

Chapter 92, MAYOR

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Emergency Powers [Adopted 10-5-1970 (Sub-Part XXVIII of the 1970 Code)]

§ 92-1. Special emergency; declaration by Mayor.

In the event of a conflagration, storm, flood, fire, tornado, hurricane, earthquake, aircraft accident, train wreck, motor vehicle accident, enemy attack, power failure, riot, civil disorder, special emergency, or if the public peace is threatened or life or property may be endangered, the Mayor of the City of Binghamton may, in his or her discretion, declare a state of special emergency in all or any part or parts of the City of Binghamton.

§ 92-2. Emergency powers enumerated; authorized restrictions.

Whenever the Mayor declares the existence of a state of special emergency, and during such period, the Mayor shall have the power and authority to invoke any or all of the following provisions, in whole or in part, which shall apply to all of the City or to the part or parts of the City of Binghamton so declared to be in a state of special emergency:

- A. Alcoholic beverages. No person shall sell, purchase, consume, carry, use, or transport any alcoholic beverage or alcoholic beverages on, in or near a public street, park, square, building, hotel, apartment house, dwelling, bar, tavern, restaurant, liquor store, grocery store or scene of such state of special emergency.
- B. Gasoline, kerosene or other flammables. No person, other than a public utility, shall sell, exchange, give away, transport, or carry any gasoline, kerosene or other flammable in the City or any part or parts of parts thereof so declared to be in a state of special emergency. Nothing herein shall be deemed to prohibit the operation of a motor vehicle or the storage of gasoline therein.
- C. Weapons. No person shall sell, purchase, use, carry or transport any firearm, rifle, shotgun, pistol, machine-gun, cannon, revolver, zip gun, bow and arrow, slingshot, incendiary missile, Molotov cocktail, bomb, gasoline, kerosene, flammable liquid, dynamite, explosive, nitroglycerine, tear gas, chemical, hand grenade, rock, bottle, glass, sword, spear, knife, rumble chain, brick, club or any instrument of offensive or defensive combat, unless in the performance of his or her official duties or (unless) authorized by the Mayor or by the Binghamton Chief of Police.
- D. Restricted areas. No person shall enter any such part or parts of the City so declared to be in a state of special emergency unless he or she be employed therein or a resident thereof, or the owner or lessee of premises located therein, or in the performance of his or her official duties, or authorized by the Mayor or the Binghamton Chief of Police.
- E. Curfew. No person, except the owner or lessee of the premises therein or persons employed therein or those in the performance of official duties or so authorized by the Mayor or the Binghamton Chief of Police, shall enter or remain in or near any public street, park, square, bar, tavern, restaurant, liquor store, gasoline station, public property or public building, property owned by a public utility or railroad, or transportation facility, in any such part or parts of the City so declared to be in a state of special emergency during such hours of the day as may be prescribed by the Mayor.

§ 92-3. Publication of declaration, filing, and termination of declaration of state of special emergency.

- A. If the Mayor invokes any or all of the provisions of this article, he or she shall immediately distribute a written declaration thereof to the news media in the City, accompanied by a written request that each publish or broadcast it as soon as possible.
- B. Upon declaration of a state of special emergency, the Mayor shall prepare and sign a written statement indicating that he or she has declared a state of special emergency, setting forth the reasons for such a declaration, specifying the provision or provisions of § 92-2 hereof invoked by the Mayor, and specifying the part or parts of the City declared by him or her to be in a state of special emergency. Said written statement shall be filed with the City Clerk at the earliest opportunity; provided, however, that the failure to file said written statement with the City Clerk or to distribute the same to the news media shall in no way invalidate or nullify such declaration of special emergency or prevent the same from taking effect.
- C. Such a declaration of a state of special emergency shall be deemed to have terminated when the Mayor of the City of Binghamton shall have signed a written statement indicating that such a declaration has been terminated by the Mayor.

§ 92-4. "Person" defined.

As used herein, the term "person" shall mean and include among other things, a natural person, a corporation, partnership and a joint-stock association.

§ 92-5. Liability of City for actions of officers and employees.

Nothing herein shall be deemed to create or establish any cause of action against, or liability of, the City of Binghamton or any officer or employee thereof as a result of, or consequence of, any acts, actions or activities taken or undertaken or occurring under, pursuant to, or as a result of this article.

§ 92-6. Effect of provisions upon existing powers and authority of officers or employees.

Nothing herein shall be deemed to impair or diminish any existing legal powers and/or authority already possessed by the Mayor of the City of Binghamton, and/or other officers and employees of the City of Binghamton.

§ 92-7. Penalties for offenses.

Any person violating this article, or any provision or section hereof, shall be guilty of a misdemeanor, and any person guilty of such violation shall be liable to a fine which shall not exceed \$150 in amount, or to imprisonment not exceeding 150 days, or to both such fine and imprisonment.

ARTICLE II, Duties [Adopted by L.L. No. 3-1974 (Sub-Part XXXIX of the 1970 Code)]

§ 92-8. Mayor to devote entire business day to duties of office.

Effective January 1, 1978, the Mayor of the City of Binghamton shall devote the entire business day to the duties of the office of Mayor.

§ 92-9. Effect upon outside interests; "entire business day" interpreted.

The Mayor shall not be required to divest himself or herself of outside interests, provided said outside interests are not in conflict with his or her position as Mayor. The entire business day shall be interpreted as the normal hours of work scheduled within City Hall.

§ 92-10. Present duties to continue in effect.

All duties and responsibilities of the Mayor of the City of Binghamton presently in effect shall continue in effect.

ARTICLE III, Salary [Adopted 8-3-1998 by L.L. No. 2-1998 (Sub-Part XVI of the 1970 Code)]

§ 92-11. Supersession of state law.

Section 38 of Article III, Section 106 of Title I of Article V, and Section 115 of Title III of Article VI of Chapter 444 of the Laws of 1914, as amended, known as the "Optional City Government Law," are hereby amended and superseded in their application to the City of Binghamton insofar as the same conflict with or is inconsistent with this article.

§ 92-12. Salary established annually [Amended 12-4-2013 by Ord. 13-95; Amended 12-9-2020]

- A. The Mayor's annual salary for 01/01/2022 to 12/31/2025 shall be:

2022	\$75,076
2023	\$75,827
2024	\$76,585
2025	\$77,350

- B. Prior to 12/31/2024, City Council shall establish the Mayor's annual salary for the Mayoral term from 01/01/2026 to 12/31/2029. Every four years City Council shall establish the Mayor's salary, by amending section "A" above, for the next Mayoral term. For example:

<u>Council Establishes Mayor's Salary Prior To:</u>	<u>For the Mayoral Term:</u>
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12/31/2028

01/01/2030 to 12/31/2033

12/31/2032

01/01/2034 to 12/31/2037

This schedule shall continue every four years thereafter.

- C. If the Common Council should fail or refuse to establish the Mayor's annual salary as provided above, then the Mayor's salary during the affected term shall be increased annually by the average upstate New York consumer price index (CPI) as determined by the U.S. Department of Labor for the preceding twelve (12) month average as of September 1 prior to the next budget year.