

Chapter 111

PEDDLING AND SOLICITING

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[HISTORY: Adopted by the Board of Trustees of the Village of Kensington 4-20-1983 by L.L. No. 2-1983. Section 111-2B amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 91.
Secondhand dealers — See Ch. 130.

§ 111-1. License required; prohibited activity.

- A. It shall be unlawful for any person, organization, society, association, company or corporation or their agents or representatives to hawk, vend, peddle or solicit orders for the purchase or sale of goods, wares, merchandise or other commodities in the streets, offices of business buildings or in public places of the village without a license issued pursuant to this chapter.

- B. It shall be unlawful for any person, organization, society, association, company or corporation or their agents or representatives to hawk, vend, peddle or solicit orders for the purchase or sale of goods, wares, merchandise or other commodities by going from house to house upon public or private property within the village.
- C. It shall be unlawful for any person to solicit employment or work or services to be performed by going from house to house upon public or private property within the village.
- D. 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 or stable of any person or corporation in the village, or obtain or attempt to obtain the consent or permission of the owner or occupant of any premises, house, garage or stable within the village to enter in or upon the same, 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.

§ 111-2. Application for license.

- A. Where such activities are permitted by this chapter, an application to hawk, vend, peddle or solicit orders for the purchase or sale of goods, wares, merchandise or other commodities as provided for in this chapter shall be in writing and addressed to the Mayor of the village and shall contain the following information:
 - (1) Name and address of applicant and purpose for which the license is sought.

- (2) Names and addresses of the persons, organization, society, association, company or corporation seeking such permission.
 - (3) Whether or not any commissions, fees, wages or emoluments are to be expended in connection with such activity.
 - (4) The dates upon which the hawking, vending, peddling or soliciting of orders for the purchase or sale of goods or wares, merchandise or other commodities will be conducted.
 - (5) Such other information as the Board of Trustees may require.
- B. All applications must be accompanied by a processing fee in an amount established by resolution of the Board of Trustees, payable to the Village Clerk.¹
- C. Upon receiving such application, the Mayor shall present 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.
- D. Any license approval granted by the Board of Trustees is subject to the following restrictions:
- (1) All hawking, vending, peddling or soliciting of orders for the purchase or sale of goods or wares, merchandise or other commodities must be conducted between the hours of 9:00 a.m. and 5:00 p.m., Mondays through Fridays only, except that in particular cases the Board of Trustees, for good cause shown, may permit such activities on different days or at different times.

1. Editor's Note: Amended at time of adoption of Code: see Ch. 1, General Provisions, Art. I.

- (2) Any license issued under the terms of this chapter shall be effective for a period not to exceed 10 days, except that the Board of Trustees, for good cause shown, may establish a longer or shorter period.

E. This chapter shall not be applicable to any state of facts under which it is in conflict with the laws or Constitution of the United States. Further, where a veteran or the widow or widower of a veteran lawfully possesses a license from the Nassau County Clerk pursuant to General Business Law § 32, such license shall be valid in the Village of Kensington and the activities permitted by such license shall be lawful activities within the village.

§ 111-3. License required for charitable solicitation; application; regulations.

It shall be unlawful for any person, organization, society, association, company or corporation or their agents or representatives to proselytize, canvass or to distribute handbills, pamphlets or other written material or to 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 without a license previously issued pursuant to this chapter, or to enter upon the premises of any village resident who has noted objection to such entry and whose address has been provided to such person, organization, society, association, company or corporation or their agents or representatives as required by § 111-5.

- A. Application for a license as provided for in this chapter shall be in writing and addressed to the Mayor of the village and shall contain the following information:
- (1) Names, address and purpose of the cause for which the license is sought.

- (2) Names and addresses of the officers and directors of the organization, firm, society, association, company or corporation seeking such license.
 - (3) Time for which permission is sought and localities and places of activity.
 - (4) Legal and tax status of any organization, firm, society, association, company or corporation so applying.
 - (5) Whether or not any commissions, fees, wages or emoluments are to be expended in connection with such activity.
 - (6) Such other information as the Board of Trustees may require.
- B. Upon receiving such application, the Mayor shall present 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, and provided that such applicants previously have not violated any of the provisions of this chapter or the terms and conditions of any license granted pursuant to this chapter. **[Amended 5-3-2010 by L.L. No. 1-2010]**
- C. Any license approval granted by the Board of Trustees is subject to the following restrictions: **[Amended 5-3-2010 by L.L. No. 1-2010]**
- (1) All activity must be conducted between the hours of 9:00 a.m. and 3:00 p.m., Mondays through Fridays only.
 - (2) Any organization, society, association, company or corporation licensed under this section shall not have more than three individuals engaged in the activity within the Village at any one time.
 - (3) The license granted hereunder shall be effective for no more than 10 days.

- (4) All persons conducting any activity on behalf of any organization, society, association, company or corporation licensed under this section shall, at all times during such period, carry and prominently display an identification card issued by the organization, society, association, company or corporation licensed to conduct the activity. Each identification card shall plainly show the name of the person conducting the activity, his or her photograph and the name of the person, organization, society, association, company or corporation on whose behalf such activity is being conducted.
- (5) No person conducting any activity on behalf of any organization, society, association, company or corporation shall enter upon the premises or property of any residents of the Village who have expressed a desire in writing not to be visited, canvassed, proselytized or solicited by such persons, organizations, societies, associations, companies or corporations and whose addresses have been provided pursuant to § 111-5.
- (6) The license fee shall be \$250.

§ 111-4. 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 false statement contained in the application for the license.
- B. Violation of any of the restrictions imposed on the issuance of such license or on the conduct of any activity so licensed.

§ 111-5. Listing of persons not to be visited by charitable solicitors.

The Village Clerk shall maintain a list of residents within the village who have expressed in writing a desire not to be visited by any person, organization, society, association, company or corporation or their agents or representatives for the purpose of proselytizing, canvassing or distributing handbills, pamphlets or other written material or soliciting donations or contributions of money or property or financial assistance of any kind. Upon the issuance of any license hereunder, any person, organization, society, association, company or corporation shall be provided with a copy of the list of these village residents who have expressed in writing a desire not to have any such person, organization, society, association, company or corporation or their agents or representatives enter upon their property. Every organization, society, association, company or corporation licensed under this chapter shall agree not to visit the premises so enumerated in the list provided to it by the village.

§ 111-6. Penalties for offenses. [Amended 5-17-1989 by L.L. No. 1-1989]

Each person who violates any provision of this chapter shall, for each and every day that said violation continues, be subject to a fine of not more than \$1,000 or imprisonment for a period not to exceed six months, or both such fine and imprisonment.