

TOWN OF SCHROON
Local Law No. 1 of the Year 1977
Regulation of Hawkers, Peddlers and Solicitors Law

Be it enacted by the Town Board of the Town of Schroon as follows:

SECTION 1. DEFINITIONS: Hawking, Peddling and Soliciting.

Any person, persons, firm, corporation or agent, of either sex, who, not having been requested or invited to do so by the owner or occupant of any residence or other place solicited, by means of telephone, by going from door-to-door, by standing in any street or public place in the territorial confines of the said Town of Schroon:

- a) Offers to sell merchandise, wares or goods;
- b) Take orders for delivery of merchandise, wares or other goods;
- c) Offers to purchase goods, wares or other goods;
- d) Offers to perform services immediately or at a future date, or offers to make, manufacture or repair any article or thing whatsoever for future delivery;
- e) Offers to make a future appointment for any of the above purposes.
- f) Gives a gift or handout and request a donation or contribution in oral or written form.

For the purposes of this Local Law, the following terms shall be considered synonymous: Solicitor, Hawker, Peddler, Itinerant Merchant, Transient Vendor, Purveyor and Door-to-Door Salesman.

SECTION 2. LICENSE REQUIRED. It shall be unlawful for any person or persons to solicit as defined in Section 1 of this Local Law within the Town of Schroon, Essex County, State of New York, without first having registered with the Town Clerk of the Town of Schroon, and having received and having in force and effect a license to do so, as per the provisions of this Local Law.

SECTION 3. EXCEPTIONS. The following persons or organizations shall not be required to obtain a license or pay any registration fee:

- a) Merchants or solicitors having an established place of business within the Town of Schroon, located in Essex County, State of New York, or their employees while acting within the scope of their employment. For the purpose of this Section, an established place of business shall mean a building or commercial residence in which a person transacts business and deals in goods, wares, merchandise or services which shall have been in operation for at least ninety (90) days:
- b) Farmers or truck gardeners, or their employees who sell or deliver products of their farm or garden;
- c) Religious, charitable and non-profit educational institutions or organizations located and home-based in the Town of Schroon, New York.

SECTION 4. LICENSE AND REGISTRATION PROVISIONS.

- a) Any person desiring to procure a license or to register to solicit within the corporate limits of the said Town of Schroon, New York, shall file with the Town Clerk of the Town of Schroon a written application, together with an employers authorization, if required, sworn to before a notary public, upon a form approved

by the Town Board. If the Town Clerk shall approve the application, within five (5) days thereafter, a license or registration card signed by the Town Clerk shall be issued authorizing the holder thereof to conduct business under the terms of this Local Law. This license shall not be assignable and any one who permits it to be used by any other person, and any other person who uses it, shall be guilty of a violation of this Local Law.

- b) In the event the Town Clerk denies the application the reasons therefore shall be stated. All appeals shall be to the Town Board of the Town of Schroon.
- c) No licenses shall be issued:
 - 1. To a person under the age of eighteen (18) years.
 - 2. To a person who has been refused a license within the past twelve (12) months, or who has had a license revoked within the last twelve (12) months, unless such person can demonstrate that the reasons for the rejection or revocation no longer exists.
- d) Every licensee while conducting business shall carry the license and exhibit the same upon demand.

SECTION 5. FEES.

- a) A fee of \$25.00 shall be paid before a license is issued. Such license shall expire six (6) months after it has been issued.
- b) Every applicant who is not a resident of Essex County or who represents any one whose principal place of business is outside the State of New York, shall file with the Town Clerk of the Town of Schroon a surety bond running to the Town of Schroon in the amount of \$1,000.00, said surety given by an insurance carrier licensed by the State Insurance Department of the State of New York, and conditioned upon the proposition that the applicant shall comply with this local Law and the laws of the State of New York and guaranteeing to any resident of the Town that all moneys paid down will be accounted for and applied according to the representations of the peddler, hawker, solicitor, or his or her agent, and that any property delivered or services rendered will be in compliance with representations made by the one so making any such representation. Such bond shall provide that action upon said bond may be brought by any person to whom a judgment has been awarded because of loss caused by such licensee's failure or default.

SECTION 6. VIOLATIONS AND PENALTIES.

- a) Any persons violating the provisions of this Local Law shall be liable to a fine not more than \$100.00 for each offense and/or fifteen (15) days in jail.
- b) Violation of any of the provisions of this Local Law shall also constitute disorderly conduct and the person violating the same shall be a disorderly person.
- c) Conviction of any violation of this Local Law shall also constitute and effect an immediate forfeiture of any license issued pursuant hereto.

SECTION 7. SAVING CLAUSE. If any paragraph, clause or provision or part thereof be declared by any Court of competent jurisdiction to be invalid and unenforceable, such declaration shall in no way affect the validity and enforceability of the remainder of such paragraph, clause or provision of this Local Law.

SECTION 8. EFFECTIVE DATE. This Local Law shall take effect immediately following adoption in accordance with the applicable provisions of the Municipal Home Rule Law of the State of New York.

Attachment A

APPLICATION FORM

APPLICATION FOR HAWKERS, PEDDLERS AND SOLICITORS LICENSE

FOR THE TOWN OF SCHROON, ESSEX COUNTY, NEW YORK

(Please print or type)

1. Applicants Name: _____

2. Age: _____

3. Home Address: _____

3a. Name, ages, home address of persons under 18 years of age working for applicant:

4. Name, Address and Telephone Number of Firm you represent: _____

5. Self-employed: (Yes) (No) Name: _____

5a. County and state where certificate of doing business filed: _____

6. Partnership: (Yes) (No) Name: _____

6a. County and state where partnership certificate filed: _____

7. Corporation: (Yes) (No) Name: _____

7a. State where certificate of incorporation filed: _____

7b. Immediate Supervisor's name: _____

8. Have you been refused a license within the past 12 months by any municipality? (Yes) (No)

8a. If yes, the name and address of such municipality: _____

9. Has any municipality revoked your license within the past 12 months? (Yes) (No)

10. If yes, the name and address of such municipality: _____

11. Is applicant a non-resident of Essex County, New York? (Yes) (No)

12. If a non-resident, he must procure a surety bond from a New York State insurance company in the sum of \$1000.00 running to the Town of Schroon.

13. Does applicant represent anyone whose principal place of business is outside the State of New York?
 (Yes) (No)

14. If so, he must obtain a surety bond from a New York State insurance company in the sum of \$1000.00 running to the Town of Schroon.

15. If a surety bond is given, insert the name and address of the agent issuing the bond and the name of the insurance company, and policy number:

Name and address of agent: _____

16. Description of merchandise, wares or goods to be sold or offered for sale or orders taken for and services to be performed: _____

17. Description of articles or items to be made gift or handout by applicant: _____

18. License plate number and state of registration of principal vehicle to be used by applicant: _____

Name (signature)

Title

Business

Sworn to before me this

_____ day of _____, 20____.

LICENSE FEE RATE: \$25.00 – LICENSE EXPIRES AUTOMATICALLY SIX MONTHS
AFTER IT HAS BEEN ISSUED. LICENSE NOT ASSIGNABLE OR TRANSFERABLE.