

DENIS NONCARROW
TOWN CLERK

REGISTRAR OF VITAL STATISTICS
MARRIAGE OFFICER
RECORDS MANAGEMENT OFFICER
FREEDOM OF INFORMATION OFFICER



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OFFICE OF THE TOWN CLERK
TOWN OF SOUTHOLD

Fee: \$200 Annual _____
\$ 50 per Day _____

Application Date: _____

APPLICATION FOR PEDDLING AND SOLICITING LICENSE

1. Name of Applicant _____
Date of Birth _____ Eye Color _____ Hair _____ Height _____ Weight _____
2. Permanent Home Address _____
Mailing Address _____
Telephone No. _____ (Home) _____ (Business)
3. Driver's License Identification No. _____
Include a readable photocopy of applicant's driver's license
4. Residence for preceding three (3) years _____
5. Brief statement of the nature of the business and a description of the merchandise to be sold _____

6. If employed, the name and address of the employer, together with the credentials establishing the exact relationship _____

7. A description of the vehicle being used and its license plate number and Photocopy of Vehicle Registration _____

8. The name, address, and telephone number of the person from whom goods making up the stock, were and are to be purchased _____

9. Two (2) photographs of the applicant taken within sixty (60) days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure 2 ½ x 2 ½ inches shall be submitted together with this application.
10. Three (3) business references located in the County of Suffolk, State of New York, together with their addresses and telephone numbers.

11. 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 and the punishment or penalty assessed.

12. Fingerprints of the applicant. (Attach to application)

County of Suffolk)

SS:

State of New York)

Being duly shown deposes and says that he/she is the applicant for the peddling/soliciting license, and that all statements contained herein are true to the best of his/her knowledge and belief; that the business conducted will be done in the manner set forth in this application. The applicant agrees to hold the Town of Southold, Town Board and Town Clerk harmless and free from any and all damages and claims arising under or by virtue of said license, if granted.

Legal signature of applicant

Sworn to before me this _____ day of _____ 2 _____.

Notary Public

Attachments to the application shall include:

1. Two (2) photographs
2. Letter from the firm or corporation for which the applicant works, authorizing applicant to act as its representative. (if applicable)
3. Physician's statement, dated not more than ten (10) days prior to the submission of the application, certifying the applicant to be free of contagious infections or contagious diseases.
4. Authorization certification from the New York Sales Tax Bureau
5. Copy of applicant's driver's license
6. Copy of Vehicle Registration
7. Fingerprints of the Applicant.

Applicant must have fingerprinting and background check performed before applying.

* * *

(For office use only)

I have reviewed the foregoing application of Peddling and Soliciting License and recommend _____ approval _____ rejection of same.
(check one)

Chief of Police/or Officer in Charge
Southold Town Police Department

Chapter 197. Peddlers, Solicitors and Transient Retail Merchants

[HISTORY: Adopted by the Town Board of the Town of Southold 2-26-1991 by L.L. No. 4-1991. Amendments noted where applicable.]

Article I. Licensing and Regulation

§ 197-1. Legislative intent.

The purpose of this chapter is to prevent business practices of peddlers, solicitors and transient retail businesses from existing in the Town of Southold with certain exceptions, as otherwise provided herein, by providing for the registration and regulation of the conduct of certain peddlers, solicitors and canvassers and otherwise eliminating such practices.

§ 197-2. Definitions.

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

PEDDLER

A person who goes from place to place by traveling on foot or by any type of conveyance on the streets or from house to house carrying, transporting or conveying goods, wares, merchandise, foods, farm products or provisions, offering and exposing the same for sale or making sales and deliveries to purchasers or who solicits orders and, as a separate transaction, makes deliveries to purchasers. The word "peddler" shall include the words "hawker" and "huckster."

PERSON

Includes the singular and the plural and shall also include and mean any individual, firm, partnership, corporation, voluntary association, incorporated association, club, society or other organization and any officer, employee or agent thereof.

SOLICITOR and/or CANVASSER

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, except as hereinafter exempted, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

TRANSIENT RETAIL BUSINESS

A retail or wholesale business conducted in a temporary structure or tent; from a truck, van or trailer; on a parking lot or vacant parcel of land; on a part of public right-of-way; or in any other place for a temporary period of time. Lack of a rental or leasing agreement of three months' or more duration, sealed by monetary consideration, shall be presumptive of a temporary situation. The type of merchandise being offered for sale will have no bearing on the designation.

§ 197-3. License required.

It shall be unlawful for any peddler or solicitor to sell or dispose of or to offer to sell or dispose of any goods, wares or merchandise within the Town of Southold or to solicit or act as a solicitor from door to door within the Town of Southold without first registering with the Town Clerk of the Town of Southold as provided in this chapter and obtaining the license prescribed.

§ 197-4. EXEMPTIONS.

- A. The requirements of this chapter as to the payment of a license fee (but not as to registration) shall be held not to include the following persons, who are expressly exempt from its application:
- (1) Any person honorably discharged from the United States Army, Navy, Air Force or Marine Corps or other components of the military forces of the United States.
 - (2) Persons engaged in delivering merchandise of any nature whatsoever on regular, scheduled routes to regular costumers, including specifically but not limited to persons delivering dairy products, bread and other merchandise over such routes; and, with respect to persons mentioned in this subsection, they shall be exempt from all requirements of this chapter relating to the payment of the license fee or license fees, terms and conditions.
- B. This chapter shall not apply to any of the following:
[Amended 3-24-1992 by L.L. No. 8-1992]
- (1) Sales conducted pursuant to statute.
 - (2) Sales conducted pursuant to the order by any court.
 - (3) Any person selling personal property at wholesale to dealers in such articles.
 - (4) The sale of fruits and vegetables raised on the property where being sold.
 - (5) Persons soliciting, collecting or operating a sale on behalf of any local bona fide charitable, religious, patriotic or other organization of worthy cause deemed to be in the public interest and which organization is represented locally by a Town resident.
 - (6) Any person selling personal property at a garage sale held at his residence.
 - (7) The sale of newspapers.
 - (8) Any merchant having an established place of business within the Town of Southold.

§ 197-5. Permitted activities.

- A. The following activities shall be the only activities which can be licensed pursuant to this chapter:
- (1) The sale of ice cream, milk and other dairy products.
 - (2) The sale of hot dogs, soda and other items customarily found on hot dog vending trucks.
 - (3) The operation of coffee trucks and the sale of goods ordinarily associated therewith.
- B. All other businesses hereinabove defined as transient retail businesses shall be illegal in the Town of Southold.

§ 197-6. Application for license.

[Amended 6-30-2015 by L.L. No. 5-2015; 6-14-2016 by L.L. No. 5-2016]

Any person desiring a license under this chapter shall first register with the Town Clerk of the Town of Southold and shall file with said Town Clerk an application, in writing, containing the following information:

- A. The name of the applicant.
- B. The applicant's permanent home residence.
- C. The name, address and telephone number of the person from whom goods making up the stock, if any, were or are to be purchased.
- D. Three bona fide business references.

- G. A description of the goods, wares or merchandise to be sold and offered for sale and/or the purpose of his proposed canvassing or solicitation.
- H. The length of time for which the license is required and registration is to be effective.
- I. Details of any arrests or convictions for misdemeanors and crimes, including the nature of the offense for which arrested or convicted, the date of conviction and the place where said conviction was had.
- J. To said application and as a part thereof, there shall be attached a letter from the firm or corporation for which the applicant works, authorizing the applicant to act as its representative.
- K. A statement by a reputable physician, dated not more than 10 days prior to the submission of the application, certifying the applicant to be free of contagious infections or contagious diseases.
- L. An authorization certification from the New York Sales Tax Bureau.
- M. In the event that any other license or permit shall be required by any other governmental agency in connection with the applicant's business, it shall be produced by the applicant, and a copy of same shall be submitted with the application.
- N. Where a person enlists the assistance of another person whether as an employee, agent, or contractor, to peddle, solicit, or operate a transient retail business, all applicable personal information specified above shall be required to be given for each person, and an individual license shall be required and issued to every such person. No license issued under this article shall be transferable from one person to another.

§ 197-7. Investigation of applicant.

[Amended 6-14-2016 by L.L. No. 5-2016]

- A. Each application shall be referred to the Police Department, which shall, without delay, institute such investigation of the applicant's business and moral character as it deems necessary for the protection of the public good and complete the same within a reasonable time.
- B. The Police Chief, or his designee, shall cause the fingerprints of any applicant for a peddling or soliciting license, and any applicable fee payable by the applicant, to be forwarded to the Division of Criminal Justice Services (DCJS) in the form and manner as prescribed by DCJS for a complete criminal background and investigation.
- C. The Police Chief, or his designee shall review the criminal history record information disseminated by DCJS in connection with the applicant's criminal background and investigation.
- D. In making the determination of the applicant's fitness for the requested license, the Police Chief, or his designee, shall give due consideration to the information provided by DCJS, New York State Correction Law §§ 701 through 703b and §§ 751 through 753.

§ 197-8. Issuance of license; records; possession.

- A. The license shall be issued on forms drawn in accordance with this chapter. They shall be consecutively numbered and shall contain spaces for the insertion of the name, location of the business and amount of fee paid.
- B. There shall be kept in the office of the Town Clerk the necessary books for recording the time the application was received, showing whether it is an application for a new or renewal license, the name of the license, the date of approval by the Town Clerk, the amount of fee received therefor and the date when the license was issued.
- C. Every person holding a license under this chapter shall be required to have in his possession the license at all times while actually engaged in peddling.

§ 197-9. Fees; expiration of license.

day or fraction thereof.

- B. Licenses shall be issued on an annual basis and shall expire on December 31 of the year of issuance.

§ 197-10. Restrictions.

A hawker, peddler or solicitor shall:

- A. Not engage in such business at any time between the hours of 8:00 p.m. and 9:00 a.m.
- B. Not willfully misstate the quantity or quality of any article offered for sale.
- C. Not offer for sale any unwholesome, tainted, deleterious or diseased provisions or merchandise.
- D. 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.
- E. Not call attention to his goods by blowing a horn, by ringing a bell other than a house doorbell, by shouting or crying out or by any loud or unusual noise.
- F. Not stand or permit the vehicles used by him to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or any lessee of the premises objects.
- 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 engage in such business within 500 feet of any school between the hours of 7:00 a.m. and 4:00 p.m. on school days.
- I. Not sell or peddle prepared foods of any kind, including ice cream, confectionery, beverages, prepackaged snack foods, hot dogs, hamburgers and other sandwiches, on any Town beach upon which is located a concession stand operated under an agreement with the Town or on any parking area adjacent thereto.

§ 197-11. Revocation of license; hearing.

A license may be revoked by the Town Clerk or the Chief of Police by reason of violation or the terms of the license, the violation of any Town ordinance or state or federal statute or falsification or fraud in applying for the license. The licensed person may, upon making application to the Town Clerk, in writing, request a hearing by the Town Board upon the revocation or suspension of the aforesaid license.

§ 197-12. Signs.

Appropriate signs, as the Town Board of the Town of Southold shall deem necessary, shall be erected by the Highway Department of the Town of Southold at such places within the Town of Southold as the Town Board directs, advising of the existence of this chapter.

§ 197-13. Penalties for offenses.

Any person required by this chapter to procure a license who violates its terms or who violates any of the provisions of this chapter shall, upon conviction thereof, forfeit and pay not less than \$500 or more than \$2,500 for the first offense and no less than \$1,000 or more than \$5,000 for the second or any subsequent offense.