



LEGISLATIVE BRANCH CITY OF BINGHAMTON

William Berg, City Council President
Jeremy Pelletier, City Clerk

CITY COUNCIL WORK SESSION AGENDA City Council Work Room, 38 Hawley Street, Binghamton Tuesday January 20, 2015

The Work Session begins at 6:00pm. Times for RL(s)/Topics are approximate only and items may be considered earlier or later.

Time	Committee	Chair	RL(s)/Topic	Pages	Presenter
6:00pm	Planning	Webb	RL 15-6. Sale of 249 Court Street to Park Outdoor Advertising of New York Inc.	16-20	Paul Simonet
6:15pm	-----	-----	Discussion. CDAC Update	35-36	Marty Doorey
6:30pm	Finance	Motsavage	RL 15-7: Amending 2014 JSTP budget for Gas/Heat	21-24	Charlie Pearsall
	Finance	Motsavage	RL 15-8: Amending JSTP Capital budget to reflect current projects	25-27	
6:45pm	MPA	Rennia	RL 15-5. Amending Chapter 292 of the Code of the City of Binghamton regarding noise	8-15	Teri Rennia
7:00pm	-----	-----	Discussion. Review of Vacant Property Registration	28-34	Tom Costello
7:15pm	Finance	Motsavage	Discussion. Updates for work at the JSTP	4	Gary Holmes
			RL 15-3. Agreement with Kenneth Del Bianco for management services for the BAF Rehab at the JSTP		
7:30pm	Finance	Motsavage	RL 15-2. Amending the 2014 to pay for legal services	1-3	Kenneth J. Frank
7:45pm	Planning	Webb	RL 15-4. Amending Sign Ordinance	5-7	Jerry Motsavage
8:00pm	-----	-----	Discussion: Review of Committee Reports & Pending Legislation	-----	Council President Berg

COMMITTEE REPORTS

Employees Committee: Webb (Chair), Motsavage, Papastrat

Potential amendments to residency requirements for City of Binghamton employees.

Municipal & Public Affairs Committee: Rennia (Chair), Webb, Matzo

Potential amendments to the City of Binghamton's noise ordinance regulations.

Public Works/Parks & Recreation Committee: Motsavage (Chair), Rennia, Mihalko

Review the Traffic Signal Removal Study.



Legislative Branch

RL Number:

15-2

Date Submitted:

1/7/15

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Kenneth Frank

Title/Department: Corporation Counsel

Contact Information: _____

RL Information

Proposed Title: Ordinance Amending the 2014 ~~Risk Management~~ ^{Insurance Fund} Budget to Transfer \$50,000 from M9040.54901(Workers Comp), \$33,000 from M1910.54900 (Prov for Incurred Loss) and \$9,000 from M1910.54900 (Emergency Safety and Repair) into M1910.54430 (Legal Services)

Suggested Content: _____

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): 014-33

OFFICE USE ONLY					
Mayor:	<u>[Signature]</u>				
Comptroller:	<u>[Signature]</u>				
Corporation Counsel:	<u>[Signature]</u>				
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of \$2500 or less must be approved by the Comptroller.

Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.

Transfer requests in excess of \$10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 1/6/2015

I respectfully request the below described transfer of funds due to the following reasons:

To cover 2014 outside legal bills

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
M1910.54900 (Prov for Incurred Loss)	M1910.54430 (Legal Services)	\$33,000.00
M1910.54754 (Emergency Safety/Rep)	M1910.54430 (Legal Services)	\$9,000.00

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: _____

Date: 1/7/15

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: _____

Date: _____

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: _____

Date: _____

Transfer of funds **APPROVED** / **DENIED** on 1/14/15. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: Jeremy Pelletti

Date: 1/14/15

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____

Date: _____



CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of \$2500 or less must be approved by the Comptroller.
Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.
Transfer requests in excess of \$10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 1/6/2015

I respectfully request the below described transfer of funds due to the following reasons:

To cover 2014 outside legal bills

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
M9040.54901 (Workers Comp Claims)	M1910.54430 (Legal Services)	50,000.00 \$55,000.00

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: [Handwritten Signature]

Date: 1/7/15

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: _____

Date: _____

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, Appropriations. Certified by the Treasurer.

Signature: _____

Date: _____

Transfer of funds APPROVED DENIED on 1/14/15. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: [Handwritten Signature: Jerry Pelletta]

Date: 1/14/15

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____

Date: _____



Legislative Branch

RL Number:

15-3

Date Submitted:

1/14/15

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Gary R. Holmes

Title/Department: Commissioner/Public Works

Contact Information: grholmes@cityofbinghamton.com

RL Information

Proposed Title: To enter into a contract with Kenneth Del Bianco, P.E. to provide project management services for BAF Rehabilitation & Restoration Project @ BJCTP

Suggested Content: The contract will be in the amount of \$50.00 per hour (not to exceed \$90,000.00 per year). The term will be (4) years contingent on availability of funding in each budget year.

The funding source is G8150.54410.

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY						
Mayor:						
Comptroller:						
Corporation Counsel:						
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>	



Legislative Branch

RL Number:

15-4

Date Submitted:

1/14/2015

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Councilman Jerry Motsavage

Title/Department: Councilman District 1

Contact Information: _____

RL Information

Proposed Title: An Ordinance amending Chapter 410-58 and 410-63(A)(5) regarding internally illuminated signs

Suggested Content: _____

(A)(5): Internally illuminated signs, in the Historic District, shall either be constructed with an opaque ground and translucent text and symbols, or with a colored (not white, off white, light grey, or creme) background and generally lighter text and symbols.

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance Planning MPA PW/Parks Employees Rules/Special Studies



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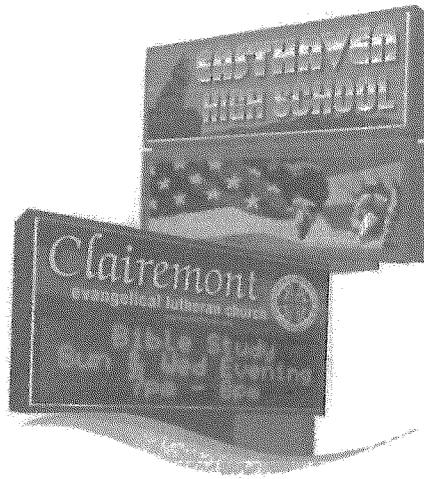
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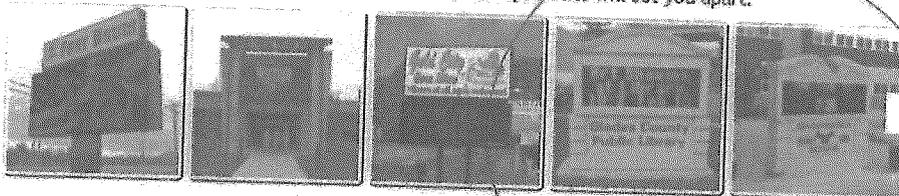
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East Valley High School
North Hollywood, CA

Maria Mendosa
part of sign

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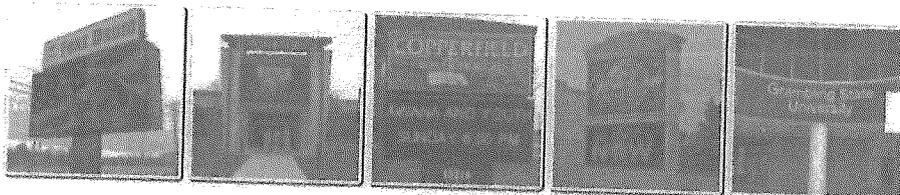
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- ✓ Separate LED cabinet with vandal cover
- ✓ Displaying video clips, images & text
- ✓ The premium LED sign experience

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Our exposed pixel DayStar EXP offers versatility at an exceptional price. With multiple matrix options, we have a display size to fit your application.



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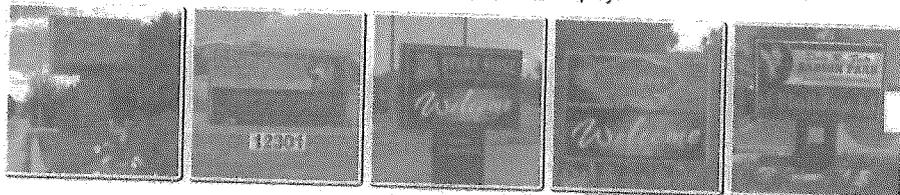
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- ✓ Separate LED cabinet with exposed pixels
- ✓ Displaying video clips, images & text
- ✓ High value for a lower initial investment

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- Flex Letter Sets
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+ polycarbonate face \$715
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S-Series Portables Includes 0.025" flex/PVC letters, wavy v3 fiberglass faces



Legislative Branch

RL Number:

15-5

Date Submitted:

1/14/2015

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Councilwoman Teri Rennia

Title/Department: Councilwoman, District 3

Contact Information: _____

RL Information

Proposed Title: An Ordinance amending Chapter 292 of the Code of the City of Binghamton
regarding noise

Suggested Content: See attached.

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance Planning MPA PW/Parks Employees Rules/Special Studies

Chapter 292, NOISE

HISTORY: Adopted by the City Council 3-7-2005 by Ord. No. 05-11 (§ 14-14 of the 1970 Code). Amended 3-17-2010 by Local Law 10-1. Amended ___-___-2014 by Local Law 14-__.]

GENERAL REFERENCES

- Alarm systems -- See Ch. 167.
- Amusements -- See Ch. 173.
- Control of dogs -- See Ch. 178, Art. II.
- Curfew -- See Ch. 211.
- Public assembly -- See Ch. 318.
- Vehicles and traffic -- See Ch. 400.
- Zoning -- See Ch. 410.

§ 292-1. Title.

This chapter shall be known and may be cited as the "City of Binghamton Noise Ordinance."

§ 292-2. Declaration of policy.

It is hereby declared to be the public policy of the City to reduce the ambient noise level in the City, so as to preserve, protect and promote the public health, safety and welfare and the peace and quiet of the inhabitants of the City, prevent injury to human, plant and animal life and property, foster the convenience and comfort of its inhabitants and facilitate the enjoyment of the natural attractions of the City. It is the public policy of the City that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his or her property. It is hereby declared that the making, creation or maintenance of excessive or unreasonable noises within the City affects and is a menace to public health, comfort, convenience, safety, welfare and the prosperity of the people of the City. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose.

§ 292-3. Interpretation.

This chapter shall be liberally construed so as to effectuate the purposes described in this chapter. Nothing herein shall abridge the powers and responsibilities of any police department, law enforcement agency or code enforcement department to enforce the provisions of this chapter. Nothing herein shall be construed to abridge the emergency powers of any health department, code enforcement department or the right of such department to engage in any necessary or proper activities.

§ 292-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AMBIENT NOISE – The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources.

AMPLIFICATION DEVICE – Any device intended to disseminate noise or increase noise levels, including but not limited to bullhorns, public-address systems, sound systems, speaker systems and stereos.

CONSTRUCTION/MAINTENANCE – Any activity necessary or incidental to the erection, demolition, assembling, altering, installing or equipping of buildings, public or private highways, roads, parks, utility lanes or other property, including but not limited to related activities such as land clearing, grading, earthmoving, excavating, blasting, filling, or landscaping, or the maintenance of any lawn, space or structure. Such activities may include the use or operation of power tools or equipment, including power domestic tools, lawn mowers and agricultural equipment.

EMERGENCY WORK – Any work or action necessary to deliver essential services or to abate life-threatening conditions.

MOTOR VEHICLE – Includes but is not limited to any personal or commercial automobile, truck, van or motorized equipment.

NOISE – Any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the City of Binghamton.

NOISE DISTURBANCE – Any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs others, or endangers or injures personal or real property.

PERSON – Any individual, association, partnership, corporation or other entity and includes any officer, employee, department or agency of the above.

PLAINLY AUDIBLE – Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular amplification device, the detection of the rhythmic bass component of the music is sufficient to verify a plainly audible sound. The noise control officer need not determine the title, specific words or the artist performing the song.

PUBLIC PROPERTY – Any real property including any street, sidewalk, alley, park or structure that is owned, leased or controlled by the City of Binghamton.

REAL PROPERTY LINE – Either the imaginary line including its vertical extension that separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling-unit building.

§ 292-5. Prohibited acts.

No person shall make, cause, allow or permit to be made any unreasonable noise within the geographical boundaries of the City or within those areas over which the City has jurisdiction, including the waters, rivers and riverbanks adjacent to, abutting or bordering the City. Any of the following acts or causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others are declared to be in violation of this chapter and to constitute unreasonable noise:

- A. **Amplification Devices.** No person shall use or operate any amplification device at a noise level which is plainly audible from a distance of one-hundred fifty (150) feet from the noise source between the hours of 8:00am to 10:00pm or from a distance of fifty (50) feet from the noise source at all other times.
- B. **Business Advertisement.** Shouting, yelling, calling or the use or operation of any amplification device for commercial or business advertising or for the purpose of attracting attention to a commercial operation is strictly prohibited.
- C. **Animals.** The owner of any animal shall not permit such animal to cause noise disturbances for more than fifteen (15) minutes at a noise level which is plainly audible beyond the owner's real property line.
- D. **Shouting.** Shouting, yelling or calling at any time or place so as to annoy or disturb the quiet, comfort and repose of others is strictly prohibited.
- E. **Public Facilities.** No person shall cause noise disturbances, whether by amplification device or otherwise, at a noise level which would disrupt the normal activities conducted at any school, court, house of worship, public library, hospital or nursing home, or at a noise level which disturbs or annoys persons making use of such facilities.
- F. **Loading/Unloading.** No person shall engage, cause or permit the loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 8:00pm to 6:00am.
- G. **Construction/Maintenance.** No person shall conduct any construction/maintenance activities or operate or permit to be operated any tools or equipment for such purpose between the hours of 9:01pm to 7:59am.
- H.
- I. **Motor Vehicles.** The specific prohibited acts concerning the operation of motor vehicles are outlined below:
 - 1. No person shall cause or permit the operation of any motor vehicle without a properly functioning muffler.
 - 2. No person shall cause or permit to be caused the sounding of any horn or other auditory signaling device on or in any motor vehicle except to serve as a warning of danger.
 - 3. Motor vehicle sound levels and equipment shall be in compliance with provisions of any state law, including but not limited to §§ 386 and 375 of the New York State Vehicle and Traffic Law.
 - 4. No person shall operate a vehicle in such a manner as to cause unreasonable noise by spinning or squealing the tires of such vehicle.
 - 5. No person shall allow noise from an automobile alarm in excess of five minutes after it has been activated.
 - 6. Taxicabs shall not use their horns to alert passengers at the address of fare location more than once and must be stopped in front of that address before doing so.

- J. Entertainment, Events or Activities. No entertainment, event or activity shall cause any noise disturbance which is plainly audible from a distance of one-hundred fifty (150) feet from the noise source between the hours of 8:00am to 10:00pm or from a distance of fifty (50) feet from the noise source at all other times.
- K. Miscellaneous Noise. Any excessive or unusually loud noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others is strictly prohibited.

§ 292-6. Exceptions.

The provisions of this chapter shall not apply to the following devices or activities or noise emanating from or caused by such devices or activities:

- A. Auditory warning devices used by public safety officials to indicate an emergency or warning.
- B. Church bells or chimes.
- C. Snow blowers, snow throwers and snow plows when operated with a muffler for the purpose of snow removal.
- D. Exterior burglar alarm of any building or motor vehicle, provided that such burglar alarm shall terminate its operation within five (5) minutes after it has been activated.
- E. Construction/maintenance, when emergency work is required.
- F. Entertainment, events, activities or construction/maintenance when such occurrences are duly authorized or permitted by the City of Binghamton, or when held within the confines of stadiums, arenas or fields designed specifically and primarily for sporting events and which are open to the public.
- G. Activities for which a Noise Variance has been granted, pursuant to § 292-9.

§ 292-7. Enforcement and administration.

- A. The noise control requirements established by this chapter shall be administered and enforced severally, separately and jointly by the City of Binghamton Police Department, Office of Building Construction, Zoning and Code Enforcement and such other employees or officials authorized by the Mayor, and such employees shall be designated as noise control officers. Violation of any provision of this chapter shall be cause for an appearance ticket to be issued. This chapter is complaint driven and as such requires that a violation hereunder be complained of to either the Police Department or the Office of Building Construction, Zoning and Code Enforcement before enforcement hereunder may occur. The complainant must have some legally recognized interest in the aggrieved property, i.e., including but not limited to ownership or tenancy.
- B. In accordance with § 292-5, certain noise disturbances may be classified as prohibited acts. When the source of the noise is located upon private property, noise control officers shall begin measurement at the real property line. When the source of the noise is located upon public property, noise control officers shall begin measurement at the source of the noise itself.

§ 292-8. Penalties for offenses.

Any person who violates any provision of this chapter shall be deemed guilty of an offense and, upon conviction thereof, shall be subject to penalties in the following manner:

- A. Upon a first conviction: by a fine not less than \$50 and not more than \$250.
- B. Upon a second conviction: by a fine not less than \$100 and not more than \$1,000.
- C. Upon a third or subsequent conviction: by a fine not less than \$250 and not more than \$3,000.

If the violation is of a continuing nature, each eight (8) hour period during which it occurs shall constitute an additional, separate and distinct offense. In accordance with § 315-3 of the Code, noise violations may also be assigned a point value to be applied against the building or location of the noise source.

§ 292-9. Noise Permits.

- A. The City Clerk shall have the authority to grant Noise Permits for the use of amplification devices as outlined in § 292-5.A or entertainments, events or activities as outlined in § 292-5.I, when such noise-producing activities will exceed the established time limits. A Noise Permit shall grant the holder the ability to continue noise-producing activities until 11:00pm, but shall not grant the holder the ability to exceed the noise volume limits established in § 292-5. Noise Permits may only be issued when the duration of the activity does not exceed three (3) consecutive or non-consecutive days in length within any calendar year.
- B. The City Clerk may refer any Noise Permit application to City Council for final determination.
- C. In order to obtain a Noise Permit, the applicant shall provide a completed application to the City Clerk which will include the following, along with such other information as the City shall find necessary and proper:
 - 1. Applicant name, mailing address, telephone number and email address. Noise permit applicants must be available by telephone during the duration of the requested activity.
 - 2. Name of sponsoring organization, if any, along with the name, mailing address, telephone number and email address of a contact person within the sponsoring organization.
 - 3. A description of the requested noise-producing activity.
 - 4. The date(s)/time(s) of the requested noise-producing activity.
 - 5. The address at which the noise-producing activity will occur. If the applicant is not the property owner, the application must provide the written consent of the property owner.
 - 6. The Noise Permit fee, as set from time to time by City Council.
- D. Noise Permit applications must be submitted at least thirty-five (35) calendar days prior to the date of the noise-producing activity, not including the date of submission. Applications submitted less than thirty-five (35) calendar days but not less than thirty (30) calendar days prior to the date of the noise-producing activity shall be subject to late fees as shall be set from time to time by City Council. In the case of late submissions, late fees shall be applied to each day which is less than thirty-five (35) calendar days prior to the date of the noise-producing activity. Applications received less than thirty (30) calendar days prior to the date of the noise-producing activity shall be rejected.
- E. The City Clerk shall not issue a Noise Permit if a Noise Permit was issued for the same location, for a similar noise-producing activity, or to the same applicant within the four (4) weeks prior to the application under consideration.
- F. If the City Clerk denies a Noise Permit, the applicant may apply for a Noise Variance from City Council.

§ 292-10. Noise Variances.

- A. City Council shall have the authority to grant Noise Variances if the noise activities are anticipated to exceed the volume limits established in § 292-5, the time limits allowed through receipt of a Noise Permit as outlined in § 292-9.A, or if the duration of the activity exceeds three (3) consecutive or non-consecutive days in length in any calendar year.
- B. In order to obtain a Noise Variance, the applicant shall provide a completed application to the City Clerk which will include the following, along with such other information as the City shall find necessary and proper:
 - 1. Applicant name, mailing address, telephone number and email address.
 - 2. Name of sponsoring organization, if any, along with the name, mailing address, telephone number and email address of a contact person within the sponsoring organization.
 - 3. The name and telephone number of at least one (1) emergency contact. The emergency contact must be available by telephone during the duration of the requested activity.

4. A description of the requested noise-producing activity, stating whether the applicant is requesting a waiver of the time limits and/or the distance from which noise is plainly audible, as set forth in § 292-5.
 5. The date(s)/time(s) of the requested noise-producing activity.
 6. The address at which the noise-producing activity will occur.
 - i. If the applicant is not the property owner, the application must provide the written consent of the property owner.
 - ii. If the address is within or abuts a residential district, the City Clerk must, upon request, provide the applicant with a list outlining the names and addresses of all property owners within a five hundred (500) foot radius of the address. The applicant must send certified letters, return receipt requested, to all listed property owners (excluding duplicate entries and properties owned by the City of Binghamton, Broome County, or New York State), and submit the return receipts to the City Clerk. Such certified letters shall outline the date(s)/time(s) of the proposed noise-producing activity, list the applicant's contact information, and notify the recipient of the required public hearing outlined in § 292-10.C.
 7. The Noise Variance fee, as set from time to time by City Council.
- C. The initial application for a Noise Variance shall require a public hearing prior to the adoption of any legislation granting such Noise Variance. For noise-producing activities scheduled to occur on an annual basis, the Council of the City of Binghamton may choose to waive the required public hearing and certified mailing requirement outlined in § 292-10.B(6)(ii) for years following the year of initial application.
- D. Noise Variance applications must be submitted at least thirty-five (35) calendar days prior to the date of the noise-producing activity, not including the date of submission. Applications submitted less than thirty-five (35) calendar days but not less than thirty (30) calendar days prior to the date of the noise-producing activity shall be subject to late fees as shall be set from time to time by City Council. In the case of late submissions, late fees shall be applied to each day which is less than thirty-five (35) calendar days prior to the date of the noise-producing activity. Applications received less than thirty (30) calendar days prior to the date of the noise-producing activity shall be rejected.



Legislative Branch

RL Number:
15-6
Date Submitted:
1/14/2015

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Jeremy Pelletier, City Clerk

Title/Department: City Clerk's Office

Contact Information: (607) 772-7005

RL Information

Proposed Title: An Ordinance authorizing the sale of 249 Court Street to Park Outdoor

Advertising of New York, Inc. for \$50,000

Suggested Content: _____

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY					
Mayor:	_____				
Comptroller:	_____				
Corporation Counsel:	_____				
Finance <input type="checkbox"/>	Planning <input checked="" type="checkbox"/>	MPA <input type="checkbox"/>	PW/Parks <input type="checkbox"/>	Employees <input type="checkbox"/>	Rules/Special Studies <input type="checkbox"/>



OFFICE OF THE CITY CLERK ■ CITY OF BINGHAMTON

Teri Rennia, City Council President
Angela Holmes, City Clerk

OFFER TO PURCHASE

Please complete the below application, and submit this document to the City Clerk for consideration. Please note that if such sale is approved, the Applicant will be liable for all filing fees associated with the transfer of this property.

PROPERTY INFORMATION

Street Address of Property: 249 Court Street
Tax Parcel Identification Number: 160.035-0002-047
Current Use of Property: [X] Commercial
Offered Purchase Price: \$50,000.00

Please describe the intended use of the property. The inclusion of a map or illustration depicting the intended use of the property will expedite the review process.

We intend to leave the preoperty in basically the exact configuration we procure, unless the City of Binghamton has some required changes.

APPLICANT INFORMATION

Applicant Name: Park Outdoor Advertising of New York, Inc.
Mailing Address: P.O. Box 4680 ; Ithaca, NY 14852-4680
Telephone Number(s): (607) 257-1477 Paul Simonet cell (607) 592-1150
Email Address: paul.simonet@parkoutdoor.com

Please list any other properties owned by the Applicant located within Broome County.

113 Clinton Street

I hereby certify that the above information is a true account of my intended purchase and use of City-owned property. I understand that upon approval of any such sale, any deviance from the agreed-upon terms and conditions may result in the termination of such agreement through legal proceedings.

Signature: Paul E. Simonet - Park Outdoor Date: 8/26/14

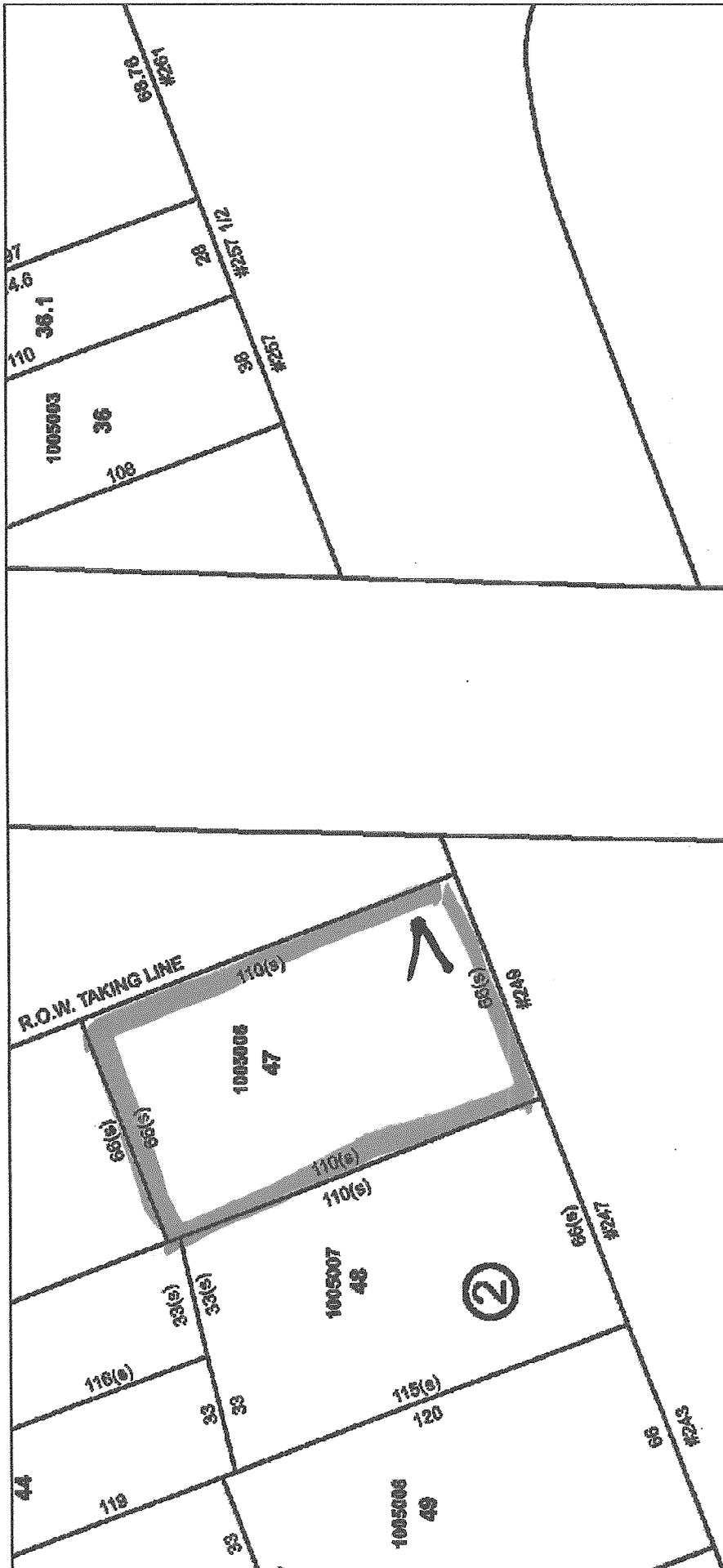


Google earth

feet
meters



*VACANT LOT with
Billboard in Southeast corner.*



Landmax Data Systems, Inc. www.landmaxdata.com - Map ID: maps/BROOM/030200/160_35.tif

**Billboard in
Southeast Corner**

General Property Description

Prop Address: 249 COURT ST
 Municipality: CITY of BINGHAMTON
 Town Swis Code: 030200 / BROOME COUNTY
 Owner: CITY OF BINGHAMTON Tax / Map Acct#: 160.035-0002-047.0000000
 School Dist: BINGMTNC
 Owner 2: Print Key: 160.35-2-47
 School Code: 030200
 Owner Mailing: 38 HAWLEY ST
 Deed Book / Page: 2117 / 666
 BINGHAMTON, NY13901
 Sub Div: Phone Number:
 Misc:

Structural Characteristics

Bldg Sq Feet: 9216 Built: 0 Uses As 1: AGRICULTURAL
 1st Floor: 0 Story Height: 0 Uses As 2: AGRICULTURAL
 2nd Floor: 0 Heat: No. Of Bldgs:
 House Type: Fireplaces: 0 Residential Units: 0
 Bedrooms: 0.0 Fuel: Exterior:
 Bath: 0.0 Water: PUBLIC Garage: 0
 Basement: Sewer: PUBLIC Number Stories: 3.0
 Basement SF: 0 Utilities: GAS & ELEC Central Air: NO
 Improve 1 / YR: Size 1: 0 X 0 Total SqFT 1: 0
 Improve 2 / YR: Size 2: 0 X 0 Total SqFT 2: 0
 Improve 3 / YR: Size 3: 0 X 0 Total SqFT 3: 0
 Improve 4 / YR: Size 4: 0 X 0 Total SqFT 4: 0

Land Characteristics

Acreage : 0.17 Land SqFt: 7405
 Class Code: 330 Class Name: COML VACANT Lot Size: 66 x 113
 East / Longitude: 1005543 / -75.9003757 North / Latitude 766650 / 42.1022373

Tax / Assessment Data

Tax / Map Acct #: 160.035-0002-047.0000000 School Tax: \$881.91
 Total Assessment: \$37,290.00 County Tax: \$1,588.93
 Land: \$37,290.00 STAR Exemption: \$37,290
 Old Assessment: \$37,290.00 Account #: 1000810
 Assessor Full Market Value \$44,928.00

Sales Information

Sales Price:	Sales Date:	Grantor:	Deed Book / Page:	Deed Type:	Deed Valid:	ARMS Length:
\$1.00	08/05/2005	0	2117 / 666			
\$7,000.00	01/31/2002	CITY OF BINGHAMTON	1986 / 4			
\$31,000.00	10/14/1998	HELEN KELLEY	1901 / 136			
\$76,000.00	01/02/1997	SEDLACEK FRANK JR	1879 / 88			
\$130,000.00	01/20/1993	ROSEFSKY BERNARD S	1818 / 1311			Yes



Legislative Branch

RL Number:
15-7

Date Submitted:
1/16/15

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

Requests for Legislation (RLs) may be submitted to the City Clerk's Office for consideration at City Council Work Sessions. RLs generated from within City Hall departments must be submitted to the Mayor, Comptroller and Corporation Counsel for review before submission. RLs generated by citizens may be submitted directly to the City Clerk's Office.

Applicant Information

Request submitted by: Binghamton-Johnson City Joint Sewage Board

Title/Department: Business Manager

Contact Information: Charlie Pearsall / cpearsall@stny.rr.com / 607-765-6780 (cell)

RL Information

Proposed Title: Transfer of 2014 Budget Appropriations from the Chemicals line to the Gas/Heat line in the 2014 Joint Sewage Board budget

Suggested Content: The Comptroller is authorized and requested to make the budget changes of reducing J8130.54150 Chemicals by \$6,000 and increase budget line J8130.54201 Gas/Heat by the same amount.

RECEIVED

JAN 16 2015
OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY	
Mayor:	_____
Comptroller:	_____
Corporation Counsel:	_____
Finance <input checked="" type="checkbox"/>	Planning <input type="checkbox"/> MPA <input type="checkbox"/> PW/Parks <input type="checkbox"/> Employees <input type="checkbox"/> Rules/Special Studies <input type="checkbox"/>



CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of \$2500 or less must be approved by the Comptroller.

Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.

Transfer requests in excess of \$10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 01/15/2015

I respectfully request the below described transfer of funds due to the following reasons:

The budget line for Gas and Heat for the 2014 Wastewater Treatment Plant budget will be exceeded.

There are sufficient funds in the Chemicals line to be transferred to offset these overages.

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
J8130.54150 Chemicals	J8130.54201 Gas/Heat	\$6,000.00

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: _____

Date: 01/13/2015

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: _____

Date: _____

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: _____

Date: _____

Transfer of funds **APPROVED** / **DENIED** on _____. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: _____

Date: _____

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____

Date: _____

**REQUEST FOR LEGISLATION
TO THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF JOHNSON CITY**

Requested by: Binghamton-Johnson City Joint Sewage Board
Title & Department, if applicable: POC: Charlie Pearsall, Business Manager
Address: 4480 Vestal Road
Vestal, NY 13850
Telephone: 765-6870 (cell)

SUGGESTED TITLE: Transfer of expense budget for Gas/Heat from Chemicals

PURPOSE OF LEGISLATION: The 2014 budget line for Gas/Heat (J8130.54201) will be exceeded for 2014. Funds are available in the Chemicals expense line (J8130.54150)

SUGGESTED CONTENT: (please see proposed resolution text attached)

PROPOSED LEGISLATION WORDING

RESOLUTION

entitled

AN ORDINANCE AUTHORIZING TRANSFERS TO
INCREASE BUDGET FOR THE GAS/HEAT LINE IN THE
SEWAGE TREATMENT PLANT 2014 BUDGET.

WHEREAS, the Board of Trustees of the Village of Johnson City and the Council of the City of Binghamton jointly approve the annual budget of the Binghamton-Johnson City Joint Sewage Board (“JSB”); and

WHEREAS, Inter-Municipal Agreement No. X sets forth the procedure for the JSB to request approval of budget transfers and modifications during the year or within 30 days thereafter so long as any transfers do not increase the JSB’s budgeted expenses for the year; and

WHEREAS, the JSB has complied with the IMA-X procedure, and it is appropriate to modify the JSB’s budgets by making the budget transfers, which transfers will not affect the overall amount of the JSB’s 2014 Operating budget.

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

Reduce budget appropriations in the amount of \$6,000 from budget line J8130.54150 Chemicals.
Increase budget appropriations in the amount of \$6,000 for budget line J8130.54201 Gas/Heat.

And the City Council further directs the Binghamton Comptroller/Board CFO to make the necessary transfers within the Joint Sewage 2014 Operating Budget.

Charles Pearsall
Business Manager
Binghamton-Johnson City Joint Sewage Board
01/15/2015



Legislative Branch

RL Number:

15-8

Date Submitted:

1/16/15

City Clerk, City Hall, Binghamton, NY 13901 607-772-7005

REQUEST FOR LEGISLATION

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Applicant Information

Request submitted by: Binghamton-Johnson City Joint Sewage Board

Title/Department: Business Manager

Contact Information: Charlie Pearsall / cpearsall@stny.rr.com / 607-765-6780 (cell)

RL Information

Proposed Title: Reclass capital funds remaining on two old projects to current project. Rename account JH8130.554010 from "Head House Roof" to "Roof Repair/Replacement"

Suggested Content: The Comptroller is authorized and requested to make the budget changes of reducing JH8130.554001 Equip/Repair 2005 from \$55,000 to zero and reducing JH8130.554003 Transfer to Capital 2008 from \$7.64 to zero and increasing JH8130.554010 Head House Roof by \$7.64 Further, account JH8130.554010 should be renamed to "Roof Repair and Replacement"

RECEIVED

JAN 16 2015
OFFICE OF THE CITY CLERK
CITY OF BINGHAMTON

Additional Information

Does this RL concern grant funding? Yes No

If 'Yes', is the required RL Grant Worksheet attached? Yes No

Is additional information related to the RL attached? Yes No

Is RL related to previously adopted legislation? Yes No

If 'Yes', please provide Permanent Ordinance/Resolution/Local Law number(s): _____

OFFICE USE ONLY

Mayor: _____

Comptroller: _____

Corporation Counsel: _____

Finance Planning MPA PW/Parks Employees Rules/Special Studies



CITY OF BINGHAMTON

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

REQUEST FOR TRANSFER OF FUNDS

Transfer requests of \$2500 or less must be approved by the Comptroller.
Transfer requests over \$2500 and not in excess of \$10,000 must be approved by Board of E&A and Chair of Finance Committee.
Transfer requests in excess of \$10,000 must be approved by City Council.

City Comptroller
c/o Board of Estimate and Apportionment
38 Hawley Street
Binghamton, NY 13901

Date: 01/13/2015

I respectfully request the below described transfer of funds due to the following reasons:

The City of Binghamton, as Lead Agency, is now financing the capital reconstruction of the Wastewater

Treatment Facility and the capital reserve for certain projects can be eliminated from the BJCJWWTF budget.

From Budget Line (No. and Title)	To Budget Line (No. and Title)	Total Transfer Amount
JH8130.554001 Equip/Repair 2005	JH8130.554010 Roof Repair/Replace	\$55,000.00
JH8130.554003 2008 Trans to Capital	JH8130.554010 Roof Repair/Replace	\$7.64

I do hereby certify that the funds will not be needed in the budget line from which I am requesting this transfer to be made.

Signature: _____

Date: 01/13/2015

OFFICE USE ONLY

I hereby certify that the above funds are unencumbered and available for Transfer. Certified by the Comptroller.

Signature: _____

Date: _____

I hereby certify that the above described funds have been transferred, in accordance with the Code of the City of Binghamton Chapter 9, *Appropriations*. Certified by the Treasurer.

Signature: _____

Date: _____

Transfer of funds **APPROVED** / **DENIED** on _____. Certified by the Secretary of the Board of Estimate and Apportionment.

Signature: _____

Date: _____

Transfer of funds reviewed by the Binghamton City Council Finance Chair. Recommendations to be attached.

Signature: _____

Date: _____

PROPOSED LEGISLATION WORDING

RESOLUTION

entitled

**AN ORDINANCE AUTHORIZING TRANSFERS TO
REMOVE OLD BALANCES ON TRANSFER IN CAPITAL
LINES TO CURRENT CAPITAL PROJECT.**

WHEREAS, the Board of Trustees of the Village of Johnson City and the Council of the City of Binghamton jointly approve the annual budget of the Binghamton-Johnson City Joint Sewage Board (“JSB”); and

WHEREAS, Inter-Municipal Agreement No. X sets forth the procedure for the JSB to request approval of budget transfers and modifications during the year or within 30 days thereafter so long as any transfers do not increase the JSB’s budgeted expenses for the year; and

WHEREAS, the JSB has complied with the IMA-X procedure, and it is appropriate to modify the JSB’s budgets by making the budget transfer, which transfers will not affect the overall amount of the JSB’s 2015 Capital budget and fund balance,

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

Reduce capital projects accumulated from prior years in the amount of \$55,000 from budget line JH8130.554001.

Reduce capital projects accumulated from prior years in the amount of \$7.64 from budget line JH8130.554003.

Increase the balance in line JH8130.554010 and change the name from “Head House Roof” to “Roof Repairs and Replacements.”

Directs the Binghamton Comptroller/Board CFO to make the necessary transfers within the Joint Sewage 2015 Capital Budget.

Charles Pearsall
Business Manager
Binghamton-Johnson City Joint Sewage Board
01/13/2015

§ 265-14. Vacant Building Registry and Maintenance. [Amended 8-15-1988 by Ord. No. 106-88; L.L. No. 1-1990; 4-16-07 by Ord. No. 07-10A; 7-2-07 by L.L. No. 3-2007]

- A. Legislative findings and purpose. It is the finding of the Common Council that vacant buildings are unsightly, unsafe, and have a negative effect on the community. Unfortunately, many buildings, once vacant, remain that way for years. The purpose of this article is to establish a program for identifying and registering vacant buildings, to set forth the responsibilities of owners of vacant buildings, and to speed the rehabilitation of vacant buildings.
- B. Definitions. Unless otherwise expressly stated, the following terms will, for the purpose of this article, have the meanings indicated in this section:

EMERGENCY SITUATION—Where the condition of a building, structure, or any part thereof is an imminent, immediate, and substantial danger to the health or safety of occupants, emergency responders, and/or the general public. Such conditions include, but are not limited to, fire hazards, falling or dilapidated buildings, structures, or any part thereof, loss of significant water, heat, ventilation, or a lack of sanitary conditions.

ENFORCEMENT OFFICER—Any duly authorizing City of Binghamton employee of the Office of Building and Construction, Code Enforcement/Fire Marshal's Office, or designated representative of Planning, Housing and Community Development.

OWNER—The person, persons, or entity shown to be the owner or owners on the records of the City of Binghamton Department of Assessment, those identified as the owner or owners on a vacant building registration form, a mortgagee in possession, a mortgagor in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, other person, firm or corporation in control of the premises. Any such person will have joint and several obligations for compliance with the provisions of this article.

SECURED BY OTHER THAN NORMAL MEANS—A building secured by means other than those used in the design and approved plans for the building.

UNOCCUPIED—A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by an enforcement officer. In determining whether a building is unoccupied, the Enforcement Officer may consider these factors, among others: (i) whether lawful residential or business activity has ceased; (ii) the percentage of the overall square footage of the occupied to unoccupied space or the overall number of occupied and unoccupied units; (iii) the building is substantially devoid of contents or the minimal value of fixtures or personal property in the building; (iv) the building lack utility services; (v) the building is subject to a foreclosure action; (vi) duration of vacancy; and/or (vii) the presence or reoccurrence of code violations.

UNSECURED—A building or portion of a building which is open to entry by unauthorized persons without the use of tools or ladders.

VACANT BUILDING—A building, a portion of a building, or a structure which is any one or more of the below:

- (a) Unoccupied and unsecured;
- (b) Unoccupied and secured by other than normal means;
- (c) Unoccupied and an unsafe building as determined by an Enforcement Officer;
- (d) Unoccupied and enforcement office has issued an order to correct code violations;
- (e) Illegally occupied; or
- (f) Unoccupied for a period of time over 30 days.

C. Vacant building registration.

- (1) The owner of a vacant building will register with the Code Enforcement/Fire Marshal's Office no later than 30 days after any building becomes a "vacant building," as defined above, or not later than 30 days after being notified by an Enforcement Officer of the requirement to register. An Enforcement Office may identify vacant buildings through his/her routine inspection process as well as through notification by residents, neighborhood associations and other community groups that a building may be eligible for inclusion on the registry. Notice will be served upon, or sent by mail to, the owner, and any registered property manager, and to the property address. Notice will be deemed received by the owner, property manager, or an occupant, as the case may be, upon personal delivery or three days in Broome County or five days for other locations after service by first class mail. The City may also post notices on the City's website to provide additional notice to the public. However, the City's failure to post such violations on the City's website will not constitute a defense to any enforcement proceeding or collection of fines.
- (2) As part of the notice to register, the Enforcement Officer may provide the owner with a written referral to the Office of Economic Development, the Binghamton local Development Corporation, and the Planning, Housing, and Urban Renewal for information outlining programs available which may be useful to implement a rehabilitation plan.
- (3) The registration will be submitted on forms provided by the Code Enforcement/Fire Marshal's Office and will include the following information:
 - (a) A description of the premises, *i.e.*, square footage, number of stories, age of the building, and most recent use of the building.
 - (b) The names, addresses, and telephone numbers of the owner or owners. If the owner is a corporation, limited liability company or partnership, the address for each director, manager, or partner, as the case may be. The address must include a street address; a post office box is not acceptable.
 - (c) If the owner does not reside in Broome County or any adjoining New York county, the name and address of the registered property manager as required by § 265-6, *Registration of rental housing units; certificates of compliance*. The address must include a street address; a post office box is not acceptable.
 - (d) The names and addresses of all known lien holders and all other parties with an ownership interest in the building. Each address must include a street address; a post office box is not acceptable.
 - (e) A name, address, and telephone number of a responsible natural person (not a corporation, partnership, or limited liability company) who can be reached at all times during business and non-business hours. The address must include a street address; a post office box is not acceptable.
 - (f) A vacant building plan as described in Subsection 4 below.
- (4) The owner will submit a vacant building plan which must meet the approval of the Code Enforcement/Fire Marshal's Office. The Code Enforcement/Fire marshal's Office will consult with the Office of Buildings and Construction, and/or the

Planning, Housing and Community Development, as the case may be. The plan, at a minimum, must contain information from one of the following three proposals for the property:

- (a) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition.
 - (b) If the building is to remain vacant, a plan for the securing of the building in accordance with standards provided in § 265-14.D below, along with the procedure that will be used to maintain the property, and a statement of the reason(s) why the building will be left vacant; or
 - (c) If the building is to be returned to appropriate occupancy or use, rehabilitation plans for the building. The rehabilitation plans will not exceed 365 days from the date of submission and will include progress benchmarks at least every four (4) months, unless the Code Enforcement/Fire Marshal's Office grants an extension for good cause shown, upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with any applicable zoning, housing, historic preservation or building codes. The building must be secured in accordance with § 265-14.D below during the rehabilitation.
- (5) The owner will comply with all applicable laws and codes. The owner will notify the Code Enforcement/Fire Marshal's Office of any changes in information supplied as part of the vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be in writing and must meet the approval of the Enforcement Officer.
 - (6) The owner and any subsequent owner will keep the building secured and safe and the building and grounds properly maintained as provided in § 265-14.D below.
 - (7) Failure of the owner or any subsequent owner to maintain the building and premises as required herein will be grounds for the City (i) to remediate the building and bill the costs of same to the owner as provided in § 265-13.J(2), *Maintenance of property*; (ii) revoke the rehabilitation plans; and (iii) the owner will be subject to fees and penalties as provided herein.
 - (8) The owner will notify the Code Enforcement/Fire Marshal's Office of any transfer of ownership within fifteen (15) days of transfer. The new owner will comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and approved by the Code Enforcement/Fire Marshal's Office.
 - (9) Vacant building registration fees.
 - (a) The owner of a vacant building will pay a registration fee of \$50. The \$50 registration fee is due and payable upon registration; to wit: no later than thirty (30) days after any building becomes a "vacant building," as defined above, or no later than thirty (30) days after being notified by an Enforcement Officer of the requirement to register.
 - (b) If the building is to remain vacant pursuant to § 265-14.C.4(b) above, then the owner will also pay an annual vacant building fee of \$500 until the building is properly demolished or rehabilitated. The \$500 annual vacant building fee is due and payable together with the \$50 registration fee and on each anniversary thereafter until the building is demolished or rehabilitated.

- (c) If the building is to be returned to a permitted use pursuant to § 265-14.C.4(c) above, the rehabilitation plan will not exceed 365 days and will include progress benchmarks at least every four (4) months, unless the Enforcement Officer grants an extension for good cause shown upon receipt of a written statement from the owner detailing the reasons for the extension. If the rehabilitation has not been completed or extended by the Enforcement Officer, then the owner will pay an annual vacant building fee of \$500 until the building is properly demolished or rehabilitated. The \$500 annual vacant building fee is payable either on each anniversary of the payment of the \$50 registration fee in (a) above or no later than fifteen (15) days after being notified by an Enforcement Officer that the owner has failed to meet a required benchmark, whichever date is earlier, and on each anniversary thereafter until the building is demolished or rehabilitated.
- (d) If the owner of a vacant building fails to register and pay the fees in a timely manner, then the owner will be subject to the penalty set forth in § 265-14.H below.
- (e) All delinquent fees will be paid by the owner prior to any transfer of an ownership interest in any vacant building. The owner will give a purchaser written notice that the building in question is a vacant building under this section.
- (f) The vacant building registration fees and annual vacant building fees as set forth in § 265-14.C.9 above are to be delivered, by mail or in person, to the Treasurer's Office, City Hall, 38 Hawley Street, Binghamton, New York 13901. A late charge of 1 ½ % per month or any part thereof, will be assessed on any invoice which is unpaid after thirty (30) days from the date of the demand for payment or an invoice. A \$25.00 processing fee will be charged for each check returned by the bank due to insufficient funds or other reason. A replacement payment must be made in cash, money order, bank or certified check, and must include the \$25.00 fee and any applicable late charges. Invoices and any additional fees that remain unpaid will be added to the property owner's tax bill, and will include an additional penalty of \$200.00.
- (10) The Code Enforcement/Fire Marshal's Office will include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

D. Maintenance.

- (1) The owner of a vacant building will take such steps and perform such acts as may be required of him or her from time to time to ensure that the building and its grounds remain safe and secure and do not present a hazard to the adjoining property or the public. Owners will be responsible for maintaining their buildings and structures so that they do not become an unoccupied hazard. In any building or floor area that is vacant or about to become vacant, there will be at least one access which meets the approval of the Enforcement Officer.
- (2) The owner will protect and maintain the exterior of the building as follows

- (a) Exterior walls, including foundations, will be maintained so that water does not penetrate into basements, cellars, or other interior areas. All exterior walls and foundations must be free of holes and crevices.
 - (b) Exterior doors, windows, skylights and similar opening will be maintained weather tight.
 - (c) Exterior stairs, porches, entrance platforms, fire escapes and the railings thereon shall be maintained in a safe and sound condition
 - (d) Roofs shall be maintained in a weather tight condition.
 - (e) Exterior surfaces shall be maintained in good condition. Surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative.
 - (f) The coverings for windows and doors with glass may not consist of any substance sprayed onto the glass doors or windows. All enclosures shall be properly fitted and be of such material and surface that they are neither unsightly nor will materially detract from the general appearance of the building or the neighborhood and, when possible, secured by normal means.
 - (g) The covering for broken doors and cracked or broken windows may consist of replacement glass, plexiglass, boards, plywood or similar materials finished and maintained in a manner recommended and approved by the Enforcement Officer. The materials will be designed and of such color to blend in with the finish of the building.
 - (h) Windows that are not cracked or broken may be covered with interior blinds, curtains, shades, or decorative paper.
 - (i) The premises will be kept free of insects and vermin, and will be treated if necessary.
 - (j) Any excavations, swimming pools, or other attractive nuisance must be filled in or properly closed.
- (3) In addition to the standards prescribed above, vacant commercial and retail buildings shall comply with the following standards:
- (a) Any and all first floor windows will be replaced by glass, plexiglass, an approved mural, or announcement sign. Such coverings must be maintained.
 - (b) All exterior signs, awnings and lighting systems, if not removed, shall be maintained in a non-deteriorated and safe condition.
- (4) The owner will protect and maintain the interior of the building as follows
- (a) Structural members will be maintained to resist and prevent deterioration.
 - (b) Unheated attics, spaces below flat roofs, and crawl spaces will be ventilated to minimize deterioration.
 - (c) Ceilings, walls, floors and stairways will be maintained in a safe and sound condition.
- (5) The owner will maintain the premises as follows:
- (a) The owner will not permit garbage and refuse to accumulate.
 - (b) Buildings and structures will be maintained free of insects, vermin and rodent harborage and infestation

- (c) Refrigerators and similar equipment with locking mechanisms will not be discarded, abandoned or store without first removing the locking devices or the hinges of the doors.
 - (d) Junked vehicles as defined in § 265-2, equipment, or materials will not be stored at the premises.
 - (e) Chimneys, smokestacks, flues, gas vents, smoke pipes and connectors will be maintained structurally safe and smoke tight.
 - (f) If the building is to be demolished or remain vacant, then, within ten (10) days of registering the building as a vacant building, all fuel gas, water, and utilities must be disconnected at the mains and water pipes drained. If the building is going to be rehabilitated, then the building must be heated to avoid freezing pipes, fuel gas pipe systems must be maintained gastight, safe and operative condition, and water pipes must be maintained to avoid leaks and/or breakage.
 - (g) Fuel tanks will be maintained so as not to be a hazard or will be discontinued in a manner consistent with Chapter C of the State Uniform Fire Prevention and Building Code (9 NYCRR).
 - (h) The domestic water supply system of the building will be connected to an approved source, will not be subject to contamination and will not be connected to unsafe water supplies or the system will be disconnected at the main and completely drained.
 - (i) Storm water drainage systems will be maintained so as to function properly and be kept free from obstructions, leaks and defects. Sewage systems will be similarly maintained or will be sealed so as to prevent accumulation of sewage gases in buildings.
 - (j) Electrical fixtures, devices, wiring and systems will be maintained in safe working condition in a manner which will avoid a potential source of ignition or shock or service will be discontinued at the supply.
 - (k) Elevators, dumbwaiters and escalators will be maintained or taken out of service, in accordance with ANSI A17.1.
 - (l) The owner will provide for snow removal as required by § 265-13.I(4).
 - (m) The owner will maintain yards and vacant lots trimmed and mowed, with the height of grass and weeds being no more than 10 inches, and clean and free of physical hazards, rodent harborage and infestation as required by § 265-13.H.
- (6) Whenever the owner of a vacant building fails to comply with a notice from an Enforcement Officer to take steps and perform acts as are required of him or her to ensure that a building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property in violation of subsection 2 above, the City may, pursuant to § 265-4, *Enforcement*, enter onto the building and the property and take steps and perform acts to render the building and its adjoining yards safe, secure and free from hazards to adjoining property and public. These acts will include but not be limited to removal of dangerous conditions, properly replacing or boarding up windows and doors, shutting off utilities, capping plumbing to prevent leakage of water or sewer gas, or removing flammable or otherwise hazardous materials and debris. A bill for the expenses incurred above will be presented to the

owners of the building consistent with the provisions outlined in § 265-4 and § 265-13.J(2) of this chapter.

- E. Exemptions. A building which has suffered fire damage or damage caused by extreme weather conditions will be exempt from the registration requirement for a period of 90 days after the date of the fire or extreme weather event if the property owner submits a request for exemption in writing to the Code Enforcement/Fire Marshal Office. This request will include the following information supplied by the owner:
- (1) A description of the premises.
 - (2) The reason for an exemption.
 - (3) The names and addresses of the owner or owners. A post office box is not acceptable.
 - (4) A statement of intent to repair and reoccupy the building in an expedient manner, or the intent to demolish the building
- F. Inspections. By registering a vacant building, an owner consents to an Enforcement Officer inspecting the premises for the purpose of enforcing and assuring compliance with the provisions of this article. Upon the request of the Enforcement Officer, an owner will provide access to all interior portions of a vacant building in order to permit a complete inspection. Nothing contained herein, however, will diminish the owner's right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Enforcement Officer or his or her designee in order to enable such inspection, and the Enforcement Officer will be required to obtain a search warrant whenever an owner refuses to permit a warrantless inspection of the premises after having been advised of his or her constitutional right to refuse entry without same. In the case of an emergency this section will not apply.
- G. Annual reports. Once a year, the Office of Buildings and Construction or Code Enforcement/Fire Marshal's Office will send to the Mayor and to the Common Council a list of all buildings in the City declared vacant under the provisions of this article, as well as a list of all previously declared vacant buildings which are no longer subject to the provisions of this article. This information may be published on the City's website.
- H. Penalties for offenses. Any person violating any provision of this Vacant Building Registry, including failure to register, any provision of Chapter 133 or of the Uniform Fire Prevention and Building Code, or providing false information to the Enforcement Officer will be subject to the following fines:
- (1) Such person will be subject to a fine of \$1,000 or imprisonment not exceeding six months, or both such fine and imprisonment
 - (2) The term "person," as used in this section, will include the owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, administrator, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the building or part thereof.
 - (3) Each day of violation will be deemed to constitute a separate offense.
 - (4) Fines levied will constitute civil forfeitures to the City of Binghamton.

HUMAN SERVICE APPL	FY40		FY40	FY40											
Agency Name	Amount Requested	% Funded	Loren	Bob	Chris	Marty	Dorian	Sharyon	Tania	Suzanne	JoAnne	John	AGREEMENT	Recommendation	
Human Service Agencies CDBG			Proposal I	Proposal II	Proposal III	Proposal IIII	Proposal IIII	Proposal	Proposal	Proposal IIII				Final	
ACHIEVE	\$ 14,000.00	75%	\$ 1.00	\$ 14,000.00	\$ 14,000.00	\$ 14,000.00	\$ 14,000.00	\$ 14,000.00	\$ 1.00	\$ 14,000.00	\$ 10,626.00	\$ 10,626.00	\$ 10,514.22	\$10,626.00	
Action for Older Person	\$ 19,998.00	100%	\$ 19,998.00	\$ 19,998.00	\$ 19,998.00	\$ 19,998.19	\$ 19,998.19	\$ 19,998.00	\$ 19,998.00	\$ 19,998.00	\$ 19,998.00	\$ 19,998.00	\$ 19,998.04	\$19,998.00	
BCUL	\$ 20,000.00	75%	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$15,000.00	
Boys & Girls Club	\$ 16,000.00	52%	\$ 16,000.00	\$ 1.00	\$ 5,000.00	\$ 9,000.00	\$ 1.00	\$ 6,000.00	\$ 16,000.00	\$ 15,000.00	\$ 8,375.00	\$ 8,375.00	\$ 8,375.22	\$8,375.00	
Catholic Charities RSVP	\$ 15,000.00	0%	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			\$ -		
Center for Employment	\$ 20,000.00	100%	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$20,000.00	
Cornell Cooperative	\$ 18,681.08	50%	\$ 1.00	\$ 1.00	\$ 18,681.08	\$ 1.00	\$ 9,300.00	\$ 9,000.00	\$ 1.00	\$ 1.00	\$ 9,301.00	\$ 9,301.00	\$ 9,301.43	\$9,301.00	
Haven After School	\$ 15,000.00	58%	\$ 1.00	\$ 1.00	\$ 1.00	\$ 11,900.00	\$ 5,000.00	\$ 8,000.00	\$ 1.00	\$ 8,000.00	\$ 8,700.00	\$ 8,700.00	\$ 8,700.00	\$8,700.00	
Family Planning of SCN	\$ 13,186.56	0%	\$ 13,186.56	\$ 13,186.56	\$ 1.00	\$ 8,741.00	\$ 8,741.00	\$ 1.00	\$ 13,186.00	\$ 1.00					
Mothers & Babies	\$ 20,000.00	100%	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$20,000.00	
United Way	\$ 8,000.00	100%	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$8,000.00	
	\$ -														
TOTAL	\$ 179,865.64														
Allocated	\$ 120,000.00	100%	\$ 117,187.56	\$ 110,187.56	\$ 120,681.08	\$ 121,640.19	\$ 120,040.19	\$ 119,999.00	\$ 117,187.00	\$ 120,000.00	\$ 120,000.00	\$ 120,000.00	\$ 120,000.00	\$120,000.00	
ESG														RECOMMENDED COC	
Catholic Charities	\$ 48,858.00		\$ -										\$ 34,106.00	\$ 34,106.00	
Family Enrichment	\$ 58,204.00		\$ -										\$ 50,000.00	\$ 50,000.00	
VOA	\$ 13,835.00		\$ -										\$12,712.00	\$12,712.00	
YWCA	\$ 41,000.00		\$ -										\$ 38,205.00	\$ 38,205.00	
TOTAL	\$ 161,897.00		\$ -										\$ 135,024.00	\$ 135,024.00	
Allocated	\$ 135,024.00														

HUMAN SERVICE APPLICATIONS 2014	FY40	FY39	FY38
Agency Name	Amount Requested	Amount Awarded	
Human Service Agencies CDBG			
ACHIEVE	\$ 14,000.00	\$ 10,000.00	\$ 14,200.00
Action for Older Persons	\$ 19,998.00	\$ 19,985.00	\$ 19,906.00
BCUL	\$ 20,000.00	\$ 16,735.00	\$ 22,903.00
Boys & Girls Club	\$ 16,000.00	\$ 6,020.00	\$ 8,627.00
Catholic Charities RSVP	\$ 15,000.00	\$ 10,000.00	\$ 14,208.00
Center for Employment	\$ 20,000.00	\$ 20,000.00	\$ -
Cornell Cooperative	\$ 18,681.08	\$ 19,250.00	\$ 13,899.00
Haven After School	\$ 15,000.00	\$ 11,410.00	\$ 14,208.00
Family Planning of SCNY	\$ 13,186.56		
Mothers & Babies	\$ 20,000.00	\$ 20,000.00	\$ 17,049.00
United Way	\$ 8,000.00		
BU Research	\$ -	\$ 6,600.00	
TOTAL	\$ 179,865.64	\$ 140,000.00	\$ 125,000.00
Allocated	\$ 120,000.00		
ESG			
Catholic Charities	\$ 48,858.00	\$ 29,795.00	\$ 37,478.00
Family Enrichment	\$ 58,204.00	\$ 46,906.00	\$ 55,885.00
VOA	\$ 13,835.00		
YWCA	\$ 41,000.00	\$ 38,205.00	\$ 55,861.00
TOTAL	\$ 161,897.00	\$ 114,906.00	\$ 149,224.00
Allocated	\$ 135,024.00		