



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

Date: May 20, 2020

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

Introduced by Committee: Planning

**ORDINANCE**

*entitled*

**AN ORDINANCE TO ALLOW SALE OF  
TOBACCO PRODUCTS AT 494.5 CHENANGO  
STREET WHERE IT IS NOT PERMITTED DUE  
TO BEING WITHIN 500 FEET OF A SCHOOL**

WHEREAS, pursuant to Permanent Ordinance O14-19, dated April 9, 2014, City Council amended § 410-24, *Performance standards*, regarding the sale of tobacco and tobacco products near schools; and

WHEREAS, pursuant to Permanent Ordinance O19-157, dated December 18, 2019, City Council further amended § 410-24, *Performance standards*, as follows:

P. Tobacco Sales Near Schools Prohibited. The sale of tobacco and tobacco products (including but not limited to: cigarettes, cigars, pipe tobacco, chewing tobacco, and electronic cigarettes) is expressly prohibited within 500 feet of any property boundary of any public or private elementary or secondary school, except upon appeal to the Common Council as provided herein; and

WHEREAS, Tarek Algahaim, the owner of 494.5 Chenango Street, has requested approval to sell tobacco and tobacco products within 500 of a school; and

WHEREAS, on April 24, 2020, the Planning Commission approved a site plan for retail food sales at 494.5 Chenango Street, including sale of tobacco and tobacco products; and

WHEREAS, Council of the City of Binghamton has authority to allow a place of business to sell tobacco product within 500 feet of a school as provided by § 410-24.P.

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

Section 1. That the Council approves the application of Tarek Algaheim, the owner of 494.5 Chenango Street, to sell tobacco and tobacco products within 500 of a school in conjunction with the operation of the premises for retail food sales.

Section 2. That this Ordinance shall become effective immediately.

Introductory No. 020-49

Permanent No. 020-48

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Scaringi, Resciniti, Burns, Strawn, Scanlon

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TOBACCO PRODUCTS AT 494.5 CHENANGO  
STREET WHERE IT IS NOT PERMITTED DUE TO  
BEING WITHIN 500 FEET OF A SCHOOL

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

Date 6/3/2020

City Clerk Christina G. Nygren

Date Presented to Mayor 6/4/2020

Date Approved 6/4/2020

Mayor Thomas P. DiStasio

	Ayes	Nays	Abstain	Absent
Councilman Scaringi	✓			
Councilwoman Resciniti	✓			
Councilwoman Riley		✓		
Councilwoman Friedman				
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
<b>Total</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>

Code of the City of Binghamton

Adopted  Defeated

5 Ayes 2 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 6/3/2020. Approved  
by the Mayor on 6/4/2020.

