

Chapter 128

PEDDLING AND SOLICITING

- § 126-1. Legislative Intent
- § 126-2. Definitions,
- § 126-3. Registration required,
- § 126-4. Exemptions,
- § 126-5. Information required with **application.**
- § 126-6. Individual registration required,
- § 116-f. **Registration** certificate,
- § 126-8. Display of **re«fetration** certificate.
- § 126-8. **Eevocaflon el** registration certificate,
- | 126-10. Trmaifer of registration certificate,
- | 126-11, Prohibitions.
- | 126-12. Eeffetratlon fees,
- § 126-13. Appeals.
- § 126-14. Penalties tor offenses,

[**HISTORY; Adopted** by the Town Board of the Town of Shawangunk 8-21-80 as L.L. No. 2-1S80, **Amendments** noted where applicable.]

| 126-1. Legislative intent.

The purpose of this chapter shall **be to preserve the public ptesee and good order in** the Town of Shawangunk **and to contribute to the public welfare and good** order of its people by enforcing **certain reg-**

ulations and restrictions on canvassers and solicitors in order to prevent fraud, crime and unethical and dishonest business practices within the Town of Shawangunk.

§ 126-2. Definitions.

As used m this chapter, the following: terms shall have the meanings

indicated:

**CANVASSER or SOLICITOR** — Includes itinerant vendors of merchandise who shall go from door to door or place to place in this town selling, causing to be sold, offering for sale or taking orders for present or future delivery of merchandise of any description whatever. For the purpose of this chapter, a "canvasser" or "solicitor" shall also be deemed to be one who is not in the business of selling goods but who makes surveys for research purposes, analysis, opinion polls, rating data and any other work which of its nature involves a door-to-door or place-to-place activity and shall include persons going from door to door or place to place for the purpose of soliciting contributions or donations for any person or organization.

**MERCHANDISE** — Includes magazines, periodicals, books and orders or contracts for a service, home improvement or alterations.

§ 126-3, Registration required.

No person shall canvass, solicit or call from door to door or place to place in the Town of Shawangunk without first registering with the Town Clerk.

§ 126-4. Exemptions.

A, Nothing herein contained shall require the licensing- of honorably discharged soldiers, sailors or marines of the military and naval services of the United States who have obtained a

12602

**I 126-4                    PEDDLING AND SOLICITING                    8**  
**126-5**

**license from the County Clerk in connection with § 32 of the Central Business Law, except that they shall be required to comply with § 126-11 and confine activities to the hours between 9:00 a.m. and 5:00 p.m.**

**B. This chapter shall not apply to sales by any member of the Bay Scouts of America, Girl Scouts of America or similar town-based youth organizations; school group church; fraternal organizations; a duly organized volunteer ambulance or fire company or district or an auxiliary thereof; or other bona fide charity who is acting on behalf of said organization, group, company, district or corporation where the organization shall have provided notice to the Town Clerk at least five (5) days before the first activity on its behalf with the dates of the activity and the name and address of the person in charge,**

**C, Political activity shall be exempt from the terms of this**

**§ 128-5, Information required with application.**

Each registrant shall, at the time of registering, file with the Town Clerk, on a form to be provided by the Town of Shawaitfunk, an application in writing, which shall give the following information and be signed and affirmed by the applicant under the penalties of perjury:

- A. Name, age and physical description of *the* applicant
- E. Complete permanent home and local address of the applicant and telephone number at such address,
- C. Name and address of the organization or person for whom solicitation is being made and telephone number at such
- D, Description of the nature of the business and the goods, services or wares to be sold and sufficient Information to determine the business he is to transact.

12603

§ 126-5                      SHAWANGUNK CODE                      § 126-  
8

- E, The days, dates and route of his business or solicitation in the Town of Shawaiigtmk, which, unless special permission is granted by the Town Clerk, shall be between the hours of i a.ra, and 5:00 p.tn.
- P. A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or disorderly conduct offense and where and when so convicted, the nature of the offense and the penalty, if any,
- G. The make, model, year, color and license plate number of automobiles -used by the applicant during the period of solicitation in the town and the number of his driver's license and the state of issuance.

| 126-6, Individual registration required.

A separate registration must be made for every solicitor, agent or employee conducting business or soliciting: within the town limits.

| 126-7. **Registration certificate.**

Each registrant, apou being so registered, shall be issued a registration certificate by the Town Clerk, upon which shall be impressed the Official Seal of the Town of Shawangunk and the period for which said certificate shall be valid, but in RO event to exceed thirty (30) calendar days from the date of issuance,

| 126-8. Display of registration certificate.

Each registrant shall carry the registration certificate at all times when conducting business in the town and shall exhibit it to any citizen or town official upon request. At the conclusion of the period for which the registration certificate was issued, said registration certificate shall be returned to the Town Clerk,

12604

§ 126-9                    PEDDLING AND SOLICITING                    § 12641

| 126-9. Revocation of registration certificate.

The Town Clerk may, at any time for a violation of this chapter or any other ordinance or any law, revoke any registration certificate. When a registration certificate is revoked, no refund of any portion of the registration fee shall be made. Notice of such revocation and the reason therefor shall be in writing and shall be served by the Town Clerk upon the person named in the application or by mailing the same to the address given in the application. A copy of the revocation order shall be part of the Town Clerk's records.

§ 126-10, Transfer of registration certificate.

No registration certificate issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.

I 126-11, Prohibitions,

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations:

- A. Shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale,
- B. Shall not blow a horn, ring a bell or use any other noisy device to attract public attention to his wares, Or shout or cry out his wares.
- C. Shall not stand or permit the vehicle used by him to stand *in* any public place or street for more than ten (10) minutes, or in front of any premises for any time if the owner or lessee of
- D, Shall not create or maintain any booth or other obstruction upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise,
- E. Shall not sell any merchandise within two hundred fifty (250) feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days.

- F. No person subject to the terms of this chapter shall enter or attempt to enter the house or apartment of any resident in the town without an express invitation from the occupant of the house or apartment.
- G. No person subject to the terms of this chapter shall conduct himself in such a manner as to annoy or harass any person while soliciting within the town.

§ 126-12, **Registration** fees.

The fee for each registration certificate shall be ten dollars (\$10.). AH persons involved in the canvass or solicitation must obtain his or her individual certificate.

§ 126-13, Appeals.

In the event that an application for canvassing<sup>1</sup> or soliciting is incomplete, it shall be disapproved and be returned to the applicant for completion. The applicant may appeal to the Town Board of the Town of Shawangunk, which shall set a time and place for & hearing, which hearing shall be held within fifteen (15) days after a request for an appeal has been filed with the Town Clerk and at which hearing the applicant will be given an opportunity to present his reasons why the registration certificate should be issued. The decision of the Town Board is final.

§ 128-14. Penalties for offerees.

Any person violating the terms of this chapter, whether as an individual, principal or agent or employee or another, shall, upon conviction in the Justice Court of the Town of Shawangunk, be subject to fine not to exceed two hundred fifty dollars (\$250.) or to imprisonment for a term not exceeding fifteen (15) days, or both, in the discretion of the Justice Court