

(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.

Town of Brookhaven

Local Law No. 10 of the year 2023

A local Law amending Chapter 66 of the Town Code of the Town of Brookhaven entitled "Peddlers"

Be enacted by the Town Board of the Town of Brookhaven as follows:

§ 36-12 Revocation, and Suspension.

A. Licenses issued under the provisions of this chapter may be revoked by a panel consisting of the Commissioner of the Department of Public Safety, the Town Clerk and the Town Attorney, or their designees, after notice of hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for a license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on business as a peddler.
- (3) Any violation of this chapter.
- (4) Conviction of a felony offense or conviction of a misdemeanor offense involving:
 - (a) The reckless use of a vehicle by the applicant.
 - (b) The manufacture, knowing transportation, possession, sale or habitual use of amphetamine, a narcotic drug, a formulation of an amphetamine or a derivative of a narcotic drug.
 - (c) The operating a vehicle while under the influence of alcohol, an amphetamine, a narcotic drug, marijuana, a formulation of an amphetamine or a derivative of a narcotic drug.
 - (d) Leaving the scene of an accident.
 - (e) A crime against or involving children.
 - (f) Fraud or misrepresentation.
 - (g) Theft.
 - (h) Assault and battery.
 - (i) A Sexual offense.

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

(5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(6) Upon the recommendation of the Suffolk County Department of Health that the sale of food or food products or other edibles is being conducted under unsanitary conditions or that there is a violation of law, regulation, code or ordinance cited by the Suffolk County Department of Health.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

C. In addition to the foregoing, the Town Clerk may forthwith temporarily suspend any license issued pursuant to this chapter upon receiving information giving reasonable cause to believe that any licensee hereunder has either violated this chapter by an act involving physical abuse, threats, intimidation or harassment or has been convicted of any violation of this chapter or of any crime or offense endangering the peace, safety, health or general welfare of the inhabitants of this Town. Within thirty (30) days after such suspension, the Town Clerk or designee of same shall conduct a hearing and issue a determination as to whether the license shall be revoked or reinstated. If such hearing or determination is not made within said thirty-day period, the license shall be restored automatically.

Section 3. Authority. The Town Board is vested with the authority to make these amendments pursuant to Town Law Sections 130(7)(11)(15) and 136(1) and in conformance with Municipal Home Rule Law Sections 10 and 20. The Town Board hereby intends to supersede Town Law § 268 and any other statute or local law to the extent necessary to increase the minimum and maximum penalties and is vested with the authority to supersede same pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3).

Section 4. Effective date. This local law shall become effective immediately upon filing with the Secretary of State of the State of New York.

Dated: November 16, 2023
Farmingville, New York



Kevin J. LaValle, Town Clerk
Town of Brookhaven

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