



**Department of State**  
**Corporations, State Records & UCC**

New York State  
Department of State  
DIVISION OF CORPORATIONS,  
STATE RECORDS AND  
UNIFORM COMMERCIAL CODE  
One Commerce Plaza  
99 Washington Ave.  
Albany, NY 12231-0001  
dos.ny.gov

**Local Law Filing**

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

3 of the year 20 25

Local Law Title: A local law regulating Solicitation, Peddling and Hawking within  
the Town of Volney.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

☐ County ☐ City ☒ Town ☐ Village  
(Select one)

of Volney as follows on the attached pages:  
(Name of Local Government)

**For Office Use Only**

FILED  
STATE RECORDS

JUL 30 2025

DEPARTMENT OF STATE

Department of State Local Law Index Number: 3 of the year 20 25

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

## **SECTION 1: AUTHORITY**

This local law is enacted pursuant to the New York State Constitution, New York Municipal Home Rule Law Section 10.

## **SECTION 2: LEGISLATIVE INTENT**

The purpose of this Local Law is to preserve the public peace and good order in the Town of Volney and to contribute to the public welfare and good order of its people by enforcing certain regulations and restrictions, which shall include registration and application obligations on hawkers, solicitors and peddlers in order to prevent fraud, crime and unethical and dishonest business practices within the Town of Volney and to protect the residents from such conduct.

## **SECTION 3: DEFINITIONS**

**APPLICANT** - The individual who has registered or is about to register to act as a solicitor, peddler or hawker in the Town of Volney.

**BUSINESS** - The business carried on by a person who is a solicitor, peddler or hawker seeking to sell merchandise, services or take orders for such by traveling door to door and entering the boundaries of residential areas, including multi-family buildings, condominiums and similar places where people reside.

**CANVASSER** - One who attempts to make personal contact with a person at his or her residence within the Town of Volney and without his or her prior consent to:

1. Request or attempt to induce or persuade any person to support a particular charitable, educational, civic, patriotic, political, benevolent, religious or philanthropic project or cause;
2. Seek or ask for a gift or donation for a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3);
3. Sell goods, wares, merchandise, tickets, articles, services, publications, advertisements, subscriptions or things of any kind or value, with the entire proceeds of such sale to be paid directly to or used exclusively for the benefit of a public entity or nonprofit organization exempt from federal income tax under 26 U.S.C. 501(c)(3);
4. Personally deliver a handbill or flyer advertising a future event, activity, good or service that is noncommercial in nature or otherwise not-for-profit.

**GOODS** - Merchandise of any description, including but not limited to wares, foodstuffs and services provided to utilize goods.

**HAWKING** – The selling or offering for sale of any goods, wares, merchandise or services on the street by outcry or by attracting the attention of persons by exposing goods in a public place, or by placards, labels or signals.

**PEDDLER** – Any person who shall engage in peddling, as hereinafter defined.

**PEDDLING** – The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control upon any of the streets or sidewalks or from house to house within the Town of Volney.

**PERSON** – Any natural person, association, partnership, firm, corporation, limited liability company, joint venture or any other form of business organization or entity.

**RESIDENCE** – Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure located within the Town of Volney.

**SOLICITING** – The seeking or taking of contracts or orders for any goods, wares, merchandise or services for future delivery; or for contracts or orders or subscriptions of any kinds; or donations, gifts or contributions of any kind, including money, clothing or any other valuable things, upon any streets or sidewalks or from house to house within the Town of Volney.

**SOLICITOR** – Any person who shall engage in soliciting, as hereinabove defined.

**TOWN** – The Town of Volney, New York.

**TOWN BOARD** - The Town Board of the Town of Volney.

#### **SECTION 4: REGISTRATION REQUIRED**

No person shall engage in soliciting, peddling or hawking within the Town without first registering with the Town Clerk or an authorized representative of the Town.

#### **SECTION 5: REGISTRATION FEES**

No registration shall be accepted under this Local Law except upon payment of the established fee to the Town Clerk. The amount of such fee shall be established from time to time by resolution of the Town Board.

#### **SECTION 6. APPLICATION REQUIREMENTS**

A. Every person desiring to engage in soliciting, peddling or hawking in the Town shall first register, under oath, with the Town Clerk. Upon such application, such person shall give the following information:

1. The name, address, telephone number and birth date of the applicant;

2. Prior convictions of a crime, misdemeanor or violation of any ordinance, the nature, place and date of such offense and disposition of same;
  3. The name, address and telephone number of the person for whom the applicant works and a letter appended to the application authorizing the applicant to represent the person the applicant purports to represent, if any;
  4. The type or types of article, device, subscription, contribution, service or contract which the applicant desires to sell or for which the applicant wishes to solicit within the Town;
  5. The dates and locations of soliciting, peddling or hawking;
  6. The type of vehicle and applicant will be using while in the Town and its license number; and
  7. Such other business and personal information as the Town Board finds reasonably necessary to protect the public.
- B. Where a person makes application for himself or herself and one or more others, all applicable personal information specified above shall be given for each person and an individual registration shall be required for each person.

#### **SECTION 7. EXPIRATION OF REGISTRATION**

A registration issued as provided in this Local Law shall automatically expire on January 1<sup>st</sup> following the date of issuance, but such registration may specifically state and provide for a specific expiration date.

#### **SECTION 8. ASSIGNMENT OF REGISTRATION**

A registration as provided in this Local Law shall not be assignable. Any person who holds such registration who permits it to be used by any other person and any person who uses a registration granted to it by another person shall each be guilty of violation of this Local Law.

#### **SECTION 9. PROOF OF REGISTRATION**

Every person registered pursuant to this Local Law shall carry the registration with him or her and shall exhibit the same upon demand.

#### **SECTION 10. DENIAL OR REVOCATION REGISTRATION**

- A. Registration may be denied or revoke for any of the following reasons:
1. Fraud, misrepresentation or any false statement made in furnishing the information required by this Local Law;

2. Fraud, misrepresentation or any false statement made in the course of conducting the activities for which the person is registered;
  3. Any violation of this Local Law;
  4. Conviction of the registration holder of any felony or crime involving moral turpitude;
  5. Conducting the soliciting, peddling or hawking in an unlawful manner or in such manner as to constitute a breach of the peace or to be a threat to the health, safety or general welfare of the people of the Town.
- B. Any person whose registration has been denied or revoked shall be entitled to appear, with council, if desired, before the Town Board of the Town, at a regular or special meeting, and be heard on behalf of a request for issuance or reinstatement of said registration.

#### **SECTION 11. DAY AND HOUR LIMITATION**

Except upon invitation from or an appointment with a particular resident, no person shall engage in soliciting, peddling or hawking during the following times:

- A. At any time on Sundays or national holidays; and
- B. Before 9:00 a.m. or after 7:00 p.m. on any other day.

#### **SECTION 12. PROHIBITED ACTS**

- A. No person engaged in soliciting, peddling or hawking shall occupy any of the streets, alleys or sidewalks of the Town for the purpose of soliciting, peddling or hawking, with or without any stand or counter.
- B. No person engaged in soliciting, peddling or hawking shall enter upon premises for the purpose of soliciting, peddling or hawking which are posted with signs indicating that soliciting, peddling or hawking thereon is prohibited.
- C. No person engaged in soliciting, peddling or hawking shall refuse to leave the premises owned, leased or rented by another after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises.
- D. No person engaged in soliciting, peddling, hawking or canvassing shall falsely or fraudulently misrepresent the quantity, character or quality of any good, merchandise or article offered for sale or offer any unwholesome, tainted or diseased provisions of any good merchandise or article.

### **SECTION 13. SALES ON TOWN PROPERTY**

Notwithstanding any other provision of this Local Law, no person shall sell merchandise at any public function held in the Town or on lands owned by the Town without first obtaining written permission thereof from the Town Board; and the Board may, from time to time, adopt rules and regulations concerning such sales.

### **SECTION 14. EXEMPTIONS FROM REGISTRATION REQUIREMENTS**

The following persons are exempt from the registration requirements of this Local Law:

- A. Persons 18 years of age or under engaged in selling or soliciting the sale of goods or services for educational, non-profit or religious purposes.
- B. Persons who act solely as canvassers within the Town of Volney as defined herein.

### **SECTION 15. RECORDS; SUPERVISION**

The Town Clerk shall keep a record of all registrations made under this Local Law, including the number and date of each registration, and the name, age and residence of each registered person, and the Town Clerk shall supervise the activities of all registered persons.

### **SECTION 16. PENALTIES AND ENFORCEMENT**

- A. Any person violating the provisions of this Local Law shall be guilty of an offense and, upon conviction thereof, shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day's continuation of the offense shall be considered a separate punishable offense.
- B. In addition or as an alternative to the above provided penalties, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Local Law.
- C. In addition, any person who violates any provision of the foregoing may be subject to a loss of registration privilege herein granted.

### **SECTION 17. SEVERABILITY**

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person,

individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 18. EFFECTIVE DATE**

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

## Local Law Filing

(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 ascribed as local law number 3 of 20 25 of the ~~(County)(City)(Town)(Village)~~ of Volney was duly passed by the Town Board on July 17, 20 25 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, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ in accordance with the applicable provisions of law.~~

### 3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. 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, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_ and was (approved)(not approved)(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.



## Local Law Filing

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

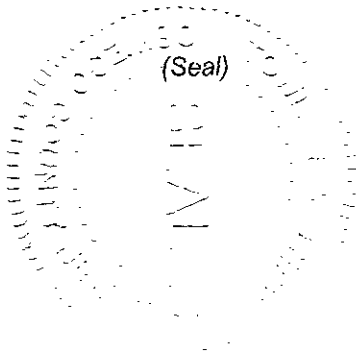
~~I hereby certify that the local law annexed hereto, ascribed as local law number \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 thereto, ascribed as local law number \_\_\_\_\_ 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 the paragraph \_\_\_\_\_ 1 \_\_\_\_\_ above.



Theresa Anderson  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body  
Theresa Anderson, Town Clerk  
July 17, 2025  
(Date)