

APPLICATION TO THE TOWN CLERK OF THE TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK, FOR A PERMIT REGULATING TRANSIENT AND SEASONAL BUSINESS WITHIN THE TOWN PURSUANT TO LOCAL LAW # 5 OF 1997

DATE: \_\_\_\_\_

1. Applicant Information:

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_

2. If Applicant is a Corporation:

Name and address of Director(s): \_\_\_\_\_

Phone Number: \_\_\_\_\_

3. The Applicant must attach the following information with this application:

- A. The name, home address and local address, of the applicant.
- B. A physical description of the applicant, giving date of birth, height, weight, and color of hair and eyes. A PHOTO GRAPH IS REQUIRED
- C. A description of the exact business or activity in which the applicant intends to engage, and of the nature of any property or services involved.
- D. A list of crimes for which the applicant has been arrested or convicted, including dates and places.
- E. A statement as to the period of time during which the applicant intends to engage in the business or activity regulated under Local Law # 5 of 1997.
- F. Proof that the applicant, or his/her employer or principal is registered for sales tax purposes, if the business or activity to be conducted is subject to sales tax.
- G. A description of any motor vehicle that will be used for transient business purposes, or from which a transient business will be conducted, to include the name of manufacturer, year, type of vehicle, vehicle identification number, registration, plate number, title holder, and the name of the person other than the title holder to whom the vehicle is registered.
- H. A brief statement of the nature of the business and description of the merchandise of service to be sold.
- I. Further information required by the Town Clerk, including a Certificate of Insurance with the Town of Deerpark name as co-insured.
- J. If the transient business is to be conducted from private property, the written consent of the property owner (if other than the applicant) shall be filled with the application.

4. Permit Limitations:

- A. Transient permits issued pursuant to Local Law # 5 of 1997 automatically expire ninety (90) days after issuance.

B. Permits issued under Local Law # 5 of 1997 shall not be transferable.

C. A transient business permit shall be limited to a single location. If the location is in a public right-of-way it must be approved by the Police Department. If the location is not in a public right-of-way it must be approved by the Building Inspector.

5. Additional Requirements and Prohibited Conduct:

A. The Police Department may require reports from any permit holder at any time and at such intervals as it deems necessary for the protection of the public health, welfare, and safety.

B. No person shall use private real property for any activity requiring a permit under Local Law # 5 of 1997 without consent of the owner.

6. Exhibition of license; hours for selling:

Every holder of a peddler's license or solicitor's license issued by the Town Clerk shall be required to carry such license with him/her while engaged in the business or activity licensed within the corporate limits of the Town. He/She shall produce such license at the request of any Official of said Town with whom he/she wishes to conduct his/her said business or activity.

7. Revocation of Licenses:

A. Licenses issued herein may be revoked by the Chief of Police, after reasonable notice and hearing, for any of the following causes:

1. Misrepresentation or false statement contained in the application for the license.
2. Misrepresentation or false statement made in the course of carrying on activities regulated herein.
3. Conviction of any crime or misdemeanor relating adversely to the occupation of peddling or soliciting.

4. Conducting the business in an unlawful manner, in violation of this section or in such manner as to constitute a breach of peace or to constitute a menace to the health, safety, or general welfare of the public.

8. Performance Regulations:

A. All applicants proposing to sell food items shall be required to obtain a food handler's license from the Orange County Department of Health.

B. Locations shall be restricted to established off-street parking areas. Said locations shall be designed to provide parking spaces for a minimum of five (5) vehicles. Both active and inactive off-street parking areas may be utilized if the above criteria are met. Written permission of residents within five hundred (500) feet of the proposed location, in all directions, shall be obtained and must be submitted by applicant.

C. Not more than one (1) temporary merchant per lot will be permitted. Temporary merchants shall be prohibited within one thousand (1,000) feet of an established commercial business engaged in similar activity at the time of the enactment of this section. A minimum distance of two thousand (2,000) feet shall be maintained between locations for temporary merchants.

D. Temporary merchants shall be prohibited from conducting business on municipal property.

E. The area to be occupied by a single temporary merchant, including a stand, tent, wagon, truck, sign, and trash receptacle, shall not exceed two hundred (200) square feet.

F. One (1) freestanding sign per temporary merchant may be permitted. Signs must be constructed of durable material and maintained in a presentable condition. Flashing lights or lights shall be prohibited. No sign shall be placed within fifteen (15) feet of a property line or within an established sight triangle for interior lanes or access driveways. All freestanding signs must be removed and properly secured during non-operating hours of the temporary merchant. Maximum sign face shall not exceed four (4) square feet and shall not exceed four (4) feet in height.

