



License # _____

VILLAGE OF JOHNSON CITY

243 Main St., Johnson City, NY 13790 • 607-798-7861 • www.villageofjc.com

Application for Vendor's License

A copy of a valid Driver's License, Photo ID Card or Valid Passport must accompany this application.

Name: _____

Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Sex: _____ Age: _____ Date of Birth: _____

Physical Characteristics (glasses, tattoos, scars, etc.): _____

Driver's License #: _____ State of Issuance: _____

Home Address: _____

Home Telephone #: _____ Cell#: _____ Work #: _____

Business Name: _____

Business Address: _____

Business Telephone #: _____ Cell#: _____ Fax #: _____

NYS Operators License: _____ # of Years in Business: _____

Describe vendor's method of operation: _____

Article or Service to be sold: _____

Cost of Article or Service to be sold: _____

NOTE – This license expires annually on December 31st. Have you ever been denied a similar license in New York State? _____ If yes, Please explain: _____

Has the applicant, any partner or any principal officer been convicted of any crime or any violation of any municipal ordinance? _____ If yes, state his/her name, the nature of the offense, and the punishment or penalty: _____

The undersigned, being duly sworn, deposes and says that he/she is the owner/applicant or authorized agent of the owner/applicant and that everything contained in this application is an accurate statement and representation of the proposal.

Sworn to this _____ day of _____, 20_____

Signature

VILLAGE USE ONLY

Date Received: _____ Fee: \$50.00 _____ Receipt #: _____

Proof of Workman's Compensation Insurance: _____ Proof of NYS Disability Insurance: _____

Credentials presented authorizing applicant to act as a representative of the company?: _____

Date Referred to Police: _____ Police Reviewer – Signature & Title: _____

Police Approval: Yes _____ No _____ Mayor's Approval: Yes _____ No _____ Mayor's Sig.: _____

Approval by Village Clerk: Yes _____ No _____ Date of Issuance: _____ Expiration Date: _____

Chapter 196, PEDDLING AND SOLICITING

ARTICLE I, General Provisions

§ 196-1. Purpose.

The Board of Trustees, as a matter of legislative determination, does hereby determine that the business, occupation or activity of vendor, hawker, peddler, salesman, canvasser and solicitor for the sale or purchase of goods, wares and merchandise in the public streets and places and from door to door in the village should be regulated in the public interest, convenience, necessity, and enforcement of laws, the regulations of traffic, the prevention of congestion of travel and for the protection and preservation of the safety, health and general welfare and property of the inhabitants of the village and to protect such inhabitants against the unlawful activities or operations of persons of criminal habits or tendencies representing themselves as engaged in such business or occupation, and that such persons shall be registered and required to furnish such information as shall be necessary or desirable for purposes of identification and to pay reasonable license fees.

§ 196-2. Certain persons exempt from licensing provisions.

Vendors of newspapers, milk, bakery goods, cheese, eggs, soft drinks, potato chips, beer, ice cream, cream and poultry and farmers and growers of farm and garden produce and regularly established retailers in the village and the duly appointed agents, servants and employees of such persons shall not be required to apply for and obtain a license or pay a fee under the provisions of this Article.

§ 196-3. License required.

It shall be unlawful for any person to engage in the business, occupation or activity, hereinafter collectively referred to as "vending" or "to vend," of vendor, hawker, peddler, salesman, canvasser or solicitor of goods, wares and merchandise as buyer or seller, hereinafter called "vendor" or "vendors," in the public streets and places and from door to door in the village without first applying for and securing a license, hereinafter called a "vendor's license," as provided in this Article.

§ 196-4. License fee; receipt issued.

Before any license may be issued under the provisions of this Article, the applicant shall pay a fee of fifty dollars (\$50.) to the Village Clerk who shall issue a receipt therefor to the applicant.

§ 196-5. Application for license.

- A. Contents. An applicant for a license required by this Article shall execute an application form at the office of the Village Clerk, which application form shall require the following:
- (1) The applicant's name, home, business and local address, if any.
 - (2) 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.
 - (3) 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 name and addresses of the president, vice president, secretary and treasurer; or a statement that the applicant is engaged in such activity solely on his or her own behalf.
 - (4) A brief description of the type or types of articles or services for which sales, purchases or orders are to be solicited.
 - (5) A statement as to the approximate amount to be collected by the applicant and whether in full or partial payment.
 - (6) The length of time during which the applicant intends to remain in the village for the purpose of engaging in such activity.
 - (7) A statement as to whether any license similar to or like that provided for in this Article was issued or denied to the applicant within the current or prior calendar year, whether in said village or elsewhere, and if issued, whether such license has been revoked, setting forth the reasons for such revocation.
 - (8) A statement as to whether the applicant has been arrested for or convicted of any crime or the violation of any municipal ordinances or if so, the place where, the nature of the offense and punishment or penalty assessed therefor or if the matter is pending.

- B. Sample copy of order form. The applicant shall attach to such application a sample copy of the order or receipt form, if any, used by him or her in connection with such activity.
- C. Credentials. Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative, shall also be presented.

§ 196-6. Referral of applicants and application to Chief of Police; investigation and report of Chief.

The Village Clerk shall refer all applications and applicants for a license to be issued under this Article to the Chief of Police for fingerprint identification and to furnish such other information as shall be required for purposes of identification, and the Chief of Police shall conduct such investigation as he or she shall deem necessary. He or she shall make a report of his or her investigation directly to the Village Clerk who shall thereafter make his or her recommendation for approval or disapproval of the application to the Mayor.

§ 196-7. Approval of application; issuance and term of license.

Should the Mayor approve the license application provided for herein, a license shall be issued by the Village Clerk for a term expiring on December 31 of the year in which the same is issued.

§ 196-8. Signing and form of license.

A license issued under the provisions of this Article shall be signed by the Village Clerk and shall be in such form as the Village Clerk may prescribe; provided, however, that such form shall include:

- A. The name and address of the applicant.
- B. The name and address of the person, firm or corporation, if any, for or through whom or under whose auspices the applicant is authorized to vend or if none, a statement to such effect.
- C. A brief description of the type or types of goods, wares and merchandise to be vended.
- D. The expiration date of the license.

§ 196-9. Renewal of license.

The license herein provided for may be renewed at its expiration upon the execution of a new application, which shall be in the same form as provided for in § 196-5 and upon compliance with the provisions of this Article.

§ 196-10. Persons ineligible for license.

No license shall be issued to any applicant who shall have been convicted of any crime or the violation of any municipal ordinance or to any person whose vendor's license has been revoked unless the Mayor shall find upon good cause that the issuance thereof would not be contrary to the provisions of this Article. No license shall be issued to any person where the Mayor finds that the issuance thereof would be contrary to the provisions of this Article.

§ 196-11. License to issue free to qualified veterans.

Any disabled veteran of any division of the United States Armed Forces, although he or she must qualify for a license pursuant to the terms of this Article, if he or she does so qualify shall receive a license without fee.

§ 196-12. Exhibition of license upon demand.

Any person to whom a license has been issued under this Article shall have such license in his or her possession at all times and shall exhibit the same at any time upon demand by any police officer, village official, village employee or the person approached by any vendor.

§ 196-13. Inspection of scales and measures.

Any vendor carrying, keeping or using scales, measures or other appliances for weighing or measuring shall first have the same inspected by the County Sealer of Weights and Measures, and if the latter shall find such appliances correct and true, he or she shall issue his or her certificate to that effect, and such certificate shall be affixed thereto in a conspicuous place. A vendor shall not carry, keep for use or use any such appliance which shall not be correct and true and which does not record and give the weight and quantity claimed by said vendor.

§ 196-14. Condition of vehicles and receptacles; protection of wares.

A licensed vendor, hawker, peddler or solicitor shall keep the vehicles and receptacles used by him or her in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.

§ 196-15. Conduct generally.

Any person to whom a license is issued under the provisions of this chapter shall conduct himself or herself at all times in an orderly and lawful manner.

§ 196-16. Noises to attract attention.

It shall be unlawful for any person licensed hereunder to use, blow upon, ring or sound any instrument or thing or to shout or cry out for the purpose of attracting attention to his or her wares or giving notice of his or her approach.

§ 196-17. False statements or misrepresentations.

Persons licensed hereunder shall make no false statements or misrepresentations in the course of their activities.

§ 196-18. Unauthorized entry upon property.

Licenseses under this Article shall not enter in or upon any house or building or on any land or property where there is posted on the front of the building or premises a written notice stating that vendors are not desired unless the vendor has received the prior consent of the occupant thereof.

§ 196-19. Sales near schools.

It shall be unlawful for any person to whom a license has been issued under the provisions of this Article to sell any confectionery or ice cream within two hundred fifty (250) feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days.

§ 196-20. Littering streets and public places.

It shall be unlawful for any person licensed hereunder, directly or indirectly, to cause or permit the public streets and places of the village to be littered with papers, wrappings or other debris or refuse.

§ 196-21. Interference with pedestrian and vehicular traffic.

Any person licensed under the provisions of this Article shall conduct his or her activities in such manner as not to interfere with pedestrian or vehicular use of the public streets and places.

ARTICLE II, Transient Retail Business

§ 196-22. Definitions.

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

TRANSIENT RETAIL BUSINESS -- A retail business conducted in a store, hotel, house, building or structure for the sale of retail goods, wares or merchandise, except food products, and which is intended to be conducted for a temporary period of time and not permanently. If the place in which a business is conducted is rented or leased for a period of six (6) months or less, such fact shall be presumptive evidence that the business named or carried on therein is a transient business.

§ 196-23. Application to do business within village; contents.

Any person desiring to conduct a transient retail business in the village shall present to the Village Clerk a verified application stating:

- A. The name and permanent address of the person desiring to conduct such business.
- B. The place where and the time during which said business is to be conducted.
- C. The name and local address of the person to be in immediate charge of said business.
- D. The character of the merchandise to be dealt in.
- E. The estimated amount of gross sales which may be made.

§ 196-24. Permit.

- A. Required; contents. Before any person shall commence a transient retail business in the village, said person shall obtain a permit from the Village Clerk stating where such business is to be conducted and the date of the expiration of the term.
- B. Renewal. Permits issued hereunder may be renewed from time to time.

§ 196-25. Bond required.

Before any person shall commence a transient retail business in the village, such person shall file with the Village Clerk a cash deposit or bond in an amount of not less than five hundred dollars (\$500.) and not more than one thousand dollars (\$1,000.), the amount to be fixed in proportion to the estimated amount of business to be done under the permit required by § 196-24, conditioned that such person will make a full and complete report of the gross amount of sales made in such transient business in the village and shall file such reports as may be requested with the Village Clerk and will faithfully comply with the General Municipal Law in relation to taxation of transient merchants and with the provisions of this Article and will pay the amount of tax therein levied when the same shall become due and payable, said bond to be approved by the Village Attorney as to form and by the Mayor as to sufficiency.

§ 196-26. Imposition of tax.

Pursuant to the provisions of the General Municipal Law, as amended, a tax shall be levied upon all persons now conducting or who may hereafter conduct a transient retail business in the village. Such tax shall be based upon the gross amount of sales and shall be computed at the same rate as other property is taxed for the year in the village. If at the time such tax becomes due and payable the tax rate for the current year of the village has not been fixed, the same shall be estimated by the Assessors thereof, and such rate as estimated shall be taxed.

§ 196-27. Filing of reports.

- A. Stock on hand. Any person receiving a permit under the provisions of this Article shall, before the beginning of a transient retail business, file with the Village Clerk a verified report of the stock on hand and the aggregate value thereof with which it is intended to conduct said business.
- B. Added stock. As further stock is received, such person shall within two (2) days after the receipt thereof file a verified report with the Village Clerk of such added stock and of the aggregate value thereof.
- C. Daily statement. Any person granted a permit under this Article shall file with the Village Clerk a verified statement of each day's sales not later than 12:00 noon of the following day and the amount for which the same was sold.
- D. Final report. At the completion of said transient business, a verified report setting forth the total amount of stock sold and the total amount for which it was sold shall be filed with the Village Clerk.