

Procedures for Hawkers, Peddlers & Solicitors

Chapter 274 Section A347-1

The following are needed to apply for a license:

1. Completed Application
2. \$1,000 bond or cash for non-residents only
3. Proof of insurance certificate naming the Village of Mamaroneck, its officers, agents and employees
As additionally insured with the following limits; for personal injury, \$1,000,000 per individual and \$1,000,000 per occurrence; and for property damage, \$1,000,000 per individual and \$1,000,000 per occurrence, effective for the duration of the permit, as follows:
Village of Mamaroneck
123 Mamaroneck Avenue
Mamaroneck, NY 10543
4. Annual License Fee
Resident \$200.00
Non-Resident \$300.00
5. Two passport sized photo
6. Character Reference Letter
7. Certificate from County Department of Health if food is being sold
8. Must be given a copy of this Chapter of the Code and obey the rules of this license

Notes: Those holding a Westchester County Veteran's license do not have to pay the license fee. Newspapers and Books are exempt.

VILLAGE OF MAMARONECK
WESTCHESTER COUNTY, NEW YORK
APPLICATION TO HAWK, PEDDLE OR SOLICIT

Application is hereby made to the Village of Mamaroneck, New York, for a license to **peddle** within the corporate limits of said Village. In signing this application, the applicant subscribes to the LAW AND ORDINANCE GOVERNING THE SAME. The applicant also subscribes to the following statements:

NAME OF APPLICANT _____ DATE OF BIRTH _____

ADDRESS _____

LENGTH OF RESIDENCE IN THE VILLAGE OF MAMARONECK _____

NAME OF PERSON, FIRM OR CORPORATION REPRESENTED _____

ADDRESS _____

NUMBER AND KIND OF VEHICLES TO BE USED _____

KIND OF SERVICE, GOODS, WARES, OR MERCHANDISE TO BE SOLD _____

METHOD OF DISTRIBUTION _____

LENGTH OF TIME LICENSE IS DESIRED _____

PROOF OF GOOD CHARACTER, OTHER INFORMATION AND REMARKS _____

TO: CLERK-TREASURER

COPY OF CHAPTER 274, UNIFIED CODE
RECEIVED _____

APPLICANT APPROVED

DATED _____

VILLAGE MANAGER

APPLICANT

LIC. NO _____

DATE ISSUED _____

BOND APPROVED _____
VILLAGE ATTORNEY

Village of Mamaroneck, NY
Tuesday, October 9, 2012

Chapter 274. PEDDLING AND SOLICITING

[**HISTORY:** Adopted by the Board of Trustees of the Village of Mamaroneck 11-14-1966, effective 11-22-1966. Sections 274-7 and 274-8C amended and § 274-13 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. (This ordinance adopted 11-14-1966 was included as Sec. 2 of Ch. 7 of the Unified Code of Ordinances.) Other amendments noted where applicable.]

GENERAL REFERENCES

Auctions and auctioneers — See Ch. 106.
Handbills — See Ch. 206.
Noise — See Ch. 254.

§ 274-1. Definitions.

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

ESTABLISHED PLACE OF BUSINESS

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

HAWKER AND PEDDLER

Includes, except as hereinafter expressly provided, any person, either principal or agent, who, from any boat or in any public street or public place or by going from house to house or place of business to place of business on foot or on or from any animal or vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, newspapers, periodicals, books and pamphlets.

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, except milk, newspapers, periodicals, books and pamphlets, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

§ 274-2. Exemptions.

Nothing in this chapter shall be held to apply to any sales conducted pursuant to statute or by order of any court, to any person selling property at wholesale to dealers in such articles, to merchants having an established place of business within the village, or their employees, for soliciting orders from customers and delivering the same and to the hawking and peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities. This chapter shall not apply so as unlawfully to interfere with interstate commerce.

§ 274-3. License required.

It shall be unlawful for any person to act as a hawker, peddler or solicitor, as herein defined, without first having obtained and having in force and effect a license therefor issued by the Village Clerk.

§ 274-4. Certificate of equipment approval.

The application for a license shall be accompanied by a certificate from the Sealer of 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.

§ 274-5. Bond requirement.

An application for a license shall be accompanied by a bond to the village, approved as to form and surety by the Village Attorney, in the penal sum of one thousand dollars (\$1,000.) or collateral security, satisfactory to the Village Attorney, conditioned for the due observance, during the term of the license, of any and all ordinances adopted by the village respecting hawking, peddling and soliciting. In the case of solicitors who demand, accept or receive payments or deposits of money in advance of final delivery, such bond shall be further conditioned for making final delivery of goods, wares or merchandise ordered or services to be performed in accordance with the terms of such order or, failing therein, that the advance payment on such is refunded. Any person aggrieved by the action of any such licensed solicitor shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of six (6) months after the expiration of any such license, unless sooner released by the Board of Trustees. Nothing herein contained shall require the posting of a bond by any applicant who has resided in the village for more than one (1) year immediately prior to filing such application.

§ 274-6. Application for a license.

- A. Any person desiring to procure a license as herein provided shall file with the Manager a written application upon a blank form furnished by the village and shall file, at the same time, satisfactory proof of good character. Such application shall give the number and kind of vehicles to be used by the applicant in carrying on the business for which the license is desired; the kind of goods, wares and merchandise he desires to sell or the kind of service he desires to perform; the method of distribution; the name, address and age of the applicant; the name and address and age of the person, firm or corporation he represents; the length of time the applicant desires the license; and such other information as may be required by the Manager.
- B. An applicant for such license shall furnish two (2) photographs of himself or herself taken within thirty (30) days preceding the date of application, of a size designated by the Village Manager.

[Added 1-28-1980 by L.L. No. 1-1980, effective 1-31-1980]

§ 274-7. License fee.

[Amended 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987] The annual license fee shall be as set forth in Chapter A347, Fees, for each license issued pursuant to this chapter, except that a person licensed by the county under § 32 of the General Business Law shall not be required to pay such fee.

§ 274-8. Identification cards.

[Amended 1-28-1980 by L.L. No. 1-1980, effective 1-31-1980]

- A. One (1) of the photographs provided by the applicant shall be attached to a consecutively numbered identification card to be worn conspicuously and constantly upon the outer garment of the licensee while engaged in hawking, peddling or soliciting.
- B. Said identification card shall not be transferred or assigned. On the expiration of the license, the identification card shall be surrendered to the Clerk-Treasurer.

- C. A charge as set forth in Chapter A347, Fees, shall be made by the Clerk-Treasurer for any replacement identification cards issued.

[Amended 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987]

- D. It shall be unlawful for any person to destroy, deface or injure such identification card in any manner or change the number or date thereon. It shall also be unlawful for any person to wear or have in his possession such identification card unless he is the licensed hawker, peddler or solicitor in whose name the license is issued.
- E. The failure of the licensee to comply with this section shall be cause for revocation of such license and shall further be deemed a violation of this chapter, and the penalties under § 274-13 shall apply.

§ 274-9. Display of name and address.

Every vehicle used by a licensed hawker, peddler or solicitor in or about his business shall have the name of the licensee and his address plainly, distinctly and legibly painted, in letters and figures at least two (2) inches in height, in a conspicuous place on the outside of the sides of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

§ 274-10. Revocation of license.

The Village Manager may, at any time, for a violation of this chapter or any other ordinance or any law, suspend any license. Notice of such suspension and the reason or reasons therefor shall be served, in writing, by the Clerk upon the person named in the application or license or by mailing the same to the address given in the application, and, upon filing a copy of such notice in the Clerk's office with affidavit of service of mailing, such license shall be suspended until the next regular meeting of the Board of Trustees, at which said meeting the license may be revoked or continued by the Board. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made.

§ 274-11. Restrictions.

A licensed hawker, peddler or 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 wares or shout or cry out his wares.
- D. Not stand or permit the vehicle used by him to stand in one place in any public place or street for more than ten (10) minutes or in front of any premises for any time if the owner or lessee of the ground floor thereof objects. However, a hawker, peddler or solicitor shall not stand or permit the vehicle used by him to stand or remain anywhere on the Boston Post Road or Mamaroneck Avenue within the Village of Mamaroneck.

[Amended 10-13-1980 by L.L. No. 12-1980, effective 12-12-1980]

- E. Not sell any confectionery or ice cream within two hundred fifty (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 to stop or remain on 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.

§ 274-12. Orders involving prepayment or deposit.

All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one (1) copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor.

§ 274-13. Parades and special events.

[Added 10-13-1992 by L.L. No. 6-1992, effective 10-19-1992 *Editor's Note: This local law also provided for the redesignation of former § 274-13, Penalties for offenses, as § 274-14.*] In addition to the applicable provisions set forth in this chapter pertaining to peddling and soliciting, the Village Manager is authorized to promulgate rules and regulations governing peddling during parades and special events in the Village of Mamaroneck. Such rules and regulations may require peddling activities to be conducted in areas located away from the curb so that citizens may be able to have unobstructed views of the parade or special event and may restrict the types of items being sold in the interest of public health, safety and welfare. In conjunction with such activities, including any street closing for a special event, the Village Manager may suspend the applicability of the regulations found in this chapter to allow for the operation of the special event.

§ 274-14. Penalties for offenses.

[Amended 3-23-1987 by L.L. No. 5-1987, effective 4-2-1987] Any person violating any of the provisions of this chapter shall be punishable, upon conviction thereof, by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment not exceeding fifteen (15) days, or both.