

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village

(Select one.)

of

Duanesburg, NY

FILED  
STATE RECORDS

FEB 27 2017

DEPARTMENT OF STATE

Local Law No. 3 of the year 2017

A local law

Amending Local Law No. 1 of the Year 1967 Relating  
to the Regulation and Licensing of Hawking, Peddling  
and Solicitation within the Town of Duanesburg

Be it enacted by the Town Board of the

(Name of Legislative Body)

County  City  Town  Village

(Select one.)

of

Duanesburg

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law No. 3 of the Year 2017

A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF THE  
YEAR 1967 RELATING TO THE REGULATION AND LICENSING  
OF HAWKING, PEDDLING, AND SOLICITATION WITHIN THE  
TOWN OF DUANESBURG

BE IT ENACTED by the Town Board of the Town of Duanesburg as follows:

SECTION 1. TITLE:

This Local Law shall be known as Amendment No. 1 to the Peddling Law of the Town of Duanesburg.

SECTION 2. PURPOSE:

The purpose of this local law is to amend the existing fee structure for licenses for hawking, peddling, or soliciting within the Town of Duanesburg, provide for increased penalties for violations of this ordinance, to set daily time restrictions on activities regulated under this ordinance, and to modernize outdated language.

SECTION 3. AMENDMENT TO SECTION 1:

The first paragraph of Section 1 of Local Law No. 1 of the year 1967 is hereby amended by removing the reference to a "Hawker" or "Peddler" as one who rides an "animal" to conduct his or her business. The first paragraph of Section 1 hereby states as follows:

The terms "Hawker" and "Peddler" as used in this Local Law shall mean and include, except as hereinafter expressly provided, any person, either principal or agent, who, in any public street or public place or by going from house to house or place of business to place of business, on foot or on or from any vehicle standing in a street or highway, sells or barter, offers for sale or barter or carries or exposes for sale or barter, any goods, wares, or merchandise, except as hereinafter exempted.

AMENDMENT TO SECTION 6:

Section 6 is hereby amended by increasing the fee for such licenses to \$150.00. Section 6 hereby states as follows:

The license fee to hawkers, peddlers or solicitors shall be as follows: \$150.00.

AMENDMENT TO SECTION 7:

Section 7 is hereby amended by removing the reference to a licensee using a "horse and wagon." Section 7 hereby states as follows:

Any licensee using a motor vehicle may employ not more than two persons to assist in selling and delivering wares, but such person shall so act only while accompanying a licensed peddler, hawker or solicitor.

AMENDMENT TO SECTION 10:

Section 10, subparagraph (d), is hereby amended by removing the language restricting the sale of confectionery or ice cream near schools and replacing it with the following language:

(d) not sell or offer to sell any goods, merchandise, or wares, or engage in any other activity requiring a license as provided in Section 3, before 8:00 a.m. or after 6:00 p.m., daily.

AMENDMENT TO SECTION 13:

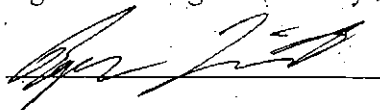
Section 13 is hereby amended by increasing the fine for violations under this ordinance to \$200.00 per offense. Section 13 hereby states as follows:

Any person, who himself or by his agent, or employee, shall act as a hawker, peddler or solicitor as herein defined, without a license, or shall violate any of the provisions of this ordinance, or who, having had his license revoked, shall continue to act as a hawker, peddler or solicitor, shall, upon conviction, be punished by a fine of not more than \$200.00, and each day on which such violation continues shall constitute a separate offense.

SECTION 4. EFFECTIVE DATE:

This Local Law shall become effective upon filing with the New York Secretary of State.

By (unanimous/~~majority~~) vote of the Town Board of the Town of Duanesburg at its regular meeting on February 9, 2017.



Roger Tidball, Supervisor



Diane M. Ferrara, Town Clerk

Present: Council Members Ganther, Leoni, Potter, Passonno, Supervisor Tidball

Absent: Ø

Supervisor Tidball: YES

Council Members:

Leoni YES  
Potter YES  
Passonno YES  
Ganther YES

(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. 3 of 20 17 of the (County)(City)(Town)(Village) of Duaneburg was duly passed by the Duaneburg Town Board on February 9 20 17, in accordance with the applicable provisions of law.

**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 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_ (Elective Chief Executive Officer\*)

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 \_\_\_\_\_ 20 \_\_\_\_, in accordance with the applicable provisions of law.

**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 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_ (Elective Chief Executive Officer\*) Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_, in accordance with the applicable provisions of law.

\* 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 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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.

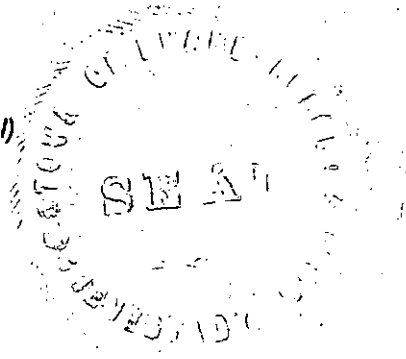
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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.

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

Date: February 16, 2017

(Seal)



DIANE M. FERRARA  
TOWN CLERK/RECEIVER OF TAXES  
5853 Western Turnpike  
Duanesburg, New York 12056