

Chapter 177

PEDDLING AND SOLICITING

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| § 177-1. Classification of peddlers. | § 177-7. Issuance of license; display. |
| § 177-2. Word usage. | § 177-8. Use of license by assistant. |
| § 177-3. Exclusions. | § 177-9. Recordkeeping. |
| § 177-4. Exceptions. | § 177-10. Revocation and suspension of license. |
| § 177-5. License required. | § 177-11. Penalties for offenses. |
| § 177-6. License application; fees; term. | |

[HISTORY: Adopted by the Board of Trustees of the Village of St. Johnsville 12-15-1955. Amendments noted where applicable.]

GENERAL REFERENCES

Auctions — See Ch. 92.

Garage sales — See Ch. 155.

§ 177-1. Classification of peddlers.

Any person hawking, peddling, vending, selling, delivering or soliciting orders for merchandise in the streets and public ways of the Village of St. Johnsville, or from house to house and/or from door to door in said Village, shall be deemed to be a peddler, and shall be classified as follows:

- A. A peddler using a vehicle; or
- B. A peddler carrying merchandise on his person.

§ 177-2. Word usage.

The word “person” as used herein shall be deemed to include natural persons, firms, associations, copartnerships and corporations, or any combination thereof.

§ 177-3. Exclusions.

This chapter shall be inapplicable to a person who:

- A. Shall sell or deliver newspapers, pamphlets or periodicals;
- B. Shall sell or deliver farm produce, if such farm produce is hawked, peddled, sold or delivered by the producer thereof, or his servants or employees;
- C. Is an honorably discharged soldier, sailor or marine who is disabled or crippled as the result of injuries received while in the naval or military service of the United States, or the holder of a license granted pursuant to § 32 of the General Business Law.

§ 177-4. Exceptions.

- A. All persons licensed under other ordinances of the Village of St. Johnsville, or otherwise specifically exempted by law, are hereby exempted from the provisions of this chapter.
- B. Nothing contained herein shall be construed to limit or restrict any person engaged in wholesale distribution from soliciting from and delivering orders to any store or retail establishment in the Village of St. Johnsville; and no such person shall be required to be licensed under this chapter.

§ 177-5. License required.

No person shall act as a peddler or hawker or permit anyone to vend or deliver wares and merchandise as described in the foregoing sections without first having obtained and paid for, and having in force and effect, a license as required by this chapter.

§ 177-6. License application; fees; term.

- A. Each applicant for a license to peddle and/or hawk must fill out a form therefor which shall be furnished by the Village Clerk, and when filled out shall state his name, residence at the time of application, nature of goods to be sold, and if the applicant is working on commission or percentage for any person, firm, association, copartnership or corporation, the name and business address of such person, firm, association, copartnership or corporation.
- B. The fees for such license shall be \$10 per day, \$60 per six months or \$100 for one year, and each such license issued by the Village Clerk shall state whichever period the license is intended to cover and shall also state the date of issuance and date of expiration thereof. Licenses shall be issued only for periods of one day, six months, or one year, and shall not be prorated. No such license shall be transferable.¹

§ 177-7. Issuance of license; display.

- A. Upon the payment of the fee provided, and upon proper completion of the application form, the Village Clerk shall issue a license to a peddler.
- B. If such peddler peddles, hawks and/or delivers merchandise carried upon his person, he shall carry such license upon his person at all times that he is so engaged in hawking, peddling and/or delivering, and he shall display such license upon the request of any police officer of the Village of St. Johnsville or upon request of any person to whom he hawks, peddles, delivers and/or offers merchandise.
- C. If such peddler uses a vehicle, he shall securely attach such license to a conspicuous and indispensable part of such vehicle to that it may be clearly seen at all times when such vehicle is used in peddling, hawking and/or delivering merchandise.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

§ 177-8. Use of license by assistant.

Any person who has issued to him a license under this chapter, and uses a vehicle for peddling, hawking and/or delivering his wares, may employ one person, and one person only, to assist him at such occupation without such employed person having to secure such license as herein provided for; except that such employed person may so act without such license only when assisting and in the employ of such licensed peddler.

§ 177-9. Recordkeeping.

The Village Clerk shall be the Commissioner of Licenses for the purposes enumerated in the General Business Law of the State of New York, and all other applicable laws of the State of New York, and shall keep a record in his office of each license issued and all renewals.

§ 177-10. Revocation and suspension of license.

Licenses issued under and by virtue of this chapter may be suspended at any time for cause after a hearing by the Mayor, Chief of Police or Village Police Justice, if the vehicle be used or the wares be sold for purposes which are immoral or illegal or which tend to impair the public health and welfare.

§ 177-11. Penalties for offenses. ²

Any person, firm, copartnership or corporation on violating any provision or provisions of this chapter shall, upon conviction of such violation, be subject to a fine not to exceed \$250 or by imprisonment not to exceed 15 days, or by both such fine and imprisonment.

2. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. D).

