

**Board of Selectmen**

**Policy Number:** BOS-LIC-010

**Policy:** Regulations Re For-Profit Transient Vendors/Businesses;  
Hawkers and Peddlers; Door-to-Door Solicitations

**Date Approved:** January 22, 2002

**Approved:** (See attached policy)  
Chair, Board of Selectmen

These regulations governing for-profit transient vendors/businesses, hawkers and peddlers, and door-to-door solicitations are hereby enacted pursuant to the authority of M.G.L. c. 101, Section 3 (attached). These Regulations are intended to supplement and not to replace or override the General Law governing the foregoing activities all as set forth in G.L., c. 101, §, § et seq.

**I. Definitions** The following terms shall have the meaning set forth in G.L. 101, §, §. 1. et seq. and are summarized for the purposes of these regulations as follows:

**A. “Transient Vendor” and “Transient Business.”** A transient vendor is a person who conducts business for profit. A transient business (also called a temporary business) is any exhibition and sale of goods, wares, or merchandise which is carried on in any structure (such as a building, tent, or booth) unless it is the intent of the applicant that such place be open for business during usual business hours for a period of at least 12 consecutive months.

**B. “Hawker and Peddler.”** Any person who goes from place to place within the Town selling goods, wares or merchandise, whether on foot or in a vehicle, for profit, is a hawker or peddler (these two terms are interchangeable), unless such person is excluded from the operation of M.G.L.A., Ch. 101 by the provisions of Section 15 of said Chapter.

**C. “Door-to-Door Solicitations.”** Any person who travels from door to door within the Town soliciting something for any organization not incorporated under Chapter 180 of the General Laws (non-profit organizations) whether selling something or not, is conducting door-to-door solicitations.

**D. “Person.”** For purposes of these regulations, the persons being regulated herein are those persons who are engaging in the activities regulated herein for or on behalf of any for profit organization.

**E. “Garage Sale” or “Yard Sale.”** The sale, at the primary residence the seller(s), of goods that were used personally by the seller(s) of such goods.

**F. “Chief of Police.”** The Chief of Police of Needham or such person designated by him/her to perform his/her duties under these regulations.

**II. Purpose.** The purpose of these regulations is to recognize the importance of communicating ideas on the one hand, while at the same time ensuring public safety by requiring persons conducting the foregoing activities to be licensed, either at the state level or locally so that the Town’s citizenry will know who is conducting these activities and that to the degree set forth herein or in the applicable general laws, they have identified themselves to the proper authorities, are bonded if required, and satisfy the minimum criteria. The purpose of these regulations is also to ensure that to the extent the Town’s citizens wish to “post” their property, they will be assured the right to be left alone.

**III. Scope.** These regulations shall apply to all persons conducting the foregoing activities within the Town.

**IV. Compliance Requirements.** Each person who acts as a transient vendor, hawker, peddler or conducts door to door solicitations within the Town of Needham shall be subject to, responsible for and fully compliant at all times with the following requirements:

1. Registration requirements

- (a) Persons not registered (licensed) by the state shall make application for a Needham registration card to the Chief of Police on a form containing the following information: The applicant's name, signature, home address; the name and address of the owner or parties in whose interest the business is to be conducted, and their business address; a brief description of the business to be conducted within the Town; identification of vehicles that will be utilized for the purpose; the applicant's social security number; whether the applicant has ever been convicted of a crime or is presently charged with a crime. The application shall be made under oath. The applicant shall be photographed, and his or her fingerprints taken for the purpose of identification.
- (b) The Chief shall approve the application within twenty days of its filing unless he/she determines either that the application is incomplete, or that the applicant has been convicted of a crime or has criminal charges pending against him or her, punishable by imprisonment. In the event the applicant has been convicted of a crime or has criminal charges pending, punishable by imprisonment, the Chief shall deny such a license if he/she determines the issuing of a license to the applicant poses a threat to the residents of the Town of Needham. The Chief may take into consideration the circumstances of the convictions and charges pending. The Chief shall deny such a license if the Chief determines the applicant is a fugitive from justice.
- (c) If the application is approved, the Chief shall cause to have registration card issued within ten business days. The registration card shall be in the form of an identification card, containing the name, signature and photograph of the licensee. Such card shall be non-transferable and valid only for the person identified therein and for the purpose as shown on the license. The card shall be valid for a period of ninety days from the date of issuance (or if the expiration date is not on a business day, the expiration date will be on the next business day following). Any such registration card shall be void upon its surrender or revocation, or upon the filing of a report of loss or theft with the Police Department.
- (d) Persons registered (licensed) by the state shall not be subject to the foregoing paragraph, but shall report to the Chief prior to conducting his or her business within the Town and shall provide to the Chief of Police a copy of his or her state registration or license.

2. Registration cards or license to be visibly displayed.

Such state or local registration card or license shall be displayed at all times while the business activity is being conducted, and shall be provided to any police officer upon request or command. The license shall also be affixed conspicuously on the outer garment of the licensee whenever he or she shall be engaged in the activity, except in the case of a transient business when the license shall be displayed visibly within the structure where such business is being conducted. Such registration card or license, if issued locally, shall be the property of the Town of Needham and shall be surrendered to the Chief upon its expiration, suspension or revocation.

3. Registration card (license) fee.

The filing of a state license as required shall not be subject to a fee; the fee for a local registration card shall be \$25.00

4. Restrictions on activity.

No activity governed by these regulations shall be conducted upon public or private premises which have been duly posted "No Solicitations", "No Trespassing" or words of similar meaning.

**V. Violations and Penalties**

A. Any and all violations of these regulations shall be enforceable by the Chief of Police or his or designee, either by initiating criminal proceedings or through the non-criminal disposition set forth in the Town By-Law, Article 9.

B. Any person violating any one or more of these regulations shall be subject to the following fines:

1. Twenty-five dollars for the first offense.
2. Fifty dollars for each subsequent offense within any one twelve month period, each such subsequent offense constituting a separate offense.

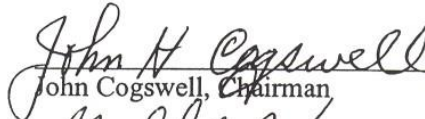
B. Any person found committing a violation of these regulations may be arrested by a police officer and kept in custody in a convenient place, not more than twenty-four hours, Saturday, Sunday and legal holidays excepted, until a complaint can

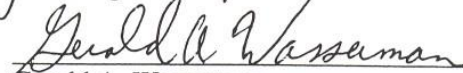
be made against him or her for the offense, and he or she be taken upon a warrant issued upon such a complaint.

**VI. Exemptions** These regulations shall not apply to any person conducting a “garage sale” or “yard sale”, nor to any person engaged in the foregoing activities for or on behalf of a not-for-profit organization (incorporated under Chapter 180 of the Massachusetts General Laws.)

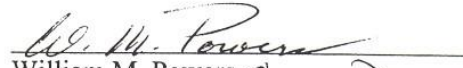
VOTED TO BE ENACTED this 22<sup>nd</sup> day of January 2002, effective upon the filing of a copy hereof with the Town Clerk.

BOARD OF SELECTMEN OF THE  
TOWN OF NEEDHAM

  
John Cogswell, Chairman

  
Gerald A. Wasserman

  
Colleen Schaller

  
William M. Powers

  
Daniel P. Matthews

Filed with the Town Clerk:

