

**INCORPORATED VILLAGE OF OLD WESTBURY
BOARD OF TRUSTEES**

LOCAL LAW NO. 8 OF 2019

**AMENDING CHAPTER 150, "PEDDLING AND
SOLICITING" OF THE CODE OF THE VILLAGE OF
OLD WESTBURY**

WHEREAS, the Board of Trustees has recommended the enactment of a local law amending Chapter 150, "Peddling and Soliciting", relating to the Peddling and Soliciting within the Village; and

WHEREAS, this Local Law was introduced by the Board of Trustees on July 15, 2019; and

WHEREAS, the Board finds that this Local Law is a Type II Action pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, this Local Law was the subject of a duly noticed public hearing in accordance with New York State Village Law and the Village Code before the Board on August 19, 2019;

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Old Westbury as follows:

Section 1. Chapter 150, "Peddling and Soliciting", of the Village Code of the Village of Old Westbury be and is hereby amended to read as follows:

§ 150-1 **License required.**

Except as may be otherwise provided herein, it shall be unlawful for any person, organization, society, association, company or corporation or their agents or representatives, to canvass, solicit business, take orders for goods or services or to distribute handbills, pamphlets or other written material or solicit donations or contributions of money or property or financial assistance of any kind upon the streets, in the offices of business buildings, upon private property, by house-to-house canvass or in public places in the Village of Old Westbury without a license previously issued pursuant to this chapter.

§ 150-2 **Application for license.**

Applications for a license, as provided for in this chapter, shall be in writing and addressed to the Clerk of the Village of Old Westbury and shall contain the following information:

- A. Name, address and purpose of the cause for which the license is sought.
- B. Names and addresses of the officers and directors of the organization, firm, society, association, company or corporation.
- C. Time for which permission is sought and localities and places of activity.
- D. Legal and tax status of any organization, firm, society, association, company or corporation so applying.
- E. Whether or not any commissions, fees, wages or emoluments are to be expended in connection with such activity.
- F. The name, address, date of birth, social security number, personal photograph(s) and complete driver's license information of the person or persons who shall be conducting the solicitation or otherwise peddling, soliciting or canvassing.
- G. A brief description of the nature of the business and the goods to be sold or services to be performed for which funds are to be solicited and an explanation of the intended use of the funds toward that purpose.
- H. If a vehicle or vehicles are to be used in the solicitation, a description of same, including year, make and model, together with a license plate number, registration certification information and liability insurance information or other satisfactory means of identification. Such information shall be presented for inspection, upon demand, by any Old Westbury Village Code Enforcement Officer or Old Westbury Village Police Officer.
- I. The names of any other municipalities in which the person registering has solicited or otherwise peddled, solicited or canvassed within the previous 12 months.
- J. Such other information as the Board of Trustees may require.

§ 150-3 **License fee.**

All applications must be accompanied by a \$100 process fee payable to the Clerk, Village of Old Westbury. Upon approval of the license, a fee of \$200 shall be paid to the Village of Old Westbury.

§ 150-4 **Approval of application.**

Upon receiving such application, the Clerk shall present the same to the Board of Trustees at its next regular meeting, but not later than 20 business days from the date upon which the application is filed. The Board of Trustees shall approve the application of all bona fide applicants who have complied with the above provisions. The Board of Trustees may deny the application for any of the following reasons:

- A. An investigation reveals that the applicant falsified information on the application.
- B. The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances or any violent act against persons or property.
- C. The applicant is a person against whom a judgment or administrative agency determination has been entered or a conviction obtained within the five years immediately preceding the date of the application based upon fraud, deceit or misrepresentation.
- D. The solicitation involves the sale of illegal substances or services.
- E. The applicant does not possess any applicable licenses required by the United States, the State of New York, the County of Nassau or the Towns of North Hempstead or Oyster Bay.
- F. A determination by the Village of Old Westbury Chief of Police that the location and time of the activities described in the application would endanger the safety and welfare of the applicant or potential customers.

§ 150-5 **Restrictions.**

- A. Payment by the applicant of the license fee of \$100.
- B. All activity must be conducted on weekdays and Saturdays only between the hours of 9:00 a.m. and dusk (i.e., 30 minutes after sunset).
- C. Any organization, society, association, company or corporation licensed under this chapter shall not have more than 10 individuals engaged in the activity at any one time.
- D. The license shall be effective for no more than one calendar year from the date of issuance, and all licenses shall terminate on December 31 in the year in which it was issued. There shall be no proration of fees over the calendar year.

- E. The Board of Trustees shall not grant permission for applicants' activity with respect to those persons who have advised the Board of Trustees in writing that they do not desire solicitation.

§ 150-6 Notice by those not desiring solicitation.

Any person not desiring solicitation upon the person's private property may advise the Board of Trustees by written notice objecting to any or all solicitation or distributions. Such notice shall include the name of the person filing; the address of the property affected; the date of such filing; a statement specifically identifying the organizations or institutions which the person filing objects to permitting entrance onto his private residential property for the purpose of solicitation or distribution; or that all such solicitation or distribution is objected to.

§ 150-7 Identification Cards.

All persons soliciting donations or contributions pursuant to this chapter shall, at all times during such period, carry an identification card issued by the organization, society, association, company or corporation licensed to conduct the solicitation. Each identification card shall be displayed on the outer garment and shall plainly show the name of the person who is soliciting, his or her photograph and the person, organization, society, association, company or corporation on whose behalf such solicitation is being made.

§ 150-8 Suspension and revocation of license.

Any and all licenses which may be granted by the Board of Trustees pursuant to any part of this chapter may, for cause, be suspended by the Mayor and may be revoked by the Board of Trustees after notice and hearing for any of the following causes:

- A. Fraud, misrepresentation or a false statement contained in the application for a license.
- B. Violation of any of the restrictions imposed on the issuance of such license or on the conduct of any solicitations so licensed.

§ 150-9 Exemptions.

This chapter shall not apply to persons for whom exemption is made by any special provision of law from any of the provisions of this chapter, provided they are not engaged in commercial transactions or the solicitation of funds, or to any person whose door-to-door activities involve more than just a proposal for a commercial transaction. This chapter also shall not apply to any duly organized religious corporation, lodge, benevolent or fraternal order, or political organization; nor to a local community group or organization such as the Boy Scouts, Girl Scouts, or other such youth organization, or to any political party or candidate. In the event such organizations or individuals are involved in commercial transactions or the soliciting of funds, special permission shall first be obtained from the Board of Trustees for soliciting or canvassing.

§ 150-10 **Seeking admission to structures under false pretenses.**

It shall be unlawful for any person, organization, society, association, company or corporation or their agents or representatives to employ any trick or device or by any false or misleading statement or representation to obtain or attempt to obtain admission to the house, garage, stable or other structure of any person or corporation in the Village of Old Westbury or obtain or attempt to obtain the consent or permission of the owner or occupant of any premises, house, garage, stable or other structure within the Village of Old Westbury to enter in or upon the same for the purpose of canvassing or selling or offering for a sale or soliciting orders for the sale of any goods, wares, merchandise or for the purpose of soliciting subscriptions for any book, publication, paper, magazine or periodical 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 of Old Westbury.

§ 150-11 **Penalties for offenses.**

Any organization, society, association, company, corporation or individual who or which commits, takes part in or assists in any violation of this chapter shall, for each and every violation, for each and every day that such violation continues, be subjected to a fine of not more than \$1,000.

Section 2. Chapter 150, “Peddling and Soliciting” of the Village Code of the Village of Old Westbury shall otherwise remain in full force and effect.

Section 3. Severability. If a court determines that any clause, sentence, paragraph subdivision, or part of this local law or the application thereof to any person, firm or corporation or circumstance is invalid or unconstitutional, the Court’s order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

On motion made by Trustee Novick, seconded by Trustee Baker, the foregoing Local Law was enacted upon the following vote:

Fred J. Carillo, Mayor	-	Aye
Marina Chimerine, Deputy Mayor	-	Aye
Cory Baker, Trustee	-	Aye
Jeffrey Brown, Trustee	-	Aye
Edward Novick, Trustee	-	Aye

Dated: Old Westbury, New York
August 19, 2019

Filed: Old Westbury, New York
August 20, 2019