

**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 PHOTOGRAPH 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.

G. Provide and maintain trash receptacles and be responsible for trash removal at the end of the day.

H. Not sell or transfer the assigned space.

I. Remove themselves and their property from the assigned space each night and maintain the grounds in a clean and safe condition each day.

9. Penalties:

Any person who violates any provision of Local Law # 5 of 1997 shall be guilty of a violation. Each violation shall be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) or by imprisonment for a period not to exceed fifteen (15) days, or both.

Signature of Applicant

State of New York,
County of Orange

_____, Be duly sworn, deposes and says that he (she) has read the foregoing application, which shall be deemed the basis for the right to possess a Town of Deerpark Transient/Seasonal Business License and that the answers thereto are true to the best of his (her) knowledge, information, and belief.

Sworn to me this ____ Day of _____, 20 ____

Notary Public

*** PERMIT FEE: \$50.00 PER MONTH; THREE (3) MONTH MAXIMUM**

Adopted 12/5/97

TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK

LOCAL LAW NO. 5 OF 1997

A LOCAL LAW REGULATING TRANSIENT AND SEASONAL BUSINESSES
WITHIN THE TOWN OF DEERPARK, ORANGE COUNTY, NEW YORK

SECTION 1. Purpose. The purpose of this local law is to promote and protect the health, safety and general welfare of the community, and the preservation and protection of the property of the Town of Deerpark and its residents.

SECTION 2. Definitions. The following words and phrases shall have the meaning set forth unless the context of their use clearly indicated otherwise.

2.1 Applicant. Any person by or for whom an application is made under this local law.

2.2 Charitable Organization.

A. Any benevolent, philanthropic, patriotic, military veterans, not-for-profit, educational or religious association, society or organization qualified as a tax exempt organization under Section 501 of the Internal Revenue Code.

B. Any governmental entity or organization including without limitation, a school district, fire district and fire company.

2.3 Person. A natural person, corporation, partnership, association, joint venture, society or other organization or association of any kind, whether acting as principal, agent, employer or employee.

2.4 Property. Any goods, wares, merchandise or other article of thing of every kind or nature except newspapers.

2.5 Town. The Town of Deerpark, Orange County, New York.

2.6 Transient Business. A retail or wholesale business conducted from a temporary structure or tent, truck, van or trailer, stand, parking lot or vacant parcel of land, in a public right-of-way or in or on any other place in the Town, but not (1) outdoor sales of property or services accessory to a business conducted within a permanent structure on a same premises or (2) the sale of food products raised or produced on the same premises from a temporary or seasonal stand, provided that the principal structure or activities otherwise comply with the zoning and other laws, regulations and ordinances of the Town.

SECTION 3. Permit or Registration Required.

3.1 No person shall engage in transient business without first obtaining a permit or registering or both as required by this local law.

SECTION 4. Exemptions. No permit under this local law shall be required:

H. A brief statement of the nature of the business and a description of the merchandise or service to be sold.

I. Further information required by the Town Clerk, including a Certificate of Insurance with the Town named as a co-insured.

6.2 The application shall be signed by the applicant and sworn to before a notary public or other officer authorized to administer oaths.

6.3 If the transient business is to be conducted from private property, the written consent of the owner if other than the applicant shall be filed with the application.

SECTION 7. Fees. The following fees shall be paid to the Town Clerk with an application for a permit.

Transient Business Permit	- \$50.00/month; 3 months maximum
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SECTION 8. Action on Permit Applications;
Permit Limitations.

8.1 Transient business permits issued pursuant to this local law automatically expire ninety days after issuance.

8.2 Permits issued under this local law shall not be transferable.

8.3 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 Department.

SECTION 9. Additional Requirements and Prohibited Conduct.

9.1 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.

9.2 No person shall use private real property for any activity requiring a permit under this local law without the consent of the owner.

SECTION 10. 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 while engaged in the business or activity licensed within the corporate limits of the Town. He shall produce such license at the request of any official of said Town with whom he wishes to conduct his said business or activity.

SECTION 11. Records. The Town Clerk shall maintain a record of all licenses issued under the provisions herein and shall record therein all convictions for violations herein and other pertinent circumstances and incidents reported by the Chief of Police.

SECTION 12. 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.

B. Notice of a hearing for revocation of a license shall be given, in writing, setting forth the grounds of the complaint and the time and place of the hearing. Such notice shall be served personally upon the licensee or mailed, postage prepaid, to the licensee, at the address given by the licensee in making application under Section 6 herein, at least five (5) days prior to the date set for said hearing.

SECTION 13. Temporary or Transient Merchants.

13.1 Purpose. The purpose of this Section is to regulate commercial sales within the Town which are temporary or seasonal in nature and which shall not be subject to site plan approval by the Town Planning Board. Because such activities have an impact upon the Town's zone plan but are not subject to the more rigorous provisions contained in the Town's Zoning Law, the Town Board finds it necessary to impose certain standards to protect the health, welfare and safety of its residents.

13.2 Definitions. As used in this Section, the following terms shall have the meanings indicated:

ENFORCEMENT OFFICIAL - Building Inspector/Code Enforcement Officer shall be the enforcement official. Authority to issue violation notices shall also rest with any member of the Town Police Department.

TEMPORARY OR TRANSIENT MERCHANT - A merchant or vendor who chooses a specific location within the Town upon which to erect or park a cart, tent, wagon, truck or stand from which to engage in merchandising, with the intent to return to the same location each day. This category shall include temporary, off-premises roadside stands established for the purpose of selling vegetables, fruit or other farm products; food wagons; Christmas trees; and any nonperishable goods. A temporary merchant must not have a vested interest in the location and must have the written permission form the owner(s) of the location to conduct the

sale of the intended products.

13.3 Licensing; permits. All licensing and registration requirements contained herein shall apply to all temporary merchants. No permit shall be issued to conduct sales as a temporary merchant unless the applicant satisfies the conditions of this Section and secures a temporary merchant certificate from the Building Inspector.

13.4 Performance regulations.

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

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 is met. Written permission of residents within Five Hundred (500) feet of the proposed location, in all direction, 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 nonoperating hours of the temporary merchant. Maximum sign face shall not exceed four (4) square feet and shall not exceed four (4) feet in height.

G. Provide and maintain trash receptacles and be responsible for trash removal at the end of each day.

H. Not sell or transfer the assigned space.

I. Remove themselves and their property from the assigned space each night and maintain the grounds in a clean and safe condition each day.

SECTION 14. Penalties. Any person who violates any provision of this

local law shall be guilty of a violation. Each violation shall be punishable by a fine not to exceed \$250.00 or by imprisonment for a period not to exceed fifteen (15) days, or both.

SECTION 15. Severability. If any section, clause or provision of this local law or the application thereof to any person is adjudged invalid, the adjudication shall not effect other sections, clauses, or provisions or the application thereof that can be sustained or given effect without the invalid section, clause or provision or application, and to this end the various sections, clauses or provisions of this local law are declared severable.

SECTION 16. This local law supersedes the prior Peddlers and Hawkers Ordinance adopted on January 9, 1973, which is hereby repealed. All permits and licenses issued under that ordinance shall be used in compliance with the provisions of this local law and shall expire in accordance with their terms.

SECTION 17. This local law shall take effect immediately.

PLEASE TAKE NOTICE TO THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE TOWN LAW OF THE STATE OF NEW YORK, INCLUDING SECTIONS 20 AND 24 OF THE TOWN LAW, IT IS THE STATED INTENTION OF THE TOWN TO EXERCISE ITS AUTHORITY TO SUPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE TOWN HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSUANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19 __, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 19 __, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19 __, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 19 __. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, 19 __, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19 __, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 19 __. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 19 __, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Shirley Zeller

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

SHIRLEY ZELLER, TOWN CLERK

Date: 12-1-97

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORANGE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

William E. Ravoso

Signature WILLIAM E. RAVOSO, ESQ.
TOWN ATTORNEY

Title

~~COUNTY~~

~~CITY~~ of Deerpark

~~Town~~

~~Village~~

Date: _____