

Solicitation and Canvassing Bylaw for the Town of Georgetown

Chapter #. SOLICITATION AND CANVASSING

§#-1. Statement of Purpose

This Bylaw, adopted pursuant to M.G.L. c.43B, Section 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts is intended to secure for residents of the Town of Georgetown the tranquility which they reasonably expect to enjoy in the privacy of their homes and to protect them from unreasonable intrusion by unrequested and unwanted solicitation and canvassing and perpetration of fraud or other crimes. It is framed with deep respect for the principles embodied in the constitutions of the United States and the Commonwealth of Massachusetts and attempts to achieve a workable balance between the right of free speech and the right of privacy. It is intended to be framed narrowly and construed strictly to achieve its purpose by imposing certain restrictions as to the time, place and manner in which solicitation and canvassing are conducted.

It is not intended to be applied to activities for religious, political, newspaper distribution or public policy purposes or other non-commercial purposes, regardless of whether such activities include acts that would otherwise constitute soliciting or canvassing entitled to protection under the First Amendment to the United States Constitution.

§#-2. Definitions

A. "Solicitation or Canvassing" means traveling by foot, motor vehicle or any type of conveyance, from place to place, from house to house, or from street to street, for salary, commission or other remuneration, whether on behalf of oneself or of another person, firm or corporation and:

- (1) Selling, leasing or taking orders for the sale of any goods, wares, merchandise or services whatsoever, including without limitation books, periodicals, food, and home improvement services, or attempting to so sell, lease or take orders, whether or not advance payment on such sales is collected; or
- (2) Seeking or requesting donations of money, goods or services for association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other non-commercial organization.
- (3) seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes;
- (4) person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises;
- (5) seeking to enlist membership in any organization for commercial purposes; or
- (6) seeking to present, in person, organizational information for commercial purposes.

B. "Residential property" includes without limitation each individual dwelling unit.

C. "Charitable Organization," "Professional Solicitor" and "Commercial Co-venturer" shall be defined as set forth in Chapter 68, Section 18, of the General Laws.

§#-3. Prohibition and Requirements

- A. No person shall engage in solicitation or canvassing in or upon any private residential property in the Town of Georgetown, and no firm, corporation, organization or other entity shall arrange for any person to engage in solicitation or canvassing in or upon any residential property, without first registering with the Chief of Police or his designee not less than three (3) days before commencing such solicitation or canvassing and obtaining from the Chief of Police or his designee a certificate evidencing such registration;

- B. Persons engaged in solicitation or canvassing shall carry such certificate or registration while so engaged and shall produce such certificate upon the request of a police officer;
- C. Immediately upon encountering an occupant of any residential property, a person engaged in solicitation or canvassing shall present such certificate of registration for inspection and inform the occupant of the nature and purpose of his business and, if he is representing an organization, firm or other entity, the nature and purpose of such organization, firm or other entity.
- D. Each person engaged in solicitation or canvassing in or upon any residential premises shall immediately leave such premises upon the request of the occupant;
- E. No person shall engage in solicitation or canvassing in or upon any residential property upon which is displayed a sign prohibiting trespassing, solicitation or canvassing;
- F. No person shall engage in solicitation or canvassing in or upon any residential property without express prior permission of an occupant, before 9:00 a.m. or after 9:00 p.m. where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities;
- G. No person engaging in solicitation or canvassing shall misrepresent in any way his true objective, status or mission or that of any organization on behalf of which he is so engaged;
- H. No person shall solicit, canvass or conduct any other activity at any residence in a threatening, abusive or illegal fashion;
- I. Persons engaging in solicitation or canvassing shall comply with all federal, state and local laws and regulations, including but not limited to consumer protection laws such as MGL c. 93, 93A and 255D.

§#-4. Registration

- A. Application - Persons seeking registration certificates in accordance with this Bylaw shall apply therefor, not less than three (3) days before commencing solicitation or canvassing in the Town of Georgetown. Such application shall be signed under the penalties of perjury and shall contain the following information on a form provided by the Chief of Police or his designee:
 - (1) Applicant's name;
 - (2) Applicant's business, residence and local address;
 - (3) Applicant's business, residence and local telephone numbers;
 - (4) Applicant's date of birth;
 - (5) Applicant's driver's license number and state of issue;
 - (6) Applicant's sex, race, height, weight, hair color and eye color;
 - (7) A copy of a photograph identification to the Police Department at the time of application;
 - (8) Length of time for which applicant seeks to conduct business in the Town of Georgetown;
 - (9) Description of the nature of the business and the goods or services to be sold or purpose(s) for which donations are to be requested;
 - (10) Name, home office address and home office telephone number of applicant's employer, if any, or statement of self-employment;
 - (11) If applicant is operating or being transported by a motor vehicle, the year, make, model, color, registration number, state of registration, owner's name and address of each such vehicle.
- B. Fee Structure - Upon filing such application each applicant shall pay a nonrefundable filing fee in the amount of \$25.00 in the form of a check made payable to the Town of Georgetown.

§#-5. Investigation and Issuance

- A. Upon receipt of an application for registration the Chief of Police or his designee shall cause to make an

investigation of the applicant's background and reputation. Within three (3) days of the filing [of] such application the Chief of Police or his designee shall either approve such application and cause the certificate of registration to be issued or deny such application, stating the reason(s) for such denial. Failure of the Chief of Police or his designee to so act within three (3) days shall constitute approval of said application.

B. Grounds for denial shall include but are not limited to the following:

- (1) A conviction in any state or federal court of the United States or any court of a territory of the United States for any of the following named offenses committed within seven (7) years prior to the date of such shall constitute grounds for denial of such application: burglary, breaking and entering, larceny, robbery, receiving stolen property, assault, fraud, sexual misconduct as specified in Chapter 265, Sections 13B and 22 through 24, and Chapter 272, Section 53A of the General Laws, unlawfully carrying weapons, or the attempt of any such offense;
- (2) A person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as a Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other person vulnerable to becoming victims of sex crimes;
- (3) The failure to include any of the information requested in the application.

§#-6. Contents of Certificate

Each certificate of registration shall contain the signature of Chief of Police or his designee and shall show the name, the name of the employer of the holder of said certificate, if any, address and telephone number of the holder of said certificate as well as the date of issue and registration number. Additionally, each certificate will include proof of payment to the Town of Georgetown as described in Section 4.

§#-7. Appeal

- A. Any applicant aggrieved by the action of the Chief of Police in denying such application or in revoking such certificate of registration may appeal in writing to the Board of Selectmen within seven (7) days of the action completed. The Board of Selectmen shall hold a hearing and render a decision within thirty (30) days of the date the appeal is received.
- B. If the Board of Selectmen fails to render a decision within thirty (30) days the appeal shall be deemed to be upheld.

§#-8. Expiration of Certificate

Each certificate of registration issued pursuant to this Bylaw shall expire 90 days from date of issue.

§#-9. Transfer of Certificate

No certificate of registration may be transferred to any other person or entity.

§#-10. Revocation of Certificate

The Chief of Police or his designee may revoke the certificate of registration of any solicitor or canvasser for violation of any provision of this Bylaw, or any applicable state or federal laws governing soliciting and canvassing, or for providing false information on the application. The Chief of Police or his designee shall deliver written notice to the holder of the registration in person, or send to the holder by certified mail at the address set forth in the application.

§#-11. Duties of Police Department

The Police Department shall keep a record of all certificate of registration, including registration numbers, and application thereof, for a period of six (6) years after application. Enforcement of this Bylaw shall be by the Chief of Police, or his designee, by any available means in law or equity, including but not limited to enforcement by criminal complaint filed by the Police Department.

§#-12. Exceptions

The provisions of this Bylaw shall not apply to the following persons:

- A. Any person exempted under Chapter 149, Section 69, children as newspaper vendors, or any other General Law.
- B. Route salespersons or others having established customers making periodic deliveries to such customers, including but not limited to news carriers.
- C. Any officer or employee of the Town of Georgetown, county, state or federal government on official business.

§#-13. Severability

If any section, subsection, sentence, clause, phrase or portion of this Bylaw shall be declared invalid or held unconstitutional by any court of last resort, the remainder shall continue in full force and effect.

§#-14. Penalty

Whoever violates any provisions of this Bylaw shall be liable to a penalty of one-hundred dollars (\$100) for the first offense and two hundred dollars (\$200) for each subsequent offense.