

**BY-LAW
REGULATING FOR-PROFIT DOOR-TO-DOOR
BUSINESS AND SOLICITATIONS
Adopted Annual Town Meeting
May 16, 2005
Article 42**

Section 1: Definitions

“Door-to-Door Solicitation”: Any person who moves from door-to-door or place-to-place within the Town of Somerset soliciting for any organization, person, or entity not incorporated in accordance with the provisions of G.L. c. 180 (non-profit organizations), is conducting door-to-door solicitation.

“Person”: Any person or corporation acting on behalf of an individual, organization or other entity not established and incorporated in accordance with G.L. c. 180.

Section 2: Compliance with General Laws, By-laws, and Regulations

In addition to the provisions this By-law, all persons engaged in door-to-door solicitation shall also comply with all applicable By-laws, rules, and regulations of the Town of Somerset and General Laws, rules, and regulations of the Commonwealth of Massachusetts.

Section 3: Licensing

a. Unless otherwise exempted hereunder, all persons engaged in door-to-door solicitation in the Town of Somerset must apply to the Somerset Chief of Police for a license under this By-law. The Chief of Police shall make a determination within twenty (20) days as to whether a license will be issued to an applicant, and shall issue a license to approved applicants within ten (10) days of that determination, excepting Saturdays, Sundays, and Legal Holidays. The license will be in the form of a badge or identification card, and will contain the name and photograph of the licensee. The license is non-transferable and is valid only for the person identified therein and for the purposes shown on the license. The issuance of this license shall not act as a waiver of any and all responsibilities that the licensee may have under other applicable By-laws, rules, and regulations of the Town of Somerset and General Laws, rules, and regulations of the Commonwealth of Massachusetts, nor shall the license serve as an endorsement by the Town of Somerset of the individual or his or her business activities, products or services.

b. The Chief of Police will determine if the person is a suitable person to be so licensed. The Chief of Police will deny the issuance of a license if the applicant has been convicted of a felony or is a fugitive from justice, and may deny a license if the applicant has been convicted of any one or more of the following listed misdemeanor offenses:

- a. assault and battery;
- b. breaking and entering; entering; or breaking;
- c. unlawful removal of a motor vehicle;
- d. defrauding an insurer;
- e. larceny;
- f. shoplifting;
- g. uttering fraudulent checks;
- h. unlawful or fraudulent use of credit cards;

- i. unlawful taking of money or other goods;
- j. stealing or poisoning a dog;
- k. buying, receiving or concealing stolen goods;
- l. making or publishing false statements;
- m. destruction or injury of a building;
- n. trespass on property;
- o. firearms or weapons violations; and,
- p. violations of the controlled substance laws.

c. The license will be valid for a period of ninety (90) days from the date of issuance. If the expiration date is a Saturday or Sunday, the expiration date will be the following Monday. If the expiration date is a legal holiday, the expiration date will be the next calendar day that is not a holiday or weekend day. Licenses shall be void upon surrender or revocation, or upon the filing of a report of loss or theft of the license. Ten (\$10.00) dollars of the license fee will be returned to the licensee if the license is voluntarily returned to the Police Department within the ninety (90) day validation period.

d. Said license shall be affixed conspicuously upon the outer garment (on the upper torso between the chest and shoulders) of the licensee whenever he or she is engaged in door-to-door solicitation so that it may be viewed by all persons. Said license shall be displayed and provided to a police officer upon request or command.

e. Said license shall be the property of the Town of Somerset and shall be surrendered to the Chief of Police or officers of the Somerset Police Department upon demand. In addition to any penalties established in Section 6 of this Bylaw, the Chief of Police may suspend or revoke said license for any violation of the provisions of this By-law or any other applicable law, By-law, rule, or regulation, or if the Chief of Police determines that the licensee presents a danger to the health, safety or welfare of the community.

Section 4: License Fee

The fee for said license shall be twenty-five (\$25.00) dollars.

Section 5: Exemptions

The provisions of this bylaw shall not apply to any persons or entity that has been licensed by the Commonwealth of Massachusetts for the same activities; nor shall it apply to any person who goes door-to-door to sell goods, wares, periodicals, merchandise or services on behalf of any group or organization duly established in accordance with Massachusetts General Laws Chapter 180.

Section 6: Violations; Arrest; Penalties

a. Whoever fails to be licensed as required by the provisions of this bylaw, to conspicuously display the license affixed to the outer garment while engaged in door-to-door solicitation, or comply with any other provisions of this bylaw shall be considered in violation.

b. Violations shall be punished by a fine of not more than fifty (\$50.00) dollars for the first offense and not more than one hundred (\$100.00) dollars for each subsequent offense. In addition to said fines, in accordance with Section 3 above, the Chief of Police may suspend or revoke said license for any violation of the provisions of this By-law or any other applicable law, By-law, rule, or regulation, or if the Chief of Police determines that the licensee presents a danger to the health, safety or welfare of the community.

c. Whoever violates the provisions of this bylaw may be arrested without a warrant by a police officer who shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

d. As an alternative to initiating criminal proceedings, a police officer may employ the provisions and procedures for non-criminal disposition of violations contained in Massachusetts General Law chapter 40, section 21D, and the Non-criminal Disposition By-law adopted at the December 16, 1991, Special Town Meeting, as amended. If such a disposition is employed, the penalty shall be fifty (\$50.00) dollars for the first offense and one hundred (\$100.00) dollars for any subsequent offense.

A True Copy Attest:

Dolores Berge, Town Clerk