



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

Date: July 30, 2024

Sponsored by Council Members: Hotchkiss, Porter

Introduced by Committee: Rules and Procedures/Special Studies

**ORDINANCE**

*entitled*

**AN ORDINANCE TO AMEND THE CODE OF  
THE CITY OF BINGHAMTON, CHAPTER 307**

WHEREAS, City Council has recommended that the Code of the City of Binghamton, Chapter 307, *Peddling and Soliciting*, Section 307 Subsection 307-33, Subsection 307-34, and Subsection 307-35 be repealed and replaced as outlined below; and

WHEREAS, City Council wishes to amend the 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Section 1: Chapter 307, *Peddling and Soliciting*, Section 307, Subsections 307-33, 307-34, and 307-35 be repealed and replaced as outlined below:

§ 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. The City Clerk may issue up to six permits to individuals with corresponding peddler's licenses, with each permit corresponding to one physical location. No applicant shall receive more than one permit. Permits 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. However, upon consultation with the office of Corporation Counsel, a potential vendor may be denied a permit for valid reasons as set forth in Article II of Section 307. All six permits will be assigned to an eligible peddler's license holder according to the earliest date of receipt of application (a first come, first served basis).

B. 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 following year.

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 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. 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 and permits pursuant to § 307-33, the 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 until 12:00 midnight on January 15 of the next year.

B. All inventory shall be kept within the cart and out of the public view.

C. The area surrounding the carts shall be kept clear of trash, debris, snow and ice and the vendor shall provide a garbage can for the use of his or her customers and shall properly dispose of all trash collected in that receptacle. Proper disposal of all trash so collected shall not include disposal of the trash by placing it in the public trash receptacles provided by the City of Binghamton.

D. No animals shall be kept by the vendor near the stand.

E. Parking meters, utility poles, sign poles or property other than the cart operated by the permit holder shall not be used by the permit holder for any purpose, including advertising.

F. Vending shall be permitted only between the hours of 9:00 a.m. and 9:00 p.m.

G. Carts shall be removed at the end of each business day.

H. Carts shall not obstruct free public passage on sidewalks or malls.

I. No carts shall exceed the total height of 50 inches, including all accessories, except an umbrella. Total dimensions of carts shall not exceed three feet by seven feet. The longest dimension shall at all times be parallel to the curblineline when said cart is operated on a sidewalk.

J. The Fire Marshal shall have the authority to inspect each cart for compliance with applicable Public Safety standards.

Section 2. That this ordinance shall take effect immediately.

Introductory No.   O24-59  

Permanent No. \_\_\_\_\_

Sponsored by City Council Members: Hotchkiss,  
Porter

\_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF  
THE CITY OF BINGHAMTON, CHAPTER 307

\_\_\_\_\_

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				
<b>Total</b>				

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 \_\_\_\_\_.

\_\_\_\_\_