

**CITY OF PORT JERVIS  
INTRODUCTORY LOCAL LAW NO. 13 OF 2022**

**A LOCAL LAW AMENDING CHAPTER 403 OF THE CODE OF THE CITY OF PORT  
JERVIS ENTITLED “PEDDLING AND SOLICITING”**

Be it enacted by the Common Council of the City of Port Jervis, County of Orange, State of New York, as follows:

**Section 1. Statement of Intent**

To further the health, safety and general welfare of the public, the Common Council of the City of Port Jervis finds it necessary to amend the City Code to include a new requirement that every permit application for peddling and soliciting include a certified background check.

**Section 2. Amendment of City Code, Chapter 403.**

City of Port Jervis Code, Chapter 403 is hereby amended as follows:

Section 403-6(A)(5) is hereby repealed and replaced with the following:

- (5) A list of crimes for which the applicant has been arrested or convicted, including dates and places. The applicant shall further provide an original or certified copy of a BCI Background Check and a signed copy of a waiver whereby applicant agrees to allow the City to obtain a name/date of birth BCI Background Check on the applicant for purposes of properly enforcing this chapter. By submitting such a waiver, the applicant understands that the results of said background check could form the basis for a denial of a permit under this chapter.

Section 403-14 is hereby repealed and replaced with the following:

§ 403-14 Enforcement & Penalties for Offenses.

- A. The Police Department of the City of Port Jervis and/or the enforcement officials as may be designated, is charged with enforcing the provisions of this chapter and shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of any section of this chapter.
- B. Any person who violates any provision of this chapter shall be guilty of a violation. Each violation shall be punishable by a fine not to exceed \$250.00 or by imprisonment for a period not to exceed 15 days, or both.

**Section 5. Separability**

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the

validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Common Council of the City of Port Jervis hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**Section 6.**     **Repeal**

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

**Section 7.**     **Effective Date**

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.