

**VILLAGE OF MONTEBELLO**

One Montebello Road  
Montebello, New York 10901

\_\_\_\_\_  
(845) 368-2211  
(845) 368-2044 fax

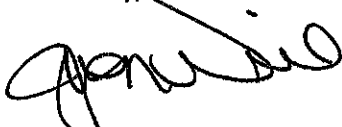
Dear Applicant:

Thank you for requesting information on peddling / soliciting licenses within the Village of Montebello. Please make every effort to submit a complete peddling / soliciting license application with the appropriate fees and signatures as well as the following:

- (1) A completed Application for a Peddling and Soliciting License packet filled out in its entirety and properly notarized.
  - (2) An updated DO NOT KNOCK REGISTRY listing ordered from the Village of Montebello Village Hall office.
  - (3) \$150.00 application fee per applicant.
  - (4) Three (3) 2" x 2" passport size photographs of each applicant.
  - (5) Copies of any and all paperwork that will be distributed during your peddling and / or soliciting.
  - (6) \$1,500 security bond that shall remain in force for the term of the license and shall be conditioned to indemnify the Village as per the Chapter 129-9 Bonding Requirements of the Local Laws of Montebello.
- Note, all applications will be sent to the Town of Ramapo Police Department for verification and investigation and a decision will be given within 10 working days.

Upon completion and review of the above requirements and any additional requirements recommended after the Village and Town of Ramapo Police Department's review, a signed permit will be issued. If you have any questions, please feel free to contact our office.

Sincerely,



Joan Will  
Village Clerk – Treasurer

Attachments

## PEDDLING SOLICITING CHECK LIST

- Three (3) 2" x 2" passport size photos of each applicant is attached.
- Valid Driver's License & motor vehicle insurance card for each applicant is attached.
- Copies of any and all paperwork that will be distributed during peddling / soliciting is attached.
- \$150.00 application fee per applicant has been paid. Completed and notarized application.
- \$1,500 security bond that shall remain in force for the term of the license is attached.
- Proof of insurance indemnifying the Village of Montebello is attached.
- Town of Ramapo Police Department has been sent a copy of application with photographs and paperwork handouts.
- Additional requirements met

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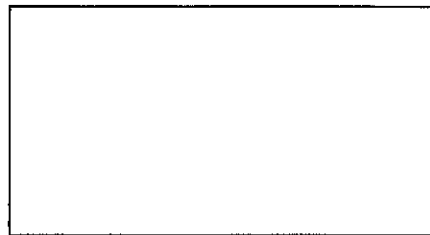
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- Permit Approved by Town of Ramapo Police.
- Permit Approved by Village of Montebello and Issued.
- Updated Do Not Knock Registry has been received.



# VILLAGE OF MONTEBELLO

One Montebello Road  
Montebello, NY 10901  
845-368-2211 FAX 845-368-2044



*For Office Use Only*

## APPLICATION FOR A PEDDLING AND SOLICITING LICENSE

To the Village Clerk in the Village of Montebello

State of New York )  
County of Rockland ) SS:  
Town of Ramapo )

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I, \_\_\_\_\_ RESIDING AT \_\_\_\_\_  
Name of Applicant Permanent Address

PLACE OF BUSINESS AT \_\_\_\_\_  
Address, City, State and Zip Code

DO HEREBY UNDER OATH APPLY FOR A LICENSE PURSUANT TO CHAPTER  
129 OF THE CODE OF THE VILLAGE OF MONTEBELLO PEDDLING AND  
SOLICITING LAW OF THE VILLAGE OF MONTEBELLO AND STATES AS  
FOLLOWS:

Name \_\_\_\_\_

Age \_\_\_\_\_ Date of Birth \_\_\_\_\_

Height \_\_\_\_\_ Weight \_\_\_\_\_ Color of Hair \_\_\_\_\_ Eyes \_\_\_\_\_

Home Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ Cell Phone \_\_\_\_\_

E-mail Address \_\_\_\_\_

Driver's License Number \_\_\_\_\_ (copy of license must be attached)

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_

Are you Self Employed? *Circle one:* Yes or No

If No, indicate Employer's Name and Address \_\_\_\_\_

I am a Citizen of the United States: *Circle one:* Yes or No If No, where are you from?

Have you ever been convicted of a felony or misdemeanor? *Circle one:* Yes or No

If Yes, please provide details: \_\_\_\_\_

Describe in detail the nature of the particular business, trade or occupation for which the license is required

Indicate the make, model, registration number and license plate number of all vehicles to be used in carrying out the business for which this license is required.  
*(Include a copy of a valid insurance card for each vehicle)*

Describe in detail the kind of goods, wares or merchandise/service for which you request this license

Will your sales include delivery in the future? *Circle one:* Yes or No

If Yes, when will you be returning to the Village of Montebello? Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Are you engaged in Interstate Commerce? *Circle one:* Yes or No  
*(SELLING FROM ONE STATE TO ANOTHER)*

If Yes, give explain the answer \_\_\_\_\_  
\_\_\_\_\_

List two references with phone numbers:  
**(references must be residents of Rockland County)**

\_\_\_\_\_ phone \_\_\_\_\_

\_\_\_\_\_ phone \_\_\_\_\_  
\_\_\_\_\_

License fee required: \$ 150.00 per applicant Received on \_\_\_\_\_

Include three photos.

**(Passport size 2" x 2", taken within 60 days of filing this application, clearly showing the face and shoulders of the applicant)**

Attach any paperwork, literature, brochures, etc... that will be handed out during solicitation.

See checklist for additional requirements.  
\_\_\_\_\_

All licenses shall expire **30** days following the date of issuance  
If License if approved, Applicant shall post a bond in the amount  
of **\$1,500** to the Village of Montebello

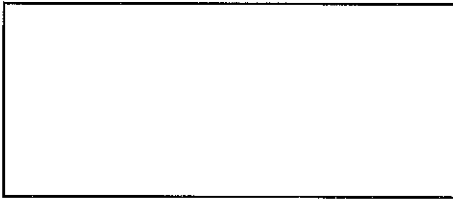
I agree that I have read and fully understand Chapter 129 Peddling and Soliciting Code of the Village of Montebello, including abiding by the **No Knock Registry** and the **No Pddlers and Solicitors** signs, or equivalent.

\_\_\_\_\_  
Signature of Applicant

I agree that any license hereunder is null and void if any of the foregoing statements are not true, or if there has been any concealment of a material fact, or if in violation of Chapter 129 in any way.

\_\_\_\_\_  
Signature of Applicant

SUBSCRIBED AND SWORN TO BEFORE  
ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_



\_\_\_\_\_  
Notary Signature

*Please do not write below this line*

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License Number \_\_\_\_\_ License Approval Date \_\_\_\_\_

Village of Montebello Village Clerk/Treasurer Signature \_\_\_\_\_

Town of Ramapo Chief of Police Signature \_\_\_\_\_

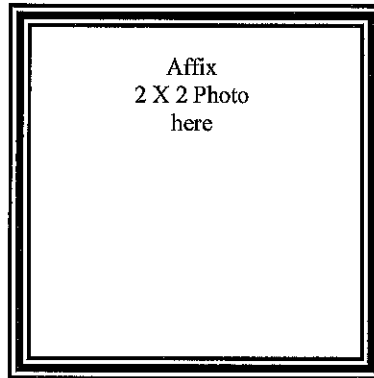
Bond or Cash Deposit Received Date \_\_\_\_\_

# PEDDLING & SOLICITING LICENSE



## VILLAGE OF MONTEBELLO

License No: \_\_\_\_\_ Issue Date: \_\_\_\_\_



THIS IS TO CERTIFY that \_\_\_\_\_

whose photo and signature is affixed hereto is licensed pursuant to the Peddler and Solicitor Law of the Village of Montebello to peddle or solicit in the VILLAGE OF MONTEBELLO for the following purposes:

\_\_\_\_\_

This license expires \_\_\_\_\_

\_\_\_\_\_  
Signature-Licensee

Issued by \_\_\_\_\_

Village Clerk

\_\_\_\_\_  
Date

## Chapter 129. Peddling and Soliciting

[HISTORY: Adopted by the Board of Trustees of the Village of Montebello 6-17-1998 by L.L. No. 2-1998.<sup>[1]</sup> Amendments noted where applicable.]

[1] *Editor's Note: This local law also superseded L.L. No. 12-1988 adopted 4-11-1988; see § 129-2B.*

### § 129-1. Title.

This chapter shall be known and may be cited as the "Peddler and Solicitor Law" and shall apply to the Village of Montebello.

### § 129-2. Legislative intent.

- A. The attention of the Village Board of the Village of Montebello has been directed to abuses and unscrupulous and disruptive acts by persons engaging in door-to-door soliciting and selling of goods, merchandise and wares; and the imposition of unwarranted obligations and commitments upon the residents of the Village by such itinerant persons engaging in abuse, violent conduct and threats; and that many of the foregoing have resulted in complaints to the police authorities of the Village of Montebello because of the unruly conduct or behavior, or exaggerated, unethical and spurious claims and representations with respect to such goods, wares and merchandise; and that such unsalutary conduct has violated the peace, good order and safety and general welfare of the citizens of the Village, and it is, therefore, the intent of the Village Board, by the enactment of this chapter, to minimize and prevent the foregoing abuses and violations of the rights of the citizens of the Village of Montebello and to protect them and the general welfare as hereafter more fully provided.
- B. In so effectuating this intent, the Village Board is conforming its legislation to that of the Town of Ramapo such that the Police Department of the town be better able to enforce said laws due to their uniform nature. Therefore, this chapter supersedes Local Law No. 12 of 1988 of the Village of Montebello, entitled "Regulating, Licensing and Restricting Peddlers, Vendors and Solicitors in the Village of Montebello."
- C. Although our local laws were codified in 2005, the local law which became Chapter **129** was last substantively updated in 1998 when the proliferation of door-to-door sales was the primary focus. At this time, however, our residents' peace and good order is more often being disrupted by itinerant home improvement contractors and real estate salespeople, the latter of whom have been reported as aggressively trying to convince unwilling owners to list their homes for sale. This amendment is intended to better address these more contemporary needs by tightening and strengthening the provisions herein, as well as by creating a "Do Not Knock Registry."  
[Added 8-17-2016 by L.L. No. 2-2016]

### § 129-3. License required.

- A. No person shall engage in the business of selling or attempting to sell or solicit orders for the sale of any property or any services on any public street or public place.



- B. The hawking, peddling and soliciting orders for the sale of any personal property or any services within the Village of Montebello without having obtained a license therefor from the Clerk-Treasurer of the Village is prohibited. Additional authorization may be required in areas under private ownership.

## § 129-4. Word usage; definitions.

- A. The following terms, phrases and words and their derivations shall have the meaning given herein, and as required, the present tense shall include the future, and words in the plural shall include the singular, and vice versa. The word "shall" is always mandatory and not merely directory.
- B. As used in this chapter, the following terms shall have the meanings indicated:

### **CHARITABLE**

Includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported.

### **CHIEF OF POLICE**

The Chief of Police of the Town of Ramapo or a representative authorized by the Chief of Police to perform the acts of the Chief of Police in accordance with this chapter.

### **CONTRIBUTIONS**

Includes the words alms, food, clothing, money, subscription, property or donation under the guise of a loan of money or property.

### **ESTABLISHED PLACE OF BUSINESS**

A building or structure which is operated as a regularly established place of business and from which a person transacts business and deals in goods, wares or merchandise or performs services or solicits order for the same on a continuing and ongoing basis.

### **HAWKING or PEDDLING**

Engaging in either:

- (1) The business of selling or attempting to sell or soliciting orders for the sale of any property or any services, including the listing of real property for sale, by going from house to house, place of business, or any combination thereof; or  
[Amended 8-17-2016 by L.L. No. 2-2016]
- (2) Soliciting contributions for any person, organization entity or any other purpose, by going from house to house, place of business or any combination thereof.

### **PERSON**

Any individual, firm, copartnership, corporation, company, association or joint-stock association, church, religious sect, religious denomination, society, organization or league and includes any trustee, receiver, assignee, agent or other similar representative thereof.

### **RELIGIOUS and RELIGION**

As used herein shall not mean and include the word "charitable" as herein defined but shall be given their commonly accepted definitions.

### **SOLICIT and SOLICITATION**

The request, directly or indirectly, of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a charitable or religious purpose as those purposes are defined in this chapter.

## § 129-5. Exceptions.

### A. This chapter shall not apply to:

- (1) Any sale conducted pursuant to statute or by order of the court.
- (2) An honorably discharged member of the armed forces of the United States who has procured a license from the Rockland County Clerk, as provided by the General Business Law of the State of New York.  
[Amended 6-22-2005 by L.L. No. 4-2005]
- (3) A wholesaler of articles to dealers or merchants engaged in selling such articles.
- (4) Merchants having an established place of business within the Village and the employees of such merchants, and any person vending at the express invitation of the customer or serving the latter on a regular and established basis.
- (5) A truck gardener or farmer who himself or through his employees, sells products of his own farm or garden.
- (6) Dealers in milk, baked goods and heating oil, provided that they have otherwise complied with any licensing and health and safety requirements of any other competent governmental body or agency.
- (7) Persons peddling, soliciting or vending or collecting for the benefit of any bona fide fraternal, educational, religious or charitable organization shall have otherwise been certified or otherwise been duly qualified as required by law or by any competent governmental body or agency.
- (8) Any person selling goods, wares, commodities or services regularly to those who are his established customers, patrons or purchasers.
- (9) This chapter shall not apply to sale of daily newspapers, nor be interpreted as intending to, nor shall it be construed to unlawfully interfere with the conduct or interstate commerce or the impairment of the rights of free speech, press or publication; and shall be construed as implementing and not as limiting the purposes and provisions of the New York State Home Solicitation Sales Act.<sup>[1]</sup>

[1] *Editor's Note: Personal Property Law § 425 et seq.*

- ### B. All persons and organizations soliciting funds solely for the charitable or other purposes who are exempted from the license requirements under this chapter shall maintain and keep records identifying all persons soliciting funds within the Village, and such records shall contain at least the name and the address of the person soliciting, the areas solicited and the date or dates of solicitation. Said records shall be made available for inspection by the Chief of Police upon request.

## § 129-6. Application for license.

Every applicant for a license hereunder shall submit a verified written application to the Village Clerk-Treasurer supplying the following information:

- A. Name, permanent home address and local address, if any, of applicant.
- B. A physical description of the applicant setting forth:
  - (1) Date of birth.

- (2) Height.
  - (3) Weight.
  - (4) Color of hair and eyes.
- C. A detailed statement of the particular business, trade or occupation for which the license is requested and a description of the goods, wares, merchandise or commodities offered for sale.
  - D. The name and address of the person, firm or corporation, if any, he represents; the names and addresses of all partners, if a partnership; the names and addresses of the principal officers, if a corporation; and the name and address of a person upon whom a legal process and notice may be served.
  - E. Prior arrests and the disposition thereof, including the date and nature of such arrest, and location of the court where such record or disposition is on file.
  - F. The number and kind of motor vehicles to be used in carrying on the business; and the registration, license and insurance data for each such vehicle and operators thereof.
  - G. Three photographs, two inches by two inches in size, taken within 60 days immediately prior to the date of filing of the application, showing clearly the face and shoulders of the applicant.
  - H. References as to the applicant's good character, such as at least two residents of Rockland County, or municipalities in Rockland or adjoining counties in which the applicant has conducted his business or operations.
  - I. If peddling or soliciting is to be conducted as a team, group or other organized party under single leadership or direction, control or sponsorship, the above required personal information shall also be supplied as to such leader or person in charge and with respect to each other person, employee or agent so involved.
  - J. If such applicant represents or is the agent for a principal, there shall be appended to the application a letter or other evidence of authorization or agency from the principal describing the nature and scope of such applicant's authority, and any restrictions, limitations and conditions imposed on such applicant by the principal agency or organization he represents. In addition, copies of each order form, contract or other form or document to be utilized by the applicant in such sale or solicitation shall be attached to the application.
  - K. Where the applicant is offering for sale goods, merchandise or commodities required to be sold by weight, measure or count, as provided under Article 16 of the Agricultural and Markets Law of the State of New York, such application shall be accompanied by a certificate from the Sealer of Weights and Measures, having jurisdiction thereof, certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.
  - L. Any additional information required by any competent Village office or agency in the interest of health, safety and welfare of the citizens of the Village, including denials of licenses or their revocation by municipalities within six months of the present application.

## § 129-7. Fees.

[Amended 6-22-2005 by L.L. No. 4-2005]

A fee as provided in the Schedule of Fees of the Village of Montebello<sup>[1]</sup> shall be paid by each individual to be licensed hereunder, and said fee, payable to the Village Clerk-Treasurer, shall be applied to the cost of processing the license applications and, otherwise, enforcing and effectuating the objectives of this chapter without, however, imposing an undue burden on the interstate business

activities of any applicant; and provided further that any applicant may apply to the Village Clerk-Treasurer for an adjustment of such fee where the same appears discriminatory, unreasonable or unduly burdensome in the circumstances, as shown by affidavit and appropriate supporting evidence. Thereupon and with due deliberate speed, the Village Clerk-Treasurer shall determine whether the fee fixed hereunder is discriminatory, unreasonable or unduly burdens the applicant's interstate business activities and shall fix as the license fee an amount that is fair and reasonable in the circumstances and file his report thereon in the Clerk-Treasurer's records. Any applicant aggrieved by a determination of such Village official shall be advised of his right to appeal such decision to the Mayor, or her/or his designated agent, whose determination shall be final.

[1] *Editor's Note: The Schedule of Fees is available in the Village Clerk-Treasurer's office.*

## § 129-8. Investigation of applicant; issuance or denial of license.

### A. Investigation:

- (1) When the application is properly filled out and signed by the applicant, the original and duplicate thereof shall be filed with the Clerk-Treasurer, and the Clerk-Treasurer shall refer the original to the Chief of Police who shall make or cause to be made within 10 working days such investigation of the applicant's business responsibility and character as he deems necessary for the protection of the public good.
- (2) If, as a result of such an investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and his reasons therefor and shall return said application to the Clerk-Treasurer. Any determination by the Chief of Police that an application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant:
  - (a) Conviction of a crime involving moral turpitude.
  - (b) Prior violation of a peddling or soliciting law.
  - (c) Previous fraudulent acts or conduct.
  - (d) Record of breaches of solicited contracts.
  - (e) Concrete evidence of bad character.
- (3) In the absence of any such finding, the Chief of Police shall find the application satisfactory, shall endorse his approval on the application and shall return the application to the Clerk-Treasurer.

### B. Denial or issuance of license:

- (1) If an application is found unsatisfactory by the Chief of Police and he has endorsed his disapproval upon the application, the Clerk-Treasurer shall notify the applicant, by certified mail, that the application is disapproved and shall deny the applicant a license.
- (2) Upon receipt of the fee, application, report of the Police Chief's investigation and upon compliance with all the requirements of this chapter, the Village Clerk-Treasurer shall issue a license to the applicant specifying the particular business authorized. This license shall be nontransferable. It shall be in continuous possession of the licensee while engaged in the business licensed. The license shall be produced upon the demand of any police or law enforcement officer or Village officer and shall be exhibited to each prospective buyer or person solicited before making any offer or solicitation. All licenses shall expire 60 days following the date of issuance.

- (3) Where an organization has several agents peddling, soliciting or distributing merchandise or printed material, each agent shall be registered separately, and each shall pay the appropriate fee. Upon the expiration of a license, a new license will be issued upon compliance with all the provisions of this chapter and the payment of fees and the posting of the bond, except that the investigation and waiting period therefor may be waived if approved by the Clerk-Treasurer and Chief of Police.

## § 129-9. Bonding requirements.

- A. Prior to the issuance of any license, the applicant shall file with the Village Clerk-Treasurer a bond running to the Village in the amount of \$1,500, with good and sufficient surety, in such form as shall be approved by the Village Attorney or his or her designated representative. Said bond shall remain in force for the term of the license and shall be conditioned to indemnify and pay the Village for any penalties or costs incurred in the enforcement of any of the provisions of this chapter and to indemnify or reimburse any purchaser of personal property from the holder of the license in a sum equal to at least the amount of any payment such purchaser may have been induced to make through the misrepresentation as to the kind, quality or value of the personal property, whether the misrepresentations were made by the licensee or said licensee's agents, servants or employees either at the time of making the sale or through any advertisements printed or circulated with reference to such personal or parts thereof.
- B. The aforesaid bond shall be declared forfeited upon proof of:
- (1) Falsification in the application for a license.
  - (2) Violation of any of the provisions of this chapter by the applicant or his agents, servants or employees.
- C. The Village Board may, by resolution, exempt persons from the bond and fee requirements, provided that the applicant satisfied the Board that the nature of his activity does not jeopardize the position of the Village or the protection given herein to the residents.

## § 129-10. Restrictions.

A licensed peddler or solicitor shall:

- A. Not resort to deceptive acts or practices, physical abuse, threats, intimidation or harassment in the course of conducting his business, or offer for sale any provision, food or merchandise that is unwholesome, unfit, deleterious or harmful to the user or consumer thereof.
- B. Not peddle at or solicit a private residence which has displayed a sign bearing the words "no peddling or soliciting" or words of like intent; nor shall any licensee remain on the premises after the owner or occupant thereof shall have requested his departure therefrom.
- C. Not keep the vehicles and receptacles used by him in an unclean and unsanitary condition, nor the foodstuffs and edibles offered for sale uncovered and unprotected from dirt, dust, insects, contamination or spoilage, or as otherwise required by any competent municipal health authority.
- D. Not vend his goods, wares and merchandise in any location within 250 feet of any other peddler, solicitor and/or private business vending goods, wares and merchandise of a similar nature.
- E. Not sell any confectionery or ice cream within 250 feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- F. Not permit any vehicle used by him to stop or remain on any crosswalk.

- G. Not use any noisy device to attract public attention to his wares or shout or cry out his wares, except that peddlers of ice cream and ice cream products for immediate consumption are exempted from the foregoing prohibition of the use of a bell.
- H. Not assign or transfer his license to any other person, and any transfer to or use of such license by any other person shall be a violation and shall automatically thereupon terminate such license.
- I. Not fail to carry his license upon his person or to exhibit the same upon demand to any police, Village officer or citizen being solicited or involved in a transaction with him.
- J. Not frequent any street, sidewalk or public place so as to cause a private or public nuisance.
- K. Not sell or solicit except between the hours of 9:00 a.m. and 8:00 p.m.
- L. Leave all premises promptly upon request of any occupant of such premises.
- M. Not peddle at or solicit a private residence which is listed or registered on the Do Not Knock Registry per § 129-11.  
[Added 8-17-2016 by L.L. No. 2-2016]

## § 129-11. Do Not Knock Registry.

[Added 8-17-2016 by L.L. No. 2-2016<sup>[1]</sup>]

The Village Clerk or designee shall prepare and maintain a list of addresses where the owner and/or occupant has notified the Clerk or designee that peddling and soliciting is not desired, hereafter referred to as the "Do Not Knock Registry." Notification to the Village Clerk or designee shall be by completion of a form available at the Village Clerk's office during normal business hours. The list shall be updated as needed by the Village Clerk or designee and shall be made available to peddlers and solicitors upon licensing, and also at any time upon request, said peddlers and solicitors to be presumed to have knowledge of the list irrespective of whether they have obtained a copy or have reviewed the same.

[1] *Editor's Note: This ordinance also provided for the redesignation of former §§ 129-11 through 129-17 as §§ 129-12 through 129-18, respectively.*

## § 129-12. Taking of 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 copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor, and which shall contain the notice or right of cancellation as below set forth.

## § 129-13. Cancellation of orders.

As more fully provided and set forth in the New York State Home Solicitation Sales Act, which is incorporated herein by reference as to rights, remedies and procedures in any sale, order for purchase or agreement to buy which was induced by or the result of harassment, intimidation, abusive conduct, misrepresentation or material facts or high pressure tactics by the solicitor, any person or consumer shall have the right of cancellation as therein set forth upon giving written notice to the solicitor, by mail properly addressed and postage prepaid; and notice, the language or tenor of which makes clear the purchaser's intention to return such goods, wares or merchandise, will be sufficient. In such event, the seller's failure to tender to the buyer all payment made by the buyer, with an acknowledgment of his cancellation of the order, shall be deemed a violation of this chapter and shall subject the licensee to any penalties hereunder, in addition to any penalties provided under the New York State Home Solicitation Sales Act.

## § 129-14. Revocation or suspension of license.

- A. Licenses issued under the provisions of this chapter may be revoked by the Village Clerk-Treasurer after written notice and a hearing for any violation of this chapter.
- B. Notice of hearing for revocation of license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed to the licensee at least 10 days prior to the date set for the hearing, except as below set forth.
- (1) Licenses can be revoked for any of the following causes:
- (a) Fraud, misrepresentation or a materially incorrect statement contained in the application for a license.
  - (b) Fraud, misrepresentation or a materially incorrect statement made in the course of carrying on the business of solicitor, peddler, distributor or transient merchant.
  - (c) Any violation of this chapter.
  - (d) Conviction of any crime, misdemeanor or violation.
  - (e) Conducting the business of peddler, solicitor, distributor or transient merchant in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- C. In addition to the foregoing, the Village Clerk-Treasurer may forthwith temporarily suspend any license issued pursuant to this chapter upon receiving information giving reasonable cause to believe that any licensee hereunder has either violated this chapter by an act involving moral turpitude, physical abuse threats, intimidation or harassment or has been convicted of any violation of this chapter or of any crime or offense endangering the peace, safety, health or general welfare of the inhabitants of this Village. Within 10 days after such suspension, the Village Clerk-Treasurer shall conduct a hearing and issue his or her determination as to whether the license shall be revoked or reinstated. If such hearing or determination is not made within said ten-day period, the license shall be restored automatically.

## § 129-15. Appeals.

Any licensee aggrieved by any action or determination of the Village Clerk-Treasurer hereunder may appeal to the Mayor of the Village of Montebello, or any agent or agency he or she may designate, within 14 days after notice of the action or determination complained of has been mailed to his or her last known address, by filing a written statement setting forth fully the grounds for appeal. The Mayor or his or her agent shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to the applicant's last known address at least five days prior to the date set for the hearing. The decision and order of the Mayor or his or her agent on such appeal shall be final and conclusive.

## § 129-16. Maintenance of records.

The Village Clerk-Treasurer shall keep a record of all applications and of all licenses granted hereunder, giving the number and date of each license, the name and residence of the person licensed, the license fee paid and also the date of revocation of licenses revoked, if any.

## § 129-17. Penalties for offenses.

[Amended 6-22-2005 by L.L. No. 4-2005; 8-17-2016 by L.L. No. 2-2016]

Any person violating any of the provisions of this chapter shall be subject to a penalty as follows:

- A. For a first offense, a fine of not less than \$500 nor more than \$1,500.
- B. For a second offense within 24 months, as measured from occurrence to occurrence, a fine of not less than \$1,500 nor more than \$3,500.
- C. For a third offense within 24 months, as measured from occurrence to occurrence, a fine of not less than \$3,500 nor more than \$10,000 or imprisonment not to exceed 30 days, or both.

## § 129-18. Enforcement.

The Police Department of the Town of Ramapo and/or the enforcement official as may be designated according to Chapter 195, Zoning, as may be amended from time to time, shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of any section of this chapter.