

Local Law No. 6 - 2020

This local law shall be known as the “Setting of Time Limits and Fees for Peddling and Soliciting, and Creating an Option for Residents to Prohibit Peddling and Soliciting” law.

BE IT ENACTED by the Town Board of the Town of Mamaroneck

Section 1 – Purpose:

While the Town Board believes that the majority of its citizens would prefer not to receive peddlers and solicitors at their front doors in the evening, the Board is mindful of federal cases, such as *New York Community Action Network v Town of Hempstead* (601 F Supp 1066 [EDNY 1984]) which have held that solicitation is commercial free speech protected from undue regulation by the First Amendment to the United States Constitution. This law is designed to bring the Town’s regulation of peddling and soliciting within the scope of the rulings in such cases.

Section 2 – Amendment of a current section of the Mamaroneck Code:

Section 154-10 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

§154-10. Prohibited times for peddling and soliciting.

No person shall barter, sell, peddle, hawk or vend goods, wares, merchandise, produce or services of an established business upon the streets, roads, highways or public places of the Town or by going from house to house soliciting purchases before 9:00 a.m. (prevailing time) or after the later of 6:00 p.m. (prevailing time) or sunset.

Section 3 – Amendment of a current section of the Mamaroneck Code:

Section 154-11 of the Code of the Town of Mamaroneck hereby is repealed and the following substituted in its place:

§154-11. Resident’s decision not to allow solicitation.

A. Any person who does not want in-person solicitation upon the private property that he/she owns or occupies may advise the Town of his/her objection to solicitation through a written or electronically transmitted notice either mailed or transmitted to the Town Clerk that includes the following information:

1. The name of the person(s) filing the objection.
2. That person(s)’ address.

- 3. The date that a “No Solicitation”, “No Peddlers” or a sign conveying that message was erected on the property that the person owns or occupies.
- B. The Town Clerk shall prepare, and from to time update, a list of the names and addresses of the persons who advise of their decision not to allow in-person solicitation and either shall deliver such list to the Police Department and the Building Department or provide those departments with electronic access to that list. Periodically, but not less than annually, the Town Clerk may, but is not required to, ask the persons appearing on the list whether they wish to remain on the list. The Town Clerk shall strike from the list those persons who affirmatively state that they no longer wish to be on the list and may, but is not required to, strike the name of any person who does not respond within 30 days after the Town Clerk’s inquiry shall have been sent.
- C. It shall be a violation of this chapter for any person to barter, sell, peddle, hawk or vend goods, wares, merchandise, produce or services of an established business on private property included on the list prepared by the Town Clerk pursuant to section 154-11 B. of the Code if a “No Solicitation”, “No Peddlers” or a sign conveying that message is prominently displayed on that property.

Section 4 – Addition of a new section to the Mamaroneck Code:

The Code of the Town of Mamaroneck hereby is amended by adding the following section thereto:

§154-12. Penalties for violating this chapter.

- A. Any person violating any provision of this chapter shall be guilty of a violation punishable by a fine of not less than \$250 and not more than \$500.
- B. Every incident of a person violating a provision of this chapter shall be a separate violation, even if committed on the same day.

Section 5 – Amendment of a current section of the Mamaroneck Code:

Section A-250-1 of the Code of the Town of Mamaroneck hereby is amended by repealing the part thereof that reads:

§ 154-7A	Peddling license, vehicle	\$125
§ 154-7B	Peddler's license	\$125

and substituting the following in its place:

§ 154-6	Peddling license, vehicle	\$50
§ 154-6	Peddler's license	\$50

Section 6 – Addition of a new section to the Mamaroneck Code:

The Code of the Town of Mamaroneck hereby is amended by adding the following section thereto:

§154-13. Severability.

Should any provision of this chapter be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this chapter, which may be implemented without the invalid or unconstitutional provisions.

Section 7 – Severability:

Should any provision of this Local Law be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration of unconstitutionality or invalidity shall not affect any other provisions of this Local Law, which may be implemented without the invalid or unconstitutional provisions.

Section 8 – Effective Date:

This Local Law shall become effective upon filing with the Secretary of State.