

VILLAGE OF DEXTER

509 Liberty Street
PO BOX 62
Dexter, New York 13634
Phone: 315-639-6260
Fax: 315-639-3121

VENDOR PERMIT

Date: _____

Applicant Name: _____

Permanent Home Address: _____

Phone Number: _____

Business Name: _____

Business Address: _____

Business Phone: _____

Location of Business: _____

Vendor Name/Type of Product: _____

Length of Time Requested for Permit: (not to exceed 12 months) _____

APPLICANT REQUIRED TO:

Present a valid driver's license (current photo if license not available) _____

Description & License Number of Vehicle (if vehicle is used) _____

Proof of Insurance for motorized vehicle (if vehicle is used) _____

Permit Approved _____ Denied _____ by the Village Board of Trustees.

Date: _____

Signed: _____

Permit valid from _____ to _____

Amount Paid: _____

FEES: The fee for each permit issued is \$150.00 per year or \$50.00 for a permit valid for seven (7) days or a fraction thereof.

PLEASE NOTE THE FOLLOWING:

It is unlawful for any person, within the limits of the Village of Dexter, to act as a hawker, peddler or solicitor without having obtained and paid for a vendor's permit from the Village Clerk. (Office hours are Monday – Friday: 9:00 AM – 4:00 PM.)

The vendor's license fees are as follows:

1. Permit valid for one (1) year for a fee of \$150.00.
2. Permit valid for seven (7) days or a fraction thereof for a fee of \$50.00.

The permit shall be valid for the time specified on the permit by the registrant. Contingencies may be placed upon vendor permits on an individual basis by the Board of Trustees prior to approval. Permits shall not be transferable and must be produced upon the demand of the Mayor, the Village Clerk, his/her designee, the Village Code Enforcement Officer, any law enforcement officer, or any person to whom goods, wares, merchandise, commodities or services are offered for sale. Permits must be carried at all times when engaging in peddling or soliciting.

If peddling/soliciting is to be conducted as a team, group or other organized party under single leadership or direction, control or sponsorship, an application must be completed by the leader and each person involved. One fee will be charged to the team/group/organized party. Each person involved must carry a permit.

RESTRICTIONS:

The following is prohibited:

1. Deceptive practices. There shall be no threats, physical abuse, intimidation or harassment in the course of conducting business, or offer for sale any provision, food or merchandise that is unwholesome, unfit, dangerous or harmful to the use or consumption thereof.
2. Disobeying signs or requests to depart. There shall be no peddling/ soliciting if there is a sign displayed bearing the words "no peddling or soliciting" or words of that intent. If the owner or occupant requests your departure, you are to leave the premises immediately.
3. Peddling/soliciting shall be prohibited before the hour of 9:00 AM or after the hour of 8:00 PM. There shall be no peddling or soliciting of any goods or services within 250 feet of any school between the hours of 7:00 AM and 4:00 PM on school days.
4. Vehicles used by the peddler/solicitor shall not stop or remain on any crosswalk. A peddler/solicitor may not occupy any public place in which his presence, with or without a vehicle, will cause traffic congestion either on the street or sidewalk.
5. Unless expressly stated on the permit, a booth, stand, or placement of 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 is prohibited.

6. No permit shall be transferred, assigned or used by any other person other than the person who is named on the permit. If a violation occurs, the permit will be terminated.

REVOCATION

A permit may be denied for the following reasons:

1. Fraud: Misrepresentation or false statement(s) contained in the application for the permit.
2. Fraud: Misrepresentation or false statement(s) made in the course of carrying on his/her business as a hawker, peddler or solicitor.
3. Subsequent conviction of any misdemeanor or felony.
4. Conducting the business of peddling, hawking or soliciting in any unlawful manner or in such a manner to constitute a breach of peace or to constitute a menace to the health, safety or general welfare to the public.
5. No applicant to whom a permit has been refused or who has had a permit revoked shall make further application until a period of twelve (12) months has elapsed.
6. Suspension/Revocation by the Village Mayor and/or Village Clerk: In addition to the foregoing, the Village Mayor may temporarily suspend any permit issued pursuant to this chapter upon receiving information giving reasonable cause to believe that violations involving moral wrongdoing, physical abuse, threats, intimidation or harassment, or has been convicted of any crime or misdemeanor endangering the peace, safety, health, or general welfare of the residents of the Village of Dexter.

For questions please feel free to call the Village of Dexter Office at 315-639-6260.

Chapter 202

PEDDLING AND SOLICITING

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| § 202-1. Definitions. | § 202-7. License restrictions. |
| § 202-2. License required. | § 202-8. Records. |
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| § 202-5. License term. | § 202-11. Penalties for offenses. |
| § 202-6. Issuance of licenses. | |

[HISTORY: Adopted by the Board of Trustees of the Village of Dexter 4-13-2010 by L.L. No. 1-2010. Amendments noted where applicable.]

GENERAL REFERENCES

Streets, sidewalks and public places — See Ch. 259.

§ 202-1. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

ESTABLISHED PLACE OF BUSINESS — Any building, store or depository in which or where the person transacts business and deals in the goods, wares, merchandise, commodities or services he hawks, peddles or solicits.

HAWKER or PEDDLER — Except as herein expressly provided, any person, principal or agent who, in any public street or highway or public place (for the purposes of this chapter, a "public place" shall include but not be limited to parking lots and entranceways of established places of businesses), or by going from house to house or place of business, on foot or on or from any vehicle standing in a street or highway, sells or barter, offers for sale or barter or carries on exposes for sale or barter, any goods, wares, merchandise, commodities or services except as hereinafter exempted. Excluded are participants at Village-sponsored/authorized events or festivals.

LICENSEE — A person to whom a license has been granted pursuant to this chapter.

MERCHANDISING — The selling, bartering or trading, or offering to sell, barter or trade, of any goods, wares, merchandise, commodities or services.

PERSON — Any natural person, corporation, partnership, association, legal representative, or any entity of any kind, or legal representative thereof.

SOLICITOR — Any person who goes from place or house to house, or stands in any street or public place, taking or offering to take orders for or directing others to the place of the sale or barter of goods, wares, merchandise, commodities or services, 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.

§ 202-2. License required.

It shall be unlawful for any person, within the limits of the Village of Dexter, to act as a hawker, peddler or solicitor, as herein defined, except in conformity with the provisions of this chapter, and without first having obtained and paid for and having in force and effect a license, as provided herein.

§ 202-3. Application requirements.

Every applicant for a license under this chapter shall file with the Village Clerk a sworn written application on a form to be furnished by said Clerk, which shall give or be accompanied by the following:

- A. Name and physical description of the applicant, setting forth the applicant's age, height, weight, sex, color of hair and eyes.
- B. Permanent home address and full local address of the applicant, together with applicable phone numbers and e-mail address, if any.
- C. Brief statement of the nature of the business and a description of the goods, wares, merchandise, commodities or services to be sold.
- D. If employed, the name and address of the employer, together with credentials establishing the exact relationship, and the name and address of a person upon whom legal process and notice may be served.
- E. The length of time for which the license is desired, which shall not exceed 12 months.
- F. If a vehicle is to be used, a description of such vehicle and its license number.
- G. The place where the goods or property to be sold or offered for sale are manufactured or produced, where such goods or property are located at the time such application is filed and the proposed method of delivery.
- H. A photograph of the applicant or a valid driver's license.
- I. A statement as to whether the applicant has been convicted of any crime or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefor.
- J. If peddling or soliciting is to be conducted as a team, group, or other organized party under single leadership, or direction, control or sponsorship, the above-required personal information shall also be supplied for the leader or person in charge, and for each other person, employee or agent involved.
- K. A statement whether any previous applications for a license were made, and if there was a disposition of the application.

- L. An applicant to whom a license has been refused or who has had a license which has been revoked, shall not apply for a new application until a period of at least 12 months have elapsed since the last previous rejection or revocation.
- M. Any additional information required by any competent Village office or agency in the interest of the health, safety and welfare of the citizens of the Village.

§ 202-4. License fees.

The fee for each license issued pursuant to this chapter shall be \$150 per year or \$50 for a license which is valid for a maximum of seven days or fraction thereof.

§ 202-5. License term.

Licenses issued pursuant to this chapter shall be valid for the time period specified by the registrant on his registration form, but in no case longer than one year from the date of issuance. Said license shall not be assignable or otherwise transferable and shall be produced upon the demand of the Village Clerk, his or her designee, the Village Code Enforcement Officer, or his or her designee, any law enforcement officer, or any person to whom goods, wares, merchandise, commodities or services are offered for sale or barter.

§ 202-6. Issuance of licenses.

- A. Investigation and issuance. The Village Clerk, with such assistance from the Village of Dexter Police Department, New York State Police and Jefferson County Sheriff's Department as may be reasonably necessary, shall investigate all applications and shall thereafter, with due dispatch, issue or deny such license to the applicant.
- B. The license (or copy of) shall be carried by the licensee and all persons involved at all times when engaging in peddling or soliciting. A picture of the licensee and other persons involved shall appear on the valid license. The inability or refusal of any person to produce such license shall be presumptive evidence that such person is peddling or soliciting without a license and is in violation of this chapter.
- C. Denial. If, after investigation of any application, the Village Clerk shall deny same, he or she shall endorse on such application such disapproval and the reason for the same and the application will be returned to the applicant.

§ 202-7. License restrictions.

The licensee shall be prohibited from any of the following acts:

- A. Deceptive practices; threats; unfit food or merchandise. A licensee shall not resort to deceptive acts or practices, physical abuse, threats, intimidation or harassment in the course of conducting his business, or offer for sale any provision, food or merchandise that is unwholesome, unfit, deleterious or harmful to the use or consumption thereof.

- B. Disobeying signs or requests to depart. A licensee shall not peddle at or solicit a private residence which has displayed the sign bearing the words "no peddling or soliciting" or words of like intent. Nor shall any licensee remain on the premises after the owner or occupant thereof has requested his departure.
- C. Standing. Unless the license shall specifically provide otherwise, a licensee shall not stand or permit the vehicle used by him to stand in one place in any public place or street for more than 30 minutes, nor shall said licensee resume operations during the same business day from a new location within 1/4 mile of said former site of operation.
- D. School premises. A licensee shall not hawk, peddle, or solicit any goods, wares, merchandise, commodities or services within 250 feet of any school between the hours of 7:00 a.m. and 4:00 p.m. on school days.
- E. Traffic congestion. A licensee shall not permit any vehicle used by him to stop or remain on any crosswalk. Moreover, a peddler may not occupy any public place in which his presence, with or without a vehicle, will cause traffic congestion either on the street or on the sidewalk.
- F. Maintain stand. A licensee, unless expressly authorized on the license, shall not create, erect or maintain any booth, 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.
- G. Use of license by another. A licensee shall not assign or transfer his license to any other person, and any transfer to, or use of such license by any other person shall be a violation, and shall automatically thereupon terminate such license.

§ 202-8. Records.

It shall be the duty of the Village Clerk to keep a record of all applications and of all licenses granted under the provisions of this chapter, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked. Within the Village of Dexter, soliciting or peddling shall be prohibited before the hour of 9:00 a.m. or after the later of 8:00 p.m. or 1/2 hour after sunset. Except as otherwise provided, this provision shall not apply to transactions exempt under § 202-9 of this chapter.

§ 202-9. Exemptions.

- A. Veterans. No part of this chapter shall be in force so as to conflict with § 32 of the General Business Law of the State of New York, providing exemptions for veterans.
- B. Exempt organizations. The requirements of this chapter shall not apply to the following, provided that official uniforms, clothing or other suitable identification is displayed:
 - (1) Any recognized nonprofit, religious, charitable, educational or a civic or political organization.

- (2) Any such organization as the Boy Scouts, Girl Scouts or local volunteer firemen.

C. Exempted transactions. Nothing in this chapter shall be held to apply to:

- (1) Sales conducted pursuant to statute or by order of any Court.
- (2) Persons selling goods, wares or merchandise at wholesale to dealers in such articles.
- (3) Merchants having an established place of business within the Village, or their employees.
- (4) The peddling of meats, fish, fruits and similar produce by farmers and persons who produce such commodities, provided they have otherwise complied with any licensing, health and safety requirements of any other competent governmental body or agency.
- (5) Dealers in milk, baked goods, heating oil, daily newspapers, and bottled gas.
- (6) Licensed real estate brokers.
- (7) Garage sales, provided at least one of the merchants at such sale is the owner or occupant of the premises upon which the sale occurs and the others are residents of the Village of Dexter and furthermore that the garage sale does not otherwise violate the zoning laws of the Village of Dexter.

§ 202-10. Revocation.

A. A permit, among other things, may be denied for the following reasons:

- (1) Fraud, misrepresentation or false statement contained in the application for a license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as a hawker, peddler or solicitor.
- (3) Any violation of this chapter.
- (4) Subsequent conviction of any misdemeanor or felony.
- (5) Conducting the business of peddling, hawking or soliciting in any 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.

B. New application. 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 12 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.

C. Suspension and or revocation by the Village Mayor. In addition to the foregoing, the Village Mayor may forthwith temporarily suspend any license issued pursuant to this chapter upon receiving information giving reasonable cause to believe that any licensee

hereunder has either violated this chapter by an act involving moral turpitude, physical abuse, threats, intimidation or harassment, or has been convicted of any crime or misdemeanor endangering the peace, safety, health, or general welfare of the inhabitants of this Village.

§ 202-11. Penalties for offenses.

Any person committing any offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Village Law punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense.