

TOWN OF BALLSTON

License No. _____

Application for

Date: _____

VENDOR, HAWKER AND PEDDLER LICENSE

1. Name _____ Age _____

Social Security No. _____ Telephone No. _____

Address _____

2. (If a Firm or Corporation)
Name of Firm or Corporation _____

Address _____

3. Kind of Goods, Wares, Merchandise to be sold or Service to be performed

4. Method of Distribution _____

5. Number (Registration) and Make of Vehicle to be used by Applicant

6. Length of time Applicant desires license _____

7. Will payment or deposit of money be demanded, accepted or received prior
to final delivery? _____

8. Other pertinent information _____

9. I understand that this application will be accepted for all purposes as the
the equivalent of an affidavit.

Signature of Applicant

AN ORDINANCE TO REGULATE AND LICENSE THE VENDING, HAWKING AND PEDDLING OF GOODS, WARES AND MERCHANDISE AND SOLICITING ORDERS, THEREFORE, IN THE TOWN OF BALLSTON, NEW YORK.

The Town Board of the Town of Ballston, New York, in regular meeting convened, ordains as follows:

SECTION 1. DEFINITIONS. The terms "vendor", "hawker" and "peddler" as used in this ordinance shall mean and include, except as hereinafter expressly provided, any person, either principal or agent, who, from any boat or car, or on a railroad tract or in any public street or public place or place generally accessible to the public or by going from house to house or place of business to place of business on foot or on or from any animal or vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk or newspapers.

The term "solicitor" as used in this Ordinance shall mean and include any person who goes from place to place or house to house or who stands in any street or public place or place generally accessible to the public taking or offering to take orders for goods, wares, or merchandise, except newspapers or milk, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

The word "person" as used in this Ordinance shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

SECTION 2. APPLICABILITY OF EXEMPTIONS FROM PROVISIONS

Generally. Nothing in this article shall apply to sales conducted pursuant to statute or by order of any court, or to any person selling personal property at wholesale to dealers in such article or to any person selling personal property from their home if these sales do not exceed more than six (6) days per year. The licensing provisions of this article shall not apply to merchants having an established place of business within the Town of Ballston or their employees conducting the business of their employer; to resident farmers and truck gardeners who themselves or through their employees vend, sell or dispose of the products of their own farms or gardens; to party plans; to calls in response to a prior invitation; or to established religious, charitable or civic organizations established in the Town. This Ordinance shall not be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit a request for future periodic route deliveries. This Ordinance shall not apply to children under the age of fourteen (14), nor to children selling or soliciting for school functions.

SECTION 3. LICENSE REQUIRED. It shall be unlawful for any person within the corporate limits of the Town of Ballston, to act as a vendor, hawker, peddler or solicitor as herein defined without first having obtained and paid for, and having in force and effect a license therefore.

SECTION 4. APPLICATION FOR LICENSE: BOND.

Any person desiring to procure a license as herein provided shall file with the Town Clerk a written application upon a form furnished by the Town Clerk. Such application shall give the number and kind and registration of vehicle to be used by the applicant in carrying on the business for which the license is desired, the kind of goods, wares and merchandise the applicant desires to sell or the kind of service the applicant desires to perform, the method of distribution, the name, address and age of the applicant, the name and address of the person, firm or corporation the applicant represents, the length of time the applicant desires the license, and such other information as may be required by the Town Clerk. Such application shall be accompanied by a certificate from the sealer of weights and measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved. An application for a license as a solicitor who demands, accepts or receives payment of deposit of money in advance of final delivery, shall also be accompanied by a bond to the Town of Ballston approved as to form and surety by the attorney employed by the Town Board in the minimum sum of One Thousand and 00/100 Dollars, (\$1,000.00) with a sufficient surety or sureties, or sufficient collateral security, conditioned for making a final delivery of the goods, wares or merchandise ordered or services to be performed in accordance with the terms of such order or failing therein, that the advance payment on such order be refunded. If advanced payments will commonly be larger than One Thousand and 00/100 Dollars, (\$1,000.00), the town attorney will determine the amount of bond. Any person aggrieved by the action of any licensed solicitor shall have right by action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect, and in case of a cash deposit, such deposit shall be retained by the Town of Ballston for a period of ninety (90) days after the expiration of any such license, unless sooner released by the Town Board. Additionally, a person who desires to sell, barter, offer for sale or barter or exposes for sale or barter, any goods, wares or merchandise, except milk or newspapers, from a stationary location shall make their application to the Building Department and follow the following criteria:

- A. Written permission or lease agreement from the land owner or current lease holder of the property where the activity or sale will be held.
- B. The location is zoned accordingly for the activity planned.
- C. Provide a simple plan or sketch of the planned display.
- D. Allow a minimum of 20 feet setback from the edge of pavement or if on a corner lot not obstruct the line of sight of vehicle traffic.

SECTION 5. LICENSE. Upon filing of the application, bond and certificate as provided in the preceding section, the Town Clerk shall, upon his approval of such application, issue to the applicant a license as provided in Section 3 signed by said clerk. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare. A license shall not be assignable. Any holder of such license

who permits it to be used by any other person, and any person who uses such license granted to any other person shall each be guilty of a violation of this Ordinance. Whenever a license shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof, under the original application and bond may be issued by the Town Clerk upon the filing with him by the licensee of an affidavit setting forth the circumstances, of the loss and what, if any, search has been made for its recovery. All licenses shall be issued from a properly bound book with proper reference stubs kept for that purpose, numbered in the order which they are issued and shall state clearly the kind of vehicle to be used, the kind of goods, wares and merchandise to be sold or service to be rendered, the number of his license, the date of issuance and expiration of the license fee paid and the name and address of the licensee. Such licenses shall automatically expire on January 1st following the date of issuance of such licenses, but such licenses may specifically state and provide for an earlier expiration date. Such license shall include the right to use only one vehicle in carrying on the business for which the person is licensed. No license shall be granted to a person under fourteen (14) years of age. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six (6) months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection no longer exists. Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand.

SECTION 6. LICENSE FEES. The license fee shall be according to the schedule established by the Town Board of the Town of Ballston.

SECTION 7. NAME AND ADDRESS ON VEHICLE. Every vehicle used by a licensed vendor, hawker, peddler or solicitor in or about his business shall have the name and address of the licensee plainly, distinctly and legibly displayed in letters and figures at least two inches in length in a conspicuous place on the outside of the left and right side of every such vehicle, and such name shall be kept so displayed plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

SECTION 8. REVOCATION OF LICENSE. The Town Board may, at any time, for a violation of this or any other Ordinance or any law, revoke any license. When a license shall be revoked, no refund or any unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons therefore in writing shall be served by the Town Board upon the person named in the application or by mailing the same to the address given in the application.

SECTION 9. RESTRICTION. A licensed vendor, hawker, peddler or solicitor shall:

- 1) Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale; or offer for sale any unwholesome, tainted or diseased provisions of merchandise.
- 2) Not use the license provided by the Town after the expiration or revocation of the license represented by them.
- 3) Keep the vehicles and receptacles used by him in a clean and sanitary condition and the food stuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- 4) Not blow a horn, ring a bell or use any other noisy device to attract public attention to his wares, or shout or cry out his wares.

- 5) Not stand or permit the vehicle used by him to stand in one place in any public place or street for more than ten (10) minutes or in front of any premises for any time if the owner of or lessee of the ground floor thereof objects.
- 6) Not sell any wares within two hundred and fifty (250) feet of any school between the hours of Eight A.M. and Four P.M. on school days.
- 7) Not permit any vehicle used by him to stop or remain on any crosswalk.
- 8) Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.
- 9) Not stand in any public street to hawk his wares.
- 10) Not state or imply that the issuance of the license in any way represents approval, endorsement or guarantee by any part of the government of the Town of Ballston.
- 11) Signage shall conform to the Zoning District Regulation of 138-37.

SECTION 10. PENALTY. Any person, who himself, or by his clerk, agent or employee, shall act as a vendor, hawker, peddler or solicitor, as herein defined, without a license, or shall violate any of the provisions of this Ordinance, or who having had his license revoked shall continue to act as a vendor, hawker, peddler or solicitor, shall be liable to a penalty of not more than Five Hundred and 00/100 Dollars, (\$500.00) for each offense.

SECTION 11. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 12. This Ordinance shall take effect immediately.

Vendor License Fees:	
\$500	January 1 - Dec 31 st
350	July 1 - Dec 31 st
150	October 1 - Dec 31 st