

**CITY OF RYE
1051 BOSTON POST ROAD
RYE, NY 10580
AGENDA**

**REGULAR MEETING OF THE CITY
COUNCIL COUNCIL CHAMBERS, CITY
HALL
Wednesday, March 11, 2020
7:30 p.m.**

Please Note: The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss attorney-client privileged matters, personnel matters and labor negotiations.

1. Pledge of Allegiance.
2. Roll Call
3. Draft unapproved minutes of the Regular Meeting of the City Council held February 25, 2020.
4. Coronavirus Update
5. General Announcements
6. Residents may be heard on matters for Council consideration that do not appear on the Agenda.
7. Update on the Boat Basin.
8. Update on Rye Recreation improvements.
9. Consideration to set a public hearing for March 25, 2020 to amend Chapter 144 (Peddling and Soliciting) to clarify permit requirements.
10. Consideration of a request from the City of Rye's Complete Committee (US Census), to use the Village Green for Census Awareness Day on April 1, 2020 from 12:00 pm – 4:00pm.
11. Consideration of a request from the City of Rye's Complete Committee (US Census), to have a food truck on Haviland Lane for Census Awareness Day on April 1, 2020 from 12:00 pm – 4:00pm. The City Council will have to waive § 144-8D and G of the City Code.
12. Old Business/New Business.
13. Adjournment

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The next regular meeting of the City Council will be held on Wednesday, March 25, 2020 at 7:30 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

The Mayor and City Council have office hours by appointment only.

DRAFT UNAPPROVED MINUTES of the
Regular Meeting of the City Council of the City of
Rye held in City Hall on February 26, 2020, at 7:30
P.M.

PRESENT:

SARA GODDARD
CAROLINA JOHNSON
RICHARD MECCA
JULIE SOUZA
BENJAMIN STACKS
PAMELA TARLOW
Councilmembers

ABSENT:

JOSH COHN, Mayor

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Souza, to enter into executive session to discuss litigation and personnel matters. At 7:32 P.M., Councilman Mecca made a motion, seconded by Councilwoman Souza, to exit executive session and commence the regular meeting of the City Council. The meeting began at 7:39 P.M.

1. Pledge of Allegiance.

Deputy Mayor Mecca called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Deputy Mayor Mecca asked the City Clerk to call the roll; a quorum was present to conduct official City business.

3. Draft unapproved minutes of the Regular Meeting of the City Council held February 5, 2020.

Councilwoman Tarlow made a motion, seconded by Councilwoman Souza and unanimously carried, to approve the minutes of the Regular Meeting of the City Council held February 5, 2020.

4. General Announcements

Councilwoman Souza announced that she attended a community solar symposium with Councilman Mecca and Councilwoman Goddard. She said she was so excited to be considering potential locations for solar implementations in the city, as well as thinking about future development that happens. She said that perhaps the school might consider solar panel installations with their plans for improvements. Councilwoman Souza also announced that Rye

Recreation Camp registration for Kiddy Camp was open and over-enrolled. The other camp registrations will open in March 2020.

Councilwoman Goddard commented on the community solar presentation. She said another aspect worth noting was the discounts that subscribers received on their utility bills. She said that those installing solar panels can take advantage of the tax credits by realizing this discount. Councilwoman Goddard said that Sustainable Westchester and Rye Sustainability would hopefully be working together in the near future to host a presentation for the public to learn more about community solar. In the meantime, residents can find out more information at westchesterpower.org/communitysolar.

Councilwoman Tarlow asked for a moment of silence for Ms. Cecelia Kussner, who had perished in the tragic fire on Midland Avenue earlier in the week. She remarked that the Fire Department operated in a superior way. There was a moment of silence observed in memory of Ms. Kussner. Councilwoman Tarlow also invited the community to participate in any and all upcoming meetings. She stated that members of the community were welcome to reach out directly to councilmembers to provide thoughts.

Councilman Mecca announced that there had been a major fire earlier in the week on Midland Avenue. He said that it was a very sad event when a resident perishes in a fire, no matter how hard the efforts were. He thanked the Police and Fire Departments, who did as good a job as can be expected with the conditions that they faced. Councilman Mecca explained the process that goes into an emergency fire call. He said that when Rye faces a structure fire, it engages all of our apparatus and all of our firefighters. At that point in time, 60-Control will be called, a County program in which other available communities show up to assist. The communities that came to aid in this particular fire were Larchmont, and the Town of Mamaroneck, who sent a FAST team (firefighters that stand by at any structure fire). He said that no matter how hard we plan, fatalities can occur. The one theme in all three of these recent fires were lack of smoke alarms in the residences. While there is a law requiring the presence of these alarms, enforcement is very difficult. The reliance is on residents to be aware and educated. Councilman Mecca welcomed the community to contact the Fire Department with questions.

Councilman Mecca announced that on Thursday, February 27, 2020, there would be a City Council Work Session on Nursery Field. This open meeting would allow the public to attend and listen to staff and consultant presentations. Public comment on the matter would be taken on Saturday, February 29, 2020 at the Nursery Field Public Workshop. Councilman Mecca also recapped the recent Planning Commission meeting, at which time the Rye YMCA site plan was approved. He recounted the history of the project, which included the City Council amending the zoning last year to include physical fitness facilities in the zones requested. Prior to amending the zoning law, the Council considered the request and deferred to the Planning Commission for recommendations on the change. The zone change was approved and the site was then presented to the Planning Commission. The site plan hearings included exhaustive traffic studies and parking studies. With the site plan now approved, the applicant will need to go to the City building department for process and permitting. Councilman Mecca also commented on an application that came in for the former Wells Fargo building on Purdy Avenue, where the new owners want to repurpose the building to three stories, with the top two stories being apartments.

They plan on installing a grass/ green roof. Councilman Mecca commented that it was good to see that some developers recognize the importance of green building.

5. Residents may be heard on matters for Council consideration that do not appear on the Agenda.

Jane Heap, 1 Platt Lane, addressed the Council. She said that she represented Row America and asked for clarity on the management issues at the Boat Basin. She said that the group had felt good about how it had been run, and without management, there are safety concerns.

City Manager Usry commented that Mr. Hogben was currently on administrative leave, and that he was keenly aware of the needs at the marina. He reported that he met with Row American representatives several weeks prior. Unfortunately, as this dealt with a personnel issue, Mr. Usry could not comment further on the position, but that the City was working diligently to resolve any outstanding issues and provide adequate management at the Boat Basin. On the administrative end, Golf Club Manager Jim Buonaiuto has taken over those processes for the time being.

Gretchen Kaye-Crowley, 20 Island Drive, addressed the Council. She announced several upcoming events: three beach cleanup days at Rye Town Park beach. They will be held Saturday, February 29, 2020 from 9:00 to 11:00am, March 28, 2020 from 9:00 to 11:00am, and April 18, 2020 at a time to be determined. Gloves and buckets would be provided. The event on April 18th would be co-hosted by Rye Country Day School, with registration information forthcoming.

6. Discussion of Change in Recycling Pickup Schedule regarding paper, plastic, and glass materials.

City Manager Usry stated that in a continuation of our desire to review city operations to look at efficiencies, man power, and financial implications, the recommendation is to consider a change in the recycling schedule. To clarify, this does not change the level of service, but changes the schedule for pickup for operational benefits.

DPW Superintendent Coyne said that, several years ago, the Council began discussions about the need for new garbage trucks. As the City has purchased these and operations are studied, an adjustment to the recycling pickup schedule needs to be rolled out in order to keep staffing levels the same, and to prevent the purchase of an additional vehicle. Paper would be collected on the first day that garbage is collected, and glass, plastic and cans would be collected on the second day of the week of trash collection.

Councilwoman Souza questioned the necessity of the change. Superintendent Coyne responded that from an operational standpoint, the change in schedule would prevent the hiring of additional staff and the replacement of a truck.

City Manager Usry further explained that the change in the schedule prevents the City from spending an additional \$300,000.

Councilman Mecca explained that it was not possible with a single body truck to commingle the recycling.

City Manager Usry reiterated that there is no change in service.

Councilwoman Goddard said that renewals for the Food Scrap Recycling program start March 1. She asked when the notices would be send out to residents.

Superintendent Coyne responded that the notices would go out prior to March 1. He reported that they would be rolling out an online credit card system for those supplies and regular recycling bins.

Councilwoman Souza asked if the Council could hold a public hearing on this.

Councilman Mecca responded that the Council is not being asked to make a decision. The staff was updating and informing on the change.

Councilwoman Tarlow asked how the collection would work. Superintendent Coyne discussed the separation of the recyclable materials.

Councilwoman Goddard asked about cost savings. Superintendent Coyne responded that approximately \$300,000 would be saved, as the City would not need to purchase a replacement truck. It would also mean not needing to hire two new employees.

Councilwoman Tarlow asked about the marketing that would go into the change. Superintendent Coyne responded that website information, email blasts, newspaper notices, app alerts and mailings were in the works for the resident education marketing on the change.

Councilman Stacks asked if the energy was clean with regard to the trucks. Councilwoman Goddard responded that there are requirements that these trucks needed to operate with certain clean standards.

City Manager Usry commented that when the new trucks were being looked at, the determination was to not change service. This does not change service.

Patti Capparelli, Rye Sustainability Chair, addressed the Council. She said she appreciated that the City Manager and DPW Superintendent were working hard to consider positive changes. She said that the Sustainability committee was happy to help spread the word about this type of change in the community. Ms. Capparelli said that she was there to plug for the Food Scrap Recycling program. She reported that 220 families are still on the wait list for curbside pickup. She also encouraged councilmembers to participate in food scrap recycling.

Councilwoman Goddard reported that the County came out with the Food Scrap Recycling study results, and one of the big announcements is that the transportation costs will now be the responsibility of the County in the next few months. She said it was worth considering expanding a program that is successful with 220 households.

Councilwoman Tarlow stated that she would like to see the Food Scrap Recycling program on the agenda to potentially expand to the 220 families on the waitlist for curbside pickup.

Councilman Stacks asked if the test was up in October for the program, to have adequate data.

Councilwoman Goddard said it is not a test, but a year-to-year permanent program. She said that the Council can reassess in a year's time, which would be in line with the County transportation cost analysis, which would be realized in 7-8 months.

Councilwoman Souza said that when they have all of that data after a year that will be the right time to reassess.

Councilwoman Goddard commented that Food Scrap Recycling has the potential to limit the number of garbage pickup days in the future.

7. Further consideration of new welcome signs and potential renewal by residents of existing athletic achievement signs.

Councilman Mecca said that the Council has been asked to opine on the issue of the welcome signs as people drive into the City, as requested by the Landmarks Advisory Committee. This specific agenda item also seeks to discuss and consider residents' opinions on the current athletic achievement signs.

Jerome Coleman, 2 Hidden Spring Lane, and Chair of the Landmarks Advisory Committee, addressed the Council. He recalled that in November and December of 2019, the committee presented a potential prototype sign to replace the current athletic achievement signs. The goal of the signs is to signify the historic significance of Rye.

Councilman Mecca asked how many entry points there were to the City.

Mr. Coleman responded that there are 13. He also stated that the historic signs would be replacing the athletic achievement signs about Rye winning state championships in school sports. Mr. Coleman stated that in the opinion of the committee, the athletic achievements signs do not reflect the historic nature of Rye.

Steve Feeney, 54 Hughes Avenue, addressed the Council. He identified himself as a longtime resident of Rye, and a 1965 Rye High School graduate, and Cofounder of the Alumni and Friends of Rye High School. Mr. Feeney stated that he spent 15 years on the Board of Education, with four years as president. He thanked the Council for the opportunity to speak and for Mr. Coleman for inviting him to the Landmarks Advisory Committee meeting. Mr. Feeney gave some history about the current signage. He said that prior to 2005, there were welcome signs with the ship logo that had fallen into disrepair. Around that time, there were a string of state championships at the sports level. Mr. Feeney stated that he worked with the City

to create the new athletic achievement signs, at no cost to the taxpayers of Rye. Mr. Feeney stated that as City-owned property, this is not a situation where the organization stakes any claim. Mr. Feeney said that the poles and stations are City property and the City can do whatever it chooses to do and whatever type signs it wishes to put on the existing sign polls. He said that he believed that the athletic events were community events. He said that his group took no exception to the landmark signs. Mr. Feeney stated that he was there to propose a win-win proposition. He encouraged the Council to accept and adopt the historic landmark welcome signs as proposed. He said that he would like to offer that the athletic achievement signs be renewed at no taxpayer expense and installed at separate poles within 20 yards, or whatever distance the City deems appropriate. He said that at least three Recreation Commission members were in favor of this idea, as well as former City Council members. Lastly, he said that these signs have already been part of the streetscape for 15 years.

Councilman Mecca confirmed that the group was not opposed to yielding the City signs, to which Mr. Feeney responded that they are the property of the City. Councilman Mecca thanked Mr. Feeney for the group's tremendous efforts.

City Manager Usry stated that any action that the City Council wants to take in this case can be done in consideration of the rules and regulations with a particular highway. Councilman Mecca added that signage would meet DOT standards.

Councilwoman Goddard and others had some general discussion about placement of the signs.

Councilman Stacks stated that sports are a part of the fabric of the community, but it might be troublesome to decipher what is most important; he used the example of showcasing signage about national merit scholars.

Maurio Sax, Landmarks Advisory Committee, 39 Sonn Drive, addressed the Council. He said that what is at stake here is how we want to express our city. He talked about history of Rye, and spoke against the current athletic signs.

Robin Jovanovich, 65 Rye Road, said that when she was on the BAR, one of their tasks was to make sure there was not over signage in the city. She said that currently, there were too many signs within the right-of-way, and while they all represent important things, she would love to see a reevaluation of the sign situation.

City Manager Usry stated that staff can be prepared with the history of the signage and the quantity for the next meeting.

Mr. Feeney stated that he wanted to make it absolutely plain and clear this is not a contest. He said that the group does not yet have the specs of the proposed signs, but they might be something similar to the ones that have been displayed for 15 years. The issue of the athletic signs is totally independent from the proposed historic welcome signs.

8. Authorization for the City Manager to extend the contract with attorney Joel R. Dichter, Esq. of Dichter Law LLC by an amount of \$10,000 for professional fees and services in order to continue to represent the City in the proceedings before the New York Public Service Commission on the petitions of United Water Westchester to raise rates and possibly merge rates within the United Water New Rochelle district.

Councilman Mecca made a motion, seconded by Councilwoman Tarlow, to adopt the following resolution:

RESOLVED, that the Council authorize the City Manager to extend the contract with attorney Joel R. Dichter, Esq. of Dichter Law LLC by an amount of \$10,000 for professional fees and services in order to continue to represent the City in the proceedings before the New York Public Service Commission on the petitions of United Water Westchester to raise rates and possibly merge rates within the United Water New Rochelle district.

ROLL CALL

AYES: Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow
NAYS: None
ABSENT: Mayor Cohn

9. Consider setting a public hearing for March 11, 2020 to amend Chapter 144 “Peddling and Soliciting” to clarify permit requirements and soliciting laws.

Corporation Counsel Wilson explained that Chapter 144 had been on the books for quite some time, and this was an attempt to cure any issues with the right to conduct certain speech, as the City has been contacted by several groups. Amendments are now being considered for the issues of fingerprinting, curfew, and giving preferential treatment to Rye students, which may be unconstitutional.

City Clerk D’Andrea explained that to protect themselves from commercial speech, residents are able to sign up for the Do Not Knock registry on the City website. While this registry cannot constitutionally protect residents from nonprofit or political speech, it can help alert commercial solicitors that they are not welcome to conduct their business at a residence.

Councilwoman Souza made a motion, seconded by Councilwoman Tarlow, to set a public hearing for March 11, 2020 to amend Chapter 144 “Peddling and Soliciting” to clarify permit requirements and soliciting laws.

Councilwoman Souza made a motion, seconded by Councilman Stacks and unanimously carried, to set the public hearing for Chapter 144, “Peddling and Soliciting,” for March 11, 2020.

10. Resolution to transfer \$380,326.48 from the 2019 Operating Budget and Capital Reserve Fund for the City of Rye share of Rye Town Park capital expenditures.
Roll Call.

City Manager Usry explained that the Council had already authorized \$50,000 from the 2019 Operating Budget for these capital projects. The remaining \$380,326.48 would be coming out of the Capital Reserve Fund. The City expects a large portion of this to be reimbursed from grants, but there is not a time certain for that. Mr. Usry explained that the total amounts to the City's 39.278% share.

Councilwoman Souza commented that lots of thought and diligence had gone into the consideration for specific projects and that she was in support of this.

Councilwoman Souza made a motion, seconded by Councilwoman Johnson, to adopt the following resolution:

RESOLVED, that the Council approve the transfer of \$380,326.48 from the 2019 Operating Budget and Capital Reserve Fund for the City of Rye share of Rye Town Park capital expenditures.

ROLL CALL

AYES: Councilmembers Goddard, Johnson, Mecca, Souza, Stacks, Tarlow
NAYS: None
ABSENT: Mayor Cohn

11. Appointments to Boards and Commissions by the Mayor with Council approval.

There was nothing discussed under this agenda item.

12. Old Business/New Business.

There was nothing discussed under this agenda item.

13. Adjournment.

There being no further business to discuss, Councilwoman Souza made a motion, seconded by Councilwoman Tarlow and unanimously carried, to adjourn the meeting at 9:01 P.M.

Respectfully submitted,

Carolyn D'Andrea
City Clerk



CITY COUNCIL AGENDA

DEPT.: City Manager

DATE: March 11, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration to set a public hearing for March 25, 2020 to amend Chapter 144 (Peddling and Soliciting) to clarify requirements and soliciting law.

FOR THE MEETING OF:
March 11, 2020

RECOMMENDATION: That the Council open the public hearing.

IMPACT: ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

BACKGROUND:

Some updated language is necessary to clarify our solicitor and peddling law.

See Attached.

CITY OF RYE
LOCAL LAW NO. ____ 2020

A local law to amend in its entirety Chapter 144 “Peddling and Soliciting” to reflect changes in exemptions and criminal background check requirements:

Section 1

[HISTORY: Adopted by the Council of the City of Rye 2-1942 as Art. 4 of Ch. 3 of the General Ordinances; amended in its entirety 9-15-2010 by L.L. No. 6-2010. Subsequent amendments noted where applicable.]

Chapter 144 - “Peddling and Soliciting”

§ 144-1. Definitions.

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

CHARITABLE — The purpose of an organization which has received a letter of determination approving tax exempt status under Title 26 of the United States Code § 501(c)(3) or the purpose of a school club, recognized and affiliated with a public or private school, having a program with annual campaigns to support the public or private school club.

COMMERCIAL — The purpose of solicitation which is not noncommercial, as defined in this section.

CORPORATION — The meaning consistent with the New York State Business Corporation Law and the New York State Not for Profit Corporation Law.

ESTABLISHED PLACE OF BUSINESS — A building or store in which or where the person transacts business and deals in the goods, wares and merchandise he or she hawks, peddles or solicits for during regular business hours.

HAWKER AND PEDDLER — Any person, either principal or agent, who, from any boat or in any public street or public place or by going from house to house or place of business to place of business, on foot or on or from any animal or vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers, periodicals, books and pamphlets.

NONCOMMERCIAL — The purpose of solicitation which is charitable, as defined in this section, religious or political.

PERSON — Any individual, firm partnership, joint venture, association, social club, league, fraternal organization, joint-stock company, estate, trust, business trust, receiver, trustee, syndicate or any other group acting as a unit. The word "person" shall include the definition of corporation.

SOLICITATION —

- A. The act of any person, whether a resident of the City or not, traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, from place to place or in or along any highway, street or sidewalk within the City either:

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- (1) Requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value;
- (2) Taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing flyers and leaflets; and
Selling and making immediate delivery of any goods, wares, merchandise or services of any kind or description, commonly referred to as "peddling."
- (3)

Solicitation shall not include the following so long as the person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value:

- (1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature;
- (2) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter;
- (3) A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political or religious matter;
- (4) A person conducting a poll, survey or petition drive in regard to any political matter; and
- (5) A person carrying, conveying, delivering or transporting dairy products, newspapers, or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products, goods or services and is entitled to receive the same.

SOLICITOR — Any person, whether a resident of the City or not, engaged in solicitation.

§ 144-2. Exemptions.

Nothing contained in this chapter shall be deemed to apply to any of the following:

- A. A sale conducted pursuant to an order of any court.
- B. A wholesaler selling articles to dealers or merchants who have an established place of business in the City of Rye.
- ~~C. A child 18 years of age or under who resides within the City of Rye and who solicits or peddles on behalf of a charitable, religious, athletic, social, educational or civic organization, including but not limited to the Boy Scouts, Girl Scouts, Cub Scouts, Brownie Scouts, clubs, classes or organizations sponsored by any school located within the City of Rye of which such child is a member.~~
- D. The peddling of meats, fi fruit and farm produce by farmers and persons who produce such commodities on their own land, provided that they have otherwise complied with all applicable licensing and health and safety requirements of any other competent governmental body or agency, as well as the Zoning Code of the City, and the sale takes place from a stationary location upon property owned or leased by the seller of such goods.
- E. A not-for-profit organization's sale of food ancillary to a fundraising event, such as a picnic or carnival, that lasts no longer than fi consecutive days. This exemption shall not apply to any door-to-door peddling or soliciting.
- F. Any person holding a license pursuant to Section 32 of the General Business Law, "Licenses to veterans of the armed forces of the United States."

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§ 144-3. License required.

It shall be unlawful for any person to act as a hawker, peddler or solicitor, as herein defined, without fi having obtained a license from the Clerk. The license shall be carried on the person of the licensee at all limes while engaging in peddling or soliciting and shall be exhibited by the licensee to any person on demand. A picture of the licensee shall appear on the valid license.

§ 144-4. Certificate for equipment.

The application for a license shall be accompanied by a certificate from the Sealer of Weights and Measures of the County of Westchester, certifying that all weighing and measuring devices to be used by the applicant have been examined and approved, if applicable,

Deleted: .

§ 144-5. License application.

To obtain a license to solicit, peddle or hawk within the City of Rye, a person shall make a written application to the Clerk in a form prescribed by the Clerk and provide

the following information:

The full name of the applicant, including any nicknames commonly used, home address, telephone number, any mobile telephone number or email address used on a regular basis, date of birth and social security number.

- A. A valid driver's license with a clearly delineated license number and state of issuance or other acceptable proof of identification;
- B. If the applicant works for another person or entity of any nature, the name, address, telephone number, email address, and website address of the person or entity to the extent such exists;
- C. A brief description of the solicitation business to be conducted, and the intended area where the business is to be conducted if less than the entire residential area of the City;
- D. Two photographs, two inches by two inches in size, full face on a white background, taken of the applicant within the prior sixty-day period of time which accurately reflect the appearance of the applicant on the date of the application;
- E. An affidavit that the applicant is not disqualified because of prior criminal history and whether the applicant has ever been convicted of a crime and, if so, under what name, with a listing of such conviction, including crime jurisdiction, date and sentence imposed.
- F. If the solicitor is a minor (under the age of 16), a notarized authorization by the applicant's parent or legal guardian. The authorization form is part of the application form.
- G. A description of the vehicle which the applicant wishes to use in carrying out his business or occupation as well as the name of the vehicle owner and registration details.
- H. County Health Department permit number, if a food vendor.
- I. If peddling or soliciting for a corporation, the state in which it is incorporated and the names of its officers along with a copy of its certificate of incorporation.

§ 144-5.1. Criminal background check.

This section shall only apply to commercial solicitation.

- A. The City of Rye shall initiate a criminal history background check of prospective commercial solicitors, including those persons acting on behalf of an employer or other person.
- B. The criminal background check shall not be initiated without the written consent of the person.
- C. A license shall not be issued to any person who refuses to consent to or cooperate in the securing of a criminal history record background check.

~~D. Each applicant shall submit two sets of fingerprints and any other necessary information to L-1 Identity Solutions (or other outsourcing agency under contract with the New York State Division of Criminal Justice Services [DCJS]) for processing. In addition, a certified check or money order, in the amount specified by and made payable to DCJS to cover the cost of processing fingerprints, shall accompany the application.~~

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- E. The City of Rye Police Commissioner and/or his designee shall be responsible for reviewing the criminal history record information (CHRI) disseminated by DCJS. All applicants requiring a background check must have the results of their background check reviewed by the Police Commissioner and/or his designee prior to submitting their application to the City Clerk.
- F. If a prospective applicant has been convicted of a specified criminal activity, any decision regarding such prospective applicant's fitness for a license must be made upon consideration of New York State Correction Law §§ 701 to 703-b and §§ 751 to 753.

§ 144-5.2. Expiration; renewal; revocation; denial; appeal.

The following provisions shall apply to licenses for commercial solicitation:

- A. All licenses granted under the provisions of this chapter shall be reviewed annually and may be renewed thereafter, unless sooner revoked.
- B. Prior to the expiration of a license and upon application for renewal of the license, the Clerk shall determine if the applicant, peddler or solicitor has acted in compliance with the applicable provisions of this chapter and conditions of the license.
- C. The license may be renewed upon a determination that the solicitor or peddler has substantially complied with the terms and conditions of the permit and the requirements of this chapter.
- D. Renewal fees shall be established by a resolution of the City Council and may be amended from time to time.
- E. If it is determined that the solicitor or peddler has not been in compliance with any of the provisions of this chapter, the license shall not be renewed.
- F. The Clerk may revoke any license granted under the provisions of this chapter for any of the following reasons:
 - (1) The applicant provided false, misleading or misrepresented information in procuring the license;
 - (2) The applicant or any person who worked on behalf of or with the applicant failed to comply with the requirements of this chapter;
 - (3) The applicant or any person working on behalf of or who worked on behalf of or with the applicant is convicted of violating any federal, state or local law while in the course of operating under the license;

- (4) The activities for which the license was granted were or are being conducted in a manner that is detrimental to the public health, safety, peace or welfare.
- B. When a license has been revoked, no other license shall be issued under the provisions of this chapter to the same applicant within one year of the date of revocation.
- C. An application for a license under this chapter may be denied for the following reasons:
 - (1) The applicant fails to cooperate with or consent to the criminal background check as stated in this chapter.
 - (2) An applicant's background check reveals a conviction for any criminal offense including, but not limited to, violent crimes, sexual assault, possession of a controlled substance, theft, fraud or burglary.
 - (3) Fraud, misrepresentation or false statement in the application for the license.
 - (4) Fraud, misrepresentation or false statement made in the course of carrying out the applicant's trade, business or occupation.
 - (5) Any violation of this chapter.
 - (6) Carrying out of the licensed business, trade or occupation in an unlawful manner or in such a way as to breach the peace or to constitute a menace to the health, welfare or safety of the public.
 - (7) The license shall not be transferable or assignable. In the event that a licensee shall permit any other person to possess or use such license, such license shall automatically be revoked, and the licensee shall thereby be guilty of violating this chapter, and no application for a further license may be made for a period of one year from the date of revocation.
 - (8) Any applicant who has had a license denied or revoked by the Clerk may appeal to the City Manager, in writing, within 30 days of the receipt of the denial or revocation. The City Manager will thereafter hold a hearing within 45 days of receipt of the demand for such hearing to review the determination of the Clerk.

§ 144-6. License fee.

The annual license fees shall be set annually by resolution of the City Council before adoption of the budget for the following year for each license issued pursuant to this chapter.

§ 144-7. Name and address on vehicle.

Every vehicle used by a licensed hawker, peddler or solicitor in or about his or her business shall have the name of the licensee and his or her address plainly, distinctly and legibly painted in letters and figures at least two inches in height in a conspicuous place on the outside of the sides of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

§ 144-8. Restrictions.

A licensed hawker, peddler or solicitor shall:

- A. Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale; or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- B. Keep the vehicle and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- C. Not blow a horn, ring a bell or use any other noisy device to attract public attention to his or her wares, or shout or cry out his or her wares.
- D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.
- E. Not sell any confectionery or ice cream within 250 feet of any school property between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- F. Not permit any vehicle used by him or her to stop or remain on any crosswalk.
- G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

§ 144-8.1. Restricted hours.

No person while conducting the activities of peddler or solicitor shall enter upon any private residence, knock on doors, or otherwise disturb persons in their residence between the hours of ~~8:00~~ 8:30 p.m. and 9:00 a.m.

§ 144-9. Written orders; duplicates.

All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and

one copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor.

§ 144-10. "Do not knock" registry.

- A. Any owner or occupant of property located in the City who wishes to prohibit commercial soliciting on the premises shall complete a form available in the City Clerk's office and on the City's website. The completion of the form will allow the owner/occupant's premises to be included on a list of properties that do not permit commercial solicitation (herein referred to as the "do- not-knock registry" or "registry").
- B. In order to be removed from the registry, the owner and/or occupant must complete a form indicating that he/she does not want his/her property to be included on the registry.
- C. Any owner and/or occupant who has requested enlistment on the do- not-knock registry, pursuant to this chapter, shall be able to purchase from the City, for a nominal fee, a sticker or sign for display indicating enlistment on the do-not-knock registry.
- D. All solicitors shall obtain the current do-not-knock registry at the time of issuance of a permit or at the time of registration to solicit pursuant to the provisions of this chapter. It is presumed that all solicitors will have knowledge of the desire of the owner not to be solicited based on having access to this list.
- E. Commercial solicitors shall not solicit at any premises identified on the then current do-not-knock registry.
- F. It shall be the responsibility of the solicitor to check each residence for the presence of such signage and to obtain updated copies of the registry.

Deleted: Solicitors

§ 144-11. Unwanted solicitations prohibited.

- A. It is unlawful for any person to go upon, ring the bell, knock on the door of or attempt to gain admission to the premises of any residence, dwelling or apartment in the City of Rye where the owner, adult occupant or other person in control thereof has expressed his objecting to such activity either by explicit instructions, oral or written, or, in the case of commercial solicitation, has posted a sticker or sign or has registered for the City's Do Not Knock Registry pursuant to § 144-10, or by posting a sign or decal bearing the words "No Solicitation" or words of similar import such as: "No Solicitors," "No Solicitation," "No Soliciting," "No Peddlers," or "No Trespassing," provided the signage has letters at least one inch in height, and is posted conspicuously so that it can be seen by persons approaching the front entry of the residence or at the front doorway, or by persons assisting a solicitor who has such a visual impairment as to be unable to see the sign.
- B. Activities related to a service requested by the owner or occupant of the property and undertaken in the ordinary course of business, including but not limited to

deliveries of utility notices, telephone directory deliveries, regular newspaper deliveries, work order notices and service inquiries, are presumed to be requested or invited for the purpose of this section.

- C. Nothing in this section shall be construed to prohibit the distribution of leaflets, pamphlets or other literature such as commercial, political or religious material distributed in a lawful manner.

§ 144-11.1. Penalties for offenses.

My violation of the provisions of this chapter shall be punishable as provided in § 1-15 of the Code of the City of Rye and as otherwise provided herein.

Section 2: Severability.

If any phrase, sentence, part, section, subsection or other portion of this chapter or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: March 11, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration of a request from the City of Rye's Complete Count Committee (US Census), to use the Village Green for Census Awareness Day on April 1, 2020 from 12:00 pm – 4:00pm.

FOR THE MEETING OF:

March 11, 2020

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the City Council approve the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City Manager's Office received a request from the City of Rye's Complete Count Committee (US Census) requesting use of the Village Green for Census Awareness day on Haviland Lane on April 1, 2020 from 12:00 - 4:00 pm.

MEMORANDUM

TO: CITY MANAGER, CITY COUNCIL
FROM: LOCAL US CENSUS COMMITTEE
SUBJECT: FOOD TRUCK ON HAVILAND LANE
DATE: MARCH 2, 2020
CC: NOGA RUTTENBERG

The City of Rye Complete Count Committee would like to request permission for a food truck on Haviland Lane tentatively scheduled for Wednesday, April 1, 2020 for Census Awareness Day on the Village Green. I also request use of the Village Green.

We understand that the local code § 144-8 Restrictions states that licensed hawker, peddler or solicitor shall:

D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

Both of these restrictions would need to be overridden for us to host our event.

Please let me know if you need any additional information.



CITY COUNCIL AGENDA

DEPT.: City Manager's Office

DATE: March 11, 2020

CONTACT: Greg Usry, Interim City Manager

AGENDA ITEM: Consideration of a request from the City of Rye's Complete Count Committee (US Census), to have a food truck on Haviland Lane for Census Awareness Day on April 1, 2020 from 12:00 pm – 4:00 pm. The City Council will have to waive § 144-8D and G of the City Code.

FOR THE MEETING OF:

March 11, 2020

**RYE CITY CODE,
CHAPTER
SECTION**

RECOMMENDATION: That the City Council approve the request.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:
Waive § 144-8D and G of the City Code.

BACKGROUND: The City Manager's Office received a request from the City of Rye's Complete Count Committee (US Census), requesting a food truck for Census Awareness day on Haviland Lane on April 1, 2020 from 12:00 - 4:00 pm. The Council will have to waive § 144-8D and G which states;

§144-8 Restrictions state that licensed hawker, peddler or solicitor shall:

D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects.

G. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions, upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.