

APPLICATION FOR TRANSIENT MERCHANTS

DATE _____
NAME _____
SOCIAL SECURITY NUMBER _____
DATE OF BIRTH _____

ATTACH COPY OF DRIVER'S LICENSE

WHERE SALE WILL BE HELD _____
HOME BUSINESS ADDRESS _____
DATE OF SALE _____ TIME OF SALE _____
CAPACITY _____

(Submit Credentials)

NAME OF PRINCIPAL _____
ADDRESS OF PRINCIPAL _____
LOCATION OF BUSINESS CONDUCTED WITHIN LAST 6 MONTH _____

DURATION OF BUSINESS WITHIN CITY OF AMSTERDAM _____
CHARACTER AND QUALITY OF GOODS _____
INVOICE VALUE OF GOODS _____
SALE FORM _____

(Stocks in possession, Sample or Order)

LOCATION OF GOODS _____
PLACE OF MANUFACTURE _____
NATURE OF ADVERTISING _____

(Submit Copies)

PREVIOUS CONVICTIONS _____

SUBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF
_____ 20____

SIGNATURE OF APPLICANT DATE

IVESTIGATION: Satisfactory or Unsatisfactory

CHIEF OF POLICE DATE

CITY CLERK DATE

DATE LICENSE ISSUED _____

DATE LICESE TO EXPIRE _____

DATE LICENSE REVOKED _____

LICENSE FEE PAID _____

PLUS APPLICATION FEE (\$5.00) _____

Article I. Transient Merchants

[Adopted 10-5-1954]

§ 171-1. License required.

It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor, as defined in § **171-2** of this article, to engage in such business within the City of Amsterdam without first obtaining a license therefor in compliance with the provisions of this article.

§ 171-2. Definitions.

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

TRANSIENT MERCHANT, ITINERANT MERCHANT OR ITINERANT VENDOR

Any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said city and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, vehicle, tent, railroad boxcar or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business in connection with as a part of or in the name of any local dealer, trader, merchant or auctioneer.

§ 171-3. Application for license.

Applicants for license under this article, whether a person, firm or corporation, shall file a written sworn application signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the City Clerk, showing:

- A. The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the City of Amsterdam; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated.

- B. The fingerprints of the person or persons having the management or supervision of the applicant's business or in lieu thereof at least three letters of recommendation from reliable property owners in the County of Montgomery, State of New York, certifying as to the applicant's good character and business responsibility or other evidence which establishes to the satisfaction of the Mayor the good character and business responsibility of such person or persons.
- C. The place or places in the City of Amsterdam where it is proposed to carry on the applicant's business and the length of time during which it is proposed that said business shall be conducted.
- D. The place or places, other than the permanent place of business of the applicant, where the applicant, within the six months next preceding the date of said applications, conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted.
- E. A statement of the nature, character and quality of the goods, wares and merchandise to be sold or offered for sale by applicant in the City of Amsterdam; the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample, at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.
- F. A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers and, if required by the City Clerk, copies of all said advertising, whether by handbills, circular, newspaper advertising or otherwise, shall be attached to said application as exhibits thereto.
- G. Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefor.
- H. Credentials from the person, firm or corporation for which the applicant proposes to do business authorizing the applicant to act as such representative.
- I. Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business, or the method or plan of doing such business, as the City Clerk may deem proper to fulfill the purpose of this article in the protection of the public good.

§ 171-4. Investigation; issuance of license.

Upon the receipt of such application by the City Clerk and upon notification to the Chief of Police, said Chief of Police shall make or cause to be made with all convenient speed

an investigation of such person or person's business responsibility or moral character as is deemed necessary for the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are felt to be unsatisfactory and are so reported to the City Clerk, the applicant shall be denied. If, as a result of the investigation, the character and business reputation appear satisfactory, the Chief of Police shall so advise the City Clerk and the City Clerk shall so certify, in writing, and a license shall be issued by the City Clerk. The City Clerk shall keep a full record in his office of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said business may be carried on under said license and the name or names of the person or persons authorized to carry on the same.

§ 171-5. Bond.

[Amended 7-5-1988]

Before any license, as provided in this article, shall be issued for engaging in an itinerant or transient business as defined in § 157-2 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, executed by the applicant as principal, and two sureties upon which service of process may be made in the State of New York; said bond to be approved by the Corporation Counsel, conditioned that said applicant shall comply fully with all of the provisions of the ordinances of the City of Amsterdam and the statutes of the State of New York regulating and concerning the sale of goods, wares and merchandise and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damages growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated, with reference to the goods, wares or merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person. Such bond must be approved by the Corporation Counsel both as to form and as to the responsibility of the sureties thereon.

§ 171-6. Service of process.

Before any license as herein provided shall be issued for engaging in business as an itinerant merchant, as herein defined, in the City of Amsterdam, such applicant shall file with the City Clerk an instrument nominating and appointing the City Clerk or the person performing the duties of such position his true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by § **171-5** of this article, or for the performance of the conditions of said bond or for any breach thereof, which instrument

shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent and, when so made, shall be taken and held to be valid as if personally served upon the person or persons applying for said license under this article, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the City Clerk, as herein provided, the City Clerk shall send to the licensee at his last known address, by registered mail, a copy of said process.

§ 171-7. Display of license.

The license issued under this article shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one place within the city, separate licenses may be issued for each place of business and shall be posted conspicuously in each place of business.

§ 171-8. Fees.

[Amended 7-5-1988]

Licensees under this article shall pay a fee as follows:

A. Per year: \$500.

B. For a six-month period: \$300.

C. For each occasion: \$200.

§ 171-9. Transfer of licenses.

No license shall be transferred without written consent from the Mayor, as evidenced by an endorsement on the face of the license by the City Clerk, showing to whom the license is transferred and the date of the transfer.

§ 171-10. 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.

§ 171-11. Enforcement.

It shall be the duty of the police officers of the City of Amsterdam to examine all places of business and persons in their respective territories subject to the provisions of this article to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating the same.

§ 171-12. Records of licenses.

The City Clerk shall deposit the record of fingerprints of the licensee, together with a license number, with the Chief of Police; the Chief of Police shall report to the City Clerk any complaints against any person licensed under the provisions of this article and any conviction for violation of this article; the City Clerk shall keep a record of all such licenses and of such complaints and violations.

§ 171-13. Revocation of license.

A. The permits and licenses issued pursuant to this article may be revoked by the Mayor of the City of Amsterdam, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license.
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise.
- (3) Any violation of this article.
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
- (5) Conducting the business licensed under this article 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 hearing for revocation of a license shall be given, in writing, setting forth specifically the grounds of the complaint and the time and place of the 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 the hearing.

§ 171-14. Appeals.

Any person aggrieved by the decision of the City Clerk in regard to the denial of application for license as provided for in § 171-4 of this article or in connection with the revocation of a license as provided for in § 171-13 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 decision of the City Clerk has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The Council shall set the time and place for a hearing on such appeal and

notice of such bearing shall be given to such person in the same manner as provided in § **171-13** of this article for notice of hearing on revocation. The order of the Common Council on such appeal shall be final.

§ 171-15. Expiration of license.

All licenses issued under the provisions of this article shall expire 90 days after the date of issuance thereof unless a prior date is fixed therein.

§ 171-16. Penalties for offenses.

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

Any person, firm or corporation 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 or by imprisonment not to exceed 60 days, or by both such fine and imprisonment.