

SPECIAL MEETING

February 19, 1954

Supervisors Office

8:30 P.M.

Present: Mr. Schmersahl

Mr. Fibble

Mr. Welchman

Mr. Burleigh

Mr. Dillon

Mr. Dillon called the meeting to order.

Mr. Welchman moved the following resolution:

RESOLVED, that the Zoning Committee be authorized to retain a Zoning Expert and a Zoning Attorney, the fee of both not to exceed the amount contained in the Budget.

Seconded by Mr. Fibble.

Carried.

Supervisor was directed to advise the Building Inspector that all purchasing of furniture and equipment is to be done only on authorization of the Town Board. He is also to advise the Building Inspector that before he attends any conferences or schools, he must first obtain permission from the Town Board.

Mr. Burleigh moved that the application of Walter W. Cady for a change of zoning of his property be referred to the Zoning Committee.

Seconded by Mr. Schmersahl.

Carried.

Mr. Burleigh moved the following resolution:

WHEREAS, by resolution of this Board dated January 8th, 1954, a public hearing to consider the repeal of an Ordinance adopted December 18th, 1945, entitled "Peddlers" and the adoption of the new ordinance, was held on the 11th day of February 1954, after due publication thereof,

NOW THEREFORE, be it resolved that Article XIII of the Town Ordinances of the Town of Clarkstown adopted December 18th, 1945, and entitled "PEDDLERS", be repealed and the following ordinance be adopted and enacted effective upon publication and posting as required by law: -

ARTICLE XIII - PEDDLING AND HAWKING.

Sec. 1 This ordinance shall be known and may be cited as the "Hawking and Peddling Ordinance."

Sec. 2. This ordinance is enacted for the purpose of regulating itinerant merchandising in order that the peace, health, safety, welfare and good order of the Town and its inhabitants shall not be endangered or unduly disturbed.

Sec. 3. (1) "Hawker and Peddler" as used in this ordinance shall be deemed to include, unless otherwise herein provided, any person who engages in merchandising any goods, wares, commodities or services by going from house to house, place of business to place of business, or in any public street or public place, or by temporarily occupying a room, building or other premises therefor.

(2) "Person" as used in this ordinance shall be deemed to include any individual, firm, partnership, corporation, unincorporated association and principal or agent thereof.

(3) "Merchandising" as used in this ordinance refers to the selling, bartering, or trading, or offering to sell, barter or trade any goods, wares, commodities or services.

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(4) "Established place of business" as used in this ordinance means a permanent building, store or depository in which or where the person transacts business and deals in the goods, wares, commodities or services he hawks or peddles in the ordinary and regular course of business.

(5) "Temporary occupancy" shall mean occupancy of a store, room, building, tent, enclosure or structure of any kind or other premises intended to be occupied for the period of time necessary to hawk or peddle the merchandise or products therein housed initially without the intent to replenish or restock such goods, wares and merchandise sold therein, or for the hawking, peddling or offering of services for remuneration or profit for a period of time of less than thirty days.

Sec. 4 The merchandising of any goods, wares, commodities or services within the Town of Clarkstown without first having obtained a license therefor from the Clerk of the Town is hereby prohibited.

Sec. 5. The provisions of this ordinance shall not apply to the following:

(1) An honorably discharged soldier, sailor or marine, who is crippled as a result of injuries received while in the naval or military service of the United States:

(2) The holder of a license granted pursuant to the General Business Law of the State of New York:

(3) A wholesaler selling articles to dealers or merchants who have an established place of business within the Town:

(4) A truck gardener or farmer who himself or through his employees vends, sells, or disposes of products of his own farm or garden.

(5) A child regularly attending any public or parochial or private school located within the County of Rockland or a representative of any established church maintaining a place of worship within the County of Rockland or a member of a Veteran's Organization provided that such organization has and maintains a Chapter, Post Lodge, Camp or other group within the County of Rockland or a member of a fraternal organization, any firemanic organization, or a civic group provided that such fraternal organization, firemanic organization, or civic group maintains a Chapter, or Local Organization within the County of Rockland and further provided that any person coming within the provisions of this exemption shall only hawk or peddle in connection with an authorized activity of the organization of which they are a member or the school or church which they attend.

(6) Any person merchandising goods, wares, commodities, or services regularly to establish customers, patrons or purchasers in the Town of Clarkstown.

Sec. 6. (1) Every applicant for a license is required to submit to the Town Clerk a written application supplying, under oath, the following information: name of applicant; permanent home residence; name and address of firm represented, if any; the length of time for which the license is required; a description of the goods, wares, commodities or services to be offered for sale, the number of arrests or convictions for crimes and the nature thereof; to the application must be appended a letter of authorization from the firm which the applicant purports to represent.

(2) Every applicant for a Hawking and Peddling license issued pursuant to this

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ordinance shall submit a photograph 2 x 2 inches taken within 30 days of the date of the application for such license. Such photograph shall show head, full face and shoulders of applicant and shall be submitted in triplicate. One copy of the photograph shall be attached to the license application, one copy of the photograph to the license and the third shall be delivered to the Chief of Police of the Town of Clarkstown.

(3) Each applicant for a Hawking and Peddling license shall have a fingerprint impression of the fingers and thumbs on both hands taken by the Police Department of the Town of Clarkstown and the photograph delivered to the Chief of Police shall be attached to the fingerprint identification card and remain on file in the Clarkstown Police Headquarters.

(4) The Town Clerk of the Town of Clarkstown shall not issue a license unless and until the applicant shall furnish satisfactory proof of compliance with the provisions hereof relating to fingerprint identification. On all applications for renewal the applicant need only submit the photograph required hereunder to the Town Clerk of the Town of Clarkstown and the Chief of Police of the Town of Clarkstown unless the Said Chief of Police shall request a new fingerprint identification.

Sec. 7. Upon receipt of the application and of the license fee, and upon compliance with all of the requirements in this Article contained, the Town Clerk shall issue a license to the applicant, specifying the particular business authorized and the location wherein it may be conducted. This license shall be non-transferable and shall be in the continuous possession of the licensee while engaged in the business licensed. The license shall be produced upon the demand of any police or law enforcement officer, prospective buyer or person solicited.

Sec. 8. (1) The Town Clerk shall keep a record of all applications, of all licenses issued in accordance with this ordinance, and the date of revocation of all licenses revoked.

(2) All licenses issued hereunder shall expire on the 31st day of December of each year immediately following their issuance except that a license issued for a shorter period than one year shall expire at the expiration of the period for which it is issued.

Sec. 9. The license fees for all licenses issued hereunder are hereby fixed as follows: \$50.00 per year or \$10.00 for each period of 30 consecutive days or portion thereof.

Sec. 10. A licensed hawker or peddler shall (1) not wilfully misstate the quantity or quality of any article offered for sale; (2) not wilfully offer for sale any article of an unwholesome or defective nature; (3) not call attention to his goods by blowing a horn, by ringing a bell other than a house doorbell, by shouting or crying or by any loud or unusual noise; (4) not frequent any street in an exclusive nature so as to cause a private or public nuisance; (5) keep the vehicles and/or receptacles used by him in the furtherance of his licensed business in a sound, clean and sanitary condition; (6) keep his edible articles offered for sale well protected from dirt, dust and insects.

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Sec. 11. Any license issued hereunder may be revoked by the Town Board after a hearing, by reason of any violation of the terms of the license, of this Ordinance or upon conviction of a crime in the State of New York or elsewhere or for any material misrepresentation in applying for such license. A hearing shall be had by such Town Board upon service of five days personal notice or by service by registered mail or ten days notice to the licensee addressed to the licensee at the address shown on the application.

Sec. 12. In the event of the denial of a license to any applicant by the Clerk or the refusal of the Chief of Police to countersign a license the applicant may request a hearing within a period of 30 days after such refusal and denial. Such request shall be in writing and shall be made to the Town Board of the Town of Clarkstown and filed with the Town Clerk within the period provided herein. The Town Board shall hear such applicant's request for a review of the determination of the Town Clerk or the Chief of Police at the next regularly scheduled meeting of the said Town Board following the filing of the application for review with the Town Clerk. The Town Board may grant a license to the applicant if it should determine that the refusal on the part of the Clerk or the Chief of Police was arbitrary or otherwise in error. If the Town Board after such hearing shall determine that the decision of the Town Clerk or Chief of Police was not arbitrary and was justified under the circumstances the Board shall refuse such license. The decision on any hearing shall be rendered by the Town Board in writing within 30 days after the hearing thereof and shall be entered in the minutes of the Town Board.

BE IT FURTHER RESOLVED that notice of the repeal of said ordinance and the adoption of the said new ordinance be posted and published as required by law.

Seconded by Mr. Schmersahl.

Carried.

Mr. Fibble moved the following resolution:

RESOLVED, by the Town Board of the Town of Clarkstown, that August H. Hansen be, and hereby is authorized to dispose of record items number 1 to 179 on Records Disposition List Number 22-TC-1 issued pursuant to Section 114 of the Regulations of the Commissioner of Education and be it further,

RESOLVED, that the Clerk of this Board be, and hereby is, directed to furnish a certified copy of this resolution to August H. Hansen to be forwarded to the Commissioner of Education.

Seconded by Mr. Welchman.

Carried.

There being no further business to come before the Board, the meeting was adjourned.

August H. Hansen
Town Clerk of Clarkstown