-5. Obedience to police.

No person shall fail, neglect or refuse to comply with any lawful order or direction of a police officer engaged in the direction of traffic.

§ 400-6. Violations.

It is a violation for any person to do any act forbidden or fail to perform any act required in this Traffic Code.

§ 400-7. Applicability to authorized emergency vehicles.

- A. The provisions of this chapter regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles as defined in this chapter, except as herein stated.
- B. A driver, when operating any such vehicle in an emergency, except when otherwise directed by a police officer, may:
 - (1) Park or stand notwithstanding the provisions of this chapter.
 - (2) Proceed past a red or stop signal or stop sign, so long as he or she does not endanger life or property.
 - (3) Exceed the speed limits fixed in this chapter so long as he or she does not endanger life or property.
 - (4) Disregard regulations governing direction of movement or turning in specified directions so long as he or she does not endanger life or property.
- C. An authorized emergency vehicle, when equipped with a gong or siren, shall sound such gong or siren when acting in an emergency.

§ 400-8. Existing signs, signals, markings and devices.

All existing signs, signals, markings and devices posted pursuant to order of the Traffic Board or the City Council shall be deemed to have been posted under authority granted by this chapter and the Vehicle and Traffic Law, and the posting thereof is hereby ratified and confirmed.

§ 400-9. Obedience to signs, signals, markings and devices.

- A. Required. The operator of a vehicle shall obey the instructions of any official traffic-control sign, signal, marking or device applicable thereto placed in accordance with the provisions of this chapter or of the Vehicle and Traffic Law, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the operator of an authorized emergency vehicle in the Vehicle and Traffic Law.
- B. Signs. No provision of this chapter or of the Vehicle and Traffic Law for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

§ 400-10. Interference with or injury to traffic-control signs and signals.

It shall be unlawful and a violation of this chapter for any person to interfere with, deface, injure, mark, move, tamper with, break, destroy or impair the usefulness of any sign, parking meter, traffic-control signal or other device placed within the City by City authorities for the regulation of traffic or parking.

§ 400-11. Measurements.

Whenever in this chapter a measurement is stated as being from a corner of two streets, the point of beginning of said measurement is produced by extending the curblines on said streets approaching said corner to their point of intersection.

§ 400-12. Highway flare torches, kerosene lanterns and propane gas lamps.

- A. Prohibited on streets, sidewalks. No person shall use, or cause to be placed, highway flare torches, kerosene lanterns and propane gas lamps upon any sidewalk, street or highway within the City.

- B. Requirements for devices. Traffic-control devices must be battery-operated control lights of three-inch minimum lens attached to reflectorized traffic cones, and seven-inch minimum lens attached to luminous or reflectorized barricade of four feet, six feet or eight feet in length, or such size lens as approved by the Department of Public Safety.
- C. Applicability. The provisions of this section shall not apply to a temporary breakdown of vehicles on any street or highway.
- D. Violations. Any violation of the provisions of this section shall be deemed an offense, and any person found guilty thereof shall be liable to a fine which shall not exceed \$150, or to imprisonment not to exceed 150 days, or to both such fine and imprisonment, and each day's violation of this section shall constitute a separate violation.

ARTICLE II, Administration and Enforcement

§ 400-13. General powers of Deputy Commissioner of Public Safety.

The Deputy Commissioner of Public Safety:

- A. May, whenever and wherever necessary, at his or her discretion, designate street intersections at which left-hand turns shall not be made; and upon the posting of lawful signs indicating that no left turn shall be made at such intersections, violators shall be prosecuted.
- B. May post by legible signs marked "stop" any street approaching a congested street intersection; and upon approaching any street intersection so posted, all vehicles shall come to a full stop before proceeding across, upon or into said intersecting street or streets.
- C. May, whenever and wherever necessary, at his or her discretion, establish loading zones for vehicles used for commercial or industrial purposes, and which vehicles are properly marked as such on the body of the vehicle, actively engaged in loading or unloading merchandise and shall designate such zones by legible signs; and no vehicles other than commercial and industrial vehicles properly marked as such, engaging in loading and unloading merchandise, shall occupy such zones during the hours that are designated as such.
- D. May declare any street or part thereof a play street or a coasting street, provided there shall be placed appropriate signs or devices in said street indicating and helping to protect the same.
- E. Shall, after consultation with the Triple Cities Traction Corporation, its successors or assigns, designate and establish curb bus zones at and in which public buses of said corporation, its successors or assigns, shall stop for the purpose of receiving and discharging passengers, and shall cause the same to be marked and posted as such and shall file in the office of the City Clerk a list with description of said curb bus zones and shall cause the same to be amended and corrected as the curb bus zones are or may be changed.

§ 400-14. Emergency powers of Deputy Commissioner of Public Safety.

In cases of emergency or when it is deemed to be in the best interests of public safety, the Deputy Commissioner of Public Safety may at his or her discretion close off streets or any portions thereof, divert and regulate traffic and prohibit parking, standing and unloading at such places and in such areas as the occasion may require and may direct the performance of any other act or acts necessary to promote public welfare and all pedestrians, drivers and operators of vehicles, motor vehicles, motorcycles, and bicycles shall conform thereto and obey such regulations.

§ 400-15. Traffic Violations Bureau. [Amended 6-17-1985 by Ord. No. 8-85]

- A. Pursuant to the authority vested in the City Court by Article V-A, Section 79 of the Traffic Code of the City of Binghamton and Article 14-B, § 370, of the General Municipal Law, a Traffic Violations Bureau of the City of Binghamton, New York, is hereby established to assist the City Court and dispose of parking violations only, which occur within the City of Binghamton, New York, and are subject to Article III and Article IV of the Traffic Code of the City of Binghamton, Article IV, Article V and Article VI of this chapter, and §§ 1200 through 1204 of the Vehicle and Traffic Law of the State of New York.
- B. The Mayor of the City of Binghamton, New York, shall designate an appropriate official to be in charge of the Traffic Violations Bureau and provide for regular office hours for the transaction of business concerning parking violations.
- C. Except as may be limited herein, the Traffic Violations Bureau shall have the jurisdiction and power as prescribed under Article 14-B, § 371 of the General Municipal Law, and Article V, §§ 400-34 through 400-36, and Article VI, §§ 400-44 through 400-46, of this chapter.

§ 400-16. Parking enforcement officers.

Any person duly appointed by the Mayor of the City as a parking enforcement officer is hereby authorized to issue parking tickets to any person violating any provisions of the Traffic Code relating to the parking of vehicles.

§ 400-17. Authority to issue permits for radio receiving sets capable of receiving signals on frequencies allocated for police use. [Added 4-15-1974 by Ord. No. 54-74; amended 12-4-2006 by L.L. No. 2-2006]

Pursuant to § 397 of the New York State Vehicle and Traffic Law, the Mayor, acting as the Commissioner of Public Safety, of the City of Binghamton is authorized to issue a permit as provided in said section.

§ 400-18. Fee for impounded vehicles; disposition of fees. [Added 2-5-2001 by Ord. No. 01-6; amended 10-21-2002 by Ord. No. 02-119]

- A. A fee per day as set from time to time by the City Council shall be charged to the registered owner of any vehicle impounded by the City of Binghamton Police Department as a storage fee payable to the City prior to the owner of said vehicle regaining possession of said vehicle (See Exhibit J).
- B. The term "per day" as defined herein shall mean that said fine shall be levied for any portion of a twenty-four-hour period that the vehicle remains upon the City's impound lot.
- C. The Comptroller shall establish a police vehicle fund identified as "H3120.9022," to which he or she shall increase appropriations in said line for the purpose of purchasing new police vehicles.

ARTICLE III, Traffic Board

§ 400-19. Establishment.

Pursuant to authority granted by § 1603 of the Vehicle and Traffic Law of the State of New York, any and all of the powers granted by the Vehicle and Traffic Law of the State of New York to the City Council are hereby delegated to a board to be known as the "Binghamton Traffic Board," which Board is hereby established in and for the City.

§ 400-20. Composition; Chairperson. [Amended 8-15-1983 by Ord. No. 133-83, Amended 10-23-2013 by Ord. No. 13-75]

The Traffic Board shall consist of the Deputy Commissioner of Public Safety, who shall be the chairperson of the Board; an officer from the Bureau of Police, to be appointed by the Chief of Police; a member of the Department of Public Works, to be appointed by the Commissioner of Public Works; a member of the Engineering Department, to be appointed by the City Engineer; and a member of the City Council, to be appointed by the President of the Council.

§ 400-21. Meetings; quorum. [Amended 8-21-2013 by Ord. No. 13-56]

The Traffic Board shall meet monthly, and three members of the Board shall constitute a quorum. In order to adopt any order, rule or regulation, at least three votes of the Board shall be deemed necessary. The Traffic Board shall adopt such rules and regulations to govern its meetings as such Board may deem necessary.

§ 400-22. Authority to modify Traffic Code. [Added 6-19-1978 by Ord. No. 98-78]

The Traffic Board, with respect to highways (which term, for the purpose of this section, shall include private roads open to public motor vehicle traffic) in the City, subject to the limitations imposed by § 1684 of the Vehicle and Traffic Law, may, by order, rule or regulation, amend, repeal, supersede and provide new provisions to this chapter as follows:

- A. Designate through highways and order stop signs, flashing signals or yield signs erected at specified entrances thereto or designate any intersection as a stop intersection or a yield intersection and order like signs or signals at one or more entrances to such intersection.
- B. Prohibit or regulate the turning of vehicles or specified types of vehicles at intersections or other designated locations.
- C. Regulate the crossing of any roadway by pedestrians.
- D. Designate any highway or any separate roadway thereof for one-way traffic.
- E. Exclude trucks, commercial vehicles, tractors, tractor-trailer combinations and trucks in excess of any designated weight from designated highways.
- F. Prohibit, restrict or limit the stopping, standing or parking of vehicles.
- G. Determine those highways or portions of highways which shall be marked to indicate where overtaking and passing or driving to the left of the roadway would be especially hazardous in accordance with the standards, minimum warrants and sign or marking specifications established by the State Traffic Commission.
- H. Designate safety zones.
- I. Provide for the installation, operation, maintenance, policing, and supervision of parking meters, establish parking time limits at such meters, designate hours of operation of such meters, and fix and require the payment of fees applicable to parking where such meters are in operation. Such fees shall be paid to the City, and credited to its general fund, unless a different disposition be prescribed by local law or ordinance.
- J. Establish a system of truck routes upon which all trucks, tractors, and tractor-trailer combinations having a total gross weight in excess of 10,000 pounds are permitted to travel and operate and excluding such vehicles and combinations from all highways except those which constitute such

truck route system. Such exclusion shall not be construed to prevent the delivery or pick up of merchandise or other property along the highways from which such vehicles and combinations are otherwise excluded. Any such system of truck routes shall provide suitable connection with all state routes entering or leaving such City.

- K. Regulate traffic by means of traffic-control signals.
- L. License, regulate or prohibit processions, assemblages or parades. Whenever such a procession, assemblage or parade authorized by a local authority will block the movement of traffic on a state highway maintained by the state, or on a highway which connects two state highways maintained by the state to make a through route, for a period in excess of 10 minutes, such authority must, prior to such blocking, provide and designate with conspicuous signs a detour adequate to prevent unreasonable delay in the movement of traffic on said highway maintained by the state.
- M. Prohibit or regulate the operation and the stopping, standing or parking of vehicles in cemeteries and in public parks.
- N. Provide for the removal and storage of vehicles parked or abandoned on highways during snowstorms, floods, fires or other public emergencies, or found unattended where they constitute an obstruction to traffic or any place where stopping, standing or parking is prohibited, and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicle.
- O. Adopt such additional reasonable orders, rules and regulations with respect to traffic as local conditions may require subject to the limitations contained in the various laws of the state.
- P. Such Board also may, by order, rule or regulation, prohibit, restrict or limit the stopping, standing or parking of vehicles upon property owned or leased by the City.
- Q. Such Board shall cause to be determined, for all bridges and elevated structures under its jurisdiction, the capacity in tons of 2,000 pounds which the bridge or structure will safely carry. Upon bridges or structures of insufficient strength to carry safely the legal loads permissible by § 385 of the Vehicle and Traffic Law, the Board shall cause signs to be erected to inform persons of the safe capacity.
- R. The Board shall cause signs to be erected to inform persons of the legal overhead clearance for all bridges and structures on highways under its jurisdiction. The legal clearance shall be one foot less than the measured clearance. The measured clearance shall be the minimum height to the bridge or structure measured vertically from the traveled portion to the roadway. On bridges or structures having 14 feet or more of measured clearance, no such signs shall be required.
- S. Authorize angle parking on any roadway.
- T. Upon a roadway which is divided into three lanes, allocate the center lane for traffic moving in a specified direction.
- U. Order signs erected directing slow-moving traffic, trucks, buses or specified types of vehicles to use a designated lane, or with signs, signals or markings designate those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.

- V. Except for state highways maintained by the state, the Board may prohibit, restrict or regulate the operation of vehicles on any controlled-access highway, or the use of any controlled-access highway by any vehicle, device moved by human power or pedestrian.
- W. Establish speed limits prescribed by the Vehicle and Traffic Law.
- X. The Board shall also have the right to state where school guards shall be designated.
- Y. The Board shall have the authority to consider and approve all applications for permission to construct curb openings which do not comply with the restrictions imposed by Chapter 355, Streets and Sidewalks, Article I, Maintenance and Use, § 355-11, of the Code of the City of Binghamton. Before approving such application, the Board shall notify the Council member who represents the district to be affected.

§ 400-23. Filing of orders, rules and regulations.

Upon the adoption by the Traffic Board of any order, rule or regulation, a copy of the same shall be filed with the City Court, the City Clerk and the City Council.

§ 400-24. Effective date of orders, rules and regulations. [Amended 3-5-2014 by Ord. No. 14-9]

It shall be the duty of the City Clerk to maintain the Traffic Code, and to amend any portion of the Traffic Code as may be necessary upon receipt of any order, rule or regulation adopted by the Traffic Board and reviewed by the Council of the City of Binghamton.

§ 400-25. Applicability of penalties to orders, rules and regulations.

The penalties provided in the Traffic Code of the City shall apply to any order, rule and regulation adopted by the Traffic Board, and the Board shall have the right to amend the penalty provisions of the Traffic Code so that the penalty complies with the provisions of § 1800 of the Vehicle and Traffic Law of the State of New York.

§ 400-26. Authority of Council to amend or repeal orders, rules and regulations.

The City Council shall have the right to enact ordinances to repeal or amend any order, rule or regulation adopted by the Traffic Board.

§ 400-27. Orders, rules and regulations inconsistent with state law.

In the event that any order, rule or regulation promulgated by the Traffic Board is inconsistent with any of the provisions of the Vehicle and Traffic Law of the State of New York, the provisions of the Vehicle and Traffic Law of the State of New York shall apply.

§ 400-28. City Council review period. [Amended 12-4-2013 by LL 13-3]

The Traffic Board shall notify City Council upon the adoption of any order, rule, or regulation, setting forth the change proposed by the Board. Upon receipt of notification, City Council shall have up to thirty (30) days to review such Traffic Board determinations, and may elect to amend or repeal any such order, rule or regulation, in accordance with § 400-26 of the Code of the City of Binghamton. The Traffic Board shall not implement any order, rule or regulation until the thirty (30) day City Council review period has expired.

§ 400-29. Board to act as Highway Safety Committee.

- A. Authorization. The Traffic Board is hereby authorized to act as a Highway Safety Committee pursuant to Article 16-A of the Executive Law.
- B. Function. The Traffic Board, in acting as such committee, shall coordinate highway safety efforts within the City and with the state program in the manner required by the rules and regulations

promulgated by the Governor of New York or his or her designee, and shall take such other action as may be necessary to carry out the purposes of Article 16-A of the Executive Law.

ARTICLE IV, Removal of Vehicles and Creation of Liens

§ 400-30. Removal authorized. [Amended 9-4-1989 by Ord. No. 116-89]

Members of the Bureau of Police are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the Bureau of Police or otherwise maintained by the City under the circumstances hereinafter enumerated:

- A. When any vehicle is left unattended upon any bridge, viaduct, or crossway or in any underpass or tunnel where such vehicle constitutes an obstruction to traffic.
- B. When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- C. When a vehicle is left unattended upon a street and is parked illegally or so as to constitute a definite hazard or obstruction of the normal movement of traffic.
- D. When a driver is apprehended while operating such motor vehicle and charged with driving while intoxicated.
- E. When necessary in an emergency to remove such vehicle in order to properly clear said street of snow or ice.
- F. Authority to remove and/or immobilize vehicles for failure to respond to parking tickets shall be governed by Article VI, Section 84 of the Traffic Code of the City of Binghamton (§ 400-37 of this chapter).

§ 400-31. Notice of removal.

- A. Whenever an officer removes a vehicle from a street as authorized by § 400-30 and the officer knows or is able to ascertain from registration records the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- B. Whenever an officer removes a vehicle from the street under § 400-30 and does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as hereinbefore provided, then, in that event, the Bureau of Police shall contact the department whose duty is to register motor vehicles in the state in which such vehicle is registered and ascertain the name and address of the registered owner to whom such license is issued, and upon receipt of such information shall immediately give or cause to be given notice in writing to such owner as provided hereinabove and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, date, time and place of removal, reasons for such removal and name of garage or place in which the vehicle is stored.

§ 400-32. Lien created.

The City shall have a lien upon and against any vehicle removed under the provisions of this article, together with all equipment, tools and accessories found therewith or attached thereto for its reasonable expenditures for towing and storing such vehicles and may proceed to enforce such lien in the same manner as a garageman may enforce a lien upon motor vehicles under and pursuant to the Lien Law of the State of New York.

§ 400-33. Promulgation of additional orders, rules and regulations.

Pursuant to § 400-26O of this chapter and the provisions of the Vehicle and Traffic Law, the Traffic Board shall have the authority to promulgate additional orders, rules and regulations providing for the removal and storage of vehicles.

ARTICLE V, Violations and Penalties

§ 400-34. Violation declared traffic infraction.

Any person who drives, operates, is in control of or has charge of a vehicle and who drives or operates the same or does any act prohibited by the provisions of this Traffic Code and any person who fails to do any act required to be done by the provisions of this Traffic Code shall be deemed guilty of a traffic infraction.

§ 400-35. Prima facie evidence of parking violation.

In any prosecution charging a violation of this Traffic Code or any section thereof governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any section hereof, together with proof that the defendant named in the complaint was at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.

§ 400-36. Penalties for offenses.

Any person violating any of the provisions of this Traffic Code may, upon conviction, be punished for the first offense by a fine not exceeding \$25 and for the second and each subsequent offense by a fine of not more than \$50 or by imprisonment for a period of time not exceeding one day for each dollar of said fine unpaid.

§ 400-37. Authority to impound vehicles for delinquent parking tickets. [Added 9-4-1989 by Ord. No. 116-89]

- A. In addition to any other penalties or fines imposed for the violation of this Code, the provisions of this section shall apply to vehicles which have three or more outstanding and unpaid parking violations issued against them and which, after mailing to the registered owner a final notice, are found operated or parked on any public street, public highway, any portion of the entire width between the boundary lines of any way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, or on any property leased by, or in the possession and control of, the City of Binghamton.
- B. Any such vehicle may be removed or caused to be removed by or under the direction of a member of the Police Department by towing or otherwise. In addition to, or in lieu of, towing, any such vehicle may be immobilized in such manner as to prevent its operation, except that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place. In any case involving immobilization of a vehicle pursuant to this subsection, such member of the Police Department shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that any attempt to move such vehicle might result in damage to such vehicle.

- C. Within 24 hours after towing or immobilization, the Police Department shall notify the owner of such vehicle of the fact of its towing or immobilization, the place where it may be recovered and the conditions under which it will be released.
- D. Release of vehicle.
 - (1) Before the owner or person in charge of any vehicle taken into custody, or immobilized as above provided, shall be allowed to repossess or to secure the release of said vehicle, the owner or his or her agent shall pay the following:
 - (a) All sums legally due for any City of Binghamton parking violations issued and outstanding against such vehicle.
 - (b) The cost of towing, payable to the City of Binghamton.
 - (c) To the towing service, the cost of storage for each day, or portion of a day, that such vehicle is so stored in excess of the first 24 hours.
 - (2) No such vehicle shall be released until the owner or his or her agent has established his or her identity and right to possession and has signed a proper receipt therefor.
- E. Any person who, after having had his or her vehicle towed or immobilized, shall remove such vehicle without complying with Subsection D(1) and (2) shall, in addition to the charges provided for in said subsection, be liable for any damage done to the immobilization device or mechanism and be subject to a fine of not more than \$100.

ARTICLE VI, Operation of Vehicles

§ 400-38. One-way streets.

- A. Authority; signs required. The Traffic Board is hereby authorized to designate public streets and highways in which vehicles shall pass in one direction only, and the time such restriction shall be in effect, and shall cause such streets and highways to be marked by suitable signs during the hours in which such designation is to be observed.
- B. Obedience required. It shall be unlawful for any person to pass, drive or operate any vehicle along, over or through any such street or highway in a direction opposite or contrary to the direction designated as provided in Subsection A.

§ 400-39. Through streets.

- A. The Traffic Board may, at such time as it deems advisable, designate streets, avenues or roads in the City, or parts thereof, as through streets.
- B. Signs; duty of driver. Signs bearing the word "stop" shall be erected and maintained at or near the curb in every highway intersecting a through street. Every driver of a vehicle shall, unless otherwise directed by a police officer or a traffic-control signal, before entering a street designated as a through street, bring such vehicle to a full stop. Such vehicle shall be stopped before reaching the crosswalk and shall in no case obstruct usage of such crosswalk by pedestrians.

§ 400-40. Streets closed to heavy trucks.

- A. Authority; signs required. The Traffic Board is hereby authorized to designate public streets and highways in the City from which heavy trucks shall be excluded, and shall cause such streets and highways to be marked by suitable signs during the hours in which such designation is to be observed.

- B. Obedience required. It shall be unlawful for any person to drive or operate a heavy truck along, over or through a public street or highway from which heavy trucks have been excluded as provided in Subsection A.

§ 400-41. Designation of truck routes.

The Traffic Board of the City is hereby authorized and empowered to designate highways, streets and avenues on and over which heavy or unusual length trucks, vans, trailers, semitrailers, road or farm machinery, whether loaded or unloaded, shall, when passing through this City in any required direction, proceed, travel and take passage over and shall cause such highways, streets and avenues to be properly posted by conspicuous and plainly legible signs of a directional nature, and all drivers of such vehicles shall obey such signs and follow such routes.

§ 400-42. School zones established.

School zones are hereby created and established in all territories on any street, embraced within 300 feet of the building line of premises occupied for school purposes, including school playgrounds, of every public or parochial school and the same shall be posted as such.

§ 400-43. Designation of play area zones.

Play area zones are hereby created and established in all territories on any street designated by the Traffic Board and posted as such.

§ 400-44. Rate of speed.

No person shall drive a vehicle on a highway within the City:

- A. At a rate of speed exceeding 50 miles per hour on Vestal Arterial Highway from the westerly City line to a point 700 feet west of South Washington Street; on the new Brandywine Avenue Extension Arterial Highway from the Village of Port Dickinson and the City of Binghamton boundary line south to a point 500 feet north of Frederick Street.
- B. Anywhere within a school zone at or near the time when pupils are arriving at or departing from school at a rate of speed in excess of 15 miles per hour.
- C. Anywhere within a play area zone at a rate of speed in excess of 25 miles per hour.
- D. Anywhere else within the City at a rate of speed exceeding 30 miles per hour.
- E. Anywhere within a hospital zone at a rate of speed in excess of 25 miles per hour.

§ 400-45. Driving so as to impede traffic.

No person shall, when driving or propelling a vehicle within the congested district, loiter or move at so slow a rate of speed as to impede traffic.

§ 400-46. Duty to yield right-of-way to pedestrians.

At intersections where traffic is controlled only by traffic control signals, pedestrians shall cross at a street or roadway only on a green or walk signal, and operators of vehicles shall yield the right-of-way to pedestrians who are crossing or who have started to cross the street or roadway on a green or walk signal.

§ 400-47. Turning at intersections.

- A. Right turns. A motor vehicle, motorcycle or bicycle must not make a right turn at any street intersection except from the lane of traffic available nearest to the curb, and must approach such street intersection in such traffic lane.

- B. Left turns. A motor vehicle, motorcycle or bicycle must not make a left turn at any street intersection from a lane of traffic other than the lane nearest to the center of the street, and must approach such street intersection in such traffic lane.

§ 400-48. Stopping so as to obstruct or encroach upon crosswalk.

A motor vehicle, motorcycle or bicycle must not stop at any street intersection in obedience to a traffic signal or a signal from a police officer so as to encroach upon or obstruct any crosswalk or any part thereof.

§ 400-49. Parades.

No procession or parade containing 200 or more persons or 50 or more vehicles, excepting the forces of the United States Army or Navy and military forces, shall occupy, march or proceed along any street except in accordance with a permit issued by the Traffic Board pursuant to § 400-22L of this chapter.

§ 400-50. Crossing fire hose.

Whenever any hose of the Fire Department of the City shall be placed in or upon any street of the City, it shall be unlawful for any person to drive or propel or cause to be driven or propelled on or across such hose any motor vehicle, motorcycle or other vehicle unless a bridge, planking or other apparatus shall have been prepared by the Fire Department or some agency of the City for the safe passage over such hose of any such vehicles.

§ 400-51. Stop required for red lights; right turns on red.

- A. It shall be unlawful for any driver or operator of any motor vehicle, motorcycle or bicycle to proceed against a red traffic signal.
- B. Notwithstanding Subsection A of this section, right turns on red are permitted at and only at such intersections as are so indicated by properly designated traffic signs lawfully erected. At intersections where right turns are so permitted, all drivers and operators of vehicles must bring their vehicles to a full stop before making a right turn and must proceed with care and caution not to interfere with vehicular or pedestrian cross traffic.

§ 400-52. Driving on play and coasting streets.

Whenever authorized signs are erected, indicating any street or part thereof as a play street or coasting street, no person shall drive a vehicle upon such street or portion thereof except drivers of vehicles having business or whose residences are within such closed areas, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof.

§ 400-53. Driving within sidewalk area.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

§ 400-54. Crossing double line.

It shall be unlawful, except in an emergency, for any driver of a vehicle, while proceeding along a City street, to drive said vehicle across a double white line marked on the highway surface by or under the authority of the Deputy Commissioner of Public Safety or the Traffic Board.

§ 400-55. Driving on divided highways.

Whenever any street or highway has been divided into two roadways by a viaduct, parkway, mall or parking space, by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier or section, except through

an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

§ 400-56. "U" turns.

A motor vehicle, motorcycle or bicycle must not make a "U" turn within the Business B-1 District as set forth on the official district map, nor upon any through street, nor upon Brandywine Avenue Extension Arterial Highway, nor upon the Susquehanna River Bridge Arterial Highway Route.

§ 400-57. Use of vehicle for advertising purposes.

No vehicle, while used exclusively for advertising purposes, shall be driven or conveyed through any of the streets in the congested districts of the City.

§ 400-58. Right-of-way of Department of Public Works' vehicles.

Vehicles and apparatus of the Department of Public Works of the City, when engaged in the work of sprinkling, cleaning, snow removal or the collection of ashes and garbage or other refuse matter, shall have the right-of-way in any street; and all other vehicles, except authorized emergency vehicles as defined in this Traffic Code, shall move in such manner and to such positions as shall not interfere with such work.

§ 400-59. Projecting loads.

No person shall drive any vehicle, the contents of which project more than four feet beyond the rear of the vehicle without fastening upon the projecting part of this load a red flag of sufficient size to be a warning during the hours of daylight, or a red light at night, except that this shall not apply to vehicles loaded with hay or straw.

§ 400-60. Clear view for driver.

No person shall drive any vehicle so constructed or closed in as to prevent the driver from having a clear view ahead and at the sides of such vehicle.

§ 400-61. Operation of vehicle while intoxicated.

No person owning or having control of any vehicle shall permit any intoxicated person to drive or operate the same, and no person while intoxicated shall operate or drive a vehicle within the City.

§ 400-62. Repairs in street prohibited; exception.

It shall be unlawful to make repairs to any vehicle in any street or public place except in an emergency or in case the vehicle cannot be taken into a shop or garage for repairs.

§ 400-63. Mufflers required; use of muffler cut-outs prohibited.

All motor vehicles shall be equipped with a good and sufficient muffler or silencing device, which will control and diminish the sound of the explosion of the motor in such vehicle and the same shall be used at all times when said motor vehicle is in or on any public highway. The use of muffler cut-outs is prohibited on any public highway within the City.

§ 400-64. Emission of excessive smoke.

No motor vehicle or motorcycle shall be allowed to emit excessive smoke.

§ 400-65. Use of siren whistles.

Siren whistles are prohibited on any vehicles other than authorized emergency vehicles.

§ 400-66. Unnecessary blowing of horns.

No person shall blow any horn or signaling device except as a necessary signal of an approaching vehicle.

§ 400-67. Unnecessary noise in hospital zones.

It shall be unlawful for any driver or operator of any vehicle, motor vehicle, motorcycle or bicycle to so operate the same within a duly posted hospital zone as to create any unnecessary noise or disturbance or to make unnecessary use of any horn, bell, gong or other signaling device.

§ 400-68. Operation of motorcycles and bicycles.

- A. Operation of motorcycles or bicycles on sidewalks prohibited. No person shall ride any motorcycle, bicycle or other vehicle propelled by the hands or feet of the rider along or upon any public sidewalk within the City, except that this shall not apply to persons who cannot walk and who make use of a wheelchair.
- B. Signal devices required on motorcycles and bicycles. Bicycles shall be provided with a bell or horn, and motorcycles with a horn, capable of being heard at least 100 feet distant.
- C. Manner of riding on motorcycles and bicycles.
 - (1) No person shall ride a motorcycle or bicycle without having a hand on the handlebars and his or her feet on the pedals.
 - (2) The driver of a two-wheel motorcycle or bicycle shall not carry any other person thereon, except on a seat securely fastened to the machine and provided with footrests and hand grips.
- D. Motorcycles and bicycles not to use middle of street. No motorcycle or bicycle shall proceed along any street in the middle thereof.
- E. Lamps required on bicycles. No person shall drive, propel or otherwise operate a bicycle upon or along any highway, alley, park or public place within the City during the period from 1/2 hour after sunset to 1/2 hour before sunrise without displaying one light reflector or bicycle light in front and one red reflector in the rear. Such reflectors shall be designed, located as to the height, and maintained so as to be visible for at least 200 feet when opposed by a motor vehicle displaying lawfully undimmed headlights on an unlighted highway.

§ 400-69. Clinging to moving vehicles.

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle shall not attach the same or himself or herself to any moving vehicle upon any street or public roadway.

§ 400-70. Restriction on width of vehicle.

A vehicle the width of which, with or without its load, exceeds nine feet shall not be driven or conveyed through any of the streets in the congested district unless a permit therefor is obtained from the Deputy Commissioner of Public Safety.

§ 400-71. Transportation of high-level nuclear waste. [Added 12-29-1980 by Ord. No. 297-80; amended 3-2-1981 by Ord. No. 28-81]

- A. Definitions. For the purpose of this section, the words and phrases shall be construed as follows:

HIGH-LEVEL NUCLEAR WASTE -- Spent nuclear reactor fuel elements or rods.

MOTOR VEHICLE -- A vehicle, machine, tractor, trailer or semitrailer propelled or drawn by mechanical power and used on a highway, street or road in transportation, or a combination thereof, but does not include a vehicle, locomotive or car operated only on a rail.

- B. Prohibited. No spent nuclear reactor fuel elements or rods shall be transported on streets or highways maintained by the City of Binghamton.

(1) For the purposes of this section, the following streets or highways are not maintained by the City of Binghamton:

- (a) Brandywine Highway.
- (b) Court Street from the City line to Chapman Street.
- (c) Henry Street between Liberty Street and Brandywine Highway.
- (d) Interstate Route 81.
- (e) Liberty Street between Court Street and Henry Street.
- (f) North Shore Drive between Memorial Circle and Brandywine Highway.
- (g) Route 17.
- (h) Vestal Parkway - Route 434.
- (i) The Pennsylvania Avenue Overpass and entrance and exit ramps off Route 434.
- (j) Susquehanna Street between State Street and Exchange Street.
- (k) Tompkins Street between Court Street and 0.07 mile south of the Tompkins Street Bridge.

C. Prior notification. In the case of shipments of high-level nuclear waste not prohibited by this section, no person, firm, corporation, organization or association shall transport high-level nuclear waste by motor vehicle in any quantity or form within the City of Binghamton, unless notification of such transportation is submitted to the Chief of Police of the City of Binghamton at least 48 hours prior to the shipment entering the City of Binghamton.

D. Contents of notice. The notice required by Subsection C above shall include the following:

- (1) The name, address and phone number of person submitting the notice.
- (2) The name, address and phone number of the shipper represented by the person submitting the notice.
- (3) The name, address and phone number of the carrier of the high-level nuclear waste.
- (4) The date, time and route of the planned transport of high-level nuclear waste into and through the City of Binghamton, including starting point and destination.
- (5) The classification, name, type and quantity of high-level nuclear waste to be transported.
- (6) A detailed statement of any planned stops within the City of Binghamton.

E. Exclusions:

- (1) The transportation of high-level nuclear waste which is to be used for medical, medical research, military or national defense purposes shall be excluded from the requirements of this section.
- (2) The transportation of high-level nuclear waste by rail shall be excluded from the requirements of this section.

ARTICLE VII, Stopping, Standing and Parking

§ 400-72. Parking prohibited in specified places.

A driver of a vehicle shall not stand or park the same in any of the following places:

- A. On a sidewalk.
- B. In front of a private or public driveway.
- C. Within an intersection.
- D. Within 15 feet of a fire hydrant.
- E. On a crosswalk.

- F. Within 10 feet of a crosswalk at an intersection.
- G. Within 30 feet upon approaching any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
- H. Within 50 feet of the nearest rail of a railroad crossing.
- I. Within a fire zone.
- J. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- K. Upon any bridge or viaduct, or underneath any trestle or railroad overhead crossing.
- L. In any curb zone.
- M. At any place where official signs prohibit parking.
- N. In front of a curb gas filling station maintained by permission of the City, except to obtain gasoline, oil or automobile supplies.
- O. Wholly or partially between the curblines and the sidewalk line of any highway.
- P. In any alley.
- Q. With its left side adjacent to the curblines except on one-way streets.
- R. On any public highway where excavating or repairing of streets is in progress within eight feet from such excavation or repairs.
- S. So as to prevent the free passage of other vehicles through the street.
- T. In any loading zone.

§ 400-73. Streets where parking is prohibited.

- A. Designation. The Traffic Board shall have the authority to designate streets or parts of streets where parking is prohibited, and shall cause such streets or parts of streets to be marked by suitable signs or other devices.
- B. Effect. When such streets or parts of streets are established as areas where parking is prohibited, as provided in Subsection A, it shall be unlawful for any person to stop, stand or park a vehicle upon such street in violation of such prohibition.

§ 400-74. Streets where parking is limited.

- A. Designation. The Traffic Board shall have the authority to designate streets or parts of streets where parking time limits have been established, and shall cause such streets or parts of streets to be marked by suitable signs or other devices indicating the parking time limits and the periods when such time limits shall be in effect.

- B. Effect. When parking time limits are established for a part of a public street, highway or public parking area, and such places are appropriately signposted or marked to indicate the parking time limit, it shall be unlawful for any person to park or leave standing any vehicle upon such public street, highway or public parking area in violation of such parking time limit.

§ 400-75. Loading zones.

- A. Designation. The Traffic Board shall have the authority to designate streets or parts of streets as loading zones, and shall cause such areas to be marked by suitable signs or other devices.
- B. Effect. No person shall park or leave standing any vehicle within a space designated as a "loading zone" and suitably marked as such, except for the exclusive purpose of loading and unloading.

§ 400-76. Safety zones; bus and cab stands.

- A. Designation. The Traffic Board is hereby authorized to designate safety zones and bus, cab or taxicab stands in the public streets or highways of the City, and in parking areas either owned, operated or controlled by the City, and to limit or prohibit parking in spaces and zones in said streets, highways and parking areas, and to cause such zones, spaces and stands to be marked and indicated by suitable signs.
- B. Signs for bus stops. Spaces specified as parking and stopping places for buses shall be marked and indicated by suitable stationary and portable signs indicating the location and extent of such places so reserved.
- C. Effect. No person shall park or leave standing any automobile or other vehicle, except a bus within a space designated as a "bus stop," and except a taxicab within a space designated as a "taxicab stand" and suitably marked as such within the City.

§ 400-77. Fire zones established.

Fire zones are hereby created and established to extend in area 75 feet in either direction from the front of premises occupied by public fire stations and shall be posted as such.

§ 400-78. Alternate side of street parking. [Amended 2-22-1994 by Ord. No. 9-94; 10-17-1994 by Ord. No. 112-94; 11-9-1994 by Ord. No. 117-94; 11-18-1996 by Ord. No. 162-96; 11-19-2001 by Ord. No. 01-132; 12-2-2002 by Ord. No. 02-142; 12-2-2002 by Ord. No. 02-143; 12-16-2002 by Ord. No. 02-148; Amended 10-3-2005 by Ord. No. 05-70; 1-17-2006 by Ord. No. 06-1; 12-17-07 by Ord. No. 60-2007; Amended 1-22-08 by Ord. No. 4-2008]

- A. Alternate side of the street parking shall be imposed upon all streets and public highways of the City of Binghamton.
- B. The provisions of the alternate side of the street parking are as follows:
 - (1) Parking is permitted on the even side of the street on even calendar days. The even side of the street shall be that side of the street having even residence house numbers. Parking is permitted on the odd side of the street on odd calendar days. The odd side of the street shall be that side of the street having odd residence house numbers.
 - (2) Parking shall be permitted from 5:00 p.m. daily and shall be in effect until 4:59 p.m. the following day.

- (3) After 5:00 p.m., on even days, drivers should park on the odd side of the street so that they "park for tomorrow." After 5:00 p.m. on odd days, drivers should park on the even side of the street so that they "park for tomorrow."
- (4) Posting of this regulation shall encompass the major entrances to the City of Binghamton.
- (5) Posting of this regulation shall also be made by one advertisement in the local newspaper and an announcement made on the local airways (radio and television) every year, which said advertisement and announcement shall inform the public one week in advance of the effective date of the alternate side of the street parking regulation.
- (6) Alternate side of the street parking regulations shall be enforced daily throughout the time from December 1 through March 15 of the following year.
- (7) Alternate side street parking rules apply to those streets which have been designated as "no parking zones" on one side of the street only. Streets with no parking allowed on both sides of the street remain no parking zones on both sides of the street.

C. Any vehicle that is parked in violation of this section and is found, in the opinion of the Commissioner of Public Works, his or her designee, or a Binghamton police officer, to be hindering snow removal or plowing or so parked as to obstruct vehicular traffic or safe passage through a City side street shall be towed by the City of Binghamton pursuant to the towing procedures established.

D. Exclusions: The provisions of this section shall not be applicable to the following:

- (1) Streets with metered parking, either on one side or on both sides of the street, limited to where metered parking has been established on the street.
- (2) Clinton Street between Glenwood Avenue and Jarvis Street.
- (3) Conklin Avenue between South Washington Street and State Street Bridge off-ramp.
- (4) Court Street, from the Court Street Bridge to Fayette Street where metered parking is not inserted.
- (5) Prospect Street, from Front Street to Glenwood Avenue.
- (6) Delavan Street, starting at Iva Street and going east to the end of Delavan Street.
- (7) Fayette Street between Court Street and Susquehanna Street.
- (8) Florence Avenue between Eaton Place and Leroy Street.
- (9) Judson Avenue between Lorraine Avenue and Glenwood Avenue.
- (10) Lookout Street, from Telegraph Street to Alfred Street. In the event that any snow plowing or snow removal is requested or is deemed necessary by the Commissioner of Public Works on any of these excluded streets, "No Parking" meter bags or pylon cones prohibiting parking shall be displayed prior to said snow removal or plowing; and any vehicle parked there shall be towed or ticketed or both.
- (11) Minerva Avenue, from Grand Boulevard to Schubert Street.
- (12) Mitchell Avenue between Vestal Avenue and Morris Street.
- (13) Alfred Street, from Grand Street to Lookout Street.
- (14) Lourdes Road.
- (15) King Avenue.
- (16) Park Street from Schubert Street to Harrison Street.
- (17) Park Avenue between Vestal Avenue and Morris Street.
- (18) Ronan Street between Baxter Street and dead-end to the north, odd side only.
- (19) Seminary Avenue between Chestnut Street and Laurel Avenue.
- (20) Back-in diagonal parking on Conklin Avenue from South Washington Street to State Street Bridge off ramp, with signs posted accordingly.
- (21) Back in diagonal parking on Hawley Street, from Isbell Street to Collier Street.
- (22) McDonald Avenue.
- (23) West Street between Clinton Street and Phelps Street.

- E. The provisions of this section are subject to the provisions of Article III of the Traffic Code of the City of Binghamton which prohibits parking in certain areas.

§ 400-79. Limitation on parking of commercial vehicles. [Amended 1-17-2006 by Ord. No. 06-1]

- A. No commercial vehicle shall be parked on any street within the City limits, for a period of more than three hours, except for the purposes of loading and unloading.
- B. Vehicles shall not be parked on any street for more than six consecutive hours between 7:00 a.m. and 12:00 midnight, except commercial vehicles which shall comply with the provisions of § 28.1 of the Traffic Code.

§ 400-80. Parking on City-owned property.

Vehicles shall not be parked at any time on any City-owned property which is posted with a sign stating "Property of City of Binghamton, Parking Prohibited," except City-owned vehicles or privately owned vehicles used by a City employee for City business. Pursuant to the provisions of § 400-22P, the Traffic Board may, by order, rule or regulation, further prohibit, restrict or limit the stopping, standing or parking of vehicles upon property owned or leased by the City.

§ 400-81. Parking commercial vehicles in parks.

- A. No commercial vehicle shall be parked at any time on any City-owned park property which is duly posted, except:
 - (1) City-owned vehicles.
 - (2) Commercial vehicles having written permission from the Commissioner of Parks and Recreation.
 - (3) Commercial vehicles used for the transportation of guests to the park.
 - (4) Commercial vehicles used for the transportation of spectators or participants of any athletic event held at said park.
- B. Pursuant to § 400-22M, the Traffic Board may further prohibit or regulate the operation and the stopping, standing or parking of vehicles in public parks.

§ 400-82. Manner of parking generally.

Except as herein otherwise provided, all vehicles must be parked parallel to the curb or curblines with the wheels nearest to the curb or curblines, at a distance of not to exceed six inches therefrom. Where individual parking spaces are marked by parallel lines, vehicles shall be parked entirely within such parking spaces and between two such parallel lines. Back in diagonal parking on Conklin Avenue from South Washington Street to State Street Bridge off ramp, with signs posted accordingly. Back in diagonal parking on Hawley Street, from Isbell Street to Collier Street.

- A. Diagonal parking.
 - (1) On streets where diagonal parking is permitted, and in all metered municipal parking lots, vehicles must be parked in the designated spaces allowed so that the front of the vehicle is facing the parking meter and/or curb
- B. Perpendicular parking.
 - (1) On streets where perpendicular parking is permitted, vehicles must be parked in designated spaces allowed so that the vehicle is facing the curb
- C. Back in angle parking

- (1) On streets where back in angle parking is permitted vehicles must be parked in the designated space allowed and the vehicle must be backed into the space with the rear of the vehicle adjacent to the curb line. The space shall be angled at forty-five degrees to the curb line and the parallel lines will be 9' wide center to center.

§ 400-83. Manner of parking on one-way streets.

Every vehicle stopped, standing or parked upon a one-way roadway where there are adjacent curbs shall be so stopped, standing or parked parallel with the nearest curb, headed in the direction of lawful traffic movement, and the nearest wheels of such vehicle parallel to and within 12 inches of the curb.

§ 400-84. Parking on incline.

It shall be unlawful to park any motor vehicle or motorcycle on an incline on a public highway or roadway:

- A. With the motor running.
- B. Without all proper brakes set tightly.
- C. Without the front wheels so turned that one of them is in contact with the curb in such a manner that if the brakes fail to hold properly the motion of said vehicle or motorcycle will be against said curb.

§ 400-85. Parking in front of funeral home.

Except vehicles actually in service or to be put in service in connection with a funeral being held therein, it shall be unlawful to park in front of the premises of any funeral home where funeral services are being held during the time of such services. For the purpose of this section, the use and erection during the period of such services of signs owned or used by such funeral home shall constitute lawful notice of the use to which the premises are being made and of the fact that parking in front of said premises is unlawful.

§ 400-86. Vehicles to park next to curb when loading.

It shall be unlawful for any truck or other vehicle, when loading or unloading in a street, alley or public place in the City, to park or stand at an angle to the curb of such street, alley or public place, but the same shall be parked parallel and next to the curb at which loading or unloading is taking place except when permission to stand or park at an angle shall be granted by the Deputy Commissioner of Public Safety or the Traffic Board for whatever cause shown. Such special permission may be issued either to the owner or lessee of real property or to the owner of a vehicle to be parked and shall grant to such person only the privilege therein stated.

§ 400-87. Free parking for City Court jurors. [Added 11-15-1976 by Ord. No. 229-76]

The Council hereby authorizes free ramp parking for persons serving as City Court jurors.

§ 400-88. Handicapped parking spaces. [Added 1-17-2006 by Ord. No. 06-1; Amended 9-22-10 by Ord. No. 10-42]

- A. The Traffic Board shall have the authority to designate handicapped parking spaces on public streets and on public property and shall cause spaces so designated to be marked by suitable signs or other devices indicating that parking in those spaces is limited to those vehicles property displaying a duly issued and valid handicapped parking permit or license plate.
- B. Effect. No person shall stop, stand, or park in spaces designated as a handicapped parking space without having a duly issued and valid handicapped parking permit, *i.e.* a special vehicle identification

parking permit, or a handicapped license plate on the vehicle. A violation of this section shall be subject to fines as set forth in § 400-89(c).

§ 400-89. Penalties for violations of article. [Added 1-17-2006 by Ord. No. 06-1; Amended 9-22-10 by Ord. No. 10-42; Amended 12-7-11 by Ord. No. 11-42; Amended 8-5-15 by Ord. No. 15-45]

- A. For violation of §§ 400-74, 400-78, and 400-79, of this article or any other timed zone parking rule, regulation or restriction based on time, the initial fine shall be a fine of \$35; however, each such owner may, within two business days, exclusive of the date on which the ticket was issued, of the time when such notice was attached to such vehicle pay to the City Treasurer a penalty for an in full satisfaction of such violation, the sum of \$30. If a plea of not guilty has not been filed nor the fine paid within 30 days, the fine shall be \$75.
- B. For violation of §§ 400-72, 400-73, and 400-80, sections prohibiting parking in certain areas, the initial fine for violations of this article shall be a fine of \$70; however, each such owner may, within two business days, exclusive of the date on which the ticket was issued, of the time when such notice was attached to the such vehicle pay to the City Treasurer a penalty for an in full satisfaction of such violation, the sum of \$45. If a plea of not guilty has not been filed nor the fine paid within 30 days, the fine shall be \$75.
- C. For violation of § 400-88(b) (handicapped parking), the fine for a violation of this article is a fine of \$155, plus the payment of the mandatory surcharge to the State of New York of \$30; however, such owner may, within two business days of the day the notice was attached to such vehicle (exclusive of the date on which the ticket was issued) pay to the City Treasurer a fine in full satisfaction of such violation, the sum of \$95, plus the payment of the mandatory surcharge to the State of New York of \$30. If a plea of not guilty has not been filed nor the fine paid within 30 days, the fine shall be \$175, plus the payment of the mandatory surcharge to the State of New York of \$30. If such owner provides a valid handicapped parking permit for the time in question and proof that the holder of the permit was a driver or occupant of the vehicle at the time in question, then the violation will be dismissed and such owner will be subject to an administrative fee for failure to display a handicapped parking permit as provided in section D below.
- D. For violation of § 400-88(c), the administrative fee for a violation of this section is \$15.
- D. For the period from September 1, 2015, through September 30, 2015, the City of Binghamton offers an amnesty program for parking tickets issued prior to January 1, 2015. The total cost of any ticket, including any penalties and late fees, may be paid at seventy-five percent (75%) of the outstanding balance due and owing. All payments must be made payable to the City of Binghamton and delivered to the Treasurer's Office, City Hall, 38 Hawley Street, Binghamton, NY 13901 on or before September 30, 2015. This paragraph will automatically expire on October 1, 2015, and will be of no further force or effect.

ARTICLE VIII, Parking Meters

§ 400-90. Designation of parking meter zones; establishment of time limits therein.

The Traffic Board may from time to time designate as parking meter zones, and establish parking time limits therein, such streets, portions of streets or other areas situate, lying and being within the City as it may deem necessary and shall cause parking meters to be installed in such areas.

§ 400-91. Regulation, control and maintenance of meters.

Pursuant to the provisions of § 400-22I, the Traffic Board shall provide for the regulation, control, operation and use of parking meters provided for in this article and shall cause said meters to be maintained in a good workable condition.

§ 400-92. Lines and markings to indicate parking spaces; placement of meters.

The Traffic Board shall cause to be placed lines or marks on the streets and portions of streets designated as parking meter zones and in accordance with a map and any amendments thereto, filed in the office of the City Clerk, designating the parking spaces in which meters are to be used, and shall cause to be installed parking meters thereon. Such parking meters shall be placed upon the curblin along the side of or next to such individual parking spaces, and each of said parking meters shall be so set as to display a signal that the parking space alongside of the same is or is not in use. It shall be unlawful and a violation of the provisions of this article to park any vehicle across any such lines or marks or to park said vehicle in such a way that the same shall not be within the area designated by such lines or marks.

§ 400-93. Meter legend.

Each parking meter installed under the provisions of this article shall indicate by a proper legend the legal parking time established for the particular parking meter zone in which said meter is installed. Upon deposit of the coin or coins required to set the meter in operation, such meter shall continue in operation until the expiration of the time fixed as the parking time limit for the parking meter zone in which said meter is located. Each parking meter shall be so arranged that upon the expiration of said parking time limit it will indicate by a mechanical operation and signal that the legal parking period has expired.

§ 400-94. Manner of parking in spaces.

Any vehicle parked in any parking space in any parking meter zone shall be parked with the hood of such vehicle alongside of or next to the parking meter alongside of such parking space in parallel parking spaces, and with the radiator directed at the meter in diagonal parking spaces, and in either event shall be parked within the lines marked on the street for such parking purposes.

§ 400-95. Hours of meter operation.

- A. The provisions of this article relating to parking meter zones shall be applicable between the hours of 8:00 a.m. and 6:00 p.m. on Monday, Tuesday, Wednesday, Friday and Saturday and on Thursday from 8:00 a.m. to 9:00 p.m., holidays excepted, except that on such streets as may be designated by the Traffic Board, the hours shall be between the hours of 8:00 a.m. and 4:00 p.m.
- B. Within the meaning of this article the term "holiday" shall include the following days only: first day of January, Fourth of July, 30th day of May, first Monday in September, 25th day of December, and the day designated and set apart by the President of the United States as a day of Thanksgiving.

§ 400-96. Duty of vehicle operator to deposit coins, set meter in operation.

When any vehicle shall be parked or left standing in any parking space alongside or next to which a parking meter is located, the operator, upon entering such space, shall immediately deposit or cause to be deposited in said meter such proper coin of the United States as is required and is designated by proper directions on the meter and, when required by said directions, after depositing a proper coin, shall also set in operation the timing mechanism of such meter; and failure to deposit such proper coin and to set the timing mechanism in operation, when required, shall constitute a violation of this article. Upon the deposit of such coin and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his or her occupancy of said space does not exceed the indicated unused parking time.

§ 400-97. Overtime parking.

- A. If a vehicle shall remain parked or left standing in any parking space beyond the time limit set for such parking space and if the parking meter shall indicate such illegal parking, then in that event such vehicle shall be considered as parked or standing overtime and beyond the period of legal parking or standing time and such parking or standing shall be deemed a violation of this article. It shall be unlawful and a violation of this article for any person to keep, allow, permit or suffer any such vehicle registered in his or her name to be parked or left standing overtime or beyond the lawful period of time set for such space.
- B. It shall be unlawful and a violation of the provisions of this article for any person to deposit or cause to be deposited in a parking meter a coin or coins for the purpose of extending the parking or standing time beyond the time fixed as the parking time limit for parking or standing in a parking space alongside of or next to which a parking meter is placed.

§ 400-98. Parking when meter signal indicates violations.

It shall be unlawful and a violation of this article for any person to permit a vehicle to remain or to be placed in any parking space alongside of or next to which any parking meter is placed while said meter is displaying a signal showing that such vehicle shall have been already parked or standing beyond the period of time fixed as the parking time limit for such parking space.

§ 400-99. Use of slugs prohibited.

It shall be unlawful and a violation of the provisions of this article for any person to deposit or cause to be deposited in any parking meter any slug, device, or other substitute for a lawful coin of the United States or to motivate or attempt to motivate any parking meter by using other than a proper lawful coin.

§ 400-100. Enforcement of article. [Amended 8-4-1980 by Ord. No. 167-80; 6-21-1982 by Ord. No. 90-82; Amended 1-17-2006 by Ord. No. 06-1; Amended 12-7-2011 by Ord. No. 11-42]

- A. Report. It shall be the duty of each traffic patrol officer, or such other officer as shall be so instructed by the Chief of Police, in his or her beat or district, to take the number of any meter at which any vehicle is over parked, as provided in this article, and the registration number of such vehicle, and report the same to the Police Department, together with the length of time during which said vehicle is parked in violation of any of the provisions of this article, as well as any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.
- B. Notice. Each such police officer shall also attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of this article, and instructing such owner to report to the City Court in regard to such violation.
- C. Penalties. The initial fine for violations of this article (Article VIII, Parking Meters) shall be a fine of \$40; however, each such owner may, within two days (48 hours) of the time when such notice was attached to such vehicle, pay to the City Treasurer a penalty for and in full satisfaction of such violation, the sum of \$20. If a plea of not guilty has not been filed, nor the fine paid within 30 days the fine shall be \$55.

ARTICLE IX, Off-Street Parking Areas

§ 400-101. Acquisition and designation.

For the relief of traffic congestion, the City may from time to time acquire areas which shall be designated and dedicated as public places for the off-street parking of motor vehicles.

§ 400-102. Regulations.

In off-street parking areas, the following regulations shall apply 24 hours of each day, from Monday through Saturday, inclusive:

- A. No vehicle shall be parked for a continuous period in excess of 24 hours in off-street parking areas.
- B. In areas where there are no parking meters, no vehicle shall be parked except within a parking space designated by the attendant, and in areas where there are parking meters, no vehicle shall be parked except within a parking space in front of or alongside of which a parking meter is located.
- C. In areas supervised by a parking attendant, the fees for parking of vehicle, shall be duly posted as established by the Traffic Board.
- D. In areas where there are parking meters, the following fees are hereby established:
 - (1) When any vehicle shall be parked in any of the areas, the operator or driver of which desires to park for a period of not to exceed one hour, he or she shall, upon entering the parking space, immediately deposit the amount as set from time to time in the parking meter in front of or alongside of said vehicle, and shall operate any handle or other mechanical device necessary to start operation of the meter, and the parking space may then be used by such vehicle for said period of not to exceed one hour.
 - (2) If said operator or driver desires to park for a period exceeding one hour, but not to exceed two hours, such operator or driver upon entering any parking area shall immediately deposit the amount as set from time to time in the parking meter in front of or alongside of said vehicle and shall operate any handle or other mechanical device necessary to start operation of the meter, and the parking space may then be used by such vehicle for said period of not to exceed two hours.
 - (3) If said operator or driver desires to park for a period exceeding two hours but not to exceed 24 hours, such operator or driver, upon entering any parking area, shall immediately deposit the necessary coins of the United States in the parking meter in front of or alongside of said vehicle and shall operate any handle or other mechanical device necessary to start operation of the meter, and the parking space may then be used by such vehicle for such period of time of not to exceed 24 hours.

§ 400-103. Regulations not applicable on certain holidays.

The provisions of this article relative to the parking meters or the operation of parking meters in off-street parking areas shall not be applicable on Sundays, the first day of January, the fourth day of July, 30th day of May, first Monday in September, 25th day of December, and the day designated and set apart by the President of the United States as a day of Thanksgiving.

§ 400-104. Collier Street ramp residential parking program. [Added 9-6-1991 by Ord. No. 97-94]

A residential parking program at the Collier Street ramp is hereby established and shall encompass the following regulations:

- A. Registration forms for parking permits must be completely filled out and returned to All Right Binghamton Parking prior to the start of a new month in order to receive a valid pass card to enter and exit the parking ramp.
- B. A copy of a recent electric or phone bill, rent receipt or voter registration card is to be presented upon registration to verify residency requirements.

- C. It is the resident's responsibility to notify the facility operator, All Right Binghamton Parking, of any changes affecting the registration form. These changes include: change of address, license plate number, telephone number, vehicle identification number, etc.
- D. A copy of the rules and regulations for the parking program will be attached to the registration form. All rental patrons must abide by these regulations. Failure to do so will result in the parking pass being invalidated. The pass card is for the registrant's use only and is not transferable.
- E. Every resident parker is required to attach a small sticker in the left hand corner of the rear window of the registered automobile. All Right Binghamton Parking, as the operator, may elect to issue a hang tag for the rear view mirror. If so, this tag must always be displayed when using the facility.
- F. Parking will be available on any level of the Collier Street ramp, Monday through Friday, from 3:00 p.m. to 9:00 a.m. the following day and all day Saturday and Sunday.
- G. The monthly parking fee will be as set annually in the City budget.
- H. The pass card has been programmed to allow a registered vehicle to enter or exit only during the prescribed hours. If a registered vehicle is found exiting after 9:00 a.m., or entering before 3:00 p.m., the vehicle operator will be charged the hourly rate for the time the registered vehicle was parked in the ramp before or after the prescribed hours.
- I. A parking space is not guaranteed when the Collier Street Parking ramp is being used for event parking.
- J. All Right Binghamton Parking, as the operator, reserves the right to amend any rules and regulations with the prior approval of the Binghamton City Council.

ARTICLE X, On-Street Parking

§ 400-105. Establishment of residential parking permit program. [Added 4-18-2005 by Ord. No. 05-21; Amended 12-18-2006 by Ord. No. 06-41]

- A. The City of Binghamton hereby creates a residential parking permit system within the area of the City consisting of the following roadways (the "Permit Area"):
 - Pine Street from Carroll Street to Liberty Street
 - Henry Street from Carroll Street to Liberty Street
 - Fayette Street from Court Street to Henry Street
 - Carroll Street from Court Street to Henry Street
 - Liberty Street from Court Street to Henry Street
- B. Parking in the Permit Area shall be restricted to residents and/or property owners living on or owning property within the Permit Area; except that not less than twenty percent of all spaces within the Permit Area will continue to be available to non-residents and shall provide for short term parking of not less than ninety minutes in duration in such area. The City of Binghamton Police Bureau will determine which spaces will continue to be available to non-residents.
- C. The City Clerk shall issue parking permits for the Permit Area. The City Clerk shall establish guidelines to issue parking permits, including proof of residency and/or ownership requirements. Parking permits will be issued for vehicles registered at said address only. A single family dwelling

will be eligible for up to two parking permits and a multi-family dwelling will be eligible for up to one parking permit per dwelling unit. The fee for a permit will be \$10 and permits will be valid for so long as the resident and/or property owner lives in or owns such residence within the Permit Area. Parking permits shall be specific to registered vehicles only and will include the license plate number of the vehicle. Permits may not be assigned from one person to another, but may be transferred to another vehicle owner by the permit holder without a fee. The permits will be valid twenty-four hours a day, seven days a week from March 15 to November 30 of each year or such time frame as the City may establish for alternate side of the street parking. Permits may be revoked by the City Clerk if the permit holder moves, sells the property, allows others to use the parking permit, has any outstanding parking ticket(s) or other outstanding motor vehicle violations, or housing code violations at the residence in question.

- D. Motor vehicles registered pursuant to § 404(a) of the Vehicle and Traffic Law shall be exempt from any permit requirement.
- E. The Permit Area, except the parking spaces designated for non-residents, shall be duly posted as no parking areas, except by valid permit only. The Police Bureau and the Public Work Department shall determine from time to time how the Permit Area is to be posted.
- F. Any vehicle parked in the Permit Area, except the parking spaces designated for non-residents, without a valid parking permit to park may be issued a \$50 parking ticket and/or towed at the owner's expense as a violator of a no parking area.
- G. The permit fees shall be credited to the general fund of the City.

ARTICLE XI, Regulation and Control of Traffic During Snow and Other Natural Emergencies
[Added 5-16-1988 by Ord. No. 65-88]

§ 400-106. Purpose.

The Common Council hereby finds and declares as a matter of legislative determination, and by authority of the Vehicle and Traffic Law, that it is in the best interest of the public and for the welfare and safety of the inhabitants of the City of Binghamton and to regulate and control traffic, to prevent congestion of traffic and to expedite the orderly movement thereof, that this article be enacted.

§ 400-107. Declaration of snow emergency.

Whenever road conditions in the City of Binghamton shall become hazardous or such that the free movement of fire, health, police, emergency or other vehicular traffic may become impeded by reason of snow, freezing rain, sleet, ice or other natural causes, the Mayor hereby is authorized to declare the existence of a snow emergency.

§ 400-108. Announcement of emergency to public.

The declaration of the snow emergency as stated above shall be conveyed to the public by radio, television and by newspaper; announcement by two local radio stations or two television stations or one radio station and one television station, or in the daily newspaper published in the County of Broome shall constitute notice to the general public.

§ 400-109. Term of emergency; termination.

The snow emergency so declared shall be deemed to continue for a period of 72 hours unless earlier terminated by the Mayor; and termination of the snow emergency may be declared as to one or more streets prior to the seventy-two-hour period.

§ 400-110. Prohibited parking or standing.

- A. It shall be unlawful to cause, permit, allow or suffer any vehicle to be parked or standing on the even-numbered side of any City street during the first 24 hours of a snow emergency.
- B. It shall be unlawful to cause, permit, allow or suffer any vehicle to be parked or standing on the odd-numbered side of any City street during the second twenty-four-hour period after the commencement of a snow emergency.
- C. Where the driver of such vehicle cannot be located, the violation of this provision shall be presumed to be that of the registered owner of the vehicle.
- D. The provisions of Subsections A and B shall not apply to physicians, emergency vehicles, snow control vehicles, public transit vehicles, public service vehicles, or commercial vehicles when in the performance of their respective duties.

§ 400-111. Use of snow tires, chains or mud hooks.

After the declaration of a snow emergency and the giving of public notice as stated above, it shall be unlawful for the owner or driver of a motor vehicle to cause, permit, allow or suffer said vehicle to become stalled or immobile on any street unless at least two wheels of said vehicle shall be equipped with "snow tires" or "tire chains" or "skid chains" or "mud hooks."

§ 400-112. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUD HOOKS -- Consist of the cross chains designed for giving added traction, and at least two sets of mud hooks on each of two wheels shall be required to comply with the requirements herein.

SNOW TIRES -- Such tires having a recognized tread or thickness of rubber adapted to give added traction and skid resistance on wet, icy or snow-covered areas; tires which are so worn as to have less than 5/32 of an inch of recognizable tread shall be deemed inadequate and not in compliance with the requirements of this article.

TIRE CHAINS or SKID CHAINS -- Those designed and constructed to encircle the outside perimeter of tires.

§ 400-113. Penalties for offenses.

Any person violating any of the provisions of this article may, upon conviction, be punished for the first offense by a fine not exceeding \$25 and each subsequent offense by a fine of not more than \$50.

§ 400-114. Towing of vehicles in violation; responsibility for charges.

Any vehicle left unattended as set forth in § 400-110 herein or which shall be stalled or otherwise unable to be moved on any street during a snow emergency may be towed or removed or caused to be removed under the direction of the Police Department, at the owner's expense, in addition to any other penalty herein prescribed. Said towing charge shall be paid prior to the release of said vehicle.