

STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
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KATHY HOCHUL  
GOVERNOR  
WALTER T. MOSLEY  
SECRETARY OF STATE

November 15, 2024

Town of Vestal  
605 Vestal Parkway West  
Vestal, New York 13850-1486

**RE: Town of Vestal, Local Law 5 2024, filed on 11/12/2024**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



## Local Law Filing

[www.dos.ny.gov](http://www.dos.ny.gov)

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(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of VESTAL, NEW YORK

Local Law No. 5 of the year 2024

A local law "Revisions to the Code of the Town of Vestal, Chapter 12, Article VII, Peddlers, Hawkers and Solicitors."

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

Town of VESTAL as follows:

See attached revisions to the following Code of the Town of Vestal:

- Chapter 12, Article VII, Peddlers, Hawkers and Solicitors

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 2024 of the (County)(City)(Town)(Village) of Vestal was duly passed by the Vestal Town Board on September 11, 2024, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or re-passage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer\*), and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_ in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ (Name of Legislative Body) on \_\_\_\_\_ 20 \_\_, and was (approved) (not approved) (re-passed after disapproval) by the (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20 \_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the (County)(City)(Town)(Village) \_\_\_\_\_ was duly passed by the (Name of Legislative Body) on \_\_\_\_\_ 20 \_\_, and was (approved) (not approved) (re-passed after disapproval) by the (Elective Chief Executive Officer\*) on \_\_\_\_\_ 20 \_\_\_\_ . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_, in accordance with the applicable provisions of law.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on \_\_\_\_\_ 20 \_\_\_\_ , became operative.



**6. (County local law concerning adoption of Charter.)**

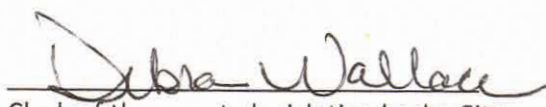
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of \_\_\_\_\_ 20 \_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, \_\_\_\_\_ above.

(Seal)

  
Clerk of the county legislative body, City,  
Town or Village Clerk or officer designated  
by local legislative body

Date: 9/16/24

Effective Date: This Local Law shall take effect upon filing of this local law with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

**Date of Publication:** 09/04/2024  
**Date of Posting:** 09/04/2024  
**Date of Public Hearing:** 09/11/2024  
**Date of Adoption of Local Law:** 09/11/2024  
**Date Local Law Effective:** 11/12/2024

## **ARTICLE VII. PEDDLERS, HAWKERS AND SOLICITORS<sup>1</sup>**

### **DIVISION 1. GENERALLY.**

#### **Sec. 12-156. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Established place of business* means and includes a building, commercial or residential, in which or where a person transacts business and deals in goods, wares, merchandise or services, which shall have been in operation for at least ninety (90) days.

*Person* means and includes one (1) or more person(s), a firm, limited liability company, partnership, a corporation or any individual representative or agent thereof with proper identification (ID), such as a driver's license or photo ID with proper addresses.

*Solicitor* means and includes any person who, by going door to door or by standing in any street or public place:

- (1) Offers to sell merchandise, wares or other goods.
- (2) Takes orders for the future delivery of merchandise, wares or other goods.
- (3) Offers to purchase goods, wares or other articles of value.
- (4) Offers to perform services immediately or at any future date or offers to make, manufacture or repair any article or thing whatsoever for future delivery.
- (5) Offers to make a future appointment for any of the above purposes.

For the purpose of this chapter, the following terms shall be considered synonymous with solicitor: "hawker," "peddler," "itinerant merchant," "transient vendor," "surveyor," and "door-to-door salesman."

(L.L. No. 3 of 1999, § 2; L.L. No. 4 of 2008, § 1)

#### **Sec. 12-157. Penalty.**

Any person who violates this article shall be punished as provided in section 1-7.

(L.L. No. 3 of 1999, § 2)

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<sup>1</sup>Editor's note(s)—L.L. No. 3 of 1999, § 1, deleted former Art. VII of Ch. 12 in its entirety. Former Art. VII, §§ 12-156—12-172, 12-181—12-194, pertained to similar subject matter and derived from the 1966 Code, §§ 21-1—21-6, 21-8, 21-10(B)—(H), 21-11, 21-12, 32-10(A); L.L. No. 11 of 1988, § 1; L.L. No. 5-1992, §§ 1—4; and L.L. No. 4 of 1997, §§ 1, 2. Section 2 of L.L. No. 3 of 1999 enacted new provisions as Art. VII to read as herein set out.

Cross reference(s)—Hawking or peddling in parks, § 16-35(c).

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**Sec. 12-158. Exemptions.**

- (a) Nothing in this article, with the exception of sections 12-159 through 12-166, shall be held to apply to:
- (1) Any sales conducted pursuant to statute or by order of any court.
  - (2) Any person selling personal property at wholesale to dealers in such articles.
  - (3) Farmers or truck gardeners of the town who themselves, or through their employees, vend, sell or dispose of products of their own farms and gardens, at the farm premises, or to persons licensed pursuant to section 32 of the General Business Law.
  - (4) Legal not-for-profit organizations conducting direct sales.
  - (5) Property owners with established businesses in the Town of Vestal.
  - (6) Honorably discharged United States veterans.
- (b) This article shall also not apply so as unlawfully to interfere with interstate commerce.
- (L.L. No. 3 of 1999, § 2)

**Sec. 12-159. Misrepresentation of articles offered for sale.**

A licensed hawker, peddler or solicitor shall not falsely or fraudulently misrepresent the quality, character or quantity of any article offered for sale, or offer for sale any unwholesome, tainted or diseased provisions or merchandise.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-160. Sanitary maintenance of vehicle, receptacles; sale of foodstuffs.**

Each hawker, peddler or solicitor shall keep the vehicle and receptacles used by him in clean and sanitary condition, and the sale or peddling of any foodstuffs and edibles shall be subject to the rules and regulations of the Broome County Health Department.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-161. Noise control.**

No peddler, hawker or solicitor shall blow a horn, ring a bell or use any other noisy device to attract public attention to his wares, or shout or cry out his wares between the hours of 9:00 p.m. and 9:00 a.m. daily.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-162. Operation at fixed location.**

- (a) No peddler, hawker or solicitor shall stand or permit the vehicle used by him to stand in any one (1) place in any public place or street for more than ten (10) minutes.
- (b) No peddler, hawker or solicitor shall stand or permit the vehicle used by him to stand within twenty (20) feet from any highway boundary or public street, except as provided in subsection (a).



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(L.L. No. 3 of 1999, § 2)

**Sec. 12-163. Sales near schools.**

It shall be unlawful for any peddler, hawker or solicitor to sell any confectionery or ice cream within two hundred fifty (250) feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-164. Vehicles on crosswalks.**

No peddler, hawker or solicitor shall permit any vehicle used by him to stop or remain on any crosswalk.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-165. Obstruction of ways.**

It shall be unlawful for any peddler, hawker or solicitor to create or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-166. Name, address on vehicle.**

Every vehicle used by a licensed hawker, peddler or solicitor in or about his business shall have the name of the licensee and his address plainly, distinctly and legibly painted in letters and figures at least two (2) inches in height in a conspicuous place on each side of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-167. Orders.**

All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance and one (1) copy shall be given to the purchaser at the time the deposit of money is made to the solicitor.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-168. Hours of operation.**

- (a) Door to door solicitation shall be prohibited on Sundays. On all other days, door to door solicitation shall be permitted only between the hours of 9:00 a.m. and 5:00 p.m.
- (b) Door to door solicitations by organizations set forth in section 12-158 shall be prohibited on Sunday. For such organizations on all other days solicitation shall be permitted between 9:00 a.m. and 7:00 p.m.

(L.L. No. 3 of 1999, § 2)

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**Sec. 12-169. Outdoor burning.**

Outdoor burning and cooking which causes smoke is hereby prohibited unless done inside the vehicle and adequate filtration of smoke is provided, except as may be allowed by Town Board approval.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-170. Signs.**

No sign shall be displayed within twenty (20) feet from any highway, street or boundary. Only one (1) sign which shall not exceed four (4) feet by four (4) feet may be displayed.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-171. Cleanup deposit.**

All peddlers, hawkers and solicitors shall deposit with the town one hundred dollars (\$100.00) to assure cleanup. The deposit shall be returned at the end of the term of the permit provided that all sites have been left clean of any debris.

(L.L. No. 3 of 1999, § 2)

**Secs. 12-172—12-180. Reserved.**

## *DIVISION 2. LICENSE*

**Sec. 12-181. Required.**

It shall be unlawful for any person, within the limits of the town, to act as a hawker, peddler or solicitor without first having obtained and having in force and effect a license therefor. The license includes the right to use only one (1) vehicle and/or trailer in carrying on the licensed business.

(L.L. No. 3 of 1999, § 2)

**Sec. 12-182. Application.**

- (a) Any person desiring to procure a license under the provisions of this division shall file with the town clerk a written application upon a blank form prepared by the town clerk and furnished by the town. The application shall give:
- (1) The type of vehicle and/or trailer to be used by the applicant in carrying on the business for which the license is desired.
  - (2) The kind of goods, wares and merchandise the applicant desires to sell or the kind of service the applicant desires to perform, and the method of distribution.
  - (3) The name, address and age of the applicant.
  - (4) The name and address of the person he represents.
  - (5) The length of time the applicant desires the license.

(Supp. No. 61)

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- (6) Honorably discharged United States veterans shall provide a current copy of their New York State drivers license and permit from New York State.
  - (7) New York State sales tax number.
  - (8) Written proof of permission, on company letterhead, to use private property.
  - (9) A description of provisions for garbage disposal.
  - (10) Bathroom facilities.
  - (11) Name and address of everyone working under the license.
  - (12) Such other information as may be required by the town clerk.
  - (13) When goods or services are offered from a specific place or business or property within the Town of Vestal, a site plan showing the exact location of the goods and services, together with proof of setback of at least fifteen (15) feet from the property line shall be shown.
- (b) The application shall be accompanied by a certificate from the sealer of weights and measures of the county certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

(L.L. No. 3 of 1999, § 2)

#### **Sec. 12-183. Issuance.**

- (a) Upon the filing of the application for a license required by this division and the required certificate, the town clerk shall, upon her approval of the application, issue to the applicant a license signed by the town clerk. Except as otherwise provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare. No license shall be granted to a person under sixteen (16) years of age. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six (6) months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for rejection no longer exists. Applications can be denied for just cause.
- (b) All licenses shall be recorded and kept for that purpose, numbered in the order in which they are issued and shall state clearly the kind of vehicle to be used, the kinds of goods, wares and merchandise to be sold or service to be rendered, the number of the license plate, the dates of issuance and expiration of the license, the fee paid and the name and address of the licensee.

(L.L. No. 3 of 1999, § 2)

#### **Sec. 12-184. Replacement licenses.**

Whenever a license shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu therefor under the original application may be issued by the town clerk upon the filing with her by the licensee of an affidavit setting forth the circumstances of the loss, and what, if any, search has been made for its recovery.

(L.L. No. 3 of 1999, § 2)

#### **Sec. 12-185. Fee.**

The fee for a license shall be as follows:

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- (1) Any hawker, peddler or solicitor may apply for a daily license at a rate of fifty dollars (\$50.00) per day. Long term seasonal vendors shall pay a fee of one-hundred dollars (\$100.00), for the season, upon approvals from the Town of Vestal.
  - (2) Any duly organized or incorporated local, civic or not for profit corporation may obtain a license for no charge upon presentation to the town clerk of proof of same, and license to be effective for no more than seven (7) days from date of issuance.

(L.L. No. 3 of 1999, § 2; L.L. No. 15 of 2006, § 1)

#### **Sec. 12-186. Reserved.**

Editor's note(s)—Local Law No. 15 of 2006, § 2, adopted December 13, 2006, repealed § 12-186 in its entirety, which pertained to expiration, and derived from Local Law No. 3 of 1999, § 2.

#### **Sec. 12-187. Display.**

Each peddler, hawker or solicitor, while acting as such, shall carry the license issued pursuant to this article and shall display it upon demand.

(L.L. No. 3 of 1999, § 2)

#### **Sec. 12-188. Assignment or transfer.**

A license issued pursuant to this article is not assignable to any other person. No holder of a license shall allow it to be used by another person. No person shall use a license issued to another person.

(L.L. No. 3 of 1999, § 2)

#### **Sec. 12-189. Records.**

It shall be the duty of the town clerk to keep a record of all applications and of all licenses granted under the provisions of this division, giving the number and date of each license, the name and residence of the persons licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

(L.L. No. 3 of 1999, § 2)

#### **Sec. 12-190. Approval by town board.**

Whenever an application is made by a licensee whose license has been suspended, terminated, restricted or conditioned under section 12-191, the town clerk shall not issue a license unless and until authorized by the town board to do so. The limitations shall also apply where any owner, operator, manager, partner or stockholder or director of the applicant was connected in any of the ways with any persons whose license hereunder was so suspended, terminated, restricted or conditioned. Before issuing any license, the town clerk shall confer with the supervisor and the police department to ascertain whether they have any information which would require that the application be referred to the town board. The town board may:

- (1) Issue the license, subject to such conditions and restrictions it deems appropriate to assure compliance with this article, if it finds that the operation of the applicant can be expected to be consistent with peace, health, convenience and general welfare of the public and in compliance with the terms of the license, this local law and all other applicable laws, codes, rules and regulations.

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- (2) Deny the license, in which event the town shall give the applicant notice that the application has been denied, but the applicant may request a hearing before the town board to appeal the denial. Following the hearing, the town board may grant the license, subject to such conditions and restrictions as it deems appropriate to assure compliance with this article, if it then makes the finding, or deny the application if it does not make the finding. The town board shall be deemed to have made the finding in any case where it grants the license, and shall be deemed to have not made the finding in any case where it denies the application.

(L.L. No. 3 of 1999, § 2)

### **Sec. 12-191. Action upon finding of violation.**

Whenever the town board makes a finding of probable cause that a licensee is in violation of this article or any other applicable law, codes, rules and regulations, or has received three (3) or more complaints from residents, the town board may take any one (1) or more of the following actions:

- (1) Direct that any act which is in such violation or apparent violation cease immediately.
- (2) Direct immediate action to comply with the license and/or this article and any other such laws, codes, rules and regulations.
- (3) Suspend the licensee's license for any period of up to fifteen (15) days.
- (4) Notify the licensee to appear before the town board to show cause why the license should not be suspended for a period in excess of fifteen (15) days or terminated.

(L.L. No. 3 of 1999, § 2)

### **Sec. 12-192. Hearings.**

- (a) Whenever an application for a license is denied or is restricted or conditioned or suspended under section 12-190, the town shall serve a notice upon the applicant/licensee, owner, operator, manager or director, which shall state or be accompanied by the following statement: "The applicant may request an appeal hearing before the town board by delivering a written request therefor to the town clerk within seven (7) days of personal service or ten (10) days after service by registered or certified mail." The suspension, restriction or condition will go into effect automatically upon expiration of the time to appeal, unless a notice of appeal is timely delivered to the town clerk for a request for a hearing. A request for a hearing shall state his address, that a hearing is requested and the facts and law relied upon by the licensee or applicant.
- (b) Whenever the town directs a licensee to show cause why his license should not be suspended for more than fifteen (15) days or terminated, or whenever a licensee or applicant delivers to the town clerk a timely request for an appeal hearing, the town shall give the appealing party at least five (5) days' written notice of the time and place of such hearing, but the appealing party may waive the five-day notice provision by filing a written waiver with the town clerk.

(L.L. No. 3 of 1999, § 2)

### **Sec. 12-193. Grounds for suspension, restrictions, conditions or termination.**

It shall be grounds for suspending, restricting, conditioning or terminating a license or denying an application for a license that any licensee, his agent or employee or any person connected or associated with the licensee as a partner, director, officer, stockholder, general manager or person who is exercising managerial authority of or in behalf of the licensee:

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- (1) Violated any provision of this article or any other applicable statute, code, rule or regulation pertaining to noise, fire or safety requirements, even though no charge of such violation is made or conviction therefor is made; or
  - (2) Made any false, misleading or fraudulent statement of a material fact in the application for a license or any report or record required to be kept or filed with the town; or
  - (3) Engages in a course of conduct that disturbs or annoys three (3) or more residents of the town.

(L.L. No. 3 of 1999, § 2)

#### **Sec. 12-194. Transferability of license.**

No license issued under this article shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued, nor shall such license to whom it was issued, nor shall such license be used or displayed at any location other than the location stated in the license.

(L.L. No. 3 of 1999, § 2)

#### **Sec. 12-195. Duration.**

There shall be no peddling or soliciting from an established place of business or vacant lot for more than thirty (30) days in any calendar year unless prior approval from the Town of Vestal Town Board is received.

(L.L. No. 3 of 1999, § 2)

#### **Secs. 12-196—12-200. Reserved.**