

## Chapter 170: PEDDLING AND SOLICITING

[HISTORY: Adopted by the Town Board of the Town of Lewisboro 7-11-1984 by L.L. No. 3-1984. Amendments noted where applicable.]

### § 170-1. Definitions.

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

CANVASS AND CANVASSER — Shall be considered synonymous with the terms "solicit" and "solicitor."

COMPANY — Any association of individuals, partnerships, firms, corporations, societies or any other organization.

MERCHANDISE, GOODS OR WARES — Includes all items or products intended to be sold and shall include labor or personal services to be rendered.

PEDDLE — To go from house to house, from store to store, from place to place or from street to street to sell and make immediate delivery or offer for sale and deliver any goods, wares, merchandise or provisions in possession of the seller at any place within the Town of Lewisboro other than from a fixed place of business.

PEDDLER — Any person or company who peddles, as herein defined. The words "peddler," "hawker" and "huckster" are considered synonymous terms.

PERSON — Only a natural person or an individual, whether a resident of the Town of Lewisboro or not.

SOLICIT — To go from house to house, from store to store, from place to place or from street to street, to sell or take orders for goods, wares, merchandise or provisions for future delivery, or for services to be performed at any place within the Town of Lewisboro or to distribute advertising matter.

SOLICITOR — Any person or company who solicits as herein defined.

### § 170-2. License required.

It shall be unlawful for any person or company to peddle or solicit within the Town of Lewisboro without having first obtained a valid license therefor as provided herein.

### § 170-3. Application for license.

An application for a license shall contain the following information:

- A. The name and a description of the applicant.
- B. The address of the applicant (local and legal).
- C. Fingerprints.
- D. A brief description of the nature of the business and the kind of goods or property to be peddled or solicited.
- E. Satisfactory proof of good character.
- F. A bond to the Town of Lewisboro approved as to form and surety by the Town Attorney in the penal sum of \$250.
- G. If employed by the owner of a licensed vehicle, the name and address of such employer, together with credentials establishing the exact relationship.
- H. If for a vehicle license, a description of the vehicle together with license number or other means of identification.
- I. If applicant is a company, name and address and title of officer of company upon whom process or other legal notice may be served.

### § 170-4. Investigation of applicant; approval of license.

- A. Upon receipt of such application, one copy shall be referred to the Lewisboro Police Department for such

investigation of the applicant to be made as it deems necessary for the protection of the public good.

- B. If such investigation should prove the applicant to have a police record, the Lewisboro Police Department shall attach to the application a copy of the applicant's police record and shall return the application to the Town Clerk, who shall notify the applicant that his application is disapproved and that no license will be issued on said application.
- C. If, as a result of such investigation of the applicant, no police record is found, the Lewisboro Police Department shall attach a statement to the application that it has no record of the applicant and shall return said application to the Town Clerk. Upon return of such application and approval by the Town Clerk and the payment of the prescribed license fee by the applicant, the Town Clerk shall prepare and deliver to the applicant his license and tag. Such license shall contain the seal of the Town and the signature of the issuing officer and shall show the name, address and photograph of the licensee; the kind of goods to be peddled or solicited thereunder, the amount of fee paid, the license number, the date of issuance and the date of expiration of such license, as well as the state license number or other identifying description of vehicles, if for a vehicular license.
- D. The Town Clerk shall keep a record of all licenses issued.

#### **§ 170-5. Fees.**

The following fees shall be paid, on application to the Town Clerk:

- A. For each person, corporation or company proposing to peddle or solicit, whether on foot or from a licensed vehicle, a permit fee of \$50.
- B. The annual fee herein provided for shall be assessed on a yearly basis, and all licenses shall be valid for a period of one year from date of issuance.

#### **§ 170-6. Issuance of permit replacement.**

- A. To each person, company or corporation licensed under this chapter, the Town Clerk shall issue a written permit which shall bear the words "peddler" or "solicitor," the number of the license and the calendar year for which the license is issued, in figures plainly discernible. Such permit shall be kept on the person of the licensee or, if a company or corporation, its employee or agent, during such time as said licensee is plying his trade.
- B. To each person licensed under this chapter who loses his permit issued by the Town Clerk, the Town Clerk shall issue a replacement, upon said person submitting an affidavit setting forth the facts surrounding the loss of said permit. The fee for a replacement permit shall be \$10.

#### **§ 170-7. Possession and display of license.**

Every peddler or solicitor licensed under this chapter shall have his license or registration certificate in his immediate possession at all times when peddling or soliciting and shall display the same upon demand of any person.

#### **§ 170-8. Nontransferability.**

No license, license plate or badge issued under the provisions of this chapter may be transferred from one person to another person or from one vehicle to another vehicle, nor shall the badge so issued be used or worn at any time by any other person than the one to whom it was issued.

#### **§ 170-9. Restriction on stationary locations.**

No peddler or solicitor shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate for longer than 10 minutes in any one location.

#### **§ 170-10. Prohibited acts.**

- A. It shall be unlawful for any person to engaged in peddling or soliciting before the hour of 9:00 a.m. of any day, or after sunset of any day or after the hour of 7:00 p.m. of any day, whichever occurs first.
- B. It shall be unlawful for any peddler or solicitor in plying his trade to enter upon any premises or property or to ring the bell or knock upon or enter any building whereon there is painted or otherwise affixed or displayed to public view any sign containing any or all of the following words: "No peddlers, no solicitors, no agents," or other wording, the purpose of which purports to prohibit peddling or soliciting on the premises.
- C. No peddler or solicitor shall peddle, vend or sell his goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property or Town parks.
- D. No solicitor shall solicit any business whatsoever at the scene of any accident within the Incorporated Town of Lewisboro.

#### **§ 170-11. Certification of scales and measures.**

If the applicant for a peddler's or solicitor's license uses scales or measures in his business, he shall also file with his application for a license a certificate issued by the Westchester County Sealer of Weights and Measures that his scales or measures have been tested and sealed.

#### **§ 170-12. Veterans' licenses.**

Any honorably discharged veteran of the armed services of the United States who has obtained a veteran's license from the Westchester County Clerk to hawk, peddle, vend or solicit trade, in pursuance of law, on the streets and highways of the Town of Lewisboro shall be exempt from the provisions of § 170-5 of this chapter. In lieu of a license as prescribed in § 170-BA of this chapter, the Town Clerk, upon approval of the veteran's application, will issue a badge and permit to said veteran to ply his trade in the Town of Lewisboro, subject to all other provisions of this chapter. Said permit will be stamped in ink on the face of the county license.

#### **§ 170-13. Exemptions.**

- A. Religious, charitable and not-for-profit organizations shall be exempt from the provisions of §§ 170-2, 170-3, 170-4, 170-5 and 170-6 of this chapter, provided that at least 10 days prior to entering the Town for soliciting, canvassing or selling purposes, the person or persons involved shall register with the Town Clerk, providing their identity and advising of the time and location within the Town of their proposed activity. The Town Clerk shall issue a registration certificate in lieu of a license and badge.
- B. The provisions of §§ 170-2 through 170-8, inclusive, of this chapter shall not apply to the peddling of fish, fruit or farm produce by persons who produce such commodities within the Town of Lewisboro. This exemption shall apply to natural persons and shall not be construed to include farmers or other persons who buy goods for resale, as well as selling their own produce, or to any helper or employee of such exempt person.

#### **§ 170-14. Persons engaged in interstate commerce.**

Any person or company who solicits orders for goods, wares, merchandise or provisions for future interstate delivery to any place in the Town of Lewisboro shall be exempt from the payment of any fees as set forth in § 170-5 of this chapter upon presentation of proper proof to the Town Clerk that said person or company is actually engaged in interstate commerce. If the Town Clerk shall determine that such person or company is actually engaged in interstate commerce and all other provisions of this chapter have been complied with, the Town Clerk shall issue a registration certificate in lieu of a license and a badge indicating that such person or company is properly registered hereunder. All of the provisions of this chapter shall apply to all such persons and companies registered pursuant to this section.

#### **§ 170-15. Private property.**

- A. No person shall enter upon private residential property in the Town of Lewisboro for the purpose of vending, peddling or soliciting orders for any merchandise, device, book, periodical or printed matter whatsoever, nor

for the purpose of conducting consumer or other surveys whatsoever, nor for the purpose of soliciting alms, or a subscription or contribution to any church charitable or public institution whatsoever, nor for the purpose of distributing any handbill, pamphlet, tract, notice or advertising matter, nor for the purpose of selling or distributing any ticket or chance whatsoever, without the consent of the occupant of said premises previously given.

- B. No part of § 170-15 shall be construed to apply to any person who has been a bona fide resident of the Town of Lewisboro for a period of at least six consecutive months last past, nor to any person who has maintained a place of business in the Town of Lewisboro for a period of at least six consecutive months prior thereto or his duly authorized representatives.
- C. This chapter is enacted pursuant to the police power of the Town of Lewisboro and in order to protect the citizens of the Town against crime and preserve the private property, peace and comfort of the occupants of private residences in the Town.

#### **§ 170-16. Enforcement.**

It shall be the duty of any police officer in the Town of Lewisboro to require any person seen peddling or soliciting and who is not known by such police officer to be duly licensed to produce his peddler's and solicitor's license and to enforce the provisions of this chapter against any person found to be violating the same.

#### **§ 170-17. Revocation of license.**

- A. Licenses issued under the provisions of this chapter may be revoked by the Town Clerk of the Town of Lewisboro after notice and hearing for any of the following causes:
  - (1) Fraud, misrepresentation or false statement contained in the application for license.
  - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler or solicitor.
  - (3) Any violation of this chapter.
  - (4) Conviction of any crime or misdemeanor involving moral turpitude.
  - (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of a hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.
- C. The Town Clerk, upon receiving information giving him reasonable cause to believe that the holder of any license issued hereunder has violated any provisions of this chapter or has been convicted of any violation referred to in this section, or indicted, charged with or for any crime or offense or has been convicted of any crime or offense, may forthwith temporarily suspend such license until a hearing is held by him as provided herein and the Town Clerk shall have issued his determination thereon.

#### **§ 170-18. Appeals.**

Any person aggrieved by the action of the Lewisboro Police Department or the Town Clerk in the denial of the application for a license as provided in § 170-4 of this chapter, or in the decision of the Town Clerk with reference to the revocation of a license as provided in § 170-17 of this chapter, shall have the right to appeal to the Town Board of the Town of Lewisboro. Such appeal shall be taken by filing, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of such appeal. The Town Board shall set a time and place for a hearing on such appeal, and notice of such hearing shall be mailed to the applicant at his last known address at least five days prior to the date set for the hearing. The decision and order of the Town Board on such appeal shall be final and conclusive.

#### **§ 170-19. Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not less than \$100, nor exceeding \$2,000 or by imprisonment for a term not exceeding 15 days, or by

both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.