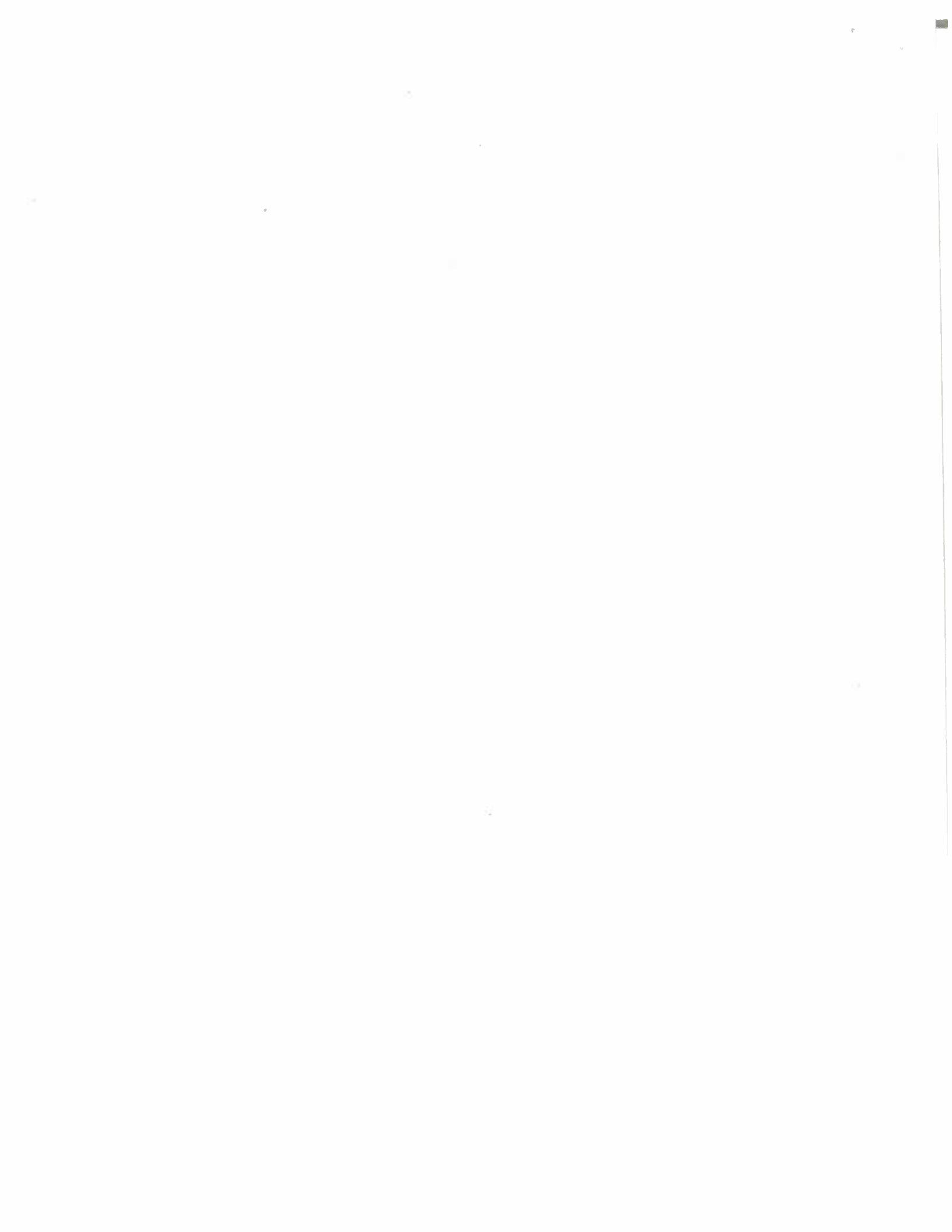




PEDDLER'S PERMITS

- All 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

DATE _____

NAME: _____ AGE _____

PHYSICAL DESCRIPTION OF APPLICANT _____

NAME & ADDRESS OF FIRM REPRESENTED _____

LENGTH OF TIME FOR WHICH APPLICATION IS NEEDED _____

DESCRIPTION OF GOODS, WARES OR MERCHANDISE _____

HAVE YOU EVER BEEN CONVICTED OF A FELONY OR MISDEMEANOR ?:
IF SO; DETAILS OF CONVICTION: _____

APPLICANTS VALID NEW YORK SALES TAX NUMBER ISSUED BY NYS DEPT OF
TAX & FINANCE: _____

IS A VEHICLE BEING USED ? YES _____ NO _____

DISCRIPTION OF VEHICLE _____

LICENSE NUMBER OF VEHICLE _____
LOCATION FROM WHICH THE APPLICANT INTENDS TO SELL OR OFFER TO SELL
GOODS, WARES, OR MERCHANDISE OR SOLICIT ORDERS FOR SAME _____

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

ATTACH A LETTER FROM THE PROPERTY OWNER GRANTING PERMISSION TO THE
APPLICANT TO MAINTAIN A TRANSIENT RETAIL BUSINESS OR ROADSIDE FARM
MARKET OR FOOD VENDING BUSINESS ON PROPERTY WITHIN TOWN. _____

ANY FALSE STATEMENT CONTAINED IN ANY APPLICATION SHALL BE GROUNDS
FOR DENIAL/REVOCAION OF THE LICENSE.



Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of _____

Local Law No. 4 of the year 2018

A local law ^(Insert Title) amending Chapter 35 of the Code of the Town of Monroe to expand the regulations
of the Peddling and Solicitation .

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Monroe

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2018 of the ~~(County)(City)(Town)(Village)~~ of Monroe was duly passed by the Town Board on March 19 2018, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 4-16-2018

LOCAL LAW NO. 4 OF 2018 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 amendment expands the regulations of peddling and solicitation and renames Chapter 35 as the "Peddling and Solicitation Law."

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 repealed, superseded and replaced to read as follows:

Chapter 35: PEDDLING AND SOLICITATION

§ 35-1 Title.

This Chapter shall be known and may be cited as the "Peddling and Residential Solicitation Law of the Town of Monroe". This Chapter replaces and supersedes the former Chapter 35, 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 sixteen (16) 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 temporary, annual, or renewal certificate permitting door-to-door solicitation in the Town applied for or issued 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.
 3. **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