



**LOCAL LAW 2022-2 AMENDING CHAPTER 140, “PEDDLING AND SOLICITING” OF THE CODE  
OF THE VILLAGE OF PHOENIX**

**BE IT ORDAINED AND ENACTED** by the Village Board of the Village of Phoenix, County of  
Oswego, State of New York, as follows:

Section 1. Amending Chapter 140 Entitled “Peddling and Soliciting” of the Code of the Village of Phoenix as set forth in italicized font below:

§ 140-1        *Definitions.*

§ 140-2        *Exemptions.*

§ 140-3        *License required.*

§ 140-4        *Application for license.*

§ 140-5        *Bonds.*

§ 140-6        *Issuance or refusal of license.*

§ 140-7        *Use of license by another person prohibited.*

§ 140-8        *Loss of license by holder.*

§ 140-9        *License information.*

§ 140-10       *Term of license.*

§ 140-11       *Exhibition of license.*

§ 140-12       *License fee.*

§ 140-13       *Revocation of license.*

§ 140-14       *Prohibited acts; voiding of sales.*

§ 140-15       *Orders.*

§ 140-16            **Records.**

§ 140-17            **Penalties for offenses.**

§ 140-1             **Definitions.**

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

**ESTABLISHED PLACE OF BUSINESS**

*A building, store, or depository in which or where a person transacts business and deals in the goods, wares and merchandise he peddles, hawks, vends or solicits in the ordinary and regular course of business.*

**HAWKER AND PEDDLER**

*Include, except as hereinafter expressly provided, any person, either principal or agent, who from any public street or public place, or by going from house to house or place of business to place of business, on foot or on or from any vehicle, sells or barter, offers for sale or barter, or carries or exposes for sale or barter any goods, or takes orders for any wares, commodities, merchandise, books, magazines, periodicals, subscriptions, or any other item or items of value, except milk, newspapers and food distributed on regular customer routes.*

**SOLICITOR**

*Includes any person who goes from place to place or house to house or stands in any street or public place taking or offering to take orders for goods, wares or merchandise, books, magazines, periodicals or any other item or items of value (except newspapers or milk) or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery. The term "solicitor" shall, however, also mean and include any person taking or offering to take orders for goods, wares or merchandise, books, magazines, periodicals or any other item or items of value (except newspapers or milk) or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery at the home or residence of any person who has been solicited prior thereto by telephone or has responded to any type of advertising media requiring an appointment or consultation or sales presentation in the home or place of residence of such person.*

**VILLAGE BOARD**

*The Village Board of the Village of Phoenix.*

**VILLAGE CLERK**

*The Village Clerk of the Village of Phoenix*

§ 140-2            **License required.**

*It shall be unlanful for any person within the corporate limits of the Village of Phoenix to act as a hawker, peddler or solicitor, or similar vendor of goods, wares or merchandise, or assist such a person so acting, without first having obtained and paid for, and having in force and*

*effect, a license or a certificate of compliance for exempted activities hereunder as provided hereafter.*

**§ 140-3 Exemptions.**

A. *Nothing in this chapter shall be held to apply to:*

- (1) *Any sales conducted pursuant to statute or by order of any court.*
- (2) *Any person selling personal property at wholesale to dealers in such articles.*
- (3) *Merchants having an established place of business within the Village or their employees for soliciting orders from customers and delivering the same.*
- (4) *Persons under the age of eighteen (18) years.*
- (5) *Any person producing meats, fish, fruits or farm produce and employees thereof.*
- (6) *Any person acting as a dealer in milk, bakery products, heating-fuel oil and local newspapers.*
- (7) *Any honorably discharged member of the armed forces or any other person who has procured a license issued by the County Clerk as provided by § 32 of the General Business Law of the State of New York.*
- (8) *Any registered student who is soliciting in connection with a school-approved activity.*
- (9) *Any person soliciting or collecting for any bona fide registered charitable organization registered or exempted pursuant to Executive Law §§ 172 and 172-a.*

B. *Nonprofit organizations and persons working for such organizations shall also be exempt. However, such organizations shall register annually with the Village Clerk in the event that they plan to engage in vending, hawking, peddling or soliciting and shall indicate the type of activities to be undertaken and the time when they will be performed.*

**§ 140-4 Application for license.**

A. *Any person desiring to procure a license as herein provided shall file with the Village Clerk, a written application upon a form furnished by the Village Clerk and shall file at the same time satisfactory proof of good character. Such application shall give:*

B.

- (1) *The number and kind of vehicle(s) used by the applicant in carrying on the business for which the license is desired.*
- (2) *The kind of goods, wares, and merchandise he or she desires to sell, or the kind of service he or she desires to perform.*
- (3) *The method of distribution.*
- (4) *The name, address, date of birth and social security numbers of the applicant and any agents or employees.*
- (5) *Whether or not the applicant, or any agents or employees of the applicant, have been convicted of a misdemeanor or felony and, if so, give the date of conviction, nature of offense, penalty imposed and name and address of the court.*
- (6) *The name and address of the person, firm, or corporation he represents.*
- (7) *The length of time the applicant desires the license.*
- (8) *Such other information as may be required by the Village Board.*
- (9) *Such other information as the Village Clerk or Village police may require.*

C. *If applicable, such application shall be accompanied by a certificate from the Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.*

**§ 140-5 Bonds.**

*An application for a license as a solicitor who demands, accepts or receives payment of deposit of money in advance of final delivery shall also be accompanied by a cash deposit of ten thousand dollars (\$10,000.00) or a ten-thousand-dollar surety company bond or other bond secured by sufficient collateral, said bond to be approved by the Village Attorney as to form and surety conditioned for making a final delivery of the goods, wares or merchandise ordered or services to be performed in accordance with the terms of such order or failing therein that the advance payment on such order be refunded. Any person aggrieved by the action of any licensed solicitor shall have the right by action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect and, in case of a cash deposit, such deposit shall be retained by the village for a period of ninety (90) days after the expiration of any such license unless sooner released by the Village Board.*

**§ 140-6 Issuance or refusal of license.**

A. *Upon the filing of the application, bond and certificate as provided in the preceding section, the Village Clerk shall, upon approval of such application, issue to the applicant a license as provided in § 140-2. A license may be refused if the applicant shall have been convicted of a misdemeanor or felony, which in the judgment of the Village Clerk, renders the applicant unfit or undesirable to carry on the trade or occupation for which the license is sought. The Village Clerk may also refuse a license to any person who in his or her judgment shall be an undesirable person or incapable of properly conducting the trade or business for which a license is sought.*

B. *Any applicant who has been refused a license by the Village Clerk may apply to the Village Board therefor, and the same may be granted or refused by the Village Board except as prohibited by law.*

**§ 140-7 Use of license by another person prohibited.**

*Any holder of any license who permits it to be used by any other person and any person who uses such license granted to any other person may each be guilty of a misdemeanor and the license shall be immediately revoked.*

**§ 140-8 Loss of license by holder.**

*Whenever a license shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof under the original application and bond may be issued by the Village Clerk upon the filing with him or her by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery.*

**§ 140-9 License information.**

*All licenses shall be issued from a properly bound book with proper reference stubs kept for that purpose, numbered in that order in which they are issued, and shall state clearly the kind of vehicle to be used, the kind of goods, wares and merchandise to be sold or service to be rendered, the number of his license, the date of issuance and expiration of the license, the fee paid and the name and address of the licensee.*

**§ 140-10 Term of license.**

*Such license shall be for such term as requested by the applicant but shall expire not later sixty (60) days from the date it was issued. After sixty (60) days, the license holder must reapply as provided in § 140-4 and pay an additional license fee as provided in § 140-12.*

**§ 140-11            *Exhibition of license.***

*Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand.*

**§ 140-12            *License fee.***

*A. The license fee for each person licensed as a hawker, peddler or solicitor for a period of sixty (60) days or less shall be two thousand five hundred dollars (\$2500.00).*

*B. For the purpose of this chapter, a person who assists a hawker, peddler or solicitor shall be deemed to be any person who participates in delivering merchandise or any other items sold, performs any services in or about the customer's premises or otherwise generally renders aid or assistance, except participation in selling or soliciting orders.*

**§ 140-13            *Revocation of license.***

*A license issued pursuant to this chapter may be revoked by the Village Clerk if the peddler or solicitor engages in any prohibited acts defined in § 140-14.*

**§ 140-14            *Prohibited acts; voiding of sales.***

*A. Prohibitions.*

*(1) It shall be unlawful for any person to enter upon private property for the purpose of peddling or so soliciting before the hours of 9:00 a.m. of any day or after the hour of 5:00 p.m. of any day, and anytime on Sunday, except upon the invitation of the householder or occupant.*

*(2) It shall be unlawful for any peddler or solicitor in plying his trade to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "No Peddlers," "No Solicitors," "No Agents," or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.*

*(3) No peddler or solicitor shall peddle, vend or sell his goods or wares within two hundred (200) feet of any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property.*

*(4) No peddler or solicitor shall falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale. No person shall by any trick or device or by any false representation obtain or attempt to obtain admission to the house or garage of any person or corporation in the Village.*

*(5) No peddler or solicitor shall blow a horn, ring a bell or use any other noisy device to attract public attention to his wares or shout or cry out his wares.*

*(6) It shall be unlawful to create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.*

*(7) No peddler or solicitor shall represent or state or otherwise indicate that he is not intending to sell or otherwise enter into a contract with any person in the household.*

*(8) No peddler or solicitor shall, in order to effectuate or assist in any sale or solicitation, represent that he is engaged in any contest or in any way attempt to induce a sale or solicitation by appealing to the sympathies of the person so solicited.*

*B. Any contract or sale made in violation of Subsection A (4), (7) and (8) shall be null and void and of no effect as to the person solicited, and the merchandise delivered shall be forfeited, and any sums paid by the person so solicited shall become immediately due and payable jointly and severally by the peddler or solicitor and his principal.*

**§ 140-15            *Orders.***

*All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing made in duplicate, or electronic mail, stating the terms thereof and the amount paid in advance, and one (1) copy shall be given to the purchaser, or a copy sent to purchaser by electronic mail, at the time the deposit is paid to the solicitor.*

**§ 140-16            *Records.***

*It shall be the duty of the Village Clerk to keep a record of all applications and of all licenses granted under the provisions of this chapter, giving the number and date of each license, the fee paid and the date of revocation of all licenses revoked.*

**§ 140-17            *Penalties for offenses.***

*A violation of any provision of this chapter is hereby declared to be a violation and shall be punishable by a fine not exceeding two thousand dollars (\$2000.00) or imprisonment of not more than fifteen (15) days, or both. A violation which continues for more than seven days shall constitute a separate and additional violation for each additional week or part thereof during which the violation continues.*

Section 3. Effective Date. This Local Law shall be effective upon the filing with the Secretary of State.

**Italics is new language**

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**WHEREAS**, the Village Board believes it necessary to amend Chapter 140 the Village of Code to assist the government of the Village of Phoenix in the management of its business and to keep the peace, public health, safety and moral welfare of the Village and its inhabitants protected and for the protection and security of their property.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Local Law 2023-2 is hereby approved and enacted; and be it further

**RESOLVED**, that the Village Clerk is directed to file Local Law 2023-2 with the Secretary of State within 20 days of the date set forth herein.

**I, ROXANNE DEMO**, Village Clerk of the Village of Phoenix, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Village Board of the Village of Phoenix at a regular meeting of the Board duly called and held on the 18<sup>th</sup> day of July 2023; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Phoenix, this \_\_\_\_\_ day \_\_\_\_\_ 2023.

DATED: \_\_\_\_\_, 2023  
Phoenix, New York

\_\_\_\_\_  
**Roxanne Demo**  
**Village Clerk of the Village of Phoenix**  
**Oswego County, New York**

Mayor Borchik asked Judge Godkin to update the board. Judge Godkin said that we have our ORI number and that our court will begin on Wednesday, August 9<sup>th</sup>. Mayor Borchik stated that he'd like to appoint Donna Peters to the Planning Board for a 5 year term. The board was in favor. Mayor and Jim Lynch met with Cathy Lee and she would like the village to take over the Bridge House Brats program when she makes a decision not to do it any longer. They've discussed some plans moving

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forward, Administrator Lynch will be looking into applying for the second Phase of the Shineman Grant we previously received.

Mayor Borchik asked the board to approve the resolution for the waste water treatment plant outlining a plan of finance.

Motion was made by Trustee Woolson to approve, seconded by Trustee Koegel, Mayor Borchik aye. Motion carried.

**RESOLUTION OUTLINING A PLAN OF FINANCE FOR THE PHOENIX/SCHROEPPEL  
WASTEWATER TREATMENT & CONVEYANCE  
PROJECT AND AUTHORIZING MAYOR BRIAN BORCHIK TO ACT ON BEHALF OF THE VILLAGE  
OF PHOENIX, NEW YORK AS THE AUTHORIZED REPRESENTATIVE AND AUTHORIZING DAVID  
TURNER, DIRECTOR OF STRATEGIC INITIATIVES FOR THE COUNTY OF OSWEGO, AS THE  
DAILY CONTACT IN AN APPLICATION FOR FUNDING ASSISTANCE THROUGH THE NYS  
ENVIRONMENTAL FACILITIES CORPORATION.**

The **VILLAGE BOARD OF VILLAGE OF PHOENIX**, in the County of Oswego, State of New York, met in a regular meeting at the Village Hall in the Village of Phoenix, located at 455 Main Street, in the Village of Phoenix, County of Oswego, State of New York, on the 18<sup>th</sup> day of July 2023, at 7:00 p.m.

The meeting was called to order by, Mayor, and the following were present, namely:

Brian Borchik	Mayor
Sally Woolson	Trustee
Jeffrey Koegel	Trustee

**RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PHOENIX, NEW YORK AS FOLLOWS:**

**WHEREAS** the Village of Phoenix, a municipality within the County of Oswego in the State of New York, has heretofore entered into an intermunicipal agreement with the County of Oswego, the Town of Schroepel and the County of Oswego Industrial Development Agency, for the construction and funding of the Phoenix/Schroepel Wastewater Treatment & Conveyance Project, and

**WHEREAS** with funding assistance from the NYS Environmental Facilities Corporation, the project partners will repair manholes, insert Cured-In-Place-Pipes (CIPP) in various sewer lines, replace a 3.4 Million Gallon Daily (MGD) pump station, modify and repair two 60 foot bioreactor tanks, replace chemical disinfection with an Ultraviolet system and add an equalization tank, and

**WHEREAS** the Village of Phoenix as the majority owner of the infrastructure to be improved has assumed the role as lead applicant for grant funds to help cover the costs of these improvements, and

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**WHEREAS** this project is estimated to cost approximately eleven-million two-hundred and forty-two thousand and six-hundred and sixty-five dollars (\$11,242,665), and

**WHEREAS** the project partners have previously agreed to commit three-million dollars (\$3,000,000) combined in local funds to finance this intermunicipal project, have received an additional three-million dollars (\$3,000,000) as a federal appropriation through HUD, seven-hundred and fifty thousand (\$750,000.00) from NYS ESD and recently seven-hundred and eighty-three thousand six-hundred and eighty-three dollars (\$783,683.00) through the NY

Forward program and now plan to request two-million two-hundred and eight-thousand nine-hundred and eighty-two dollars (\$2,208,982.00) from the New York State Environmental Facilities Corporation (NYS EFC) through their Intermunicipal Grant program which will fully fund this this critical infrastructure project, and

**WHEREAS** the improvements included in this project will help position the Village and the Town for the unprecedented growth that is expected from the nearby Micron project, and

**WHEREAS** the Village of Phoenix, New York wishes to apply to the NYS Environmental Facilities Corporation (EFC) for \$2,208,982 for the Phoenix/Schroepel Wastewater Treatment and Conveyance Project; and

**WHEREAS** the EFC requires an official designation for the titles above, then therefore be it

**RESOLVED** that the funding strategy outlined above shall be considered the “Plan of Finance” for this initiative, and be it further

**RESOLVED** that the Mayor of the Village of Phoenix, NY is hereby authorized to execute any and all documents that may be necessary to apply for these funds as well as any documents required to accept and disburse same if awarded.

**RESOLVED** that Mayor Brian Borchik is hereby authorized, on behalf of the Village of Phoenix, NY to apply for, accept, and expend grant funds from the NYS Environmental Facilities Corporation. The named authorized official has permission to sign all EFC investment documents that bind the applicant, and be it also

**RESOLVED** that this body authorizes David Turner, Director of Strategic Initiatives for the County of Oswego, to act as the daily contact and assist in the preparation of the request for funding.

**BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PHOENIX, NEW YORK.**

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Dated: June 18, 2023

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**Roxanne Demo**  
Village Clerk of the Village of Phoenix

Oswego County, New York

Mayor Borchik stated we've received an intermunicipal agreement from the Town of Schroepel for periodic police patrol. Mayor asked that the board review the agreement. Councilman Gelling spoke to the board regarding the agreement.

Mayor Borchik discussed with the board some of the NY Forward projects that they will be submitting after speaking with the board. On North Island - a pedestrian bridge, new docks, update the boat launch, a walking trail, estimated at \$2 million. Lock Island - a dog park and additional docks. Henley Park - new pavilion, dock handrails, floating dock and upgrade to power and water. Gateway signage.

Trustee Woolson thanked the Mayor for providing the letter to the Library for upgrades to the broadband project through North County Library Systems.

Trustee Koegel had nothing.

### **Department Comments**

Sergeant Ferazzoli handed out the activity report for June 21- July 18, 2023. Ferazzoli said they had 61 calls for service. They recently had coffee with a cop and had around 20 people attend, the next one will be August 11<sup>th</sup> at 9:30. The marine unit has been out. The court tickets are also done.

### **Administrator Lynch**

Administrator Lynch updated the board for calls for projects are due July 23<sup>rd</sup>. We have a meeting on the with David Turner Director, Oswego County Office of Strategic Initiatives, Justin Hart, John Kerfien, Roxanne Demo and himself to discuss the plans for the waste water treatment plan.

Lynch said the planning board meeting is July 20 at 7:00pm at the Fire Department to discuss the proposed retail store.

### **Attorney Comments**

Attorney Schiano had nothing at this time.

### **Abstract**

Abstract #10 dated July 18, 2023 in the amount of \$38,165.01. Trustee Woolson made the motion to approve, general fund vouchers 268-294; water fund vouchers 273-291; sewer fund vouchers 273-293; library fund vouchers 61-64 and trust and agency fund vouchers 65-72, seconded by Trustee Koegel aye, Mayor Borchik aye. Motion carried.

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Motion to approve meeting minutes from June 20, 2023 was made by Trustee Woolson, seconded by Trustee Koegel aye, Mayor Borchik aye. Motion carried.

Motion to approve meeting minutes from April 11, 2023 was made by Trustee Woolson, seconded by Trustee Koegel aye, Mayor Borchik aye. Motion carried.

Ratify phone poll for abstract #9 dated July 4, 2023 in the amount of \$81,490.98. Motion was made by Trustee Woolson to approve, seconded by Trustee Koegel, Mayor Borchik aye. Motion carried.

### **New Business**

Facility Use for Shyann Hart for auditorium on August 12, 2023 from 10:00-5:00pm for a birthday party. Motion was made by Trustee Woolson, seconded by Trustee Koegel aye, Mayor Borchik aye. Motion carried.

Motion to set a public hearing for the MS4 Report on August 1, 2023 at 6:50pm was made by Trustee Woolson, seconded by Trustee Koegel, Mayor Borchik aye. Motion carried.

### **Public Comments**

Rod Sayles 91 Lock Street said the fireworks were probably the best he's ever seen. Margaret Sayles informed the board that there was an incident at the pond and she tried to call 911 but there was difficulty describing the address and 911 ended up hanging up on her. They also informed the board that the red light was out at one of the fountains.

Motion was made by Trustee Koegel to adjourn the regular meeting at 8:29pm, seconded by Trustee Woolson, Mayor Borchik aye. Motion carried.

Respectfully submitted,

Roxanne Demo  
Village of Phoenix  
Clerk/Treasurer