

LOCAL LAW #2 OF 2013
A LOCAL LAW TO AMEND CHAPTER 171 ENTITLED "PEDDLING AND SOLICITING" OF
THE CODE OF THE VILLAGE OF HORSEHEADS
Adopted 1/24/13

(REPEALS CHAPTER 171 OF VILLAGE CODE AS ADOPTED BY THE VILLAGE BOARD OF TRUSTEES IN
AUGUST OF 1965, KNOW THEN AS CHAPTER 34 OF THE 1965 CODE)

Be it enacted by the Village Board of the Village of Horseheads as follows:

§ 1. PURPOSE AND INTENT.

- A. It is the purpose and intent of this law to control and regulate the activities of peddlers and solicitors in the Village of Horseheads. History has shown that there is a need for investigation and review of the past conduct of parties engaged in canvassing, peddling, soliciting or the like in the interest of promoting public safety and morals, child welfare, economic well-being and highway safety and usage. This law is not intended to regulate peddling, soliciting or vending at parades, festivals, or the like, which are subject to Chapter 138 of the Village Code (LL #6 of 2004) and for which a permit has been issued. This law is intended to protect the peace and security of our citizens in their homes and neighborhoods; to safeguard consumers against fraud and inferior goods; and to prevent congestion and unsafe conditions on the streets and highways of the Village.
- B. In order to accomplish this goal, the Village Board is exercising its authority under § 10 Subdivision 1(ii)a(12), of the Municipal Home Rule Law, §§ 136, Subdivision 1, and 137 of the Village Law and any other applicable provision of law now or hereafter enacted, to supersede and/or expand upon the applicable provisions of § 137 of the Village Law, and any other applicable or successor law.

§ 2. DEFINITIONS.

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

Canvass

Any person, either principal or agent, traveling either by foot or by any conveyance, who canvasses as herein defined. For purposes of this law, the entity which engages a person or its agent for the purpose of canvassing is also considered a canvasser within the meaning of this section and is subject to all provisions herein. To go from house to house, from store to store, from place to place, or from street to street, or any combination thereof predominantly seeking contributions, fund raising, petitioning,

combination thereof predominantly seeking contributions, fund raising, petitioning, soliciting membership, disseminating information, conducting surveys, soliciting opinions, or the like.

Canvasser

Any person who, by going from house to house, or place of business to place of business, or any combination thereof, predominantly seeks contributions, fund-raises, petitions, solicits membership, disseminates information or conducts activities which would not be characteristic of a peddler or solicitor.

Company

Any association of individuals, partnerships, firms, corporations, societies or any other organization.

Peddle

To go from house to house, from store to store, from place to place or from street to street, or any combination thereof on foot or from any vehicle, or to deal out, distribute or dispense, to sell or barter and make immediate delivery or to offer for sale or barter and deliver any goods, wares, merchandise or provisions or items of value, including books or periodicals, in possession of the seller or any combination thereof at any place within the Village other than from a fixed place of business, except confectionary, ice cream or ice cream like products, milk or milk products and newspapers.

Peddler

Includes any person traveling either by foot or conveyance who peddles as herein defined. The words "peddler," "hawker" and "huckster" are considered synonymous terms. For the purposes of this law, the entity which engages a person as its agent for the purposes of peddling or soliciting is also considered a peddler within the meaning of this law and is subject to all provisions herein.

Person

Includes any individual, firm, partnership, corporation, unincorporated association and any principal or agent thereof.

Police Department

Village of Horseheads Police Department.

Public Place

Any street, sidewalk, alley or other public way and public park, square, space or grounds or any publicly owned or leased land or buildings.

Solicit

To go from house to house, from store to store, from place to place or from street to street, or any combination thereof on foot or from any vehicle, to sell or take orders for goods, wares, merchandise or provisions, including books or periodicals, for future

delivery, or for services to be performed at any place within the Village, or to distribute advertising matter, except confectionary, ice cream or ice cream like products, milk or milk products and newspapers.

Solicitor

Any person, either principal or agent, traveling either by foot or by any conveyance, who solicits as herein defined. For purposes of this law, the entity which engages a person or its agent for the purpose of soliciting is also considered a solicitor within the meaning of this law and is subject to all provisions herein.

Stationary Location

Includes any point or distance within 0.3 of a mile in all directions of a stationary location.

Vehicle

Any motor vehicle as defined in the Vehicle and Traffic Law of New York.

Vend

To peddle, hawk, sell, barter or lease, or to offer to sell, barter or lease, or to display for sale, barter or lease any goods, wares, merchandise or services in a public place.

Village

The Village of Horseheads, New York.

Words singular in form may include the plural, and any words plural in form may include the singular; and words in the masculine gender shall include the feminine and neuter genders.

§ 3. LICENSE REQUIRED.

It shall be unlawful for any person or company to peddle or solicit within the Village without having first obtained a valid license therefore as provided herein.

§ 4. INFORMATION REQUIRED ON LICENSE APPLICATION.

A. Any person desiring a license as herein provided shall file with the Village Clerk-Treasurer a written application, duly verified by the applicant upon forms prescribed by the Village Clerk-Treasurer. Such application shall include but not be limited to the following information:

- (1) The name, address (local and legal), date of birth, and drivers license number of such person and the name and address of the corporation, limited liability company, firm, association, club, partnership or any other organization represented by such person.
 - (2) A description of the type of goods, wares or merchandise which the applicant wishes to sell or solicit orders for or the type of service for which the applicant wishes to sell or solicit orders.
 - (3) The number and kind of vehicles to be driven by the applicant or in which the applicant will be transported in the solicitation, peddling or canvassing; the registration data for each such vehicle; and the license data as to all operators of such vehicles.
 - (4) The County Health Department permit number, if a food vendor.
 - (5) Current tax status (i.e., whether tax exempt, not-for-profit, etc.).
 - (6) Proof of registration with the NYS Attorney General's Charities Bureau, if applicable.
 - (7) If peddling or soliciting for a corporation, limited liability company or the like, the date and state in which it is incorporated, a copy of the Certificate of Incorporation, Articles of Organization, etc. and the name, address, date of birth of the president or managing member.
 - (8) Whether or not the person applying for the license and who shall engage in soliciting or peddling within the Village has ever been convicted of any crime (misdemeanor, felony) and, if so, under what name, with a listing of such convictions or other disposition thereof, including the crime, jurisdiction, date and sentence imposed and the name and location of the court where such record is on file and may be verified.
 - (9) A statement whether any license similar to or like that provided for in this law was issued or denied to the applicant within the current or prior calendar year, whether in the Village of Horseheads or elsewhere, and, if issued, whether such license had been suspended or revoked and setting forth the reasons for such suspension or revocation.
 - (10) A list of requested dates and times any soliciting or peddling is to take place.
- B.** Such application shall be accompanied by three photographs of the person applying for the license who shall engage in soliciting or peddling within the Village, two inches by two inches in size, taken within 30 days prior to the date of filing of the application, full face on a white background. The applicant must furnish conclusive proof of possession of a State of New York sales and use tax permit, if applicable.

C. Each person applying for a license to peddle or solicit within the Village, and who shall engage in peddling or soliciting within the Village shall submit their fingerprints and shall pay any applicable fees in the form and manner as prescribed by the NYS Division of Criminal Justice Services (DCJS) so as to provide access to the applicant's or individual's criminal history record information to the Police Department pursuant to the NYS Executive Law and this law. The Chief of Police or a Sergeant of the Police Department shall be responsible for reviewing the criminal history record information disseminated by DCJS.

D. Said application shall not be further entertained by the Village Clerk-Treasurer until the Police Department shall have had sufficient time to satisfactorily complete the investigation of applicant as described below and until said written report of the Police Department has been received by the Village Clerk-Treasurer.

§ 5. INVESTIGATION OF APPLICANT; ISSUANCE OF LICENSE; RECORDS.

A. No application for a license shall be approved, nor any license issued under the provisions of this law, until the Police Department representative as specified in Section 4C has reviewed and examined the criminal history record information received from the processing of the fingerprints.

B. Any applicant who has been convicted of a felony or misdemeanor may warrant further investigation. Notwithstanding the foregoing, any decision regarding an applicant's fitness for license must be made after consideration of NYS Correction Law Sections 701-702-b, and Sections 751-753.

C. Upon receipt of such application, one copy shall be referred to the Police Department for such investigation of the applicant to be made as it deems necessary for the protection of the public good.

D. After completion of the investigation and review of the criminal history pursuant to this section, the Police Department shall forward to the Village Clerk-Treasurer a written report indicating the existence or nonexistence of a reason(s) to grant or deny the application.

E. If, as a result of such investigation of each applicant, no such convictions referred to in Subsection B are found to exist, the Police Department shall attach a statement to the

application that it has no record of the applicant and shall return said application to the Village Clerk-Treasurer. No license shall be issued under the provisions of this law until the Police Department has submitted the written report referenced in this section.

F. The Village Clerk-Treasurer shall deny an application and refuse a license in the event of an unsatisfactory police report or if the applicant refuses to complete the application in all respects or if there have been five or more complaints filed against a previously licensed licensee within the prior year. A false statement contained in any application shall be mandatory grounds for the rejection of such application by the Village Clerk-Treasurer and may lead to criminal sanctions against the applicant where applicable.

G. The Village Clerk-Treasurer may deny an application and refuse a license to any person:

(1) Previously convicted of a violation of this law; or

(2) If it appears from the application and investigation that the applicant is not a person of good moral or business character unless the applicant can show good cause why the application should be granted; or

(3) If, within the preceding 12 months, there have been five or more complaints against the applicant and/or the applicant's assistant(s) and employee(s).

H. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, or the license is denied for any reason set forth herein, the Village Clerk-Treasurer shall endorse on such application his or her disapproval and his or her reasons for the same and shall notify the applicant that the application is disapproved and that no license will be issued.

I. Upon approval of the application by the Village Clerk-Treasurer and the payment of the prescribed license fee by the applicant, the Village Clerk-Treasurer shall prepare and deliver to the applicant his license. Such license shall bear the words "peddler" or "solicitor," contain the Seal of the Village and the signature of the issuing officer and shall show the name, address and photograph of the licensee, the kind of goods to be peddled or solicited thereunder, the amount of fee paid, the license number, the date of issuance and the date of expiration of such license, as well as the state license number or other identifying description of vehicles, if for a vehicular license. Such license shall be kept on the person of the licensee, during such time as said licensee is plying his trade in the Village.

J. The Village Clerk-Treasurer shall keep a record of all licenses issued.

§ 6. FEES.

A. The following non-refundable fees shall be paid on application to the Village Clerk-Treasurer. Such fees may be changed from time to time by resolution of the Village Board of Trustees:

- (1) For each person, corporation or company proposing to peddle or solicit, whether on foot or from a licensed vehicle, a filing fee of \$200.00.
- (2) For any license issued after July 1 in any year, the fee shall be \$100.00.
- (3) For replacement of lost license, a fee of \$35.00.
- (4) For a criminal history record, the actual cost of same incurred by the Village.

B. The annual fee herein provided for shall be assessed on a yearly basis, and all licenses shall expire on the 31st day of December next succeeding the date of issuance.

§ 7. REPLACEMENT OF LICENSE.

To each person licensed under this law who loses his license issued by the Village Clerk-Treasurer, the Village Clerk-Treasurer shall issue a replacement, upon said person submitting an affidavit setting forth the facts surrounding the loss of said license.

§ 8. POSSESSION AND DISPLAY OF LICENSE REQUIRED.

Every peddler or solicitor licensed under this law shall prominently display his license at all times when peddling or soliciting and shall display the same upon demand of any person, and proper and conspicuous posting/presentation of the New York State sales tax permit shall be required.

§ 9. NAME AND ADDRESS ON VEHICLE.

Every vehicle used by a licensed peddler or solicitor in or about his or her business shall have the name of the licensee and his or her address plainly, distinctly and legibly printed or affixed in letters and figures at least two inches in height in a conspicuous place on the outside of the right and left sides of every such vehicle, and such name and address shall be kept so displayed

plainly and distinctly at all times while such vehicle is in use for peddling or soliciting during the continuance of the license.

§ 10. DOCUMENTS NOT TRANSFERABLE.

No license issued under the provisions of this law may be transferred from one person to another person or from one vehicle to another vehicle, nor shall any license so issued be used or worn at any time by any other person than the one to whom it was issued. In the event that a licensee shall permit any other person to possess or use such license, such license shall automatically be revoked, and the licensee shall thereby be guilty of violating this law.

§ 11. USE OF STATIONARY LOCATIONS.

No peddler or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location or to operate in a congested area where such operation might impede or inconvenience the public, nor shall be permitted to operate for longer than 10 minutes in any one location, which shall include a distance of 0.3 of a mile in all directions from any one location. For the purpose of this law, the judgment of any police officer exercised in good faith shall be deemed conclusive as to whether or not the area is congested or the public impeded or inconvenienced.

§ 12. CANVASSER REGISTRATION AND APPROVAL.

A. It shall be unlawful for any person to engage in the business of canvasser, as defined in Section 2 of this law, without having first officially registered with the Village Clerk-Treasurer. Registrants shall complete forms provided by the Village Clerk-Treasurer which shall require, but not be limited to, the following information:

- (1) The name and address of such organization, firm, association, club, corporation, limited liability company, or partnership;
- (2) The name, address, and date of birth of such person(s) who will represent the organization;
- (3) Three photographs of each registrant, two inches by two inches in size, taken within 30 days prior to the date of filing of the application, full face on a white background;
- (4) Proof of registration with the NYS Attorney General's Charities Bureau, if applicable.
- (5) Current tax status (i.e., whether tax exempt, not-for-profit, etc.).

- (6) The date and state of incorporation or formation, along with a copy of the Articles of Incorporation/Organization or the like;
 - (7) The dates and times canvassing is to take place;
 - (8) A list of streets, roads or neighborhoods where the canvassing is to take place.
- B. The Village Clerk-Treasurer and the Police Department shall investigate all registrations, once properly completed and duly signed by the applicant. After completing its investigation, the Police Department shall forward to the Village Clerk-Treasurer its recommendation as to whether the registrant shall be granted the permission to canvass within the Village.
- C. The Village Clerk-Treasurer may refuse to officially register any canvasser for cause, after written notice, for the following reasons, including but not limited to:
- (1) Fraud, misrepresentation or false statement in the registration form;
 - (2) Fraud, misrepresentation or false statement made in the course of canvassing activities;
 - (3) Conviction of a felony or a misdemeanor which, in the judgment of the Village Clerk-Treasurer, renders the registrant undesirable, unless superseded by the Village Manager ;
 - (4) Evidence of performing canvassing activities in an unlawful manner or in such a way as to breach the peace or as to endanger the public health, safety or general welfare;
 - (5) Incomplete registration form.
- D. Upon receipt of a completed application, favorable report of the Police Department's investigation, and upon compliance with all the requirements of this law, the Village Clerk-Treasurer shall officially recognize the registration of the subject canvasser, specifying the particular canvassing authorized. The date of the recognition and expiration of the registration, the name and specific nature of the canvassing organization, as well as the canvasser's name and photograph, shall be included on an identification card to be provided for each canvasser by its canvassing organization.
- E. Each organization shall renew its registration on a yearly basis by providing the Village Clerk-Treasurer with a current list of the names, addresses, dates of birth and social security numbers of its canvassers, as well as the times, dates and places it intends to canvass and current pictures of the canvassers.

§ 13. RESTRICTIONS AND PROHIBITED ACTS.

- A. Peddling, soliciting or canvassing (licensed or unlicensed) shall be undertaken only between the hours of 10:00 a.m. and 8:00 p.m. or sunset, whichever occurs first, and such license shall not be valid for use by the holder on Sundays or legal holidays.
- B. It shall be unlawful for any peddler, solicitor or canvasser to enter onto any premises or private property through any other point other than the front main entrance, unless otherwise invited by the owner or occupant.
- C. No peddler, solicitor or canvasser shall frequent any particular residence, street, sidewalk or public place so as to cause a private or public nuisance. If any person licensed hereunder has been refused or denied access to a private residence, it shall be unlawful for him, or any assistant or employee, to reenter the property the same day.
- D. It shall be unlawful for any peddler, solicitor or canvasser in plying his trade to enter upon any premises or property or to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "No peddlers, no solicitors, no agents, no canvassing," or other wording, the purpose of which purports to prohibit peddling or soliciting or canvassing on the premises.
- E. No peddler, solicitor or canvasser shall peddle, vend or sell his services, goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his cart, wagon or vehicle to stand on any public highway within said distance of such property or place.
- F. No peddler, solicitor or canvasser shall solicit any business whatsoever at the scene of any accident or emergency within the Village.
- G. No peddler, solicitor or canvasser shall cry out, blow a horn, ring a bell or use any sound-amplifying system upon any of the streets, alleys, parks or other public places of said Village or upon any private premises.

H. No person shall peddle, vend or sell his goods, wares, services or merchandise in any congested area when or where such activity may impede, endanger or inconvenience the public or add to the congestion of such place or area.

I. All parking and traffic regulations imposed by the Village or the County of Chemung or the State of New York shall be observed, and vehicles shall not be parked to block or restrict access to and from any road or private drive and shall be forthwith removed from private driveways upon request.

J. No peddler, solicitor or canvasser shall falsely or fraudulently misrepresent the quality, character or quantity of any article offered for sale, or falsely or fraudulently represent services to be rendered or the costs thereof, or offer for sale any unwholesome, tainted or diseased food or merchandise, or sell or offer for sale any food or merchandise which does not materially conform to any samples or models demonstrated or brochures or pamphlets given to a prospective customer as to size, quantity, materials, use, application and quality of workmanship.

§ 14. USE OF SCALES OR MEASURES.

If the applicant for a peddler's or solicitor's license uses scales or measures in his business, he shall also file with his application for a license a certificate issued by the Chemung County Sealer of Weights and Measures that his scales or measures have been tested and sealed.

§ 15. PERSONS HOLDING VETERAN'S LICENSES.

Any honorably discharged veteran of the Armed Services of the United States who has obtained a veteran's license, in accordance with NYS General Business Law Chapter 20, Article 4, from the Chemung County Clerk to hawk, peddle, vend or solicit trade, in pursuance of law, on the streets and highways of the Village shall be exempt from the provisions of Sections 5 and 6 of this law. Upon approval of the veteran's application, the Village Clerk-Treasurer will stamp a copy of the county license for said veteran to ply his trade in the Village, subject to all other provisions of this law. Said license will be stamped in ink on the face of the County license.

§ 16. EXEMPTIONS.

A. This law shall not apply to:

- (1) Any persons under the ages of 18 years who solicit, peddle or canvass on behalf of a charitable, religious, athletic, social, educational or civic organization, including but not limited to the Boy Scouts, Girl Scouts, Cub Scouts or Brownie Scouts or clubs, classes or organizations sponsored by a public or private school;
- (2) Any person soliciting at the express invitation of the person solicited;
- (3) Any sales held pursuant to statute or by order of any court;
- (4) Any candidate running for office or his or her representatives, or individuals supporting said candidate or any individuals supporting or opposing referenda or propositions at general or special elections;
- (5) Solicitations, sales or offers on behalf of a society, association or corporation organized and operated exclusively for charitable, not-for-profit, educational, civic, patriotic, benevolent, religious, philanthropic purposes and not for the pecuniary benefit, no part of the net earnings of which inure to the benefit of any private shareholder or individual, when such solicitation, sale or offer is carried out on behalf of such society, association or corporation by volunteers or persons employed on an annual basis for fixed wage or salary, provided that at least 10 days prior to entering the Village for soliciting or selling purposes, the person or persons involved shall register with the Village Clerk-Treasurer, providing their identity and proof of their nonprofit status, and advising of the time and location within the Village of their proposed activity; notwithstanding this exemption, such society, association, corporation or the like shall not be exempt from the restrictions and prohibited acts provided for in Section 13 hereof;
- (6) A duly organized volunteer ambulance or fire company, fire department, or district or an auxiliary thereof;
- (7) The peddling of fish, fruit or farm produce by persons who produce such commodities, provided that the sale takes place from a stationary location upon property owned or leased by the seller and all other local, state and federal laws, rules and regulations have been complied with, including any licensing or health and safety requirements. This exemption shall apply only to natural persons and shall not be construed to include farmers or other persons who buy goods for resale, as well as selling their own produce, or to any helper or employee of such exempt person.
- (8) Peddlers, solicitors or vendors who are engaged in the act of peddling, soliciting or vending at a parade, festival, or the like, for which a permit has been issued pursuant to Chapter 138 of the Village Code (LL # of 2004).

B. Nothing contained in this section shall exempt any person from the restrictions set forth in §13, above.

§ 17. PERSONS ENGAGED IN INTERSTATE COMMERCE.

- A. Anything to the contrary notwithstanding, this law shall not apply if its enforcement would unlawfully interfere with interstate commerce.
- B. Any person or company who solicits orders for goods, wares, merchandise or provisions for future interstate delivery to any place in the Village shall be exempt from the payment of any fees as set forth in § 6 of this law upon presentation of proper proof to the Village Clerk-Treasurer that said person or company is actually engaged in interstate commerce. If the Village Clerk-Treasurer shall determine that such person or company is actually engaged in interstate commerce and all other provisions of this law have been complied with, the Village Clerk-Treasurer shall indicate on the license that such person or company is properly registered hereunder. All other provisions of this law shall apply to all such persons and companies registered pursuant to this section.

§ 18. ENFORCEMENT.

It shall be the duty of any police officer of the Village to require any person seen peddling or soliciting, and who is not known by such police officer to be duly licensed or registered, to produce his peddler's and solicitor's license or canvasser's registration and to enforce the provisions of this law against any person found violating the same.

§ 19. INSURANCE AND INDEMNITY.

- A. Before any license, as provided by this law, shall be issued, the applicant shall file with the Village Clerk-Treasurer a certificate of insurance naming the Village, its officers, employees, agents and assigns as the additional named insured. Said certificate of insurance shall be in a minimum amount of \$1,000,000.00 against any and all damages and injury to property or person by reason of, or related to, the licensee's use of public streets, sidewalks or places to vend merchandise. Said insurance shall be maintained throughout the duration of the license period, and failure to do so shall be a violation of this law.
- B. All certificates of insurance issued pursuant to this section shall contain a clause that 10 days' written notice of cancellation or change shall be given to the Village Clerk-Treasurer of the Village.

C. An applicant shall also submit an executed agreement to indemnify and hold harmless the Village and its officers, employees, agents and assigns from any and all liability, claims, actions, injuries and damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the vending of merchandise by said applicant or the granting of a license to do so.

§ 19. WHEN WRITTEN ORDERS ARE REQUIRED; DUPLICATES.

All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor.

§ 20. REVOCATION OF LICENSE OR REGISTRATION.

- A. Licenses or registrations issued under the provisions of this law may be revoked by the Village Manager after notice and hearing before the Village Manager or his designee for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for license/registration.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler or solicitor or canvasser.
 - (3) Any violation of this law.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) The accumulation of five or more verified complaints made to the Police Department, Village Manager, and/or the Village Clerk-Treasurer's office.
 - (6) Conducting the business of peddling, soliciting or canvassing in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of a hearing for revocation of a license or registration shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee/registrant at his last known address at least five days prior to the date set for hearing.

C. The Village Manager, upon receiving information giving him or her reasonable cause to believe that the holder of any license or registration issued hereunder has violated any provisions of this law or has been convicted of any violation referred to in this section or indicted or charged with or for any crime or offense, may forthwith temporarily suspend such license or registration until a hearing is held by him or her as provided herein and the Village Manager shall have issued his determination thereon.

D. If the Village Manager revokes a license or registration, the fee already paid for the license or registration shall be forfeited. A person whose license or registration has been revoked under this section may not apply for a new license or registration for a period of one year from the effective date of revocation.

E. Failure to appear at the scheduled hearing will be considered a default and will result in the revocation of the license or registration.

§ 21. REPORT OF VIOLATIONS.

A. Aggrieved residents may report any violation of this law to the Police Department, which shall maintain records of any reported violations.

B. The Police Department shall report to the Village Clerk-Treasurer in writing all complaints of violations of this law, and the Village Clerk-Treasurer shall record the reports of such violations.

§ 22. APPEALS.

Any person aggrieved by the action of the Police Department or the Village Clerk-Treasurer in the denial of the application for a license as provided in §5 of this law or in the decision of the Village Manager or his designee with reference to the revocation of a license as provided in §22 of this law shall have the right to appeal to the Village Board of the Village of Horseheads. Such appeal shall be taken by filing, within 15 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of such appeal. The Village Board shall set a time and place for such appeal, and notice of such appeal shall be mailed to the applicant at his last known address at least five days prior to the

date set for the appeal. The decision and order of the Village Board on such appeal shall be final and conclusive.

§ 23. PENALTIES FOR OFFENSES.

Violations of this local law shall be punishable by fine or imprisonment or both as prescribed by Chapter 1, Article II, "General Penalties" of the Village Code. Each day of violation shall constitute a separate additional offense.

§ 24. SEVERABILITY.

If any portion of this law shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such portion thereof shall be deemed inoperative and the balance of said law shall be deemed to be in full force and effect.

§ 25. REPEALER.

Any local law, ordinance or resolution of the Village in conflict herewith is hereby repealed to the extend of such conflict or inconsistency, except that this repeal shall not effect or prevent the prosecution or punishment of any person for any act done or committed in violation of any local law, ordinance, or regulation hereby repealed prior to the effective date of this local law. In particular, but not by way of limitation, this local law supersedes and repeals Chapter 171 of Village Code as adopted by the Village Board in August of 1965, known then as Chapter 34 of the 1965 Code.

§ 26. EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing of same with the NYS Secretary of State.