

Chapter 151: PEDDLING AND SOLICITING

[HISTORY: Adopted by the Town Meeting of the Town of Orange as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Advertising materials — See Ch. 86.
Peace and good order — See Ch. 148.

ARTICLE I Regulation of Stalls and Booths for Sale of Merchandise [Adopted as approved 5-7-1872 (Bylaws 22 and 32)]

§ 151-1. Permission required.

No person shall place or keep any table, stall or booth or other erection in any street, highway, sidewalk, or in any of the public squares or grounds in the Town, for the sale of fruit or other things without permission from the Selectmen.

§ 151-2. Violations and penalties. [Amended 5-2-2005 ATM, Art. 11, approved 8-4-2005]

Any person guilty of a violation of this article shall be penalized by noncriminal disposition and subject to a fine as set forth in Chapter 1, General Provisions, Article I.

ARTICLE II Soliciting [Adopted 5-2-1988 ATM by Art. 57, approved 8-30-1988 (Bylaw 54)]

§ 151-3. Definitions.

For the purpose of this article, the following terms are thus defined:

REGISTERED SOLICITOR — Includes any person who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor on his or her person while engaged in the act of soliciting.

RESIDENCE — Includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITING — Includes any one or more of the following activities:

- A. Seeking to sell or offering to sell by sample, list, catalog or otherwise for future delivery, or seeking to obtain orders for the purchase of goods, wares, merchandise, publications and magazines, food stuffs, services of any kind of consideration whatever; or
- B. Seeking to obtain prospective customers for application or purchase of insurance or real estate by unlicensed representative of any type, kind or publication; or
- C. Seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable, religious, political action, or nonprofit association, organization, corporation, or project.

§ 151-4. Certificate of registration.

Every person desiring to engage in soliciting, as herein defined, from persons in residence within the Town of Orange is hereby required to make written application for a certificate of registration as hereinafter provided. Such certificate shall be displayed conspicuously on the outer garment of the solicitor.

§ 151-5. Application for certificate of registration.

Application for a certificate of registration shall be made upon a form provided by the Board of Selectmen's office. The applicant(s) shall truthfully state in full the information requested on the application, to wit:

- A. Name and address of present place of residence of applicant, and business address.
- B. Name and address of the person, firm or corporation or association whom the applicant(s) is employed by or represents.
- C. Purpose of solicitation.
- D. Description sufficient for identification of the subject matter of the soliciting in which the applicant will be engaged.
- E. Period of time for which the certificate is applied, in any event not to exceed 12 months. The certificate of registration shall state the expiration date thereof.
- F. Date, or approximate date, of latest previous application for certificate under this article, if any.
- G. Has a registration of registration issued to the applicant under this article ever been revoked?
- H. Has the applicant ever been convicted of a felony under the laws of this state or any other state or of a federal law?
- I. Names of magazines, books or journals, etc.
- J. Proposed method of operation.
- K. Signature of applicant.

§ 151-6. Statements.

All statements made by the applicant upon the application or in connection therewith shall be made under the penalties of perjury.

§ 151-7. Restrictions on issuance of certificate.

No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the Commonwealth or any other state or federal law, nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

§ 151-8. Revocation of certificate.

Any certificate of registration issued hereunder shall be revoked by the Board of Selectmen, Chief of Police, or his designee, if the holder of the certificate is found to be in violation(s) of any terms of this article. Immediately upon giving of such notice of revocation the certificate of registration shall become null and void. Verbal notice of revocation shall be followed immediately by written notice thereof from the Board of Selectmen, Chief of Police or his designee to the holder of the certificate in person or by certified mail addressed to the holder's residence address set forth in the application.

§ 151-9. Timeframe for application and determination.

All applications for a certificate of registration shall be made at least seven days before the desired date of initial solicitation, and the Board of Selectmen shall act on said application within five days of submission of the application.

§ 151-10. Records.

The Police Department shall keep a permanent record of all applicants and issuances of certificates of registration for soliciting.

§ 151-11. Fees.

Upon approval by the Board of Selectmen of the application for a certificate of registration, the applicant shall pay to the Town a fee in the amount of \$25, except that the Board of Selectmen shall waive said fee for any charitable, religious, social, political action or nonprofit group, including but not limited to veteran's groups, hospitals, United Way, YMCA, and the American Red Cross. In the event that any organization or group shall have more than one solicitor, the fee shall be \$25 per solicitor.

§ 151-12. Time limit on soliciting.

It is hereby declared to be unlawful for any person, whether registered under this article or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined prior to 9:00 a.m. or after 8:00 p.m. of any weekday, or at any time on a Sunday or on a state or national holiday.

§ 151-13. Display of permits.

The Town shall provide each solicitor with a badge-size permit for solicitation, which must be displayed conspicuously on the outer garment of the solicitor.

§ 151-14. Violations and penalties.

Any person(s) who violates this article may be arrested without a warrant in the place where the offense is committed pursuant to MGL c.272, § 59. The penalty for a violation of this article shall be a fine not to exceed \$200, which may be recovered upon complaint before the District Court and shall enure to the Town, all in accord with MGL c.40, § 21.