



**PEDDLER  
HANDBOOK**

145611

## THE PEDDLER HANDBOOK

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**U.S. Department of Justice  
National Institute of Justice**

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FORCE

This booklet has been designed to help the uniformed Police Officer on patrol who is not a member of a Peddler Enforcement Unit.

It is every Police Officer's responsibility to enforce the law regarding street peddling. Illegal street peddler activity should not be tolerated by members on patrol.

Most peddler violations require the issuance of an E.C.B. Notice of Violation (NOV). Whenever these violations are observed members should take **PROMPT** action. Some violations require the removal of the peddler's goods and display materials. In these cases member should ascertain the availability of property removal vehicles before initiating any encounter with the vendor. If an appropriate vehicle is not available an E.C.B. (NOV) should be issued.

WHENEVER AN APPROPRIATE VEHICLE IS AVAILABLE THE VENDOR'S GOODS AND DISPLAY MATERIAL WILL BE REMOVED TO THE STATION HOUSE AND VOUCHERED AS PER PATROL GUIDE PROCEDURES (P.G. 113-33,34,41).

## GENERAL VENDORS

**General Vendor Defined:** A person who peddles, sells, leases or offers for sale or lease at retail, goods or services, other than food in a public area.

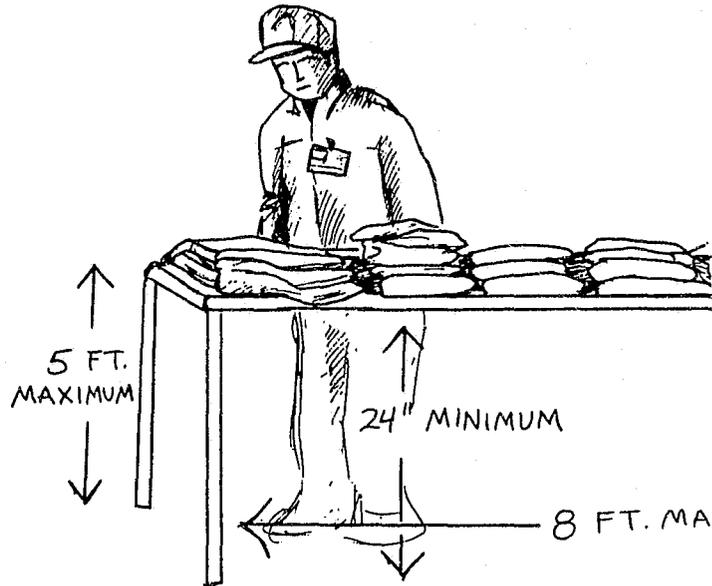
All general vendors must possess a photo license issued by the Department of Consumer Affairs with the exception of vendors of written matter.

The license color changes every year.

Whenever a uniformed member of the service observes a general vendor who is unlicensed or operating in violation of the following laws and regulations he/she will take action as indicated:

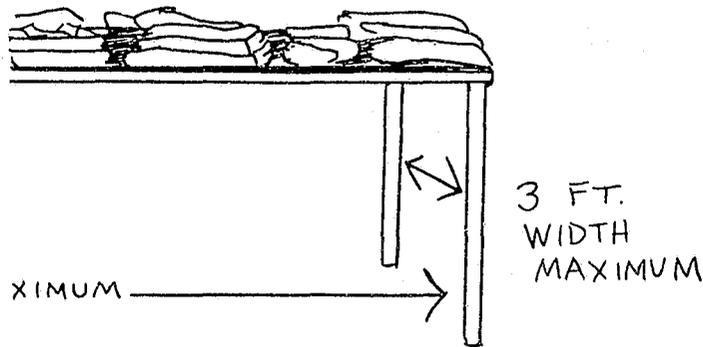
Violation Code	Description of Action Taken
G01— 20-453 Administrative Code Unlicensed General Vendor  Sells goods Without A Dept. of Consumer Affairs license.	a. Arrest Violator (Uncl. Misd.) b. Seize and voucher goods. c. Follow forfeiture procedures. (P.G. 113-41) d. Issue D.A.T. if person qualifies.
G02— 20-461 (a) Administrative Code fails to Carry and Exhibit License on Demand.	E.C.B. N.O.V.
G11— 20-465 (a) Administrative Code Less than 12 foot path, not at curb.	E.C.B. N.O.V.
G12— 20-465 (b) Administrative Code Cart/Stand more than 3' wide 8' long and 5' high.	a. E.C.B. N.O.V. b. Seize and voucher goods. c. The vouchered proper- ty will be returned upon demand without payment of removal fee when vendor pro- duces a valid General Vendors License. (P.G. 113-4). d. Prepare Fee Waiver Notice Form.
G13— 20-465 (c) Administrative Code Vehicle/Stand touching/leaning against a building.	E.C.B. N.O.V.
G14— 20-465 (d) Administrative Code Vendor Against display window or within 20' of entrance	E.C.B. N.O.V. and removal.

Violation Code	Description of Action Taken
G15— 20-465 (e) Administrative Code Sells in Bus Stop or within 10' of driveway, subway or crosswalk.	E.C.B. N.O.V. and Removal.
G17— 20-465 (g) Administrative Code Peddling in Prohibited Area includes 30th Street to 65th Street, 2nd to 8th Avenues.	E.C.B. N.O.V.
G18— 20-465 (i) Administrative Code Vending on Median strip not intended for Mall or Plaza	E.C.B. N.O.V.
G19— 20-465 (j) Administrative Code Peddlers in jurisdiction of Department of Parks without approval.	E.C.B. N.O.V.
G20— 20-465 (k) Administrative Code Failure to move after notice of exigent circumstances given.	E.C.B. N.O.V. and Removal.
G21— 20-465 (l) Administrative Code Peddler in Restricted location/time. A licensed vendor peddles in an area restricted by Consumer Affairs—	a. E.C.B. N.O.V. b. Seize and voucher goods as forfeiture.
G23— 20-465 (m) Administrative Code Vending over ventilation grill, cellar door, or manhole.	E.C.B. N.O.V. and Removal.



Violation Code	Description of Action Taken
G24- 20-465 (n) Administrative Code Display merchandise on sidewalk or improper stand.	E.C.B. N.O.V.
G25- 20-465 (o) Administrative Code Vending from parked motor vehicle.	E.C.B. N.O.V.
G41- 20-474.1 Unlicensed distribution of goods to vendor.	a. E.C.B. N.O.V. b. Seize and voucher the vehicle c. Follow forfeiture procedure (P.G. 113-41) and operation order 75s90.
G42- 20-474.2 Distributor's delivery vehicle without required identification.	E.C.B. N.O.V.
G60- Consumer Affairs Regulation 5c Vending near fire hydrant or in a safety zone.	E.C.B. N.O.V.

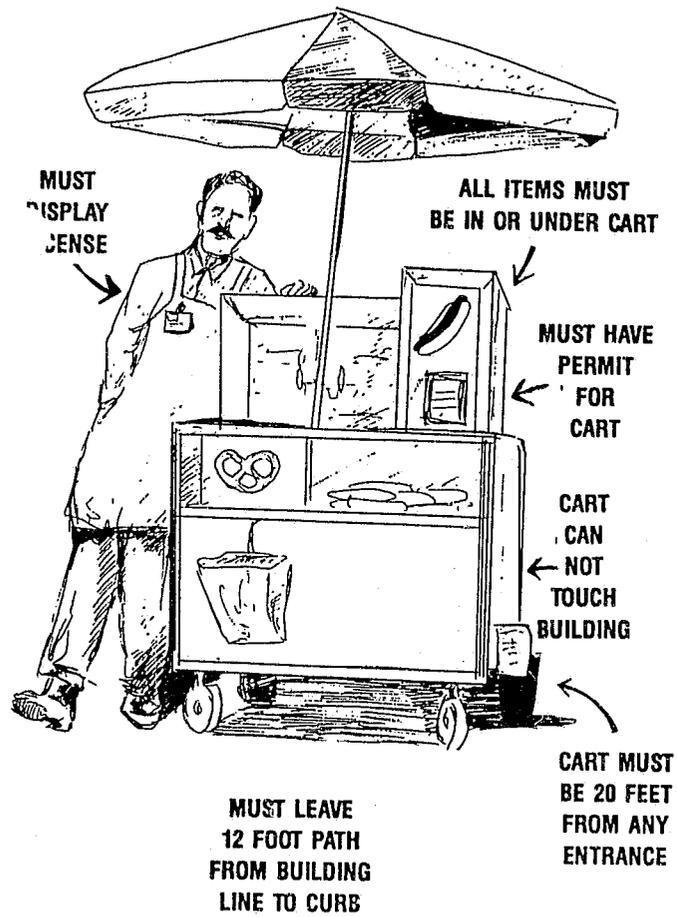
**\*\*NOTE:** Whenever removal of a general vendor's property is deemed appropriate, the M.O.S. involved will bag, seal and label all such property in accordance with P.G. 113-33. This action will take place on the street, in front of the peddler whenever possible.



## FOOD VENDORS

Whenever a uniformed member of the service observes a food vendor who is unlicensed or operating in violation of the following laws and regulations he/she will take action as indicated.

Violation Code	Description of Action Taken
F01— Sec. 17-30(a) Unlicensed Food Vendor	a. E.C.B. N.O.V. b. Seize and voucher cart/stand and food. P.G. 113-33. Follow forfeiture procedure P.G. 113-41.
F02— Sec. 17-307(b) Lack of permit for voucher vehicle/cart.	a. E.C.B. N.O.V. b. Seize cart/stand or vehicle and food and follow forfeiture proceeding P.G. 113-33/P.G. 113-41.
F05— Sec. 17-311. Fail to display license.	E.C.B. N.O.V.
F13— Sec. 17-315(a) Less than 12' path/not at curb.	E.C.B. N.O.V.
F14— Sec. 17-315(b) No vehicle touching or leaning against building or structure.	E.C.B. N.O.V.
F15— Sec. 17-315(c) Cart/Stand more than 10' long.	E.C.B. N.O.V.
F16— Sec. 17-315(d) Fails to have all items in or under cart.	E.C.B. N.O.V.
F17— Sec. 17-315(e) Vendor against display window or within 20' of entrance.	E.C.B. N.O.V.
F18— Sec. 17-315(f) Within 10' of driveway, subway, crosswalk or in a bus stop.	E.C.B. N.O.V.
F19— Sec. 17-315(g) Peddling where parking prohibited.	E.C.B. N.O.V.
F21— Sec. 17-315(j) Department of Parks property without authorization.	a. E.C.B. N.O.V. b. Seize and voucher goods and cart. c. Vouchered property will be returned upon demand to properly identified food vendor after payment of necessary removal and storage fee. d. Perishable food items will be destroyed according to schedule P.G. 113-33.



# SPECIAL INSTRUCTIONS

## EXIGENT CIRCUMSTANCES

Any situation which may endanger public safety or obstruct the free flow of traffic, either pedestrian or vehicular.

- Action:**—1) Notify vendor to stop all selling at the location and within one minute begin to move from the area.
- 2) Inform the vendor of the extent of the prohibited area and the time frame that the vendor will not be able to sell. The vendor must move a sufficient distance from the critical location to alleviate the existing condition.
- 3) A vendor who refuses to move or who returns within the prohibited time will be issued an E.C.B. N.O.V. and his goods, cart or vehicle will be seized. (P.G. 113-33)
- 4) P.G. 113-34 provides for the return of a licensed vendor's property at the station house. Food vendors will pay a fee, general vendors will not.

### Vendors of Written Matter

Persons who sell books or other written matter are exempt from the licensing provisions of the Administrative Code. Only certain sections of the law may be enforced against vendors of written matter, they are as follows:

Violation Code	Description of Action Taken
20-465(a)— Vendor must be at curb when display is greater than 3' by 5'. If 3'x5' or smaller then vendor is not required to be at the curb.	E.C.B. N.O.V.
<b>NOTE:</b> The 12' path rule under this section does not apply to vendors of written matter so long as a clear pedestrian path is maintained.	
20-465(b)— Display must not be larger than 3'x8'.	E.C.B. N.O.V.
20-465(c)— Stand or goods touching building or structure. Does not apply unless the building or structure is a glass window.	E.C.B. N.O.V.

Violation Code	Description of Action Taken
20-465(e)– Vendor of written matter may not vend within subway entrance, bus stop, driveway or crosswalk (10' rule is waived)	E.C.B. N.O.V.
20-465(k)– The exigent circumstances rule may be applied to book vendors.	a. E.C.B. N.O.V. b. Seize and voucher goods. c. The vouchered property will be returned upon demand without payment of fee when the vendor produces a valid General Vendor's License (P.G. 113-33). d. Prepare Fee Waiver Notice Form.
20-465(m)– Administrative Code Vending over ventilation grill, cellar door, or manhole.	E.C.B. N.O.V. and Removal.
20-465(n)– Administrative Code Display merchandise on sidewalk or improper stand.	E.C.B. N.O.V.
20-465 (o)– Administrative Code Vending from parked motor vehicle.	E.C.B. N.O.V.
20-465(p)– Administrative Code Illegal use of electric/gas/oil powered device.	E.C.B. N.O.V.
20-474.1– Unlicensed distribution of goods to vendor.	a. E.C.B. N.O.V. b. Seize and voucher the vehicle (not the contents) c. Follow forfeiture procedure (P.G. 113-41) and operation order 75s90.

## **ART VENDORS**

Art vendors are afforded no special protection under the law. They are free to create art unfettered by governmental regulation or control. The sale of what they create is a different matter.

## **RELIGIOUS VENDORS**

There is no special protection for religious peddlers under the laws of New York. However, because of the volatile nature of enforcement in this area and because of the minimal interference with pedestrian traffic by these types of vendors within the Patrol Borough, it has been the policy to address religious peddler conditions with warnings to move or requests to reduce the size of their displays. These methods have proven effective in most instances. It is recommended that no action of a more severe nature be taken without first conferring with a supervisor in the command concerned.

## **STOOP LINE STANDS AND OTHER STORE FRONT DISPLAYS**

Under Local Laws 13 and 15 of 1984 (commonly referred to as the SIDEWALK OBSTRUCTION LAW) goods of the same type as those sold within a store may be displayed on the sidewalk directly in front of the store up to 3 feet out from the building line of the store with certain exceptions. Those exceptions are clearly explained in Operations Order 66, series 1984.

Anyone in violation of this law is treated as an unlicensed general vendor or food vendor. An E.C.B. N.O.V. is issued to the person operating the sidewalk stand and in some cases to the storekeeper. All goods and display material from the building line out, are seized as a forfeiture and invoiced under P.G. 113-33, P.G. 113-34 and P.G. 113-41.

Certain areas of the city were exempted from this law and a hearing was held by the Commissioner of Consumer Affairs. The flower market on Broadway between 25th Street and 30th Street and part of Delancey Street are the only two areas within Patrol Borough Manhattan South which are exempt.

In all cases whenever an unlicensed vendor is arrested for Administrative Code 20-453, the arresting officer will:

- Check the most recent Department of Consumer Affairs General Vendor License Print-out to determine that the violator is in fact unlicensed.
- prepare an inquiry fingerprint card instead of the usual set of prints.
- notify P.B.M.S. Peddler Task Force of the facts of the arrest via telephone for entry in Peddler Arrest Log.

## **DISABLED VETERAN PEDDLERS**

Under a recent Court decision interpreting section 32 and 35 of the General Business Law, licensed General Vendors who are veterans of the Armed Forces with service connected disabilities are exempt from the placement regulations imposed on peddlers by the city. These regulations include the restricted street and prohibited area rules.

The above information is merely an outline of relevant laws and regulations governing street vendor activity, Patrol Guide Sections and others pertaining to peddler enforcement. All members of P.B.M.S. assigned to peddler enforcement duty should be thoroughly familiar with the information contained in the following department directives and orders:

Patrol Guide 113-33  
Patrol Guide 113-34  
Patrol Guide 113-41  
Patrol Guide 109-20  
Operations Order 66 series 1984  
Operations Order 107 series 1985  
Operations Order 57 series 1990  
Operations Order 57.1 series 1990  
Interim Order 60 series 1990

If any member encounters a peddler enforcement situation in which there is a question as to what enforcement action should be taken, if any, he or she should obtain the assistance of the P.B.M.S. Peddler Task Force by calling 239-2516.

## INDEX OF PHONE NUMBERS

PRECINCT	PCT. PHONE #	PRECINCT PEDDLER PHONE #
PBMS PEDDLER UNIT	239-2516	
1st	334-0616	334-0602
5th	334-0741	334-0716
6th	741-4851	741-4801
7th	477-7651	553-1840
9th	477-7804	477-7846
10th	741-8241	
13th	477-7415	477-7411
MTS	239-9801	239-9854
17th	826-3241	
MTN	760-8305	760-8315
PROPERTY CLERK		374-4925
PEARSON PLACE		(718) 361-1061
SUB-STATION - MIDTOWN SOUTH		239-9803
MOUNTED UNIT		239-9352

BM 545 (3-91)-H1