



Office of the Town Clerk
James M. Wooten, Town Clerk

Registrar of Vital Statistics

Records Management Officer

Marriage Officer

August 8, 2024

General Code Publishers
781 Elmgrove Road
Rochester, NY 14624
Attn: Jan Medina

Dear Ms. Medina:

ENCLOSED HEREWITH please find the following resolution which was adopted by the Riverhead Town Board at a Regular Town Board meeting on August 6, 2024.

#16- Resolution # 705 – Adopted 8/06/2024

ADOPTS A LOCAL LAW TO AMEND CHAPTER 257 PEDDLING & SOLICITING
(Food Trucks)

Sincerely,

James M. Wooten
Town Clerk
JW:cd

08.06.2024

ADOPTED

TOWN OF RIVERHEAD

TB Resolution 2024-705

ADOPTS LOCAL LAW TO AMEND CHAPTER 257 PEDDLING & SOLICITING

Councilman Rothwell offered the following resolution,
which was seconded by Councilman Kern

WHEREAS, the Town Clerk was authorized to publish the attached public notice to hear all interested persons to consider a local law to Amend Chapter 257, Peddling & Soliciting, of the Code of Town of Riverhead ("Riverhead Town Code");

WHEREAS, a public hearing was held on the 4th day of June 2024 at 2:00 o'clock p.m. at the Riverhead Town Hall, 4 W Second Street Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the Adoption of the subject Local law is an Unlisted Action pursuant to SEQRA, with coordinated review being optional and not recommended.

WHEREAS, Planning Department Staff, on behalf of the Riverhead Town Board has prepared part 1 the Short Environmental Assessment Form (SEAF) dated June 11, 2024 and part 2 and part 3 of the SEAF dated August 6, 2024. Now, therefore, be it

RESOLVED, that the Riverhead Town Board hereby classifies the local law to Amend Chapter 257, Peddling & Soliciting, of the Code of Town of Riverhead ("Riverhead Town Code") as an Unlisted Action pursuant to SEQRA, and assumes Lead Agency, without coordinated review; and be it further

RESOLVED, that the Riverhead Town Board hereby issues a Negative Declaration pursuant to SEQRA, for the local law to Amend Chapter 257, Peddling & Soliciting, of the Code of Town of Riverhead ("Riverhead Town Code") as the proposed action is not likely to result in any significant adverse environmental impacts; and be it further

RESOLVED, that the local law to Amend Chapter 257, Peddling & Soliciting, of the Code of Town of Riverhead ("Riverhead Town Code") is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Office of the Town Attorney, the Planning Department, the Building Department, Code Enforcement and the Fire Marshal's Office; and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

10.26

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kenneth Rothwell, Councilman
SECONDER: Robert Kern, Councilman
AYES: Hubbard, Rothwell, Kern, Merrifield, Waski

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 257 of the Riverhead Town Code entitled "Peddling & Soliciting". The intent of the proposed amendment is to define and include regulations for food trucks.

A copy of the entire text of the proposed local law and the provisions of the existing law to be amended may be reviewed at the Office of the Town Clerk, 4 West Second Street, Riverhead, New York 11901, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday and can be accessed on the Town of Riverhead website at: www.townofriverheadny.gov under the Agenda and Minutes for the August 6, 2024 Town Board Meeting.

Dated: Riverhead, New York
August 6, 2024

**BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
JAMES M. WOOTEN, TOWN CLERK**

CHAPTER 257

Food Trucks, Peddling and Soliciting

Article I

Licensing and Regulation

§ 257-1 Purpose.

The purpose of this article is to provide for the registration and regulation of the conduct of certain peddlers, solicitors and canvassers in the Town of Riverhead and otherwise eliminating such practices.

§ 257-2 Definitions.

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

FOOD TRUCK

A licensed, motorized vehicle or mobile food unit equipped with facilities for cooking and selling food, which is temporarily stored on a premises where food items are sold to the general public also known as "mobile food preparation vehicle."

FOOD TRUCK OPERATOR

A person as defined herein who operates a food truck as defined herein.

PEDDLER

A person who goes from place to place by traveling on foot or by any type of conveyance on the streets or from house to house carrying, transporting or conveying goods, wares, merchandise foods, farm products or provisions, offering and exposing the same for sale or making sales and deliveries to purchasers or who solicits orders and, as a separate transaction, makes deliveries to purchasers. The word "peddler" shall include the words "hawker" and "huckster."

PERSON

Includes the singular and the plural and shall also include and mean any individual, firm partnership, corporation, voluntary association, incorporated association, club, society or other organization and any officer, employee or agent thereof.

SOLICITOR and/or CANVASSER

Any person who goes from place to place or house to house or stands in any street or public place taking or offering to take orders for goods, wares or merchandise, except as hereinafter exempted, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

TRANSIENT RETAIL BUSINESS

A retail or wholesale business conducted in a temporary structure 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; or in any other place for a temporary period of time. Lack of a rental or leasing agreement of three months' or more duration, sealed by monetary consideration, shall be presumptive of a temporary situation. The type of merchandise being offered for sale will have no bearing on the designation.

§ 257-3 Registration and license required.

It shall be unlawful for any food truck operator, peddler or solicitor to sell or dispose of or to offer to sell or dispose of any goods, wares or merchandise within the Town of Riverhead or to solicit or act as a solicitor from door to door within the Town of Riverhead without first registering with the Town Clerk of the Town of Riverhead as provided in this article and obtaining the license prescribed.

Attachment: Licensing and Regulation_Last revised_06-11-2024_CLEAN COPY (2024-705 : Adopts Local Law to Amend Chapter 257 Peddling &

§ 257-4 Exemptions.

- A. The requirements of this article as to the payment of a license fee (but not as to registration) shall be held not to include the following persons, who are expressly exempt from its application &
- (1) Any person honorably discharged from the United States Army, Navy, Air Force or Marine Corps or other components of the military forces of the United States who has served in any war or overseas. Any honorably discharged member of the Armed Forces of the United States holding a license pursuant to Article 4 of the General Business Law must file a further application with the Town Clerk for the issuance of a local license under the same conditions as any other peddler. No fee shall be required of any such veteran of the Armed Forces of the United States, except that conveyances not owned by such a veteran shall be licensed at the usual fee.
 - (2) Persons engaged in delivering merchandise of any nature whatsoever on regular scheduled routes to regular customers, including specifically but not limited to persons delivering dairy products, bread and other merchandise over such routes, and, with respect to persons mentioned in this subsection, they shall be exempt from all requirements of this article relating to the payment of the license fee or license fees, terms and conditions.
 - (3) Salesmen and/or product representatives in the business of supplying established businesses, including but not limited to department store merchandise, pharmaceutical supplies and other personal-use items, within the Town of Riverhead with stock and merchandise usually sold in said businesses.
- B. This article shall not apply to any of the following:
- (1) Sales conducted pursuant to statute.
 - (2) Sales conducted pursuant to the order by any court.
 - (3) Any person selling personal property or other merchandise at wholesale to dealers and/or retailers engaged in the business of selling such articles in a business in the Town of Riverhead.
 - (4) The sale of meats, fish, fruits, farm produce and other agricultural commodities as described in § 301 of the Agriculture and Markets Law by farmers and persons who produce such commodities on the private property where said commodity is being sold.
 - (5) Persons soliciting, collecting or operating a sale on behalf of any local bona fide charitable, religious, patriotic or any other not-for-profit community organization, which organization is represented locally by a Town resident.
 - (6) Any person selling personal property at a garage sale held at his residence.
 - (7) The sale of newspapers.
 - (8) Any merchant having an established place of business within the Town of Riverhead.

§ 257-5 Permitted activities.

- A. The following activities shall be the only activities which can be licensed pursuant to this article
- (1) The sale of ice cream, milk and other dairy products.
 - (2) The sale of goods ordinarily associated with the operation of coffee trucks, provided that

said sale is conducted to established businesses within the Town.

- (3) The sale or taking orders for future delivery of goods, produce, wares, books, magazines and periodicals or merchandise of any description by calls from house to house which comply with the restrictions set forth in § 257-8 of this article.
 - (4) The operation of one (1) Food Truck as defined herein on properties where the principal use of the property is a restaurant, brewery, farm brewery, distillery, farm distillery, wine tasting room, or vineyard. The siting of multiple food trucks on a single property shall require the filing and approval of a special event permit pursuant to Town Code Chapter 255.
- B. All other businesses hereinabove defined as transient retail businesses shall be illegal in the Town of Riverhead.

§ 257-6 Application for license.

Any person desiring a license under this article shall first register with the Town Clerk of the Town of Riverhead and shall file with said Town Clerk an application, in writing, containing the following information:

- A. The name and permanent home address of the applicant.
- B. The name, address and telephone number of the person from whom goods making up the stock if any, were or are to be purchased.
- C. The particular business, trade or occupation for which the license is required and a description of the goods, wares or merchandise to be sold and offered for sale and/or the purpose of his proposed canvassing or solicitation.
- D. Copy of driver's license.
- E. The manner or means of conveyance in which the business, trade or occupation is to be conducted.
- F. All operator permit applications shall be accompanied by two unmounted, unretouched photographs of the applicant, showing head and shoulders, taken within 30 days of the date of the application. Said photographs shall be two inches by two inches in size that meet passport requirements.
- G. The length of time for which the license is required and the effective date of the registration.
- H. Whether or not the applicant has ever been convicted of a felony, misdemeanor or violation of any municipal ordinance, except traffic violations, and, if so, the date, court, ordinance violated and sentence of the court.
- I. A statement by a reputable physician, dated not more than 10 days prior to the submission of the application, certifying the applicant to be free of contagious infections or contagious diseases.
- J. When the application form has been completed, the applicant shall appear at the Riverhead Town Police Department, or a New York State Division of Criminal Justice Services' approved vendor, to be fingerprinted as provided in the form and manner prescribed by the Division of Criminal Justice Services for such fingerprint search. Prior to the fingerprinting, the Town Clerk shall secure from the applicant the required fee for a criminal history record check in the form of a check or money order made payable, as required, to the New York State Division of Criminal

Justice Services to be forwarded to the Division with such fingerprints. Any fee for fingerprinting charged by the Department or vendor is in addition to the fees required to be paid to the Town Clerk. The Chief of Police of the Riverhead Town Police Department or his/her designee(s) shall review all information provided by New York State Division of Criminal Justice Services in connection with the applicant's criminal background and investigation. If a prospective applicant for any of the aforementioned licenses has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license will be made upon consideration of New York State Correction Law §§ 701 through 703-b and §§ 751 through 753.

- K. If the application is for a license to handle food in any form, the Town Clerk shall not issue the license until there has been submitted evidence that the applicant has complied with the provisions of the Suffolk County Public Health Ordinance.
- L. If the application is for the operation of a food truck the applicant is also required to comply with all provision of Chapter 231 of the Riverhead Town Code.

§ 257-7 Fees.

- A. The license fee payable by each peddler for each unit, truck or any conveyance carrying wares shall be as follows:
 - (1) Per year: \$100.
 - (2) Per six months: \$75.
 - (3) Per three months: \$50.
- B. The license fee for each solicitor or canvasser going from house to house shall be as follows:
 - (1) Per year: \$75.
 - (2) Per six months: \$50.
 - (3) Per three months: \$25.
- C. Accredited representatives of any charitable, educational, fraternal or religious organization or corporation not having its office in the Town of Riverhead shall not be required to pay a fee but shall otherwise file the information required by § 257-6 herein.
- D. Any person honorably discharged from the United States Army, Navy, Air Force or Marine Corps or other components of the military forces of the United States as described in § 257-4 herein shall not be required to pay a fee but shall otherwise file the information required by this article

§ 257-8 Restrictions.

- A. A hawker, peddler or solicitor shall:
 - (1) Not engage in such business at any time between the hours of 8:00 p.m. and 9:00 a.m.
 - (2) Not willfully misstate the quantity or quality of any article offered for sale.
 - (3) Not offer for sale any unwholesome, tainted, deleterious or diseased provisions or merchandise.
 - (4) Keep the vehicles and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.

- (5) Not call attention to his goods by blowing a horn, by ringing a bell other than a house doorbell, by shouting or crying out or by any loud or unusual noise or sound reproduction device, as those terms are described in Chapter 251, Article I, Noise, of the Code of the Town of Riverhead.
- (6) Not peddle or solicit in any congested place or area when or where such activity may impede, endanger or inconvenience the public or add to the congestion of such place or area. For the purposes of this subsection, the judgment of any peace officer, Code Enforcement Officer or the Town of Riverhead or police officer, exercised in good faith, shall be deemed conclusive as to the existence of congestions and as to whether the public is impeded, endangered or inconvenienced.
- (7) Not peddle or solicit at or within a one-thousand-foot radius of any municipal park, beach, marina or other Town-owned or -maintained recreational facility unless specifically authorized by the Town Board to peddle his wares by concession, lease or otherwise.
- (8) Not stand or permit the vehicles used by him to stand in one place in any public place or street or within 1,500 feet from the previous site for more than 10 minutes or in front of or on any premises at any time.
- (9) Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.
- (10) Not engage in such business within 500 feet of any school between the hours of 7:00 a.m. and 4:00 p.m. on school days.
- (11) Not engage in such business within 1,500 feet of any public market or store engaged in the business of selling the same goods, wares and merchandise offered by the licensee.
- (12) Not sell or peddle prepared foods of any kind, including ice cream, confectionery, beverages, prepackaged snack foods, hot dogs, hamburgers or other sandwiches, on any Town beach upon which is located a concession stand operated under an agreement with the Town or on any parking area adjacent thereto.

B. A Food Truck:

- (1) Shall not operate between the hours of 9:00 pm and 5:00 am
- (2) Shall be located a minimum of 500 feet from the main entrance to any eating establishment or similar food service business, 500 feet from any outdoor dining area as measured from the designated location on the lot accommodating the food truck unless such eating establishment is owned or operated by the Food Truck Operator.
- (3) Shall not operate on public rights-of-way or in locations designated as municipal parking unless expressly permitted by the Town Board.
- (4) Shall not operate at a municipal park, beach, marina or other Town-owned or -maintained recreational facility unless specifically authorized by the Town Board to operate said food truck by concession, lease or otherwise.
- (5) That is participating in a Chapter 255 Special Event that has been approved by the Town Board, or is participating in other town sponsored or co-sponsored events are exempt from the restrictions contained in Subsection B(2) and (3) above.

- (6) Operator must have permission of property owner to operate from the site and ground signs shall be prohibited.
- (7) Shall be parked on improved surfaces that provide adequate room for customers and their vehicles.
- (8) Shall not be parked in required parking stall that causes principal use to be below minimum required parking by Town Code.

§ 257-9 Issuance of license.

- A. The license shall be issued on the forms drawn in accordance with this article. They shall be consecutively numbered and shall contain spaces for the insertion of the name, location of the business, tax identification number or social security number and amount of fee paid.
- B. There shall be kept in the office of the Town Clerk the necessary books for recording the time the application was received, showing whether it is an application for a new or renewal license the name of the license, the date of approval by the Town Clerk, the amount of fee received therefor and the date when the license was issued.
- C. Every person holding a license under this article shall be required to have in his possession the license at all times while actually engaged in peddling.

§ 257-10 Revocation or suspension of license.

A license may be suspended or revoked by the Town Clerk or the Chief of Police by reason of violation of the terms of the license, the violation of any Town ordinance pursuant to § 135 of the Town Law or state or federal statute or falsification or fraud in applying for the license. The licensee may, upon making application to the Town Clerk, in writing, request a hearing by the Town Board upon the revocation or suspension of the aforesaid license.

§ 257-11 Penalties for offenses.

Any person required by this article to procure a license who violates its terms or who violates any of the provisions of this article shall, upon conviction thereof, forfeit and pay not less than \$500 nor more than \$2,500 for the first offense and no less than \$1,000 nor more than \$5,000 for the second or any subsequent offense.

CHAPTER 257

Food Trucks, Peddling and Soliciting

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Includes the singular and the plural and shall also include and mean any individual, firm, partnership, corporation, voluntary association, incorporated association, club, society or other organization and any officer, employee or agent thereof.

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A retail or wholesale business conducted in a temporary structure 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; or in any other place for a temporary period of time. Lack of a rental or leasing agreement of three months' or more duration, sealed by monetary consideration, shall be presumptive of a temporary situation. The type of merchandise being offered for sale will have no bearing on the designation.

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Clerk of the Town of Riverhead as provided in this article and obtaining the license prescribed.

§ 257-4 Exemptions.

A. The requirements of this article as to the payment of a license fee (but not as to registration) shall be held not to include the following persons, who are expressly exempt from its application:

- (1) Any person honorably discharged from the United States Army, Navy, Air Force or Marine Corps or other components of the military forces of the United States who has served in any war or overseas. Any honorably discharged member of the Armed Forces of the United States holding a license pursuant to Article 4 of the General Business Law must file a further application with the Town Clerk for the issuance of a local license under the same conditions as any other peddler. No fee shall be required of any such veteran of the Armed Forces of the United States, except that conveyances not owned by such a veteran shall be licensed at the usual fee.
- (2) Persons engaged in delivering merchandise of any nature whatsoever on regular, scheduled routes to regular customers, including specifically but not limited to persons delivering dairy products, bread and other merchandise over such routes, and, with respect to persons mentioned in this subsection, they shall be exempt from all requirements of this article relating to the payment of the license fee or license fees, terms and conditions.
- (3) Salesmen and/or product representatives in the business of supplying established businesses, including but not limited to department store merchandise, pharmaceutical supplies and other personal-use items, within the Town of Riverhead with stock and merchandise usually sold in said businesses.

B. This article shall not apply to any of the following:

- (1) Sales conducted pursuant to statute.
- (2) Sales conducted pursuant to the order by any court.
- (3) Any person selling personal property or other merchandise at wholesale to dealers and/or retailers engaged in the business of selling such articles in a business in the Town of Riverhead.
- (4) The sale of meats, fish, fruits, farm produce and other agricultural commodities as described in § 301 of the Agriculture and Markets Law by farmers and persons who produce such commodities on the private property where said commodity is being sold.
- (5) Persons soliciting, collecting or operating a sale on behalf of any local bona fide charitable, religious, patriotic or any other not-for-profit community organization, which organization is represented locally by a Town resident.
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 - (4) The operation of one (1) Food Truck as defined herein on properties where the principal use of the property is a restaurant, brewery, farm brewery, distillery, farm distillery, wine tasting room, or vineyard. The siting of multiple food trucks on a single property shall require the filing and approval of a special event permit pursuant to Town Code Chapter 255.
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- C. The particular business, trade or occupation for which the license is required and a description of the goods, wares or merchandise to be sold and offered for sale and/or the purpose of his proposed canvassing or solicitation.
- D. Copy of driver's license.
- E. The manner or means of conveyance in which the business, trade or occupation is to be conducted.
- F. All operator permit applications shall be accompanied by two unmounted, unretouched photographs of the applicant, showing head and shoulders, taken within 30 days of the date of the application. Said photographs shall be two inches by two inches in size that meet passport requirements.
- G. The length of time for which the license is required and the effective date of the registration.
- H. Whether or not the applicant has ever been convicted of a felony, misdemeanor or violation of any municipal ordinance, except traffic violations, and, if so, the date, court, ordinance violated and sentence of the court.
- I. A statement by a reputable physician, dated not more than 10 days prior to the submission of the application, certifying the applicant to be free of contagious infections or contagious diseases.
- J. When the application form has been completed, the applicant shall appear at the Riverhead Town Police Department, or a New York State Division of Criminal Justice Services' approved vendor, to be fingerprinted as provided in the form and manner prescribed by the Division of Criminal Justice Services for such fingerprint search. Prior to the fingerprinting, the Town Clerk shall secure from the applicant the required fee for a criminal history record check in the form of

a check or money order made payable, as required, to the New York State Division of Criminal Justice Services to be forwarded to the Division with such fingerprints. Any fee for fingerprinting charged by the Department or vendor is in addition to the fees required to be paid to the Town Clerk. The Chief of Police of the Riverhead Town Police Department or his/her designee(s) shall review all information provided by New York State Division of Criminal Justice Services in connection with the applicant's criminal background and investigation. If a prospective applicant for any of the aforementioned licenses has been convicted of a crime, any decision regarding such prospective applicant's fitness for a license will be made upon consideration of New York State Correction Law §§ 701 through 703-b and §§ 751 through 753.

- K. If the application is for a license to handle food in any form, the Town Clerk shall not issue the license until there has been submitted evidence that the applicant has complied with the provisions of the Suffolk County Public Health Ordinance.
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- B. The license fee for each solicitor or canvasser going from house to house shall be as follows:
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- C. Accredited representatives of any charitable, educational, fraternal or religious organization or corporation not having its office in the Town of Riverhead shall not be required to pay a fee but shall otherwise file the information required by § 257-6 herein.
- D. Any person honorably discharged from the United States Army, Navy, Air Force or Marine Corps or other components of the military forces of the United States as described in § 257-4 herein shall not be required to pay a fee but shall otherwise file the information required by this article.

§ 257-8 Restrictions.

- A. A hawker, peddler or solicitor shall:
 - (1) Not engage in such business at any time between the hours of 8:00 p.m. and 9:00 a.m.
 - (2) Not willfully misstate the quantity or quality of any article offered for sale.
 - (3) Not offer for sale any unwholesome, tainted, deleterious or diseased provisions or merchandise.
 - (4) Keep the vehicles and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.

- (5) Not call attention to his goods by blowing a horn, by ringing a bell other than a house doorbell, by shouting or crying out or by any loud or unusual noise or sound reproduction device, as those terms are described in Chapter 251, Article I, Noise, of the Code of the Town of Riverhead.
- (6) Not peddle or solicit in any congested place or area when or where such activity may impede, endanger or inconvenience the public or add to the congestion of such place or area. For the purposes of this subsection, the judgment of any peace officer, Code Enforcement Officer of the Town of Riverhead or police officer, exercised in good faith, shall be deemed conclusive as to the existence of congestions and as to whether the public is impeded, endangered or inconvenienced.
- (7) Not peddle or solicit at or within a one-thousand-foot radius of any municipal park, beach, marina or other Town-owned or -maintained recreational facility unless specifically authorized by the Town Board to peddle his wares by concession, lease or otherwise.
- (8) Not stand or permit the vehicles used by him to stand in one place in any public place or street or within 1,500 feet from the previous site for more than 10 minutes or in front of or on any premises at any time.
- (9) Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.
- (10) Not engage in such business within 500 feet of any school between the hours of 7:00 a.m. and 4:00 p.m. on school days.
- (11) Not engage in such business within 1,500 feet of any public market or store engaged in the business of selling the same goods, wares and merchandise offered by the licensee.
- (12) Not sell or peddle prepared foods of any kind, including ice cream, confectionery, beverages, prepackaged snack foods, hot dogs, hamburgers or other sandwiches, on any Town beach upon which is located a concession stand operated under an agreement with the Town or on any parking area adjacent thereto.

B. A Food Truck:

- (1) Shall not operate between the hours of 9:00 pm and 5:00 am
- (2) Shall be located a minimum of 500 feet from the main entrance to any eating establishment or similar food service business, 500 feet from any outdoor dining area as measured from the designated location on the lot accommodating the food truck unless such eating establishment is owned or operated by the Food Truck Operator.
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- (5) That is participating in a Chapter 255 Special Event that has been approved by the Town Board, or is participating in other town sponsored or co-sponsored events are exempt from the restrictions contained in Subsection B(2) and (3) above.

- (6) Operator must have permission of property owner to operate from the site and ground signs shall be prohibited.
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§ 257-9 Issuance of license.

- A. The license shall be issued on the forms drawn in accordance with this article. They shall be consecutively numbered and shall contain spaces for the insertion of the name, location of the business, tax identification number or social security number and amount of fee paid.
- B. There shall be kept in the office of the Town Clerk the necessary books for recording the time the application was received, showing whether it is an application for a new or renewal license, the name of the license, the date of approval by the Town Clerk, the amount of fee received therefor and the date when the license was issued.
- C. Every person holding a license under this article shall be required to have in his possession the license at all times while actually engaged in peddling.

§ 257-10 Revocation or suspension of license.

A license may be suspended or revoked by the Town Clerk or the Chief of Police by reason of violation of the terms of the license, the violation of any Town ordinance pursuant to § 135 of the Town Law or state or federal statute or falsification or fraud in applying for the license. The licensed person may, upon making application to the Town Clerk, in writing, request a hearing by the Town Board upon the revocation or suspension of the aforesaid license.

§ 257-11 Penalties for offenses.

Any person required by this article to procure a license who violates its terms or who violates any of the provisions of this article shall, upon conviction thereof, forfeit and pay not less than \$500 nor more than \$2,500 for the first offense and no less than \$1,000 nor more than \$5,000 for the second or any subsequent offense.