

Chapter 100

PEDDLING AND SOLICITING

[HISTORY: Adopted by the Town Board of the Town of Conklin at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Parks — See Ch. 97.

Vehicles and traffic — See Ch. 128.

Zoning — See Ch. 140.

§ 100-1. Terms defined.

For the purposes of this chapter, the following words and phrases used herein are defined as follows:

CHARITABLE ORGANIZATION

- A. Any benevolent, philanthropic, patriotic, not-for-profit, educational, religious or eleemosynary group, association or corporation which qualifies or could qualify as a tax exempt organization under Section 501 of the Internal Revenue Code.
- B. A fire company which is organized for the prevention and extinguishment of fires.

CONTRIBUTION — The promise or grant of any money, credit, property, financial assistance or any other thing of value, including payments for literature in excess its fair market value.

NEWSPAPER — A paper that is distributed and contains news, articles of opinion and advertising. This definition includes pennysavers and community newspapers.

PEDDLER — Any person, either principal or agent, who, in any public street, road or highway whether publicly or privately owned, goes from place to place or house to house and delivers or distributes advertising matter, literature, pamphlets, samples or handbills or sells or offers for sale, barter or exchange any goods, wares, food products, merchandise, service or any other article or thing whatsoever, either in his possession or not in his possession, either for immediate or for future delivery. [Amended 11-9-1999 by L.L. No. 2-1999]

PERSON — A natural person, corporation, partnership, association, joint-stock company, society or any other entity of any kind.

PLACE TO PLACE — The phrase "place to place" shall mean that the peddler or solicitor must be mobile and is permitted to remain on any tax map parcel within the town for a maximum of 15 minutes during any single day, unless otherwise permitted by the town.

RESIDENTIAL PREMISES — A house, apartment, condominium, cooperative or mobile home which is used as a dwelling place or domicile by the occupant.

SOLICITOR — Any person, either principal or agent, who, in any public street, road or highway

whether publicly or privately owned, goes from place to place or house to house and requests or accepts a contribution. [Amended 11-9-1999 by L.L. No. 2-1999]

SOLICITOR OR PEDDLER FOR A CHARITABLE ORGANIZATION — A person who solicits contributions or acts as a peddler on behalf of a charitable organization.

§ 100-2. Permit required.

A peddler or solicitor acting as such within the Town of Conklin shall first obtain a permit as provided in this chapter.

§ 100-3. Application for permit.

- A. A permit under this section shall only be issued to a natural person. Each natural person desiring a permit shall submit an application. An application to act as a peddler or solicitor in the form prescribed by the Town of Conklin shall be submitted to the Town Clerk for review and action and shall contain the following information:
- (1) The name, home address and local address, if any, of the applicant.
 - (2) A physical description of the applicant, setting forth the applicant's age, height, weight and color of hair and eyes, which is to be used for identification purposes only.
 - (3) The name and address of the person, firm or corporation for whom or through whom orders are to be solicited or cleared.
 - (4) The nature of the goods, wares or merchandise for which orders are to be solicited.
 - (5) Honorably discharged members of the armed forces shall also state the county from which they secured their license, pursuant to the General Business Law, together with the date and number of such license.
 - (6) A statement as to whether the applicant has been arrested or convicted of any crime or misdemeanor and, if so, the date, location and nature of said incident.
 - (7) A statement as to the period during which the applicant intends to solicit orders.
 - (8) Such other information as the Town of Conklin shall reasonably require.
- B. The applicant, at the time of executing such application, shall also submit identification, reasonably satisfactory to the Town of Conklin, which shall contain a sample of the applicant's signature and a photo identification.
- C. Following the submission of an application for a permit as required by this chapter, the Town of Conklin shall approve or disapprove the application within 14 days of receipt. Any application denied shall specify the reason. Such reason must relate to the protection of the public safety, health, morals or general welfare of the residents of the town. The Town of Conklin may deny any application by any person who shall have been convicted of any crime or of any violation of this chapter or who, upon investigation, is not found to be a person of good moral character and reputation.

§ 100-4. Revocation of permit.

Such permit shall be revoked automatically upon conviction of a crime or violation of this chapter and is subject to cancellation or suspension by the Town of Conklin if the permittee shall be found not to be a person of good moral character and reputation.

§ 100-5. Fee.

The fee per person for a peddler's or solicitor's permit shall be as provided by resolution of the Town Board.

§ 100-6. Expiration of permit.

Permits issued pursuant to this chapter shall expire 30 days from the date of its issuance, unless the permit contains a later expiration period.

§ 100-7. Age restriction on permittees.

No permit shall be issued under this chapter to any person under the age of 18 years. However, persons under the age of 18 may act as solicitors or peddlers for a charitable organization.

§ 100-8. Transferability.

No permit shall be transferable from one person to another.

§ 100-9. Provisions applicable to veterans.

Honorably discharged members of the Armed Forces of the United States who obtain a license pursuant to the provisions of § 32 of the General Business Law shall, in addition thereto, file a further application with the Town of Conklin for the issuance of a local permit. The application for such local permit shall state the veteran's name, residence at the time of the application, nature of goods to be sold and, if the applicant is working on a commission or percentage basis for any person, firm or corporation, the name and business address of such person, firm or corporation. This application shall be signed by the applicant, and the name on this application and the original certificate of honorable discharge shall be compared to ascertain if the person so applying is the same person named in the original certificate of honorable discharge. The Town of Conklin, when satisfied, shall issue to such former member of the Armed Forces of the United States a permit, without charge, certifying him to be entitled to the benefits of this chapter. An applicant who is issued a permit under this subsection must still comply with all other provisions of this chapter; provided, however, that nothing in this chapter shall prevent or in any manner interfere with the soliciting or peddling without the use of any but a hand-driven vehicle in any street, avenue, alley or lane of the town by any honorably discharged member of the Armed Forces of the United States who is disabled as a result of injuries received while in the service of said Armed Forces and who is the holder of a license granted pursuant to § 32 of the General Business Law.

§ 100-10. Hours.

Within the Town of Conklin, soliciting or peddling shall be prohibited between the hours of 8:00

p.m. and 9:00 a.m.

§ 100-11. Exemptions.

Except as otherwise provided herein, the following transactions shall be exempt from the provisions of this chapter:

- A. Peddling or soliciting for a charitable organization. Such peddlers or solicitors shall be subject to the provisions of this chapter limiting the hours during which peddling or soliciting can occur.
- B. Peddling or soliciting by a political party or a political candidate. Such peddlers or solicitors shall be subject to the provisions of this chapter limiting the hours during which peddling or soliciting can occur.
- C. The peddling of milk or farm produce by farmers who produce such commodities.
- D. Peddlers or solicitors when peddling or soliciting at nonresidential premises located in the commercial, industrial and economic development district zones of the Town of Conklin or who have had the prior approval of the Town of Conklin Town Board, Planning Board or Zoning Board of Appeals.
- E. The delivery of food, goods, wares, merchandise, magazines, periodicals, produce, services or other commodities previously ordered by the occupant of the premises to which the same is delivered or on which the services are to be performed.
- F. The delivery of newspapers.
- G. The delivery of advertising matter, literature, pamphlets, samples or handbills by representatives of the United States government or the government of the State of New York or some political subdivision thereof carrying out its regular duties.

§ 100-12. Reports from permittees.

The Town of Conklin may require reports from any permittee hereunder at any time and at such intervals as, in its discretion, it may deem necessary for the protection for the public welfare.

§ 100-13. Permit required for temporary structure.

No person shall sell or offer for sale, barter or exchange any goods, wares, merchandise, magazines, periodicals, produce, service or any other article or thing whatsoever from a temporary structure, unless that person has obtained approval for such temporary structure from the Town of Conklin. These permits must be displayed at all times in a conspicuous place outside of such place or structure.

§ 100-14. Peddling from vacant property prohibited. [Amended 11-9-1999 by L.L. No. 2-1999]

No person shall sell or offer for sale, barter or exchange any goods, wares, merchandise, magazines, periodicals, produce, service or any other article or thing whatsoever, except newspapers from a coin-operated vending machine, from any vacant property, whether publicly or privately owned, located in the Town of Conklin, unless that person has obtained approval for

such actions from the Town of Conklin Planning Board. The Town Planning Board can disapprove of such actions based on the protection of the public safety, health, morals and general welfare of the town.

§ 100-15. Notice prohibiting peddlers and solicitors.

- A. An owner or occupant of a residential premises located in the Town of Conklin may post a notice as hereinafter set forth prohibiting peddlers and solicitors. The notice shall be placed in a conspicuous place adjacent to the main entrance door so as to be plainly visible to a peddler or solicitor calling at the premises.
- B. It shall be the duty of every solicitor or peddler, upon going onto private property, to first determine whether a notice prohibiting peddlers and solicitors is posted.
- C. If the notice states "peddlers or solicitors are prohibited" or words of similar import, then the solicitor or peddler shall immediately and peacefully depart from the premises without delivering or leaving advertising matter, literature, pamphlets, samples or handbills or ringing the doorbell or otherwise disturbing the occupant.
- D. Any solicitor or peddler who has entered upon private property, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

§ 100-16. Penalties for offenses.

- A. Any violation by a person, firm or corporation of any provision of this chapter shall be deemed a violation punishable by a fine not to exceed \$250 and/or imprisonment for not more than 15 days for each separate offense.
- B. Each day that a violation of this chapter is committed or permitted to exist shall constitute a separate offense.