



Village of Fonda

APPLICATION FOR LICENSE TO HAWK, PEDDLE OR SOLICIT

Application must be received two weeks prior to issuance. Fees according to the Village of Fonda Fees and Deposits Schedule

APPLICANT INFORMATION:

NAME _____

PHONE _____

LOCAL ADDRESS _____
Physical & Mailing

PERMANENT ADDRESS _____
Physical & Mailing

NAME AND ADDRESS OF THE EMPLOYER, TOGETHER WITH CREDENTIALS ESTABLISHING THE EXACT RELATIONSHIP

NAME, PHONE NUMBER AND ADDRESS OF PROPERTY OWNER WHERE DISTRIBUTING MERCHANDISE/SERVICE

NAME _____

NAME _____

ADDRESS _____

ADDRESS _____

BUSINESS OCCUPATION _____

PHONE _____

RELATIONSHIP _____

*** Written permission from property owner will be required and on file before permit will be issued

LIST NAMES AND ADDRESSES OF ALL PERSONS INVOLVED IN SALE OR DISTRIBUTION. USE ADDITIONAL SHEETS IF NECESSARY

DATES AND LENGTH OF TIME FOR PERMIT _____

ARTICLES TO BE SOLD OR DISTRIBUTED _____

METHOD OF DISTRIBUTION _____

ORIGIN OF MANUFACTURE LOCATION OF ITEMS FOR SALE _____

DESCRIPTION OF ANY/ALL VEHICLES TO BE USED FOR SAID DISTRIBUTION: USE ADDITIONAL SHEETS IF NECESSARY

Year	Make	Model	Color	Plate #

Have you ever been convicted of any crime, misdemeanor, or violation of any municipal ordinance? Yes___ No___
If so, give details: _____

This statement of criminal convictions must include a copy of the applicant's criminal history obtained from the New York State Division of Criminal Justice Services within the recent 90 days of the application, and at no cost the Village of Fonda.

REFERENCES: Give names and addresses of two (2) reliable business owners in Montgomery County, State of New York, who will certify as to your character and business responsibility, or in lieu thereof names of references and other evidence as to good character and business responsibility as will enable an investigator to properly evaluate such character and responsibility.

Additional Rules and Regulations: copy to be given to applicant

Any person aggrieved by the action of the Village Clerk in the denial of a certificate, as provided in this chapter, shall have the right of appeal to the Board of Trustees. Such appeal shall be taken by filing with the Board, within 30 days after the notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for appeal. The Board of Trustees shall set a time and place for a hearing on such appeal and notice of such hearing shall be given in the same manner as provided in this chapter for notice of hearing on revocation. The decision of the Board on such appeal shall be final and conclusive.

No Soliciting at residences or businesses that have a 'No Solicitors' or 'No Trespassers' sign

No applicant to whom a certificate has been refused or who has had a certificate revoked shall make further application until a period of at least 12 months shall have elapsed since the last previous rejection or revocation unless he can show that the reason for such rejection or revocation no longer exists.

- A. Every peddler, solicitor, distributor or transient merchant shall, while conducting his activities, exhibit the certificate in a prominent place on his person or on any stand, cart or other entity used to sell or display his wares for sale.
 - No person or license holder shall:
 - Peddle, solicit or distribute merchandise except between the hours of 9:00 a.m. and 7:00 p.m., unless specifically having been invited into a house by the occupant or having made an appointment with a person previously.
 - Attempt to peddle, solicit or distribute merchandise or printed material without first having identified himself as a peddler, solicitor or distributor registered with the Clerk and displaying his certificate.
 - Have exclusive right to any location in the public streets or operate in any congested area where his operations might impede or inconvenience the public.
- B. Leave at a property or house or in any public place circulars, samples or other matter, except a newspaper, which shall be defined as a periodical with a paid circulation of at least 90% of its total circulation, except when handed to a person willing to accept the same.
- C. Enter or attempt to enter the land of any resident in the Village without an express invitation from the occupant of such land.
- D. Conduct himself in such a manner as to become objectionable to or annoy an occupant of any house.
- E. Shout, cry out, blow a horn, ring a bell or use any sound-making or -amplifying device upon any of the streets, parks or public places of the Village or upon private premises in such a manner that sound of sufficient volume is emitted or produced to be capable of being plainly heard upon the streets, avenues, parks or other public places of the Village or upon private premises thereof, for the purpose of attracting attention to any merchandise or services.
 - 1) Exception: Ice cream vendors who have complied with, and met, all other requirements of this article, Village Law, County, State and Federal laws, may:
 - a. Play music commonly used by such services;
 - b. Maintain sound levels at or below 80 decibels.
 - 2) By permit: Vendors may by application to the Village Board of Trustees receive limited permission for audible devices within the corporate limits of the Village.
- F. Distribute obscene merchandise or printed material or that which advocates unlawful conduct.
- G. Litter the streets, public places, or properties within the Village with any merchandise or printed material.
- H. If there is not the minimum five-foot sidewalk requirement, the area between the sidewalk and curb may be used, provided that this area is eight feet or greater. The sidewalk must be unobstructed for pedestrian traffic at all times. Every peddler, solicitor, distributor, or transient merchant shall take with him anything that he brought in, including removal of trash, when the event is over or daily, whichever comes first.

Revocation of certificate: Certificates issued under the provisions of this chapter may be revoked by the Board of Trustees, after notice and hearing, for any of the following causes:

- 1) Fraud, misrepresentation or a material incorrect statement contained in the application for a certificate.
- 2) Fraud, misrepresentation or a material incorrect statement made in the course of carrying on the business of solicitor, peddler, distributor or transient merchant.
- 3) Any violation of this chapter.
- 4) Conviction of any crime or misdemeanor.
- 5) Conducting the business of peddler, solicitor, distributor or transient merchant 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.

- A. A notice of a hearing for the revocation of a certificate shall be given by the Village Clerk, in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the holder of the certificate at the address given on the application at least five days prior to the date set for the hearing or shall be delivered by an agent of the Village in the same manner as a summons at least three days prior to the date set for the hearing.
- B. Upon revocation, the certificate shall be surrendered to the Clerk.

Exemptions: No part of this chapter shall be enforced so as to conflict with Article 4, § 12, of the General Business Law of the State of New York, providing for exemptions for veterans

- A. The requirements of this chapter shall not apply to the following, provided that an official uniform, clothing and other suitable identification approved by the Board of Trustees is displayed:
 - 1) Any recognized local nonprofit religious, charitable, educational, civic or political organization.
 - 2) Any such organizations as the Boy Scouts, Girl Scouts or local volunteer firemen.
 - 3) The Chamber of Commerce may conduct a farmer's market, providing the market is for the sale of homegrown produce, home-prepared food products and homemade crafts.
- B. Nothing in this chapter shall be held to apply to:
 - 1) Sales conducted pursuant to statute or by order of any court.
 - 2) Persons selling personal property at wholesale to dealers in such articles.
 - 3) Merchants having an established place of business within the Village or their employees.
 - 4) The peddling of meats, fish, fruits and similar produce by farmers and persons who produce such commodities.
 - 5) Dealers in milk, baked goods, heating oil and daily newspapers.
 - 6) Licensed real estate brokers.

Penalties for offenses: Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation, punishable by a minimum fine of \$50 and not exceeding \$500 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 violation hereunder.

The Village of Fonda Peddling and Soliciting Law can be viewed on our website, villageoffonda.ny.gov

The undersigned hereby applies to the Village Clerk for a license to hawk, peddle or solicit as hereinabove set forth for a period of _____ and that the above described vehicle(s) which is (are) to be used in the distribution of the aforesaid merchandise is (are) fully insured and hereby affirm under penalty of perjury that the information provided herein is true to the best of my knowledge and that no false statements are made herein.

I hereby certify I have read and understood all the above stated rules and regulations, a copy of which has been provided to me on this date; ___ / ___ / _____

_____ Submitted herewith is/are the required fee(s) of \$_____.

Applicant's Signature

***** (for office use only) *****

Total amount submitted herewith:	
Application fee:	\$ _____
Permit/License fee:	\$ _____
Total paid:	\$ _____

Date received: _____

- | | | |
|---|---|--|
| Driver's License copy <input type="checkbox"/> | Vehicle Information w proof of insurance <input type="checkbox"/> | Photograph <input type="checkbox"/> |
| Business references <input type="checkbox"/> | Copy of statement of criminal convictions <input type="checkbox"/> | Statement from property owner <input type="checkbox"/> |
| Signed Rules-Regulations <input type="checkbox"/> | Copy of Rules-Regulations given to applicant <input type="checkbox"/> | |

Method of payment: cash check _____ money order# _____

<p>APPROVED License# _____ issued on ____/____/____</p> <p>for a period of time indicated herein of _____ and expires on ____/____/____.</p> <p>Signature of official _____ Date _____</p>
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DENIED Reason: _____

Any determination by the Clerk that an application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant and be compliant with Article 23A of the New York State Corrections Law:

- o Conviction of a crime involving moral turpitude.
- o Prior conviction of a peddling or soliciting ordinance or law.
- o Previous conviction fraudulent acts or similar conduct.
- o Record of breaches of solicited contracts.
- o Evidence of bad character; civil actions, unpaid fines or bills

Date of notification of denial by mail _____

License and Permit Fees as specified in Annual Schedule of Fees



Village of Fonda

LICENSE TO HAWK, PEDDLE OR SOLICIT

Permit # _____

THIS LICENSE TO HAWK, PEDDLE, OR SOLICIT is hereby issued to

for a period of _____, an application having been duly filed in the Office of the Village Clerk *pursuant to current Rules and Regulations of the Village of Fonda.*

Date issued: _____

Expiration date: ___/___/20___ at 12:00 am

Signature of Official

(Corp. Seal)

Every peddler, solicitor, distributor, or transient merchant shall, while conducting his activities, exhibit the certificate in a prominent place on his person or on any stand, cart or other entity used to sell or display his wares for sale.

Group or persons exempt from complying with municipal vending/solicitation requirements:

◆ Veterans ◆ Insurance agents ◆ Disabled veterans ◆ Transactions in Interstate Commerce: magazine sales, holiday card sales.

Licensing/fee requirements cannot be applied to individuals soliciting orders for goods to be shipped into the state ◆ Non-commercial Speech ◆ Any recognized local nonprofit religious, charitable, educational, civic or political organization. ◆ Any such organizations as the Boy Scouts, Girl Scouts or local volunteer firemen. ◆ The Chamber of Commerce may conduct a farmer's market, providing the market is for the sale of homegrown produce, home-prepared food products and homemade crafts.