

**Chapter 150  
Door to Door Soliciting and Canvassing**

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**[HISTORY : Adopted by the Annual Town Meeting of the Town of Hopkinton 4-9-1991, Art. Replaced in its entirety 5-7-2007 ATM, Art. 40. Amendments noted where applicable]**

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**150-1. Purpose**

This by-law adopted pursuant to Chapter 43B, Section 13, of the General Laws and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or soliciting in the Town of Hopkinton in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and, to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

**150-2. Definitions [Amended 11-5-2007 STM, Art. 6]**

For the purpose of this By-Law, the following definitions shall apply:

**150-2.1.** "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, including advertising in any type of publication, for any kind of consideration whatsoever;
  - (b) selling, or seeking to obtain prospective customers for application for purchase of insurance of any kind;
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**[HISTORY: Adopted by the Annual Town Meeting of the Town of Hopkinton 4-9-1991, Art. 29. Replaced in its entirety 5-7-2007 ATM, Art. 40]**

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- (c) selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
- (d) seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venture for a charitable or other non-commercial organization; and
- (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.

**150-2.2.** “Canvassing” shall mean and include any one or more of the following door-to-door activities:

- (a) 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:
- (b) seeking to enlist membership in any organization for commercial purposes: and
- (c) seeking to present, in person, organizational information for commercial purposes.

**150-2.3.** “Residence” shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

**150-2.4.** “Registered Solicitor” shall mean any person who has obtained a valid certificate of registration for the Town of Hopkinton as required by this By-Law.

**150-2.5.** “Charitable Organizations”, “Professional Solicitor” and “Commercial co-venturer” shall be defined:

“Charitable”, including but not limited to benevolent, educational, philanthropic, humane, patriotic, scientific, literary, religious, eleemosynary, health, safety or welfare-related, or in furtherance of governmental or civic objectives, and benefiting the general public or some indefinite class thereof;

“Charitable organization”, any person whose purposes or actual operation are charitable in nature or one holding himself out to be a charitable organization in whole or in part, including any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal which could be reasonably interpreted to suggest that there is a charitable purpose to any such solicitation;

“Commercial co-venturer”, any person who for profit or other commercial consideration, conducts, produces, promotes, underwrites, arranges or sponsors a performance, event, or sale to the public of a good or service which is advertised in conjunction with the name of

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any charitable organization or as benefiting to any extent any charitable purpose. Any such person who will benefit in good will only shall not be deemed a commercial co-venturer if the collection and distribution of the proceeds of the performance, event or sale are supervised and controlled by the benefiting charitable organization;

**150-3. Registration [Amended 11-5-2007 STM, Art. 6]**

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Hopkinton must apply for a permit with the Chief of Police by filing a registration application form with the Hopkinton Police Department. Application for both individual and organizational registrations shall be filed at least seven (7) business days in advance.

**150-3.1.** Organization application forms shall include the following information:

- (a) The name and address of the organization applying for registration, and the names and addresses of the organizations' principal officers. If the organization is a charitable organization, a certification that the most recent Annual Registration Statement required to be filed with the Attorney General's Division of Public Charities has been so filed.

If the organization is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon:

- (b) The name, title and phone number, IRS or Social Security (optional) number and valid drivers license or other government-issued photo identification of the persons filing the application form:
- (c) The names, addresses and phone numbers of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Hopkinton:
- (d) A list of the names, addresses, date of birth of all individuals who will be employed in solicitation or canvassing, in the Town of Hopkinton, by the applicant:
- (e) Period of time for which certificate of registration is needed provided, however, that no certificate may be granted for longer than a 90-day (90) period:
- (f) Names of the last three (3) communities, if any, in which the organization has conducted a solicitation or canvassing operation, complete with the date of the issuance and date of the expiration of any permits or licenses issued by those communities to the organization.

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- (g) Insurance information and license, if applicable.

**150-3.2.** Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Chapter 150-3.1 hereof. Individual registration forms shall contain the following information:

- (a) Name and address of the present place of residence and length of residence at that address; if less than three (3) years residence at present address, the address of residence(s) during the past three (3) years:
- (b) Date of birth:
- (c) Name, address and telephone number of the person or organizations whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon:
- (d) Period of time for which certificate of registration is needed provided, however, that no certificate may be granted for longer than a 90-day (90) period;
- (e) Names of the last three (3) communities, if any, in which the applicant has solicited or canvassed door-to-door, complete with the date of issuance and date of the expiration of any permits or licenses issued by those communities to the applicant.
- (f) Valid drivers license or other government issued photo identification; and
- (g) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

**150-4. Registration Fee**

There shall be a \$20.00 (twenty dollar) application fee for an individual registration card or re-registration. There is no application fee for organizational applicants that apply for registration or re-registration.

**150-5. Registration Cards**

150-5.1. The Police Chief or his designee, after a review of the application, which will include an investigation of the applicants reputation as to morals and integrity, but in no event more than seven (7) business days after receipt of a fully-completed

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application, shall furnish each person with a registration card which shall contain the following information:

- (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 Hopkinton Police Department but that registration is not an endorsement of any individual or organization: and
- (e) Specific dates or period of time covered by the registration.

**150-5.2.** Persons engaged in solicitation or canvassing as defined in this By-Law must carry the registration card while soliciting or canvassing and present the card to any person solicited or upon request of any police officer.

**150-5.3.** Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.

**150-5.4.** The Police Chief shall routinely grant registrations without further inquiry but shall refuse registration to an organization or an individual where registration has been revoked for violation of this By-Law within the previous two-year period or who has been convicted <sup>1</sup> of murder/manslaughter, rape or any other sex crime, kidnapping, robbery, arson, burglary/breaking and entering, felony assault, illegal possession of a firearm or dangerous weapon, distribution of any illegal narcotic drugs, felony larceny, three (3) or more misdemeanor assaults or three (3) or more misdemeanor larcenies, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The police chief shall also refuse to register a person who is a sex offender required to register with the Massachusetts Sex Offender Registry Board, or any other similar government entity, and who is a classified or considered to be a moderate to high risk or re-offending. Such individuals pose a substantial degree of dangerousness to minors or to other persons vulnerable to becoming victims of sex crimes.

### **150-6. Exceptions**

**150-6.1.** Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

**150-6.2.** Individual registration shall not be required for minors under the age of 17.

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<sup>1</sup> For the purposes of this By-Law, a “Continued without a finding” or similar disposition will be considered the same as a conviction.

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150-6.3. Nothing in this By-Law shall be construed to impose any registration requirement or otherwise restrict or in any way regulate any activity for religious, political, newspaper distribution or public policy purposes or other non-commercial purposes, including, charitable, benevolent or fraternal activities, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.

### **150-7. Duties of Persons Going Door-to-Door**

**150-7.1.** Upon going into any residential premises in the Town of Hopkinton, every solicitor, canvasser or other person must first examine any notice that may be posted, prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.

**150-7.2.** Any solicitor, canvasser or other person who has 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.

**150-7.3.** Immediately upon gaining entrance to any residence, each solicitor or canvasser as defined in this By-Law must do the following:

- (a) Present his registration card for inspection by the occupant:
- (b) Request that the occupant read the registration card; and
- (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.

### **150-8. Restriction on Methods of Solicitation, Canvassing, or Other Door-to Door activities.**

It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

- (a) Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official;
- (b) Solicit, canvass or conduct any other activity at the residence without express prior permission of an occupant, before 9:00 a.m. or after 7:00 p.m., where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities;
- (c) Continue to solicit, canvass or conduct activities after being advised by police of the registration requirements or after a registration certificate has been revoked or denied;

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- (d) Utilize any form of endorsement from any department head currently employed or serving the Town of Hopkinton; and
- (e) Solicit, canvass or conduct and other activity at any residence in an illegal fashion.

### **150-9. Penalty**

**150-9.1.** Any person or organization who violates Section 7.2, with an accompanying signed statement of the offended party, or Section 8 of this By-Law, or any other applicable state or federal laws may be arrested without a warrant and punished by a fine of two hundred dollars (\$200) for each and every offense, which may be recovered upon complaint before the district court and shall ensure to the town, all in accord with Chapter 40, Section 21 of the General Laws of Massachusetts.

**150-9.2.** Any person or organization who for himself, itself, or through its agents, servants or employees is found after investigation by a police officer to have:

- (a) violated any provision of this By-Law, or applicable state or federal laws governing soliciting or canvassing; or
- (b) knowingly provided false information on the registration application 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.

### **150-10. 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 Town of Hopkinton Town Manager. Such appeal must be filed within 5 days after the receipt of the notice of denial or revocation. The Town Manager shall hear the appeal within 10 days after the filing of the written notice of appeal, provided, however, that if the Town Manager fails to make a determination within 30 days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

### **150-11. Severability**

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