

PEDDLING, VENDING AND SOLICITING

Local Law # 1, 2016

A Local Law peddling, vending and soliciting.

Purpose
Definitions
Permit required
Application information
Requirements
Issuance
Fees
Exemptions
Expiration
Denial
Appeals
Records
Enforcing Official
Revocation of permit
Penalties for offenses

(History: Adopted, Hilton Village Board 2-6-84 as Local Law No. 1, 1984. Amendments noted where applicable.)

Be it enacted by the Village Board of the Village of Hilton, New York, as follows:

Purpose

The merchandising and/or soliciting of goods, money or services in the Village of Hilton may subject its inhabitants to unscrupulous practice, annoyance and danger. The purpose of this chapter is to provide for the licensing and regulation of persons engaged in such activities in order that the peace, health, safety and welfare of the Village and its inhabitants shall not be endangered or unduly disturbed.

Definitions

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

Merchandising or Sale: The selling, bartering or trading of or offering to sell, barter or trade any goods, wares, commodities or services or the taking of orders thereof.

Peddler, Vendor and Solicitor: Includes any person who engages in selling or offering to sell any goods or services, or solicits contributions of good or moneys, by going from house to house, place of business to place of business, or in any public street or public place, or by temporarily occupying a room, building or other premises therefor.

Permit required

It shall be unlawful for any person to peddle or solicit within the Village of Hilton without having first obtained a permit as provided herein.

Upon receipt of the application and the permit fee as provided for hereinafter, if the Village Clerk is reasonably satisfied with the applicant's qualifications, he or she shall issue a permit to the applicant specifying the goods or services to be offered for sale and, if applicable, the person or entity which the applicant represents. This permit shall be nontransferable and shall be in the continuous possession of the permit holder, while acting as a peddler, vendor or solicitor. The permit shall be produced upon the request of any Village official, prospective buyer or law enforcement officer. Only photocopies of said permit, including the raised Village seal, shall be provided by the Village Clerk or Village representative, if needed.

Application for Permit

Every applicant for a permit is required to submit to the Village Clerk a written application stating, under oath, the following:

- The name and age of the applicant.
- The applicant's permanent home address.
- The applicant's local address, if different.
- The name and address of the person or entity represented, if any.
- The length of time for which the permit is requested.
- A description of the goods or services to be offered for sale.
- The specific location within the Village of Hilton where the applicant's activity will take place.
- All felonies or misdemeanors with which the applicant has been convicted, and the disposition of each such conviction, the place and the date of such conviction.
- A certificate of insurance listing the Village of Hilton as certificate holder including General Liability in the amount of \$ 1,000,000.00, Workers Compensation and Disability per NYS law.
- A copy of Monroe County Health Department permit if preparing food.

Requirements

A peddler, vendor or solicitor, whether granted a permit or exempt from the requirements of a permit pursuant to the provisions of this chapter shall:

- A. Not knowingly misstate the quality or quantity of any article or service offered for sale.
- B. Not knowingly offer for sale any article of a defective nature.
- C. Not call attention to his goods or services by blowing a horn, shouting or issuing any loud or unusual noise.
- D. Keep the vehicle and/or receptacles used in furtherance of the use of any granted permit, in a clean and sanitary condition.
- E. Keep all edible articles offered for sale well-protected from dirt, dust and insects and shall at all times comply with all applicable laws, rules and regulations regarding health and safety.
- F. Not stand, peddle or solicit on the premises of any business establishment, or shopping center without the written consent of the owner or his agent. Such written consent must be attached to the permit application.
- G. Not peddle, sell or solicit within 250 yards of any school property between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- H. Not enter upon private property for the purpose of peddling, selling or soliciting before the hour of 10:00 a.m. or after 7:00 p.m. of any day, except upon the invitation of the occupant.
- I. Not attempt to sell at any building or location whereon there is a sign purporting to prohibit peddling or soliciting on the premises.
- J. Not conduct or carry on any occupation or activity for which a permit is required herein on property owned by the Village of Hilton, or on any of the public streets within the Village of Hilton.
- K. Not conduct any peddling, selling or soliciting on Sunday under any circumstances.
- L. Not offer for sale any item or service prohibited by law.

Fees

The fees for each permit shall be established by resolution of the Village Board from time to time and shall be part of the Village's fee schedule. The fees schedule is on file in the Village Office.

Exemptions

The provisions of this chapter shall not apply to the following;

- (1) Persons soliciting on behalf of any public or private school or any voluntary firemen's association, veterans' organization, fraternal organization, service group or other nonprofit organization or association which maintains a chapter or local organization within the Village of Hilton, Town of Parma or Hilton Central School District.
- (2) Auction sales held by a Sheriff or a person authorized by.
- (3) Any person engaged in the delivery of goods, such as bread, milk or newspapers, in the regular course of business to the premises of those who had previously ordered the same.
- (4) Sidewalk or outdoor sales conducted by local businesses on property owned or leased by such business.
- (5) Accumulation sales of used household goods, by individuals at their own private residence, otherwise known as "garage sales."
- (6) The sale of daily newspapers.

Expiration of Permit

Each permit shall expire in accordance with the terms of issuance and the expiration date shown thereon, but in any event all permits expire on the 31st day of December following the date of issuance.

Denial of Permit

A permit or registration may be denied if the applicant shall have been convicted of a misdemeanor or felony which in the judgment of the Village Clerk renders the applicant unfit, or undesirable to carry on the trade or occupation of peddler or solicitor. The Village Clerk may also deny a permit to any person who, in his or her judgment, shall be an undesirable person or incapable of properly conducting such occupation. In addition, the Village Clerk, where applicable, may revoke any such permit upon his or her determination that the regulations and rules herein have been violated. The Village Clerk shall make a determination on any permit application within 5 days of receipt and will notify the applicant in writing of any determination, including the reasons for any denial. Any applicant who has been refused a permit by the Village Clerk may appeal to the Village Board therefor, and the same may be granted or denied by the Village Board.

Appeals

Any person aggrieved by the action of the Village Clerk by the denial of the application for a permit shall have the right to appeal to the Village Board of the Village of Hilton. Such appeal shall be taken by filing a written statement with the Village Clerk, setting forth fully the grounds for the appeal. Such statement shall be filed within 14 days after notice of denial has been mailed to the applicant at the address recited in the application. The Village Board shall set a time and place for a hearing on the appeal and notice of the hearing shall be mailed to the applicant at the address recited in the application, or at such other address directed in the filed statement of appeal at least five days prior to the date set for the hearing.

Revocation of permits

- A. Any permit issued under the provisions of this local law may be revoked by the Village Board of the Village of Hilton after notice and hearing for any of the following causes:
 - 1. Fraud, misrepresentation of any false statement contained in the permit application.
 - 2. Fraud, misrepresentation or any false statement made in the course of carrying on the business pursuant to such permit.
 - 3. Any violation of this local law.
 - 4. Conviction of any crime or misdemeanor during the period of the permit.
 - 5. Conducting the business of peddling, vending or soliciting in an unlawful manner, or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
- B. The Village Clerk and/or Code Enforcement Officer may temporarily suspend the permit of any peddler, vendor or solicitor whenever the Village Clerk or Code Enforcement Officer has reasonable cause to believe that the holder of the permit has violated any provision of this chapter, including complaints from Village residents. A hearing shall be held by the Village Board within 10 days of any such suspension and such suspension shall continue until a hearing is held by the Village Board and the Board has issued its determination thereon, which shall be made within 3 days of the date of the hearing.
- C. Notice of hearing for revocation of a permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notices shall be mailed to the permit holder at the address recited in the permit application at least five days prior to the date set for the hearing.

Records

The Village Clerk shall keep a record of the applicants, the determinations thereon and of all permits issued in accordance with this local law. The record shall contain all the information provided in the application for the permit, the amount of the permit fee paid and the date of revocation, expiration or termination.

Enforcing Official

The Code Enforcement Officer of the Village of Hilton will be responsible for enforcing this chapter.

Penalties for offenses

Any person found in violation of this chapter shall be considered a violation and punishable by a maximum fine not to exceed \$250.00 or imprisonment for not more than 15) days or both. Each day on which such violation continues shall constitute a separate offense.