

**APPLICATION FOR
PEDDLER'S LICENSE**

**TOWN CLERK,
TOWN OF COLONIE**
MEMORIAL TOWN HALL,
NEWTONVILLE, NEW YORK 12128
Telephone 783-2734

INSTRUCTIONS TO APPLICANT

FOR PEDDLER'S LICENSE PURSUANT TO LOCAL LAW NO. 4 OF THE YEAR 1979,

1. Applicant is to answer all questions set forth in the application.
2. Any applicant and all employees thereof must be eighteen years of age or older.
3. If the applicant has one or more employees soliciting in the Town of Colonie, the information in Questions 1 through 16 inclusively, must be supplied as to each employee.
4. Instruction to Question 12:

In lieu of the names of references, any other evidence as to the good character and business responsibility of the applicant and which will enable the Town Clerk to properly evaluate such character and business responsibility will be acceptable.

5. Attach to this application:
 - a) A notarized letter of authorization from the firm organization you represent.
 - b) A notarized letter of authorization from each business supplying merchandise or services which you sell or solicit orders for.
 - c) Copies of all order and receipt forms used by you in soliciting sales or orders.
 - d) Four 2 by 2 inch photographs taken within the last 30 days of your full head and shoulders.

1. NAME _____

2. (a) LEGAL ADDRESS _____ (b) LOCAL ADDRESS (if different) _____

TELEPHONE NO. _____

TELEPHONE NO. _____

3. DATE OF BIRTH _____

4. SOCIAL SECURITY # _____

5. Are you a United States Citizen? Yes No

If no, state country of citizenship, type of visa, or status (i.e. resident or alien) in the U.S.

6. What type of trade or business will you be conducting and generally what type of goods will be sold?

7. Give inclusive dates of soliciting activity and explanation of why activity will take this length of time.

(a) Length of soliciting activity:

From: _____

To: _____

(b) Reason for length of activity: _____

8. List names of streets/or areas of the Town of Colonie to be peddled?

9. Have you ever been convicted of a crime, misdemeanor or violation of any municipal ordinance or local law?

Yes No

If yes, what crime, misdemeanor or violation and what was the punishment or penalty assessed therefor?

10. List all other municipalities in which you have peddled or hawked. Give inclusive dates of these activities for the last three year period. Also list previous peddler's license permit number and indicate which is still in effect.

MUNICIPALITY

PERMIT NUMBER

DATES IN THAT AREA

a.) _____

b.) _____

c.) _____

d.) _____

e.) _____

11. List previous employment exclusive of peddling or hawking in reverse chronological order during the last three years.

LENGTH OF EMPLOYMENT: From: _____ To: _____ Reason for Leaving: _____	PLACE EMPLOYED: _____ ADDRESS: _____ Supervisor and Company worked for: _____ Duties: _____
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LENGTH OF EMPLOYMENT: From: _____ Reason for Leaving: _____	PLACE EMPLOYED: _____ ADDRESS: _____ Supervisor and Company worked for: _____ Duties: _____
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LENGTH OF EMPLOYMENT: From: _____ To: _____ Reason for Leaving: _____	PLACE EMPLOYED: _____ ADDRESS: _____ Supervisor and Company worked for: _____ Duties: _____
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12. List the names and addresses of at least two (2) reliable property owners of the County of Albany, Saratoga, Schenectady or Rensselaer in the State of New York who will certify as to your good character and business responsibility.

Name:	ADDRESS:	TELEPHONE NUMBER	HOW LONG HAVE THEY KNOWN YOU
a.) _____	_____	_____	_____
b.) _____	_____	_____	_____

13. Name and address of firm or organization represented:

14. List all merchandise or services to be sold or offered for sale and include a price list.

15. If a vehicle(s) is to be used, give a description of the same together with license number or other means of identification.:

MAKE/MODEL	YEAR	COLOR	LICENSE NUMBER
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16. Give name and address of your legal counsel, if any:

- a). Name _____
- b). Address _____
- c). Phone No. _____

Sworn to before me _____

This _____ day of _____ 20 _____

Notary Public _____

_____ (County)

I, _____ being
(Signature of Applicant)
duly sworn deposes and says that he/she has read Local Law No. 4 of the Year 1979 and agrees to be bound by the provisions set forth therein and any amendments made thereto, and that he/she is the applicant above named He/she is duly authorized to file this application and all statements contained in this application are true to the best of his/her knowledge and belief.

Peddlers Permit 10/25/95

TO BE COMPLETED BY TOWN CLERK

Date Application Received: _____

Date Filing Fee Received: _____

Date Application Granted: _____ License Number: _____

To Whom Were I.D.'s Issued: _____

Date Application Denied: _____

Date Applicant Notified of Denial: _____

Reason(s) for Denial: _____

Peddlers Permit 10/25/95

**Town of Colonie
Peddling and Soliciting Local Law
Chapter 140**

- § 140-1. Legislative intent
- § 140-2. Definitions
- § 140-3. License required.
- § 140-4. Application for license fee; fee.
- § 140-5. Investigation of applicant; issuance of license.
- § 140-6. Exemptions.
- § 140-7. Restrictions.
- § 140-8. Suspension or revocation of license.
- § 140-9. Appeal.
- § 140-10. Enforcement.
- § 140-11. Penalties for offenses.
- § 140-12. Records.

§ 140-1 Legislative intent.

It is the intent of the Town Board of the Town of Colonie to regulate the activities of peddlers in order to preserve the peace, safety and general welfare of the Town and its inhabitants.

§ 140-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PEDDLER -- Any person traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a peddler subject to the provisions of this chapter. The word "peddler" shall include the words "hawker" and "huckster."

PERSON -- Includes any individual, firm, corporation, club, society, partnership, unincorporated association and any principal or agent thereof.

§ 140-3. License required.

It shall be unlawful for any person to act as a peddler, as herein defined, in the Town of Colonie without having lawfully obtained a license from said Town.

§ 140-4. Application for license, fee.

A. Except as otherwise provided herein, every applicant for a license under this chapter must file with the Town Clerk a sworn application in writing, in duplicate, on a form to be furnished by the Town Clerk, which shall give the following information [Amended 2-24-1983 by L.L. No. 4-1983; 8-10-1995 by L.L. No. 15-1995]:

1. Name and address of applicant, both legal and local, if different.
2. Date of birth.
3. Citizenship of applicant.
4. The social security number of the applicant.
5. A brief description of the nature of the business and the goods to be sold.
6. Expected inclusive dates of soliciting activity and explanation of why activity will take this length of time.
7. Name of the streets and/or areas of the Town of Colonie to be peddled.
8. Four photographs of the applicant, two inches by two inches in dimension, taken within 30 days of the date of the application. Such photographs shall show the head, full face and shoulders of the applicant. One copy of the photo shall be attached to the application, one to the license, one shall be delivered to the Chief of Police of the Town of Colonie and one shall be kept on file in the Town Clerk's office.
9. A list of all other municipalities in which the applicant has peddled within the last three years and give inclusive dates of such activities; also list previous peddler's license permit numbers and note which are still in effect.
10. A list of previous employment, exclusive of peddling, during the last three years.
11. Name and address of firm or organization represented, if any.
12. An itemized statement of all merchandise or services to be sold or offered for sale, including a price list.
13. A letter of authorization from the firm or organization the applicant purports to represent, if applicable.
14. A letter of authorization from each business supplying merchandise or services which the applicant sells or solicits orders for.
15. Copies of all order and receipt forms used by the applicant in soliciting sales or orders.
16. Name and address of counsel of the applicant.
17. If a vehicle is to be used, a description of the same, together with license number or other means of identification.
18. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance or local law, the nature of the offense and the punishment or penalty assessed there for.
19. The names and addresses of at least two reliable property owners of the County of Albany, Schenectady, Rensselaer or Saratoga in the State of New York who will certify as to the applicant's good character and business responsibility or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant and which will enable the Town Clerk to properly evaluate such character and business responsibility.

B. If the applicant has one or more employees soliciting in the Town of Colonie, the information in Subsection A(1) through (18), inclusive, must be supplied as to each employee. [Amended 2-24-1983 by L.L. No. 4-1983]

C. Any applicant and all employees thereof must be 18 years of age or older.

D. At the time of filing the application, a fee for the initial application and for each employee's application shall be paid to the Town Clerk. Such license shall be valid through December 31 of the year in which it is issued; however, applicants may apply

§ 140-4.1 Special Event License [Added 8-10-1995 by L.L. No. 15-1995]

A. Notwithstanding anything inconsistent or to the contrary herein, every applicant for a special event vendor's license under this chapter, for events not exceeding three days' duration, must file with the Town Clerk, or with the Chief of Police or his designee when the Town Clerk's office is not open during regularly scheduled office hours, a sworn application in writing, in duplicate, on a form to be furnished by the Town Clerk or Police Department, as the case may be, which shall otherwise conform to the requirements

contained in § 140-4 of this chapter, except for those requirements contained in § 140-4A(8), (13) and (14) of this chapter.

B. In all instances when an application for a three-day special event license is filed with the Police Department hereunder, all the power and authority granted to the Town Clerk pursuant to this chapter shall be vested in the Chief of Police or his designee for such purposes, including, without limitation, the authority to investigate and issue such licenses.

C. At the time of filing the application, a nonrefundable application fee shall be paid to the Town Clerk or Police Department, as the case may be. The amount of all fees shall be in accordance with the fee schedule established by Town Board resolution.

D. A three-day special event license shall be valid for a period of up to three successive calendar days for not more than one sales location or mobile cart.

E. To the extent practicable, the Town Clerk or Police Department, as the case may be, shall notify the applicant of his or her decision within two hours of receipt of a fully completed application.

F. If approved, such license issued hereunder shall conform to the requirements contained in § 140-5C, D and E of this chapter, except that no photograph shall be affixed to any such license.

§ 140-5 Investigation of applicant; issuance of license

Upon receipt of such application by the Town Clerk, the Town Clerk shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Town Clerk shall endorse on such application his disapproval and the reasons for the same and notify the applicant that his application is disapproved, and no license will be issued.

If as a result of such an investigation the character and business responsibility are found to be satisfactory, the Town Clerk shall endorse on the application his approval and issue a license to the applicant for the carrying on of the business applied for.

B. The Town Clerk must notify the applicant of his decision within 10 working days of receipt of the application.

C. The license issued shall contain:

1. The signature and Seal of the Town Clerk.
2. The name, address and photograph of said licensee.
3. The specific activity licensed.
4. The type of goods to be sold.
5. The date of issuance.
6. The length of time the license shall be operative.
7. The license number and other identifying description of the vehicle used in such peddling.

D. The license issued is nontransferable and must be produced upon request of any prospective buyer and/or any police officer.

E. At the time the applicant picks up his license from the Town Clerk, the Town Clerk shall also issue an identification card for the individual licensed and a card for the vehicle to be used in the peddling activity.

The identification card shall bear the words "licensed peddler for the Town of Colonie," the period for which the license is issued and the number of the license in letters and figures plainly discernible. The identification card shall be attached to the vehicle used by the licensee and shall be worn constantly by the licensee on the front of his or her hat or outer garment in such a way as to be conspicuous during such time as such licensee is engaged in peddling.

§ 140-6 Exemptions [Amended 12-2-1993 by L.L. No. 13-1993]

A. The provisions of §§ 140-3, 140-4, 140-5, 140-8 and 140-10 of this chapter shall not apply to:

1. A truck gardener or a farmer who himself or through his employees sells produce of his own farm or garden or orchard on his own property.
2. A wholesaler selling merchandise to dealers or merchants who have an established place of business within the Town.
3. Any person soliciting at the express invitation of the person solicited or soliciting to established customers.
4. Any school group, veterans', fraternal or charitable organization, volunteer firemen's association, religious, civic or service group or other nonprofit organization or association that maintains a chapter within the Town of Colonie.

B. A veteran, as set forth in § 32 of the General Business Law, shall be exempt from the provisions of § 140-4D of this chapter pertaining to the payment of a license fee.

§ 140-7 Restrictions

A peddler, whether licensed or exempt from licensing pursuant to this chapter, shall:

1. Not willfully misstate any fact about any merchandise offered for sale.
2. Not willfully offer for sale any article of an unwholesome or defective nature.
3. Not call attention to himself or his merchandise by creating any public disturbance, unusual noises or by the use of a public-address system.
4. Not create a public or private nuisance.
5. Keep any vehicle or receptacle used by him in his business in a sound, clean and sanitary condition.
6. Keep any edible articles for sale well protected from dirt, dust and insects.
7. Upon request, give to every person to whom a sale is made or from whom an order is taken a legibly written receipt, signed and dated by the licensee, with a description of the merchandise sold or ordered, the total price and the payment received.
8. Not enter upon any premises clearly displaying a sign with letters at least one inch in height prohibiting solicitors.
9. Leave all premises promptly upon request of any occupant of such premises.

B. No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

§ 140-8 Suspension or revocation of license

Licenses issued by the Town Clerk pursuant to this chapter may be revoked by the Town Clerk after notice and hearing, for any of the following causes:

1. Any violation of this chapter.
2. Conviction of any crime or misdemeanor involving moral turpitude.

3. Any misrepresentation or false statement contained in the application for license or made in the course of carrying on his or her business as a peddler.
4. Fraud, misrepresentation or false statement made in the course of carrying on his business as a peddler.
5. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. The Town Clerk may suspend any license granted pursuant to this chapter until such time as the hearing upon notice required in Subsection A can be held by the Town Attorney's office.

C. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the licensee at his last known address at least 10 business days prior to such hearing.

D. Said revocation hearing shall be held within 21 business days after the date the Town Clerk formally suspends said license.

§ 140-9 Appeal

A. Any person aggrieved by the action of the Town Clerk in the denial of the application for a license as provided in § 140-5A(1) of this chapter or in the decision with reference to the revocation of a license as provided in § 140-8A of this chapter shall have the right of an appeal to the Town Board or its designee.

B. Such appeal shall be taken by filing with the Town Board or its designee, within 10 business days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Board or its designee shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in § 140-8C of this chapter for notice of hearing on revocation.

C. The decision and order of the Town Board or its designee on such appeal shall be final and conclusive.

§ 140-10 Enforcement

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

§ 140-11 Penalties

Any person committing an offense against this chapter or any section or provision thereof is guilty of a violation and shall, upon conviction thereof, be subject to a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both.

In lieu of or in addition to any fine or imprisonment, or both, imposed for a conviction of an offense of this chapter, each such offense may be subject to a civil penalty not to exceed \$250 to be recovered in an action or proceeding in a court of competent jurisdiction. Each day an offense continues shall be subject to a separate civil penalty.

§ 140-12 Records

The Town Clerk shall keep a record of all applications, the determinations thereof and all licenses issued and their date of termination and/or revocation and shall maintain a record for each license issued of the reports of violation relative thereto.