

**TOWN OF MOREAU
LOCAL LAW NO. 8 OF 2025
A LOCAL LAW REPEALING AND REPLACING
CHAPTER 105 OF THE MOREAU TOWN CODE
RELATING TO PEDDLING AND SOLICITING**

Be it Enacted by the Moreau Town Board as Follows:

Section 1. Authority.

This Local Law repealing and replacing Chapter 105 of the Town of Moreau Code relating to peddling and soliciting is adopted pursuant to Section 10 of the New York State Municipal Home Rule Law.

Section 2. Chapter heading of Chapter 105. The heading of Chapter 105 is repealed, and a new heading is enacted to read as follows: Vendors and Peddlers.

Section 3. Repeal and Replace Chapter 105. Chapter 105 of the Moreau Town Code is repealed, and a new Chapter 105 is enacted to read as follows:

§ 105-1. Findings.

It is found and declared that:

- A. The business of vending or peddling merchandise and refreshments from temporary sites along public roadways, in public spaces, and from door to door in the Town of Moreau shall be regulated to protect the public health, safety, and welfare of the inhabitants of the Town of Moreau.
- B. Reasonable regulation of peddling is necessary for the prevention of congestion of traffic and travel.
- C. Persons engaged in the business of peddling should be required to be licensed and to furnish such information as necessary to effectively carry out the purposes of this chapter.
- D. Unless specifically authorized by this chapter, vending or peddling in the Town of Moreau within any public right-of-way, along any public roadway, in any public space, or door to door is prohibited.

§ 105-2. Definitions.

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

GARAGE SALE – The sale or offering for sale to the public of items of personal property by the owner or tenant of a residential lot, whether within or outside of any structure. Neither the seller nor any household member shall be in the business of selling similar items. Garage sales shall be limited to up to three days or less in a calendar week, on up to three occasions or less in a calendar year except during the time of any town-wide garage sale. This definition shall not be inclusive of other terms defined herein.

LICENSE — A license issued pursuant to this chapter.

LICENSEE — Any person granted a license.

MERCHANDISE — Any nonedible commodity, including but not limited to flowers and balloons.

PERSON — Includes any individual, society, club, firm, partnership, corporation, or association of persons.

PURCHASE — To obtain merchandise or refreshments in exchange for money or its equivalent; the act or instance of buying merchandise or refreshments along public roadways, in public spaces, or from door to door in the Town of Moreau.

PURCHASER — Any person engaged in the buying of merchandise or refreshments, by means of money or its equivalent, refreshments along public roadways, in public spaces, or from door to door in the Town of Moreau.

REFRESHMENT — Any food, fruit, or other edible commodity, or soft drink or carbonated beverage.

REFRESHMENT BUSINESS OR STAND — Any temporary place, location or structure where is sold, or is proposed to sell, or offer for sale at retail, any refreshment for consumption on-site or off the premises, either as a separate business or in connection with any other business.

TOWN CLERK — The Town Clerk of the Town of Moreau or his/her Deputy.

VEND or PEDDLE—The act of selling or offering for sale, or the act of purchasing or offering to purchase for commercial purposes, refreshments or merchandise along public roadways, in public spaces, or from door to door in the Town of Moreau, from a stand, motor vehicle, or from a person.

- A. VENDOR or PEDDLER — A person, corporation, partnership, association or any other organization undertaking a retail or wholesale business selling, offering for sale or soliciting orders for future sales of merchandise, works of art, meats, seafood, vegetables, fruit, other food products or goods of any kind, magazines, books, photos, or educational books, in a building, temporary structure, stand, or tent; from a truck, van or trailer; on a parking lot or vacant parcel of land; on a part of a public right-of-way; by going from house to house, or in any other place for a temporary period of time. ROADSIDE VENDOR—A vendor who operates a stand or who parks a motor vehicle at the licensed location to sell merchandise or refreshments.
- B. DOOR-TO-DOOR PEDDLER—A vendor who sells directly from household to household on foot, by car, or via another mode of transportation.
- C. ICE CREAM TRUCK VENDOR—A vendor who sells ice cream or similar frozen desserts as a primary product from one motor vehicle traveling through residential streets.
- D. SPARKLING DEVICE VENDOR—A vendor who sells sparkling devices as defined by NYS Division of Homeland Security and Emergency Services.

§ 105-3. License required; methods of vending restricted; authority to limit number of licenses.

- A. It shall be unlawful for any person to vend or peddle in the Town of Moreau without a license, except as provided in § 105-11.
- B. It shall be unlawful to peddle merchandise other than from door-to-door, with the exception of flowers, and/or balloons, sparkling devices and special events.

§ 105-4. License fees, refundable retainer.

- A. License fees shall be payable in full, for the entire term of the license, upon application for said license. Fees shall be in accordance with a schedule adopted by the Town of Moreau Town Board.
 - a. To sell refreshments, flowers, or balloons, or to peddle door-to-door, the following license durations will be available:
 - 1. one day or special event licenses (not to exceed three days).
 - 2. three months.
 - 3. six months.
 - 4. one year.
 - b. To peddle sparkling devices roadside, a license shall be offered for the duration of dates permitted by New York State for the sale of sparkling devices.
 - c. With the exception of ice cream truck vendors, refreshment and sparkling device vendors shall also provide a refundable cash retainer to the Town Clerk in an amount set by resolution of the Town Board. The retainer shall be refunded to the vendor at the end of the license term after it is verified that the sales site is free of trash or debris from vendor activities.
 - d. If granted, licenses will be valid for the term specified in the application, beginning on the effective date listed on the license.

§ 105-5. General requirements, application requirements.

- A. Persons licensed pursuant to the provisions of § 32 of the General Business Law of the State of New York shall be prohibited from vending or peddling within the Town of Moreau unless they have obtained a license in accordance with the provisions of this chapter. (Penalty described in § 105-18)
- B. No vendor or peddler shall vend between dusk and dawn of the following day, unless otherwise specified.
- C. All vendors are prohibited from vending in a manner that interferes with pedestrian or vehicular traffic or other legitimate business in the Town of Moreau. Site suitability shall be determined by the Building Department in accordance with § 105-09, herein.
- D. No vendor shall, directly or indirectly, cause or permit the public streets, sidewalks or places to be littered with papers, wrappings or other debris or refuse where the littering results from the conduct of his business. A plan for trash or debris removal must be described in the license application.
- E. No vendor shall use or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract the attention of the public, with the exception of ice cream trucks.
- F. No vendor shall vend within 1,000 feet of the grounds of any elementary or secondary school between 1/2 hour prior to the start of a school day and 1/2 hour after dismissal at the end of a school day.
- G. No owner of real property located in the Town of Moreau shall knowingly allow said real property to be used by or in furtherance of the business of a vendor or a vendor market, unless the vendor and/or vendor market shall have first been licensed as required by this chapter. Real property shall be deemed "used" as provided herein when the real property is the place where goods and/or services are offered for immediate sale and/or where orders are taken for subsequent delivery of goods or furnishing of services by vendors and/or

vendor markets. "Knowingly" shall be defined and application of such term shall be as the term is set forth in the Penal Law of the State of New York.

- H. Unless otherwise provided, a licensed vendor shall be authorized to vend at a specific location in the Town of Moreau. The license shall specify the location within the Town from which vending is permitted and shall only be valid for vending at that location. There shall only be one stand in a designated location at a time.
- I. The license may limit the amount of space to be occupied by the vendor.
- J. Vendors at special events not exceeding three days in duration shall comply with all applicable provisions of this chapter and rules and regulations issued pursuant to it and pay all fees as required by the entity coordinating the special event.
- K. Applicants for a Peddler/Vendor License shall provide the following information:
 - a. The name, title, and address of the applicant.
 - b. The name and address of the person, firm, organization or corporation that the applicant represents.
 - c. The name, address, and age of the operator, and of any personnel who will be present during operations.
 - d. The length of time for which the applicant desires the license.
 - e. A description of the kind(s) of refreshments, goods, wares, or merchandise the applicant intends to sell or the services the vendor intends to provide.
 - f. A description of the method of distribution for pre-ordered goods or services.
 - g. A statement as to whether the applicant, operator, or other staff who will be present during operations have been convicted of a crime, including the date of conviction(s), the name of the crime(s) and which applicant was convicted, the penalty imposed for the conviction(s), and the name(s) and address(es) of the court(s) in which the applicant was convicted, if applicable.
 - h. Proof of a valid NYS Certificate of Authority to collect sales tax or proof of exemption.
 - i. Such other information as the Town Clerk may require to substantiate the items above.
- L. Applicants for a Peddler/Vendor License vending from a vehicle or operating a motor vehicle in connection with door-to-door peddling shall produce the following:
 - a. A valid drivers license for each operator of the vehicle.
 - b. A copy of an Abstract of Driving Record or equivalent official state-issued driving record produced no more than 7 days prior to the application submission for each operator of the vehicle.
 - c. The license plate number and description of the vehicle to be used by the applicant in the course of carrying on the business for which the license is desired.
 - d. Proof of valid motor vehicle registration.
 - e. Proof of valid vehicle insurance including liability coverage in an amount set by Town Board resolution.
- M. Door-to-door peddlers shall provide copy of the results of a background check having been performed in the previous 3 months.
- N. Vendors who intend to sell privately or publicly in Town recreation areas shall provide valid certificate of commercial liability insurance naming the Town of Moreau as additional insured in an amount to be set by Town Board resolution.

§ 105-6. Requirements for vendors of refreshments.

- A. Refreshment vendors shall produce proof of valid Saratoga County Department of Health permit with the license application.
- B. Ice cream truck vendors shall be permitted in the residential zones of the Town in accordance with any rules and regulations promulgated by the Town Clerk.
- C. Ice cream truck vendors may broadcast the sound of a chime or music only during daylight hours, at volumes below 70 dB that do not distort the sound.
- D. Any person vending refreshments from a motor vehicle that is attractive to children, which invites or causes children to gather or collect about the motor vehicle, is required to take precautions to protect the children from being struck by motor vehicles. The vendor shall describe those precautions in their license application.
- E. With the exception of Ice Cream Truck vendors, as defined, vendors of refreshments shall be limited to conducting business, including establishing refreshment stands within non-residential zones within the Town of Moreau.
- F. Vendor sales shall not exceed 60 days of operations in one location in any calendar year. This may be consecutive or distributed over not more than twenty-five occasions in a calendar year.

§ 105-7. Requirements for vendors of sparkling devices.

- A. Applicants for licenses to vend sparkling devices shall provide proof of NYS Sparkling Devices Certification.
- B. Approved vendors of sparkling devices shall be authorized to operate at a specific location in the commercial zones of the Town of Moreau. The license shall specify the location within the commercial zone from which purchasing is permitted and shall only be valid for purchasing at that location.
- C. With the application, sparkling device vendor applicants must submit a site plan detailing parking, shelter, and temporary fencing locations, and indicate the locations of tables and exits within the shelter structure.
- D. NYS Fire Marshal inspection of sparkling device vendor sites is required before operations may begin.
- E. Sparkling device vendors shall be required to have two (2) tagged fire extinguishers on site, marked entrances/exits, and a binder which contains current valid certificates before they may commence operations.
- F. Any vendor of sparkling devices shall be limited to setting up five (5) days prior to New York State designated sales dates. Any and all stands, tents, fencing, etc. shall be removed within five (5) days after New York State designated sales dates end and the site should be returned to the condition prior to sales.

§ 105-8. Requirements for door-to-door peddlers.

- A. No door-to-door peddler 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 or solicitation are not desired, unless the peddler has received the prior consent of the occupant.
- B. No door-to-door peddler shall make false statements or misrepresentations in the course of his or her activities. The peddler shall conduct themselves in an orderly and lawful manner at all times.

- C. If an applicant's application to peddle door-to-door is approved, the applicant shall only be entitled to engage in the sale of the merchandise or services listed in the applicant's application.

§ 105-9. Site suitability

- A. The Building, Planning and Development Office reserves the right to request a business and operation plan for Roadside Vendors, Sparkling Device Vendors, or from Refreshment Stand Vendors. Said plan shall be drawn to scale as reasonable and is to include, but not be limited to, the following elements:
 - a. Location Map
 - b. Hours of Operation
 - c. Temporary Signage, as applicable.
 - d. General Site Layout Plan, to include but not be limited to:
 - i. Location of any sales
 - ii. On site Parking
 - iii. On site solid waste disposal
- B. In determining the suitability of a site for the sales either for Roadside Vendors, Sparkling Device Vendors, or from Refreshment Stand Vendors after the review of the operations plan as discussed above, the Building, Planning and Development Department shall consider the following:
 - a. Proximity to intersections.
 - i. No business identified in § 105-9(A), may be established closer than 250 feet of any intersection without the approval of the Building, Planning and Development Department.
 - b. Adequacy of pull-off locations and off-street parking area designations.
 - c. Proximity to permanent businesses establishments dealing in the same wares.
 - d. Any known traffic problem areas, including locations near on-going or planned construction.
 - e. Location of any public transportation so as not to interfere with bus or other transit services stops.
 - f. General health safety and welfare of the residents and established businesses in the Town of Moreau.
- C. If the Building, Planning and Development Department requests a business and operation plan, it shall approve, approve with modification or deny the plan within 15 days and file a copy of its determination with the Town Clerk and provide a copy to the applicant.

§ 105-10. Pre-orders, bond requirement.

- A. All orders taken by licensed peddlers or vendors who accept, receive, or demand payment or a deposit of money in advance of final delivery shall be documented in writing in duplicate, stating the terms thereof, and the amount paid in advance. One copy shall be given to the purchaser, and one kept by the seller.
- B. Before a license application may be approved, a minimum bond of \$1,000 is required for all vendor and peddler types that allow pre-paid orders to be accepted. The amount shall be set so as to provide sufficient surety or sureties, or sufficient collateral security, conditioned for making a final delivery of the goods, wares or merchandise ordered or services to be performed in accordance with the terms of such order or, failing therein, that the advance payment on such order be refunded.

- a. If advanced payments will commonly be larger than \$1,000, the Town Clerk will consult with the Town's attorney to determine an appropriate bond sum. In lieu of bond, this sum may be secured with cash.
- b. Any person aggrieved by the action of any licensed solicitor shall have right by action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect, and in case of a cash deposit, such deposit shall be retained by the Town of Moreau for a period 90 days after the expiration of any such license, unless release is authorized sooner by the Town Board.

§ 105-11. Exemptions

- A. The provisions of this chapter which require registration or licenses shall not apply to the following types of sales, except that any activities or locations used in furtherance of sales identified hereunder must still comply with all other laws, ordinances, rules and regulations of the State of New York, County of Saratoga and/or Town of Moreau, including the Town of Moreau Zoning Laws:
 - a. Any sales conducted pursuant to statute or by order of any court.
 - b. Youth organizations and sales activities performed by children ages 16 years or under.
 - c. The peddling of meats, fish, fowl, fruit, vegetables, flowers, shrubs and trees by a gardener or farmer or his employees where the products so sold or offered for sale are the produce of this vendor's farm, garden or orchard.
 - d. Sales by dealers in milk, baked goods, heating fuel, dry cleaning/laundry and daily newspapers.
 - e. Sales by any person soliciting at the express invitation of the person solicited or soliciting to established customers.
 - f. Garage Sales.
 - g. Sales of firewood from wood harvested on site.
- B. The following shall be exempt from fees associated with peddler/vendor licensing, but must still comply with all application requirements, all other laws, ordinances, rules and regulations of the State of New York, County of Saratoga and/or Town of Moreau, including the Town of Moreau Zoning Laws:
 - a. Veterans; nonprofit organization or associations [501(c)(3)]; volunteer firemen's associations; religious, civic, or service groups that maintain a chapter or conduct regular business or meetings within the County of Saratoga.
 - b. Any veteran who has procured a license from the State of New York pursuant to § 32 of the General Business Law.

§ 105-12. Approval process and form of license.

- A. Approval of a Peddlers License application shall be made by the Town Clerk in consultation as needed with the Building Department.
- B. If approved, the license shall be produced in a form prescribed by the Town Clerk.

§ 105-13. Non-issuance of license.

- A. If the Town Clerk determines any applicant's criminal history or driving record may render an applicant unfit to vend within the Town, (s)he will refer the application to the Town Board for a determination. In making such determinations, consideration shall be given to

provisions of §§ 701 through 703-b and §§ 751 through 753 of the New York State Correction Law.

- B. If the application is rejected, the Town Clerk shall notify the applicant in writing, giving the reasons for the rejection.

§ 105-14. Display of licenses.

All licenses shall be displayed in a conspicuous place at all times during the operation of the vending business, and shall be produced upon request during operating hours.

§ 105-15. Transfer of license.

A license may not be transferred or assigned or its location changed without prior approval of the Town Clerk. If the Town Clerk approves the transfer, assignment or location change, this action shall be endorsed upon the license by the Town Clerk.

§ 105-16. Renewal of license.

A license may be renewed at its expiration by submitting a new application form and applicable documentation.

§ 105-17. Implementation

All uses, businesses, and operations identified herein subject to this law, shall adhere to requirements thereof upon passage of this local law and filing with the Secretary of State. Issuance of prior permits shall not grant any rights. Licenses having been issued in 2025 prior to passage of this law shall automatically have the term of their licenses extended to 12 months from the effective date of the existing license.

§ 105-18. Penalties for offenses.

A. Any person who conducts a business without a license required by this chapter or who conducts or attempts to conduct a business during the period when his license is suspended or revoked or who violates any of the terms or provisions of this chapter shall be guilty of a violation.

B. Any persons found guilty of a violation shall be subject to a fine which shall not exceed \$250 per offense, or to imprisonment not to exceed 15 days, or to both, in the discretion of the court.

C. Except as otherwise provided by law, such violation shall not impose any disability upon or affect or impair the credibility as a witness or otherwise of any person found guilty of such offense.

§ 105-19. Suspension or revocation of license.

A. Written notice of intent to suspend or revoke shall be given by registered or certified mail, to the address set forth on the application.

B. The Town Clerk shall suspend or revoke the license of any vendor found to have violated or to have permitted a violation of any provision of this chapter or any other ordinance, rule or regulation or state or federal law pertaining to the operation of his business.

C. Upon a determination that a license should be suspended or revoked, the Town Clerk shall notify the vendor, in writing, setting forth reasons for such suspension or revocation.

§ 105-20. Effect of license revocation.

A. When a license has been revoked, no other license shall be issued to the same vendor until after the expiration of at least one year.

B. Upon revocation of any license, the license fee shall be forfeited.

C. All vending activities shall immediately cease beginning on the date of revocation and should vacate the site within 24 hours.

§ 105-21. Post-issuance recommendation from Building, Planning and Development Office.

Should any problems arise from the location of Roadside Vendors, Sparkling Device Vendors, or from Refreshment Vendor Stands, the Director of the Building, Planning and Development Office, or their designee shall recommend to the Town Clerk that relocation would be desirable in order for a permittee to remedy any such problem. Said recommendation shall be in writing to the Town Clerk, and if acted on by the Clerk, be appealable to the Town Board at the vendors request.

§ 105-22. Severability.

If any section or sections of this chapter shall be declared unconstitutional or otherwise void and ineffective, the validity of the remainder of the provisions hereof and their application shall not be affected thereby.

§ 105-23. Rules and regulations.

The Town Clerk, upon advice and with consent by resolution of the Town Board, may promulgate rules and regulations necessary to effectuate the provisions of this chapter and to address special circumstances, specially designated areas of the Town, and/or special events. Special rules and regulations may supersede otherwise inconsistent provisions of this chapter.

Section 4. Severability. The invalidity or unenforceability of any provision of this Local Law by a valid judgement of any court of competent jurisdiction shall not affect the validity or enforceability of any other provision.

Section 5. Effective Date. This Local Law shall take effect upon filing in the office of the New York State Secretary of State.