

**INCORPORATED VILLAGE OF CENTRE ISLAND
PROPOSED LOCAL LAW G-2019
AMENDMENT TO CHAPTER 83
“PEDDLING AND SOLICITING”
CODE OF THE VILLAGE OF CENTRE ISLAND**

A local law to repeal Chapter 83, “*Peddling and Soliciting*,” in its entirety and add new Chapter 83, “*Peddling and Soliciting*,” to the Code of the Village of Centre Island. The Code was adopted by Local Law 2-1994 on November 24, 1994, by the Board of Trustees and last amended by Local Law 4-2016, adopted by the Board on September 14, 2016.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Centre Island as follows:

SECTION I. Repeal Chapter 83, “*Peddling and Soliciting*,” in its entirety.

SECTION II. Add new Chapter 83, “*Peddling and Soliciting*,” to read as follows:

§83-1 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 proselytize, 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, upon private property, by house-to-house canvass or in public places in the Village of Centre Island without a license previously issued pursuant to this chapter.

§83-2 Application for license.

Application for a license as provided in this chapter shall be in writing and addressed to the Village Clerk 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. Length of time for which the right to do business is desired.
- 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 or other similar type of identification 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 Centre Island Village Code Enforcement Officer or Centre Island Village Police Officer.

I. Such other information as the Board of Trustees may require.

§ 83-3 License fee.

All applications must be accompanied by a \$25 processing fee payable to the Village of Centre Island. Upon approval of the license, a fee of \$200 shall be paid to the Village of Centre Island.

§ 83-4 Approval of application.

Upon receiving such application, the Village Clerk shall present the same to the Board of Trustees at its next regular meeting. 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 Town of Oyster Bay.

§ 83-5 Restrictions.

Any license approval granted by the Board of Trustees is subject to the following restrictions:

- A. Payment by the applicant of the license fee of \$200.
- 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. Solicitation shall not take place at any household or premises which has a “no solicitation” sign posted on or near the front door of the household.
- 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.

§83-6 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.

§ 83-7 Identification cards.

All persons soliciting donations or contributions or proselytizing 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.

§ 83-8 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.

§ 83-9 Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding five hundred dollars (\$500.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provision of this chapter shall constitute, for each day the offense is continue, a separate and distinct offense hereunder.

§ 83-10 Severability.

If any section, subsection or provision of this chapter or the application of such section, subsection or provision to any person or circumstances shall be held invalid, illegal or unconstitutional, the validity of the remainder of this chapter and the applicability of such section, subsection or provision to other persons or circumstances shall not be affected thereby.