

STATE OF NEW YORK }
COUNTY OF ALBANY }

PUBLIC NOTICE

PLEASE take notice that the following ORDINANCE was duly adopted

At a special Town Board meeting of the Town of New Scotland, Albany County, New York, held at the Town Hall, New Scotland, New York, on the 27th day of May, 1981.

Present: Stephen P. Wallace, Supervisor; Wyman Osterhout, George Hotaling, Kenneth Tice, Herbert Reilly, Councilmen; Frederick Rister, Town Attorney; and Corinne Cossac, Town Clerk.

The following Ordinance was introduced by Councilman Wyman Osterhout who moved its adopted, and the same was seconded by Councilman Herbert Reilly.

HAWKING AND PEDDLING ORDINANCE OF THE TOWN OF NEW SCOTLAND

WHEREAS, a public hearing was duly held on the 27th day of May, 1981 immediately preceding the Special Town Board meeting, and all other matters and things required to be done by the Town Law and the State of New York in order that the Town Board may avail itself of the powers conferred by said laws, having been complied with:

Now, therefore, be it RESOLVED and ORDAINED by

JAMES E. GARDNER of the Town of Guilderland, being duly sworn, says that he is the publisher of THE ALTAMONT ENTERPRISE AND ALBANY COUNTY POST, a weekly newspaper printed and published in the Village of Altamont, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said ALTAMONT ENTERPRISE AND ALBANY COUNTY POST

..... *once each week for one week*

consecutively commencing on the ..24th.. day of

..... *July* 19..81..

..... *James E. Gardner*

..... *Robert Hagyard*

ROBERT HAGYARD
Notary Public, State of New York
Qualified In Albany County
Commission Expires March 30, 1983

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Town of New Scotland

ORDINANCE NO# 7

Adopted May 27, 1981

Hawking & Peddling Ordinance

PUBLIC NOTICE

PLEASE take notice that the following ORDINANCE was duly adopted

At a special Town Board meeting of the Town of New Scotland, Albany County, New York, held at the Town Hall, New Scotland, New York, on the 27th day of May, 1981.

Present: Stephen P. Wallace, Supervisor; Wyman Osterhout, George Hotaling, Kenneth Tice, Herbert Reilly, Councilmen; Frederick Riester, Town Attorney; and Corinne Cossac, Town Clerk.

The following Ordinance was introduced by Councilman Wyman Osterhout who moved its adopted, and the same was seconded by Councilman Herbert Reilly.

HAWKING AND PEDDLING ORDINANCE OF THE TOWN OF NEW SCOTLAND

WHEREAS, a public hearing was duly held on the 27th day of May, 1981 immediately preceding the Special Town Board meeting, and all other matters and things required to be done by the Town Law and the State of New York in order that the Town Board may avail itself of the powers conferred by said laws, having been complied with:

Now, therefore, be it

RESOLVED and ORDAINED by the Town Board of the Town of New Scotland as follows:

(Insert complete text of ordinance)

FURTHER RESOLVED and ORDAINED that the Town Clerk be, and she hereby is, directed to publish the foregoing Hawking and Peddling Ordinance in the Altamont Enterprise published in the Village of Altamont, New York, and post a copy of the same on the signboard maintained in the Town Clerk's Office and that Ordinance shall become effective ten (10) days after such publication and posting.

The foregoing was duly adopted by the following vote:

Aye: Stephen P. Wallace
Wyman Osterhout
George Hotaling
Kenneth Tice
Herbert Reilly

No: None

Hawking and Peddling Ordinance

Be it resolved and ordained by the Town Board of the Town of New Scotland as follows:

Section 1. TITLE. This ordinance shall be known and cited as the "Hawking and Peddling Ordinance of the Town of New Scotland".

Section 2. PURPOSE. For the purpose of regulating itinerant merchandising in order that the peace, health, safety, welfare and good order in the town, and of the inhabitants thereof, shall not be endangered or unduly disturbed.

Section 3. DEFINITIONS. For the purpose of this ordinance, The terms used herein are defined as follows:

(a) HAWKER and PEDDLER - Except as herein expressly provided, any person, principal or agent, who, in any public street or highway or public place, or by going from house to house or place of business to place of business, on foot, or on or from any vehicle standing in a street or highway, sells or barter, offers for sale or barter, or carries or exposes for sale or barter, any goods, wares, or merchandise, except as hereinafter exempted.

(b) SOLICITOR - 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 such services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

(c) ESTABLISHED PLACE OF BUSINESS - Any building, store or depository in which or where the person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits.

(d) PERSON - Any individual, firm, corporation (public or private), or company, and all other entities of any kind, any principal or agent thereof.

(e) MERCHANDISING - Refers to the selling, bartering, or trading, or offering to sell, barter or trade, any goods, wares, commodities or services.

Section 4. REQUIREMENT OF A LICENSE. It shall be unlawful for any person, within the limits of the Town of New Scotland, 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 license therefor.

Section 5. PROCEDURE FOR APPLICATION FOR LICENSE. Every applicant for a license as herein provided shall submit to the Town Clerk in duplicate a sworn application setting forth the following information, to wit:

(a) That he has never been convicted of a felony or misdemeanor (or, if so, giving the details)

(b) A detailed statement of the particular business, trade or occupation for which the license is requested.

(c) The number and kind of vehicles, if any, to be used by the applicant in carrying on the business for which the license is requested.

(d) The kinds of goods, wares and merchandise he desires to sell or the kind of service he desires to render.

(e) The name, address and age of the applicant, and two photographs; one to be used for the identification card and one for the application.

(f) The name and address of the person, firm or corporation he represents.

(g) The names and addresses of all partners, if a partnership, and the names and addresses of the principal officers, if a corporation, and the name and address of a person upon whom a legal notice may be served.

(h) Such other information as may be required by the Town Board.

Section 6. INVESTIGATION AND ISSUANCE OF LICENSE.

(a) If, as a result of such investigation, the applicant is found to have been convicted of a misdemeanor or felony, which in the judgment of the Town Clerk renders the applicant unfit or undesirable to carry on the trade or occupation involved, a license may be refused. The Town Clerk shall notify the applicant that his application is disapproved and that no license will be issued.

(b) If, as a result of such investigation, any person is, in the judgment of the Town Clerk an undesirable person or incapable of properly conducting the trade or business desired, a license may be refused. The Town Clerk shall notify the applicant that his application is disapproved and that no license will be issued.

(c) If, as a result of such investigation, the character and business responsibility of the applicant is found to be satisfactory, the Town Clerk shall, upon payment of the prescribed fee, issue a license to the applicant. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of said licensee, the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative.

(d) A license shall not be assignable. Any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person, shall be guilty of a violation of this ordinance.

(e) Each such license issued shall automatically expire on December 31, following the date of issuance thereof, but such license may provide for an earlier expiration date.

(f) No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least twelve (12) months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection or revocation no longer exists.

(g) Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand to any police officer or citizen.

Section 7. LICENSE FEES. The annual fee for each license issued pursuant to this ordinance shall be twenty-five dollars (\$25) per year, or ten dollars (\$10) per day or fraction thereof.

Section 8. EMPLOYEES OF LICENSEE. Any licensee using a motor vehicle may employ not more than two (2) persons to assist in selling and delivering the wares, but such persons shall so act only while accompanying a licensed peddler, hawker or solicitor.

Section 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 ordinance, 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 or suspension of all licenses suspended or revoked.

Section 10. REVOCATION AND SUSPENSION.

(a) Causes. Licenses issued under the provisions of this ordinance may be suspended or revoked by the Town Board of the Town of New Scotland after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for a license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as a hawker, peddler or solicitor.
- (3) Any violation of this ordinance.
- (4) Conviction of any crime or misdemeanor involving moral turpitude.
- (5) Conducting the business of peddling, hawking or soliciting in an unlawful manner or in such a

manner as to constitute a menace to health, safety or general welfare of the public.

(b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the licensee at his last known address at least five (5) days prior to the date set for hearing.

(c) In the event the Town Board determines that it is in the public interest to immediately suspend a license pending a hearing to revoke same, it may do so provided the licensee is served with notice of suspension in the manner provided for in Article 3 of the Civil Practice Law & Rules and provided that a revocation hearing is held no more than ten and no less than five days following the service of notice of suspension on the licensee. Upon service of the notice of suspension on the licensee, the licensee shall immediately discontinue any activity as a hawker, peddler or solicitor within the Town of New Scotland.

Section 11. RESTRICTIONS. A licensed hawker, peddler or solicitor shall:

(a) Not engage in such business on Sunday or 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 door bell, by shouting or crying out, or by any loud or unusual noise.

(f) Not stand or permit the vehicle used by him to stand in one (1) place in any public place or street for more than ten (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 sell confectionery or ice cream within five hundred (500) feet of any schoolgrounds between the hours of 8:00 a.m. and 4:00 p.m. on school days.

Section 12. EXEMPTIONS. Nothing in this ordinance 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 merchants having an established place of business within the town, or to their employees; or to the peddling of meats, fish, fruit and similar product by farmers and persons who produce such commodities; or to dealers in milk, baked goods, heating oil and daily newspapers; or to any licensed real estate brokers; or to any honorably discharged member of the United States armed forces of the United States who has procured a license

under Article 4 of the General Business Law of the State of New York; or to persons soliciting or collecting for any bona fide organization.

Section 13. SIGNS. Appropriate signs, as the Town Board of the Town of New Scotland shall deem necessary, may be erected by the Highway Department of the Town of New Scotland, at such places as the Town Board directs, within the Town of New Scotland, advising of the existence of this ordinance.

Section 14 PENALTIES FOR OFFENSES. Any person who himself, or by his clerk, agent, servant 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 ordinance, or who, upon having his license suspended or revoked, shall continue to act as a hawker, peddler or solicitor, shall, upon conviction, be punished by a fine not exceeding two hundred fifty dollars (\$250) for each violation. In addition, such person may be imprisoned for a period of not more than fifteen days. Each day on which such violation continues shall constitute a separate offense.

Section 15. SEVERABILITY. If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

Section 16. EFFECTIVE DATE. This ordinance shall take effect immediately pursuant to the provisions of Section 133 of the Town Law.

APPLICATION
For a License To:

Peddle or Hawk _____ in the Town of New Scotland.

To the Town Board of New Scotland:

Name _____ Date of Birth _____

Address _____ Age _____

Photo: _____

U.S. Citizen Yes ___ No ___ Enclose 2

Have you ever been convicted of a felony or a misdemeanor? _____

If so give details. _____

Number and kind of vehicles, if any, to be used in this business.

A detailed statement of the business, trade or occupation for which the license is requested. _____

Type of goods, wares, merchandise, or service to be rendered _____

Name and Address of firm or corporation you represent. _____

Names and addresses of all partners, if a partnership:

Names and addresses of all Officers, if a corporation:

Name and Address of a person upon whom a legal notice may be served:

A fee of \$25.00 must accompany this application, for a yearly license, OR \$10.00 for a daily license.

Dated: _____ Signature _____