



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

Dated: June 26, 2024

Sponsored by Councilmember(s): Middleton, Cavanaugh, Hotchkiss, Porter

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

LOCAL LAW NO. 2 OF 2024
entitled

A LOCAL LAW REPEALING AND REPLACING THE
CITY OF BINGHAMTON CODE CHAPTER 45A,
BINGHAMTON HUMAN RIGHTS COMMISSION

WHEREAS, the Council of the City of Binghamton adopted Local Law 16-01 on February 18, 2016, entitled "A Local Law repealing and replacing the Code of the City of Binghamton Chapter 45A, Human Rights Commission" which repealed and replaced Local Law No. 11-03; and

WHEREAS the City Council wishes to repeal all prior laws relating to Chapter 45A and replace Chapter 45A in its entirety as attached hereto; and

WHEREAS, Municipal Home Rule Law § 23.2(f) requires a referendum if any Local Law intends to abolish, transfer, or curtail any power of an elective officer; and

WHEREAS, The Council of the City of Binghamton wishes to place a referendum on the ballot for the November 2024 General Election, asking the question as to whether or not the voters wish to approve repealing and replacing Chapter 45A, Human Rights Commission, and vesting appointment power of the seven Members of the Commission, with Binghamton City Council appointing four members and the Mayor appointing three members, rather than solely appointment of all seven members by the Mayor;

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

Section 1. That the Council of the City of Binghamton hereby approves the repeal and replacement of Chapter 45A as annexed hereto.

Section 2. That the Council of the City of Binghamton hereby submits this Local Law to the Broome County Board of Elections for the approval of the electors at a general election of state or local government officers to be held on November 5, 2024 to decide: Pursuant to Municipal Home Rule Law § 23, should the City of Binghamton repeal and replace Chapter 45A, Human

Rights Commission, and vest appointment power of the seven Members of the Commission with Binghamton City Council appointing four members and the Mayor appointing three members, rather than solely appointment by the Mayor?

LOCAL LAW

Intro. No LL24-02

Perm No. LL24-02

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

A LOCAL LAW TO AMEND CITY OF BINGHAMTON CHARTER CHAPTER 45A, BINGHAMTON HUMAN RIGHTS COMMISSION

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

6/27/24
Date

[Signature]
City Clerk

6/27/24
Date Presented to the Mayor

Date Approved
Mayor **VETO**

	Ayes	Nays	Abstain	Absent
Councilmember Porter				✓
Councilmember Middleton	✓			
Councilmember Cavanaugh				✓
Councilmember Hotchkiss	✓			
Councilmember Mativetsky	✓			
Councilmember Kosty		✓		
Councilmember Dundon	✓			
Total	4	1	0	2

Code of the City of Binghamton

Adopted Defeated

4 Ayes 1 Nays 0 Abstained 2 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 6/27/24. Approved by the Mayor on _____.

Chapter 45A, BINGHAMTON HUMAN RIGHTS COMMISSION [HISTORY: Adopted by the City Council of the City of Binghamton 12-7-11 by L.L. No. 11- 3; Amended 2016.02.18 by L.L. No. 16-01; Amended 2024.6. __ by L.L. No. 24-02]

§ 45A-20. Name. Pursuant to General Municipal Law § 239-o, the City of Binghamton hereby establishes the Binghamton Human Rights Commission (the “Commission”).

§ 45A-21. Purpose. The purpose of the Commission is to condemn discrimination in all its forms, to educate the public, and to pursue by all appropriate means and without delay a policy of eliminating discrimination against people as set forth in Chapter 45, Binghamton Human Rights Law, veteran status, or criminal conviction to the extent provided by Correction Law § 752.

§ 45A-22. General duties and powers. It shall be the duty of the Commission:

1. (a) To foster mutual respect and understanding among all groups as set forth in Chapter 45, Binghamton Human Rights Law, veteran status, and those with prior criminal convictions. (b) To make such studies in any field of human relationship in the community as in the judgment of the commission will aid in effectuating its general purposes and where desirable, to make the results of such studies public. (c) To inquire into incidents of tension and conflict among or between various groups, and to take such action as may be designed to alleviate such tensions and conflict. (d) To conduct and recommend such educational programs as, in the judgment of the Commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.

2. In addition to all other powers, the City of Binghamton hereby grants these additional powers: (a) To report complaints to the New York State Division of Human Rights alleging unlawful discriminatory practices under Article Fifteen of the Executive Law or Chapter 45 of the Binghamton Human Rights law. (b) To receive, accept and use and expend public grants and private gifts, donations or bequests and other payments, goods and services, as may be approved as part of the City’s budget process.

§ 45A-23 General obligations. The Commission shall discharge the following obligations.

1. To receive complaints of alleged discrimination, to seek the active assistance of the division of human rights in the solution of complaints which fall within the jurisdiction of the division and to prepare its own plans in the case of other complaints with a view to reducing and eliminating such alleged discrimination through the process of conference, conciliation and persuasion.

2. To hold conferences, and other public meetings in the interest of the constructive resolution of group tensions and the prejudice and discrimination occasioned thereby. REV 2016.02.18

3. To issue such publications and reports of investigation as in its judgment will tend to effectuate the purposes of this Chapter.

4. To enlist the cooperation and participation of the various racial, religious and nationality groups, community organizations, industry and labor organizations media or mass communication, fraternal and benevolent associations, and other groups in an educational campaign devoted to fostering among the diverse groups of the community mutual esteem, justice and equity and opening new opportunities into all phases of community life for all individuals.

5. To encourage and stimulate agencies under the jurisdiction of the City of Binghamton to take such action as will fulfill the purposes of this article.

6. To submit an annual report of the services performed by March 1 of the following year to City Council and the Mayor and to furnish a copy thereof to the New York State Division of Human Rights.

§ 45A-24. Officers and employees; expenses. The Commission shall have the power and authority to employ an executive director, a secretary and such attorneys, experts and other employees as may be necessary, and to otherwise expend funds within the amount made available by the City of Binghamton as part of the City's budget process.

§ 45A-25. Membership, Rules and Procedures.

1. Number. The Commission shall consist of seven (7) voting members and two (2) ex-officio, non-voting members.

2. Appointments. The Binghamton City Council and Mayor are hereby specified and designated as the public bodies who shall appoint the voting members of the Human Rights Commission with City Council appointing four members of the Commission and the Mayor appointing three members of the Commission. All members shall reside or work in the City of Binghamton. The three Mayoral appointments shall be subject to approval of City Council. In appointing the Members, the City Council and the Mayor will attempt to recruit members from the community who represent the diversity of the community as set forth in Chapter 45, Binghamton Human Rights Law, veteran status, or those with prior criminal convictions. The Mayor and City Council will each appoint one (1) ex-officio, non-voting Member to the Commission.

3. Term of Membership. The terms of all active appointments to the Commission made prior to January 1, 2025, shall expire and end on January 1, 2025 such that the Commission shall have no members on January 1, 2025. Members shall be appointed in accordance with Section § 45A-25(2) for two (2) year terms, except that the initial term of all members will expire on December 31, 2026. Thereafter all terms will expire on December 31 of each even numbered year. Ex-officio, non-voting members will be appointed to one (1) year terms. The Commission will vote for a Chairperson for each year. Members, ex-officio non-voting members, and the Chairperson may be re-appointed without term limits.

4. Vacancies. In the case of death, resignation, or removal of a Commission Member, a successor to fill the balance of the unexpired term shall be filled in the same manner as appointments.

5. Membership responsibilities. All Commission members must personally attend at least seventy-five percent (75%) of the scheduled meetings per year. Members will be expected to maintain confidentiality of all cases that come before the Commission to the extent that protects the claimants against legal risk.

6. Removal. Members may be removed from the Commission by City Council for failing to carry out membership responsibilities. To be removed a Commission Member must receive a no confidence vote by a majority of City Council.

7. Rules and procedures. The Commission may adopt such rules and procedures, including the creation of committees, as it may deem necessary and proper to fulfill the purposes of this Chapter. The Commission will meet monthly at City Hall at a date and time determined by the Commission. The City will provide a meeting room and other related services.

8. All correspondence or inquiries to the Commission will be referred to the Chairperson



Mayor Jared M. Kraham

Office of the Mayor

July 25, 2024

President Hadassah Mativetsky
Binghamton City Council
38 Hawley St.
Binghamton, NY 13901

President Mativetsky,

I have vetoed Local Law 24-02.

Since its inception, Binghamton's human rights law and commission have been deeply flawed in both legal reasoning and practical operation. For these reasons, and in order to manage risk to the City of Binghamton, the commission has been unfilled and inactive for years under multiple administrations. Again, this has been for the protection of city taxpayers.

Local Law 24-02 proposes to change the appointment authority of the commission but does not fix the underlying issues with the law.

Matters of human rights and complaints of discrimination should be dealt with at the state level. The New York State Division of Human Rights (NYSDHR) has experienced attorneys, staff and administrative judges to handle these complaints effectively and independently. NYSDHR is a well-funded part of state government. A local commission complicates the complaint process and opens the city up to liability, especially if a complainant is filing separate state and federal civil rights actions and limited to one filing as outlined below.

According to the New York State Division of Human Rights:

"The laws enforced by these local commissions may be different than the State Human Rights Law and vary on a case by case basis. There may be different deadlines for filing a complaint, different standards for determining whether you are protected by these laws, and different types of relief available to victims of discrimination. Often, an individual can only file a claim of discrimination once and can be precluded from proceeding with more than one agency."

Discrimination complaints require an independent and robust process to adjudicate claims and deliver justice. Complainants deserve that. Members of the city's collective bargaining units deserve that.

As for the commission's charge to condemn discrimination, foster understanding, alleviate tensions and promote educational programs in human rights, these issues are more effectively handled by elected officials, including City Council, collaborating with local nonprofit organizations — many of which have specific human rights missions and decades-long track records working on these matters. I regularly rely on these agencies in seeking expert guidance on challenging topics.



Mayor Jared M. Kraham

Office of the Mayor

The City of Binghamton should not seek to replicate all services of county, state and federal government in our own image. I have vetoed this legislation because the local human rights law and commission exceeds our scope of municipal operations. Instead of promoting human rights, the commission would end up hurting the cause by being inefficient and ineffective.

Council and I share a belief in free and fair elections, but we don't have a city-run Board of Elections. We believe in public transparency, but don't have a local Committee on Open Government. We support public transit, but do not manage a bus system. In all these cases, residents receive a higher standard of service from the level of government most suited to provide it.

Sincerely,



Jared M. Kraham
Mayor



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

Date: August 1, 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.

B. Permits shall be granted as follows:

(1) first to applicants that:

(a) submit a full and complete application to the City Clerk, including providing all required and requested documentation to support the application, prior to 4:30 pm on January 14, or the last business day prior;

(b) held a permit in the preceding year; and

(c) such permit held in the preceding year was not subject to any enforcement action or revoked by the City;

thereafter,

(2) Second to applicants that do not meet the requirements of § 307-33(B)(1) 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.

(3) 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).

C. Applications shall be accepted as follows:

(1) Under § 307-33(B)(1), applications shall be accepted between 9:00 am on January 1, or the first business day thereafter, and 4:30 pm on January 14, or the last business day prior;

(2) under § 307-33(B)(2), 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.

(3) 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 under § 307-33(B)(1) prior to January 1 and under § 307-33(B)(2) prior to January 15. Nothing herein shall be construed to allow the granting of a permit prior to January 16. Each permit will be valid until midnight of January 15 of the following year.

D. 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. Notwithstanding § 307-24 (G), vending shall be permitted only between the hours of 6:00 a.m. and 1:00 a.m. the following day on Sunday through Thursday and 6:00 a.m. and 3:00 a.m. the following day on Friday and Saturday.

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 six feet in width by ten feet in length. The longest dimension shall at all times be parallel to the curbline 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				
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: August 1, 2024

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

Introduced by Committee: Rules and Procedures/Special Studies

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 26

WHEREAS, City Council has recommended that the Code of the City of Binghamton, Chapter 26, *City Council, §26-6 Legislative procedure for drafting of local laws, ordinances and resolutions* be amended; 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 26, *City Council, §26-6 Legislative procedure for drafting of local laws, ordinances and resolutions*, Subsection D, be amended as follows:

D. A digital copy of every proposed Local Law, Ordinance, or Resolution shall be available to the Mayor and City of Binghamton employees to the extent practicable at least 24 hours prior to its inclusion as first read legislation.

Section 2. That this ordinance shall take effect immediately.

Introductory No. O24-62

Permanent No. _____

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

AN ORDINANCE TO AMEND THE CODE OF
THE CITY OF BINGHAMTON, CHAPTER 26

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 _____.