

TOWN OF CLARKSTOWN
LOCAL LAW NO. 7 - 2016

Be it enacted by the Town Board of the Town of Clarkstown as follows:

Section 1. Title.

A Local Law amending Chapter 208 (Peddling, Hawking and Soliciting) of the Clarkstown Town Code.

Section 2. Legislative Intent.

The purpose of this local law is to amend this chapter to allow the creation of a "Do Not Knock" Registry in order that residents of the Town can register their premises with the Office of the Town Attorney to prohibit solicitation on their premises and to preserve the peace, health, safety, welfare and good order of the Town and its residents.

Section 3. Amend Section 208-14.H. to read as follows:

H. Not enter upon any residential premises clearly displaying a sticker provided by the Town or any sign with letters at least one inch in height reading PEDDLERS AND SOLICITORS PROHIBITED, NO TRESPASSING, DO NOT KNOCK, or similar language.

Section 4. Add a new Section 208-18 entitled "Do Not Knock Registry". Renumber the present § 208-18 to read § 208-19 and the present § 208-19 to read § 208-20. The new Section 208-18 shall read as follows:

§ 208-18. Do Not Knock Registry.

A. Any owner or occupant of property located in the Town who wishes to prohibit soliciting on the premises shall complete a form available in the Town Attorney's office and on the Town's website. The completion of the form will allow the owner/occupant's premises to be included on a list of properties that do not permit solicitation (herein referred to as the "Do Not Knock Registry" or "Registry"). Stickers prohibiting solicitation may be obtained from the Office of the Town Attorney.

B. In order to be removed from the registry, the owner and/or occupant must complete a form indicating that he/she does not want his/her property to be included on the Registry.

C. All solicitors shall obtain the current Do Not Knock Registry from the Town Clerk at the time of issuance of a permit or at the time of registration to solicit pursuant to the provisions of this chapter. The Office of the Town Attorney shall provide the Town Clerk with the latest registry.

D. Solicitors shall not solicit at any premises identified on the then-current Do Not Knock Registry, or at any premises displaying a sign or sticker prohibiting soliciting, trespassing or knocking.

E. It shall be the responsibility of the solicitor to obtain updated copies of the Registry.

F. Activities related to a service requested by the owner or occupant of the property and undertaken in the ordinary course of business including, but not limited to, deliveries of utility notices, telephone directory deliveries, regular newspaper deliveries, work order notices and service inquiries, are presumed to be requested or invited for the purpose of this section.

G. Nothing in this section shall be construed to prohibit the distribution of leaflets, pamphlets or other literature, such as commercial, political or religious material, distributed in a lawful manner, nor shall it limit the activities of entities with whom the Town of Clarkstown presently has a franchise agreement, in force at the time of the passage of this section, for the current duration of said franchise agreement.

Section 5. Effective Date.

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

(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 adopted by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2016 of the (County) (City) (Town) (Village) of CLARKSTOWN was duly passed by the TOWN BOARD on June 21, 2016, in accordance with 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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) (repassed after disapproval) by the _____ . 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.
(Elective Chief Executive Officer*)

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) 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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief 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.)

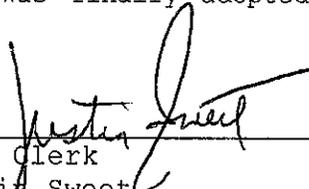
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the _____ qualified 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 hereby 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.



Town Clerk
Justin Sweet

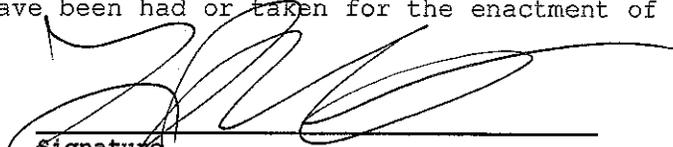
(Seal)

Date: 6/22/16

(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 ROCKLAND

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.



Signature

Lino J. Sciarretta, Town Attorney
Title

County _____
City _____
Town of CLARKSTOWN
Village _____

Date: 6/22/16