

**LOCAL LAW NO. 1 OF 2021**

**A LOCAL LAW AMENDING**

**TOWN OF SCHROON LOCAL LAW NO. 1 OF THE YEAR 1977**

**REGULATION OF HAWKERS, PEDDLERS AND SOLICITORS LAW**

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

**1. Authority** – This Local Law is adopted pursuant to New York Municipal Home Rule Law.

**2. Amendment** – Sections 1,2,3,4,5 and 6 of Town of Schroon Local Law No. 1 of 1977, entitled “Regulation of Hawkers, Peddlers and Solicitors Law” are amended to read as follows:

**SECTION 1. DEFINITIONS:** Hawking, Peddling and Soliciting.

Performance of any of the following activities by a person, persons, firm, corporation or agent, who has not 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 parking a vehicle or standing in any street or public place in the territorial confines of the said Town of Schroon:

- a. Offer to sell merchandise, wares or goods, including food and drinks;
- b. Take orders for delivery of merchandise, wares or other goods;
- c. Offer to purchase goods, wares or other goods;
- d. Offer 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. Offer to make a future appointment for any of the above purposes; or
- f. Give 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 shall be paid before a license is issued. The applicable fee shall be \$100.00 for the 2022 calendar year and thereafter as may be established from time to time by a Resolution of the Town Board and set forth in the Fee Schedule . 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 anyone 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 naming 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 \$500.00 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.
3. **Severability** The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.
4. **Repealer** All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed. In particular, this Local Law is specifically intended to amend the current Town of Schroon Local Law No. 1 of 1977 as herein described. All provisions of Local Law #1 of 1977 which are not specifically amended by this Local Law shall remain in full force and effect.
5. **Effective Date** This Local Law shall take effect immediately upon being placed on file by the Department of State as provided Municipal Home Rule Law or as otherwise provided by law.

**APPLICATION FOR HAWKERS, PEDDLERS AND SOLICITORS LICENSE  
FOR THE TOWN OF SCHROON, ESSEX COUNTY, NEW YORK**

1. Applicants Name \_\_\_\_\_
2. Date of Birth: \_\_\_\_\_
3. Home Address: \_\_\_\_\_
- 3A. Please Attach Name, Ages, Home Address of persons working for applicant: \_\_\_\_\_
- 3B Proof of Workman's Comp and NY Disability Insurance \_\_\_\_\_
4. 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, you must procure a surety bond from a New York State insurance company in the sum of \$1000.00 naming 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, you must obtain a surety bond from a New York State insurance company in the sum of \$1000.00 naming 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: \_\_\_\_\_

**19. ALL TRANSIENT MERCHANTS:**

- A. The MERCHANT hereby agrees to effectuate the naming of the municipality as an unrestrictive additional insured on the user's policy.
- B. The policy naming the municipality as an additional insured shall: be an insurance policy from an A. M. Best rated "secured" New York State licensed insurer; contain a 30 day notice of cancellation; state that the organization's coverage shall be primary coverage for the Municipality, its Board, employees and volunteers; and additional insured shall be provided with ISO endorsement CG2026 or its equivalent.
- C. The merchant agrees to indemnify the municipality for any applicable deductibles.
- D. Enclose a copy of the endorsement providing additional insured status.
- E. Required Insurance: Commercial General Liability Insurance. \$1,000,000 per occurrence / \$2,000,000 aggregate.
- F. Merchant acknowledges that failure to obtain such insurance on behalf of the municipality constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the municipality. The user is to provide the municipality with a certificate of insurance, evidencing the above requirements have been met. The failure of the municipality to object to the contents of the certificate or the absence of it shall not be deemed a waiver of any and all rights held by the municipality.

**N.Y.S. SALES TAX AUTHORIZATION NUMBER:** \_\_\_\_\_  
 YOU ARE REQUIRED TO NOTIFY THIS OFFICE IMMEDIATELY OF ANY CHANGE (S) IN THE INFORMATION SUPPLIED BY YOU ON THIS APPLICATION.  
 NOTE: False statements made herein are punishable by a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name (signature) \_\_\_\_\_  
 Title and Business \_\_\_\_\_

Sworn to before me this  
 \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

**LICENSE FEE RATE: \$100.00 – LICENSE EXPIRES AUTOMATICALLY SIX MONTHS  
 AFTER IT HAS BEEN ISSUED. LICENSE NOT ASSIGNABLE OR TRANSFERABLE.**