

License No. _____

APPLICATION FOR TRANSIENT MERCHANTS

Town of Clifton Park Town Clerk
#1 Town Hall Plaza, Clifton Park, NY 12065
Phone: 518-371-6681 ♦ Fax: 518-383-5088
CFantini@cliftonpark.org

INSTRUCTIONS TO APPLICANT:

1. Applicant is to answer all questions set forth in the application.
2. Attach to this completed application:
 - (a) Document establishing state or county qualifications to do business in state/county.
 - (b) Plot plan (map showing location of operation set-up on the property).
 - (c) Proof of Liability Insurance.
 - (d) Appropriate Fee. \$25/event or \$100/year from application date. Cash or check, made payable to Clifton Park Town Clerk. (\$25 event fee will be waived for Town invited events). An additional \$10 Fee will be charged if an inspection is required.
 - (e) Property Owner authorization for use of site.
 - (f) Signed Hold Harmless Agreement.

Applicant's Name: _____

Residential Address: _____

Telephone Number: _____ SS # or EIN# _____

Email Address: _____

Company Name: _____

Address: _____

Telephone Number: _____

Documents establishing the firms state or county, form of organization, ownership and qualifications to do business in the state submitted.

Plot plan (map showing location of operation set-up on the property)

of Food Trucks on the site _____

Authorization for the use of site submitted.

Bond/Insurance: _____

Description of Firm/Corporation and kind of goods or commodities desiring to sell:

Vehicle to be Used:

Make/Model:

Year:

Color:

Plate#:

Event Location/
Property Owner:

Type of Event:

License

Per Day

OR

Yearly:

Effective:

Dates:

From

to

I understand that this application will be accepted for all purposes as the equivalent of an affidavit.

Date

Signature

OFFICE USE ONLY:

SITE INSPECTION/FIRE MARSHALL

_____ Approved

_____ Denied

Date Fire Permit Issued:

Recommendations:

Date

Chief, Bureau of Fire Prevention

TOWN CLERK'S OFFICE

Date Application Received:

Date Filing Fee Received:

Amount Received:

Date Application Granted:

License Number:

Date Application Denied:

Reason for Denial:

Date

Town Clerk

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT
Per Chapter 189-5E.

_____ (COMPANY NAME) agrees to indemnify and hold the Town of Clifton Park, it's officers, employees, representatives and/or agents harmless with respect to any and all claims, causes of action, suits, proceedings, damages, liabilities, losses, costs and expenses, including third party claims or actions and attorneys' fees, in connection with loss of life, personal injury and/or any loss of life, personal injury and/or property damage which may arise from and as a result of the negligent acts or omissions of _____ (COMPANY NAME) or others associated in some way therewith, during or arising out of the use of any Transient Merchant License with the Town of Clifton Park, County of Saratoga, State of New York on _____ (DATE).

SIGNED: _____

APPROVED: _____

DATE: _____

Chapter 189

TRANSIENT RETAIL MERCHANTS

§ 189-1.	Purpose.	§ 189-6.	Exemptions.
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[HISTORY: Adopted by the Town Board of the Town of Clifton Park 9-6-1988 by L.L. No. 18-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Peddling and soliciting — See Ch. 156.

Zoning — See Ch. 208.

§ 189-1. Purpose. [Amended 11-13-2006 by L.L. No. 19-2006]

This chapter is enacted for the purpose of regulating the conduct and business practices of transient merchants within the Town of Clifton Park in order to protect the health, welfare and safety of the Town's residents and visitors. It is also enacted to require conformity with the Town's Comprehensive Plan and Zoning and Sign Laws so that the community's land use and planning goals are not unduly interfered with or defeated by unregulated enterprises.

§ 189-2. Definitions.

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

MOBILE FOOD PREPARATION VEHICLES — Vehicles which contain equipment for the cooking, preparation, storage, and serving of food to the public and which sell food products from the vehicle to the public. **[Added 8-19-2024 by L.L. No. 7-2024]**

PERSON — An individual, firm, partnership, corporation, voluntary association, incorporated association and principal or agent thereof.

TRANSIENT RETAIL BUSINESS — A retail or wholesale business conducted in a temporary structure or tent; from a truck, van or trailer; on a parking lot or vacant parcel of land; on a part of public right-of-way; or in any other place for a temporary period of time. Lack of a rental or leasing agreement of three months or more duration, sealed by monetary consideration, shall be presumptive of a temporary situation. The type of merchandise being offered for sale will have no bearing on the designation.

§ 189-3. Objectives.

The purpose of this chapter is to assist the government of the Town of Clifton Park, the management of its business, the preservation of good order and the peace, health, safety and welfare of its inhabitants and the protection and security of their property.

§ 189-4. License required; fee.

- A. No person shall engage in business as a transient merchant unless he shall first have obtained a license to do so from the Town Clerk no later than four business days before the first date of business. **[Amended 8-19-2024 by L.L. No. 7-2024]**
- B. The fee for a transient merchant's license shall be at the rate of \$25 per day or \$100 for one year, plus an additional \$10 fee if an inspection is required. Fees paid after July 1, 2024, and before the effective date of the revised fee schedule shall be prorated and the applicant will be reimbursed accordingly. It shall be within the discretion of the Town Supervisor to waive a fee and to permit the granting an application for a prohibited location set forth in § 189-10. The Supervisor may not waive a required inspection. **[Amended 11-13-2006 by L.L. No. 19-2006; 8-19-2024 by L.L. No. 7-2024]**
- C. Persons soliciting, collecting or operating a sale on behalf of any bona fide charitable, educational, scientific, health, religious or patriotic not-for-profit organization shall not be required to pay a fee or provide a bond for a transient merchant license but must complete and be approved for a license as otherwise provided herein. **[Added 11-13-2006 by L.L. No. 19-2006]**
- D. Mobile food preparation vehicles shall comply with the applicable provisions of the 2020 Fire Code of New York State. Only two mobile food preparation vehicles shall be permitted at the site, unless otherwise approved by the Town Fire Marshal, which is the subject of the application. **[Added 11-13-2006 by L.L. No. 19-2006; amended 8-19-2024 by L.L. No. 7-2024]**

§ 189-5. License application.

An application for a transient merchant's license shall provide the following information:

- A. The address of the applicant's residence.
- B. The applicant shall provide proof of a certificate of doing business and/or corporate registration with the New York Secretary of State. **[Amended 8-19-2024 by L.L. No. 7-2024]**
- C. A brief description of the firm and kind of goods or commodities he desires to sell.
- D. The hotel, room or other location where the applicant proposes to sell such merchandise, and the time during which said business is to be conducted.
- E. The applicant shall provide to the Town Clerk proof of liability insurance issued by an insurance company licensed to do business in the State of New York in the sum of \$100,000. The Town of Clifton Park shall be listed as a named insured. If the applicant has liability insurance to cover the owner or lessee of the site applied for, then the applicant will ensure that the Town of Clifton Park is added as a named insured on such policy, in which event, no additional coverage will be required. The applicant shall also execute a hold harmless and indemnification agreement provided with the application by the Town Clerk. **[Added 11-13-2006 by L.L. No. 19-2006; amended 8-19-2024 by L.L. No. 7-2024]**
- F. Written authorization for use of site from owner or lessee to be submitted with application. **[Added 8-19-2024 by L.L. No. 7-2024]**
- G. Plot plan or map showing location of operation on-site to be submitted with application. **[Added 8-19-2024 by L.L. No. 7-2024]**

§ 189-6. Exemptions.

This chapter shall not be held to apply to any of the following:

- A. Sales conducted pursuant to statute.
- B. Sales conducted pursuant to an order by any court. **[Amended 11-13-2006 by L.L. No. 19-2006¹]**
- C. The sale of fruits and vegetables raised on the property where being sold.
- D. Any honorably discharged member of the United States Armed Forces who has procured a license under Article 4 of the General Business Law of the State of New York.
- E. Garage sales and farmers' markets. **[Amended 11-13-2006 by L.L. No. 19-2006]**
- F. Merchants offering food or nonfood items by invitation at Town of Clifton Park events. **[Added 8-19-2024 by L.L. No. 7-2024]**
- G. Merchants which provide food or nonfood items or services at a residence for a one-day event. Such merchants shall be required to obtain a permit and, where applicable, obtain an inspection. Under such circumstances the fee for the permit shall be waived, but the \$10 inspection fee shall be required. **[Added 8-19-2024 by L.L. No. 7-2024]**

§ 189-7. Compliance with Code. [Amended 8-19-2024 by L.L. No. 7-2024]

The Zoning Code of the Town of Clifton Park² shall apply to all licenses granted under this chapter. The Town reserves the right to revoke any license used in violation of the Town of Clifton Code.

§ 189-8. Landowner responsible. [Amended 11-13-2006 by L.L. No. 19-2006]

No owner or person in possession of real property in the Town of Clifton Park shall allow said real property to be used for the purpose of conducting transient retail business unless the transient merchant shall first have been licensed as required by this chapter.

§ 189-9. Penalties for offenses. [Amended 4-6-1998 by L.L. No. 2-1998; 5-2-2005 by L.L. No. 4-2005]

Any person found to have violated any of the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine not to exceed \$500 or a term of imprisonment not to exceed 15 days, or both such fine and imprisonment, and, further, shall be directed to obtain a license pursuant to this chapter, paying the appropriate fee. Every day that a violation of any provision of this chapter shall continue shall constitute a separate and distinct offense.

§ 189-10. Locations where prohibited. [Amended 8-19-2024 by L.L. No. 7-2024]

No transient retail business shall be located or operated outdoors along any of the following thoroughfares or within the specified radius of the identified intersections, as these are deemed to be high-traffic areas which may present a danger to the health or safety of motorists, cyclists or pedestrians:

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1. Editor's Note: Former Subsection C, regarding the sale of personal property at wholesale, former Subsection F, regarding sales on behalf of charities or other worthy organizations, and former Subsection H, concerning the sale of Christmas trees, were repealed 11-13-2006 by L.L. No. 19-2006. This local law also provided for the redesignation of former Subsections D, E and G as Subsections C, D and E, respectively.
 2. Editor's Note: See Ch. 208, Zoning.

Route 146 west to Vischer Ferry Road and Route 146A
Maxwell Road from Plank Road to Southside Drive
Southside Drive
Park Avenue
Wall Street
Old State Route 146
Clifton Country Road
Clifton Park Center Road from Southside Drive to Clifton Country Road
Vischer Ferry Road from Clifton Park Center Road to Route 146
Crescent Road from Northway ramp to Moe Road (this includes Okte)
Not within 500 feet from the following intersections:
Moe Road and Grooms Road
Routes 146 and 146A
Longkill/Main/MacElroy/Hatlee
Ushers Road and Van Patten Drive
Route 146 and Balltown Road
Riverview and Balltown Roads