

Soliciting

## Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
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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.

Village of Wellsville

Local Law No. 5 of 1995

A Local Law regulating street sales on or near village park land

Be it enacted by the Board of Trustees of the

Village of Wellsville as follows:

### SECTION 1-PURPOSE

The Village Board has determine d that the selling or hawking of goods, or the distribution or offering of literature such as hand bills or programs at and near the outside entrances to areas of the park and recreational areas of the Village, creates a danger to the operation of motor vehicles, and to pedestrians, approaching, entering or actually on park areas. Such activities interfere with the traffic flow of vehicles and pedestrians, resulting in congestions and safety concerns. The Board, therefore, pursuant to the authority of Village Law 4-412(1) and Village Law 6-602, enacts this Local Law.

### SECTION 2-DEFINITIONS

The following terms in this Local Law shall have the following meanings:

#### A. Non-Sales Areas:

1. Immediate entrances to and exits from the Park areas, vehicular ways within the Park areas, any parking lots in Park areas, including designated temporary parking areas.

2. Approaches to Park Areas: All public streets in the Village within the following inclusive boundaries: South Main Street, West State Street, South Brooklyn Avenue, and the southerly boundary of the Village, including, but not limited to: West Hanover Street; West Dyke Street on both sides of the Genesee River; a portion of New York Route 417 also known as the Arterial, between its State Street and South Main Street between West State and the Arterial; and any pedestrian bridge across the Genesee River or Dyke's Creek that connects with Island Park.

B. Street-The same meaning as contained in Village Law Section 6-600 and as defined by Vehicle and Traffic Law Section 148.

C. Sell-Shall mean the selling, hawking, or offering for sale, distribution, or trade with or without consideration, or selling price, of any object or item, including, but not limited to advertising, souvenirs, handbills, programs, or food items.

D. Park Lands or Park Areas shall mean the followings:

- (1) Tullar Field Recreational Area;
- (2) Island Park;
- (3) The Lagoon Recreational Area;
- (4) The Quackenbush Recreational Area; and
- (5) All public parking lots contiguous to the above.

E. Farmers' Market- Which can be a temporary, periodic sales event offering products of arts and crafts, plants, produce, baked goods and other food items such as honey, jellies, and janes, which are homemade or home produced and sold by those who produce, grow or manufacture the items. A Farmers' Market should be considered seasonal and involves no permanent structure, but rather sales made from tables, tents or vehicles.

#### SECTION 3-SELLING PROHIBITED

A. Selling within non-sales areas as defined herein is hereby prohibited except as herein provided.

B. EXCEPTION: The Village Clerk, on behalf of the Board of Trustees, may specifically authorize, by permit, a Farmers Market, or village board sanctioned events, at designated times and areas in Island Park vehicle parking areas, upon such terms and conditions as are reasonable and appropriate. All such permit holders shall be required to cluster their sale tables, tents or vehicles into a designated area so as to minimize hinderance to customer vehicular or pedestrian traffic.

#### SECTION 4-PENALTY

Non compliance with this Local Law shall constitute a violation as defined by Section 10 of the Penal Law of the State Of New York, and shall be punishable, upon conviction, by a fine not exceeding Two hundred Fifty Dollars (\$250.00) or by imprisonment for not more than six (6) days, or by both such fine and imprisonment.

#### SECTION 5-EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.