

(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 of **Lyndonville**
~~Town~~
Village

Local Law No. 2 of the year 2002.

A local law Regulating Door-to-Door Solicitors
(Insert Title)

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

County
City of Lyndonville, New York as follows:
~~Town~~
Village

A Local Law Regulating Door-to-Door Solicitors

SECTION 1. Definitions:

(A) "Solicitor" shall mean any person, including an employee or agent of another or of any corporation, partnership or other entity, who travels from door-to-door, house-to-house, or along any streets within the Village of Lyndonville:

- (1) Selling or taking orders for or offering to sell or take orders for goods, merchandise wares or services or other items or products, or
- (2) Requesting contribution or donation of funds, property or anything of value, or the pledge of any type of future donation, or selling or offering for sale any type of property, including but not limited to goods, tickets, books, and pamphlets, for political, charitable, religious or other non-commercial purposes.

(B) "Solicitation activities" shall mean the activities of solicitors as listed in (A) (1) and (2) of this section.

SECTION II. License Required. It shall be unlawful for any solicitor to engage in solicitation activities in the Village of Lyndonville without first obtaining a license from the Village Clerk.

SECTION III. Exceptions.

(A) Minors under the age of 18 who participate in solicitation activities are exempt from the licensing and bonding requirements of this chapter except when they are acting as agents of adults or other entities.

(B) "Non-for-profit," charitable and religious corporations, clubs and associations shall be exempt from the licensing requirements of this chapter including the payment fees. Before commencing any fund drive the organization, unless the membership is made up of 50% or more of Village of Lyndonville or Town of Yates residents, shall file with the Village Clerk the dates of solicitation, and the names and addresses of each individual soliciting. Individuals soliciting for not-for-profit, charitable and religious purposes must refrain from soliciting if the premises is posted with a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.

(C) Those companies involved in the sale of insurance are exempt from the licensing and bonding requirements, including the payments of fees. Before commencing any solicitation activities, the persons included shall register at the office of the Village Clerk the dates of solicitation, the vehicles to be used and proof of identity.

SECTION IV. Application. The application for a solicitor's license shall be made on a form provided by the Village Clerk and shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

(A) Proof of identity and residence address of the applicant;

(B) A brief description of the nature, character and quality of the goods or merchandise to be sold;

(C) If solicitor is employed by another, the name and business address of such person, firm, association, organization, company or corporation.

(D) Any other requested information.

SECTION V. Fees and Duration. An applicant for a license under this ordinance shall pay an annual license fee of \$100.00 (one hundred dollars) per solicitor. A solicitation license shall be valid for a period of 1 year.

SECTION VI. Licenses.

(A) The license issued to a solicitor shall be carried with the solicitor while he or she is engaged in the business of soliciting.

(B) License shall not be assignable to any other person. It is only to be used by the person to whom it is issued, as depicted on the application.

SECTION VII. Regulations. The following regulation apply to solicitors engaged in solicitation activities in the Village of Lyndonville:

(A) Solicitors shall be allowed to conduct solicitation activities only between the hours of sunrise and sunset.

(B) No person shall engage in business as a solicitor in defiance of any notice exhibited by a residence or business indicating that solicitors are not welcome or not invited.

SECTION VIII. Suspension or Revocation of License.

(A) Any license issued under this ordinance may be suspended or revoked by the Village Clerk for any of the following reasons:

(1) Fraud or misrepresentation in the application for a license;

(2) Fraud or misrepresentation in the course of conducting solicitation activities;

(3) Conducting solicitation activities contrary to the conditions of the license;

(4) Conducting solicitation activities in such manner as to create a public nuisance or constitute a danger to public health, safety or welfare.

(B) Upon suspension or revocation, the Village Clerk shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be mailed to the license holder's place of business or mailed to the license holder's last known address, by first class mail.

SECTION IX. Appeals. Persons who are denied licenses or who licenses have been suspended or revoked may appeal by filing written notice of appeal with the Village. The appeal must be filed within 10 days after receipt of the notice of denial, suspension, or revocation. The Village Board shall hear and determine the appeal and the decision of the Village Board shall be final. The license shall remain suspended until the decision of the Village Board.

SECTION X. Penalties. Any person who violates any provision of this ordinance shall be punished by a fine not to exceed \$250.00 (Two Hundred and Fifty Dollars), or by imprisonment not to exceed 15 days, or both.

SECTION XI. Limitations. Nothing herein shall authorize or require the Village of Lyndonville, its employees, representatives or agents, to investigate the character of any individual soliciting in the Village, and issuance of a license shall not be construed to imply approval, endorsement or support of any solicitor and no solicitor shall represent otherwise.

SECTION XII. Severance Clause. The provisions of this ordinance are declared to be severable and if any section, sentence, clause, or phase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part.

SECTION XIII. Repeal. Chapter 121 of the Code of the Village of Lyndonville, New York entitled "Hawking, Peddling and Soliciting" is hereby REPEALED.

This local law shall take effect upon its proper filing as required by law.

(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. 2 of 2002, of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) of Lyndonville, New York was duly passed by the Board of Trustees (Name of Legislative Body) on March 11, 2002, in accordance with the applicable provisions of law.

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) _____ was duly passed by the _____ on _____ 20____, and was (approved) (not disapproved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 2002, 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 2002 of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) of _____ was duly passed by the _____ on _____ 2002, and was (approved) (not disapproved) (repassed after disapproval) by the _____ on _____ 2002. Such local law was submitted to (Elective Chief Executive Officer) 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 2002 of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) of _____, New York was duly passed by the Board of Trustees (Name of Legislative Body) on _____, 2002, and was (approved) (not disapproved) (repassed after disapproval) by the Mayor on _____, 2002. Such local law was subject to permissive referendum and (Elective Chief Executive Officer*) no valid petition requesting such referendum was filed as of _____, 2002, 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 chairman 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.

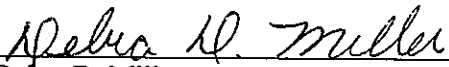
6. (County local law concerning adoption of Charter.)

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 of 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.

(SEAL)

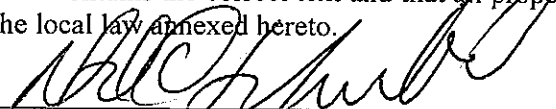

Debra D. Miller
Village Clerk, Village of Lyndonville

Date: 3-18-02

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ORLEANS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


David C. Schubel
Village Attorney

County _____
City of Lyndonville
Town _____
Village _____

Date: 3-18-02



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

RANDY A. DANIELS
SECRETARY OF STATE

March 25, 2002

DAVID C. SCHUBEL
VILLAGE OF LYNDONVILLE
2 SOUTH MAIN ST., POB 270
LYNDONVILLE, NY 14098

RE: Village of Lyndonville, Local Law 2, 2002, filed 03/20/2002

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in black ink that reads "Linda Lasch". The signature is written in a cursive style with a large, looped "L" and "S".

Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755