

Chapter 167: Peddling and Soliciting

[HISTORY: Adopted by the Board of Trustees of the Village of Elmira Heights 10-18-1984 by L.L. No. 6-1984 as Ch. VII of the 1984 Code. Amendments noted where applicable.]

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§ 167-1Definitions.

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 a person transacts business and deals in the goods, wares and merchandise he or she hawks, peddles or solicits for during regular business hours.

HAWKER AND PEDDLER

Includes, except as hereinafter expressly provided, any person, either principal or agent, who, from any car on a 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, newspapers or periodicals.

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 milk, water, newspapers or periodicals, or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

§ 167-2Exceptions. [1]

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 village 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 berry pickers who sell berries of their own picking; or so as unlawfully to interfere with interstate commerce.

[1]

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 167-3**License required.**

No person shall act as a hawker, peddler or solicitor within the Village of Elmira Heights without having in force and effect a license therefor issued to him or her or his or her employer.

§ 167-4**Application for license.**

Any person desiring a license as herein provided shall file with the Village Clerk upon a form furnished by the village a written application containing the name and residence address and business address of the applicant, the kind of business, the wares and merchandise to be sold or the kind of service to be performed, the method of distribution, the number and kind of vehicles to be used in carrying out the activities listed and such other information as may be required by the Mayor. Such application shall be accompanied by a cash deposit of the fee for the license, which fee shall be as set by resolution of the Board of Trustees from time to time^u for an applicant using not more than one motor vehicle and a further fee as set by resolution of the Board of Trustees from time to time for each additional motor vehicle to be used in carrying out the activities.

[1]

Editor's Note: The current fee schedule is on file in the village offices.

§ 167-5**Issuance or refusal of license.**

Upon the receipt of a properly completed application and of the required fee, the Mayor shall grant a license authorizing the applicant to act as a hawker, peddler or solicitor within the village for a period of one year from the date of issuance of such license or the Mayor may refuse to grant such license for a specific reason for the protection of the public safety, health, property, morals or general welfare and return the fee to the applicant.

§ 167-6**Use of license.**

A license issued under this chapter shall extend only to the person to whom it is issued or, if the licensee is other than a natural person, to its agent or employee acting in the course of the business of the licensee, and a license shall be valid only for the purposes contained on the application for such license.

§ 167-7 Display of license.

Every person acting as a hawker, peddler or solicitor under this chapter shall produce for inspection the license required by this chapter upon demand of any magistrate or police officer, and a failure to produce a valid license shall be a violation of this chapter.

§ 167-8 Employment of other persons by licenses.

A natural person licensed under this chapter or the agent or employee of a licensee other than a natural person may employ not more than two persons to accompany him or her and assist in the performance of the purposes contained in the application for such license.

§ 167-9 Revocation of license.

The Mayor may revoke any license issued under this chapter at any time for a violation of this chapter. When a license is revoked, no refund of any portion of the license fee shall be made. Notice of such revocation and the reason or reasons, in writing, shall be served upon the licensee named in the application personally or by mailing in a postpaid wrapper to the business or residential address given in the application for such license.

§ 167-10 Restrictions on licenses.

A licensed hawker, peddler or solicitor shall:

A.

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.

B.

Not wear or exhibit any identification provided by the village after the expiration or revocation of the license represented by it.

C.

Keep the vehicles and receptacles used by him or 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.

D.

Not stand or permit the vehicle used by him or her to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any time if the owner of or lessee of the ground floor thereof objects.

E.

Not stand or permit the vehicle used by him or her in the conduct of his or her business to stand on any public place or street within the central business district defined as follows: bounded north by North Park Lane, east by Horseheads Boulevard, south by 13th Street and west by Glenwood Avenue.

F.

Not sell any confectionery or ice cream within 250 feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days.

G.

Not permit any vehicle used by him or her to stop or remain on any crosswalk.

§ 167-11**Penalties for offenses.** ^[1]

Any person, firm or corporation who or which violates any provision of this chapter shall, upon conviction, be punishable as provided in Chapter **1**, General Provisions, Article **II**, General Penalty.

[1]

*Editor's Note: Added at time of adoption of Code; see Ch. **1**, General Provisions, Art. **I**.*