

LICENSES AND PERMITS

Chapter 91

LICENSES AND PERMITS

- § 91-1. Licenses and permits not assignable.
- § 91-2. Duration of license.
- § 91-3. Form of license or permit.
- § 91-4. Failure to exercise license or permit.
- § 91-5. Waiver of fee for charitable entities.
- § 91-6. Disqualification of applicants.
- § 91-7. Suspension or revocation of license.
- § 91-8. Effect of suspension or revocation.
- § 91-9. Violations.
- § 91-10. License or permit required; fee.
- § 91-11. Establishment of fees.
- § 91-12. General conditions.
- § 91-13. Special conditions.

[HISTORY: Adopted by the Board of Trustees of the Village of Kensington 11-20-68 as Ch. 1 of Part III of the Code of Ordinances (1968). Section 91-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Peddling and soliciting — See Ch. 111.
Secondhand dealers — See Ch. 130.

§ 91-1. Licenses and permits not assignable.

Every license or permit shall constitute a personal privilege of the person to whom it was issued, and no license or permit is assignable or transferable nor shall it be availed of by any person not named or described therein.

§ 91-2. Duration of license.

Every license shall be valid for a period of time therein specified, but shall not extend for a longer period of time than the 31st day of December of the year following that in which the license was issued.

§ 91-3. Form of license or permit.¹

Except as otherwise provided by ordinances or local laws now or heretofore enacted, every license and permit required by any village ordinance or local law shall be in writing and shall be issued by the Village Clerk under the seal of the village and shall state the name and address of the person to whom it is issued, the term and the purpose thereof and the fee paid therefor.

§ 91-4. Failure to exercise license or permit.

In case the right granted under any license or permit shall not have been exercised within six (6) months after the date of its issue, such license or permit shall thereupon become void and shall grant no further rights to any person and shall be forthwith surrendered to the Village Clerk upon demand. In such case, no part of the fee shall be refunded.

§ 91-5. Waiver of fee for charitable entities.

No license or permit shall be issued until the fee provided therefor has been paid; provided, however, that the Mayor, in his discretion, may waive the payment of the fee in the case of a license or permit issued to any charitable institution or any association or other group

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

formed or organized for charitable, religious, educational, political or patriotic purposes.

§ 91-6. Disqualification of applicants.

No license or permit shall be issued, reissued or extended to any person whom the Mayor or the Village Clerk shall deem for any reason unfit or against whom any complaints have been submitted which he shall deem justifiable or whose conduct may have been objectionable to the residents of the Village of Kensington. No license shall be issued to any person whose conduct may, in the judgment of the Mayor or the Village Clerk, have been immoral or improper or objectionable, or whose business or method of conducting the same shall, in the judgment of the Mayor or the Village Clerk, be likely to disturb or tend to disturb the peace and order of the village or create or tend to create unsanitary or annoying conditions or to litter the streets, sidewalks and other public or private property or likely to be objectionable to its residents.

§ 91-7. Suspension or revocation of license.

Whenever it shall appear to the satisfaction of the Mayor or the Village Clerk that there has been any false statement or any misrepresentation as to a material fact in the application on which the license or permit was based, or that any license or permit has been issued in error, or that the conditions are such that the license or permit should not have been issued, or that there has been a failure to comply with any statute, ordinance, rule or regulation or with any condition upon which the license or permit was granted, or that the further use of the license or permit or the exercise of the privileges thereunder would be contrary to the best interests of the village or its inhabitants or could cause or tend to cause injury, damage or annoyance to persons or property in the village, or that other sufficient or adequate reasons exist, the Mayor or the Village Clerk may forthwith suspend such license or permit, with or without notice and without refunding any portion of the license fee, but shall report the facts and circumstances to the Board of Trustees at its next regular meeting. Thereupon, the Board of Trustees may, in its discretion, forthwith and without notice revoke the said license or

permit or may continue the suspension of such license or permit for such period of time as the Board may determine. The licensee shall, however, have the right to appear before the Board of Trustees and present such proof as he may desire in respect to any such matter. The Board of Trustees may also require the licensee to appear before the Board and show cause why the license or permit should not be permanently revoked, and the failure of the licensee to appear at the time and place appointed shall, without more, be deemed adequate ground for the permanent revocation of the license or permit.

§ 91-8. Effect of suspension or revocation.

During the period of time that any such license or permit has been suspended or after the same has been revoked, the licensee shall be entitled to no more rights or privileges than if the license or permit had never been issued; but all actions done in good faith while the license or permit was in force, and in conformity with statutes, ordinances, rules and regulations and the conditions of the license or permit, shall be valid.

§ 91-9. Violations.

No licensee, servant, agent or employee of a licensee, and no owner, licensee, manager, operator or other person having charge or control of any premises or part thereof wherein or whereon any licensed activity is carried on or performed, shall do, or knowingly allow or permit any person, whether in his employ or otherwise, to do or permit any act or acts in violation of the terms and conditions upon which such license or permit has been issued or in violation of any statute, ordinance, rule or regulation applicable thereto.

§ 91-10. License or permit required; fee.

For the privilege of carrying on certain activities or of performing certain acts, licenses or permits are required and shall be issued upon compliance with all of the terms and conditions hereinafter referred to and upon the payment of the fees hereinafter provided for. No such activities shall be carried on and no such acts shall be performed unless and until the required license or permit has been issued and

the specified fee has been paid. No such fees shall be returnable. Notwithstanding the foregoing, a public utility company shall be exempt from the fees but shall be required to apply for a permit and receive same before commencing any work; provided, however, that the utility company has on file with the Village of Kensington a surety company bond, approved by the Board of Trustees, guaranteeing the restoration of the street or sidewalk or other property of the village upon completion of the work for which it secures the permit referred to herein, all as set forth in § 91-12.

§ 91-11. Establishment of fees. [Added 10-21-87 by L.L. No. 5-1987]

The Board of Trustees may, by resolution, from time to time, establish, amend and/or modify a schedule of fees for any licenses, permits and/or applications provided for in the Code of Ordinances of the Village of Kensington or otherwise provided for or required by law. The current fee schedule shall remain in effect except as amended, modified or superseded by such action by the Board of Trustees.²

§ 91-12. General conditions.

In his discretion, the Village Clerk issuing the license or permit, or the Mayor, may impose such terms and conditions as he shall deem reasonable and proper for the protection of the village and the persons and property therein or to avoid damage or annoyance to persons who may be affected by the exercise of the license or permit.

§ 91-13. Special conditions.

- A. In case it shall appear to the satisfaction of the Mayor or the Village Clerk that any activity for which a license or permit is required shall constitute interstate commerce or an exercise of the right of freedom of speech or freedom of religion guaranteed by the Constitution of the United States of

² Editor's Note: The schedule of fees as established February 18, 1981, by L.L. No. 1-1981 has been excluded from this chapter on instruction of the governing body and is available in the office of the Village Clerk.

America or the Constitution of the State of New York, the license fee shall be waived.

- B. In any case where an applicant for a license or permit is required to pay the cost of restoration or other damage to village property, the applicant shall, at the time of filing the application, deposit with the Village Clerk a cash deposit equal to at least one hundred fifty percent (150%) of the estimated cost of such restoration or other damage to village property, as determined by the Mayor or the Village Clerk or other person designated for that purpose. In the event the applicant shall fail to restore or repair the damage to village property, such sum may be applied by the village to the cost of such restoration or repair. Notwithstanding the foregoing provisions, a public utility company or licensed plumber may file with the Village Clerk a surety company bond, in a form approved by the Village Attorney, from a surety company licensed to do business in the State of New York, in a principal amount to be determined by the Board of Trustees, to assure the payment of any sums required for restoration or repair of village property. Such bond shall apply to all work by such public utility company or licensed plumber under permits issued during the term of the bond, but the posting of such bond shall not dispense with the requirement for issuance of permits. Upon any permit application, the Board of Trustees may elect to require a greater bond to be posted where the Board finds the bond previously posted to be inadequate. [Amended 5-17-89 by L.L. No. 8-1989.]
- C. No permit for moving a building from one place to another upon or over any street, sidewalk or public place shall be issued unless the applicant has filed with the Village Clerk a surety company bond, approved by the Board of Trustees, in an amount to be fixed by the said Board of Trustees, to assure the completion of the work and the removal of the building and the full payment of the daily fee hereinbefore provided and to pay, indemnify and save harmless the village from any and all claims, liability, judgments and expenses, including counsel fees, arising out of the work or the use of the village streets, sidewalks and public places for such purpose.

- D. Every applicant, by applying for and accepting a license or permit under this chapter and by performing the work or activity covered by such license or permit, expressly agrees to protect, indemnify and save harmless the village and its officers, agents and employees from any and all liability or claim of liability and from any and all cost and expense in relation thereto, including counsel fees, in any way arising out of such work or activity.