



VILLAGE OF JOHNSON CITY

MUNICIPAL BUILDING
243 MAIN STREET • JOHNSON CITY, NY 13790
www.villageofjc.com

Village Board

Gregory Deemie, Mayor
Bruce King, Deputy Mayor
Richard Balles, Trustee Martin Meaney, Trustee John Walker, Trustee

Minutes of a Regular Meeting of the Johnson City Village Board held on Tuesday, September 5, 2017 in the Municipal Building, 243 Main St., Johnson City

Present: Gregory Deemie, Mayor
 Bruce King, Deputy Mayor
 Richard Balles, Trustee
 John Walker, Trustee
 Martin Meaney, Trustee

Absent: None

Also Present: Cindy Kennerup, Village Clerk/Treasurer
 Cheryl Sacco, Attorney for the Village

Mayor Deemie called the meeting to order at 7:30pm, led the Pledge of Allegiance and noted the fire exits.

MAYOR'S ANNOUNCEMENTS

- [1] The next regular Village Board Meeting will be Tuesday, September 19, 2017 at 7:30pm with a work session at 5:30pm.
- [2] Johnson City Partners Cruze-Inz will be held from 5-8pm on Thurs., September 21st in the Village Hall Parking lot.
- [3] The Village's 125th Jubilee Celebration will be held on Sat., Sept. 16th from 11:30am – 7:30pm at CFJ Park.

APPROVAL OF BOARD MINUTES

A motion to approve the minutes of the August 15, 2017 regular meeting and work session was made by Trustee Balles and seconded by Trustee Meaney. The motion carried with all those present voting in the affirmative.

BIDS - None

PUBLIC HEARINGS - None

PETITIONS RECEIVED - None

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the first privilege of the floor.

Melody Smith, Nassau Street – Expressed her thanks for getting the end of their driveway done. Stated that there are sidewalks that are not handicapped accessible. She described an area on Gannett Drive by the parking lot to CFJ Park and also across from St. James Church on Lester Avenue.



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Phyllis Smith, Concord Smith – Concerned over the Arch Street viaduct. She has called DPW twice and stated that Laurie told her that a work order had been written to have the brush, trees, grass trimmed along there because you cannot see coming off of Brocton Street if someone is coming over the viaduct. It is a dangerous situation and has not been touched all summer. Mayor Deemie stated that he will make sure it gets taken care of.

Carol Laskoski, Edward Street – Ms. Laskoski stated that she has complained about the same area 3 summers in a row. She spoke to Mike Sherba about it.

Mayor Deemie stated that he had a call about the bamboo on Taber Street as well.

Lurleen Crampton, Riverside Drive – Asked about the house on the corner of Floral Avenue and Roberts Street. She asked where “Jeff” (the home owner?) is. All of a sudden things are not being maintained. Asked what they are doing with the house on Floral Avenue where the fire was. It seems like work stopped there. Mayor Deemie stated he would check with code.

Mayor Deemie closed the first privilege of the floor.

COMMUNICATIONS

A motion to accept and file the following Communications was made by Trustee Meaney and seconded by Trustee Balles. The motion carried with all those present voting in the affirmative.

- [1] Thank you letter from NYSEG to the JC Fire Dept. for their help during a recent emergency on August 4, 2017
- [2] Notice of liquor license renewal for Red’s Kettle Inn, 91 – 93 CFJ Blvd.
- [3] Notice of a September 12, 2017 regular meeting of the Binghamton-JC JSB
- [4] Proposed 2018 Budget proposed by the Binghamton-Johnson City Joint Sewage Board
- [5] Notice of a Special Joint Budget Meeting at 5:30pm on Monday, September 11th to discuss the proposed 2018 Joint Sewage Budget.
- [6] Notice of a Special Joint Budget Meeting at 5:30pm on Thursday, September 14th to discuss the proposed 2018 Joint Sewage Budget.

COMMITTEE/BOARD REPORTS

A motion to accept and file the following Committee/Board Reports was made by Trustee King and seconded by Trustee Walker. The motion carried with all those present voting in the affirmative.

- [1] Minutes of the July 10, 2017 regular meeting of the JC Zoning Board of Appeals
- [2] Minutes of the June 27, 2017 regular meeting of the JC Planning Board
- [3] Minutes of the July 25, 2017 regular meeting of the JC Planning Board
- [4] Minutes of the August 9, 2017 regular meeting of the Town of Union Board
- [5] Minutes of the August 23, 2017 special meeting of the Town of Union Board
- [6] Minutes of the Oct. 20, 2016 special/emergency mtg. of the Binghamton – JC JSB
- [7] Minutes of the Nov. 15, 2016 regular mtg. of the Binghamton – Johnson City JSB
- [8] Minutes of the December 13, 2016 regular mtg. of the Binghamton – Johnson City JSB
- [9] Minutes of the December 22, 2016 special mtg. of the Binghamton – Johnson City JSB
- [10] Minutes of the January 10, 2017 regular mtg. of the Binghamton – Johnson City JSB
- [11] Minutes of the February 14, 2017 regular mtg. of the Binghamton – Johnson City JSB
- [12] Minutes of the February 23, 2017 special mtg. of the Binghamton – Johnson City JSB
- [13] Minutes of the March 16, 2017 regular mtg. of the Binghamton – Johnson City JSB



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- [14] Minutes of the April 11, 2017 regular mtg. of the Binghamton – Johnson City JSB
- [15] Minutes of the May 9, 2017 regular mtg. of the Binghamton – Johnson City JSB
- [16] Minutes of the May 23, 2017 special mtg. of the Binghamton – Johnson City JSB

DEPARTMENT REPORTS

A motion to accept and file the following Department Reports was made by Trustee Meaney and seconded by Trustee Balles. The motion carried with all those present voting in the affirmative.

- [1] Code Enforcement Monthly Report – July 2017
- [2] Police Overtime Report for the week of August 10 – August 23, 2017
- [3] Fire Department Overtime Report for the week of August 10 – August 23, 2017
- [4] DPW & Water Monthly Report – August 2017

PAYROLL AND BILLS PRESENTED

A motion to approve abstract #5 of the 2017 - 2018 fiscal bills, having been audited by the Board and approved, was made by Trustee King and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

GENERAL FUND	\$ 681,628.37
WATER FUND	\$ 581,824.33
SEWER FUND	\$ 18,881.03
REFUSE FUND	\$ 89,221.90
JSTP	\$2,149,795.20
VARPUR	\$2,149,795.20

UNFINISHED BUSINESS - None

NEW BUSINESS

FINANCE & RULES (All Board Members)

Resolution #2017 - 153

A motion to approve a request from Family Enrichment Network, Inc. to forgive the fees associated with the seasonal removal and replacement of a water meter for their proposed community garden at 52 Sherman Street was made by Trustee King and seconded by Trustee Meaney.

Motion Failed - Vote:

Ayes – 0 **Nays** – 5 (*Meaney, King, Walker, Balles, Deemie*) **Absent** – 0

Resolution #2017 - 154

A motion to introduce Local Law No. 8 of 2017 was made by Trustee Meaney and seconded by King.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0



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WHEREAS, a local law, being proposed as Local Law No. 8 of 2017, entitled "A LOCAL LAW AMENDING CHAPTERS 96 AND 300 OF THE VILLAGE CODE REGARDING ANIMALS" a copy of which is attached hereto, was introduced at this meeting, and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law at 7:35 p.m. on September 19, 2017, at the Village Hall, 243 Main Street, Johnson City, New York, and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Resolution #2017 - 155

A motion to introduce Local Law No. 9 of 2017 was made by Trustee Walker and seconded by Trustee Meaney.

Motion Carried - Vote:

Ayes – 5 (Meaney, King, Walker, Balles, Deemie) **Nays** – 0 **Absent** – 0

WHEREAS, a local law, being proposed as Local Law No. 9 of 2017, entitled "A LOCAL LAW ABOLISHING AND REPLACING CHAPTER 196 OF THE CODE OF THE VILLAGE OF JOHNSON CITY ENTITLED 'PEDDLING AND SOLICITING'" a copy of which is attached hereto, was introduced at this meeting, and

WHEREAS, the Village Board desires to hold a public hearing with respect to the adoption of said Local Law.

NOW, THEREFORE, BE IT RESOLVED that a public hearing will be held by the Village Board of the Village of Johnson City with respect to the adoption of the aforesaid Local Law at 7:35 p.m. on September 19, 2017, at the Village Hall, 243 Main Street, Johnson City, New York, and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Resolution #2017 - 156

A motion to introduce Local Law #10-2017, amending Chapter 264 of the Village Code entitled "Vehicles and Traffic" as follows: §264-89B. to add Riale Ave- North and South Sides; 30 feet west of Riverside Drive; to schedule a public hearing on said local law on September 19 at 7:35 p.m. and to authorize publication of notice of said public hearing was made by Trustee Balles and seconded by Trustee King.

Motion Carried - Vote:

Ayes – 5 (Meaney, King, Walker, Balles, Deemie) **Nays** – 0 **Absent** – 0

Resolution #2017 - 157

A motion to approve a request from William Giblin, Owner of Giblin's, 256 Main St., to close Wilbrow Alley on September 10, 2017 from 9:00am – 8:00pm as part of the Giblin's Annual Golf Tournament contingent upon supplying the Village with proper insurance coverage and



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naming the Village as additional insured for this event was made by Trustee Walker and seconded by Trustee King.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

Resolution #2017 - 158

A motion to authorize Village Justice Gregory Thomas to apply for the 2017-2018 Justice Court Assistance Program (JCAP) Grant through the New York State Unified Court System with the funds to be used for updates and renovations to the Village Court was made by Trustee Meaney and seconded by Trustee King.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

Resolution #2017 – 159

A resolution of the Village of Johnson City, New York, adopted September 5, 2017, amending the bond resolution adopted May 16, 2017. Motion to adopt the resolution made by Trustee Meaney and seconded by Trustee Walker.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

Recitals

WHEREAS, the Board of Trustees of the Village of Johnson City, in the County of Broome, New York, has heretofore duly authorized the acquisition of police vehicles at the estimated maximum cost of \$73,000, pursuant to the bond resolution adopted by the Board of Trustees on May 16, 2017; and

WHEREAS, the estimated cost of said project has now been determined to be \$73,743, and it is necessary and in the public interest to increase the appropriation for the project by \$743 and to amend said bond resolution to authorize the expenditure of \$743 in available Village funds to pay a part of said appropriation;

Now, therefore, be it RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF JOHNSON CITY, IN THE COUNTY OF BROOME, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board of Trustees) AS FOLLOWS:

Section (A) The bond resolution of said Village duly adopted by the Board of Trustees on May 16, 2017, entitled: "Bond Resolution of the Village of Johnson City, New York, adopted May 16, 2017, authorizing the acquisition of police vehicles, stating the estimated maximum thereof is \$73,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$73,000 to finance said appropriation," is hereby amended to read as follows:

BOND RESOLUTION OF THE VILLAGE OF JOHNSON CITY, NEW YORK, ADOPTED MAY 16, 2017 AND AMENDED SEPTEMBER 5, 2017, AUTHORIZING THE ACQUISITION OF POLICE VEHICLES, STATING THE ESTIMATED MAXIMUM THEREOF IS \$73,743; APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, INCLUDING THE EXPENDITURE OF \$743 IN AVAILABLE VILLAGE FUNDS TO PAY A PART OF SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL



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AMOUNT OF \$73,000 TO FINANCE THE BALANCE OF SAID APPROPRIATION THE BOARD OF TRUSTEES OF THE VILLAGE OF JOHNSON CITY, IN THE COUNTY OF BROOME, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Johnson City, in the County of Broome, New York (herein called the "Village"), is hereby authorized to acquire police vehicles. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$73,743 and said amount is hereby appropriated for such purpose. The plan of financing includes the expenditure of \$743 in available Village funds to pay a part of said appropriation, the issuance of \$73,000 bonds of the Village to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$73,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the bonds herein authorized, within the limitations of Section 11.00 a. 77. of the Law, is three (3) years.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.



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Section 7. *The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:*

- (a) *such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or*
- (b) *the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or*
- (c) *such obligations are authorized in violation of the provisions of the constitution.*

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in the "Press & Sun Bulletin," a newspaper having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication.

* * *

Section (B) The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

PUBLIC SAFETY

FIRE (Trustees Balles & Walker) – No new business

POLICE (Trustees Balles & Walker)

Resolution #2017 - 160

A motion to declare the following items as surplus equipment: 1) 2003 BMW 745I VIN WBAGN63493DR11388, a seized vehicle pursuant to an arrest and forfeited under CPL Article 13A, which has been stipulated to the Village of Johnson City (Vehicle would be auctioned upon receipt of proper title, currently pending from DMV), 2) 40 breathing apparatuses that are reaching expiration and have no further purpose to the Village, 3) Police equipment (non-weapon): gun cases, holsters, & nylon belts having no further use or purpose to the Village, 4) a K9 kennel from a 2008 Dodge Durango that is no longer needed as the vehicle it was in has been decommissioned and is no longer in use and authorize the Police Department to dispose of these items via AuctionsInternational.com at no cost to the Village and further authorize the Police Department to properly discard these items if they do not sell after the auction was made by Trustee Meaney and seconded by Trustee King.

Motion Carried - Vote:

Ayes – 5 (Meaney, King, Walker, Balles, Deemie) Nays – 0 Absent – 0

PUBLIC WORKS (Trustees Balles & King)

Resolution #2017 - 161

A motion to authorize the Johnson City Elks to hold the annual Show Off Your Doggie Show to raise funds for K9 vests and equipment at CFJ Park on Saturday, October 7, 2017 from



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9:00am – 12:00pm contingent upon the receipt of the required proof of insurance naming the Village of Johnson City as the certificate holder and as an additional insured was made by Trustee Walker and seconded by Trustee King.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

Resolution #2017 - 162

A motion to appoint Christopher Pero to the position of Water Treatment Plant Operator/Trainee from Broome County Certified List #15-017 at a salary \$17.29 per hour effective September 25, 2017 contingent upon the successful completion of a background investigation and the required drug test was made by Trustee Walker and seconded by Trustee King.

Motion Carried - Vote:

Ayes – 4 (*King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0 **Abstain** – 1 (*Meaney*)

RECREATION (Trustees Balles & King) – No new business

PLANNING, ZONING & CODE ENFORCEMENT (Trustees Balles & Walker)

Resolution #2017 - 163

A motion to appoint Chris Fillinger with NY Atlantic Inland, Inc. as the electrical inspector until further notice was made by Trustee King and seconded by Trustee Meaney.

Motion Carried - Vote:

Ayes – 5 (*Meaney, King, Walker, Balles, Deemie*) **Nays** – 0 **Absent** – 0

JOINT SEWAGE TREATMENT BOARD (Trustees Meaney & King) – No new business

PRIVILEGE OF THE FLOOR – VISITORS

Mayor Deemie opened the second privilege of the floor. There being no one wishing to speak, Mayor Deemie closed the second privilege of the floor.

ADJOURNMENT

Mayor Deemie adjourned the meeting at 7:49pm.

Cindy Kennerup
Clerk/Treasurer

CK/db

Recordings of the Village Board meetings and work sessions are available for review through the Village Clerk/Treasurer's Office.



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VILLAGE OF JOHNSON CITY LOCAL LAW NO. 8 FOR THE YEAR 2017

A LOCAL LAW AMENDING CHAPTERS 96 AND 300 OF THE VILLAGE CODE REGARDING ANIMALS

Section 1. Chapter 96 of the Village Code shall be amended as follows:

§96-1 Prohibited at large. – This section shall remain the same.

§96-2 Keeping livestock generally. – This section shall be repealed and deleted in its entirety.

§96-3 Keeping livestock for sale; permit fee. – This section shall be repealed and deleted in its entirety.

§96-4 Promulgation of regulations. – This section shall be repealed and deleted in its entirety.

§96-5 Running at large prohibited. – This section shall be repealed and deleted in its entirety.

§96-6 Permit required; fee. – This section shall be repealed and deleted in its entirety.

§96-7 Permit nontransferable. – This section shall be repealed and deleted in its entirety.

§96-8 Duration of permit. – This section shall be repealed and deleted in its entirety.

§96-9 Keeping not to create nuisance. – This section shall be repealed and deleted in its entirety.

§96-10 Proximity of coops, runways to inhabited building. – This section shall be repealed and deleted in its entirety.

§96-11 Condition of coops and runways. – This section shall be repealed and deleted in its entirety.

§96-12 Sale of poultry; fee permit. – This section shall be repealed and deleted in its entirety.

Section 2. Chapter 300 of the Village Code shall be amended as follows:

§300-40.10. Keeping of livestock.

The keeping, sheltering, or maintenance of livestock and/or poultry, within an agricultural farming operation located in a county agricultural district, shall be subject to New York State Agriculture and Markets Law.

The keeping, sheltering, or maintenance of livestock and/or poultry, not within an agricultural farming operation located outside of a county agricultural district, shall be permitted only in the Rural Residential District and is subject to the following standards:

- A. The minimum parcel size shall be three acres.
- B. A maximum of two livestock may be kept, sheltered, or maintained per three acres minimum.
- C. One additional livestock may be kept, sheltered, or maintained for each additional acre over the three-acre minimum.



- D. Storage of manure or other odor-producing material or housing for livestock or poultry shall not be allowed within a minimum of 100 feet of any residentially zoned lot line or private well.

300-40.10.1 Domesticated chickens

Domesticated chickens shall be permitted in the Village of Johnson City by special permit granted by the Village Board. The minimum parcel size to allow domesticated chickens shall be 6,000 square feet and shall be limited to single family owner occupied dwellings only. In any application before the Village Board, the following special regulations shall be instituted:

- A. Roosters are not permitted.
- B. The business of animal husbandry, where animals are reared or kept in order to sell the animals or their products, is not permitted.
- C. Up to six (6) domestic female fowls (aka hens) as an accessory use may be kept, for use of any property owner. The hens must be confined within the boundaries of the lot.
- D. A fence, of sufficient gauge, construction and height, is required and must be constructed to confine the hens to the lot or a portion of the lot.
- E. An accessory structure or a covered enclosure (aka coop) must be included within the fenced in area.
- F. The fenced in area must be a minimum of 25 square feet.
- G. Only one coop to house hens is permitted per lot.
- H. Such coop must be a minimum of 4 square feet per hen.
- I. Such coop is not permitted in a front yard or side yards.
- J. Such coop must be located at least 20 feet from any lot line and it must be located at least 25 feet from any residential structure on any adjacent lots. The coop must be constructed and placed so as to minimize odor and noise.
- K. The fenced area and coop must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- L. A building permit must be obtained for such coop and fence, wherein the requirements of this Article will be confirmed, including setbacks and the obligations to minimize odor and order. A fee shall be set by resolution.
- M. The fenced area and coop combined shall not cover more than 50% of the rear yard area.
- N. Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.
- O. Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All manure not used for composting or fertilizing shall be removed.

(The remainder of this chapter shall remain the same)



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Section 3. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 4. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

VILLAGE OF JOHNSON CITY - LOCAL LAW NO. 9 FOR THE YEAR 2017

A LOCAL LAW ABOLISHING AND REPLACING CHAPTER 196 OF THE CODE OF THE VILLAGE OF JOHNSON CITY ENTITLED "PEDDLING AND SOLICITING"

Be it enacted by the Board of Trustees of the Village of Johnson City as follows:

Section 1. Legislative Intent.

It is the intent of this local law to abolish and replace Chapter 196 of the Code of the Village of Johnson City.

Section 2. Authority.

This Local Law is adopted pursuant to Municipal Home Rule Law §10(1)(ii)(a)(12) which authorizes a local government to adopt and amend local laws relating to the government, protection, order, conduct, safety, health and well-being of persons or property therein, including, but not limited to, the power to adopt local laws providing for the regulation or licensing of occupations or businesses.

Section 3. Currently issued permits and licenses to remain in effect.

All permits and licenses issued prior to the effective date of this local law shall continue to be governed by Chapter 196 of the Code of the Village of Johnson City in effect prior to this local law's effective date.

Section 4. Repeal and replacement of Chapter 196 of the Village Code.

Chapter 196 of the Village Code is hereby repealed and replaced in its entirety with the following provisions:



§ 196-1. Short title and purpose.

A. The short title of this statute shall be the "Transient Retail Business & Vendor Law."

B. The Board of Trustees, as a matter of legislative determination, does hereby determine that the business, occupation or activity of transient retail businesses and vendors should be regulated as doing so is necessary for the enforcement of law, the regulation of traffic, the prevention of congestion of travel and for the protection and preservation of the safety, health and general welfare and property of the inhabitants of the Village and to protect such inhabitants against the unlawful activities or operations of persons of criminal habits or tendencies representing themselves as engaged in such business or occupation, and that such persons shall be registered and required to furnish such information as shall be necessary or desirable for purposes of identification and to pay reasonable license fees and taxes. Accordingly, the Village declares that the purpose of this chapter is to establish, implement and enforce licensing procedures to be applicable to all Transient Retail Businesses and Vendors within the Village of Johnson City.

§ 196-2. Definitions

As used in the chapter, the following terms shall have the following meanings:

FARMERS MARKET

Any building or buildings, structure or structures or premises used by four or more persons for the sale at retail of produce, goods, wares or merchandise. The term "Farmers Market" shall be deemed to not include "flea market" and similar terms.

PERSON

The singular and the plural, and shall also mean and include any person, firm or corporation, association, club, partnership, society or any other organization.

TRANSIENT RETAIL BUSINESS

A business conducted in a store, hotel, motel, house, building, vehicle, structure or outdoor sale area located on private property, and which is intended to be conducted for a temporary period of time and not permanently. Pursuant to § 85-a of the General Municipal Law, if the place in or from which a business is conducted is rented, leased or occupied for a period of six months or less, such fact shall be presumptive evidence that the business carried on therein is a Transient Retail Business.

VENDOR

A retailer of goods, or provider of services as a buyer or seller, in the public streets and places and from door to door in the Village. The term Vendor shall include persons commonly referred to as hawkers, peddlers, salesmen, or canvassers. The term Vendor shall not include persons retailing goods or rendering services as a buyer or seller, if such persons conducts their business in a store, hotel, motel, house, building, vehicle, structure, or outdoor sale area located on private property.

§ 196-3. License not required.

A. All Vendors selling goods in the Farmers Market located in the Johnson City Senior Center located at 30 Brocton Street, Johnson City, New York 13790.



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B. Vendors of, or Transient Retail Businesses engaged in the sale of, newspapers, milk, bakery goods, cheese, eggs, soft drinks, potato chips, beer, ice cream, cream and poultry and farmers and growers of farm and garden produce, or regularly established retailers in the Village and the duly appointed agents, servants and employees of such persons, shall not be required to apply for and obtain a license or pay a fee under the provisions of this Chapter. Vendors and Transient Retail Businesses not required to obtain licenses shall still be required to comply all other provisions of this Chapter.

C. This chapter shall not apply to sales in a residence when the person has a permanent residence within the Village of Johnson City, and shall not apply to door-to-door sales by civic groups, churches, Girl or Boy Scouts, Rotary Clubs, Lions Clubs, Kiwanis and like civic-minded groups, nor to garage and lawn sales. Further, the provisions of this Chapter shall not apply to persons engaged in the sale of cosmetics, Tupperware, pots and pans and like items of personal property; provided, however, that such sales occur solely and exclusively within a residence by permission of the owner thereof. It is the intent of this section to except such persons who sell Avon products, Tupperware, Mary Kay Cosmetics, or similar products, and like groups that conduct sales of goods in residences with permission of the owner thereof.

D. This Chapter shall not apply to farm stands as defined by Article 300-40.8 of the Zoning Code.

E. Nothing in this chapter shall apply to activities sponsored by and held for the benefit of any bona fide museum, fraternal, charitable, educational or religious organization. The burden of proving entitlement to this exemption shall be upon the person who would be required to otherwise make an application for a license under this Chapter.

§ 196-4. License required; fee; time effective.

A. It shall be unlawful for any person to operate in the Village as a Vendor or Transient Retail Business without first applying for and securing a license, hereinafter called, as applicable, a "Vendor's License" or "Transient Retail Business License."

B. Before any license may be issued under the provisions of this Chapter, the applicant shall pay a fee to the Village Clerk, who shall issue a receipt therefore to the applicant. The fee for such license shall be as set from time to time by resolution of the Village Board. Said license fees are nonrefundable. Any disabled veteran of any division of the United States Armed Forces, although he or she must qualify for a Vendor's License pursuant to the terms of this Chapter, if he or she does so qualify shall receive a Vendor's License without fee.

C. A Vendor's License issued under this chapter shall be valid for 60 days from its date of issuance. A Transient Retail Business License shall be valid for 180 days from its date of issuance. Licenses issued may only be renewed upon reapplication by the person seeking to act as a Vendor or Transient Retail Business.

§ 196-5. Application requirements for a license.

A. Vendor's License. An applicant for a Vendor's License required by this Chapter shall execute an application form at the office of the Village Clerk, which application form shall require the following:

- (1) The applicant's name, home, business and local address, if any.
- (2) A physical description of the applicant, setting forth the applicant's age, sex, height, weight, complexion, color of hair and eyes and any other distinguishing physical characteristics.



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- (3) The name and address or local principal office of the person, firm, organization or corporation, if any, for or through whom or under whose auspices the applicant is authorized to conduct such activity; if a partnership, the names and addresses of the partners; if a corporation, the name and addresses of the president, vice president, secretary and treasurer; or a statement that the applicant is engaged in such activity solely on his or her own behalf.
- (4) A brief description of the type or types of goods or services for which sales, purchases or orders are to be solicited.
- (5) A statement as to the approximate amount to be collected by the applicant and whether in full or partial payment.
- (6) The length of time during which the applicant intends to remain in the Village for the purpose of engaging in such activity.
- (7) A statement as to whether any license similar to or like that provided for in this Chapter was issued or denied to the applicant within the current or prior calendar year, whether in said Village or elsewhere, and if issued, whether such license has been revoked, setting forth the reasons for such revocation.
- (8) A statement as to whether the applicant has been arrested for or convicted of any crime or the violation of any municipal ordinances or if so, the place where, the nature of the offense and punishment or penalty assessed therefor or if the matter is pending.
- (9) Sample copy of order form. The applicant shall attach to such application a sample copy of the order or receipt form, if any, used by him or her in connection with such activity.
- (10) Credentials. Credentials from the person, firm or corporation for whom the applicant proposes to do business, authorizing the applicant to act as such representative, shall also be presented.
- (11) Proof of registration with the New York State Department of Taxation and Finance, or proof of exemption from such registration.

B. Transient Retail Business License. Any person desiring to conduct a Transient Retail Business in the Village shall present to the Village Clerk a verified application stating:

- (1) The name and permanent address of the person desiring to conduct such business.
- (2) The place where and the time during which said business is to be conducted
- (3) The name and local address of the person to be in immediate charge of said business.
- (4) The character of the goods or services to be dealt in.
- (5) Proof of registration with the New York State Department of Taxation and Finance, or proof of exemption from such registration.
- (6) The estimated amount of gross sales which may be made.

§ 196-6. Referral of applicants and application to Chief of Police; investigation and report of Chief; recommendation of Village Clerk.

The Village Clerk shall refer all applications and applicants for a license to be issued under this Chapter to the Chief of Police for fingerprint identification and to furnish such other information as shall be required for purposes of identification and the Chief of Police shall conduct such investigation as he or she shall deem necessary. He or she shall make a report of his or her investigation directly to



the Village Clerk who shall thereafter make his or her recommendation for approval or disapproval of the application to the Mayor

§ 196-7. Approval of application; signing and form of license.

A. Should the Mayor approve the license application provided for herein, a license shall be issued by the Village Clerk. The Mayor shall not approve, and no license shall be issued to, any applicant who shall have been convicted of any crime or the violation of any municipal ordinance or to any person whose license has been revoked unless the Mayor shall find upon good cause that the issuance thereof would not be contrary to the provisions of this Chapter. No license shall be issued to any person where the Mayor finds that the issuance thereof would be contrary to the provisions of this Chapter.

B. A license issued under the provisions of this Chapter shall be signed by the Village Clerk and shall be in such form as the Village Clerk may prescribe; provided, however, that such form shall include:

- (1) The name and address of the applicant.
- (2) The name and address of the person, firm or corporation, if any, for or through whom or under whose auspices the applicant is authorized to vend or conduct a transient retail business or if none, a statement to such effect.
- (3) A brief description of the type or types of goods, wares and merchandise to be sold.
- (4) The expiration date of the license.
- (5) If a Transient Retail Business, the address where such business will be conducted. If a Vendor, the approximate area within the Village where vending will occur.

§ 196-8. Place of business; signage.

No person shall act as a Vendor or conduct a Transient Retail Business within the Village at any place other than that set forth on the permit issued by the Village Clerk pursuant to this Chapter. Transient Retail Businesses cannot be located on a residential parcel or property zoned residential. Any signage must conform to Chapter 300 of the Village Code.

§ 196-9. Business to begin within 30 days.

In the event that any person fails to begin conducting the Transient Retail Business or acting as a Vendor at the place or in the manner specified in the license within 30 days after the issuance of said license, such person shall not thereafter conduct any Transient Retail Business or act as a Vendor within the Village until five days shall have elapsed after the filing of a new application duly verified and containing the information set forth above in §196-5(A), if a Vendor, or §196-5(B) if a Transient Retail Business.

§ 196-10. Bond required; imposition of tax; filing of reports; Village's right of entry; access to information.

A. Before any person shall commence a Transient Retail Business in the Village, such Person shall file with the Village Clerk a cash deposit or bond in an amount of not less than five hundred dollars (\$500.) and not more than one thousand dollars (\$1,000.), the amount to be fixed in proportion to the estimated amount of business to be done, conditioned that such person will make a full and complete report of the gross amount of sales made in such Transient Retail Business in the Village and shall file such



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reports as may be requested with the Village Clerk and will faithfully comply with the General Municipal Law in relation to taxation of transient merchants and with the provisions of this Chapter and will pay the amount of tax therein levied when the same shall become due and payable, said bond to be approved by the Village Attorney as to form and by the Mayor as to sufficiency.

B. Pursuant to the provisions of the General Municipal Law, as amended, a tax shall be levied upon all persons now conducting or who may hereafter conduct a Transient Retail Business in the Village. Such tax shall be based upon the gross amount of sales and shall be computed at the same rate as other property is taxed for the year in the Village. If at the time such tax becomes due and payable the tax rate for the current year of the Village has not been fixed, the same shall be estimated by the Assessors thereof, and such rate as estimated shall be taxed.

C. Filing of reports.

- (1) Stock on hand. Any person receiving a Transient Retail Business License under the provisions of this Article shall, before beginning business, file with the Village Clerk a verified report of the stock on hand and the aggregate value thereof with which it is intended to conduct said business.
- (2) Added stock. As further stock is received, such person shall within two (2) days after the receipt thereof file a verified report with the Village Clerk of such added stock and of the aggregate value thereof.
- (3) Daily statement. Any person granted a Transient Retail Business License under this Chapter shall file with the Village Clerk a verified statement of each day's sales not later than 12:00 noon of the following day and the amount for which the same was sold.
- (4) Final report. At the expiration of a Transient Retail Business License, a verified report setting forth the total amount of stock sold and the total amount for which it was sold shall be filed with the Village Clerk by the Transient Retail Business..

D. The Village Clerk and such officers of the Village designated by the Clerk for said purpose shall have the power and authority to enter any store or building in which a Transient Retail Business may be carried on at any time during business hours for the purpose of ascertaining the amount of sales made. At all times the Village Clerk shall have access to the books of such businesses that relate to the Transient Retail Business's operation in the Village.

§ 196-11. Exhibition of license.

A. Any person to whom a Vendor's License has been issued under this Chapter shall have such license in his or her possession at all times and shall exhibit the same at any time upon demand by any police officer, Village official, Village employee or the person approached by any Vendor.

B. Any person to whom a Transient Retail Business License has been issued shall have such license displayed to the public within five feet of such business's register or point-of-sale.

§ 196-12. Inspection of scales and measures.

Any person to whom a license is issued under the provisions of this Chapter, and carrying, keeping or using scales, measures or other appliances for weighing or measuring shall first have the same inspected by the County Sealer of Weights and Measures, and if the latter shall find such appliances



correct and true, he or she shall issue his or her certificate to that effect, and such certificate shall be affixed thereto in a conspicuous place. Such persons shall not carry, keep for use or use any such appliance which shall not be correct and true and which does not record and give the weight and quantity claimed by said person.

§ 196-13. Conduct generally.

Any person to whom a license is issued under the provisions of this chapter shall conduct himself or herself at all times in an orderly and lawful manner.

§ 196-14. Condition of vehicles and receptacle protection of wares.

A licensee hereunder shall keep the vehicles and receptacles used by him or her in a clean and sanitary condition and the foodstuffs and edibles offered for sale, if any, well covered and protected from dirt, dust and insects.

§ 196-15. Noises to attract attention.

It shall be unlawful for any person licensed hereunder to use, blow upon, ring or sound any instrument or thing or to shout or cry out for the purpose of attracting attention to his or her wares or giving notice of his or her approach.

§ 196-16. False statements or misrepresentations.

Persons licensed hereunder shall make no false statements or misrepresentations in the course of their activities.

§ 196-17. Unauthorized entry upon property by Vendors.

Vendors shall not enter in or upon any house or building or on any land or property where there is posted on the front of the building or premises a written notice stating that Vendors are not desired unless the Vendor has received the prior consent of the occupant thereof.

§ 196-18. Sales near schools by Vendors.

It shall be unlawful for any person to whom a Vendor's License has been issued under the provisions of this Chapter to sell any confectionery or ice cream within two hundred fifty (250) feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days.

§ 196-19. Littering of streets and public places by Vendors.

It shall be unlawful for any person to whom a Vendor's License has been issued hereunder, directly or indirectly, to cause or permit the public streets and places of the Village to be littered with papers, wrappings or other debris or refuse.

§ 196-20. Interference with pedestrian and vehicular traffic.

Any person licensed under the provisions of this Chapter shall conduct his or her activities in such manner as not to interfere with pedestrian or vehicular use of the public streets and places.

§ 196-21. Times of Operation.

Any person licensed under the provisions of this Chapter, who shall conduct business door to door,



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shall only be permitted to do so at the following times:

- (1) 9:00 A.M. – 7:00 P.M. local standard time Monday to Friday;
- (2) 10:00 A.M. to 5:00 P.M. local standard time Saturday to Sunday;
- (3) Prohibited from doing so on any federally recognized holiday.

§ 196-22. Penalties for offenses.

Any person who violates any of the provisions of this chapter shall be punished as follows:

A. A violation of any provision of this chapter is hereby declared to be a violation and shall be punishable by a fine of not less than \$100 nor more than \$250 or imprisonment for not more than 15 days, or both.

B. In addition to the penalties hereinabove imposed, the permit of such person shall be canceled and revoked and forfeited

Section 5. Seperability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 6. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 7. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

VILLAGE OF JOHNSON CITY LOCAL LAW NO. 10 FOR THE YEAR 2017

A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE ENTITLED VEHICLES AND TRAFFIC

Section 1. Chapter 264 of the Village Code shall hereby be amended as follows:

§ 264-89 Schedule XIV: No Standing.

B. No standing anytime. In accordance with the provisions of § 264-23, no person shall stand a vehicle upon any of the following described streets or parts thereof:



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Insert the following:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Riale Ave	North	30 feet west of Riverside Drive
Riale Ave	South	30 feet west of Riverside Drive

[The remainder of this section remains the same]

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.