



TOWN OF LANCASTER  
OFFICE OF THE TOWN CLERK  
701 MAIN STREET  
LANCASTER, MA 01523

---

TO WHOM IT MAY CONCERN:

The following is a True Copy of the amended General Bylaw Chapter 92 “Hawkers, Peddlers, and Canvassing and Solicitation”.

**Article I**

§ 92-1 License required.

No person shall go from place to place in this Town selling or bartering, or carrying or exposing for sale or barter, any fruits, vegetables or fish in or from any cart, wagon or other vehicle, or in any other manner, without a license therefor from the Select Board; provided, however, that this section shall not apply to any person who sells only fruits or vegetables raised or produced by himself or his family, or fish which is obtained by his own labor or the labor of his family.

§ 92-2 Authority to grant license; fee.

The Select Board shall have authority to grant such license to any person of good repute for morals and integrity. Said license, unless sooner revoked by the Select Board, shall expire one year after the granting thereof, and each person so licensed shall pay therefor a fee as set forth in Chapter 1, General Provisions, Article III, Fees, of the Code of the Town of Lancaster.

§ 92-3 Registering with Town Clerk required.

No hawker or peddler shall sell or offer or expose for sale any articles until he has recorded his name and residence with the Town Clerk. Every person licensed under the provisions of the preceding section as a hawker or peddler of fruits and vegetables and fish shall record his name and residence in like manner with the Town Clerk.

§ 92-4 Crying of wares; vehicle standards.

No person hawking, peddling or carrying or exposing any articles for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town, nor shall he carry or convey such articles otherwise than in vehicles or receptacles which are neat and clean and do not leak.

§ 92-5 Assignment of number and badge.

Every hawker and peddler licensed by the Select Board shall be assigned a number and shall be provided with a badge which shall be conspicuously worn by him; and every other such hawker or peddler as described in § 92-3 shall provide himself with a badge, of such type and design as may be approved by the Select Board, which he shall wear in like manner. Whoever neglects to wear such badge, or wears such badge without authority, shall be punished by the penalty provided in § 92-10 of this bylaw.

§ 92-6 Vehicle identification plate.

Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him shall have attached thereto on each side a number plate, to be furnished by the Town with his license, bearing the number and date of expiration of such license.

§ 92-7 Certificate from Sealer of Weights and Measures.

No person shall be registered or assigned a badge or number plate under the provisions of §§ 92-3 and 92-5 of these bylaws until he presents a certificate from the Sealer of Weights and Measures stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with intent to use, any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his license, or the cancellation of his registration.

§ 92-8 Conflict with licenses issued by commonwealth.

Nothing in these bylaws shall be construed as conflicting with any license issued under the authority of the commonwealth.

§ 92-9 Revocation of license.

Any license that is granted under these bylaws or any bylaws amendatory or additional thereto might be revoked by the Select Board.

§ 92-10 Violations and penalties.

Whoever violates any provisions of these bylaws shall be subject to fines under Chapter 1, General Provisions, Article I, Noncriminal Disposition, of the Code of the Town of Lancaster, in the amounts set forth in Chapter 1, Article II, Fines.<sup>[1]</sup>

## **Article II Goods and Merchandise**

§ 92-11 Definitions.

For the purpose of this regulation, the definitions of hawkers, peddlers, and transient vendors shall be the same definitions as those contained in MGL c. 101.

§ 92-12 License required; fee; exception.

No person shall hawk, peddle, or barter any goods or merchandise within the limits of the Town of Lancaster, except as authorized by law, without first obtaining a license to do so from the Select Board, upon payment of a license fee as set forth in Chapter 1, General Provisions, Article III, Fees, of the Code of the Town of Lancaster. This requirement shall not apply to any hawking or peddling of newspapers, religious publications, ice, flowering plants, and wild fruits, nuts and berries.

§ 92-13 Prohibited sales.

The sale by hawkers and peddlers of jewelry, furs, wines, or spiritous liquors, small artificial flowers or miniature flags is prohibited.

§ 92-14 Display of license.

Any person licensed under this regulation shall keep said license in his/her possession which shall be readily available for display. The license shall indicate the license number, and shall include the licensee's signature and date of the license expiration. The licensee shall display such license when requested to do so by any officer of the Police Department or the Health Agent.

§ 92-15 Interference with foot or vehicular traffic prohibited.

No person licensed under this bylaw shall conduct business in such a manner as would impede foot or vehicular traffic along or to a public way or public street or public sidewalk or access road or driveway.

§ 92-16 Trash control.

All hawkers and peddlers shall have adequate trash control.

§ 92-17 Vehicles used for selling frozen desserts or confections.

Vehicles utilized for the selling of frozen desserts or confections must have installed on said vehicle an amber flashing light visible from the front and rear of the vehicle and such light must be flashing when the vehicle is stopped for the purpose of transacting business.

§ 92-18 Restrictions on transient vendors.

People doing business as transient vendors may conduct their trade only on property that is business zoned. Prior to commencing business, the transient vendor shall submit to the licensing authority a signed and notarized statement from the property owner granting permission to the vendor to use the property.

§ 92-19 Violations and penalties.

Failure to comply with this regulation may result in suspension or revocation of licenses and/or permits granted hereunder. In addition, each offense shall be subject to fines under Chapter 1, General Provisions, Article I, Noncriminal Disposition, of the Code of the Town of Lancaster, in the amounts set forth in Chapter 1, Article II, Fines.

## **Article III Canvassing and Solicitation**

### **§92-20: Purpose**

This Article is for the purposes of protecting the privacy of the residents of the Town of Lancaster, to prevent fraud, to deter and protect the residents against crime, and to protect residents against annoyance. The provisions of this Article have neither the purpose nor intent of infringing upon or denying rights protected by the Constitutions of the United States and the Commonwealth of Massachusetts, and instead constitute reasonable time, place and manner restrictions on door-to-door soliciting and canvassing in the Town of Lancaster.

### **Section 92-21: Definitions**

The following words as used herein shall be considered to have the meanings herein ascribed thereto:

- a. License - the photo identification on card issued to the licensee.
- b. Person - any individual, firm, co-partnership, corporation, company, association or joint-stock association, society, organization, or league and includes any trustee, receiver, assignee, agent or other similar representative thereof, except as otherwise excluded by this article.
- c. Premises - a building or portion of a building used for residential purposes, including the real estate upon which any such building is located, provided that the predominant use of the real estate is for residential purposes.
- d. Solicit or Solicitation - includes any one or more of the following activities:
  - i. Seeking to sell or to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character, or description whatever.
  - ii. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
  - iii. Seeking to obtain gifts or contributions of money, clothing or any other valuable item for the support or benefit of any charitable or nonprofit association, organization, corporation, group or project except as otherwise excluded by this article. Seeking to distribute literature except as otherwise exempted.

### **Section 92-22: Application for Licensure**

Every person who engages in door-to-door solicitation for any purpose, except as otherwise excluded by this article, either as a principal or agent, shall, before commencing business in the Town of Lancaster make written application under oath for a license to the Chief of Police, unless otherwise exempted under Section 92-34. The application form shall require the following information:

- (1) The name, permanent address, telephone number, and temporary address, if any.
- (2) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes.
- (3) A copy of the individual's driver's license, or other proof of identity, as may be reasonably required.

(4) The name, address and telephone number of the person, firm, association, or corporation that the person represents or is employed by, or whose merchandise is being sold.

(5) A brief description of the business the individuals wishes to conduct and of the methods to be used in furtherance of said business.

(6) The make, model, and license number of any vehicle to be used by the applicant in the conduct of the business.

(7) A statement as to whether the applicant has been convicted of any crime or ordinance violation related to any prior solicitation by the applicant within the last five years, the nature of the offense and the place of conviction.

(8) A statement as to the period during which the applicant intends to carry out the solicitation.

The Police Chief shall not issue a license unless the above required information has been provided by the applicant or an explanation has been given for the applicant's inability to provide any of the foregoing information.

#### **Section 92-23: Photograph of Applicant**

The applicant shall permit the Police Department of the Town of Lancaster to photograph said applicant for identification purposes.

#### **Section 92-24: Issuance of License and Fee**

1. No later than ten (10) calendar days after filing of such application, the Chief of Police, or his designee, shall issue the applicant a license in the form of a photo identification card showing the name and address of the licensee and authorizing the individual to solicit for the purposes described in the application subject to the bylaws of the Town of Lancaster and the laws of the Commonwealth of Massachusetts. Failure by the Chief of Police to act on an application within ten (10) calendar days shall constitute approval of said application.
2. Grounds for disapproval of an application:
  - i. Applicant has a conviction in any state or federal court of the United States or any court of a territory of the United States for any of the following named offenses committed within the last seven (7) years: burglary, breaking and entering, larceny, robbery, receiving stolen property, assault, fraud, sexual misconduct as specified in Chapter 265, Sections 13B and 22 through 24, and Chapter 272, Sections 53A, of the General Laws, unlawfully carrying weapons, or the attempt of any such offense.
  - ii. Applicant is a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as a Level 2 or Level 3 Sex Offender, as such person have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes; or
  - iii. The failure to include any of the information requested in the application.
3. The fee for such license shall be \$25 and said license shall expire one year from the date of issue, or on the day of its surrender or revocation, or on the filing of an affidavit of its loss to the Police Department.
4. An applicant who has been a resident of the Town of Lancaster for at least six months shall be exempt from the fee.

#### **Section 92-25: Nontransferable and Requirement of Display.**

The photo identification card provided by the Police Department shall be nontransferable and shall entitle the licensee for the period indicated therein and for the purposes specified therein to solicit in the Town of Lancaster, provided that the licensee shall always have in their possession while soliciting and shall further conspicuously display the photo identification card.

### **Section 92-26: Notification of Changes to Police Department**

If while the licensee is pending or during the term of any license granted thereon, there is a change in fact, policy or method that would alter the information given in the application, the applicant or licensee shall notify the Police Department in writing within 24 hours of such change.

### **Section 92-27: License not to Constitute Endorsement**

Said license does not constitute an endorsement by the Town of Lancaster nor by any of its departments or officers of the purpose or of the person conducting the solicitation.

### **Section 92-28: Posted Premises**

No person shall engage in solicitation upon any premises without a prior invitation from the occupant thereof if such premises is posted against such solicitation by means of a notice prominently displayed upon which is printed the legend "no solicitors" or words of similar import. For the purposes of this section, the premises shall be deemed posted against solicitation if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three inches by four inches in size which bears the above legend in letters at least 1/3 inch in length.

### **Section 92-29: Prohibited Activities**

1. No person shall engage in solicitation prior to 9:00 am or one half-hour after sunset, local time, on any day.
2. No person shall engage in solicitation in a manner that constitutes a nuisance under this bylaw.
3. No person engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, fail to identify himself and the purpose of the solicitation.
4. No person engaged in solicitation shall misrepresent the purpose of his solicitation or use any false, deceptive, or misleading representation to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call. No person engaged in making a solicitation as defined in this article shall violate any of the provisions of Chapter 93A of the General Laws of Massachusetts said chapter being entitled "Regulation of Business Practices for Consumers' Protection," the current provisions of which are hereby adopted and by reference made a part hereof.

### **Section 92-30: Nuisance**

The practice of any individual or group going in and upon private residences in the Town, not having been requested or invited to do so by the owner(s) or occupants of said private residences, for the purposes of soliciting after the owner has requested the individual to depart from the premises, either orally or in writing, is declared to constitute a nuisance under this article.

### **Section 92-31: Revocation of License**

Any license issued under the provisions of this article may be revoked by the Chief of Police of the Town of Lancaster after notice and hearing for any of the following causes:

- Fraud, misrepresentation, or false statement contained in the application for license;
- Fraud, misrepresentation, or false statement made in the course of carrying on the business as solicitor;
- Any violation of this article;
- Conviction of a crime which would make the individual ineligible for a license under this article; or
- Conducting the business of soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

### **Section 92-32: Revocation Hearing**

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing at least three (3) calendar days prior to the hearing. Within three (3) calendar days of the close of the revocation hearing, the Chief of Police shall provide written notice of their determination to the licensee.

**Section 92-33: Appeals**

Any person aggrieved by the action of the Chief of Police in the revocation of a license shall have the right of appeal to the Select Board. Such appeal shall be taken by filing with the Select Board, within fourteen (14) calendar days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Select Board shall set a time and place for a hearing on such appeal, and at least five (5) calendar days prior to the hearing, provide notice of the hearing to the licensee in writing. The decision and order of the Select Board on such an appeal shall be issued within thirty (30) calendar days of the close of the hearing and be final and conclusive.

**Section 92-34: Exemptions**

1. The provisions of this article shall not apply to children 14 years old or younger who solicit under the supervision of an adult who shall be at least 18 years old and to whom the provisions of this article shall apply.
2. The provisions of this article shall not apply to any person delivering newspapers, fuel, dairy products or bakery or other foodstuffs to regular customers on established routes in the Town of Lancaster.
3. The provisions of this article shall not apply to route salesmen or other persons having established customers to whom they make periodic deliveries and who may from time to time call upon prospective customers along their regular service route to solicit an order for future periodic route deliveries.

**Section 92-35: Violations**

Whoever violates any provision of this article may be penalized by the noncriminal method of disposition as provided in MGL c. 40, § 21D, or by filing a criminal complaint at the appropriate venue. The penalty shall be \$100 for the first offense, \$200 for the second offense, and \$300 for the third offense.

Amanda J Cannon  
Town Clerk

A True Copy Attest