Article 3 - Door to Door Solicitation and Peddling

§1 Purpose
A. This article regulates persons or organizations engaged in soliciting or peddling in the Town.
B. This article allows reasonable access to residents at their homes by persons or organizations who wish to engage in commercial solicitation.
C. This article also defines a mechanism whereby residents may prevent commercial door-to-door solicitation at their homes.

§2 Authority
A. This article is adopted under the authority granted by GL c. 40 §21 to implement the provisions of GL c. 101 §34.

§3 Definitions
A. NON-COMMERCIAL PURPOSES – Activities which include but are not limited to religious, charitable, and civic or political purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or peddling.
B. REGISTRATION AUTHORITY – The Chief of Police, or designee, who shall have the authority to issue certificates of registration, investigate potential violations, and revoke said certificates.
C. SOLICITOR or PEDDLER – Any individual traveling from dwelling to dwelling taking or attempting to take orders for sale of goods, wares, merchandise, or personal property of any nature for immediate or future delivery or for services to be furnished or performed immediately or in the future whether or not payments are collected on such sales.

§4 Registration Requirement
A. No person or organization shall solicit or peddle in the Town without first obtaining a certificate of registration from the Registration Authority.

§5 Exemptions
A. Activities for non-commercial purposes are exempt from this article.

§6 Application
A. Each solicitor or peddler shall submit to the Registration Authority a completed application and fee, set from time to time by said Authority, payable to the Town.
B. Each applicant shall complete an application in writing at least ten (10) working days prior to the requested starting date of solicitation.
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1) The application form shall be provided by the Police Department.

2) Said form shall require, at a minimum, the following information:
   a) Applicant’s name, physical description, and date of birth;
   b) Applicant’s social security number or other tax identification number;
   c) Applicant’s permanent home address and full local address;
   d) Applicant’s electronic contact information (e.g., phone number and/or email address);
   e) Name, address, and contact information of sales organization; credentials establishing the applicant’s relationship to said organization;
   f) A brief description of the nature of the goods and/or services to be sold;
   g) Name and contact information of merchandise source or service provider, and proposed delivery method;
   h) The length of time for which the certificate of registration is desired (not to exceed one (1) year);
   i) A statement declaring whether or not the applicant has been convicted of any crime listed in §6 of this article or is required to register with any state Sex Offenders Registry Board.

§7 Certificate Issuance or Denial
   A. The Registration Authority shall issue the requested certificate if, after an investigation into the facts contained in the application, the said Authority is satisfied the applicant is of suitable character.
   B. The Registration Authority shall not issue a certificate to any organization or individual:
      1) whose certificate has been revoked for violation of this article within the previous two (2) years,
      2) who has been convicted of any felony unless said Authority is satisfied the applicant is not likely to re-offend,
      3) who is a fugitive from justice,
      4) who is a sex offender required to register with any state Sex Offenders Registry Board.

§8 Identification Card
   A. The Registration Authority, after application review and investigation but in no event more than ten (10) working days after receipt of a fully-completed application, shall issue to each successful applicant an identification card which shall contain the words “Licensed Solicitor”, the individual’s picture, identification(?), and expiration date of said certificate.
B. Persons engaged in solicitation or peddling as defined in this article shall display the identification card while soliciting or peddling and present the card to any police officer or person solicited upon request.

§9 The “Do Not Solicit” List
A. Any resident or business within the Town may register in writing for the “Do Not Solicit” List (the “List”) with the Town Clerk.
B. The List shall be maintained by the Town Clerk and supplied to the Registration Authority.
C. The List shall consist solely of property addresses.
D. Each resident or business whose address is contained within the List shall timely notify the Town Clerk, in writing, after changing residence.
E. The Registration Authority shall provide a copy of the List to every applicant to whom a certificate is issued.
F. A certificate holder shall ensure possession of the most recent List before beginning solicitation or peddling when the holder’s copy of the List is more than one month old.

§10 Restrictions
A. Solicitation or peddling shall not be performed at any address identified on the Do Not Solicit List.
B. Solicitors or peddlers shall not enter private property after being forbidden to do so either directly by the person in charge of said property or by a conspicuously posted Notice of “No Trespassing” or “No Soliciting”.
C. A registered solicitor or peddler may solicit only at an allowed location and only between the following hours:
   1) Monday through Friday: 9 AM to 8 PM
   2) Saturday, Sunday, or Holiday: 9 AM to 5 PM

§11 Enforcement and Penalties
A. Whoever continues to solicit or peddle after being informed by a police officer to cease and desist, may be arrested without a warrant by a police officer in accordance with the provisions of GL c. 272 §59 and subject to a fine.
B. Trespass violations are controlled by GL c. 266 §120 which authorizes arrest, without a warrant, of any person found committing such a trespass in the presence of a police officer.
C. A certificate may be suspended without notice or hearing for any of the following causes:
   1) Fraud, misrepresentation, or false statement in the application;
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2) Fraud, misrepresentation, or false statement made in the course of solicitation or peddling;
3) Any violation of this article;
4) A change in status which would have resulted in a certificate denial;
5) Soliciting or peddling in an unlawful manner; or,
6) Using high-pressure tactics, harassing, or refusing to accept an answer, when verified in writing.

D. Certificates issued under the provisions of this article may be revoked by the Registration Authority after investigation by the Police Department, notice, and hearing.

E. The Registration Authority shall conduct a hearing to consider suspension or revocation of a certificate.
   1) The certificate holder shall be given written notice of said hearing at least five (5) working days prior to the hearing date.
   2) Such notice shall include the time and place of said hearing and specifically describe the grounds of suspension.
   3) Such notice shall be delivered by hand or forwarded by certified mail to the certificate holder at the holder’s last known address.
   4) Results of said hearing shall be delivered in writing to the certificate holder within ten (10) working days of the hearing closure.

§12 Appeals

A. Any person or organization who is denied a certificate of registration or whose certificate has been suspended or revoked may appeal by filing written notice with the Select Board.

B. Such appeal must be filed within five (5) working days of receipt of the notice of denial, suspension, or revocation.

C. The Select Board shall hear the appeal at a meeting within ten (10) working days of filing of appeal.
   1) Such meeting shall normally take place in public session.
   2) Such meeting may take place in executive session by request of the appellant or discretion of the Select Board.

D. The Select Board shall notify appellant and Registration Authority within five (5) working days of appeal determination.

E. Said certificate shall be deemed granted or reinstated, as the case may be, if the Select Board fails to make a determination within ten (10) working days of the conclusion of the meeting(s) at which the appeal is heard and deliberated.
§13 Records

A. The Registration Authority shall retain all records of applications, certificates, investigations, and violations for a period of three (3) years after the most recent certificate expiration, certificate revocation, or violation.