

Officer of the Board of Trustees
Village of Fort Plain
168 Canal Street, Fort Plain, NY 13339
 Ph: (518) 993-4271 Fax: (518)993-2506
 TDD#: 1-800-662-1220

Peddler's Permit Application
 Per Section 134-1 of the Code of the Village of Fort Plain

Corporation Information:

Name:	
Address:	
Phone Number:	
Supervisor:	

Individual (each peddler MUST complete a separate application):

Name:			
Address:			
Phone Number:			
Hgt:	Wgt:	Eye Color:	Hair Color:
Criminal History copy from DCJS (circle one):		NYS Driver's License copy from DCJS (circle one):	
Attached	Not Attached	Military Exemption	Attached Not Attached

Vehicle Information:

License Plate:	Vehicle Year:
State of Plate:	Vehicle Make:
Vehicle Year:	Vehicle Model:
Vehicle Color:	Vehicle Insurance (circle one): Yes No

Peddler Permit Application Process and Law:

- 1) Application must be downloaded and filled out.
 - a. An application for each peddler must be completed for authorization.
 - b. No person under 18 will be permitted to peddle.
- 2) Once completed, it must be submitted to the Village of Fort Plain Clerk.
 - a. The applicant must provide a copy of their NYS Drivers License and a copy of their Criminal History Record.
 - b. The CHR may be obtained by completing the application process at the NYS Division of Criminal Justice in Albany, NY
- 3) Once submitted, the Police Department will review and approve or disapprove the application within 14 days.
- 4) Only approved applicants will receive a permit to Peddle goods or services within the Village of Fort Plain.
- 5) Denied applicants will be provided with a letter stating the reason of disapproval.
- 6) The only times that Vendors may legally Peddle are between 9am and 5pm.
- 7) Peddlers caught without a permit or in violation of the time permitted, will be arrested without warning and could be immediately arraigned and incarcerated.

 Signature of Applicant/Date

For Office Use Only

Date Application Received: _____ Date Application Sent to Police Department: _____

Application Approved by Police Department: Yes No Signature of Chief of Police: _____

Fee Paid: Yes No Date Paid: _____

Permit Issued on:	Valid for the day(s) of:
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**A LOCAL LAW OF THE VILLAGE OF FORT PLAIN AMENDING
CHAPTER 134 OF THE VILLAGE CODE ENTITLED
"PEDDLING AND SOLICITING"**

Be it enacted by the Board of Trustees of the Village of Fort Plain as follows:

Section 1.

Chapter 134 of the Village Code (Peddling and Soliciting) is hereby repealed in its entirety and replaced by the following:

Section 134 -1. Terms Defined.

For the purposes of this chapter, the following words and phrases used herein are defined as follows:

CHARITABLE ORGANIZATION:

- A. Any benevolent, philanthropic, patriotic, not-for-profit, educational, religious, association or corporation which qualifies or could qualify as a tax exempt organization under Section 501 of the Internal Revenue Code.
- B. A fire company which is organized for the prevention and extinguishment of fires.

CONTRIBUTION – The promise or grant of any money, credit, property, financial assistance or any other thing of value, including payments for literature in excess of its fair market value.

NEWSPAPER – A paper that is distributed and contains news, articles of opinion and advertising. This definition includes pennysavers and community newspapers.

ORGANIZATION – A corporation, partnership, association, joint-stock company, society or any other entity of any kind.

PEDDLER – Any person, either principal or agent, who in any public street, road or highway or open public place or from any vacant property, whether publicly or privately owned, goes from place to place or house to house and delivers or distributes advertising matter, literature, pamphlets, samples or handbills or sells or offers for sale, barter or exchange any goods, wares, food products, merchandise, service or any other article or thing whatsoever, either in his possession or not in his possession, either for immediate or for future delivery or solicits information for the purpose of comparing the price of services available to the occupants or owners of the house that is the subject to such inquiry.

PERSON – A natural person.

PLACE TO PLACE – The phrase “place to place” shall mean that the peddler or solicitor must be mobile and is permitted to remain on any tax map parcel within the Village for a maximum of 15 minutes during any single day, unless otherwise permitted by the Village.

RESIDENTIAL PREMISES – A house, apartment, condominium, cooperative or mobile home which is used as a dwelling place or domicile by the occupant.

SOLICITOR – Any person, either principal or agent, who, in any public street, road or highway or public place or from any vacant property, whether publicly or privately owned, goes from place to place or house to house and requests or accepts a contribution.

SOLICITOR OR PEDDLER FOR A CHARITABLE ORGANIZATION – A person who solicits contributions or acts as a peddler on behalf of a charitable organization.

Section 134-2 Permit Required.

A peddler or solicitor acting as such within the Village of Fort Plain shall first obtain a permit as provided in this chapter. The maximum number of permits that shall be issued by the Village and in effect at any time is three. A person or organization may apply for a permit, with up to ten (10) solicitors working under said permit, so long as all such solicitors are identified in the permit application.

Section 134-3 Application for permit.

- A. Each person or organization desiring a permit shall submit an application. No one who is not named in the application and who is not named in the permit shall solicit or peddle in the Village. An application to act as a peddler or solicitor in the form prescribed by the Village of Fort Plain shall be submitted to the Village Clerk and shall contain the following information:
- (1) The name, home address and local address, if any, of the applicant and all persons to be covered by the permit, up to a maximum of ten (10).
 - (2) A physical description of the applicant, setting forth the applicant's age, height, weight and color of hair and eyes, which is to be used for identification purposes only.
 - (3) The name and address of the person, firm or corporation for or through whom orders are solicited or cleared.
 - (4) The nature of the goods, wares or merchandise for which orders are to be solicited.
 - (5) Honorably discharged members of the armed forces shall also state the county from which they secured their license, pursuant to the General Business Law, together with the date and number of such license.
 - (6) A Criminal History Record obtained by each applicant for a permit from the New York State Division of Criminal Justice Services (DCJS).

- (7) A statement as to the period during which the applicant intends to solicit orders.
 - (8) Such other information as the Village of Fort Plain shall reasonably require.
- B. The applicant, at the time of executing such application, shall also submit a NYS driver's license, or if a non-driver, must submit an official document of identification, reasonably satisfactory to the Village of Fort Plain and which shall contain a sample of the applicant's signature and photo identification for all solicitors to be covered by the permit.
- C. Following the submission of an application for a permit as required by this chapter, the Village of Fort Plain shall approve or disapprove the application within 14 days of receipt. Any application denied shall specify the reason. Such reason must relate to the protection of the public safety, health, morals or general welfare of the residents of the Village. The Village of Fort Plain may deny any application by any person who shall have been convicted of any crime or of any violation of this chapter or who, upon investigation, is not found to be a person of good moral character and reputation.

Section 134-4. Investigation.

- A. Upon receipt of the sworn application, the Village Clerk shall forward a copy thereof to the Village of Fort Plain Police Department for a review of the applicant's criminal history, if any.
- B. If the investigation shall establish that the applicant has a police record, the Village of Fort Plain Police Department shall attach a copy thereof to the application with any comments with regard to the criminal history and the seriousness of the charges as may be considered relevant, and return both to the Board of Trustees. If no police record is found, a statement to this effect shall be attached to the application and returned to the Village Clerk for processing.
- C. If the investigation reveals a police record and review shall satisfy the Board of Trustees that the applicant is a fit and proper person to hold a peddler's permit, the application shall be favorably received; otherwise it shall be denied.
- D. Upon the return of the application either finding that there is no police record or in the case there is a police record on approval by the Board of Trustees, the Village Clerk shall prepare and issue to the applicant his permit. The permit shall contain the seal of the Village, the signature of the issuing officer, the name, address and photograph of the permittee, the kind of goods to be peddled thereunder or the purpose of the permit, the amount of fee paid, the permit number, the date of issuance and date of expiration of such permit, as well as the state license number or other identifying description of the vehicle, if for a vehicular license.

Section 134-5. Revocation of permit.

- A. Such permit shall be revoked automatically upon finding there has been any fraud, misrepresentation or false statement in the application for the permit or made in course of carrying on the business as a peddler or solicitor or upon conviction of a crime or violation of this chapter and is subject to cancellation or suspension by the Village of Fort Plain if the permittee, or any solicitors working under the permit, shall be found not to be a person of good moral character and reputation.
- B. Any person whose license has been revoked shall be entitled to appear, with counsel if desired, before the Board of Trustees at a regular or special meeting and be heard on behalf of a request for reinstatement of said license.

Section 134-6 Fee

A separate fee shall be due for each peddler or solicitor named in the application. The fee shall be established by the Board of Trustees by resolution.

Section 134-7 Duration of permit.

A permit may be purchased for up to five (5) days. Payment in full must be made to the Village before the permit shall be issued.

Section 134-8 Age restriction on permittees.

No permit shall be issued under this chapter to any person under the age of 18 years. However, persons under the age of 18 may act as solicitors or peddlers for a charitable organization.

Section 134-9 No transferability.

No permit shall be transferable from one person or organization to another.

Section 134-10 Provisions applicable to veterans.

Honorably discharged members of the Armed Forces of the United States who obtain a license pursuant to the provisions of Section 32 of the General Business Law shall, in addition thereto, file a further application with the Village of Fort Plain for the issuance of a local permit. The application for such local permit shall state the veteran's name, residence at the time of the application, nature of goods to be sold and, if the applicant is working on a commission or percentage basis for any person, firm or corporation, the name and business address of such person, firm or corporation. This application shall be signed by the applicant, and the name on this application and the original certificate of honorable discharge shall be compared to ascertain if the person so applying is the same person named in the original certificate of honorable discharge. The Village of Fort Plain, when satisfied, shall issue to such former member of the Armed Forces of the United States a permit, without charge, certifying him to be entitled to the

benefits of this chapter. An applicant who is issued a permit under this subsection must still comply with all other provisions of this chapter; provided, however, that nothing in this chapter shall prevent or in any manner interfere with the soliciting or peddling without the use of any but a hand-driven vehicle in any street, avenue, alley or lane of the Village by any honorably discharged member of the Armed Forces of the United States who is disabled as a result of injuries received while in the service of said Armed Forces and who is the holder of a license granted pursuant to Section 32 of the General Business Law.

Section 134-11 Hours.

Within the Village of Fort Plain soliciting or peddling is permitted between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday. Soliciting or peddling is prohibited outside those hours. Violations will make the violators subject to arrest and result in the rejection of future applications.

Section 134-12 Exemptions.

Except as otherwise provided herein, the following transactions shall be exempt from the provisions of this chapter:

- A. Peddling or soliciting for a charitable organization. Such peddlers or solicitors shall be subject to the provisions of this chapter limiting the house during which peddling or soliciting can occur.
- B. Peddling or soliciting by a political party or a political candidate. Such peddlers or solicitors shall be subject to the provisions of this chapter limiting the hours during which peddling or soliciting can occur.
- C. The peddling or milk or farm produce by farmers who produce such commodities.
- D. The delivery of food, goods, wares, merchandise, magazines, periodicals, produce, services or other commodities previously ordered by the occupant of the premises to which the same is delivered or on which the services are to be performed.
- E. The delivery of newspapers.
- F. The delivery of advertising matter, pamphlets, samples or handbills by representatives of the United States government or the government of the State of New York or some political subdivision thereof carrying out its regular duties.

Section 134-13 Noise restrictions.

No person engaged in soliciting or peddling or as a transient merchant shall hawk or cry his good, wares, merchandise, articles, contracts or services upon any of the streets or sidewalks of the village, nor shall he use any loudspeakers or horn or any other device on public property for announcing his presence by which members of the public are annoyed.

Section 134-14 Vehicle restrictions.

No persons engaged in soliciting or peddling or as a transient merchant shall park any vehicle upon any of the streets or alleys of the village in order to sort, rearrange or clean any of his goods, wares or merchandise or any samples, order books, contracts, circulars, literature or advertising matter pertaining thereto, nor may any such person place or deposit any refuse upon any street or curbstone market or soliciting or peddling office by parking any vehicle upon any street or alley in the village for longer than necessary in order to solicit from or peddle to persons residing in the immediate vicinity.

Section 134-15 Notice prohibiting peddlers and solicitors.

- A. An owner or occupant of a residential premises located in the Village of Fort Plain may post a notice as hereinafter set forth prohibiting peddlers and solicitors. The notice shall be placed in a conspicuous place adjacent to the main entrance door so as to be plainly visible to a peddler or solicitor calling at the premises.
- B. It shall be the duty of every solicitor or peddler, upon going onto private property, to first determine whether a notice prohibiting peddlers and solicitors is posted.
- C. If the notice states "peddlers or solicitors prohibited" or words of similar import, then the solicitor or peddler shall immediately and peacefully depart from the premises without delivering or leaving advertising matter, literature, pamphlets, samples or handbills or ringing the doorbell or otherwise disturbing the occupant.
- D. Any solicitor or peddler who has entered upon private property, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

Section 134-16 Uninvited or Invited Solicitors or Peddlers - Departure from premises Required.

It shall be the duty of every solicitor or peddler going onto any premises in the Village of Fort Plain, whether uninvited or invited, to immediately and peacefully depart from the premises when requested to do so by the owner or occupant.

Section 134-17 Carrying of License required.

The license required by this chapter and photo identification shall be carried at all times by the solicitor or peddler for whom it was issued when soliciting or peddling in the Village of Fort Plain. The license and photo identification shall be exhibited by the solicitor or peddler whenever and wherever he or she be requested to do so by any police officer, Village official or person solicited.

Section 134-18 Penalties for offenses.

- A. Any violation by any person, organization or any provision of this chapter shall be deemed a violation punishable by a fine not to exceed \$250 and/or imprisonment for not more than 15 days for each separate offense.
- B. Each day that a violation of this chapter is committed or permitted to exist shall constitute a separate offense.

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconditional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Repealer.

All Ordinances, Local Laws, and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4. Effective date

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Section 5. Numerical/Lettering Designations

The chapter designations and numerical/lettering designations of the section and articles(s) included in the Local Law shall be delegated to the discretion of the General Code Publishers, which may renumber the chapter, sections and Article(s) included in this Local Law as necessary to accommodate incorporation of this Local Law in the Code of The Village of Fort Plain.