

PROPOSED LOCAL LAW NO. 3 OF YEAR 2014

**Be it enacted by the BOARD OF TRUSTEES of the
Village of WATKINS GLEN, COUNTY OF SCHUYLER, as follows:**

A local law to regulate street vendors in the Village of Watkins Glen, New York.

Section 1. Definitions

In this local law, the following definitions apply:

(a) *Street Vendor.* Any person travelling by foot, wagon, motor vehicle or any other type of conveyance from place to place, house to house or street to street or on property owned or controlled by the Village of Watkins Glen carrying, conveying, or transporting goods, wares or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who without travelling from place to place, sells or offers for sale products from a wagon, handcart, pushcart, motor vehicle, stand, conveyance or from his person who submits orders, and as a separate transaction, makes deliveries to purchasers. A "street vendor" shall include any "vendor," "peddler," "hawker," "huckster," "itinerant merchant" or "transient vendor".

(b) *Goods, Wares, Merchandise* shall include but not be limited to fruits, vegetables, garden truck, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks or any other article or thing whatsoever;

(c) *Conveyance* shall include any public or privately owned vehicle, method or means of transporting people, bicycle, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing whether or not mounted on wheels;

(d) *Streets* shall mean all that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way.

Section 2. License

It shall be unlawful for any person to engage in the business of a street vendor unless he or she has first obtained a license from the Village Clerk. All licenses will be issued according to regulations established by the Village Clerk.

(a) Each license shall show the name and address of the licensee, the type of license issued, the kind of goods to be sold, the amount of the license fee, the date of issuance, the license number, an identifying description of any vehicle or conveyance used by the licensee plus, where applicable, the motor vehicle registration number and a photograph of the licensee not less than two inches square nor more than three inches square. Each license shall also show the expiration date of the license and the vendor's plate number which is issued by the Village of Watkins Glen.

(b) Every license to vend under this local law issued after the effective date of this local law shall thereafter be issued as of the first day of January of the current calendar year and shall be effective, unless suspended or revoked, until the thirty-first day of December of the same calendar year.

Section 3. Issuance.

No license shall be issued unless:

(a) The applicant furnishes any relevant information the Village Clerk requires including but not limited to:

(.1) a physical description of the applicant, proof of identity and address, together with two photographs, of the applicant, not less than two inches square, nor more than three inches square;

(.2) a brief description of what is to be sold, and, whether produced, grown, made, manufactured or assembled by the applicant;

(.3) if employed by another the name and address of the person, firm, association, organization, company, or corporation;

(.4) if a motor vehicle is to be used, a description of it together with the motor vehicle registration number, license number;

(.5) where the applicant-vendor or his employee or attendant proposes to sell anything that is to be eaten or drunk such investigation or examination as the Village Clerk requires establishing that the applicant-vendor or his employee or attendant does not have any communicable diseases.

(b) The applicant pays the following annual license fee:

(.1) one hundred twenty-five (\$125.00) dollars for each person vending on foot;

(.2) two hundred fifty (\$250.00) dollars for each person vending by using a handcart, pushcart, horse-drawn wagon, stand or similar arrangement which is mounted on wheels but has not an internal-combustion engine;

(.3) seven hundred fifty (\$750.00) dollars for each person vending from a motor vehicle of any kind.

Section 4. Identification and License Plates

Each street vendor shall, while engaged in the business of vending under this local law be required to carry a license on his person. In addition to the license, the Village Clerk shall issue a license plate and an identification badge to each vendor. The license plate shall bear the word "Vendor," the year for which issued, the number of license plate issued by the Village Clerk, which shall correspond to the number which appears on the vendor's license, and the name of the licensee. The word "Vendor" and the license plate number shall be of uniform size and plainly discernible. The license plate shall be attached by the vendor to the conveyance used in a place which is clearly visible to the public. While engaging in the business of vending, every vendor shall wear a badge conspicuously on the right breast of the outer garment. The badge shall be of the shape, size and style prescribed by the Village Clerk having engraved or embossed thereon the word "Vendor," the number of the license and the words "Village of Watkins Glen." The color of the identification badge and license plate shall be changed at the beginning of each calendar year, however both shall be the same color for any one year. Identification badges, license plates and licenses shall be used only by the person to whom they were issued or his employee and may not under any circumstances be transferred to any other person.

Section 5. Business Address or Residence

The Village Clerk shall be notified of any change in business address or residence within 30 days, by notice either in writing or in person.

Section 6. Compliance

All licenses shall be conditioned on continued compliance with the provisions of the New York State Health Code where applicable as well as with the provisions of this local law.

Section 7. Prohibited conduct

No vendor or person, except for a not-for-profit corporation with special approval from the Village Board of Trustees, shall:

(a) stop, stand or park any vehicle, wagon, pushcart or any other conveyance upon any street for the purpose of selling, or sell on any street under any circumstances during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by the New York State Motor Vehicle Code, or Village Local Law;

(b) stop, stand or park his vehicle or conveyance on a street nor permit it to remain there except on the roadway at the curb for the purpose of selling goods, wares, and merchandise therefrom.

(c) stop, stand, park, place nor allow his conveyance closer than thirty feet from any other conveyance being used by any other vendor;

(d) conduct himself or his business in such a way as would restrict or interfere with the ingress or egress of the abutting owner or tenant or to create or become a nuisance, or increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, or sanitation vehicles;

(e) sell any goods, wares or merchandise on streets which have been or shall be hereafter so designated by the Board of Trustees of the Village of Watkins Glen;

(f) sell food, drinks, ice cream or confections of any kind for immediate consumption unless he has available for public use his own litter receptacle, which shall be clearly marked and maintained for his patrons' use nor shall any vendor leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by him;

(g) use a handcart or pushcart the dimensions of which exceed four feet in width, eight feet in length and eight feet in height;

(h) use any conveyance, device or thing whatsoever which, when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, his employee or attendant;

(i) set up, maintain or permit the use of any tables, crates, cartons, racks, devices or thing of any kind or description to increase the selling or display capacity of his conveyance, cart or vehicle;

(j) sell any merchandise or any other article or thing whatsoever on any street where sidewalk sales are prohibited under any ordinances of this local Law;

(k) leave any conveyance unattended at any time or store, park, or leave same overnight on any Village sidewalk, nor park, store or leave any vehicle other than in a lawful parking place;

(l) engage in the business of vending between 10 PM and 8 AM on Sundays through Thursday, and from 11 PM and 8 AM on Fridays and Saturdays.

(m) sell any merchandise or any other article or thing whatsoever on any property owned or controlled by the Village of Watkins Glen, except for streets, unless permission has been expressly granted by the Village of Watkins Glen.

Section 9. Penalties

(a) The penalty for violation of any provision of this local law shall be \$1,000.00. Each day of violation shall be deemed a separate offense.

(b) In addition to the penalties contained in Local Law, any license issued under this local law may be suspended or revoked for any of the following reasons:

(.1) fraud, misrepresentation or knowingly false statement contained in the application for the license;

(.2) fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending;

(.3) conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace or constitute a danger to the public health, safety, welfare or morals or interfering with the rights of abutting property owners.

Section 10. Construction

No part of this section or the local law itself shall be construed to be in amplification or derogation of the rights or responsibilities of abutting property owners. Any remedy, rights or obligations provided to such owners of property or their successors in interest under the law of Real Property or the Laws of the State of New York shall be in addition to the remedies, rights, obligations or penalties provided hereunder.

Section 11. Severability

Each of the provisions of this local law is severable, and if any provision is held invalid, the remaining provisions shall not be affected, but shall remain in full force and effect.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2014 of the ~~(County)~~(City)(Town)(Village) of Watkins Glen was duly passed by the Board of Trustees on August 4, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph-----1-----, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

Donna J. Beardsley, Village Clerk

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SCHUYLER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature David H. Ealy

Village Attorney
Title

~~County~~
City of Watkins Glen
~~Town~~
Village

Date: _____