CHAPTER 17
PEDDLERS AND SOLICITORS

§17.1-Title

This Chapter shall be known and may be cited as the “Peddlers and Solicitors Law of the Town of Camillus, New York”.

§17.2-Definitions

1. The term “Peddler” as used in this Chapter shall mean and include any person, either principal or agent, who from any public street or public place or by going from house to house or place of business to place of business, on foot or on or from any vehicle, offers for sale goods or services for immediate delivery.

2. The term “Solicitor” as used in this Chapter shall mean and include any person who goes from place to place or house to house offering to take orders for goods or for services to be performed in the future.

3. The term “solicitor for charity” shall mean and include any person who requests directly or indirectly, any money, property, financial assistance, pledge or other thing of value for a charitable or religious organization.

§17.3-Exemptions

A. Exempt organizations
   Persons peddling or soliciting for a not for profit organization are exempt. However, such organizations shall register annually with the Town Clerk in the event it plans to engage in peddling or soliciting, and shall indicate the type of activities to be undertaken and the time when it will be performed. It shall be the responsibility of the organizations to furnish identification for their representatives which must be exhibited upon demand.

B. Certificate of exemption
   When the organization shall have established to the satisfaction of the Town Clerk that it is entitled to the above exemption, the Town Clerk shall issue to it, without charge, a certificate of exemption, stating among other things, that such organization has complied with the requirements of this Section and has satisfactorily established that it is entitled to an exemption under Subdivision A. Such certificate shall be carried with the person exercising it and shall be exhibited upon demand. Each such certificate shall be invalid after one year from its date of issue.

C. For the purpose of this Subdivision, the identification issued by a not for profit organization shall be deemed to be a certificate of exemption required by this Subdivision if approved by the Town Clerk.

§17.4-License required

It shall be unlawful for any person within the limits of the Town to act as a peddler or solicitor as herein defined, or assist such a person without first having obtained and paid for, and having in force and effect a license therefor.

§17.5-Application for license

A. Any person desiring to obtain a license as herein provided shall file with the Town Clerk a written application upon a form furnished by the Town Clerk. Such application shall give:

1. The license plate number and kind of vehicle to be used by the applicant in carrying on the business for which the license is desired.

2. The kind of goods he or she desires to sell or the kind of service he or she desires to perform.

3. The method of delivery.

4. The name, address and age of the applicant.

5. Whether or not the applicant has been convicted of a misdemeanor or felony, and if so, give date of conviction, nature of offense, penalty imposed and name and address of court and shall consent to a criminal background check.

6. The name and address of the person, firm or corporation he or she represents.

7. The length of time the applicant desires the license.

8. The name and address of a resident of the State of New York upon whom any notice required by this Chapter may be served.

§17.6-Bonds

An application for a license as a solicitor who demands, accepts or receives payment or deposit of money in advance of final delivery, shall also be accompanied by a cash

deposit of Five Thousand Dollars ($5,000.00) or a Five Thousand Dollars ($5,000.00) surety company bond or other bond secured by sufficient collateral, said bond to be approved by the Town Attorney as to form and surety conditioned for making a final delivery of the goods ordered or services to be performed in accordance with the terms of such order or failing therein, that the advance payment on such order be refunded. Any person aggrieved by the action of any licensed solicitor shall have the right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force, and effect, and in case of a cash deposit, such deposit shall be retained by the Town for a period of ninety (90) days after the expiration of any such license, unless sooner released by the Town Board.

§17.7-Issuance of License

A. Town Clerk to issue or deny.
   Upon the filing of the application, bond and certificate as provided in the preceding section and payment of the required fee, the Town Clerk shall, upon his or her approval of such application, issue to the applicant a license as provided in §17.4. A license may be refused if the applicant shall have been convicted of a misdemeanor or felony, which in the judgment of the Town Clerk renders the applicant unfit or undesirable to carry on the trade or occupation for which the license is sought. The Town Clerk may also refuse a license to any person who in his or her judgment shall be an undesirable person or incapable of properly conducting the trade or business for which a license is sought.

B. Appeal to Town Board.
   Any applicant who has been refused a license by the Town Clerk may appeal to the Town Board that the same may be granted or refused by the Town Board.

§17.8-Use of license by another person prohibited

A license shall not be assignable. Any holder of any license who permits it to be used by any other person, and any person who uses such license granted to any other person shall each be guilty of a violation.

§17.9-Loss of license

Whenever a license shall be lost or destroyed, a duplicate in lieu thereof, under the original application and bond may be issued by the Town Clerk upon the filing with him or her by the licensee of an affidavit setting forth the circumstances of the loss, and what, if any, search has been made for its recovery and payment of a $50 fee.

§17.10-Contents and form of license

All licenses shall be issued by the Town Clerk and shall state clearly the kind of vehicle to be used, the kind of goods to be sold or services to be rendered, the date of issuance and expiration of the license, fee paid and the name and address of the licensee.

§17.11-Term of license

Such license shall expire on December 31st of the year issued.

§17.12-Exhibition of license

Every licensee, while exercising his or her license, shall carry the license with him or her and shall exhibit the same upon demand.

§17.13-License fee

The license fee for each person licensed under this Chapter shall be Two Hundred Dollars ($200.00).

§17.14-Revocation of license

A license issued pursuant to this Chapter may be revoked after a public hearing as provided in Article 9 of the Town Law.

§17.15-Prohibited acts

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 the hour of 7:00 P.M. of any day except upon the invitation of the householder or occupant.

B. It shall be unlawful for any peddler or solicitor in plying his or her trade to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: “No Peddlers”, “No Solicitors”, “No Agents”, or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.

C. No peddler or solicitor shall peddle, vend, or sell his or her goods or wares within two hundred (200) feet of any place occupied exclusively as a public or private school or for school purposes, nor shall he or she permit his or her cart, wagon or vehicle to stand on any public highway within said distance of such school property.

D. No peddler or solicitor shall falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale. No person shall by any trick or device or by any false representation obtain or attempt to obtain admission to the house or garage of any person or corporation in the Town.

E. No peddler or solicitor shall blow a horn, ring a bell or use any other noisy device to attract public attention to his or her wares, or shout or cry out his or her goods.

F. It shall be unlawful to create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

G. No peddler or solicitor shall stand in any public place for more than one-half hour or resume a position within one hundred (100) feet of where he or she has previously stood in any day.

H. Notwithstanding any other provision in this Chapter, no person shall remain upon any private residential property in the Town of Camillus, for the purpose of soliciting an order for any goods or services, nor for the purpose of selling or distributing any ticket or chance if the occupant of said premises requests said person to leave.

§17.16-Orders

All orders taken by a licensed solicitor who receives payment in advance of final delivery, shall be in writing made in duplicate, stating the terms thereof and the amount paid in advance, and one copy shall be given to the purchaser at the time the deposit is paid to the solicitor.

§17.17-Records

It shall be the duty of the Town Clerk to keep a record of all applications and of all licenses granted under the provisions of this Chapter giving the date of each license, the fee paid and the date of revocation of all licenses revoked.

§17.20-Penalty

A violation of any provision of this Chapter is hereby declared to be a violation and shall be punishable by a fine not exceeding Two Hundred Fifty Dollars ($250.00) or imprisonment of not more than fifteen (15) days or both.

HISTORICAL NOTES:

Chapter 17: Repealed and replaced by Town Board, Resolution #99, 5/27/2015