

**Chapter 102**  
**PEDDLING AND SOLICITING**

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[HISTORY: Adopted by the Board of Trustees of the Village of Harriman at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

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**§ 102-1. License required; when allowed.**

It shall be unlawful for any person to engage in the business, occupation or activity (hereinafter collectively referred to as "vending" or "to vend") of a hawk vendor, hawker, peddler, salesman, canvasser or solicitor of goods, wares and merchandise as buyer or seller (hereinafter called "vendor" or "vendors") in the public streets and places and from door to door within the corporate limits of the Village of Harriman, New York, on Sundays, holidays (as hereinafter defined) and prior to 9:00 a.m. or after 9:00 p.m. on any other day. It shall be unlawful for any person to engage in the business, occupation or activity of a vendor, hawker, peddler, salesman, canvasser or solicitor of goods, wares and merchandise as buyer or seller in the public streets, places and from door to door within the corporate limits of the Village of Harriman, New York, on the days and during the times when such vending is permitted as hereinabove mentioned without first applying for and securing a license (hereinafter called a "vendors license") as hereinafter provided.

**§ 102-2. Definitions.**

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

**HOLIDAYS** — Includes New Year's Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.

**LICENSING OFFICER** — The Village Clerk of the Village of Harriman.

**PERSON** — Includes one or more persons of either sex, natural persons, corporations, partnerships, associations, general-stock companies, societies and all other entities of any kind capable of being sued. Each natural person employed as a vendor or solicitor is required to apply for and obtain a license.

**PUBLIC PLACE** — A place other than private property.

**SOLICITOR** — Includes any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise or for service to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

**VENDOR, HAWKER and PEDDLER** — Includes, except as hereinafter expressly provided, any person, either principal or agent, who, from any vehicle or on any public street or public place or by going from house to house on foot or from any vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise.

**§ 102-3. Application requirements.**

An applicant for a license shall execute an application form at the office of the Village Clerk which application form shall require the following:

- A. The applicant's name, home, business and local address, if any.
- B. A physical description of the applicant, setting forth the applicant's age, sex, height, weight, complexion, color of hair and eyes and any other distinguishing physical characteristics.
- C. The name and address or local principal office of the person, firm, organization or corporation, if any, for or through whom or under whose auspices the applicant is authorized to conduct such activity; if a partnership, the names and addresses of the partners; if a corporation, the names and addresses of the president, vice president, secretary and treasurer; or a statement that the applicant is engaged in such activity solely on his own behalf. Also a copy of auto liability insurance is necessary.
- D. A brief description of the type or types of articles or services for which sales, purchases or orders are to be solicited.
- E. A statement as to the approximate amount to be collected by the applicant and whether in full or partial payment.
- F. The length of time during which the applicant intends to remain in the Village of Harriman for the purpose of engaging in such activity.
- G. A statement whether any license similar to or like that provided for in this chapter was issued or denied to the applicant within the current or prior calendar year, whether in the Village of Harriman or elsewhere, and, if issued, whether such license had been revoked, setting forth the reasons for such revocation.
- H. A statement as to whether the applicant has been convicted of any crime and, if so, the place where, the nature of the offense and the punishment or penalty assessed therefor or if the matter is pending.
- I. Credentials from the person, firm or corporation for which the applicant proposes to do business authorizing the applicant to act as such representative.

**§ 102-4. Applicant to submit identification.**

The applicant, at the time of executing such application, shall also submit identification satisfactory to the Police Department, which shall contain a specimen of the applicant's signature. All applicants will be fingerprinted and photographed by the Police Department.

**§ 102-5. Investigation of applicant.**

The Police Department of the Village of Harriman shall make such investigation as it shall deem necessary in connection with the issuance of such license.

**§ 102-6. Issuance of license; fee.**

- A. The license fees payable upon the issuance of a vendor's license shall be for residents and nonresidents of the village as set forth in Chapter 74, Fees.
- B. The license hereunder shall be issued by the licensing officer for a term expiring not more than seven days after issuance to such persons as the licensing officer shall deem fit and proper for such trade or occupation, after such investigation as the licensing officer deems necessary for the public good. Any applicant who shall have been refused a license by the licensing officer may apply to the Village Board of Trustees therefor at a meeting hereof, and the same may be granted or refused by the Board.

**§ 102-7. Suspension of license.**

The licensing officer may suspend any such license for any reported violation of this chapter or other sufficient cause shown until the next meeting of the Board of Trustees, and thereupon said license may be revoked or continued by the Board. Written notice of such suspension, together with the grounds thereof, and of the Board meeting shall be given to the licensed person by delivery to him or her in person or by mailing the same by registered mail addressed to his or her local address, if any, and if none is given in his or her application, then to his or her home or business address. At such Board meeting, the licensee shall have an opportunity to be heard. In the event that the license is revoked, there shall be no return of the license fee.

**§ 102-8. License nonassignable; renewal.**

The license herein provided for is not assignable. It may be renewed at its expiration only upon the execution and approval of a new application.

**§ 102-9. Regulations.**

- A. The vendor shall have such license in his or her possession at all times and shall exhibit the same at any time upon demand by any police officer, village official or the person approached by any vendor.
- B. A vendor shall not conduct activities in such manner as will interfere with the pedestrian or vehicular use of the public streets and places.

- C. He or she shall not directly or indirectly cause or permit the public streets and places to be littered with papers, wrappings or other debris or refuse.
- D. He or she shall not enter any house or building where there is posted on the front of the building or premises a written notice stating that vendors are not desired, unless the vendor has received the prior consent of the occupant thereof.
- E. He or she shall make no false statements or misrepresentations in the course of his or her activities and shall conduct himself or herself at all times in an orderly and lawful manner.
- F. He or she shall not use any sound device, other than a bell or horn, the sound of which shall not be of such volume as to be disturbing or offensive to the public, or shout or cry out for the purpose of attracting attention to his or her wares or giving notice of his or her approach.
- G. He or she shall not sell any confectionery or ice cream within 250 feet of any school property line between the hours of 8:00 a.m. and 4:00 p.m. on school days, except as permitted by the school authorities as to time and place.
- H. A vendor shall have in his or her possession at all times and shall exhibit upon demand of any police officer, village official or any person approached by such vendor proper identification of himself or herself, giving his or her name and address.

#### **§ 102-10. Weighing and measuring appliances.**

Any vendor carrying, keeping or using scales, measures or other appliances for weighing or measuring shall first have the same inspected by the County of Orange or other county authority and, if the latter shall find such appliances correct and true, he or she shall issue his or her certificate to that effect, and such certificate shall be affixed thereto in a conspicuous place. A vendor shall not carry, keep for use or use any such appliances which shall not be correct and true and do not record and give the weight and quantity claimed by said vendor.

#### **§ 102-11. Exemptions.**

The following transactions shall be exempted from the provisions of this chapter, and no license or license fee shall be required in the following cases, except that registration by completion of the license application shall be required:

- A. An honorably discharged member of the Armed Forces of the United States who is disabled as a result of injuries received while in the service of said Armed Forces.
- B. A veteran of the Armed Forces of the United States and a surviving spouse of any such veteran who shall have obtained a license from the Orange County Clerk pursuant to the provisions of § 32 of the General Business Law of the State of New York. However, such person must present the license issued by the County Clerk to the village licensing officer, who will issue a village license without payment of any fee. Such person shall otherwise be subject to the requirements of this chapter.
- C. Vendors of meats, fish, fruit and farm produce by farmers and persons who produce such commodities.

- D. Salesmen calling on and selling directly to governmental, business and commercial establishments.
- E. Salesmen duly licensed by the State of New York while engaged in the activity for which they are licensed.
- F. Minors 18 years of age or under engaged in providing such services as snow shoveling, grass cutting, leaf raking, lawn clearing and other similar home services as an independent contractor.
- G. Solicitations, sales or offers on behalf of a society, association or corporation organized and operated exclusively for charitable, educational, civic, patriotic, benevolent, religious or philanthropic purposes and not for pecuniary benefit, no part of the net earnings of which inure to the benefit of any private shareholder or individual which has a permanent office or place for the conduct of its business within the Village of Harriman, New York, when such solicitation, sale or offer is carried out on behalf of such society, association or corporation by volunteers or persons employed on an annual basis for fixed wage or salary.
- H. Solicitations at the regularly appointed meetings or services in the regular place of worship or exercises of any church, religious society, lodge, benevolent order or fraternity, labor union, veterans' organization or political party, fire company or any branch thereof.
- I. Sales conducted pursuant to statute or order of any court.
- J. Persons having an established place of business within the village or their employees soliciting orders from customers and delivering the same.

**§ 102-12. Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

### APPLICATION FOR PEDDLING LICENSE

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Phone Number of Applicant: \_\_\_\_\_

Business Name: \_\_\_\_\_

If incorporated set forth principal officers of your corporation on a separate sheet annexed hereto

Address of Business: \_\_\_\_\_

Telephone Number of Business: \_\_\_\_\_

### VEHICLE INFORMATION

If a vehicle is used in the operation of peddling, please list the following information

VEHICLE YEAR	VEHICLE MAKE	REGISTRATION NUMBER/ STATE
_____	_____	_____
_____	_____	_____

### INSURANCE

#### Vehicle Insurance Policy

Name of Company: \_\_\_\_\_

Policy #: \_\_\_\_\_

Amounts of Coverage: \_\_\_\_\_

#### General Liability Insurance

Name of Company: \_\_\_\_\_

Policy #: \_\_\_\_\_

Amounts of Coverage: \_\_\_\_\_

A copy of the insurance binder of policy must be annexed hereto. Each policy must show endorsement to provide the Village of Harriman with ten days' notice of any material change or intention to cancel said policy for any cause.

A brief description of the type or types of articles or services for which sales, purchases or orders are to be solicited: \_\_\_\_\_

A statement as to the approximate amount to be collected by the applicant and whether in full or partial payment: \_\_\_\_\_

The length of time during which the applicant intends to remain in the Village of Harriman for the purpose of engaging in such activity: \_\_\_\_\_

Does your business involve "weighing" a product? \_\_\_\_\_

If yes, please attach a certificate from NYS Sealer of Weights and Measures certifying that all weighing and measuring devices to be used have been examined and approved by that office.

Does your business involve the handling of food? \_\_\_\_\_

If yes, please attach a license from the Orange County Health Department.



VILLAGE OF HARRIMAN  
1 CHURCH STREET  
HARRIMAN, NY 10926

(845) 783-4421  
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### APPLICATION FOR PEDDLING LICENSE

As per Village Code Section §74-5 E, the fee for a hawking and peddlers license is \$200.00 per year. Such fee will be waived if applicant meets the requirement in Section 102-11.

Also all applicants must submit a copy of all driver's licenses, vehicle registration, vehicle insurance and company or corporation's insurance with this application. If you are working for a person, firm or corporation for which the applicant proposes to do business you need credentials authorizing the applicant to act as such representative. If you are a company or corporation each natural person employed as a vendor or solicitor is required to apply for and obtain a license.

The Police Dept of the Village of Harriman shall make such investigation as it shall deem necessary in connection with the issuance of such license.

**ANY FALSE STATEMENTS CONTAINED IN THIS APPLICATION SHALL BE GROUNDS FOR DENIAL/REVOCAION ON THE LICENSE.**

**ANY QUESTIONS, PLEASE CONTACT THE DEPUTY CLERK, BARBARA SINGER AT 845-783-4421.**

The above license is \_\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED

Signature of Representative from Police Department: \_\_\_\_\_