

# PEDDLING

## Local Law #2 of 2018

Be it enacted by the Board of Trustees of the Village of Wellsville, in the County of Allegany, as follows:

### Article 1 Transient Retail Businesses

#### SECTION 1. Definitions.

The following terms in this Local Law shall have the following meanings:

PEDDLER – Any person who engages in merchandising any goods, wares, commodities, books or services by going house to house, place of business to place of business or in any public street or public place by temporarily occupying a room, building or other premises.

#### SECTION 2. Permit Required.

It shall be unlawful for any peddler to engage in transient retail sale of goods, wares or merchandise within the Village of Wellsville (village) by visitation to private homes or residences. Sales on private lots, public streets or highways of the village are lawful, provided the peddler is a holder of a valid and unexpired permit issued by the village. The cost of such permit will be \$50 for a 1-30 day permit and \$150 for an annual permit for each permitted seller. The permit length, fee and any penalties contained in this local law may be changed at any time by the Village Board by means of duly adopted resolution.

#### EXCEPTIONS:

- A. Peddlers expressly invited by the person.
- B. Students (public, parochial or private) peddling in connection with authorized school activities.
- C. Members of Veterans organizations, fraternal organization or civic groups which maintain a chapter, post or lodge within the limits of the Village of Wellsville.
- D. Peddlers on behalf of traditionally recognized charitable groups such as churches, the United Way, Disabled Veterans (poppy sales) and health-related organizations such as the American Cancer Society or American Heart Association.

#### SECTION 3. Application for and issuance of permit.

- A. No permit shall be issued unless the following information is given by the applicant:
  1. Full identification including proof of identification.
  2. The identification of goods, wares or merchandise which the applicant intends to sell.
  3. Location(s) where the applicant intends to sell
  4. The applicant's permanent address.
  5. The nature of the business or activity the applicant wishes to engage within the village.
  6. The time period within which the sale of goods, wares or merchandise will be conducted.
  7. A statement as to whether the applicant has been convicted in any jurisdiction of any crime, other than minor traffic violations, and, if so, what crime or crimes.
  8. A current photograph of the applicant.
  9. The required fee.
- B. Upon submission of application, with the supporting evidence and the payment of the fee, the Finance Committee shall review the application and approve or deny the

application. If approved, the Village Clerk shall issue to the applicant a permit which shall, unless revoked, entitle the permittee to engage in the activities applied for, for a specific period from the date of issuance. The permit may be renewed annually upon payment of the fee and submission of a renewal form. If denied, the Village Clerk shall inform the applicant and return the fee.

#### SECTION 4. Rules of conduct.

Permit holders shall display his/her permit at all times while engaging in sales as defined above and shall comply with the following rules of conduct:

- A. The permit holder shall not alter or deface or allow any other person to have possession of the permit and shall immediately report its loss to the Village Clerk.
- B. The permit holder shall not represent his/her permit to be an endorsement by the Village of Wellsville of their goods, wares or merchandise.
- C. The permit holder shall immediately surrender permit upon revocation or expiration of the permit as hereinabove described below.

#### SECTION 5. Peddling Hours limited.

The hours for the peddling of goods, wares and merchandise shall be limited to the period from 9:00 a.m. to 7:00 p.m., Mondays through Saturdays. Door to door sales are not permitted on Sunday.

#### SECTION 6. Revocation of permit.

- A. If the Village Clerk has reasonable grounds to believe that the permit holder's application contains any false or misleading information or that the permit holder has committed fraud or misrepresentation or has made false statements in the course of pursuing business, or that the hours stated above have been violated, or that the permittee has failed to comply with the standards of conduct stated herein, the permit issued to the permit holder may be summarily revoked by the Village Clerk upon approval of the Finance Committee.

#### SECTION 7. Notice of refusal or revocation.

Notice of revocation shall be promptly given by written notice, personally served or sent by certified mail to the address designated for this purpose in the application for a permit and to the person whose permit is revoked.

#### SECTION 8. Hearings.

Any person whose permit has been refused, or revoked by the Finance Committee shall be entitled to a hearing before the Village Board of Trustees on the question of reinstatement or issuance of said permit. The Board shall review the record and may annul or affirm the refusal or revocation order, or, may revoke the permit. Notice shall be given of the action taken. The Board shall review the Finance Committee's action within thirty days after the request is received in writing from the applicant.

#### SECTION 9. Sale upon business properties.

The sale of goods, wares and merchandise shall be permitted at any business establishment and upon any business property, such as shopping center parking lots, during normal business hours, with the consent of the owner, manager, or other person, firm or corporation in charge of any such business establishment or business property; provided, nevertheless, that any applicant who intends

to sell goods, wares or merchandise at or upon any such locations shall, at the time of application for the permit, exhibit to the Village Clerk the written consent of the owner, manager or other person, firm or corporation in charge of such business establishment or business property.

#### SECTION 10. Penalties for offenses.

Any person committing an offense against any provisions of this Article shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, 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 Article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

### Article II Street Sales Near Park Lands

#### SECTION 11. Purpose.

The Village Board has determined that the selling of goods, or the distribution or offering of literature such as hand bills or programs at and near the outside entrances to parks and recreational areas of the Village, creates a danger to the operators of motor vehicles, and to pedestrians, approaching, entering or actually on park areas. Such activities interfere with the traffic flow of vehicles and pedestrians, resulting in congestion and safety concerns. The Board, therefore, pursuant to the authority of Village Law § 4-412(1) and Village Law § 6-602, enacts this Local Law to prohibit same.

#### SECTION 12. Definitions.

The following terms in this Local Law shall have the following meanings:

FARMERS' MARKET - A temporary, periodic sales event offering products of arts and crafts, plants, produce, baked goods and other food items such as honey, jellies, and jams, which are homemade or home produced and sold by those who produce, grow or manufacture the items. A Farmers' Market should be considered seasonal and involves no permanent structure, but rather sales made from tables, tents or vehicles.

#### NON-SALES AREAS –

- A. Immediate entrances to and exits from Park areas, vehicular ways within Park areas, any parking lots in Park areas, including designated temporary parking areas.
- B. Approaches to park areas. All public streets in the Village within the following boundaries: South Main Street, West State Street, South Brooklyn Avenue, and the southerly boundary of the Village, including, but not limited to: West Hanover Street; West Dyke Street on both sides of the Genesee River; a portion of New York Route 417 also known as the Arterial, between West State Street and South Main Street and the area between West State and the Arterial; and any pedestrian bridge across the Genesee River or Dyke's Creek that connects with Island Park.

#### PARK LANDS OR PARK AREAS

- A. Tullar Field Recreational Area;
- B. Island Park;
- C. The Lagoon Recreational Area;
- D. The Quackenbush Recreational Area; and
- E. All public parking lots contiguous to the above.

SECTION 13. Selling prohibited exception.

- A. The Village Clerk, on behalf of the Board of Trustees, may specifically authorize, by permit, a Farmers Market, or Village Board-sanctioned events, at designated times and areas in Island Park vehicle parking areas, upon such terms and conditions as are reasonable and appropriate. All such permit holders shall be required to cluster their sale tables, tents or vehicles into a designated area so as to minimize hindrance to customer vehicular or pedestrian traffic.

SECTION 14. Penalties for offenses.

Noncompliance with this Local Law shall constitute a violation as defined by §10 of the Penal Law of the State of New York, and shall be punishable, upon conviction, by a fine not exceeding \$250 or by imprisonment for not more than six days, or by both such fine and imprisonment.