

Village of Croton-on-Hudson

Application for Vendor, Hawker, Peddler, Solicitor License

Applicant : (last name, first) _____

Address of Applicant: _____

Phone number of Applicant: _____

Name of Business: _____

Address of Business: _____

Phone number of Business: _____

Describe all goods to be sold: _____

Method of distribution: _____

List of Applicants Soliciting: Name and address and phone number (use separate sheet if necessary)

Number of vehicles to be used: _____ (use separate sheet if necessary)

Make: _____ Year: _____ Color: _____

Plate#: _____ State: _____

Date and times you will be soliciting in the village:(use separate sheet if necessary):

All solicitors must provide a State or Federal picture I.D. (Drivers license, Passport) A valid vehicle registration(s) and insurance must be provided for all vehicles used. A copy of your license to operate a business, tax I.D. and insurance for your business, if applicable.

Chapter 172. Commercial Soliciting

[HISTORY: Adopted by the Board of Trustees of the Village of Croton-on-Hudson 8-6-2018 by L.L. No. 6-2018.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Penalties for offenses — See Ch. 1, 1-12.

Distribution of handbills — See Ch. 67.

Noise by peddlers — See Ch. 160.

Peddling in parks — See Ch. 168.

[1] *Editor's Note: This local law also repealed former Ch. 172, Peddling and Soliciting, consisting of Article I, Peddlers, Vendors and Hawkers, adopted 8-24-1987 by L.L. No. 4-1987, as amended.*

§ 172-1. Definitions.

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

CHARITABLE PURPOSE

The purpose of an organization which has received an Internal Revenue Service letter of determination approving tax exempt status under Title 26 of the United States Code § 501(C)(3), or the purpose of a school team, club or supporting organization recognized and affiliated with a public or private school.

COMMERCIAL PURPOSE

The purpose of solicitation which is intended to receive money or items of value for goods or services, or which is intended to receive contributions of money or other items of value.

ESTABLISHED PLACE OF BUSINESS

A building or store in which or where the person transacts business and deals in the goods, wares and merchandise he or she hawks, peddles or solicits for during regular business hours.

PERSON

Any individual, corporation, LLC, LLP, partnership, joint venture, association, club or other legal entity, league, fraternal organization, joint-stock company, estate trust, business trust, receiver, trustee, syndicate or any other group acting as a unit.

SOLICITATION

- A. The act of any person traveling by foot, vehicle or any other type of conveyance who goes from house to house, business to business, from place to place or in or along any highway, street, sidewalk or right-of-way within the Village:
- (1) Requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value;
 - (2) Taking or attempting to take orders for the sale of any goods, wares, merchandise or services of any kind, or description for future delivery or for services to be performed in the future, either in person or by distributing printed material; and

- (3) Selling and making immediate delivery of any goods, wares, merchandise or services of any kind or description.
- B. Solicitation shall not include the following so long as the person is not requesting, either directly or indirectly, money, credit, funds, contributions, personal property or anything of value:
- (1) A person communicating or otherwise conveying ideas, views or beliefs or otherwise disseminating oral or written information at no cost to a person.
 - (2) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political, religious or other noncommercial matter.
 - (3) A person seeking to obtain, from an occupant of any residence or business, an indication of the occupant's belief in regard to any political, religious or other noncommercial matter.
 - (4) A person conducting a poll, survey or petition drive in regard to any political, religious or other noncommercial matter.
 - (5) A person carrying, conveying, delivering or transporting daily products, newspapers, or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products, goods or services and is entitled to receive the same.
 - (6) A person putting himself/herself forth as a candidate for public office or communicating on behalf of candidate(s) for public office.

SOLICITOR

Any person, whether a resident of the Village or not, engaged in solicitation.

§ 172-2. Exemptions.

Nothing contained in this chapter shall be deemed to apply to any of the following:

- A. A sale conducted pursuant to an order of any court.
- B. A wholesaler selling articles to dealers or merchants who have an established place of business in the Village of Croton-on-Hudson.
- C. A child 18 years of age or under who resides within the Village of Croton-on-Hudson, and who solicits or peddles on behalf of a charitable, religious, athletic, social, educational or civic organization, including but not limited to the clubs, classes, teams or organizations sponsored by any school in which such child is a member or student.
- D. The peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities on their own land, provided that they have otherwise complied with all application, licensing and health and safety requirements of any other competent governmental body or agency, as well as the Zoning Code of the Village, and the sale takes place from a stationary location upon property owned or leased by the seller of such goods.
- E. The sale of food ancillary to the fundraising event of an organization with a charitable purpose, such as a picnic or carnival, that lasts no longer than five consecutive days. This exemption shall not apply to any door-to-door soliciting.
- F. Any person authorized by the Village Manager of the Village of Croton-on-Hudson to conduct sales within any park or recreation area of the Village of Croton-on-Hudson, but only with respect to such sales within the park or recreation area.
- G. Sales at a farmers market which has been permitted by the Board of Trustees to operate within the Village.

§ 172-3. License required.

Unless exempted, it shall be unlawful for any person to act as a solicitor, as herein defined, without first having obtained a license from the Village Clerk. The license shall be carried on the person of the licensee at all times while engaging in soliciting and shall be exhibited by the licensee to any person on demand.

§ 172-4. Certificate of equipment.

The application for a license shall be accompanied by a certificate from the Sealer or Weights and Measures of the County of Westchester, certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

§ 172-5. License application.

To obtain a license to solicit, within the Village, a person (the applicant) shall make a written application to the Clerk in a form prescribed by the Clerk which shall provide the following information:

- A. The full name of the individual(s) who will be conducting the solicitation, and their home address, telephone number, any mobile telephone number or e-mail address used on a regular basis, and date of birth.
- B. A valid driver's license or other form of photo identification for the individual(s) who will be conducting the solicitation with a clearly delineated license number and state of issuance, or other acceptable proof of identification.
- C. If the applicant will be working for another person in conducting the solicitation, the name, address, telephone number, email address, and website address of the person or entity to the extent such exists.
- D. A brief description of the solicitation business to be conducted, and the intended area where the business is to be conducted if less than the entire area of the Village.
- E. If the solicitor is a minor (under the age of 16), a notarized authorization by the applicant's parent or legal guardian. The authorization form is part of the application form.
- F. A description of any vehicle which the applicant wishes to use in carrying out his business or occupation as well as the name of the vehicle owner, proof of insurance, and registration details.
- G. Copies of or permit number for any applicable permits issued by any county or state agency.
- H. If peddling or soliciting for a corporation or other entity, the state in which it is incorporated or formed.

§ 172-6. Expiration; revocation; denial; appeal.

The following provisions shall apply to licenses for solicitation for a commercial purpose:

- A. All licenses granted under the provisions of this chapter shall be valid for a period of three months, six months, or no more than one year. The applicant shall indicate the requested time frame.
- B. The Clerk may revoke any license granted under the provisions of this chapter for any of the following reasons:
 - (1) The applicant provided false, misleading or misrepresented information in procuring the license;

- (2) The applicant or any person who worked on behalf of or with the applicant failed to comply with the requirements of this chapter.
- C. When a license has been revoked, no other license shall be issued under the provisions of this chapter to the same applicant within one year of the date of revocation.
 - D. An application for a license under this chapter may be denied for the following reasons:
 - (1) Fraud, misrepresentation or false statement in the application for the license.
 - (2) Any violation of this chapter.
 - (3) Any applicant who has had a license denied or revoked by the Clerk may appeal to the Village Manager, in writing, within 30 days of the receipt of the denial or revocation. The Village Manager will thereafter hold a hearing within 45 days of receipt of the demand for such hearing to review the determination of the Clerk.

§ 172-7. License fee.

The annual license fees shall be set from time to time by resolution of the Village Board. Any person holding a license pursuant to Section 32 of the General Business Law, "Licenses to veterans of the armed forces of the United States," shall not be required to pay a license fee.

§ 172-8. Restrictions.

A licensed solicitor shall:

- A. 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 or merchandise.
- B. Keep the vehicle and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well-covered and protected from dirt, dust and insects.
- C. Not blow a horn, ring a bell or use any other noisy device to attract public attention to his or her wares, or shout or cry out his or her wares.
- D. Not stand nor permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes while he/she is conducting business.
- E. Not sell any confectionery or ice cream within 250 feet of any school property between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- F. Not permit any vehicle used by him or her to stop or remain in any crosswalk.
- G. 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.
- H. Not solicit in any way on a property where this is clearly posted and visible a sign indicating "No Soliciting."

§ 172-9. Restricted hours.

No person while conducting the activities of a solicitor shall enter upon any private residence, knock on doors, or otherwise disturb persons in their residence between the hours of 8:00 p.m. and 9:00 a.m.

§ 172-10. Licenses to solicit in fixed location on public streets.

[Added 6-1-2020 by L.L. No. 8-2020^[1]]

Licenses may be issued under this chapter for solicitation in a fixed location on a public street as follows:

- A. The Village Board shall from time to time by resolution identify the specific streets and days and times when soliciting on public streets shall be permitted. The Village Board may limit the number of licenses which may be issued for a specific day and same shall be issued on a first-come, first-served basis.
- B. Notwithstanding the provisions of § **172-6A** above, licenses issued under this section shall be valid only for the specific time frame authorized by the Village Board and set forth on the license.
- C. The restriction set forth in § **172-8D** above limiting the time that a vehicle used by a licensed solicitor may stand in one place to no more than 10 minutes shall not apply to licenses issued under this section.

[1] *Editor's Note: This local law also provided for the renumbering of former § 172-10 as § 172-11.*

§ 172-11. Penalties for offenses.

Any violation of the provisions of this chapter shall be punishable as provided in § **1-12** of the Code of the Village of Croton-on-Hudson and as otherwise provided herein.