

PEDDLER'S LICENSE - WRITTEN APPLICATION

NAME: _____

PERMANENT HOME AND LOCAL ADDRESS: _____

DATE OF BIRTH: _____

COPY OF DRIVERS LICENSE/PASSPORT/NON-DRIVERS ID: _____

NAME, ADDRESS, TELEPHONE # OF THE PERSON, FIRM, CORPORATION
OR ORGANIZATION HE/SHE REPRESENTS: _____

PRIOR ARRESTS? _____

MAKE, MODEL & REGISTRATION OF EACH MOTOR VEHICLE TO BE
USED IN THE SOLICITATION, INCLUDE INSURANCE DATA: _____

LENGTH OF TIME PERMIT TO SOLICIT IS REQUESTED _____

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Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Grand View-on-Hudson
Town
Village

Local Law No. 3 of the year 2002

"A Local Law Regulating Peddling and Soliciting Within the Village of Grand View-On-Hudson", which proposed local law requires commercial vendors and solicitors to obtain a permit from the Village Clerk prior to such peddling or soliciting; requires certain information to be provided to the Village Clerk; provides for notice and hearing in the event a permit is denied or revoked; and provides for a penalty not to exceed \$2,500.00 or imprisonment not to exceed 15 days for each violation of the proposed local law.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Grand View-on-Hudson
Town
Village as follows:

13-2002

A LOCAL LAW REGULATING PEDDLING AND SOLICITING WITHIN THE VILLAGE OF GRAND VIEW-ON-HUDSON

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GRAND VIEW-ON-HUDSON,
as follows:

Section 1. It is the intent of this local law to address potential abuses and unscrupulous acts by street vendors and persons engaged in door-to-door soliciting and selling of goods, wares, merchandise, and services; to protect Village residents from exaggerated, unethical and spurious claims with respect to such goods, wares, merchandise and services; that the adoption of this local law is for the protection, safety and welfare of the residents of the Village.

Section 2. As used in this local law, the following terms shall have the meanings indicated herein, and, as required, the present tense shall include the future, words in the plural shall include the singular and vice versa; the word "shall" is always mandatory and not directory.

ESTABLISHED PLACE OF BUSINESS - a building or structure which is operated as a regularly established place of business and from which a person transacts business and deals in goods, wares or merchandise or performs services or solicits orders for same on a continuing and ongoing basis.

MERCHANDISING - selling, bartering or trading or offering to sell, barter or trade any goods, wares, commodities or other merchandise including periodicals and books and supplying of services.

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PEDDLER or HAWKER - any person, principal or agent who engages in door-to-door merchandising of any goods, wares or commodities, including books, periodicals or services, to homes or places of business or in any public place or street or from any premises not an established place of business.

PERSON - any individual, firm, partnership, corporation, association or other entity or organization and any principal or agent thereof.

SOLICITOR or CANVASSER - any person, principal or agent engaging in door-to-door solicitation at homes, businesses or in any public place or street of orders for sale of goods, wares, commodities or other merchandise, including books or periodicals, or for the performance of services now or in the future or for the making, manufacturing or repairing of any article or thing whatsoever for future delivery.

Section 3. It shall be unlawful for any person, firm, organization or other entity subject to the provisions of this local law to act or have any person under his/her control represent him/her as a peddler, solicitor, hawker, canvasser or sales agent, without first having obtained and having in force and effect a permit issued by the Village of Grand View-On-Hudson.

Section 4. This local law shall not apply to:

- a. Any sale conducted pursuant to statute or by order of any court.
- b. A wholesaler of articles to dealers or merchants engaged in selling such articles.
- c. Any person having an established place of business within the Village or an adjacent Village and the employees of such merchants, and any person vending at the express invitation of the customer or serving such customer on a regular and established basis.
- d. Peddling of meats and agricultural products by farmers and persons who produce such commodities, provided that they have otherwise complied with any licensing and health and safety requirements of any other governmental body or agency.
- e. Religious, political or not-for-profit organizations or persons representing or acting on behalf of such organizations.
- f. The sale of daily or weekly newspapers of general circulation.

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Section 5. Every applicant for a permit hereunder shall submit a verified written application to the Village Clerk containing, at a minimum, the following information:

- a. Name, permanent home address and local address, if any, of the applicant.
- b. A physical description of the applicant setting forth date of birth, height, weight, color of hair and eyes.
- c. A detailed statement of the particular business, trade, or occupation for which the permit is requested and a description of the goods, wares, merchandise, commodities or services offered for sale.
- d. The name, address and telephone number of the person, firm, corporation or organization, if any, he/she represents; the names and addresses of all partners, if a partnership; the names and addresses of the principal officers, if a corporation; and the name and address of a person upon whom legal process and notice may be served.
- e. Prior arrests and the disposition thereof of the applicant and the firm or corporation he/she represents, including the date and nature of such arrest, and location of the court where such record or disposition is on file.
- f. The make, model and registration number of each motor vehicle to be used in the solicitation, including insurance data and the names and addresses of the owners and operators of such motor vehicles.
- g. The length of time for which the permit to solicit is requested.
- h. Two photographs, 2" x 2" in size, taken within 60 days immediately preceding the filing of the application, showing clearly the face and shoulders of the applicant.
- i. Two forms of identification with the picture of the applicant on at least one such form of identification.
- j. If peddling or soliciting is to be conducted as a group, team or other organized party under single leadership or direction, control or sponsorship, the above-required personal information shall be supplied as to each person within the group as well as to the leader thereof.
- k. If the applicant is agent for a principal, there shall be appended to the application a letter or other evidence of authorization or agency from the principal describing the nature and scope of the agent's authority and copies of each order form, contract or other form or document to be utilized by the applicant in the sale or solicitation.
- l. Any additional information required by the Village in the interest of the health, safety and welfare of the residents of the Village.

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Section 6. A fee in an amount to be set by resolution of the Board of Trustees from time to time, shall be paid by each person for whom a permit is issued, said fee to be used for the cost of processing permit applications and enforcing the provisions hereof. An honorably discharged member of the armed forces of the United States who is disabled as a result of injuries received while in the military service and who has procured a license from the Rockland County Clerk, as provided by the General Business Law of the State of New York, shall be exempt from payment of said fee.

Section 7. The Village Clerk, with such assistance from the Police Department as may be reasonably necessary, shall investigate all applications for permits hereunder and shall, within a reasonable time, issue or deny a permit to the applicant. The permit shall be issued for the period requested in the application, not to exceed six months.

A permit shall not be denied except for good cause, which shall be the following: a) failure to provide all information required in the application; b) failure to provide identification with photographs; c) applicant's prior conviction of a crime; d) revocation of applicant's driver's license; e) prior denial or revocation of a peddler's permit for cause by the Village of Grand View-On-Hudson or any other municipality.

Section 8. It shall be unlawful for any peddler, hawker or solicitor to resort to deceptive acts or practices, physical abuse, threats, intimidation or harassment in the course of conducting his/her business or offer for sale of any goods, wares, commodities or services, or to obstruct any street or driveway within the Village or create a public nuisance.

Section 9. A permit issued hereunder may be revoked by the Village Clerk, after written notice and a hearing, for any violation of this local law. Notice of such hearing shall be given to the permittee, in writing, by certified mail, at least ten (10) days prior to said hearing, setting forth the date, time and place of said hearing and the grounds for such intended revocation. The permittee shall have the right to have a representative at said hearing and to give testimony and any evidence in response to the stated charges.

Section 10. Any person aggrieved by any action or determination of the Village Clerk may appeal to the Mayor of the Village or any agent or agency designated by him/her, within fourteen (14) days after notice of the action or determination appealed from has been mailed to said person, by filing a written statement setting forth the grounds for said appeal. The Mayor or his agent shall set a time and place for a hearing on said appeal, and notice of such hearing shall be mailed to the appellant at least five (5) days prior to the date of said hearing. The decision of the Mayor or his agent on such appeal shall be final and conclusive.

Section 11. In addition to any other penalty set forth herein, any person violating any provision of this local law shall be subject to a fine not to exceed \$2,500.00 for each violation and/or imprisonment not to exceed fifteen (15) days, and each day such violation continues shall be deemed to be a separate violation.

Section 12. The Mayor, Deputy Mayor and any police officer are hereby authorized and empowered to enforce this local law by issuance of appearance tickets for any violation hereof.

Section 13. This local law shall take effect immediately.