

LOCAL LAW NO. 4- 2017
LOCAL LAW TO REGULATE SOLICITORS
AND TO ESTABLISH A DO NOT KNOCK REGISTRY
IN AND FOR THE UNINCORPORATED TOWN OF EASTCHESTER
To be known as the "Solicitor Permit and Do Not Knock Registry Law"

ARTICLE I

APPLICABILITY and REVOCATION OF PRIOR ORDINANCES OR INCONSISTENT LOCAL LAWS

This local law shall apply to the territory of the Town of Eastchester outside of the incorporated villages situated in said Town and is hereinafter defined as "The Town of Eastchester" and shall Repeal upon the effective date of this Local Law, Town of Eastchester Ordinance No. 21 Adopted July 2, 1941, amended December 14, 1962, and Local Law No. 7 – 2006 amended on November 21, 2006 and this Local Law shall take the place and stead of said Ordinance.

ARTICLE II
DEFINITIONS

Licensee: Any person holding a Solicitors licensed/permit issued by the Town Clerk of the Town of Eastchester. A corporation, LLC, PLLC or any other form of corporate entity or partnership shall not be permitted to obtain a License, only persons.

Town of Eastchester (the "Town"): The unincorporated areas of the Town of Eastchester not including the villages of Tuckahoe and Bronxville.

Soliciting: The soliciting upon private residential property in the Town of Eastchester for the purpose of vending, peddling or soliciting purchase orders for any merchandise, device, book, periodical or printed matter whatsoever; or for services to be performed in the future; or for the purpose of conducting any consumer or other surveys; or for soliciting alms; or for a subscription or contribution to any church, charitable or public institution; or for the purpose of distributing any handbill, pamphlet, tract, notice or advertising matter; or for the purpose of selling or distributing any ticket of chance. The act of offering anything not already regulated or forbidden by Federal State or local law for sale in a vehicle such as a food vending truck.

Solicitor: Any person soliciting.

Solicitors License/Permit: A permit required to engage in Soliciting in accordance with this law.

CHARITABLE ORGANIZATION: An organization which has received a letter of determination approving tax exempt status under title 26 of the United States Code Section 501(c)(3).

DO NOT KNOCK REGISTRY: A list of residential addresses in the Unincorporated Town of Eastchester, organized alphabetically by street name, indicating those residential properties where the owner or occupant has indicated they do not want to be solicited and do not want Solicitors to enter their property.

ARTICLE III
LICENSE REQUIRED AND FEES

Section 1a. No person shall Solicit in or upon any street, park or other public place, private property or door to door in the Town of Eastchester without first obtaining a license from the Town Clerk.

1b. All Applicants are required to pay a permit fee. Fees for such license shall be as set from time to time by the Town Board.

1c. No license shall be issued to any Solicitor who has been convicted of a Felony.

Section 2. Application for License.

2a. Each application for a license required by this article must be filed with the Town Clerk and must be accompanied by the required license fee. Such application shall be on a form provided by the Town Clerk and must be sworn to before a notary public and contain, among other things, the following information concerning the applicant: Applicant's full name, residence, place of residence for five (5) years previous to applicant's present address; date and place of birth, height, color of eyes and hair, length of time applicant has resided at said address; [whether a citizen of the United States and, if a naturalized citizen, the place and date of securing such citizenship; names and addresses of previous employers for the past 5 years]; list all criminal convictions; what, if any, licenses for peddling or soliciting issued by any state, municipality or other such authority have previously been held by applicant; all instances in which any such licenses may have been revoked or suspended and the details thereof; for Solicitors who intend to operate a vehicle to sell food or beverage the applicant must provide a valid NYS Drivers License and valid vehicle registration which the License will be attached to and only that License, Licensee and vehicle will be permitted to operate with said License, and any other information of similar nature that may reasonably be required.

2b. Fingerprints of Applicants.

Each applicant for a license shall be required to electronically submit their fingerprints to the New York State Division of Criminal Justice Service (DCJS). Upon receipt of the applicant's fingerprints DCJS will provide their response electronically to the Eastchester Police Department. No license shall be issued under provisions of this article until the Chief Of Police has filed their report with the Town Clerk, indicating the results of the investigation and submission of electronic fingerprints.

Section 3. Issuance of License.

3a. If the applicant satisfactorily meets the foregoing requirements for the issuance of a license required by this article the Town Clerk shall issue to the applicant a license.

3b. Every Licensee licensed in accordance with the provisions of this Local Law shall immediately post such license and keep the same posted while in force in a conspicuous place on their person.

3c. Each permit holder, under the provisions of this chapter, shall carry a copy of such permit and Identification at all times while engaged in soliciting and shall produce and exhibit the same at any such time upon demand therefor being made by any police officer of this town or by any citizen who resides in this town. A refusal to comply with the provisions of this section shall constitute presumptive evidence that the person, so refusing, is peddling or soliciting without having procured a license therefor pursuant to the requirements of this chapter, and such a refusal shall be deemed to be a violation of the provisions of this chapter.

Section 4. Do Not Knock Registry.

The Do Not Knock Registry shall be established and maintained by the Town Clerk's Office. Residents may submit their property address for inclusion on the list without charge to the Town Supervisor's Office or Town Clerk's Office, in writing or via the Do Not Knock Registry on the Eastchester website. An updated list will be provided to the Eastchester Police Department monthly.

Upon approval and issuance of a Town of Eastchester Soliciting Permit, each Solicitor shall be provided with a copy of the Do Not Knock Registry. It will be the responsibility of the permit holder to ensure each Solicitor has a copy of the Do Not Knock Registry. Solicitors or peddlers shall not solicit or peddle wares at any address on the Do Not Knock Registry.

ARTICLE IV
RESTRICTIONS and APPLICABILITY

Section 1a. No person soliciting shall make use of any horn, bell or other noise-making device to attract attention to; nor shall the licensee otherwise disturb the peace and quiet of any part of said Town of Eastchester in any manner whatsoever.

1b. Soliciting is hereby prohibited, except between the hours of 10:00 a.m. and 7:00 p.m. House to house soliciting is prohibited altogether on Sundays and Federal Holidays.

1c. A Licensee and or the Licensee's vehicle used for such purpose is strictly forbidden from (1) standing or remaining in any way within 500 feet of any grounds occupied by a school during school hours, or within one hour before or after school hours, or (2) within 100 feet of any street intersection where either of the intersecting streets is over 30 feet in width from curb to curb or within 50 feet of any other street intersection in said Town, or (3) in any one place or within 500 feet thereof, longer than 10 consecutive minutes, or (4) in front of any premises for any time if the owner or lessee thereof objects.

1d. No Licensee shall be permitted to sell food or beverages within 500 feet of a food or beverage establishment without permission from the Town Board.

1e. Food Vendors must obtain a permit from the Westchester County Department of Health if one is required to sell food or beverages.

1f. Alcoholic beverages of any kind are strictly forbidden to be sold or distributed in any way.

1g. A Solicitor shall not enter within the perimeter of any residential property included on the Do Not Knock Registry, or any residence where a "No Soliciting," "No Trespassing" or similar sign is posted at or near the entrance(s) to such a residence. No Solicitor shall solicit sales from a person situated within a residential property included on the Do Not Knock Registry from a street, sidewalk or other adjacent property.

1h. No Solicitor shall engage in abusive solicitation, including but not limited to:

1. Blocking or impeding the passage of the person solicited;
2. Repeating the solicitation after the person solicited has indicated his or her objection to the solicitation;
3. Threatening the person solicited with physical harm by word or gesture; and
4. Touching the solicited person without consent.

1i. Children soliciting under the age of 16 must be accompanied by a parent, guardian or an adult over the age of 21.

1j. With the exception of Article III, Section 1b., all permit requirements contained in this chapter shall also apply to solicitation by Charitable Organizations. Charitable organizations must apply to the Town Clerk to confirm the 501-C-3 status. Once 501-C-3 status has been confirmed by the Town Clerk and a permit application for each solicitor has been received, then a permit for each solicitor will be issued.

SECTION 2. NON TRANSFERABILITY OF LICENSE

Only the person who receives the license is permitted to operate within the Town of Eastchester and if the Licensee intends to sell food or beverage from a cart, mobile stand or vehicle, the

license must also include the vehicle registration so that the license shall only be used in connection with that cart, mobile stand or vehicle. The license is nontransferable.

Section 3. LICENSE REVOCATION

All licenses may be revoked by the Town Clerk of the Town of Eastchester at any time for disobedience of any law, ordinance or regulation and when such license is revoked or forfeited no refund of any unearned portion of the license fee shall be made.

Section 4 EXEMPTIONS FROM THIS LOCAL LAW.

4a This Local Law shall not apply to but an honorably discharged soldier, sailor or marine who is a cripple as a result of injuries received while in the military or naval service in the United States and who is the holder of a license issued pursuant to Section 32 of such General Business Law.

4b This Local Law shall not apply so as to unlawfully interfere with interstate commerce.

4c This Local Law shall not apply to political activity or any other type of public advocacy.

In the event a resident or property owner in the Town of Eastchester does not wish to be solicited for the permitted activities, they may place a sign stating NO SOLICITATIONS in an open and obvious location so as to give reasonable notice to the person soliciting that they are not to bother that business or resident.

ARTICLE V PENALTIES FOR VIOLATING THIS LOCAL LAW

Violation of this ordinance shall constitute disorderly conduct and any person violating the same shall be a disorderly person and shall also be liable for a penalty of not less than \$500.00 five hundred dollars and not more than \$5000.00 five thousand dollars for each such violation and shall forfeit such license.

ARTICLE VI SEVERABILITY

If any word, clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE VII SUPERSEDING OTHER LAWS

All ordinances or parts of ordinances or local laws or parts of local laws, or State laws which conflict with the provisions of this local law are hereby superseded and rendered temporarily null and void to the extent necessary to give this local law full force and effect, pursuant to Article 2, Section 10 of the New York State Municipal Home Rule Law.

ARTICLE VIII EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

LICENSE NO.: _____

DATE OF LICENSE: _____

DATE OF EXPIRATION: _____

**Town Of Eastchester
Westchester County, New York
PEDDLER'S LICENSE APPLICATION**

***A COPY OF YOUR DRIVER'S LICENSE AND VEHICLE'S
REGISTRATION MUST BE ATTACHED***

1. FULL NAME OF APPLICANT:

2. APPLICANT'S PRESENT RESIDENCE ADDRESS & LENGTH OF TIME LIVING THERE:

3. APPLICANT'S RESIDENT ADDRESS FOR THE FIVE YEARS PRIOR TO PRESENT ADDRESS:

4. DATE OF BIRTH:

4A. PLACE OF BIRTH:

5. HEIGHT:

6. COLOR OF HAIR:

7. COLOR OF EYES:

8. IS APPLICANT A CITIZEN OF USA? :

9. IF YOU ARE A NATURALIZED CITIZEN THEN PLEASE PROVIDE US WITH THE PLACE AND DATE YOU SECURED CITIZENSHIP:

10. NAMES AND ADDRESSES OF PREVIOUS EMPLOYERS. PLEASE COVER THE LAST FIVE YEARS:

11. HAVE YOU EVER BEEN CONVICTED OF A CRIME? _____ IF YOUR ANSWER IS YES, THEN PLEASE LIST THE NATURE AND DATES OF THESE CONVICTIONS:

12. LIST ALL PREVIOUSLY HELD LICENSES FOR HAWKING, VENDING, OR PEDDLING ISSUED BY ANY STATE, MUNICIPALITY, OR OTHER SUCH AUTHORITY:

13. LIST ALL CIRCUMSTANCES IN WHICH SUCH LICENSES HAVE BEEN REVOKED OR SUSPENDED, AND THE DETAILS THEREOF:

14. DESCRIBE THE NATURE OF HAWKING, VENDING, OR PEDDLING IN WHICH YOU, THE APPLICANT, INTEND TO PARTICIPATE:

APPLICANT SIGNATURE

POLICE DEPARTMENT APPROVAL _____ DATE: _____

TOWN CLERK'S APPROVAL _____ DATE: _____

Supervisor
ANTHONY S. COLAVITA



Council Members
LUIGI V. MARCOCCIA
GLENN D. BELLITTO
JOSEPH D. DOOLEY
THERESA V. NICHOLSON

TOWN OF EASTCHESTER
40 Mill Road, Eastchester, New York 10709
www.eastchester.org

Town Clerk
LINDA D. LAIRD

Receiver of Taxes
ROCCO N. CACCIOLA

Town Clerk's Office
LINDA D. LAIRD

(914) 771-3351
(914) 771-3366 FAX

townclerk@eastchester.org

September 13, 2017

TO: Town Board
FROM: Linda Laird
RE: Solicitor Permit Fee

The fee schedule for a 'Peddler's Permit' is set by the current Peddler's Law and is as follows:

- Three months or less (limited to one per calendar year) - \$500 per Solicitor
- Three to six months (limited to one per calendar year) - \$1,000 per Solicitor
- Six months to one year - \$2,500 per Solicitor

In amending the law, the fee schedule has been removed and replaced with the statement; 'Fees for such permit shall be as set from time to time by the Town Board.' Therefore, I request the Town Board adopt the following Solicitor Permit Fee Schedule:

- Three months or less (limited to one per calendar year) - \$500 per Solicitor
- Three to six months (limited to one per calendar year) - \$1,000 per Solicitor
- Six months to one year - \$2,500 per Solicitor