

TOWN OF NORTH CASTLE  
Local Law No. 4 for the Year 2009  
**(Adopted May 5, 2009)**

A Local Law to amend Chapter 148 entitled “Peddling and Soliciting” of the Code of the Town of North Castle.

Be It Enacted by the Town Board of the Town of North Castle as follows:

1. Chapter 148 entitled “Peddling and Soliciting” is hereby amended in its entirety to read as follows:

§148-1. PURPOSE AND INTENT.

- A. It is the purpose and intent of this chapter to control and regulate the activities of peddlers and solicitors in the Town of North Castle. History has shown that there is a need for investigation and review of the past conduct of applicants in the interest of promoting public safety and morals, child welfare, economic well-being and highway safety and usage. This chapter is intended to protect the peace and security of our citizens in their homes and neighborhoods; to safeguard consumers against fraud and inferior goods; and to prevent congestion and unsafe conditions on the streets and highways of the Town.
- B. In order to accomplish this goal, the Town Board is exercising its authority under §10(1)(ii)(a)(12) of the Municipal Home Rule Law, §136(1) and §137 of the Town Law and any other applicable provision of law now or hereafter enacted, to supersede and/or expand upon the applicable provisions of §137 of the Town Law, and any other applicable or successor law.

§148-2. Definitions. (Content remained the same, only section number changed)

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

CANVASS - Any person, either principal or agent, traveling either by foot or by any conveyance who canvasses as herein defined. For purposes of this chapter, the entity which engages a person or their agent for the purpose of canvassing is also considered a canvasser within the meaning of this section and is subject to all provisions herein.

CANVASSER – Any person who, by going from house to house or place of business to place of business or any combination thereof, predominantly seeks contributions, fundraisers, petitions, solicits membership, disseminates information or conducts activities which would not be characteristic of a peddler or solicitor.

**COMPANY** — Any association of individuals, partnerships, firms, corporations, societies or any other organization.

**ESTABLISHED PLACE OF BUSINESS** — A permanent building, store or depository in which or where the person transacts business and deals in goods, wares, merchandise or services in the ordinary and regular course of business.

**PEDDLE** — To go from house to house, from store to store, from place to place or from street to street, or to deal out, distribute or dispense, to sell and make immediate delivery or to offer for sale and deliver any goods, wares, merchandise or provisions, including books or periodicals, in possession of the seller or any combination thereof at any place within the Town of North Castle other than from a fixed place of business.

**PEDDLER** — Includes any individual, firm, partnership, corporation, unincorporated association and any principal or agent thereof. The words "peddler," "hawker" and "huckster" are considered synonymous terms. For the purposes of this chapter, the entity which engages a person as its agent for the purposes of peddling or soliciting is also considered a peddler within the meaning of this section and is subject to all provisions herein.

**PERSON** — Includes any individual, firm, partnership, corporation, unincorporated association and any principal or agent thereof.

**PUBLIC PLACE** — Any street, sidewalk, alley or other public way and public park, square, space or grounds or any publicly owned or leased land or buildings.

**SOLICIT** — To go from house to house, from store to store, from place to place or from street to street, or any combination thereof, to sell or take orders for goods, wares, merchandise or provisions, including books or periodicals, for future delivery, or for services to be performed at any place within the Town of North Castle, or to distribute advertising matter.

**SOLICITOR** — Any person, either principal or agent, traveling either by foot or by any conveyance who solicits as herein defined. For purposes of this chapter, the entity which engages a person or their agent for the purpose of soliciting is also considered a solicitor within the meaning of this section and is subject to all provisions herein.

**STATIONARY LOCATION** — Includes any point or distance within 0.3 of a mile in all directions of a stationary location.

**VEHICLE** — Any motor vehicle as defined in the Vehicle and Traffic Law of New York.

**VEND** — To peddle, hawk, sell, barter or lease, or to offer to sell, barter or lease, or to display for sale, barter or lease any goods, wares, merchandise or services in a public place.

§148-3. License required. (Content remained the same, only section number changed)

It shall be unlawful for any person or company to peddle or solicit within the Town of North Castle without having first obtained a valid license therefor as provided herein.

§148-4. Information required on license application.

- A. Any person desiring a license as herein provided shall file with the Town Clerk a written application, duly verified by the applicant upon forms prescribed by the Town Clerk. Such application shall include but not be limited to the following information:
1. The name, address (local and legal), date of birth, social security number and motorist identification number of such person and the name of the corporation, firm, association, club, partnership or any other organization represented by such person.
  2. A description of the type of goods, wares or merchandise which the applicant wishes to sell or solicit orders for or the type of service for which the applicant wishes to sell or solicit orders.
  3. The number and kind of vehicles to be driven by the applicant or in which the applicant will be transported in the solicitation, peddling or canvassing; the registration data for each such vehicle; and the license data as to all operators of such vehicles
  4. The County Health Department permit number, if a food vendor.
  5. Current tax status (i.e., whether tax exempt, not-for-profit, etc.).
  6. Proof of registration with the Department of State Office of Charities Registration and/or the Attorney General Charities Bureau, if applicable.
  7. If peddling or soliciting for a corporation, the date and state in which it is incorporated, a copy of the Certificate of Incorporation and the name, address, date of birth and social security number of all officers.
  8. Whether or not the person applying for the license and each assistant and employee who shall engage in peddling within the Town has ever been convicted of any crime and, if so, under what name, with a listing of such convictions or other disposition thereof, including the crime, jurisdiction, date and sentence imposed and the name and location of the court where such record is on file and may be verified.
  9. A statement whether any license similar to or like that provided for in this chapter was issued or denied to the applicant within the current or prior calendar year, whether in the Town of North Castle or elsewhere; and, if issued, whether such license had been suspended or revoked and setting forth the reasons for such suspension or revocation.

10. A list of streets, roads or neighborhoods where the licensee shall conduct business and the dates and times any soliciting or peddling is to take place.
- B. Such application shall be accompanied by three photographs of the person applying for the license and each assistant and employee who shall engage in peddling within the Town, 2 inches by 2 inches in size, taken within 30 days prior to the date of filing of the application, full face on a white background. The applicant must furnish conclusive proof of possession of a State of New York sales and use tax permit if applicable.
- C. Each applicant applying for the license and each assistant and employee who shall engage in peddling within the Town shall submit two sets of fingerprints to the North Castle Police Department. Said fingerprints shall be taken by the North Castle Police Department, and the applicant shall pay any fees required. If the applicant is a company or corporation, then two full sets of fingerprints of a principal officer of said company or corporation shall be provided in accordance with this subsection as well. In addition, a certified check or money order, in the amount specified by and made payable to the New York State Division of Criminal Justice Services to cover the cost of processing fingerprints, shall accompany the application.
- D. Said application shall not be further entertained by the Town Clerk until the Police Department shall have had sufficient time to satisfactorily complete the investigation of applicant as described below, and until said written report of the Police Department has been received by the Town Clerk.

§ 148-5. Investigation of applicant; issuance of license; records.

- A. No application for a license shall be approved, nor any license issued under the provisions of this article, until the Police Department has reviewed and examined the criminal history record information received from the processing of the fingerprints.
- B. No license shall be granted to any applicant who has been convicted of a felony or misdemeanor involving violence, dishonesty or deceit.
- C. Upon receipt of such application, one copy shall be referred to the North Castle Police Department, together with full sets of the applicant's and each assistant and employee's fingerprints for such investigation of the applicant to be made as it deems necessary for the protection of the public good.
- D. After completion of the investigation and review of the criminal history pursuant to this section, the Police Department shall forward to the Town Clerk a written report indicating the existence or non-existence of a reason(s) to grant or deny the application.
- E. If, as a result of such investigation of each applicant, assistant and / or employee, no such convictions referred to in Subsection B are found to exist, the Police Department shall attach a statement to the application that it has no record of the applicant and shall return

said application to the Town Clerk. No license shall be issued under the provisions of this chapter until the Police Department has submitted the written report referenced in this section.

- F. The Town Clerk shall deny an application and refuse a license in the event of an unsatisfactory police report or if the applicant refuses to complete the application in all respects or if there have been five (5) or more complaints filed against a previously licensed licensee within the prior year. A false statement contained in any application shall be mandatory grounds for the rejection of such application by the Town Clerk and may lead to criminal sanctions against the applicant where applicable.
- G. The Town Clerk may deny an application and refuse a license to any person:
  - (1) previously convicted of a violation of this chapter; or
  - (2) if it appears from the application and investigation that the applicant is not a person of good moral or business character unless the applicant can show good cause why the application should be granted; or
  - (3) if, within the preceding 12 months, there have been five (5) or more complaints against the applicant, and / or the applicant's assistant(s) and employee(s).
- H. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, or the license is denied for any reason set forth herein, the Town Clerk shall endorse on such application his or her disapproval and his or her reasons for the same and shall notify the applicant that the application is disapproved and that no license will be issued.
- I. Upon approval of the application by the Town Clerk and the payment of the prescribed license fee by the applicant, the Town Clerk shall prepare and deliver to the applicant his license. Such license shall bear the words "peddler or solicitor," contain the Seal of the Town of North Castle and the signature of the issuing officer and shall show the name, address and photograph of the licensee, the kind of goods to be peddled or solicited thereunder, the amount of fee paid, the license number, the date of issuance and the date of expiration of such license, as well as the state license number or other identifying description of vehicles, if for a vehicular license. Such permit shall be kept on the person of the licensee, assistant and / or employee during such time as said licensee is plying his trade.
- J. The Town Clerk shall keep a record of all licenses issued.

#### §148-6. Fees.

- A. The following fees shall be paid on application to the Town Clerk:
  - (1) For each person, corporation or company proposing to peddle or solicit, whether on foot or from a licensed vehicle, a filing fee of \$200.

(2) For any permit issued after July 1 in any year, the fee shall be \$100.

B. The annual fee herein provided for shall be assessed on a yearly basis, and all licenses shall expire on the 31st day of December next succeeding the date of issuance.

#### §148-7. Replacement of License.

A. To each person licensed under this chapter who loses his permit issued by the Town Clerk, the Town Clerk shall issue a replacement, upon said person submitting an affidavit setting forth the facts surrounding the loss of said permit.

#### § 148-8. Possession and display of license required.

Every peddler or solicitor licensed under this chapter shall have his license in his immediate possession at all times when peddling or soliciting and shall display the same upon demand of any person, and proper and conspicuous posting of the New York State sales tax permit shall be required.

#### §148-9. Name and address on vehicle.

Every vehicle used by a licensed peddler or solicitor in or about his or her business shall have the name of the licensee and his or her address plainly, distinctly and legibly printed or affixed in letters and figures at least two inches in height in a conspicuous place on the outside of the sides of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

#### § 148-10. Documents not transferable.

No license issued under the provisions of this chapter may be transferred from one person to another person or from one vehicle to another vehicle, nor shall any license so issued be used or worn at any time by any other person than the one to whom it was issued. In the event that a licensee shall permit any other person to possess or use such license, such license shall automatically be revoked, and the licensee shall thereby be guilty of violating this chapter.

#### §148-11. Use of stationary locations.

No peddler or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location or to operate in a congested area where such operation might impede or inconvenience the public, nor shall he be permitted to operate for longer than 10 minutes in any one location, which shall include a distance of 0.3 of a mile in all directions from any one location. For the purpose of this chapter, the judgment of any Police

Officer exercised in good faith shall be deemed conclusive as to whether or not the area is congested or the public impeded or inconvenienced.

§148-12. Canvasser registration and approval.

- A. It shall be unlawful for any person to engage in the business of canvasser, as defined in §148-2 of this chapter, without having first officially registered with the Town Clerk. Registrants shall complete forms provided by the Town Clerk which shall require, but not be limited to, the following information:
  1. The name and address of such organization, firm, association, club, corporation or partnership;
  2. The name, address, date of birth and social security number of such person(s) who will represent the organization;
  3. Three photographs of each registrant, 2 inches by 2 inches in size, taken within 30 days prior to the date of filing of the application, full face on a white background;
  4. Proof of registration with the Department of State Office of Charities Registration and/or the Attorney General Charities Bureau, if applicable.
  5. Current tax status (i.e., whether tax exempt, not-for-profit, etc.).
  6. The date and state of incorporation, along with a copy of the Articles of Incorporation;
  7. The dates and times canvassing is to take place;
  8. A list of streets, roads or neighborhoods where the canvassing is to take place;
- B. The Town Clerk and Police Department shall investigate all registrations, once properly completed and duly signed by the applicant. After completing its investigation, the Police Department shall forward to the Town Clerk its recommendation as to whether the registrant shall be granted the permission to canvass within the town.
- C. The Town Clerk may refuse to officially register any canvasser for cause, after written notice, for the following reasons, including but not limited to:
  1. Fraud, misrepresentation or false statement in the registration form;
  2. Fraud, misrepresentation or false statement made in the course of canvassing activities;
  3. Conviction of a felony or a misdemeanor which, in the judgment of the Town Clerk renders the registrant undesirable, except by a vote of the Town Board;
  4. Evidence of performing canvassing activities in an unlawful manner or in such a way as to breach the peace or as to endanger the public health, safety or general welfare;
  5. Incomplete registration form.
- D. Upon receipt of a completed application, favorable report of the Police Department's investigation, the requisite fee and upon compliance with all the requirements of this chapter, the Town Clerk shall officially recognize the registration of the subject canvasser, specifying the particular canvassing authorized. The date of the

recognition and expiration of the registration, the name and specific nature of the canvassing organization, as well as the canvasser's name and photograph, shall be included on an identification card to be provided for each canvasser by its canvassing organization.

- E. Each organization shall renew its registration on a yearly basis by providing the Town Clerk with a current list of the names, addresses, dates of birth and social security numbers of its canvassers, as well as the times, dates and places it intends to canvass and current pictures of the canvassers.

#### § 148-13. Restrictions and Prohibited Acts.

- A. Peddling, soliciting or canvassing (licensed or unlicensed) shall be undertaken only between the hours of 10:00 a.m. and 7:30 p.m. or sunset (whichever occurs first), and such license shall not be valid for use by the holder on Sundays or legal holidays.
- B. It shall be unlawful for any peddler, solicitor or canvasser to enter on to any premises or private property through any other point other than the front main entrance, unless otherwise invited by the owner.
- C. No peddler, solicitor or canvasser shall frequent any particular residence, street, sidewalk or public place so as to cause a private or public nuisance. If any person licensed hereunder has been refused or denied access to a private residence, it shall be unlawful for them, or any assistant or employee to reenter the property the same day.
- D. It shall be unlawful for any peddler, solicitor or canvasser in plying his trade to enter upon any premises or property or to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "No peddlers, no solicitors, no agents," or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.
- E. No peddler, solicitor or canvasser shall peddle, vend or sell his goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property.
- F. No peddler, solicitor or canvasser shall solicit any business whatsoever at the scene of any accident or emergency within the Town of North Castle.
- G. No peddler, solicitor or canvasser shall cry out, blow a horn, ring a bell or use any sound-amplifying system upon any of the streets, alleys, parks or other public places of said Town or upon any private premises.

- H. No person shall peddle, vend or sell his goods, wares, services or merchandise in any congested area when or where such activity may impede, endanger or inconvenience the public or add to the congestion of such place or area.
- I. All parking and traffic regulations imposed by the Town of North Castle or the County of Westchester or the State of New York shall be observed, and vehicles shall not be parked to block or restrict access to and from any road or private drive and shall be forthwith removed from private driveways upon request.

§148-14. Use of scales or measures.

If the applicant for a peddler's or solicitor's license uses scales or measures in his business, he shall also file with his application for a license a certificate issued by the Westchester County Sealer of Weights and Measures that his scales or measures have been tested and sealed.

§ 148-15. Persons holding veterans' licenses.

Any honorably discharged veteran of the Armed Services of the United States who has obtained a veteran's license from the Westchester County Clerk to hawk, peddle, vend or solicit trade, in pursuance of law, on the streets and highways of the Town of North Castle shall be exempt from the provisions of §148-5 and §148-6 of this chapter. Upon approval of the veteran's application, the Town Clerk will stamp a copy of the County License for said veteran to ply his trade in the Town of North Castle, subject to all other provisions of this chapter. Said permit will be stamped in ink on the face of the county license.

§ 148-16. Exemptions.

A. This Chapter shall not apply to:

- (1) any person who has maintained a place of business in the Town of North Castle for a period of at least six consecutive months prior thereto, or his duly authorized representatives;
- (2) minors, 18 years or age or under, who reside within the Town North Castle and who solicit, peddle or canvass on behalf of a charitable, religious, athletic, social, educational or civic organization, including but not limited to the Boy Scouts, Girl Scouts, Cub Scouts or Brownie Scouts or clubs, classes or organizations sponsored by a public or private school.
- (3) any person soliciting at the express invitation of the person solicited;
- (5) any sales held pursuant to statute or by order of any court; or to insurance brokers, insurance agents, real estate brokers, real estate agents, stockbrokers and

securities salesmen, all of whom must hold any required license from the State of New York for such professions or businesses;

- (6) any candidate running for office or his or her representatives, or individuals supporting said candidate or any individuals supporting or opposing referenda or propositions at general or special elections;
- (7) solicitations, sales or offers on behalf of a society, association or corporation organized and operated exclusively for charitable, not-for-profit, educational, civic, patriotic, benevolent, religious, philanthropic purposes and not for the pecuniary benefit, no part of the net earnings of which inure to the benefit of any private shareholder or individual, when such solicitation, sale or offer is carried out on behalf of such society, association or corporation by volunteers or persons employed on an annual basis for fixed wage or salary, provided that at least 10 days prior to entering the Town for soliciting or selling purposes, the person or persons involved shall register with the Town Clerk, providing their identity and proof of their nonprofit status, and advising of the time and location within the Town of their proposed activity;
- (8) a duly organized volunteer ambulance or fire company or district or an auxiliary thereof;
- (9) the peddling of fish, fruit or farm produce by persons who produce such commodities, provided that the sale takes place from a stationary location upon property owned or leased by the seller and all other local, state and federal laws, rules and regulations have been complied with, including any licensing or health and safety requirements. This exemption shall apply only to natural persons and shall not be construed to include farmers or other persons who buy goods for resale, as well as selling their own produce, or to any helper or employee of such exempt person;

B. Nothing contained in this section shall exempt any person from the restrictions set forth in §148-13, above.

§ 148-17. Persons engaged in interstate commerce.

- A. Anything to the contrary notwithstanding, this chapter shall not apply if its enforcement would unlawfully interfere with interstate commerce.
- B. Any person or company who solicits orders for goods, wares, merchandise or provisions for future interstate delivery to any place in the Town of North Castle shall be exempt from the payment of any fees as set forth in §148-6 of this chapter upon presentation of proper proof to the Town Clerk that said person or company is actually engaged in interstate commerce. If the Town Clerk shall determine that such person or company is

actually engaged in interstate commerce and all other provisions of this chapter have been complied with, the Town Clerk shall indicate on the license that such person or company is properly registered hereunder. All other provisions of this chapter shall apply to all such persons and companies registered pursuant to this section.

§ 148-18. Enforcement.

It shall be the duty of any police officer of the Town of North Castle to require any person seen peddling or soliciting, and who is not known by such police officer to be duly licensed or registered, to produce his peddler's and solicitor's license or canvasser's registration and to enforce the provisions of this chapter against any person found violating the same.

§ 148-19. Insurance.

- A. Before any license as provided by this chapter shall be issued, the applicant shall file with the Town Clerk a certificate of insurance naming the Town of North Castle, its officers, employees, agents and assigns as the additional named insured. Said certificate of insurance shall be in a minimum amount of \$1million against any and all damages and injury to property or person by reason of, or related to, the licensee's use of public streets, sidewalks or places to vend merchandise. Said insurance shall be maintained throughout the duration of the license period, and failure to do so shall be a violation of this chapter.
- B. All certificates of insurance issued pursuant to this section shall contain a clause that 10 days' written notice of cancellation or change shall be given to the Town Clerk of the Town of North Castle.
- C. An applicant shall also submit an executed agreement to indemnify and hold harmless the Town of North Castle and its officers, employees, agents and assigns from any and all claims, actions, injuries and damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the vending of merchandise by said applicant or the granting of a license to do so.

§148-20. Bond required.

- A. An application for a license shall be accompanied by a bond to the Town of North Castle, approved as to form and surety by the Town Attorney, in the penal sum of \$15,000.00 or collateral security satisfactory to the Town Attorney, conditioned for the due observance during the term of the license of any and all ordinances adopted by the Town respecting hawking, peddling and soliciting.
- B. In the case of solicitors who demand, accept or receive payments or deposits of money in advance of final delivery, such bond shall be further conditioned for making final delivery of goods, wares or merchandise ordered or for performing services in accordance with the terms of such order, or, failing therein, that the advance payment on such shall be refunded. Any person aggrieved by the action of any such licensed solicitor

shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of six months after the expiration of any such license, unless sooner released by the Town Board.

§148-21. When written orders required; duplicates.

All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor.

§ 148-22. Revocation of license.

- A. Licenses issued under the provisions of this chapter may be revoked by the Town Clerk of the Town of North Castle after notice and hearing before the Town Clerk and the Police Chief or his designee for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for license.
  - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler or solicitor.
  - (3) Any violation of this chapter.
  - (4) Conviction of any crime or misdemeanor involving moral turpitude.
  - (5) The accumulation of five (5) or more verified complaints made to the Police Department and / or the Town Clerk's office.
  - (6) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of a hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.
- C. The Town Clerk, upon receiving information giving him or her reasonable cause to believe that the holder of any license issued hereunder has violated any provisions of this chapter or has been convicted of any violation referred to in this section or indicted or charged with or for any crime or offense, may forthwith temporarily suspend such license until a hearing is held by him or her as provided herein and the Town Clerk shall have issued his determination thereon.
- D. If the Clerk revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this section may not apply for a new license for a period of one (1) year from the effective date of revocation.

- E. Failure to appear at the scheduled hearing will be considered a default, and will result in the revocation of the license.

§148-23. Report of violations.

- A. Aggrieved residents may report any violation of this Chapter to the North Castle Police Department, who shall maintain records of any reported violations.
- B. The Police Department shall report to the Town Clerk in writing all complaints of violations of this local law, and the Town Clerk shall record the reports of such violations.

§ 148-24. Appeals.

Any person aggrieved by the action of the Police Department or the Town Clerk in the denial of the application for a license as provided in §148-5 of this chapter or in the decision of the Town Clerk and the Police Chief or his designee with reference to the revocation of a license as provided in §148-22 of this chapter shall have the right to appeal to the Town Board of the Town of North Castle. Such appeal shall be taken by filing, within 15 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of such appeal. The Town Board shall set a time and place for such appeal, and notice of such appeal shall be mailed to the applicant at his last known address at least five days prior to the date set for the appeal. The decision and order of the Town Board on such appeal shall be final and conclusive.

§ 148-25. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 148-26. Severability.

If any portion of this chapter shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such portion thereof shall be deemed inoperative and the balance of said chapter shall be deemed to be in full force and effect.

2. Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.