

TOWN OF WARWICK

INTRODUCTORY LOCAL LAW NO.

1 OF 2026

**A LOCAL LAW IMPLEMENTING A MORATORIUM ON THE ISSUANCE OF
LICENSES AND PERMITS FOR DOOR-TO-DOOR COMMERCIAL SOLICITORS
AND/OR PEDDLERS**

Section 1. Legislative findings and intent.

The Town Board (“Board”) of the Town of Warwick, New York (“Town”) hereby finds that there is a critical and compelling need, in the public interest as set forth herein, to impose a six-month Moratorium on commercial door-to-door soliciting permits as further described hereafter.

- A. The Town previously undertook regulations with respect Peddling and Solicitation as defined in the Town of Warwick Code Chapter 112. A peddler as defined therein is any person, agent, consignee, owner or employee, traveling by foot or using any type of wagon, cart, vehicle or conveyance whatsoever, whether traveling from place to place or remaining in the same location, who offers or exposes for sale any goods, wares or food of any kind whatsoever, or who makes sales and delivers articles to purchasers, or who solicits orders and, as a separate transaction, makes deliveries to purchasers. The term “peddler” shall include “hawker” or “huckster.”
- B. A solicitor as defined therein is any person, whether as owner, agent, cosigner or employee, traveling by foot or by any type of wagon, cart, vehicle or conveyance whatsoever from place to place, house to house or street to street who takes or attempts to take orders for future delivery for goods, magazines, wares, merchandise, personal property of any kind whatsoever or for services to be performed or furnished at a future date, whether or not advance payment is collected. Such definition shall include any person who temporarily hires, leases, uses or occupies any premises or part thereof for the sole purpose of exhibiting samples and/or taking orders for future delivery.
- C. Under the current legislative framework, Town Code Section 112 requires that any person wishing to engage in the business of a peddler or solicitor as defined in Section 112, above, within the bounds of the Town of Warwick must first apply for and subsequently obtain a permit from the Town of Warwick to do so.
- D. The inclusion of the license requirement was an attempt to establish regulatory framework related to peddlers and/or solicitors as it had come to the Town Board’s attention that the act(s) of solicitation and/or peddling can be alarming to Town Residents. It has since come to the Town Board’s attention that this cause for concern becomes more acute when the solicitor knocks on someone’s door, rings their doorbell, or otherwise attempts to contact that individual while the resident is in their abode.

- E. Moreover, throughout the duration of this Moratorium the Board will review the feasibility of more stringent licensing application requirements related to those applicants seeking licensing related to soliciting and/or peddling goods within the bounds of Village and to allow residents to opt out of solicitation by being included in a no-knock registry to be provided to door-to-door solicitors.
- F. The Town Board finds that the Town Code Section related to peddling and solicitation established initial requirements governing Peddling and Solicitation. However, the standards prescribed for these licenses do not adequately address the safety concerns that have come to the board's attention including but not limited to, a lack of criminal history searches/background checks, the ability to solicit and/or peddle on private property, and no current mechanism by which, at present, for residents to "opt out," of receiving solicitors or peddlers on their private property. Moreover, there are also community concerns that have been brought to the Board's attention that penalties for non-compliance may not be adequate at this juncture.
- G. Considering the large concern amongst the community associated with solicitors and/or peddlers soliciting on private property, with perceived and potential lax enforcement mechanisms present in the current legislative framework, amid rampant privacy as well as safety concerns, for the well-being of both peddlers/solicitors as well as home-owners, these circumstances require that the Town Board undertake, without delay, a review of the existing sections of the Village Code related to Peddling and Solicitation in order to determine whether these regulations should be amended or otherwise changed, particularly with regard to matters related to the feasibility of a more stringent licensing procedure, as well as an enforced "no knock," list of property owners within the Village, to ensure that Peddlers and Solicitors do not present themselves on private property.
- H. The Town Board hereby finds that the adoption of a moratorium on the issuance of permits related to commercial, door-to door peddling and/or soliciting is required in order to best maintain the status quo during the study period in order to prevent interim action, friction, interaction or issues between door-to-door solicitors/peddlers and Village residents from frustrating the objectives of the study.

Section 2. Scope of Moratorium.

Moratorium on the issuance of all peddling and/or soliciting applications and permits for door-to-door commercial peddling and/or soliciting by the Town Clerk or any other Official, Employee Board or entity of the Town of Warwick.

This Law will not otherwise void, nullify, or in any way supersede, interfere with, contradict or modify any code sections related to enforcement, penalization and/or prosecution of individuals or entities who violate the current Town Code Sections related to peddling and solicitation licensing and permission, while this Moratorium is in effect. Nothing herein should be construed to allow commercial door-to-door peddling and/or solicitation during this period, as the

Moratorium is only related to the issuance of the permits, not as to the requirement to possess a duly issued permit related to peddling and/or solicitation.

Section 3. Application of Law to existing applications.

This Local Law shall supersede any and all Town Law or other provisions of law, rule or regulation that require specific action upon an application related to the issuance of a peddler's or solicitor's permit, or license or ability to do so. The Moratorium will be effective to any permits that have been issued within 30 days of the passage of this Local Law. This Moratorium is being adopted by Local Law pursuant to Municipal Home Rule Law procedures and this Moratorium suspends any ability of the Town of Warwick to issue Peddler or Solicitor's Permits. This Moratorium supersedes any Town Law or Town Code provisions to the contrary that require any specific action on an application by any Town Board, or Town Official or Employee within the Town. This Moratorium Law also supersedes any New York State or Local Laws, rules or regulations pertaining to the grant of any variance authority by any relevant Board of Appeals, related to the issuance or denial of permits under the current Town Code it being the intention of this Local Law that any grant of permission related to any permit by any employee, Board, or Official is hereby superseded by this Local Law.

Section 4. Expiration of moratorium.

This Local Law shall expire without further action of the Town Board six (6) months following the effective date hereof and thereafter shall be of no force or effect. However, if it appears that any required review and study referred to hereinabove will not be completed within six (6) months from the effective date of this Local Law, the Town Board may, by Local Law, extend the period of this Moratorium for an additional six (6) months or for such other time period that the Town Board determines is reasonable in scope and duration.

Section 5. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (30) this Local Law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

Section 6. Severability.

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7. Effective date.

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