

A LOCAL LAW to amend Chapter 219 of the
Code of the Town of Yorktown entitled
“PEDDLING AND SOLICITING”

Be it enacted by the Town Board of the Town
of Yorktown as follows:

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II.

Section 219-2 of the Code of the Town of Yorktown is hereby replaced with the following language:

§ 219-2. Definitions.

For the purposes of this chapter, certain words used herein are defined as follows:

CANVASSER — Any person who, by going from house to house or place of business to place of business or any combination thereof, predominantly seeks contributions, fundraisers, petitions, solicits membership, disseminates information or conducts activities which would not be characteristic of a peddler or solicitor.

COMPANY — Any association of individuals, partnerships, firms, corporations, societies or any other organization.

ESTABLISHED PLACE OF BUSINESS — A building, store or depository in which or where the person transacts business and deals in goods, wares, merchandise or services in the ordinary and regular course of business.

HANDBILL — Any printed or written matter, any sample or device, or any other printed or otherwise reproduced original or copies of any matter or literature, including but not limited to circular, leaflet, pamphlet, paper, or booklet.

PEDDLER — Any person who, in any street or public place or by going from house to house or from place to place, or any combination thereof, on foot or from any vehicle, sells or barter or offers for sale or barter or carries or displays for sale or barter any goods, wares, merchandise or services. For the purposes of this chapter, the entity which engages a person as their agent for the purposes of peddling is also considered a "peddler," within the meaning of this section, and is subject to all provisions herein.

PERSON — Any individual, including veterans of the armed forces of the United States, firm, co-

partnership, corporation, company, association or joint-stock association, church, religious sect, religious denomination, society, organizations or league, and includes any trustee, receiver, assignee, agent or other representative thereof.

PUBLIC PLACE — Any street, sidewalk, alley or other public way and public park, square, space or grounds or any publicly owned or leased land or buildings.

SOLICITOR — Any person, either principal or agent, traveling either by foot or by any conveyance from place to place, from house to house, from street to street or any combination thereof, who takes or offers to take orders for the sale of any goods, wares or merchandise, for present or future delivery, or for the performance of future services, whether or not he collects advance payments for such sale or service. For the purposes of this chapter, the entity which engages a person or their agent for the purpose of soliciting, is also considered a solicitor within the meaning of this section and is subject to all provisions herein.

STATE HIGHWAY — Highways within the Town of Yorktown classified as state highways pursuant to Highway Law §3, Subdivision 1, and/or designated as such on the Official Highway Map of the New York State Department of Transportation showing the location of state highways.

STATIONARY LOCATION — Includes any point or distance within 0.3 of a mile in all directions of a stationary location.

VEHICLE — Any motor vehicle as defined in the Vehicle and Traffic Law of New York.

VEND — To peddle, hawk, sell, barter or lease, or to offer to sell, barter or lease, or to display for sale, barter or lease any goods, wares, merchandise or services in a public place.

Section 219-3 of the Code of the Town of Yorktown is hereby replaced with the following language:

§ 219-3. License required.

It is prohibited to engage in trading, hawking, peddling, soliciting or making a sale by sample and taking orders for future delivery of goods, produce, wares, books, magazines and periodicals or merchandise of any description, in or upon the public highways or public places of the town or upon private property, by calls from house to house, without obtaining a license as herein provided.

A license must be obtained by each individual who peddles or solicits, regardless of whether or not he or she is affiliated with a company, firm, partnership, corporation, unincorporated association or is a principal or agent thereof of any entity which engages a person as their agent for the purposes of peddling and or soliciting.

§219-4(E). Exemptions

E. Any child 18 years of age or under who resides within the Town of Yorktown and who

solicits or peddles on behalf of a charitable, religious, athletic, social, educational or civic organization, including but not limited to Scouting America or clubs, classes or organizations sponsored by a public or private school.

Section 219-5(B) of the Code of the Town of Yorktown is hereby replaced with the following language:

- B. Such application shall be accompanied by three photographs of the applicant, 1 1/4 inches by 1 1/2 inches in size, taken within 30 days prior to the date of filing of the application, full face on a white background. All applicants must be fingerprinted by a third-party agency under contract with the New York State Division of Criminal Justice Services [DCJS]. Applicants shall be responsible for the fingerprinting fee, the processing fee, and all other associated fingerprinting fees. The third-party agency will then submit the fingerprints to the DCJS for a criminal background investigation.

The Town of Yorktown Police Chief and/or his or her designee shall be responsible for reviewing the criminal history record information (CHRI) disseminated by DCJS. All applicants are responsible for ensuring that their background check and any CHRI, including but not limited to any information provided by DCJS, is provided to and reviewed by the Police Chief and/or his or her designee prior to any application being determined by the Town Clerk.

Section 219-7(A)(4) of the Code of the Town of Yorktown is hereby replaced with the following language:

Any person or vehicle peddling or soliciting from one to five days at an event in the town will be required to obtain an Event Permit License from the Town Clerk before the event takes place.

Section 219-11(3) of the Code of the Town of Yorktown is hereby replaced with the following language:

Two photographs of each registrant, 1 1/4 inches by 1 1/2 in size, taken within 30 days prior to the date of filing of the registration, full face on a white background.

Section 219-12(A)(1) of the Code of the Town of Yorktown is hereby replaced with the following language:

Enter upon private or public property for the purpose of soliciting, peddling or canvassing before the hour of 10:00 a.m. or after the hour of 7.00 p.m., Monday through Sunday. In the case of motor vehicles selling food, the hours of operation shall be extended from 9:00 a.m. to 9:00 p.m. June 15 through September 15. There shall be no house-to-house soliciting or peddling on Sundays, except upon the express invitation of the householder or occupant.

Chapter 219 of the Code of the Town of Yorktown is hereby amended by adding the following new section 219-18:

§ 219-18. Do-Not-Knock Registry.

Any owner or occupant of residential property located in the Town of Yorktown who wishes to prohibit soliciting and peddling 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 soliciting or peddling (herein referred to as the "Do-Not-Knock Registry" or "Registry").

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.

Any owner and/or occupant who has requested enlistment on the Do-Not-Knock Registry, pursuant to this chapter, shall be able to purchase from the Town, for a nominal fee, a sticker or sign for display indicating enlistment on the Do-Not-Knock Registry.

All solicitors and peddlers 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.

Solicitors and peddlers shall not solicit or peddle at any premises identified on the current Do-Not-Knock Registry.

It shall be the responsibility of the solicitor and peddler to check each residence for the presence of such signage and to obtain updated copies of the registry.

Solicitation in connection with political, educational, charitable, religious or other non-commercial purposes shall not be subject to the provisions of this section regarding the Do-Not-Knock Registry.

It shall constitute a violation of this chapter punishable under §219-10 for any registered peddler or solicitor to go upon any property or premises for the purpose of engaging in soliciting or peddling where the property or premises is included on the Do-Not-Knock Registry.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed to the extent of such inconsistency.

Section V. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.