

**Permit Application for Peddling and/or Soliciting
in the
Village of Hamilton**

Name of Applicant: _____

Name of Business:(company for which permit requested) _____

Applicant's Home Address:

Street	City	State	Zip Code
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Home Phone: () _____

Business Address:

Street	City	State	Zip Code
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Business Phone: _____ **Cell Phone:** _____

Nature Of Business or Activity and Merchandise or Services for sale: _____

Have you ever had a license to conduct the described business denied or revoked?
(Circle One) YES / NO
If YES, please describe:

Length of Time the Permit is Requested: _____

The place where merchandise or services offered originate: (May or may not be the company address.)

Street	City	State	Zip Code
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Location(s) From Which You Plan to Sell or Solicit Within the Village of Hamilton:

Method(s) of delivery / solicitation: (Truck, UPS, personal vehicle, pushcart, other)

If one or more Vehicles are to be used, please provide following information for each vehicle: (a copy of the vehicle registration(s) may be attached):

Plate: _____ VIN: _____
State: _____ Make: _____ Color: _____
Model: _____ Year: _____
Registered Owner Name: (Personal, Company, other)

Vehicle Owner Name here

Owner Address: _____
Street City State Zip Code

Owner Phone: _____

Each Application **MUST** be accompanied by:

- o A photocopy of a current color Photo ID of the applicant, clearly showing the head and shoulders of the applicant and all other individuals who will be selling and/or soliciting under this permit.

I, the undersigned, verify and affirm under penalty of perjury, that all the supplied information is valid and true, and that I am the applicant petitioning for this permit to offer goods or services in the Village of Hamilton.

Name(print) Signature Date

Sworn to this ____ day of _____, 2015

Notary Public



Village Use Only:

Fee Amount: _____ (\$75.00 per person; \$100 per vehicle)

Date Received: _____ Received By: _____

Village of Hamilton, NY
Wednesday, January 11, 2017

Chapter 112. Peddlers, Solicitors and Mobile Food Vendors

[HISTORY: Adopted by the Board of Trustees of the Village of Hamilton 6-10-1997 by L.L. No. 2-1997; amended in its entirety 11-18-2014 by L.L. No. 6-2014. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Farmers' market — See Ch. 66.

Licenses — See Ch. 101.

Transient retail merchants — See Ch. 153.

Article I. Peddlers and Solicitors

§ 112-1. Definitions.

For the purpose of this chapter, the words used herein are defined as follows:

ESTABLISHED PLACE OF BUSINESS

A building, commercial or residential, in which or where a person transacts business and deals in goods, wares, merchandise or services, which shall have been in operation for at least 90 days.

MOBILE FOOD VENDOR

Any person or persons, group, organization or entity engaged in the sale of prepared, ready-to-eat food items upon any public land, but excluding any person or persons licensed to sell food items at the Hamilton Farmers' Market in accordance with Chapter 66 of this Code, or permitted at any community or charitable event approved by the Board of Trustees.

PERSON

Any natural person, association, partnership, firm or corporation.

SOLICITOR

- A. Any person who by means of going door to door or by standing in any street or public place:
- (1) Offers to sell merchandise, wares or other goods.
 - (2) Takes orders for the future delivery of merchandise, wares or other goods.
 - (3) Offers to purchase goods, wares or other articles of value.
 - (4) Offers to perform services immediately or at any future date, or offers to make, manufacture or repair any article or thing whatsoever for future delivery.
- B. For the purpose of this chapter, the following terms shall be considered synonymous with "solicitor": "hawker," "peddler," "itinerant merchant," "transient vendor," "purveyor" and "door-to-door salesperson."

VEHICLE

Cars, trucks, vans, pushcarts and trailers.

§ 112-2. License required.

It shall be unlawful for any person to solicit, as defined in § 112-1, within the Village of Hamilton without first having registered with the Village Clerk and having received, and having in force and effect, a license for the same, if such be required by said Village Clerk pursuant to the terms hereof.

§ 112-3. Persons and organizations exempt from this article.

The term "solicitor" or synonyms shall not include the following:

- A. Farmers seeking or taking orders for, or selling or offering for sale, their own produce.
- B. The seeking or taking of orders for, or the selling or offering for sale of, bread or bakery products, meat or meat products, milk and milk products by any manufacturer or producer thereof.
- C. Persons soliciting on behalf of religious, charitable and nonprofit organizations registered under the provisions of Executive Law § 172 or are exempt from registration under Executive Law § 172-a and who, while soliciting, are possessed of a card or other written evidence of appointment or authority to solicit for said organization or corporation.
- D. Solicitations and sales by merchants having an established place of business within the village, or their employees while acting within the scope of their employment, conducted from and immediately adjacent to said established business site, provided that approval for location of the outdoor sales on village sidewalks or public areas is approved by the Code Enforcement Officer.
- E. Sales conducted at the Farmers' Market authorized under Chapter 66 of this Code.

§ 112-4. Application procedure.

- A. Any person desiring to procure a license or to register to solicit in the Village of Hamilton shall file with the Village Clerk a written application, together with an employer's authorization if required, sworn to before a notary public, upon a form approved by the Board of Trustees.
- B. If the Village Clerk shall approve the application, he shall within five days issue a license or registration card signed by him, authorizing the holder thereof to conduct business under the terms of this chapter. In the event that the application shall be denied, the Village Clerk shall state the reasons therefor. Any license issued hereunder shall not be assignable, and any holder of a license who permits it to be used by any other person, and any other person who uses it, shall be guilty of a violation of this chapter.
- C. No license shall be granted to a person under 18 years of age. No license shall be issued to a person who has been refused a license within the past 12 months or who has had a license revoked within the past 12 months unless the applicant can show that the basis for such rejection or revocation no longer exists. Every licensee, while conducting business, shall carry the license and exhibit the same upon demand as required under § 112-8 hereof.
- D. The applicant shall indicate the location where any selling or soliciting will be done, and a permit will be issued for such location only. Any changes of location must be requested in writing to the Village Clerk.

§ 112-5. Revocation of license; hearing to reinstate or require issuance.

- A. The village may at any time, for cause shown or for a violation of this chapter or any other law or any violation of a condition of the license, immediately revoke any license by delivering to the licensee, either in person or by mailing to the address given in the application, notice of such revocation stating therein the reason(s) for such revocation. A license so revoked shall be returned to the Village Clerk within four days of revocation.
- B. The refusal of a solicitor to leave a private premises after request by the owner or lawful occupant, or the solicitation of persons other than between the hours of 9:00 a.m. and sunset, shall be sufficient cause for revocation.
- C. Any person whose license has been revoked or wrongfully refused shall be entitled to schedule an appearance, with counsel if desired, before the Board of Trustees of the village at a regular or special meeting, to be heard on a request for reinstatement or issuance of the license.

§ 112-6. Fees; exceptions; expiration of license.

- A. The license fee for solicitors shall be \$75 per person as an annual license fee. Those solicitors who use vehicles, pushcarts and trailers shall pay an annual fee of \$100 for each vehicle, pushcart or trailer, which shall be in addition to the fee of \$75.
- B. Any honorably discharged member of the armed forces of the United States holding a peddler's license provided for in Article 4 of the General Business Law shall not be required to pay any license fee whatever, but shall be required to apply for and obtain a license from the Village Clerk as herein prescribed.
- C. All licenses shall expire December 31 of each year and must be renewed by payment of another annual fee.
- D. All applicants for food licenses shall exhibit to the Village Clerk a permit from the Madison County Department of Health at the time of application hereunder.
- E. All vehicles which will be used or involved in soliciting shall at the time of application have a valid license and registration.
- F. All places of sale or soliciting shall be handicapped accessible, as applicable.

§ 112-7. Use of vehicles.

Every vehicle used by a licensee hereunder shall bear, prominently displayed on both sides of the vehicle in letters and figures at least two inches in height, the name of the licensee and his business address. Such lettering and figures shall be maintained so that they can be plainly and distinctly read at all times while such vehicle is in use during the continuance of the license. A licensee using a vehicle shall employ only persons possessed of a license issued under this chapter in making solicitations therefrom.

§ 112-8. Display of license.

Every solicitor shall, at all times while engaged in soliciting or peddling in the village, carry the license upon his person and shall immediately exhibit the license upon request to all police officers, village officials and citizens.

§ 112-9. Prohibited acts.

A licensee or person acting on behalf of the licensee shall not:

- A. Create or maintain any booth or stand or place any barrels, boxes, crates or other obstruction upon any street, sidewalk or public place for the purpose of conducting business without the express approval of the Code Enforcement Officer.
- B. Stand or sell the same or similar products within 200 feet of any established place of business within the Village of Hamilton.
- C. Engage in soliciting or peddling at any time on Sunday or any other day of the week after sunset and before 9:00 a.m. except upon invitation from or an appointment with the resident.
- D. Hawk or cry his goods, wares, merchandise, articles, contracts or services in the course of solicitations, nor, except as stated immediately hereafter, use any loud speaker, horn or any other sound amplification device for announcing his presence.
 - (1) Special condition for use of sound. The Village Clerk is authorized to permit the use of sound amplification or music in connection with solicitation, provided that the applicant demonstrates that use of amplification or music shall cease when the cart or vehicle is halted, is changed frequently to avoid disturbing repetition, is kept within a volume not disruptive to the quiet and repose of neighboring inhabitants at a distance of 100 feet or more from the sound source and adheres to other reasonable requirements imposed by the Clerk to avert public nuisance. Such permission with stated limitations shall be indicated by the Clerk in summary form on the license and shall constitute an enforceable condition of the license. Any objection to the reasonableness of conditions imposed, and any violation of the condition, may be heard before the Board of Trustees in the manner stated at § 112-5C for revocation hearings.
- E. Enter upon premises for the purpose of soliciting or peddling which are posted with signs indicating that soliciting or peddling therein is prohibited.
- F. Peddle, vend or sell his goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes.
- G. Engage in selling or offering for sale, or in seeking or taking of orders or contracts for, any goods, wares, merchandise, subscription, contribution, service or contract not mentioned upon such license, or at a place other than designated in the license; further, no licensee shall use any vehicle for soliciting or selling other than the vehicle registered upon his solicitor's license.
- H. Fail to carry or immediately exhibit upon reasonable request the license to solicit granted hereunder, as required under § 112-8.

§ 112-10. Records.

It shall be the duty of the Village Clerk to keep a record of all applications received and all licenses granted under the provisions of this chapter, in which shall be recorded the names and addresses of persons licensed, the amount of fees paid and all other pertinent data concerning the issuance of licenses under this chapter. All licenses issued and all records pertaining thereto shall contain, in

addition to the name and address of the licensee, the kind of goods, wares and merchandise to be sold or the nature of the services to be rendered, the permitted place of solicitation and the date of expiration of said license.

§ 112-11. Penalties for offenses.

- A. Any person violating any provision of this chapter shall, upon conviction thereof, be guilty of a violation as defined in the Penal Law of the State of New York, punishable by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.
- B. In addition, or as an alternative to the above-provided penalties, the Board of Trustees may also maintain an action or proceeding in the name of the village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.
- C. In addition, any person who violates any provision of the foregoing may be subject to revocation of the license or license privilege herein provided.

§ 112-12. Soliciting on sidewalks and public areas; outdoor sales.

- A. Sidewalks. Locations for sidewalk, village park and other public area solicitations and sales must first have the approval of the Code Enforcement Officer. Fifty percent of the sidewalk must be clear for pedestrian travel, shopping carts, carriages, etc. The location cannot impede any fire ingress or egress and cannot block fire hydrants. The licensee shall be solely responsible for maintaining an orderly, clean environment at all times at his vending site; failure to do so will result in revocation of the license.
- B. Any private property to be used for soliciting shall have written documentation from the owner allowing the licensee to solicit on the same.
- C. Approval is required of the Code Enforcement Officer for location of any sales on sidewalks or public areas of goods ordinarily sold indoors in an adjacent established place of business. Sales shall not unduly block or congest public passage and use.

Article II. Mobile Food Vendors

§ 112-13. Applicability of this article.

In addition to the provisions of Article I of this chapter, the provisions of this Article II shall apply to any mobile food vendor desiring to operate on any type of a seasonal, or one-time basis in the Village of Hamilton.

§ 112-14. Special regulations for mobile food vendors in public areas.

All mobile food vendors must obtain a seasonal or one-time mobile food vendor's license. These licenses will be issued by the Board of Trustees beginning with applications received on or after January

1 and before January 31 of each calendar year. Licenses shall be valid for only a single calendar year and only between May 1 and October 31 of that year.

- A. No more than two mobile food vendor's licenses will be issued for any public space. Locations shall be specifically approved by the Board of Trustees. No locations on Route 12B or Lebanon Street shall be eligible for a license. No license shall be issued for any location within 80 feet of an established restaurant or retail food business, unless the mobile food vendor is the owner or operator of the established business. All locations must provide for pedestrian access to the vendor from the sidewalk side of the street only. Hours of operation shall be limited to the hours between 9:00 a.m. and 8:00 p.m., unless otherwise approved by the Board of Trustees for any particular application. The Board of Trustees may impose such other and further conditions as it deems appropriate with respect to any particular application.
- B. In the event there is more than one application to operate in a particular space received by the Village Clerk between January 1 and January 31, the space will be awarded to the applicant that held the license for that space during the immediately preceding season. If neither applicant held the license for the space during the immediately preceding season, the space will be awarded by lottery conducted by the Village Clerk. If only one application for the space has been received by the Village Clerk between January 1 and January 31 the space shall be awarded to that applicant. Thereafter, applications shall be awarded on a first-come basis.
- C. Each mobile food vendor must submit proof of all required insurance coverage, including liability and worker's compensation, if applicable, as well as a permit from the Madison County Health Department. Insurance coverages shall be in accordance with such terms and conditions as may be established from time to time by resolution of the Board of Trustees. All mobile food vendors will be required to have a New York State sales tax certificate.
- D. With the exception of a restaurant or other food service business with an established place of business within the Village of Hamilton, mobile food vendors shall pay a license fee for each mobile food vendor's license in addition to any permit fee required under Article I of this chapter. License fees will be determined by the duration (seasonal or one time) of the license, and will be set from time to time by resolution of the Board of Trustees.
- E. No mobile food vendor will be permitted on lawn areas of parks or other public lands without specific permission of the Board of Trustees. Vendor operations shall not interfere with the free flow of vehicular or pedestrian traffic.
- F. Mobile food vendors shall be responsible for all cleanup and removal of debris and trash from their individual sites, and shall provide suitable disposal receptacles for use by patrons.
- G. Mobile food vendors shall be responsible for repair of any damage whatsoever caused by, or in association with, their business to any public lands or facilities. The Village shall have the right at any time and without prior notice to the license holder to repair any such damage and invoice the license holder for the costs of such repairs.