

Chapter 81**PEDDLING AND SOLICITING**

§81-1	Title
§81-2	Purpose
§81-3	Definitions
§81-4	Exceptions to applicability
§81-5	License required
§81-6	Application for License
§81-7	Issuance of license
§81-8	License fees
§81-9	Revocation of license
§81-10	General restrictions
§81-11	Penalties for offenses
§81-12	Severability.

[**HISTORY:** Adopted by the Village Board of the Village of Canisteo 10-3-60.
Amendments noted where applicable.]

§81-1 Title. [Amended 5-24-04 by the Village Board of the Village of Canisteo]

This article shall be known and may be cited as the "Peddling and Soliciting Law."

§81-2 Purpose. [Amended 5-24-04 by the Village Board of the Village of Canisteo]

This chapter is enacted for the purpose of regulating itinerant merchandising in order that the peace, health, safety, welfare and good order in the village and of its inhabitants shall not be endangered or unduly disturbed.

§81-3 Definitions.

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

ESTABLISHED PLACE OF BUSINESS – Includes a building or store in which or where the person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits for during regular business hours.

HAWKER and PEDDLERS – include, except as hereinafter expressly provided, any person, either principal or agent, who, from a car or truck in any public place or by going from house to house or place of business to place of business, on foot or on or from an

animal or vehicle. sells or barter, offers for sale or barter or carries or exposes for sale or barter any food, wares or merchandise. except milk, newspapers and periodicals, fruit, home products, cosmetics and household goods.

PERSON – includes one (1) or more persons of either sex, natural 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 fruit, home products, cosmetics, household goods, newspapers or milk or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

§81-4 Exceptions to applicability. [Amended 5-24-04 by the Village Board of the Village of Canisteo]

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

1. Any person soliciting at the express invitation of the person solicited or serving an established customer:
2. A wholesaler selling articles to dealers or merchants who have an established place of business within the village or their employees for soliciting orders from customers and delivering the same
3. Farmers and truck gardeners who, themselves or through their employees, vend, sell or dispose of products of their own farms and gardens
4. A child regularly attending any public or parochial or private school or a representative of any established church maintaining a place of worship or a member of a Veterans organization or a member of a fraternal organization or civic group. Any person coming within the provisions of this exemption shall only solicit or peddle in connection with an authorized activity of the organization of which such person is member or the school which such person attends.
5. 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, who is a cripple as a result of injuries and who has otherwise complied with § 32 of said Business Law.
6. Berry pickers who sell berries of their own picking.
7. This chapter shall not apply so as to interfere unlawfully with interstate commerce.
8. Events such as Crazee Daze and other events as approved by the Board of Trustees.

§81-5 License required.

It shall be unlawful for any person, within the village limits of the Village of Canisteo, New York, to act as a hawker, peddler or solicitor as herein defined without first having obtained and paid for and having in force and effect a license therefore.

§81-6 Application for License. [Amended 5-24-04 by the Village Board of the Village of Canisteo]

Any person desiring to procure a license as herein provided shall file with the Village Clerk; a written application upon a blank form prepared and furnished by the Village of Canisteo, New York. Such application shall give the number and kind of vehicles to be used by the applicant in carrying on the business for which the license is desired; the kind of food, wares and merchandise he desires to sell or the kind of service he desires to perform; the method of distributions; the name, address and age of the applicant; the name and address of the person, firm or corporation he represents; the length of time the applicant desires the license; and such other information as may be required by the said village.

§81-7 Issuance of license. [Amended 5-24-04 by the Village Board of the Village of Canisteo]

Upon the filing of the application as provided in the preceding section, the Village Clerk shall, upon his approval of such application, issue to the applicant a license, as provided for in 81-5, signed by the Mayor of the Village of Canisteo, or the Deputy Mayor of Canisteo. Except as hereinafter provided, no license shall be refused except for the specific reason and for the protection of the public safety, health, morals or general welfare; the license shall not be assignable.

§81-8 License fees. [Amended 5-24-04 by the Village Board of the Village of Canisteo]

The duration and applicable license fee for solicitors shall be as set forth from time to time by resolution of the Board of Trustees.

§81-9 Revocation of license.

*50.00 daily
100.00 weekly
250.00 annually*

The Mayor of the Village of Canisteo, or designee, may at any time, for a violation of this or any other ordinance or any law, revoke any license granted. When a license shall be revoked, no refund or any unearned portion of the license fee shall be made. Notice of such revocation and the reason may be mailed to the applicant or given to him in person.

§81-10 General restrictions. [Amended 5-24-04 by the Village Board of the Village of Canisteo]

A licensed huckster, peddler, or solicitor shall:

- A. Be in possession of the license issued at all times when peddling or soliciting and shall be displayed upon request by any person.
- B. Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome, tainted, or diseased provisions or merchandise.

- C. Keep the vehicles and receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- D. Not permit any vehicle used by him to stop or remain on any crosswalks.
- E. Not 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.
- F. Not sell any confectionery or ice cream or any food products, soft or hard, within two hundred fifty (250) feet of any store which sells confectionery, such as ice cream products or food products, unless written permission is secured from said store. A written copy of said permission shall be in the possession of the Village Clerk.

§81-11 Penalties for offenses.

Any person who, himself or by his clerk, agent or employee, shall act as a hawker, peddler or solicitor as herein defined, without a license, or shall violate any of the provisions of this chapter or who, having had his license revoked, shall continue to act as a hawker, peddler or solicitor shall, upon conviction, be punished by a fine of not more than two hundred fifty dollars (\$250) or not more than fifteen (15) days of imprisonment, or both, and each day on which such violation continues shall constitute a separate offense.

§81-12 Severability. [Amended 5-24-04 by the Village Board of the Village of Canisteo]

The provisions of this article are declared to be severable, and if any section, subsection, sentence, clause or part thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this article.

VILLAGE OF CANISTEO

APPLICATION FOR PEDDLING AND SOLICITING
LICENSE

Name of Applicant: _____

Address: _____

Phone: _____

Name of Firm Working for: _____

Address: _____

Phone: _____

Type of Service that will be performed: _____

Number and kinds of vehicles used and plate numbers: _____

Please state the location or method of distribution for products or service: _____

Please state the length of time the applicant wishes to have license: _____

Signature of Applicant

Approved by: _____
Village Clerk-Treasurer

To be completed by Village Official

__ Copy of Driver's License

__ Letter of Authorization (attach copy)

__ Copy of Birth Certificate