

APPLICATION FOR VENDOR/PEDDLER/SOLICITOR

DATE OF APPLICATION: _____ PERMIT EXPIRATION DATE: DEC. 31, 20

NAME: _____

DATE OF BIRTH: _____ SOCIAL SECURITY # _____

HOME ADDRESS: _____

LOCAL ADDRESS OF APPLICANT: _____

BUSINESS ADDRESS: _____

DESCRIPTION OF BUSINESS: _____

NAME OF EMPLOYER: _____

ADDRESS OF EMPLOYER: _____

EMPLOYER'S TELEPHONE # _____ FAX # _____

DESCRIPTION OF GOODS TO BE SOLD: _____

YEAR, MAKE & MODEL OF VEHICLE(S) USED IN SALES _____

LICENSE PLATE & STATE OF VEHICLE(S): _____

HAVE YOU BEEN CONVICTED OF ANY CRIMES: (IF YES, PROVIDE DATES & TYPES, CONTINUE ON BACK IF NECESSARY) _____

DO YOU HAVE ANY OUTSTANDING ARREST WARRANTS: (IF YES PLEASE EXPLAIN) _____

NAME AND ADDRESS OF THREE LOCAL PROPERTY OWNERS FOR REFERENCE:

- 1. _____
- 2. _____
- 3. _____

(IF INDIVIDUAL IS AN EMPLOYEE OF A COMPANY, THE COMPANY MUST COMPLETE APPLICATION AS WELL AS EACH EMPLOYEE)

SIGNATURE OF APPLICANT: _____

WITNESS:

(CITY CLERK'S OFFICE) DATE: _____

APPROVED: _____ DISAPPROVED: _____

CHIEF OF POLICE: _____ DATE: _____

=====

CHECK LIST (FOR USE BY CITY CLERK'S OFFICE ONLY)

COPY OF DRIVERS LICENSE: _____ STATEMENT OF PHYSICIAN: _____

BOND SUBMITTED: _____ PHOTOGRAPHS SUBMITTED (2) _____

PROOF OF PUBLIC KNOWLEDGE: _____ (no less than five days prior to start of solicitation)

DO NOT SOLICIT LIST PROVIDED TO APPLICANT: _____

APPLICATION FEE PAID: \$10.00 Date pd.: _____ LICENSE FEE PAID: _____ Date pd.: _____

APPLICATION FOR VENDOR/PEDDLER/SOLICITOR

The City of Amsterdam recently amended the City Code with reference to vendors, peddlers and solicitors.

1. **Public Knowledge:** Applicants must provide to the City of Amsterdam official newspaper (The Recorder), the two local radio stations (WCSS and WVTL) and to the City Clerk for inclusion on its website, all pertinent information regarding the solicitation so as to provide the public with full knowledge of solicitation taking place within the City of Amsterdam. Such notification shall be done no less than FIVE days prior to start of solicitation.
2. **Creation of Do Not Solicit list** Residents of the City of Amsterdam who do not wish to have solicitors disturb them shall contact the City Clerk. The Clerk shall then include these persons on a do not solicit list that shall be given to the applicant. Any applicant who is in violation of this ordinance is punishable by penalties established in the ordinance. The City Clerk shall also provide a placard that the resident can insert in his window if requested by the resident.
3. Solicitation shall not take place before 10 am and must conclude no later than sunset.

NEW INFORMATION FOR VENDORS

The City of Amsterdam amended Chapter 171, Article II Solicitation and Canvassing of the Code of the City of Amsterdam.

The following are highlights of the revisions that you need to be aware of:

1. Licenses are sold only on an annual basis and expire December 31 of each calendar year.
2. The permit fee is \$250 which entitles one (1) solicitor to operate within the City. Additional applicants for the company must pay \$25 for a permit.
3. No more than six (6) applicants representing the same company shall solicit at any one time.
4. Application fee is \$10 for each applicant.
5. A \$5,000 Surety bond is required. Applicant must supply a \$5,000 Surety bond on behalf of the company and each individual must provide a \$1,000 Surety Bond.
6. Applications are to be done in duplicate, one of which will be on file with the Clerk's office, the other with the Amsterdam Police Department.
7. Three reliable property owners of the City of Amsterdam who will certify as to the applicants good character and business responsibility.
8. Statement as to whether the applicant has been convicted of any crime including dates and details of crime.
9. Physicals are required for each individual within 10 days prior to the application.
10. Applicants must provide, 2 photographs in the size of 2" x 2", one to be attached to the application, the other to be included on the badge to be worn at all time during solicitation. (can be obtained where passport photos are taken and sold)
11. No more than six vendors from the company can be working at any one time. See Section 171-38(B); and 171-41(A) for further information.
12. City Clerk shall provide vendor with a placard for each vehicle used to identify as well as badges for each employee to be worn at all times during hours of solicitation.

It is suggest that the new law be read completely to learn of the new law.

Article II. Peddling

[Adopted 11-16-1954]

§ 171-17. Permit and license required.

It shall be unlawful for any person to engage in the business of peddler as defined in § 171-18 of this article, within the corporate limits of the City of Amsterdam, without first obtaining a permit and license therefor as provided herein.

§ 171-18. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PEDDLER

Any person, whether a resident of the City of Amsterdam or not, traveling by foot, wagon, automobile vehicle or 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, fish, vegetables, fruits, garden truck or farm products or provisions and offering and exposing the same for sale or making sales and delivering articles to purchasers or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automobile vehicle, railroad car or other vehicle or conveyance; and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a "peddler" subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."

PERSON

Includes the singular and the plural and shall also mean and include any person, firm or corporation, association, club, copartnership or society or any other organization.

§ 171-19. Application for license; fee.

A. Applicants for permit and license under this article must file with the City Clerk a sworn application, in writing (in duplicate), on a form to be furnished by the City Clerk, which shall give the following information:

- (1) The name and description of the applicant.
- (2) The permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and the goods to be sold.
- (4) If employed, the name and address of employer, together with credentials establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.

(6) The place where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured and produced, where such goods or products are located at the time said application is filed and the proposed method of delivery.

(7) The names of at least three reliable property owners of the City of Amsterdam, New York, who will certify as to the applicant's good character and business responsibility or, in lieu of the names of references, the fingerprints of the applicant and a photograph of the applicant taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner, and such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

(8) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

(9) A statement by a reputable physician of the City of Amsterdam, dated not more than 10 days prior to submission of the application, certifying the applicant to be free of contagious, infectious or communicable disease.

B. At the time of filing the application, a fee of \$10 shall be paid to the City Clerk to cover the cost of investigation of the facts stated therein.

[Amended 11-15-2011 by Ord. No. 2011-9]

§ 171-20. Investigation and issuance of license.

A. Upon receipt of such application, the original shall be referred to the Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

B. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval of the application and his reasons for the same and return the application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued.

C. If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return said permit along with the application to the City Clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold thereunder, the

amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Clerk shall keep a permanent record of all licenses issued.

D. Applicants must provide proof from the City of Amsterdam Police Department that the applicant has had photograph and fingerprinting done in the Amsterdam Police Department at least 10 days prior to application. The photograph of the applicant taken shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner, and such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.

[Added 11-15-2011 by Ord. No. 2011-9]

§ 171-21. Fees.

[Amended 7-5-1988; 11-15-2011 by Ord. No. 2011-9]

A. The fees for peddler's licenses shall be as follows:

(1) Per year: \$125.

(2) For a six-month period: \$90.

(3) No fee shall be required of one selling products of the farm or orchard actually produced by the seller or one subject to the provisions of Article 4 of General Business Law of the State of New York or of milk peddlers.

§ 171-22. Bond.

[Added 7-5-1988; amended 11-15-2011 by Ord. No. 2011-9]

Before any license, as provided by this article, shall be issued for engaging in the business of being a peddler, as defined in § **171-18** of this article, in the City of Amsterdam, such applicant shall file with the City Clerk a bond running to the City of Amsterdam in the sum of \$5,000 per individual or a surety bond in the sum of \$5,000 per corporation plus \$1,000 for each individual assisting said licensed corporation.

§ 171-23. Issuance of plates and badges.

[Amended 11-15-2011 by Ord. No. 2011-9]

Applicants and persons soliciting or selling for and on behalf of the applicant are required to exhibit the identification material at all times provided by the City Clerk following approval by the Chief of Police.

A. Material shall include, but not be limited to:

(1) Identification cards or badges which shall be prominently displayed on the person while peddling. The identification cards or badges shall bear the words "Licensed Peddler," the period for which the license is issued and the number of the license in letters and figures plainly discernible and shall be worn constantly by the licensee on his/her outer garment or hat in such a way as to be conspicuous during such time as said licensee is engaged in peddling.

(2) Placard for automobile(s) used in solicitation identifying company. All license plate numbers of vehicles that will be used by licensed solicitators/canvassors must be registered with the City Clerk and the Amsterdam Police Department.

§ 171-24. License nontransferable.

No license or badge issued under the provisions of this article shall be used or worn at any time by any person other than the one to whom it was issued.

§ 171-25. Audible advertising.

[Amended 12-22-1997 by L.L. No. 3-1998]

No licensee under this article, nor anyone in his behalf, shall shout, make any outcry, blow a horn, ring a bell or use any other sound device, including any loudspeaking radio or amplifying system, upon any of the streets, alleys, parks or other public places of said city or upon any private premises in said city where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. The provisions of this section shall not apply to licensees engaged in the sale of prepared foods or confections.

§ 171-26. Use of streets.

No peddler shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

§ 171-27. License display.

Peddlers are required to exhibit their licenses at the request of any citizen.

§ 171-28. Enforcement.

It shall be the duty of any police officer of the City of Amsterdam to require any person seen peddling and who is not known by such officer to be duly licensed to produce his peddler's license and to enforce the provisions of this article against any persons found to be violating the same.

§ 171-29. Records of licenses.

The Chief of Police shall report to the City Clerk all convictions for violation of this article, and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

§ 171-30. Revocation of license.

A. Permits and licenses issued under the provisions of this article may be revoked by the Clerk of the City of Amsterdam after notice and hearing, for any of the following causes:

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

(2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler.

(3) Any violation of this article.

(4) Conviction of any crime or misdemeanor involving moral turpitude.

(5) Conducting the business of peddling 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.

B. Notice of the hearing for revocation of a license shall be given, in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

§ 171-31. Appeals.

Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of an application for a permit or license as provided in § 171-20 of this article or in the decision with reference to the revocation of a license as provided in § 171-30 of this article shall have the right to appeal to the Council of the City of Amsterdam. Such appeal shall be taken by filing with the Council within 14 days, after 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 the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in § 171-30B of this article for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

§ 171-32. Expiration of license.

All annual licenses issued under the provisions of this article shall expire on the 31st of December in the year when issued. Other than annual licenses shall expire on the date specified in the license.

§ 171-33. Penalties for offenses.

[Amended 12-22-1997 by L.L. No. 3-1998]

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine of not less than \$100 nor more than \$1,000, by imprisonment not to exceed 60 days, or by both such fine and imprisonment.

Article III. Soliciting and Canvassing

[Adopted 11-15-2011 by Ord. No. 2011-9 *Editor's Note: This ordinance also superseded former Art. III, Soliciting and Canvassing, adopted 11-16-1954.*]

§ 171-34. Permit and license required.

It shall be unlawful for any solicitor or canvasser, as defined in § **171-35** of this article, to engage in such business within the corporate limits of the City of Amsterdam without first obtaining a permit and license therefor in compliance with the provisions of this article.

A. Except as noted in Subsection **C** of this section, it shall be unlawful for any person(s), whether a resident of the City of Amsterdam or not, to sell or offer to sell any commodity by means of door-to-door canvassing or solicitation of residential or business property without first obtaining a permit in compliance with Chapter **171**, Article II, of the Code of the City of Amsterdam.

B. "Person" shall include singular and the plural and shall also mean and include any individual, society, club, firm, partnership, corporation or association of person.

C. Exceptions.

(1) Individuals under the age of 16 years who vend Boy Scouts/Girl Scout cookies, candy, lemonade or similar items.

(2) No permit shall be required of a religious institution soliciting directly from its members.

§ 171-35. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CANVASSER or SOLICITOR

Any individual, whether a resident of the City of Amsterdam or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, electric or gas utility contracts, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such

sale or whether he is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

CITY CLERK

The City Clerk of the City of Amsterdam.

COMMODITY

An item bought and sold, something that people find useful or of value.

LICENSE

A license issued pursuant to this chapter.

LICENSEE

Any person holding a license.

§ 171-36. Application for license; fee.

A. Applicants for permit and license under this article must file with the City Clerk a sworn written and signed application (in duplicate), on a form to be furnished by the City Clerk, which shall give the following information:

- (1) The name and description of the applicant.
- (2) The permanent home address and full local address of the applicant.
- (3) A brief description of the nature of the business and goods to be sold.
- (4) If employed, the address and name of the employer, together with credentials establishing the exact relationship.
- (5) The place where the commodity is proposed to be solicited and the proposed method of delivery.
- (6) The names of at least three reliable property owners of the City of Amsterdam, New York, who will certify as to the applicant's good character and business responsibility or, in lieu of three of references, compliance with Subsection **B** of this section. Subsection **B** may be required by the City Clerk in certain circumstances along with three references.
- (7) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
- (8) A statement by a reputable physician of the City of Amsterdam dated not more than 10 days prior to submission of the application, certifying the applicant to be free of contagious, infectious or communicable disease.

- B. Applicants must provide proof from the City of Amsterdam Police Department that the applicant has had photograph and fingerprinting done in the Amsterdam Police Department at least 10 days prior to application. The photograph of the applicant taken shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner, and such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
- C. At the time of filing of the application, a fee of \$10 shall be paid to the Clerk to cover the cost of investigation of the facts stated therein.

§ 171-37. Investigation; issuance of license.

- A. Upon receipt of such application, the one copy shall be referred to the Chief of Police who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. The copy shall then be retained by the Police Department for filing.
- B. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on Department letterhead his disapproval of the application and his reasons for the same and forward to the City Clerk who shall notify the applicant that his application is disapproved and that no permit and license will be issued.
- C. If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on Department letterhead his approval to execute a permit addressed to the applicant for the carrying on of the business applied for to the City Clerk who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and show the name, address and photograph of said licensee, the class of license issued and the kind of goods to be sold, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Clerk shall keep a permanent record of all licenses issued.

§ 171-38. Fees.

- A. The permit fee charged by the City Clerk shall be an annual fee in the sum of \$250. The annual application fee shall authorize one commercial solicitor to operate within the City of Amsterdam. Additional applicants shall pay a sum of \$25 to solicit within the City for and on behalf of applicant.
- B. No more than six applicants representing the same company shall be allowed to solicit at any one time.

C. No fee shall be required of one selling products of the farm or orchard actually produced by the seller or one subject to the provisions of Article 4 of General Business Law of the State of New York or of milk peddlers.

D. The annual license fee shall not be prorated and all licenses will expire on December 31 of each calendar year.

§ 171-39. Bond.

Such applicant as defined in § **171-35** of this article shall file, with the application for permit, a surety bond in the sum of \$5,000 per individual or \$5,000 per company and \$1,000 for each individual applicant of said company.

§ 171-40. Issuance of identifying material.

Applicants and persons soliciting or selling for and on behalf of the applicant are required to exhibit the identification material at all times provided by the City Clerk following approval by the Chief of Police.

A. Material shall include, but not be limited to:

(1) Identification cards or badges which shall be prominently displayed on the person while soliciting or canvassing.

(2) Placard for automobile(s) used in solicitation identifying company. All license plate numbers of vehicles that will be used by licensed solicitors/canvassors must be registered with the City Clerk and the Amsterdam Police Department.

§ 171-41. Transfer of license.

No license or badge issued under the provisions of this article shall be used or worn at any time by any person other than the one to whom it was issued. If any solicitors are to be replaced by another individual, that individual shall apply for a permit as stated in § **171-36**. All material provided to the solicitor being replaced must be turned in to the office of the City Clerk before the new license will be issued.

§ 171-42. Audible advertising.

No licensee shall use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public.

§ 171-43. Use of streets.

No licensee shall have any exclusive right to any location within the municipal limits of the City of Amsterdam, nor shall any be permitted a stationary location, nor shall be permitted to operate in any congested area where his operation might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced. No licensee shall solicit within 1,000 feet of

the grounds of any elementary or secondary school between 1/2 hour prior to the start of the school day or 1/2 hour after dismissal at the end of the school day.

§ 171-44. Limitations and restrictions.

- A. No licensee shall enter any house, building or premises where there is posted on the front of the house, building or premises a written notice stating that vendors are not desired, unless the solicitor has received the prior consent of the occupant.
- B. No solicitor shall seek admission or entrance to any premises before 10:00 a.m. or after sunset.
- C. No solicitor shall make false statements or misrepresentations in the course of his activities. The solicitor shall conduct himself at all times in an orderly and lawful manner.
- D. City residents who do not wish to be contacted by solicitors may register with the City Clerk annually. The Clerk shall maintain a "Do Not Solicit" list consisting of those residents who wish to be included on the "Do Not Solicit" list. Applicants will be provided with a copy of the list at the time permits are issued and shall be responsible to ensure that the list be in their possession at all times. No solicitor shall contact any person who has registered with the Clerk. It shall be the duty of the applicant to ensure compliance with this restriction.

§ 171-45. Public knowledge.

Each applicant (A company who employs more than one individual shall be considered the applicant in this case.) shall provide to the City of Amsterdam's official newspaper, local radio stations and to the City of Amsterdam for inclusion on the City's website, all information pertinent to its solicitation so as to provide the public a full knowledge of such solicitation or selling. Such notification shall be done no less than five days prior to the start to solicitation.

§ 171-46. Enforcement.

It shall be the duty of any police officer of the City of Amsterdam to require any person seen peddling and who is not known by such officer to be a duly licensed solicitor to produce such license and to enforce the provisions of this article against any person found to be violating the same. The Chief of Police shall report to the City Clerk all convictions for violations of this article and the City Clerk shall maintain a record of each license issued and record the reports of violations.

§ 171-47. Revocation of license.

- A. Permits and licenses issued under the provisions of this article may be revoked by the City of Amsterdam after notice and hearing for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application.

(2) Fraud, misrepresentation or false statement made in the course of carrying on his business as a solicitor.

(3) Any violation of this article.

(4) Conviction of any crime or misdemeanor involving moral turpitude.

(5) Conducting the business of peddling 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.

B. Notice of the hearing for revocation of a license shall be given in writing set forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage paid to the licensee at his last known address at least five days prior to the date set for hearing.

§ 171-48. Appeals.

Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial of an application for a permit or license as provided in § 171-37 of this article or in the decision with reference to revocation of a license as provided in § 171-47 of this article shall have the right to appeal to the City of Amsterdam Common Council. Such appeal shall be taken by filing with the Council within 14 days after 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 the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in § 171-47B of this article for notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

§ 171-49. Penalties for offenses.

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine of not more than \$5,000, by imprisonment not to exceed 90 days or by both such fine and imprisonment.