

## Chapter 88. PEDDLING AND SOLICITING

**[HISTORY: Adopted by the Town Board of the Town of Rhinebeck 6-28-1989. Sections 88-4B, 88-6 and 88-7B amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

### GENERAL REFERENCES

Fees — See Ch. A126.

### § 88-1. License required.

It shall be illegal for any person to publicly sell, hawk or peddle any articles of merchandise, including any property not considered articles of merchandise, on any street located within the territorial boundary of the Town of Rhinebeck, excluding the Village of Rhinebeck, without first having obtained a license from the Town Clerk as hereinafter provided, except as exempted herein.

### § 88-2. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them:

#### **HAWKER AND PEDDLER**

Includes any person, either by principal or agent, who, from any vehicle or any public street or public place or by going from house to house, on foot or from a vehicle, sells or barter or offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise.

#### **PUBLIC WAY**

Any publicly owned land adjacent to and abutting any public street, road or highway.

#### **SOLICITOR**

Includes any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise.

#### **VEHICLE**

Includes any automobile, truck, wagon or cart, either propelled by hand, motor power or animals, or any other means of transportation of persons or commodities or locomotion.

### § 88-3. Exemptions.

A. The provisions of this chapter shall not apply to the peddling of farm produce by farmers

and/or their employees or persons who produce and sell such goods on their own property in the Town of Rhinebeck. The term "farm produce" shall be interpreted to mean only edible farm products.

- B. This chapter is also not intended to cover the delivery or sale of newspapers or local organizations for legitimate fund-raising programs.
- C. Any honorably discharged veteran of the Armed Services of the United States who has obtained a veteran's license from the Dutchess County Clerk, under § 32 of the General Business Law, to hawk, peddle, vend or solicit trade on the streets and highways within the County of Dutchess shall be exempt from the provisions of § 88-6 of this chapter. Upon approval of the veteran's application, the Town Clerk will issue the license to said veteran to ply his trade in the Town of Rhinebeck, subject to all other provisions of this chapter.

## § 88-4. Application; license issuance.

### A. Application requirements.

- (i) Applicants for a license to peddle or a renewal thereof shall file with the Town Clerk a verified application, in duplicate upon a form supplied by the Town Clerk, which shall contain the following:
  - (a) The name, address and telephone number of applicant.
  - (b) The applicant's place of residence for the past five years.
  - (c) The applicant's business or employer for the past five years.
  - (d) The applicant's age, height, weight, color of eyes, color of hair and place of birth.
  - (e) Two full-face photographs of the applicant taken within at least 30 days of the application and measuring at least 1 1/2 inches by 1 1/2 inches.
  - (f) Whether or not applicant has ever been convicted of a felony, misdemeanor or violation of any municipal ordinance, except traffic violations, and, if so, the date, court, ordinance violated and sentence of the court.
  - (g) Whether the applicant has been previously licensed in any occupation and, if so, when, where and for what periods and, if such previous license was ever revoked, the date or revocation and the reason therefor.
  - (h) Fingerprints.
  - (i) The name and address of the person, firm or corporation the applicant represents or is employed by.
  - (j) The particular business, trade or occupation for which the license is requested, including a brief description of the nature of the business and the kinds of goods or property to be peddled or solicited.

(k) The manner or means of conveyance in which said business or trade or occupation shall be conducted.

(l) If the application is for a license to handle food in any form, a valid permit issued by the Dutchess County Health Department indicating compliance with the provisions of the Dutchess County Public Health Regulations.

(m) If the applicant requires the use of weighing and/or measuring devices, a certificate, not more than six months old, from the County Sealer of Weights and Measures, certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

(n) If the application involves the use of a vehicle, proof that the applicant holds a valid New York State driver's license.

(o) If the application involves the use of a vehicle, proof of a valid state motor vehicle registration for the vehicle to be used.

(p) Proof that the applicant holds a New York State sales tax identification number.

(2) In the event that any other license or permit shall be required by any other governmental agency in connection with applicant's business, the same shall be produced by the applicant and the Town Clerk shall duly note the same.

(3) Any change in circumstances with regard to the information provided in the application or on the license shall be reported to the Town Clerk within 30 days.

B. Licenses for hawkers and peddlers shall be issued by the Town Clerk of the Town of Rhinebeck, subject to approval of the Town Board of the Town of Rhinebeck. Applicants shall submit their applications to the Town Clerk of the Town of Rhinebeck with all required information and a nonrefundable fee as provided in Chapter **A126**, Fees. The Town Clerk shall refer the same to the Dutchess County Sheriffs Department for such investigation of the applicant to be made as it deems necessary for the protection of the public good. If such investigation should prove the applicant to have been convicted of a misdemeanor or felony, the Sheriff's Department shall attach to the application a copy of the applicant's conviction record and shall return the application to the Town Clerk. If, as a result of such investigation of the applicant, no police record is found, the Sheriff's Department shall attach a statement to the application that it has no police record on the applicant and shall return the application to the Town Clerk. The Town Clerk shall refer the application to the Town Board for approval. Upon notification by the Town Board of the approval, the Town Clerk shall be authorized to issue said license after payment of the fee as hereinafter set forth. *Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.*

## § 88-5. License renewals; new licenses.

All licensees desiring to renew their licenses shall make application to the Town Clerk of the Town of Rhinebeck at least 60 days prior to the termination of their existing license, together with the necessary fee for said renewal as hereinafter set forth. The Town Clerk shall refer all applications for said renewal to the Town Board, which shall approve or disapprove the same.

Upon the approval by the Town Board, the Town Clerk shall be authorized to issue a new license, which shall terminate as hereinafter set forth.

## § 88-6. Fees.

*Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.* Under this chapter, the fees shall be as provided in Chapter **A126**, Fees.

## § 88-7. Display of license; replacement of lost or stolen licenses.

- A. Each licensee shall display the license at all times while engaged in the business.
- B. If a peddler's license is lost or stolen, such shall be reported to the Town Clerk within 10 days. Upon notification, the Town Clerk shall issue a replacement peddler's license at a cost to the licensee as provided in Chapter **A126**, Fees. *Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.*

## § 88-8. Location; hours of operation.

It shall be illegal for any person licensed under this chapter to remain in one location for any period longer than is actually necessary for the conduct of said business licensed hereunder. The allowable hours of operation shall be one hour after sunrise until one hour before sunset.

## § 88-9. License nontransferable.

No license issued under the provisions of this chapter may be used or displayed at any time by any person other than the person whose name and picture appear on the license.

## § 88-10. Restriction.

- A. Pursuant to § 1157, Subdivision (c), and § 1800 of the New York State Vehicle and Traffic Law, no person shall occupy any part of a state highway in any manner for the purpose of selling or soliciting, except a veteran holding a peddler's license under §§ 32 and 35 of the General Business Law.
- B. It shall be unlawful for any peddler or solicitor to peddle, vend or sell his/her goods or wares on any County road within the Town of Rhinebeck.
- C. It shall be unlawful for any peddler or solicitor to peddle, vend or sell his/her goods or wares within 250 feet of any intersection of roads within the Town of Rhinebeck.
- D. No peddler who is licensed by the Town to sell from a vehicle shall peddle on privately owned lands unless specifically authorized by the Town Board to do so for an event, such as a flea market, carnival, circus, community day or any similar activity. Peddling from a vehicle shall only be permitted along the public way.
- E. It shall be unlawful for any peddler or solicitor, in plying his trade, to enter upon any premises or property or to ring the doorbell 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.

F. It shall be unlawful for any peddler or solicitor, in plying his trade, to enter property on which there exists an apartment complex, mobile home park or a shopping complex to solicit on foot without the permission of the owner of such property to do so.

G. It shall be unlawful for any peddler or solicitor to peddle, vend or sell his/her goods or wares within 250 feet of any church or place of worship during services or any place occupied as a public or private school or college or for school or college purposes, while in session, nor shall he/she permit his/her cart, wagon or vehicle to stand on any public highway within said distance of any such school or college property, while in session.

H. It shall be unlawful for any peddler or solicitor to peddle, vend or sell his/her goods or wares within 1,000 feet of any other peddler or solicitor.

### **§ 88-11. Use of signs and displays.**

A. The use of movable, portable and/or freestanding signs by peddlers is prohibited.

B. No peddler shall display merchandise or good for sale other than on his/her person or in the vehicle for which he/she is licensed pursuant to this chapter. Displays of merchandise on the ground or on movable structures or stands outside the peddler's vehicle are prohibited. Use of tables, seats or freestanding counters is prohibited.

C. Only one awning or umbrella which is mounted on a vehicle licensed pursuant to this chapter is permitted per vehicle.

D. It shall be lawful for peddlers to use signs which are painted on or affixed to a peddler's vehicle, provided that the same do not exceed the dimensions of the vehicle on which they are placed and such vehicle can be driven with the sign affixed. Such signs permitted shall be exempt from the provisions of the Town of Rhinebeck Zoning Ordinance. *Editor's Note: See Ch. A136, Zoning.*

### **§ 88-12. Enforcement.**

It shall be the duty of any police officer operating within the Town of Rhinebeck to require any person seen peddling or soliciting and who is not known by such police officer to be duly licensed to produce his/her peddler's license and to enforce the provisions of this chapter against any person found to be violating the same.

### **§ 88-13. Revocation of license.**

A. Licenses issued under the provisions of this chapter may be revoked by the Town Board of the Town of Rhinebeck after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in application for license.

(2) Fraud, misrepresentation or false statement made in the course of carrying on business as a peddler.

- (3) Any violation of this chapter.
- (4) Conviction for any crime or misdemeanor involving moral turpitude.
- (5) Conviction for a felony or misdemeanor, which misdemeanor or felony, in the judgment of the Town Board, renders the applicant unfit or undesirable.
- (6) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a menace to health, safety or general welfare of the public.
- (7) Upon the recommendation of the Dutchess County Department of Health that the sale of food or food products or other edibles is being conducted under unsanitary conditions or that there is a violation of law, regulation, code or ordinance cited by the Dutchess County Department of Health.

B. Notice of a hearing for the revocation of a license shall be given by the Town Clerk, in writing, setting forth specifically the grounds of the complaint and the time and date of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his/her last known address at least 10 days prior to the date set for hearing.

### **§ 88-14. Penalties for offenses.**

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a penalty not to exceed \$250 or to an imprisonment for a term not to exceed 15 days, or both. The continuance of an offense for each twenty-four-hour period shall be deemed a distinct and separate violation.

HAWKING AND PEDDLERS APPLICATION REQUIREMENTS

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

RESIDENCE FOR THE PAST FIVE YEARS \_\_\_\_\_

BUSINESS OR EMPLOYER FOR PAST FIVE YEARS \_\_\_\_\_

HEIGHT \_\_\_\_\_ AGE \_\_\_\_\_ WEIGHT \_\_\_\_\_

COLOR OF EYES \_\_\_\_\_ COLOR OF HAIR \_\_\_\_\_

BIRTHDATE \_\_\_\_\_

CONVICTED OF FELONY, MISDEMEANOR? OR VIOLATION OF ANY MUNICIPAL ORDINANCE \_\_\_\_\_

IF SO THE DATE \_\_\_\_\_ COURT \_\_\_\_\_ ORDINANCE \_\_\_\_\_ VIOLATED \_\_\_\_\_ SENTENCE \_\_\_\_\_

WHETHER YOU HAVE BEEN PREVIOUSLY LICENSED IN ANY OCCUPATION

IF SO WHEN \_\_\_\_\_ WHERE \_\_\_\_\_

FOR WHAT PERIODS \_\_\_\_\_

WAS LICENSE EVER REVOKED \_\_\_\_\_ IF SO DATE OF

REVOCAATION \_\_\_\_\_ REASON \_\_\_\_\_

FINGERPRINTS \_\_\_\_\_

THE NAME AND ADDRESS OF THE PERSON, FIRM OR CORPORATION THE APPLICANT REPRESENTS OR IF EMPLOYED BY \_\_\_\_\_

THE PARTICULAR BUSINESS, TRADE OR OCCUPATION FOR WHICH THE LICENSE IS REQUESTED INCLUDING A BRIEF DESCRIPTION OF THE NATURE OF THE BUSINESS AND THE KINDS OF GOODS OR PROPERTY TO BE PEDDLED OR SOLICITED.

DUTCHESS COUNTY HEALTH DEPARTMENT INDICATING COMPLIANCE WITH THE PROVISIONS OF THE DUTCHESS COUNTY PUBLIC HEALTH REGULATIONS.

A CERTIFICATE NOT MORE THAN SIX (6) MONTHS OLD, FROM THE COUNTY SEALER OF WEIGHTS AND MEASURES CERTIFYING THAT ALL WEIGHING AND MEASURING DEVICES TO BE USED BY THE APPLICANT HAVE BEEN EXAMINED AND APPROVED.

PROOF THAT THE APPLICANT HOLDS A VALID STATE DRIVER'S LICENSE.

PROOF OF VEHICLE REGISTRATION TO BE USED \_\_\_\_\_

PROOF OF A N.Y.S. SALES TAX IDENTIFICATION NUMBER.

IN THE EVENT THAT ANY OTHER LICENSE OR PERMIT SHALL BE REQUIRED BY ANY OTHER GOVERNMENTAL AGENCY IN CONNECTION WITH APPLICANT'S BUSINESS, THE SAME SHALL BE PRODUCED BY THE APPLICANT AND THE TOWN CLERK SHALL DULY NOTE THE SAME.

ANY CHANGE IN CIRCUMSTANCES WITH REGARD TO THE INFORMATION PROVIDED IN THE APPLICATION OR ON THE LICENSE SHALL BE REPORTED TO THE TOWN CLERK WITHIN THIRTY(30) DAYS.

IF MORE THAN ONE PERSON APPLIES FOR A LICENSE PURSUANT TO THIS SECTION, SUCH APPLICANTS SHALL FILE A SIMILAR APPLICATION AND SUCH APPLICANT MUST BE RELATED BY BLOOD OR MARRIAGE, AND IS REQUIRED TO BE RESIDENTS OF THE TOWN OF RHINEBECK. IN SUCH EVENT, ONLY ONE FEE SHALL BE COLLECTABLE FOR ONE LICENSE.