

BILL NO. 20 OF 2019

A Local Law to amend *Russell Gardens Code* Chapter 8 entitled “Auctions and Garage Sales.”

Section One: *Russell Gardens Code* §8-2 entitled “Application for license; fee” is hereby amended as follows:

A. Application for such license shall be made to the Village Clerk in a letter or other form required by the Village, and shall be executed by the applicant in writing. ~~The application shall be accompanied by the payment of a license fee of \$50 per day or part thereof that the auction sale may be in progress.~~ The application shall substantially set forth the following information:

- (1) Name of the persons, firm, group, corporation, association or organization conducting said sale.
- (2) Name of the owner of the property on which said sale is to be conducted, and the consent of the owner if the applicant is other than the owner.
- (3) Location at which the sale is to be conducted.
- (4) Number of days of the proposed sale.
- (5) If real property is intended to be sold, the Nassau County Land and Tax Map designation and the street number of said premises.
- (6) A general description of the personal property or merchandise offered for sale and whether any of said property was brought into the premises specifically for purposes of sale.

B. The application shall be accompanied by the payment of a license fee as established in a Miscellaneous fee schedule adopted by resolution of the Board of Trustees. The fee schedule may be amended from time to time by like resolution and shall be available in the office of the Village Clerk.

C. B.—Such license shall not be issued to any applicant who, in the judgment of the Mayor, is likely to disturb the peace and order of the Village or if the granting of such license may adversely affect the health, safety or welfare of Village residents. Any applicant who shall be refused such license by the Mayor may apply, in writing, to the Village Board for a prompt hearing, at which hearing the license may be granted or refused by the Board. At such hearing, the applicant may be represented by counsel and minutes may be taken and transcribed at the applicant's expense. Before such hearing, the applicant shall deposit a sum sufficient, not exceeding \$100, to secure payment of the stenographic transcript of the hearing for the Village and the applicant. If the applicant waives, in writing, the taking of minutes, no deposit need be made.

Section Two: *Russell Gardens Code* §8-10.A entitled “License required; fee” is hereby amended as follows:

- A. It shall be unlawful for any person to conduct a garage or home sale of tangible personal property in the Village without first filing, in writing, with the Village Clerk, by a letter or otherwise, the information hereinafter specified and obtaining from such Village Clerk a special license so to do, to be known as a "garage sale license." The fee for such license shall be ~~\$10.~~ as established in a Miscellaneous fee schedule adopted by resolution of the Board of Trustees. The fee schedule may be amended from time to time by like resolution and shall be available in the office of the Village Clerk.

Section Three: If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section Four: This local law shall take effect immediately upon filing with the Secretary of State.