

Proposed Ordinance Language – Version 3 Incorporating Winslow & McNeil Changed for Consideration on June 24, 2025

NOTE: FOR SECTION A – NEW DEFINITIONS REPLACE CURRENT DEFINITION SECTION

FOR SECTION B. 3. REDLINE VERSION ARE AMENDMENTS TO LANGUAGE SUBMITTED BY MALDEN PD

FOR SECTION E. CLARIFICIATION ADDED TO DISTINGUISH BETWEEN COMMERCICAL CANVASSERS AND SOLICITORS AND OTHERS

6.20.10 PERMIT REQUIRED FOR CANVASSERS AND SOLICITORS

A. Definitions:

Canvasser or Solicitor: Any individual, whether a resident of the city or not, traveling either by foot, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, that promotes, takes or attempts to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services, including home improvements, 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 or not such person is collecting advance payments on such sales

Commercial Canvasser or Solicitor: any canvasser or solicitor Any individual, whether a resident of the city 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, being compensated, whether by salary, commission or ownership interest, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for 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 or not such person is collecting advance payments on such sales

A.B. Permit Required

1. No person shall ~~engage in business~~act as a solicitor or canvasser without first obtaining a permit therefor in compliance with the provisions of this ordinance.
2. All persons granted a license or permit hereunder shall display a visible badge during activities licensed hereunder, to be approved by the City of Malden Police Chief.
3. Do Not Knock Registry
 - a. The Police Department shall prepare a list of addresses of those premises where the owner and/or occupant who have ~~has~~ notified the Chief of Police, or the Chief's ~~his~~ designee, - that they that a door to door salesperson, hawker, peddler, or any other person, including corporate or business entities, wishing to sell wares or services in all districts, in locations which are not stationary, are not permittehave prohibited the work of commercial canvassers

~~or solicitors on the premises~~ (hereinafter referred to as the "Do Not Knock Registry") by having posted a sign at the public entry of such property stating that "Commercial Canvassers and Solicitors are Prohibited". Owners and / or occupants may register for the Do Not Knock Registry Notification shall be by completing ~~ion of~~ a form available at the Police Department and including a photograph or the posted sign. -

- b. The Do Not Knock Registry will be available on the Police Department's website and will be available to all persons or companies applying (or approved for a commercial canvassing and / or solicitation permit. The Chief of Police or designee shall distribute the current Do Not Knock Registry to a person or entity licensed under this section at the time of issuance of the license. It shall be the responsibility of all Permit holders to check the website to determine who is on the Do Not Knock Registry prior to canvassing or soliciting. The licensee-Permit Holder shall not peddle, canvass, or conduct door-to-door sales commercially canvas or solicits at any premises identified on the then current Do Not Knock Registry.
- c. Any canvasser, peddler, itinerant vendor or owner or employee of a door-to-door sales enterprise who violates any provision of this section shall be Any violators of this section, whether individuals, companies, enterprises or those benefitting from such commercial canvassing or solicitation activities shall be subject to:
 - i. ~~Subject to an ordinance violation~~ a fine of \$300.00 per offense and/or
 - ii. ~~Subject to~~ a one-year revocation of any permit issued pursuant this section. to the within article

C. Permit Application-Contents; Filing Fees:

1. Applicants for a permit under this section shall file with the City Clerk a sworn application on a form to be furnished by the City Clerk, which shall give the following information:
 - a. Name and description of the applicant;
 - b. Permanent home address and full local addresses of 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 the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery;
 - g. A photograph 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;
 - h. The names of at least two (2) reliable property owners of the county who will certify as to the applicant's good character and business respectability or, in lieu of the names and references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
 - i. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.
2. Applications shall be accompanied by a fee of \$100 per solicitor or canvasser, provided that the following shall be exempt for payment of application fees: United States Postal Service;

newspaper and/or magazine delivery services; and non-profit and charitable organizations registered under applicable sections of the Internal Revenue Code or Mass. Gen. Laws ch 180 or Mass. Gen. Laws ch 68 § 19.

D. Permit Investigation and Issuance:

1. Upon receipt of a license application under this article, the original shall be referred to the Chief of Police who shall cause an investigation of the applicant to determine the following facts:
 - a. Whether or not fraud, misrepresentation or false statements have been made in the application for license;
 - a-b. Whether or not the applicant has been convicted of any crime or misdemeanor involving moral turpitude.
2. If, as a result of such investigation, the Chief of Police finds that the application contained fraudulent information or that the applicants has been convicted of a crime involving moral turpitude, he shall endorse on such application his disapproval and his reasons therefore within 30 days of application and return the same to the City Clerk who shall notify the applicant that the application is disapproved and that no permit will be issued.
3. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval and return such application to the City Clerk, who shall deliver to the applicant his permit. Such permit shall contain the name and address of the permit holder, the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative. The Clerk shall keep a permanent record of all licenses issued.

E. Bond Required Prior to Issuance of Permit: Prior to issuance of a permit granted hereunder for commercial solicitors or canvassers, every applicant shall file with the City Clerk a surety bond, running to the city in the amount of one thousand dollars (\$1000), with surety acceptable to and approved by the City Solicitor, conditioned that such applicant shall comply fully with all the provisions of the ordinances of the city and the statutes of the commonwealth regulating and concerning the business of the canvasser or solicitor, and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor, and further guaranteeing to any citizen of the city doing business with such canvasser or solicitor that the property purchased will be delivered according to the representations of such canvasser or solicitor. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person

E-F. Enforcement:

1. It shall be the duty of any police officer of the city to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license, and to enforce the provisions of this article against any person found to be violating the same.
2. The Chief of Police shall report to the City Clerk violations of this ordinance. The City Clerk shall maintain a record for each license issued and any report of violations thereof.

F-G. Revocation of License: Permits issued under the provisions of this section may be revoked by the City Council after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license;
2. Fraud, misrepresentation, or false statement made in the course of carrying on his business as solicitor or as canvasser;

- 3. Conviction of any crime or misdemeanor involving moral turpitude;
- 4. Any violation of this ordinance;
- 5. Conducting the business of soliciting, or of canvassing, in any 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.

H. 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. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

I. Expiration of Permits: All permits issued under the provisions of this section shall expire on December 31 in the year when issued.

G.J. Penalty for Violation: Violations of this section, may be punished in the manner provided in Mass. Gen. Laws ch 40 § 21D in accordance with the following schedule of fines:

1st offense	\$50.00
2nd offense	\$100.00
3rd/subsequent offenses	\$200.00