

GENERAL ORDINANCE NO.3-2015

BY COUNCIL PRESIDENT MCLAUGHLIN, MAJORITY LEADER LARKIN, MINORITY LEADER SABATINO, COUNCILMEMBERS JOHNSON, PINEDA, SHEPHERD AND BREEN:

A GENERAL ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF THE CITY OF YONKERS ALSO KNOWN AS "NONCOMMERCIAL SOLICITATION" REGARDING COLLECTION BINS

The City Council of the City of Yonkers, in City Council convened, does hereby ordain and enact as follows:

Section 1. Chapter 21 of the Code of the City of Yonkers entitled "Noncommercial Solicitation" is hereby amended in part by adding to Section 21-1 thereof entitled "Definitions", a new definition for the term "Collection Bin" to read as follows:

§ 21-1. Definitions

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

COLLECTION BIN

Collection Bin shall mean any publicly accessible outdoor receptacle or container, other than any container placed by any government or governmental agency, or its contractors or licensees, for the donation and the temporary storage of clothing or other materials, other than money, to be collected by the provider of such container.

COMMISSIONER

The Commissioner of Housing and Building, and shall include the designee of the Commissioner, unless otherwise provided.

DIRECTOR

The Director of the Office of Licensing, who is also referred to as the Consumer Protection Officer in Article IIIA of the Charter, and shall include the designee of the Director, unless otherwise provided.

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GENERAL ORDINANCE NO.3-2015 (CONTINUED)

NONCOMMERCIAL SOLICITATION

Includes any soliciting activity of a noncommercial solicitor.

NONCOMMERCIAL SOLICITOR

Includes any person who goes from place to place, house to house or apartment to apartment or who stands in or along any street or public place or who places any collection containers on any property or who contacts any person by telephone, on behalf of any legitimate not-for-profit religious, charitable, educational, public interest or political organization, association, corporation or entity, for the purpose of soliciting donations of money, property or financial assistance of any kind or soliciting the sale of any goods for the financial support of any such entity.

Section 2. Section 21-3 of Chapter 21 of the Code of the City of Yonkers entitled "Noncommercial Solicitation" is hereby amended in part to add Subsection B and C as follows:

§ 21-3. Application for license; Fees.

A. Application to engage in noncommercial solicitation, other than collection bins, as provided for in this chapter, shall be addressed to the Director, and such application shall contain the following information:

1. A. The names and addresses of the officers and directors of the organization.
2. B. The name and purpose of the solicitation for which permission is sought.
3. C. The time for which permission to solicit is sought and the localities and places of solicitation.
4. D. Whether or not any commissions, fees, wages or emoluments are to be expended in connection with such noncommercial solicitation.
5. E. Such other information as the Director shall require.

B. Collection Bins. For the placement of collections bins, the Applicant must submit the Application addressed to the Commissioner, and provide following information to obtain a permit for each bin, in addition to the information in Subdivision A:

GENERAL ORDINANCE NO.3-2015 (CONTINUED)

1. The proposed location/address where the bin is to be placed. No more than a total of 3 bins can be placed at any proposed location.
2. The name and telephone number of the owner of the location at which the bin is to be placed.
3. The name and telephone number of the individual who will be placing the bin.
4. Information as to the manner and schedule for which the bin is to be emptied or removed and the destination of the clothing to be removed from the bin.
5. Written permission of the property owner or designated agent for the placement of the bin.

C. Fees. The fee for the issuance of a permit to place a collection bin within the City of Yonkers shall be \$100 for each bin. The license period for each bin shall be January 1 through December 31 biennially.

Section 3. Chapter 21 of the Code of the City of Yonkers entitled "Noncommercial Solicitation" is hereby amended in part by adding a new Section 21-4 thereof entitled "Collection Bins" and renumbering the remainder of the Chapter to read as follows:

§ 21-4. Collection Bins.

1. Each individual collection bin shall prominently affix on the front and on at least one other side of the bin, a copy of the issued permit, and, the name, address and telephone number of the provider of the bin. This information shall be printed in characters that are plainly visible. In no event shall a post office box be considered an acceptable address for purposes of this paragraph.
2. No collection bin may be placed on any city property or property maintained by the city, or on any public sidewalk or roadway.
3. No collection bin shall be placed on any private property without the approval of the Yonkers Department of Housing and Building without the written permission of the property owner or the property owner's designated agent.

GENERAL ORDINANCE NO.3-2015 (CONTINUED)

4. Collection Bins shall be placed on the site in a manner that does not impede vehicular or pedestrian traffic flow.

5. Collection Bins shall not be placed in the right - of - way and shall adhere to the set - back standards for the site where they are placed.

6. Collection Bins shall not be placed in a required parking space or reduce the number of parking spaces below the minimum number required by the City's zoning code.

7. Each bin must be regularly emptied of its contents so that it does not overflow, resulting in used clothing or materials being strewn about the surrounding area.

8. In addition to penalties provided for in any other provisions of law, in the event that a collection bin is placed on city property, or property maintained by the city, or on any public sidewalk or roadway, the owner of the collection bin, if the address of such owner is ascertainable, shall be notified by the Commissioner by certified mail, return receipt requested, that such publicly accessible collection bin must be removed within thirty days from the mailing of such notice. A copy of such notice, regardless of whether the address of such owner is ascertainable, shall also be affixed to the collection bin. This notice shall state that if the address of the owner is not ascertainable and notice is not mailed by the Commissioner, such publicly accessible collection bin must be removed within thirty days from the affixation of such notice. This notice shall also state that the failure to remove the collection bin within the designated time period will result in the removal and disposal of the collection bin by the Department of Public Works. This notice shall also state that if the owner objects to removal on the grounds that the bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway, such owner may send written objection to the Commissioner at the address indicated on the notice within twenty days from the mailing of such notice or, if the address of such owner is not ascertainable and notice is not mailed by the Commissioner, within twenty days from the affixation of such notice, with proof that the bin is on private property. Proof that the bin is on private property shall include, but not be limited to, a survey of the property prepared by a licensed surveyor that is certified to the record owner of such property.

§ 21-5. § 21-4. Statement of previous year's collections.

GENERAL ORDINANCE NO.3-2015 (CONTINUED)

It shall be the duty of the Director, before granting permission to engage in noncommercial solicitation as provided for in this chapter, to require the applicant to file a sworn statement of all moneys collected in the calendar year or the fiscal year of such organization, society, association or corporation previous to the application, the expenditures connected therewith, together with the names and addresses of all persons receiving fees, wages, commissions or emoluments and the amounts so expended.

§ 21-6. ~~§ 21-5.~~ Regulations.

The Director may establish such regulations as are necessary to implement the purposes and objects of this chapter.

§ 21-7. ~~§ 21-6.~~ Labeling of collection boxes.

Licenses engaging in noncommercial solicitation pursuant to this chapter shall label all collection boxes or containers used in the solicitation of funds, either by appeal in person or by the placing of receptacles for the receipt of such public contributions in stores, factories, shops, offices, theaters, hotels, restaurants, railway stations, ferry houses or other public places, with the name of the organization for which the permit is issued and in such conspicuous manner as the Director may direct.

§ 21-8. ~~§ 21-7.~~ Exceptions.

The provisions of this chapter shall not apply to any corporation organized under the Religious Corporations Law nor to solicitation at the regular exercises or services of any lodge, benevolent order or fraternity, or any branch thereof, whenever such solicitation is made at the regularly appointed meetings and regular places of worship or exercises of such lodge, order or fraternity.

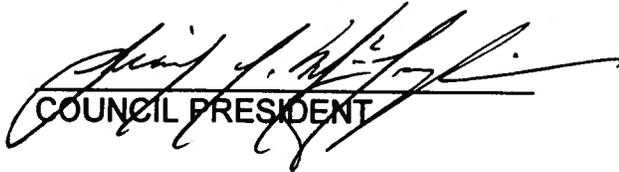
§ 21-9. ~~§ 21-8.~~ Penalties for offenses.

A violation of this chapter shall constitute a Class III offense.

GENERAL ORDINANCE NO.3-2015 (CONTINUED)

Section 4. This Ordinance shall take effect ninety (90) days after its adoption.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, FEBRUARY 24, 2015 BY A VOTE OF 7-0.


COUNCIL PRESIDENT

2/24/15
DATE

SENT TO MAYOR 2/26/15
DATE


MAYOR

APPROVED 2/27/15
DATE

ATTEST:


CITY CLERK

2/27/15
DATE