Village of Monroe

7 Stage Road, Monroe, NY 10950
Tel: (845) 782-8341 · Fax (845) 782-3006

Mayor
Neil S. Dwyer

Trustees
Carey Alley
Debra E. Behringer
Irene Conklin
Dorey Houle

Clerk
Ann-Margret Baxter

Treasurer
Catherine M. Murray

Attorney
Alyse D. Terhune

Building Department
James F, Cocks, Building Inspector
782-8341 ext.128

Police Department
David B. Conklin, Chief
782-8644

Department of Public Works
782-8341

Water Department
782-8341, ext. 122

Planning Board
Gary Parise, Ch.

Zoning Board of Appeals
Paul S. Baum, Ch.

Village Historian
Linda Burroughs

January 3, 2020

NYS Department of State
Division of Corporations
1 Commerce Plaza
Albany, NY 12231
ATTN: State Records / Carolyn Banwormer

Re: Local Law #15 of 2019
Amendment to Ch. 155, Peddling & Soliciting, Establishment of Bonding Requirement

Dear Ms. Banwormer:

Enclosed herewith is Local Law #15 of 2019 being forwarded for filing. Please contact me with any questions or concerns.

Please file and forward me a letter confirming its receipt. I contacted the Division of Corps Customer Service Helpline and inquired if I would need to assign this 2019 adopted law a new number for 2020 and was informed that the Division would still be accepting 2019 laws at least for another week.

If you have any questions or concerns, please contact me at 845-782-8341 ext.121.

Thank you for your assistance.

Sincerely,

Ann Margret Baxter

Ann-Margret Baxter
Village Clerk

cc: General Code

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Monroe

Local Law No. 15 **of the year 20** 19

A local law Amendment to Chapter 155, Peddling & Soliciting, Establishment of Bonding Requirement
(Insert Title)

Be it enacted by the Board of Trustees **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Monroe **as follows:**

See Attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

LOCAL LAW #14 OF 2019
AMENDING CHAPTER 155 OF THE VILLAGE CODE, "PEDDLING AND SOLICITING"

BE IT ENACTED by the Village Board of Trustees of the Village of Monroe, County of Orange, State of New York, as follows:

Section 1. Legislative Findings, Purpose and intent.

The Village Board of Trustees finds and determines that the cost of enforcing the Village's Peddling and Soliciting law by violators of said law should not be borne by the Village taxpayers, but by those who violate the law.

Section 2. Authority.

This local law is enacted by the Village Board of Trustees of the Village of Monroe pursuant to its authority to adopt local laws under the New York State Constitution, Article IX, Section 10 of the Municipal Home Rule Law, and Section 7-718(6) of Village Law.

Section 3. Chapter 155, titled, "Peddling and Soliciting," of the Code of the Village of Monroe is hereby amended as follows:

Section 15-5, titled, "Registration of solicitors," is hereby deleted in its entirety and replaced by the following:

§ 155-5 Registration of solicitors.
Unless otherwise exempt under this chapter, all persons, including each person within an entity, desiring to engage in door-to-door solicitation within the Village, prior to doing so, shall submit a completed application to the licensing officer requesting a certificate.

A new Section 155-22, titled, "Bonding requirements," shall be added as follows:

§ 155-22 Bonding requirements.

A. Prior to the issuance of any certificate, each individual applicant shall file with the Village Clerk either a bond running to the Village with good and sufficient surety, in such form to be approved by the Village Attorney; or an equal amount in cash (or equivalent) to be held in escrow. The amount of said bond or cash shall be set by Resolution of the Board of Trustees and amended from time-to-time in the same manner, subject to a public hearing on no less than five (5) days' notice. In no event shall the amount be less than one thousand five hundred dollars ($1,500) or more than twenty-five hundred dollars ($2,500). Said bond or amount shall remain in escrow for the term of the license and shall be conditioned to indemnify and pay the Village for any penalties or costs incurred in the enforcement of any of the provisions of this chapter.

B. The aforesaid bond or amount shall be declared forfeited upon proof of:
Falsification in the application for a certificate.
Violation of any of the provisions of this chapter by the applicant or his agents, servants, or employees.

C. The Board of Trustees may, by resolution, exempt persons from the bond and fee requirements, provided that the applicant satisfies the Board that the nature of his or her activity does not jeopardize the position of the Village or the protection given herein to the residents.

Section 4. **Supersession, of Inconsistent Laws, if any. The Village Board of Trustees hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Village Law or other special law that may be declared inconsistent or in conflict with this local law. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.**

Section 5. **Severability.**

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof,

Section 6. **Effective Date.**

This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 15 of 20 19 of the (County)(City)(Town)(Village) of Monroe was duly passed by the Board of Trustees on December 19 20 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

---

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Ann Marguerite Baxter
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 1/3/20