

SOLICITORS AND PEDDLERS

SECTION 1. Definitions.

- (a)Charitable—patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal.
- (b)Clerk—the municipal clerk
- (c)Contributions—aims, money, subscription, property or any donations. (d)Peddler—any person who goes upon the premises of any private residence, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This includes any person who solicits orders and as a separate transaction makes deliveries to purchasers.
- (e)Peddling—all activities described under paragraph (d) of this Section. (t)Person—a person or any firm, corporation, association, club, society or organization.
- (g)Solicitor—any person who goes upon the premises of any private residence, not having been invited by the occupant thereof, for the purpose taking or attempting to take orders for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This includes any person who, without invitation, goes upon private property, to request contribution of Rinds or anything of value, or sell goods or services for political, charitable, religious, or other non-commercial purposes.
- (h)Solicitation—all activities described under paragraph (g) of this Section.

SECTION 2. Permit Requirements and Exemptions.

It shall be unlawful for any person to engage in peddling or solicitation activities within this municipality without first obtaining a permit issued by the Clerk; provided, however, that the following are exempt from the provisions of this Section:

- (a)Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;
- (b)Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
- (c)Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person; or
- (d)Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.
- (e)Any solicitation for the benefit of any charitable organization as defined in Section 1(a).

SECTION 3. Permit for Sponsoring Juvenile Peddlers.

- (a)No person under the age of eighteen (18) shall be permitted to engage in peddling except as provided in this Section.
- (b)A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one (1) or more persons, including juveniles, peddling under the sponsor's permit.
- (c)The sponsor shall be responsible for supervising and controlling the conduct of all persons,

including juveniles, peddling under the sponsor's permit.

(d)The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual.

The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting.

SECTION 4. Permit Application

Every person subject to the provisions of this local law shall file with the Clerk an application in writing on a form to be furnished by the Clerk, which shall provide the following information:

(a)Proof of age, address and identification of the applicant;

(b)A brief description of the business or activity to be conducted;

(c)The dates, hours and location for which the right to peddle or solicit is desired;

(d)If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;

(e)A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or local law violation, the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

(f)Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this local law; and

(g)Two (2) photographs of the applicant which shall have been taken within sixty (60) days immediately prior to the date of filing of the application. The photographs shall measure not less than 2 inches by 3 inches and show the head and shoulders of the applicant in clear and distinguishing manner.

SECTION 5. Fees.

(a)At the time the application is filed with the Clerk, the applicant shall pay a fee to cover the cost of processing the application and investigating the facts stated therein. The cost of the permit shall be \$10.00 for each day or date listed in the application for each solicitor or peddler.

(b)This provision shall not apply to persons soliciting orders for goods to be shipped into the state, or otherwise involved in interstate commerce.

SECTION 6. Bond.

All solicitors requiring cash deposits or taking orders for cash on delivery purchases (C.O.D.) or who require a contract of agreement to finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future, shall furnish to the Clerk a bond in the amount of \$25,000.00.

SECTION 7. Application Review and Permit Issuance,

(a) Upon receipt of an application, the Clerk shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.

(b) If the Clerk finds the application to be satisfactory, the Clerk shall approve the application and shall, upon payment of the prescribed fee, deliver the required permit to the applicant.

(c) The permit shall show the name, address and photograph of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

SECTION 8. Denial of Permit.

(a) Upon the Clerk's review of the application, the Clerk may refuse to issue a permit to the applicant under this Local law for any of the following reasons:

(1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;

(2) An investigation reveals that the applicant falsified information on the application;

(3) The applicant has been convicted of a felony, misdemeanor or local law violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five (5) years preceding the date of application;

(4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

(5) The applicant offers no proof of authority to serve as an agent; or

(6) The applicant has been denied a permit under this local law within the immediate past year, unless the applicant can and does show to the satisfaction of the Clerk that the reasons for such earlier denial no longer exist.

(b) The Clerk's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

SECTION 9 Permit Expiration.

All permits issued under the provisions of this local law shall expire thirty (30) days from the date of issuance, unless an earlier expiration date is noted on the permit.

SECTION 10. Identification Badges.

At the same time the permit is issued, the Clerk shall issue to each permittee a badge, which shall be worn by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the municipality.

SECTION 11. Permit Exhibition.

Every person required to obtain a permit under the provisions of this local law shall exhibit the permit when requested to do so by any prospective customer or individual.

SECTION 12. Transfer Prohibited.

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this local law.

SECTION 13. Entry Upon Signed Premises Unlawful.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the municipality where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.

SECTION 14. Hours of Solicitation.

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on any doors or otherwise disturb persons in their residences between the hours of 3:00 p.m. and 6:00 p.m. and 8:00 p.m. and 10:00 a.m., but no later than dusk, whichever is earlier.

SECTION 15. Permit Revocation.

Any permit issued under this local law may be revoked or suspended by the Clerk, after notice and hearing, for any of the following reasons:

- (a) Fraud, misrepresentation or false statement contained in the application for a permit;
- (b) Fraud, misrepresentation or false statement made by the permittee in the course of conducting~' solicitation or peddling activities;
- (c) Conducting peddling or solicitation activities contrary to the provisions in the permit;
- (d) Conviction for any crime involving moral turpitude; or
- (e) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of die peace or endanger the health, safety or general welfare of the public.
- (f) Discovery of any ground for denial of a permit under Section 8, after the permit has been issued.

SECTION 16. Notice and Hearing.

Notice of a hearing for revocation of a permit issued under this local law shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee, or shall be personally served upon the permittee, if such permittee is still within the local region.

SECTION 17, Appeals.

- (a) Any person aggrieved by the action or decision of the Clerk to deny, suspend or revoke a permit applied for under the provisions of this local law shall have the right to appeal such action or decision to the mayor within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address, or upon personal service as allowed in Section 16.
- (b) An appeal shall be taken by filing with the Clerk a written statement setting forth the grounds for appeal.
- (c) The Clerk shall transmit the written statement to the mayor within ten (10) days of its receipt and the Mayor shall set a time and place for a hearing on the appeal.
- (d) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.
- (e) Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- (f) The decision of the Mayor on the appeal shall be final and binding on all parties concerned.

SECTION 18. Violations and Penalty.

- (a) Violation of any of the provisions of this local law shall be treated as an infraction, and shall, upon conviction, be punishable by a fine up to One Hundred Dollars per day up to a maximum of One Thousand Dollars (\$1,00000) or as otherwise set forth in the municipality or any individual may pursue any available civil remedies deemed appropriate and necessary.

SECTION 19. Severability.

The provisions of this local law are declared to be severable. If any section, sentence, clause, or phrase of the Local law shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Local law, but they shall remain in effect; it being the legislative intent that this Local law shall remain in effect notwithstanding the validity of any part.