



APPLICATION FOR PEDDLING, SOLICITING & VENDING LICENSE
TOWN OF HENRIETTA

APPLICATION # _____

NAME OF FIRM _____ PHONE# _____
ADDRESS _____

NAME OF APPLICANT _____ S.S.# _____
PERMANENT ADDRESS _____
TEMPORARY ADDRESS _____

HAVE YOU EVER BEEN CONVICTED OF A MISDEMEANOR OR A FELONY? YES _____
IF YES, EXPLAIN _____ NO _____

DATE OF SALE OR LENGTH OF TIME LICENSE IS REQUIRED _____

PROVIDE A LETTER FROM IRS IF YOU ARE A NON-PROFIT ORGANIZATION-IF APPLICABLE ()

PROVIDE NEW YORK STATE TAX ID # _____

ATTACH A LETTER OF AUTHORIZATION FROM THE FIRM YOU ARE REPRESENTING, GIVING
DETAILS AS TO TYPE OF GOODS, VALUE, ETC. OF MERCHANDISE OR SERVICES OFFERED.

PROVIDE A LIST OF FOUR (4) REFERENCES FROM TOWNS WHERE PREVIOUSLY LICENSED:

<u>NAME OF TOWN</u>	<u>COUNTY</u>	<u>PHONE#</u>
1.		
2.		
3.		
4.		

PROVIDE NAME, ADDRESS & S.S.# OF EACH ADDITIONAL EMPLOYEE REQUIRING LICENSE. A BACKGROUND CHECK IS PERFORMED ON ALL APPLICANTS. UPON APPROVAL, TWO (2) PHOTOGRAPHS (MAX. 2" X 2") OF EACH APPLICANT MUST BE PROVIDED.

LICENSE IS VALID FOR ONE FISCAL YEAR AND IS NOT PRO-RATED.

FEE \$ _____ PER COMPANY
\$ _____ PER INDIVIDUAL

I, THE UNDERSIGNED, HAVE RECEIVED A COPY OF THE PEDDLING, VENDING & SOLICITING ORDINANCE, CODE OF THE TOWN OF HENRIETTA, AND HAVE BEEN ADVISED OF SECTION 192-10 RESTRICTIONS AND SECTION 192-11 REVOCATION AND AGREE TO COMPLY WITH ALL RESTRICTIONS.

SIGNATURE OF APPLICANT

Town of Henrietta, NY
Friday, June 1, 2012

Chapter 192. PEDDLING, VENDING AND SOLICITING

[**HISTORY:** Adopted by the Town Board of the Town of Henrietta 10-6-1976. Amendments noted where applicable.]

§ 192-1. Title.

This chapter shall be known and may be cited as the "Peddling, Vending and Soliciting Ordinance of the Town of Henrietta."

§ 192-2. Purpose.

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

§ 192-3. Definitions.

[Amended 10-19-1983]As used in this chapter, the following terms shall have the meanings indicated:

ESTABLISHED PLACE OF BUSINESS

A permanent building, store or depository in which or where the person transacts business and deals in the goods, wares, commodities or services he peddles, vends or solicits in the ordinary and regular course of business.

GARAGE AND LAWN SALES

A household sale conducted by or with permission of a residential homeowner, not to exceed three consecutive selling days, for the purpose of selling used household goods.

LICENSE

Unless otherwise specified, shall be construed to mean a license or special permit as required by this chapter.

MERCHANDISING

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

PEDDLER AND SOLICITOR

Includes, unless otherwise herein provided, any person who engages in merchandising any goods, wares, commodities, books, periodicals or services or solicits contributions of goods or moneys by going from house to house or place of business to place of business.

PERSON

Includes any individual, firm, partnership, corporation, unincorporated association and principal or agent thereof.

TEMPORARY OCCUPANCY

A store, room, building, tent, enclosure or structure of any kind intended to be occupied for the period of time necessary to peddle, vend or solicit the merchandise or products therein housed initially without the intent to replenish or restock such goods, wares and merchandise sold therein.

In all prosecutions for a violation of this chapter, the intent of the defendant to conduct an established place of business shall be a material fact, and the burden of proving such intent shall be upon the defendant in such prosecution.

VENDOR

Includes, unless otherwise herein provided, a person who engages in merchandising any goods, wares, commodities, books, periodicals or services or solicits contributions of goods or moneys by occupying space on any public street, roadside, private or public parking lot or driveway unless owned by said vendor or operated under lease as adjunct to the vendor's business.

§ 192-4. License and special permit required.

[Amended 10-19-1983]

- A. It shall be unlawful for any person within the jurisdiction of this chapter to act as a peddler or solicitor, as herein defined, without first having obtained and paid for and having in force and effect a license therefor.
- B. It shall be unlawful for any person within the jurisdiction of this chapter to act as a vendor, as herein defined, without first having obtained and having in force and effect a special permit from the Town Board therefor.

§ 192-5. Exceptions.

- A. The provisions of this chapter shall not apply to the following:
 - (1) Any person soliciting at the express invitation of the person solicited.
 - (2) A wholesaler selling articles to dealers or merchants who have an established place of business within the Town.
 - (3) A truck gardener or farmer who himself or through his employees vends, sells or disposes of products of his own farm or garden.
 - (4) A child regularly attending any public, parochial or private school located within the Town of Henrietta or a member of a veterans organization, provided that such organization has and maintains a chapter, post, lodge, camp or other group within the Town of Henrietta, or a member of a fraternal organization or civic group that maintains a chapter or local organization within the Town of Henrietta, and further provided that any person coming within the provisions of this exemption shall only peddle, vend or solicit in connection with an authorized activity of the organization of which he is a member or the school which he attends.
 - (5) Auction sales held pursuant to law by a sheriff or other officer authorized by law to conduct such sale.
 - (6) Users under lease or permit by the Regional Marketing Authority vending, selling or disposing of products at the Regional Market Facility in the Town of Henrietta.
 - (7) Users under lease or permit by the Monroe County Fair and Recreation Association vending, selling or disposing of products at the Monroe County Fair and Recreation Facility in the Town of Henrietta.
 - (8) Residents of the Town of Henrietta who as representatives of a national, statewide or regional commercial enterprise engage in merchandising, as herein defined, any goods, wares, commodities, books, periodicals or services, provided that such commercial enterprise is duly licensed, pursuant to the provisions of this chapter, and further provided that such resident carries on his or her person and upon demand exhibits to the prospective buyer, any Town official, police officer or sheriff an identification issued by

such commercial enterprise setting forth the name and address of the licensee and the date of the issuance of such license.

- (9) Members or representatives of a church or religious organization or sect in the exercise of legitimate religious activities, provided that such persons or the church, organization or sect which they represent, prior to the commencement of such activities, notify the Fire Marshal/Building Inspector of their intended peddling, vending or soliciting and further provided that such activities are carried out in an orderly manner without annoyance or harassment to the persons solicited or in any way disturbing the peace or creating a public or private nuisance.

[Amended 10-4-1989; 2-15-2006 by L.L. No. 1-2006]

- (10) Garage and lawn sales, provided that not more than three such sales shall be conducted on any single property within the same calendar year. Household sales of this type in excess of limits herein stated shall require a special permit of the Town Board for each occurrence.

[Added 10-19-1983]

B. This chapter shall not apply so as to interfere unlawfully with interstate commerce.

§ 192-6. Application for license.

- A. Every applicant for a license is required to submit to the Fire Marshal/Building Inspector a written application supplying, under oath, the following information:

[Amended 10-4-1989; 2-15-2006 by L.L. No. 1-2006]

- (1) Name of applicant.
 - (2) Permanent home residence.
 - (3) Name and address of firm represented, if any.
 - (4) The length of time for which the license is required.
 - (5) A description of the goods, wares, commodities or services to be offered for sale, together with a true invoice of their amount, quality and value.
 - (6) All felonies or misdemeanors with which the applicant has been charged and the disposition of each such charge.
 - (7) A written detailed description of the specific proposed plan of operations to be used by the applicant in merchandising the products or services.
- B. To the application must be appended a letter of authorization from the firm which the applicant purports to represent.
- C. If the applicant has one or more employees who will work in the Town, the same information must be supplied as to each employee.

§ 192-7. Issuance of license; conditions.

[Amended 10-4-1989; 2-15-2006 by L.L. No. 1-2006] Upon receipt of the application and the license fee and if reasonably satisfied with the applicant's qualifications, the Fire Marshal/Building Inspector shall issue a license to the applicant specifying the particular business and method of business operations authorized, along with any restrictions thereon. This license shall be nontransferable and shall be in the continuous possession of the licensee while engaged in the business licensed. The

license shall be produced upon the demand of any Town official, prospective buyer, police officer or sheriff.

§ 192-8. Records; expiration of license or permit.

- A. The Fire Marshal/Building Inspector shall keep a record of the applications, the determinations thereon and of all licenses issued in accordance with this chapter. The record shall contain the name and residence of the person licensed, the location of the business, the amount of the license fee paid and the date of revocation of all licenses revoked.

[Amended 10-4-1989; 2-15-2006 by L.L. No. 1-2006]

- B. All licenses hereunder shall expire no later than one year from date of issue. Special permits shall be time limited at the discretion of the Town Board.

[Amended 10-19-1983]

§ 192-9. License fees.

- A. The Town Board of Henrietta shall, from time to time by resolution, establish a schedule of fees to be paid for any license issued pursuant to the provisions of this chapter.
- B. All fees shall be payable at the time of the issuance of the license and shall be paid in cash or certified funds.

§ 192-10. Restrictions.

- A. A peddler, vendor or solicitor, whether licensed or exempt from licensing pursuant to the provisions of this chapter, shall:
- (1) Not willfully misstate the quantity or quality of any article or service offered for sale.
 - (2) Not willfully offer for sale any article of an unwholesome or defective nature.
 - (3) Not call attention to his goods by blowing a horn, by shouting or crying out or by any loud or unusual noise.
 - (4) Not frequent any street in an exclusive manner so as to cause a private or public nuisance.
 - (5) Keep the vehicle and/or receptacles used by him in the furtherance of his licensed business in a sound, clean and sanitary condition.
 - (6) Keep his edible articles offered for sale well protected from dirt, dust and insects.
 - (7) Not stand, hawk, peddle or solicit, or solicit funds, on or near the premises of any business establishment, shopping center or mall without the written consent of the owner or individual, agency or organization responsible for the management and/or operation of the same.
 - (8) Not sell or vend within 250 feet of any school property between the hours of 8:00 a.m. and 4:00 p.m. on school days.
 - (9) Not enter upon private property for the purpose of peddling or soliciting before the hour of 9:00 a.m. of any day or after 1/2 hour before sunset of any day, except upon the invitation of the householder or occupant.
- B. 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.

§ 192-11. Revocation of license.

A. Licenses issued under provisions of this chapter may be revoked by the Town Board of the Town of Henrietta after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or any false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler, vendor or solicitor.
- (3) Any violation of this chapter.
- (4) Conviction of any crime or misdemeanor involving moral turpitude.
- (5) Conducting the business of peddling in an 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) Any breach of stipulations or conditions specified by the Town Board or any deviation from the terms and agreements upon which a special permit has been granted, as provided herein.

[Added 10-19-1983]

B. The Town Board may suspend for up to 60 days or revoke any license or permit issued under this chapter upon a finding that the holder of any such license or permit has violated any provision of this chapter; violated any condition of the license or permit; been convicted of any violation referred to in this section; or been indicted or charged or convicted of any crime. A hearing for such suspension or revocation shall be held before the Town Board upon notice as provided herein.

[Amended 10-4-1989]

C. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for the hearing.

D. If the licensee has one or more employees, the revocation hereunder shall apply to the licensee and all employees if either he or any one or more of his employees are determined to be in violation of this chapter.

§ 192-12. Appeals.

[Amended 10-4-1989; 2-15-2006 by L.L. No. 1-2006] Any person aggrieved by the action of the Fire Marshal/Building Inspector in the denial of an application for a license, as provided in § 192-6 of this chapter, shall have the right to appeal to the Town Board of the Town of Henrietta. Such appeal shall be taken by filing, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be mailed to the applicant at his last known address at least five days prior to the date set for the hearing. The granting, refusal or revocation of a license by the Town Board shall be subject to review by certiorari.

§ 192-13. Penalties for offenses.

[Amended 6-20-2001 by L.L. No. 3-2001]Any person who shall act as a peddler, vendor or solicitor, as herein defined, without a license, or who shall violate any of the provisions of this chapter or who shall continue to act as peddler, vendor or solicitor subsequent to the revocation of his license shall be guilty of an offense and, upon conviction thereof, shall be fined a minimum of \$100 up to a maximum fine of \$250 or imprisoned for not more than 15 days, or both. Each day's continued violation, after notice of violation from the Town of Henrietta, shall constitute a separate and additional violation.