

**VILLAGE OF SKANEATELES
LOCAL LAW #2 OF 2012**

**A LOCAL LAW TO AMEND CHAPTER 149, (“PEDDLING AND SOLICITING”)
OF THE VILLAGE OF SKANEATELES**

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF SKANEATELES:

Statement of Intent and Findings.

The Board of Trustees has determined that it is necessary to modify several provisions of the Village Code relating to Chapter 149 (“Peddling and Soliciting”) in order to eliminate the requirement for licensure and substitute a registration requirement.

Authority.

This Local Law is enacted pursuant to the authority granted by the New York State Municipal Home Rule Law, Section 10, and New York State Village Law, Section 3-302(5).

Text of Proposed Local Law.

Chapter 149 is deleted in its entirety and replaced with the following (deleted text lined out and new text shaded).

“Article I. Peddlers, Vendors and Hawkers

§149-1. Purpose.

The purpose of this article shall be to ~~preserve the public peace and good order in the Village of Skaneateles; to prevent fraud, burglary and other crimes; to prevent unethical and dishonest business practices; to prevent traffic congestion and promote public safety, and to contribute to the public welfare and good order by enforcing certain regulations and restrictions on peddlers, vendors, hawkers, canvassers and solicitors within the Village of Skaneateles.~~

§149-2. Definitions.

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

PERSON

One or more natural persons, corporations, partnerships, organizations, associations, societies and all other entities of any kind.

SOLICITOR

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 or for services to be performed in the future or for the making, manufacturing or repairing of any article or thing for future delivery.

VENDOR, HAWKER or PEDDLER

Except as hereinabove provided, any person, either as principal or agent, who, from any vehicle or on any public street or public place, or by going from house to house or from place of business to place of business, on foot or from any vehicle, sells or barter, offers for sale or barter, or carries or exposes for sale or barter any goods, wares or merchandise.

§149-3. Applicability.

- A. Nothing in this article shall be held to apply to:
 - (1) Any sales conducted pursuant to statute or by order of any court.
 - (2) Any person selling personal property at wholesale to dealers in such articles.
 - (3) Persons under the age of 18 years associated with nonprofit organizations.

[Amended 10-26-2009 by L.L. No. 2-2009]

- (4) An honorably discharged soldier, sailor or marine who has procured a license as provided by the General Business Law of the State of New York.
- B. This article shall also not apply so as to unlawfully interfere with interstate commerce.
- C. Those who shall be exempt from the terms of this article shall, nevertheless, register with the Village ~~Clerk/Treasurer~~ Police Department at least 24 hours ~~prior to issuance of the license~~ before doing any of the acts prohibited by this article ~~and shall receive from said Clerk/Treasurer a license indicating that he/she has so registered.~~

§149-4. ~~License required.~~ Registration Required.

It shall be unlawful for any person within the corporate limits of the Village of Skaneateles to act as a vendor, hawker, peddler or solicitor, as herein defined, without first having ~~obtained and paid for and having in force and effect a license therefor~~ registered with the Village Police Department as required herein.

§149-5. Application for license. Procedure for Registration.

Any person desiring required to procure a license as herein provided register with the Village shall file with the Village Clerk/Treasurer Police Department, at least five business days 24 hours prior to the issue of the license commencing such activity, a written application registration upon a form furnished by the Village Clerk/Treasurer Police Department. Such application registration form shall include, but not be limited to, the number and kind of vehicles to be used by the applicant person in carrying on the business for which the license is desired; the kinds of goods, wares and merchandise he/she desires to sell, or the kind of service he/she desires to perform; the method of distribution; the name, address and age of the applicant registrant; the name and address of the person, firm or corporation he/she represents; the length of time the applicant registrant desires the license to conduct such activity; and such other information as may be required by the Village Clerk/Treasurer Police Department. Such application registration shall be accompanied by a certificate from the Onondaga County Sealer of Weights and Measures, if required by county law, certifying that all weighing and measuring devices to be used by the applicant registrant have been examined and approved.

§149-6. Issuance of license; conditions. (Reserved)

~~Upon the filing of the application, the Village Clerk/Treasurer shall, upon approval of such application, issue to the applicant a license as provided in §149-4, signed by said Village Clerk/Treasurer. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of the public safety, health and morals or general welfare. A license shall not be assignable. Any holder of such license who permits it to be used by any other person, and any other person who uses such license granted to any other person, shall be guilty of a violation of this article. Whenever a license shall be lost or destroyed on the part of the holder or his agent or employee, a duplicate may be issued by the Village Clerk/Treasurer upon the filing by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery. All licenses shall be issued on a form approved by the Village Clerk/Treasurer. Each license shall automatically expire on December 31st of the year in which it is issued. Such license shall include the right to use only one vehicle in carrying on the business for which the person is licensed. No license shall be granted to a person under 18 years of age. No applicant to whom a license has been refused or who has a license which has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation, unless he/she can show the reason for such rejection/revocation no longer exists. Every licensee, while exercising the rights afforded by such license, shall carry the license and exhibit the same upon demand.~~

§149-7. License Registration fee.

~~The license fee shall be in an amount established by resolution of the Board of Trustees of the Village of Skaneateles from time to time. No fee shall be required to register with the Village of Skaneateles.~~

§149-8. Revocation of license. (Reserved)

~~The Village Clerk/Treasurer may, at any time, for a violation of this article or any other law, revoke any license granted hereunder. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons therefor, in writing, shall be served by the Village Clerk/Treasurer upon the person named in the application or by mailing the same to the address given in the application.~~

§149-9. Restrictions and prohibitions.

- A. It shall be unlawful for any person to enter upon private property for the purpose of peddling or soliciting before the hour of 9:00 a.m. of any day or after 8:00 p.m. or after ½ hour before sunset, whichever is earlier, except upon the invitation of the owner or occupant of such property.
- B. It shall be unlawful for any vendor, peddler or solicitor to enter or remain upon any premises whereon there is posted, in public view, any sign containing the words “no peddlers”, “no solicitors”, “no agents” or other wording, the purpose of which purports to prohibit peddling, vending or soliciting on the premises.
- C. No peddler, vendor or solicitor shall offer goods, wares or services within 200 feet of any school premises or permit any vehicle to stand on a public street within said distance of school property.
- D. No vendor shall offer goods for sale from a vehicle within the so-called Downtown D District or within any public park, or within 200 feet of any public park in the Village of Skaneateles.
- E. It shall be unlawful to stand or permit a vehicle used by any peddler, vendor or solicitor to stand in one place in any public place or street for more than 10 minutes or in front of any premises for any period of time if the owner or occupant of the ground floor of the premises objects.
- F. No canvasser, solicitor, peddler or vendor, as defined in this article, may interfere with the free flow of pedestrian or vehicular traffic.
- G. It shall be unlawful to create or maintain any booth or stand or place any obstructions upon any street or public place for the purpose of selling or exposing any goods, wares, or merchandise, except as permitted by the Board of Trustees.

§149-10. Records.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). It shall be the duty of the Village Clerk/Treasurer Police Department to keep a record of all applications and of all licenses granted persons registered under the provisions of this article, ~~giving the number and date of issuance of each license and the fee paid and the date of revocation of all licenses revoked.~~

§149-11. Penalties for offenses.

Any person who, himself or by an agent or employee, shall act as a vendor, hawker, peddler or solicitor, as herein defined, without a license first registering as required hereby, or shall violate any of the provisions of this article ~~or, having had his license revoked, shall continue to conduct such activity~~ shall be guilty of a violation and subject to a fine of not less than \$100 and not more than \$500 per offense.

Article II. Canvassers and Solicitors Engaged in Noncommercial Activity.

§149-12. Definitions.

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

CANVASSER or SOLICITOR

A person engaged in the noncommercial activity of canvassing or soliciting as defined in this article.

CANVASS or SOLICIT

To make or seek to make personal contact with another, either on the highways and streets of this Village or on public or private property other than his/her own, for the purpose of raising funds for, supporting goals of, or recruiting new members into a religious, charitable, educational or political organization, or participating in a political campaign on behalf of any candidate for public office.

PERSONAL CONTACT

The face-to-face canvassing or solicitation of a person by another.

POLITICAL ORGANIZATION

An organization, a substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office.

RELIGIOUS OR CHARITABLE OR EDUCATIONAL ORGANIZATION

An organization granted tax exemption as such by the Internal Revenue Service of the United States Treasury Department.

§149-13. Registration and identification badge not required.

Any person engaged in the noncommercial activity of canvassing or soliciting for religious, charitable, educational or political organizations, as defined in this article, shall not be required to register with ~~or obtain a license from the Village Clerk/Treasurer~~ Police Department or to wear an identification badge when canvassing or soliciting. Any person engaging in commercial canvassing or soliciting shall comply with the requirements of Article I of this chapter.

§149-14. Restrictions.

A. Persons engaged in noncommercial canvassing or soliciting, as defined in this article, shall not enter upon private property if the owner, tenant or manager thereof shall display a sign prohibiting canvassing or soliciting.

B. No canvasser or solicitor as defined in this article may engage in any unconsented touching of another person or interfere with the free flow of pedestrian or vehicular traffic while conducting noncommercial canvassing or soliciting.

C. No canvasser or solicitor as defined in this article shall enter upon private property for the purpose of conducting such activity before the hour of 9:00 a.m. or after 8:00 p.m. or after ½ hour before sunset, whichever is earlier, except upon the invitation of the owner or occupant of such property.

§149-15. Penalties for offenses.

Any person who violates the provision of this article shall be guilty of a violation and subject to a fine of not less than \$100 and not more than \$500 per offense.”

Effective Date: This local law shall take effect immediately upon its adoption.

Adopted: _____

Motion by: Trustee _____

Seconded by: Trustee _____

Voting in Favor: Trustees _____

Voting in Opposition: _____

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