

APPLICATION FOR POESTENKILL PEDDLER'S LICENSE

1. Name \_\_\_\_\_

2. Age \_\_\_\_\_

3. Citizen of U.S.            Yes \_\_\_\_\_            No \_\_\_\_\_

A. Mailing Address of Applicant  
\_\_\_\_\_

B. Has applicant ever been arrested for a Felony?    Yes \_\_\_\_\_    No \_\_\_\_\_

    If yes, what felony \_\_\_\_\_

C. Has applicant ever been arrested for a Misdemeanor?    Yes \_\_\_\_\_    No \_\_\_\_\_

    If yes, what Misdemeanor \_\_\_\_\_

4. If Corporation, name of officer upon whom process or legal notice may be served \_\_\_\_\_

5. Describe exact type of business, trade or occupation for which license sought \_\_\_\_\_

6. State locality within which it is desired to carry on business, trade, or occupation \_\_\_\_\_

7. Manner or means of conveyance in which business shall be conducted if any \_\_\_\_\_

\_\_\_\_\_  
Applicant

Sworn to before me this  
Day of \_\_\_\_\_ 200

\_\_\_\_\_  
Notary Public

## Chapter 166. Peddling and Soliciting

### § 166-1. Definitions.

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

#### **HAWKER and PEDDLER**

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

#### **PERSON**

Includes one or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

#### **SOLICITOR**

Any person, whether a resident of the Town or not, who goes from house to house, from place to place or from street to street, travelling by foot, automotive vehicle or any other type of conveyance, soliciting, taking or attempting to take orders for the sale of merchandise or services of any kind for present or future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services, and whether or not he is collecting advance payments on such sales or orders, or who engages in any of the foregoing activities from a stationary location on any street or other public place. The word "solicitor" shall also include the word "canvasser." Any person who goes from door to door as described above for the purpose of soliciting and/or collecting funds from a stationary location on any street or other public place.<sup>[1]</sup>

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

### § 166-2. 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 personal property at wholesale to dealers in such articles, to farmers and truck gardeners who themselves or through their employees vend, sell or dispose of produce of their own farms and gardens, to dealers of heating fuel oil, to any honorably discharged soldier, sailor, marine or airman who has procured a license as provided by the General Business Law of the State of New York; nor shall it apply to any person collecting for any charitable institution or organization, nor to any person engaged in the business of selling or servicing policies of life or casualty insurance, nor to merchants having an established place of business within the Town. The chapter shall also not apply so as to unlawfully interfere with interstate commerce.

### § 166-3. License required.

It shall be unlawful for any person within the limits of the Town of Poestenkill 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

- C. Not stand or permit the vehicle used by him to stand in one place in any public street or place for more than 10 minutes or in front of any premises for any time if the owner of or lessee of the ground floor thereof objects.
- D. Not sell any confectionery or ice cream within 250 feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- E. Not permit any vehicle used by him to stop or remain on any crosswalk.
- F. Not act as hawker, peddler or solicitor as herein defined between the hours of 9:00 p.m. to 8:00 a.m.

## § 166-9. Records.

It shall be the duty of the Town 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.

## § 166-10. Penalties for offenses.

[Amended 4-10-1986 by L.L. No. 1-1986]

Any person who, himself or by his clerk or employee, shall act as a hawker, peddler or solicitor, as defined herein, without a license or shall violate any of the provisions of this chapter or who, upon having had his license revoked, shall continue to act as a hawker, peddler or solicitor shall, upon conviction, be punished by a fine of not more than \$250 or imprisonment for not more than 15 days, or both, and each day on which such violation continues shall constitute a separate offense.