



Village of Webster

Code Requirements for Peddling Permits

§ 97-4 License required.

It shall be hereafter unlawful for any person, firm, association or corporation to carry on any occupation as defined in § 97-3 hereof without having obtained the license prescribed by this chapter.

§ 97-5 License fees.

All license fees shall be paid when the license is issued. License fees shall be established by the prevailing fee schedule.^{III}

§ 97-6 Term of license; issuance; denial; investigation.

A.

All licenses pursuant to this chapter shall be issued for a period of not to exceed one year and shall, in any event, expire on the 31st day of December following the date of its issuance.

B.

All licenses pursuant to this chapter shall be issued by the Village Clerk, who shall keep an accurate and permanent record of the name, address and occupation of the licensee, the date of issuance and expiration of the license.

C.

A license may be refused to the applicant 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 occupation of peddling, soliciting or hawking. The Village Clerk may also refuse a license to any person who, in the Clerk's judgment, shall be an undesirable person or unable to properly conduct the soliciting, hawking or peddling within the Village of Webster.

D.

Any applicant who has been refused a license by the Village Clerk may apply to the Village Board therefor, and the same may be granted or refused by the Board.

E.

The Village Clerk may conduct an investigation into any of the above matters to enable the Village Clerk to determine the advisability of issuing a peddler's license to the applicant, and said Village Clerk shall have a minimum period of two weeks to conduct said investigation. The issuance of the license shall be delayed for such period of two weeks and for a longer period of time, if necessary, to complete said investigation.

§ 97-7 Exempt activities and persons.

The following activities or persons shall be exempt from the licensing requirements of this chapter:

A.

Any sales conducted pursuant to law or by order of any court;

B.

Sales of newspapers or other periodicals, classified as second-class postal matter;

C.

Dissemination of written materials pertaining to a candidate for public office or a political party;

D.

Members of religious sects who sell bibles and other religious materials without profit to themselves;

E.

Fund-raising activities of a child permanently residing in Webster and attending any public, parochial or private school located in Webster or an immediately adjacent town that are an authorized activity of either an organization of which such person is a member or the school that such person attends; and

F.

Persons, organizations, firms or corporations who or which call at only those places where they have been requested by the owner or occupant to call.

§ 97-8 License fee exemptions.

License fee exemptions shall be as follows:

A.

Honorably discharged member of the armed forces who has procured a license issued by the County Clerk as provided by the General Business Law of the State of New York.

B.

If the solicitor intends to sell goods that are being shipped into the state, a fee may not be imposed upon the solicitor, as such a fee would violate the Interstate Commerce Clause.

C.

Nonprofit organizations and person working for such organizations shall be exempt from payment of fees otherwise required by this chapter. However, in order to obtain such exemption, each nonprofit organization shall be required to complete the appropriate license application.

(1) The following information shall be provided to the Village Clerk by any nonprofit organizations seeking the exemption provided by this chapter:

(a) Name of organization.

(b) Name of the person responsible, together with the person's address and phone number.

(c) Certification of insurance (naming the Village as additionally insured).

(d) Estimated number of people expected to conduct the activity.

(e) Specific daily selling hours.

(f) Products to be sold.

(g) Dates for licensing.

(h) Specialty licenses required and agencies involved.

(i) Tax-exempt number or other appropriate proof of nonprofit status, for example certificate of incorporation or affidavit.

§ 97-9 Separate licenses required.

A license shall be secured by every peddler, hawker and solicitor or place-to-place salesperson from the Village Clerk, as follows:

A.

For each motorized vehicle used by any of the foregoing in any such business within the Village of Webster.

B.

For each pushcart or handcart used by any of the foregoing for such business within the Village of Webster.

C.

For each person engaged in the occupation of peddler, hawker or solicitor or place-to-place salesperson without either of the vehicles named in Subsections **A** and **B** of this section.

§ 97-10 **Regulations for licensees.**

A.

All licensees hereunder shall comply with the following regulations:

(1)

Each of such licensees shall carry upon the licensee's person at all times the license issued to the licensee by the Village Clerk and shall produce such license and exhibit the same at any time to any person who demands an inspection thereof.

(2)

In the event that the Village shall issue a metal sign to be used on vehicles used by any of the foregoing licensees, such metal sign, bearing the year of its issuance and its license number and the name of the business, shall be fastened in a conspicuous place on every vehicle used in such business.

(3)

None of the foregoing licensees shall use any of the public streets or public places within the Village of Webster as standing places for their vehicles, handcarts or pushcarts, for the conduct of their business.

(4)

Such licensees shall not cry out or make loud noises in any public place or public street for the purpose of selling of any merchandise.

(5)

None of such licensees shall falsely or fraudulently misrepresent the quality, quantity or character of any products or services offered for sale or hire.

(6)

A license will not be assignable. Any holder of such license who permits it to be used by another person and any person who uses such license granted to any other person shall each be guilty of a violation of this chapter.

(7)

It shall be unlawful for any peddler or solicitor in plying his trade to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "No Peddlers," "No Solicitors," "No Agents" or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.

(8)

It shall be unlawful to create or maintain any booth or stand or place any barrel, boxes, crates or other obstructions upon the paved sections of any street or sidewalk or upon any public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

B.

Nothing in this chapter shall be construed so as to prevent any person having an established place for the transaction of business within said Village from soliciting orders in such line of business from customers and filling the same, nor so as to prevent the sale or inspection of milk, baked goods, ice or sale or delivery of newspapers by newspaper carriers, and such articles which are governed by the provisions of the statutes of the State of New York.¹¹¹

§ 97-11 **Hours.**

No person shall engage in soliciting or peddling at any time before 9:00 a.m. or after 7:00 p.m. except upon invitation from or an appointment with the resident.

§ 97-12 **Loss of license.**

Whenever a license shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate in lieu thereof under the original application may be issued upon payment of the required fee.¹¹

§ 97-13 **Revocation of license.**

A.

Any license issued hereunder may be revoked by the Village Board after a hearing on five days' notice to the licensee, upon proof that such licensee has violated any of the regulations of this chapter.

B.

No applicant to whom a license has been refused or who has a license which has been revoked shall make further application until a period of a least six months have elapsed since the last previous rejection.

§ 97-14 **Licensing for veterans.**

No person duly licensed pursuant to § 32 of the General Business Law of the State of New York shall be required to secure a license hereunder, but shall comply with all the regulations hereof.

§ 97-15 **Penalties for offenses.**

A violation of this chapter shall be punishable by a fine not exceeding \$250 or imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each day that such violation continues shall be deemed to be a separate offense.