

VILLAGE OF ALFRED, NEW YORK

LOCAL LAW 1-2010 - LICENSING OF PEDDLERS/VENDORS

PURPOSE

This ordinance provides for the licensing of merchants, vendors, peddlers, (canvassers,) agents and other representatives of non-tax exempt organizations using the streets and public places of the Village.

SECTION ONE – Persons and activities requiring a license and payment of a fee

Except as herein provided all persons whether from a stand or vehicle/truck or on foot who are now engaged or who hereafter engage in buying, bartering, selling, peddling, or vending any food, merchandise or other personal property, or soliciting orders or subscriptions for the sale thereof, or for work, labor or services to be rendered to residents of the village to be done and performed elsewhere than on the premises of such resident, in the public streets or in any public place, or by going from house to house within the limits of the village, whether he or she be the principal or employee, agent or representative of any other person, firm or corporation shall procure a license to do so from the clerk-treasurer of the village and shall pay the license fee provided in Section Eight of this law.

SECTION TWO – Exemptions to applicability

1. Any person soliciting at the invitation of the person being solicited or serving an established customer.
2. A wholesaler selling articles to merchants having an established place of business within the village.
3. Any person or their employees producing from their own farms and gardens, house or garden plants, fruits or produce; berry pickers who sell berries of their own picking.
4. Any person acting as a dealer in milk, bakery products, heating fuel, local newspapers, etc.
5. Any person attending a school/college or a member of a tax-exempt veterans or fraternal organization, civic group or religious institution and coming within this exemption shall only solicit or peddle in connection with an authorized activity of the school/organization of which he/she is a member.
6. Any member of any political party soliciting petition signatures or distributing information.
7. Any honorably discharged veteran who has procured a license as provided by the General Business Law of the State of New York.
8. Events such as Hot Dog Day and other events as approved by the Board of Trustees.

SECTION THREE – Application for license

A. All applicants for a license under the provisions of this ordinance shall file with the mayor or with the clerk of the village, an application for the same setting forth, under oath, his or her name, age, place of residence, and if an employee, agent or representative of any other person, firm or corporation together with such information as the kind of vehicle to be used; the kind of food or wares he/she plans to sell or the kind of service he/she desires to perform; the length of time the applicant desires the license; and such other information as the village may require.

B. Each applicant shall sign an agreement indemnifying and holding harmless the Village of Alfred for any and all injuries caused or sustained by the applicant while carrying on the business for which the license is desired. If applicable, such application shall be accompanied by a certificate from the Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

SECTION FOUR – Issuance of license

All licenses shall be issued by the mayor of the village and shall be countersigned by the clerk-treasurer of the village, who shall keep a record thereof and of the amount of the fee, if any, to be paid. No license shall take

effect until the fee is received by the clerk-treasurer. A copy of this law will be attached to the license at the time the license is issued. The license must be shown to anyone on demand and no person holding such license shall be permitted to engage in any work or occupation before nine o'clock in the mornings or after nine o'clock in the evenings unless permitted by the village board.

SECTION FIVE – License limitations

The license shall include the right to use no more than one vehicle in carrying on the business for which the person is licensed. No license issued under the provisions of this ordinance shall include more than one person, nor shall more than one license of any kind be issued to any one person, and no license shall be transferable. Except that if the holder of any license is engaged in work as the agent or representative of some other person, firm or corporation, and the licensee is no longer filling that role, with the consent of the mayor of the village the said license may be surrendered and a new license or permit issued to some other person for the unexpired term, without the payment of any license fee. Any person assigning or transferring or attempting to assign or transfer any license issued, except as herein provided, will be guilty of violating this law.

SECTION SIX – Vending guidelines and regulations

1. Any vendor desiring to operate within the Village of Alfred must be in possession of the license issued at all times. When using a vending stand, cart or motorized vehicle (hereafter called “stand”) the license shall be affixed to the stand for public display.
2. When the license desired is to operate a food-service stand, the applicant shall provide evidence of a valid Health Department license at the time of permit application.
3. Licensed vendors may operate between the hours of 9:00 am and 9:00 pm daily. Any other hours of operation must be approved by the Alfred Village Board of Trustees.
4. It is prohibited to chain or otherwise attach vending signs to trees, benches, poles, etc. or to leave the vending stand unattended.
5. The vending stand must be removed daily.
6. No vending stand shall be permitted on village sidewalks or blocking any village crosswalks. Vending stands may be placed in the following locations only: the B-1, Central Business District or B-2, Business District of the village. Permission of the owner of property immediately behind the vending stand must be obtained. A written copy of that permission shall be in the possession of the Village Clerk-Treasurer.
7. Each food vending stand must have a trash receptacle provided by the vendor. Such receptacle must be within 10 ft. of the stand and removed daily. Disposing of litter or trash generated by the vending operation in public trash receptacles is prohibited. The stand and receptacles must be maintained in a clean and sanitary condition and the foodstuffs offered for sale well covered and protected from dirt, dust and insects.
8. Vendors may not occupy, obstruct or in any way interfere with any bench or structure intended for public use.
9. No village vending operation shall be permitted to occupy more than an eight feet by 15 feet area, including the vending stand, tables, chairs and trash containers. The size of vending units shall be limited to six feet wide by 10 feet long by eight feet high.
10. All signage for the vending operation must be mounted on the vending stand. No freestanding A-frame signs are permitted.

11. No vending stand offering any food product may be placed within 100 feet of any restaurant or business which sells prepared food products, unless written permission is secured from said restaurant or business. A written copy of that permission shall be in the possession of the Village Clerk-Treasurer.

12. No vendor shall vend or sell his goods within 100 feet of any place occupied exclusively as a public or private preschool, elementary or secondary school.

13. No vendors or solicitors shall make excessive noise to attract public attention to their wares, or cry out their wares.

SECTION SEVEN – Revocation of License

The Mayor of the Village of Alfred, or designee, may at any time, for a violation of this or any other ordinance or any law, revoke any license granted. 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 may be mailed to the applicant or given to him/her in person.

SECTION EIGHT – Fees

The fee for licenses issued under Section 1 of this ordinance shall be as follows:

Category A License – Any person who intends to vend in the Village shall pay the sum of five dollars per day or fifty dollars (\$50.00) for the period commencing on the date said license is issued and ending on the last day of the month in which it was purchased. If the application for any license, other than a daily license, is made after the end of the second week of the month, the amount of such license fee shall be one-half of the foregoing rates and all of said license, except daily licenses, shall expire on the last day of the month in which it was purchased.

Category B License – If a stand or vehicle is used to vend food products and the business shall continue during two or more seasons of the year an annual license fee of \$500 shall be purchased. This license shall include the right of two persons and no more to be in attendance of the stand.

PENALTY

Any person who shall violate any of the provisions of this ordinance, shall be liable to a penalty of not less than fifty dollars (\$50.00) and nor more than two hundred and fifty (\$250.00) for each and every offense and each separate day that this ordinance is violated shall be considered a separate offense and in addition thereto it is hereby ordained that a violation of any of the provisions of this ordinance shall constitute disorderly conduct and any person violating the same shall be a disorderly person.