

At a regular meeting of the Town Board of the Town of Hume, County of Allegany, State of New York, held at the Wide Awake Club Library located at 22 North Genesee Street, Fillmore, New York, on March 9, 2016 at 7:00 P.M. there were

PRESENT: Dennis Ricketts, Supervisor
Darlene Mason, Deputy Supervisor/Councilperson
Chris Austin, Councilperson
Dennis Miller, Councilperson
Bruce Hinz, Councilperson

ABSENT: None

ALSO PRESENT: Susan Bodnar, Town Clerk,
David T. Pullen, Town Attorney

A public hearing was held before the Town Board at 7:00 P.M. to hear all persons interested in the matter of the adoption of the Introductory Local Law No. 1 of 2016, entitled "A Local Law to Regulate Vendors, Peddlers and Solicitors in the Town of Hume." The Supervisor explained how the proposed local law would operate and the reasons why the Town Board is considering adopting it. The Board members answered questions from those present for the public hearing. Following the question and answer period, the Supervisor declared the public hearing to be closed.

Following the close of the public hearing the Town Board considered the adoption of the proposed local law for which the public hearing had earlier been held. After considering and addressing all comments, both in opposition and in support of the proposed local law, the Supervisor asked for a motion that the proposed resolution be adopted. The following resolution was offered by CHRISTOPHER AUSTIN, who moved its adoption, and seconded by Darlene Mason.

WHEREAS, the Town Board of the Town of Hume has determined that the adoption of this local law is necessary for the purpose of regulating vendors, peddlers and solicitors within the Town of Hume, requiring that such individuals obtain a license, and establishing regulations for conducting such activities, and

WHEREAS, the Town Board believes that it is in the best interests of the Town to adopt proposed Local Law No. 1 of 2016, which will regulate vendors, peddlers and solicitors within the Town of Hume, requiring that such individuals obtain a license, and establishing regulations for conducting such activities, and

WHEREAS, the said proposed local law shall be effective upon filing as required by law;

NOW THEREFORE BE IT:

RESOLVED AND DETERMINED, that the Town of Hume adopt proposed Local Law No.1 of 2016, to be identified as Local Law No. 1 of 2016 and entitled "A Local Law to Regulate Vendors, Peddlers and Solicitors in the Town of Hume", a copy of such local law being annexed hereto and incorporated into this resolution as though set out in full.

The Supervisor asked if there was any further discussion. There being no further discussion the Supervisor put the matter to a roll call vote which resulted as follows:

Dennis Ricketts voting YES

Darlene Mason voting YES

Chris Austin voting YES

Dennis Miller voting YES

Bruce Hinz voting YES

The Supervisor declared the Local Law to be duly adopted and directed the Town Clerk and Town Attorney to file the local law with the Department of State as quickly as possible.

STATE OF NEW YORK }
 }
 } SS.:
COUNTY OF ALLEGANY }

I, the undersigned, SUSAN BODNAR, Town Clerk of the Town of Hume, Allegany County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the said Town Board including the resolution contained therein, held on March 9, 2016, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting, and that, pursuant to Section 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
Wellsville Daily Reporter	2-25-16

and that further notice of the time and place of such meeting was given to the public by posting such notice in the following places on the following dates, and by giving such notice as follows:

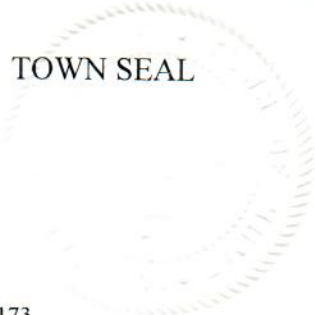
<u>Location of posted notice</u>	<u>Date given</u>
Town Clerk's Bulletin Board	2-25-16
Town Web Site	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town of Hume this date, March 10, 2016.

TOWN SEAL



SUSAN BODNAR
Town Clerk
Town of Hume



A LOCAL LAW TO REGULATE VENDORS, PEDDLERS AND SOLICITORS IN THE TOWN OF HUME

Section 1. Hawking, vending, peddling, and soliciting.

- A. No person, corporation or organization shall peddle, hawk, display, sell or offer to sell, solicit orders for, or cry any goods, wares, magazines, merchandise or any other saleable commodity, services, labor or utility upon any sidewalk, street, highway or public place or at any private home, dwelling, apartment, hotel, motel, store or other place of business, without first obtaining a permit or license therefore signed by the town clerk.
- B. Such license shall state the name of the originator, the name of the person, firm, corporation or organization to whom it is issued, the purpose for which it is issued, the number of persons involved and their names and the period of time for which it is granted, which shall not exceed six (6) months.
- C. The fee for such license is twenty five dollars (\$25.00).

Section 2. Application Requirements.

Every applicant for a license under this local law shall file with the town clerk a sworn written application on a form to be furnished by said clerk, which shall give or be accompanied by the following:

- A. Name and description of the applicant.
- B. Permanent home address and full local address of the applicant.
- C. A brief statement of the nature of the business and a description of the merchandise or service to be sold.
- D. If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- E. The length of time for which the license is desired, which shall not exceed six (6) months.
- F. If a vehicle is to be used, a description of such vehicle and its license number.
- G. An agreement by the applicant that the Town of Hume may perform a criminal background check.

- H. The place where the goods or property to be sold or offered for sale are manufactured or produced, where such goods or property are located at the time such application is filed and the proposed method of delivery.
- I. A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance or local law, the nature of the offense and the punishment or penalty assessed therefore.

Section 3. Control.

The Town Board shall have complete discretion to grant or withhold such licenses. If granted, said licenses shall be signed by the Town Supervisor or the Town Clerk. Such licenses may be suspended by the Town Supervisor or any member of the Town Board until the Town Board can meet and such licenses can be revoked by the Town Board after a hearing called and conducted as provided in Section 8.

Section 4. Exemptions.

- A. No part of this local law shall be enforced so as to conflict with Article 4, Section 32 of the General Business Law of the State of New York, providing for exemption for veterans.
- B. The requirements of this local law shall not apply to the following, provided that official uniforms, clothing or other suitable identification is displayed:
 - 1. Any recognized nonprofit religious, charitable, educational, civic or political organization.
 - 2. Any such organization as the Boy Scouts, Girl Scouts or local volunteer service organization.
 - 3. Any town-sponsored or community-organized events.
- C. Nothing in this local law shall be held to apply to:
 - 1. Sales conducted pursuant to statute or by order of any court.
 - 2. Persons selling personal property at wholesale to dealers in such articles.
 - 3. Merchants having an established place of business within the town, or their employees, provided such sales are conducted at such merchants' regular place of business.
 - 4. The peddling of meats, fish, fruit and similar produce by farmers and persons who produce such commodities that reside in the county or local area.
 - 5. Dealers in milk, baked goods, and daily newspapers.
 - 6. Sales or activities conducted on a "town-wide" basis pursuant to a town-wide permit issued by the Town Board.

Section 5. License Conditions.

- A. A license shall not be assignable. Any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person, shall be guilty of an offense against this local law.
- B. Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand to any police officer or citizen.

Section 6. Records.

It shall be the duty of the town clerk to keep a record of all applications and all licenses granted under the provisions of this local law, including the number and date of each license, the name and residence of the persons licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

Section 7. Restrictions. A licensed hawker, peddler or solicitor shall:

- A. Not engage in such business at any time between the hours of 8:00 P.M. and 9:00 A.M.
- B. Not wilfully misstate the quantity or quality of any article offered for sale.
- C. Not offer for sale any unwholesome, tainted, deleterious or diseased provisions or merchandise.
- D. Keep the vehicles and receptacles used by him or her in a clean and sanitary condition and any foodstuffs and edibles offered for sale well-covered and protected from dirt, dust and insects.
- E. Not call attention to his goods by blowing a horn, by ringing a bell other than a doorbell, by shouting or crying out or by any loud or unusual noises.
- F. Not create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.
- G. Not sell confectionery or ice cream within five hundred (500) feet of any school between the hours of 8:00 A.M. and 4:00 P.M. on school days.
- H. Immediately leave the private property upon request of the property owner or any authorized guest, tenant or occupant of owner.

Section 8. Revocations, Hearings.

- A. Basis. Licenses issued under the provisions of this local law may be revoked by the town board after notice and hearing for any of the following causes:
 - 1. Fraud, misrepresentation or false statements contained in the application for a license.

2. Fraud, misrepresentation or false statements made in the course of carrying on his business as a hawker, peddler or solicitor.
 3. Any violation of this local law.
 4. Conviction of any crime involving moral turpitude.
 5. Conducting the business of peddling, hawking or soliciting 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.
- B. Notice of hearing for revocation of a license shall be given in writing setting forth specifically the grounds which are the basis for the complaint and the time and place of hearing. Such notice shall be mailed to the licensee at the address listed in the application for such license at least five (5) days prior to the date set for hearing.

Section 9. Signs.

Appropriate signs, as the town board shall deem necessary, may be erected by the highway department of the town at such places within the town as the town board directs, advising of the existence of this local law.

Section 10. Penalties for Offense.

Any person committing an offense against any provision of this local law shall, upon conviction thereof, be guilty of a violation punishable by a fine not exceeding two hundred and fifty dollars (\$250.00) or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment. The continuation of any offense against the provisions of this local law shall constitute for each day the offense is continued, a separate and distinct offense hereunder.

Section 11. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph, section or part of this local law.

Section 12. When Effective.

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.