



**Town of Mamaroneck**  
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## **MEMORANDUM**

**DATE:** March 16, 2018  
**TO:** Town Board  
**FROM:** Christina Battalia  
**SUBJECT:** Agenda Item for April 4<sup>th</sup> Town Board Meeting – Peddlers Law

Town Code Chapter 154 addresses legislation for Peddling and Soliciting (attached). At the worksession I would like to review the legislation with respect to the Peddler's Law.

Christina

*Town of Mamaroneck, NY  
Wednesday, March 28, 2018*

## Chapter 154. Peddling and Soliciting

[HISTORY: Adopted by the Town Board of the Town of Mamaroneck 2-17-1937 (Ch. 34 of 1975 Code).  
Amendments noted where applicable.]

### **GENERAL REFERENCES**

Conservation areas — See Ch. 77.

Noise — See Ch. 141.

Vehicles and traffic — See Ch. 219.

### § 154-1. Applicability.

This chapter shall apply only to that part of the Town of Mamaroneck outside of incorporated villages, and whenever and wherever the words "Town of Mamaroneck" are used, such words shall mean the Town of Mamaroneck outside of incorporated villages.

### § 154-2. Definitions.

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

#### **PARK, PARKING OR PARKED**

The stopping of a motor vehicle or motorcycle upon any public highway and leaving such motor vehicle or motorcycle unattended by a person capable of operating it for a period longer than necessary to load or unload passengers or freight.

#### **PERSON**

Includes individuals, copartnerships, corporations and incorporated and joint-stock associations.  
[Added 5-1939]

#### **SIDEWALKS**

That portion of the street between the physically established curblines and the designated property lines.

#### **STREET**

Every way set apart for public travel, except alleyways, bridle paths and footpaths.

#### **VEHICLE**

Every device by which any person or property is or may be transported or drawn upon the street.

### § 154-3. License required; application.

[Amended 7-1-1953; 7-17-1996 by L.L. No. 14-1996]

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- B. Interstate and solicited orders. The provisions of this chapter shall not apply to the selling, bartering or vending of goods, wares or merchandise where such goods, wares or merchandise are shipped from outside the state or where orders for goods, wares or merchandise are solicited and such goods, wares or merchandise are subsequently delivered.  
[Amended 5-3-1939]
- C. Food producers. The provisions of this chapter shall not apply to the selling, peddling or vending of meats, fish, fruits and farm produce by farmers and/or other persons who produce or catch such commodities.  
[Amended 5-3-1939]
- D. State-licensed parties. The provisions of this chapter shall not apply to the holder of a license granted pursuant to § 32 of the General Business Law.

## § 154-9. Licenses: cancellation; nontransferability; expiration.

Any and all licenses granted pursuant to this chapter are subject to cancellation by the Town Board upon cause therefor being shown, are not transferable and shall expire on the 31st day of December following issuance.<sup>[1]</sup>

- [1] *Editor's Note: Former § 34-11, Advertisements and exceptions, which originally followed this section, was deleted 7-17-1996 by L.L. No. 14-1996.*

## § 154-10. Prohibited times for peddling and soliciting.

[Added 2-20-2008 by L.L. No. 1-2008<sup>[1]</sup>

No person shall barter, sell, peddle, hawk or vend goods, wares, merchandise, produce or services of an established business upon the streets, roads, highways or public places of the Town or by going from house to house soliciting purchases before 9:00 a.m. (prevailing time) or after 6:00 p.m. (prevailing time).

- [1] *Editor's Note: This local law also provided for the redesignation of former § 154-10, Violations and penalties, to § 154-11.*

## § 154-11. Penalties for offenses.

- A. Any person violating any of the provisions of this chapter, as the same may be from time to time amended, for which no other penalty is provided, shall be guilty of a misdemeanor punishable by imprisonment for not more than one year or by a fine of not more than \$500, or both.  
[Amended 10-20-1954]
- B. Additional penalties.  
[Amended 12-17-1953]
  - (1) Violation of §§ 154-3 and 154-4 of this chapter shall subject the offender, for each offense, to a civil penalty not to exceed \$50.
  - (2) The penalty for violation as above provided shall be in addition to any fine provided for in § 154-11A.
  - (3)

**Every day or part thereof that such violation shall continue shall be deemed to be a separate and distinct violation of said several provisions of this chapter and shall render every person liable for a separate penalty for each such violation.**