

**SOLICITORS**  
**\*\*\*INFORMATION\*\*\***

**HOUSE TO HOUSE / BUSINESS TO BUSINESS**

**FINGERPRINTING FEES:** Fingerprinting fees include federal, state, and local fees. Before being fingerprinted, all licensing applicants must pay the statutory fingerprint fee of thirty dollars (\$30.00) with a money order or bank check payable to the "Commonwealth of Massachusetts". Licensing applicants must also pay the municipal fingerprint fee of seventy dollars (\$70.00) with a money order or bank check payable to the "Town of Tewksbury". In addition to a signature, the money orders or bank checks shall include the name of the applicant hand-printed in block letters.

**ALLOW:** 10 working days for approval by Chief of Police, prior to solicit start date.

**ALLOW:** 10 – 14 working days approval for the CORI Investigation, prior to solicit start date.

**LICENSE FEES:**

- \$5.00 per day/per person
- \$25.00 per week/per person
- \$50.00 per month/per person
- \$100.00 per year/per person

**SURETY BOND:**

- \$1,000.00 per non-resident
- \$1,000.00 per resident soliciting for a firm whose principal place of business is outside of Massachusetts.

**CONDITIONS OF SURETY BOND:**

- Approved by the Town Treasurer
- Compliance with Town By-Laws & State Statutes
- All down payments will be accounted for and applied accordingly.
- Items purchased will be delivered as specified.

**SOLICITORS IDENTIFICATION CARD:**

- To be worn on the front of outer garment in clear view.
- Two by two (2" x 2") Photo taken within the past 60 (sixty) days to be submitted prior to issuing License.

**EXHIBITION OF LICENSE:** Solicitors are required to show their license at the request of any resident.

**SOLICITATION HOURS:**

- Monday through Friday: 9:00 AM to 7:00 PM
- Saturday & Sunday: 10:00 AM to 5:00 PM

**DO NOT KNOCK LIST:** When a solicitor receives a license, the solicitor will be given a list of resident addresses they cannot solicit. If a business does solicit a residence on the Do Not Knock List, the solicitor will be fined and will not be allowed to solicit any homes in Tewksbury for a period of one year.

**POSTED NO TRESPASSING SIGNS:**

No Trespassing - directly (verbally) by person who has lawful control of the premises.

Notice Posted - MAILBOX at the end of the driveway  
POSTING at the edge of the driveway.  
AT DOOR , in view from the roadway  
FRONT CORNER OF RESIDENCE BY THE DRIVEWAY, in clear view from the roadway.



ADDRESS WHERE GOODS/PRODUCTS ARE LOCATED NOW:

Number	Street	
City/Town	State	Zip Code
Telephone Number		

METHOD OF DELIVERY: \_\_\_\_\_

CHARACTER REFERENCES (Name of two (2) Town of Tewksbury Property Owners):

1.	Name	Address	Telephone Number
2.	Name	Address	Telephone Number

IN LIEU OF THE NAMES ABOVE, OTHER AVAILABLE REFERENCES:

1.	Name	Telephone Number
	Address	City/Town State Zip Code
2.	Name	Telephone Number
	Address	City/Town State Zip Code

APPLICANT'S STATEMENT:

"I hereby swear (affirm) that I am \_\_\_\_\_  
 Name of Applicant  
 that I have not (that I have) been convicted of any crime, felony,  
 misdemeanor, or violation of any municipal by-law, rule or  
 regulation".  
 Nature of Offense: \_\_\_\_\_  
 Penalty Assessed: \_\_\_\_\_

Signed under the pains and penalty of perjury

APPLICATION DENIED: \_\_\_\_\_ REASON: \_\_\_\_\_

APPLICATION APPROVED: \_\_\_\_\_

\_\_\_\_\_  
CHIEF OF POLICE

\*\*\*\*\*  
To Be Completed By The Town Clerk

APPLICATION FEE PAID \_\_\_\_\_  
Amount Date



### Article III. Solicitors and Canvassers

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When a solicitor receives a license, the solicitor will be given a list of resident addresses they cannot solicit. If a business does solicit a residence on the Do Not Knock List, the solicitor will be fined and will not be allowed to solicit any homes in Tewksbury for a period of one year. (Art. 16 STM 2021)

#### **12.04.090 License required.**

It shall be unlawful for any solicitor or canvasser as defined in Section 12.04.100 of this chapter to engage in such business within the corporate limits of "the Town" without first obtaining a license in compliance with the provisions of this chapter. Any person who is not properly licensed under this bylaw shall be ordered to immediately cease and desist all solicitation in the Town until they attain a proper license. Whoever continues to solicit without a proper license and after being prohibited to do so by the Town Clerk or a Tewksbury Police Officer, shall be punished by a fine of not more than three hundred dollars (\$300) for each violation. A person who commits such a violation(s) shall appear in court upon summons, except as provided under Section 12.04.180. (Art. 13 (part), STM 1990: By-Laws Art. VI § 10 (part))

#### **12.04.100 Definition.**

A canvasser or solicitor is defined as any individual, whether resident of the Town or not, traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for such services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not, provided that such definition shall include any person who, for himself or herself, or for another person, firm or corporation, hires, leases, uses, or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or any other place within the Town for the sole purpose of exhibiting samples and taking orders for future delivery. (Art. 13 (part), STM 1990: By-Laws Art. VI § 10 (part))

#### **12.04.110 License application Requirements.**

An applicant for a license under this bylaw shall file with the Town Clerk a sworn application (in duplicate) in writing at least ten (10) working days prior to his or her requested starting date for solicitation on a form to be furnished by the Town Clerk, which shall give the following information:

- (a) Name and Physical Description of the applicant;
- (b) Permanent home address and full local address of the applicant;
- (c) A brief description of the nature of the business and the goods to be sold;
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (e) The length of time for which the right to do business is desired;
- (f) The place where goods or property proposes to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery.
- (g) Two photographs of the applicant, taken within 60 days immediately prior to the date of filing of the application, which picture shall be 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner. One picture will be retained by the Town Clerk and the other will be laminated onto the Solicitor Identification Card.
- (h) The names of at least two reliable property owners of the Town who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate each character and business responsibility.
- (i) A statement as to whether or not the applicant has been convicted of any crime, felony, mis-demeanor, or violation of any municipal bylaw, rule or regulation, the nature of the offense and the punishment or penalty assessed therefore.

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). This fee may be waived for nonprofit organizations. (Art. 13 (part), STM 1990: By-Laws Art. VI § 10 (part), Art 27, ATM May 2017)

#### **12.04.120 License Investigation and issuance.**

- (a) Upon receipt of a license application under this bylaw, the original shall be referred to as the "Chief", who shall cause such investigation of the applicant to determine the following facts:
  - (1) Whether or not fraud, misrepresentation, or false statements have been made in the application for license.
  - (2) Whether or not the applicant has been convicted of any crime or misdemeanor involving moral turpitude.
- (b) If as a result of such investigation, the Police Chief or the Chief's designee shall find that either paragraph (a)(1) or (a)(2) is answered in the affirmative, the Chief shall endorse on such application the reasons therefore, and return the same application to the Town Clerk, who shall notify the applicant that the application is disapproved, and that no license will be issued.
- (c) If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief or his designee shall endorse on the application approved, and forward it to the Town Clerk. Upon payment of the prescribed license fee to the Town Clerk, the applicant may pick up his or her license and Solicitation Identification Card. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee, the class of license issued, and the kind of goods to be sold there under, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The Town Clerk shall keep a permanent record of all licenses issued. (Art. 13 (part), STM 1990: By-Laws Art. VI § 10 (part))

#### **12.04.130 License fees.**

- (a) The license fee which shall be charged by the Town Clerk for such license shall be \$5.00 per day, \$25.00 per week, \$50.00 per month, or \$100.00 per year. Fees shall be waived for non-profit organizations upon written request of the applicant and verification by the Town.
- (b) The annual fees herein provided shall be assessed on a calendar year basis and on or after July first, the amount of such fee for annual license shall be one-half the amount stipulated above for the remainder of the year.
- (c) None of the license fees provided for by this bylaw shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he or she may apply to the Town Clerk for an adjustment of the fee, so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within six months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his or her method of business and the gross volume of business and such other information as the Town Clerk may deem necessary, in order to determine the extent, if any, of such undue burden on such commerce. The Town Clerk shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of fact from which the Town Clerk shall determine whether the fee fixed by this bylaw is unfair, unreasonable or discriminatory as to applicant's business and shall fix as the license fee for the applicant, an amount that is fair, reasonable, and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the Town Clerk shall have the power to base the fee upon a percentage of gross sales, or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by Section 12.04.130(a) of this chapter. Should the Town Clerk determine the gross sales measure of the fee to be the fair basis, he/she may require the applicant to submit, either at the time of termination of applicant's business in the Town or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefore, provided that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license as prescribed in Section 12.04.130(a). (Art. 13 (part), STM 1990: By-Laws Art. VI § 10 (part))