



**Village of Chester Police Department**

47 Main St.

Chester, NY 10918

(845) 469-4111

(845) 469-5009 Fax

[www.villageofchesterny.com/police](http://www.villageofchesterny.com/police)

Peter J. Graziano Jr., Chief

**License Application for Peddling and/or Soliciting**

*in the*

**Village of Chester**

**Chapter 71 of the Code of the Village of Chester**

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

**Name of Business:** \_\_\_\_\_

**Applicant's Home Address:** \_\_\_\_\_

**Home Phone:** (    ) \_\_\_\_\_

**Business Address:** \_\_\_\_\_

**Business Phone:** (    ) \_\_\_\_\_

**Nature Of Business or Activity and Merchandise or Services for sale:** \_\_\_\_\_

**Address of Applicant Last Five Years:** \_\_\_\_\_

Have you ever had a license to conduct the described business denied or revoked?

(Circle One) YES NO

Have you ever been arrested for a Misdemeanor? (Circle One) YES NO

If YES, List Date of Arrest, Location, Nature of Offense and Date of Conviction: \_\_\_\_\_

---

---

---

---

Have you ever been arrested for a Felony? (Circle One) YES NO

If YES, List Date of Arrest, Location, Nature of Offense and Date of Conviction: \_\_\_\_\_

---

---

---

---

Length of Time the License is Requested: \_\_\_\_\_

The place where the merchandise or services to be sold or offered for sale are manufactured or produced, the place where such goods or property are located at the time such application is filed and the proposed method of delivery: \_\_\_\_\_

---

---

---

---

---

**If a Vehicle is to be used, please fill in below:**

**Plate:** \_\_\_\_\_ **VIN:** \_\_\_\_\_

**State:** \_\_\_\_\_ **Make:** \_\_\_\_\_ **Color:** \_\_\_\_\_

**Model:** \_\_\_\_\_ **Year:** \_\_\_\_\_

**Registered Owner Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_

**Phone:** ( ) \_\_\_\_\_

**Each Application MUST be accompanied by:**

- A Photograph of the applicant taken within 60 days of the date of application, clearly showing the head and shoulders of the applicant and shall measure 2" x 2".
- Two (2) business references located in Orange County, New York or in lieu thereof, such other available evidence of the character and business responsibility of the applicant as will enable an Investigator to properly evaluate such character and responsibility.
- Fingerprints of the applicant (complete fields below):

Sex \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Eyes \_\_\_\_\_

Hair \_\_\_\_\_ Date of Birth \_\_\_\_\_

Social Security No. \_\_\_\_\_

***Authorized Drivers: (Use Reverse if necessary)***

**Name:** \_\_\_\_\_ **Driver's Lic #** \_\_\_\_\_ **State:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

## **Bonding Requirements**

Prior the license issuance, the applicant shall file with the Village Clerk a bond in the amount of One Thousand (\$1,000.00) dollars, which bond shall be executed by the proposed licensee as principal in a surety company license to do business in the State of New York, which said bond shall remain in force and effect for the term of the license to be issued and shall be conditioned as follows:

1. To indemnify and pay the Village of Chester for any penalties or costs incurred in the enforcement of any of the provisions of this chapter.
2. To indemnify or reimburse any purchaser of personal property from the licensee in a sum equal to at least the amount of any payment such purchaser may have been induced to make through the misrepresentation as to the kind, quality or value of the personal property, whether the misrepresentations were made by the licensee or said licensee's agents, servants or employees either at the time of making the sale or through any advertisement printed or circulated with reference to such personal property or any parts thereof.

## **License Fees**

License fee shall be as listed below and shall be paid by cash, certified check or money order at the time of application. **The license fee is non-refundable.**

Village and Town Residents - \$100.00  
Orange County Residents - \$150.00  
Out of County Residents - \$250.00

**CODE OF THE VILLAGE OF CHESTER**

**Chapter 71**

**Peddling and Soliciting**

- § 71.1 Legislative Intent
- §71.2 Definitions
- §71.3 License
- §71.4 Bonding Requirements
- §71.5 Investigation; Issuance or Denial of License
- §71.6 Fees; Exemptions
- §71.7 General Regulations
- §71.8 Revocation
- §71.9 Appeals
- §71.10 Penalties For Offenses

[HISTORY: Adopted by the Board of Trustees of the Village of Chester during certification; see Ch 1, General Provisions, Art. II. Amendments noted where applicable]

**§71.1 Legislative Intent.**

This chapter is enacted to regulate the distribution of certain materials, peddling, soliciting and relate activities with in the Village. The licensing of persons engaged in the above-mentioned activities is required so that the identity of persons going door to door or distributing materials within the Village may be established, so that general regulations may be more effectively enforced, for the protection and maintenance of health, safety and welfare of the inhabitants of the Village and to prevent dishonest business practices and dishonest solicitation of funds in the Village.

## **§71.2 Definitions.**

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

**DISTRIBUTOR** – Any person who distributes or causes to be distributed on any street or public place within the Village any newspaper, periodical, book, magazine, handbill, circular, card or pamphlet or printed material of any kind.

**MERCHANDISE** – All goods, wares, food, meat, fish, ice cream, fruits, vegetables, magazines, periodicals, printed material, farm products, services and orders or contracts for services, home improvement or alterations, and anything that may be sold or distributed by peddlers, solicitors or distributor as used herein.

**PEDDLER** – Any person, whether a resident of the Village or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance, carrying or transporting merchandise for the purpose of selling or delivering the merchandise to customers. The word “Peddler” shall also include the word “Hawker” and “Huckster”.

**PERSON** – Any individual, firm, partnership, corporation, organization, club, association or any principal or agent thereof.

**SOLICITOR** – Any person, whether a resident of the Village or not, who goes from house to house, from place to place or from street to street, traveling by foot, automotive vehicle or any other type of conveyance, soliciting, taking or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services, and whether or not he is collecting advance payments on such sales or orders, or who engages in any of the foregoing activities from a stationary location on any street or other public place. The word “Solicitor” shall also include the word “Canvasser” or any person who goes from door to door as described above for the purpose of soliciting and/or collecting funds or who solicits and/or collects funds from a stationary location on any street or public place.

TRANSIENT MERCHANT – Any person engaging in the activities commonly referred to as “Transient Merchant” or “Itinerant Vendor,” who merchandises or sells with the intent to close out or discontinue such business within a period of one (1) year from the date of commencement and occupies a room, building, tent, lot or other premises for the purpose of selling merchandise.

**§71.3 License.**

- A. It shall be unlawful for any Peddler, Solicitor, Distributor or Transient Merchant to sell, offer for sale, or distribute merchandise, printed material or services within the Village without first applying for and obtaining a license therefore.
- B. Applications for licenses required by this chapter shall be made in writing to the Chief of Police and shall be accompanied by the required fee.
- C. Each application shall contain the following information:
  - 1) Name of the applicant. If the applicant is acting as an agent for a corporation or other person, the name and address of the corporation or other person shall be given.
  - 2) Name under which the business or activity is to be conducted, if different from that of the applicant.
  - 3) Present address of the applicant.
  - 4) Address of the business or activity to be conducted.
  - 5) Nature of the business or activity and of the merchandise or services to be sold or offered for sale.
  - 6) Residence of the applicant during the past five (5) years, if an individual.
  - 7) Whether the applicant has ever had a license to conduct the business herein described denied or revoked.
  - 8) Details of any arrests or convictions for Misdemeanors or Felonies, including the nature of the offense for which arrested or convicted, the

date of the conviction, if any, and the place where said conviction was obtained.

- 9) Business telephone number of the applicant.
- 10) The length of time for which the license is desired.
- 11) If a vehicle is to be used, a description of such vehicle and its license number.
- 12) The place where the merchandise or services to be sold or offered for sale are manufactured or produced, the place where such goods or property are located at the time such application is filed and the proposed method of delivery.

D. Each application shall be accompanied by the following:

- 1) A photograph of the applicant taken within sixty (60) days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two by two (2x2) inches.
- 2) Two business references located in County of Orange, State of New York, or in lieu thereof, such other available evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and responsibility.
- 3) The fingerprints of the applicant.

#### **§71.4 Bonding Requirements.**

- A. Prior to the issuance of any license, the applicant shall file with the Village Clerk a bond to the Village in the amount of one thousand dollars (\$1,000.00), which bond shall be executed by the proposed licensee as principal in a surety company licensed to do business in State of New York, which said bond shall remain in force for the term of the license to be issued and shall be conditioned as follows:

- 1) To indemnify and pay the Village for any penalties or costs incurred in the enforcement of any of the provisions of this chapter.
  - 2) To indemnify or reimburse any purchaser or personal property from the licensee in a sum equal to at least the amount of payment such purchaser may have been induced to make through the misrepresentation as to the kind, quality or value of the personal property, whether the misrepresentations were made by the licensee or said licensee's agents, servants or employees either at the time of making the sale or through any advertisement printed or circulated with reference to such personal property or any parts thereof.
- B. The aforesaid bond shall be declared forfeited upon proof of falsification in the application for a license.
- C. Said bond shall be deemed forfeited upon proof of violation of any of the provisions of this chapter by the applicant or his agents, servants or employees.
- D. The Chief of Police may, in his discretion, exempt persons from the bond requirement, provided that the applicant satisfies the Chief that the nature of his activity does not jeopardize the position of the Village or the protection given herein to the residents.

#### **§71.5 Investigation; Issuance or Denial of License.**

- A. Upon receipt of an application, the Chief of Police shall cause such investigation to be made as may be deemed necessary to verify the information contained in the application and to determine the suitability of the applicant to receive a license under the terms of this chapter.

B. Upon completion of the investigation, the Chief of Police shall deny the issuance of a license for any of the following reasons:

- 1) Misrepresentations or materially false information in the application.
- 2) Prior conviction of the applicant for a crime involving moral turpitude.
- 3) Revocation of a prior license similar to that for which the application is now made.
- 4) Noncompliance with the laws, ordinances, rules or regulations of the State, County or Village.

C. In the absence of any cause for denial of a license, the Chief of Police shall issue a license to the applicant in the form prescribed by the Board of Trustees.

**§71.6 Fee; Exemptions.**

A. The fees to be paid for a license to engage in the occupation of Peddler, Solicitor, Distributor or Transient Merchant shall be Two-Hundred Fifty (\$250.00) dollars per year. No license shall be valid for more than one (1) year.

B. Where an organization has several agents peddling, soliciting or distributing merchandise or printed material, each agent shall be licensed separately and each shall pay the appropriate fee.

C. The following persons are exempt from the payment of a fee and, in the discretion of the Chief of Police, from the investigation process upon compliance with all other provisions of this chapter and submission of applicable identification and documents to support their claims to exemption:

- 1) Any charitable or religious society that shall conduct sales of personal property when the proceeds therefrom shall be applied to the payment of

the expenses thereof and to the charitable or religious object for which the society exists.

- 2) Any person possessing a peddler's license issued in conformity with New York State General Business Law §32.
- 3) Any person selling fruits and farm products grown by himself, with or without the help of others.
- 4) Any person engaged in the delivery of goods, wares or merchandise or other articles or things, in the regular course of business, to the premises of persons who had previously ordered the same or were entitled to receive the same by reason of prior agreement.
- 5) Any school, political or civic organization, benevolent society, service club or nonprofit organization, which is located in or has a substantial membership from the Village.

#### **§71.7 General Regulations.**

No person or holder shall:

- A. Peddle, solicit or distribute merchandise except between the hours of 8:00 a.m. and 6:00 P.M., unless specifically having been invited into a house by the occupant or having made an appointment with a person previously.
- B. Attempt to peddle, solicit or distribute merchandise or printed material without first having identified himself as a peddler, solicitor or distributor registered with the Village and displaying his license.
- C. Have exclusive right to any location in the public streets or operate in any congested area where his operations might impede or inconvenience the public.
- D. Leave at a property or house or in any public place circulars, samples or other matter, except newspapers, which shall be defined as a periodical with a paid circulation of at least ninety percent (90%) of its total circulation. Except when handed to a person or house occupant.

- E. Enter or attempt to enter the land of any resident in the Village without an express invitation from the occupant of the house.
- F. Conduct himself in such a manner as to become objectionable to or annoy an occupant of any house.
- G. Shout, cry out or blow a horn, ring a bell or use any sound making or amplifying device upon any of the streets, parks or public places of the Village or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, parks, or other public places of the Village or upon private premises therefrom, for the purpose of attracting attention to any merchandise or device.
- H. Distribute obscene merchandise or printed material or that which advocates unlawful conduct.
- I. Litter the streets, public places or properties within the Village with any merchandise or printed material (See also Chapter 59 Littering)

#### **§71.8 Revocation.**

- A. Licenses issued under the provisions of this chapter may be revoked by the Chief of Police, in writing, for any of the following reasons:
  - 1) Fraud, misrepresentation or false statement contained in the application for a license.
  - 2) Fraud, misrepresentation or false statement by the licensee in the course of conducting the business licensed.
  - 3) Any violation of this chapter or any other law or ordinance of the Village, County or State.
  - 4) Conviction of any crime involving moral turpitude.

5) Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

B. Revocation of a license may be appealed to the Board of Trustees in the manner set forth in §71.9. The licensee may not operate the business licensed or engage in the activity during pendency of said appeal.

### **§71.9 Appeals.**

Any person aggrieved by the denial or revocation of a license shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk, within ten (10) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board of Trustees shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant. The decision of the Board of Trustees on such appeal shall be final and conclusive.

### **§71.10 Penalties for Offenses.**

Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding Two-Hundred Fifty (\$250.00) dollars or by imprisonment for a term not exceeding fifteen (15) days, or both such fine and imprisonment.