



RL Number: 24-139

Date Submitted: \_\_\_\_\_

# Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

## INTERNAL REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.

### Applicant Presenting RL at Work Session

Chief Joseph T. Zikuski  
(Name)

Police Chief  
(Title)

(607) 772-7090  
(Phone number)

### Additional Presenters:

### To Be Completed By Applicant

#### Proposed Title:

A Resolution to accept funding from the District Attorney's office to assist with expenses related to discovery and pretrial

#### Executive Summary (Explain why legislation is necessary):

This funding will be used to support the Binghamton Police Department with expenses related to the implementation of discovery and pretrial reforms that took effect in New York State on Jan. 1, 2020. BPD will receive \$82,188 to fund a Discovery Officer to provide administrative support. The funding comes from the NYS Division of Criminal Justice Services (DCJS) via the Broome County District Attorney's Office.

#### Effective Date (if applicable):

**Budget transfer or amendment:** RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.  
**RL related to a grant:** RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number:

Adoption Date:

Contract: Person/Company:

Total Cost: \$82,188.00

Funds available in Budget Line:

Title:

Public Hearing required? Yes  Not Applicable

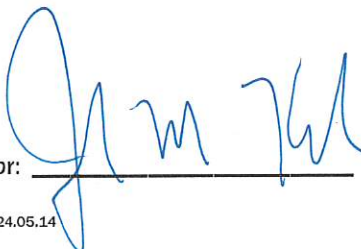
SEQRA required? Yes  Not Applicable

Additional information related to this RL attached? Yes  No

Expedition requested for this RL? Yes  No

Please explain why expedition is necessary:

### For Internal Use Only

Mayor:  Comptroller: \_\_\_\_\_

Corp. Counsel: 



# Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

## GRANT APPLICATION WORKSHEET

*The Request for Legislation must include the project title and the purpose of the grant.  
Please provide the following additional information.*

Agency providing the grant: Broome County District Attorney / NYS DCJS

Total project cost: \$82,188

Total amount of grant: \$82,188

Local match (if any): None

If local match is monetary, provide the budget line and title: \_\_\_\_\_

If local match is "in kind", provide the anticipated personnel and hours to be dedicated to the project:  
\_\_\_\_\_  
\_\_\_\_\_

Disbursement of grant (upfront, reimbursable?): Upfront

Grant Budget Line: \_\_\_\_\_

Grant project manager: Chief Joseph T. Zikuski

Anticipated date of project completion: \_\_\_\_\_

Special project completion requirements (if any): \_\_\_\_\_

**Attach any required form of Resolution from the Agency providing the grant.**

Please provide any additional information in the space provided below, including any other government agency or private partner participating in the grant, along with a description of such participation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Division of Criminal  
Justice Services**

**KATHY HOCHUL**  
Governor

**ROSSANA ROSADO**  
Commissioner

**DEAN DEFRUSCIO**  
Deputy Commissioner

## Grant Award Notice

The Division of Criminal Justice Services (DCJS) is pleased to advise you that your county will receive funding under the State's Discovery Reform Grant Program for State Fiscal Year (SFY) 2023-24.

Grantee: Broome County	Date: September 28, 2023
Program Name: Criminal Justice Discovery Reform Grant	Award Amount: \$1,128,288
Name of Official: The Honorable Jason Garnar	SFY 2023-24 (April 1, 2023 to March 31, 2024)
Email: <a href="mailto:jgarnar@co.broome.ny.us">jgarnar@co.broome.ny.us</a>	Contract #: C460120

### Criminal Justice Discovery Reform Grant - Additional Information:

DCJS is pleased to provide funding to your county to support local law enforcement agencies with expenses related to the implementation of discovery and pretrial reforms that took effect January 1, 2020. Your county's award amount has been determined based on the prorated share of 2018-2022 criminal court arraignments statewide.

This funding is contingent upon the submission by the county, and subsequent DCJS approval of, a Discovery Reform Funding Plan. Please see the attached *2023-24 Discovery Reform Application* and the *Discovery Reform Funding Plan* for additional information. All funding provided is primarily intended to support costs incurred on or after the start of SFY 2023-24 (April 1, 2023); however, this funding may also be used to cover any costs incurred in SFY 2022-23 (April 1, 2022 to March 31, 2023).

**In your county's application, the District Attorney's (DA) minimum amount must match the greatest amount that was allocated to the DA in your county's previously submitted budget to DCJS from either of the preceding years of discovery funding. If your county had not previously submitted a budget for this funding, the minimum should be calculated as 67% of the total county award amount.**

The county's Discovery Reform Funding Plan should be submitted to DCJS using the DCJS Grants Management System (GMS). Additional information about GMS is provided in the attached application document. Questions about the submission of the plan should be emailed to DCJS at [dcjsfunding@dcjs.ny.gov](mailto:dcjsfunding@dcjs.ny.gov). Please include "Discovery Reform Question" in the subject line of your email.

Once plans are approved by DCJS, grantees will be notified and shall receive payment for their entire award. **The county shall subsequently and promptly make this funding available to the recipient agencies (e.g., DA, probation department, sheriff's offices, local police department) within 60 days of receipt.** Thank you for your continued partnership to help keep New Yorkers safe and ensure a justice system that works for all.

Attachment (2)

Intro No.

27

Date reviewed by  
Co. Attorney

5/16/24

COA

Date

4/26/24

**RESOLUTION**  
**BROOME COUNTY LEGISLATURE**  
**BINGHAMTON, NEW YORK**

**Sponsored by:** Public Safety & Emergency Services and Finance Committees

**RESOLUTION AUTHORIZING ACCEPTANCE AND ALLOCATION OF NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES (DCJS) DISCOVERY REFORM FUNDS FOR THE OFFICE OF THE DISTRICT ATTORNEY FOR 2023-2024**

WHEREAS, the District Attorney requests authorization to accept and allocate New York State Division of Criminal Justice Services (DCJS) Discovery Reform Funds in the amount of \$1,128,288 for the period April 1, 2023 through March 31, 2024, and

WHEREAS, said funds will be used to support the District Attorney's Office and local law enforcement agencies with expenses related to the implementation of discovery and pretrial reforms that took effect January 1, 2020, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes and approves acceptance and allocation of \$1,128,288 from the New York State Division of Criminal Justice Services, 80 South Swan Street, Albany, New York 12210 for the Office of the District Attorney, for the period April 1, 2023 through March 31, 2024, and be it

FURTHER RESOLVED, that the amount hereinabove authorized shall be credited to 06000001.5000808 (Various Departments Other State Aid) and passed through to other municipalities, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered (with the approval of the grant agency) to reduce the time period of the grant provided there is no change in the grant budget or extend the terms of the grant agreement for the purpose of expending any unexpended grant funds, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative (including the Budget Director, Comptroller and/or Commissioner of Finance) is hereby authorized to make any transfers of funds required within this grant budget provided that employee head count is not increased, the County's contribution is not increased, and the salary rate or salary total for a position is not changed.

## ATTACHMENT: 2023-24 Discovery Reform Funding Plan

Instructions: Indicate each Sub-Grantee using this attachment. If additional lines are needed, please submit additional attachments. Completed form(s) must be attached in GIMS as part of the submitted Application. The total amount requested by the county cannot exceed the total county allocation provided on the award notice.

County: Broome

Sub-Grantee	Sub-Grantee Name (if applicable):	Expense	Activities	Describe how this expenditure supports implementation of the discovery and/or bail reform efforts.
Police Dept	Binghamton PD	\$ 82,188	Administrative Support	Discovery Officer - fringe and salary

**NOTE: The total amount requested by the county cannot exceed the total county allocation provided on the award notice.**



RL Number: 24-136

Date Submitted: \_\_\_\_\_

# Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

## INTERNAL REQUEST FOR LEGISLATION

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### Applicant Presenting RL at Work Session

Megan J. Heiman

Deputy Mayor

772-7001

(Print Name)

(Title)

(Phone number)

Additional Presenters:

### To Be Completed By Applicant

Proposed Title:

A Local Law to repeal Chapter 292, Noise, of the City Charter and Code of Ordinances

Executive Summary (Explain why legislation is necessary):

Repeal current, outdated language and replace with a new noise ordinance in separate RL.

Effective Date (if applicable): \_\_\_\_\_

*Budget transfer or amendment: RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.*

*RL related to a grant: RL Grant Worksheet **must** be attached.*

RL related to previously adopted legislation: Perm. Number: \_\_\_\_\_ Adoption Date: \_\_\_\_\_

Contract: Person/Company: \_\_\_\_\_ Total Cost: \_\_\_\_\_

Funds available in Budget Line: \_\_\_\_\_ Title: \_\_\_\_\_

Public Hearing required? Yes  Not Applicable

SEQRA required? Yes  Not Applicable

Additional information related to this RL attached? Yes  No

Expedition requested for this RL? Yes  No

Please explain why expedition is necessary:

For Internal Use Only

Mayor: [Signature] Comptroller: \_\_\_\_\_ Corp. Counsel: Robert Haney



RL Number: 24-137

Date Submitted: \_\_\_\_\_

# Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

## INTERNAL REQUEST FOR LEGISLATION

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### Applicant Presenting RL at Work Session

Megan J. Heiman

Deputy Mayor

772-7001

(Print Name)

(Title)

(Phone number)

Additional Presenters:

\_\_\_\_\_

### To Be Completed By Applicant

Proposed Title:

An Ordinance to establish Chapter 292, Noise, of the City Charter and Code of Ordinances

Executive Summary (Explain why legislation is necessary):

Repeal current, outdated language and replace with a new noise ordinance in separate RL.

Draft ordinance attached.

Effective Date (if applicable): \_\_\_\_\_

*Budget transfer or amendment:* RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.

*RL related to a grant:* RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number: \_\_\_\_\_ Adoption Date: \_\_\_\_\_

Contract: Person/Company: \_\_\_\_\_ Total Cost: \_\_\_\_\_

Funds available in Budget Line: \_\_\_\_\_ Title: \_\_\_\_\_

Public Hearing required? Yes  Not Applicable

SEQRA required? Yes  Not Applicable

Additional information related to this RL attached? Yes  No

Expedition requested for this RL? Yes  No

Please explain why expedition is necessary:

\_\_\_\_\_

\_\_\_\_\_

For Internal Use Only

Mayor:

Comptroller: \_\_\_\_\_

Corp. Counsel:

## Chapter 292 NOISE CONTROL ORDINANCE

### ARTICLE I. GENERAL PROVISIONS

#### §292-1. Short title.

This chapter shall be known as the Binghamton Noise Control Ordinance.

#### §292-2. Declaration of policy.

It is hereby declared to be the policy of the City of Binghamton to prevent excessive, unnecessary or unusually loud noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of preserving, protecting, and promoting the public health, comfort, convenience, safety and welfare and the peace and quiet of Binghamton and its inhabitants.

This chapter shall be liberally construed so as to effectuate the purposes described in this article. Nothing herein shall be construed to abridge the powers and responsibilities of any police department, law enforcement agency or code enforcement department to engage in any proper or necessary activities.

#### §292-3. Definitions.

[As used in this chapter:]

- A. *Administrator* means the chief of police of the City of Binghamton or their designee.
- B. *Administration* means the Binghamton Police Department.
- C. *Authorized emergency vehicle* means every ambulance, police vehicle, fire vehicle and civil defense vehicle when on emergency calls.
- D. *Best practical noise control measures* means any device or method which reduces the generation or transmission of noise and is determined by the administrator to be feasible, taking into consideration the age of the equipment and facilities involved, the cost of such measures, the processes employed and the non-noise control environmental impact.
- E. *Burglar alarm* means any sound signal device designed and intended to produce an audible sound signal upon unauthorized entrance into a building, dwelling, and/or motor vehicle.
- F. *Commercial operation* means any business or commercial activity that involves the purchase, sale, or utilization of goods or services.
- G. *Construction* means any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, highways, roads, utility lines or other property.



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- H. *Construction material* means any material, regardless of its composition, designed and customarily used in construction.
  - I. *Container* means any receptacle, regardless of contents, which is manufactured from wood, metal, plastic, paper or any other material including but not limited to any barrel, basket, box, crate, tub, can, bottle or refuse container.
  - J. *Device* means any mechanism which is intended to or which actually produces sound when operated or handled.
  - K. *Emergency* means a public calamity or an exposure of any person or property to imminent danger.
  - L. *Emergency warning device* means any sound signal device that is designed to be used and is actually used to warn of an emergency.
  - M. *Industrial operation* means the production, fabrication and storage of durable and nondurable manmade goods.
  - N. *Motor vehicle* means any vehicle that is propelled other than by human or animal power
  - O. *Ordinance* means the Binghamton Noise Control Ordinance.
  - P. *Person* means any individual, partnership, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any person or employee thereof.
  - Q. *Real property boundary* shall mean an imaginary line exterior to any structure, along the ground surface, which separates the real property owned by one person from that owned by another person, and the vertical extension of such line.
  - R. *Refuse collection vehicle* means any motor vehicle designed to compact and transport refuse.
  - S. *Sound reproduction device* means a device intended primarily for the production or reproduction of sound including, but not limited to any television, musical instrument, radio, tape recorder, phonograph, stereo, loudspeaker or other sound-making or sound-producing device or any device or apparatus for the reproduction or amplification of the human voice or other sound.
  - T. *Sound signal device* means any device that is designed to produce a sound or transmit nonverbal information.
  - U. *Sound source site* means any land under the ownership or control of a person in or upon which one or more sound sources are located. The sound source site includes all individual sound sources that are located on such site, whether stationary, movable or mobile.
  - V. *Unnecessary noise* means any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities, or which causes injury to animal life or damage to property or business. Factors to be considered

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in determining whether unnecessary noise exists in a given situation, include but are not limited to the following:

1. The intensity of the noise;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The intensity of the background noise;
5. The proximity of the noise to sleeping facilities;
6. The nature and the zoning district of the area within which the noise emanates;
7. The time of the day or night the noise occurs;
8. The duration of the noise;
9. Whether the sound source is temporary;
10. Whether the noise is continuous or intermittent; and
11. Whether alternate methods are available to achieve the objectives of the sound producing activity.

## **ARTICLE II. PROHIBITION**

### **§292-4. General prohibition.**

No person shall make, continue or cause or permit to be made, any unnecessary noise. The following acts are declared to be prima facie evidence of a violation of this article and are prohibited, but said enumeration shall not be deemed to be exclusive.

### **§292-5. Burglar alarms.**

No person shall operate or cause to be operated an audible burglar alarm unless such alarm is capable of and shall automatically terminate operation within fifteen (15) minutes after such alarm is first activated. Notwithstanding this provision, any member of the Binghamton Police Department shall have the authority to take such steps as may be necessary to disconnect said alarm at any time when in operation.

### **§292-6. Construction.**

- A. Except as otherwise provided herein, no person shall conduct or permit construction alone or in combination with other construction, in a manner as to cause unnecessary noise between 9:00 p.m. and 7:00 a.m. Monday to Saturday, inclusive, or at any time on Sundays or holidays.
- B. The provisions of this section shall not apply to the following:
  1. Emergency work, and safety and protective devices, and

- 
2. Domestic power tools subject to §292-15 herein.

**§292--7. Containers and construction material.**

No person shall handle or transport or cause to be handled or transported in any public place, any container or any construction material in such a way as to create an unnecessary noise.

**§292--8. Commercial purposes.**

No person shall operate or permit to be operated a place of public entertainment, including but not limited to a restaurant, bar, cafe, discotheque, or dance hall, in which the sound is of sufficient volume as to be distinctly heard for a distance of fifty (50) feet outside the building, premises or structure where produced, or sufficiently audible upon any public street or place to attract and congregate a crowd thereon.

**§292--9. Motor Vehicles.**

No person shall operate or permit the operation of any motor vehicle:

- A. In such manner or so out of repair or so loaded as to cause unnecessary noise; or
- B. In such a manner as to cause unnecessary noise by spinning or squealing the tires of such motor vehicle.

**§292-10. Emergency warning devices.**

No person shall operate or cause to be operated any emergency warning device, except:

- A. To give notice as a warning of any emergency;
- B. On an authorized emergency vehicle when such vehicle is engaged in emergency operations provided that such device is not operated to create unnecessary noise or for a period of time longer than is necessary to respond to such emergency; or
- C. When such device is under test.

**§292-11. Exhausts.**

Except as otherwise provided in this ordinance, no person shall cause or permit the discharge into the open air of the exhaust of any motor vehicle or any device, including but not limited to any generator, engine, or machine, so as to create unnecessary noise.

**§292-12. Institutions.**

No person shall cause or permit the creation of any unnecessary noise through the use of any device on any street, sidewalk or public place adjacent to any school, court or

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church while such structure is in use, or adjacent to any hospital or nursing home at any time.

**§292-13. Loudspeakers and public address systems.**

- A. No person shall use, operate or permit the use or operation of any sound reproduction device, sound amplifier or similar device which produces, reproduces or amplifies sound, any loudspeaker, and/or public address system or similar device, for any noncommercial purpose between the hours of 9:00 p.m. and 9:00 a.m. of the following day:
1. Such that the sound therefrom creates unnecessary noise across a residential real property boundary except for activities open to the public and for which a permit has been issued pursuant to the requirements of the permit.
  2. In such a manner as to create unnecessary noise at fifty (50) feet from such device, when operated in or on a motor vehicle on a public highway.
  3. In such a manner as to create unnecessary noise to any person other than the operator of the device, when operated by any passenger on a common carrier.
  4. In such a manner as to create unnecessary noise that enters an apartment or dwelling unit that is separate and distinct from the apartment or dwelling unit from which the unnecessary noise originated.
- B. No person shall use, operate or permit the use or operation of any sound reproduction device, sound amplifier or similar device which produces, reproduces or amplifies sound, any loudspeaker, and/or public address system or similar device, or similar device in connection with any commercial operations:
1. Such that the sound therefrom creates unnecessary noise across a real property boundary between the hours of 9:00 p.m. and 9:00 a.m. the following day on Sunday through Thursday;
  2. Such that the sound therefrom creates unnecessary noise across a real property boundary between the hours of 11:00 p.m. and 9:00 a.m. the following day on Friday and Saturday; or
  3. Between the hours of 9:00 p.m. and 9:00 a.m. of the following day on a public highway.

**§292-14. Modification of noise control devices.**

No person shall operate, or permit to be operated, any device that has been modified so as to cause the sound emitted from such device to be greater than that emitted by such device as originally manufactured.

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**§292-15. Power equipment and tools.**

No person shall operate or permit to be operated any domestic power tool including but not limited to mechanically powered saws, sanders, grinders and lawn and garden tools and snow blowers used outdoors in residential areas between the hours of 8:00 p.m. and 8:00 a.m. of the following day so as to create unnecessary noise across a residential real property boundary.

**§292-16. Animals.**

No person having charge, care, custody, or control of any animal shall cause or permit such animal to cause unreasonable noise including, but not limited to, any sound that is plainly audible across a residential real property boundary as set forth below:

- A. At or after 7 a.m. and before 10 p.m., continuously for a period of 10 minutes or more.
- B. At or after 10 p.m. and before 7 a.m., continuously for a period of 5 minutes or more.

**§292-17. Street sales.**

No person shall offer for sale or sell anything by shouting or outcry within any residential or commercial district established under Chapter 410, Zoning, of this Code, except by permit issued by the appropriate permitting authority as long as it is compliant with the terms and conditions of the permit.

**ARTICLE III. ENFORCEMENT**

**§292-18. Powers of the administrator.**

The administrator pursuant to the provisions of this ordinance and chapter, shall have the power to:

- A. Order the owner of any device which causes or is maintained or operated so as to cause a violation of any provision of this ordinance or any order or regulation promulgated by the administrator to install any apparatus which can reasonably be expected to correct the violation, or to repair, properly maintain, replace or alter such device in a manner which can reasonably be expected to correct the violation.
- B. Seal any device which causes or is maintained or operated so as to cause a violation of any provision of this ordinance or order or regulation promulgated by the administrator.
- C. Order any person to cease and desist from any activity which causes or is conducted so as to cause, a violation of any provision of this ordinance, or any order or regulation promulgated by the administrator.
- D. Promulgate rules and regulations as herein required.

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**§292-19. Penalties.**

Any person found violating the provisions of this chapter shall upon conviction thereof, be punished as follows:

- A. Any person committing an offense against this article shall be guilty of an offense punishable by a fine not to exceed five hundred dollars (\$500.00) in amount, or imprisonment, not to exceed fifteen (15) days or both such fine and imprisonment, or to a penalty not exceeding five hundred dollars (\$500.00) to be recovered by the City of Binghamton in a civil action.
- B. Violations, regardless of the number, on any one day, shall be considered as one violation for that day. Abatement proceedings shall be in addition to any penalties prescribed in this section. *[OR If the violation is of a continuing nature, each eight-hour period during which it occurs shall constitute an additional, separate and distinct offense.]*

**ARTICLE IV. MISCELLANEOUS PROVISIONS**

**§292-20. Applicability of statute.**

The City of Binghamton Council recognizes this chapter and the standards herein may be stricter and more comprehensive than existing statutes in areas of concurrent jurisdiction and it is the intention of the City Council that the provisions of this chapter shall supersede any ordinance or local law in effect at the time of the adoption of this Chapter in this regard.

**§292-21. Nonapplicability to City of Binghamton and other governmental bodies.**

§§292-4, 292-6 and 292-15 herein are not applicable to activities of the departments of the City of Binghamton while acting in the course of their governmental responsibilities. The administrator, in their discretion, and upon reasonable terms and conditions they may fix, may permit other governmental entities acting in the course of governmental responsibility to be exempt from all or part of the requirements of §§ 292-6 and 292-15 herein.

**Article V. PERMITTING**

**§292-22. Application for Special Permit.**

- A. The City Clerk shall have the authority to grant special permits for limited times and purposes of this chapter. Any person seeking a special permit pursuant to this section shall file an application with the City Clerk.
- B. The application shall consist of a letter signed by the applicant and shall contain a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the permit is sought into

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compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons and should include:

1. The plans, specifications and any other information pertinent to the source of sound and vibration;
  2. the day(s) and hours during which such vibration and sound is generated;
  3. The noise abatement and control methods used to restrict the emissions of the sound and vibration;
  4. A time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of sounds and vibrations;
  5. The name and address of the applicant and the applicant's agent, if any, and whether the applicant is the owner, lessee, licensee, etc., of the premises. If the applicant is not the owner, the application must contain the written consent of the owner;
  6. A filing fee; and
  7. The requested duration of the permit which shall in no event exceed 24 hours.
- C. Noise Permit applications need to be submitted at least 14 days prior to the date of the event.
- D. Decision.
1. Upon receipt by the City Clerk of all information required for the granting of the special permit, and upon receipt of the appropriate filing fee, the Clerk may issue the permit subject to the following factors:
    - a. the duration of the permit;
    - b. if a special permit was granted for the same location, for a similar event, and in favor of the same sponsor within the four weeks prior to the application under consideration; and
    - c. if and how the operation of the proposed source of sound will operate in such a manner as to cause a continuous noise level across any real property boundary.



RL Number: 24-138

Date Submitted: \_\_\_\_\_

# Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

## INTERNAL REQUEST FOR LEGISLATION

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### Applicant Presenting RL at Work Session

Sophie Bergman  
(Name)

Corporation Counsel  
(Title)

(607) 772-7013  
(Phone number)

### Additional Presenters:

### To Be Completed By Applicant

#### Proposed Title:

A Resolution Authorizing the Mayor to enter into a contract for the purchase of St. Mary's Recreation Center

#### Executive Summary (Explain why legislation is necessary):

The City received a Congressional award of one million dollars to establish a City of Binghamton Recreation Center. The City accepted this award through R24-16, with a view towards purchasing the St. Mary's Recreation Center for this purpose. This Resolution would allow the Mayor to sign the contract with St. Mary's for the purpose of purchasing it for approximately \$500,000.00 (minus credit to the City for costs of survey - TBD) to become the site of the City of Binghamton Youth Rec Ctr

Effective Date (if applicable): 7/10/24

**Budget transfer or amendment:** RL Budget Transfer Worksheet **must** be attached w/ Department. Head signature.  
**RL related to a grant:** RL Grant Worksheet **must** be attached.

RL related to previously adopted legislation: Perm. Number: R24-16

Adoption Date: 3/13/24

Contract: Person/Company:

Total Cost: \$500,000.00

Funds available in Budget Line: \$ 0.00

Title: A7110.525800.PK021

Public Hearing required? Yes  Not Applicable

SEQRA required? Yes  Not Applicable

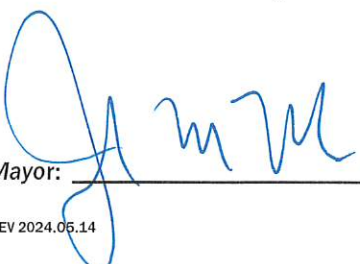
Additional information related to this RL attached? Yes  No

Expedition requested for this RL? Yes  No

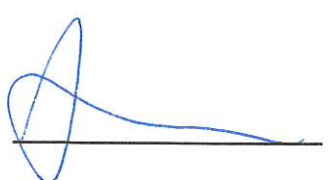
#### Please explain why expedition is necessary:

So the contract can be signed as soon as possible to close on the Recreation Center.

### For Internal Use Only

Mayor: 

Comptroller: \_\_\_\_\_

Corp. Counsel: 



Legal Counsel Approval                       
RL 24-41

Introductory No.   R24-16    
Permanent No.   R24-16  



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

Date: March 13, 2024

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

Introduced by Committee: Planning

**RESOLUTION**

*entitled*  
**A RESOLUTION AUTHORIZING THE MAYOR  
TO ACCEPT A CONGRESSIONAL AWARD FOR  
\$1,000,000 FOR CITY OF BINGHAMTON  
YOUTH RECREATION CENTER**

WHEREAS, the City of Binghamton applied for and received a Congressional Award in the amount of \$1,000,000 from the U.S. Department of Housing and Urban Development Community Project Funding; and

WHEREAS, the funding contributes to the acquisition and renovation of St. Mary's Recreation Center to provide the City of Binghamton Parks and Recreation Department a full-time indoor facility for youth and adult programming; and

WHEREAS, there is no required City match; that pending reimbursement, funding for the project shall be drawn from the general fund; that the Commissioner of Parks & Recreation will be the grant project manager; and that the anticipated date of project completion is Summer 2026.

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 Congressional Award in the amount of \$1,000,000 from the U.S. Department of Housing and Urban Development Community Project Funding.

Introductory No. R24-16

Permanent No. R24-16

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

**A RESOLUTION AUTHORIZING THE MAYOR  
TO ACCEPT A CONGRESSIONAL AWARD FOR  
\$1,000,000 FOR CITY OF BINGHAMTON YOUTH  
RECREATION CENTER**

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

Date 3/13/24

City Clerk [Signature]

Date Presented to Mayor 3/14/24

Date Approved 3/14/24  
Mayor [Signature]

	Ayes	Nays	Abstain	Absent
Councilmember	✓			
Porter	✓			
Councilmember				
Middleton	✓			
Councilmember				
Cavanaugh	✓			
Councilmember				
Hotchkiss	✓			
Councilmember				
Mativetsky	✓			
Councilmember				
Strawn	✓			
Councilmember				
Dundon	✓			
<b>Total</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>

Code of the City of Binghamton

Adopted  Defeated

7 Ayes 0 Nays 0 Abstain 0 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 \_\_\_\_\_



RL Number: 24-135 Date Submitted: 7/2/24

# Legislative Branch

City Clerk, City Hall, Binghamton, NY 13901 (607) 772-7005

## PUBLIC REQUEST FOR LEGISLATION

*Requests for Legislation (RLs) may be submitted to the City Clerk's Office for possible consideration at City Council Work Sessions. Incomplete/incorrect RLs will be returned to applicant for revisions. Please include as much supplemental material as is necessary to substantiate the request for legislation. Use "Additional Presenters" line to include anyone that will appear to present this in City Council Work Session.*

### Applicant Presenting RL at Work Session

(Name) (Title) (Phone number)

**Additional Presenters:**

### To Be Completed By Applicant

**Proposed Title:**

**Executive Summary** *(Explain why legislation is necessary):*

**Effective Date** *(if applicable):*

**Expedition requested for this RL?** Yes  No

**Please explain why expedition is necessary:**

**§ 307-33. Procedure for permit issuance. [Amended 4-1-1991 by Ord. No. 32-91; 5-4-1992 by Ord. No. 32-92; 4-4-2005 by Ord No. 05-17]**

A. All persons wishing to obtain a permit as a stationary pushcart vendor shall make an application pursuant to the procedures set forth in Subsection B below. ~~However, should more than six applicants appear on that date, the determination as to which six applicants shall be granted according to the earliest date of receipt of application~~The City Clerk may issue up to six licenses, with each license holder only be entitled to one license a piece. Licenses shall be granted on a first come, first served basis as determined by the date upon which the applicant provides a full and complete application to the City Clerk, including providing all required and requested documentation to support the application. ~~a license shall be determined by lottery.~~ However, upon consultation with the Corporation Counsel, a potential vendor ~~chosen in the lottery~~ may be denied a license for valid reasons as set forth in § 307-7 and § 307-9. ~~However, a previous permit holder with satisfactory performance records will be given priority in requesting and obtaining a permit for the location held by that permit holder under the prior year's permit. If any of the locations as set forth in this article are vacant (in that there is no existing permit holder from the prior year), that location shall be filled by means of a lottery. The vacated~~ All six locations will be assigned by lot to an eligible permit holder according to the earliest date of receipt of application (a first come, first served basis). ~~chosen based upon the lottery procedure set forth above. If there are still available locations following the assignment of renewal permits to previous permit holders, and following a lottery of all new applicants applying on the first day applications are accepted, applicants may choose a site desired in order of the earliest date of receipt of application.~~

B. Beginning with the year 2006, applications for permits shall be made in person by the applicant in the office of the City Clerk on the second Monday in February of each license year. The City Clerk shall establish a procedure for the public distribution of applications prior to the date set forth ~~B. above.~~ Applications shall be accepted upon a rolling basis beginning at 9:00 am on January 15, or the first business day thereafter, of each year and until all six locations are assigned. All applications for permits shall be made in person by the applicant in the office of the City Clerk. The City Clerk shall establish a procedure for the public distribution of applications prior to January 15. Each permit will be valid until midnight of January 15 of the next year.

~~C. In no event shall applications be received by the Clerk prior to 9:00 a.m. on the second Monday in February of each license year nor after 4:00 p.m. on the second Monday in March of each license year.~~

~~D. C.~~ All applications shall be reviewed and investigated pursuant to the regulations set forth under Article II of this chapter.

**§ 307-34. Types of goods; areas of operation. [Amended 8-15-1988 by Ord. No. 100-88; 4-1-1991 by Ord. No. 32-91; 2-2-1998 by Ord. No. 98-12; 10-21-2002 by Ord. No. 02-121]**

A. Types of goods. Permit holders hereunder shall be entitled to vend food items and nonalcoholic beverages for human consumption and/or cut flowers.

B. Areas of operation. Permit holders shall operate their vending carts only in the following areas:

(1) City parks. Vending within City parks shall be permitted, provided that the free flow of pedestrian and vehicular traffic is not obstructed. Carts shall not be allowed in City parks when fund-raising activities by nonprofit organizations take place (duly licensed under this Code) which involve the selling of food and refreshment items. It shall be the duty of the ~~Director-Commissioner~~ of Parks and Recreation to notify all permit holders when such events are scheduled to take place.

(2) Downtown Binghamton areas. The following rectangular spaces shall be marked and numbered by painting the number of the space on the sidewalk by the Department of Public Works~~Department~~. The Department of Public Works will work with the Planning Department and make reasonable efforts not to locate these spaces within 100 feet of a business dealing in the same type of goods. [Amended 4-4-2005 by Ord. No. 05-17]

(a) Space 1: on the south side of Court Street at the Chenango River along the River Promenade behind No. 2 Court Street.

(b) Space 2: along the north side of Main Street between Front Street and Oak Street.

(c) Space 3: on the northeast corner of the intersection of Washington Street and Court Street.

(d) Space 4: on Collier Street between Court Street and Hawley Street.

(e) Space 5: on the east side of Exchange Street between Court Street and Hawley Street.

(f) Space 6: on the west side of State Street between Henry Street and Lewis Street.

(3) After the determination of the six vendors to be granted stationary pushcart licenses pursuant to § 307-33, the ~~determination as to which vendor shall have the use of each of the six designated spaces set forth in Subsection B(2) shall also be determined by lottery:~~ [Amended 4-4-2005 by Ord. No. 05-17] be determined by earliest date of receipt of application on a rolling basis locations shall be assigned by the City Clerk on a first come, first served basis.

**§ 307-35. Additional regulations. [Amended 4-4-2005 by Ord. No. 05-17] In addition to those regulations generally applicable to peddler's licenses as set forth at Article II of this chapter which are not in conflict with the specific provisions of this article, the following regulations are applicable:**

A. All permits issued hereunder shall be valid ~~for a period of one year, expiring at 12:00 midnight of the second Monday of March, until 12:00 midnight on January 15 of the next year~~December 31 same

J. The Fire Marshal shall have the authority to inspect each cart for compliance with Public Safety standards as outlined in Exhibit A.