

SOLICITING, HAWKING, ETC.

Chapter 49

SOLICITING, HAWKING, PEDDLING AND AUCTIONEERING

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[HISTORY: Adopted by the Attica Village Board 10-6-1998 by L.L. No. 2-1998. Amendments noted where applicable.]

GENERAL REFERENCES

Noise – See Ch. 34.
Streets and sidewalks – See Ch. 51.

Editor's Note: This local law also repealed former Ch. 49, Soliciting, Hawking, Auctioneering, consisting of Art I, Soliciting, adopted 5-24-1954, and Art II, Hawking, Peddling, Auctioneering, adopted 8-21-1933.

S 49-1. Intent.

It is the intent of this chapter to establish rules and regulations governing soliciting, hawking, peddling and auctioneering within the Village of Attica. These rules and regulations are designed to benefit the residents of the village consistent with safety and to provide for the best interests of the community.

S 49-2. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

SOLICITING – The act of going door to door taking orders for items or services for sale.

PEDDLING – The act of going door to door with items or services for sale.

HAWKING – The act of offering items or services for sale by calling out from the street those items or services being for sale.

AUCTIONEERING – The act of conducting a sale at auction.

S 49-3. License required.

No person, firm, corporation or entity shall conduct soliciting, peddling, hawking, or auctioneering within the corporate limits of the Village of Attica, except as provided or permitted by statute, without having first obtained a license therefore from the Board of Trustees of the Village of Attica as provided herein.

S 49-4. Application requirements.

An applicant for a license shall execute an application form at the office of the Village Clerk, which application form shall require the following:

- A. The applicant's name, home, business and local address, if any.
- B. A physical description of the applicant, setting forth the applicant's age, sex, height, weight, complexion, color of hair and eyes and any other distinguishing physical characteristics.
- C. The name and address or local principal office of the person, firm, organization or corporation, if any, for or through whom or under whose auspices the applicant is authorized to conduct such activity; if a partnership, the names and addresses of the partners; if a corporation, the names and addresses of the president, vice president, secretary and treasurer; or a statement that the applicant is engaged in such activity solely on his own behalf.
- D. A brief description of the type or types of articles or services for which sales, purchases or orders are to be solicited.
- E. A statement as to the approximate amount to be collected by the applicant and whether in full or partial payment.
- F. The length of time during which the applicant intends to remain in the Village of Attica for the purpose of engaging in such activity.
- G. A statement as to whether any license similar to or like that provided for in this chapter was issued or denied to the applicant within the current or prior calendar year, whether in the Village of Attica or elsewhere, and, if issued, whether such license had been revoked, setting forth the reasons for such revocation.
- H. A statement as to whether the applicant has been convicted of any crime or misdemeanor and, if so, the place where, the nature of the offense and the punishment or penalty assessed therefore or if the matter is pending.
- I. Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative.

S 49-5. Applicant to submit identification.

The applicant, at the time of executing such application, shall also submit identification satisfactory to the Police Department, which shall contain a specimen of the

applicant's signature. All applicants will be fingerprinted and photographed by the Police Department.

S 49-6. Investigation of applicant.

The Police Department of the Village of Attica shall make such investigation as it shall deem necessary in connection with the issuance of such license.

S 49-7. Issuance of license; duration.

A license for soliciting, peddling, hawking or auctioneering shall be granted by the Board of Trustees at a regular meeting thereof, provided that an application in writing on a form to be furnished by the Village Clerk is filed with the Village Clerk 10 days prior to the regular meeting. When a license is authorized by the Board of Trustees, it shall be countersigned by the Village Clerk. The license shall be valid for one day unless otherwise noted by the Village Clerk and shall not be transferable.

S 49-8. License fee.

The fee for the license described in the foregoing sections shall be \$25 per day, payable to the Village Clerk prior to the issuance thereof.

S 49-9. Exceptions.

Any not-for-profit or service organization, such as a church, school, boy scouts, girl scouts, Village of Attica Fire Department, etc., any service club or any other organization determined by the Board of Trustees as an exception shall be exempt from this chapter.

S 49.10. Suspension of license.

The Village Administrator, or in his or her absence, the Mayor or any member of the Board of Trustees of the Village of Attica may suspend any license for any reported violation of this chapter or other sufficient cause shown until the next meeting of the Board of Trustees, and thereupon said license may be revoked or continued by the Board. Written notice of such suspension, together with the grounds thereof, and of the Board meeting, shall be given to the licensed person by delivering to him or her in person or by mailing the same by registered mail addressed to his or her local address, if any, and if none is given in his or her local address, if any, and if none is given in his or her application, then to his or her home or business address. At such Board meeting, the licensee shall have an opportunity to be heard. In the event that the license is revoked, there shall be no return of the license fee.

S 49-11. Penalties for offenses.

Any person violating any of the provisions or regulations of this chapter shall be punishable by a fine not to exceed \$250 or by imprisonment of not more than 15 days, or

both. The continuation of an offense shall constitute. For each day the offense is continued, a separate and distinct offense hereunder.

S 49-12. Severability.

If any part of this law is deemed or found to be unenforceable, illegal, unconstitutional or otherwise void, such judgment shall not affect or impair the validity of the remainder of the law or the application thereof to other persons or circumstances.

S 49-13. When effective.

This Local Law shall be effective immediately.