

ARTICLE 52

SOLICITORS AND CANVASSERS

This Article is for the purposes of protecting the privacy of the residents of the Town of Natick, to prevent fraud, to deter and protect the residents against crime, and to protect residents against annoyance. The provisions of this Article have neither the purpose nor intent of infringing upon or denying rights protected by the Constitutions of the United States and the Commonwealth of Massachusetts, and instead constitute reasonable time, place and manner restrictions on door-to-door soliciting and canvassing in the Town of Natick.

SECTION 52.1 DEFINITIONS

BONA FIDE RELIGIOUS, CHARITABLE, EDUCATIONAL OR POLITICAL ORGANIZATION

Any organization that is qualified under state or federal law as a tax-exempt, nonprofit organization, any religious, charitable, educational or political organization or group, or any organization or group that espouses or advocates a position or belief on any subject of public interest or on behalf of any candidate for public office.

CANVASS OR CANVASSING

Includes any one (1) or more of the following door-to-door activities:

1. Person-to-person distribution of literature, periodicals, or other printed materials, but shall not include placing or dropping off printed materials on the premises except as otherwise exempted by this Article.
2. Seeking to enlist membership in any organization except as otherwise exempted by this Article.
3. Seeking to present, in person, organizational information except as otherwise exempted by this Article.

LICENSE

The photo identification card issued to a licensee under this Article.

PERSON

Any individual, business entity, firm, partnership, corporation, company, association or joint-stock association, society, organization or league and includes any trustee, receiver, assignee, agent or other similar representative thereof, except as otherwise exempted by this Article.

SOLICIT or SOLICITATION

Includes any one (1) or more of the following activities:

1. Seeking to sell or obtain orders for the purchase of goods wares, merchandise, foodstuffs, and services of any kind, character or description whatever.
2. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
3. Seeking to obtain gifts or contributions of money, clothing or any other

valuable item for the support or benefit of any charitable or nonprofit association, business entity, organization, corporation, group or project except as otherwise exempted by this Article.

SECTION 52.2 LICENSE REQUIRED

No person, firm or corporation shall canvass, solicit, distribute circulars or other matters, or call from house to house in the Town of Natick to sell, promote the sale of or attempt to sell goods by sample, or to take or attempt to take orders for, the future delivery of goods, merchandise, wares or any other property, personal or real, of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed presently or in the future, or collect or attempt to collect contributions for any purpose, without first having obtained a written license from the Natick Chief of Police (“Chief of Police”) or his designee under the provisions of this Article (except as otherwise provided in Section 52.3 below).

SECTION 52.3 EXEMPTIONS

- A. Any person, firm or corporation soliciting or canvassing on behalf of a bona fide religious, charitable, educational or political organization shall be exempt from the requirements of this Article, except for the Prohibited Activities set forth in Section 52.8.
- B. Any person, firm or corporation delivering goods or performing services which have been previously ordered by the person owning, leasing or occupying the property where such delivery is made or service performed shall be exempt from the requirements of this Article.
- C. Any minor employed by a newspaper as a carrier, or who has been previously registered with the Chief of Police by an employing newspaper, shall be exempt from the requirements of this Article.
- D. The provisions of this Article shall not apply to any of the following groups:
 - 1. Girl Scouts of America, Natick affiliates
 - 2. Boy Scouts of America, Natick affiliates
 - 3. Any youth activity/sports association affiliated with the Town of Natick or School Department of the Town of Natick
 - 4. Any other organization designated for exemption by the Board of Selectmen.
- E. Any candidate for public office or person campaigning on behalf of such candidate, where such candidate is seeking election to an office to be voted upon by the registered voters, or any person campaigning on behalf of or in opposition to any federal, state or local ballot question, petition, referendum, or home rule charter or by-law amendment to be voted upon by the registered voters, shall be exempt from the requirements of the this article.

SECTION 52.4 NON-EXEMPT LICENSE APPLICATIONS

- A. Any person seeking a license to engage in any activity set forth in Article 52.2, except those persons and activities exempt under Article 52.3, shall file an application with the Chief of Police or his designee on a form used by him no less than thirty (30) days prior to the requested start date for such canvassing or soliciting
- B. The application form shall require, at a minimum, the following information:
 - 1. Name of applicant.
 - 2. Address of applicant (local and permanent home address).

3. Applicant's date of birth.
 4. Applicant's height, weight, eye and hair color.
 5. Applicant's social security number.
 6. The length of time for which the right to do business is desired.
 7. A brief description of the nature of the business and the goods to be sold.
 8. The name and home office address of the applicant's employer or the person or entity on whose behalf the applicant is soliciting or canvassing. If self-employed, it shall so state.
 9. If the applicant is operating a motor vehicle in connection with the soliciting or canvassing, the year, make, color, model, registration number, registered state, vehicle owner, and address.
 10. Whether the applicant has been convicted of a crime or offense or violation of any municipal bylaw, ordinance or regulation relating to canvassing or soliciting and, if so when, where and the nature of the offense.
 11. The names of other municipalities in the Commonwealth of Massachusetts where the applicant has been issued or granted a permit, license or similar authorization to solicit or canvass in the past two years.
- C. All applicants under this section shall be fingerprinted as set forth in Article 55, and photographed by the Chief of Police or his designee, and shall pay the application fee required under Article 55, in addition to the license application fee required under this Article 52.
- D. The applicant shall permit the Natick Police Department to photograph said applicant for identification purposes. A copy of said photograph shall be kept on file in the Natick Police Department.
- E. Within five (5) days of receiving applicants completed application under this Section 52.4, the Chief of Police shall submit an applicant's fingerprints for a fingerprint-based criminal record background check in accordance with Article 55. Within seven (7) days of receiving the results of such fingerprint-based criminal record background check, the Chief of Police or his designee shall issue or deny a license. In computing the time periods under this Section 52.4, Saturdays, Sundays and holidays shall be excluded. If the Chief of Police does not submit an applicant's fingerprints or render a decision within the applicable time periods under this Section 52.4, the license shall be deemed constructively granted.
- F. Subject to the time requirements set forth in Section 52.4E above, the Chief of Police or his designee shall grant a license, except in the following circumstances:
1. An applicant fails to fully comply with the requisites established for issuance of a license, including submission of a completed application form and payment of the applicable filing fees.
 2. Falsification of information required to be provided in the application process.
 3. 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 crimes or offenses, by whatever named called, within seven years prior to the date of license application: burglary (armed or unarmed); stalking; breaking and entering; larceny; kidnapping;

armed robbery (armed or unarmed); home invasion; buying, receiving or concealing stolen property; assault; fraud; conduct as specified in Massachusetts General Laws Chapter 265, Sections 13B and 22 through 24; and sexual assault, rape or other sex related offenses; unlawfully carrying weapons; or the attempt of any such crime or offense.

4. Violations of the provisions of this Article or any state law or regulation or municipal bylaw, ordinance or regulation regulating canvassing or soliciting, by whatever name called.

G. The Chief of Police or his designee may suspend or immediately revoke a license in the following circumstances:

1. The occurrence of any ground for denial as set forth in Section 52.4 F
2. Failure to comply with the other provisions of this Article
3. Any failure of a licensee to prominently display his license upon his person when soliciting or canvassing.

The Chief of Police or his designee shall notify the licensee and shall provide the licensee an opportunity to be heard prior to suspending or revoking the license. Pending any such revocation hearing the Chief of Police or his or her designee may suspend the license.

- H. Each applicant for a license shall pay a nonrefundable fee of ten dollars (\$10.00), in addition to any fees set forth in Article 55. The license shall expire as set forth on each license but in no case shall the term of the license exceed one (1) year from the date of its issue. A licensee requesting renewal of a license must provide such information and pay the same nonrefundable fee as is required to obtain an initial license, prior to the expiration of the current license.

SECTION 52.5 SEPARATE LICENSE

In the case of a firm or corporation, each person representing or soliciting or canvassing on behalf of such firm or corporation shall be required to apply for and maintain a separate license.

SECTION 52.6 LICENSE TO BE NONTRANSFERABLE; DISPLAY

The license shall be nontransferable and shall entitle the licensee for the period indicated therein and for the purposes specified therein to solicit or canvass in the Town of Natick, unless otherwise exempted under this Article, provided that the licensee shall have the license in his/her possession at all times while soliciting or canvassing and shall further conspicuously display the license.

SECTION 52.7 POSTED PREMISES.

No person shall engage in soliciting or canvassing upon any premises without a prior invitation from the occupant thereof if there is posted or displayed on such premises by means of a notice prominently displayed upon which is printed the words "No Solicitors" or "No Canvassers" or words of similar import. For the purposes of this section, the premises shall be deemed posted or displayed against soliciting or canvassing if there is exhibited, on or near the main entrance to the

premises or on or near the main door to any residence located thereon, a sign at least three (3") inches by four (4") inches in size which bears the above or similar words in letters at least one-third (1/3) inch in length.

SECTION 52.8 PROHIBITED ACTIVITIES.

- A. There shall be no soliciting or canvassing upon the premises, other than upon prior invitation of the occupant of any such premises, prior to 8:30 a.m. or after 8:30 p.m. local time of any day, and it is hereby declared unlawful and shall constitute a nuisance for any person, whether licensed under this Article or not, to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract attention of the occupant of such residence, for the soliciting or canvassing as herein defined prior to 8:30 a.m. or after 8:30 p.m. of any day or at any time on a national holiday.
- B. No person engaged in soliciting or canvassing shall, at the time of initial contact with a prospective customer or donor, fail to identify himself or herself and the purpose of the soliciting or canvassing.
- C. No person engaged in soliciting or canvassing shall misrepresent the purpose of his or her soliciting or canvassing or use any false, deceptive or misleading representation to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the soliciting or canvassing.
- D. No person engaged in making a soliciting or canvassing as defined in Article 52.1 shall violate any of the provisions of Chapter 93A of the Massachusetts General Laws, said chapter being entitled "Regulation of Business Practices for Consumers' Protection," the current provisions of which are hereby adopted and by reference made a part hereof.

SECTION 52.9 CERTAIN REPRESENTATIONS ARE PROHIBITED

No person, firm or organization having received a license to canvass or solicit within the Town of Natick shall use or exploit the fact of the license so as to lead the public to believe that such license in any manner constitutes an endorsement or approval by the Town of Natick or any of its officials.

SECTION 52.10 AUTHORITY OF CHIEF OF POLICE

The Chief of Police or his designee shall have the power and authority to grant, deny, suspend or revoke licenses as provided for and in accordance with the terms of this Article.

SECTION 52.11 APPEAL FOLLOWING ACTION BY CHIEF OF POLICE REGARDING REVOCATION OR DENIAL OF LICENSE

Any person whose license application has been denied or whose license has been revoked shall have the right of appeal to the Natick Board of Selectmen, subject to the same standards for denial or revocation set forth in this Article. Any such appeal must be commenced within fourteen (14) days of the date of the decision by the Chief of Police or his designee.

SECTION 52.12 VIOLATIONS AND PENALTIES

Any person, firm or corporation charged with violating any of the provisions of this Article shall, upon conviction thereof, be liable for a fine not exceeding three hundred dollars (\$300.00) for each violation. Each day on which a violation exists shall constitute a separate violation.