



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

Date: July 22, 2015

Sponsored by Council Members: Rennia, Matzo, Webb, Motsavage, Berg, Mihalko, Papastrat

Introduced by Committee: Municipal and Public Affairs

**ORDINANCE**

*entitled*

**AN ORDINANCE AMENDING CHAPTER 292  
OF THE CODE OF THE CITY OF  
BINGHAMTON REGARDING NOISE**

WHEREAS, the City of Binghamton wishes to amend Chapter 292-4, *Definitions and word usage*, of the Code of the City of Binghamton to include the definition for Electric Generation Facility and amend the definition for Public Service Industrial Facility; and

WHEREAS, the City of Binghamton wishes to amend Chapter 292-7, *Enforcement and administration*, of the Code of the City of Binghamton to modify § 292-7.B and add § 292-7.C as it relates to qualifications; and

WHEREAS, the City of Binghamton wishes to amend Chapter 292-9, *Permits and variances*, of the Code of the City of Binghamton to modify § 292-9.A to include the required number of days noise permit applications have to be submitted prior to events.

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

Section 1. That § 292-4 of the Code of the City of Binghamton, entitled *Definitions and word usage*, is hereby amended to add the italicized language as provided below.

**§ 292-4. Definitions and word usage [Amended \_\_\_ - \_\_\_ -2015 by Ord. No 15-\_\_\_]**

*ELECTRIC GENERATION FACILITY -- Any facility which services an industrial load, the community at large or the New York State Independent System Operator (NYISO) market.*

*PUBLIC SERVICE INDUSTRIAL FACILITY -- Any facility and its related premises, property or equipment used to provide industrial governmental services to the public, including but not limited to:*

- (1) Waste collection centers.
- (2) Waste recycling centers.
- (3) Water and sewage facilities.
- (4) *Electric Generation Facility*

Section 2. That § 292-7 of the Code of the City of Binghamton, entitled *Enforcement and administration*, is hereby amended to add the italicized language as provided below.

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**§ 292-7. Enforcement and administration [Amended \_\_\_ - \_\_\_-2015 by Ord. No 15-\_\_\_]**

- B. Qualifications. A person shall be considered qualified to take noise measurements and to enforce all portions of this chapter, who has satisfactorily completed the Community Noise Enforcement Course offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University *or who has been trained by a City employee who has successfully completed the training more than twice.*
- C. The Mayor of the City of Binghamton may select any other accredited course besides the Community Noise Enforcement Course offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University.

Section 3. That § 292-9 of the Code of the City of Binghamton, entitled *Permits and variances*, is hereby amended to add the italicized language as provided below.

**§ 292-9. Permits and variances [Amended \_\_\_ - \_\_\_-2015 by Ord. No 15-\_\_\_]**

- A. Application for special permit. The City Clerk shall have the authority to grant special permits for limited times and purposes of this chapter. Any person seeking a special permit pursuant to this section shall file an application with the City Clerk. The application shall consist of a letter signed by the applicant and shall contain a legal form of verification. Such letter shall contain information which demonstrates that bringing the source of sound or activity for which the permit is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. *Noise Permit applications need to be submitted at least 14 days prior to the date of the event.*

Section 4. That this Ordinance shall take effect immediately.

Introductory No. 015-39

Permanent No. \*\*VETOED\*\*

Sponsored by City Council Members:  
Rennia, Matzo, Webb, Motsavage, Berg, Mihalko,  
Papastrat

AN ORDINANCE AMENDING CHAPTER 292 OF THE  
CODE OF THE CITY OF BINGHAMTON REGARDING  
NOISE

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

7/22/15  
Date

[Signature]  
City Clerk

7/23/16  
Date Presented to Mayor

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	X			
Mihalko				✓
Rennia	X			
Webb				✓
Papastrat	X			
Matzo	X			
Berg	X			
Total	5			2

Code of the City of Binghamton

Adopted     Defeated

5 Ayes 0 Nays 0 Abstain 2 Absent

Veto  
See Attached



# MEMORANDUM OFFICE OF THE MAYOR

*Richard C. David, Mayor*  
*Jared M. Kraham, Deputy*  
*Donna Ferranti, Secretary*

**DATE:** July 29, 2015  
**TO:** City Council  
**CC:** Joe Merrill, City Clerk  
Lai Huynh, Deputy City Clerk  
Ken Frank, Corporation Counsel  
Chuck Shager, Comptroller  
Dr. Juliet Berling, PHCD  
Thomas Costello, Building Construction, Zoning, & Code Enforcement  
**FROM:** Richard C. David, Mayor  
**RE:** Veto — Permanent Ordinance No. 15-117 amending Chapter 292 of the Code of the City of Binghamton regarding noise

I am vetoing the Permanent Ordinance No. 15-117 passed on July 22, 2015.

This veto relates to the proposed amendment to § 292-7. *Enforcement and administration*, section B, *Qualifications*, which adds “*or who has been trained by a City employee who has successfully completed the training more than twice.*” The current Ordinance defines a qualified person as “A person shall be considered qualified to take noise measurements and to enforce all portions of this chapter, who has satisfactorily completed the Community Noise Enforcement Course offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University.” I am not aware of any authority that authorizes a person to qualify another person solely by taking the course more than twice. The better practice would be to make sure each person “has satisfactorily completed the Community Noise Enforcement Course” as is currently required.

I support the remaining amendments.

Sincerely,

Richard C. David  
Mayor