

## Chapter 78

## PEDDLERS AND SOLICITORS

- § 78-1. Title.
- § 78-2. License required.
- § 78-3. Exemptions.
- § 78-4. Application for license.
- § 78-5. Verification procedure.
- § 78-6. Issuance of license.
- § 78-7. Denial by Town Clerk.
- § 78-8. Bond.
- § 78-9. Fee.
- § 78-10. Restrictions.
- § 78-11. Penalties for offenses.
- § 78-12. Limitation on number of magazine-sale permits.

[HISTORY: Adopted by the Town Board of the Town of Pound Ridge 2-13-69 as L.L. No. 2-1969. Section 78-11 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

- § 78-1. Title.

This chapter shall be known and may be cited as the "Peddlers' Law of the Town of Pound Ridge."

- § 78-2. License required.

It shall be unlawful for any person within the limits of the Town of Pound Ridge to solicit subscriptions or purchase orders for

future delivery of any goods, wares or merchandise, including magazines or other printed matter, either as principal or agent, whether alone or in combination with groups or teams of persons conducting like activity, from door to door or in any street or highway within the Town of Pound Ridge or by telephone to residents of the Town of Pound Ridge, whether on foot or by use of vehicular or other transportation, without having first obtained and paid for and having in full force and effect a license therefor, to be issued as herein provided.

### § 78-3. Exemptions.

The provisions of this chapter shall not be applicable to persons soliciting, selling or distributing newspapers for home delivery and shall not be applicable where the solicitation or sale of an article is conducted under the sponsorship or direction of a nonprofit institution or organization where the profit on sales of articles is intended for, or to be applied to, an authorized fundraising program of such nonprofit organization, or a branch, chapter, post, unit, troop, lodge or similar subgroup of such organization in furtherance of the nonprofit objectives of such organization.

### § 78-4. Application for license.

Any solicitor, peddler, hawker or seller shall make application to the Town Clerk of the Town of Pound Ridge for a license to peddle or solicit orders, which such license shall be known as a "peddler's license," and the applicant shall complete, under oath, an application form to be provided by the Town Clerk, which said application shall contain the following information:

- A. The name, home address and local address of the applicant.
- B. A physical description of the applicant setting forth age, height, weight and color of hair and eyes.
- C. The name and address of the person, firm or corporation for whom orders are to be solicited (i.e. the sales group or agency) and of the person, firm or corporation by whom the

goods, wares, merchandise or publications are manufactured or published, as the case may be.

- D. The nature and description of the goods, wares, merchandise or publications for which the orders are to be solicited.
- E. A statement as to whether the applicant has been arrested of any crime or misdemeanor; the conviction or other disposition thereof; the date and nature of such crime or misdemeanor; and the name and location of the court where such record is on file and may be verified.
- F. The number and kind of vehicles to be driven by the applicant or in which the applicant will be transported in the solicitation, peddling or canvassing; the registration data for each such vehicle; and the license data as to all operators of such vehicles.
- G. If peddling or soliciting as a team, group or other organized party under single leadership or sponsorship, all personal information hereinabove required of a solicitor shall be supplied as to the leader or person in charge of such group.
- H. A statement as to the period for which the license is requested.
- I. A fingerprint record duly authenticated by a municipal, county or state law enforcement agency authorized by law to prepare such charts or records and to take and record such fingerprints.
- J. A clear recent photograph (in duplicate) of the applicant (head and upper shoulders only) two by two (2 x 2) inches in size.

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§ 78-5. Verification procedure.

The Town Clerk shall transmit the completed application, including fingerprint chart and photographs, to a local, county or state police agency for verification of the moral character of the applicant and for investigation as to the truth and accuracy of all statements contained in said application and for investigation of

the sales group, publishing firm, distributor or manufacturer by whom any such applicant may be engaged or hired as solicitor or representative. Said application shall not be further entertained by the Town Clerk until the police investigating agency designated by him or her shall have had sufficient time to satisfactorily complete the investigation of applicant and until the report of such agency has been received by the Town Clerk.

§ 78-6. Issuance of license.

Upon completion of the investigation procedure set forth in § 78-5 above, the Town Clerk may issue a license, valid only for the period of time specified therein, to the applicant upon payment by the applicant of the fee established herein, which fee is hereby declared to be compensation to the town for the issuance, printing expenses, recording, investigation and enforcement procedures of this chapter. If such license shall be issued by the Town Clerk, credentials in the form of a license under the Seal of the Town Clerk shall be issued to the applicant setting forth the applicant's name and address, name of employer or firm represented, nature of goods, wares, merchandise or publications to be solicited, the effective period during which the license shall be valid and information as to the physical characteristics of the applicant sufficient for identification. Said license shall also contain the signature of the applicant and a duplicate of the photograph of the applicant. Said license shall also contain information as to the identity of the vehicle used by the applicant or in which the applicant is transported.

§ 78-7. Denial by Town Clerk.

The Town Clerk may deny an application and refuse a permit in the event of an unsatisfactory police report or if it shall appear from the application that the applicant is not a person of good moral character or if the applicant refuses to complete the application in all respects. No license shall be given to any person previously convicted of a violation of this chapter or the Town of Pound Ridge Peddlers' Ordinance of December 2, 1957. A false statement contained in any application shall be mandatory grounds for the rejection of such application by the Town Clerk.

## § 78-8. Bond.

An application for a license shall be accompanied by a bond to the Town of Pound Ridge, approved as to form and surety by the Town Attorney, in the penal sum of three hundred dollars (\$300.), conditioned upon due compliance during the period of such license with the terms and conditions of this chapter, all codes and ordinances of the Town of Pound Ridge and all laws and statutes of the State of New York, including but not limited to the Vehicle and Traffic Law, General Business Law and the Penal Law. The Town Clerk is authorized to accept a cash deposit in lieu of the aforesaid bond. The bond shall remain in full force and effect for a period of ninety (90) days after the expiration of any such license, and any cash deposit made in lieu of bond shall be retained by the Supervisor of the town for a like period to allow for the processing of claims or complaints relating to the activities of any licensed peddler.

## § 78-9. Fee. [Amended 5-2-1991 by LL No. 2-1991]

A fee shall be collected and paid to the Town Clerk in the sum as set forth in the Schedule of Fees<sup>1</sup> for each individual application at the time such application is filed. The license fee shall not be refundable to a person whose application shall be rejected for cause.

*add<sup>d</sup> as noted in Paragraph 78-4 Sect II, a fee will be charged for inspection*

## § 78-10. Restrictions.

- A. A license issued hereunder shall be nontransferable.
- B. The holder of any license must have the same in his possession at all times while soliciting orders and shall exhibit the same at all times upon request of any person, property owner or occupant, prospective customer, peace officer, Building Inspector or Town Clerk.
- C. All licensed peddlers shall, at all times, behave in an orderly and lawful manner and shall immediately depart the premises of a householder, property owner or occupant or prospective customer upon being ordered to do so. Failure to remove from said premises upon such demand shall

<sup>1</sup> Editor's Note: The Schedule of Fees is on file in the office of the Town Clerk.

subject the holder of such license to immediate revocation of the license; and, upon the complaint of any prospective customer, householder or property owner, the license holder shall be liable to such prosecution for trespass, disorderly conduct and offenses of like tenor under the Penal Law of the State of New York.

- D. No noisemaking devices or signs or banners to attract public attention shall be permitted.
- E. All parking and traffic regulations imposed by the Town of Pound Ridge or the County of Westchester or the State of New York shall be observed, and vehicles shall not be parked to block or restrict access to and from any road or private drive and shall be forthwith removed from private driveways upon request.
- F. Any person licensed hereunder shall give a written receipt to the customer for all orders taken in the Town of Pound Ridge, which receipt shall set forth the solicitor's representative capacity or title, the name of the principal for whom the order is taken, a brief description of the material or items ordered, the promised delivery date, the total purchase price thereof, the terms of payment and deferred payments as required by the laws of New York and an acknowledgment of receipt of down payment if taken by the person holding such license.
- G. Licensed peddling or soliciting shall be undertaken only between the hours of 10:00 a.m. and 5:00 p.m., and such license shall not be valid for use by the holder on Saturdays, Sundays or holidays.

§ 78-11. Penalties for offenses. [Amended 1-10-1985 by L.L. No. 1-1985]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment for a term not exceeding fifteen (15) days, or by

both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

§ 78-12. Limitation on number of magazine-sale permits.

A group or team of magazine-subscription solicitors shall be defined as a group under the same direction, leadership or control or employed by the same sales agency, distributor or publisher. Only two (2) permits a year shall be issued to such groups. Until two (2) such group permits have been issued, individual unaffiliated solicitors may continue to apply for individual personal permits. When two (2) group permits have been issued in any calendar year, no further magazine subscription permits to individuals or groups shall be issued.

§78-13 "Do Not Knock" Registry

- A. Any owner or occupant of property located in the Town who wishes to prohibit soliciting on the premises shall complete a form available in the Town Clerk's office and on the Town's website. The completion of the form will allow the owner/occupant's premises to be included on a list of properties that do not permit solicitation (herein referred to as the "Do Not Knock Registry" or "Registry").
- B. In order to be removed from the Registry, the owner and/or occupant must complete a form indicating that he/she does not want his/her property to be included on the Registry.
- C. All solicitors shall obtain the current Do Not Knock Registry at the time of issuance of a permit or at the time of registration to solicit pursuant to the provisions of this Chapter.
- D. Solicitors shall not solicit at any premises identified on the then current Do Not Knock Registry.
- E. It shall be the responsibility of the solicitor to check each residence for the presence of such signage and to obtain updated copies of the Registry.
- F. Activities related to a service requested by the owner or occupant of the property and undertaken in the ordinary course of business, including but not limited to deliveries of utility notices, telephone directory deliveries, regular newspaper deliveries, work order notices and service inquiries, are presumed to be requested or invited for the purpose of this Section.
- G. Nothing in this Section shall be construed to prohibit the distribution of leaflets, pamphlets or other literature such as commercial, political or religious material distributed in a lawful manner.

§78-14      Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder thereof.