

**VENDOR LICENSE APPLICATION NO. \_\_\_\_\_**

**MUST BE TURNED IN NO LATER THAN 10 BUSINESS DAYS BEFORE THE FIRST DAY OF BUSINESS.**

**Name:** \_\_\_\_\_ **Permanent Address:** \_\_\_\_\_

**Telephone #:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_ **Local Address:** \_\_\_\_\_

**NON-PROFIT** \_\_\_\_\_ (Yes) \_\_\_\_\_ (NO) \_\_\_\_\_

**Company Address:** \_\_\_\_\_

|   |  |
|---|--|
| <b>Types of Goods, Wares, Merchandise to be sold/services to be performed:</b>  |  |
| <b>Place where merchandise is to be sold/services to be performed:</b>  |  |
| <b>Length of time expected to be in the Village of Pulaski (Not to exceed 1 year)</b>   |  |
| <b>*Number of vehicles being by applicant in carrying business/Model(s) &amp; License Number(s) of Vehicle(s) being used:</b> |  |

**Fee Schedule** \*Prices subject to change

| <b>Applicant</b>  | <b>One Year (365 days)</b> | <b>Monthly (30 days)</b> | <b>10 Day Pass</b> |
|---|----------------------------|--------------------------|--------------------|
| NON-Resident  | \$1700                     | \$150                    | \$50               |
| Village Resident  | \$800                      | \$75                     | \$25               |
| Honorably discharged member of the armed forces or medically disabled | \$500                      | \$50                     | \$20               |

**Signature:** \_\_\_\_\_

**[Office Use Only Below]**

**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_

**Vender Permit Type:** \_\_\_\_\_ **Clerk:** \_\_\_\_\_

**County Certificate:** \_\_\_\_\_ (YES) \_\_\_\_\_ (No)

**Amount paid:** \_\_\_\_\_

**Vendors License No:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Chapter 96

### PEDDLERS, SOLICITORS AND TRANSIENT VENDORS

|         |  |          |  |
|---------|--|----------|--|
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**[HISTORY: Adopted by the Board of Trustees of the Village of Pulaski 6-10-1991 by L.L. No. 2-1991. Amendments noted where applicable.]**

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#### § 96-1. Purpose.

This chapter is enacted for the purpose of regulating the conduct and business practices of transient vendors within the Village of Pulaski. The purpose of this chapter is to assist the Village of Pulaski in the management of its business, the preservation of good order and the peace, health, safety and welfare of its inhabitants and the protection and security of its property.

#### § 96-2. Definitions.

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

**PEDDLER** — Any person who, in any public street or public place, on foot, or from any nonmotorized vehicle standing in a street, offers for sale or barter, or carries or exposes for sale or barter, any goods, wares, merchandise, food or service.

**PERSON** — An individual, firm, partnership, corporation, voluntary association, incorporated association and principal or agent thereof.

**SOLICITOR** — A person doing business through the act of selling, offering for sale, soliciting orders for future sales or demonstrating or making estimates of services, merchandise, works of art, or goods of any kind, meats, seafoods, vegetables or fruit by going from house to house, and not by remaining stationary in any private or public place or motor vehicle for the purpose of making or soliciting sales or demonstrating or making estimates of services to the general public.

**TRANSIENT RETAIL BUSINESS** — One conducted in a store, hotel, motel, building, tent, lot, truck, tractor-trailer or structure for the retail or discount sale of any goods, wares, food and merchandise, or by a solicitor or peddler, and which is intended to be conducted for a temporary period of time and not permanently. If the place in which a business is conducted is rented or leased for a period of six months or less, such fact shall be presumptive that the business carried on therein is a transient retail business.

**TRANSIENT VENDOR** — A person who engages in or proposes to engage in a transient retail business, including peddlers and solicitors as defined herein. <sup>1</sup>

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

**§ 96-3. License requirements. [Amended 8-10-1998 by L.L. No. 2-1998 <sup>2</sup>]**

No person shall engage in business as a peddler, solicitor or transient vendor unless he shall first have obtained a license to do so from the Village Clerk-Treasurer no later than 10 business days before the first date of business. The fee for a transient vendor's license shall be as established by the Village Board.

**§ 96-4. Application for license.**

- A. An application for a transient vendor's license shall provide the following information:
- (1) Address of his place of residence.
  - (2) The firm or firms he represents, together with copies of documents establishing the firm's state or county, form of organization, ownership and qualifications to do business in this state, and the exact relationship between the firm and the transient vendors. (If a corporation, the shareholders, directors and officers of same shall be reported.)
  - (3) A brief description of the nature of the business and the kind of goods or commodities he desires to sell.
  - (4) The hotel, room or other place where the applicant proposes to sell such merchandise, and the time during which said business is to be conducted.
- B. If the applicant proposes to sell merchandise on privately owned property, he will be required to obtain the written and signed approval of any landowner before a license can be issued by the Village Clerk-Treasurer.
- C. Before such license is issued by the Village Clerk-Treasurer, the applicant will be required to post a surety bond in an amount of \$2,000 with a surety company licensed to do business in this state. Said bond shall be approved as to form and sufficiency by the Village Attorney and Village Clerk-Treasurer before such license is issued.
- (1) A condition of such bond shall be that said transient vendor will pay all state and local sales and other taxes applicable to his transactions entered into in this Village; that he will well and truly perform any and all contracts or sales orders made within the Village; that all contracts and sales orders will be in writing and will specify in detail all terms thereof, including, but not limited to, any warranty or guaranty therein; and that if said merchant takes orders for merchandise to be delivered at a future date and accepts payment in part or in full, that he will deliver said merchandise in a satisfactory condition within a period of three months from the date of said contract, a copy of which contract or sales order with full particulars is to be delivered to the purchaser at the time of sale.
  - (2) There shall be no forfeiture in respect to the three months' limitation where there is proof that nondelivery was due to strikes or other extraordinary events beyond the control of said peddler, solicitor, or vendor; however, in such event, the peddler, solicitor, or vendor, upon demand, shall promptly return in full the purchaser's deposit; and if he fails to do so, the surety will be required to make restitution under said bond.
- D. Licenses hereunder shall state the place where the business is to be conducted, and the date of expiration of the term of such business pursuant to the license.

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

**§ 96-5. Licensing of nonresidents of the state.**

Before any person who is a nonresident of New York State shall have a license issued hereunder, such person must provide to the Village Clerk-Treasurer proof of authorization to the New York State Secretary of State to receive service pursuant to the Business Corporation Law § 304. A certified copy of such authorization shall be filed with the Village of Pulaski Clerk-Treasurer.

**§ 96-6. Licenses to veterans of the United States Armed Forces.**

Any honorably discharged member of the United States Armed Forces who has procured a license under Article 4 of the General Business Law of the State of New York shall also be required to apply for a license as set forth in § 96-4 of this chapter and shall further be required to follow the terms and conditions under which the license may be issued.

**§ 96-7. Exception to license requirements.**

Nothing in this law shall be held to apply to any of the following:

- A. Sales conducted pursuant to statute.
- B. Sales conducted pursuant to the order of any court.
- C. Any person selling personal property at wholesale to dealers in such articles.
- D. The peddling of trees, fruit and similar produce by farmers and persons who produce such commodities or to dealers in milk, baked goods, heating oil and daily newspapers.
- E. Persons soliciting, collecting, or operating a sale on behalf of any bona fide charitable, educational, scientific, health, religious, patriotic or other organization of worthy causes deemed by the Mayor to be in the public interest. **[Amended 8-10-1998 by L.L. No. 2-1998 ]**
- F. Any person selling personal property at a garage sale held at his residence.
- G. Any person selling personal property at a Village-sponsored event. **[Added 8-10-1998 by L.L. No. 2-1998 ]**

**§ 96-8. Zoning applicable to licenses.**

The Zoning Chapter of the Village of Pulaski shall apply to all licenses granted under this chapter. The Village reserves the right to revoke any license which violates such chapter.

**§ 96-9. Report by hotel keeper.<sup>3</sup>**

The owner, proprietor or manager of any hotel, motel, rooming house or other place of public accommodation shall report, within six hours after renting, to the Oswego County Sheriff, the name of any person who has rented a room or other space for the sale and display of merchandise as a transient vendor, giving the location of the room so rented.

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

**§ 96-10. Penalties for offenses.<sup>4</sup>**

Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than \$1,000, imprisonment for not more than one year, or both, for each offense; and every day that a violation of this section shall continue shall constitute a separate and distinct offense.

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