



# 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

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## AGENDA - REGULAR MEETING OF THE VILLAGE BOARD

Tues., September 19, 2017 @ 7:30pm • Village Hall, 243 Main St., 2<sup>nd</sup> fl, Johnson City, NY

*We kindly request that you turn off or mute all electronic devices.*

*We kindly request that if anyone wishes to read from a prepared statement, please provide the Clerk with a copy so that the minutes can be as accurate as possible.*

### ORDER OF BUSINESS:

1. **PLEDGE OF ALLEGIANCE**

2. **FIRE EXITS**

3. **MAYOR'S ANNOUNCEMENTS**

- [3.1] The next regular Village Board Meeting will be Tuesday, October 3, 2017 at 7:30pm with a work session at 5:30pm.
- [3.2] Johnson City Partners Cruze-Inz will be held from 5-8pm on Thurs., September 21<sup>st</sup> in the Village Hall Parking lot.
- [3.3] Village Offices will be closed on Monday, October 9, 2017 for Columbus Day. There WILL BE yard waste collection on Monday.

4. **APPROVAL OF BOARD MINUTES**

Minutes of September 5, 2017 regular meeting and work session

5. **BIDS** - None

6. **PUBLIC HEARINGS**

- [6.1] Local Law No. 8 of 2017, entitled "A Local Law Amending Chapters 96 and 300 of the Village Code Regarding Animals"
- [6.2] 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'"
- [6.3] 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.

7. **PETITIONS RECEIVED**

8. **PRIVILEGE OF THE FLOOR – VISITORS**



9. **COMMUNICATIONS**

- [9.1] Notice of the Sept. 21, 2017 meeting of the Broome County Assoc. of Municipal Clerks
- [9.2] Notice of the Sept. 14, 2017 Special Joint Budget Meeting of Binghamton City Council, Village of JC Board and the Joint Sewage Board.
- [9.3] Letter from Melanie Harless regarding the street sweeper on Labor Day weekend.
- [9.4] Letter from the NYS DEC regarding the Binghamton-JC JSTP modification of the consent order of January 9, 2012
- [9.5] Binghamton-JC JSTP 2018 Budget as approved by the Owners

10. **COMMITTEE/BOARD REPORTS**

- [10.1] Minutes of the June 15, 2017 meeting of the Broome Co. Assoc. of Municipal Clerks
- [10.2] Minutes of the September 6, 2017 regular meeting of the Town of Union Board
- [10.3] Minutes of the July 11, 2017 regular meeting of the Village of Endicott Board
- [10.4] Minutes of the August 22, 2017 regular meeting of the Village of Endicott Board

11. **DEPARTMENT REPORTS**

- [11.1] DPW Overtime Report – August 2017
- [11.2] Police Overtime Report for the week of August 24, 2017 – September 6, 2017
- [11.3] Fire Overtime Report for the week of August 24, 2017 – September 6, 2017

12. **PAYROLL AND BILLS PRESENTED**

Abstract #6 of the 2017 - 2018 Fiscal bills

GENERAL FUND	\$ 354,557.51
WATER FUND	\$ 31,338.44
SEWER FUND	\$ 137,701.51
REFUSE FUND	\$ 27,635.48
JSTP	\$1,124,452.69
VARPUR	\$1,124,452.69

13. **UNFINISHED BUSINESS** - None

14. **NEW BUSINESS**

**FINANCE & RULES (All Board Members)**

**Resolution #2017 – 164**

Approve the Adoption of Local Law No. 8-2017.

At a regular meeting of the Village Board of the Village of Johnson City, held at the Village Hall, 243 Main Street, Johnson City, New York on the 19<sup>th</sup> day of September, 2017, the following resolution was offered and seconded:

*WHEREAS, the Village of Johnson City scheduled a public hearing for September 19, 2017 at 7:35 p.m. for Local Law No. 8 of the year 2017 entitled “A LOCAL LAW AMENDING CHAPTERS 96 AND 300 OF THE VILLAGE CODE REGARDING ANIMALS”; and*



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*WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk's sign board; and*

*WHEREAS, said public hearing was duly held at the Village Hall, 243 Main Street, Johnson City, New York on the 19<sup>th</sup> day of September, 2017 at 7:35 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and*

*WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board that adoption of the proposed Local Law constitutes an Unlisted Action, as defined under said regulations. The Village Board has considered the possible environmental impacts of the Local Law. The adoption of said Local Law will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the Local Law; and*

*WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said Local Law.*

*NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby adopts said Local Law as Local Law No. 8-2017 entitled "A LOCAL LAW AMENDING CHAPTERS 96 AND 300 OF THE VILLAGE CODE REGARDING ANIMALS", a copy of which is attached hereto and made a part hereof.*

*BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State.*

*BE IT FURTHER RESOLVED that this resolution will take effect immediately.*

### **Resolution #2017 – 165**

Approve the Adoption of Local Law No. 9-2017.

At a regular meeting of the Village Board of the Village of Johnson City, held at the Village Hall, 243 Main Street, Johnson City, New York on the 19<sup>th</sup> day of September, 2017, the following resolution was offered and seconded:

*WHEREAS, the Village of Johnson City scheduled a public hearing for September 19, 2017 at 7:35 p.m. for Local Law No. 9 of the year 2017 entitled "A LOCAL LAW ABOLISHING AND REPLACING CHAPTER 196 OF THE CODE OF THE VILLAGE OF JOHNSON CITY"; and*

*WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk's sign board; and*

*WHEREAS, said public hearing was duly held at the Village Hall, 243 Main Street, Johnson City, New York on the 19<sup>th</sup> day of September, 2017 at 7:35 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and*



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*WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, it has been determined by the Village Board that adoption of the proposed Local Law constitutes an Unlisted Action, as defined under said regulations. The Village Board has considered the possible environmental impacts of the Local Law. The adoption of said Local Law will not have a significant adverse impact on the environment and the Village Board adopts a negative declaration with respect to the Local Law; and*

*WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said Local Law.*

***NOW, THEREFORE, BE IT RESOLVED** that the Village Board hereby adopts said Local Law as Local Law No. 9-2017 entitled “A LOCAL LAW ABOLISHING AND REPLACING CHAPTER 196 OF THE CODE OF THE VILLAGE OF JOHNSON CITY”, a copy of which is attached hereto and made a part hereof.*

***BE IT FURTHER RESOLVED** the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State.*

***BE IT FURTHER RESOLVED** that this resolution will take effect immediately.*

### **Resolution #2017 – 166**

Approve the Adoption of Local Law No. 10-2017.

At a regular meeting of the Village Board of the Village of Johnson City, held at the Village Hall, 243 Main Street, Johnson City, New York on the 19<sup>th</sup> day of September, 2017, the following resolution was offered and seconded:

*WHEREAS, the Village of Johnson City scheduled a public hearing for September 19, 2017 at 7:35 p.m. for Local Law No. 10 of the year 2017 entitled “A LOCAL LAW AMENDING CHAPTER 264 OF THE VILLAGE CODE ENTITLED ‘VEHICLES AND TRAFFIC’”; and*

*WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village and posted on the Village Clerk’s sign board; and*

*WHEREAS, said public hearing was duly held at the Village Hall, 243 Main Street, Johnson City, New York on the 19<sup>th</sup> day of September, 2017 at 7:35 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and*

*WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(16) and (27); and*

*WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said Local Law.*

***NOW, THEREFORE, BE IT RESOLVED** that the Village Board hereby adopts said Local Law as Local Law No. 10-2017 entitled “A LOCAL LAW AMENDING*



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*CHAPTER 264 OF THE VILLAGE CODE ENTITLED "VEHICLES AND TRAFFIC", a copy of which is attached hereto and made a part hereof.*

*BE IT FURTHER RESOLVED the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State.*

*BE IT FURTHER RESOLVED that this resolution will take effect immediately.*

### **Resolution #2017 - 167**

Introduce Local Law #11-2017, amending sections of Chapter 108 of the Village Code entitled "Bicycles" to include Rollerblades and Skateboards; to schedule a public hearing on said local law on October 3, 2017 at 7:35 p.m. and to authorize publication of notice of said public hearing.

### **Resolution #2017 - 168**

Authorize the Clerk-Treasurer to refund a \$178.53 overpayment of real property taxes for 25 Weymouth Lane, pursuant to an application for the refund of real property taxes for the year 2017, which was approved by the Broome County Director of Real Property Tax Services on September 6, 2017.

### **Resolution #2017 - 169**

Appoint Mary Ann Kinne to the position of Typist Part-Time in the Clerk/Treasurer's Office, effective September 21, 2017, at a salary of \$10.00 per hour, contingent upon the completion of a successful background check.

## **PUBLIC SAFETY**

### **FIRE (Trustees Balles & Walker)**

#### **Resolution #2017 – 170**

Authorize the Mayor to sign a Memorandum of Understanding with Local 921, IAFF, AFL-CIO of the Johnson City Fire Department with regard to correcting three errors the parties discovered in the collective bargaining agreement which was recently ratified by both sides.

### **POLICE (Trustees Balles & Walker)** – No new business

## **PUBLIC WORKS (Trustees Balles & King)**

#### **Resolution #2017 – 171**

Tentatively designate Delta Engineers, Architects & Land Surveyors to perform Professional Services for a Feasibility Study for the DPW Building, a New York State Community Development Block Grant – Disaster Recovery (CDBG-DR) project in the Village of Johnson City and allow the Director of Public Services to begin negotiations for a scope of services and cost noting that this designation is tentative pending review and approval of the scope of services and cost by the New York State Governor's Office of Storm Recovery (GOSR).



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**RECREATION (Trustees Balles & King)** – No new business

**PLANNING, ZONING & CODE ENFORCEMENT (Trustees Balles & Walker)** – No new business

**JOINT SEWAGE TREATMENT BOARD (Trustees Meaney & King)**

**Resolution #2017 - 172**

Adopt the following resolution:

*A resolution authorizing the Mayor to amend certain work orders with GHD Consulting Services, Inc., for the BAF Restoration and Rehabilitation Project at the Binghamton-Johnson City Joint Sewage Treatment Facility.*

*WHEREAS, the Village of Johnson City (“the Village”) is a joint owner of the Binghamton-Johnson City Joint Sewage Treatment Facility (“the BJCJSTF”) with the City of Binghamton (“the City”); and*

*WHEREAS, the Village adopted a resolution #165, dated September 17, 2014 approving a Contract with GHD Consulting Services Inc., (“GHD”), for engineering consulting services for the restoration and rehabilitation of the BJCJSTF; and*

*WHEREAS, the Village has approved numerous Work Orders and Work Order amendments with GHD; and*

*WHEREAS, Lead Agency Project Manager has recommended that the Village amend certain Work Orders as provide below, without any increase in the total budget.*

*NOW, THEREFORE, the Board of Trustee of the Village of Johnson City duly convened in regular session hereby:*

*RESOVLED that the Mayor or his designee, is hereby authorized to amend certain Work Orders as follows:*

<u>Transfer from (Decrease):</u>	<u>Transfer to (Increase):</u>
\$2,022.36 WO 4 (Compost)	\$17,529.38 WO2 (Headworks)
\$27,759.02 WO 1 (BAF Alt)	\$24,346.00 WO3 (Flood Rehab)
<u>\$12,094.00 WO6 (BAF Rehab)</u>	
\$41,875.38	<u>\$41,875.38</u>

*RESOLVED that this resolution shall be effective upon approval of the Council of the City of Binghamton.*

**15. PRIVILEGE OF THE FLOOR – VISITORS**

**16. ADJOURNMENT**

***To contact Village Board members via e-mail please use the following addresses:***

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| <i>Mayor Gregory Deemie - <a href="mailto:jcmayor@villageofjc.com">jcmayor@villageofjc.com</a></i>  | <i>Trustee Richard Balles - <a href="mailto:rballes@villageofjc.com">rballes@villageofjc.com</a></i> |
| <i>Deputy Mayor Bruce King - <a href="mailto:bking@villageofjc.com">bking@villageofjc.com</a></i>   | <i>Trustee John Walker - <a href="mailto:jwalker@villageofjc.com">jwalker@villageofjc.com</a></i>    |
| <i>Trustee Martin Meaney - <a href="mailto:mmeaney@villageofjc.com">mmeaney@villageofjc.com</a></i> |  |



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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.

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## 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:

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### § 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 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.



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- (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.
- (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.



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### **§ 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.



## VILLAGE OF JOHNSON CITY

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### **§ 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 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.



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### **§ 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, 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.

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## 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





## VILLAGE OF JOHNSON CITY

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:

*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.

### VILLAGE OF JOHNSON CITY LOCAL LAW NO. 11 FOR THE YEAR 2017

#### A LOCAL LAW AMENDING CHAPTER 108 OF THE VILLAGE CODE ENTITLED BICYCLES

Section 1. Chapter 108 of the Village Code shall be amended as follows:

The title of this chapter shall be deleted and replaced with “Chapter 108. Bicycles, Rollerblades, Skateboards”

Section 2. The following sections of Chapter 108 shall be amended as follows:

**§108-1. Applicability of traffic regulations.**

The phrase “Every person riding a bicycle upon a street . . .” shall be deleted and replaced with “Every person riding a bicycle, rollerblades, or skateboard upon a street . . .”



**§108-2. Obedience to police officers, traffic-control devices.**

The phrase “Any person operating a bicycle upon the public ways . . .” shall be deleted and replaced with “Any person operating a bicycle, rollerblades, or skateboard upon the public ways . . .”

**§108-3. Operation generally.**

The phrase “No person riding a bicycle shall drive . . .” shall be deleted and replaced with “No person riding a bicycle, rollerblades, or skateboard shall drive . . .”

**§108-4. Speed.**

The phrase “No person shall operate a bicycle at a speed . . .” shall be deleted and replaced with “No person shall operate a bicycle, rollerblades, or skateboard at a speed . . .”

**§108-5. Riding on bicycles.**

*(This section shall remain the same)*

**§108-6. Riding on right; care to be used in passing.**

The phrase “Every person operating a bicycle on a roadway . . .” shall be deleted and replaced with “Every person operating a bicycle, rollerblades, or skateboard on a roadway . . .”

**§108-7. Emerging from alley or driveway; duty to yield right-of-way.**

The phrase “The operator of a bicycle emerging from an alley . . .” shall be deleted and replaced with “The operator of a bicycle, rollerblades, or skateboard emerging from an alley . . .”

**§108-8. Parking.**

*(This section shall remain the same)*

**§108-9. Clinging to vehicles.**

The phrase “No person riding upon any bicycle shall attach . . .” shall be deleted and replaced with “No person riding upon any bicycle, rollerblades, or skateboard shall attach . . .”

**§108-10. Riding in groups.**

The sentence “Any person riding a bicycle in company with others on bicycles must ride in single file.” shall be deleted and replaced with “Any person riding a bicycle, rollerblades, or skateboard in company with others on bicycles, rollerblades, or skateboards must ride in single file.”

**§108-11. Carrying packages, etc.**

The phrase “No person operating a bicycle shall carry any package . . .” shall be deleted and replaced with “No person operating a bicycle, rollerblades, or skateboard shall carry any package . . .”

**§108-12. Riding on sidewalks.**

A. The phrase “No person shall ride a bicycle on a sidewalk . . .” shall be deleted and replaced with “No person shall ride a bicycle, rollerblades, or skateboard on a sidewalk . . .”



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- B. The phrase “. . . shall ride a bicycle upon any sidewalk in the village.” shall be deleted and replaced with “. . . shall ride a bicycle, rollerblades, or skateboard upon any sidewalk in the village.”
- C. The phrase “Whenever any person is riding a bicycle upon any sidewalk . . .” shall be deleted and replaced with “Whenever any person is riding a bicycle, rollerblades, or skateboard upon any sidewalk . . .”

### **§108-13. Riding in public parks, playgrounds.**

The phrase “. . . prohibited from riding a bicycle in any public park or playground.” shall be deleted and replaced with “. . . prohibited from riding a bicycle, rollerblades, or skateboard in any public park or playground.”

#### 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.