(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~City~~
~~Town~~ of STILLWATER
Village

Local Law No. 1 of the year 19 79

A local law regulating the peddling, vending and sale of goods, wares and merchandise
(Insert title)
in the Village of Stillwater.

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

~~City~~
~~Town~~ of STILLWATER as follows:
Village

Section 1. Legislative Intent

The purpose of this local law is to regulate itinerant merchandising within the Village of Stillwater in order that the peace, health, safety, welfare and good order of the village and its inhabitants shall not be unduly disturbed nor endangered.

Section 2. Definitions

As used in this local law, the following words shall have the following meanings unless another meaning is clearly indicated from the context.

2.1 "Established place of business" means any building, store or depository in which or where the person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits.

2.2 "Hawker and peddler" means any person, principal or agent who, in any public street or highway or public place, or by going from house to house or place of business to place of business, on foot or by vehicle or from any vehicle in a street or highway, sells or barters, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except as hereinafter exempted.

(If additional space is needed, please attach sheets of the same size as this and number each)

2.3 "Licensee" means a person to whom a license has been granted pursuant to this local law.

2.4 "Merchandising" means the selling, bartering or trading of, or offering to sell, barter or trade, any goods, wares, commodities or services.

2.5 "Person" means any individual, firm, partnership, corporation, unincorporated association and all other entities of any kind, or any principal or agent thereof.

2.6 "Solicitor" means any person who goes from place to place or house to house, or stands in any street or public place, taking or offering to take orders for goods, wares or merchandise, or for services to be performed in the future, or for making, manufacturing or repairing any article, or thing whatsoever for future delivery, except as hereinafter exempted.

Section 3. License

3.1 It shall be unlawful for any person, within the limits of the Village of Stillwater, to act as a hawker, peddler or solicitor, except in compliance with the provisions of this local law, and without first having obtained and paid for and having in force and effect, at all times while acting as such, a license.

Section 4. Application for License

4.1 Every applicant for a license under this local law shall file with the Village Clerk a sworn written application, in duplicate, on a form to be furnished by the clerk.

4.2 The form to be furnished by the clerk shall set forth and be accompanied by the following:

4.2.a Name and description of the applicant.

4.2.b Permanent home address and complete address of the applicant.

4.2.c A brief statement of the nature of applicant's business and a description of the merchandise or service to be sold.

4.2.d If applicant is an employee, the name and address of his employer, together with credentials establishing the relationship, and the name and address of a person upon whom legal process and notice may be served.

4.2.e. The length of time for which the license is desired.

4.2.f. If a vehicle is to be used, a description of such vehicle and its license number.

4.2.g The place where the goods or property to be sold or offered for sale are manufactured or produced, where such goods or property are located at the time such application is filed and the proposed method of delivery to prospective purchasers.

4.2.h A photograph of the applicant which shall clearly show the head and shoulders of the applicant and shall measure two by two (2 x 2) inches.

4.2.i A statement of two persons who conduct business, or who, themselves reside, in the County of Saratoga, State of New York, or, in lieu thereof, such other evidence of the character and business responsibility of the applicant as will enable the clerk to properly evaluate such character and responsibility.

4.2.j A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense, the date of conviction and the punishment or penalty assessed therefor.

4.2.k If peddling or soliciting is to be conducted as a team, group, or other organized party under single leadership, or direction, control or sponsorship, the above required personal information shall also be supplied as to such leader or person in charge and with respect to each other person, employee or agent so involved.

4.2.l If the applicant represents or is the agent for a principal, there shall be appended to the application a letter or other evidence, of his authority or of his agency from his principal, describing the nature and scope of such applicant's authority, and any restrictions, limitations and conditions imposed on such applicant by his principal. In addition, copies of each order form, contract, or other form or document to be utilized by the applicant in such sale or solicitation shall be attached to the application.

4.2.m Where the applicant is offering for sale, goods, merchandise or commodities required to be sold by weight, measure or count as provided under

article XVI of the Agriculture and Markets Law of the State of New York, such application shall be accompanied by a certificate from the sealer of weights and measures, having jurisdiction thereof, certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

4.2.n A statement whether any previous application for a license was made, and the disposition of the application.

4.2.o Any additional information required by any competent village officer or agency in the interest of the health, safety and welfare of the citizens of the village.

Section 5. License Fees

5.1 The fee for each license issued pursuant to this local law shall be Fifty ($50.00) Dollars per year or Ten ($10.00) Dollars per day or fraction thereof.

Section 6. Investigation and Issuance of License

6.1 The Village Clerk, with such assistance from the police department as may be reasonably necessary, shall investigate all applications and shall thereafter, with due dispatch, issue or deny such license to the applicant. (All licenses shall expire on the first day of June, following their issuance, but such license may provide for an earlier expiration date.)

6.2 If after investigation of any application, the Village Clerk shall deny same, he shall endorse on such application such disapproval and the reason for same, and the Village Clerk shall forthwith notify the applicant of such denial.

6.3 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 local law, 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.

Section 7. Restrictions on Licensee

7.1 A licensee shall not resort to deceptive acts or practices, physical abuse, threats, intimidation or harassment in the course of conducting his business, or offer for sale any provisions, food or merchandise that is unwholesome, unfit, deleterious or harmful to the user or consumer thereof.

7.2 Peddle or solicit at a private residence which has displayed a sign bearing the words "no peddling or soliciting" or words of like intent. Nor shall any licensee remain on the premises after the owner or occupant thereof shall have requested his departure therefrom.

7.3 Keep the vehicles and receptacles used by him in an unclean and unsanitary condition nor the foodstuffs and edibles offered for sale uncovered and unprotected from dirt, dust, insects, contamination or spoilage.

7.4 Unless the license shall specifically provide otherwise, 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 or lessee of the premises objects. However, in no case shall the holder of any license issued hereunder remain in any one fixed location and vend his goods, wares and merchandise continuously for a period in excess of thirty (30) minutes.

7.5 Sell any confectionery or ice cream within two hundred fifty (250) feet of any school between the hours of seven A.M. (7:00 A.M.) and four P.M. (4:00 P.M.) on school days.

7.6 Permit any vehicle used by him to stop or remain on any cross walk.

7.7 Create, erect 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.

7.8 Blow a horn, ring a bell or use any other noisy device in excess of seventy-five (75) decibels to attract public attention to his wares or shout or cry out his wares.

7.9 Assign or transfer his license to any other person, and any transfer to, or use of such license by any other person shall be a violation, and shall automatically thereupon terminate such license.

7.10 Fail to carry his license upon his person, nor fail to exhibit the same upon demand to any police, or Village officer, or citizen being solicited or involved in a transaction with him.

Section 8. Exemptions

8.1 No part of this local law shall be enforced as so to conflict with section thirty-two of the General Business Law of the State of New York, providing for exemption for veterans.

8.2 The requirements of this local law shall not apply to the following, provided that official uniforms, clothing or other suitable identification is displayed:

(1) All religious, charitable, educational, civic and political organizations of the Village of Stillwater.

(2) All organized groups of boy scouts, girl scouts and volunteer firemen, whose members are residents of the Village of Stillwater.

8.3 Nothing in this local law shall be held to apply to:

(1) Sales conducted pursuant to statute or by order of any court.

(2) Persons selling personal property at wholesale to dealers in such articles.

(3) Merchants having an established place of business within the village, or their employees.

(4) The peddling of meats, fish, fruit and similar produce by farmers and persons who produce such commodities, provided they have otherwise complied with any licensing, health and safety requirements of any other competent governmental body or agency.

(5) Dealers in milk, baked goods, heating oil, daily newspapers and propane or bottled gas.

(6) Licensed real estate brokers.

Section 9. Revocation

9.1 Causes. Licenses issued under the provisions of this local law may be revoked by the Board of Trustees of the Village of Stillwater after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for a license.

(2) Fraud, misrepresentation or false statement made in the course of carrying on his business as a hawker, peddler or solicitor.

(3) Any violation of this local law.

(4) Conviction of any crime or misdemeanor involving moral turpitude.

(5) Conducting the business of peddling, hawking or soliciting 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.

9.2 Notice of hearing for revocation or refusal of a license shall be given to the applicant or the licensee, as the case may be, by the Village Clerk in writing setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the applicant or licensee at the address listed on his application at least ten (10) days prior to the date set for hearing.

9.3 No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application for a license until a period of at least twelve (12) 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.

9.4 In addition to the foregoing, the Village Clerk may forthwith, temporarily suspend any license issued pursuant to this local law upon receiving information giving reasonable cause to believe that any licensee hereunder has either violated this local law by an act involving moral turpitude, physical abuse, threats, intimidation or harassment, or has been convicted of any violation of this local law or of any crime or offense endangering the peace, safety, health or general welfare of the inhabitants of this village. Within ten (10) days after such suspension, the Village Clerk shall conduct a hearing and issue his determination as to whether the license shall be revoked or reinstated. If such hearing or determination is not made within said ten (10) day period, the license shall be restored automatically.

Section 10. Signs

10.1 Appropriate signs, as the Trustees of the Village of Stillwater shall deem necessary, shall be erected by the highway department of the Village of Stillwater at such places within the Village of Stillwater as the Board of Trustees directs, advising of the existence of this local law.

Section 11. Penalties

11.1 Any person committing an offense against any provision of this local law shall, upon conviction thereof, be guilty of a violation punishable by a fine not exceeding two hundred fifty ($250.00) Dollars or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this local law shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Section 12. Severability

12.1 If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate any other clause, sentence, paragraph section or part of this local law.

Section 13. Effective Date

13.1 This local law shall become effective immediately.