



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL  
SECRETARY OF STATE

December 3, 1996

EANNACE, PHILLIPS O'BRIEN & DA  
ATTORNEYS AT LAW  
1411 GENESEE STREET  
UTICA, NY 13501

RE: Town of Deerfield, Local Law 2, 1996, filed 11/26/96

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Please be advised only 1 original local law is required to be filed in our office.

Sincerely,

A handwritten signature in cursive script that reads "Janice G. Durfee".

Janice G. Durfee  
Principal File Clerk  
Bureau of State Records  
(518) 474-2755

JGD:ml

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

~~County~~

City of Deerfield

Town

~~Village~~

Local Law No. 2 of the year 1996

A local law Peddler Law

(Insert Title)

Be it enacted by the Town Board of the  
(Name of Legislative Body)

~~County~~

City of Town of Deerfield

Town

~~Village~~

as follows:

TOWN OF DEERFIELD

LOCAL LAW NO. 12 OF 96

WHEREAS, in recent years there has been an increase of transient merchants and peddlers who conduct business in the Town of Deerfield, with no permanent location, and some of whom after selling their wares, leave the Town of Deerfield, and some of whom who do not pay sales taxes and in some instances there is no recourse to the consumer for the defective and/or inferior goods, and

WHEREAS, there has been created inconvenience, annoyance and obstructions as a result of the merchandising by said transient merchants and peddlers, and

WHEREAS, the Town Board of the Town of Deerfield deems it appropriate to regulate said transient merchants and peddlers for the general public welfare;

NOW, THEREFORE, BE IT ORDAINED;

Section 1.

Definitions

(a) Transient merchant or peddler - A transient merchant or peddler is any person, whether a resident of the Town of Deerfield, State of New York or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, or fish, offering and exposing them for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car, or other vehicle, conveyance or structure; or is any person, partnership or corporation, who displays, samples, models, goods, wares or merchandise in any indoor or outdoor area or any hotel or motel room, rooming house, store, club, storehouse, house

or other indoor place for the purpose of securing orders or completing sales for the retail sale of said goods, wares or merchandise, and who does not own said premises or is not the holder of a formal lease thereof for a term of not less than three months.

(b) Person - Person, as used in this ordinance shall be deemed to include any individual, firm, partnership, corporation, unincorporated association, employee, principal or agent thereof.

(c) Merchandising - Merchandising, as used in this ordinance refers to the selling, bartering or trading, or offering to sell, barter or trade any goods, wares, commodities or services.

## Section 2.

(d) License - No person shall engage in business as a transient merchant or peddler unless he shall first have obtained a license to do so from the Town Clerk of the Town of Deerfield. A fee of ten dollars (\$10.00) for the license shall be paid to the Town at the time said license is issued with renewal required annually from that point forward. The license issued by the Town Clerk to the transient merchant or peddler, must be at all times prominently displayed in a location visible to the public in or about the premises used by the transient merchant in merchandising or conducting his business.

Every person to whom a license has been granted hereunder, while exercising his license, shall place the license number and date of issuance in all advertisements placed in newspapers, and provide that the number and date of issuance shall be announced in the course of all radio and television commercials placed during such period of time the license is in operation and effect.

(e) Application for License - An applicant for a transient merchant's license shall provide the following information:

1. Name, address and physical description of the applicant.
2. The applicant's place of residence.

3. If applicant is employed, the name and address of the employer together with credentials establishing exact relationship.
4. A brief description of the nature of the business to be conducted and the goods to be sold.
5. The length of time for which the right to do business is desired.
6. If a vehicle is to be used, description of the same, together with the state vehicle license number or other means of identification.
7. Statement as to whether or not the applicant has been convicted of any crime, misdemeanor violation of any municipal ordinance, and if so, the nature of the offense and punishment or penalty assessed therefore.
8. The firm or firms the applicant represents together with copies of documents establishing the firms state or country, form of organization, ownership, qualifications to do business in this state, and the exact relationship between the firm and the transient merchant peddler.
9. A certificate identifying applicant's sales tax number.

(f) Penalties - Any person violating the provisions of this ordinance shall be guilty of disorderly conduct and shall be deemed a disorderly person and upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00) for each first offense, and every day that a violation of this section shall continue shall constitute a separate and distinct offense, and the fine shall be One Hundred Dollars (\$100.00), per day, for each additional or continuing day.

### Section 3.

(g) Exemptions - Nothing herein contained shall be construed to regulate or prohibit the pursuit or exercise of peddling or merchandising of representatives of schools or youth programs, civic organizations or farm produce, within the limits of the Town of Deerfield if such farm produce is merchandised or peddled by the producer thereof, or his servants or employees.

1. This ordinance shall not apply so as to interfere unlawfully with interstate commerce.
2. This ordinance shall not prohibit a wholesaler from selling articles to dealers or merchants who have an established business within the Town of Deerfield.
3. This ordinance shall not prohibit the casual sale of balloons and similar goods during public parades and similar public activities.
4. This ordinance shall not prohibit the display of samples, models, goods, wares and merchandise in any outdoor or indoor area, or in any hotel or motel room, rooming house, store, club, storehouse, house, or other indoor or outdoor place for the purpose of securing orders or completing sales for the retail sale of such goods, wares or merchandise by a person, partnership or corporation, duly formed or operating as not for profit, charitable purposes, the proceeds of which retail sales are to be used for charitable purposes.

Section 4.

- (h) Effective Date - This local law shall take effect immediately.

DATED: