

**CITY OF PORT JERVIS
INTRODUCTORY LOCAL LAW NO. 4 OF 2023**

**A LOCAL LAW AMENDING CHAPTER 403 OF THE CODE OF THE CITY OF PORT
JERVIS ENTITLED “PEDDLING AND SOLICITING”**

Be it enacted by the Common Council of the City of Port Jervis, County of Orange, State of New York, as follows:

Section 1. Statement of Intent

To further the health, safety and general welfare of the public, the Common Council of the City of Port Jervis finds it necessary to amend the City Code to change the background check requirements that every permit applicant must satisfy to obtain a peddling and soliciting permit. The prior law required a BCI Background Check and the Common Council has determined that a standard background check will be sufficient.

Section 2. Amendment of City Code, Chapter 403.

City of Port Jervis Code, Chapter 403 is hereby amended as follows:

Section 403-6(A)(5) is hereby repealed and replaced with the following:

- (5) A list of crimes for which the applicant has been arrested or convicted, including dates and places. The applicant shall be subject to a background check to be performed by the Office of the City Clerk-Treasurer at the applicant’s expense. The applicant shall provide a signed waiver whereby applicant agrees to allow the City to obtain a name/date of birth background check on the applicant for purposes of properly enforcing this chapter. By submitting such a waiver, the applicant understands that the results of said background check may form the basis for a denial of a permit under this chapter.

Section 3. Separability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. **Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.