

TOWN OF NEWTON

PEDDLING AND CHARITABLE SOLICITING ORDINANCE

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Adopted by the Board of Selectmen on June 19, 2006

Gary F. Nelson, Chairman

John P. Ulcickas

Robert S. Donovan, Jr.

Recorded with the Newton Town Clerk on _____

Raymond D. Thayer, Town Clerk

Article I

Charitable Solicitation

Section 1: Approval Required

Approval by the Board of Selectmen is required for soliciting of funds for charitable purposes and for the sale of tags, flowers, or other objects sold for charitable purposes in accordance with RSA 31:91.

Section 2: Definitions

Charitable – The term “charitable” as used within the scope of this ordinance shall mean a corporation, society or organization established and administered for the purpose of performing, and obligated, by its charter or otherwise, to perform some service of public good or welfare advancing the spiritual, physical, intellectual, social or economic well-being of the general public or a substantial and indefinite segment of the general public that includes residents of the state of New Hampshire, with no pecuniary profit or benefit to its officers or members, or any restrictions which confine its benefits or services to such officers or members, or those of any related organization. The fact that an organization’s activities are not conducted for profit shall not in itself be sufficient to render the organizations “charitable” for purposes of this ordinance, nor shall the organization’s treatment under the United States Internal Revenue Code of 1986, as amended. This section is also not intended to abrogate the meaning of “charitable” under the common law of New Hampshire.

Section 3: Application for Approval

Applications must be in writing and signed by an officer of the organization indicating present address. Dates of the solicitation must be specified as well as the names of the individual solicitors. Applications will be acted upon in or within five working days of receipt.

Section 4: Exceptions

Youth Organizations within the Town of Newton and the Sanborn Regional School District shall not be required to list each solicitor’s name, but the organization must complete an Application for Permit and file it with the Selectmen’s Office for approval. There shall be no fee.

Section 5: Violations and Penalties

Violations of this regulation are punishable by a fine of \$25 per day for each day of the violation.

Article II Hawkers, Peddlers and Vendors

Section 1: Registration Required

It shall be unlawful for any person to engage in business as an itinerant vendor, hawker, peddler or person who sells, offers to sell or takes orders from temporary or transport sales locations within a town, or who goes from town to town or place to place within a town for that purpose, or calls at residences without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions, or business of any kind, or seeking information for donations, without first having registered with the Police Department. The registrant shall give their complete identification, their signature, the name of his employer, the nature of the products or services in which they are interested, the names of the manufactures of such products or the organization which they are representing, and the proposed method of operation in the town on an application form issued by the town. Applications will be acted upon in or within five working days of receipt. Licenses granted under this article shall be in addition to licenses granted by the state under RSA 320 and 321.

Section 2: Registration Fee

Each registrant shall pay to the Police Department a registration fee of \$30 for the period expiring on the same date as the applicable license under RSA 320 and 321. This shall be in addition to fees under RSA 321:13. Payment shall be made payable to the Town of Newton.

Section 3: Restrictions

A certificate will not issue if a method of operation is conducted on private property, unless the property owner issues permission to the applicant in writing and made part of the application. No certificate will issue for any activity within the right-of-way of any state highway within the town, unless the applicant satisfies all traffic safety considerations as defined by the Chief of Police. Activities permitted by this article shall only be conducted during daylight hours. In no event however, shall any activity be permitted before 8am or after 8pm.

Section 4: Registration

- A. Each applicant who shows evidence of good character and who pays the fee provided for herein shall be furnished a permit indicating that they have registered and showing the dates covered by such requirements.
- B. Each person shall at all times while soliciting or canvassing in the town carry upon his person the registration permit, and the same shall be exhibited by such registrant whenever they are requested to do so by any police officer or by any person solicited.

Section 5: Exceptions

The provisions of this article shall not apply to officers or employees of the town, county, state or federal government, or any subdivision thereof, when on official business.

Section 6: Revocation of registration

Any such registration may be revoked by the Board of Selectmen or the Chief of Police because of any violation by the registrant or their representative of this article or of any other ordinance of the town or of any state or federal law, or whenever the registrant shall cease to continue to demonstrate the qualifications and character required in this article.

Section 7: Violations and penalties

Whoever violates the provisions of this article shall be guilty of a violation, unless otherwise addressed by the state statute.

Section 8: Severability

Should any provision of this Ordinance be held invalid by any court of authority or competent jurisdiction, such holding shall not affect, impair or invalidate any remaining provisions which shall remain in full force and effect. To this end, the provisions of this Ordinance are severable.