



**COMMON COUNCIL
AGENDA
REGULAR STATED MEETING
MARCH 31, 2016
6:15 P.M.**

**FIRST READING
ORDINANCES:**

1. Ordinance authorizing the settlement of certain tax review proceedings.
2. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by amending Capital Project No. C5347, entitled, City Hall Rehabilitation Electrical Design to City Hall Rehabilitation Electrical Systems.
3. Bond Ordinance dated April 4, 2016, authorizing the issuance of \$707,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York to finance the costs of the construction of electrical system improvements to City Hall.
4. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5475, Renaissance Fountain Led Light Replacement.
5. Ordinance of the Common Council of the City of White Plains authorizing the closure of a portion of a public right-of-way on Mamaroneck Avenue on Friday morning, May 20, 2016, to early Monday morning, May 23, 2016, for the Annual Spring Exhibition in the Arts Exchange Building at 31 Mamaroneck Avenue, with a preview reception to be held on Friday, May 20, 2016, and sponsored by the Arts Westchester/Westchester Arts Council.
6. Ordinance repealing Chapter 4-15 of the White Plains Municipal Code and adding a new Chapter 4-15 of the White Plains Municipal Code entitled, "Taxicabs."

7. Ordinance authorizing the Mayor or his designee to enter into a revocable license agreement between the City and 707/709 Westchester Avenue Owner SPE LLC, and 925/1025 Westchester Avenue Owner SPE LLC, for use of parking lots in connection with the City of White Plains Independence Day Fireworks Display Celebration.
8. Ordinance amending the Community Development Fund Budget by appropriating Fund Balance and allocating such increase to the Rehabilitation Revolving Fund Program.
9. Ordinance accepting the 2016-2017 Budget for the White Plains Downtown Business Improvement District and directing the preparation of an assessment roll based thereon.
10. Ordinance authorizing the Mayor or his designee, to enter into a contract with the Nepperhan Community Center to accept an award funded through the U. S. Department of Health and Human Services Administration for Children and Families (AFC) in the amount of \$6,000 for the White Plains Youth Bureau to partner with the Nepperhan Community Center to provide Healthy Marriage and Relationship Services for the Lower Hudson Valley Healthy Families and Relationship Initiative (LHVHFR), and to authorize the Budget Director to amend the FY 2015/2016 Youth Development Fund to reflect this grant.
11. Ordinance of the Common Council of the City of White Plains amending an ordinance adopted January 4, 2016, entitled, "An ordinance of the Common Council of the City of White Plains authorizing the Mayor to enter into a contract with the County of Westchester (Department of Community Mental Health) in order to receive \$183,662, in funding to continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuses Services (OASAS) providing alcohol and substances preventions services to the City of White Plains."
12. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to creating a "Left Turn on Red Prohibited" on Westchester Avenue at South Broadway; modifying "Overnight Flashing of Intersection Traffic Control Signals - Under Computer Control," for the intersection of Mamaroneck Avenue at Main Street; modifying "Overnight Flashing of Intersection Traffic Control Signals - Under Computer Control," for the intersection of Martine Avenue at E. J. Conroy Drive (City Center Parking Garage Driveway); and modifying a "No Parking At Any Time" Zone on the south side of Russell Street.

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF CERTAIN TAX REVIEW PROCEEDINGS.

WHEREAS, various petitioners have brought proceedings to review the assessed valuation of their premises; and

WHEREAS, the respective attorneys for the petitioners have offered and agreed to settle and discontinue said proceedings on condition that the assessed valuations of said properties be reduced and credits paid according to the following list in accord with the applicable tax rate for said years with no interest thereon:

**Broad Parkway Owners, Inc.
1 Broad Parkway
SBL: 126.61-1-1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2008/09	\$ 219,000	\$ 200,000	\$ 19,000	\$ 2,801.93
2009/10	\$ 219,000	\$ 208,000	\$ 11,000	\$ 1,727.66
			Total:	<u>\$ 4,529.59</u>

**Consolidated Edison Company of NY, Inc.
100 Alex Drive
SBL: 999.99-999-5**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 32,738	\$ 27,780	\$ 4,958	\$ 995.27
			Total:	<u>\$ 995.27</u>

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Arborwood Lane
SBL: 999.99-999-6

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 13,430	\$ 11,395	\$ 2,035	\$ 408.51
			Total:	<u><u>\$ 408.51</u></u>

Audrey Lane
SBL: 999.99-999-7

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 2,516	\$ 2,135	\$ 381	\$ 76.48
			Total:	<u><u>\$ 76.48</u></u>

Barton Road
SBL: 999.99-999-8

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 23,531	\$ 19,960	\$ 3,571	\$ 716.84
			Total:	<u><u>\$ 716.84</u></u>

Brook Hills Circle
SBL: 999.99-999-9

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 30,226	\$ 25,650	\$ 4,576	\$ 918.59
			Total:	<u><u>\$ 918.59</u></u>

**Brook Hills Drive
SBL: 999.99-999-10**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 2,516	\$ 2,135	\$ 381	\$ 76.48
			Total:	<u><u>\$ 76.48</u></u>

**Bryant Crescent
SBL: 999.99-999-11**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 813	\$ 680	\$ 133	\$ 26.70
			Total:	<u><u>\$ 26.70</u></u>

**Cobblefield Lane
SBL: 999.99-999-12**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 16,758	\$ 14,218	\$ 2,540	\$ 509.88
			Total:	<u><u>\$ 509.88</u></u>

**Cobblefield Road
SBL: 999.99-999-13**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 2,516	\$ 2,135	\$ 381	\$ 76.48
			Total:	<u><u>\$ 76.48</u></u>

**Eastdale Road
SBL: 999.99-999-14**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 6,695	\$ 5,675	\$ 1,020	\$ 204.75
			Total:	<u><u>\$ 204.75</u></u>

**Easthaven Lane
SBL: 999.99-999-15**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 11,727	\$ 9,950	\$ 1,777	\$ 356.71
			Total:	<u><u>\$ 356.71</u></u>

**Gabriel Court
SBL: 999.99-999-16**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 2,516	\$ 2,135	\$ 381	\$ 76.48
			Total:	<u><u>\$ 76.48</u></u>

**Glenbrook Drive
SBL: 999.99-999-17**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 6,695	\$ 5,675	\$ 1,020	\$ 204.75
			Total:	<u><u>\$ 204.75</u></u>

Ingleside Lane
SBL: 999.99-999-18

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 8,360	\$ 7,095	\$ 1,265	\$ 253.94
			Total:	<u><u>\$ 253.94</u></u>

Jared Drive
SBL: 999.99-999-19

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 29,375	\$ 24,925	\$ 4,450	\$ 893.29
			Total:	<u><u>\$ 893.29</u></u>

Leir Court
SBL: 999.99-999-20

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 3,367	\$ 2,855	\$ 512	\$ 102.78
			Total:	<u><u>\$ 102.78</u></u>

Middale Road
SBL: 999.99-999-21

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 10,101	\$ 8,300	\$ 1,801	\$ 361.53
			Total:	<u><u>\$ 361.53</u></u>

**Moss Run
SBL: 999.99-999-22**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 10,101	\$ 8,300	\$ 1,801	\$ 361.53
			Total:	<u><u>\$ 361.53</u></u>

**Mulberry Lane
SBL: 999.99-999-23**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 813	\$ 680	\$ 133	26.70
			Total:	<u><u>\$ 26.70</u></u>

**Northdale Road
SBL: 999.99-999-24**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 11,727	\$ 9,950	\$ 1,777	\$ 356.71
			Total:	<u><u>\$ 356.71</u></u>

**Pepperidge Lane
SBL: 999.99-999-25**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 4,180	\$ 3,547	\$ 633	\$ 127.07
			Total:	<u><u>\$ 127.07</u></u>

**Purdy Avenue
SBL: 999.99-999-26**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 2,516	\$ 2,135	\$ 381	\$ 76.48
			Total:	<u>\$ 76.48</u>

**Roger Place
SBL: 999.99-999-27**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 6,695	\$ 5,675	\$ 1,020	\$ 204.75
			Total:	<u>\$ 204.75</u>

**Saxon Woods Park Drive
SBL: 999.99-999-28**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 22,641	\$ 19,220	\$ 3,421	\$ 686.73
			Total:	<u>\$ 686.73</u>

**Southdale Road
SBL: 999.99-999-29**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 5,883	\$ 4,990	\$ 893	\$ 179.26
			Total:	<u>\$ 179.26</u>

**Sycamore Lane
SBL: 999.99-999-30**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 5,883	\$ 4,990	\$ 893	\$ 179.26
			Total:	<u>\$ 179.26</u>

**Topland Road
SBL: 999.99-999-31**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 6,695	\$ 5,675	\$ 1,020	\$ 204.75
			Total:	<u>\$ 204.75</u>

**Westfield Circle
SBL: 999.99-999-32**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 5,031	\$ 4,268	\$ 763	\$ 153.16
			Total:	<u>\$ 153.16</u>

**Westfield Lane
SBL: 999.99-999-33**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 10,875	\$ 9,227	\$ 1,648	\$ 330.82
			Total:	<u>\$ 330.82</u>

**Westfield Road
SBL: 999.99-999-34**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 12,578	\$ 10,674	\$ 1,904	\$ 382.21
			Total:	<u>\$ 382.21</u>

**Westhaven Lane
SBL: 999.99-999-35**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 8,360	\$ 7,095	\$ 1,265	\$ 253.94
			Total:	<u>\$ 253.94</u>

**Woodbrook Road
SBL: 999.99-999-36**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 10,875	\$ 9,227	\$ 1,648	\$ 330.82
			Total:	<u>\$ 330.82</u>

**Wood Hollow Road
SBL: 999.99-999-37**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 3,367	\$ 2,855	\$ 512	\$ 102.78
			Total:	<u>\$ 102.78</u>

**Woods Way
SBL: 999.99-999-38**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 5,883	\$ 4,990	\$ 893	\$ 179.26
			Total:	<u>\$ 179.26</u>

**Wyndham Close
SBL: 999.99-999-39**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2015/16	\$ 13,430	\$ 11,395	\$ 2,035	\$ 408.51
			Total:	<u>\$ 408.51</u>

WHEREAS, the county and sewer taxes and the school taxes should be payable by the county and school separately if collected and if the settlement is approved by the Supreme Court.

NOW, THEREFORE, the Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. The settlement of the aforesaid proceedings in the manner set forth above be and the same hereby is approved.

§2. The Commissioner of Finance, under the direction of the Corporation Counsel, be and is hereby authorized and directed to pay the amount of the refunds stated above, without interest to the petitioners or persons paying such tax or other levy in the manner provided by Section 726

of the Real Property Tax Law. All payments for current year taxes shall be payable from budget code A021- 01110 and all payments for prior year's taxes shall be payable from budget code A021 - 4.201. Payment of the refunds authorized herein with respect to any one of the aforementioned properties is subject to the payment of any outstanding taxes due on that property, including any interest or penalties due thereon, or the Commissioner of Finance may apply such amount of the refunds authorized with respect to any one of the aforementioned properties to satisfy any outstanding taxes due on that property, including any interest or penalties due thereon.

§3. The Mayor is hereby further authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

§4. This ordinance shall take effect immediately.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY AMENDING CAPITAL PROJECT NO. C5347, ENTITLED, "CITY HALL REHABILITATION-ELECTRICAL DESIGN" TO "CITY HALL REHABILITATION-ELECTRICAL SYSTEMS."

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Capital Projects Board has recommended rehabilitation work to the City's Municipal Building (City Hall) electrical systems. The first phase of the project, design, was previously approved by the Common Council and this phase of the project includes the replacement of a new electrical room and the replacement of the aged electrical service to meet current needs.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various contracts, as necessary, to complete the project. Said contract(s) shall be in a form approved by the Corporation Counsel.

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by amending Capital Project No. C5347, entitled, "**City Hall Rehabilitation-Electrical Design**," to "**City Hall Rehabilitation-Electrical Systems**," by amending the budget as follows:

INCREASE REVENUES:

C5347-08810	Serial Bonds	<u>\$707,000</u>
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INCREASE EXPENDITURES:

C5347-4.005	Finance and Audit	\$ 7,000
C5347-8.106	Major Additions/Improvements	<u>700,000</u>
		<u>\$ 707,000</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$707,000 and to advance funds for this project, as necessary, pending receipt of the bond proceeds, and to receive and disburse funds accordingly. The Mayor is hereby authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 5. This ordinance shall take effect immediately.

**BOND ORDINANCE, DATED APRIL 4, 2016, AUTHORIZING THE
ISSUANCE OF \$707,000 AGGREGATE PRINCIPAL AMOUNT SERIAL
BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF
WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS
OF THE CONSTRUCTION OF ELECTRICAL SYSTEM
IMPROVEMENTS TO CITY HALL.**

WHEREAS, the Common Council of the City of White Plains (the “City”), a municipal corporation of the State of New York, located in the County of Westchester, determined that it is in the public interest of the City to authorize the financing of the costs of the construction of electrical system improvements to City Hall, including planning and design work, and including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$707,000, for which no funds have heretofore been appropriated or borrowed, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of White Plains, in the County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$707,000, pursuant to the Local Finance Law, in order to finance the costs of the construction of electrical system improvements to City Hall, including planning and design work (the “Project”).

Section 2. The Common Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project is not to exceed \$707,000, (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project, (c) the

Common Council of the City plans to finance such costs of the Project from the proceeds of serial bonds authorized herein or bond anticipation notes issued in anticipation of the issuance of such serial bonds, (d) the maturity of the obligations authorized herein will be in excess of five (5) years, and (e) on or before the expenditure of moneys to pay any costs for the Project, for which proceeds of any obligations authorized herein are to be applied to reimburse the City, the Common Council of the City took "official action" for federal income tax purposes to authorize capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law (such buildings being of "Class A" construction as that term is defined in the Local Finance Law) and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the issuance of the serial bonds authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, including whether to issue such serial bonds having substantially level or declining annual debt service, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Commissioner of Finance, as the chief fiscal

officer of the City. The Commissioner of Finance is hereby authorized to execute by manual or facsimile signature on behalf of the City, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Commissioner of Finance. In the absence of the Commissioner of Finance, the Deputy Commissioner of Finance is hereby authorized to exercise the powers delegated to the Commissioner of Finance by this bond ordinance.

Section 5. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the City and, as a result thereafter, the validity of such serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or a class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond ordinance, or such summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 6. The faith and credit of the City are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized herein as

the same shall become due.

Section 7. The City hereby declares its intention to issue serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the City, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the City to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the serial bonds authorized herein or any other provisions hereof until the date which is sixty (60) days after the final maturity date of such serial bonds or an earlier prior redemption date thereof. The proceeds of the serial bonds authorized herein, and any bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be applied to reimburse expenditures or commitments made with regard to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond ordinance by the City.

The City may expend general funds or other available moneys for the Project which shall be reimbursed from the proceeds of such obligations.

Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the Common Council of the City covenants that it will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Common Council of the City that the Project will not have a significant impact or effect on the environment.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to the obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby

implement that agreement, including provisions for enforcement, amendment and termination, the Commissioner of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by the Rule (the "Commitment"), to be placed on file with the City Clerk and which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the Commissioner of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The Commissioner of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Commissioner of Finance shall consult with, as appropriate, its Corporation Counsel and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by its Corporation Counsel or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond ordinance shall take effect immediately upon its due adoption by the Common Council of the City.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5475 ENTITLED, "RENAISSANCE FOUNTAIN LED LIGHT REPLACEMENT."

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. Included in the FY 2015-2016 Capital Projects Improvement Program adopted by the Capital Projects Board is a project entitled "Renaissance Fountain LED Light Replacement." This project is the responsibility of the Commissioner of Public Works and includes replacing inoperative lighting with LED lights which are more energy efficient.

Section 2. The Mayor is hereby authorized to direct the Commissioner of Public Works to enter into various purchase orders and contracts, as necessary, to complete the project. Said contracts shall be in a form approved by the Corporation Counsel.

Section 3. In order to provide the necessary funding for such project, the Mayor is hereby authorized to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5475, entitled, "Renaissance Fountain LED Light Replacement," with a budget as follows:

REVENUES:

C5475-09910 General Fund Contribution (Open Space and Recreation Reserve) \$150,000

EXPENDITURES:

C5475-8.106 Major Additions/Improvements \$150,000

4

Section 4. To provide the General Fund Contribution, the Mayor is hereby authorized to direct the Budget Director to amend the General Fund Budget for 2015/16 as follows:

REVENUES:

A021-09996	Open Space and Recreation Reserve	<u>\$150,000</u>
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EXPENDITURES:

A022-9.401	Contribution to Capital Projects Fund	<u>\$150,000</u>
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Section 5. The Mayor is hereby authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 6. This ordinance shall take effect immediately.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CLOSURE OF A PORTION OF A PUBLIC RIGHT-OF-WAY ON MAMARONECK AVENUE ON FRIDAY MORNING, MAY 20, 2016, TO EARLY MONDAY MORNING, MAY 23, 2016, FOR THE ANNUAL SPRING EXHIBITION IN THE ARTS EXCHANGE BUILDING AT 31 MAMARONECK AVENUE WITH A PREVIEW RECEPTION TO BE HELD ON FRIDAY, MAY 20, 2016 SPONSORED BY THE ARTS WESTCHESTER/WESTCHESTER ARTS COUNCIL.

WHEREAS, the City of White Plains has received a request from the Arts Westchester/Westchester Arts Council for permission to conduct its annual spring exhibition in the Arts Exchange building with a preview reception on Friday, May 20, 2016; and

WHEREAS, in conjunction with this exhibition, the Westchester Arts Council proposes to have a canopy over the sidewalk in front of the Arts Exchange Building at 31 Mamaroneck Avenue with two 8-foot tables and chairs; and

WHEREAS, the aforementioned sidewalk canopy will remain in place from 9:00 a.m. Friday, May 20, 2016 to early Monday morning, May 23, 2016; and

WHEREAS, the aforementioned event entails the closure(s) of the portions of public rights-of-way; and

WHEREAS, the City of White Plains is desirous of permitting the event; now, therefore,

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The closure of the portions of public rights-of-way is hereby authorized for the purpose of the annual spring exhibition with a preview reception, an event conducted by the Arts Westchester/Westchester Arts Council, which will be held on Friday, May 20, 2016, featuring a canopy over the sidewalk in front of the Arts Exchange Building at 31 Mamaroneck Avenue with two 8-foot tables and chairs. The sidewalk canopy will remain in place throughout the weekend and shall be removed early in the morning on Monday, May 23, 2016.

Section 2. Any fee or deposit for the issuance of a roadway permit as may be required by an ordinance establishing Rules and Regulations for Sidewalks, Curbs and Driveways, and Controlling Street Openings and Street Obstructions are hereby waived. The Arts Westchester/Westchester Arts Council shall provide, however, all necessary insurance coverage for this event.

Section 3. No more than 40% of the width of any sidewalk shall be permitted to be occupied by equipment and/or merchandise or otherwise obstructed, in any event a clear, unobstructed passage not less than six (6) feet in width shall be maintained at all times. In addition, no motor vehicles of any kind may be operated or parked on any sidewalk.

Section 4. Since the extended use of sidewalk areas, will significantly increase the

level of cleanup efforts required of the City, and that although these additional cleanups are most practically performed by the City's Department of Public Works, this shall not relieve the individual merchants and property owners of their responsibilities to remove as often as necessary, litter which accumulates around individual vending and display sites on the sidewalks.

Section 5. This ordinance shall take effect immediately.

AN ORDINANCE REPEALING CHAPTER 4-15 OF THE WHITE PLAINS MUNICIPAL CODE AND ADDING A NEW CHAPTER 4-15 OF THE WHITE PLAINS MUNICIPAL CODE ENTITLED, "TAXICABS."

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. Chapter 4-15 of the White Plains Municipal Code, entitled "Taxicabs," last amended by ordinance adopted March 2, 2015, is hereby repealed except as otherwise provided herein.

Section 2. The White Plains Municipal Code is hereby amended by adding a new Chapter 4-15 entitled, "Taxicabs," to read as follows:

CHAPTER 4-15

Sec. 4-15-1. Definitions

As used in this chapter, unless the context requires otherwise, the following terms shall mean as indicated below:

- (1) **Accessible taxicab:** An accessible taxicab is a vehicle that complies with the Americans with Disabilities Act (ADA) of 1990 and all regulations promulgated thereunder, and meets the minimum requirements of an accessible vehicle as specified by the Department of Public Safety.
- (2) **Base station:** A central facility which manages, organizes, and/or dispatches taxicabs. Base stations must be located within the City of White Plains in compliance with the Zoning Ordinance of the city.
- (3) **Driver's license:** The permission granted by the State of New York to a person to operate a vehicle.
- (4) **Fleet:** Five (5) or more taxicabs, owned and licensed by the same individual, or owned and licensed by individuals but operated in conjunction with the same corporate identity.
- (5) **Hailing:** A request, either through a verbal action such as calling out, or whistling, and/or a visible physical action such as raising one's hand or arm, by a person who is currently ready to travel. Hailing shall be permitted only in the Hail Zone.
- (6) **Hail zone:** The business and parking district that encompasses the following area: Ferris Avenue south of Water Street to Martine Avenue; Martine Avenue east to South Lexington Avenue; South Lexington Avenue south to West Post Road; West Post Road southwest to Soundview Avenue; West Post Road northeast to Maple Avenue; Maple Avenue east to Mamaroneck Avenue; Mamaroneck Avenue southeast to Bloomingdale Road; Bloomingdale Road north to Westchester Avenue; Westchester Avenue east to South Kensico Avenue; South Kensico Avenue north to Lake Street; Lake Street west to North Broadway; North Broadway north to Barker Avenue; Barker Avenue west to Water Street; and Water Street west to Ferris Avenue.
- (7) **Rate card:** a rate card is the official listing of rates issued by the Department of Public Safety, The rate card shall be displayed at all times, in the interior of the taxicab where it can be readily seen by the

passengers.

- (8) **Service animal:** any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheel chair or fetching dropped items.
- (9) **Special Patrol Officer:** An employee of the City of White Plains who shall have duties as prescribed by the Public Safety Commissioner with respect to the orderly operation of taxicabs and shall be assigned to the White Plains TransCenter or such other location as the Commissioner deems necessary.
- (10) **Taxicab:** Any motor vehicle having a seating capacity of not more than seven (7) persons in addition to the driver bearing a taxi license plate issued by the NY State Department of Motor Vehicles, a City of White Plains Taxicab medallion, and engaged in the business of picking up passengers within the city, and transporting passengers within or outside the City of White Plains, for compensation. A taxicab may operate from a taxi stand, may respond to calls from a base station or may respond to a hail only in the business and parking district more fully described herein.
- (11) **Taxicab driver:** Any person holding a Class A, B, C or E license from the NY State Department of Motor Vehicles, and a White Plains Taxicab operator's license, whether such a person be the owner of such taxicab or employed by a taxicab medallion owner.
- (12) **Taxicab operator's license:** the license issued by the City of White Plains Department of Public Safety authorizing the driver to operate a taxicab in the City of White Plains.
- (13) **Taxicab operator's badge:** An identification badge issued by the Department of Public Safety to be worn by the driver at all times while operating the taxicab. The badge shall bear the driver's photo and display the driver's name and taxicab operator's license number.
- (14) **Taximeter:** A mechanical instrument or device, approved by the Department of Public Safety, by which the charge for hire of a White Plains taxicab is mechanically calculated and on which said charge is plainly indicated.
- (15) **Taxicab decal:** Decals issued exclusively by the Department of Public Safety which shall be placed on both the rear driver and passenger side doors identifying the taxicab as a licensed White Plains taxicab.
- (16) **Taxicab medallion license:** A taxicab medallion license is issued by the Department of Public Safety, authorizing the use of the described vehicle as a taxicab.
- (17) **Taxicab medallion license owner:** An individual, partnership, corporation, or any other entity in whose name the state registration is issued pursuant to the New York State Vehicle and Traffic Law and who has been issued a White Plains taxicab medallion license for such vehicle.
- (18) **Taxicab medallion sticker:** The sticker issued exclusively by the Department of Public Safety, and placed on the vehicle by the licensing officer, certifying the vehicle as a licensed White Plains taxicab as defined in this chapter. The sticker shall state the taxicab medallion license number and the year for which it is issued.

- (19) **Taxicab stand:** Any place alongside the curb of a street or elsewhere which is exclusively reserved for the use of taxicabs. Only taxicabs with a White Plains taxicab medallion may use taxi stands in the city.

Sec. 4-15-2. Issuance of Taxicab Medallion Licenses

- A. *Limitation on taxicab medallion licenses:* Two hundred (200) taxicab medallion licenses are hereby found adequate to serve the needs of the public and the city; and such number is hereby established as the maximum amount of taxicab medallion licenses to be issued pursuant to this chapter. Of the 200 taxicab medallion licenses authorized, five (5) shall be specifically designated for accessible taxicabs, and shall be designated thus in perpetuity. The 5 accessible medallions shall be sold for \$20,000.00 each.
- B. *Change in the number of taxicab medallion licenses:* The Common Council may review the number of taxicab medallion licenses to determine whether a change in the maximum number of taxicab medallion licenses is warranted. The Council shall make a determination based upon the input of the Commissioner of Public Safety.
- C. If a determination is made that additional taxicab medallion licenses are necessary, or if an existing medallion is forfeited, then such medallions shall be sold at public auction with a minimum opening bid of \$25,000.

Sec. 4-15-3. Unlicensed Operation Prohibited

It shall be unlawful, without a valid White Plains operator's license and a White Plains medallion license, to:

- A. Pick up passengers for a fare within the City of White Plains by prearrangement or in response to a street hail.
- B. Park or otherwise occupy a taxi stand located in the City of White Plains.
- C. Await employment or solicit riders by standing on any public street within the City of White Plains.
- D. Have affixed to the vehicle a White Plains Taxicab decal or a facsimile of the White Plains decal.

Sec. 4-15-4. Taxicab Medallion Licensing

Each applicant for a White Plains taxicab medallion license shall comply with the requirements of and the application process set forth in this section.

A. **General Requirements**

- (1) *Age:* Applicant must be at least eighteen (18) years of age.
- (2) *Character:* Applicant must be of good character and reputation.
- (3) *Citizenship or status as alien:* Upon submission of the application, the applicant shall show proof of citizenship of the United States or proof of legal alien status.

- (4) *Vehicle ownership and insurance:* Upon submission of the application, the applicant shall show proof that he/she is the true owner of the vehicle; which vehicle is insured pursuant to the requirements of state law.
- (5) *Application fees:* All new White Plains taxicab medallion license applicants and all renewal applicants shall pay the required application fees as set forth in **section 4-15-14** of this chapter.

B. Application

An application for a taxicab medallion license shall be made by the vehicle owner on forms provided by the Commissioner of Public Safety. Such application shall contain but shall not be limited to:

(1) *Licensee information:*

- a) Applicant's Full Name
- b) Date of birth
- c) Proof of citizenship status
- d) Current residence
- e) Contact phone number
- f) Corporation or DBA name if applicable, business phone number and corporation contact name, date of birth and name and address of corporate designee for acceptance of legal service and notices.
- g) Previous medallion ownership history
- h) Criminal convictions

(2) *Vehicle information:*

- a) Make
- b) Model
- c) Year
- d) Color
- e) Mileage
- f) NY State inspection
- g) Seating capacity
- h) Vehicle Identification number
- i) Vehicle Registration

- (3) *Criminal record:* Applicant shall not have been convicted of a felony, or any crime involving violence, dishonesty, deceit, indecency, degeneracy, moral turpitude, driving while under the influence of alcohol, gambling, or illegal use or possession of drugs. The Commissioner of Public Safety shall, nevertheless, apply the standards for licensure and employment of persons previously convicted of one (1) or more criminal offenses embodied in article 23-a of the Correction Law.
- (4) *Fingerprinting:* Each individual applicant and, if applicable, each corporate officer, as well as all those who hold at least a 25 percent ownership interest in the corporation, shall submit to fingerprinting by the Department of Public Safety. The Commissioner of Public Safety shall cause an investigation to be made relative to the character and criminal record, if any, of said applicant and pay any state or federal required fee for the fingerprinting process. The city shall be entitled to an additional processing fee as set forth in **section 4-15-14** of this chapter.

- (5) *Maximum vehicle mileage*: Remove from service any licensed taxicab that has an odometer reading of more than 400,000 miles. The taxicab medallion license shall be transferred to a vehicle that meets the mileage requirements of this chapter or surrendered to the Department of Public Safety.
 - (6) *Vehicle inspection*: The vehicle has been inspected under the direction of the Commissioner of Public Safety and found to be completely safe and operable for the transportation of passengers.
 - (7) *Accessible taxicabs*: Owners of accessible taxicab medallions must provide an original letter from an approved vehicle modifier indicating that the modifications to the vehicle have been made in accordance with ADA regulations and specifications, and the minimum requirements for an accessible vehicle as specified by the Department of Public Safety.
- C. *Compliance*: The criteria necessary to obtain a taxicab medallion license, as set forth in (A) and (B) of this section, shall be continually maintained for the license to remain in effect. Any lapse of a required condition of this chapter may result in the suspension or revocation of the taxicab medallion license.
- D. *Annual renewal*:
Renewals shall be processed annually and shall be upon the same basis as a new application, provided the application is filed not less than thirty (30) days, nor more than sixty (60) days prior to expiration of current license on forms supplied by the Commissioner of Public Safety.
- E. *Authorization to investigate*:
Authorization to the Commissioner of Public Safety to obtain proof of financial capability of the owner including authorizations for the release of information from bank accounts or any other places where assets of the applicant are said to be maintained.

Sec. 4-15-5. Taxicab Operator's Licensing

Each applicant for a White Plains taxicab operator's license shall comply with the requirements of and the application process set forth in this section.

A. General Requirements

- (1) *Age*: Applicant must be eighteen (18) years of age or older.
- (2) *NY State driver's license*: Applicant must hold a valid NY State Class A, B, C or E.
- (3) *Physical condition*: Each application shall include a medical certificate signed by a physician duly licensed by the State of New York, certifying that he/she has examined the applicant within the thirty-day period prior to the filing of the application and that in his/her opinion the applicant is not afflicted with any disease or physical or mental condition or infirmity which might make the applicant an unsafe or unsatisfactory driver of a taxicab.
- (4) *Drug testing*: Applicant shall submit to a drug test. Such testing shall be performed by an individual or entity designated by the Commissioner of Public Safety, and possessing the requisite permit by the New York State Department of Health pursuant to the authority contained in Title V of

Article 5 of the New York State Public Health Law.

- (5) *Defensive driving course*: Applicant shall complete/pass a New York State Department of Motor Vehicles certified defensive driving course within six (6) months prior to the date of the initial application, and within 3 years prior to the date of any renewal application.
- (6) *Criminal record*: Applicant shall not have been convicted of a felony, or any offense involving violence, dishonesty, deceit, indecency, degeneracy, moral turpitude, driving while under the influence of alcohol, gambling, or illegal use or possession of drugs. The Commissioner of Public Safety shall, nevertheless, apply the standards for licensure and employment of persons previously convicted of one (1) or more criminal offenses embodied in article 23-a of the Correction Law.
- (7) *Literacy*: Applicant must be able to read, write and speak the English language.
- (8) *Character*: Applicant shall be of good character and reputation.
- (9) *Application fees*: All new White Plains taxicab license applicants and all renewal applicants shall pay the required application fees as set forth in **section 4-15-14**.

B. Application

- (1) *Application*: Applicant must complete a White Plains taxicab operator's license application as approved by the Commissioner of Public Safety. Such application shall contain but not be limited to:
 - a) Full name and place of residence for past (5) years;
 - b) The applicant's age, height, gender, ethnicity, eye color, hair color, place of birth, citizenship status;
 - c) Previous employment history;
 - d) Criminal convictions;
 - e) Proof of completion of an accessible taxicab passenger assistance training course, if applicable.
- (2) *Photographs*: Each applicant for a White Plains taxicab operator's license shall be photographed by the Department of Public Safety.
- (3) *Fingerprinting*: Each applicant shall submit to fingerprinting by the Department of Public Safety and pay any state or federal fee required for the fingerprinting process. In addition, the city shall be entitled to an additional processing fee as set forth in **section 4-15-14** of this chapter.
- (4) *Written examination*: Each applicant shall take a written exam to ascertain the applicant's knowledge of the provisions of this chapter, the traffic regulations and geography of the City of White Plains, as well as the vehicle and traffic laws of the State of New York.
- (5) *Investigation*: The Commissioner of Public Safety shall investigate the character and criminal record, if any, of said applicant. Each application shall include a signed authorization permitting the Commissioner of Public Safety to conduct a background investigation of the applicant including any matter which might otherwise be confidential without limitation. No license shall be issued under

the provisions of this chapter until the Commissioner of Public Safety has completed the background investigation and has indicated, in writing; his approval.

- (6) *Citizenship or status as alien*: Upon submission of the application, the applicant shall show proof of citizenship of the United States or proof of legal alien status.

C. Probationary Period

There shall be a six (6) month probationary period for all newly licensed taxicab drivers. During this probationary period, the Commissioner of Public Safety may revoke the license upon the determination that the licensee failed to comply with the requirements enumerated herein.

D. Annual Renewal

Renewals shall be processed annually and shall be upon the same basis as a new application, provided the application is filed not less than thirty (30) days, nor more than sixty (60) days prior to expiration of current license on forms supplied by the Commissioner of Public Safety.

E. Refusal of Taxicab Operator's License

Each applicant for a White Plains taxicab operator's license shall comply with the taxicab operator licensing requirements as set forth in this section. If the applicant fails to meet any of the general requirements or the results of any of the examinations are unsatisfactory, as determined by the Commissioner of Public Safety, the applicant shall be refused a license.

Sec. 4-15-6. Duties and Responsibilities of Taxicab Medallion Owners

The owner of every vehicle licensed under the provisions of this chapter operating within the City of White Plains, shall comply with the following requirements:

A. Responsibilities relating to drivers

- (1) *Authorized driver employees*: Employ only drivers who hold a valid White Plains taxicab operator's license.
- (2) *Work shift limitation*: Prohibit any taxi driver from operating any vehicle:
 - a) For longer than twelve (12) hours of any twenty-four-hour period; or
 - b) For longer than twelve (12) hours in any one (1) tour or shift of duty; or
 - c) With less than eight (8) hours relief from duty after working twelve (12) hours of the twenty four hour period preceding the commencement of such relief from duty.
- (3) *Reports on drivers*: Report any driver to the Commissioner of Public Safety who no longer meets the qualifications to hold a taxi driver's license, stating the reason therefore.

- (4) *Trip sheets*: Provide each driver with a trip sheet to be used during daily operations that shall, at a minimum, identify:
- a) The name and taxicab operator's license number of the driver operating such vehicle for the trips recorded on the trip sheet;
 - b) The taxicab medallion license number of the vehicle;
 - c) The time the vehicle commenced and ceased operation and the mileage on the vehicle at such times;
 - d) The date, commencement time in hour and minute(s), and origin point for each trip for each passenger in chronological order;
 - e) The date, drop off or termination time in hour and minute(s), and destination or termination location for each trip for each passenger in chronological order;
 - f) The fare charged and collected for each trip from each passenger;
 - g) The date, time in hour and minute(s), and location of any accident or breakdown causing an interruption or discontinuance of the operation of such taxicab.
 - h) The date and time in hour and minute(s) of any other incident, such as lost property or assistance to the police.
 - i) Trip sheets: Shall be retained and made available for audit, examination, and inspection by the Commissioner of Public Safety at all reasonable times for a minimum period of three years.
- (5) *List of drivers*: Maintain a current list of driver employees and furnish the list, upon request, to the Commissioner of Public Safety or his/her designee.
- (6) *Driver discharge notification*: Notify the Department of Public Safety regarding the discharge of any driver.
- (7) *Supervisory responsibility*: Diligently supervise his or her employees to assure compliance with this chapter. Multiple convictions of employees for violations under this chapter, shall be construed as evidence of failure to supervise and may result in fines or the revocation or suspension of the owner's taxicab medallion license.

B. Responsibilities related to vehicles

- (1) *Maximum vehicle mileage*: Remove from service any licensed taxicab that has an odometer reading of more than 400,000 miles. The taxicab medallion license shall be transferred to a vehicle that meets mileage requirements of this chapter or surrendered to the Department of Public Safety.
- (2) *Vehicle cleanliness and maintenance*: Maintain and make appropriate repairs to the exterior and interior of taxicab including but not limited to body work, rusting metal, hanging fenders, missing hub caps and torn or worn upholstery. Maintain interior and exterior of taxicab in a clean and sanitary condition. Vehicles found to be improperly maintained will be taken out of service until such time as repairs are made.
- (3) *Safety inspections*: Inspect the vehicle for any equipment violations at least daily, and make such repairs as may be required by the New York State Vehicle and Traffic Law.
- (4) *Vehicle inspections*: Submit vehicles for inspection whenever required by the Commissioner of Public Safety or his designee.

- (5) *Rate card*: Display the rates of fare on a rate card provided by the Department of Public Safety as outlined in **section 4-15-19**. The rate card shall be displayed in the interior portion of the vehicle in such a manner as to be visible at all times to all passengers and shall not obstruct the driver's view of the windshield.
- (6) *Taxi user's bill of rights*: Display a copy of the Taxi user's bill of rights as provided by the Commissioner of Public Safety inside each taxicab, where it can be readily seen by the riding public.

C. Responsibilities related to administration

- (1) *Vehicle transfer*: Promptly report to the Commissioner of Public Safety the transfer of any vehicle medallion issued hereunder and concurrently turn in to the Commissioner of Public Safety the taxicab medallion issued for the use of such vehicle.
- (2) *Insurance*: Insure all taxicabs in accordance with the New York State Motor Vehicle Law. It shall be the duty of the owner to report a cancellation or revocation of insurance immediately to the Commissioner of Public Safety.

Sec. 4-15-7 Duties and Responsibilities of Taxicab Drivers

Taxicab drivers operating within the City of White Plains shall have the following duties and responsibilities:

A. Duties related to passengers

- (1) *Conveyance of passengers*: No driver shall refuse or neglect to convey any orderly person upon request in the city unless previously engaged or unable to, based on the provisions of this chapter.
- (2) *Exclusive use*: Taxicab drivers shall not carry any person other than the person first employing the taxicab unless such person consents to the acceptance of an additional passenger. However, during times of peak demand the Commissioner of Public Safety or his designee may direct taxicab drivers to accept multiple passengers.
- (3) *Child safety seats*: Taxicab driver shall not prevent a passenger from using his or her own child safety seat while employing the vehicle.
- (4) *Courtesy*: Taxicab drivers shall be courteous to passengers and others.
- (5) *Appearance and dress*: Taxicab drivers shall be neat in dress and appearance, at all times, when on duty. Taxicab drivers shall also comply with any dress code which may be required by the Commissioner of Public Safety.
- (6) *Identification*: A taxicab driver shall state his or her name, badge number, and employer while on duty, to any passenger or police officer upon request.
- (7) *Soliciting prohibited*: A taxicab driver may not yell, shout, use his or her vehicle horn, disrupt the normal flow of traffic, or make physical contact with a prospective passenger in solicitation of a

fare.

- (8) *Route*: Taxicab drivers shall proceed with passengers to the destination by the shortest possible route unless otherwise directed.
- (9) *Responding to a hail*: Taxicab drivers may only respond to a street hail in the Hail Zone which is the area in which taxicabs are permitted to accept passengers by hail in the street and specifically defined in **Section 4-15-1 (6)**.
- (10) *Climate control*: All vehicles bearing White Plains medallions shall maintain working air conditioning and heating systems. Taxicab drivers shall adjust air conditioning and heating systems in the vehicle at the request of a passenger.
- (11) *Over and under charging*: No taxicab driver shall solicit tips, gratuities, credit card surcharge, or any charges other than those authorized herein for transporting a passenger. No taxicab driver shall charge rates different than those specified on the Taxicab Rate card or taximeter.
- (12) *Receipts to passengers*: Upon the request of a passenger, taxicab drivers shall issue a receipt for fares paid by the passenger; and if the Commissioner of Public Safety has prescribed a particular form of receipt, he shall use that particular form, identifying the taxicab owner, taxicab identification number, date of trip, amount paid and be signed by the driver.

B. Duties related to vehicle operations

- (1) *Vehicle cleanliness*: Taxicab drivers shall maintain exterior and interior of taxicab in a clean and sanitary condition during their work shift.
- (2) *Transport of animals*: There shall be no additional charge for transporting a service animal accompanying its handler. Non service animals must be transported in a carrier and will be charged according to the baggage rate provided in **section 4-15-19**.
- (3) *Lost articles*: Taxicab drivers shall examine the interior of the vehicle after the termination of each trip for any articles left or lost in the vehicle and immediately take any such property to the desk officer at the police department in compliance with Article 7-B of the Personal Property Law of the State of New York.
- (4) *Smoking*: Smoking is prohibited at all times in vehicles bearing White Plains taxicab medallions.
- (5) *Locked doors*: Taxicab drivers shall not operate a vehicle with a passenger therein while the passenger doors are locked.
- (6) *Passenger seating*: Passengers are prohibited from using the front seat unless the passenger is infirm and cannot use the rear door or unless the back seat is fully occupied by other passengers. Under no circumstance shall the number of passengers plus the driver exceed the number of seatbelts in the vehicle.
- (7) *Driver seating*: Taxicab drivers shall not sit in any part of the vehicle except the driver's seat.

- (8) *Nonpaying passengers*: Taxicab drivers shall not permit any passenger in a taxicab, except a paying fare passenger during such time as the taxi is being used for business purposes or is being made available for the carrying of paying passengers.

C. Duties related to administration

- (1) *Change of residence*: Taxicab drivers shall report each change of residence within ten (10) days after such change to the Commissioner of Public Safety.
- (2) *Suspended, canceled or revoked license*: A taxicab driver shall not operate any such vehicle while his/her New York State Class A, B, C or E driver's license is suspended or revoked or canceled. It shall be the duty of the licensee to report the suspension or revocation of his New York State Class A, B, C or E driver's license immediately to the Commissioner of Public Safety.
- (3) *Operations records (Trip Sheets)*: Taxicab drivers shall keep a record of all operations as set forth in section **4-15-6 A (4)** of this chapter.
- (4) *Badge and license use and display*: A taxicab driver shall not operate a taxicab without being in actual possession of both his/her identification card and badge, and in the event of loss of either such item shall immediately notify the license division of the Department of Public Safety. The badge issued to a licensed taxi driver must be worn by the taxi driver when on duty, on the outermost garment, centered two (2) inches from the left arm and about ten (10) inches below the collarbone. At all times while on duty, have displayed in the interior of the vehicle in a place visible to any passenger, his/her taxicab operator's license. A taxicab driver shall not permit his/her badge or license to be used by another person.
- (5) *Work shift limitation*: Prohibit any taxi driver from operating any vehicle:
 - a) For longer than twelve (12) hours of any twenty-four-hour period; or
 - b) For longer than twelve (12) hours in any one (1) tour or shift of duty; or
 - c) With less than eight (8) hours relief from duty after working twelve (12) hours of the twenty four hour period preceding the commencement of such relief from duty.
- (6) *Sanitation and disease*: Taxicab drivers shall immediately report to the police department the fact of having carried any person affected with a contagious disease and if so instructed thereafter shall bring his vehicle to a suitable place for such cleaning or fumigation as may be directed by the health authorities having jurisdiction in the city.
- (7) *Reporting of arrests, personal summonses and traffic tickets*: Taxicab drivers shall report all arrests, personal summonses and traffic tickets, issued to them by law enforcement while operating a licensed taxicab to the taxicab medallion owner within 24 hours of being arrested or served such summons or traffic ticket.
- (8) *Reporting of accidents*: Notwithstanding the requirements of the Vehicle and Traffic Law of the State of New York regarding the reporting of accidents, all accidents, regardless of the amount of personal injury or property damage, must be reported to the taxicab medallion owner and the Department of Public Safety within 48 hours of occurrence.

- (9) *Cooperation with police:* Taxicab drivers shall not conceal any evidence of crime, nor voluntarily aid violators to escape arrest. He shall report as soon as possible to police any unlawful act connected with his vehicle or any attempt to use his vehicle to commit a crime or escape from the scene of a crime. He shall fully cooperate with the police in all official matters.

Sec. 4-15-8. Suspension, Revocation or Refusal to Renew Taxicab Operator License and Medallion License

A. Reasons for suspension, revocation or refusal to renew

The Commissioner of Public Safety, or the commissioner's designee with the approval of the Commissioner, may suspend, cancel or revoke a taxicab operator's license or taxicab medallion owner's license and may refuse to approve an application or a renewal for any of the following reasons:

- (1) *Conviction:* The conviction of the applicant or licensee of a felony or misdemeanor under the New York Penal Law of any crime or offense involving violence, dishonesty, deceit, indecency, degeneracy, moral turpitude, gambling or the illegal use, sale or possession of drugs. The Commissioner of Public Safety shall nevertheless, apply the standards for licensure and employment of persons previously convicted of one (1) or more criminal offenses embodied in Article 23-a of the Correction Law.
- (2) *False application:* If the licensee or applicant has made a material false statement or concealed a material fact in connection with the application for a license or the renewal thereof.
- (3) *Drug testing:* For taxicab drivers, upon a positive drug test result, or failure to submit to a drug test.
- (4) *Defensive Driving Course:* For taxicab drivers, failure to complete/pass a New York State Department of Motor Vehicle certified defensive driving course.
- (5) *Violations:* If the licensee has been convicted or has pled guilty to any violation of the provisions of this chapter.
- (6) *Prior revocation or suspension:* If the applicant, any officer, director, stockholder, or partner or any other person directly or indirectly interested in the application for a taxicab medallion license was the former holder, was an officer, director, partner or stockholder in a corporation or a partnership which was the former holder of a taxicab medallion license which had been revoked or suspended.
- (7) *Unfit applicant or licensee:* If the applicant, in the opinion of the Commissioner of Public Safety, is not fit to be a licensee, based upon the requirements enumerated in this chapter; or if in the opinion of the Commissioner, approval of the application is not in the best interest of the general public welfare and safety.

B. Cancellation of medallion license for nonuse

A taxicab medallion license may be canceled by the Commissioner for failure of the owner of the license to operate the licensed vehicle in the city for at least thirty-five (35) hours per week, taken over a calendar

quarter. For such periods of operation where the owner operates the vehicle pursuant to this chapter, both inside and outside the city, the time used for paid trips outside the city shall be credited as operating time under this chapter, provided the trip originated or terminated within the city. The failure of a taxicab licensee to produce the manifest records required to be maintained at a hearing provided hereunder, shall be prima facie proof of a charge of inadequate use of the license, subject to rebuttal by other evidence to be produced by the licensee at the hearing provided in this section.

C. Hearings

- (1) *Notice to licensee:* Notice of an order of suspension or revocation of a license or refusal to renew a license shall be given personally or by certified mail, return receipt requested to the licensee, directed to the address appearing on the records of the Department of Public Safety for the licensee. Said notice shall include a statement that the applicant or licensee is entitled to request a hearing provided such request is made in writing to the Commissioner of Public Safety.
- (2) *Request for hearing:* Any request for a hearing must be made in writing and given personally or by certified mail directed to the Commissioner of Public Safety. Such request shall be made within thirty (30) days from the date of personal service or service by mail of the order.
- (3) *Scheduling of hearing:* A hearing shall be conducted by the Commissioner or his designee within two (2) business days after the written request is received if such suspension or cancellation of a license was imposed with less than (7) days notice. Where notice of at least seven (7) days has been given with respect to a suspension or cancellation of a license, a hearing shall be held within seven (7) days after receipt of written request.
- (4) *Surrender of license:* In the event of a suspension, revocation or refusal to renew a license, the holder shall deliver the license and any badge issued in conjunction therewith to the Commissioner of Public Safety.

Sec. 4-15-9. Substitution of Vehicle without Transfer of Ownership

If during a calendar year, an owner licensee desires to substitute a vehicle for the one that has been licensed, he shall make application on a form provided by the Commissioner of Public Safety and pay the required inspection fee as set forth in **Section 4-15-14**. The vehicle may be substituted, provided there is furnished proof that said vehicle has within the last thirty (30) days successfully passed a NY State inspection by an authorized inspection station regardless of the time within which the vehicle would ordinarily require the inspection.

Sec. 4-15-10. Transfer of Taxicab Medallion License Ownership

A taxicab medallion license may be sold, but may not be rented or leased. The purchaser of a taxicab medallion license must present the Bill of Sale signed by both parties to the transaction as well as proof showing the source of funds to the Commissioner of Public Safety. The purchaser must then apply for a license in accordance with the requirements of this Chapter, and pay the required fee as set forth in **Section 4-15-14** to the Department of Public Safety for the cost and expense of the processing and investigation thereof. If the purchaser shall qualify for a license, a license may be issued to such new owner provided that the prior owner of such license shall consent to

the cancellation of his license so that the total number of licenses authorized to be issued under this chapter shall remain the same.

Sec. 4-15-11. Form of License and Badge

- A. *Form of license:* The license shall be in a form to be prescribed by the Department of Public Safety and shall contain thereon, as a minimum adequate identification of the driver, a photograph of the driver and the signature of the driver.
- B. *Form of badge:* Concurrent with the issuance of a taxicab operator's license there shall be issued to such approved applicant a driver's badge of such material, form and style as the Department of Public Safety may prescribe with the license number imprinted thereon which shall be the same number as on the driver's license issued hereunder.
- C. *Defaced licenses and badges:* Taxicab operator licenses and badges shall not be defaced, altered or obliterated in any way. Defaced, altered or obliterated licenses and badges shall be rendered invalid if any entry is made thereon by other than the Commissioner of Public Safety or his designee.

Sec. 4-15-12. Replacement of Lost License, Badge, Medallion Sticker or Decal

In the event that an operator's license or badge or medallion sticker or decal has been lost, destroyed, stolen, or otherwise requires physical replacement, the licensee shall complete the appropriate replacement form and pay the required replacement fee to the Department of Public Safety.

Sec. 4-15-13. Records

All records pertaining to the issuance of licenses, under this chapter and the records of all hearings conducted herein shall be maintained by the Department of Public Safety.

Sec. 4-15-14. Fees

The following fees shall be in effect as of the date of this ordinance:

Taxicab Operator's License and Annual Renewals	\$ 100.00
Taxicab Medallion License Renewals	\$ 300.00
Taxicab Vehicle Change or Company Change	\$ 50.00
Taxicab Driver Fingerprinting (includes New York State processing fee)	\$100.00
Taxi Ordinance Books	\$10.00
Replacement of Lost Badge/License/Medallion/Decal	\$ 25.00
Taxicab Medallion License Transfer of Ownership	\$1,000.00

Sec. 4-15-15. Type of Vehicles/Equipment Authorized

- A. *Vehicle type:* All taxicabs shall be of a four door sedan, station wagon or minivan type.
- B. *Seatbelts:* Every taxicab must be equipped with seatbelts for both front seat positions and all rear seat positions. All seatbelts must be clearly visible, accessible and in good working order.
- C. *Interior lighting:* All taxicabs must be equipped with operable interior lights which are set to illuminate automatically upon the opening of any of the vehicle doors.
- D. *Roof light:* A roof light is required on all taxicabs to clearly indicate to the public when a taxicab is available for hire and when the taxicab is off duty; and to provide the public with a simplified method of identification of taxicabs during all hours of expected operation.
- E. *Climate control:* All taxicabs must be equipped with operable air conditioning and heating systems.
- F. *Taximeter:* All taxicabs must be equipped with a taximeter which has been approved by the Department of Public Safety, and installed, tested, and certified by an approved and licensed New York State taximeter business. A taximeter shall not be operated from any wheel to which the power is applied but shall be geared to the transmission or main drive shaft of the taxicab by a cable in a tamperproof or sealed casing. The taximeter of each taxicab shall be so arranged and lighted that the meter will be at all times discernible and capable of being read by any passenger in the taxicab.

Sec. 4-15-16. Accessible Taxicabs

- A. An accessible taxicab is a vehicle that complies with the Americans with Disabilities Act (ADA) of 1990 and all regulations promulgated thereunder, and meets the minimum requirements of an accessible vehicle as specified by the Department of Public Safety.
- B. Owners of accessible taxicab medallions must provide an original letter from an approved vehicle manufacturer or vehicle modifier indicating that the vehicle, or the modifications made to the vehicle, have been done so in accordance with ADA regulations and specifications and the minimum requirements of an accessible vehicle, as specified by the Department of Public Safety.
- C. Taxicab drivers that will operate accessible taxicabs shall complete a passenger assistance training course from a vendor that has been approved by the Department of Public Safety and maintain certification for as long as the driver operates such vehicle.

Sec. 4-15-17. Inspections Generally

The Commissioner of Public Safety or his designee is authorized to inspect all licensed White Plains taxicabs in order to protect the public health and safety, and all such vehicles shall be made readily available to him for such inspection upon demand.

Sec. 4-15-18. Color, Emblem and Identification

- A. All licensed White Plains taxicabs shall be painted white.
- B. All lettering and numbers are to be of an approved color which contrasts with white and which shall be applied with self-stick, permanent adhesive markings.
- C. The taxicab business name or emblem and telephone number shall be applied on both the driver and front passenger doors in such a manner which shall be prescribed by the Commissioner of Public Safety.
- D. The words "White Plains, NY" shall be affixed to the driver and front passenger doors and to the rear and front of the taxicab in such a manner which shall be prescribed by the Commissioner of Public Safety.
- E. White Plains taxi decals shall be affixed to both the rear driver and passenger side doors in a manner which shall be prescribed by the Commissioner of Public Safety.
- F. The taxicab medallion number shall be affixed to the driver and front passenger doors and to the rear, front and roof of each taxicab licensed hereunder in such a manner as shall be prescribed by the Commissioner of Public Safety. The size of the taxicab medallion number shall not be less than three (3) inches in height on the rear and front of the taxicab and not less than (10) ten inches in height on the roof of the taxicab.
- G. The Commissioner of Public Safety may conduct a hearing for the purpose of resolving any dispute as to the use of a taxicab business name or emblem where such use might cause confusion as to the identity of the vehicle, the identity of the owner of the vehicle, or where the use of such business name or emblem potentially could create an unfair competition or unfair or inappropriate business practice.

Sec. 4-15-19. Taxicab Rate Schedule

- A. All White Plains medallion taxicabs shall be equipped with a certified taximeter that is in good working condition. Until such date, the Taxicab Zone and Rate Schedule put in to effect February 1, 2002 shall remain in effect.
- B. For transporting passengers the first 2/8 of a mile or less: \$4.00.
- C. For transporting passengers any distance exceeding 2/8 of a mile, there shall be a charge of \$0.25 per each additional 1/8th of a mile. There shall be a charge of two dollars (\$2.00) for every 5 minutes of waiting time.
- D. For an out-of-town trip originating or terminating within the city of White Plains, an agreed upon flat rate shall be charged inclusive of any tolls required.
- E. There shall be a surcharge of one dollar (\$1.00) for each additional passenger traveling to the same destination.
- F. For purposes of payment of fare, one child five (5) years of age or under will ride free if accompanied by an adult passenger.

- G. There shall be a surcharge of a dollar (\$1.00) per trip for trips occurring between the hours of 10:00 p.m. and 5:00 a.m. and on the following holidays: New Year's Day (January 1), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25).
- H. The taxicab medallion license owner and taxicab drivers shall display the rates of fare on a rate card provided by the Department of Public Safety as outlined in subsections A, B and C of this section. It shall be displayed in the interior portion of the vehicle in such a manner as to be visible at all times to all passengers and shall not obstruct the driver's view of the windshield.
- I. The taxicab driver who demands a greater price or rate, than determined by the meter, or as outlined in subsections A, B and C of this section shall not be entitled to receive any pay for the transportation of any passenger.

Sec. 4-15-20. Taxicab Stands

- A. *Permitted vehicles:* Only taxicabs with a White Plains Taxicab medallion may use taxi stands in the city. Any other vehicle occupying a space at a designated taxicab stand shall be in violation of this section.
- B. *Location:* The Commissioner of Public Safety, in consultation with the Transportation Commission, is hereby authorized to locate and designate taxicab stands.
- C. *Number of taxicabs at stand:* The Transportation Commission shall designate the number of such taxicabs that shall be allowed at any designated taxicab stand.
- D. *Signs:* The Parking and Traffic Department shall post suitable signs at each stand designating the number of vehicles allowed and indicating that the taxi stand is to be used solely by White Plains taxicab medallion holders.
- E. *Standing in non-designated areas:* No taxicab, while awaiting employment, shall stand on any public street or public place other than at or upon a taxicab stand designated or established in accordance with this chapter.
- F. *Placement and selection of taxicabs at taxicab stands:* Only the number of taxicabs as set forth on the official sign posted for such taxicab stand may remain at the stand while waiting for employment and then shall stand in single file only. A passenger may select any taxicab in a taxicab line without regard to the order in which the taxicabs are standing at said taxicab stand or line. As the taxicab leaves the taxicab stand, those behind the taxicab so leaving shall move forward so as to stop as near as possible to the front of the taxicab stand. No taxicab shall stand within ten (10) feet of any crosswalk, nor shall any taxicab remain unattended at any taxicab stand.
- G. *Unattended taxicabs:* A driver shall not leave his taxicab unattended while parked at an official taxicab stand.
- H. *Special Patrol Officer:* Taxicab drivers shall follow any lawful order of a Special Patrol Officer performing his or her official duties while assigned to a taxicab stand, the White Plains Transcenter, or any other location designated by the Commissioner of Public Safety.

Sec. 4-15-21. Violations

- A. A taxicab medallion owner or taxicab driver, while licensed hereunder, who violates any provision of this chapter shall, upon a guilty plea or a conviction, be punished by a fine of not more than five hundred dollars (\$500) or imprisonment not exceeding fifteen (15) days, or by both for the first violation, and by a fine of not more than one thousand dollars (\$1,000) or imprisonment not exceeding fifteen (15) days or both for a second or any subsequent violation. Each and every day such violation exists constitutes a separate and distinct violation.

- B. Any person who violates Section 4-15-3 shall upon a guilty plea or conviction be punished by a fine of up to twenty five hundred dollars (\$2500) or imprisonment not exceeding (15) days or by both.

Sec. 4-15-22. Effective Date

This act shall take effect immediately, except that the provisions of **Sec. 4-15-4 (B)(5)** shall take effect one hundred eighty days from enactment, and the provisions of **Sec. 4-15-18 (A)** shall take effect upon the next annual medallion renewal after enactment, and the provisions of **Sec. 4-15-19** shall take effect ninety days from enactment. The Taxicab Zone and Rate Schedule put in to effect February 1, 2002 shall remain in effect until such time as the provisions of **Sec. 4-15-19** become effective.

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH 707/709 WESTCHESTER AVENUE OWNER SPE LLC AND 925/1025 WESTCHESTER AVENUE OWNER SPE LLC FOR USE OF THEIR PARKING LOTS IN CONNECTION WITH THE CITY OF WHITE PLAINS INDEPENDENCE DAY FIREWORKS DISPLAY CELEBRATION.

WHEREAS, the City of White Plains desires to utilize the private parking lots located at 707/709 and 925/1025 Westchester Avenue for parking in connection with the annual fireworks display held at White Plains High School scheduled for Friday July 1, 2016 with a rain date of Wednesday, July 6, 2016; and

WHEREAS, the owners of said properties, 707/709 Westchester Avenue Owner SPE LLC and 925/1025 Westchester Avenue Owner SPE LLC are willing to allow the use of their property from 5:30 PM to 10:30 PM on July 1, 2016, with a rain date of July 6, 2016, at no cost to the City of White Plains provided the City indemnifies said owners for the use of the property; and

WHEREAS, this license agreement would appear to be in the best interests of the City; now, therefore

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor or his designee is hereby authorized to execute a revocable license agreement with 707/709 Westchester Avenue Owner SPE LLC and 925/1025 Westchester Avenue Owner SPE LLC for use of their parking lots on July 1, 2016 with a rain date of July 6,

2016 for parking purposes in connection with the City of White Plains fireworks display, for no monetary consideration, but with an appropriate indemnification provision, and upon such other terms and conditions as are in the best interest of the City, in a form to be approved by the Corporation Counsel.

Section 2. This ordinance shall take effect immediately.

ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT FUND BUDGET BY APPROPRIATING FUND BALANCE AND ALLOCATING SUCH INCREASE TO THE REHABILITATION REVOLVING FUND PROGRAM.

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. Amendment of the Community Development Fund Budget is hereby authorized to appropriate fund balance in the Community Development Rehabilitation Revolving Fund Program and to establish revenue and expenditure budgets accordingly.

Section 2. The Mayor is hereby authorized to direct the Budget Director to amend the Community Development Budget as follows:

Increase Revenues

RPRGM – 09999	Appropriate Fund Balance	\$400,000
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Increase Appropriations

RPRGM – 4.760	Rehabilitation Revolving Program Services	\$400,000
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Section 3. The Mayor is hereby authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Section 4. This ordinance shall take effect as of April 1, 2016.

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AN ORDINANCE ACCEPTING THE 2016-2017 BUDGET FOR THE WHITE PLAINS DOWNTOWN BUSINESS IMPROVEMENT DISTRICT AND DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL BASED THEREON.

WHEREAS, pursuant to Local Law No. 4 of 1997, the Common Council created the White Plains Downtown Business Improvement District, which would be operated in accordance with the White Plains Downtown Business Improvement District Plan filed in the City Clerk's office on June 23, 1997, as amended; and

WHEREAS, pursuant to Local Law No. 4 of 1997, as amended by Local Laws No. 1 of 2002 and No. 1 of 2006 the amount of the special assessments to be imposed on the properties in the White Plains Downtown Business Improvement District was to be set by the White Plains Downtown District Management Association, Inc. in an amount not to exceed \$750,000 for subsequent fiscal years; and

WHEREAS, on March 16, 2016, the White Plains Downtown Business Improvement District notified the Commissioner of Finance that Board of Directors of the White Plains Downtown District Management Association, Inc., by unanimous consent, had adopted a budget for the District requesting \$665,000 be levied as district charges for the 2016-2017 fiscal year ending June 30, 2017; now therefore

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The amount of the budget proposed by the White Plains Downtown District Management Association, Inc. is hereby accepted. The Department of Finance is directed to prepare an assessment roll in a total amount of \$665,000 based upon the District Plan of the White Plains Downtown Business Improvement District which requires the special assessment to be apportioned as detailed in Section V(B)(2) of the District Plan adopted by Local Law No. 4 of 1997.

Section 2. This ordinance shall take effect immediately.

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**White Plains Downtown Management Association
Resolution Adopted by Unanimous Consent of the Board of Directors
March 16, 2016**

WHEREAS, the White Plains Downtown District Management Association (WPDDMA) is required to submit to the City of White Plains an annual budget for the 2016-2017 fiscal year, and

WHEREAS, the WPDDMA desires to formally adopt a 2016-2017 budget, and

WHEREAS, the WPDDMA desires to keep BID Assessments at \$665,000 for the sixth year in a row,

NOW THEREFORE BE IT RESOLVED, on this 16th day of March, 2016 that the WPDDMA Board of Directors hereby approves and adopts the attached budget; and be it further,

RESOLVED, that the Executive Director of the WPDDMA is authorized and empowered in the name and on behalf of the WPDDMA, to do or cause to be done all such acts or things, and to sign and deliver, or cause to be signed and delivered, all such documents, instruments and certificates in the name and on behalf of the WPDDMA, as may be necessary, advisable or appropriate to effectuate or carry out the purposes and intent of the foregoing resolution and to perform the obligations of the WPDDMA hereunder.

FY 2016/2017 Budget**FY 16/17 Budget****Income**

4000-00 · Interest	
4000-85 · Webster Bank -50133	900.00
Total 4000-00 · Interest	<u>900.00</u>
4001-00 · Contract - City of White Plains	665,000.00
4100-00 · Special Events and Promotions	
4100-27 · Dining Guide	2,000.00
4100-60 · New Year's Eve Gala	26,000.00
4100-52 · Jazz Fest	8,000.00
4100-79 · Shop White Plains Discount Card	100.00
4100-64 · Oktoberfest	75,000.00
4100-10 · Cinco De Mayo	32,000.00
4100-55 · Lifestyle and Leisure Expo	0.00
4100-55 · White Plains Centennial Concert	2,500.00
4100-93 · White Plains Earth Week	10,000.00
4100-82 · Small Business Expo	250.00
Total 4100-00 · Special Events and Promotions	<u>155,850.00</u>
Total 4200-00 · Banner Income	940.00
Total 4203-00 · Donations	21,500.00
Total Income	<u>844,190.00</u>

Expense

5001-00 · Salaries	228,000.00
5002-00 · Employee Benefits	8,000.00
5003-00 · Insurance	0.00
5004-00 · Payroll Taxes	20,000.00
Total BID Salaries, Payroll Taxes and Benefits	<u>256,000.00</u>

FY 2016/2017 Budget**FY 16/17 Budget****5500-00 · BID Operating Expense**

5500-02 · Advertising	2,500.00
5500-04 · Bank Charges	200.00
5500-05 · Bank/Credit Card Fees	25.00
5500-11 · Computer Maintenance	2,000.00
5500-12 · Conference, Seminars & Training	1,500.00
5500-16 · Depreciation	1,000.00
5500-19 · Dues and Subscriptions	1,500.00
5500-22 · Equipment	4,000.00
5500-26 · Insurance Commercial Liability	3,500.00
5500-29 · Meals	1,000.00
5500-30 · Meetings	4,000.00
5500-31 · Miscellaneous	400.00
5500-32 · New York State- Filing Fees	200.00
5500-33 · Office Furniture	1,000.00
5500-34 · Office Supplies	3,000.00
5500-39 · Payroll - Processing & Delivery	5,000.00
5500-40 · Permits	1,000.00
5500-41 · Petty Cash	600.00
5500-42 · Postage and Fed Ex	400.00
5500-44 · Printing	500.00
5500-45 · Public Relations & Marketing	18,000.00
5500-47 · Real Estate Taxes	500.00
5500-48 · Rent and Utilities	52,000.00
5500-52 · Telephone	8,000.00
5500-48 · Travel	800.00
Total 5500-00 · BID Operating Expense	112,625.00
5501-00 · BID Operating -Professional Fees	
5500-01 · Accounting	7,500.00
5500-13 · Consultant- Other	8,000.00
5500-13 · Consultant- Graphic Design	25,000.00
5500-28 · Legal	6,000.00
Total BID Operating Expense Professional Fees	46,500.00
5600-00 · Clean Sweep Program	
5600-01 · Clean Sweep - Equipment	4,000.00
5600-02 · Clean Sweep Supplies	7,000.00
5600-03 · Clean Sweep Mthly/Maint. Costs	120,000.00
5600-04 · Gumbusters	15,000.00
Total 5600-00 · Clean Sweep Program	146,000.00
Total 5602-00 · Street Planters	15,000.00

FY 2016/2017 Budget

FY 16/17 Budget

6000-00 · BID-Special Events & Promotions

6000-03 · Art in Vacant Spaces	10,000.00
6000-11 · Cinco De Mayo	55,000.00
6000-48 · Jazz Fest	17,000.00
6000-50 · Lifestyle & Leisure	0.00
6000-53 · Movie Screening	1,000.00
6000-56 · New Years Eve Gala	47,000.00
6000-60 · Oktoberfest	72,000.00
6000-75 · St. Patrick's Day	2,000.00
6000-78 · Shop White Plains Discount Card	1,200.00
6000-79 · Shopping Promotion	4,000.00
6000-84 · Small Business Saturday	4,500.00
6000-85 · White Plains Concert	20,000.00
6000-86 · Dinner & Show Promotion	6,000.00
6000-69 · Dining Guide	10,000.00
6000-98 · White Plains Earth Week	12,500.00
6000-00 · BID Special Events and Promotions Other	600.00
Total 6000-00 · BID-Special Events & Promotions	262,800.00

Total Expense 838,925.00

Net Ordinary Income 5,265.00

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH THE NEPPERHAN COMMUNITY CENTER TO ACCEPT AN AWARD FUNDED THROUGH THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF) IN THE AMOUNT OF \$6,000 FOR THE WHITE PLAINS YOUTH BUREAU TO PARTNER WITH THE NEPPERHAN COMMUNITY CENTER TO PROVIDE HEALTHY MARRIAGE AND RELATIONSHIP SERVICES FOR THE LOWER HUDSON VALLEY HEALTHY FAMILIES AND RELATIONSHIP INITIATIVE (LHVHFR) AND TO AUTHORIZE THE BUDGET DIRECTOR TO AMEND THE FY 2015/16 YOUTH DEVELOPMENT FUND TO REFLECT THIS GRANT.

The Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. The Mayor, or his designee, is hereby authorized to enter into a contract with the Nepperhan Community Center, to accept an award, funded through the U.S. Department of Health and Human Services Administration for Children and Families (ACF), in an amount of \$6,000, for the White Plains Youth Bureau to partner with the Nepperhan Community Center to provide healthy marriage and relationship services for the Lower Hudson Valley Healthy Families and Relationship Initiative (LHVHFR). The contract period is April 1, 2016 through September 30, 2016. Said contract shall be in a form to be approved by the Corporation Counsel.

Section 2. In order to record the receipt and expenditures of these funds, the Mayor, or his designee, is hereby authorized to direct the Budget Director to amend the FY 2015 - 2016 Youth Development Fund as follows:

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Increase Estimated Revenue:

ACF16-02220	U.S. Dept of Health & Human Services	<u>\$6,000</u>
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Increase Appropriations:

ACF16-1.800	Part Time Salary	\$5,371
ACF16-2.001	FICA	411
ACF16-2.020	MTA Pr. Tax	18
ACF16-2.101	NYS Pension	<u>200</u>
	Total	<u>\$6,000</u>

Section 3. The Commissioner of Finance is hereby authorized to receive and disburse these funds for their intended purposes.

Section 4. This ordinance shall take effect as of April 1, 2016.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING AN ORDINANCE ADOPTED JANUARY 4, 2016, ENTITLED “AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE COUNTY OF WESTCHESTER (DEPARTMENT OF COMMUNITY MENTAL HEALTH) IN ORDER TO RECEIVE \$183,662 IN FUNDING TO CONTINUE THE PROJECT HOPE PROGRAM THROUGH THE NEW YORK STATE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES (OASAS) PROVIDING ALCOHOL AND SUBSTANCE PREVENTION SERVICES TO THE CITY OF WHITE PLAINS.”

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. On January 4, 2016, the Common Council of the City of White Plains adopted an ordinance accepting a grant in the amount of \$183,662 from the New York State Office of Alcoholism and Substance Abuse Services to continue its Project Hope Program, providing alcohol and substance prevention services to the City of White Plains. The contract period is from January 1, 2016 through December 31, 2016. The Substance Abuse and Mental Health Services Administration (SAMHSA) has awarded a onetime funding of \$500 to host a Town Hall Meeting on underage drinking prevention education.

Section 2. To reflect the additional \$500 in funding from SAMSHA, Section 1 of an ordinance adopted January 4, 2016, entitled “An Ordinance of the Common Council of the City of White Plains Authorizing the Mayor to Enter into a Contract with the County of Westchester

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(Department of Community Mental Health) in order to Receive \$183,662 in Funding to Continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) Providing Alcohol and Substance Prevention Services to the City of White Plains” is hereby amended to read as follows:

Section 1. The Mayor is hereby authorized to enter into a contract with the County of Westchester (Department of Community Mental Health) in order to receive funding for Project Hope through the New York State Office of Alcohol and Substance Abuse Services (OASAS) in the amount of [\$183,662] \$184,162, for the period beginning January 1, 2016 and ending December 31, 2016, to provide alcohol and substance prevention services to the City of White Plains through its Youth Bureau. Said contract shall be in a form approved by the Corporation Counsel.

Section 3. Section 2 of an ordinance adopted by the Common Council on January 4, 2016, entitled, “An Ordinance of the Common Council of the City of White Plains Authorizing the Mayor to Enter into a Contract with the County of Westchester (Department of Community Mental Health) in order to Receive \$183,662 in Funding to Continue the Project Hope Program through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) Providing Alcohol and Substance Prevention Services to the City of White Plains,” is hereby amended to read as follows:

Section 2. The Mayor is further authorized to direct the Budget Director to amend the Fiscal Year 2015/16 Youth Development Fund as follows:

Increase Estimated Revenues:

OAS16-02266	NYS OASAS	<u>[\$183,662]</u>	<u>\$184,162</u>
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Increase Appropriations:

OAS16-1.100	Appt. Salaries	\$91,046	
OAS16-1.800	Part-time Salaries	40,471	
OAS16-2.001	FICA	10,062	
OAS16-2.020	MTA PR Tax	447	
OAS16-2.101	NYS Emp. Pension	19,153	
OAS16-2.201	Employee Health Insurance	19,656	
OAS16-2.204	NYS Health Ins. Admin Charge	36	
OAS16-2.301	Dental Insurance	1,240	
OAS16-2.407	Optical Insurance	346	
OAS16-4.910	Program Supplies	420	
OAS16-4.950	Direct Services	[685]	<u>\$1,185</u>
OAS16-4.970	Travel Expenses	<u>100</u>	
		<u>[\$183,662]</u>	<u>\$184,162</u>

Section 4. All other provisions of the aforementioned ordinance adopted January 4, 2016, shall remain in full force and effect.

Section 5. This ordinance shall take effect immediately.

AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO CREATING A “LEFT TURN ON RED PROHIBITED” ON WESTCHESTER AVENUE AT SOUTH BROADWAY; MODIFYING “OVERNIGHT FLASHING OF INTERSECTION TRAFFIC CONTROL SIGNALS-UNDER COMPUTER CONTROL” FOR THE INTERSECTION OF MAMARONECK AVENUE AT MAIN STREET; MODIFYING “OVERNIGHT FLASHING OF INTERSECTION TRAFFIC CONTROL SIGNALS-UNDER COMPUTER CONTROL” FOR THE INTERSECTION OF MARTINE AVENUE AT E.J. CONROY DRIVE (CITY CENTER PARKING GARAGE DRIVEWAY); AND MODIFYING A “NO PARKING AT ANY TIME” ZONE ON THE SOUTH SIDE OF RUSSELL STREET.

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Left Turn on Red Prohibited

Section 1. Article III, Section 306-a of an ordinance adopted by the Common Council of the City of White Plains on the third day of September 1946, entitled, “An ordinance regulating traffic in the City of White Plains and providing penalties for the violations of its provisions,” as last amended on the 4th day of April 1994, is hereby amended by adding a new Subdivision 10 to read as follows:

10. Westchester Avenue & South Broadway From westbound Westchester Avenue to southbound South Broadway

Overnight Flashing of Intersection Traffic Control Signals-Under Computer Control

Section 2. Article III, Section 308-d of said ordinance, as last amended on the 3rd day of March 2014, is hereby amended by deleting Subdivisions 23 and 30 to read as follows:

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~~23. Mamaroneck Avenue and Main Street-Church Street.~~

~~30. Martine Avenue and E.J. Conroy Drive.~~

No Parking at Anytime

Section 3. Article II, Section 202, Subdivision 174 of said ordinance, as last amended on the 2nd day of April 2012, is hereby amended to read as follows:

174. Russell Street, on the southerly side, between ~~Wilson~~ Fulton Street and a point approximately 70 feet east of the easterly curb of Harding Avenue and for approximately 110 feet east from a point approximately 425 feet east of the easterly curb line of Harding Avenue, and on the north side from the east curb of Aqueduct Road to Tarrytown Road.

Section 4. This ordinance shall take effect immediately.