

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Pompey-----

Local Law No.-----3----- of the year 2010

A local law relating to the regulation and licensing of hawkers, peddlers and solicitors.

Be it enacted by the Town Board of the Town of Pompey as follows:

Section 1. That a new Chapter 138 entitled "Solicitors" of the Code of the Town of Pompey is added as follows:

§ 138-1 Purpose.

The purpose of this law is to protect the residents of the Town of Pompey from the fraudulent and criminal practices of unscrupulous persons posing as hawkers, peddlers, or solicitors engaged in lawful business.

§ 138-2. Definitions.

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

(a) "Established Business" means a person, firm or corporation which carries on its business from a property or a structure located in the Town of Pompey, either owned or leased for a period greater than six (6) weeks by said person, firm or corporation.

(b) "Hawker" or "Peddler" means one who sells tangible commodities from house to house, or on the street, or in any public place whose sales are not made from one established location which is privately owned or ,rented, and who makes delivery at the time of sale. Whether or not the purchase price is collected at the same time is immaterial for the purposes of this law.

(c) "Solicitor" and "Canvasser" means one who takes orders for future deliveries, or for intangible services, or solicits subscriptions, in public places or from door to door and not from an established business or on private property. This does not include or apply to one who solicits orders or funds by telephone.

§ 138-3. Exemptions

The following are exempt from the provisions in this law:

- (a) Peddling of farm produce by farmers and persons who produce such goods or employees of said producer.
- (b) Deliver or sale of newspapers.
- (c) Local organizations' legitimate fundraising.
- (d) Apple picking and sales.
- (e) Flower and plant sales.
- (f) Garage sales.
- (g) Charitable organizations' legitimate fundraising.
- (h) School students' fundraising.
- (i) Political campaigning.
- (j) Any other exemption allowed by State or Federal Law.

§ 138-4. License Required

It shall be unlawful for any person, within the Town of Pompey, to act as a hawker, peddler, solicitor or canvasser without first having obtained and paid for a license. Every licensee, while plying his trade, shall carry the license with him and shall display it upon demand to any Police Officer, Town Constable or citizen.

§ 138-5. Application for Licenses; Fees.

Any person desiring to conduct the business of a peddler, hawker, solicitor or canvasser within the Town shall first file a written application for a license to conduct such business with the Town Clerk. Such application shall be on a form provided by the Town.

The fee for said license shall be \$50.00 for a 12 month period, plus any disbursements incurred by the Town Clerk for processing the application.

§ 138-6. Issuance, Denial and Renewal of License

Within three weeks of the receipt of the application and payment of the fee, the Town Clerk shall issue a license to the applicant. A license shall not be issued if the application is incomplete, for a specific reason or for the protection of public safety, health, morals or general welfare. A license shall not be assignable.

No license shall be granted if:

- (a) The Applicant is under 18 years of age.
- (b) The Applicant has previously been refused a license or has had one revoked unless he can show that the reason for the prior refusal or revocation no longer exists.

Renewal of a license must be commenced at least 60 days before the expiration of the existing license. A renewal form will be supplied by the Town Clerk who shall also collect the renewal fee of \$25.00. A renewal shall be for a period of 12 months.

§ 138-7. Revocation.

A license issued pursuant to this law may be revoked after notice to the Licensee and hearing held by the Town Board, for good cause shown, which shall include, but not be limited to a violation of any Federal, state or Local Law or Ordinance.

Notice of said hearing shall be in writing and mailed to the Licensee at the address given on the application form. The notice shall also include the reason(s) for the revocation.

§ 138-8. Records.

It shall be the duty of the Town Clerk to keep a record of all applications, licenses granted, revocations, notice or revocation hearings and any other documents the Town Board may deem necessary.

§ 138-9. Penalties.

Any person who shall act as a hawker, peddler, solicitor or canvasser without a license or after his license was revoked shall be in violation of this law. Upon conviction of said violation, he shall be punished by a fine, not to exceed \$250.00, or by imprisonment for up to 15 days or both. Each day on which such violation occurs or continues shall constitute a separate violation.

§ 138-10. Severability.

If any section or provision of this law shall be held invalid in any Court, the same shall not affect the validity of the other sections or provisions of this law.

Section 2. This law shall take effect upon being filed in the Office of the Secretary of State.

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2010 of the Town of Pompey was duly passed by the Town Board on _____, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the above paragraph.

Ann Christmas, Town Clerk

(Seal) Date: _____

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Town Attorney