



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 is valid for 60 days from date of issuance. 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: \$300.00 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. Transient Retail Businesses and Vendors

§ 196-1. Short title and purpose.

- A. The short title of this chapter shall be the "Transient Retail Business and Vendor Law."
- B. The Board of Trustees, as a matter of legislative determination, does hereby determine that the business, occupation or activity of transient retail businesses and vendors should be regulated as doing so is necessary for the enforcement of law, the regulation 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 and taxes. Accordingly, the Village declares that the purpose of this chapter is to establish, implement and enforce licensing procedures to be applicable to all transient retail businesses and vendors within the Village of Johnson City.

§ 196-2. Definitions.

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

FARMERS MARKET

Any building or buildings, structure or structures or premises used by four or more persons for the sale at retail of produce, goods, wares or merchandise. The term "farmers market" shall be deemed to not include "flea market" and similar terms.

PERSON

The singular and the plural, and shall also mean and include any person, firm or corporation, association, club, partnership, society or any other organization.

TRANSIENT RETAIL BUSINESS

A business conducted in a store, hotel, motel, house, building, vehicle, structure or outdoor sale area located on private property, and which is intended to be conducted for a temporary period of time and not permanently. Pursuant to § 85-a of the General Municipal Law, if the place in or from which a business is conducted is rented, leased or occupied for a period of six months or less, such fact shall be presumptive evidence that the business carried on therein is a transient retail business.

VENDOR

A retailer of goods, or provider of services as a buyer or seller, in the public streets and places and from door to door in the Village. The term "vendor" shall include persons commonly referred to as "hawkers," "peddlers," "salespeople," or "canvassers." The term "vendor" shall not include persons retailing goods or rendering services as a buyer or seller, if such persons conduct their business in a store, hotel, motel, house, building, vehicle, structure, or outdoor sale area located on private property.

§ 196-3. License not required.

- A. For all vendors selling goods in the farmers market located in the Johnson City Senior Center located at 30 Brocton Street, Johnson City, New York 13790, no license shall be required.
- B. Vendors engaged in the sale 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, or 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 chapter. Vendors and transient retail businesses not required to obtain licenses shall still be required to comply with all other provisions of this chapter.
- C. This chapter shall not apply to sales in a residence when the person has a permanent residence within the Village of Johnson City, and shall not apply to door-to-door sales by civic groups, churches, Girl or Boy Scouts, Rotary Clubs, Lions Clubs, Kiwanis and like civic-minded groups, nor to garage and lawn sales. Further, the provisions of this chapter shall not apply to persons engaged in the sale of cosmetics, Tupperware, pots and pans and like items of personal property; provided, however, that such sales occur solely and exclusively within a residence by permission of the owner thereof. It is the intent of this section to except such persons who sell Avon products, Tupperware, Mary Kay cosmetics, or similar products, and like groups that conduct sales of goods in residences with permission of the owner thereof.
- D. This chapter shall not apply to farm stands as defined by § 300-40.8 of the Zoning Code.
- E. Nothing in this chapter shall apply to activities sponsored by and held for the benefit of any bona fide museum or any fraternal, charitable, educational or religious organization. The burden of proving entitlement to this exemption shall be upon the person who would be required to otherwise make an application for a license under this chapter.

§ 196-4. License required; fee; time effective.

- A. It shall be unlawful for any person to operate in the Village as a vendor or transient retail business without first applying for and securing a license, hereinafter called, as applicable, a "vendor's license" or "transient retail business license."
- B. Before any license may be issued under the provisions of this chapter, the applicant shall pay a fee to the Village Clerk, who shall issue a receipt therefor to the applicant. The fee for such license shall be as set from time to time by resolution of the Village Board. Said license fees are nonrefundable. Any disabled veteran of any division of the United States Armed Forces, although he or she must qualify for a vendor's license pursuant to the terms of this chapter, if he or she does so qualify, shall receive a vendor's license without fee.
- C. A vendor's license issued under this chapter shall be valid for 60 days from its date of issuance. A transient retail business license shall be valid for 180 days from its date of issuance. Licenses issued may only be renewed upon reapplication by the person seeking to act as a vendor or transient retail business.

§ 196-5. Application requirements for licenses.

- A. Vendor's license. An applicant for a vendor's license required by this chapter shall execute an application form at the office of the Village Clerk, which application form shall require the following:
 - (1) The applicant's name and 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 goods 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 chapter 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.
 - (9) 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.
 - (10) Credentials. Credentials from the person, firm or corporation for whom the applicant proposes to do business, authorizing the applicant to act as such representative, shall also be presented.
 - (11) Proof of registration with the New York State Department of Taxation and Finance, or proof of exemption from such registration.
- B. Transient retail business license. Any person desiring to conduct a transient retail business in the Village shall present to the Village Clerk a verified application stating:
- (1) The name and permanent address of the person desiring to conduct such business.
 - (2) The place where and the time during which said business is to be conducted.
 - (3) The name and local address of the person to be in immediate charge of said business.
 - (4) The character of the goods or services to be dealt in.
 - (5) Proof of registration with the New York State Department of Taxation and Finance, or proof of exemption from such registration.
 - (6) The estimated amount of gross sales which may be made.

§ 196-6. Responsibilities of Village Clerk and Chief of Police.

The Village Clerk shall refer all applications and applicants for a license to be issued under this chapter 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; signing and form of license.

- A. Should the Mayor approve the license application provided for herein, a license shall be issued by the Village Clerk. The Mayor shall not approve, and 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 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 chapter. No license shall be issued to any person where the Mayor finds that the issuance thereof would be contrary to the provisions of this chapter.
- B. A license issued under the provisions of this chapter 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:
- (1) The name and address of the applicant.
 - (2) 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 conduct a transient retail business or, if none, a statement to such effect.
 - (3) A brief description of the type or types of goods, wares and merchandise to be sold.
 - (4) The expiration date of the license.
 - (5) If a transient retail business, the address where such business will be conducted; if a vendor, the approximate area within the Village where vending will occur.

§ 196-8. Place of business; signage.

No person shall act as a vendor or conduct a transient retail business within the Village at any place other than that set forth on the permit issued by the Village Clerk pursuant to this chapter. Transient retail businesses cannot be located on a residential parcel or property zoned residential. Any signage must conform to Chapter **300** of the Village Code.

§ 196-9. Business to begin within 30 days.

In the event that any person fails to begin conducting the transient retail business or acting as a vendor at the place or in the manner specified in the license within 30 days after the issuance of said license, such person shall not thereafter conduct any transient retail business or act as a vendor within the Village until five days shall have elapsed after the filing of a new application duly verified and containing the information set forth above in § **196-5A** if a vendor, or § **196-5B** if a transient retail business.

§ 196-10. (Reserved)

[1] *Editor's Note: Former § 196-11, Bond required; imposition of tax; filing of reports; right of entry, was repealed 2-4-2020 by L.L. No. 2-2020 and intentionally left blank.*

§ 196-11. Exhibition of license.

- A. Any person to whom a vendor's license has been issued under this chapter 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.
- B. Any person to whom a transient retail business license has been issued shall have such license displayed to the public within five feet of such business's register or point of sale.

§ 196-12. Inspection of scales and measures.

Any person to whom a license is issued under the provisions of this chapter and 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. Such persons 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 person.

§ 196-13. 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.

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

A licensee hereunder 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, if any, well covered and protected from dirt, dust and insects.

§ 196-15. Unlawful noises.

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.

§ 196-16. False statements or misrepresentations.

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

§ 196-17. Unauthorized entry upon property by vendors.

Vendors 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.

§ 196-18. Sales near schools by vendors.

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

§ 196-19. Littering of streets and public places by vendors.

It shall be unlawful for any person to whom a vendor's license has been issued 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.

§ 196-20. Interference with pedestrian and vehicular traffic.

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

§ 196-21. Times of operation.

- A. Any person licensed under the provisions of this chapter who shall conduct business door to door shall only be permitted to do so at the following times:
 - (1) Monday to Friday: 9:00 a.m. to 7:00 p.m., local standard time.
 - (2) Saturday and Sunday: 10:00 a.m. to 5:00 p.m., local standard time.
- B. Such persons shall be prohibited from doing business on any federally recognized holiday.

§ 196-22. Penalties for offenses.

Any person who violates any of the provisions of this chapter shall be punished as follows:

- A. A violation of any provision of this chapter is hereby declared to be a violation and shall be punishable by a fine of not less than \$100 nor more than \$250 or imprisonment for not more than 15 days, or both.
- B. In addition to the penalties hereinabove imposed, the permit of such person shall be canceled and revoked and forfeited.