

Local Law #1 -2000  
To Regulate Vendors In the  
Village of Addison

STREET VENDORS

Section 1. Definitions

- (a) Board - Vendor Advisory Board shall be made up of the Village Board of Trustees.
- (b) Conveyance- Any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels.
- (c) Clerk-Municipal clerk.
- (d) Goods, wares, merchandise-fruits, vegetables, farm products or provisions, dairy products, fish game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks.
- (e) Motor Vehicle- Any vehicle used for displaying, storing or transporting articles for sale by a vendor which is required to be licensed and registered by the state clerk of motor vehicles of any state.
- (f) Public space-all municipally-owned parks and municipally-owned property within streets rights-of-way, including any roads and sidewalks.
- (g) Public way-all areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings.
- (h) Pushcart any wheeled vehicle approved by the Clerk in accordance with this local law designed for carrying property and for being pushed by a person without the assistance of a motor vehicle.
- (I) Sidewalk- all that area legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property.
- (j) Special event - any occasion including but not limited to fairs, shows, exhibitions, municipality-wide celebrations, and festivals taking place within a specifically defined area if the municipality for a period of time not to exceed seven (7) days.
- (k) Stand-any showcase, table, bench, rack, handcart, pushcart, stall or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise upon sidewalk.
- (l) Street- all that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys and any other public way.
- (m) Vendor - any person, traveling by foot, wagon, vehicle or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells or offers for sale such products from a wagon, handcart, pushcart, motor vehicle, conveyance or from his person while on public ways

of the municipality. Includes any street vendor, hawker, huckster, itinerant merchant or transient vendor. This definition does not include a door-to- door peddler or solicitor.

(n) Vehicle-every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

## SECTION 2. License Required.

It shall be unlawful for any person to engage in the business of vending unless he or she has first obtained a license form the Clerk. All licenses shall be issued according to regulations established by the governing board.

## SECTION 3. Application for license.

The application for a vending license shall contain, at a minimum, the following:

- (a) The applicant's full name, current address, telephone number and proof of identity, together with not less than two (2) full-face photographs of the applicant, not less than two inches square, nor more than three inches square;
- (b) A brief description of the nature, character and quality of goods, wares or merchandise to be offered for sale.
- (c) The specific location, if any, in which the vendor intends to conduct business;
- (d) If the applicant is employed by another, the name and address of the person, firm, association, organization, company or corporation;
- (e) If a motor vehicle is to be used, a description of the vehicle together with motor vehicle registration number and license number;
- (f) a complete listing of any other licenses or permits issued to the applicant by the municipality within the five (5) years immediately preceding the date of the application.

## SECTION 4. Health Inspection Certificate.

Any application for a vending license to engage in the sale of food or beverages shall also be referred to the County Department of Health for approval and issuance of a certificate of health inspection [or health permit] in addition to regular vending license. The applicant's equipment shall be subject to inspections by the Health Department and the Clerk at the time of application and at periodic intervals thereafter.

## SECTION 5. Issuance of License.

- (a) The applicant shall be notified in writing by the Clerk of the decision to issue or deny the vending license not later than thirty (30) days after the applicant has filed a completed application.
- (b) Each license shall show the name and address of the licensee, the type of license issued, the kind of goods to be sold, the amount of the license fee, the date of issuance, the licensee plus, where applicable, the motor vehicle registration number and a photograph of the license not less than two inches square nor more than three inches square. Each license shall also show the expiration date of the license and the vendor's plate number issued by the Clerk.

©) In addition to the vending license and any other permit required by this local law, the Clerk shall issue an identification badge to each vendor.

(d) all licenses, permits and identification badges issued under this Section are valid for one (1) year unless suspended or revoked and shall be both non-assignable and non-transferable.

#### SECTION 6. Special Events.

Any vendor wishing to conduct business at a special event shall apply to the Clerk for a temporary vending permit. Application for such permit must be made at least five (5) prior to the beginning of the event for which the permit is sought. The permit shall be valid only for the duration of the special event. Fees for such permit shall be as specified herein. Any vendor to whom a temporary permit is granted shall be subject to the same operating regulations as all other vendors, except where otherwise specified.

#### SECTION 7. License Fees.

(a) Any vendor granted a vending license under this local law shall pay an annual license fee of One Hundred Dollars (\$100.00). Any vendor granted a temporary vending permit for special events shall pay a fee of Fifteen Dollars (\$15.00) for each day of vending permitted.

(b) This section shall not apply to

(1) Persons conducting business activities directly connected with interstate commerce, such as soliciting orders for goods to be shipped into the state.

(2) Persons conducting business activities that are exempt under New York State law, including but not limited to General Business Law 32 - Veterans; General Business Law 35 - Disabled Veterans; Insurance Law, Article VI - insurance agents; and General Municipal Law 81 - farmers selling produce.

#### SECTION 8. Display of Identification Badges and Other Permits.

(a) Any license or permit issued by the Clerk shall be carried with the licensee whenever he is engaged in vending. Identification badges and certificates of health inspection shall also be properly and conspicuously displayed at all times during the operation of the vending business.

(b) An identification badge shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A certificate of health inspection shall be deemed to be properly displayed when attached to the vending pushcart, vehicle, stand or other conveyance, and clearly visible to the public and law enforcement officials.

#### SECTION 9. Notification of Name or Address Change.

All vendors shall assure that a current and correct name, residence address and mailing address are on file with the Clerk. Whenever either the name or address provided by a licensed vendor on his application for a vending license changes, the licensee shall notify the Clerk in writing within five (5) days of such change and provide the same with the name change or address change.

## SECTION 10. Hours of Operation.

Vendors shall be allowed to engage in the business of vending only between the hours of 10:00 a.m. and dusk. No vending station, conveyance or other item related to the operation of a vending business shall be located on any municipality sidewalk or other public way during non-vending hours. Nor shall any vehicle be parked, stored or left overnight other than in a lawful parking place.

Special Event Vendors shall be allowed to engage in the business of vending only as specified in their license which shall not be earlier than one hour before the commencement time of said special event and not later than one hour after the closing of such special event.

## SECTION 11. Littering and Trash Removal.

(a) Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within (10) feet of any vending stand shall be collected by the vendor and deposited in a trash container.

(b) Persons engaging in food vending shall affix to their vending station, vehicle, pushcart or other conveyance a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

## SECTION 12. Vending Restrictions.

No vendor shall be permitted to operate in the following areas of public space:

(a) Within thirty (30) feet of any street intersection or pedestrian crosswalk.

(b) Within fifteen (15) feet of any driveway, loading zone or bus stop.

(c) Within ten (10) feet of another vending location assigned to another vendor on a public sidewalk.

(d) Within a minimum of six (6) feet of unobstructed pedestrian space.

(e) In any area within fifteen (15) feet of a building entrance or exit or, in the case of a hotel or motel, within fifteen (15) feet of building entrances or exits.

(f) On the median strip of a divided roadway unless the strip is intended for use as a pedestrian mall or plaza.

(g) Against display windows or fixed location businesses.

(h) Any area within one hundred (100) feet of a hospital, college, university, or school.

(i) Within ten (10) feet of any fire hydrant or fire escape.

(j) Within (12) feet of any parking space or access ramp designated for persons with disabilities.

## SECTION 13. Prohibited Conduct.

No person authorized to engage in the business of vending under this Local law shall do any of the following :

(a) Unduly obstruct pedestrian or motor vehicle traffic flow, except for up to fifteen (15) minutes

to load and unload vending stations and/or vending merchandise.

©) Stop, stand or park any vehicle, pushcart or any other conveyance upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.

(d) Leave any conveyance unattended at any time or store, park or leave such conveyance in a public space overnight.

(e) Use a handcart or pushcart whose dimensions exceed four (4) feet in height, excluding umbrellas or other attachments.

(f) Use any stand or other fixed-location conveyance whose dimensions exceed twelve (12) feet in width, twelve (12) feet in length, and ten (10) feet in height.

(g) Use any conveyance that when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, his employee, or an attendant.

(h) Sound any device that produces a loud and raucous noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate state rules, regulations and/or laws regulating noise.

(I) Conduct his business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

#### SECTION 14. Penalties.

The penalty for violating any provisions of this law or any other applicable section of the municipal code shall be, in addition to any other sanctions provided, a fine not exceeding One Hundred Dollars (\$100.00) for each offense together with revocation or suspension of the vendor's license or imprisonment. Each violation shall be evidenced by a separate written notice presented at the time of citation for the offense. A hearing on each violation shall be required before any fines, suspensions or revocations can occur. Each day of violation shall be deemed a separate offense.

#### SECTION 15. Suspension and Revocation of License.

(a) In addition to the penalties contained in this local law, a license issued pursuant hereto may be suspended or

(1) Fraud, misrepresentation or knowingly false statement contained in the application for the license;

(2) Fraud, misrepresentation or knowingly false statement in the course of carrying on the business of vending.

(3) Conducting the business of vending in such a manner contrary to the conditions of the license;

(4) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety welfare or morals, or interfere with the rights of abutting property owners; or

(5) Cancellation of health authorization for food or beverage vending unit due to uncorrected health or sanitation violations.

(b) The Clerk shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permittee of his rights to appeal. Such notice shall be mailed to the address shown on the license holder's application by certified mail, return receipt requested.

©) If the Clerk revokes a vending license or permit, the fee already paid for the license permit shall be forfeited. A person whose license or permit has been revoked under this Section may not apply for a license for a period of one (1) year from the effective date of revocation.

#### SECTION 16. APPEALS.

If the Clerk denies the issuance of a license or permit, suspends or revokes a license or permit, or orders the cessation of any part of the business operation conducted under the license or permit, the aggrieved party may appeal the Clerk's decision to the Mayor.

#### SECTION 17. RENEWALS.

A vending license may be renewed, provided an application for renewals and license fees are received no later than the expiration date of the current license. Any application received after that date shall be processed as a new application. The Clerk shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of this local law, shall issue a new license.

#### SECTION 18. CONSTRUCTION.

No part of this local law or the local law itself shall be construed to be an amplification or derogation of the rights or responsibilities of abutting property owners. Any remedies, rights or obligations provided to such property owners or their successors in interest under the law of real property or the laws of the State of New York shall be in addition to the remedies, rights, obligations or penalties provided hereunder.

#### SECTION 19. SEVERABILITY.

If any part of this law is held to be invalid or unconstitutional by the final decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions.