

VILLAGE OF ELBRIDGE

HAWKING, PEDDLING, SOLICITING and FOOD TRUCK APPLICATION

(Pursuant to 1987 Local Law)

Name _____ Home Address _____

Length of Residence at this Address _____

Business Name _____ Bus. Address _____

Years in Business at this Address _____

Resident address during past three years if other than present address:

Age of Applicant: _____ Physical Description: _____

Name and address of the person, firm, corporation or association whom the applicant is employed by or represents: _____

Length of time of such employment or representation: _____

Name and address of employer during the past three years if other than the present employer:

Description of the subject matter of the soliciting in which the applicant will engage sufficient for identification:

Period of time for which the certificate is applied: _____

Date of last previous application for a certificate under this local law (if any) : _____

_____ If none, so state: _____

Has a certificate of registration ever been revoked under this local law? _____

Has applicant ever been convicted of a violation or felony under the laws of this state, any state or federal law of the United States? _____

Has applicant or representative ever been denied a license or had a license revoked? _____

If YES, where, when and why: _____

***NOTE:** All applicants MUST have an approved Application for Permit to Operate A Mobile Food Service or Push Cart on file with the Onondaga County Health Department. Application is available at ongov.net/health or on the Village of Elbridge website villageofelbridge.com

Please include a copy of your Onondaga County Health Department permit (a photo of your current and unexpired permit is acceptable).

A copy of this law has been received by the applicant.

Submit TWO head-and-shoulder photographs, size 1" x 2". \$2,000 Bond _____

Applicant's Signature

State of New York)
County of Onondaga) SS.
Village of Elbridge)

On _____, 20_____, before me personally came _____
to me known to be the individual described in, and who executed the foregoing instrument, and
acknowledged that _____he executed the same with authority vested in him/her.

Notary Public

1. Legislative intent.

This local law is enacted for the purpose of regulating the distribution of certain materials, peddling, soliciting and related activities within the Village of Elbridge. The registration of persons engaged in the above-mentioned activities is required so that the identity of persons going door to door or distributing materials within the village may be established, the rights of legitimate businesses may be protected, general regulations may be more effectively enforced, the health, safety and welfare of the inhabitants of the village may be protected and maintained and dishonest business practices and dishonest solicitation of funds in the village may be prevented.

2. Definitions.

For the purpose of this local law, the following words, as used herein, shall be considered to have the meanings herein ascribed thereto:

Established place of business- A building or store in which a person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits.

HAWKER AND PEDDLER – Except as hereinafter expressly provided, any person, either principal or agent, who, in any public street or public place, or in an open area on private property adjacent to a public way, or by going from house to house or place of business on foot or on or from any animal or vehicle standing in a street, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, except as hereinafter exempted.

PERSONS – One (1) or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind.

SOLICITING- Includes any one (1) or more of the following activities:

- A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever for any kind of consideration whatever.
- B. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character.
- C. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type of publication.
- D. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization or project.

3. EXEMPTIONS.

Nothing in this local law shall be held to apply to any sales conducted pursuant to statute or by order on any courts; to any person selling personal property at wholesale to dealers in such articles; to merchants having an established place of business within the village where there are employees for soliciting orders from customers and delivering the same; to farmers and persons who produce such commodities; to any honorably discharged member of the United States Armed Forces who has procured a license as provided by the General Business Law of the State of New York; or to persons soliciting or collecting for any bona fide charitable organization having a permanent office within a persons named above shall be subject to restrictions hereinafter delineated in 7, 8, 9, 10, 15 and 17.

4. Certificate of registration.

Every person desiring to engage in soliciting, hawking and peddling, as herein defined, from persons Within this municipality is hereby required to make written application for a certificate of Registration as hereinafter provided. Such certificate shall be carried by the solicitor, hawker or peddler.

5. Application for certificate.

A. Application for a certificate of registration shall be made to the Village Board of Trustees or Their representative upon a form, provided by the municipality. The applicant shall truthfully, Under penalty of perjury, state in full the information requested on the application as follows:

- (1) Name and address of present place of residence and length of residence at such address; also Business address if other than present address.
- (2) Address of place of residence during the past three (3) years if other than present address.
- (3) Age of applicant.
- (4) Physical description of applicant.
- (5) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents and the length of time of such employment or representation.
- (6) Name and address of employer during the past three (3) years if other than the present employer.
- (7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (8) Period of time for which the certificate is applied.
- (9) Date or approximate date of the latest previous application for a certificate under this local law, if any.
- (10) Whether or not a certificate of registration issued to the applicant under this local law has ever been revoked.
- (11) Whether or not the applicant has ever been convicted of a violation or a felony under the laws of the state or any other state or federal law of the United States.

(12) Whether or not the applicant or representative has ever been denied a license or had a license revoked; if so, from where, when and why.

(13) Two (2) head and shoulder photographs, size one (1) inch by two (2) inches.

- B. All statements made by the applicant upon the application or in connection therewith shall be under oath.
- C. The Village Clerk shall cause to be kept in his/her office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, and all certificates of registration issued under the provisions of this local law and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with duplicate number of the application upon which it was issued.
- D. No certificate of registration shall be issued to any person who has been convicted of the commission of a crime under the laws of the state or any other state or federal law of the United States; to any person who has been convicted of a violation of any provision of this local law; to any person whose certificate of registration issued hereunder has previously been revoked as herein provided or who has a history of complaints from our or other communities; or for other good cause shown.

6. Revocation of certificate.

- A. Any certificate of registration issued hereunder shall be revoked by the Village Board of Trustees or their representative if the holder of the certificate is convicted of a violation of any of the provisions of this local law or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this local law or for other good cause shown. Immediately upon such revocation, written notice thereof shall be given by the Village Board of Trustees to the holder of the certificate in person by certified United States Mail addressed to his or her residence set forth in the application.
- B. Immediately upon giving of such notice, the certificate of registration shall become null and void.

7. Notice of regulating soliciting, hawking and peddling.

Every person desiring to secure the protection provided by the regulations pertaining to soliciting, Hawking and peddling contained in this local law shall comply with the following directions. Notice Of the determination by the occupants of giving invitation to solicitors, hawkers or peddlers to any Residence shall be given in the following manner:

- A. A weatherproof card, approximately three by four (3 x 4) inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant and containing the applicable words as follows: "Only Solicitors Registered in the Village of Elbridge Invited" or "No Solicitors Invited"
- B. For the purpose of uniformity, the cards shall be provided by the Village Clerk to persons requesting same, at the cost thereof.
- C. Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence.

8. Duty of solicitors, hawkers and peddlers.

- A. It shall be the duty of every solicitor, hawker and peddler upon going onto any premises in the municipality upon which a residence, as herein defined, is located, first to examine the notice provided in this local law, if any is attached, and to be governed by the statement contained on any notice. If the notice states "only Solicitors Registered in the Village of Elbridge Invited," then the solicitor, hawker or peddler not possessing a valid certificate of registration, as herein provided, shall immediately and peacefully depart from the premises, and if the notice states "No Solicitors Invited," then the solicitor, hawker or peddler, whether registered or not, shall immediately and peacefully depart from the premises.
 - B. Any solicitor who has gained entrance to an residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
9. Uninvited soliciting, hawking and/or peddling

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon Any premises and ring the doorbell upon or near any door or create any sound in any other manner Calculated to attract the attention of the occupant of such residence for the purpose of securing an Audience with the occupant thereof and engaging in soliciting, hawking or peddling, as here in Defined, in defiance of the notice exhibited at the residence in accordance with the provisions of 8 of this local law.

10. Hours.

It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether Registered under this local law or not, to go upon any premises and ring the doorbell upon or near Any door or create any sound in any other manner calculated to attract the attention of the Of such residence for the purpose of securing an audience with the occupant thereof and engaging In soliciting, hawking or peddling, as herein defined, prior to 9:00 a.m. or after sunset, year round.

11. Investigation and issuance of certificate.

- A. Upon receipt of such application, the original shall be referred to the Village Board of Trustees or their representative of the Village of Elbridge, who shall cause such investigation of the applicant's business and moral character to be made as it deems necessary for the protection of the public good. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Village Board of Trustees or their representative shall cause to be endorsed on such application its disapproval and its reasons for the same and notify the applicant that his application is disapproved and that no certificate or registration shall be issued. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Village Board of Trustees or their representative shall cause to be endorsed on the application its approval and return such application to the Village Clerk, who upon receiving payment of the prescribed fees, shall issue a certificate of registration. Such certificate shall contain the signature and seal of the issuing office and shall show the name and address of said licensee, the kind of goods to be sold thereunder, the amount of the fee paid, the date of issuance and the expiration date thereof.

- B. A certificate shall not be assignable. Any holder of such certificate who permits it to be used by any other person and any person who uses such certificate granted to any other person shall automatically expire on January 1, following the date of issuance thereof, but such certificate may provide for an earlier expiration date. No applicant to whom a certificate has been refused or who has had a certificate 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 certificate holder, while exercising his license, shall carry the certificate with him and shall exhibit same upon demand to any police officer or citizen.
- C. No certificate shall be granted to a person under eighteen (18) years of age.

12. Fee.

The fee for each certificate issued pursuant to this local law shall be fifty dollars (\$50) quarterly or twenty five dollars (\$25) per day.

13. Employees of certificate holder.

Any certificate holder using a motor vehicle may employ not more than two (2) persons to assist in selling and delivering the wares, but such person shall so act only while accompanying a licensed peddler, hawker or solicitor.

14. Revocation of certificate.

- A. Certificates issued under the provisions of this local law may be revoked by the Village Board of Trustees or their representative of the Village of Elbridge, after notice and hearing, for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for the certificate.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his/her business as a peddler.
 - (3) Any violation of this law.
 - (4) Conviction of any crime, misdemeanor or violation of any local law of the Village of Elbridge.
 - (5) Conducting the business of peddling in and unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
 - (6) A complaint received by the village in violation of a "no soliciting" sign on a private residence or business.
 - (7) For other good cause shown.
- B. A notice of hearing for revocation of a certificate shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the certificate holder at his last known address at least five (5) days prior to the date set for the hearing.

15. Appeals from denial or revocation of certificate.

Any person aggrieved by the action of the village Board of Trustees or their representative in the denial or revocation of a certificate shall have the right of appeal by commencing a proceeding pursuant to the provisions of Article 78 of the Civil Practice Law and Rules of the State of New York.

16. Additional requirements; bonding.

Unless waived by the Village of Trustees, prior to the issuance of any certificate, the applicant shall File with the Village Board of Trustees, or their representative, a bond running to the Village in the Amount of two thousand dollars (\$2000), with good and sufficient surety, in such form as shall be approved by the Village Attorney or his designated representative. Such bond shall remain in Force for the term of the certificate and shall be conditioned to indemnify and pay the Village for Any penalties or costs incurred in the enforcement of any of the provisions of this local law and to Indemnify and reimburse any purchaser of personal property from the holder of the certificate in a Sum equal to at least the amount of any payments such purchaser may have been induced to make Through the misrepresentation as to the kind, quality or value of the personal property, whether Said certificate holder's agents, servants or employees either at the time of making the sale Through any advertisement printed or circulated with reference to such personal property or any parts thereof.

17. Restrictions.

A licensed hawker, peddler or solicitor shall:

- A. Not falsely or fraudulently misrepresent the quantity or quality of any article offered for sale or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- B. Keep the vehicles and receptacles used by him/her in a clean and sanitary condition and the food stuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- C. Not stand or permit the vehicle used by him/her to stand in one (1) place in any public place, street or on a private lot adjacent to a public street for more than ten (10) minutes or in front of any premises for any time if the owner or lessee of the premises objects.
- D. Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or in an open lot adjacent to a street or public way for the purpose of selling or exposing for sale any goods, wares or merchandise.

18. Orders.

All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one (1) copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor.

19. Records

It shall be the duty of the Village Clerk to keep a record of all applications and certificates granted Under the provisions of this local law, giving the number and date of each certificate, the name and Residence of the person licensed, the amount of the certificate fee paid and also the date of Revocation of all certificates revoked.

20. Penalties for offenses.

Each violation of this local law or of any regulation, order or rule promulgated hereunder shall be Punishable by a fine not exceeding five hundred dollars (\$500) for each offense, and each day a violation continues shall constitute a separate offense. In addition to such fine, each violation shall constitute disorderly conduct, and the person violating same shall be a disorderly person and punishable as same pursuant to the Penal Code of the State of New York.

21. Severability.

The provisions of this local law are declared to be severable, and if any section, sentence, clause or phrase of this local law shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this local law, but they shall remain in effect, it being the legislative intent that this local law shall stand notwithstanding the invalidity of any part.

22. When effective.

This local law shall take effect upon filing with the Secretary of State.

23. Repealer.

The Hawking and Peddling Ordinance of the Village of Elbridge of July 7, 1937, is hereby repealed as of the effective date of this local law. However the repeal of such prior ordinance shall not affect any punishment or penalty incurred nor shall it have any effect on existing litigation and it shall not operate as an abatement of any action or proceeding now pending or which may be brought by virtue of the ordinance so repealed for any violation or act committed prior to the effective date of the repeal.