

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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(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~~ of Cape Vincent
~~Town~~
Village

Local Law No. 2 of the year 19⁹⁹

A local law regulating vendors
(Insert Title)

Be it enacted by the Village Board of the

~~County~~
~~City~~ of Cape Vincent as follows:
~~Town~~
Village

Article 1. - Statement of Authority. The Board of Trustees of the Village of Cape Vincent, pursuant to the authority granted it under Article 4 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Board of Trustees of the Village of Cape Vincent, in reviewing its existing peddling and hawking ordinance, has found that such law is insufficient to regulate vendors from selling products on public property. This includes the Village park and other places within the Village. The Board wishes to regulate the sale of products on Village property and provide for not-for-profit groups to use public property at special events for this. The Board of Trustees of the Village of Cape Vincent hereby finds that it would be beneficial to the residents of the Village to allow not-for-profit groups some exceptions by special permission of the Village Board to sell products, including food products at Village properties for special events. It is the purpose of this local law to do so.

Article 3. - Enactment. The Board of Trustees of the Village of Cape Vincent hereby amends its peddling ordinance and as amended, re-states it as follows:

- 1) a) No corporation, person, or persons residing either inside or outside of the Village of Cape Vincent, New York shall hawk or peddle any goods, wares, merchandise or other commodities in the Village of Cape Vincent without first procuring a license

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

therefrom from the Mayor of the Village countersigned by the Village Clerk, authorizing such hawking and peddling.

- b) No person, firm or corporation shall hawk, peddle, sell or dispose of any goods, ware or merchandise, food or food products or personal property of any kind or description or engage in the business of hawking or peddling any goods, wares, or merchandise of any description from any wagon, cart, car, pack, booth or stand or in any manner whatsoever on any street or public place in the Village of Cape Vincent, including sidewalks, docks, wharfs, boat launches, parks, except that not-for-profit groups may apply for a special permit from the Board of Trustees of the Village of Cape Vincent to hawk or peddle on public property for special events. Any such request shall be specific as to the date, time and place, the nature of the goods, wares, merchandise, food products, or other personal property being sold and shall be limited to the specific event requested.
- c) These restrictions shall not apply to:
- i) the sale of farm produce within the Village on private property; or
 - ii) to any honorably discharged soldier, sailor or marine who may be crippled as a result of injuries received while in the military or naval service of the United States and is therefore a holder of a license pursuant to Section 32 of the General Business Law.
- 2) Definitions. Peddler is a person commonly referred to either as a peddler or a hawker who goes from place to place traveling on the streets or from house to house and carries with him goods, wares, merchandise, food, or food products for the purpose of selling and delivering them to consumers.
- 3) License Fee. A license fee is hereby fixed for any hawking or peddling, other than not-for-profit groups as set forth in Section 1 b above at the rate of \$50.00 per individual motor vehicle and a rate of \$10.00 for each and every other individual without motor vehicle. Such license shall expire on the thirty-first day of December each year after the date of issue.
- 4) Penalties. Any person, firm, or corporation violating the terms of this local law shall, upon conviction, be

punishable by a fine of not less than \$25.00 nor more than \$150.00 for the first such offense and by a fine of not less than \$75.00 nor more than \$250.00 for any second or subsequent offense within a three year period. Each day a violation continues shall be considered a new and separate offense.

Article 4. Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 5. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.