

**Town of Candor Hawkers, Peddlers, Solicitors and
Transient Merchants Local Law**

Local Law #1 of 2007

Be it enacted by the Town Board of the Town of Candor in the County of Tioga as follows:

1. Purpose.

The purpose of this chapter is to require licensing of hawkers, peddlers, solicitors and transient merchants operating within the Town of Candor in order to protect the residents of the town from the fraudulent and criminal practices of unscrupulous persons posing as hawkers, peddlers, solicitors and transient merchants.

2. Definitions.

As used in this local law:

HAWKER AND PEDDLER – Except as hereinafter expressly provided, any person, either principal or agent, who from any public place or by going from house to house or place of business to place of business, on foot or from any vehicle sells, barters or exposes for sale any goods, wares or merchandise or any other item of value except those distributed on regular customer routes.

SOLICITOR – Any person who goes from residence to residence or place of business to place of business or standing in any street or public place takes or offers to take orders for goods, wares or merchandise or any other item or items of value except for those distributed on regular customer routes, or for services to be performed in the future or for making, manufacturing or repairing anything whatsoever for future delivery to the residence or place of business of any person who has been solicited prior thereto by telephone or has responded to any type of advertising media requiring an appointment or consultation or sales presentation in the residence or business of such person.

TRANSIENT MERCHANT - A merchant who sells merchandise from private property within the town limits for temporary periods of time only and does not conduct business in buildings or structures which are assessed on the town tax rolls.

3. Exemptions.

A. General. Nothing in this law shall be held to apply to any sales:

(1) Conducted pursuant to statute or by order of any court.

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- (2) By any person selling personal property at wholesale to dealers in such articles.
- (3) By persons under the age of 18 years representing local nonprofit organizations.
- (4) Relating to peddling of meats, fish, fruits and farm produce by farmers and persons who produce such commodities and by persons selling such items at farm markets.
- (5) By persons selling antiques, arts and crafts at shows.
- (6) By persons selling their own household goods and clothing, not purchased for resale, at yard sales on real property where they reside.
- (7) Sales conducted or authorized by nonprofit organizations having offices in Tioga, Broome or Tompkins County, the proceeds of which shall be used for charitable or organizational purposes.

B. Interstate commerce. This law shall not apply to as to unlawfully interfere with interstate commerce, and, to that end, all persons claiming to be engaged in interstate commerce shall apply to the licensing officer for a certificate of compliance using the form of application described in the section entitled "Application." The applicant shall also submit satisfactory evidence that he or she is engaged in interstate commerce.

C. Certification of compliance. When the applicant shall have established to the satisfaction of the licensing officer that he or she is engaged in interstate commerce, the licensing officer shall issue, without charge, a certificate of compliance stating, among other things, that such person has complied with the requirements of this law and has satisfactorily established that he or she is engaged in interstate commerce. Such certificate shall be carried by the person exercising it and must be exhibited upon demand. Such certificate shall be deemed invalid after one year from the date of issue. The securing of any such certificate by fraud or misrepresentation by any person not in fact engaged in interstate commerce shall constitute a violation of this law.

4. License.

It shall be unlawful for any person within the limits of the Town of Candor to act as a hawker, peddler, solicitor or transient merchant as herein defined or to assist same without first having obtained and paid for and having in force and effect a license therefore or having in force a valid certificate of compliance.

5. Application.

A. A person desiring to procure a license or Certificate of Compliance as herein provided shall file with the Candor Town Clerk a written application upon a form furnished by the Town Clerk. Such application form information shall consist of but not be confined to:

- (1) The method of distribution.
- (2) The tax identification number.
- (3) The length of time the applicant desires the license. (Not to exceed one year.)
- (4) Name, address (both permanent and temporary) and phone numbers.
- (5) Physical characteristics (age, weight, height, etc.)
- (6) Driver's license number and/or vehicle registration number.
- (7) Company represented.
- (8) Company address and phone number.
- (9) Description of items being sold.

B. If applicable, such application shall be accompanied by a certificate from the Director of weights and Measures of the county certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

6. Issuance.

A. Town Clerk to issue or deny. Upon filing of the application and certificate, as provided in the preceding sections, and payment of required fee, the Town Clerk shall, upon his or her approval of such application, issue to the applicant a license. A license may be refused if the applicant shall have been convicted of any violation of this law.

B. Appeal to the Town Board. Any applicant who has been refused a license by the licensing officer may apply to the Town Board thereto, and the same may be granted or refused by the Town Board.

7. Nontransfer.

A license shall not be assignable. Any holder of a license who permits it to be used by any other person and any other person who uses such license shall be guilty of a violation of this law.

8. Term.

Such license shall be valid for the term requested by the applicant unless otherwise designated by the licensing issuing officer. The term of the license shall not exceed one year in duration.

9. Exhibition.

Every licensee, in the course of exercising such license, shall carry the license with him or her and must exhibit it upon demand.

10. Fee.

The license fee for each person licensed in the Town of Candor as a hawker, peddler, solicitor or transient merchant shall be the fee adopted and designated by resolution of the Town Board.

11. Revocation.

A license of certificate of compliance may be revoked by the licensing officer, if, after investigation of allocations and consultation with the applicant, it is determined that the provisions of this law have been violated. Opportunity to correct such violations may be granted by the licensing officer before permanent revocation is enforced.

12. Prohibited acts.

A. It shall be unlawful for any person to enter upon private property for the purpose of peddling or soliciting before the hours of 9:00AM on any day or after the hour of 7:00PM on any day except upon the express invitation of the household or occupant.

B. It shall be unlawful for any peddler or solicitor in plying his or her trade to ring the doorbell, knock upon or enter any building whereon there is displayed to public view any sign containing the words "No Peddlers," "No Soliciting" or any other wording, the purpose of which is to prohibit peddling or soliciting on the premises.

C. No peddler, solicitor or transient merchant shall falsely or fraudulently represent the quantity, character or quality of any item offered for sale.

D. No peddler or solicitor shall sound a vehicle horn, ring a bell or use any other means to attract attention to his or her wares.

13. Orders for merchandise.

All orders taken by licensed solicitors who demand, accept or otherwise receive payment or deposit of money in advance of final delivery of services or merchandise, shall be in writing in duplicate stating the agreement terms thereof and the amount paid in advance. One copy shall be given the purchaser at the time the deposit is paid to the solicitor.

14. Records.

It shall be the duty of the Town Clerk to keep a record of all applications submitted and all licenses and certificates of compliance granted or denies. The record shall include the following:

- (1) A sequential number log showing the name of the person or organization that applied and indicating the date on which it was granted or denied.
- (2) A copy of the application.
- (3) A copy of the license or certificate of compliance.
- (4) A listing of any convictions and/or revocations that resulted from violation of this law.

15. Penalties for offenses.

A violation of any provision of this law is hereby declared to be a violation punishable by a fine of up to \$250 or up to 15 days in jail.

Town of Candor

101 Owego Rd.- P.O. Box 6
Candor NY 13743
(607) 659-3175 Fax (607)659-7809

APPLICATION FOR HAWKERS, PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

1. Your Name: _____ Date: _____
 2. Company: _____ Phone Number: _____
 3. Mailing Address: _____
 4. Method of Distribution: _____
 5. Length of time to for license: (not to exceed one year) _____
 6. Physical Characteristics (age, weight, height, ,etc.) _____

 7. Driver's license Number and/or vehicle registration number: _____
 8. Description of items being sold: _____

 9. Fee (\$50.00) _____
- Check Number: _____ Cash: _____

(Applicant)

(Town Clerk)
Connie Dence