

Town of Geneva, NY  
Monday, September 27, 2021

## Chapter 110. Peddling and Soliciting

### § 110-4. Application for license.

- A. Any person desiring to procure a license as herein provided shall file with the Town Clerk a written application upon a form furnished by the Town Clerk and shall file at the same time satisfactory proof of good character. Such application shall give:
- (1) The number and kind of vehicle to be used by the applicant in carrying on the business for which the license is desired.
  - (2) The kind of goods, wares and merchandise he or she desires to sell or the kind of service he or she desires to perform.
  - (3) The method of distribution.
  - (4) The name, address and age of the applicant.
  - (5) Whether or not the applicant has been convicted of a misdemeanor or felony and, if so, the date of conviction, nature of offense, penalty imposed and the name and address of the court.
  - (6) The name and address of the person, firm or corporation he or she represents.
  - (7) The length of time the applicant desires the license.
  - (8) Such other information as may be required by the Town Board.
- B. If applicable, such application shall be accompanied by a certificate from the Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.<sup>[1]</sup>

[1] *Editor's Note: Former Section 17.5, Bonds, when required, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

TOWN OF GENEVA  
OFFICE OF THE TOWN CLERK  
3750 County Road 6  
Geneva, New York

Lorrie S. Naegele, Town Clerk  
E-mail-tcnaegele@rochester.rr.com

Phone: 315-789-3922  
Fax: 315-781-1684

**The following is needed from applicant before issuing a Peddler's Permit:**

1. Authorization for criminal record for all participants - To be applied for 30 days prior to issuance of permit. (see attached form)
2. Names, addresses, phone numbers and DOB of all participants.
3. Driver's License of all participants.
4. Vehicle registration for each vehicle.
5. Picture of vehicle.
6. DBA form from Ontario County and/or Federal ID Number
7. Copy of the NYS Department of Health permit if product is food
8. If on private property, written permission is needed from the property owner on file in the Clerks Office.
9. Checks made out to the Town of Geneva

**FEES-** per(A170)

For a 6 month permit- for a one year permit

License for 6 months or fewer- \$50.00 plus for each person licensed to assist \$25.00

License for more than 6 months to a year-\$100.00 plus for each person licensed to assist \$50.00.

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Application for  
**Peddlers and Solicitors License**

The undersigned hereby makes application for a license to act as a \_\_\_\_\_  
and certifies the following to be true.

Name	DOB	Phone
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Home address	City/Town
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Firm Name	Firm address
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(Kinds of goods or Mdse.)	(Method of Distribution)
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Type of ID (Dr. Lic., etc.)	Vehicle information	License No.
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Employees or Associates

Name	DOB	Address
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Has applicant ever been convicted of a crime?      yes      no

NOTE: False statements made herein are punishable as a Class A Misdemeanor pursuant to  
Section 210.45 of the Penal Law of the State of New York.  
The applicant agrees to comply with the terms and conditions as set forth in Chapter 110 of the  
Town of Geneva Municipal Code (see attached)

Date: \_\_\_\_\_ Signature of Applicant: \_\_\_\_\_

For Office use Only

Date Issued \_\_\_\_\_ Date Effective \_\_\_\_\_ Date Expires \_\_\_\_\_

Geneva Town Clerk authorization \_\_\_\_\_

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**Authorization for criminal record**

To be applied for 30 days prior to issuance of peddlers Permit for all participants

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

I am authorizing the Ontario County Sheriff Department to release all information regarding my criminal history to the Town of Geneva.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Sign Name

A.K.A. (maiden etc.) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List address and if less than 3years, list a previous address.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOB: \_\_\_\_\_

SS#: \_\_\_\_\_

Ontario County Sheriff Department (Records)  
Colleen Rice 315.394.4560 FAX 585.394.3245

## Chapter 110

### PEDDLING AND SOLICITING

- |   |                                   |
|---|-----------------------------------|
| § 110-1. Definitions.                                 | § 110-9. Term of license.         |
| § 110-2. Exemptions.                                  | § 110-10. Exhibition of license.  |
| § 110-3. License required.                            | § 110-11. License fee.            |
| § 110-4. Application for license.                     | § 110-12. Revocation of license.  |
| § 110-5. Issuance of license.                         | § 110-13. Regulations on conduct. |
| § 110-6. Use of license by another person prohibited. | § 110-14. Orders.                 |
| § 110-7. Loss of license.                             | § 110-15. Records.                |
| § 110-8. Contents and form of license.                | § 110-16. Penalties for offenses. |

**[HISTORY: Adopted by the Town Board of the Town of Geneva 5-27-1972 as Ch. 17 of the 1972 Code. Amendments noted where applicable.]**

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#### § 110-1. Definitions.

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

**ESTABLISHED PLACE OF BUSINESS** — A building or store in or where the person transacts business and deals in the goods, wares and merchandise he or she hawks, peddles or solicits for during regular business hours.

**HAWKER and PEDDLER** — Any person, either as principal or agent, who from any public street or public place or by going from house to house or place of business to place of business, 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 and food distributed on regular customer routes.

**SOLICITOR** — Any person who goes from place to place or house to house or stands in any street or public place taking or offering to take orders for goods, wares or merchandise, books, magazines, periodicals or any other item or items of value (except newspapers or milk) or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery. The term "solicitor" shall, however, also mean and include any person taking or offering to take orders for goods, wares or merchandise, books, magazines, periodicals or any other item or items of value (except newspapers or milk) or for services to be performed in the future or for making, manufacturing or repairing any article or thing whatsoever for future delivery at the home or residence 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 home or place of residence of such person.

**§ 110-2. Exemptions.**

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

- (1) Conducted pursuant to statute or by order of any court.
- (2) To any person selling personal property at wholesale to dealers in such articles.
- (3) To merchants having an established place of business within the county or their employees for soliciting orders from customers and delivering the same.
- (4) To persons under the age of 18 years of age.
- (5) To the peddling of meats, fish, fruit and farm produce by farmers and persons who produce such commodities.
- (6) To any honorably discharged member of the armed forces or any other person who has procured a license issued by the County Clerk as provided by § 32 of the General Business Law of the State of New York.

B. Nonprofit and eleemosynary organizations and persons working for such organizations shall also be exempt. However, such organizations shall register annually with the Town Clerk in the event that they plan to engage in vending, hawking, peddling or soliciting and shall indicate the type of activities are to be undertaken and the time when they will be performed and also the method or means used to identify the persons so engaged as representing such organizations, which shall be subject to the approval of the Town Clerk.

**§ 110-3. License required.**

It shall be unlawful for any person within the corporate limits of the town to act as a hawker, peddler or solicitor as herein defined or assist the same without first having obtained and paid for and having in force and effect a license therefor.

**§ 110-4. Application for license.**

A. Any person desiring to procure a license as herein provided shall file with the Town Clerk a written application upon a form furnished by the Town Clerk and shall file at the same time satisfactory proof of good character. Such application shall give:

- (1) The number and kind of vehicle to be used by the applicant in carrying on the business for which the license is desired.
- (2) The kind of goods, wares and merchandise he or she desires to sell or the kind of service he or she desires to perform.
- (3) The method of distribution.
- (4) The name, address and age of the applicant.
- (5) Whether or not the applicant has been convicted of a misdemeanor or felony and, if so, the date of conviction, nature of offense, penalty imposed and the name and address of the court.

- (6) The name and address of the person, firm or corporation he or she represents.
  - (7) The length of time the applicant desires the license.
  - (8) Such other information as may be required by the Town Board.
- B. If applicable, such application shall be accompanied by a certificate from the Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.<sup>1</sup>

**§ 110-5. Issuance of license.**

- A. Upon the filing of the application, the Town Clerk shall, upon approval of such application, issue to the applicant a license as provided in § 110-3. A license may be refused if the applicant shall have been convicted of a misdemeanor or felony which, in the judgment of the Town Clerk, renders the applicant unfit or undesirable to carry on the trade or occupation for which the license is sought. The Town Clerk may also refuse a license to any person who in his or her judgment shall be an undesirable person or incapable of properly conducting the trade or business for which a license is sought.<sup>2</sup>
- B. Any applicant who has been refused a license by the Town Clerk may apply to the Town Board therefor, and the same may be granted or refused by the Town Board, except as prohibited by Town Law § 137.

**§ 110-6. Use of license by another person prohibited.**

Any holder of any license who permits it to be used by any other person, and any person who uses such license granted to any other person, shall each be guilty of a misdemeanor.

**§ 110-7. Loss of license.**

Whenever a license shall be lost or destroyed on the part of the holder or his or her agent or employee, a duplicate in lieu thereof, under the original application may be issued by the Town Clerk upon the filing with him or her by the licensee of an affidavit setting forth the circumstances of the loss and what, if any, search has been made for its recovery.

**§ 110-8. Contents and form of license.**

All licenses shall be issued from a properly bound book with proper reference stubs kept for that purpose, numbered in the order in which they are issued, and shall state clearly the kind of vehicle to be used, the kind of goods, wares and merchandise to be sold or service to be rendered, the number of his or her license, the date of issuance and expiration of the license, fee paid and the name and address of the licensee.

<sup>1</sup> Editor's Note: Former Section 17.5, Bonds, when required, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 110-9. Term of license.**

Such license shall be for such term as requested by the applicant but shall expire not later than the first day of January next succeeding.

**§ 110-10. Exhibition of license.**

Every licensee, while exercising his or her license, shall carry the license with him or her and shall exhibit the same upon demand.

**§ 110-11. License fee.**

- A. The license fee for each person licensed as a hawker, peddler or solicitor shall be as set from time to time by resolution of the Town Board in Chapter A170, Fees.<sup>3</sup>
- B. The license fee for each person licensed to assist a hawker, peddler or solicitor shall be as set from time to time by resolution of the Town Board in Chapter A170, Fees.<sup>4</sup>
- C. For the purpose of this chapter, a person who assists a hawker, peddler or solicitor shall be deemed to be any person who participates in delivering merchandise or any other items sold, performs any services in or about the customer's premises or otherwise generally renders aid or assistance, except participation in selling or soliciting orders.

**§ 110-12. Revocation of license.**

A license issued pursuant to this chapter may be revoked after a public hearing as provided in Article 9 of the Town Law.

**§ 110-13. Regulations on conduct.**

- A. It shall be unlawful for any person to enter upon private property for the purpose of peddling or soliciting before the hour of 9:00 a.m. of any day or after the hour of 7:00 p.m. of any day except upon the invitation of the householder or occupant.
- B. It shall be unlawful for any peddler or solicitor in plying his or her trade to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "No Peddlers," "No Solicitors," "No Agents" or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.
- C. No peddler or solicitor shall peddle, vend or sell his or her goods or wares within 200 feet of any place occupied exclusively as a public or private school or for school purposes, nor shall he or she permit his or her cart, wagon or vehicle to stand on any public highway within said distance of such school property.

<sup>3</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>4</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- D. No peddler or solicitor shall falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale. No person shall by any trick or device or by any false representation obtain or attempt to obtain admission to the house or garage of any person or corporation in the town.
- E. No peddler or solicitor shall blow a horn, ring a bell or use any other noisy device to attract public attention to his or her wares, or shout or cry out his or her wares.
- F. It shall be unlawful to create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.
- G. No peddler or solicitor shall represent or state or otherwise indicate that he or she is not intending to sell or otherwise enter into a contract with any person in the household.
- H. No peddler or solicitor shall, in order to effectuate or assist in any sale or solicitation, represent that he or she is engaged in any contest or in any way attempt to induce a sale or solicitation by appealing to the sympathies of the person so solicited.
- I. Any contract or sale made in violation of Subsection D, G or H shall be null and void and of no effect as to the person solicited, and the merchandise delivered shall be forfeited, and any sums paid by the person so solicited shall become immediately due and payable jointly and severally by the peddler or solicitor and his or her principal.

#### § 110-14. Orders.

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

#### § 110-15. Records.

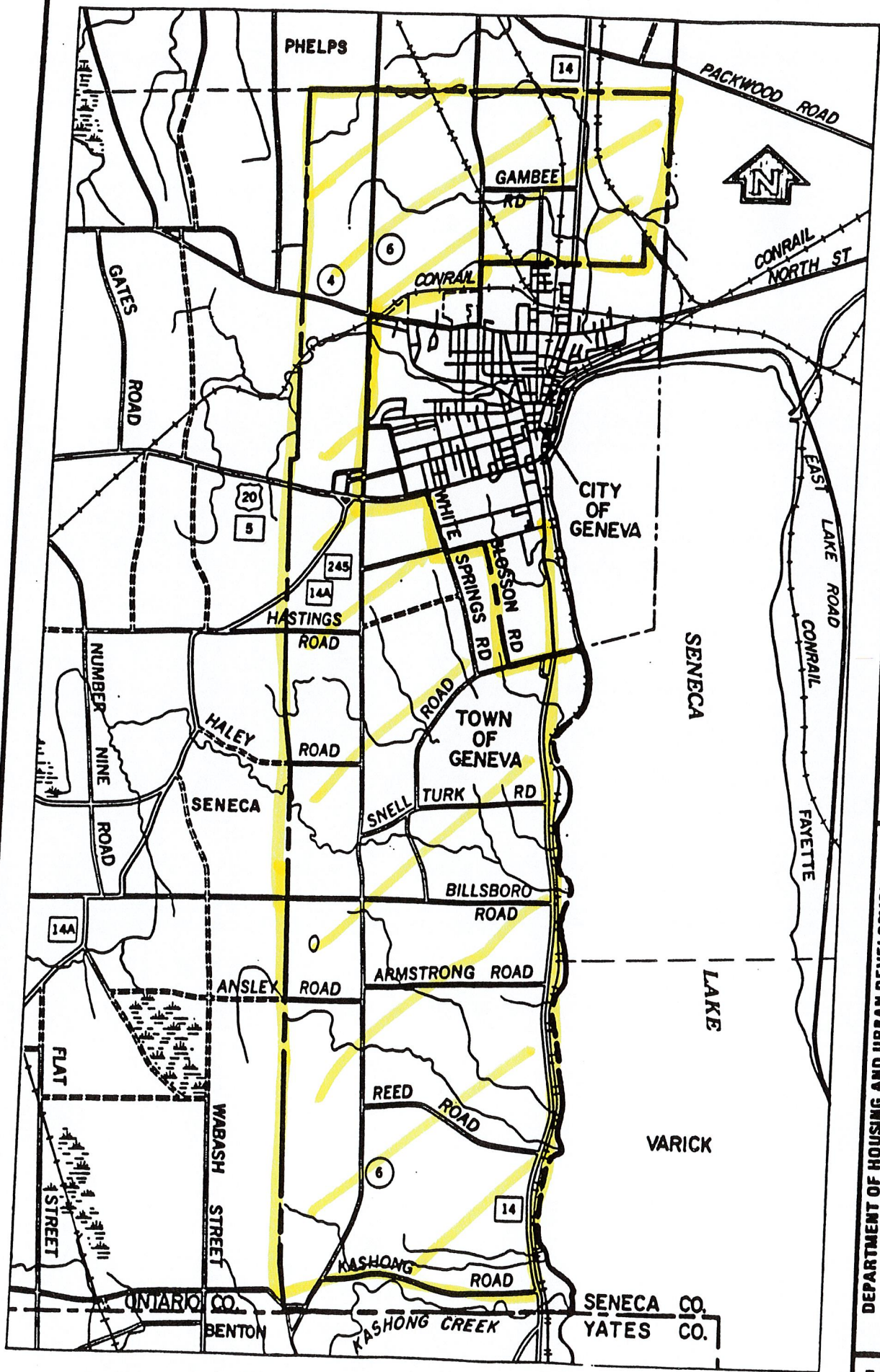
It shall be the duty of the Town Clerk to keep a record of all applications and of all licenses granted under the provisions of this chapter giving the number and date of each license, the fee paid and the date or revocation of all licenses revoked.

#### § 110-16. Penalties for offenses.<sup>5</sup>

Any person, firm or corporation who or which shall violate the provisions of this chapter shall be punishable, upon conviction, as provided in Chapter 1, General Provisions, Article III.

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<sup>5</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



VICINITY MAP

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration

**TOWN OF GENEVA, NY**  
(ONTARIO CO.)

FIGURE 1