

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

Village of Wellsville

Local Law No. -3 of the year 2001

A local law amending Local Law No. 4 of 1990 regulating the conduct of sales within the Village of Wellsville, NY

Be it enacted by the Board of Trustees of the

Village of Wellsville as follows:

SECTION I

Purpose-To establish guidelines for the conduct and administration of sales of personal property, household items, etc., as defined in this local law.

SECTION II

Definition-Sales of household items, heirlooms, wearing apparel, and miscellaneous personal property commonly known as garage, patio, lawn, rummage, yard, porch and/or estate sales and auctions and all similar types of sales by whatever name.

SECTION III

General Prohibition-No sale shall be held for more than three (3) consecutive days. No more than two (2) sales may be held at any one location within a twelve month period.

SECTION IV

Issuance of Licenses-No sale may be conducted unless authorized by non-transferable license by the Village Clerk at least five days prior to the first day of the sale.

1. The license application and the license shall contain the dates of all prior sales held at the sale location during the prior twelve (12) month period.

2. The license shall be conspicuously displayed throughout the sale.
3. Only licenses signed by the clerk or deputy clerk and impressed with the village seal shall be considered valid.
4. Sales shall be held only on the dates shown on the license. There will be no adjourned dates/continuing sale dates unless a new license is issued. In the event the sale is not held for reasons beyond the applicant's control, the village clerk may amend the license for other dates.
5. The clerk shall design and provide application and license forms. The clerk may establish rules and regulations for the administration of the program and rules and regulations for the conduct of the sales. Such rules and regulations shall be filed in the village clerk's office and placed in the minutes of the village board. Said rules and regulations will be given to all applicants, and acceptance of a license shall constitute agreement to abide by the rules and regulations. Failure to abide by the rules and regulations may result in the refusal to issue a license in the future or the requirement of a cash bond of \$150.00 for issuance of another license.
6. The license fee is \$5.00 per sale and is non-refundable.

SECTION V

Violations-Any violation of this local law shall constitute disorderly conduct and the person violating the same shall be a disorderly pers

SECTION VI

Effective Date-This local law shall take effect immediately upon filing with the Secretary of State.

(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 2001 of the (County)(City)(Town)(Village) of Wellsville was duly passed by the Board of Trustees on 7/23/01, 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 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

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

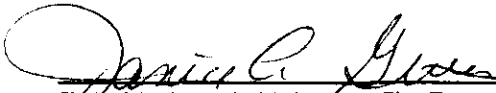
I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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


(Seal)

Date: 072601

(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 Allegany

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.



Signature

Village Attorney

Title

County
City of Wellsville
Town
Village

Date: 072601

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Village of Wellsville

Local Law No. 5 of 1995

A Local Law regulating street sales on or near village park land

Be it enacted by the Board of Trustees of the

Village of Wellsville as follows:

SECTION 1-PURPOSE

The Village Board has determined that the selling or hawking of goods, or the distribution or offering of literature such as hand bills or programs at and near the outside entrances to areas of the park and recreational areas of the Village, creates a danger to the operation of motor vehicles, and to pedestrians, approaching, entering or actually on park areas. Such activities interfere with the traffic flow of vehicles and pedestrians, resulting in congestions and safety concerns. The Board, therefore, pursuant to the authority of Village Law 4-412(1) and Village Law 6-602, enacts this Local Law.

SECTION 2-DEFINITIONS

The following terms in this Local Law shall have the following meanings:

A. Non-Sales Areas:

1. Immediate entrances to and exits from the Park areas, vehicular ways within the Park areas, any parking lots in Park areas, including designated temporary parking areas.

2. Approaches to Park Areas: All public streets in the Village within the following inclusive boundaries: South Main Street, West State Street, South Brooklyn Avenue, and the southerly boundary of the Village, including, but not limited to: West Hanover Street; West Dyke Street on both sides of the Genesee River; a portion of New York Route 417 also known as the Arterial, between its State Street and South Main Street between West State and the Arterial; and any pedestrian bridge across the Genesee River or Dyke's Creek that connects with Island Park.

B. Street-The same meaning as contained in Village Law Section 6-600 and as defined by Vehicle and Traffic Law Section 148.

C. Sell-shall mean the selling, hawking, or offering for sale, distribution, or trade with or without consideration, or selling price, of any object or item, including, but not limited to advertising, souvenirs, handbills, programs, or food items.

D. Park Lands or Park Areas shall mean the followings:

- (1) Tullar Field Recreational Area;
- (2) Island Park;
- (3) The Lagoon Recreational Area;
- (4) The Quackenbush Recreational Area; and
- (5) All public parking lots contiguous to the above.

E. Farmers' Market- Which can be a temporary, periodic sales event offering products of arts and crafts, plants, produce, baked goods and other food items such as honey, jellies, and janes, which are homemade or home produced and sold by those who produce, grow or manufacture the items. A Farmers' Market should be considered seasonal and involves no permanent structure, but rather sales made from tables, tents or vehicles.

SECTION 3-SELLING PROHIBITED

A. Selling within non-sales areas as defined herein is hereby prohibited except as herein provided.

B. EXCEPTION: The Village Clerk, on behalf of the Board of Trustees, may specifically authorize, by permit, a Farmers Market, or village board sanctioned events, at designated times and areas in Island Park vehicle parking areas, upon such terms and conditions as are reasonable and appropriate. All such permit holders shall be required to cluster their sale tables, tents or vehicles into a designated area so as to minimize hinderance to customer vehicular or pedestrian traffic.

SECTION 4-PENALTY

Non compliance with this Local Law shall constitute a violation as defined by Section 10 of the Penal Law of the State Of New York, and shall be punishable, upon conviction, by a fine not exceeding Two hundred Fifty Dollars (\$250.00) or by imprisonment for not more than six (6) days, or by both such fine and imprisonment.

SECTION 5-EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

(Please Use this Form for Filing your 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
Cityxxx of Wellsville
Townxxx
Village

Local Law No. 4 of the year 19 90

A local law regulating the conduct of sales within the Village of Wellsville, NY
(Insert title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
Cityxxx of Wellsville
Townxxx
Village as follows:

SECTION I

Purpose: To establish guidelines for the conduct and administration of sales of personal property, household items as otherwise defined in this local law.

SECTION II

Definition: Sales of household items, miscellaneous personal property, heirlooms including wearing apparel; commonly known as garage, patio, lawn, rummage, yard, porch sales and all similar types of sales by whatever name.

SECTION III

General Prohibition: A sale will be held for no more than three (3) consecutive days. A sale will be held only two (2) times at the same location over the course of one twelve (12) month period.

SECTION IV.

Issuance of Licenses: A nontransferrable permit is to be obtained from the Village Clerk's Office at least five (5) days prior to the commencement of the sale.

1. The license application and the license shall contain the dates of all prior house sales held at the sale location during the prior twelve (12) month period.
2. The license or a copy thereof shall be conspicuously displayed through out the sale. The original to be produced upon request of the Wellsville Police Department.
3. Only licenses signed by the Clerk or Deputy Clerk and impressed with the village seal shall be considered as a valid original license.
4. Sales shall be held only on the dates as shown on the license. There will be no adjourned dates/continuing sale dates except with application and receipt of new license. In the event the sale is not held for reasons beyond the applicants control then the Village Clerk may amend the license for other dates.
5. The clerk shall design and provide application forms and the license. The Clerk may establish rules and regulations to the administer the program and rules and regulations to the conduct of the sales. Such rules and regulations shall be filed in the Village Clerk's Office and placed in the minutes of the Village Board. Said rules and regulations will be given to all applicants and acceptance of the license shall be agreement to abide by the rules and regulations. Failure to abide by the rules and regulations may result in the refusal to issue a license in the future or a cash bond of \$150.00 will be required for issuance of another license.
6. License fee is hereby established at \$5.00 per occasion and is non-refundable

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION V

Violations: Any violation of this local law shall constitute disorderly conduct and the person violating the same shall be a disorderly person.

SECTION VI

Effective Date: This local law shall take effect immediately upon its filing with the NYS Secretary of State.

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