



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

Date: July 8, 2020

Sponsored by Council Members: Scaringi, Resciniti, Riley, Friedman, Burns, Strawn, Scanlon

Introduced by Committee: Rules & Procedures/Special Studies

ORDINANCE

entitled

**AN ORDINANCE TO AUTHORIZE THE CITY
CLERK TO SUPPLEMENT EVENT PERMITS TO
PROVIDE FOR PAINTING MURALS ON
PUBLIC STREETS**

WHEREAS, the City has received requests to paint murals on public streets; and

WHEREAS, the Code of the City of Binghamton does not currently provide for painting murals on public streets; and

WHEREAS, pursuant to the Code of the City of Binghamton, Chapter 328, *Use of Public Property by Private Persons*, § 328-4, *Expansion of use of public property by private person*, City Council has authority to create a process to allow use of public streets for painted murals; and

WHEREAS, City Council wishes to authorize the City Clerk to supplement the Event Permit application to allow murals on public streets consistent with the below content neutral time, place, and manner restrictions.

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

Section 1. That pursuant to the Code of the City of Binghamton, Chapter 328, *Use of Public Property by Private Persons*, § 328-4, *Expansion of use of public property by private person*, City Council hereby consents to the City Clerk supplementing the Event Permit process to allow for content neutral time, place, and manner restrictions for murals on a public streets as follows:

- (a) Murals may only be painted on Wall Street. City Council may identify other streets in the future.
- (b) The type of paint used must be pre-approved by the Department of Public Works.
- (c) A complete rendering of the proposed mural will be submitted to the City Clerk, who will provide a copy to Corporation Counsel, for compliance review with applicable federal and state restrictions, *e.g.*, obscenity and incitement. No commercial speech, *e.g.*, advertising, is permitted.
- (d) Preparation for and painting of a mural may occur over two (2) consecutive days limited to Saturday/Sunday from sunrise to sunset.
- (e) If the applicant fails to use the approved paint or the mural painted is materially different from the rendering, the City may immediately remove the mural at the applicant's expense.
- (f) The City will not remove the mural until at least thirty (30) days after the mural is painted, unless (i) there is a violation of (e) above, or (ii) the applicant authorizes the City in writing to remove the mural earlier. Nothing will require the City to remove the mural on a particular day.

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- (g) If no other application is pending at the time the thirty (30) day limit in (f) above expires, the applicant may request a permit to re-paint the mural for a total period not to exceed an additional thirty (30) days.
- (h) The City Clerk, in conjunction with Corporation Counsel, may require a release and waiver of liability from the applicant and participants preparing for or painting the mural.
- (i) No fee will be charged for a mural on a public street until such time as City Council approves an amendment to the City's fee schedule. Fees may be charged for other services, if any.

Section 2. That this ordinance shall take effect immediately.

Introductory No. 020-62

Permanent No. 020-57

Sponsored by City Council Members:
Scaringi, Resciniti, Riley, Friedman, Burns, Strawn,
Scanlon

AN ORDINANCE TO AUTHORIZE THE CITY CLERK TO SUPPLEMENT EVENT PERMITS TO PROVIDE FOR PAINTING MURALS ON PUBLIC STREETS

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

Date 7/8/2020

City Clerk Justin E. Nesima

Date Presented to Mayor 7/9/2020

Date Approved 7/8/2020

Mayor Thomas A. DiNapoli

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Total	7	0	0	0

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 7/8/2020 approved by the Mayor on 7/9/2020

Justin E. Nesima