

Legal Counsel Approval



R.L 06-172

Intro. No.

LL 06-3

Perm. No.

LL 06-3



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

Dated: December 4, 2006

Sponsored by Councilmember(s): Massar, Collins, Russo, Weslar, Gerchman, Kramer,
Cordisco, Rennia

Introduced by Committee(s) on: MPA

LOCAL LAW
entitled

A LOCAL LAW TO AMEND THE CHARTER OF THE
CITY OF BINGHAMTON.

WHEREAS, the City of Binghamton has revised and amended the Charter of the City of Binghamton; and

WHEREAS, a public hearing was held on December 4, 2006; and

WHEREAS, the Common Council of the City of Binghamton hereby wishes to adopt the proposed amendments to the Charter of the City of Binghamton last revised in October 2006 and attached hereto and made a part hereof.

NOW, THEREFORE, be it enacted by the Common Council of the City of Binghamton, as follows:

Section 1. That pursuant to this local law the City of Binghamton hereby adopts and makes a part of the Charter of the City of Binghamton the amendments last revised in October 2006 and attached hereto and made a part hereof.

Section 2. That pursuant to Municipal Home Rule Law § 27 this local law shall take effect upon its filing with the New York Secretary of State.

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of **Binghamton**
Town
Village

Local Law No. of the year 2006

A local law to amend the Charter of the City of Binghamton.

Be it enacted by the City Council of the

County
City of **Binghamton** as follows:
Town
Village

The Charter of the City of Binghamton is hereby amended as follows:

Section 1. Nomenclature changes.

The Charter is amended to change "Councilmen" to "Councilpersons" and "Councilman" to "Councilpersons" throughout.

In the following sections, "Commissioner of Public Safety" is amended to read "Mayor, acting as the Commissioner of Public Safety":

Section 2. Article II, Officers.

Section C-16A is amended to remove the specific fee amount and replace them with text indicating that fees are in an amount as set from time to time by the City Council.

Section 3. Article VII, Department of Public Safety.

Section 201, Qualification for membership in Police Department, is amended to add the following sentence at the end thereof: "To be appointed as a member of the Binghamton Police Department the applicant must pass all New York State Civil Service requirements as prescribed by civil service law, rules and regulations."

Section 202, Special policemen, is deleted.

Section 203, Powers and duties of policemen in civil cases, is deleted.

Section 204, Execution of orders and commitments; conveyance of prisoners, is amended to read as follows: "The members of the Police Department shall execute the orders and commitments of the City Court Judge of the City of Binghamton and of any judge having power and authority to act in criminal cases, and of all courts held by him or her or them for the trial of criminal cases. They shall convey all persons sentenced by the City Court Judge to

(If additional space is needed, attach pages the same size as this sheet, and number each.)

confinement in any jail, and for such purpose shall have and possess all the powers of a peace officer under the general laws of the state.”

Section 205, Receiving fees prohibited; traveling expenses, is amended to read as follows: “No fee or compensation shall be charged or received by any member of the Police Department for the arrest, confinement or discharge of any person, or for mileage, or for serving any process or warrant, or for discharging any other required duty. Any reasonable expense incurred and actually paid by any police officer when traveling in the discharge of his or her duties as a police officer shall be paid by the Treasurer of the City of Binghamton.”

Section 206, Receiving of rewards prohibited, is amended to read as follows: “No member of the Police Department shall receive any gift or reward for services rendered, or to be rendered, absent the approval of the Chief of Police and the Commissioner of Public Safety, who, upon receiving and application in writing; shall refer to § 805-a of the General Municipal Law. Any police officer violating this section shall be subject to removal thereof.”

Section 4. Repealer.

All local laws or ordinances and parts thereof inconsistent with this local law are hereby repealed.

Section 5. Severability.

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 6. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

AFFIDAVIT OF PUBLICATION

State of New York
Town of Vestal
County of Broome ss.:

Margaret E. Maxian, being duly sworn, deposes and says that she is the Principal Clerk of the Binghamton Press Company Inc., publisher of the following newspaper printed in Johnson City and published in Vestal, New York and of general circulation in the Counties of Broome, Chenango, Delaware, Tioga State of New York and Susquehanna County State of Pennsylvania PRESS & SUN BULLETIN.

A notice of which the annexed is a printed copy, was published on the following dates:
November 24,25, 2006

Sworn to before me this 1st
day of December, 2006

Margaret E. Maxian



Notary Public

RONALD B. TRYON
Notary Public, State of New York
Chemung County, No. 01TR6075927
Commission Expires June 10, 2010

LEGAL NOTICE
PLEASE TAKE NOTICE that a Public Hearing will be conducted before the Council in the Council Chamber, 38 Hawley Street, Binghamton, New York on **Monday, December 4, 2006 at 6:30** in the evening upon **"A LOCAL LAW AUTHORIZING THE RE-PUBLICATION OF THE CITY CHARTER."**
Any person interested and desiring to be heard with reference thereto will be given the opportunity on Monday, December 4, 2006 at 6:30 in the evening in the Binghamton City Council Chamber, 38 Hawley Street, Binghamton, New York. A full copy of the proposed Local law is available for public inspection at the office of the City Clerk during normal business hours from 9:00 in the morning until 4:00 in the afternoon.
Dated:
November 22, 2006
Eric S. Denk
City Clerk
11/24/06, 11/25/06