

The City of Poughkeepsie New York



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Poughkeepsie, New York 12602
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HAWKING AND PEDDLING INSTRUCTION SHEET

Before applying for a license, you should fully understand what a license allows you to do, where you can vend, where you cannot vend. It is up to you to decide if you want a license knowing that these conditions apply. If you do obtain a license and do not adhere to the restrictions, you will be issued a summons to appear in court by the police department.

- A Hawking & Peddling License does not give you permission to sell citywide. It is unlawful in all city parks without a special permit and is prohibited in certain areas and streets. Please read Section 10-17 for complete details.
- A Hawking & Peddling License does not allow you to set up a permanent stand on the street or to vend from a parked truck... You may only stop while in the actual process of selling to a customer; otherwise, you must be in motion. Please read Section 10-16 for complete details.

Processing time will be approximately two (2) weeks.

Applications for Hawking and Peddling are to be obtained from the City Chamberlain's Office. Three (3) **completed** applications must be **notarized**, reviewed by the City Chamberlain's Office, and submitted to the Records Office of the Police Department.

You will need to attach the following to your applications:

- Driver's License
- Vehicle Registration
- Vehicle Insurance

- 3 Passport Size Photos taken within the last 30 days
- Dutchess County Health Department Food Permit (**only if selling food**)
- Weights and Measures Certificate (**only if required**)
- DD 214 Discharge Certificate or Notification Letter from Veterans Affairs (**only if required by Veteran's Exemption**)
- ONE (1) Postal Money Order ONLY for Fingerprinting (make payable to The City of Poughkeepsie) in the amount of \$75.00. If you apply for a permit before it expires, the fingerprint fee will be waived. All other types of money orders WILL NOT be accepted.

Applications are approved by the Police Department and you will be notified by the City Chamberlain's Office, via telephone when to pickup your license. When you pickup your license, the appropriate fee is due. You may pay by Visa/Mastercard, money order, cash, certified check, or business check. Should your application be denied, you will receive a notice by mail from the City Chamberlain's Office. Please allow two weeks for processing your application.

HAWKING AND PEDDLING FEES

\$200.00	Full Season Fee (May 1 to April 30 of following year)
\$125.00	6 Month Fee (October 30 to April 30 of following year)
\$25.00	Daily Fee
\$75.00	Lost/Stolen Replacement License Fee

PLEASE NOTE: Should you receive any violation for vending without the proper license, your license for the current year will be revoked. If you violate any of the guidelines listed in the attached ordinance, your license will be revoked and subject for review. Read the ordinance carefully. Thank you for your patronage.

APPLICATION FOR
HAWKING AND PEDDLING

Name: _____

Address: _____

Phone: _____

Place(s) of Residence for the Past Five (5) Years (Street, City, State, Zip Code):

ARE YOU A U.S. CITIZEN: YES NO

If not, please provide permanent resident number: _____

Business or Employers for the Past Five (5) Years (including location(s)):

Age: _____ **Height:** _____ **Weight:** _____

Eye Color: _____ **Hair Color:** _____

Place of Birth (City, State, Country):

Date of Birth (Month, Day, Year):

Have you ever been convicted of a felony, misdemeanor, or violation of any municipal ordinance, except traffic violations? Yes No

(If you indicated yes, please list the date, court ordinance(s) violated, and sentence of the court)

Date: _____

Ordinance(s) Violated: _____

Sentence: _____

Have you been previously licensed in any occupation? Yes No

(If you indicated yes, please list the type of license, where it was issued, and for what time periods)

Type: _____

Location of Issuance: _____

Time Period: _____

Have you ever had a license revoked? Yes No

(If you indicated yes, please provide the date of revocation, and the reason(s))

Date of Revocation: _____

Reason(s): _____

Name and address of the person, firm, or corporation the applicant represents or is employed by:

Name: _____

Address: _____

The particular business, trade, or occupation for which the license is requested including a brief description of the nature of the business and the kinds of goods or property to be peddled, hawked, or solicited:

Number of Days you intend to vend goods: _____

Manner in which goods will be transported:

Foot Motorized Vehicle Both-Foot & Motor Vehicle

If you are using a motor vehicle, please indicate type (make/model/year):

Make: _____ **Model:** _____

Year: _____

Registration Information:

Insurance Information:

(To operate a motorized vehicle, you must submit with your application a copy of your current State-Issued Driver's License, your current registration, and your current insurance card. If the registration and insurance card are not in your name, the person named must personally present said information and sign an affidavit)

New York State Sales Tax I.D. Number:

Do you use a weighing and measuring device in the sale of goods? Yes No
(If you indicated yes, you must submit a certificate from the Dutchess County Sealer of Weights & Measures with your application)

Are you licensed to handle food in any form? Yes No
(If you indicated yes, you must submit a Food Permit issued by the Dutchess County Health Department with your application)

Are you a U.S. citizen? Yes No
(If not please provide, permanent resident number and proof of legal residency to this application)

Permanent Resident Number: _____

ACKNOWLEDGEMENTS

I have read the contents of this application and the information contained therein is true, accurate, and complete. I have read and understand the Rules and Regulations for this permit and understand that this permit may be revoked after notice and hearing pursuant to City of Poughkeepsie Ordinance, Section 7 ¾ -14 and Section 10-9, for any of the reasons set forth therein.

The undersigned represents, stipulates, contracts, and agrees that the applicant and/or sponsor of the vending permitted pursuant to this application will jointly and severally indemnify and hold the City of Poughkeepsie, State of New York, harmless against liability, including court costs and attorney’s fees, and attorney’s fees on appeal, for any and all claims for damage to property, or injury to, or death of persons arising from the activities authorized by this vendor permit.

Signed: _____

Date: _____

Printed Name: _____

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 20 _____.

Notary Public—Commissioner of Deeds

(Chamberlain's Office Use Only):

Checklist:

- Driver's License
- Vehicle Registration
- Vehicle Insurance
- Dutchess County Health Department Food Permit
- Weights and Measures Certificate
- 2 Passport Photos taken with last 30 days
- Postal Money Order for Fingerprinting (make payable to DCJS)

(Have applicant submit completed application in duplicate, attachments, and photos to the Police Department for review. Processing time will be approximately two (2) weeks. Keep one copy of application with a copy of the photo in the City Chamberlain's Office). **KEEP A COPY OF THE LICENSE.**

_____ / _____ (Intake clerk's initials and date)

(Police Department Use Only):

APPROVED BY: _____ Date: _____

DENIED BY: _____ Date: _____

Chamberlain's Office Use Only: The Hawking and Peddling Fees are due **after** the application is approved from Police Department.

Total amount Received _____ Date Received _____ Clerk Initials _____

Chapter 10: Hawkers, Peddlers, and Transient Vendors

Article I, Hawkers and Peddlers

Section 10-1: Statement of Findings, Intent

- (a) The Common Council of the City of Poughkeepsie finds that there have been periodic major increases in the number of roadside peddlers selling their wares from vehicles on City streets and on vacant lots and unimproved land adjacent to major roadways in the City.
- (b) The Common Council finds that this proliferation of roadside peddlers can be detrimental to the health, safety, and general welfare of the citizens of the City of Poughkeepsie and to the safe flow of vehicular traffic on the roadways of the City of Poughkeepsie
- (c) Therefore, the Common Council determines that it is necessary and proper, pursuant to the powers granted unto the City of Poughkeepsie by virtue of General City Law § 20(13), to regulate the practice of hawking, peddling, and soliciting. (Ord. of 4-22-2002, § 1)

Section 10-2: Definitions

As used in this article, the following terms shall have the meanings ascribed to them:

Hawker or peddler—Includes any person, either principal or agent, who from any vehicle or any public street or public place or by going from house to house, on foot or from a vehicle, sells or barter or offers for sale or barter or carrier or exposes for sale or barter any goods, wares or merchandise.

Public way—Any publicly owned land adjacent to and abutting any public street, road, highway or sidewalk.

Solicitor—Includes 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 trade, services, goods, wares or merchandise.

Vehicle—Includes any automobile, truck, wagon or cart, either propelled by hand, motor power or animals, or any other means of transportation of commodities or locomotion.

Stand—Includes any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the New York State Department of Motor Vehicles, used for display, storage or transportation of articles offered for sale or barter by a peddler or hawker.

Licensee—A person to whom a license has been issued pursuant to this article. (Ord. of 4-22-2002, § 1)

Section 10-3: License required, exceptions

No person shall publicly sell, hawk, peddle or solicit any property or article of merchandise on the streets, or public ways of the City, nor shall any person travel from house to house in any section of the City, either on foot or with a vehicle or conveyance, carrying and selling or offering for sale any property or article of merchandise, without first obtaining a license therefore as hereinafter provided, but nothing herein contained shall apply to:

- (a) Sales made to merchants for retail trade;
- (b) Sales made to any person of farm produce if such farm produce is peddled and sold by the producer thereof or his servants or employees or to persons selling newspapers or periodicals. The term “farm produce” shall not include nursery stock, potted plants or cut flowers; or
- (c) Legitimate fundraising programs conducted by local not-for-profit, civic or religious organizations. (Ord. of 4-22-2002, § 1)

Section 10-4: Veterans

Any honorably discharged veteran of the armed services of the United States who has obtained a veteran’s license from the Dutchess County Clerk, under § 32 of the General Business Law, to hawk, peddle, vend or solicit trade on the streets and highways within the County of Dutchess shall be exempt from the provisions of Section 10-7 of this article. Upon approval of the veteran’s application, the City Chamberlain will issue the license to said veteran to ply his or her trade in the City of Poughkeepsie, subject to all provisions of this article. (Ord. of 4-22-2002, § 1)

Section 10-5: License Application Requirements

- (a) Applicants for a license hereunder shall file with the City Chamberlain a verified application, in duplicate, upon a form supplied by the City Chamberlain, which shall contain the following:

- (1) The applicant's name, legal address, and telephone number
- (2) The applicant's place of residence for the past five years.
- (3) The applicant's business or employer for the past five years.
- (4) The applicant's age, height, weight, eye color, hair color, and place and date of birth.
- (5) Two full-face photographs of the applicant taken within at least 30 days of the application and measuring at least 1 ½ inches by 1 ½ inches.
- (6) Whether or not the applicant has ever been convicted of a felony, misdemeanor or violation of any municipal ordinance, except traffic violations, and if so, the date, court, ordinance violated, and sentence of the court.
- (7) Whether the applicant has been previously licensed in any occupation, and if so, when, where, and for what periods and if such previous license was ever revoked, the date of revocation, and the reason thereof.
- (8) Fingerprints
- (9) The name and address of the person, firm or corporation the applicant represents or is employed by.
- (10) The particular business, trade or occupation for which the license is requested, including a brief description of the nature of the business and the kinds of goods or property to be peddled, hawked or solicited.
- (11) The manner or means of conveyance in which said business or trade or occupation shall be conducted.
- (12) If the application is for a license to handle food in any form, the applicant shall submit a valid permit issued by the Dutchess County Health Department indicating compliance with the provisions of the Dutchess County Public Health Regulations.
- (13) If the applicant requires the use of weighing and/or measuring devices, such application shall be accomplished by a certificate, not more than six months old, from the Dutchess County Sealer of Weights and Measures certifying that all weights and measuring devices to be used by the applicant have been examined and approved.
- (14) If the application involves the use of a motorized vehicle, proof that:
 - (a) The applicant holds a valid state driver's license.

- (b) Such vehicle has a valid state motor vehicle registration.
- (c) The applicant's vehicle is insured; a description of vehicle, including size, name of locomotion.

(15) If the application involves the use of a nonmotorized vehicle, the applicant shall provide:

- (a) Size of vehicle.
- (b) Means of locomotion

(16) Proof that the applicant holds a New York State sales tax identification number.

(b) In the event that any other license or permit shall be required by any other governmental agency in connection with applicant's business, the same shall be produced by the applicant and the City Chamberlain shall duly note the same.

(c) Any change in circumstances with regard to the information provided in the application on the license shall be reported to the City Chamberlain within 30 days. (Ord. of 4-22-2002, § 1; Ord. of 6-7-2004, § 1)

Section 10-6: License Application Procedure

- (a) The application, accompanied by all required information and nonrefundable application fee and costs, in the amounts provided in Section 10-7 hereof, shall be submitted to the City Chamberlain.
- (b) Upon receipt of such application, the City Chamberlain shall refer the same to the City of Poughkeepsie Police Department for such investigation of the applicant to be made as it deems necessary for the protection of the public good. The City of Poughkeepsie Police Department shall submit the applicant's fingerprints along with applicable processing fees to the State of New York Division of Criminal Justice Services for a criminal history record, which will be received and reviewed by the City of Poughkeepsie Police Chief or his designee.
- (c) If such investigation shall prove the applicant to have been convicted of any felony, or any misdemeanor, except a misdemeanor defined in Articles 156, 158 or 275 of the Penal Law, the Environmental Conservation Law, or the Vehicle and Traffic Law, the conviction would disqualify the applicant from obtaining a license unless such a disability has been removed as provided in the Correction Law.
- (d) If, as a result of such investigation of the applicant, no police record is found, the Police Department shall attach a statement to the application that it has no police record of the applicant and shall return the application to the City Chamberlain.
- (e) The City Chamberlain may refuse to issue the license if, in the judgment of the City Chamberlain, either the convictions render the applicant unfit or undesirable to carry on the trade or occupation involved, or the applicant shall be an

undesirable person or incapable of properly conducting the trade or occupation involved.

(f) Any applicant who has been denied a license under Subsection (e) shall be notified by mail of such rejection. Such notification shall be mailed within five business days of such rejection. The applicant shall then have 10 business days from the date of such mailing to appeal such rejection by the City Chamberlain to the Common Council. The Common Council, upon hearing the appeal by the applicant, shall approve or deny the issuance of the license.

(g) Such license shall contain the following:

- (1) The name, address, and photograph of the licensee.
- (2) The kind of goods or services to be peddled or solicited thereunder.
- (3) The amount of fee paid.
- (4) The peddler's license number.
- (5) The date of issuance and the date of expiration of such license.
- (6) The type of license (i.e., on foot or by vehicle).
- (7) The state license plate number of the vehicle if for a vehicle permit.
- (8) The seal of the City of Poughkeepsie.
- (9) The signature of the City Chamberlain or authorized deputy.

(h) The City Chamberlain shall keep a record of all licenses issued, and a list of such licensed peddlers shall be filed with the City Police Department. (Ord. of 4-22-2002, § 1; Ord. of 9-9-2002, § 1, § 2; Ord. of 7-21-2003, § 1)

Section 10-7: License Fees and Costs

(a) The following fees and costs for licenses authorized under this chapter are hereby established:

(1) Fees:

- (a) Annual fee for hawkers, peddlers, and vendors: \$200
- (b) Semiannual fee, per six-month period: \$125
- (c) Daily fee for vendors only at special events: \$25
- (d) Replacement fee, lost/stolen license: \$75

(2) Costs:

(a) The cost of the criminal history record check required by Section 10-6(b) hereof.

(b) License fees and costs shall be collected by the City Chamberlain at the time of the application and are not refundable, nor are they to be prorated or abated. (Ord. of 4-22-2002, § 1; Ord. of 7-21-2003, § 2)

Section 10-8: Duration of Licenses

All annual licenses issued hereunder shall terminate on the 30th day of April next succeeding the issuance thereof. All semiannual licenses shall terminate six months from the date of issuance thereof. (Ord. of 4-22-2002, § 1)

Section 10-9: Renewal of License

License renewal applications shall be made in person to the City Chamberlain, who shall issue the same in accordance with the terms of this article. The City Chamberlain, before issuing a renewal of an existing license, shall request the Chief of Police of the City to investigate whether the applicant is of good character and repute. The Chief of Police shall furnish to the City Chamberlain, in writing, the information derived from such investigation, together with a recommendation as to whether the renewal should be granted or refused. If the State Division of Criminal Justice Services has retained a fingerprint card, and the license has not been revoked or expired since the time of initial approval, no further submission of a fingerprint card is necessary; otherwise all requirements under Section 10-5 must be met. (Ord. of 4-22-2002, § 1; Ord. of 6-7-2004, § 2)

Section 10-10: Nontransferability of License

No license issued under the provisions of this article may be used or displayed at any time by any person other than the person to whom the license is issued to and whose name and picture appear on the license. (Ord. of 4-22-2002, § 1)

Section of 10-11: License Production and Display

- (a) Each licensee shall carry on their person all licenses issued by the City Chamberlain at all times while the licensee is engaged in peddling and shall exhibit the same to any City official or police officer upon request.
- (b) If a license issued under this title is lost or stolen, such shall be reported to the City Chamberlain within 10 days. Upon such notification, the City Chamberlain shall issue a replacement license at cost to the licensee in an amount as provided in Section 10-7. (Ord. of 4-22-2002, § 1)

Section 10-12: Use of Weighing and Measuring Devices

All weighing and measuring devices used by licensees shall be attached to a fixed standard suspended from the vehicle or conveyance used by such peddler, in order to ensure the accuracy of such device. (Ord. of 4-22-2002, § 1)

Section 10-13: Identification of Vehicle

A person licensed under the provision of this article and using a vehicle shall place upon either side of the body of such vehicle the words “licensed vendor” together with the number of such license. Signs may be painted on or affixed to the licensee’s vehicle, provided they do not exceed the dimensions of the vehicle on which they are placed and that such vehicle can be driven with the sign affixed. The use of other moveable, portable or freestanding signs is prohibited. (Ord. of 4-22-2002, § 1)

Section 10-14: Use of Vehicle to Vend Food

No person shall use any vehicle for vending any article of food that has been used for carting manure, rags, garbage, ashes or any material which would injuriously affect such food or contact with which would render such food unfit for human consumption without first thoroughly cleaning such vehicle and removing all traces of such former use. (Ord. of 4-22-2002, § 1)

Section 10-15: Hazardous Items

It shall be unlawful for any person to peddle, sell or vend any item in any of the streets or on any of the sidewalks in the City that is hazardous or injurious to the health, safety, and well-being of another person. (Ord. of 4-22-2002, § 1)

Section 10-16: Streets Not to be Obstructed

No person shall stop, either on foot or with any vehicle, in any of the streets or on any of the sidewalks in the City for the purpose of vending any goods or merchandise longer than while actually engaged in selling at any one time. (Ord. of 4-22-2002, § 1)

Section 10-17: Locations Where Hawking, Peddling, and Soliciting are Prohibited

- (a) In order to relieve the congested condition of pedestrian and vehicular traffic on the streets hereinafter mentioned, hawking and peddling are prohibited at all times on the following streets:

- (1) Main Street, including the circle at Waryas Park, between Waryas Park and Fountain Place and all on streets intersecting Main Street between

those two points for a distance of one block north and south of Main Street.

- (2) East-West Arterial, NYS Route 44-55
- (3) NYS Route 9, North- and Southbound
- (4) All entrance and exit routes to and from Route 9
- (5) Innis Avenue, County Route 75
- (6) Worrall Avenue, Main Street to NYS Route 44-55 East
- (7) Parker Avenue, North Hamilton Street to City/Town Line
- (8) Reade Place
- (9) Jefferson Street
- (10) Lincoln Avenue
- (11) Washington Street from Mansion Street north to City/Town line

- (b) It shall be unlawful for any peddler or solicitor to peddle, vend, solicit or sell his or her goods, services or wares within 250 feet of any church, synagogue or place of worship during services or any place occupied as a public or private school or college or for school or college purposes while in session, nor shall he or she permit his or her cart, wagon or vehicle to stand on any public highway within said distance of any such school or college property while in session.
- (c) No licensee who is licensed by the City to sell from a vehicle shall peddle on privately owned lands unless specifically authorized by the Common Council to do so for an event such as a flea market, carnival, circus, community day or any similar event or activity. Peddling from a vehicle shall only be permitted along the public way.
- (d) It shall be unlawful for any licensee in plying his or her trade to enter upon any premises or property, or to ring the doorbell 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 peddler," "No solicitors," "No agents" or other wording the purpose of which purports to prohibit peddling or soliciting on the premises.
- (e) It shall be unlawful for any licensee in plying his or her trade to enter property on which there exists an apartment, condominium, cooperative or multiple-residence

complex or a shopping complex to solicit on foot without the permission of the owner of such property to do so.

- (f) It shall be unlawful for any licensee to ply his or her trade in any park of the City, unless a permit has been granted for such activity pursuant to Article II of Chapter 15 of this Code of Ordinances. (Ord. of 4-22-2002, § 1; Ord. of 9-9-2002, § 3)

Section 10-18: Carrying, Wearing Advertising Boards or Frames

- (a) The carrying or wearing of any board or frame having thereon any sign or advertising matter and attached to or suspended from the body of any person upon any street, sidewalk or public place in the City is hereby prohibited.
- (b) No licensee shall display merchandise of goods for sale other than on his or her person or in the vehicle for which he or she is licensed pursuant to this article. Displays of merchandise on the ground or on moveable structures or stands outside the licensee's vehicle are prohibited.
- (c) Only one awning or umbrella which is mounted on a vehicle licensed pursuant to this article is permitted per vehicle. (Ord. of 4-22-2002, § 1)

Section 10-19: Revocation of License

- (a) A license issued under this title may be revoked after notice and hearing, if requested pursuant to the requirements of Subsection (b) herein, for any of the following reasons:
 - (1) Fraud, misrepresentation or false statement contained in the application for the license.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on the business as peddler, hawker or solicitor.
 - (3) Any violation of this Article I of Chapter 10 of the Code of Ordinances of the City of Poughkeepsie.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting the business of peddling, hawking or soliciting in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

- (6) Any violation of any other ordinance provision relating to the conduct of the business, the condition of the equipment utilized, the articles sold or the license required.
- (b) Notice of the revocation of the license shall be made, in writing, to the licensee by the City Chamberlain, setting forth the grounds relied upon. Such notice shall be mailed, postage prepaid, to the licensee at his or her known address, as contained in the application for the license, at least 14 days prior to the effective date of the revocation. Said notice shall include a hearing request form, which must be completed and filed with the City Chamberlain at least five days before the effective date of the revocation. If a hearing is requested, the hearing shall be held by the City Chamberlain, as the licensing authority, or his or her designee. Said hearing shall afford the licensee an opportunity to be heard with regard to the grounds for revocation, but shall be conducted on an informal basis, and compliance with technical rules of evidence shall not be required. The hearing shall be conducted expeditiously. If the hearing is held after the proposed effective date or revocation or a decision has not been rendered by the proposed effective date of revocation, the license shall remain valid until a written decision is rendered by the City Chamberlain revoking the license. The decision shall be mailed to the licensee. A decision revoking the license shall set forth the effective date of revocation of the license if different from in the original notice to the licensee. Failure to request a hearing or to appear at a requested hearing after notice has been given in accordance with the provisions of this section shall result in revocation of the license as of the effective date set forth in the notice to the licensee.
- (c) A person, business or corporation who has had a license revoked pursuant to this section shall not be considered for a new hawking and/or peddling license in the City of Poughkeepsie for two years subsequent to the date of revocation of the license. (Ord. of 4-22-2002, § 1)

Section 10-20: Penalties

Any person violating any provision of this article shall be guilty of a violation and shall be punishable by a fine of not more than \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. The continuance of an offense for each twenty-four hour period shall be deemed a distinct and separate violation. (Ord. of 4-22-2002, § 1)

Section 10-21: Reserved