

CHAPTER III

Regulating Certain Occupations

SECTION 1: No person shall hawk or peddle fish, fruit or vegetables within the limits of this Town, except as authorized by law, without first obtaining a license thereto from the Board of Selectmen upon payment of a fee of Five (\$5.00) Dollars annually.

SECTION 2: No person shall be a collector of or a dealer in junk, old metals, or secondhand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles without first obtaining a license therefor from the Board of Selectmen upon payment of a fee of at least one-hundred (\$100.00) dollars annually.

SECTION 3: The annual fee for any automatic amusement device license issued or renewed under Ch. 140, S. 177A of the Massachusetts General Laws shall be one-hundred (\$100.00) dollars. The fee for any license issued after January 31st in any year shall be prorated on the basis of the number of months in which the license is to be in force compared with twelve months. The fee for every change of premises shall be two dollars (\$2.00).

SECTION 4: Licensing of Solicitors and Canvassers

(a) Purpose. This section, adopted pursuant to M.G.L. c. 43B, section 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operation requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Ludlow in order to (1) protect its citizenry from disruption of the peaceful enjoyment of the residences and from the perpetration of fraud or other crimes; and (2) to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or noncommercial messages.

(b) Definitions. The following definitions shall apply in the interpretation and implementation of this Bylaw:

(1) "Soliciting" shall mean and include any one or more of the following door-to-door activities;

(a) selling or seeking to obtain orders for the purchase of goods or services for any kind of consideration whatever;

(b) selling or seeking to obtain prospective customers for application to purchase insurance of any kind;

(c) seeking to obtain subscriptions to books, magazines, periodicals, newspapers, or any other type of publications;

(d) seeking to obtain gifts or contributions money, clothing, or any other valuable thing for the support or benefits of any association, organization, corporation or project;

(e) 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.

(2) "Canvassing" shall mean and include any one or more of the following door-to-door activities conducted for commercial purposes:

(a) person-to-person distribution of literature, periodicals, or other printed materials, but shall not include placing or dropping off printed materials on the premises;

(b) seeking to enlist membership in any organization;

(c) seeking to present, in person, organizational information

(3) "Residence" shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

(4) "Registered solicitor" shall mean any person who has obtained a valid certificate of registration from the Town as required by this Bylaw.

(c) Registration. Every person or organization intending to engage in commercial soliciting or canvassing door-to-door in the Town of Ludlow must register with the Police Department at least three (3) days in advance by filing a registration application form with the Chief of Police.

(1) Organization application forms shall include the following information:

- (a) The name and the address of the organization applying for registration, and the names and address of the organization applying for registration, and the names and addresses of the organizations' principal officers.
- (b) The name, title and telephone number, IRS taxpayer identification number of the persons filing the application form
- (c) The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Ludlow.
- (d) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing by the applicant.
- (e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).
- (f) Names of the last three communities (if any) in which the organization has conducted a solicitation or canvassing operation.

(2) Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under I (c) (1). Individual registration forms shall contain the following information:

- (a) Names and address of the present place of residence and length of residence at that address; if less than three years residence at a present address, the address of residences) during the past three years.
- (b) Date of birth.
- (c) Name and address and telephone number of the person or organization whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization.
- (d) Name and address of employer during the past three years if other than listed in I (c).
- (e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).
- (f) Name of the last three communities (if any) in which the applicant has solicited or canvassed door-to-door.
- (g) Social Security Number. (Optional)
- (h) Recent passport-sized photograph of the applicant to be affixed to the registration card.
- (i) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

(d) Registration Fee. Each applicant for registration or re-registration shall pay a fee of \$5.00 to the Town.

(e) Registration Cards.

(1) The Police Chief shall complete his or her review and shall either issue a registration card or deny a registration card within three (3) business days after receiving all the information described in Subsections (a) through (e) above.

- (a) The name of the person.
- (b) A recent photograph of the person.
- (c) The name of the organization (if any) which the person represents.
- (d) A statement that the individual has been registered with the Town of Ludlow Police Department but that registration is not an endorsement of any individual or organization.
- (e) Specific dates or period of time covered by the registration.

(2) Persons engaged in solicitation or canvassing must carry the registration card at all times and present the card to any person solicited or upon the request of any police officer.

(3) Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days

(4) The Police Chief shall refuse to register an organization or individual whose registration has been revoked for violation of this by-law within the previous two year period, or an individual who at any time has been convicted of murder, manslaughter, rape, robbery, arson, burglary/breaking and entering, assault, larceny or an individual who is a sex offender required to register with the Sex Offender Registry Board, or its equivalent in any other state, and who is finally classified as a level two or level three sex offender.

(f) Exceptions.

(1) Registration shall not be required for officers or employees of the Town, county, State or Federal governments when on official business.

(2) Individual registration shall not be required for minors under the age of 18 except in connection with canvassing or soliciting on behalf of a profit organization, newspaper carriers excepted.

(3) Registration shall not be required for individuals seeking to engage in exclusively noncommercial communication or solicitation for support of candidates for public office

(g) Duties of Solicitors:

(1) It shall be the duty of every solicitor or canvasser, upon going into any residential premises in the Town of Ludlow, to first examine any notice which may be posted prohibiting solicitation. If such a notice is posted, the soliciting or canvasser shall immediately and peacefully depart from the premises.

(2) Any solicitor or canvasser who has gone onto any residential property or gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(3) Immediately upon going onto any residential property or gaining entrance to any residence, each registered solicitor or canvasser must do the following:

(a) Present his registration card for inspection by the occupant.

(b) Request that the occupant read the registration card.

(c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization. For purposes of this subsection, the term 'in clear language' shall mean words spoken in the language spoken by the occupant and which are reasonably expected to be understood by a person of ordinary intelligence.

(4) It shall be the duty of every organization employing solicitors or canvassers to notify the Police Department daily as to what areas) of the Town they will be operating in.

(h) Restrictions on Methods of Solicitation: It shall be unlawful for a solicitor or canvasser to do any of the following:

(1) Falsely represent; directly or by implication, that the solicitation or canvassing is being done on behalf of a governmental organization.

(2) Solicit or canvass at any residence where there is a posted sign prohibiting solicitation, without express prior permission of an occupant.

(3) Solicit or canvass any residence without express prior permission of an occupant, before 9:00 a.m. or after 8:00 p.m. where there is no sign posted otherwise limiting solicitation or the hours of solicitation.

(i) Penalty.

(1) Any person or organization who, after being advised and given a copy of this Bylaw, violates any of the provisions of the By-law shall be subject to a fine not to exceed \$300.00 for each offense.

(2) Any person or organization who for himself, itself, or through its agents, servants or employees violates any provision of sub-sections I (a) or I (h) of this Bylaw, or who knowingly provides false information on the registration application, or who is found, after investigation by a police officer, to have conducted himself or itself in a threatening, abusive, or illegal fashion, shall have his, her, or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

(j) Appeals.

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Select Board. Such appeal must be filed within 5 days after receipt of the notice of denial or revocation. The Select Board shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Select Board fails to make determination within 30 days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

(k) Severability.

Invalidity of any provision of this section shall not affect the validity of the By-law as a whole.

(added 5/09/2010) (amendment 5/10/2010)