

Village of Stamford
Local Law No. 3 of 2019

A Local Law To Regulate Peddlers and Solicitors Within the Village of Stamford

Be it enacted by the Village of Stamford Board of Trustees as follows:

§ 1. Purpose

The Village of Stamford Board of Trustees (“Village Board”) hereby finds that a local law is needed to address the activities of peddlers and solicitors in the Village of Stamford (“Village”) in order to preserve the peace, safety and general welfare of the Village and its inhabitants.

§ 2. Definitions

Peddler: Any individual, firm, corporation, club, society, partnership, unincorporated association, and principal or agent thereof, who shall go from place to place within the Village selling or bartering or carrying for sale or barter or exposing therefor any goods, wares, or merchandise, either on foot or from any animal or vehicle.

Solicitor: Any individual, firm, corporation, club, society, partnership, unincorporated association, and principal or agent thereof, who shall go from place to place within the Village soliciting orders for future delivery of any goods, wares or merchandise, including magazines and other printed matter where full payment is required at the time of solicitation.

Village: The area encompassed within the bounds of the Village of Stamford.

Licensee: A Peddler or Solicitor who receives a license from the Village of Stamford under this local law.

§ 3. Exemptions

A. The provisions of this local law shall not apply:

1. To any sales conducted pursuant to statute or by order of any court;
2. To sales of personal property wholesale to dealers in such articles;
3. To sales of merchants having an established place of business within the Village;
4. To the sales of meats, fish, fowl, fruit, vegetables, flowers, shrubs, and trees by a gardener or farmer or his employee where the products sold or offered for sale are the produce of this vendor’s farm, garden or orchard;
5. To sales by dealers in milk, baked goods, heating fuel, dry cleaning/laundry and daily newspaper;
6. To sales by any person soliciting at the express invitation of the person solicited or soliciting to established customers;
7. To sales by any school group, veterans, fraternal or charitable organization, volunteer, fireman's association, religious, civic or service group;

8. To any veteran who has procured a license from the State of New York pursuant to Section, 32 of the General Business Law;
9. To sales by any person selling personal property at his or her own residence;
10. To garage sales or flea markets.

§ 4. Permit or License Required:

A. Every applicant desiring to solicit or peddle within the Village, except those explicitly exempted by this local law, shall complete and file an application for a solicitor's or peddler's license with the Village Clerk. Such application shall be in writing on a form to be furnished by the Village Clerk setting forth the following:

1. Name and address of applicant, both legal and local, if different;
2. Name and address of firm or organization represented, if any;
3. Date of birth;
4. A copy of a valid form of identification;
5. A brief description of the nature of the business and the goods or services to be sold;
6. Expected inclusive dates of soliciting activity and reasons why activity will require such period of time;
7. Name of the street or area of the Village where peddling or soliciting will be conducted;
8. Two (2) photographs of applicant, two inches by two inches in dimension, taken within 30 days of date of application. Such photograph shall show the head, full face and shoulder of the applicant. One copy of the photograph shall be attached to the application and the other to the license;
9. A list of all other municipalities in the State of New York in which the applicant has peddled- within the last two years;
10. 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, and the nature of the offense and the punishment or penalty assessed therefor;
11. If a vehicle is to be used, a description of each vehicle, together with license plate number, State licensed and/or other means of identification;
12. A 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 Certificate of Insurance naming the Town as a Co-Insured
15. No peddler or solicitor shall be permitted to operate from a stationary location without a statement of written authorization from the real property owner of said, location, granting permission;
16. Copies of all necessary approvals and licenses from NYS Agencies if required.

B. If the application is acceptable to and approved by the Village Clerk, he or she shall issue the license applied for as follows:

- (1) A solicitor's license for a period of 30 days, upon payment of a fee (\$50) to the Village Clerk to cover the cost of investigating and administering the application and for the privilege of so vending or peddling such merchandise.

- (2) An initial peddler's license for a period of four months, upon the payment of a fee; the peddler's license being renewable on two successive four-month periods, upon payment of a fee on each successive renewal period up to one year.

C. The amount of the license fees shall be set from time to time and a schedule of such fees is on file in the Village Clerk's office.

§ 5. Review and Issuance of License:

A. The Village Clerk shall review the information and materials provided by the applicant pursuant to section 4, and based upon such review, the Village Clerk shall either approve or disapprove the application. Upon approval, a license shall be issued containing the information set forth in the following section.

B. Upon disapproval, the Village Clerk shall state the reasons therefor and promptly notify the applicant thereof thereupon, the applicant may request a hearing before the Village Board. Within three days of the receipt of such request the Village Clerk shall issue a notice of hearing and thereafter the same shall be held in accordance with the procedure prescribed in Section 8 of this local law. The determination of the Village Board following such hearing shall be final and conclusive.

§ 6. The License:

A. The license shall bear the signature of the Village Clerk and the seal of the Village and shall set forth:

1. The name, address and photograph of the licensee;
2. The type of goods or services to be offered for sale;
3. The name and the address of the firm represented, if any;
4. The license number and other identifying description of any vehicle used in such peddling or solicitation;
5. The date of issuance;
6. The expiration date.

B. The license shall be non-assignable and must be conspicuously exhibited at all times to any police officer or prospective customer of the licensee. No license shall be valid for a period of more than six (6) months from issuance date.

§ 7. Regulations and Restrictions:

A. No peddler or solicitor, whether licensed pursuant to this local law or exempt therefrom, shall with the Village of Stamford:

1. Willfully misstate any fact relating to merchandise or services offered for sale;
2. Willfully offer for sale any article of an unwholesome or defective nature;
3. Call attention to himself or his vending activity by creating a public disturbance;

4. Willfully and for the purpose of vending enter upon premises clearly displaying a sign prohibiting solicitation;
5. Fail to promptly leave premises upon request of any occupant of such premises;
6. Fail to furnish to a vendee upon request a legible receipt signed and dated by the licensee containing a description of the merchandise or services ordered or sold, the price thereof and the payment received;
7. Engage in such business at any time between the hours of 8:30 p.m. and 9:00 a.m.;
8. Create undue traffic congestion or hazard, both vehicular and pedestrian;
9. By use or operation of vehicles, on streets or highways, impede or inconvenience the public.

§ 8. Suspension and Revocation of License:

A. Any license issued pursuant to this local law may be revoked by the Village Clerk for any of the following causes:

1. Any violation of this local law;
2. Conviction of a licensee of any crime or misdemeanor involving moral turpitude;
3. Any misrepresentation or false statement contained in the license application;
4. Fraud, misrepresentation or false statement made in the course of business as a peddler or solicitor;
5. Conducting the business of peddling or soliciting in an unlawful 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. When a license is revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons therefor in writing shall be served by the Village Clerk upon the person named in the application or by mailing the same to the address given in the application, and a copy of such shall be on file with the Village Clerk.

C. Any licensee having his or her license so revoked may, within ten (10) days of the date of said revocation, request a hearing on the revocation before the Village Board. Notice of request for hearing for revocation of a license shall be given in writing and shall set forth specifically the grounds of the complaint. The Village Clerk shall set the time and place of hearing. Such notice shall be mailed by the Village Clerk to the licensee at his or her last known address not less than ten (10) days prior to such hearing. The hearing shall be held within twenty-one (21) business days from the request for hearing. The determination of the Village Board following such hearing shall be final and conclusive.

§ 9. Violations:

It shall be unlawful for any persons, firm, entity, corporation or business to act within the Village of Stamford as a peddler or solicitor without having first obtained the license and permit as prescribed by this local law.

§ 10. Penalties:

Any person committing an offense against or violating this local law or any section or provision thereof is guilty of a violation and shall upon conviction thereof, be subject to a fine not exceeding \$250.00, or to a revocation of his license to solicit or peddle, or both.

§ 11. Enforcement:

The Village Board shall enforce this law.

§ 12. Severability:

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

§ 13. Effective Date:

This local law shall take effect upon filing with the Secretary of State.