



**IN
THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Dated: April 10, 2024

Sponsored by Councilmember(s):

Introduced by Committee(s) on: Municipal and Public Affairs

LOCAL LAW NO. 1 OF 2024
entitled

A LOCAL LAW AMENDING THE CODE OF THE CITY
OF BINGHAMTON, CHAPTER 400, VEHICLES AND
TRAFFIC, ADDING THE PROHIBITION OF
OPERATION OF OFF-ROAD VEHICLES IN THE CITY
OF BINGHAMTON

WHEREAS, the Council of the City of Binghamton wishes to amend Chapter 400, *Vehicles and Traffic*, to add the prohibition of operation of off-road vehicles in the City of Binghamton; and

WHEREAS, the Council of the City of Binghamton Wishes to attach Article XII, "Prohibition of Off-Road Vehicles in the City of Binghamton."

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton Chapter 400, *Vehicles and Traffic*, is hereby amended to add Article XII, "Prohibition of Off-Road Vehicles in the City of Binghamton" as attached.

Section 2. That this Local Law will take effect upon filing with the Secretary of the State.

Article XII

PROHIBITION OF OPERATION OF OFF-ROAD VEHICLES IN THE CITY OF BINGHAMTON

§ 400-115. Legislative findings, intent and purpose.

The Mayor and City Council find that despite the clear prohibition in Section 2403 of Article 48-c of the New York State Vehicle and Traffic Law "Rules for Operation of All Terrain Vehicles," the number of incidents involving the illegal operation of ATVs and dirt bikes in the City of Binghamton and across New York State have steadily increased. The operation of illegal, unregistered dirt bikes, ATVs, and other non-street legal vehicles on the streets and parks in the City of Binghamton impact the public safety and quality of life of those who live and work in the City of Binghamton. These off-road vehicles pose a danger to the drivers and passengers of the legal vehicles operating on City streets, the public at large, and the patrons of City parks. Furthermore, the excessive noise created by the operation of these vehicles, which are not designed for use within city limits, often occurs late at night, disturbing the peace and quiet of City neighborhoods.

The purpose of this legislation is to strengthen the ability of the Binghamton Police Department to ensure public safety and the general welfare of the City of Binghamton and its citizens by providing a local law to deter the illegal operation of off-road vehicles in the City of Binghamton and in City parks by imposing a fine or imprisonment, impoundment of the off-road vehicle being operated illegally, and allowing for a redemption fee to be charged by the Binghamton Police Department in addition to the separate fees to be paid to the towing company who stores the impounded vehicle for the Binghamton Police Department.

§ 400-116. Definitions.

For purposes of this article, the following terms shall be defined as follows:

Off-road vehicles: All-terrain vehicles (sometimes referred to as ATVs) as that term is defined in Section 2281(1) of the New York State Vehicle and Traffic Law; Off-highway motorcycles as that term is defined in Section 125-a of the New York State Vehicle and Traffic Law; Motocross or dirt bikes; dune buggies; go-carts; and any and all other types of motorized trail bikes or vehicles that are manufactured for sale or operation primarily on off-highway trails or for off-highway competitions and are only incidentally operated on public highways. **Nothing contained herein, however, shall be deemed to apply to or prohibit the use of bicycles as defined in section 102 of the New York State Vehicle and Traffic Law, the use of electric scooters and bicycles with electric assist, as defined in**

sections 114-E and 102-C of the New York State Vehicle and Traffic Law, respectively, or any other vehicle legal for use on public streets and highways under the New York State Vehicle and Traffic Law provided the use is on permissible streets and highways in compliance with the New York State Vehicle and Traffic Law.

Operate: To ride in or on, other than as a passenger, or use or control the operation of an off-road vehicle in any manner, whether or not said off-road vehicle is under way.

Operator: Every person who operates or is in actual physical control of an off-road vehicle.

Public highway: Any highway, road, alley, street, avenue, public place, public driveway, or any other public way.

§ 400-117. Restrictions.

(a) *Public property*. No person shall operate an off-road vehicle on a public highway or on any public property in the City of Binghamton. Use of off-road vehicles is also prohibited in all City parks pursuant to section §301-4 of the Code of the City of Binghamton.

(b) *Private property*. No person shall operate an off-road vehicle off a public highway on private property in the City of Binghamton unless such person has first obtained the express consent of the owner or occupant of such property to operate the off-road vehicle on the property. There shall be a rebuttable presumption that the operator of an off-road vehicle on private property in the City of Binghamton lacks consent to operate the off-road vehicle on private property.

§ 400-118. Penalties for offenses, impoundment and redemption.

(a) The first time any person is found to be operating an off-road vehicle in violation of the provisions of §400-117 (a) or (b) or in violation of §301-4 of the Code of the City of Binghamton, it shall be punishable as a violation with a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed fifteen (15) days or both. The second time any person is found to be operating an off-road vehicle in violation of the provisions of §400-117 (a) or (b) or §301-4 of the Code of the City of Binghamton, it shall be punishable as a violation with a fine not to exceed seven hundred fifty dollars (\$750.00) or imprisonment not to exceed fifteen (15) days or both. For the third and all subsequent violations of the provisions of §400-117 (a) or (b) or §301-4 of the Code of the City of Binghamton, the person shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed one year or both.

(b) Any violation of the provisions of §400-117(a) or (b) or of §301-4 of the Code of the City of Binghamton shall apply towards the escalation of penalties for any future violations of either this article or §301-4.

(c) In addition to the penalties set forth in subsection (a) of this section, a police officer may immediately impound an off-road vehicle that has been operated in violation of §400-117 (a) or (b) or of §301-4 of the Code of the City of Binghamton. The City of Binghamton utilizes various towing companies to assist with the towing and storage of vehicles seized and impounded by the Binghamton Police Department. Off-road vehicles impounded pursuant to this subsection shall be stored at the Binghamton Police Department impound, pending the identification of the owner of such off-road vehicle as registered with the New York State Department of Motor Vehicles. Such title owner shall be sent a notice of impoundment at the address on file with the New York State Department of Motor Vehicles by certified mail within five (5) days after the impoundment. Neither the police department impounding such off-road vehicle, nor the City of Binghamton, nor any agent nor any employee thereof, shall be liable for any damages arising out of the provision of an erroneous name or address of such owner. The owner of the off-road vehicle operated in violation of §400-117(a) or (b) or of §301-4 of the Code of the City of Binghamton may redeem such off-road vehicle upon satisfactory proof of ownership and payment of a redemption fee of one thousand dollars (\$1,000.00). Satisfactory proof of ownership shall be consistent with the documentation that is required by the New York State Department of Motor Vehicles to register the off-road vehicle. An off-road vehicle impounded under this subsection shall only be released to the owner of such off-road vehicle, or to such owner's agent as evidenced by a written, notarized proof of agency, or duly executed power of attorney.

§ 400-119. Enforcement.

The Chief of Police is charged with the enforcement of the provisions of this article. For the first two consecutive years after this law is enacted, at the first work session in August of each year, the Chief of Police of the City of Binghamton shall report to City Council on the number of arrests and impoundments under this section of law for the preceding calendar year.

§ 400-120. Severability.

If any clause, sentence, paragraph or part of this article or application thereof to any person or circumstances shall be judged by any court to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof or the application thereof to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons or circumstances directly involved in the controversy in which the judgment shall be rendered.

CHAPTER 301 PARKS AND RECREATION

§301-4 Prohibition of operation of off-road vehicles in City parks.

No person shall operate or drive or cause to be operated or driven upon, within any of the City parks or playgrounds an off-road vehicle.

For purposes of this section an off-road vehicle shall be defined as: All-terrain vehicles (sometimes referred to as ATVs) as that term is defined in Section 2281(1) of the New York State Vehicle and Traffic Law; Off-highway motorcycles as that term is defined in Section 125-a of the New York State Vehicle and Traffic Law; motocross or dirt bikes; dune buggies; go-carts; and any and all other types of motorized trail bikes or vehicles that are manufactured for sale or operation primarily on off-highway trails or for off-highway competitions and are only incidentally operated on public highways. Nothing contained herein, however, shall be deemed to apply to or prohibit the use of bicycles.

Persons found to be operating off-road vehicles in City parks in violation of this section shall be subject to the same penalties as listed in §400-118 of the Code of the City of Binghamton. A violation of this section shall apply towards the escalation of penalties set forth in §400-118 for any future violations of either this section or §400-117(a) or (b).

LOCAL LAW

Intro. No LL24-01

Perm No. _____

A LOCAL LAW AMENDING THE CODE OF THE CITY OF BINGHAMTON, CHAPTER 400, VEHICLES AND TRAFFIC, ADDING THE PROHIBITION OF OPERATION OF OFF-ROAD VEHICLES IN THE CITY OF BINGHAMTON

The within Local Law was adopted by the Council of the City of Binghamton.

Date

City Clerk

Date Presented to the Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

_____ Ayes _____ Nays _____ Abstained _____ Absent



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 10, 2024

Sponsored by Council Members: Porter, Dundon, Cavanaugh, Mativetsky, Hotchkiss, Middleton

Introduced by Committee: Employees

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2024 FIRE
BUDGET TO PAY FIRE MECHANIC FROM
CSEA UNION TO FIRE UNION EFFECTIVE
1/1/2024 WITH RETROACTIVE SALARY
INCREASE

WHEREAS, the Comptroller finds it proper and necessary to amend the 2024 Fire Department budget to pay Fire Mechanic from CSEA Union position to Fire Union position; and

WHEREAS, the Fire Department will transfer the funds from the existing budget lines; and

WHEREAS, the budget transfer was approved by the Board of Estimate and Apportionment on April 10, 2024.

NOW THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Comptroller and Acting Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2024 Fire Department budget to fund the Fire Mechanic position from CSEA to Fire Union as follows:

Transfer From (Decrease):

\$4,000 A3410.54112 (GAS/FUEL)

\$4,000 A3410.54119 (EMS SUPPLIES)

\$2,000 A3410.54610 (BUILDING/EQUIP IMPROV & MAINT)

\$2,000 A3410.54701 (TRAVEL & TRAINING)

\$12,000

Transfer To (Increase):

\$12,000 A3410.51000 (PERS SERV)

\$12,000

Section 2. That this Ordinance shall take effect immediately.

I HEREBY CERTIFY that the above described funds are unencumbered and available.

Chuck Shager, Comptroller

Introductory No. 024-25

Permanent No. _____

Sponsored by City Council Members: Porter,
Dundon, Cavanaugh, Mativetsky, Hotchkiss,
Middleton

AN ORDINANCE TO AMEND THE 2024 FIRE
BUDGET TO PAY FIRE MECHANIC FROM CSEA
UNION TO FIRE UNION EFFECTIVE 1/1/2024
WITH RETROACTIVE SALARY INCREASE

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ Absent

I hereby certify the above to be a true
copy of the legislation adopted by the
Council of the City of Binghamton at a
meeting held on _____. Approved
by the Mayor on _____.



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 10, 2024

Sponsored by Council Members: Hotchkiss, Cavanaugh, Middleton, Mativetsky, Dundon, Porter

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE AMENDING THE 2024
GENERAL FUND BUDGET TO ALLOW FOR
THE DEMOLITION OF A FIRE DAMAGED
PROPERTY AT 122 HENRY STREET**

WHEREAS, the Mayor and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2024 General Fund budget for the demolition of a fire damaged property at 122 Henry Street; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on April 10, 2024.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Comptroller is hereby authorized and directed to amend the 2024 General Fund budget for the demolition of a fire damaged property at 122 Henry Street as follows:

- (i) \$37,500 increase revenue budget line M.42680 (INS. RECOVERY)
- (ii) \$37,500 increase expense budget line M1910.54470 (DEMOLITION)

Section 2. That this Ordinance shall take effect immediately.

I HEREBY CERTIFY that the above described funds
are unencumbered and available

Chuck Shager, Comptroller

Introductory No. O24-26

Permanent No. _____

Sponsored by City Council Members: Hotchkiss, Cavanaugh, Middleton, Mativetsky, Dundon, Porter

AN ORDINANCE AMENDING THE 2024 GENERAL FUND BUDGET TO ALLOW FOR THE DEMOLITION OF A FIRE DAMAGED PROPERTY AT 122 HENRY STREET

The within Ordinance was adopted by the Council of the City of Binghamton.

_____ Date

_____ City Clerk

_____ Date Presented to Mayor

_____ Date Approved

_____ Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on _____. Approved by the Mayor on _____.



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 10, 2024

Sponsored by Council Members:

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION TO AUTHORIZE THE MAYOR
TO ENTER INTO AN AGREEMENT WITH
HARDING BROOKS INSURANCE AGENCY
FOR WORKERS' COMPENSATION
INSURANCE

WHEREAS, the City of Binghamton, is generally self-insured; and
WHEREAS, in an effort to minimize the City's loss exposure, the City has received proposals from various insurance providers for comprehensive workers compensation coverage; and

WHEREAS, the proposal from Harding Brooks Insurance Agency to be broker of record for the City of Binghamton for Workers' Compensation Insurance has been determined to meet the City's needs;

NOW THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby resolve as follows:

Section 1. That the Mayor, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with Harding Brooks Insurance Agency to act as the Broker of Record for the City's Workers Compensation Insurance.

Introductory No. R24-24

Permanent No. _____

Sponsored by City Council Members:

A REOSLUTION TO AUTHORIZE THE MAYOR
TO ENTER INTO AN AGREEMENT WITH
HARDING BROOKS AGENCY FOR THE CITY OF
BINGHAMTON FOR WORKERS'
COMPENSATION INSURANCE

The within Ordinance was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

____ Ayes ____ Nays ____ Abstain ____ Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on _____. Approved by the Mayor on _____.



**IN
THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Dated: April 10, 2024

Sponsored by Councilmember(s): Hotchkiss, Porter, Dundon

Introduced by Committee(s) on: Rules and Procedures/Special Studies

**RESOLUTION
*entitled***

A RESOLUTION CALLING FOR A CEASE FIRE IN
GAZA, THE RELEASE OF HOSTAGES, AND
INCREASED HUMANITARIAN AID

WHEREAS, All human life is precious, and the targeting of civilians, no matter their faith or ethnicity, is a violation of international humanitarian law; and

WHEREAS, The Binghamton City Council expresses its unwavering support for all Arab, Israeli, Palestinian, Jewish, Muslim, and all other members of the community who are impacted, each of whom has the right to learn, work, worship, gather, advocate, mourn, and celebrate free from intimidation and harassment; and

WHEREAS, The Binghamton City Council condemns all forms of anti-Arab racism, anti-Palestinian racism, antisemitism, and Islamophobia; and

WHEREAS, Between October 7 and March 13, armed violence has claimed the lives of over 1,300 Israelis and over 31,000 Palestinians, including Americans, and wounded tens of thousands more; and

WHEREAS, Hundreds of thousands of lives are at imminent risk of bombing and starvations if a permanent cease-fire is not achieved and humanitarian aid is not delivered without delay; and

WHEREAS, All members of the New York congressional delegation must use the platform provided by their office to advocate for measures that will result in the least amount of death and violence and amplify the voices of their constituents; and

WHEREAS, The United States must support a solution to the Israeli-Palestinian conflict that respects the human rights and dignities of both peoples; and

WHEREAS, The Federal Government holds immense diplomatic power to save Israeli and Palestinian lives.

NOW, THEREFORE, BE IT RESOLVED, that the City of Binghamton

- (1) Calls upon the Biden administration to immediately call for and facilitate deescalation, the return of hostages, and a permanent cease-fire to prevent further death and humanitarian catastrophe; and
- (2) Calls upon the Biden administration to immediately reinstate funding to UNRWA and to send and facilitate unrestricted humanitarian aid at the levels recommended by the United Nations for the Palestinian people.

BE IT FURTHER RESOLVED, That upon passage, a copy of this Resolution be sent to the Office of U.S. President Joe Biden, the Office of U.S. House Representative Marc Molinaro, the Office of U.S. Senator Chuck Schumer, the Office of U.S. Senator Kirsten Gillibrand, the Office of New York State Senator Lea Webb, the Office of New York State Assemblywoman Donna Lupardo, the Office of New York State Governor Kathy Hochul.

RESOLUTION

Intro. No R24-25

Perm No. _____

A RESOLUTION CALLING FOR A CEASE FIRE IN GAZA, THE RELEASE OF HOSTAGES, AND INCREASED HUMANITARIAN AID

The within Resolution was adopted by the Council of the City of Binghamton.

Sponsored by: Hotchkiss, Porter, Dundon

Date

City Clerk

Date Presented to the Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Councilmember Porter				
Councilmember Middleton				
Councilmember Cavanaugh				
Councilmember Hotchkiss				
Councilmember Mativetsky				
Councilmember Kosty				
Councilmember Dundon				
Total				

Code of the City of Binghamton

Adopted Defeated

_____ Ayes _____ Nays _____ Abstained _____ Absent