



WEST NEWBURY POLICE DEPARTMENT

401 Main Street, West Newbury, MA 01985

978-363-1213
978-363-1114 fax

Lisa A. Holmes, Police Chief
chief@westnewburysafety.org

Dear Applicant,

The town of West Newbury has a By-Law which regulates soliciting/canvassing within the Town. A copy of the town By-law is attached to this application for your review.

This By-law requires that applicants complete the solicitor / canvassing application, provide a 2"X 2" photograph (which captures the head and shoulders of the applicant) and make payment of the \$20.00 application fee with the application payable to the Town of West Newbury.

No soliciting shall begin until the applicant receives their permit issued by the Chief of Police or his/her designee.

This permit must be carried with the applicant and shown upon request.

Sincerely,


Chief/Lisa A. Holmes



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Soliciting / Canvassing Application

License # _____ Issued Date: _____ Expiration Date: _____

Applicant Name: _____ Phone Number: _____

Home Address: _____

Local Address: _____

SS# _____ Height: _____ Weight: _____ Hair: _____ Eyes: _____

Date of Birth: _____ Place of Birth: _____

Company Name: _____

Company Address: _____

Description of Business: _____

Vehicle: Make: _____ Model: _____ Color: _____

Year: _____ Reg. # _____ State: _____

Owner: _____ Address of Owner: _____

Length of Time permit is requested: _____

Dates and Time permit is requested: _____

Signature of Applicant: _____

Signed under the penalties of perjury on this _____ day of _____, _____

Fee: \$20.00 Method of Payment: _____ Cash _____ Check _____

** Must submit a 2" X 2" photograph at time of application.

Department Use Only

BOP OLN Status: _____

Approved by: _____

NCIC Reg Status: _____

Date: _____

WMS _____

Applicant notified by: _____

Any home or business installing or presently using an alarm system, whether or not connected to the Town's alarm communication systems, with an inside or outside bell, siren or horn must have an automatic shut-off device which will de-activate the audible alarm twenty (20) minutes after the system is activated. Any longer period would be considered to be a nuisance in the neighborhood and may be cause for Town Officials, employees or agents to enter onto private property to disconnect the alarm device and would be the basis for the same penalty specified in the above paragraph.

Any home or business installing or presently using security alarm systems connected to the Town's alarm communications system shall have a back-up power source to maintain their system during power failure for at least twelve (12) hour period.

All existing installations shall be in compliance with this By-Law on or before June 30, 1988.

Amendment to this section adopted as *Enforcement of Town By-Laws* (See XXVIII) at the Annual Town Meeting, fourth session, held May 15, 1995, approved by the Attorney General June 28, 1995, and posted according to law July 10, 1995. established a penalty to the owner of the property of \$50.00 after two false alarms, each additional false alarm during six-month period.

XVIII. SOLICITING/CANVASSING BY-LAW

SOLICITING/CANVASSING BY-LAW Adopted under Article 9 at the Annual Town Meeting held on April 29, 1991. Approved by the Attorney General on September 9, 1991, and posted according to law. Said By-Law to replace the Soliciting By-Law adopted at the December 10, 1969, adjourned session of a Special Town Meeting held December 3, 1969.

Section 1. License

It shall be unlawful for any solicitor or canvasser defined in this By-Law to engage in such business within the Town without first obtaining a license therefore in compliance with the provisions of this By-Law. The provisions of this By-Law shall not apply to any person exempted under Chapter 101 of the General Laws or to any person duly licensed under Chapter 101 of the General Laws or to any person exempted by any other General Law, nor shall this By-Law be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic deliveries.

Section 2. Definition of Solicitor/Canvasser

Any person who, for himself or for another person, firm or corporation travels by foot, automobile or any other type of conveyance from place to place, from house to house or street to street, taking or attempting to lease or take orders for wholesale/retail sale of goods, wares, merchandise or services including without limiting, the selling, distributing, exposing for sale or soliciting orders for magazines books, periodicals or other articles of a commercial nature, the contracting of all types of home improvements

or for services to be performed in the future whether or not such individual has, carries or exposes for wholesale/retail sale a sample of the subject of such sale or whether he/she is collecting advance payment for such wholesale/retail sales.

Section 3. Application for License

Applicants for a license shall file with the Chief of Police, on a form issued by the Police Department, a written application signed under the penalties of perjury, containing the following information:

- a) Name of applicant
- b) Address of applicant (both local and permanent home address)
- c) Applicants height, weight, eye and hair color
- d) Applicants social security number
- e) The length of time for which the right to do business is desired
- f) A brief description of the nature of the business and the goods to be sold
- g) The name and home office address of the applicant's employer. If self-employed, it shall so state
- h) A photograph of the applicant which picture shall be submitted by the applicant and be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner
- i) If operating a motor vehicle: The year, make, color, VIN #, registration number, state of registration, vehicles owner and address
- j) Upon filing said application, each applicant shall pay a fee of twenty (\$20.00) dollars.

Section 4. Investigation and issuance of license.

1. Upon receipt of the application form, the Chief of Police or his designees shall investigate the applicants reputation as to morals and integrity.
2. After said investigation, but within seven (7) business days of the filing of the applicant, the Chief of Police or his designee shall endorse on such application his approval or disapproval. Failure of the Police Chief or his designee to act on said permit within seven (7) business days of the applicants' filing shall constitute approval. If disapproved, the applicant shall have the right to appeal to the Board of Selectmen in writing within seven (7) days of the denial by the Chief of Police or his designee. The Board of Selectmen must act upon the appeal at one of their next two regularly scheduled meetings. Failure to do so shall be deemed approval.
3. Such license when issued shall contain the signature of the Chief of Police and/or the Board of Selectmen and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the license shall be effective as well as the license number.
4. The Police Department shall keep a record of all licenses issued for a period of six

(6) years. Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to display an identifying document issued by the Police Department by wearing said document on their outer garment. Each licensee is required to possess an individual license.

Section 5. Enforcement

The Police Officers of the town shall enforce this By-Law. No license shall be transferred or is transferable.

Section 6. Revocation

The Chief of Police or his designee is vested with the authority and jurisdiction to revoke said licenses. Any person aggrieved by said revocation may appeal to the Board of Selectmen within seven (7) business days, and a hearing will be scheduled for one of the next two regularly scheduled meetings of the Board of Selectmen.

Section 7. Explanation of License

Each license issued under the provision of this By-Law shall continue in force from the date of issue until the 31st day of December following, unless sooner revoked.

Section 8. Renewal

A license issued under the provisions of this By-Law may be renewed by the Chief of Police or his designee. An applicant requesting a renewal of a license must apply in person for such renewal, and provide such information as is required to obtain an initial license.

Section 9. Misrepresentation

1. No solicitor or canvasser licensed or exempted from license, may misrepresent in any manner, the buyer's right to cancel as stipulated by Chapters 93, 93A and 255 D of the Mass. General Laws.

2. No solicitor or canvasser, licensed or exempt from license may use any plan, scheme or ruse, which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office or other establishment with the purpose of making a sale of consumer goods or services.

Section 10. Trespassing

It shall be unlawful for any canvasser or solicitor to enter the premises of a resident or business who has displayed a "No Trespassing" or "No Soliciting" sign or poster. Further, it shall be unlawful for canvassers or solicitors to ignore a resident or business person's no solicitation directive or remain on private property after its owner has indicated that the canvasser or solicitor is not welcome.

Section 11. The following may be exempt from licensing requirements upon first contacting the Chief of Police or his designee:

Persons engaged in soliciting for charitable, benevolent, religious or political activities.

Section 12. Any person violating any provision of this By-Law shall upon conviction thereof, be punished by a fine not to exceed fifty (\$50.00) dollars for each and every offense. Amendment to this section adopted as *Enforcement of Town By-Laws* (See XXVIII) at the Annual Town Meeting, fourth session, held May 15, 1995, approved by the Attorney General June 28, 1995, and posted according to law July 10, 1995.

XIX. TOWN COUNSEL BY-LAW

TOWN COUNSEL BY-LAW Adopted at the Annual Town Meeting of March 3, 1958. Approved by the Attorney General April 1, 1958, and posted according to law November 18, 1963.

That the Selectmen appoint a Town Counsel, and that the services of said counsel shall be available as follows:

- 1) To any elected board by majority vote of said board
- 2) To any elected single office holder
- 3) To any appointed office holder, board or committee upon majority vote of the appointing authority, or upon written consent of the moderator.

The salary of said counsel shall be established annually.

XX. TOWN MEETINGS/ELECTIONS

TOWN MEETING BY-LAW Adopted at the adjourned session of the Annual Town Meeting, 1968. Approved by the Attorney General April 18, 1968, and posted according to law September 27, 1968.

Town Meeting shall hereafter be conducted in accordance with the rules of parliamentary practice as set forth in "Town Meeting Time" by Richard B. Johnson, Benjamin A Trustman, Charles Y. Wadsworth, Current Edition.

TOWN MEETING BY-LAW Adopted at the March 12, 1960, adjourned session of the Annual Town Meeting, amended at the Annual Town Meeting of April 28 and 29, 1980, and amended under Article 6 of the 1991 Annual Town Meeting held on April 29, 1991. Approved by the Attorney General on September 9, 1991, and posted according to law. Said By-Law to read as follows:

That all Town Meetings in the Town of West Newbury be publicized in the following manner:

By posting attested copies of the Warrant, one at the Town Hall, one at the Town Office Building, one at the G.A.R. Memorial Library, one at the Post Office, and one at the Laurel Grange, and by leaving a copy with the Town Clerk; all of which shall be done at least fourteen days before the date of holding said meeting.

CHECK LISTS BY-LAW Adopted at the adjourned session of the Annual Town Meeting, 1968. Approved by the Attorney General April 18, 1968, and posted according to law September 27, 1968.

Voted, that the Town adopt a By-Law requiring the use of voter check lists for admittance to all Town Meetings.