

Council Member Igoe on the behalf of Law, Building and Code Enforcement Committee introduced the following, which was approved:

Local Law N of 2020

A LOCAL LAW AMENDING CHAPTER 363 OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE CREATION OF AN APPLICATION AND LICENSING PROCESS FOR DOOR TO DOOR VENDORS

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Subsection (C) of Section 363-9 (Requirements for door-to-door vendors) of Chapter 363 (Vendors) of the Code of the City of Albany is hereby amended to read as follows:

C. ~~[In addition to any requirements promulgated by the City Clerk, an applicant for a door-to-door vending license must consent to a background check involving fingerprint identification prior to the issuance of said license.]~~ Any person desiring to act as a door-to-door vendor in the City of Albany shall first obtain a license to vend door-to-door in accordance with the following provisions:

(1) Any person seeking a license to vend door-to-door shall file with the City Clerk an application upon a form furnished by the City Clerk. Such application shall require the applicant to provide:

a. The number and kind of vehicle to be used by the applicant, if any, in carrying on the business for which the license is desired.

b. The kind of goods, wares, and merchandise the applicant intends to sell or the kind of service the applicant intends to perform.

c. The method of distribution for such goods or services.

d. The name, address, and date of birth of the applicant.

e. A statement as to whether the applicant has been convicted of a crime, and if so, the date of conviction(s), the name of the crime(s) of which the applicant was convicted, the penalty imposed for the conviction(s), and the name(s) and address(es) of the court(s) in which the applicant was convicted.

f. The name and address of the person, firm, or corporation that the applicant represents.

g. The length of time for which the applicant desires the license.

- h. Fingerprints in the form and manner prescribed by the New York State Division of Criminal Justice Services (“DCJS”), along with any applicable fees required by DCJS.
 - i. Such other information as the City Clerk may require to substantiate the above items.
- (2) The City Clerk shall forward the applicant’s fingerprints and any applicable fees to DCJS in the form and manner as prescribed by DCJS for a complete history record check.
 - (3) The Corporation Counsel shall review all information provided by DCJS in connection with any applicant’s criminal history and shall determine whether any such convictions render an applicant unfit to carry out the duties of a door-to-door vendor. In making such determinations, the Corporation Counsel shall give due consideration to the provisions of sections 701 through 703-b and 751 through 753 of the New York State Correction Law.
 - (4) If an applicant’s application is approved, the applicant shall only be entitled to engage in the sale of the merchandise or services listed in the applicant’s application.

Section 2. This local law shall take effect upon public hearing, final passage, and filing with the Secretary of State.

**APPROVED AS TO FORM THIS
24TH DAY OF SEPTEMBER**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Brett Williams, Senior Assistant Corporation Counsel

Re: Request for Common Council Legislation
Support Memorandum

Date: September 24, 2020

SPONSOR: To be determined

LOCAL LAW N OF 2020

TITLE

A LOCAL LAW AMENDING CHAPTER 363 OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE CREATION OF AN APPLICATION AND LICENSING PROCESS FOR DOOR TO DOOR VENDORS

GENERAL PURPOSE OF THE LEGISLATION

Currently, under Code §§ 363-4 and 363-5, all vendors (as that term is defined in § 363-2) must obtain and pay a fee for a license before they are allowed to vend any merchandise or services in the city. Vendors who wish to ply their trade door-to-door must also adhere to a number of other requirements laid out in § 363-9, including submission to fingerprinting and a background check.

The Department of Criminal Justice Services (“DCJS”), which conducts fingerprinting and background checks on the City’s behalf for this purpose, has informed us that our law, as currently written, does not meet all of their requirements “to constitute sufficient authorization to submit non-criminal applicant fingerprint inquiries to DCJS,” and has informed us that they will not take fingerprints or run background checks for the City if we do not amend our law to bring it into compliance with their requirements.

This legislation does so.

NECESSITY FOR LEGISLATION AND CHANGE TO EXISTING LAW

DCJS insists that local legislation must require applicants to furnish certain specific information in order “to constitute sufficient authorization to submit non-criminal applicant fingerprint inquiries.” DCJS also specifies how municipalities should review and consider the criminal histories of any applicants that may be revealed by the background checks DCJS performs.

This local law, which is substantially similar to a sample local law provided by DCJS, directs the City Clerk’s office to create an application form for all would-be door-to-door vendors, though which the Clerk will obtain all the information DCJS requires. It also establishes that Corporation Counsel will review applicants’ criminal histories and determine whether they are fit to act as door-to-door vendors, while bearing in mind certain provisions of the Correction Law, as also required by DCJS.

Section 363-9 has, historically, been amended by ordinance. This amendment is being done by local law, however, because DCJS guidance indicates their preference for local laws, and they require proof that the legislation has been filed with the Secretary of State before they will consider approving it.

FISCAL IMPACT

None.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love and O’Brien

Affirmative 14 Negative 0 Abstain 0

Clerk of the Common Council

President of the Common Council

Mayor

Date

I, Danielle Gillespie, City Clerk and Clerk of the Common Council, do hereby certify that Local Law N - 2020 was passed at a meeting of the Albany Common Council on December 7, 2020.

In Affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this _____ day of December 2020.

Danielle Gillespie, Clerk of the Common Council