

RVC 1802

A local law to amend the Code of the Village of Rockville Centre, in relation to peddling, soliciting and canvassing.

Section one. Articles I and II of Chapter 250 of the Code of the Village of Rockville Centre is hereby REPEALED, and new Article of Chapter 250 is enacted, to read as follows:

“Chapter 250. Peddling, Soliciting and Canvassing

Article I. Soliciting and Canvassing Licenses; Limitations

§ 250-1. License required for commercial solicitation; application; restrictions.

A. License required; unlawful practices.

(1) Public property. It shall be unlawful for any person or entity to offer, hawk, vend, peddle or solicit orders for the purchase or sale of goods, wares, merchandise or other commercial commodities or services on public property in the Village without the permission of the Board of Trustees.

(2) Private property. It shall be unlawful for any person or entity to offer, hawk, vend, peddle or solicit orders for the purchase or sale of goods, wares, merchandise or other commercial commodities or to perform work, labor or services on private property, or by going from door to door to perform any such activity on private property, in the Village. Notwithstanding the foregoing, such activities may be conducted on private property in the Village if such activity is conducted wholly within the boundaries of such property with the consent of the owner of such property, and such business is conducted solely with the owner and occupants of the property and their lawful guests, and is otherwise lawful.

(3) It shall be unlawful for any person or entity to employ any trick or device, or by any false or misleading statement or representation, to obtain or attempt to obtain admission to the property of any person or entity in the Village or to obtain or attempt to obtain the consent or permission of the owner or occupant of any premises within the Village to enter in or upon the same for the purpose of soliciting subscriptions for any book, publication, paper, magazine or periodical, or to solicit orders for, sell or offer for sale any item of merchandise, or for the purpose of seeking employment or for the purpose of soliciting orders for work, labor or services to be performed within or without the Village, or to obtain any license or permission required by this article.

B. Application procedure; fee; issuance of commercial solicitation license.

(1) An application for a license required by this section shall be in writing, and shall contain the following information:

(a) Names and addresses of the persons, organization, society, association, company or corporation seeking such permission.

(b) Purpose for which the license is sought.

(c) Whether or not any commissions, fees, wages or emoluments are to be expended, paid or provided in connection with such activity.

(d) The dates and times upon which the hawking, vending, peddling or soliciting of orders for the purchase or sale of goods or wares, merchandise or other commodities will be conducted, and the locations where such activities are proposed to take place.

(e) Such other information as the officer or Board with authority to approve the application may require.

(2) All applications must be accompanied by a processing fee as determined by the Board of Trustees from time to time by resolution.

(3) Within a reasonable time after receiving such application with all required information, the Board of Trustees shall grant or deny such application within a reasonable period of time.

(4) The Board of Trustees may deny such application, or impose conditions in the approval of an application, as may be consistent with the public health, safety and general welfare, or to protect the health or safety of the residents of the Village.

(5) Any license or approval granted pursuant to this section with respect to private property shall be subject to the following restrictions:

(a) All hawking, vending, peddling or soliciting orders for the purchase or sale of goods or wares, merchandise or other commodities must be conducted between the hours of 9:00 a.m. and 1/2 hour after sunset, except that the Board of Trustees may, in appropriate cases, permit such activities at other and different times.

(b) Such license shall be effective for a period to be established by the Board of Trustees.

(6) Any consent or approval granted with respect to public property shall be subject to such restrictions as may be imposed by the Board of Trustees in granting such consent or approval.

C. This section shall not be construed to prohibit any commercial solicitation or sale of any goods or merchandise which is permitted pursuant to State law to be conducted on public or private property by any veteran, disabled person or producer of farm products, and any such activity shall be permitted upon issuance of a license for the same by the Mayor. The application for such license, and the approval or denial thereof by the Mayor, shall be conducted in the same manner as provided herein for licenses to be issued by the Board of Trustees, and with respect to any such licenses the Mayor shall have the powers and duties otherwise provided herein for the Board of Trustees.

§ 250-2. License required for noncommercial solicitation or canvassing; application; restrictions.

A. Public property. It shall be unlawful for any person or entity to proselytize or canvass or to distribute handbills, pamphlets or other written material, or to solicit donations or contributions of money or property or financial assistance of any kind, on any public property in the Village without the consent of the Board of Trustees.

B. Private property. It shall be unlawful for any person or entity to proselytize or canvass, or distribute handbills, pamphlets or other written material, or solicit donations or contributions of money or property or financial assistance of any kind, on any private property in the Village without a license previously issued by the Mayor pursuant to this section or, with or without such license, to enter upon the premises of any Village resident who has noted objection to such entry or purpose and whose address has been provided to such person or entity, or its agents or representatives, pursuant to § 250-4. .

C. It shall be unlawful for any person or entity to employ any trick or device, or by any false or misleading statement or representation, to obtain or attempt to obtain a license, or to obtain or attempt to obtain admission to the property of any person or entity in the Village or to obtain or attempt to obtain the consent or permission of the owner or occupant of any premises within the Village to perform any act on such property which would require a license or the consent of the owner or occupant of such property pursuant to this section, or to obtain any license or permission pursuant to this article.

D. Applications to the Mayor for a consent pursuant to this section shall be in writing, and shall contain such information as is required by this section, and such other information as the Mayor may require. An application to the Mayor for a license or consent as provided for in this section shall be in writing, filed with the Village Administrator, and shall contain at a minimum the following information:

(1) The full legal name and status of the entity, and the names and addresses of the officers and directors of the entity, seeking such license or consent.

(2) The purpose for which the license is sought.

(3) The dates and times for which permission is sought, and the locations where the activity is proposed to be conducted at each such date and time.

(4) The tax exempt status, if any, of any entity so applying, and a copy of the applicant's federal tax exempt status recognition letter.

(5) Whether any commissions, fees, wages or emoluments are to be paid or expended in connection with such activity.

(6) Whether any persons under the age of 18 years will be engaged in such activity and, if so, the names and addresses of such persons and the written consent of the parent or legal guardian of each such person.

(7) Whether such entity previously has been denied permission to conduct the same or similar activity in any other jurisdiction and, if so, a copy of such denial.

(8) An acknowledgment that the applicant is familiar with, and agrees to conform to, the provisions of §250-4 of this Code, and has received a copy of the list of residents who decline to allow soliciting at their residences for any one or more purposes.

(9) Such other information as the Mayor may require.

E. All applications pursuant to this section must be accompanied by a processing fee as determined from time to time by resolution of the Board of Trustees.

F. Upon receiving such application with all required information, and the payment of any processing fee, the licensing officer or board shall promptly determine whether to grant or deny such application.

(1) With respect to an application to the Board of Trustees for such activities public property, the Board of Trustees shall have discretion whether to permit such activity, and to impose reasonable conditions in the case of any approval.

(2) With respect to applications to the Mayor for such activities on private property, if the Mayor determines that granting the application will be inconsistent with the public health or safety, or will create or exacerbate any dangerous condition, or will permit an activity not consistent with a tax-exempt purpose, or that the application is for an activity which is not entitled to the protection of the First Amendment to the United States Constitution or the Constitution of the State of New York, the licensing officer or board shall deny such application. Otherwise, the Mayor shall grant any application from a bona fide applicant who has complied with the above provisions. Any license granted by the Mayor shall include and be subject to the following restrictions:

(a) All activity must be conducted between the hours of 9:00 a.m. and 1/2 hour after sunset, unless the Mayor grants permission, in writing, to conduct such activity at other times.

(b) Any licensee shall not have more than four individuals engaged in the licensed activity within the Village at any one time without the prior written permission of the Mayor.

(c) If persons under the age of 18 years will be engaged in the activity, such persons shall at all times be under the direct and close supervision of an adult.

(d) The license shall be effective for a period not to exceed twenty (20) calendar days from the date of issuance, unless the Mayor determines otherwise for good cause shown. Nothing in this section shall prohibit a person from obtaining successive licenses for the same or similar activity.

G. All persons conducting any activity licensed under this section shall at all times while doing so carry and prominently display an identification card issued by the licensee, which identification card shall plainly show the name of the person conducting the activity, a photograph of such person, and the name and address and contact information of the licensee on whose behalf such activity is being conducted. Such identification card shall be displayed upon the request of any person to whom any licensed activity is directed, and any person requesting such display shall be permitted to copy or otherwise record such information.

H. No person conducting any activity pursuant to this section or any license issued pursuant to this section shall enter upon the premises of any owner or occupant who has expressed a desire in writing not to be visited, canvassed, proselytized or solicited, or whose address has been provided pursuant to §250-4. Each entry onto such premises by any person in violation of this paragraph shall constitute an offense, and each such violation shall be punishable as a separate offense.

§ 250-3. Suspension or revocation of license; appeals.

A. Any and all licenses, approvals or consents granted pursuant to this article may be suspended by the Mayor for cause and without notice, and may be revoked by the Board of Trustees after notice and an opportunity to be heard, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for the license.

(2) Violation of any of the restrictions imposed on the issuance of such license on the conduct of any activity so licensed, or any of the provisions of this article.

(3) Activity which is deemed to be dangerous or otherwise inimical to the public safety and welfare.

B. Any person aggrieved by a determination by the Mayor to suspend a license, approval or consent pursuant to this section may appeal to the Board of Trustees in writing within five business days after notice of such suspension. The Board of Trustees shall hear and determine such appeal within 30 business days after the receipt of notice of such appeal, and the person filing such appeal shall have the right to notice of the date and time when such appeal will be heard and the right to be heard with respect to such appeal.

§250-4. Activity prohibited at listed properties.

The Village Administrator shall maintain a list of residents within the Village who have expressed in writing a desire not to be visited at their premises or property by any person, organization, society, association, company or corporation or its agents or representatives for the purpose of proselytizing, canvassing or distributing handbills, pamphlets or other written material or soliciting donations or contributions of money or property or financial assistance of any kind or any particular kind. Upon the issuance of any license hereunder, the Village Administrator shall provide the licensee with a copy of the then-current list of such Village residents who have expressed in writing a desire not to have any one or more person, organization, society, association, company or corporation or its agents or representatives enter upon their property or to have such activities performed on their premises or property. By applying for a license pursuant to this section, each licensee shall be deemed to have agreed not to conduct any licensed activity at any premises or property so enumerated in the list provided by the Village. No person acting under the authority of any license issued pursuant to this section shall enter upon any premises or property on such list without the express written permission of the owner or the person in charge of such premises or property. Each entry upon any premises or property by any person in violation of the provisions of this paragraph shall constitute an unlawful trespass, and shall be punishable as a separate offense. .

§ 250-5. Penalties for offenses.

Any person or entity found to have violated any provision of this article shall be guilty of an offense, and shall be subject to a fine in an amount to be set by the court not less than \$250 nor more than \$750 for each such violation. In the case of a violation of §250-2(h) of this article, each visit to each premises registered pursuant to this article shall

constitute a separate violation for each person making such visit. Notwithstanding the foregoing, such fine shall be in an amount not less than \$500 nor more than \$1,000 for each violation found to have occurred within one year of a previous violation by the same person or entity, and such fine shall be in an amount not less than \$750 for each violation found to have occurred within two years of a previous violation by the same person or entity.”

Section two. Severability. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. The Board of Trustees of the Village of Rockville Centre hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section three. Pending Matters Not Affected. This Local Law shall not affect or impair any act done or right accruing, accrued or acquired, liability, penalty, forfeiture or punishment incurred or owing, or levy or assessment made, imposed or owing, prior to the time such amendment takes effect, but the same may be enjoyed, asserted, collected, enforced, prosecuted or inflicted as fully and to the same extent as if such amendment had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of the Rockville Centre Village Code, or any other law, ordinance, resolution or regulation, and pending immediately prior to the taking effect of such amendment, may be prosecuted and defended to final effect in the same manner as they might if this law were not so enacted.

Section four. Repealer. All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section five. Effective Date. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.