

TOWN OF PLATTSBURGH
OFFICE OF THE TOWN CLERK
151 BANKER ROAD PLATTSBURGH, NY 12901

Phone: (518) 562-6830 Fax: (518) 563-8396

APPLICATION FOR SOLICITORS, PEDDLERS AND TRANSIENT RETAIL MERCHANTS

Pursuant to Local Law NO.2 of the Year 2014, the following information is submitted for a permit.

\$150.00

\$100.00

Applicant's Name

Application Fee

License Fee

Residential Address

Date Paid

City State Zip

Applicant's Phone No.

Firm's Name

Firm's Phone No.

Address

Other names this firm operates under for public recognition: _____

Please read attached, then list all documentation that is submitted with this application:

Brief description of your business:

Location within the Town of Plattsburgh where this sales event will be held.

Time frame that business will be conducted:

Will signage be used with this sales event? Yes _____ No _____

If yes, the applicant must submit an application for signage to the Codes Department in accordance with the Town Ordinance.

If required, has a copy of Worker's Compensation been submitted? Yes _____ No _____

(STATE OF NEW YORK) ss:

(COUNTY OF CLINTON)

Deponent, being duly sworn, says that he/she is the owner or authorized agent for which the foregoing application is proposed, and that he/she is duly authorized to perform such work, and that all workmen to be employed are covered by contract or compensation insurance, and that all work will be performed in accordance with all existing State Laws and Local Ordinances. I further state that all information is true and correct to the best of my knowledge.

Signature of Applicant

Sworn to this ____ day of _____, 20__

Notary Public

() Approved () Denied: For the following reasons:

Date: By: _____ Town Clerk

WHEREAS. the Town Board. On July 7, 2014, duly adopted Town of Plattsburgh Local Law No 2 of the year 2014 entitled "A local law regarding the regulating and licensing of peddlers, solicitors and transient retail merchants in the town of Plattsburgh, and said local law became effective upon its filing in the Office of the Secretary of State; and

WHEREAS. the Town Board reserved to itself the list of fees to be paid by each applicant for the issuance of a license by, the town clerk of the town; now, therefore it is

RESOLVED . that until further action of the Town Board, the following fee schedule shall be in effect for said local law no. 2 of the 2014:

FEE SCHEDULE

FOR

PEDDLERS, SOLICITORS AND TRANSIENT RETAIL MERCHANTS (UNDER TOWN OF PLATISBURGH LOCAL LAW NO 2 OF THE YEAR 2014 ENTITLED "A LOCAL LAW REGARDING THE REGULATING AND LICENSING OF PEDDLERS, SOLICITORS AND TRANSIENT RETAIL MERCHANTS IN THE TOWN OF PLATISBURGH"):

- A. A nonrefundable fee of \$150.00 for each application under said Local Law No.2 of the year 2014 shall be paid to the Town Clerk at the time of submitting each application.
- B. A fee of \$100.00 for thirty consecutive days the license shall be paid to the Town Clerk at the time of submitting each application.
- C. The license fee to be paid for each consecutive month the license is renewed shall be the sum of \$100 to be paid to the Town Clerk prior to the commencement of the renewal month. The original one-month license shall not be eligible for renewal beyond the end of the eleventh consecutive month following the initial month.

Local Law No 2 of the year 2014
Town of Plattsburgh, County of Clinton

**A LOCAL LAW IN RELATION TO PEDDLING, SOLICITING
AND TRANSIENT RETAIL MERCHANTS.**

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

SECTION 1. TITLE

"A local law regarding the regulating and licensing of peddlers, solicitors and transient retail merchants in the Town of Plattsburgh."

SECTION 2. LEGISLATIVE INTENT

This Local Law is enacted for the purpose of regulating the conduct and business practices of transient vendors within the Town of Plattsburgh.

SECTION 3. DEFINITIONS

- A. The word "person" as used herein shall be construed to mean an individual, firm, partnership, corporation, voluntary association, incorporated association and principal or agent thereof.
- B. A "peddler" is any person who, in any public street or public place, on foot, or from any non-motorized vehicle standing in a street, offers for sale or barter, or carries or exposes for sale or barter, any goods, wares, merchandise, food or service.
- C. A "solicitor" is a person doing business through the act of selling, offering for sale, soliciting orders for future sales or demonstrating or making estimates of services, merchandise, works of art, or goods of any kind, meats, seafood, vegetables or fruits by going from house to house, and not by remaining stationary in any private or public place or motor vehicle for the purpose of making or soliciting sales or demonstrating or making estimates of services to the general public.
- D. A "transient vendor" is a person who engages or proposes to engage in a transient retail business.
- E. A "transient retail business" is one conducted in a store, hotel, motel, building, tent, lot, car, truck, tractor-trailer or structure for the retail or discount sale of any goods, wares, food and merchandise, or by a solicitor or peddler, and from which is intended to be

conducted for a temporary period of time and not permanently. If the place in which a business is conducted is rented or leased for a period of three months or less, such fact shall be presumptive that the business carried on therein is a transient business.

SECTION 4. PURPOSE OF LAW

The purpose of this law is to assist the Town of Plattsburgh in the management of its business, the preservation of good order and the peace, health, safety and welfare of its inhabitants and the protection and security of its property.

SECTION 5. LICENSE REQUIREMENTS

No person shall engage in business as a peddler, solicitor or transient vendor unless they have first obtained a license form the Town Clerk after submittal of all the necessary paperwork, as noted in Section 6, to the Town Code Enforcement Officer.

SECTION 6. APPLICATION FOR LICENSE

A. An application for a License shall provide the following information:

1. Address of their place of residence;
2. The applicant for a firm(s) shall have a letter authorizing the applicant to act on behalf of the corporation, together with copies of documents establishing the firm's legal address, form of organization, copy of New York State Tax Certificate (if required), ownership and qualification to do business in this state, and the exact relationship between the firm and the applicant. (If a corporation, the names of the principal officers shall be reported);
3. A brief description of the nature of the business and the kind of goods or commodities they desire to sell;
4. The hotel, room or other place where the applicant proposes to sell such merchandise, and the time during which said business is to be conducted;
5. The applicant will be required to submit a Sign Application to the Town of Plattsburgh for any proposed signage. Signage control will be as stated in the Town Zoning Ordinance;
6. A copy of Workers Compensation (if required) will be submitted by the applicant.

- B. If the applicant proposes to sell merchandise on privately owned property, they will be required to obtain written, signed approval and a copy of the lease from the landowner that shall be submitted prior to a license being issued by the Town Clerk.
- C. Before such license is issued to applicant by the Town Clerk, the applicant will be required to post a security bond in an amount of THREE THOUSAND DOLLARS (\$3,000.00) with a surety company licensed to do business in this state. Said bond shall be approved as to form and sufficiency by the Town Attorney and Town Clerk before such license is issued.
- A condition of such bond shall be that said applicant will pay all state and local sales and other taxes applicable to their transactions in the Town; and that they will well and truly perform any and all contracts or sales orders made within the Town; and that all contracts or sales orders will be in writing and will specify in detail all terms thereof including, but not limited to, any warranty or guaranty therein, and that if said merchant takes orders for merchandise to be delivered at a future date and accepts payment in part or in full, that they will deliver or cause to be delivered said merchandise in a satisfactory condition within a period of thirty(30) days from the date of said contract, a copy of which contract or sales order with full particulars is to be delivered to the purchaser at the time of sale.
- D. Licenses hereunder shall state the place where the business is to be conducted, and the date of expiration of the term of such business pursuant to said license.

SECTION 7. AUTHORIZATION OF AGENT TO RECEIVE SERVICE OF SUMMONS

Before any person who is a nonresident of New York State shall have a license issued hereunder, such person must provide to the Town Clerk, proof of authorization to the Secretary of State, State of New York, to receive service pursuant to the Business Corporation Law, Section 304. A certified copy of such authorization shall be submitted to the Code Enforcement Officer for subsequent submittal for filing with the Town Clerk of the Town of Plattsburgh.

SECTION 8. EXCEPTION TO LICENSE FEE REQUIREMENTS

Nothing in this law shall be held to apply to any of the following:

- A. Sales conducted pursuant to statute;
- B. Sales conducted pursuant to the order of any court;
- C. Any person selling personal property at wholesale to dealers in such articles;

- D. The sale of Christmas trees and decorations; and agricultural products and produce;
- E. Persons soliciting and collecting or operating a sale on behalf of any bona fide charitable, educational, scientific, health, religious, patriotic or other organization of worthy causes deemed to be in the public interest;
- F. Any person selling personal property at a garage sale held at his/her residence. No garage sale shall exceed three (3) calendar days in a year.

SECTION 9. ZONING ORDINANCE

The Zoning Ordinance of the Town of Plattsburgh shall apply to all licenses granted under this Chapter. The Town reserves the right to revoke any license which violates such Ordinances.

SECTION 10. LICENSE FEE

The license fee shall be \$100 for thirty consecutive days. Said fee may be changed at any time by resolution of the Town Board of the Town of Plattsburgh.

SECTION 11. DURATION OF LICENSE

A license may be purchased for up to thirty consecutive days. Payment in full must be made to the Town Clerk before the license is issued.

SECTION 12. ENFORCEMENT

This local law shall be enforced by the Town of Plattsburgh Code Enforcement Officer.

SECTION 13. PENALTIES

Any person violating the provisions of this Local Law shall be deemed guilty of a violation punishable by a fine not to exceed \$100.00 (One Hundred Dollars) and/or imprisonment for not more than fifteen (15) days for each separate offense and every day that a violation of this Local Law shall continue, shall constitute a separate and distinct offense.

SECTION 14. GRIEVANCES

If an applicant is denied a license to do business under the conditions as noted in this Local Law by either the Code Enforcement Official or the Town Clerk, such person has the right to appeal the denial to the Town Zoning Board of Appeals by filing the required documents in

accordance with Section 267 of the Town Law. Such appeals shall be made in a timely manner following the correct procedures.

SECTION 15. SAVING CLAUSE

- A. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part hereof.
- B. All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local Law are hereby superseded and in particular this Local Law shall supersede Local Law Number 3 of the year 1994 and any portion of the Zoning Ordinance that deals with the sale of precious metals including, but not limited to, gold, silver and platinum.

SECTION 16. WHEN EFFECTIVE

This Local Law shall take effect immediately upon its filing in the Office of the Secretary of State.