

VILLAGE OF ASHAROKEN

LOCAL LAW NO. # 2-2019

**A LOCAL LAW AMENDING CHAPTER 91 OF THE CODE
OF THE VILLAGE OF ASHAROKEN ENTITLED "PEDDLING AND SOLICITING"**

BE IT ENACTED by the Board of Trustees of the Village of Asharoken as follows:

Section One.

Chapter 91 of the Code of the Village of Asharoken entitled "PEDDLING AND SOLICITING" is repealed in its entirety.

Section Two.

A new Chapter 91 of the Code of the Village of Asharoken entitled "HAWKING, PEDDLING AND SOLICITING" is enacted to provide as follows:

Chapter 91

"HAWKING, PEDDLING AND SOLICITING"

§91-1 Legislative Intent

The Board of Trustees recognizes that, while door-to door hawking, peddling and solicitation is a form of expression that is entitled to First Amendment protection, the Village of Asharoken has a substantial governmental interest in seeking to protect the well-being, tranquility and privacy of the home and the safety of its residents. The Board of Trustees finds that in order to advance this governmental interest, reasonable regulations on hawking, peddling and soliciting are necessary.

§91-2 Restrictions

- A. No person, organization, society, association, company or corporation, or their agents or representatives, shall canvass, solicit business, take orders for goods or services or distribute handbills, pamphlets or other written material or solicit donations or contributions of money or property or financial assistance of any kind upon private property in the Village of Asharoken by door-to-door solicitation before the hour of 9:00 a.m. of any day or after dusk (i.e., thirty (30) minutes after sunset) of any day, except upon the invitation of the owner or occupant.
- B. No person, organization, society, association, company or corporation, or their agents or representatives, shall enter any private property to canvass, solicit business, take orders for goods or services or distribute handbills, pamphlets or other written material or solicit donations or contributions of money or property or financial assistance of any kind, whereon there is affixed or displayed to public view from the street any sign or other notice containing any of the following

words: "No Hawkers", "No Peddlers", "No Solicitors" or other wording, the purpose of which purports to prohibit hawking, peddling or soliciting on the premises.

- C. No person, organization, society, association, company or corporation, or their agents or representatives, shall ring the bell or knock upon or enter any building to canvass, solicit business, take orders for goods or services or distribute handbills, pamphlets or other written material or solicit donations or contributions of money or property or financial assistance of any kind, whereon there is affixed or displayed to public view any sign or other notice containing any of the following words: "No Hawkers", "No Peddlers", "No Solicitors" or other wording, the purpose of which purports to prohibit hawking, peddling or soliciting on the premises.

§91-3 Penalties for Offenses

Any person, organization, society, association, company or corporation, or their agents or representatives, who violates any section of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed \$500 for the first violation, and by a fine not less than \$500.00 nor more than \$750.00 for a second violation, and by a fine not less than \$750.00 nor more than \$1,000 or by imprisonment for a period not to exceed 15 days, or both, for a third or succeeding violations.

§91-4 Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Four. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.