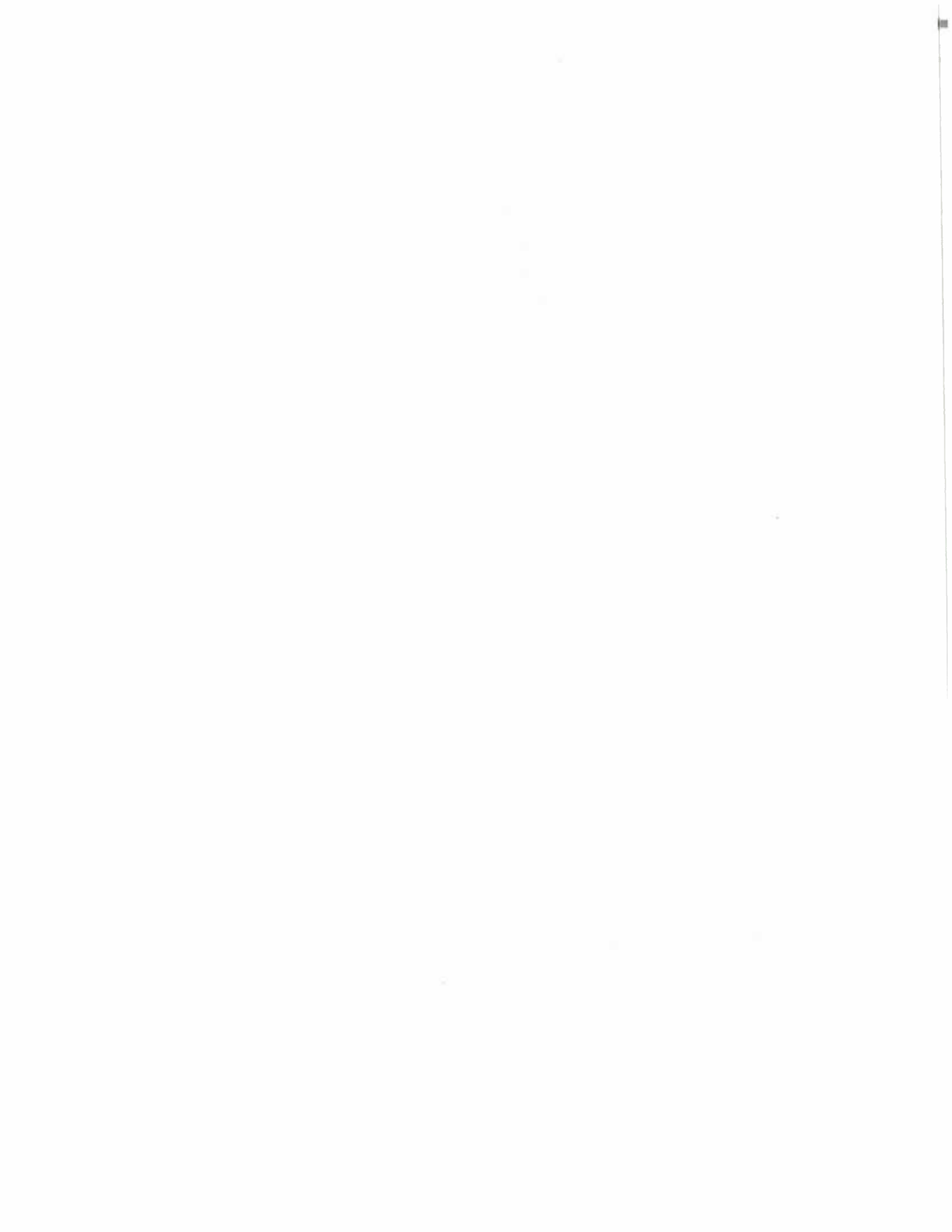




PEDDLER'S PERMIT APPLICATION PACKET

- All completed applications must be handed in at the same time
- Copy Current Driver's License
- Copy of Social Security Card
- Background Checks
- Strictly for Town of Monroe / Village has to be done separately
- Approval by Town Clerk
- A) **1 week permit:** \$185.00; (2 checks required 1 in the amount of \$100, and 1 in the amount of \$85.00) any additional person under main permit \$85.00 (on a separate check)
- B) **1 month permit:** \$285.00; (2 checks required 1 in the amount of \$200, and 1 in the amount of \$85.00) any additional person under main permit \$85.00 (on a separate check)
- C) **6 month permit:** \$685.00; (2 checks required 1 in the amount of \$600, and 1 in the amount of \$85.00) any additional person under main permit \$85.00 (on a separate check)





PEDDLER'S APPLICATION
"TOWN OF MONROE" 845-783-1900 x203

DATE: _____

A - NAME: _____ B - AGE: _____

B - PHYSICAL DESCRIPTION OF APPLICANT: _____

C - LEGAL ADDRESS: _____

D - EMAIL: _____

E - NAME AND ADDRESS OF ALL ENTITIES WHO'S PRODUCTS YOU INTEND TO SELL OR SOLICIT: _____

F - HAVE YOU EVER BEEN CONVICTED OF A FELONY / MISDEMEANOR: _____ G - BOTH: _____

H - IF YOU ANSWERED "YES", PLEASE STATE WHERE, WHEN AND WHAT OFFENSE, CIRCUMSTANCE AND PENALTY: _____

I - PLEASE ATTACH A DETAILED STATEMENT OF THE PARTICULAR BUSINESS, TRADE OR OCCUPATION FOR WHICH THE LICENSE IS REQUESTED.

J - LIST ORANGE COUNTY MUNICIPALITIES IN WHICH THE APPLICANT HAS CARRIED ON BUSINESS DURING THE PAST SIX MONTHS: _____

K - STATEMENT OF NAME, ADDRESS, AND TELEPHONE NUMBER OF ANY PERSONS, AND OF ANY CORPORATION SUPERVISING YOUR LOCAL SELLING ACTIVITIES: _____

L - VEHICLE TO BE USED: YEAR _____ MAKE _____ MODEL _____
COLOR _____ LICENSE PLATE NUMBER _____ STATE _____

M - DESCRIPTION OF GOODS, WARES OR MERCHANDISE: _____

N - PLEASE ATTACH COPIES OF ALL ORDER FORMS, AND RECEIPTS TO BE USED.

O - LENGTH OF TIME FOR WHICH APPLICATION IS NEEDED: (1) WEEK _____ (1) MONTH _____ (6) MONTHS _____

P - NAME AND ADDRESS IN STATE OF N.Y. OF A PERSON UPON WHOM A LEGAL NOTICE OR PROCESS MAY BE SERVED: _____

Q - IF YOU ARE A NON-PROFIT CORPORATION OF NYS, A CERTIFIED COPY OF ITS CERTIFICATE OF INCORPORATION, TOGETHER WITH ANY AMENDMENTS/SUPPLEMENTS THERETO, AND A COPY OF THE LETTER FROM THE FEDERAL GOVERNMENT DECLARING SUCH ORGANIZATION TO BE EXEMPT MUST BE ATTACHED.

R - PLEASE ATTACH A LETTER OF AUTHORIZATION FROM EACH ENTITY SUPPLYING ANY PROPERTY OR SERVICES TO BE SOLD OR FOR WHICH ORDERS ARE TO BE SOLICITED BY YOURSELF.

****ANY FALSE STATEMENT CONTAINED IN ANY APPLICATION SHALL BE GROUNDS FOR DENIAL/REVOCATION OF THE LICENSE****

SIGNATURE OF APPLICANT: _____

PHONE: _____ DATE: _____

FOR OFFICE USE ONLY

CHECK FOR THE FOLLOWING: ___ ITEM I ___ ITEM K ___ ITEM N ___ ITEM Q ___ ITEM R

1 - WANTED BY A LAW ENFORCEMENT AUTHORITY: ___ YES ___ NO

2 - PRIOR VIOLATION OF PEDDLING ORDINANCE IN TOWN OF MONROE: ___ YES ___ NO

3 - APPLICANT HAS SUSPENDED/REVOKED DRIVER'S LICENSE OR PRIVILEGES: ___ YES ___ NO

4 - A NYS LEVEL 3 SEX OFFENDER: ___ YES ___ NO

THE ABOVE LICENSE IS: _____ APPROVED _____ DISAPPROVED

SIGNATURE: _____



LOCAL LAW NO. 3 OF 2019 OF THE INCORPORATED TOWN OF MONROE, NEW YORK TOWN BOARD AMENDING CHAPTER 35 OF THE CODE OF THE TOWN OF MONROE

A LOCAL LAW to amend The Code of the Town of Monroe Chapter 35 to expand the regulations of Peddling and Solicitation.

BE IT ENACTED AS FOLLOWS:

Section 1. Legislative Intent.

A Local Law to amend the Code of the Town of Monroe by amending Chapter 35 entitled "Peddling and Soliciting" pursuant to Municipal Home Rule Law Section 10 et. seq.

This Chapter is authorized by the New York State Constitution Article IX, § 2, the provisions of the New York Municipal Home Rule Law, and the provisions of the Statute of Local Governments.

Section 2. Effect.

Chapter 35 of the Code of the Town of Monroe is hereby amended to read as follows:

Chapter 35: PEDDLING AND SOLICITATION

§ 35-1 Title.

This Chapter amends Chapter 35 of the Town of Monroe Code entitled "Peddling and Soliciting".

§ 35-2 Legislative Purpose and Authority.

Town residents of the Town have an inalienable interest in their personal safety, comfort, well-being, and privacy in their residences as well as their ability to provide and receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce.

This chapter is enacted for the purpose of regulating local activities of itinerant sellers and solicitors of orders for sale in order that the peace, health, safety, welfare and good order of the Town and its inhabitants be preserved.

The Town has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its residents, which includes protecting residents from unwanted, harassing, and disruptive intrusions and solicitations upon residential property. The Town also has a substantial interest in protecting residents from fraudulent, misleading, or otherwise unfair consumer sales practices, deceptive door-to-door solicitations, and criminal activity.

There must be a balance between these substantial interests of the Town and its residents and the effect of this Chapter on any rights of those regulated. Based on the collective experiences derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries and complaints of residents regarding door-to-door and in-home canvassing and solicitation, the experience of its law enforcement officers and those affected by door-to-door and in-home canvassing and solicitation, as well as judicial decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in door-to-door and in-home canvassing and solicitation, the Town adopts this Chapter to promote the Town's substantial interests in: (a) respecting residents' decisions regarding privacy in their residences; (b) protecting persons from criminal conduct; (c) regulating local activities of itinerant sellers and solicitors of orders for sale in order that the peace, health, safety, and welfare of the Town and its inhabitants shall be preserved; (d) providing equal opportunity to advocate for and against religious belief, political position, or charitable activities; and (e) permitting truthful, non-fraudulent, and non-misleading door-to-door solicitation regarding lawful goods or services in intrastate or interstate commerce that does not violate the property rights of any property owner or resident in the Town.

The Town finds that the procedures, rules, and regulations set forth in this Chapter are appropriately and narrowly tailored to preserve and protect the Town interests referred to herein while at the same time balancing the rights of those regulated.

Nothing herein is intended to interfere with or supplant any other requirement of State or Federal law regarding any license, permit, or certificate that a registered solicitor is otherwise required to have or maintain. Nothing in this Chapter shall be construed to preempt any provision of State or Federal Law.

§ 35-3 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. **Advocating:** Speech or conduct intended to inform, promote, or support a political position, or charitable activities.
- B. **Appeals officer:** The Town Board or designee of the Town Board responsible for receiving the information from the Town and appellant regarding the denial or suspension of a certificate and issuing a decision as required by this Chapter.
- C. **Appellant:** The person or entity appealing the denial or suspension of a certificate, either personally as an applicant or registered solicitor, or on behalf of the applicant or registered solicitor.
- D. **Applicant:** An individual who is at least eighteen (18) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a certificate permitting door-to-door solicitation.

- E. **Application form:** A standardized form provided by the Town to an applicant to be completed and submitted as part of registration.
- F. **BCI Report:** An original or copy, dated no older than one hundred eighty (180) days prior to the date of the application, of either: (1) a New York State Bureau of Criminal Identification verified criminal history report personal to the applicant; or (2) verification by the New York State Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.
- G. **Certificate:** A certificate permitting door-to-door solicitation in the Town applied for and issued by the licensing officer pursuant to the terms of this Chapter.
- H. **Charitable activities:** Advocating by persons or entities that either are, or support, a charitable organization.
- I. **Charitable organization:** Includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity:
1. That is:
 - a. A benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;
 - b. For the benefit of a public safety, law enforcement, or firefighter fraternal association; or
 - c. Established for any charitable purpose; and
 2. that is tax exempt under applicable provisions of the Internal Revenue Code of 1986 as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes; and
 3. that is registered in the State of New York and has a charter.
 4. **Charitable organization** also includes a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the State for a charitable organization that has its principal place of business outside the Town or State of New York.
- J. **Competent individual:** A person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.
- K. **Completed application:** A fully completed application form, a BCI report, two copies of the original identification relied on by the applicant to establish proof of identity, and the tendering of fees.

- L. **Criminally convicted:** The final entry of a conviction, whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the applicant or registered solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance or diversion agreement.

Disqualifying status: Anything specifically defined in this Chapter as requiring the denial or suspension of a certificate, and any of the following:

1. The applicant or registered solicitor has been criminally convicted of:
 - a. Felony homicide;
 - b. Physically abusing, sexually abusing, or exploiting a minor;
 - c. The sale or distribution of controlled substances;
 - d. Sexual assault of any kind;
 - e. Conviction for criminal or unlawful possession or sale of a weapon or firearm.
2. Criminal charges currently pending against the applicant or registered solicitor for:
 - a. Felony homicide;
 - b. Physically abusing, sexually abusing, or exploiting a minor;
 - c. The sale or distribution of controlled substances;
 - d. Sexual assault of any kind;
 - e. criminal or unlawful possession or sale of a weapon or firearm.
3. The applicant or registered solicitor has been criminally convicted of a felony within the last ten (10) years;
4. The applicant or registered solicitor has been incarcerated in a federal or state prison within the past five (5) years;
5. The applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
 - a. Moral turpitude; or
 - b. Violent or aggravated conduct involving persons or property.
6. A final civil judgment has been entered against the applicant or registered solicitor within the last five (5) years indicating that:

- a. The applicant or registered solicitor had either engaged in fraud or intentional misrepresentation; or
 - b. That a debt of the applicant or registered solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. Sections 523(a) (2), (a) (4), (a) (6) or (a) (19);
7. The applicant or registered solicitor is currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
 8. The applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction; or
 9. The applicant or registered solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.
- M. **Door-to-door solicitation:** The practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale, or attempting to further the sale of goods and or services.
- N. **Entity:** Includes a corporation, partnership, limited liability company, or other lawful entity, organization, society or association.
- O. **Fees:** The cost charged to the applicant or registered solicitor for the issuance of a certificate and/or identification badge, which shall not exceed the reasonable costs of processing the application and issuing the certificate and/or identification badge.
- P. **Final civil judgment:** A civil judgment that would be recognized under law as a judgment to which collateral estoppel would apply.
- Q. **Food Vending Business:** The sale of prepared food products for immediate consumption from a motor vehicle, trailer, platform, stand or tenet on any highway or other place within the town other than within a fully enclosed building or a stand or outside sales and eating place maintained as an adjunct to a food vending business maintained in any adjoining fully enclosed building.
- R. **Goods:** One or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.
- S. **Home solicitation sale:** To make or attempt to make a sale of goods or services by a solicitor at a residence by means of door-to-door solicitation, regardless of:
1. The means of payment or consideration used for the purchase;
 2. The time of delivery of the goods or services; or

3. The previous or present classification of the Solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.
- T. **Licensing officer:** The Town Clerk or other designee of the Town Board responsible for receiving from an applicant or registered solicitor the completed application and either granting, suspending, or denying the applicant's certificate.
- U. **No solicitation sign:** A reasonably visible and legible sign that states "No Soliciting" or "No Solicitors" or "No Salespersons" or "No Trespassing," or "No Knock Registry Member," or words of similar import.
- V. **Person:** One or more persons, corporations, partnership, associations, organizations and all other entities.
- W. **Political position:** Any actually held belief or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.
- X. **Registered solicitor:** Any person who has been issued a current certificate by the Town.
- Y. **Registration:** The process used by the Town licensing officer to accept a completed application and determine whether or not a certificate will be denied, granted, or suspended.
- Z. **Religious belief:** Any sincerely held belief or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.
- AA. **Residence:** Any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the Town, together with the lot or other real property on which the living unit is located. This does not include the sidewalk, Public Street or public rights-of-way.
- BB. **Responsible person or entity:** That person or entity responsible to provide the following to an applicant, registered solicitor, and the competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale
1. Maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;
 2. Facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and