Ordinance No. 1 for the Year 2017
Amendment to the Town of Inlet Zoning Ordinance: Town of Inlet Vendors, Peddlers and Solicitors Ordinance

Adopted September 12, 2018

Pursuant to Section 265 of the Town Law and Section 160-34 of the Zoning Ordinance of the Town of Inlet, the Town Board of the Town of Inlet, Hamilton County, New York, does hereby ordain and enact:

Section 1. Title

This article shall be known as the "Town of Inlet Vendors, Peddlers and Solicitors Ordinance."

Section 2. Purpose

The purpose of this chapter is to promote and protect the health, safety and general welfare of the community, and the preservation and protection of property of the Town of Inlet, its residents and visitors.

Section 3. Findings

(1). The business of vending, peddling, soliciting and transient commercial activities in the public streets, sidewalks, places and from door to door in the Town of Inlet should be regulated to protect the public health, safety and welfare of the inhabitants of the Town of Inlet.

(2). Reasonable regulation of vending, peddling, soliciting and transient business is necessary for the prevention of accidents, congestion of traffic and travel.

(3). Persons engaged in the business of vending, peddling, soliciting and/or transient business should be required to be licensed and to furnish such information as necessary to effectively carry out the purposes of this chapter.

(4). Unless specifically authorized by this chapter, vending, peddling, soliciting and/or operating a transient business in the Town of Inlet within any public right of-way, public sidewalk or public property or place is prohibited.

Section 4. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT -- Any person by or for whom an application is made under this chapter.

CHARITABLE ORGANIZATION -- (1). Any benevolent, philanthropic, patriotic, military veterans, civic, not-for-profit, educational or religious association, society, or other organization or any other association, society or organization qualified as a tax-exempt organization under Section 501 of the Internal Revenue Code; or (2). any governmental entity or organization, including, without limitation, a school district.

MOBILE FOOD VEHICLE -- A self-contained mobile food unit in which ready-toeat food and/or refreshments are prepared, cooked, wrapped, packaged, processed or portioned for service, sale, or distribution.

MOBILE FOOD VENDOR -- The owner or owner's agent of a mobile food vehicle.

PEDDLER -- A person who engages in peddling.

PEDDLING -- (1). Selling or offering for sale, barter or exchange any property or service, either for immediate or future delivery or performance upon any public street, road or highway or from house to house in the Town of Inlet, and including, without limitation, activities commonly known as "hawking;" or (2). Delivery or distribution of advertising matter, literature, pamphlets, samples or handbills house to house or on any of the streets, roads or highways or by going from place to place in the Town, but not including the delivery or distribution of newspapers, magazines or political or religious materials.

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.

PROPERTY -- Any goods, wares, merchandise, refreshments, food or other article or thing of every kind or nature except newspapers.

SOLICITING -- (A). Seeking, taking or offering contracts or orders for any property for future sale or delivery or performance of any service upon any public street, road or highway or from house to house in the Town of Inlet; or (B). Seeking or taking subscriptions or contributions of money or property, upon any street, road or highway or from house to house in the Town of Inlet.

SOLICITOR -- A person who engages in soliciting.

TRANSIENT BUSINESS -- A retail or wholesale business, other than a mobile food vehicle vendor, conducted from a temporary structure or tent, truck, van or trailer,

stand, parking lot or vacant portion of land, in a public right-of-way or in or on any other place in the Town of Inlet, 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 any other applicable laws, rules and regulations of the Town of Inlet or other governmental authority.

VENDING -- The act of selling or offering for sale, or the act of purchasing or offering to purchase for commercial purposes any property or services on the public streets, sidewalks or places or from door to door in the Town of Inlet, from a stand, motor vehicle or from the person.

VENDOR -- Any person engaged in the selling or offering for sale, or engaged in purchasing or offering to purchase for commercial purposes any property or services on the public streets, sidewalks or places or from door to door in the Town of Inlet, from a stand, motor vehicle or from the person.

Section 5. Permit Required

(1). No person shall engage in vending, peddling, soliciting or in a transient business in the Town of Inlet without first obtaining a permit as required by this chapter.

(2). No motor vehicle shall be used for vending, peddling, soliciting or for a transient business unless a permit shall first have been obtained, which permit shall at all times be displayed in a conspicuous location that is visible from the outside of the vehicle.

Section 6. Exemptions

No permit under this chapter shall be required:

(1). By any charitable organization or its agents or employees or veterans licensed pursuant to General Business Law § 32.

(2). By any business, service or activity permitted under any other ordinance or law of the Town of Inlet or otherwise partaking in an event supported, sponsored or sanctioned by the Town of Inlet, including, without limitation, Adirondack Kids Day, Arts in the Park, Black Fly Challenge, Inlet Volunteer Emergency Services

fundraising activities, An Evening with the Symphony, and the Town of Inlet Concert Series.

(3). By any sales person who solicits trade from a commercial business, wholesale or retailer dealer within the Town of Inlet.

(4). By residential property maintenance services, including, without limitation, lawn, driveway, snow-removal and painting services.

(5). By a person who either, after having been specifically requested by another person to do so, calls upon that other person for the purpose of displaying goods, literature or giving information about any product or service, or is otherwise authorized to deliver any product or service to that other person.

(6). By political parties and candidates for public office.

(7). For peddlers and solicitors not over sixteen-years old.

Section 7. General Requirements and Prohibitions

(1). No vending, peddling, soliciting or transient business activities shall be conducted between the hours of 11 p.m. and 8 a.m.

(2). All vendors, peddlers, solicitors or transient business operators are prohibited from operating in a manner that interferes with pedestrian or vehicular traffic or parking, or other legitimate business in the Town of Inlet

(3). No vendor, peddler, solicitor or transient business operator shall, directly or indirectly, cause or permit the public streets, sidewalks or places to be littered with papers, wrappings or other debris or refuse where the littering results from the conduct of his or her business.

(4). All vendors, peddlers, solicitors or transient business operators are responsible to appropriately remove any waste, litter or refuse which may be generated at its site in a legally permissible manner.

(5). The vending, peddling, soliciting or transient business site shall be kept clean and orderly at all times, and the vendor, peddler, solicitor or transient business

operator must provide a refuse container and is encouraged to provide containers for recycling.

(6). It shall be unlawful to discharge liquid waste, fats, oils or grease on the land. Such discharges shall be held in appropriate containers and then disposed in a legally permissible manner.

(7). No portion of a vendor's, peddler's, solicitor's or transient business operator's inventory, sales equipment, or any other structure or equipment shall be left overnight on the site or upon any public streets, sidewalks or places, except as specifically noted on the permit.

(8). Any vendor, peddler, solicitor or transient business operator person whose activities cause children to gather is required to take those precautions necessary to protect children from being struck by motor vehicles.

(9). No vendor, peddler, solicitor or transient business operator shall use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public, except as specifically noted on the permit.

(10). No vendor, peddler, solicitor or transient business operator shall operate within 1,000 feet of the grounds of any elementary or secondary school between 1/2 hour prior to the start of the school day and 1/2 hour after dismissal at the end of the school day.

(11). All vendors, peddlers, solicitors or transient business operators shall comply with any applicable laws, ordinances, rules and regulations, including, without limitation, applicable public health, vehicle and traffic, and insurance requirements.

Section 8. Application Requirements

Any person desiring to secure a vendor's, peddler's, solicitor's or transient business operator's permit shall apply in writing to the Town Clerk, on forms provided by the Town of Inlet. An application must be received at least ten business days prior to the intended activity and such application shall set forth the following:

(1). The name, home address, telephone number and local address, if any, of the applicant.

(2). The applicant's photo ID.

(3). The name, address and telephone number of the person, if any, by whom the applicant is employed.
(4). A description of the business or activity in which the applicant intends to engage and of the nature of the property or services involved.

(5). A statement as to the period of time during which the applicant intends to engage in the business or activity regulated under this chapter. The application may be for a Daily permit or an Annual permit (expiring one year from date of issuing). A Site Plan Review by the Planning Board shall be required for all applications for an annual permit.

(6). Proof that the applicant, or his or her employer or principal, is registered for sales tax purposes, if the business or activity to be conducted is subject to sales or use tax.

(7). A description of any motor vehicle that will be used for pickup or delivery of property or for the purpose of bringing any such property into the Town of Inlet for vending, peddling, soliciting or 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 name of the person other than the title holder to whom the vehicle is registered, if any.

(8). The location where the vending, peddling, soliciting or transient business is to be conducted.

(9). Proof of any required licenses, certificates and/or insurance(s).

(10). Further information as may be required by the Inlet Town Clerk, Inlet Police Department or Inlet Codes Department.

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

(12). If mobile food vending or a transient business is to be conducted on private property, the written consent of the property owner, if other than the vendor, shall

be filed with the application and shall be prominently displayed on the mobile food vending vehicle or at the transient business site.

Section 9. Permit Fees and Related

(1). The standard permit fee shall be established by resolution of the Town Board of Inlet~~. $25.00 per day, except, as to mobile food trucks and transient businesses, the fee shall be $50.00 per day.~~ Fee(s) shall be paid upon filing the application with the Inlet Town Clerk.

(2). A permit may be renewed at its expiration by submitting a new application form.

(3). The Town of Inlet reserves the right to limit the number of permits issued under this chapter.

~~(4). The fees set forth in Section 10 (1) may be changed by the Inlet Town Board by a resolution as the Town Board may deem appropriate.~~

Section 10. Permit Regulations

(1). Permits issued under this chapter shall not be transferable.

(2). A permit issued pursuant to this chapter may be revoked or suspended for any violation of this chapter committed after its issuance.

(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 appropriate governmental entity having jurisdiction.

(4). All signage associated with a mobile food vendor must be permanently affixed to the mobile food vehicle. No accessory signage shall be placed outside or around the mobile food vehicle, except as specifically noted on the permit.

(5). It shall be unlawful for a mobile food vendor to conduct business in a location within one hundred (100) feet of the primary entrance of an establishment that is open to the public and where ready-to-eat food is prepared, cooked, wrapped, packaged, processed or portioned for service, sale, or distribution. This requirement shall be waived if written permission for the mobile food vending operation is obtained from the owner of the property that contains the

establishment where ready-to-eat food is prepared, cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

(6). Mobile food vendors shall not conduct operation from a site that contains a gasoline service.

(7). Each mobile food vehicle shall be inspected annually by the Codes Department for fire-safety code compliance.
(8). Each mobile food vehicle shall be registered as a commercial vehicle with the New York State Department of Motor Vehicles.

(9). When parked on a public or private right-of-way, products shall not be dispensed from the street side of the mobile food vehicle.

(10). A mobile food vehicle shall not be operated in reverse in order to attempt or make a sale.

(11). Any person engaged in an activity regulated under this chapter, whether that person is exempt or not, who has entered upon private property, whether invited or not, shall immediately and peacefully depart therefrom when requested to do so by any occupant.

Section 11. Suspension or Revocation of Permit

(1). The Town Clerk shall suspend or revoke any permit issued under this chapter when the permit holder is found to have violated or to have permitted a violation of any provision of this chapter or any other ordinance, rule or regulation or state or federal law pertaining to the operation of his or her business.

(2). Upon a determination that a license should be suspended or revoked, the Town Clerk shall notify the permit holder, in writing, by registered or certified mail, setting forth reasons for such suspension or revocation and allowing the permit holder an opportunity to be heard.

(3). When a permit has been revoked, no other license shall be issued to the same person until after the expiration of at least one year.

(4). Upon suspension or revocation of any permit, the permit fee shall be forfeited.

Section 12. Enforcement and Penalties for Offenses

This chapter shall be enforced by the Inlet Police Department and the Codes & Zoning Enforcement Officer. Primary enforcement of the Mobile Food Vending regulations contained in this Local Law shall be the responsibility of the Codes & Zoning Enforcement Officer. Matters concerning the Vehicle and Traffic Law, the New York State Transportation Law, illegal parking and trespassing shall be the responsibility of the Police Department. If the Codes & Zoning Enforcement Officer determines an issue to be a police matter, the Codes & Zoning Enforcement Officer shall refer that issue to the Police Department.

Any person who violates any provision of this chapter shall be guilty of a violation. Each violation shall be punishable by a fine not to exceed $250 or by imprisonment for a period not to exceed fifteen (15) days, or both.

Section 13. Effective Date

This Ordinance shall take effect 10 days following publication in the official newspaper of the Town of Inlet.

Section 14. Severability

If any section or sections of this chapter shall be declared unconstitutional or otherwise void and ineffective, the validity of the remainder of the provisions hereof and their application shall not be affected thereby.