



INCORPORATED VILLAGE OF LINDENHURST

430 SO. WELLWOOD AVENUE - LINDENHURST, NEW YORK 11757

PEDDLING AND SOLICITING

JANUARY 2017 – DECEMBER 2017 CHAPTER 129, LINDENHURST VILLAGE CODE LICENSE APPLICATION

INSTRUCTIONS:

This application should be submitted to the Village Hall, 430 South Wellwood Avenue, Lindenhurst, New York 11757. Please answer all questions and note that the applicant's signature must be notarized.

All drivers of vending vehicles operating in Lindenhurst must have a Safety Training Course Certificate from Suffolk County. A copy of this certificate is necessary before a Village License will be issued.

This application must be accompanied by a non-refundable application fee of **(25) twenty-five dollars**. The annual license fee should not be submitted until and unless the application is approved. (Not applicable to church, veterans, school or charitable organizations).

NO MUSIC TO BE PLAYED AFTER 10:00 P.M.

1. Name, residence address and date of birth of the applicant (if a partnership or club, give the name, residence address, and date of birth of each partner or club officer).

Name

Residence Address

D.O.B

Phone #

2. If applicant is a stock corporation, state the following:

a) Corporation name: _____

b) Name and address of the directors or other governing body:

c) Names and residence addresses of the corporation officers:

3. Location of the applicant's principal place of business:

4. Is the applicant a citizen of the United States?

5. Has the applicant ever been convicted of any crime, misdemeanor, or violation of any municipal law or ordinance?

Yes No

If yes, state the nature of the crime or violation, the court where convicted, and the date of the penalty assessed or sentence imposed.

6. State in detail the particular business, trade or occupation for which the license is required.

7. State the manner or means of conveyance in which the business shall be conducted (motor vehicle, pushcart, sidewalk stand, house to house, etc.)

8. State the location or locality where the business will be carried on:

9. Name and address of person upon whom process or other legal notice may be served:

10. List the proposed hours and days during which the business will be conducted.

11. If a motor vehicle will be used, state the make, year and license plate number for each vehicle.

I, _____, do hereby certify that the above information is true and correct, and that I intend to comply fully with the provisions of Chapter 129 of the Lindenhurst Village Code, and all other Village ordinances and laws.

Signature of Applicant

Sworn before me this _____

day of _____, 20_____.

Notary Public

CHAPTER 129 PEDDLING AND SOLICITING

[HISTORY: Adopted by the Board of Trustees 8-28-1968 by Ord. No. 1-1968 as Ch. 33 of the 1968 Code of the Village of Lindenhurst. Sections 129-2A(4) and (5), 129-3C and 129-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Licensing Officer — See Ch. 15.

Licensing — See Ch. 103.

[Amended 6-10-1975 by L.L. No. 8-1975]

No person, association, partnership or corporation engaged in itinerant trading shall solicit the sale of or hawk, peddle, vend, sell or dispose of any goods, wares or merchandise of any description in or upon the public streets, roads, highways or parkways or public places of the Village of Lindenhurst or upon private property by calls from house to house within said village; nor shall any person hawk, vend, peddle, auction, solicit orders or cry any goods, wares, merchandise or commodities of any kind or have a stand for the sale or display of any merchandise of any description or solicit any orders for any magazines, books, merchandise or other commodities throughout or in any of the streets or public places of the Village of Lindenhurst or by going from house to house within said village, unless a license shall first have been secured therefor from the Licensing Officer of said village.

§ 129-2 License fees.

A. The license fees payable by each peddler shall be as follows:

[Amended 8-20-1987 by L.L. No. 8-1987]

(1) Using a motor-driven vehicle, including a trailer or house car: \$75.

(2) Using a horse-drawn vehicle: \$75.

(3) Using a pushcart or any other vehicle: \$75.

(4) Carrying merchandise on his person: \$75.[1]

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

(5) Solicitor or canvasser going from house to house: \$75.[2]

[2] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

B. All peddler licenses shall be issued annually and shall expire on December 31 next succeeding the date of issuance thereof.

§ 129-3 Application.

A. Every applicant for a license is required to submit to the Licensing Officer a written application supplying under affidavit the following information: that he is a citizen of the United States; that he has never been convicted of a felony or misdemeanor; state in detail the particular business, trade or occupation for which the license is required; state the manner or means of conveyance in which said business or trade or occupation shall be conducted; state the locality within which it is desired to carry on or engage in said trade, business or occupation, and the name of the person or persons, firm or corporation applying for such license, specifying the residence of such person or persons or the residence of the persons composing any such firm or the principal place of business of any such corporation and the name of the officer, in the case of a corporation, upon whom process or other

legal notice may be served and also the date(s) of birth of said person(s); and that he is a fit and desirable person and is capable of properly conducting the trade or occupation desired.

[Amended 6-10-1975 by L.L. No. 8-1975]

B. If the applicant uses scales and/or measures in connection with his business, he shall also file with his application a certificate issued by the County Sealer of Weights and Measures that such scales and/or measures have been tested and sealed.

C. A nonrefundable fee of \$10 shall accompany each application.

[Added 6-10-1975 by L.L. No. 8-1975[1]]

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 129-4 Display of license number.

Every such licensee using any vehicle in conducting business thereunder shall have and keep the number of his license painted in conspicuous figures on a metallic sign on a conspicuous place on the side of such vehicle, and, if any person uses or employs more than one vehicle for such business, he shall procure a separate license for each of such vehicles. Every peddler, solicitor or canvasser not using any vehicle shall wear conspicuously on the right breast of his outer coat a badge in such form as shall be prepared by the Licensing Officer, which shall contain the number of his license. Failure to properly display the required license number shall be presumptive evidence of failure to obtain said license.

§ 129-5 Certain places of business prohibited.

[Amended 6-10-1975 by L.L. No. 8-1975]

A. No peddler, vendor, hawker, canvasser or huckster shall peddle, vend, canvass or sell his goods or wares within 200 feet of any lands occupied exclusively as a public or private school or for school purposes; nor shall such peddler, vendor, hawker, canvasser or huckster permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property; nor shall such peddler, vendor, hawker, canvasser or huckster peddle, vend, canvass or sell his goods or wares on the following streets within the Village of Lindenhurst: North Wellwood Avenue from the incorporated village line south to the railroad tracks; South Wellwood Avenue from the railroad tracks to Lane Street; North Hoffman Avenue; South Hoffman Avenue; Merrick Road, also known as "Montauk Highway"; Sunrise Highway; North Delaware Avenue; South Delaware Avenue; East John Street; New Highway; Straight Path; and Strongs Avenue.

B. No peddler, vendor, hawker, canvasser or huckster shall peddle, vend, canvass or sell his goods or wares on any public property, including but not limited to any public park or recreation area and any public marina or dock, unless written permission is first received from the Board of Trustees of the village.

C. It shall be unlawful for any peddler or solicitor, in plying his trade, to ring the bell or knock upon or enter any building whereon there is painted or otherwise offered or displayed to public view any sign containing any or all of the following words: "No peddlers"; "No solicitors"; "No agents"; or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.

D. No peddler, vendor, hawker or canvasser shall peddle, vend, canvass, sell or otherwise dispose of his goods or wares from a vehicle, trailer or any other type of stand located on private property, unless

such stand shall meet all the requirements of the Building Code of the village as a structure and shall have been inspected and approved by the Village Building Inspector or his designated agent.

[Added 5-24-1983 by L.L. No. 3-1983]

E. No peddler, vendor, hawker or canvasser shall remain stationary upon any public property, including streets, sidewalk areas, parks and all other public property, for the purpose of peddling, vending, canvassing, selling or otherwise disposing of goods and wares, unless said peddler, vendor, hawker or canvasser is actually engaged in the process of transacting a sale.

[Added 5-24-1983 by L.L. No. 3-1983][1]

[1] Editor's Note: Original §§ 33-5.1, 33-5.2 and 33-5.3, which provided standards for the operation of vehicles and which immediately followed this subsection, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 129-6 Exceptions.

[Amended 8-28-1973; 6-10-1975 by L.L. No. 8-1975]

A. Any church, charitable institution, veterans' organization or authorized school organization or persons hawking or peddling on behalf of any church, charitable, veterans' or school organization shall be required to obtain a license. However, for such organizations, the license and application fees shall be waived.

B. For such organizations, the license shall be valid for one month from the date of issuance, although it may be renewed at the discretion of the Licensing Officer.

§ 129-7 Licensing Officer.

[Added 6-10-1975 by L.L. No. 8-1975]

A. The Licensing Officer of the village is hereby authorized and empowered to establish reasonable rules, regulations and requirements in conjunction with the issuance of hawking and soliciting licenses.

B. The Licensing Officer of the village may suspend or revoke any license pursuant to the provisions of Chapter 15 of the Lindenhurst Village Code, entitled "Licensing Officer."

§ 129-8 Penalties for offenses.

[Amended 6-10-1975 by L.L. No. 8-1975[1]]

Any person, association, partnership or corporation violating any provisions of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$50 and not more than \$1,000 for each violation, or by imprisonment not to exceed 30 days or a combination of both.

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.