

CHAPTER III

Regulating Certain Occupations

SECTION 1: No person shall hawk or peddle fish, fruit or vegetables within the limits of this Town, except as authorized by law, without first obtaining a license thereto from the Board of Selectmen upon payment of a fee of Five (\$5.00) Dollars annually.

SECTION 2: No person shall be a pawnbroker, collector of or a dealer in junk, old metals, or secondhand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles without first obtaining a license therefor from the Board of Selectmen upon payment of a fee of at least one-hundred (\$100.00) dollars annually. (amended 5/12/2014)

SECTION 3: The annual fee for any automatic amusement device license issued or renewed under Ch. 140, S. 177A of the Massachusetts General Laws shall be one-hundred (\$100.00) dollars. The fee for any license issued after January 31st in any year shall be prorated on the basis of the number of months in which the license is to be in force compared with twelve months. The fee for every change of premises shall be two dollars (\$2.00).

SECTION 4: Licensing of Solicitors and Canvassers

(a) **Purpose.** This section, adopted pursuant to M.G.L. c. 43B, section 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operation requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Ludlow in order to (1) protect its citizenry from disruption of the peaceful enjoyment of the residences and from the perpetration of fraud or other crimes; and (2) to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or noncommercial messages.

(b) **Definitions.** The following definitions shall apply in the interpretation and implementation of this Bylaw:

(1) "Soliciting" shall mean and include any one or more of the following door-to-door activities;

(a) selling or seeking to obtain orders for the purchase of goods or services for any kind of consideration whatever;

(b) selling or seeking to obtain prospective customers for application to purchase insurance of any kind;

(c) seeking to obtain subscriptions to books, magazines, periodicals, newspapers, or any other type of publications;

(d) seeking to obtain gifts or contributions money, clothing, or any other valuable thing for the support or benefits of any association, organization, corporation or project;

(e) seeking to obtain information on the background, occupation, economic status political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly or in part for commercial purposes.

(2) "Canvassing" shall mean and include any one or more of the following door-to-door activities conducted for commercial purposes:

(a) person-to-person distribution of literature, periodicals, or other printed materials, but shall not include placing or dropping off printed materials on the premises;

(b) seeking to enlist membership in any organization;

(c) seeking to present, in person, organizational information

(3) "Residence" shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

(4) "Registered solicitor" shall mean any person who has obtained a valid certificate of registration from the Town as required by this Bylaw.

(c) **Registration.** Every person or organization intending to engage in commercial soliciting or canvassing door-to-door in the Town of Ludlow must register with the Police Department at least three (3) days in advance by filing a registration application form with the Chief of Police.

(1) Organization application forms shall include the following information:

(a) The name and the address of the organization applying for registration, and the names and address of the organization applying for registration, and the names and addresses of the organizations' principal officers.

(b) The name, title and telephone number, IRS taxpayer identification number 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 Ludlow.

(d) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation 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 or canvassing operation.

(2) Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under I (c) (1). Individual registration forms shall contain the following information:

(a) Names and address of the present place of residence and length of residence at that address; if less than three years residence at a present address, the address of residences) during the past three years.

(b) Date of birth.

(c) Name and 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.

(d) Name and address of employer during the past three years if other than listed in I (c).

(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.

(g) Social Security Number. (Optional)

(h) Recent passport-sized photograph of the applicant to be affixed to the registration card.

(i) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

(d) **Registration Fee.** "Each applicant for registration or re-registration shall pay a fee of \$25.00 paid to the town at the police department upon application. Each registration period shall be for three months" (Amended 5/10/21, A9, ATM)

(e) **Registration Cards.**

(1) The Police Chief shall complete his or her review and shall either issue a registration card or deny a registration card within three (3) business days after receiving all the information described in Subsections (a) through (e) above.

(a) The name of the person.

(b) A recent photograph of the person.

(c) The name of the organization (if any) which the person represents.

(d) A statement that the individual has been registered with the Town of Ludlow Police Department but that registration is not an endorsement of any individual or organization.

(e) Specific dates or period of time covered by the registration.

(2) Persons engaged in solicitation or canvassing must carry the registration card at all times and present the card to any person solicited or upon the request of any police officer.

(3) Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days

(4) The Police Chief shall refuse to register an organization or individual whose registration has been revoked for violation of this by-law within the previous two year period, or an individual who at any time has been convicted of murder, manslaughter, rape, robbery, arson, burglary/breaking and entering, assault, larceny or an individual who is a sex offender required to register with the Sex Offender Registry Board, or its equivalent in any other state, and who is finally classified as a level two or level three sex offender.

(f) Exceptions.

(1) Registration shall not be required for officers or employees of the Town, county, State or Federal governments when on official business.

(2) Individual registration shall not be required for minors under the age of 18 except in connection with canvassing or soliciting on behalf of a profit organization, newspaper carriers excepted.

(3) Registration shall not be required for individuals seeking to engage in exclusively noncommercial communication or solicitation for support of candidates for public office

(g) Duties of Solicitors:

(1) It shall be the duty of every solicitor or canvasser, upon going into any residential premises in the Town of Ludlow, to first examine any notice which may be posted prohibiting solicitation. If such a notice is posted, the soliciting or canvasser shall immediately and peacefully depart from the premises.

(2) Any solicitor or canvasser who has gone onto any residential property or gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(3) Immediately upon going onto any residential property or gaining entrance to any residence, each registered solicitor or canvasser must do the following:

(a) Present his registration card for inspection by the occupant.

(b) Request that the occupant read the registration card.

(c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization. For purposes of this subsection, the term 'in clear language' shall mean words spoken in the language spoken by the occupant and which are reasonably expected to be understood by a person of ordinary intelligence.

(4) It shall be the duty of every organization employing solicitors or canvassers to notify the Police Department daily as to what areas) of the Town they will be operating in.

(h) Restrictions on Methods of Solicitation: It shall be unlawful for a solicitor or canvasser to do any of the following:

(1) Falsely represent, directly or by implication, that the solicitation or canvassing is being done on behalf of a governmental organization.

(2) Solicit or canvass at any residence where there is a posted sign prohibiting solicitation, without express prior permission of an occupant.

(3) Solicit or canvass any residence without express prior permission of an occupant, before 9:00 a.m. or after 8:00 p.m. where there is no sign posted otherwise limiting solicitation or the hours of solicitation.

(i) Penalty.

(1) Any person or organization who, after being advised and given a copy of this Bylaw, violates any of the provisions of the By-law shall be subject to a fine not to exceed \$300.00 for each offense.

(2) Any person or organization who for himself, itself, or through its agents, servants or employees violates any provision of sub-sections I (a) or I (h) of this Bylaw, or who knowingly provides false information on the registration application, or who is found, after investigation by a police officer, to have conducted himself or itself in a threatening, abusive, or illegal fashion, shall have his, her, or its registration revoked by the Chief of Police by 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.

(j) 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 Select Board. Such appeal must be filed within 5 days after receipt of the notice of denial or revocation. The Select Board shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Select Board fails to make determination within 30 days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

(k) Severability.

Invalidity of any provision of this section shall not affect the validity of the By-law as a whole.

(added 5/09/2010) (amendment 5/10/2010)

5. Permitting of Ice Cream Truck Vendors

A. Pursuant to 520 CMR 15.00, the Massachusetts Department of Public Safety requires each municipality to issue permits to persons engaging in ice cream vending. For the purpose of this bylaw, the following definitions shall apply:

- Ice Cream, any frozen dairy or frozen water-based food product.
- Ice Cream Truck, any motor vehicle used for selling, displaying or offering to sell ice cream.
- Ice Cream Truck Vending, the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.
- Ice Cream Truck Vendor/Operator, any person who owns, sells, displays, or offers to sell ice cream from an ice cream truck or any person who drives or operates such a vehicle.

B. ~~No person shall engage in ice cream truck vending within the Town of Ludlow unless the applicant has been issued a valid permit to do so by the Chief of Police or his designee. Said permit shall only be valid for use within the town limits. A separate permit is required for every person who engages in ice cream truck vending/operation.~~

C. All permits issued shall be conspicuously displayed and clearly visible on the windshield dash of any ice cream truck operated or from which ice cream is sold.

D. Only the uniform application and permit form approved by the Police Department shall be utilized. The permit shall include a current color photograph of the applicant encased in plastic. Permits shall be numbered in order as granted and be encased in plastic.

- E. In order to obtain an initial permit or to renew a permit, each applicant shall submit the following to the Permitting Authority:
- .A completed uniform application form
 - .A copy of their fingerprints
 - .Two (2) current, 1 ½ "X2" (color) photographs
 - .Valid driver's license
- F. The police department shall collect an administrative fee in the amount of \$50.00 upon the issuance of each permit.
- G. Both initial and renewal permits shall expire annually on January 1st.
- H. Upon receipt of the permit application or application for renewal, the Chief of Police or his designee shall conduct an investigation into the criminal history of a permit applicant to determine eligibility. The investigation shall include performing a state and national criminal history records check as authorized by Massachusetts General Law, Chapter 6 Section 172B ½. As part of this investigation, the Chief of Police or his designee shall ensure that the identity of the applicant is true and accurate and, in the case of a renewal, that the applicant is linked to the original permit number.
- I. The Chief of Police or his designee may deny issuance of a permit or revoke a permit for just cause. Pursuant to 520 CMR 15.05, no permit shall be issued to any person who is a Sex Offender, as defined by Massachusetts General Law Chapter 6, Section 178C. Upon denial of the issuance or the revocation of a permit, an applicant shall have the right of appeal to the Board of Selectmen. All such appeals must be made in writing, and addressed to the Town of Ludlow Board of Selectmen Office. Appeals will be heard at the next regularly scheduled Board of Selectmen meeting. The decision of the Board shall be final and binding. No such right of appeal shall attach for the denial of a permit to an applicant who is a Sex Offender.
- J. Whoever conducts themselves as an ice cream vendor/operator without a valid Town issued permit or with an expired permit; or whoever improperly displays a permit shall be subject to a fine of no more than \$100 dollars for the first offense, \$200 for a second offense and \$300 for a third or subsequent offense.
- K. ~~Every ice cream vendor/operator shall comply with all State Motor Vehicle Laws, regulations specific to the operation of Ice Cream Trucks, Town Bylaws, Health Codes, as well as any zoning or state or local regulations that may restrict or prohibit vending in certain areas. Violation of any such law, Regulations, Bylaw or Health Code shall be grounds for the revocation of the vendor's permit. (added 10/07/2013).~~

Section 6: Pawn Shops Buyers & Sellers of Gold

Purpose: This section, adopted pursuant to Massachusetts General Law Chapter 140, Section 70: "The Police Commissioner of Boston, the License Commission of Lowell, the Aldermen of any other city, or the Selectmen of any Town, if ordinances or Bylaws therefore have been adopted in such city or town, may license suitable persons to carry on the business of pawnbrokers in such city or town, subject to sections two hundred and two to two hundred and five, inclusive, and may revoke such licenses at pleasure.

A. Computerized Records

The license holder shall keep a computerized record of any and all transactions in a format to be determined by the Ludlow Police Department.