

PROPOSED-LOCAL LAW NO. 1 2018
REGULATING PEDDLER, VENDOR, SOLICITOR,
AND MOBILE FOOD TRUCK PERMITS IN THE TOWN OF CAMBRIA

Definitions

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

APPLICANT- Any person by or for whom an application is made.

CHARITABLE ORGANIZATION- Any benevolent, philanthropic, patriotic, military veterans, not-for-profit, educational or religious association qualified as a tax-exempt organization under Section 501 of the Internal Revenue Code and any government entity or organization including a school district, fire district and fire company.

EVENTS - Located within the Town of Cambria Town Park such as but not limited to: any sporting games or tournaments, concerts, etc.

MOBILE FOOD VEHICLE (MFV)- A commercially manufactured, self-contained, motorized mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for service, sale or distribution.

MOTOR VEHICLE- Shall mean any vehicle used for displaying, storing or transporting of articles for sale by a vendor or peddler which is required to be licensed and registered by the State Department of Motor Vehicles. The term is to include trucks, trailers and automobiles.

PEDDLER- A person who engages in peddling.

PEDDLING- Selling or offering for sale, barter or exchange any property or service for immediate or future delivery, or performance upon any street, road, or highway or from house to house in the Town, including without limitation, activities commonly known as "hawking". Also delivery or distribution of advertising matter, literature, pamphlets, samples or handbills house to house or on any streets, roads or highways or by going from place to place in Town, but not including the delivery or distribution of newspapers, magazines or political or religious materials.

PERSON- A natural person, corporation, partnership, association, joint venture, society or other organization or association of any kind, whether acting as principal, agent, employer or employee.

PRIVATE PARTY- At a shelter within the Town of Cambria Town Park, exclusive only to the shelter rented.

PUBLIC PLACE- A place other than private property.

SOLICITOR- 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.

TOWN- The Town of Cambria.

VENDOR OR HAWKER Except as hereinafter expressly provided, any person, either principal or agent, who, from any boat or car, on a railroad track or on any public street or public place, or by going from house to house on foot or from any animal or vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise.

Peddler, Vendor, Solicitor Permit

It shall be unlawful for any person to act as a peddler or solicitor, as herein defined, except in conformity with the provisions of this local law and without first having obtained and paid for and having in force and effect a permit issued to said person as provided for herein.

I. Application for permit; fee

Every applicant applying for a permit is required to execute an application at the office of the Town Clerk and submit to the Town Clerk a nonrefundable application fee of \$100.00. Fees may be changed from time to time by resolution of the Town of Cambria Town Board. There is a (3) three business day waiting period from the time the application is submitted to the time the permit is granted or denied. A written and signed application supplying, under oath, the following information shall be provided by applicant:

1. Provide driver's license or non-driver's ID, credentials/badge, brochure/flier of goods/services.
2. Full name.
3. Date of birth. You must be 18 years of age or older.
4. Legal home address.
5. Local address if applicable.
6. Home phone number and any other contact number.
7. Description of the nature of the business and the goods/services to be sold.
8. Company name.
9. Company address.
10. Company contact person and phone number.
11. Indicate if a similar permit has ever been revoked, where it was revoked from and the date(s).
12. Length of time requested to do business.
13. Indicate if you are working alone or in a group. List the name of each person you are working with on the Group Form.
14. Provide vehicle information to include make, model, year, color, plate number and state.
15. Applicant must sign the registration form in front of the Clerk/Notary Public.
16. A photograph 2 inches by 2 inches taken within 30 days of the date of application for such license. Such photograph shall show full head, full face and shoulders of applicant and shall be submitted in duplicate. One copy of the photograph shall be attached to the application and one copy shall be attached to the permit if granted.
17. Are you under any lawful prohibition from traveling into NYS or engaging in this occupation?

II. Terms

The permit issued hereunder is valid for 90 days from the date it is approved. Such permit shall be signed by the Town Clerk and include the name and address of the applicant, photograph of the applicant and the dates the permit is valid for. A peddler or solicitor shall:

- a) Produce his or her permit upon the demand of any person.

- b) Not willfully misstate the quantity or quality of any article offered for sale.
- c) Not offer for sale any article of an unwholesome or defective nature.
- d) Not call attention to his or her goods or services by personally or through the use of another person, blowing a horn, by ringing a bell other than a house doorbell, by shouting, crying or using sound amplification equipment or by any loud or unusual noise.
- e) Not operate his or her business so as to cause a nuisance.
- f) Not engage in any permitted activity between sunset and 9:00 a.m. local time.
- g) Not attempt to enter a building, ring a doorbell or knock on the entrance door to any residence building at which a notice stating in substance "peddlers or solicitors are prohibited" is posted.

III. Exemptions

The following people/groups are exempt from the licensing requirements, but shall otherwise be required to comply with provisions in **Section II Terms- b-g** of this Local Law:

- a) All religious, non-profit, and charitable organizations, including school groups, provided that such groups are selling goods as part of a designated event to benefit such group.
- b) The sale of fresh produce by the grower of such produce in a designated and/or permitted farmers market/road side stand.
- c) Any resident of the Town while engaged in merchandising on his or her own property. (yard sale, garage sale, estate sale, etc.)

Mobile Food Vehicle (MFV)

A Mobile Food Vehicle (MFV) must submit an application and nonrefundable application fee to the Town Clerk of the Town of Cambria and obtain a permit prior to conducting business within the Town. There is a 24 hour waiting period from the time of application until the permit shall be issued.

IV. Application for permit

Information to be included in the application is:

- 1. Business name
- 2. Owner/Operator name, address, phone number
- 3. Type of food to be sold
- 4. Provide valid County Department of Health Permit or certificate

V. Types of Permits, Fees

TOWN PARK and TOWN HALL CONCERTS

Private Party Per Occasion: The owner/operator must first obtain a Town of Cambria Mobile Food Vehicle Permit prior to the event by submitting the non-refundable application fee of \$35.00 along with the name and phone number of the renter and the shelter number. This permit is only valid for the specified date and time it is approved for. This permit is only valid at the shelter for which it is approved.

Any violation of this, shall subject the owner/operator to a penalty as described in this Local Law, including revocation of its MFV permit.

Seasonal Permit (park season): The owner/operator must first obtain a Town of Cambria Mobile Food Vehicle Permit prior to the event by submitting the non-refundable application fee of \$350.00. The owner/operator can only operate within the Town Park from April 1st through November 1st.

Revocation of permit

No revocation will be implemented without prior written notification to the applicant either in person or by certified mail, after which time he/she shall be given an opportunity to be heard on the matter. The decision regarding revocation will be determined by the Town Clerk with close consultation with the Town Board. In the event that the permit is revoked, there shall be no return of the registration fee.

VI. Penalties for offenses

An offense against the provisions of this ordinance shall constitute a civil violation and shall be punishable by a fine of not more than \$250.00.