

PART THIRTEEN – DOOR-TO-DOOR SOLICITATION LAW OF THE TOWN OF EAST BRIDGEWATER

Section 1. Title.

This article shall be known as the "Door-to-Door Solicitation Law of the Town of East Bridgewater."

Section 2. Findings and intent.

- A. Many residents complain to the Police Department each year about door-to-door solicitation. Some indicate that being the target of solicitation in their homes is annoying, intrusive, and unpleasant. Others are concerned at having strangers approaching their homes uninvited. Many seek assurance that the solicitors are known to Town officials and properly licensed.
- B. This article is intended to regulate door-to-door sales by licensing sales agents; establishing a No Solicitation List; and promulgating reasonable time and manner restrictions on door-to-door solicitation, including enforcement of the No Solicitation List.

Section 3. Definitions.

The following words and phrases shall have the following meanings:

DOOR-TO-DOOR SALES — The in-person solicitation of sales of goods or services for present or future delivery by entry upon residential property, including multifamily or duplex residential property, or by soliciting persons located on residential property from a street, sidewalk or other adjacent property, without the prior invitation of the person to be solicited.

DOOR-TO-DOOR SALES PERMIT — A permit issued to a sales agent to engage in door-to-door sales in accordance with this article.

NO SOLICITATION LIST — A list of residential addresses in the Town, organized alphabetically by street name, indicating those residential properties placed on the list at the request of the owner or occupant indicating that he or she does not want sales agents to enter his or her property.

SALES ORGANIZATION — Any entity engaged in the supervision, recruitment, retention or employment of a salesperson or salespersons, including any person or representative thereof.

SALESPERSON — Any person engaged in door-to-door sales of goods or services for present or future delivery.

SALES SUPERVISOR — Any person who directs or supervises a salesperson or salespersons engaged in door-to-door sales.

Section 4. Administration.

The Town of East Bridgewater door-to-door sales permit process shall be administered by the Chief of Police or the Chief's designee.

Section 5. Application requirements.

Each salesperson must submit an application signed under the penalties of perjury to the Chief of Police or designee along with a fee of fifty dollars (\$50.00) payable to the Town of East Bridgewater to cover the cost of investigating and confirming the facts stated in the application.

The application shall require:

- (1) Government-issued photographic identification.
- (2) Date of birth.
- (3) Social security number.
- (4) Permanent residential address.

- (5) Home telephone number.
- (6) Temporary local address.
- (7) Current cell phone number.
- (8) Sales organization information and brief description of the business and/or goods to be sold.
- (9) Sales supervisor identity.
- (10) Make, model, color, and registration number of any vehicle(s) used to transport the sales agent, the salesperson's supervisor, or sales materials.
- (11) Such other verifying information as may be reasonably required.

Section 6. Background check.

Subject to the provisions of the Massachusetts Criminal Records Offender Statute, MGL c. 6, § 167 et seq., and regulations promulgated thereunder, the East Bridgewater Police Department shall conduct a criminal record check of each applicant for a Town of East Bridgewater door-to-door sales permit to determine the applicant's fitness and suitability to conduct door-to-door sales.

Section 7. Investigation; Issuance of Permit

Within thirty (30) days of receipt of the application, the Chief of Police or designee shall investigate the facts contained in the application and review the background check. If after such investigation and review, the Chief of Police or designee is satisfied the applicant is of suitable character, the Chief of Police or designee shall issue the permit. In the event a permit is denied, the applicant may appeal the decision to the Select Board.

Section 8. Permit Length; Non-Transferable

Each permit issued under the provisions of this bylaw shall continue in force for one (1) year from the date of issuance (unless sooner revoked). Permits are not transferable.

Section 9. No Solicitation List.

- A. The No Solicitation List shall be established and maintained by the East Bridgewater Police Department. Residents may submit their property for inclusion on the list without charge.
- B. Upon approval and issuance of a Town of East Bridgewater door-to-door sales permit, each salesperson shall be provided with a copy of the No Solicitation List.

Section 10. Door-to-door sales regulations

- A. No salesperson shall engage in door-to-door sales without first having applied for and received a Town of East Bridgewater door-to-door sales permit.
- B. No sales organization shall allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of East Bridgewater door-to-door sales permit.
- C. No sales supervisor shall direct or supervise, direct, or allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of East Bridgewater door-to-door sales permit.
- D. No salesperson shall enter within the perimeter of any residential property included on the No Solicitation List. In addition to the fine(s) established below, inclusion of a residential property on the No Solicitation List shall constitute notice prohibiting trespass under MGL c. 266, § 120.

- E. No salesperson shall solicit sales from a person situated within a residential property included on the No Solicitation List from a street, sidewalk, or other adjacent property.
- F. Each salesperson shall carry the Town of East Bridgewater door-to-door sales permit at all times while engaged in door-to-door sales and shall display said permit upon request by any police officer, Town official, or any person present at a residential property where door-to-door sales are solicited.
- G. No salesperson or supervisor shall use any vehicle to transport persons or materials for door-to-door sales unless said vehicle is identified in the Town of East Bridgewater door-to-door sales permit application and the exterior of said vehicle is marked with the name of the sales organization and the words "door-to-door sales." All required information shall be in letters a minimum of four inches in height on both sides of the vehicle.
- H. Door-to-door sales shall not be conducted except during the hours between 9:00 a.m. and dusk.

Section 11. Violations and penalties; Revocation/Suspension

- A. Each violation of any provision of this article shall be punished by a fine not to exceed \$300.
- B. The Chief of Police or designee may revoke and/or suspend a permit after providing notice of a hearing via hand delivery or certified mail at least five (5) days prior to said hearing. The Chief of Police or designee may suspend a permit immediately without notice and a hearing if it is determined public safety and/or welfare so requires. Should a permit be suspended immediately, a hearing with the above notice requirements shall be held within ten (10) days of said suspension.

Section 12. Severability.

The invalidity of any portion or portions of this article shall not invalidate any other portion, provision, or section thereof.

Part Twelve - Criminal History Check Authorization

Section 1- Purpose and Authorization

In order to protect the health, safety and welfare of the inhabitants of the Town of East Bridgewater, and as authorized by G.L.c.6,s172B ½ , this bylaw shall require (a) applicants for certain Town licenses permitting the conduct of specific occupational activities within the Town as enumerated in Section 2, below, to submit to fingerprinting by the East Bridgewater Police Department, (b) the Police Department to conduct criminal record background checks based on such fingerprints, and (c) the Town to consider the results of such background checks in determining whether or not to grant a license.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (the "DCJIS") and the Federal Bureau of Investigation (the "FBI") as may be applicable to conduct on behalf of the Town and its Police Department fingerprint-based state and nation criminal record background checks, including of FBI records, consistent with this bylaw. The Town authorizes the police Department to receive and utilize records of the State police, the DCJIS and the FBI in connection with such background checks, consistent with this bylaw.

Section 2 – Applicant’s Submission to Fingerprinting by the Police Department

Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the East Bridgewater Police Department within ten (10) days of the date of the application for a license for the purpose of conducting a state and national criminal record background check to determine the suitability of the applicant for the license:

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At the time of fingerprinting, the Police Department shall notify each individual who is fingerprinted that his or her fingerprints will be used to check such individual's FBI and state criminal history records.

Section 3 – Police Department Processing of Fingerprint-Based Criminal Record Background Checks and Communication of Results

The Police Department shall transmit fingerprints it has obtained pursuant to Section 2 of this bylaw to the Identification Section of the Massachusetts State Police, the DCJIS and/or the FBI as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in the said section. The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and supply the applicant the opportunity to complete, or challenge the accuracy of, the information contained in it, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction or updating of a criminal record, including a copy of 28 CFR Part 16.34 pertaining to FBI identification records. In no event shall the Police Department render a suitability evaluation pursuant to the paragraph below until it has taken the steps detailed in this paragraph and otherwise complied with any other procedures required by any Town policy applicable to licensing-related criminal record background checks.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town. The Police Department shall in addition render to the licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information known to it. In rendering its evaluation, the Police Department shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability. The Police Department shall indicate whether the applicant has been convicted of, or is under pending indictment for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or the threat of force, controlled substance or a sex-related offense.

Section 4 – Reliance on Results of Fingerprint-Based Criminal Record Background Checks

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in Section 2, above. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

Section 5 – Compliance with Law, Regulation and Town Policy

Implementation of the bylaw and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations and Town policies. The Select Board is authorized to promulgate regulations for the implementation of this bylaw. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

Section 6 – Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be as outlined in Attachment B of these By-laws. A portion of the fee, as specified in Massachusetts General Law Chapter 6, section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for Costs associated with the administration of the fingerprinting system

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