

NOTE:

This form can be filled out on-line and signed electronically. The completed form should be e-mailed to Charlie Johnson at charlievhf@frontiernet.net.

Alternatively, the form can be printed and mailed to:

Charlie Johnson
Village of Honeoye Falls
5 East St.
Honeoye Falls, NY 14472

If you have any questions, please phone Charlie Johnson at 624-6150.

Village of Honeoye Falls

INCORPORATED 1838

HONEOYE FALLS, N.Y. 14472

5 EAST STREET

624-1711

CLERK - TREASURER
JOAN JOHNSON

VILLAGE ATTORNEY
MICHAEL J. TOBIN



MAYOR
RICHARD B. MILNE

TRUSTEES
GERARD T. PAVELSKY
STANLEY E. WORBOYS, JR.
JAMES F. ALFIERI
GLENN N. CLARK

APPLICATION FOR PEDDLER PERMIT

APPLICATION DATE: _____ PERMIT EXPIRATION DATE: _____

APPLICANT NAME: _____ CRIMINAL CONVICTION: _____

ADDRESS: _____ TELEPHONE: _____

AGE: _____ WEIGHT: _____ HEIGHT: _____ HAIR COLOR: _____

VEHICLE LICENSE PLATE: _____ TYPE OF VEHICLE: _____

BUSINESS NAME: _____

ADDRESS: _____

TELEPHONE: _____ Cell: _____ E-mail: _____

APPLICANT PROPOSES TO ENGAGE IN THE FOLLOWING BUSINESS:

APPLICANT'S PRODUCTS WILL BE SOLD, OFFERED FOR SALE OR DISTRIBUTED WITHIN THE VILLAGE OF HONEOYE FALLS IN THE FOLLOWING MANNER:

VILLAGE PEDDLING & SOLICITING CODE

Chapter 127 Peddling and Soliciting (Amended 9-16-1996 by L.L. No. 6-1996)

- A. Definitions, as used in this chapter, the following terms shall have the meanings indicated:
PERSON -- Any natural person, association, partnership, firm or corporation.

SOLICITING -- The seeking or taking of contracts or orders for any goods, wares, merchandise or services for future delivery or for subscriptions or contributions upon any streets or sidewalks or from house to house within the Village of Honeoye Falls.

PEDDLING -- The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery which the person selling or offering for sale carries with him in traveling or has in his possession or control upon any of the streets or sidewalks or from house to house within the Village of Honeoye Falls.

SOLICITOR or PEDDLER -- Any person who shall engage in soliciting or peddling as hereinabove defined.

TRANSIENT MERCHANT -- A person who engages temporarily in A merchandising business in the Village of Honeoye Falls and occupies a room, building, tent, lot, stand or other premises for the purpose of selling, trading or bartering goods, wares and merchandise.

Peddling and soliciting do not apply to:

- Farmers seeking or taking orders for or selling or offering for sale their own produce.
- The seeking or taking of orders for or the selling or offering for sale of bread or bakery products, meat or meat products or milk and milk products by any manufacturer or producer thereof.
- The seeking or taking of orders for or the selling or offering for sale of insurance by insurance agents or brokers licensed under the insurance laws of the State of New York.

- B. Registration required. No person shall engage in soliciting or peddling or act as a transient merchant in the Village of Honeoye Falls without first registering with the Village Clerk.

- C. Application. Every person desiring to engage in soliciting or peddling in the Village of Honeoye Falls shall first register, under oath, with the Village Clerk. Upon such application, such person shall give his name, address and age; his previous criminal record, if any; the name and address of the person for whom he works and a letter appended to the application authorizing the applicant to represent the firm the applicant purports to represent, if any; the type or types of article, device, subscription, contribution, service or contract which he desires to sell or for which he wishes to solicit within the Village; the length of time he wishes to be registered; the type of vehicle he uses, if any, and its registration number; and the name, address and title of a company officer upon whom process or other legal notice may be served, if the applicant is a corporation or company. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this chapter shall be transferable from one person to another. If the applicant for a license uses scales or measures in his business, he shall also file with his application for a license a certificate issued by the Monroe County Sealer of Weights and Measures that his scales or measures have been tested and sealed.

- D. License fees. No permit or license shall be issued under this chapter except upon payment of the fee established by the Board of Trustees to the Village Clerk. The fee shall be established by resolution of the Board of Trustees. Any not-for-profit corporation which can provide, by documentary evidence, that it is a not-for-profit corporation pursuant to 501(c)(3) of the Internal Revenue Code is exempt from paying any fees for obtaining a license or permit to peddle or solicit in the Village of Honeoye Falls.

- E. Issuance of license; transferability; marketplaces. Upon registering with the Village Clerk as aforesaid, each solicitor or peddler shall be issued a license or permit and may, unless he shall have been convicted of a crime involving

moral turpitude, be permitted to solicit or peddle or act as a transient merchant within the Village for the licensed period beginning on the date such license or permit is issued and ending on the expiration date thereof. Such license or permit shall not be transferable. The Village Clerk shall be authorized to delegate the issuance of transient merchant licenses to the owner of any validly existing marketplace for casual retail sales and barter by independent vendors upon condition that said owner shall provide to the Village Clerk a complete list of vendors to whom licenses were issued. The list required by this subsection shall contain a statement on behalf of said owner as follows: "This list constitutes a complete list of vendors for the reporting period. Each of said vendors was issued a transient merchant license in compliance with the Village of Honeoye Falls Municipal Code. A false statement herein renders both the owner and the signatory liable to punishment pursuant to Penal Law § 210.45." The list shall be provided at least once each month or as required by the Clerk.

- F. Display and restrictions of license. Every solicitor or peddler shall, at all times while engaged in soliciting or peddling in the village, carry evidence of such registration upon his person and shall exhibit such evidence upon request to all police officers, village officials and citizens. Every person holding a transient merchant license shall post said license in a prominent place in his business premises and shall maintain said license as such at all times. No solicitor or peddler shall engage in selling or offering for sale or in seeking or taking of orders or contracts for any goods, wares, merchandise, article, device, subscription, contribution, service or contract not mentioned upon such license, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his license. No license issued under the provisions of this chapter may be transferred from one person to another. The person designated in said license shall be the only person authorized to engage in such business there under.
- G. Days and hours of sale. No soliciting or peddling is permitted at any time on Sunday or on any other day of the week except between 9 am and 5 pm or upon invitation from or an appointment with the resident.
- H. Noise restrictions. No person engaged in soliciting or peddling or as a transient merchant shall hawk or cry his goods, wares, merchandise, articles, contracts or services upon any of the streets or sidewalks of the village, nor shall he use any loudspeaker or horn or any other device on public property for announcing his presence by which members of the public are annoyed.
- I. Vehicle restrictions. No person engaged in soliciting or peddling or as a transient merchant shall park any vehicle upon any of the streets or alleys of the village in order to sort, rearrange or clean any of his goods, wares or merchandise or any samples, order books, contracts, circulars, literature or advertising matter pertaining thereto; nor may any such person place or deposit any refuse upon any such street or curbstone market or soliciting or peddling office by parking any vehicle upon any street or alley in the Village for longer than necessary in order to solicit from or peddle to persons residing in the immediate vicinity.
- J. Prohibited acts. No person engaged in soliciting or peddling or acting as a transient merchant shall occupy any of the streets or alleys or sidewalks of the village for the purpose of soliciting or peddling, with or without any stand or counter. No person engaged in soliciting or peddling shall enter upon premises for the purpose of soliciting or peddling which are posted with signs indicating that soliciting or peddling thereon is prohibited. No peddler or solicitor shall peddle, vend or sell his goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property. No person shall solicit any business whatsoever at the scene of any accident within the incorporated area of the Village of Honeoye Falls.
- K. Sales on Village Property. Notwithstanding any other provision, no person shall sell merchandise at any public function held in the Village of Honeoye Falls, New York, on lands owned by the Village of Honeoye Falls, New York, without first obtaining written permission there for from the Board of Trustees; and the Board may, from time to time, adopt rules and regulations concerning such sales.
- L. Exemptions from license requirements. The following persons are exempt from the license requirements of this chapter:
- Farmers engaged in selling only produce of their own farms from a truck or other vehicle.

- Persons engaged in the sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- Persons soliciting contributions on behalf of organizations or nonprofit corporations registered under the provisions of the Executive Law § 172 or exempted from registration under the Executive Law § 172-A who, while soliciting, are possessed of a card or other written evidence of their appointment or authority to solicit for said organization or corporation.
- Persons who have been licensed by the State of New York to engage in an activity described in § 127-1 hereof, when so engaged.
- Persons 16 years of age or under.

M. Revocation of license; hearing for reinstatement. Any license hereinafter issued may be revoked by the Village of Honeoye Falls upon the failure of the licensee to comply with the standards of conduct established in §§ 127-6 through 127-11 or upon ascertainment that the licensee has made any false statements in the application for the license hereunder or upon such licensee's being arrested and convicted of any crime involving moral turpitude. Any person whose license has been revoked shall be entitled to appear, with counsel if desired, before the Board of Trustees of the Village of Honeoye Falls at a regular or special meeting and be heard on behalf of a request for reinstatement of said license.

N. Contents of permit. Each permit shall be issued in card form, shall be carried by the person for whose benefit it is issued and shall contain the following: the number of the permit, fee paid, date of issue, expiration date and the name, age, weight, hair color, name of employer, address and signature of the holder. The reverse side of such permit shall contain any regulations then in effect and controlling the holder, as well as any conditions and/or limitations to which such permit is subject.

O. Penalties for offenses. Violation of any provision of this chapter shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder. In addition or as an alternative to the above-provided penalties, the Board of Trustees may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter. In addition, any person who violates any provision of the foregoing may be subject to a loss of license privilege herein granted.

CERTIFICATION

I hereby certify that I am the business owner / applicant and that I am duly authorized to make and file this application; and that all statements contained in this application are true to the best of my knowledge and belief. I agree to comply with all applicable laws, ordinances and regulations.

In processing this application I understand the Village of Honeoye Falls its representatives, employees or agent may obtain a consumer report and investigative consumer report for purposes concerning work history, education, military record, motor vehicle record, references and criminal conviction background consistent with state and federal law. By signing below I authorize the Village of Honeoye Falls to obtain a consumer report and an investigative consumer report on me for purposes of issuing a peddlers permit. A copy of this authorization is as valid as the original

Applicant Signature: _____ Date: _____

Make checks payable to: Village of Honeoye Falls Mail or deliver to: 5 East Street, Honeoye Falls, NY 14472

PEDLER PERMIT () Approved () Denied Date: _____ by: _____
Code Enforcement Officer