

APPLICATION FOR PEDDLER'S PERMIT

Name _____ Date of Birth _____ Date _____
(First, Middle, Last)

Home Address _____

Business Address _____

Phone # _____ Work Phone # _____

Description of Merchandise _____

Method of Distribution _____

How long are you selling for? _____

Number of solicitors _____

Names and Addresses of Solicitors:

Type of Vehicle _____ Year _____ Plate _____

THE UNDERSIGNED:

- 1) ACKNOWLEDGES RECEIPT OF A COPY OF CHAPTER 140 OF THE CODE OF THE TOWN OF HORSEHEADS, "PEDDLING AND SOLICITING" AND AGREES TO ABIDE BY THE RULES AND REGULATIONS OF SAME
- 2) SWEARS THAT HE/SHE IS A CITIZEN OF THE UNITED STATES, AND NEVER BEEN CONVICTED OF A FELONY OR A MISDEMEANOR
- 3) GRANTS PERMISSION FOR THE TOWN OF HORSEHEADS TO CONDUCT AN INVESTIGATION FOR FELONY OR MISDEMEANOR CONVICTION.

Signature of Applicant

Sworn to before me this ____ Day of _____ 20__.

Notary Public

Fees:
\$50.00 for License and one person
\$10.00 for each additional person

Chapter 140
PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Town Board of the Town of Horseheads at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

§ 140-1. Title.

This chapter shall be known as the "Hawkers and Exhibition Law of the Town of Horseheads."

§ 140-2. Definitions.

When used in this chapter, unless otherwise expressly stated or unless the context of subject matter requires a different interpretation, the following terms shall have the meanings indicated:

HAWKER or PEDDLER — Includes, except as hereinafter expressly provided, any person, either principal or agent, who, from any car or railroad track or in any public street or public place or by going from house to house or place of business to place of business on foot or on or from any animal or vehicle sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, water or newspapers.

PERSON — Includes, one (1) or more persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

SOLICITOR — Includes any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise, except newspapers, milk and water, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

TRANSIENT MERCHANT — Any person who merchandises or sells with the intent to close out or discontinue such business within a period of one (1) year from the date of commencement and who occupies a room, building, tent, lot or other premises for the purpose of selling merchandise.

§ 140-3. License required.

No person shall within the Town of Horseheads, Chemung County, New York, act as a hawker, peddler, solicitor or transient merchant as herein defined without first having obtained a license and having the same in force and effect as hereinafter provided.

§ 140-4. Exemptions.

Nothing in this chapter shall be held to apply to any sales conducted pursuant to statute or by order of any court, to any person selling personal property at wholesale to dealers in such articles, to merchants having an established place of business within the town or their employees for soliciting orders from customers and delivering the same, to farmers and truck gardeners who themselves or through their employees vend, sell or dispose of products of their own farms and gardens, to any honorably discharged soldier, sailor or marine who has procured a license as provided by the General Business Law of the State of New York or to persons collecting for any bona fide charitable organization as determined by the Town Board or Town Clerk. This chapter shall not apply so as to unlawfully interfere with interstate commerce.

§ 140-5. Application for license.

Any person desiring to have a license shall file with the Town Clerk a written application setting forth the following minimum information:

- A. The name, date of birth and resident and business address of the applicant.
- B. The name, date of birth and resident and business address of the principal, if the applicant is the agent, including the names and address of all partners if a partnership, and the names and addresses of the principal officers if a corporation, and the name and address of a person upon whom a legal notice may be served.
- C. A general description of the merchandise to be sold or the kind of service he desires to render.
- D. A general description of the method of distribution to be used and, if vehicles are involved, the name and address of the owner, together with registration information.
- E. The length of time that the applicant expects to be making local distribution and the names and addresses of all solicitors.
- F. Such other information as the Town Clerk may desire.
- G. A statement as to whether the applicant has been convicted of a felony or misdemeanor and the nature of the offense and the punishment, in any jurisdiction.

§ 140-6. Issuance of licenses.

- A. Upon payment of the fees hereinafter set forth, the Town Clerk shall issue the license applied for, unless it shall appear from the application or other information that:

- (1) The applicant has not complied with applicable statutes or other ordinances applying to the application.
 - (2) Protection of the public safety, health, morals or general welfare of the community may be adversely affected.
 - (3) The Town Board has, by resolution duly adopted, notified the Clerk not to issue such license.
- B. A license shall not be assignable. Any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person, shall be guilty of a violation of this chapter. Such license shall automatically expire on January 1 following the date of issuance of such license, but such license may provide for an earlier expiration date. No license shall be granted to a person under eighteen (18) years of age. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six (6) months shall have elapsed since the last previous rejection or revocation unless he can show that the reason for such rejection or revocation no longer exists. Every licensee, while exercising his license, shall carry the license with him and shall exhibit the same upon demand to any police officer or citizen.
- C. Such license shall give the licensee the right to use only one (1) vehicle in carrying on the business for which he or she is licensed. For each additional vehicle so used by him or her, the licensee shall state the number of vehicles permitted to be used. A licensee may employ an unlicensed person to assist in selling and delivering his or her wares but such unlicensed person shall so act only while accompanying a licensed peddler, hawker or solicitor.

§ 140-7. Revocation of licenses.

Upon the refusal of the Town Clerk to issue a license to any applicant or upon the determination of the Town Board that any license should be revoked, the procedure prescribed in § 137 of the Town Law, as amended, shall be complied with. When a license shall be revoked, no refund of any unearned portion of any fee shall be made. Notice of such revocation and the reason therefor in writing shall be served by the Town Clerk upon the person named in the application or by mailing the same to the address given in the application, and a copy of such notice shall be filed with the Town Clerk.

§ 140-8. Exhibition of license.

Every licensee, as well as every person holding a license under the provisions of § 32 of the General Business Law, shall, while engaged in hawking, peddling or soliciting within the town, carry his or her license upon his or her person and shall produce and exhibit the same upon demand of any officer or citizen. The refusal of any such person to produce a license upon demand shall be presumptive evidence that he is hawking, peddling or soliciting without a license.

§ 140-9. Restrictions.

Any licensee hereunder shall not:

- A. Blow a horn, ring a bell or use any other noisy device to attract public attention to his or her wares or shout or cry out his or her wares, except that a circus or exhibition may reasonably so advertise on the premises designated for the holding of such circus or exhibition.
- B. Stand or permit the vehicle used by him or her to stand in any one (1) place in any public street or place for more than ten (10) minutes or in front of any premises for any time if the owner of or lessee of the ground floor thereof objects.
- C. Permit any vehicle used by him to stop or remain on any crosswalk.
- D. 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.

§ 140-10. Penalties for offenses.

A violation of the provisions of this chapter is hereby declared to be an offense, punishable as set forth in Chapter 1, Article II, General Penalty.

§ 140-11. Fees.

Fees relating to peddling and soliciting shall be as set forth from time to time by resolution of the Town Board.