

APPLICATION FOR LICENSE AS PEDDLER, HAWKER OR SOLICITOR
As stated under Chapter 83 of the
Village/Town of
Mount Kisco, New York

No. _____

Name of Applicant _____
Former name(s), if any _____

Address (Current) _____

Former Address(es) (5 years) _____

Social Security Number _____

Type of business: Sole Proprietorship
 General Partnership Limited Partnership
 Public Corporation Closed Corporation

If a Partnership, list other partners' names, addresses,
percentage of ownership, and any other businesses: _____

If a Corporation, include: corporate name, franchise tax
ID#, list of officers, attach a copy of the Certificate of
Incorporation, and list any other subsidiary corporations
or d/b/a's: _____

Applicant's and employees' business(es) for the last five
(5) years _____

Description of applicant: height: _____ ft. _____ in.,
weight: _____ lbs. date of birth (M/D/Y): _____
hair color: _____ eye color: _____
attach two photos (2" x 2" min) of applicant and
employee(s) not greater than 60 days old
other description: _____

Description of the goods, wares, merchandise and/or services: _____

Place of production/manufacture _____

Place goods/wares are to be forwarded _____

Description of the vehicle: Make _____ Model _____
Year _____ Color _____ License _____
Registration No. _____
Driver(s) _____

Attach a copy of driver's license of any drivers of the vehicle; a photo (2" by 2" min.) of the vehicle not more than 60 days prior to the application

Street routes _____

The length of time the license will be used: _____

Name of Employee _____
Former name(s), if any _____

Address (Current) _____

Former Address(es) (5 years) _____

Social Security Number _____

Description of employee: height: _____ ft. _____ in.,
weight: _____ lbs. date of birth (M/D/Y): _____
hair color: _____ eye color: _____
attach two photos (2" x 2" min) of applicant and employee(s) not greater than 60 days old
other description: _____

Have you ever been convicted of a felony or misdemeanor?
___ No ___ Yes If yes, give a description of each offense, court, and sentence imposed _____

Have you ever violated any municipal laws of the Village of Mount Kisco or any other municipality relating to peddling or soliciting? ___ No ___ Yes If yes, give a description of the violation and penalty imposed including revocations: _____

Have you ever previously applied for a peddlers or solicitor's license? No Yes If yes, during which year(s)?

Has your application ever been previously denied? No Yes If yes, give a description of the goods or wares that were to be sold and the reason for the denial _____

Have you included the following necessary forms or documents with your application?

- Two photos of applicant and employee(s)
- Photo of the vehicle to be used
- Certificate from the Sealer of Weights & Measures
- Permit from the County Department of Health to operate a food service establishment
- Certificate(s) acknowledging applicant and employee(s) are citizens or legal residents of the United States
- Verification from the Mount Kisco Police Department that the applicant and employee(s) have filled out the necessary fingerprint forms and appropriate fees
- A signed statement(s) authorizing the Village to verify the applicant's and employee(s)' driving record
- Bond to the Village for any solicitor who demands, accepts or receives payment or deposit of money in advance, subject to approval by Village Attorney
- A paid up insurance policy stating the coverage as well as what is excluded, and the amount of coverage

FAILURE TO PROVIDE ALL INFORMATION, FORMS AND FEES WILL AUTOMATICALLY RESULT IN A DENIAL OF THE LICENSE APPLICATION.

PEDDLING AND SOLICITING

Chapter 83

PEDDLING AND SOLICITING

- § 83-1. Definitions.
- § 83-2. Exemptions; scope.
- § 83-3. License required.
- § 83-4. Application for license; bond.
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- § 83-6. Issuance to minors prohibited.
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- § 83-14. Use of vehicles.
- § 83-15. Number of employees per licensee; actions restricted.
- § 83-16. Replacement of lost licenses.
- § 83-17. Taking of orders by solicitors.
- § 83-18. Unlawful business practices.
- § 83-19. Municipal celebrations.
- § 83-20. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Mount Kisco 1-6-75 as L.L. No. 2-1975.¹ Sections 83-4, 83-11 and 83-20 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

¹ Editor's Note: This local law also repealed Ch. 7 of the 1962 Code.

GENERAL REFERENCES

Appearance tickets — See Ch. 4.
Games of chance — See Ch. 67.
Peace and good order — See Ch. 81.
Signs — See Ch. 89.
Sound trucks — See Ch. 91.
Taxicabs — See Ch. 98.
Vehicles and traffic — See Ch. 101.

§ 83-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ESTABLISHED PLACE OF BUSINESS — Includes a building or store in which or where a 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 car 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 vehicles, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, other dairy products and newspapers.

PERSON — Includes one (1) or more persons of either sex, corporations, partnerships, clubs, associations, joint-stock companies, not-for-profit corporations, societies and all other entities of any kind capable of being sued.

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 or other dairy products and newspapers, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

§ 83-2. Exemptions; scope.

A. Nothing in this chapter shall be held to apply to:

- (1) Any sales conducted pursuant to statute or by order of any court.
- (2) Any person selling personal property at wholesale to dealers in such articles.
- (3) Merchants having established places of business within the village or their employees soliciting orders from customers and delivering same.
- (4) Farmers and truck gardeners who themselves or through their employees vend, sell or dispose of products of their own farms and gardens.

B. This chapter shall not apply so as to unlawfully interfere with interstate commerce.

§ 83-3. License required.

It shall be unlawful for any person, within the corporate limits of the village, to act as a hawker, peddler or solicitor, as herein defined, without first having obtained and paid for and having in force and effect a license therefor.

§ 83-4. Application for license; bond.²

Any person desiring to procure a license as herein provided shall file with the Village Clerk a written application upon a blank form prepared by the Village Clerk and furnished by the village. 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, date of birth, social security number and physical description of the applicant, the name and address of the person, firm or corporation he represents,

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1

the length of time the applicant desires the license and such other information as may be required by the village. Such application shall be accompanied by a certificate from the Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved. An application for a license as a solicitor who demands, accepts or receives payment or deposit of money in advance of final delivery shall also be accompanied by a bond to the village, approved as to form and surety by the Village Attorney in the penal sum provided in Ch. A112, Fees, with a sufficient surety or sureties or sufficient collateral security conditioned for making a final delivery of the 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 order be refunded. Any person aggrieved by the action of any licensed solicitor shall have the right by action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect, and, in case of a cash deposit, such deposit shall be retained by the village for a period of ninety (90) days after the expiration of any such license, unless sooner released by the Village Manager.

§ 83-5. Time for further application when license denied.

No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six (6) months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection or revocation no longer exists.

§ 83-6. Issuance to minors prohibited.

No license referred to in this chapter shall be granted to a person under eighteen (18) years of age.

§ 83-7. Issuance of license; grounds for refusal.

Upon the filing of the application, bond and certificate as provided in § 83-4, the Village Clerk shall, upon his approval of

such application, issue to the applicant a license, as provided in § 83-3, signed by the Village Clerk. Except as otherwise provided in this chapter, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare.

§ 83-8. License not assignable to others.

A license issued under the provisions of this chapter shall not be assignable. Any holder of such license who permits it to be used by any other person and any person who uses such license granted to any other person shall each be guilty of a violation of this chapter.

§ 83-9. Keeping of records.

- A. All licenses required by this chapter shall be numbered in the order in which they are issued and shall state clearly the kind of vehicle to be used, the kind of goods, wares and merchandise to be sold or service to be rendered, the number of the badge and license plate, the dates of issuance and expiration of the license, the fee paid and the name and address of the licensee.
- B. It shall be the duty of the Village Clerk to keep a record of all applications and of all licenses granted under the provisions of this chapter, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

§ 83-10. Display of license.

Every licensee regulated by this chapter while exercising his license shall carry the license with him and shall exhibit the same upon demand.

§ 83-11. License fee. [Amended 7-19-82 by L.L. No. 4-1982, effective 8-18-82]

The fee for the license required by this chapter shall be as provided in Chapter A112, Fees, for any period up to one (1) year.

§ 83-12. License duration.

Licenses issued under the provisions of this chapter shall automatically expire on June 30 following the date of issuance of such licenses, but such licenses may specifically state and provide for an earlier expiration date.

§ 83-13. Revocation of license.

The Village Manager may, at any time, for a violation of this chapter or any other ordinance or any law, revoke any license. When a license shall be 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 upon filing a copy of such notice with the Village Clerk.

§ 83-14. Use of vehicles.

Licenses issued under the provisions of this chapter shall include the right to use only one (1) vehicle in carrying on the business for which the person is licensed.

§ 83-15. Number of employees per licensee; actions restricted.

Any licensee under this chapter may employ two (2) persons and no more to assist delivering the wares, but such persons shall so act only while accompanying a licensed peddler, hawker or solicitor. Only persons licensed may act as hawkers, peddlers or solicitors.

§ 83-16. Replacement of lost licenses.

Whenever a license issued under the provisions of this chapter shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof under the original application and bond may be issued by the Village Clerk upon the filing with him by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery.

§ 83-17. Taking of orders by solicitors.

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.

§ 83-18. Unlawful business practices.

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 vehicles 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. Unless specifically approved by the Village Manager, not blow a horn or use any other noisy device to attract public attention to his wares or shout or cry out his wares. The use of any approved device must be discontinued if directed to do so by the Village Manager.

- D. Not stand or permit the vehicle used by him to stand in one (1) 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 of or lessee of the ground floor thereof objects.
- E. Not sell any confectionery or ice cream within two hundred fifty (250) feet of any school 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.
- H. Not permit any receptacles to extend over the body of the vehicle further than the running board and fenders on each side and further than three (3) feet in the rear thereof.

§ 83-19. Municipal celebrations.

The Village Manager is authorized, in his discretion, to waive specific requirements of this chapter for municipal activities and celebrations, provided that such activities and celebrations are being conducted by village personnel or village committees, and provided that it is deemed to be in the best interests of the village to do so. The waiver of any specific requirement shall not be deemed a waiver of the entire chapter, nor will waiver for a specific activity, committee or individual be deemed a waiver of other similar activities, committees or individuals.

§ 83-20. Penalties for offenses. [Amended 7-19-1982 by
L.L. No. 4-1982; 8-24-1992 by L.L. No. 9-1992]

Any person committing an offense against any provision of this chapter shall be punishable as provided in § 1-17B of this Code.