

INTRODUCED: 9/28/2020

REFERRED TO: Public Safety and Criminal Justice Committee

SPONSOR: Councillor Hart

DIGEST: adds Chapter 602, Charitable Distribution of Goods, to the Revised Code

SOURCE:

Initiated by: Councillor Hart

Drafted by: Toae Kim, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: 

Date: September 24, 2020

A PROPOSAL FOR A GENERAL ORDINANCE to add Chapter 602, Charitable Distribution of Goods, to the Revised Code.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Title III of the "Revised Code of the Consolidated City and County," regarding public health and welfare, hereby is amended to add Chapter 602, "Charitable Distribution of Goods," reading as follows:

CHAPTER 602 – CHARITABLE DISTRIBUTION OF GOODS

Sec. 602-101. - Application.

This chapter will take effect starting on December 1, 2020. This chapter does not apply to any political subdivision that engages in the charitable distribution of goods on that political subdivision's property.

Sec. 602-102. - Definitions.

Charitable distribution of goods means the act of distributing donations of food, clothing or other consumer goods, in a single setting, to a group of at least ten individuals in need of the donations.

Donor means a person, group or organization engaged in the charitable distribution of goods.

Donee means the recipient of a donor's charitable distribution of goods.

Sec. 602-103. - Registration required.

(a) It shall be unlawful for a person, group or organization to make a charitable distribution of goods in a public right-of-way or on public property without first being registered with the Office of Public Health and Safety ("OPHS"). For purposes of this chapter, an activity shall be considered to occur in a public right-of-way or on public property if any portion of the activity occurs in a public right-of-way or on public property, or if it foreseeably results in litter or property damage in a public right-of-way or on public property.

(b) A donor who fails to comply with this section shall be assessed a penalty of \$500 per violation.

Sec. 602-104. - Restrictions on activity.

(a) Donors shall not engage in the charitable distribution of goods, in any location and regardless of whether the donor is registered, in such a manner as to:

- (1) Impede the flow of pedestrian or vehicular traffic, or obstruct or hinder the view of pedestrians or motorists, on any street, alley, sidewalk or right-of-way;
- (2) Create an unsafe, unhealthy, or unsanitary conditions that constitute a public nuisance;
- (3) Generate litter in the immediate area surrounding the donees that is not promptly removed by the donor or donees, unless the charitable distribution of goods takes place on the donor's own property.

Donors who engage in any of the above conduct in a manner that violates existing state law or City-County ordinance may be subject to appropriate enforcement action, notwithstanding the fact that they are engaged in charitable distributions.

(b) Donors must provide to an organization designated by OPHS at least 48 hours' advance notice of the date, time, and location of planned charitable distributions that will occur in a public right-of-way or on public property. OPHS is responsible for ensuring that donors are informed of the proper point of contact for providing advance notice of such distributions in conjunction with the required registration.

(c) A donor who fails to comply with subsection (b) shall be assessed a penalty of \$500 per violation.

Sec. 602-105. - Registration information required; notification of change.

(a) A registration required by this chapter shall be filed on the forms and in the manner directed and approved by OPHS, and shall include the following:

- (1) If the donor is an individual or a group: at least one representative donor's name, address, email address, and telephone number where the donor can be reached; and
- (2) If the donor is an organization: the name, address, email address, and telephone number of the organization.

(b) During the term of the registration, the donor registered under this chapter shall notify OPHS in writing of any change in circumstances which would render the information contained in the registration incomplete or inaccurate.

(c) Registration under this chapter shall be free of charge, and all individuals or organizations providing the information required above shall be considered validly registered, regardless of the individual's or organization's identity, affiliation, or mission statement.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2020, at _____ p.m.

ATTEST:

SaRita Hughes
Clerk, City-County Council

Vop Osili
President, City-County Council

Presented by me to the Mayor this _____ day of _____, 2020.

SaRita Hughes
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2020.

Joseph H. Hogsett, Mayor