



VILLAGE OF RHINEBECK  
76 EAST MARKET STREET  
RHINEBECK, NEW YORK 12572-1697

845-876-7015  
845-876-5583 FAX

## **PEDDLING AND SOLICITATION PERMIT APPLICATION**

Any person, whether a resident or not, that is selling goods for sale either by foot, vehicle, or any other type of conveyance must first obtain a license from the Village Clerk's Office.

### **Finger Print Investigation**

A fingerprint investigation is required prior to a permit being issued. To initiate the fingerprint investigation the applicant must first make an appointment with Morpho Trust. Please visit the MorphoTrust website at: <http://www.identogo.com>. Here you will be able to schedule your own appointment and pay for the fingerprinting process. The total fee for fingerprinting will be paid to MorphoTrust.

### **Other Requirements**

Applicant must attach to this application the following information and return to the Village Clerk:

- Copy of New York sales tax number
- Driver's license or other valid identification
- List of items being sold
- Seven (7) photographs (2 inches by 2 inches) showing the head and shoulders of the applicant
- Vehicle registration (if applying for a vehicle permit)

1. Name and address and telephone number (Legal): \_\_\_\_\_

2. Name and address and telephone number (Local): \_\_\_\_\_

3. A brief description of the nature of the business and the kind of goods or property to be peddled or solicited. Provide a sample or explanatory list of the same.

\_\_\_\_\_

4. If employed by the owner of licensed vehicle, the name and address of such employer, together with credential establishing the exact relationship.

\_\_\_\_\_

5. If other than employment, state the nature of the business relationship, the name, address and telephone number of the other contracting party together with credential establishing the exact relationship.

\_\_\_\_\_



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6. If for a vehicle license of if a vehicle is to be used in the peddling or solicitation, a photo and description of the vehicle, together with license number, owner's name or other means of identification.

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7. If the applicant is a company, the name, address, telephone number and title of the officer of the company upon whom process or other legal notice may be served.

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8. If you claim exemption from payment of fees, please explain. \_\_\_\_\_

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9. Name, address, telephone number (Local), copy of driver's license or other valid identification of each employee involved in the kind of goods or property to be peddled or solicited. Please use an additional sheet if needed.

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10. Term for which license is requested: From: \_\_\_\_\_ To: \_\_\_\_\_

**STEPS:**

1. Complete the attached application by fully and accurately answering all of the questions.
2. Please attach a copy of driver's license or other valid identification of all personnel that will be doing solicitation or peddling. Failure to do so may revoke privileges.
3. Submit the application together with any supporting documents to the Village Clerk (845-876-7015) any weekday during office hours.
4. The Village and its designated departments and agencies will review the application and may require that additional information be provided. The Village will notify the applicant in writing of its decision.
5. The Village may impose conditions in an approved application which it deems necessary to protect the public and insure a well-managed event.
6. The Village will require that it be named an additional insured on a \$1,000,000 liability insurance policy for every special request which is held in the Village of Rhinebeck and the applicant shall comply with the limits as set forth on the attached sample certificate of liability insurance.
7. A special request application that is not approved may be appealed to the Board of Trustees in writing within five (5) business days from notification of denial or an approval with conditions.
8. Complete the attached application by fully and accurately answering all of the questions.

**Acknowledged and Agreed: Yes ( ) No ( )**

**Signature of Applicant:** \_\_\_\_\_

INCORPORATED



APRIL 23, 1834

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**Date:** \_\_\_\_\_

**Once the investigation is complete the applicant and the Village Board has made a decision, applicant will be notified to pick up the license from the Village Clerk's Office.**

**Fees**

Fee for each vehicle \$125

Peddlers license: \$50 per month /\$500 per year

*Thursday, August 6, 2015*

**Chapter 83. PEDDLING AND SOLICITING**

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

**GENERAL REFERENCES**

Noise — See Ch. 75.

§ 83-1. Definitions.



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

**CANVAS AND CANVASSEER**

Shall be considered synonymous with the terms "solicit" and "solicitor."

**COMPANY**

Any association of individuals, partnerships, firms, corporations, societies or any other organization.

**MERCHANDISE, GOODS, WARES, LABOR OR SERVICES**

Includes all personal property, provisions, items or products intended to be sold and all types of labor or personal services to be rendered.

**PEDDLE**

To go personally from house to house, from store to store, from place to place or from street to street, or to deal out, distribute or dispense, to sell and make immediate delivery or to offer for sale and delivery any merchandise, goods, wares or provisions in possession of the seller, or labor or personal services, at any place within the Village of Rhinebeck other than from a fixed place of business, but shall not include mailing.

**PEDDLER**

Any person or company who peddles, as herein defined. The words "peddler," "hawker," and "huckster" are considered synonymous terms.

**PERSON**

Only a natural person, whether a resident of the Village of Rhinebeck or not.

**SOLICIT**

To go from house to house, from store to store, from place to place or from street to street, to sell or take orders for goods, wares, merchandise or provisions for future delivery, or for labor or services to be performed at any place within the Village of Rhinebeck, or to distribute advertising matter, but shall not include mailing.

**SOLICITOR**

Any person or company who solicits as herein defined.

**STATIONARY LOCATION**

Includes any point or distance within 0.3 of a mile in all directions of a stationary location.

**§ 83-2. License required.**

It shall be unlawful for any person or company to peddle or solicit within the Village of Rhinebeck without having first obtained a valid license therefor as provided herein.

**§ 83-3. Information required on license application.**

An application for a license shall contain the following information:

- A. The name and description of the applicant.
- B. The address of the applicant (local and legal).
- C. A brief description of the nature of the business and the kind of goods or property to be peddled or solicited.
- D. If employed by the owner of a licensed vehicle, the name and address of such employer, together with credentials establishing the exact relationship.
- E. If for a vehicle license, a description of the vehicle, together with license number or other means of identification.
- F. If the applicant is a company, the name and address and title of the officer of the company upon whom process or other legal notice may be served.

**§ 83-4. Investigation of application; issuance of license.**

A. Upon receipt of such application, one copy shall be referred to the Rhinebeck Police Department for such investigation of the applicant to be made as deemed necessary for the protection of the public good.

B. If such investigation should prove the applicant to have been convicted of a misdemeanor under the Penal Law of the State of New York within the last five years or a felony within the last 10 years of the date that such investigation is conducted, the Police Department shall attach to the application a copy of such record and shall return the application to the Village Clerk, who shall notify the applicant that his application is disapproved and that no license will be issued on said application.

C. If, as a result of such investigation of the applicant, no such convictions referred to in Subsection B are found to exist, the Police Department shall attach a statement to the application that it has no record of the applicant and shall return said application to the Village Clerk. Upon return of such application and approval by the Village Clerk and the payment of the prescribed license fee by the applicant, the Village Clerk shall prepare and deliver to the applicant his license and tag. Such license shall contain the Seal of the Village and the signature of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued, the kind of goods to be peddled or solicited thereunder, the amount of fee paid, the license number, the date of issuance and the date of expiration of such license, as well as the state license number or other identifying description of vehicles, if for a vehicular license.

D. The Village Clerk shall keep a record of all licenses issued.

**§ 83-5. Fees.**

The fees for peddling permits shall be established from time to time by resolution of the Board of Trustees. A schedule of the current fees is on file in the office of the Village Clerk

**§ 83-6. Issuance of permit; replacement.**

A. To each person, company or corporation licensed under this chapter, the Village Clerk shall issue a written permit which shall bear the words "peddler or solicitor," the number of the license and the calendar year for which the license is issued, in figures plainly discernible. Such permit shall be kept on the person of the licensee or, if a company or corporation, its employee or agent during such time as said licensee is plying his trade.



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B. To each person licensed under this chapter who loses his permit issued by the Village Clerk, the Village Clerk shall issue a replacement, upon said person's submitting an affidavit setting forth the facts surrounding the loss of said permit.

### § 83-7. Possession and display of license.

Every peddler or solicitor licensed under this chapter shall have his license in his immediate possession at all times when peddling or soliciting and shall display the same upon demand of any person.

### § 83-8. Nontransferability of license.

No license, license plate or badge issued under the provisions of this chapter may be transferred from one person to another person or from one vehicle to another vehicle, nor shall the badge so issued be used or worn at any time by any other person than the one to whom it was issued.

### § 83-9. Use of stationary locations restricted.

No peddler or solicitor 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 for longer than 10 minutes in any one location, which shall include a distance of 0.3 of a mile in all directions from any one location.

### § 83-10. Prohibited acts.

A. It shall be unlawful for any person in engage in peddling or soliciting before the hour of 9:00 a.m. of any day or after sunset of any day or after the hour of 7:00 p.m. of any day, whichever occurs first.

B. It shall be unlawful for any peddler or solicitor in plying his trade to enter upon any premises or property or to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed 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.

C. No peddler or solicitor shall peddle, vend or sell his goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall be permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property.

D. No solicitor shall solicit any business whatsoever at the scene of any accident within the Incorporated Village of Rhinebeck.

### § 83-11. Use of scales or measures.

If the applicant for a peddler's or solicitor's license uses scales or measures in his business, he shall also file with his application for a license a certificate issued by the Dutchess County Sealer of Weights and Measures that his scales or measures have been tested and sealed.

### § 83-12. Applicability to holders of veterans' licenses.

Any honorably discharged veteran of the Armed Services of the United States who has obtained a veterans' license from the Dutchess County Clerk to hawk, peddle, vend or solicit trade on the streets and highways of the Village of Rhinebeck shall be exempt from the provisions of § **83-5** of this chapter. In lieu of a license as prescribed in § **83-6A** of this chapter, the Village Clerk, upon approval of the veteran's application, will issue a badge and permit to said veteran to ply his trade in the Village of Rhinebeck, subject to all other provisions of this chapter. Said permit will be stamped in ink on the face of the County license. In those instances where the veteran owns his own vehicle to be utilized in plying his trade, a vehicle plate will be issued.

### § 83-13. Exemptions.

A. Religious, charitable and not-for-profit organizations shall be exempt from the provisions of this chapter, provided that, at least 10 days prior to entering the Village for soliciting, canvassing or selling purposes, the person or persons involved shall register with the Village Clerk, providing their identity and advising of the time and location within the Village of their proposed activity.

B. The provisions of §§ **83-2** to **83-8**, inclusive, of this chapter shall not apply to the peddling of fish, fruit or farm produce by persons who produce such commodities. This exemption shall apply only to natural persons and shall not be construed to include farmers or other persons who buy goods for resale, as well as selling their own produce, or to any helper or employee of such exempt person.

### § 83-14. Interstate commerce.

Any person or company who solicits orders for goods, wares, merchandise or provisions for future interstate delivery to any place in the Village of Rhinebeck shall be exempt from the payment of any fees as set forth in § **83-5** of this chapter upon presentation of proper proof to the Village Clerk that said person or company is actually engaged in interstate commerce. If the Village Clerk shall determine that such person or company is actually engaged in interstate commerce and all other provisions of this chapter have been complied with, the Village Clerk shall issue a registry certificate in lieu of a license and a badge indicating that such person or company is properly registered hereunder. All of the provisions of this chapter shall apply to all such persons and companies registered pursuant to this section.

### § 83-15. Entering privately owned buildings.

It shall be unlawful for any solicitor or peddler, either licensed or unlicensed, to enter any privately owned building for the purpose of selling merchandise, without receiving a request by the owner or lessee of that property inviting the peddler or solicitor to enter upon that building for the purpose of making a sale.



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### § 83-16. Enforcement.

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

### § 83-17. Revocation of license.

A. Licenses issued under the provisions of this chapter may be revoked by the Village Clerk of the Village of Rhinebeck 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 or solicitor.
- (3) Any violation of this chapter.
- (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 menace to the health, safety or general welfare of the public.

B. Notice of a hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the 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.

C. The Village Clerk, upon receiving information giving him reasonable cause to believe that the holder of any license issued hereunder has violated any provisions of this chapter or has been convicted of any violation referred to in this section or indicted or charged with or for any crime or offense or has been convicted of any crime or offense, may forthwith temporarily suspend such license until a hearing is held by him as provided herein and the Village Clerk shall have issued his determination thereon.

### § 83-18. Appeals.

Any person aggrieved by the action of the Police Department or the Village Clerk in the denial of the application for a license as provided in § 83-4 of this chapter, or in the decision of the Village Clerk with reference to this revocation of a license as provided in § 83-17 of this chapter, shall have the right to appeal to the Village Board of the Village of Rhinebeck. Such appeal shall be taken by filing, 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 such appeal. The Village Board shall set a time and place for a hearing or such appeal, and notice of such hearing shall be mailed to the applicant at his last known address at least five days prior to the date set for the hearing. The decision and order of the Village Board on such appeal shall be final and conclusive.

### § 83-19. Penalties for offenses.

Any person committing an offense against any provision of this chapter 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 chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.