

POLICE DEPARTMENT

Town of Upton



Massachusetts

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TO: Solicitors
FR: Chief Michael J. Bradley, Jr.
DT: January 4, 2011
REL Procedure for Solicitation Process

It shall be unlawful for any solicitor, canvasser or peddler as defined in this Bylaw to engage in such business in the Town of Upton without first obtaining a license in compliance with the provisions of the Town of Upton's Bylaw, Chapter 8, Soliciting, Canvassing & Peddling. APPLICATION & FEE: Any individual or organization applying for a license under the Town of Upton Bylaw shall complete and submit a written application to the Chief of Police, along with a fee of \$25.00 (per application) payable to the Town of Upton. (see attached). Said application shall include the following information:

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 copy of the Annual Registration Statement filed with the Attorney General's Division of Public Charities must be provided with this application. Failure to include a copy of the Annual Registration Statement under such circumstances will render the application incomplete and no action will be taken thereon. 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 photo identification of the persons filing the application form.
 - (c) The names and addresses of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Upton.
 - (d) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation, peddling or canvassing by the applicant.
 - (e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).
 - (f) Names of the last three communities (if any) in which the organization has conducted a solicitation, canvassing, or peddling operation, complete with the date issued and date expired.

- (g) Insurance information and license, if applicable.
 - (h) Make, model and registration number of any vehicle to be used by the applicant while soliciting, canvassing or peddling.
2. Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Section 5.1 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 years residence at present address, the address of residence(s) during the past three years.
 - (b) Date of birth.
 - (c) Name, address and telephone number of the person or organization 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) Name and address of employer during the past three years.
 - (e) Period of time for which certificate of registration is needed (note: no certificate may be granted for longer than a 90 day period).
 - (f) Name of the last three communities (if any) in which the applicant has solicited or canvassed door-to-door, complete with the date of issue and expiration date.
 - (g) Social Security number. (Optional).
 - (h) Photo identification and recent passport-sized photograph of the applicant to be affixed to registration card.
 - (i) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

INVESTIGATION & ISSUANCE: If after an investigation into the facts contained in the license application the Police Chief is satisfied that the applicant therein named is of “good repute as to morals and integrity” (as that term is used in G.L. c. 101 § 22), the Police Chief, or his designee shall grant the requested license within ten (10) business days. The Police Chief or his designee shall refuse to issue a license to any organization or individual whose license has been revoked for violation of this Bylaw within the previous two-year period.

IDENTIFICATION CARD: The Police Chief, after a review of the information contained in the license application, but in no more than ten (10) business days after receipt, shall issue to each successful applicant an identification card which shall contain the following:

1. the words “Licensed Solicitor/Canvasser/Peddler”;
2. the individual’s picture;
3. the issuance date and expiration date of the license; and

4. the name and address of the individual and/or organization.

Persons engaged in solicitation, canvassing or peddling as defined in this Bylaw must display the identification card while soliciting, canvassing or peddling and present the card to any police officer or person solicited, canvassed, or peddled to upon request.

ENFORCEMENT: Any person or organization engaged in soliciting, canvassing or peddling shall produce his or her solicitor's license to any police officer of the Town. Any person violating any provision of this Bylaw shall be fined in accordance with Title 1 Chapter 19 of the Town's General Bylaws. The enforcing agent for purposes of this Bylaw shall be the Chief of Police or his/her designee. Any license issued under this section shall be the property of the Town and shall be surrendered to the Chief of Police or officers of the Town upon demand. After investigation, licenses issued under the provisions of this Bylaw may be revoked by the Chief of Police or his designee after 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 for any of the following reasons:

1. Fraud, misrepresentation or false statement contained in the license application;
2. Fraud, misrepresentation or false statements made in the course of carrying on the business of solicitation;
3. Any violation of this Bylaw;
4. Conviction of any felony crime or classification as a Level 2 or Level 3 Sex Offender;
5. Conducting the business of soliciting, canvassing or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, menace to health, safety or general welfare of the public;

Whoever continues to solicit, canvass or peddle in willful violation of this Bylaw by continuing to solicit, canvass or peddle after being informed by a police officer to cease and desist, may be prosecuted to the full extent of the law.

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 Board of Selectmen. Such appeal must be filed within 5 business days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear the appeal after the filing of the written notice of appeal.

EXPIRATION: All licenses for soliciting in the Town of Upton are valid only for the particular dates or time period specified thereon, and in no case for longer than 90 days.

For further soliciting information, please see the Town of Upton Bylaws which can be obtained in the Town Clerk or Board of Selectmen's office located at 1 Main Street, Upton, MA 01568.

The Bylaw can also be viewed www.uptonma.gov select Town Clerk, Town Documents and then General Bylaws to view.