

TRANSIENT MERCHANT LICENSE

AUBURN, NEW YORK

Fee: \$135 per day; \$750 per year

***Completed applications need to be submitted to the City Clerk's Office, first floor, Memorial City Hall, 24 South St., Auburn, NY 13021**

Please answer all questions completely. If a question is not pertinent, write N/A in the accompanying space, do not leave any question unanswered. Falsification of any answers in this application shall result in the revocation of the permit, forfeiture of any fees or bond, and potential criminal prosecution. This application is made pursuant to the provisions of Chapter 273 of the City of Auburn Municipal Code.

Applicant Name: _____

Applicant Address: _____
Street City State/Zip Code

Applicant Phone #: _____ **Date of Birth:** _____

Make/Model of Vehicle: _____ **License Plate #:** _____

Color: _____ **Year:** _____ **State of Registration:** _____

Business Name: _____

Business Address: _____
Street City State/Zip Code

Business Phone #: _____ **Business Email:** _____

Type of Business: _____

Name of Supervisor to whom you are responsible (if any):

Name: _____ Title: _____

Address: _____ Phone #: _____

Describe the Nature of your Service/Sales: _____

Type of Permit: ____ Yearly ____ Per day (If per day, what dates: _____)

I certify under penalty of perjury that I have personally answered all the questions contained herein and that the information provided by me is true and complete to the best of my knowledge.

Signature: _____ **Date:** _____

Subscribed and sworn to before me on this _____ day of _____ 20____

Notary Public: _____

Auburn Police Department Verification:

The credentials of the individual listed above have been checked and APPROVED / DISAPPROVED by the Auburn Police Department.

Signature of Approving Member: _____

Date: _____

Please note, all supporting documentation listed below must accompany this permit application to be received by the City Clerk's Office. Any application that is missing required documentation will NOT be accepted.

Application Supporting Documentation Checklist:

- 1. Copy of valid driver's license or non-driver's ID
- 2. A letter of intent that includes the address(es) of the sales location, the dates and hours of operation
- 3. A letter or lease agreement from the property owner (if location is on private property) granting approval for use of the property
- 4. Map or diagram showing the location site plan and setup
- 5. Inventory list of all merchandise to be sold
- 6. A surety bond in the amount of \$1,000 executed by a bonding company authorized to do business in the State of New York (see pg. 3 for more information)
- 7. Certificate of Liability Insurance (see pg. 3 for more information)
- 8. \$135 per day; \$750 per year fee (checks made payable to the City of Auburn)

PROCEDURE FOR ISSUANCE OF A TRANSIENT MERCHANT LICENSE

1. Applications for a Transient Merchant License are available at the City Clerk's Office. The application must be filled out and returned to the City Clerk's Office along with all required supporting documentation and the appropriate payment. **All members of the business who will be participating in sales at any of the listed locations must fill out an application.**
2. A copy of the application will be scanned and emailed to the Auburn Police Department (APD) for reference and further processing of a background check.
3. A copy of the application will also be scanned and emailed to the Auburn Fire Department (AFD) and Auburn Code Enforcement for reference and possible inspections of the sales location(s) if applicable.
4. Once the application and site plan have been approved a permit will be created and signed off on by the City Manager.
5. Any applicant who has been refused a permit by the City of Auburn may appeal to the City Council therefor, and the same may be granted or refused by the City Council.

TRANSIENT MERCHANT – Bond or Cash deposit Required

(Pursuant to Chapter 273 of the City of Auburn Municipal Code)

- A. Amount; terms; conditions. Before any permit hereunder is issued, the person applying shall file with the City Clerk an approved surety bond in the amount of not less than \$1,000 to be executed by a bonding company authorized to do business in the State of New York, which bond shall be conditioned as follows:
1. The person applying shall fully comply with all the provisions of the ordinances of the City of Auburn and the statutes of the State of New York respecting the business of the person applying.
 2. The bond shall provide for payment of all judgements and costs rendered against the person applying for any violation of said ordinances and statutes.
 3. All money paid down as a down payment will be accounted for and applied according to the representation of the person applying, their agents, servants, or employees and further guarantee to any purchaser doing business with said person applying that the property purchased will be delivered according to the representation of the person applying.
- B. Approval. Such bond shall be approved by the Corporation Counsel as to form and execution and by the City Manager as to its sufficiency.
- C. Deposit in lieu of bond. In lieu of any such surety bond, the applicant may make a cash deposit with the City Manager in an amount to be fixed by the City Manager, which deposit shall be deemed to be surety to the same extent as such surety bond.

TRANSIENT MERCHANT – Insurance Required

- The Applicant hereby agrees to effectuate the naming of the City of Auburn as an unrestricted additional insured on the vendor's policy.

The policy naming the City of Auburn as an additional insured shall:

- be an insurance policy from an A.M. Best rated "secured" New York State licensed insurer
 - contain a 30-day notice of cancellation or you must provide a Certificate of Insurance at least 2 weeks prior to your event
 - state that the organization's coverage shall be primary coverage for the City of Auburn (24 South St., Auburn, NY 13021), its Board, employees, and volunteers; and additional insured status shall be provided with ISO endorsement CG 2026 or its equivalent
- The Applicant agrees to indemnify the municipality for any applicable deductibles.
 - Required Insurance:
 - **For Commercial Users: Commercial General Liability Insurance**
 - \$1,000,000 per occurrence / \$2,000,000 aggregate
 - **For Individual Users: Homeowners Insurance**
 - Section Two – Liability \$100,000 limit of liability. The policy shall not exclude the off-premises activities of the insured.