

Chapter 125

LICENSES AND PERMITS

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[HISTORY: Adopted by the Board of Trustees of the Village of Alden 6-10-1932 (Ch. 27 of the 1966 Code); amended in its entirety 7-28-2020 by L.L. No. 4-2020. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic Beverages -- See Ch. 58.

Amusements and amusement devices -- See Ch. 62.

Solid Waste -- See Ch. 173.

Fees -- See Ch. A220.

§ 125-1. Purpose.

This Chapter is not intended to in any way to hinder, delay or interfere with legitimate business or organizational activities. Peddlers, solicitors, and transient merchants have used public streets and their direct contact with residents of the Village for illegitimate solicitation practices of harassment, nuisance, theft, deceit, or menacing, troublesome or

unlawful activities. The purpose of this local law is to not only control the use of solicitation as a means of concealing unlawful activities, but also to eliminate such illegitimate practices in solicitation. Many residents are employed in businesses on shifts which rotate between the night and the day, and to disturb them during their sleeping hours for the purpose of solicitation is a source of nuisance or even harassment and should be subject to control. Businesses in the community have also been affected through unfair competition, littering, loitering, and a loss of parking and business to entities that are not properly registered in the Village and required to maintain the same health and safety requirements of those businesses that provide valuable tax revenue for the locality. Therefore, in order to protect the public's health, safety, and welfare, and to control access on the public thoroughfares, it is necessary to regulate these practices through a registration process.

§ 125-2. Definitions

CHARITABLE -- Patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal.

CLERK -- The Village Clerk.

COMMERCIAL KITCHEN -- A facility that is, according to State and County law, equipped and maintained to prepare food for consumption by the general public, but which may or may not be a Fixed-Site Food Vendor.

CONTRIBUTIONS -- Alms, money, subscription, property or any donations.

DAYS -- Calendar days, inclusive of Saturdays, Sundays, and holidays.

ESTABLISHED PLACE -- Real estate in the Village owned, leased on a month-to-month basis or for a term longer than thirty (30) days. The term includes a booth, compartment, or area leased or assigned during and for the length of an event or occasion.

EXEMPT VENDOR -- A vendor who meets the requirements of Exemption in Section 125-4 of this code.

FIXED-SITE FOOD VENDOR -- An establishment engaged in the business of selling prepared, ready-to-eat foods to the public at a fixed location and from a permanent building, such as a restaurant, café, or similar establishment.

FUNDRAISER -- Any person, regardless of age, who solicits, performs, or undertakes any solicitations or other services for a religious, political, social or other charitable

organization whether door to door, on the streets/sidewalks, or any public place or place where the public gathers, if private property.

GOODS -- Wares, products, merchandise or any other tangible thing of value, including but not limited to, items used at the time of sale or subsequently in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable therefrom. The term also includes merchandise certificates or coupons, issued by a retail seller, not redeemable in cash and to be used in their face amount in lieu of cash, in exchange for goods or services sold by such seller.

MOBILE FOOD VEHICLE - A mobile food unit, either self-powered or towed, other than a work site concession vehicle, from which prepared food is offered for sale to the public.

MOBILE FOOD VENDING - The act of vending prepared food through the utilization of a mobile food vehicle.

MOBILE FOOD VENDORS - individuals, companies, organizations, partnerships and other entities selling prepared food out of an improved vehicle, including, but not limited to, ice cream trucks, food trucks, and other entities selling both cold and hot food items. A food truck or mobile food vendor is, when in conformance with all the provisions of this Chapter, a vendor with prepared food from a properly licensed vehicle eligible to operate in public streets, whether such food is prepared in the vehicle or on another site, and whether such food is sold while the vehicle is located on a public street or on private property.

PEDDLER-HAWKER -- A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying for sale, selling or attempting to sell, for immediate delivery, the goods or services that the person is carrying or otherwise transporting.

PERSON -- Any natural individual, group, organization, corporation, partnership or similar association.

PRIVATE CATERED EVENT -- Mobile food vending limited to serving the owners, occupants and guests of just a single- or two-family dwelling, a school, club, church, professional office, studio, fire station, medical building, nursing home, or any building offering personal services, and where the owner and/or occupants have given their written permission for the event.

PROFESSIONAL FUND RAISER -- Any person, who, for compensation, performs any solicitations or other services for a religious, political, social or other charitable organization.

SERVICES -- Work, labor, or services of any kind.

SOLICITOR -- Any person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, and/or remains stationary within the Village limits, for the purpose of obtaining or attempting to obtain orders for the sale of goods, merchandise, subscriptions or services for future delivery or seeks donations for any organization by the means of going door-to-door.

TRANSIENT MERCHANT -- A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty storefront for the purpose of exposing for sale, selling or attempting to sell goods, who does not remain in any one location for more than twenty (20) consecutive days. "Transient Merchant" shall not mean any person who sells or attempts to sell goods on property which the person owns or legally occupies.

WORK SITE CONCESSION VEHICLE -- A motor vehicle with a maximum gross weight as reflected upon its registration of not more than 8,600 pounds in which food is not cooked, baked, grilled, broiled or fried and is designed solely to supply break snacks/meals at construction or work sites with the prior written permission of the property owner and the Village Clerk.

§ 125-3. Prohibited practices.

- A. It is unlawful for any solicitor, peddler, fundraiser, professional fundraiser, or transient merchant to engage in solicitation, peddling or transient merchandising for any unlawful business or organizational purpose or activity.
- B. It is unlawful for any solicitor, fundraiser, professional fundraiser, peddler or transient merchant to engage in harassment, nuisance, theft, deceit, or menacing, troublesome or otherwise operate their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.
- C. It is unlawful for any solicitor, peddler fundraiser, professional fundraiser, or transient merchant to enter, or attempt to gain entrance, to residential premises displaying at such entrance a sign prohibiting solicitation.
- D. It is unlawful for any solicitor, peddler fundraiser, professional fundraiser, or transient merchant to refuse to leave any premises when requested by the owner,

lessee, or person in charge thereof. It is unlawful for any transient merchant to sell or attempt to sell on private property without the written consent of the owner of record of the property.

- E. It is unlawful for any person to engage in any activity constituting that of a solicitor, peddler fundraiser, professional fundraiser, or transient merchant without first obtaining a permit or being registered with the Village as herein provided.
- F. It is unlawful for any solicitor, peddler fundraiser, professional fundraiser, or transient merchant to not carry a permit or certificate of registration when engaging in sales activity.
- G. It is unlawful for any solicitor, peddler fundraiser, professional fundraiser, or transient merchant to obstruct the free flow of either vehicle or pedestrian traffic on any street, sidewalk, or other public right of way.
- H. It is unlawful for any solicitor, peddler fundraiser, professional fundraiser, or transient merchant to conduct any sales activity between 8:00 pm and 8:00 am, except that a transient merchant may do so if expressly authorized under the permit.
- I. It is unlawful for any solicitor, peddler fundraiser, professional fundraiser, or transient merchant to use amplifying devices, bells, horns, whistles, or other unreasonably loud means of calling attention to his or her business or the items to be sold.
- J. It is unlawful to make any false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, fundraiser, professional fundraiser, solicitor or transient merchant shall claim to have the endorsement of the Village solely based on the Village having issued a permit or certificate of registration to that person.

§ 125-4. Permit or registration required; exemptions.

- A. Village Permit. Except as otherwise provided in this ordinance no person shall conduct business within Village limits as a peddler, fundraiser, professional fundraiser, solicitor, or a transient merchant without first obtaining a permit. The permit or certificate of registration shall be carried by the person while conducting sales and/or fundraising activities and shall be shown to any resident or police officer upon demand.

B. Exemptions. No permit shall be required for the following:

- (1) Any person selling or attempting to sell or to take orders for any product grown, produced, cultivated or raised on a farm.
- (2) Any person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the purpose of exercising that persons state or federal constitutional rights, such as freedom of speech, press religion and the like. However, that person will not be exempt from the permit or registration requirements if the person sells or attempts to sell any goods or services in connection with the door-to-door canvassing.
- (3) Any vendor at a civic or community festival or event or other special activity such as a farmer's market, art fair or holiday festival or organized fund raisers or tournaments, provided the vendor is a registered vendor with the group or organization operating the festival or event and the group or organization obtains any required permit or registration required by the Village.
- (4) Members of the Armed Forces of the United States in accordance with §32 of the General Business Law.
- (5) The hawking and peddling of farm produce by the producer, provided that such produce was grown in the Village of Alden.
- (6) The hawking and peddling of farm produce by the producer thereof or his or her servants or employees, but only insofar as it pertains to licensed farmers' markets approved in the Village.
- (7) Persons under eighteen (18) years of age shall not be required to register and obtain a permit as heretofore provided for, in the event that they are soliciting for any purposes directly connected with a religious, charitable, benevolent, school or service organization native to the Village.
- (8) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made.
- (9) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation.

- (10) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person.
- (11) Sales conducted pursuant to the order by any court.
- (12) Any person selling personal property at wholesale to dealers in such articles.
- (13) The sale of fruits and vegetables raised on the property where being sold.
- (14) Any person selling personal property at a garage sale held at his residence.

§ 125-5. Issuance.

Unless otherwise provided, all licenses or permits required by the ordinances or local laws of the Village of Alden shall be issued by the Village Clerk who shall collect the fees therefore.

§ 125-6. Juveniles.

No person under the age of eighteen (18) shall be permitted to engage in peddling/soliciting/fundraising except as provided in this Article.

1. A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one or more persons under eighteen (18) years of age.
2. The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.
3. The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification that identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting.

§ 125-7. Application.

Applications for a permit or certificate of registration shall contain the following information: name, proof of age, address, and electronic mail address of the person to be conducting the sale or other activity; the name and address of the business or organization for which the permit or certificate of registration is sought; a brief description of the business or activity to be conducted; the length of time for which the right to peddle or solicit is desired; not exceeding sixty (60) days; if employed, the name, address, electronic mail address, and telephone number of the employer; or if acting as an agent, the name, address, electronic mail address, and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be; a statement as to whether or not the applicant has been convicted of a felony, misdemeanor or local law violation, the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof; the type of vehicle that will be used and its registration number and name and address of registrant together with the name and policy number of the insurance carrier covering the vehicle; proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this article; two photographs of the applicant that shall have been taken within sixty (60) days immediately prior to the date of filing of the application. The photographs shall measure one (1) inch by two (2) inches and show the head and shoulders of the applicant in a clear and distinguishing manner; and such other information as may reasonably be required by the Board of Trustees as a condition to registration or permitting or to permit investigation into the applicant's background and past solicitation practices. The application shall be signed by the applicant and shall be accompanied by the fees established in the Village's fee schedule, as amended by the Board of Trustees from time to time. All applications shall be made at least twenty (20) days prior to conducting any business activities.

§ 125-8. Investigation, approval or disapproval.

- A. The Village may conduct such background checks as the Village deems necessary and prudent. The following shall be grounds for denying a permit:
- (1) Failure of an applicant to truthfully provide any information requested by the Village as part of the application process.
 - (2) The location and/or time of solicitation or peddling would endanger the health, safety, and welfare of the solicitors, peddlers, transient merchants, and/or the public

- (3) Failure of the applicant to pay any required fee.
 - (4) When an applicant has a bad business reputation. Evidence of a bad business reputation may include prior revocations of any permit or license, prior convictions for violation of any federal or state law or regulation or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the permit is being sought, or prior complaints with the Village, Better Business Bureau, State Attorney General, or other similar business or consumer rights office.
 - (5) The applicant has been convicted of a felony, misdemeanor, or local law violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application.
 - (6) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application.
 - (7) The applicant offers no proof of authority to serve as an agent.
 - (8) The applicant has been denied a permit under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the Clerk that the reasons for such earlier denial no longer exist.
 - (9) Such other legitimate reason as may be determined by the Board of Trustees.
 - (10) The Board of Trustees may also impose such conditions on any approval that shall be deemed reasonable and prudent by the Board.
- B. In the event any permit is not approved, the applicant shall have the right to present such evidence to the Board of Trustees with respect to such application within ten (10) calendar days of such disapproval.

§ 125-9. Refusal of license or permit; appeal.

In the event that the Clerk shall refuse to issue a license or permit, the person who has been refused a license or permit may appeal to the Board of Trustees, who shall, upon a

favorable majority vote, order the Village Clerk to issue a license or permit to the applicant.

§ 125-10. Suspension of license.

Where any business, trade or other entity for which a license is granted by the Village is or is about to become a nuisance or menace to the peace, comfort and health of the Village of Alden or its inhabitants, the Code Enforcement Officer shall have the right to immediately suspend such license or permit upon serving written notice to the holder of such license or permit or upon any person in charge of such business, trade or other entity, pending a decision by the Board of Trustees.

§ 125-11. Auctioneer's license required; exception.

No person shall engage in the business of auctioneering unless a license shall have been issued to him or her in accordance with this chapter; provided, however, that no license shall be required of executors or administrators selling as such or by constables or other persons selling mortgages under executions or by order of the court.

§ 125-12. Permit expiration.

All permits issued under the provisions of this article shall expire sixty (60) days from the date of issuance, unless an earlier expiration date is noted on the permit..

§ 125-13. Permit exhibition.

Every person required to obtain a permit under the provisions of this article shall exhibit the permit when requested to do so by any prospective customer or individual.

§ 125-14. Transfer prohibited.

It shall be unlawful for any person other than the permit holder to use or wear any permit or badge issued under the provisions of this article.

§ 125-15. Entry upon signed premises unlawful.

Entering a private residence or business by a solicitor or peddler, as defined herein, for the purpose of selling or offering for sale or for soliciting orders for goods, wares, merchandise, contracts or personal services, or remaining in a private residence or on the premises thereof, or any place of business or on the premises thereof, after the owner or occupant thereof shall have requested any solicitor or peddler to leave, or going in and upon the premises of a private residence or place of business by a solicitor or peddler, as defined herein, for any such purposes when the owner or occupant has displayed a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import is prohibited and is declared to be an.

§ 125-16. Noise.

No person engaged in soliciting or peddling shall hawk or cry his goods, wares, merchandise, offers, contracts or services upon any streets, roads or highways within the Village, nor shall he use any loudspeaker, horn or any other device for announcing his presence by which members of the public are.

§ 125-17. Permit revocation.

Any permit issued under this article may be revoked or suspended by the Clerk, after notice for any of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application for a permit;
- B. Fraud, misrepresentation or false statement made by the permit holder in the course of conducting solicitation or peddling activities;
- C. Conducting peddling or solicitation activities contrary to the provisions of the permit;
- D. Conviction for any crime involving moral turpitude; or
- E. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public..

§ 125-18. Notice of hearing.

Notice of a hearing for revocation of a permit issued under this article shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be faxed, sent electronically, or mailed to the permit holder at the address shown on the permit application or at the last known address of the permit holder or by causing a copy of such notice to be personally delivered to the applicant. In either case, the permit will be deemed revoked upon mailing or delivery of such notice.

§ 125-19. Appeals.

- A. Any person aggrieved by the action or decision of the Clerk to deny, suspend or revoke a permit applied for under the provisions of this article shall have the right to appeal such action or decision to the Mayor within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
- B. An appeal shall be taken by filing with the Clerk a written statement setting forth the grounds for the appeal.
- C. The Clerk shall transmit the written statement to the Mayor within ten (10) days of its receipt and the Mayor shall set a time and place for a hearing on the appeal.
- D. A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement by the Mayor.
- E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- F. The decision of the Mayor on the appeal shall be final and binding.

§ 125-20. Mobile food vendors.

- A. In order to protect the public health, manage potential conflicting uses of the public right of way, and to minimize unfair competition with fixed-site prepared food vendors in the community, licensing of mobile food vendors is deemed to be within the police powers of the Village.
- B. Mobile food vendors shall be defined as individual selling prepared food out of an

improved vehicle, including, but not limited to, ice cream trucks, sandwich trucks, work site concession vehicles, and other entities selling both cold and hot food items.

- (1) A food truck or mobile food vehicle is, when in conformance with all the provisions of this Chapter, a vendor prepared food from a properly licensed vehicle eligible to operate in public streets, whether such food is prepared in the vehicle or on another site, and whether such food is sold while the vehicle is located on a public street or on private property.

C. License Required. No person shall sell or advertise for sale prepared food from a Food Truck or Mobile Food Vehicle within the Village of Alden without having first received a license under this Section. No more than one (1) Annual Food Truck License shall be issued to each person, organization, or entity. Licenses issued shall be effective from January 1st to December 31st of each calendar year. The Village may also issue Temporary Food Truck Licenses for specific community events.

D. Requirements for License Eligibility.

- (1) State Health Department License Required. A Person shall not receive a Food Truck or Mobile Food Vendor license under this Section who has not first received a license from the State Health Department authorizing such sales. Any conditions of the State Health Department shall be incorporated into the license issued under this Section, in addition to any other conditions imposed by the Village of Alden.
- (2) Any applicant for a license under this Chapter may be eligible if such applicant also has a qualifying Commercial Kitchen.
- (3) An applicant shall provide all of the information required on the official Village application form for Food Truck or Mobile Food Vendor and be in compliance with all requirements as may be specified on the form and in this Chapter, including, but not limited to the provisions of section 125-6.
- (4) Name, address, electronic mail address, and telephone number of each owner of the mobile food vehicle and in the case of the corporate owner, the name, address and telephone number of each corporate officer.
- (5) As to each self-powered mobile food vehicle for which a permit is requested, a valid insurance certificate, New York State Department of Motor Vehicles registration, and certificate of inspection copies of which shall be attached to the application.

- (6) As to each mobile food vehicle for which a permit is requested, a valid and current certification of a successful fire inspection conducted within the prior twelve (12) months by the County of Erie, by a municipality or fire department within the County of Erie, or by the Village of Alden for the specific vehicle to be used in the Village.
- (7) A signed statement that the vendor shall defend, indemnify and hold harmless the Village and its officers and employees for any claims for damages to property or injury to persons which may be occasioned by any activity carried on or under the terms of the permit. Such statement shall be prepared solely by the Village Attorney.

E. Operations.

- (1) No external signage, other than such signage directly attached to the vehicle, may be utilized.
- (2) No external seating may be utilized.
- (3) No other equipment may be utilized that is not wholly contained within the vehicle.
- (4) No sound amplifying equipment, nor video, lights, or noisemakers may be utilized in the operation of the Food Truck or Vehicle.
- (5) Any generator in use must be self-contained and fully screened from view.
- (6) Operations shall be limited to the number of days indicated on the applicant's State License, if applicable.
- (7) Applicant shall provide recycling bins, waste disposal for litter and garbage generated by the operation of the Food Truck or Vehicle, and shall clean all such litter and garbage before moving from the location. Recycling bins shall be removed each day from the location.
- (8) The Food Truck or Vehicle shall obey the orders of any traffic control officer, peace officer, or inspector, and shall be open to inspection during all open hours.
- (9) Vehicle size shall not exceed ten (10) feet in height, nor twenty five (25) feet in length.

- (10) Hours of operation shall not be beyond 9:00 AM to 10:00 PM.
- (11) There shall be no overnight parking of food trucks on any public right of way.
- (12) Eligible licensees shall have a registered business address within a 50 (fifty) mile radius of the Village of Alden.

F. Location

- (1) A properly licensed Food Truck or Mobile Food Vendor may operate on eligible public streets when occupying no more than two parallel parking spaces.
- (2) In no cases, shall a Food Truck or Vehicle operate in a traffic lane, on a sidewalk, or in any location which causes an obstruction to traffic.
- (3) No Food Truck or Vehicle may operate on a public street within fifty (50) feet of the intersection of two streets or within thirty (30) feet of the intersection of a public street and private driveway opening.
- (4) A Food Truck or Vehicle may occupy up to two (2) spaces within a public parking lot.
- (5) A Food Truck or Vehicle may operate within a private parking lot with written permission of the property owner or owner's authorized representative.

G. Eligible Public Streets and Public Property:

- (1) No food truck shall operate within 50 feet of an existing restaurant located within the Village.
- (2) The Board of Trustees, may approve other locations on a temporary basis.

H. Investigation, Approval or Disapproval.

- (1) The Village may conduct such background checks as the Village deems necessary and prudent. The following shall be grounds for denying a permit:
 - (a) Failure of an applicant to truthfully provide any information requested by the Village as part of the application process.

- (b) Failure of the applicant to pay any required fee.
- (c) When an applicant has a bad business reputation. Evidence of a bad business reputation may include prior revocations of any permit or license, prior convictions for violation of any federal or state law or regulation or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the permit is being sought, or prior complaints with the Village, Better Business Bureau, state Attorney General, or other similar business or consumer rights office.

I. Suspension or Revocation.

- (1) General. Any permit issued under this section may be suspended or revoked at the discretion of the Village for violation of any of the following:
 - (a) Fraud, misrepresentation or incorrect statements on the application form.
 - (b) Violation of any provision of this Code section.
- (2) Notice. Prior to revoking or suspending any permit, the Village shall provide the holder with a written notice of the alleged violation. Notice shall be delivered in person or by mail to the address listed on the license application.
- (3) Public Hearing. Upon receiving the notice provided in subsection I (2), the holder shall have the right to request a public hearing in front of the Board of Trustees to review the suspension or revocation. If no request for a hearing is received by the Code Enforcement Officer within ten (10) days following the service of the notice, the revocation or suspension shall be final. For the purpose of mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the time frame, a hearing shall be scheduled at the next available Board of Trustees meeting. The Board shall notify the holder of its decision within five (5) business days of the hearing.
- (4) Emergency. If in the discretion of the Code Enforcement Officer, imminent harm to the health or safety of the public may occur because of the actions of a permit holder under this Section, the Code Enforcement Officer may immediately suspend the permit or registration and provide

notice of the right to a subsequent public hearing as prescribed in subsection I (3).

- (5) Transferability. No permit or certificate of registration shall be transferred to any other person other than the person to whom it was issued. Each individual person conducting activities for any organization must obtain a separate permit or certificate of registration.

J. Supplemental regulations.

- (1) Mobile food vendors must comply with all applicable federal, state and local statutes and ordinances.
- (2) It shall be unlawful to discharge liquid waste, fats, oils or grease anywhere in the Village. Such discharges shall be held in appropriate containers and then disposed in a legally permissible manner.
- (3) Mobile food vendors shall not conduct operation from a site that contains a gasoline service.
- (4) Mobile food vendors shall not sell alcoholic beverages.
- (5) A self-powered mobile food vehicle shall not be operated in reverse in order to attempt or make a sale.
- (6) When parked on the public right-of-way, mobile food vendors shall not dispense products from the street side of the mobile food vehicle.

§ 125-21. License fees; expiration date.

Unless otherwise stated, all license fees shall be paid to the Village Clerk, and all licenses shall be issued yearly based on the calendar year as provided for in Section 125-11C of this Chapter. The fees¹ for licenses and permits shall be determined by the Board of Trustees of the Village of Alden at its organizational meeting.

¹ Editor's Note: See Ch. A220, Fees.

§ 125-22. Assignment of license.

No license or permit shall be assigned without the consent of the Board of Trustees.

§ 125-23. Posting or production of licenses.

All licenses or permits issued by the Village of Alden shall be posted in a conspicuous place in the building licensed or in the place where the business licensed is carried on. All other licenses or permits shall be kept in a convenient place where they can be readily produced upon demand by the Clerk, the Board of Trustees or persons duly authorized to demand the same.

§ 125-24. Transferability.

No permit or certificate of registration shall be transferred to any other person other than the person to whom it was issued. Each individual person conducting activities for any organization must obtain a separate permit or certificate of registration.

§ 125-25. Penalties for offenses.

- A. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.00) per day or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment.
- B. The continuation of an offense under this chapter shall constitute, for each day the offense continues, a separate and distinct violation hereunder.
- C. In addition to any criminal enforcement, the municipality or any individual may pursue any available civil remedies deemed appropriate and necessary.