

ORDINANCE NO. 1849

AN ORDINANCE REPEALING ORDINANCE NO. 1495 AND ESTABLISHING RULES AND REGULATIONS FOR PEDDLERS, SOLICITORS, CANVASSERS AND PROVIDING A PENALTY

WHEREAS, it is deemed in the best interest of the citizens of the Village of Dennison that Ordinance No 1495 be repealed, a new Ordinance No. 1849, be enacted pertaining to Peddlers, Solicitors, and Itinerant Merchants.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF DENNISON:

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That Ordinance No. 1495 enacted on the 17th day of January, 1967, be and hereby is repealed and a new Ordinance is hereby enacted and will read as follows:

ORDINANCE NO. 1849

PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

SECTION 1. It shall be unlawful for any person to engage in the business of peddler, solicitor, canvasser, or itinerant merchant, as defined in Section 3 of this chapter, and to solicit sales of, sell, offer for sale, barter, or exchange goods, wares, or personal services without paying the required fee and registering.

SECTION 2. PENALTY

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00), and, in addition, his registration may be revoked. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 3. REGISTRATION, TRANSFER AND USE

(a) Any peddler, solicitor, canvasser or itinerant merchant may engage in their business after reporting to the Mayor, registering and paying a fee of five dollars (\$5.00). The period of time for which the registration will be valid shall be recorded by the Mayor but in no case shall the registration period last more than one year. All fees to be paid in advance. At that time they shall be furnished with a copy of Ordinance No. 1849 and a receipt of their registration.

(b) No registration receipt shall be in any manner assignable or transferable. No registration receipt shall authorize any person other than the one named in such receipt to do business, nor shall a registrant conduct any other business than is named therein be transacted.

SECTION 4. DEFINITIONS

For the purpose of this chapter, the following words or phrases shall have the following meanings:

(a) **ITINERANT MERCHANT OR VENDOR** – A person with a fixed place of business in the village, but who on no more than three days in one calendar year offers good or services for sale at other places other than his fixed place of business.

(b) **PEDDLER** – Any person with no fixed place of business in the village who carries wares or goods with him which he is prepared to sell at the time he solicits business, and who deals primarily with consumers. The word “peddler” shall include the words “Hawker” and “Huchster.”

(c) **SOLICITOR OR CANVASSER** – A person with no fixed place of business in the village dealing primarily with consumers, who takes orders for goods for future delivery or for personal services to be furnished in the future, whether by telephone or house-to-house or business-to-business canvassing.

SECTION 5. EXCEPTIONS

The requirements of a fee and registering as provided herein shall not apply to:

(a) A duly authorized solicitor soliciting the sale of goods or wares for or on behalf of any recognized educational, civic, religious, or charitable organization.

(b) Agents or salesmen of wholesale houses or firms selling or offering to sell their wares or merchandise by sample to merchants in the village, nor to farmers selling or offering for sale the products of their own farms.

SECTION 6. REGISTRATION AND REQUIREMENTS

(a) Application for registration for peddlers, solicitors, and itinerant merchants, as defined in this ordinance, must be file with the Mayor on a form to be furnished by

the Mayor. The forms shall contain the following information:

- (1) Name of applicant
 - (2) Home Address
 - (3) Name and Address of the persons by whom employed
 - (4) Length of service with such employer
 - (5) All places of residence and all employment during the preceding year.
 - (6) The nature and character of the goods to be sold or service to be furnished by the applicant.
 - (7) Period of time for which registration is valid.
- (b) If the Mayor shall determine after an investigation that the applicant is of good moral character and proposes to engage in a lawful or professional enterprise, a registration will be made.

SECTION 7. APPEALS

Any applicant who has paid their fee and registered in accordance with this chapter and whom the Mayor has, after investigation, denied a registration shall be entitled to appeal the Village Council.

SECTION 8. LIMITATIONS

No activity permitted under the authority of this chapter shall commence prior to 9:00 am nor continue after 5:00 pm Eastern Standard Time or prior to 9:00 am nor continue after 7:00 pm Eastern Daylight Savings Time, except for occasional special event(s) sponsored by Village merchants as noted by the Mayor on the registration form.

SECTION 9. HARASSING OR ANNOYING PROSPECTIVE CUSTOMER; TRESPASS

No peddler, canvasser, solicitor, or itinerant merchant shall vex, annoy or harass any person by importuning such person to purchase or look at his goods or wares; nor shall any peddler, canvasser, solicitor, or itinerant merchant enter any private house of residence without being invited to come in.

SECTION 10. PEDDLING PROHIBITED WHERE SIGNS POSTED

No peddler, canvasser, solicitor, or itinerant merchant shall knock at the door of or ring the bell of any private home, apartment, or apartment building in the Village where there is displayed at the entrance a notice reading "No Solicitors, Peddlers, or Canvassers Allowed", or which otherwise clearly purports to prohibit persons from doing so, unless such person is or has been invited upon such premises by the owner, lessee, or occupant thereof.

SECTION 11. CALLING ATTENTION TO SALES BY CALLING OUT, BLOWING HORN

No peddler, canvasser, solicitor or itinerant merchant in going along the streets, alleys, or other public places of the village shall call out, cry or by the use of any sound producing amplification device, make any loud or objectionable noise, or blow any horn to call attention to the sale of any goods, wares, merchandise or any articles or things whatsoever.

SECTION 12. CARRYING OR EXHIBITING REGISTRATION

The receipt of registration issued by the Mayor shall be carried by any peddler, solicitor, canvasser or itinerant merchant when operating away from his fixed place of business and shall be exhibited to any person solicited or any police officer on request.

SECTION 13. REVOCATION OF REGISTRATION

- (a) Registration issued pursuant to this chapter may be revoked by the Mayor after notice and hearing, for any of the following causes:
- (1) Fraud, misrepresentation or any false statement contained in the application for a registration.
 - (2) Fraud, misrepresentation of any false statement made to the Police Department in furnishing the information required by this chapter.
 - (3) Any violation of this chapter.
 - (4) Conviction of the registrant of any felony or crime involving moral turpitude.
 - (5) Conducting the soliciting or peddling in an unlawful manner, or in such a manner as to constitute a breach of peace or to be a menace to the health, safety or general welfare of the public.
- (b) Notice of the hearing for revocation of a registration shall be given by the Mayor in writing stating the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the registrant at the address given on the application for the registration, at least five days prior to the date set for the hearing.

(c) Any person aggrieved by the decision of the Mayor shall have the right to appeal the Village Council. Such appeal shall be taken by filing with the Clerk a written statement of the grounds for the appeal within fourteen days after notice of the decision by the Mayor has been given. The council shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the Clerk in the manner herein provided for notice of hearing of revocation by the Mayor.

This ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED this 6th day of February, 1986.

APPROVED:

Gregory L. DiDonato, MAYOR

ATTEST:

Ronnie Vinci, CLERK