

ORDINANCE # 5 OF 2015

**AMENDING CHAPTER 221 OF THE AUBURN CITY CODE ENTITLED PEDDLING
AND SOLICITING**

By Councilor Ruzicka

August 20, 2015

WHEREAS, Chapter 221 of the Auburn City Code entitled “Peddling and Soliciting” regulates activities within the corporate limits of the City of Auburn to act as a hawker, peddler or solicitor as defined therein; and

WHEREAS, it is necessary that certain revisions be made to the Ordinance in that it shall be required, pursuant to Section 221-4, that a license shall be required and that the City Manager shall refer the application to the Chief of Police for investigation in relation to the application wherein the applicant’s background will either result in an approval or disapproval of the application; and

WHEREAS, it is necessary that Section 221-7 entitled “Investigation; issuance of license; appeals” shall be amended as follows:

- A. Upon the filing of the application, bond and certificate as provided in the preceding sections, the City Manager shall, upon his or her approval of such application, issue to the applicant a license as provided in § 221-4 License Required. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare.
- B. Before issuing a license, the applicant shall be referred to the Auburn Police Department Identification Bureau for the purpose of scheduling an appointment for submission of civilian fingerprints.
- C. The applicant’s fingerprints and any applicable fees shall be forwarded to the Division of Criminal Justice Services (DCJS) in the form and manner as prescribed by DCJS for a complete criminal background check. Applicants are responsible for all fees associated with the fingerprint submission. Applicants may contact the Auburn Police Department I.D. Bureau for a fee schedule.
- D. Before issuing a license, the City Manager shall refer the application to the Chief of Police for investigation [**and report**]. The Chief of Police or the Captain of Patrol shall review all information provided by DCJS in connection with the applicant’s criminal

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background and investigation and will either “Approve” or “Disapprove” said application.

- E. If the applicant has been convicted of a misdemeanor or felony which is determined to render the applicant unfit to carry on the aforesaid operation, proper consideration will be given to New York State Correction Law §§ 701 through 703-b (or Correction Law Article 23) and §§ 751 through 753 (or Correction Law Article 23-A) in making any such determination.
- F. Appeal to Council. Any applicant who has been refused a license by the City Manager may apply to the Council therefore, and the same may be granted or refused by the Council.

NOW THEREFORE BE IT ORDAINED that Chapter 221 entitled “Peddling and Soliciting” shall be amended as follows:

- A. Upon the filing of the application, bond and certificate as provided in the preceding sections, the City Manager shall, upon his or her approval of such application, issue to the applicant a license as provided in § 221-4 License Required. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare.
- B. Before issuing a license, the applicant shall be referred to the Auburn Police Department Identification Bureau for the purpose of scheduling an appointment for submission of civilian fingerprints.
- C. The applicant’s fingerprints and any applicable fees shall be forwarded to the Division of Criminal Justice Services (DCJS) in the form and manner as prescribed by DCJS for a complete criminal background check. Applicants are responsible for all fees associated with the fingerprint submission. Applicants may contact the Auburn Police Department I.D. Bureau for a fee schedule.
- D. Before issuing a license, the City Manager shall refer the application to the Chief of Police for investigation [**and report**]. The Chief of Police or the Captain of Patrol shall review all information provided by DCJS in connection with the applicant’s criminal background and investigation and will either “Approve” or “Disapprove” said application.
- E. If the applicant has been convicted of a misdemeanor or felony which is determined to render the applicant unfit to carry on the aforesaid operation, proper consideration will be

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given to New York State Correction Law §§ 701 through 703-b (or Correction Law Article 23) and §§ 751 through 753 (or Correction Law Article 23-A) in making any such determination.

F. Appeal to Council. Any applicant who has been refused a license by the City Manager may apply to the Council therefor, and the same may be granted or refused by the Council; and

BE IT FURTHER ORDAINED that said Ordinance shall become effective upon publication.

Seconded by Councilor McCormick

	Ayes	Noes
Councilor McCormick	X	
Councilor Camardo	X	
Councilor Cuddy	X	
Councilor Ruzicka	X	
Mayor Quill	X	
Carried and Adopted	X	

I do hereby certify that the foregoing is a correct copy of the vote for Ordinance #5 of 2015 of the City Council of the City of Auburn, N.Y., at a regular meeting thereof, held in the Council Chambers, Memorial City Hall, in said city, on the 20th day of August, 2015 and that the City Council approved such by the vote listed above.

Charles Mason, City Clerk Date: August 21, 2015

Additions indicated by underlining. Deletions by **bold** and in **brackets**. [].