



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

Date: April 24, 2024

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

Introduced by Committee: Employees

ORDINANCE

entitled

AN ORDINANCE TO AMEND O24-21
SECTIONS E AND F TO MAKE CLEAR THAT
ALL PAYMENTS WILL BE DEDUCTED FIRST
FROM NEW YORK STATE PENSIONS

WHEREAS, Corporation Counsel, the Comptroller, and the Mayor of the City of Binghamton have recommended that the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, § 26, *City to pay portion of costs of premiums for continued health insurance for eligible retired employees*, be amended; and

WHEREAS, City Council amended the Code of the City of Binghamton accordingly in Ordinance 24-21.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows the amended language to O24-21:

Section 1. That the Code of the City of Binghamton, Chapter 124, *Personnel Policies*, § 26, *City to pay portion of costs of premiums for continued health insurance for eligible retired employees*, is hereby amended as follows:

§ 124-26. City to pay portion of costs of premiums for continued health insurance for eligible retired employees. [Amended 12-17-1973 by Ord. No. 244-73; 5-7-1984 by Ord. No. 40-84; Deleted 1-6-2017 by Ord. No. 16-105; Amended 6-19-2019 by Ord No. 19-66; Amended 12-23-2020 by Ord. No. 20-115; Amended 11-17-2021 by Ord. No. 21-132; Amended 12-22-2021 by Ord No. 21-155]

The City of Binghamton will provide continued health insurance coverage for eligible retired employees as follows:

A. "eligible retired employees" are defined as employees that retire from the City of Binghamton and enter the NYS retirement system (ERS or PFRS that the City paid into) directly upon leaving employment with the City unless this definition is superseded by a collective bargaining agreement.

B. For all eligible retired employees, including non-union officers and employees, and excluding retired employees that were members of the International Brotherhood of Teamsters, AFLCIO, Blue Collar and Supervisor Units, Local No. 317, the City of

Binghamton will pay Seventy (70%) Percent of the premium charged for the plan selected by the retired employee, i.e., Excellus Blue Cross/Blue Shield Classic Blue (available in the calendar year of retirement only); Excellus Blue Cross/Blue Shield-PPO-B; or Excellus Blue Cross/Blue Shield Signature Deductible 3. The eligible retired employee will pay the remaining Thirty (30%) Percent of the premium charged for the selected plan.

C. For all eligible retired employees that were members of the International Brotherhood of Teamsters, AFL-CIO, Blue Collar and Supervisor Units, Local No. 317, the City of Binghamton will pay Seventy (70%) Percent of the premium charged for the “C-2 Plan” or, if discontinued, the equivalent replacement plan, and the eligible retired employee will pay the remaining Thirty (30%) Percent of the premium charged for this plan. The eligible retired employee may select another plan offered through New York State Teamsters but such employee will pay the entire cost of the premium, regardless of the selected plan.

D. For all eligible retired employees, including retired members of the International Brotherhood of Teamsters, AFL-CIO, Blue Collar and Supervisor Units, Local No. 317, and the spouses, surviving spouses, and dependents of the retired employees who are Medicare eligible must enroll in the City’s Advantage Plan for Groups or the equivalent replacement policy. The City of Binghamton will pay Seventy (70%) Percent of the premium charged for the Advantage Plan for Groups. The retired employee, or, if deceased, the spouses, surviving spouses, and dependents of the retired employee will pay the remaining Thirty (30%) Percent of the premium charged for the Advantage Plan for Groups.

E. For all officers and employees who have at least ten (10) years of full time service with the City of Binghamton on or after January 1, 2009, who separated from service with the City of Binghamton in good standing (not terminated), over 65 on Medicare with Parts A and B, and collecting retirement with the New York State and Local Retirement System, will be entitled to join the City’s Advantage Plan for Groups or the equivalent replacement policy, when he or she is Medicare eligible provided he/she pays One Hundred (100%) Percent of the cost of such plan with payments being deducted first from his/her New York State pension.

F. Any elected official who serves at least two (2) four (4) year terms, will be entitled to join the City’s Advantage Plan for Groups or the equivalent replacement policy, when he or she is Medicare eligible with Parts A & B, provided he/she pays the remaining thirty percent (30%) of the premium charged for the Advantage Plan for Groups as provided in paragraph “D” above with payments being deducted first from his/her New York State pension.

G. A surviving spouse of an employee in good standing, who was eligible for continued health insurance coverage, whether or not that employee has retired, is eligible for continued health insurance as provided in the applicable subsections above, except that the surviving spouse (Widow/Widower) will be responsible to pay One Hundred (100%) Percent of the premium charged to the City of Binghamton.

H. Employees who have retired from the City of Binghamton (not just collected their retirement from NYSLRS) and carry health insurance into retirement are eligible to opt out of the City of Binghamton retiree health insurance plan, as explained above, and return to the plan one time as long as they provide proof of insurance coverage during the entire period they were not covered by the City’s plan.

I. Employees who have retired from the City of Binghamton (not just collected their retirement from NYSLRS) and did not carry health insurance into retirement are eligible to return to the plan one time when they provide proof of insurance coverage during the entire period they were not covered by the City’s plan but are not eligible to leave the City’s plan and return pursuant to subsection H, above.

J. The City of Binghamton will provide continued health insurance coverage for eligible retired employees who retire directly from the City of Binghamton as follows: Those hired on or before June 1, 2024, are required to have ten (10) years of service with the City to qualify for continued health insurance coverage, and those hired after

June 1, 2024, are required to have twenty (20) years of service with the City to qualify for continued health insurance coverage. All eligible retired employees shall continue to make the required contribution toward health insurance premiums in accordance with the above subsections and applicable provisions of the Binghamton City Code, as well as any applicable collective bargaining agreements and employment contracts.

K. Any employee who has at least ten (10) years of service with the City and has bought back active military service credit towards their retirement shall be eligible to have such service credit added to the total years of service with the City, to the extent such service credit was bought back while the employee was employed by the City.

Section 2. That this ordinance shall take effect immediately.

Introductory No. 024-27

Permanent No. _____

Sponsored by City Council Members:
Porter, Dundon, Kosty

AN ORDINANCE TO AMEND O24-21 SECTIONS
E AND F TO MAKE CLEAR THAT ALL
PAYMENTS WILL BE DEDUCTED FIRST FROM
NEW YORK STATE PENSIONS

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 24, 2024

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

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE TO REFORMAT R23-93 TO
MEET NYS OFFICE OF PARKS, RECREATION
AND HISTORIC PRESERVATION
ENVIRONMENTAL PROTECTION FUND
RESOLUTION REQUIREMENTS**

WHEREAS, the City of Binghamton applied for and received a grant in the amount of \$500,000 from New York State;

WHEREAS, the NYS Office of Parks, Recreation and Historic Preservation Environmental Protection Fund resolution requirements are subject to specific language; and

WHEREAS, there is no required City match; that pending reimbursement, funding for the project shall be drawn from H7110.55555.PR020; that the Director of Planning will be the grant project manager; and that the anticipated date of project completion is 2027.

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

RESOLVE that the language will be revised to state:

RESOLUTION

(To be made on official letterhead of Council of the City of Binghamton)

RESOLVED, that the City of Binghamton applied for financial assistance from the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) under Title 9 of the Environmental Protection Act of 1993, which implements the Environmental Protection Fund (EPF) Act of 1993 for the purpose of funding the Ross Park Ttrail;

RESOLVED, that the City of Binghamton is authorized and directed to accept these grant funds in an amount not to exceed \$500,000 for the project described in the grant application;

RESOLVED, that the City of Binghamton is authorized and directed to agree to the terms and conditions of the State of New York Contract for Grants ("Contract") with OPRHP for such Ross Park Trail;

RESOLVED, that the City of Binghamton is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds, which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and

RESOLVED, that the governing body of the municipality delegates signing authority to execute the Contract and any amendments thereto, any required deed of easement, and any other certifications to the individual(s) who hold(s) the following elected or appointed municipal office(s) or employment position title(s): Mayor and/or Director of Planning Housing & Community Development.

CERTIFIED TRUE COPY

I, Sarah Dinhofer, Clerk the City of Binghamton, hereby certify that the foregoing is a full, true, and accurate copy of a resolution duly and regularly adopted by the governing body of the municipality, at a meeting duly and regularly held on December 6, 2023, at which quorum was present throughout, and the required majority of the governing body voted in favor of this resolution. I further certify that this resolution is still in full force and effect and has not been revoked or modified.

Dated: _____

Signature:
Clerk

Affix Seal of Municipality Here

January 2020

Introductory No. R24-28

Permanent No. _____

Sponsored by City Council Members:
Dundon

A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT AN ENERGY EFFICIENT
COMMUNITY BLOCK GRANT FOR \$76,690
FROM DOE FOR THE PURCHASE OF ELECTRIC
VEHICLES

The within Resolution 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 24, 2024

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

Introduced by Committee: Municipal and Public Affairs

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 400,
VEHICLES AND TRAFFIC, SECTION 400-18(C)
TO ADD A BUDGET LINE FOR IMPOUND FEES
FOR ALL TERRAIN VEHICLES'S (ATV)

WHEREAS, Corporation Counsel, the Comptroller, and the Mayor of the City of Binghamton have recommended that the Code of the City of Binghamton, Chapter 400, *Vehicles and Traffic*, § 400-18, *Fee for impounded vehicles; disposition of fees*, subsection C be amended to add a section for disposition of impound fees relating to ATV's under newly enacted Article XII; and

WHEREAS, City Council wishes to amend Code of the City of Binghamton accordingly.

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, § 400-18, *Fee for impounded vehicles; disposition of fees*, subsection 400-18(C) is hereby amended as follows:

§ 400-18. *Fee for impounded vehicles; disposition of fees*. [Added 2-5-2001 by Ord. No. 1-6; amended 10-21-2002 by Ord. No. 02-119].

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 except as to impound fees collected under Article XII section 400-118 of Chapter 400, which fees shall, after the costs of impoundment and storage, go into the budget line for youth programming identified as revenue line "A41520A- Police ATV FEE" and expense line "H.7110.XXXXXX" YOUTH PROGRAMMING.

Section 2. That this ordinance shall take effect immediately.

Introductory No. _____

Permanent No.

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

AN ORDINANCE TO AMEND THE
CODE OF THE CITY OF BINGHAMTON,
CHAPTER 124, PERSONNEL POLICIES,
TO UPDATE ELIGIBILITY FOR RETIREE
HEALTH 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 _____.



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

Date: April 24, 2024

Sponsored by Council Members: Cavanaugh, Hotchkiss, Middleton

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2024
INSURANCE FUND BUDGET TO PAY FOR
SETTLEMENT**

WHEREAS, pursuant to Permanent Ordinances 17-33 and 17-34, adopted May 3, 2017, City Council established an Insurance Reserve Fund in the General Fund and the Insurance Fund; and

WHEREAS, the Comptroller of the City of Binghamton finds it proper and necessary to amend the 2024 Insurance Fund to pay for a settlement in the total amount of \$250,000.00; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on April 24, 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 City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2024 Insurance Fund budget to pay for settlement as follows:

- (i) \$250,000 increase in revenue budget line M.49999 (FUND BALANCE)
- (ii) \$250,000 increase in expense budget line M.1910.54900 (PROV FOR INCURRED LOSS)

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. _____ O24-30 _____

Permanent No. _____

Sponsored by City Council Members: Cavanaugh,
Hotchkiss, Middleton

AN ORDINANCE TO AMEND THE 2024
INSURANCE FUND BUDGET TO PAY FOR
SETTLEMENT

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 24, 2024

Sponsored by Council Members: Dundon, Porter

Introduced by Committee: Public Works

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR,
OR HIS DESIGNEE, TO ENTER INTO
SUPPLEMENTAL AGREEMENT NO. 2 WITH
GHD CONSULTING SERVICES, INC.

WHEREAS, the Mayor of the City of Binghamton wishes to enter into amended agreement No. 2 with GHD Consulting Services, Inc. for the CSO-LTCP Post Construction Compliance Monitoring Program as requested by the New York State Department of Environmental Conservation (NYSDEC) at a cost not to exceed \$68,000.

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

RESOLVE that the Mayor, or his designee, is hereby authorized to enter into an amended agreement No. 2, approved as to form and content by the Office of Corporation Counsel, with GHD Consulting Services Inc. for the CSO-L TCP Post Construction Compliance Monitoring Program in an amount not to exceed \$68,000; and that the funds shall be deducted from budget line A1440.54420 (Technical Services) for this purpose

Introductory No. R24-26

Permanent No. _____

Sponsored by City Council Members:
Dundon, Porter

A RESOLUTION AUTHORIZING THE MAYOR,
OR HIS DESIGNEE, TO ENTER INTO
SUPPLEMENTAL AGREEMENT NO. 2 WITH
GHD CONSULTING SERVICES, INC.

The within Resolution 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 24, 2024

Sponsored by Council Members: Dundon

Introduced by Committee: Public Works

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT A GRANT FOR \$25,000 FROM
BROOME COUNTY FOR MURAL AT
MIRABITO STADIUM

WHEREAS, the City of Binghamton applied for and received a grant in the amount of \$25,000 through the Broome County; and

WHEREAS, the funding contributes to a mural at Mirabito Stadium; and

WHEREAS, there is no required City match; that pending reimbursement, funding for the project shall be drawn from the general fund; that the Director of Economic Development will be the grant project manager; and that the anticipated date of project completion is 2025.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to execute any and all documents, approved as to form and content by the Office of Corporation Counsel, to accept a grant in the amount of \$25,000 from Broome County

Introductory No. R24-27

Permanent No. _____

Sponsored by City Council Members:
Dundon

A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT A GRANT FOR \$25,000 FROM
BROOME COUNTY FOR MURAL AT MIRABITO
STADIUM _____

The within Resolution 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 24, 2024

Sponsored by Council Members: Dundon

Introduced by Committee: Planning

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT AN ENERGY EFFICIENT
COMMUNITY BLOCK GRANT FOR \$76,690
FROM DOE FOR THE PURCHASE OF
ELECTRIC VEHICLES

WHEREAS, the City of Binghamton applied for and received a grant in the amount of \$76,690 through the Department of Energy; and

WHEREAS, the funding contributes to the purchase of electric vehicles; and

WHEREAS, there is no required City match; that pending reimbursement, funding for the project shall be drawn from the general fund; that the Director of Planning will be the grant project manager; and that the anticipated date of project completion is 2024.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to execute any and all documents, approved as to form and content by the Office of Corporation Counsel, to accept a grant in the amount of \$76,690 from the DOE for the purchase of electric vehicles.



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

Date: April 24, 2024

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

Introduced by Committee: Public Works and Parks

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT A DONATION OF PUBLIC ART
FROM CAITLIN DAVEY AND JAMES
MCILLROY

WHEREAS, the City of Binghamton approved a mural designed by Caitlin Davey and James McIllroy; and

WHEREAS, there is no required City funding; and

WHEREAS, the City wishes to accept the designed mural as proposed.

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

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to accept a donation of public art from Caitlin Davey and James McIllroy.

Introductory No. R24-29

Permanent No. _____

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

A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT A DONATION OF PUBLIC ART
FROM CAITLIN DAVEY AND JAMES
MCILLROY

The within Resolution 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 24, 2024

Sponsored by Council Members: Dundon

Introduced by Committee: Public Works and Parks

RESOLUTION

entitled

**A RESOLUTION IN SUPPORT OF NEW YORK
STATE SENATE BILL S8306B INFILL
HOUSING PILOT PROGRAM**

WHEREAS, the City of Binghamton hereby recognizes a shortage of affordable housing units available for purchase. It is further found that homeownership is essential for building generational wealth, and that the state therefore has an interest in promoting homeownership.

WHEREAS, the New York State Senate has passed New York State Senate Bill S8306B, “Enacts into law major components of legislation necessary to implement the state education, labor, housing and family assistance budget for the 2024-2025 state fiscal year”

WHEREAS, the City of Binghamton wishes to express support for the passage of New York State Senate Bill S8306B

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

RESOLVE that that the Common Council of the City of Binghamton hereby expresses its support for the passage of New York State Senate Bill S8306B which “Enacts into law major components of legislation necessary to implement the state education, labor, housing and family assistance budget for the 2024-2025 state fiscal year”

Introductory No. R24-30

Permanent No. _____

Sponsored by City Council Members:
Dundon

A RESOLUTION IN SUPPORT OF NEW YORK
STATE ASSEMBLY BILL S8306B INFILL
HOUSING PILOT PROGRAM

The within Resolution 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: March 27, 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 two thousand dollars (\$2,000.00). 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.

§ 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