

Chapter 27

HAWKERS, PEDDLERS AND AUCTIONEERS

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[**HISTORY:** Adopted by the Board of Trustees of the Village of Walton 4-15-1996 as L.L. No. 1, 1996.¹ Amendments noted where applicable.]

§ 27-1. Definitions.

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

AUCTIONEER — One with intent to sell goods, either his own or property of others, by means of competitive bid or fixed price at an advertised public sale at a specific location.

FOOD VENDOR — A person, either principal or agent, who from any public street or public place or by going from house to house on foot or on or from any vehicle, sells or barter, offers for sale or barter, or carries or

¹ Editor's Note: This local law superseded former Ch. 27, Hawkers, Peddlers and Auctioneers, adopted 6-1-1931, amended in its entirety 1-23-1984 by L.L. No. 2, 1984.

exposes for sale any food or drink meant for immediate consumption, either prepared on-site or packaged.

HAWKER, VENDOR or PEDDLER — A person, except as hereinafter expressly provided, either principal or agent, who from any public street or public place, or by going from house to house, on foot or on or from any vehicle, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, books, magazines, periodicals or any other item or items of value, except milk, newspapers, food and drink meant for immediate consumption and food distributed on regular customer routes.

§ 27-2. License required.

No person, whether acting for himself or another, shall engage in the pursuit or exercise of the occupation of auctioneering, hawking, vending, peddling, soliciting orders and the crying of goods, wares and merchandise, food for immediate consumption or other commodities in the streets and public places and by going from house to house in the Village of Walton, without first having obtained a license from the Mayor of the Village of Walton, New York, countersigned by the Village Clerk, and the receipt of the Village Treasurer endorsed thereon, and paying a license fee to be set by resolution of the Village Board.

§ 27-3. Fee exceptions.

Fee exceptions shall be as follows:

- A. Farmers and persons peddling fruit and farm produce who have produced such commodities.
- B. Hawking or peddling by an honorably discharged veteran of any war, or who has served overseas in the armed services of the United States, and who, under Article 4, § 32, of the General Business Law, has been licensed by the Delaware County Clerk.

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- C. Nonprofit organizations, e.g., fire department, service clubs, public school or organized church-sponsored fairs, exhibitions or sales, including concessions of not more than three (3) days' duration, conducted on private property, and provided that all revenues after expenses go to the benefit of such nonprofit organization. It will be the responsibility of such organization to obtain a permit from the Village Clerk and to control the operation of the event or concession. The use of public parks, public parking lots and public lawn areas by nonprofit organizations may be granted by the Board of Trustees on a case-by-case basis following review by the designated village committee with responsibility for the site.
- D. Yard, porch or garage sales of used personal/household goods conducted wholly on the owner's property and at least three (3) feet from the property line for not more than three (3) days per event and not exceeding three (3) events per year. A permit is required from the Village Clerk for each event.
- E. Vending conducted from booths, carts, tables, tents or other temporary structures in the business district on either public streets or sidewalks during Village-Board-defined community/special events. Community events are village-wide celebrations proclaimed by the Village Board of Trustees. A special event is an event sponsored by a nonprofit organization and approved by the Village Board.

§ 27-4. Requirements for the issuance of licenses.

- A. Individual permits are issued to applicants who submit permit applications under this chapter. A blanket permit is issued to a nonprofit sponsoring organization for vending during a Village-Board-approved special event. Registration of all individual vendors will be handled by the sponsoring agency.

- B. Separate permits are required for the selling of merchandise and food. Food permits require the additional submission of proof that a Health Department permit has been obtained. In either category (merchandise/food), only one (1) permit will be issued to each applying individual, firm, corporation or affiliate for the use of public or private property.
- C. A certificate of insurance naming the village as an added insured and in an amount stipulated by the Village Board must be supplied to the Village Clerk at least fourteen (14) days before the event, if conducted on village property, by each applicant or by the sponsoring agency in the case of a blanket permit.
- D. Applications for permits other than blanket permits must be filed at least fifteen (15) days before the period for which the permit is requested. Blanket permit applications must be submitted by the sponsoring agency at least thirty (30) days before the special event.
- E. A sponsoring organization applying for a blanket permit for a defined special event will be responsible for screening applicants, assigning spaces (in areas established by Zoning Enforcement Officer) and, at least seven (7) days prior to the event, will provide to the Village Clerk a list of vendors/nonprofit organizations and assigned spaces, as well as proof of liability insurance covering all participants if the event is conducted on village property. If the blanket permit covers the sale of food, applicable Health Department clearances must also be included.

§ 27-5. Restrictions.

- A. Licenses issued under this order are only valid during normal business hours, typically 7:00 a.m. to 7:00 p.m., at which time business must be suspended, and vehicles containing merchandise, goods or wares related to the business activity for which the person is licensed must

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be removed from the area. This removal must be partaken at least once in every twenty-four-hour period.

B. No person shall be permitted to operate, maintain or otherwise establish a temporary facility, stand or booth for display of wares or sales of merchandise on the property of another, unless the individual has:

(1) Established that property is in a commercial zone.

(2) Obtained written permission of the property owner.

C. Individuals not operating from a permanent address who are, in effect, operating a causal sale must also have evidence of compliance with state and local sales tax laws or regulations.

D. No vendor will be allowed to alter, deface or damage village property by actions such as but not limited to placing nails into sidewalks/trees or hanging signs, banners or other items from trees, streetlights or public signs.

§ 27-6. Exemptions.

Exemptions shall be as follows:

A. Private auctions are exempt from the hour limitations and the commercial zone restrictions.

B. Lemonade stands, nightwalker sales, cookie sales or other similar ventures conducted by minors on a sporadic basis.

§ 27-7. Enforcement.

The enforcement of all rules and regulations specified or implied in this vending law will be carried out by the Village Police and the Village Code Enforcement Officer.

§ 27-8. Penalties for offenses.

Any person or persons violating the provisions of this chapter shall be punishable by a penalty of not less than twenty-five dollars (\$25.) and not more than one hundred dollars (\$100.); and it is further ordained and declared that the violation of any of these laws shall constitute disorderly conduct, and any person violating said law shall be a disorderly person.