

Village of Wolcott

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Gary J. Baker
Mayor

Lori A. Tyler
Clerk-Treasurer

VILLAGE OF WOLCOTT PEDDLER PERMIT APPLICATION

Name of Applicant: _____ Date of Birth: _____

Applicant's present address: _____

Applicant's previous address (if not at the above address for at least five years):

Name of Organization/Employer (If different): _____

Address: _____

Organization's previous address (if not at the above address for at least five years):

Phone #: _____ Fax #: _____ Tax ID # (**Required**): _____

NYS Sales Tax ID # (Please note that a valid Certificate of Authority must be provided at the time of the application): _____

What kind of goods, wares and merchandise will be sold or what kind of service will be performed?

What is the method of distribution: _____

Location for which permit is requested: _____

Is parking located at the site of the proposed solicitation location, and if so what type of parking is provided? _____

Date(s) for which permit is requested: _____

Type of Organization: Corporation _____ Individual _____ Other _____

PROOF OF WORKERS' COMPENSATION INSURANCE OR PROOF OF EXEMPTION REQUIRED

US Citizen? _____ If by naturalization, date and place: _____ Legal alien and # _____

Have you ever been convicted of a felony, misdemeanor or violation of any municipal local law except with relation to illegal parking? If so, in what court, when, where and upon what charges and the sentence of the court? _____

Have you ever been previously been licensed in any occupation and if so, when, where and for what period and if such previous license was ever revoked, the date of the revocation and the reason therefore? _____

Have you applied for a Peddler Permit from the Village of Wolcott before? _____

If yes, when was the permit issued? _____

Have you ever been denied a Peddler Permit from the Village of Wolcott? _____

If yes, what was the basis for denial? _____

Will you be using a vehicle? _____ If yes, please give the year, make, color and license number:

You must provide two photographs taken within sixty days of the application. The photographs must measure 1 ½ inches by 2 ½ inches and must show the head and shoulders of the applicant.

At the time the application is filed with the Clerk, the applicant shall pay a fee to cover the cost of processing the application and investigating the facts stated therein. The permit fee shall be \$25 per day for each solicitor or peddler.

I hereby attest that the previous information provided by me is true and correct and I agree to abide by the rules regarding peddling and soliciting in Section 112 of the Village of Wolcott code:

Signature

Date

Printed Name

Title

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H. Two photographs of the applicant, which shall have been taken within 60 days immediately prior to the date of filing of the application. The photographs shall measure 1 1/2 inches by 2 1/2 inches and show the head and shoulders of the applicant in a clear and distinguishing manner.

I. The type or types of article, device, subscription, contribution, service, goods, wares and/or merchandise he or she desires to sell or for which he or she wishes to solicit within the Village of Wolcott.

J. The type of vehicle(s) he or she wishes to use, if any.

K. Each person shall execute the application under oath or affirmation with a written and printed signature, and, if for an organization, his title. He shall provide written proof of his authorization to apply for a license on behalf of said organization.

§ 112-5. Fees.

A. At the time the application is filed with the Clerk, the applicant shall pay a fee to cover the cost of processing the application and investigating the facts stated therein. The permit fee shall be \$25 per day for each solicitor or peddler.

B. This provision shall not apply to persons soliciting orders for goods to be shipped into the state, or otherwise involved in interstate commerce.

C. A New York State veteran or resident surviving spouse of a veteran may obtain a free license to peddle upon the streets/highways of the Village of Wolcott so long as said veteran or resident surviving spouse of a veteran resides within the Village limits. Said license is nontransferable.

§ 112-6. Bond.

All solicitors requiring cash deposits or taking orders for cash on delivery purchases (COD) or who require a contract of agreement to finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future, shall furnish to the Clerk a bond in the amount of \$1,000.

§ 112-7. Application review and permit issuance.

A. Upon receipt of an application, the Clerk shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.

B. If the Clerk finds the application to be satisfactory, the Clerk shall approve the application and shall, upon payment of the prescribed fee, deliver the required permit to the applicant.

C. The permit shall show the name, address and photograph of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

§ 112-8. Denial of permit.

A. Upon the Clerk's review of the application, the Clerk may refuse to issue a permit to the applicant under this chapter for any of the following reasons:

(1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;

(2) An investigation reveals that the applicant falsified information on the application;

(3) The applicant has been convicted of a felony, misdemeanor or local law violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five years preceding the date of application;

(4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;

(5) The applicant offers no proof of authority to serve as an agent; or

(6) The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Clerk that the reasons for such earlier denial no longer exist.

B. The Clerk's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

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§ 112-9. Permit expiration.

All permits issued under the provision of this chapter shall expire one year from the date of issuance, unless an earlier expiration date is noted on the permit.

§ 112-10. Identification badges.

At the same time the permit is issued, the Clerk shall issue to each permittee a badge, which shall be worn by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the Village of Wolcott.

§ 112-11. Permit exhibition.

Every person required to obtain a permit under the provisions of this chapter shall exhibit the permit when requested to do so by any prospective customer or individual.

§ 112-12. Transfer prohibited.

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this chapter. The person designated on said permit or badge shall be the only person authorized to engage in such business thereunder.

§ 112-13. Entry upon signed premises unlawful.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the Village of Wolcott where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddler," "No Solicitors," or words of similar import.

§ 112-14. Hours of solicitation.

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences on Sundays or between the hours of 8:00 p.m. and 9:00 a.m. Mondays through Saturdays.

§ 112-15. Permit revocation.

Any permit issued under this chapter may be revoked or suspended by the Clerk, after notice and a hearing, for any of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application for a permit;
- B. Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;
- C. Conducting peddling or solicitation activities contrary to the provisions in the permit;
- D. Conviction for any crime involving moral turpitude; or
- E. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

§ 112-16. Notice and hearing.

Notice of a hearing for revocation of a permit issued under this chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee. § 112-17. Appeals.

- A. Any person aggrieved by the action or decision of the Clerk to deny, suspend or revoke a permit applied for under the provisions of this chapter shall have the right to appeal such action or decision to the Mayor within 15 days after the notice of the action or decision and has been mailed to the person's address as shown on the permit application form, or to his last known address.
- B. An appeal shall be taken by filing with the Clerk a written statement setting forth the grounds for the appeal.
- C. The Clerk shall transmit the written statement to the Mayor within 10 days of its receipt, and the Mayor shall set a time and place for a hearing on the appeal.
- D. A hearing shall be set not later than 20 days from the date of receipt of the appellant's written statement.

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- E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- F. The decision of the Mayor on the appeal shall be final and binding on all parties concerned.

§ 112-18. Penalties for offenses.

- A. Violation of any of the provisions of this chapter shall be treated as an infraction and shall, upon conviction, be punishable as set forth in the municipal code.
- B. In addition to any criminal enforcement, the Village of Wolcott or any individual may pursue any available civil remedies deemed appropriate and necessary.