



PUBLIC HEARING MEETING AGENDA

Tuesday, December 17, 2024

6:00 PM

Common Council Chambers

City of Poughkeepsie Common Council Public Hearing;

NOTICE IS HEREBY GIVEN that pursuant to the Charter and Codes of the City of Poughkeepsie, one Common Council Public Hearing will be held on Tuesday, December 17, 2024 at 6:00 pm respectively, in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY for the purpose of receiving comments on a Local Law to Amend Chapter 10 “Hawkers, Peddlers and Transient Vendors,” to Revise Section 10-4 “Veterans,” the Sections Governing Restrictions on Prior Criminal Convictions and to Amend Section 10-20 “Penalties”

- I.** Welcome
- II.** Roll Call
- III.** Public Participation
- IV.** Adjournment:

**CITY OF POUGHKEEPSIE, NEW YORK
COMMON COUNCIL
PUBLIC HEARINGS
TUESDAY, DECEMBER 17, 2024**

NOTICE IS HEREBY GIVEN that pursuant to the Charter and Codes of the City of Poughkeepsie, one Common Council Public Hearing will be held on **Tuesday, December 17, 2024 at 6:00 pm** respectively, in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY for the purpose of receiving comments on:

1. A Local Law to Amend Chapter 10 “Hawkers, Peddlers and Transient Vendors,” to Revise Section 10-4 “Veterans,” the Sections Governing Restrictions on Prior Criminal Convictions and to Amend Section 10-20 “Penalties”

When: Tuesday, December 17, 2024, at 6:00PM (EST)

Location: Common Council Chambers, 3rd FL, City Hall, 62 Civic Center Plaza, Poughkeepsie, NY 12601

Dated: November 20, 2024

Respectfully submitted,

Jamar M. Cummings
City Chamberlain

**RESOLUTION
(R-24-85)**

**A LOCAL LAW TO AMEND CHAPTER 10 “HAWKERS, PEDDLERS AND
TRANSIENT VENDORS,” TO REVISE SECTION 10-4 “VETERANS,” THE SECTIONS
GOVERNING RESTRICTIONS ON PRIOR CRIMINAL CONVICTIONS AND TO
AMEND SECTION 10-20 “PENALTIES”**

**INTRODUCED BY COUNCILMEMBER WILSON, SHOOK, PATTERSON
THOMPSON, BROWN, JAMES, GRANT :**

BE IT RESOLVED that an introductory Local Law entitled, “A LOCAL LAW TO
AMEND CHAPTER 10 “HAWKERS, PEDDLERS AND TRANSIENT VENDORS,” TO
REVISE SECTION 10-4 “VETERANS,” THE SECTIONS GOVERNING RESTRICTIONS
ON PRIOR CRIMINAL CONVICTIONS AND TO AMEND SECTION 10-20 ‘PENALTIES’”
be and hereby is introduced before the Common Council of the City of Poughkeepsie in the
County of Dutchess and State of New York; and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law are laid
upon the desk of each member of the Council; and

BE IT FURTHER RESOLVED that the Council shall hold a public hearing on said
proposed local law to receive comment from the public on Tuesday, _____ at _____
pm in the Common Council Chambers, Third Floor, City Hall, 62 Civic Center Plaza,
Poughkeepsie, New York;

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public
notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5)
days prior thereto.

SECONDED BY COUNCILMEMBER _____ .

(LL 24-XX)

**A LOCAL LAW TO AMEND CHAPTER 10 “HAWKERS, PEDDLERS AND
TRANSIENT VENDORS,” TO REVISE SECTION 10-4 “VETERANS,” THE SECTIONS
GOVERNING RESTRICTIONS ON PRIOR CRIMINAL CONVICTIONS AND TO
AMEND SECTION 10-20 “PENALTIES”**

SPONSOR:

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

~~STRIKETHROUGH INDICATES DELETION~~
BOLD and UNDERLINE INDICATES ADDED LANGUAGE

SECTION 1: Section 10-4 is amended as follows:

10-4 Veterans

- a.** Any honorably discharged veteran of the armed services of the United States who has obtained a veteran's license from the Dutchess County Clerk, under § 32 of the General Business Law, to hawk, peddle, vend or solicit trade on the streets and highways within the County of Dutchess shall be exempt from the provisions of Section 10-7 of this article. Upon approval of the veteran's application, the City Chamberlain will issue the license to said veteran to ply his or her trade in the City of Poughkeepsie, subject to all provisions of this article.
- b.** **Any honorably discharged veteran of the armed services of the United States who seeks a license from the City only shall be entitled to a 50% discount on the fee set forth in Section 10-7(a)(1).**

SECTION 2: Section 10-5(a)(6) is amended as follows:

(6) Whether or not the applicant has ever been convicted of a felony **(disclosure shall only be required if the felony has not been sealed pursuant to Criminal Procedure Law §160.57 or by other statute or court order)**, misdemeanor or violation of any municipal ordinance, except traffic violations, and, if so, the date, court, ordinance ~~ordinance~~ **statute** violated and sentence of the court.

SECTION 3: Section 10-6(c) is amended as follows:

(c) If such investigation shall prove the applicant to have been convicted of any felony **which has not been sealed pursuant Criminal Procedure Law §160.57 or by other statute or court order**, or any misdemeanor, except a misdemeanor defined in Articles 156, 158 or 275 of the Penal Law, the Environmental Conservation Law, or the Vehicle and Traffic Law, the conviction would disqualify the applicant from obtaining a license unless such a disability has

been removed as provided in the Correction Law. the applicant may still qualify for a peddling license after the Police Department has considered the factors listed below. Such determination shall be on a form prepared by the Police Department and forwarded to the Chamberlain:

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- i. The public policy of the State of New York, to encourage employment and business activities of persons previously convicted of one or more criminal offenses; and
 - ii. The time which has elapsed since the occurrence of the criminal offense or offenses; and
 - iii. The age of the person at the time of occurrence of the criminal offense or offenses; and
 - iv. The seriousness of the offense or offenses; and
 - v. Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct; and
 - vi. The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

SECTION 4: Section 10-6(e) is deleted and subsection (f) is amended as follows:

~~(e) The City Chamberlain may refuse to issue the license if, in the judgment of the City Chamberlain, either the convictions render the applicant unfit or undesirable to carry on the trade or occupation involved, or the applicant shall be an undesirable person or incapable of properly conducting the trade or occupation involved.~~

(f) Any applicant who has been denied a license ~~under Subsection (e)~~ shall be notified by mail of such rejection. Such notification shall be mailed within five business days of such rejection. The applicant shall then have 10 business days from the date of such mailing to appeal such rejection by the City Chamberlain to the Common Council. The Common Council, upon hearing the appeal by the applicant, shall approve or deny the issuance of the license.

SECTION 5. Section 10-20 of the City Code shall be amended as follows:

Section 10-20 PENALTIES.

- (a) In addition to the remedy provided in subsection 10-19, any person violating any provision of this article shall be guilty of a violation and shall be punishable by a fine of not more than \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. The continuance of an offense for each twenty-four-hour period shall be deemed a distinct and separate violation. Enforcement shall be by appearance ticket returnable in Poughkeepsie City Court. Said ticket may be issued by the Building Inspector, Code Enforcement Officer, Fire Inspector, Sanitation Inspector, or any officer of the City of Poughkeepsie Police Department in his or her own discretion or based upon a signed complaint.**

SECTION 6. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each council member; and

BE IT FURTHER RESOLVED, that the Common Council shall hold a public hearing on said proposed Local Law and that the City Clerk shall publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

SECONDED BY COUNCILMEMBER _____ :