

VILLAGE OF CAYUGA HEIGHTS

Local Law 3 of the Year 2014

A LOCAL LAW TO REPLACE ARTICLE X OF THE ARTICLES OF THE VILLAGE OF CAYUGA HEIGHTS TO PROVIDE FOR REGULATION OF VENDORS AND SOLICITORS

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

SECTION I PURPOSE AND INTENT

The purpose of this Local Law is (a) to replace Article X of the Articles of the Village of Cayuga Heights (the "Village") in order to detail the requirements for vendors and solicitors to operate within the Village, including by clarifying the registration process and providing for fines in the event of violations, and (b) to reformat these requirements as a Local Law to correspond to the format of the local laws most recently enacted by the Village. The intent of this Local Law shall be to contribute to the public welfare and good order by providing certain regulations and restrictions on the time, place and manner of operation of vendors and solicitors within the Village of Cayuga Heights, while enabling such persons the freedom to so operate.

SECTION II AUTHORITY

This Local Law is enacted pursuant to the grant of powers to local governments provided in Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provision of the New York State Constitution and not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law.

SECTION III DEFINITIONS

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

- A. Person** - One or more natural persons, corporations, limited liability companies, partnerships, organizations, associations, societies and all other legal entities of any kind.
- B. Personal contact** - The face-to-face interaction by one person with another person.

- C. Political Organization** - An organization, a substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office.
- D. Religious, charitable or educational organization** - An organization granted tax exemption as such by the Internal Revenue Service of the United States Treasury Department.
- E. Solicit** - To make or seek to make personal contact with another person, either on any public street or public place, or by going from house to house or from place of business to place of business, on foot or from any vehicle, for the purpose of raising funds for, supporting the goals of or recruiting new members into a religious, charitable, educational or political organization, or participating in a political campaign on behalf of any candidate for public office.
- F. Solicitor** - A person engaged in the activity of soliciting as defined in this Local Law.
- G. Vendor** - Any person, either as principal or agent, who, on any public street or public place, or by going from house to house or from place of business to place of business, on foot or from any vehicle, (1) sells, rents, or barter, offers for sale, rent, or barter, or carries or exposes for sale, rent, or barter any goods, wares, merchandise or services, or (2) takes or offers to take orders for goods, wares or merchandise or for services to be performed in the future or for the making, manufacturing or repairing of any article or thing for future delivery.

SECTION IV EXCEPTIONS TO APPLICABILITY

- A.** Nothing in this Local Law shall be applicable to:
1. Any sales conducted pursuant to statute or by order of any court.
 2. Any person selling personal property at wholesale to dealers in such articles.
 3. Persons under the age of 18 years associated with nonprofit organizations.
 4. An honorably discharged soldier, airman, sailor or marine who has procured a license as provided by the General Business Law of the State of New York.
- B.** This Local Law shall not apply so as to unlawfully interfere with interstate commerce.
- C.** Those persons who shall be exempt from the applicability of this Local Law in accordance with Subsections (A) (1), (2) and (4) of this Section IV shall, nevertheless, register in accordance with the provisions of this Local Law with the

Village Police Department at least 24 hours before engaging in any of the actions regulated under this Local Law.

SECTION V REGISTRATION: REQUIRED FOR VENDORS, NOT REQUIRED FOR SOLICITORS

- A. It shall be unlawful for any person to act as a vendor, as defined in this Local Law, within the corporate limits of the Village of Cayuga Heights without first having registered with the Village Police Department as required herein.
- B. Any person engaged in the activity of soliciting for religious, charitable, educational or political organizations, as defined in this Local Law, shall not be required to register with the Village Police Department.

SECTION VI PROCEDURE FOR REGISTRATION AS A VENDOR

Any person required in accordance with this Local Law to register with the Village shall file with the Village Police Department, at least 24 hours prior to commencing such activity, a written registration upon a form furnished by the Village Police Department. Such registration form shall include, but shall not be limited to, the number and kind of vehicles to be used by the person in carrying on the activities; the kinds of goods, wares and merchandise the person desires to sell, or rent, or the kind of service the person desires to perform; the method of distribution; the name, address and age of the registrant; the name and address of the person, firm or corporation he/she represents; the length of time the registrant desires to conduct such activity; and such other information as lawfully may be required by the Village Police Department. Such registration shall expire on the last day of the calendar year in which it was made and must be renewed if the person desires to continue such activity thereafter.

SECTION VII REGISTRATION FEE

No fee shall be required to register with the Village of Cayuga Heights as a vendor.

SECTION VIII RESTRICTIONS AND PROHIBITIONS

- A. It shall be unlawful for any person to enter upon residential private property for the purpose of vending or soliciting before the hour of 9:00 a.m. of any day or after 8:00

- p.m. or after 1/2 hour before sunset, whichever is earlier, except upon the invitation of the owner or occupant of such property.
- B.** It shall be unlawful for any vendor or solicitor to enter or remain upon any premises whereon there is posted, in public view, any sign containing the words to the effect of "no peddlers," "no solicitors," "no agents" or other wording, the purpose of which purports to prohibit vending or soliciting on the premises.
 - C.** It shall be unlawful for any person who has entered upon private property for the purpose of vending or soliciting to leave the primary sidewalk or entrance area of the property except upon invitation of the owner or occupant of such property.
 - D.** It shall be unlawful for any person who is operating as a vendor or solicitor to leave any pamphlet, brochure or literature on any property, vehicle or mailbox unless permission is granted by the owner or occupant of such property.
 - E.** No vendor or solicitor shall interfere with the free flow of pedestrian or vehicular traffic.
 - F.** No vendor shall operate as a vendor within 200 feet of any school property or permit any vehicle to stand on a public street within said distance of school property.
 - G.** It shall be unlawful to create or maintain any booth or stand or place any obstructions upon any public street or public place for the purpose of selling or displaying any goods, wares or merchandise, except as permitted by the Board of Trustees.

SECTION IX RECORDS

The Village Police Department shall maintain a record of all persons registered as a vendor under the provisions of this Local Law.

SECTION X PENALTIES FOR OFFENSES

Any person who, themselves or by an agent or employee, (A) shall act as a vendor, as herein defined, without first registering as required hereby, or (B) shall violate any of the provisions of this Local Law, shall be guilty of a violation and subject to a fine of not less than \$100 and not more than \$500 per offense. Each day's violation shall constitute a separate offense.

SECTION XI SUPERSEDING EFFECT

All Local Laws, Articles, resolutions, rules, regulations and other enactments of the Village of Cayuga Heights in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect. Without limiting the foregoing, Article X of the Articles of the Village of Cayuga Heights is hereby deleted from the Articles of the Village of Cayuga Heights and is hereafter null and void and of no further force or effect.

SECTION XII PARTIAL INVALIDITY.

In the event that any portion of this Local Law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

SECTION XIII EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing in the office of the New York State Secretary of State, except that it shall be effective from the date of its service as against a person served with a copy thereof, certified by the Village Clerk, and showing the date of its passage and entry in the Minutes of the Village Board of Trustees.