

ORDINANCE #21

ADOPTED: MAY 7, 1969
PUBLISHED: MAY 14, 1969
AMENDED: JULY 27, 1977
PUBLISHED: AUGUST 11, 1977

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Bolton, Warren County, New York, on the 7th day of May, 1969, after a public hearing, did adopt the following ordinance:

ORDINANCE REGULATING AND LICENSING PEDDLING AND HAWKING GOODS, WARES AND MERCHANDISE AND SOLICITING ORDERS THEREFORE

Be it Enacted and Ordained by the Town Board of the Town of Bolton, Warren County, New York, as follows:

SECTION 1

Definitions. The terms "hawker" and "peddler" and "solicitor", as used in this ordinance, shall mean and include, except as hereinafter expressly provided, any person, either principal or agent, who, in any public street or place or by going from house to house, or place of business to place of business, on foot, or on or from any animal or vehicle standing in a street or public place, sells or barter, offers for sale, solicits orders for, barter or carries or exposes for sale or barter any goods, wares or merchandise, except milk, baked goods and newspapers; they shall include any person who solicits money or goods for any purpose or subscriptions to magazines, newspapers, books, periodicals or any other publications, cause or purpose, except as hereinafter provided.

The word "person" as used in this ordinance shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, societies, clubs and all other entities of any kind capable of being sued.

SECTION 2

Exemptions. Nothing in this ordinance shall be held to apply to any sales conducted pursuant to statute or by order of any court; to any person selling personal property at wholesale to dealers in such articles; to farmers and truck gardeners who themselves or through their employees vend, sell or dispose of products of their own farms and gardens; to dealers of heating oil; to any honorably discharged veteran who has procured a license as provided by the General Business Law of the State of New York; to any person collecting for any charitable institution or organization chartered or licensed by the State of New York; to

any

person engaged in the business of selling or servicing policies of life or casualty insurance; to merchants having an established place of business within the Town of Bolton; to residents of the Town of Bolton.

This ordinance shall not apply so as to unlawfully interfere with interstate commerce.

SECTION 3

License Required. It shall be unlawful for any person, within the limits of the Town of Bolton, to act as a hawker, peddler or solicitor as hereinabove defined, without first having obtained and paid for, and having in force, and effect, a license therefore.

SECTION 4

Application for License. Every applicant for a license is required to submit to the Town Clerk a written application, supplying, under affidavit, the following information: That he is a citizen of the United States; that he has never been convicted of a felony or misdemeanor; stating in detail the particular business, trade or occupation for which the license is required; state the manner or means of conveyance in which the said business or trade shall be conducted; the name of the person and the residence of the person composing any such firm, or the principal place of business of any such firm; the name of the officer of a corporation upon whom process or other legal notice may be served.

SECTION 5

License. Upon the filing of the application, the Town Clerk shall, upon his approval of such application, issue to the applicant a license signed by the Town Clerk. Except as hereinafter provided, no license shall be refused except for a specific reason and for the protection of the public safety, health, morals or general welfare. A license shall not be assignable and unauthorized use thereof, either by a holder of such license, or by any other person, shall be deemed to be a violation of this ordinance.

SECTION 6

License Fee: The license fee to hawkers, peddlers or solicitors shall be \$25.00 per day.

SECTION 7

Revocation of License. The Supervisor may, at any time, for a violation of this or any other ordinance or law, revoke any license granted under this ordinance. When a license is revoked, no refund of any unearned portion of the license fee shall be made.

Notice of such revocation and the reason or reasons therefore in writing shall be served by the Supervisor upon the person named in the application or by mailing the same to the address given in the application, and a copy of such notice shall be filed with the Town Clerk.

SECTION 8

Restrictions. A licensed hawker, peddler or solicitor shall:

(a) not falsely or fraudulently misrepresent the quantity or quality of any article offered for sale, or offer for sale any unwholesome, tainted or diseased provisions or merchandise.

(b) keep the vehicles and receptacles used by him in a clean and sanitary condition and the food stuffs and edibles offered for sale well covered and protected from dirt, dust and insects.

(c) not stand or permit the vehicle used by him to stand in one place in any public street or place for more than ten minutes, or in front of any premises for any time if the owner of or lessee of the ground floor thereof objects.

(d) not sell any confectionery ice cream within 250 feet of any boundary line of school premises between the hours of 8:00 A.M. and 4:00 P.M. on school days.

(e) not permit any vehicle used by him to stop or remain on any crosswalk.

SECTION 9

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 ordinance, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

SECTION 10

Penalty. Any person who shall act as a hawker, peddler or solicitor as defined herein, without a license, or shall violate any of the provisions of this ordinance or who upon having had his license revoked, shall continue to act as a hawker, peddler or solicitor, shall upon conviction, be punished by a fine of not less than \$10.00 or more than \$50.00, and each day of which such violation continues shall constitute a separate offense.

SECTION 11

This ordinance shall take effect immediately.
BY ORDER OF THE TOWN BOARD OF THE TOWN OF BOLTON.