

# **Town of Mamaroneck**Office of the Town Clerk, Town Center 740 West Boston Post Road, Mamaroneck, NY 10543-3353

Christina Battalia, RMC, CMC Mamaroneck Town Clerk TEL: 914/381-7870 FAX: 914/381-7813

CBattalia@townofmamaroneckNY.org

#### **MEMORANDUM**

DATE:

March 16, 2018

TO:

**Town Board** 

FROM:

**Christina Battalia** 

SUBJECT:

Agenda Item for April 4th 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]

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 unless a license so to do has previously been obtained by him from the Town Clerk. The applicant for such license shall register his name, address, date of birth and social security number with the Police Chief as a condition for obtaining such license.

## § 154-4. Vehicle license required.

#### [Amended 5-3-1939]

No vehicle of any kind or description drawn by an animal or animals or propelled by hand or other power shall be used for the barter and sale of goods, wares, merchandise or produce therefrom upon the streets, roads, highways or public places of the town unless a license therefor shall first have been obtained from the Town Clerk, which license shall at all times be displayed in a conspicuous place on the inside of such vehicle.

## § 154-5. Applications for licenses.

#### [Amended 5-3-1939]

Applications for licenses under this chapter may be refused by the Town Clerk, as provided by law.

## § 154-6. Personal permits.

#### [Amended 7-1-1953]

Where a vehicle has been licensed as provided in § 154-4 of this chapter, such license shall include the right of a driver or operator of such vehicle to sell, peddle, hawk or vend the goods, wares and merchandise carried in such vehicle; provided, however, that no person, including the owner of such licensed vehicle, shall operate the same without a personal permit to be issued by the Police Chief, upon the production of satisfactory proof of the fitness of the applicant therefor, and such permit shall expire on the 31st day of December after the issuance thereof, unless sooner revoked. Nothing herein contained shall be construed to permit any salesman or helper upon any vehicle for which a peddler's or hawker's license has been obtained to peddle, hawk or vend the goods, wares or merchandise carried in such vehicle, by means of any stand or box or otherwise than from the vehicle itself, unless a peddler's or hawker's license has been separately obtained for each such salesman or helper, in accordance with the provisions of § 154-3 of this chapter.

## § 154-7. License fees.

[Amended 5-3-1939; 7-17-1996 by L.L. No. 14-1996; 8-17-2011 by L.L. No. 8-2011] The fee for a license issued pursuant to this chapter is as set forth in § A250-1.

#### § 154-8. Exceptions.

A. Delivery vehicles. The provisions of this chapter requiring licenses for vehicles shall not be construed to require licenses for delivery vehicles owned by or used by grocers, bakers or other persons, firms or corporations having within the town a store, storehouse or warehouse for the sale or distribution of or an establishment for the manufacture of the merchandise carried in said vehicle nor for the drivers or operators of such vehicle.

- 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.