

LOCAL LAW NO. 2 OF YEAR 2023

Be it enacted by the BOARD OF TRUSTEES of the  
Village of WATKINS GLEN, COUNTY OF SCHUYLER, as follows:

A local law to replace Local Law No. 2 of the year 2016 that regulates street vendors in the Village of Watkins Glen, New York.

In this local law, the following shall apply to all Peddlers, Solicitors and Street Vendors.

**Peddlers, Solicitors and Street Vendors**

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## **SECTION 1: PURPOSE**

The Village of Watkins Glen Board of Trustees finds that public health, safety, and welfare requires that the citizens of the Village be provided with information relating to persons and organizations who peddle, solicit or vend within the Village, that such activities be regulated, and that the citizens of the Village be protected from deceptive and dishonest practices.

## **SECTION 2: DEFINITIONS**

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

### **MOTORIZED MOBILE VENDING UNIT**

A truck, van or other motorized vehicle that incorporates a kitchen or other food preparation area from which prepared or prepackaged food may be sold.

### **NONMOTORIZED MOBILE VENDING UNIT**

A cart, kiosk or other nonmotorized device, with at least two functional wheels and positive wheel-locking devices.

### **SOLICITOR or PEDDLER**

Any person who shall sell, offer for or expose for sale, or who shall trade, deal, or traffic in any goods or services in the Village of Watkins Glen by going from house to house or from place to place or by indiscriminately approaching individuals.

- A. Any person who, while selling or offering for sale any goods, services or anything of value, stands in a doorway, any unenclosed vacant lot, parcel of land, or in any other place not used by such person as a permanent place of business shall be deemed a solicitor or peddler within the meaning of this law, except as noted in the definition of "street vendor" in this section.

### **STREET VENDOR**

Any person who shall sell food, flowers, alcoholic or nonalcoholic beverages, and/or other goods or services from either a motorized or nonmotorized mobile vending unit.

## **SECTION 3: LICENSE REQUIRED**

- A. Any person seeking to engage in business as a peddler, solicitor or vendor shall first obtain a peddler, solicitor or street vendor license.
- B. All persons acting as a solicitor, peddler or street vendor shall comply with all laws, ordinances and regulations, including all Schuyler County and New York State Health Department requirements.

C. The sale of alcohol requires approval and participation in a Special Event held by or contracted with the Village of Watkins Glen. The vendor must have a valid permit/license issued by the New York State Liquor Authority as well as a Landlord Authorization Form issued by the Village Clerk. Alcohol vendors at any event will be grouped in one location for containment. Any consumption may only take place within that designated area.

D. Licenses issued are not transferable.

#### **SECTION 4: LICENSE FEES**

The license fees for solicitors, peddlers or street vendors shall be as follows:

A. General fee. Other than per event, on January 1 of each year all annual solicitor, peddler and street vendor licenses shall automatically expire and be null and void. All fees are paid to the Village Office, with checks written to the Village of Watkins Glen. Use of a credit or debit card will add an additional transaction fee of 3.25%.

- Solicitors and Peddlers: \$125 per calendar year
- Street Vendors: \$125 per event or \$250 for the calendar year.

B. Associated solicitors, peddlers and street vendors and mobile vending units operated as an adjunct to an existing business shall pay an annual fee of \$50.

C. Exemptions.

1) The following shall be exempt from license fees and applications required under this law:

- a. Newspaper carriers.
- b. Charitable, religious or nonprofit organizations or corporations which have received tax exempt status under 26 U.S.C.A. § 501(c)(3) or other similar civic, charitable or nonprofit organizations.
- c. Farmers or gardeners selling fruits, vegetables, or other similar farm produce raised, gathered, or produced by such persons.
- d. Persons engaged in political or other First Amendment speech or solicitation.

- e. Candidates for political office, campaign workers, members and representatives of political committees or political organizations campaigning on behalf of ballot issues, distributors of sample ballots and other political literature and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency.
  - f. Honorably discharged soldiers, sailors, or marines of the military and naval services of the United States who have obtained a license from the County Clerk in connection with § 32 of the General Business Law.
  - g. A street vendor who is participating in a special event organized pursuant to a contract between the Village of Watkins Glen and another entity, such as the Italian Festival or other entity.
- 2) Notwithstanding the exemptions provided herein, all exempt persons must provide proof of their exempt status along with photo identification to the Village Clerk prior to conducting activities within the Village of Watkins Glen.
  - 3) Exempt persons are exempt only from the Village licensing fees and must still comply with all provisions of the law, ordinances and regulations of the Village of Watkins Glen and all applicable Schuyler County and New York State Health Department requirements.
  - 4) Recognizing that bona fide charitable, religious and nonprofit organization will engage in appropriate canvassing within the Village, they must still comply with requirements to notify the Village Clerk, in writing, of their presence in the Village, including names and addresses of all individuals and dates and time of activities. Organizations shall be limited in time, and in no more than 30 days in any calendar year.

#### **SECTION 5: LICENSE APPLICATION, INFORMATION REQUIRED**

- A. Any person, firm or other organization desiring to secure a solicitor's, peddler's or street vendor's license shall apply therefor in writing to the Village Clerk, on forms provided by the Village, and such application shall set forth as to each solicitor, peddler or street vendor as the principal applicant as follows:
  - 1. The name, address and telephone number of the principal applicant, firm or other organization.

2. In the event the name or address of the applicant has changed within the last two years, each name and address over the last two-year period preceding the most recent.
  3. The nature or character of the goods, wares, merchandise or services to be offered by each principal applicant.
  4. A list of the persons originally contemplating solicitation, peddling or street vending within the Village, and the information required as to each.
  5. The name, address and telephone number (business and home) of the individual acting as manager of the principal applicant.
  6. Written approval for the vending site from the abutting property owner and/or tenant for street vendors.
- B. For each person soliciting, peddling or street vending within the Village of Watkins Glen pursuant to a principal applicant and license as required herein, whether acting as an employee, independent contractor, or otherwise, the following information shall be provided to the Village Clerk on forms provided by the Village and shall set forth as to each such person the following:
1. His or her name, address and telephone number;
  2. The name, address and telephone number of the person, firm or other organization holding the principal license;
  3. His or her age and general personal description as required by the Village;
  4. Any and all facts relating to conviction of crimes as such information may be required by the Village in the application form; and
  5. Such other information as reasonably required by Village officials.
- C. The Village Clerk shall refer the application to the Sergeant-in-Charge of the Watkins Glen Police Department , who shall make a criminal history background investigation of the applicant. Upon completion, the Sergeant-in-Charge shall forward the results of the investigation to the Village Clerk.

D. If, as a result of the investigation, the applicant is not found to have committed any of the acts requiring denial as listed below, the Village Clerk shall, upon payment of the prescribed fee, issue the license to the applicant. The Village Clerk shall deny the application if any of the following has occurred:

1. Committed any act consisting of fraud or misrepresentation.
2. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of a license.
3. Within the previous 10 years, been convicted of a misdemeanor or felony directly relating to his or her fitness to engage in the occupation of peddler, solicitor or street vendor and including, but not limited to, those misdemeanors and felonies involving moral turpitude, fraud or misrepresentation.
4. Been charged with a misdemeanor or felony of the type defined above, and the disposition of that charge is still pending.
5. Been refused a license under the provision of this law or any other local law of the Village of Watkins Glen; however, any applicant previously denied may reapply if and when the reasons for denial no longer exist.
6. Made a false or misleading statement in the application.

E. Every peddler, solicitor or street vendor shall be required to carry the license and/or display it, along with photo identification, upon request by a prospective customer, Village representative or enforcement officer.

## **SECTION 6: INVESTIGATION OF APPLICANTS**

It shall be the duty of the Sergeant-in-Charge to investigate each application made. The investigation shall determine:

- A. The genuineness of all credentials presented by the applicant and/or the individual solicitor, peddler or street vendor and the reliability of the product or services;
- B. If the applicant and/or its solicitor, peddler or street vendor has a criminal record;
- C. The truth of the facts set forth in the application; and
- D. If the applicant or solicitor, peddler or street vendor proposes to engage in a lawful and legitimate commercial or professional enterprise.

## SECTION 7: STREET VENDOR REQUIREMENTS

Any person seeking a permit for a street vendor license under the definition of this law shall comply with the following requirements:

- A. All advertising shall be placed on the motorized/nonmotorized mobile unit and will not be allowed on the street or sidewalk. Maximum sign area allowed shall be four square feet.
- B. The vending site shall be kept clean and orderly at all times, and the vendor must provide a refuse container and is encouraged to provide containers for recycling, and shall duly dispose of all waste properly. No portion of the vendor's inventory, sales equipment, or any other structure or equipment used in the sales or solicitation process shall be left overnight upon any unenclosed portion of any lot or site within the Village, nor any public street or right-of-way.
- C. The Village reserves the right to limit the number of vending permits in any given area of the Village. When the number of permitted mobile vendors reaches 10, a review before the Board of Trustees is triggered to determine if the number of mobile vendors should be limited. The Village Board of Trustees review may consider the needs of the public, diversity of products offered for sale, the smooth flow of pedestrian and vehicular traffic, number of complaints, and locations where vending units are located.
- D. Street vendors shall not locate within that portion of the improved street right-of-way designed for vehicular traffic or parking. Street vendors seeking to locate in improved street rights-of-way shall be oriented toward pedestrian traffic movement or safety. Any application to locate a street vendor in the street right-of-way shall require approval by the Village Code Enforcement Officer and shall not interfere in any way with vehicular or pedestrian traffic or safety.
- E. No mechanical audio or noise making devices and no hawking are allowed. Hawking is the loud, repeated oral solicitation of business by the vendor or an assistant.
- F. Street vendors may operate in the parks only if they have a concession agreement with the Village of Watkins Glen Parks and Recreation Department to operate at a specific park property.
- G. All street vendors shall comply with all applicable Schuyler County and New York State Health Department requirements. Any sale of alcohol requires explicit permission from the Village and requires all state and local permits/licenses.

- H. The applicant shall submit with his application a copy of the written approval for the vending site from the property owner when locating on private property. When locating on a sidewalk within the right-of-way, the applicant shall have written approval for the vending site from the abutting property owner and/or tenant. In the event that the property owner or tenants shall disagree, the property owner's decision shall be final.
1. In the event that the proposed site is on or abuts property owned by the Village of Watkins Glen, the applicant shall be required to obtain the Village's approval. Approvals relating to park property shall be handled as a request to let concession. Requests for sites abutting all other public land owned by the Village shall be forwarded to the Board of Trustees for its review and approval.
  2. In the event that the proposed site is on or abuts publicly owned property not owned by the Village, the applicant shall be required to obtain approval from the public entity that owns the property.
  3. In the event that the site for which approval is sought abuts vacant land, the applicant shall make reasonable written attempts to secure the approval of the property owner. If the applicant is unable to do so, the Village may accept written proof of such attempts and issue a conditional permit. If a complaint is later received from the owner of the land, the license will be revoked. The granting of such conditional license shall vest no right to the applicant.
- I. When locating within a parking lot of a private location, the applicant shall:
1. Identify the location the mobile vending unit will be located and provide a circulation plan. The location and circulation plan shall require approval by the Village Code Enforcement Officer to ensure the vending unit will not interfere in any way with vehicular or pedestrian traffic or safety.
  2. Demonstrate that the site will meet the parking requirements excluding parking space(s) occupied by the mobile vending unit.
- J. The maximum permissible size for any nonmotorized mobile vending unit shall be 20 square feet. In no event shall any nonmotorized mobile vending unit exceed 10 feet in length.
- K. During special events held within the Village where food providers are required to pay a fee to participate, no mobile vending units may be allowed to operate within 1/4 mile of the special event.



## **SECTION 8: SOLICITING AND PEDDLING RESTRICTIONS**

All licenses issued pursuant to this law shall be subject to the following time and location restrictions:

- A. No peddler or solicitor shall engage or attempt to engage in the business of peddling at any home, residence, apartment complex or business that prominently displays a "No Peddlers" or "No Solicitors" sign or any other similar sign that communicates the occupants' desire to not be contacted by peddlers.
- B. No peddler or solicitor shall persist or continue in any solicitation or attempted solicitation of any particular member or members of the general public if such person or persons do not wish or desire any further solicitation efforts.
- C. No persons subject to the terms of this law shall conduct themselves in such a manner as to annoy or harass any person while soliciting within the Village.
- D. No peddler or solicitor shall engage in the business of peddling between the hours of 8:00 p.m. and 10:00 a.m. If participating in an event held in a non-residential setting, such as Clute Park, the peddler or solicitor may operate up to 10 p.m.
- E. Motorized and nonmotorized mobile vending units which are located directly adjacent to residential property may not operate between the hours of 9:00 p.m. and 9:00 a.m. Motorized and nonmotorized mobile vending units not located adjacent to residential areas may not operate between the hours of 10:00 p.m. and 8:00 a.m.
- F. No solicitor, peddler or street vendor; regardless of motorized or nonmotorized vending unit, shall engage or attempt to engage in the business of cannabis products or cannabis related paraphernalia.
- G. Adult-Use Retail Dispensaries and On-Site Consumption Sites uses shall be specially permitted only in the mixed-use Industrial Zoning District as set forth in the Village of Watkins Glen Zoning Law.

## **SECTION 9: REVOCATION OF LICENSE**

- A. Such license may be revoked by the Village of Watkins Glen for the violation by the employer or the solicitor, peddler or street vendor of any law, rules or regulations of the

Village of Watkins Glen. The Village of Watkins Glen may also revoke a license for street vendor under the following conditions:

1. Failure to comply with the terms of this law;
2. Misrepresentation of facts in the licensee's application for the necessary permits;
3. Failure to comply with the terms of a valid street use permit;
4. Creation of a hazard to the public health or safety; or
5. Complaints of aggressive or disorderly behavior.

B. When a license is revoked, no refund of any portion of the fee shall be made.

#### **SECTION 10: APPEALS PROCEDURE**

- A. The applicant may appeal the decision of the Village Clerk to deny or revoke a license by filing written notice of appeal to the Village of Watkins Glen Board of Trustees within 48 hours of the Clerk's decision.
- B. Upon timely receipt of the notice of appeal, the Village Clerk shall set a date for hearing the appeal within 10 days of receipt.
- C. The hearing shall be de novo. The Village Board of Trustees may affirm, reverse, or modify the Village Clerk's decision.
- D. The decision of the Village Board of Trustees shall be final.