

Chapter 114

PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Board of Trustees of the Village of Wilson at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

§ 114-1. Purpose.

The purpose of this chapter is to require the licensing of hawkers, peddlers and solicitors operating within the village in order to protect the residents of the village from the fraudulent and criminal practices of unscrupulous persons posing as hawkers, peddlers or solicitors engaged in lawful business.

§ 114-2. Definitions.

As used in this chapter, the following words, terms and phrases shall have the meanings herein ascribed to them:

HAWKER or PEDDLER — One who goes from place to place or from house to house or from street to street or who stands in a street or upon a sidewalk selling, bartering or offering for sale or barter any items whatsoever, including but not limited to the following: goods, wares, merchandise, magazines, food products and farm products.

SOLICITOR — One who goes from place to place or from house to house or from street to street or who stands in a street or upon a sidewalk taking orders for any items whatsoever, including but not limited to the following: goods, wares, merchandise, magazines, food products and farm produce, which items are to be delivered in the future, or for services to be performed in the future or for making, manufacturing or repairing any article or thing to be delivered in the future.

§ 114-3. License required.

No person shall act as a hawker, peddler or solicitor as herein defined within the village limits without first having obtained a license from the Village Mayor or his or her designated representative.

§ 114-4. Application for license.

- A. No license shall be issued by the Mayor or his or her designated representative unless the following information is furnished by the applicant for the license:
- (1) The name of the applicant, his permanent address and temporary address.
 - (2) The applicant's phone number and social security number.
 - (3) The applicant's age and a brief physical description, including height, weight and color of eyes and hair.
 - (4) The applicant's driver's license number and car license number.
 - (5) The company represented and the address of the company.
 - (6) A description of the items hawked, peddled or for which orders are being solicited.
- B. The applicant shall also furnish the names of two (2) persons as character references and also a passport-size photograph taken within two (2) months preceding the application.

§ 114-5. License fees; exceptions.

- A. The fees for licenses issued pursuant to this chapter shall be as set forth from time to time by resolution of the Board of Trustees.
- B. Exemption to fee requirements.
- (1) No charge shall be made for the licensing of a veteran or the widow of a veteran, provided that such veteran or his widow shall be residents of Niagara County and shall have in effect and shall exhibit to the Mayor or his or her designated representative a Niagara County license issued pursuant to § 32 of the General Business Law of the state.
 - (2) No person shall be required to pay a license fee under this chapter who has a valid license issued by the New York State Department of Social Welfare or who is acting as a hawker, peddler or solicitor on behalf of a religious, charitable, fraternal, service or civil organization.
 - (3) No person who calls at business places exclusively or at only those places where he has been requested by telephone or by letter to call shall be required to pay a license fee under this chapter.
 - (4) No person who deals exclusively in milk, milk products, newspapers or farm products produced by him or his employer shall be required to pay a license fee under this chapter.

§ 114-6. Revocation of license; notice.

The Mayor or his or her designated representative shall revoke the license of any person who has made a false statement on his license application or who has been convicted of a crime

while having in effect a license issued under this chapter. Notice of revocation shall be sent immediately to such person at the permanent address listed on the license application.

§ 114-7. Display of license.

Each licensee under this chapter, when acting as a hawker, peddler or solicitor, shall display his license in the holder provided by the village, which holder shall be affixed to the chest area of the licensee's outer garment.

§ 114-8. Records.

The Mayor or his or her designated representative shall file and retain each application for a hawker's, peddler's or solicitor's license for a period of ten (10) days following the date of the application. He or she shall also keep a record of all licenses issued under this chapter and shall note thereon all revocations of licenses.

§ 114-9. Penalties for offenses.

- A. A violation of this chapter shall be punishable, upon conviction, by a fine or imprisonment, or both, as provided in Chapter 1, General Provisions, Article II.
- B. Civil penalties; construal.
 - (1) Obedience to the provisions set forth herein may be enforced by criminal information for the penalties herein prescribed, as well as by prosecution of the offender as provided in Subsection A of this section, or by civil action for a penalty or by civil remedy at law or equity by way of injunction or otherwise to abate or prevent a violation of the provisions of this chapter.
 - (2) Neither a judgment in nor the pendency of a criminal prosecution for an alleged violation of the provisions of this chapter nor a judgment in or the pendency of a civil action of law or in equity shall be a bar to the other form of proceeding.
 - (3) The imposition of a penalty for a violation of this chapter shall not excuse the violation or permit it to continue, and the remedies herein provided for penalties and civil action to enjoin or abate a violation shall be cumulative.

