

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of BEEKMAN

Local Law No. 1 of the year 2017

A local law ESTABLISHING CHAPTER 113 ENTITLED "PEDDLING AND SOLICITING"
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of BEEKMAN as follows:

AS ATTACHED HEREWITH

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 1 of 2017 of the ~~(County)(City)(Town)(Village)~~ of BEEKMAN was duly passed by the TOWN BOARD on MAY 3 2017, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 2017, in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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.

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) *(Name of Legislative Body)* (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.

* 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.)

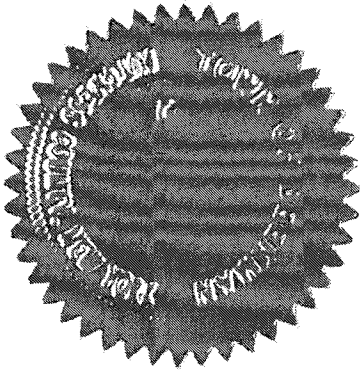
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule 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.

[Handwritten Signature]
Clerk of the County Legislative Body or Town of Village Clerk or
officer designated by local legislative body

Date: *May 4, 2017*



TOWN OF BEEKMAN
LOCAL LAW NO. ___ - 2017

Be it enacted by the Town Board of the Town of Beekman as follows:

§ 113-1. Title.

The name of this chapter shall be entitled "Peddling and Soliciting."

§ 113-2. Statutory authorization.

This chapter is adopted pursuant to the authority granted to the Town of Beekman pursuant to Town Law §§ 136, Subdivision 1, and 137; Vehicle and Traffic Law § 1157 (c); and General Business Law §§ 32 and 35.

§ 113-3. Statement of findings; intent.

A. The Town of Beekman finds that there has been a major increase in the number of solicitors and peddlers of a transient, stationary and semistationary nature, selling their goods and wares door-to-door from vehicles and stands on vacant and improved land and on the public highways in the Town.

B. This increase of transient solicitors and peddlers and those who establish themselves at fixed locations creates a potential danger to the health, safety and general welfare of the citizens of the Town. The problems created include increased traffic, congestion and parking problems.

C. This chapter is intended to be an expression of the police power of the Town and is not intended to be a revenue measure.

§ 113-4. Definitions.

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

LICENSEE

A person to whom a license has been issued pursuant to this chapter.

PEDDLER

Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods, merchandise or services on any public street or sidewalk from a stand, motor vehicle or from his or her person, or one who goes upon the premises of any residence in the Town, not having been invited by the occupant thereof, selling or offering to sell food, beverages, goods merchandise or services.

PUBLIC STREET OR SIDEWALK

Includes all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys and any other public way, but excludes any areas contained in a Town park or recreation area.

SOLICITOR

Any person, including an employee or agent of another, who takes or offers to take orders for the sale of any goods, wares or merchandise for future delivery, or for the performance of future services, or distributes advertising material or solicits information which will be provided to others, or requests a contribution of money or anything of value, on any public street or sidewalk, or upon premises of any residence in the Town not having been invited by the occupant thereof.

STAND

Any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the New York State Department of Motor Vehicles, used for the display, storage or transportation of articles offered for sale by a peddler or solicitor.

STATIONARY PEDDLER

Any Peddler who stands or remains in one location or within 200 feet of said location for more than 10 minutes in any twenty-four-hour period.

§ 113-5. License required.

It shall be unlawful for any person, except as exempted herein, to engage in activity as a peddler or solicitor within the Town of Beekman, without first obtaining a license from the Town Clerk, as herein provided.

§ 113-6. Exemptions.

A. No part of this chapter shall be enforced so as to conflict with Article 4 of the New York State General Business Law.

B. The requirements of this Chapter shall not apply to the following, provided that official uniforms, clothing, insignia or other identifications are displayed:

1. Representatives of any not-for-profit religious, charitable, educational, civic or political organization.
2. Any non-for-profit membership, organization, or corporation such as the Boy Scouts of America, Girl Scouts of America, Little League, Soccer League, Football League, local volunteer firemen or similar such organizations.
3. Candidates for elective office or their representatives.

C. Nothing in this chapter shall be held to apply to:

1. Sales conducted pursuant to statute or by order of any court.

§ 113-7. License application requirements.

A. An application for a license or for a renewal thereof shall be made to the Town Clerk, in writing, and shall contain the following information:

1. Name, age, telephone number, permanent address and current address, if different, of the applicant.
2. A description of the nature of the business or activity to be conducted and the food, beverages, goods, merchandise or services to be peddled or solicited.
3. If an employee or agent of another, the name and address of the applicant's employer or principal, together with proof of employment or agency. If such employer or principal is a corporation, the state of incorporation, together with a statement that the corporation is in good standing with the state of incorporation.
4. The names of all municipalities in which the applicant has carried on the business of peddler or solicitor in the preceding six months.
5. If a vehicle is to be used, a description of such vehicle, its license plate number, state of registration and operator license number.
6. A photocopy of the applicant taken within 60 days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure approximately two inches by two inches.
7. If the application is for a license to sell or handle food in any form, a valid permit issued by the Dutchess County Health Department establishing compliance with the provisions of the Dutchess County Public Health Regulations.
8. If the applicant requires the use of weighing and/or measuring devices, a certificate, not more than six months old, from the Dutchess County Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.
9. Proof of workers compensation insurance naming the Town as an additional insured or an affidavit of exemption in an amount sufficient to cover applicant and any employees.
10. A waive and release on a form prescribed by the Town permitting the Town to conduct a background check on applicant.
11. A copy of any license or permit required by any other governmental agency in connection with the applicant's business.

B. The application shall be accompanied by an application/renewal fee as established by resolution of the Town Board, which shall be nonrefundable.

C. Any change in circumstances with regard to the information provided in the application or on the license shall be reported to the Town Clerk within 30 days of such change.

§ 113-8. License application procedure.

A. An application to solicit or peddle accompanied by all required information shall be submitted to the Beekman Town Clerk.

B. The Town Clerk shall review the application within 45 days of its receipt for compliance with this Chapter and either approve or disapprove such application.

C. If approved, the Town Clerk shall, after payment of the appropriate fee and all requirements are satisfied, issue a license.

D. Denial of a license shall be subject to review by the Town Board, upon written application within 30 days of the date of the denial. If the Town Board, after such review, grants the application, such application shall be returned to the Town Clerk or authorized deputy.

§ 113-9. Fees.

A. An applicant for a license issued pursuant to this chapter shall pay an annual license fee as set by resolution of the Town Board.

§ 113-10. License production and display.

A. Every licensee, while engaged in the activity for which a license was issued pursuant to this chapter, shall carry on his or her person such license and shall exhibit such license to any person upon request.

B. If a license issued pursuant to this chapter is lost or stolen, such loss shall be reported to the Town Clerk within 10 days of discovery of such loss or theft. Upon such notification, the Town Clerk shall issue a replacement license for a fee as set by resolution of the Town Board, to be collected by the Town Clerk.

§ 113-11. Transferability.

No license issued pursuant to this chapter shall be used or displayed at any time by any person other than the person whose name and picture appear on such license.

§ 113-12. Restrictions.

A. Restricted and prohibited locations:

1. Pursuant to §§157(c), 1202 and 1800 of the New York State Vehicle and Traffic Law, no licensee shall occupy any part of a state highway in any manner for the purpose of peddling or soliciting, except a veteran holding a license issued pursuant to Article 4 of the New York State General Business Law.
2. No licensee shall, while engaged in the activity for which a license was issued pursuant to this Chapter, stand or remain:
 - a. Within 100 feet of any public street intersection.
 - b. On any public sidewalk.
 - c. Within 250 feet of any commercial establishment which sells like goods, public building, government building, premises occupied as a public or private school or college or used for such purposes, or premises primarily used for religious purposes.
3. No stationary peddler shall engage in the activity for which a license was issued pursuant to this Chapter in a residential district as defined in Chapter 155, Zoning.
4. No licensee shall have any exclusive right to any location in the public streets nor shall a licensee be permitted to operate in a congested area where such operation impedes access to the entrance of an adjacent building or driveway, on the paved portion of any public highway, obstruct traffic flow, or otherwise create circumstances which would endanger the public health, safety and welfare of the traveling public. For the purpose of this Chapter, the judgment of any police officer or of the Building Inspector or Zoning Administrator of the Town of Beekman exercised in good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

B. All licenses will be automatically suspended on any occasion or special event sponsored by the Town of Beekman and/or County of Dutchess (example: Community Day). Violations will be as stated in § 113-14 of this chapter.

C. Use of Signs and Displays.

1. It shall be lawful for a licensee to use signs which are painted on or affixed to licensee's vehicle, provided that such signs do not exceed the dimensions of the vehicle on which they are placed and such vehicle can be driven safely with the signs as affixed. Such permitted signs shall be exempt from the provisions of the Town of Beekman Zoning Law. The use of other movable, portable and/or freestanding signs by licensees shall be prohibited.
2. No licensee shall display food, beverages, goods or merchandise except upon the licensee's person or in the vehicle used in the activity for which a license was issued pursuant to this chapter.

D. Other restrictions. A licensee shall be responsible for the cleanup of any debris resulting from the conduct of the licensee's business.

§ 113-14. Penalties for offenses.

Any person, firm or corporation who or which shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall be guilty of a violation and shall, for a first or second offense, be punished by a fine not to exceed \$250. For a third offense or more, the violator shall be punished by a fine in the amount not to exceed \$1000 or imprisonment for not more than 15 days, or both. Each day on which such violation continues shall constitute a separate offense.

§ 113-15. Revocation of license.

A. Any license issued pursuant to this chapter may be revoked by the Town Board, due to violation of this chapter, after written notice and an opportunity to be heard.

B. The Town Clerk, upon receiving information giving reasonable cause to believe that a licensee has violated any provision of this chapter, may temporarily suspend such license, after written notice and an opportunity to be heard.

§ 113-16. License Period.

A license issued pursuant to this chapter shall expire on the day next preceding one year after the date of issuance.

§ 113-17. Renewal.

A. An application to renew a license shall be determined in accordance with § 113-8 of this chapter. In addition, the Town Clerk shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this chapter.

B. License renewal applications shall be made in person to the Town Clerk, who shall issue the same in accordance with the terms of this chapter.