

**VILLAGE OF WARWICK
APPLICATION FOR PEDDLERS PERMIT AND LICENSE**

Name _____ Date of birth _____ / _____ / _____

Height _____ Weight _____ Build _____ Eyes _____ Hair _____

Other identifying marks _____

Social Security Number _____ - _____ - _____ Drivers ID _____

Address (legal) _____

Address (mailing) _____

Email Address _____ Cell Phone # _____

A brief description of the nature of business _____

Type of goods to be sold _____

If employed, name of employer _____

Title of position with employer _____ Employer phone # _____

Employer address _____ Length

of time permit is desired _____ *Refer to attached permit fee schedule

Vehicle being used Year _____ Make _____ Model _____ Color _____ State _____

Has applicant ever been convicted of any crime or municipal ordinance? _____

If yes, state penalty _____

Signature of Applicant _____ Date _____

Result of Police Department Investigation

Applicant's business responsibility and character found satisfactory -
Approved by investigating officer _____

Applicant's business responsibility and character disapproved -
Disapproved by investigating officer _____

Reasons for same _____

Pending further investigating until date _____

Police permit executed and addressed to applicant date _____

Officer _____ Title _____

VILLAGE OF WARWICK
PEDDLER PERMIT FEES AND APPLICATION INSTRUCTIONS

Upon application, the following items must be submitted to the Village Clerk, Village of Warwick, 77 Main Street, Warwick, NY 10990:

- Complete application for peddlers permit and license
- **\$50 application/background check fee**; payable to the Village of Warwick
- Photocopy of driver's license
- Two passport sized photographs (2"x2") of applicant taken 60 days immediately prior to the filing date showing the head and shoulders of applicant in clear and distinguished manner

Upon approval, the applicant is required to provide the applicable permit fee, payable to the Village of Warwick, as per the schedule below in order for a permit to be issued.

Code of the Village of Warwick, New York
SCHEDULE OF FEES

Peddlers

Foot peddlers		§ 95-5
Application fee	\$50	§ 95-3
Per week	\$50	
Per month	\$100	
Per year	\$100	
Peddlers using a hand- or pushcart		§ 95-5
Application fee	\$50	§ 95-3
Per week	\$75	
Per month	\$150	
Per year	\$200	
Peddlers using a wagon, motor vehicle, railroad car or other vehicle or conveyance		§ 95-5
Application fee	\$50	§ 95-3
Per week	\$100	
Per month	\$200	
Per year	\$300	
Each helper or assistant to those using a vehicle		§ 95-5
Per week	\$30	
Per month	\$60	
Per year	\$90	

ARTICLE I
Peddling
 [Adopted 9-12-1956 as Ord. No. 83]

§ 95-1. Definitions.

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

PEDDLER — Includes any person, whether a resident of the Village of Warwick or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance; and one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this Article shall be deemed a "peddler" subject to the provisions of this Article. The word "peddler" shall include the words "hawker" and "huckster."

PERSON — Any person, firm or corporation, association, club copartnership or society, or any other organization. The word "person" shall include the singular and plural.

§ 95-2. Permit and license required.

- A. It shall be unlawful for any person to engage in the business of a peddler, as defined in § 95-1 of this Article, within the limits of the Village of Warwick without first obtaining a permit and license therefor as provided herein.
- B. The provisions of this Article shall not apply to veterans authorized to obtain county licenses or to crippled veterans exempted from licensing requirements by Sections 32 and 35, respectively, of the General Business Law.¹

§ 95-3. Application for permit and license; application fee.

- A. Applicants for a permit and license under this Article must file with the Village Clerk a sworn application, in writing and in duplicate, on a form to be furnished by the Village Clerk, which shall give the following information:
 - (1) The name and description of the applicant.
 - (2) The address (legal and local) of the applicant.
 - (3) A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.
 - (4) If the applicant is employed, the name and address of the employer, together

1. Editor's Note: Added during codification; see Ch. 1, General Provisions, Article II.

with credentials establishing the exact relationship.

- (5) The length of time for which the right to do business is desired.
 - (6) If a vehicle is to be used, a description of the same, together with license number or other means of identification.
 - (7) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which pictures shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
 - (8) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- B. At the time of filing the application, a fee as set forth in Chapter 63, Fees, shall be paid to the Village Clerk to cover the cost of investigation. **[Amended 12-1-1992 by L.L. No. 10-1992]**

§ 95-4. Investigation of applicant; issuance of permit and license.

- A. Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.
- B. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons for the same, and return the said application to the Village Clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.
- C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return such permit, along with the application, to the Village Clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license, but no such license shall be issued until the lapse of 48 hours following the filing of an application therefor. Saturdays, Sundays and holidays shall be excepted in such computation. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Clerk shall keep a permanent record of all licenses issued.

§ 95-5. License fees.

- A. For the purpose of this article, any period of seven calendar days or less shall be

considered one week; any period of more than seven calendar days and not more than 30 calendar days shall be considered one month; any period of more than 30 calendar days and not more than one calendar year shall be treated as a year. The annual fees herein provided for shall be assessed on a calendar year basis, and on and after July 1 the amount of the fee for such annual licenses shall be 1/2 the amount stipulated for the remainder of the year.

- B. Fees for the following shall be as set forth in Chapter 63, Fees. **[Amended 4-10-1989 by L.L. No. 4-1989]**
- (1) For each person proposing to peddle on foot.
 - (2) For each person proposing to peddle by using a handcart or pushcart.
 - (3) For each person proposing to peddle by using a wagon, motor vehicle, railroad car or other vehicle or conveyance.
 - (4) For each helper or assistant to those using a vehicle, which helpers must procure the permit and license as herein provided for peddlers.
 - (5) No fee shall be required of one selling products of the farm or orchard actually produced by the seller.

§ 95-6. Transfer of license prohibited.

No license issued under the provisions of this article shall be used at any time by any other person than the one to whom it was issued.

§ 95-7. Use of loud noises and sound devices prohibited.

No peddler nor any person in his behalf shall shout, make an outcry, blow a horn, ring a bell or use any sound device, including any loudspeaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places of said Village or upon any private premises in the said Village where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

§ 95-8. Location restrictions.

- A. No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall be be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
- B. The issuance of a license will not constitute permission to peddle within 250 feet of any school building or playground, or public park.

§ 95-9. Exhibition of license.

Peddlers are required to exhibit their licenses at the request of any citizen.

§ 95-10. Enforcement.

It shall be the duty of any police officer of the Village of Warwick to require any person seen peddling, and who is not known by such officer to be duly licensed, to produce his peddler's license and to enforce the provisions of this article against any person found to be violating the same.

§ 95-11. Required records.

The Chief of Police shall report to the Village Clerk all convictions for violation of this article, and the Village Clerk shall maintain a record for each license issued and record the reports of violations therein.

§ 95-12. Revocation of permit and license; notice of hearing.

- A. Permits and licenses issued under the provisions of this article may be revoked by the Board of Trustees of the Village of Warwick after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for license.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler.
 - (3) Any violation of this article.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address, at least five days prior to the date set for hearing.

§ 95-13. Appeals.

Any person aggrieved by the decision of the Board of Trustees with reference to the revocation of a license, as provided in § 95-12 of this article, shall have the right to appeal to the Board of Trustees of the Village of Warwick. Such appeal shall be taken by filing with the Clerk of the Board, within 14 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 of appeal. The Board shall set a time and place for a hearing on such

appeal and notice of such hearing shall be given to the applicant in the same manner as provided in § 95-12 of this article for notice of hearing or revocation. The decision and order of the Board of Trustees on such appeals shall be final and conclusive.

§ 95-14. Expiration of license.

All annual licenses issued under the provisions of this article shall expire on the 31st day of December in the year issued. Licenses other than annual licenses shall expire on the date specified in the license.

§ 95-15. Penalties for offenses. [Amended 6-14-1976 by L.L. No. 7-1976 (Art. XIV)]

Any person committing an offense against any provision of this article shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.