

## Chapter 307, PEDDLING AND SOLICITING

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories.  
Amendments noted where applicable.]

### GENERAL REFERENCES

- Auctions and auctioneers -- See Ch. 184.
- Disorderly conduct -- See Ch. 220.
- Health and sanitation -- See Ch. 259.
- Collateral loan brokers -- See Ch. 275, Art. II.
- Secondhand dealers -- See Ch. 275, Art. III.
- Use of public rights-of-way -- See Ch. 324.
- Sales -- See Ch. 331.
- Vehicles and traffic -- See Ch. 400.

### ARTICLE I, Lotteries [Adopted 10-5-1970 (Ch. 14, § 14-9, of the 1970 Code)]

#### § 307-1. Prohibited acts.

No person shall solicit on any public highway or in any place of business, patronage for any scheme, plan or enterprise involving the distribution of any property, prize or reward by means of chance or lottery, or solicit patronage for any contest in which the disposition of property, prize or reward is dependent upon the result of the number of votes cast or secured in such contest.

### ARTICLE II, Policies and Procedures [Adopted 9-15-1980 by Ord. No. 205-80 (Ch. 12, §§ 12-47 through 12-71, of the 1970 Code)]

#### § 307-2. License required. [Amended 10-5-1981 by Ord. No. 183-81]

- A. Generally. It shall be unlawful for any person, within the corporate limits of the City, to act as a peddler, commercial solicitor or charitable solicitor as herein defined without first having obtained and paid for and having in force and effect a license therefor.
- B. Limited exemption. Notwithstanding the foregoing, or any other provision of this article, a nonprofit organization or a nonprofit corporation or its members may act as a peddler, provided that such nonprofit organization or nonprofit corporation or its members shall obtain from the Mayor prior written permission to sell specified goods, wares or merchandise for and on behalf of such nonprofit organization or nonprofit corporation at specified places in the City and at specified hours not to exceed a total of 48 hours in any one year.

#### § 307-3. Exceptions. [Amended 10-5-1981 by Ord. No. 183-81; Amended 6-17-2015 by Ord. No. 15-36]

- A. Nothing in this article shall be held to apply to:
  - (1) Any sales conducted pursuant to statute or by order of any court.
  - (2) Home delivery of daily or weekly newspapers.
  - (3) Any person selling personal property at wholesale to dealers in such articles.
  - (4) Farmers or truck gardeners who themselves or through their employees vend, sell or dispose products of their own farms or gardens.
  - (5) Persons licensed pursuant to § 32, Article 4, of the General Business Law of the State of New York (veterans) or to § 10, Article 2, of the General City Law of the State of New York (adult blind persons).
- B. This article shall not apply so as to unlawfully interfere with interstate commerce.

**§ 307-4. Definitions. [Amended 10-5-1981 by Ord. No. 183-81]**

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

**CHARITABLE SOLICITOR** -- Includes any person intending to solicit funds or pledges for funds within the City of Binghamton by means of a door-to-door drive or direct, person-to-person fund-raising solicitation for the benefit of a charitable or religious organization.

**COMMERCIAL SOLICITOR** -- Includes any person, whether as owner, agent, consignee or employee and whether a resident of the City or not, temporarily traveling either by foot, wagon, cart, truck, automobile or any other type of conveyance, from place to place, house to house or from street to street, or who stands in any street, sidewalk or public place, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, except for milk, ice, newspapers, periodicals or baked goods, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of such sale or whether he or she is collecting advance payments on such sales or not.

**ESTABLISHED PLACE OF BUSINESS** -- Includes a building, store or vacant property in which or where the person transacts business, sells and deals in, during regular business hours, the goods, wares and merchandise he or she peddles or for which he or she solicits.

**PEDDLER** -- Includes any person, whether as owner, agent, consignee or employee and whether a resident of the City or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, foodstuffs, ice cream products, merchandise, meats, fish and shellfish, vegetables and fruits, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, cart, car or other vehicle or conveyance, and further provided that one who solicits orders and in a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."

**PERSON** -- Includes the singular and the plural and shall also mean and include any person, firm or corporation, association, club, copartnership, society or any other organization.

**§ 307-5. License fees. [Amended 10-5-1981 by Ord. No. 183-81]**

The fee for a peddler's license, commercial solicitor's license or combined peddler's and commercial solicitor's license issued under this article shall be in an amount as set from time to time by resolution of the City Council (See Exhibit J). There shall be no fee charged for the issuance of a charitable solicitor's license pursuant to the provisions of this article.

**§ 307-6. Special procedure for charitable solicitor's licenses. [Added 10-5-1981 by Ord. No. 183-81]**

- A. Generally. Notwithstanding any contrary provisions of this article the following procedure shall be applicable to all applications for a charitable solicitor's license and the carrying on of charitable solicitation thereunder.
- B. Application form. Any charitable or religious organization intending to solicit funds within the City of Binghamton by means of a door-to-door drive or direct, personal solicitation shall file an application with the City Clerk to exempt persons soliciting for such organizations from the provisions of this Code generally applicable to commercial solicitors. Such application shall be verified and contain the following information:
  - (1) The full name and address of the organization and its purposes.
  - (2) The name and telephone number of the person in charge of the fund-raising activities within the City of Binghamton.
  - (3) The date or dates during which the door-to-door solicitation or fund-raising drive shall be made.

- (4) A statement showing that gifts to any such organization are entitled to tax deductions according to the provisions of the Internal Revenue Code of the United States of America. In the absence of such approval, all pertinent facts establishing the sponsoring organization as a not-for-profit charitable or religious organization shall be set forth in detail.
  - (5) A list of the officers, directors and the executive in charge of the organization, if any.
  - (6) A sample of the card or other written identification to be issued to all individual solicitors.
  - (7) Consent to the requiring of all such solicitors to carry a card or identification, as provided above in Subsection B(6).
- C. Approval of application. The City Clerk shall approve all applications received in proper form, provided that the donations are approved as tax deductible according to the provisions of the Internal Revenue Code of the United States. If such donations are not tax deductible, the City Clerk, prior to approving any such application, shall require such other information as may be reasonable or necessary in order to determine that said organization is, in fact, religious or charitable in nature and function as distinguished from a means of soliciting funds for individual pecuniary benefits of the solicitor or for commercial purposes and, further, that the funds solicited actually shall be used for the purposes of such organization.
- D. Lists of solicitors to be maintained. Any charitable or religious organization obtaining a charitable solicitor's license for the purpose of soliciting funds in the City of Binghamton shall maintain a list or file of all solicitors at its principal office, which list or file shall be made available for inspection from time to time upon the request of the City Clerk.
- E. Identification card. Every person soliciting for or on behalf of any charitable or religious organization licensed hereunder shall carry on his or her person a written identification and shall produce the same upon the request of any person. Failure to produce the same shall constitute a violation of this section.
- F. Applicability of remaining provisions. The remaining provisions of this article not in conflict with the above special procedure shall be deemed applicable to all charitable solicitor's licenses issued hereunder and to the holder of any such license.

**§ 307-7. Application for license.**

Any person desiring to procure a license as herein provided shall file with the City Clerk a verified application upon a blank form prepared by the City Clerk and furnished by the City. Such application shall contain the following information:

- A. Name, description and age of the applicant.
- B. Address of the applicant.
- C. A brief description of the nature of the business and the goods to be sold and in the case of products of a farm or orchard, whether produced or grown by the applicant.
- D. If employed, the name and address of the employer (for purposes of peddling or soliciting).
- E. If a vehicle is to be used, a description of same, together with a license number or other means of identification.

- F. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance of the City, the nature of the offense, and the punishment or penalty therefor.
- G. A certificate from the Sealer of Weights and Measures of the county certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.
- H. If food, ice cream, fish, produce, beverages and other edible products to be consumed by the public are to be vended, sold or conveyed, a certificate or report from a physician licensed to practice medicine in this state that the applicant is free from communicable disease must be submitted. If assistants are to be used, such a certificate shall be submitted for each assistant.
- I. The length of time for which the applicant desires the license.
- J. The names, addresses and ages of any assistants who may be employed by the applicant pursuant to § 307-23 of this chapter.
- K. Such other information as may be required by the City Clerk.

**§ 307-8. Time period for application; investigation by Police Department.**

No person shall engage in peddling or soliciting as defined by this Code within the City until at least two business days shall have elapsed after the above-mentioned verified application to procure a license is submitted by the applicant and filed by the City Clerk. The Clerk shall send a copy of said application to the Detective Division of the Binghamton Police Department for investigation. Said Department shall report its findings, if any, to the City Clerk within the above-mentioned time period.

**§ 307-9. Issuance of license.**

- A. Upon receipt of the findings of the Detective Division as provided in § 307-8, the City Clerk shall, except as set forth below, issue to the applicant a license as required by § 307-3, signed by the City Clerk or the Deputy City Clerk.
- B. Except as herein provided, no license shall be refused except for a specific written reason and for the protection of the public safety, health, morals or general welfare.
- C. 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.

**§ 307-10. Appeal from denial of license.**

- A. Any applicant refused a license by the City Clerk may apply in writing to the Mayor for a hearing on his or her application before a hearing officer designated by the Mayor. The Mayor may, in his or her discretion, designate a City officer as permanent hearing officer for appeals under this section, or he or she may make such designations on an individual basis.
- B. Said hearing must be held within five business days of the receipt of the request by the Mayor.
- C. The hearing officer shall explain his or her denial or approval of the application in writing to the City Clerk and the applicant within five business days of the hearing.

- D. If the hearing officer grants the application, the City Clerk shall issue the license pursuant to § 307-9 of this chapter.

**§ 307-11. Contents of license.**

All licenses issued pursuant to this article shall state clearly the following information:

- A. The name and address of the licensee and the fee paid for the license.
- B. The kind of goods, wares and merchandise to be sold or service to be rendered.
- C. The kind of vehicle, if any, to be used in the conduct of the business.
- D. The number of the license and, if any, the vehicle plates issued pursuant to § 307-21A of this article.
- E. The dates of issuance and expiration of the license.

**§ 307-12. Expiration of license.**

All licenses issued under the provisions of this article shall automatically expire on December 31 following the date of issuance of such licenses.

**§ 307-13. Records of licenses.**

It shall be the duty of the City Clerk to keep a record of all applications and of all licenses granted under the provisions of this article, giving the number and date of each license, the name and residence of the persons licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

**§ 307-14. Revocation of license.**

- A. The Mayor may revoke a license issued under the provisions of this article for any of the following causes:
  - (1) Fraud, misrepresentation or false statement contained in the application for license.
  - (2) Fraud, misrepresentation or false statement made in the course of carrying on the business licensed under this Code.
  - (3) Any violation of this article.
  - (4) Conviction of any crime or misdemeanor involving moral turpitude.
  - (5) Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

B. When a license shall be revoked, no refund of any unearned portion of the license fee shall be made. The Mayor shall notify the City Clerk of the revocation of any license; and the reason or reasons therefor in writing shall be served by the City Clerk upon the person named in the application for the license, or by mailing the same to the address given in the application. A copy of such notice shall be filed in the office of the City Clerk.

**§ 307-15. License to be carried and exhibited upon demand.**

Every person to whom a license has been granted hereunder, while exercising his or her license, shall carry the license with him or her and shall exhibit the same upon demand.

**§ 307-16. Assignment of license prohibited.**

A license issued under the provisions of this article shall not be assignable. Any holder of such 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 violation of this article.

**§ 307-17. License not to be issued to minor.**

No license to be issued under the provisions of this article shall be granted to a person under 18 years of age.

**§ 307-18. Issuance of duplicate license.**

Whenever a license issued hereunder shall be lost or destroyed on the part of the holder, his or her agent or employee, a duplicate in lieu thereof under the original application may be issued by the City 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.

**§ 307-19. Application when license has been refused or revoked.**

No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least six months shall have elapsed since the last previous rejection or revocation unless he or she can show that the reason for such rejection no longer exists.

**§ 307-20. Vehicle plates; fee.**

- A. To be provided; transfer, assignment prohibited. The City Clerk shall supply vehicle plates to licensed peddlers and solicitors. Such plates shall not be transferred or assigned.
- B. Display; contents. The vehicle plates shall be prominently displayed by every licensee of a vehicle. Such vehicle plates shall state the character and number of the license and the date of expiration. The display of the vehicle plates are hereby made a condition of every license to which such plates apply; and failure by the licensee to display the vehicle plates, as aforesaid, while in the exercise of his or her license, shall be cause for the revocation of such license.
- C. Fee. A charge in an amount as set from time to time by resolution of the City Council shall be made by the City Clerk for such vehicle plates (See Exhibit J).

**§ 307-21. Name and address of licensee to be printed on vehicle.**

Every vehicle used by a licensed peddler or solicitor in or about his or her business shall have the name of the licensee and his or her address plainly, distinctly and legibly painted in letters and figures in a conspicuous place on each side of every such vehicle; and such name and address shall be kept so painted plainly and distinctly at all times while such vehicle is in use during the continuance of the license.

**§ 307-22. Employment of assistant.**

One license shall entitle the licensee to employ two persons, and no more, to assist in carrying on the business for which the license is issued; but such person shall so act only while accompanying a licensed peddler or solicitor.

**§ 307-23. License to include right to use one vehicle.**

One license shall include the right to use only one vehicle in carrying on the business for which the person is licensed.

**§ 307-24. Restrictions on licensee. [Amended 6-27-1988 by Ord. No. 84-88]**

A licensed peddler or solicitor shall:

- A. Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- B. Keep the vehicle and receptacles used by him or her in clean and sanitary condition, and the sale or peddling of any foodstuffs and edibles shall be subject to the rules and regulations of the county health officer and the county sanitary code.
- C. Not 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.
- D. Not stand or permit the vehicle used by him or her to stand in any one place in any public place or street for more than 10 minutes. For the purposes of this section, a licensed peddler or solicitor shall at the end of said 10 minutes move at least 50 feet.
- E. Not 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.
- F. Not permit any vehicle used by him or her to stop or remain on any crosswalk.
- G. Conduct licensed activities only between the hours of 8:00 a.m. and 8:30 p.m. daily.
- H. Not 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 unless a permit for said activity has been duly procured.
- I. Not use the vehicle plates issued under § 307-20 after the expiration or revocation of the license represented by them.

**§ 307-25. 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, 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 of money is paid to the solicitor.

**§ 307-26. Penalties for offenses.**

Any person who himself or herself, or by his or her clerk, agent or employee, shall act as a peddler or solicitor as herein defined, without a license, or who shall violate any of the provisions of this article, or who, having had his or her license revoked, shall continue to act as a peddler or solicitor shall, upon conviction, be punished as provided in § 1-4 of this Code.

**§ 307-27. Registration with Detective Division of Police Bureau.**

- A. It shall be unlawful for any person, or any nonprofit corporation or organization or its members, whether subject to these license provisions or not, to go from place to place or house to house, or to stand in any street or public place, for the purpose of peddling, soliciting or seeking charitable contributions without first having registered with the Detective Division of the Police Bureau.
- B. Registration with the Detective Division of the Police Bureau shall consist of the following:
  - (1) The name of each person to be peddling, soliciting or seeking contributions as described in this article;
  - (2) The address of each person;

- (3) If a nonprofit corporation or organization is represented, the name of that corporation or organization, and the address of its principal office;
- (4) The beginning and ending date of each act as described in this section;
- (5) Production of license (if applicable).

**§ 307-28. Prohibited locations.**

- A. Peddling and soliciting are forbidden in the area bound by the north side of Court Street, east side of Exchange Street, and north bank of Susquehanna River and the east bank of the Chenango River during the following periods of time: commencing three hours prior to the time during and one hour following all events held at the building commonly known as the "Broome County Arena."
- B. The license of any peddler or solicitor engaged in the pursuit of said vocation during the above-mentioned times in said area is subject to immediate revocation and the forfeiture of any license fee.

**ARTICLE III, Stationary Pushcart Vendors [Adopted 5-18-1982 by Ord. No. 58-82 (Ch. 12, §§ 12-200 through 12-207, of the 1970 Code)]**

**§ 307-29. Pushcarts permitted. [Amended 4-4-2005 by Ord. No. 05-17]**

Notwithstanding any contrary provisions of this Code, the City Clerk is authorized to issue no more than six annual permits for the operation of stationary pushcarts in the City of Binghamton.

**§ 307-30. Applicability of peddler provisions.**

Pushcart operators are deemed to be peddlers for the purposes of Article II of this chapter.

- A. Except as specifically set forth in this article, all regulations applicable to peddlers as set forth in Article II of this chapter shall be applicable to persons issued pushcart permits hereunder.
- B. A valid peddler's license for the current year issued by the City Clerk shall be in force prior to the issuance of any permit hereunder.

**§ 307-31. Permit fee. [Amended 5-1-2000 by Ord. No. 00-42; 4-4-2005 by Ord. No. 05-17]**

- A. In addition to the fee set forth at § 307-5 to obtain a peddler's license, the annual fee for a permit issued under this article shall be in an amount as set from time to time by resolution of the City Council (See Exhibit J).
- B. All permitted pushcart vendors will be allowed to utilize one table, with a maximum of four chairs at this table, at each pushcart location, and shall pay a fee as set from time to time per table to the office of the City Clerk prior to said utilization (See Exhibit J).

**§ 307-32. Application for permit.**

Any person desiring to obtain a permit as herein provided shall file with the City Clerk a verified application upon a form provided by the City. Such application shall provide the following information:

- A. A copy of the verified application form for a peddler's license required by § 307-7 of this Code.
- B. A copy of a current City of Binghamton peddler's license issued under Article II of this chapter.
- C. Verified certification of compliance by the appropriate officer of the Broome County Health Department that the applicant is in compliance with all applicable food vending regulations. This subsection does not apply if the applicant verifies that food products will not be sold from the cart.

D. Insurance.

- (1) The applicant shall agree to give a public liability policy or protective liability policy to indemnify the City of Binghamton from any and all claims or causes of action arising out of the activity permitted. Said liability policy must be in force prior to the final issuance of any permit. Said policy shall name the City as a party insured, and the policy shall be in a uniform amount to be determined by the City on an annual basis upon consultation with the City's insurance broker of record.
- (2) No permit shall be issued without the production of proof of insurance by the applicant in a form acceptable to the Corporation Counsel. Accordingly, all permit approvals are contingent upon the applicant's actual compliance with this subsection.

**§ 307-33. Procedure for permit issuance. [Amended 4-1-1991 by Ord. No. 32-91; 5-4-1992 by Ord. No. 32-92; 4-4-2005 by Ord No. 05-17]**

- A. All persons wishing to obtain a permit as a stationary pushcart vendor shall make an application pursuant to the procedures set forth in Subsection B below. However, should more than six applicants appear on that date, the determination as to which six applicants shall be granted a license shall be determined by lottery. However, upon consultation with the Corporation Counsel, a potential vendor chosen in the lottery may be denied a license for valid reasons as set forth in § 307-7 and § 307-9. However, a previous permit holder with satisfactory performance records will be given priority in requesting and obtaining a permit for the location held by that permit holder under the prior year's permit. If any of the locations as set forth in this article are vacant (in that there is no existing permit holder from the prior year), that location shall be filled by means of a lottery. The vacated locations will be assigned by lot to an eligible permit holder chosen based upon the lottery procedure set forth above. If there are still available locations following the assignment of renewal permits to previous permit holders, and following a lottery of all new applicants applying on the first day applications are accepted, applicants may choose a site desired in order of the earliest date of receipt of application.
- B. Beginning with the year 2006, applications for permits shall be made in person by the applicant in the office of the City Clerk on the second Monday in February of each license year. The City Clerk shall establish a procedure for the public distribution of applications prior to the date set forth above.
- C. In no event shall applications be received by the Clerk prior to 9:00 a.m. on the second Monday in February of each license year nor after 4:00 p.m. on the second Monday in March of each license year.
- D. All applications shall be reviewed and investigated pursuant to the regulations set forth under Article II of this chapter.

**§ 307-34. Types of goods; areas of operation. [Amended 8-15-1988 by Ord. No. 100-88; 4-1-1991 by Ord. No. 32-91; 2-2-1998 by Ord. No. 98-12; 10-21-2002 by Ord. No. 02-121]**

- A. Types of goods. Permit holders hereunder shall be entitled to vend food items and nonalcoholic beverages for human consumption and/or cut flowers.
- B. Areas of operation. Permit holders shall operate their vending carts only in the following areas:
  - (1) City parks. Vending within City parks shall be permitted, provided that the free flow of pedestrian and vehicular traffic is not obstructed. Carts shall not be allowed in City parks

when fund-raising activities by nonprofit organizations take place (duly licensed under this Code) which involve the selling of food and refreshment items. It shall be the duty of the Director of Recreation to notify all permit holders when such events are scheduled to take place.

- (2) Downtown Binghamton areas. The following rectangular spaces shall be marked and numbered by painting the number of the space on the sidewalk by the Public Works Department. The Department of Public Works will work with the Planning Department and make reasonable efforts not to locate these spaces within 100 feet of a business dealing in the same type of goods. [Amended 4-4-2005 by Ord. No. 05-17]
  - (a) Space 1: on the south side of Court Street at the Chenango River along the River Promenade behind No. 2 Court Street.
  - (b) Space 2: along the north side of Main Street between Front Street and Oak Street.
  - (c) Space 3: on the northeast corner of the intersection of Washington Street and Court Street.
  - (d) Space 4: on Collier Street between Court Street and Hawley Street.
  - (e) Space 5: on the east side of Exchange Street between Court Street and Hawley Street.
  - (f) Space 6: on the west side of State Street between Henry Street and Lewis Street.
- (3) After the determination of the six vendors to be granted stationary pushcart licenses pursuant to § 307-33, the determination as to which vendor shall have the use of each of the six designated spaces set forth in Subsection B(2) shall also be determined by lottery. [Amended 4-4-2005 by Ord. No. 05-17]

**§ 307-35. Additional regulations. [Amended 4-4-2005 by Ord. No. 05-17]**

In addition to those regulations generally applicable to peddler's licenses as set forth at Article II of this chapter which are not in conflict with the specific provisions of this article, the following regulations are applicable:

- A. All permits issued hereunder shall be valid for a period of one year, expiring at 12:00 midnight of the second Monday of March.
- B. All inventory shall be kept within the cart and out of the public view.
- C. The area surrounding the carts shall be kept clear of trash, debris, snow and ice and the vendor shall provide a garbage can for the use of his or her customers and shall properly dispose of all trash collected in that receptacle. Proper disposal of all trash so collected shall not include disposal of the trash by placing it in the public trash receptacles provided by the City of Binghamton.
- D. No animals shall be kept by the vendor near the stand.
- E. Parking meters, utility poles, sign poles or property other than the cart operated by the permit holder shall not be used by the permit holder for any purpose, including advertising.
- F. Vending shall be permitted only between the hours of 9:00 a.m. and 9:00 p.m.
- G. Carts shall be removed at the end of each business day.
- H. Carts shall not obstruct free public passage on sidewalks or malls.

- I. No carts shall exceed the total height of 50 inches, including all accessories, except an umbrella. Total dimensions of carts shall not exceed three feet by seven feet. The longest dimension shall at all times be parallel to the curbline when said cart is operated on a sidewalk.

**§ 307-36. Reservation of rights.**

The City of Binghamton reserves the right to amend this article at any time by adding or eliminating spaces for vending as may be required in the interest of the public health, safety and welfare.