

TOWN OF CUMBERLAND

AN ORDINANCE RELATING TO DOOR-TO-DOOR SOLICITATION

The Town of Cumberland ordains:-

Section 1. The Cumberland Code of Ordinances is hereby amended to add the following Article under Chapter 8 entitled "Businesses."

ARTICLE X DOOR-TO-DOOR SOLICITATION

§ 8-215 Purpose.

This Article is enacted in accordance with Rhode Island General Laws § 5-11-1.1 for the purposes of protecting the privacy of the residents of the Town of Cumberland, to prevent fraud, to deter and protect the residents against crime, and to protect residents against annoyance. The provisions of this Article have neither the purpose nor intent of infringing upon or denying rights protected by the Constitutions of the United States and the State of Rhode Island, and instead constitute reasonable time, place and manner restrictions on door-to-door soliciting and canvassing in the Town of Cumberland.

§ 8-216 Definitions.

As used in this chapter, the following terms shall have these meanings:

BONA FIDE RELIGIOUS, CHARITABLE, EDUCATIONAL OR POLITICAL ORGANIZATION

Any organization that is qualified under state or federal law as a tax-exempt, nonprofit organization, any religious, charitable, educational or political organization or group, or any organization or group that espouses or advocates a position or belief on any subject of public interest or on behalf of any candidate for public office.

CANVASS OR CANVASSING

Includes any one (1) or more of the following door-to-door activities:

1. Person-to-person distribution of literature, periodicals, or other printed materials, but shall not include placing or dropping off printed materials on the premises except as otherwise exempted by this Article.
2. Seeking to enlist membership in any organization except as otherwise exempted by this Article.
3. Seeking to present, in person, organizational information except as otherwise exempted by this Article.

LICENSE

The photo identification card issued to a licensee under this Article.

INDIVIDUAL

A person who intends to canvas or solicit door-to-door in the Town of Cumberland.

SOLICIT or SOLICITATION

Includes any one (1) or more of the following activities:

1. Seeking to sell or obtain orders for the purchase of goods wares, merchandise, foodstuffs, and services of any kind, character or description whatever.
2. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
3. Seeking to obtain gifts or contributions of money, clothing or any other valuable item for the support or benefit of any charitable or nonprofit association, business entity, organization, corporation, group or project except as otherwise exempted by this Article.

§ 8-217 License required.

No Individual shall canvass or solicit, including to distribute circulars or other matters, or call from house to house in the Town of Cumberland to sell, promote the sale of or attempt to sell goods by sample, or to take or attempt to take orders for, the future delivery of goods, merchandise, wares or any other property, personal or real, of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed presently or in the future, or collect or attempt to collect contributions for any purpose, without first having obtained a written license from the Town of Cumberland under the provisions of this Article (except as otherwise provided in Section 8-220 below).

8-218 Application for license: fee.

A. Any person individual seeking such a license, and not exempt by as described in this chapter, shall submit an application to the Town Clerk's Office through the online licensing portal, containing the following information:

- (1) The full name of the individual seeking a license under this Article (the "Applicant") and local address, if any.
- (2) The place and date of birth of the Applicant.
- (3) The permanent address of the Applicant.
- (4) If the Applicant is operating a motor vehicle in connection with the soliciting or canvassing, the year, make, color, model, license plate number, registered state, vehicle owner and address.
- (5) The address at which the Applicant will receive notices under this chapter.
- (6) The name and address of the Applicant's employer or principal, if any, and the nature of the business activity thereof.
- (7) The nature of the business or activity in which the Applicant wishes to engage within the Town. This shall include what items the Applicant is selling, if any.
- (8) The length of time for which the right to do business is desired.
- (9) A statement as to whether the Applicant has been convicted in any jurisdiction of

any crime and, if so, where, when, the nature of the offense, and the punishment and penalty imposed therefor.

(10) A statement as to the name, address and nature of employment of the Applicant's previous two places of employment.

(11) A copy of valid government-issued photo identification.

(12) An acknowledgement that the Applicant will keep him/herself informed of the addresses on the "No solicitors or solicitation" registry described in this Article and will not enter on premises of addresses listed thereon.

(13) Such other and further information as the Town may deem relevant and require from time to time.

B. The applicant shall, together with the application, submit his or her photograph and a written description of himself or herself.

C. The Town Clerk's office shall review applications in consultation with the Police Department and issue qualified licenses.

§ 8-219 Issuance of license: duration: renewal.

In additional to providing the aforesaid information, the applicant shall pay a non-refundable fee of \$25 per license, made payable to the Town of Cumberland. Said license shall be issued for one calendar year, with all licenses due for renewal on December 31st. Renewals will also be completed through the Town's online portal. Upon submission of said application and after approval of the same, a license shall be issued to the aforesaid applicant in the form of a permit which, until surrendered or revoked, shall entitle the licensee to engage in the activities described in this chapter. If a license is revoked for any reason provided for in this chapter, a new license will not be issued for 24 months from the revocation.

§ 8-220 Exemptions.

The following are exempt from the requirement to secure a license when conducting activities consistent with this chapter.

A. Officers or employees of the Town, county, state, federal government, or any subdivision thereof, when on official business.

B. Any person, firm or corporation delivering goods or performing services which have been previously ordered by the person owning, leasing or occupying the property where such delivery is made or service performed shall be exempt from the requirements of this Article.

C. Charitable, religious, or nonprofit organizations or corporations which have received tax-exempt status under 26 U.S.C. § 501(c)(3), or other similar civic, charitable, or nonprofit organizations.

D. Representatives of political organizations and political candidates.

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132 E. Activities and arrangements having prior consent of the occupant are exempt from the
133 provisions of this chapter.
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136 **§ 8-221 Rules of conduct for licensees.**
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138 Every Individual to whom a license has been issued hereunder shall, in the carrying on of his or
139 her activity in the Town of Cumberland, comply with the following rules of conduct:
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- 141 A. He or she shall carry his or her license at all times and have it displayed at all times.
142 B. He or she shall not permit any other person to possess said license and shall immediately
143 report its loss to the Chief of Police.
144 C. He or she shall not cause or permit the license to be altered or defaced.
145 D. He or she shall not enter or attempt to enter any dwelling house without invitation or
146 permission of the occupant and shall immediately leave any premises upon request.
147 E. He or she shall not represent the aforesaid license to be an endorsement of the licensee or
148 of the goods or services of his or her principal or employer.
149 F. He or she shall immediately surrender the license upon revocation of the license as
150 hereinafter provided.
151 G. He or she shall always carry a valid government-issued photo identification.
152 H. He or she shall not sell any product or type of product not mentioned in his or her
153 Application and license.
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155 **§ 8-222 Time limitations.**
156

157 Solicitation shall only occur within the Town from Monday through Saturday between 9:00 a.m.
158 and 7:00 p.m. and shall not be permitted on federal holidays. Canvassers, as defined herein, shall
159 only engage in the practice of canvassing between 9:00 a.m. and 9:00 p.m. Such canvassing
160 activities may occur on any day.
161

162 **§ 8-223 Street sales prohibited.**
163

164 No person shall engage in any "street sales," as defined in this chapter unless he/she has received
165 all necessary permits from the Town, including any license required in this chapter or any zoning
166 permits, if applicable.
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168 **§ 8-224 Enforcement**
169

170 It is the responsibility of the Police Department to ensure the lawful operation of door-to-door
171 solicitors. It shall be the duty of any police officer in the Town to require any person seen
172 soliciting and who is not known by such officer to have a valid permit, to produce the solicitor's
173 license, and to enforce the provisions of this article against any person found to be in violation of
174 this article. Any person who cannot produce a valid identification card shall have such goods in
175 his/her possession at the time confiscated and shall be deemed to be in violation of this article.
176

177 **§ 8-225 "No solicitors or solicitation" registry.**
178

The owner or lawful occupant of any premises within the Town not desiring to have persons enter onto his or her premises, in addition to posting his or her premises, may register through the Town's website to have his or her address placed on a registry to be distributed to those door-to-door solicitors required to obtain a license. Those owners or occupants who have submitted their information to the Town's registry will receive an official Town of Cumberland, "No Solicitation" sticker.

§ 8-226 Permit revocation; hearing.

The Town Clerk may decline to issue a permit, or may revoke permits issued under the provisions of this article, after notice and hearing before the Town Council for any of the following causes:

A. A door-to-door solicitation license shall not be issued to any person who:

- (1) Has previously been found guilty of violating any provision of this chapter.
- (2) Has been convicted, within the seven years preceding the license application date, of any theft or theft-related crime, fraud or any fraud-related crime, or any similar offense tending to show dishonesty of character.

B. A door-to-door solicitation license shall be revoked for any of the following reasons:

- (1) Conduct by any license holder that constitutes a violation of this chapter.
- (2) A license holder going upon premises either posted "No Solicitors" or "No Solicitation," or appearing on the No Solicitors or Solicitation Registry provided for in this chapter, or both.
- (3) Conduct by any license holder while on private premises that constitutes a summary offense or criminal act, including, but not limited to, defiant trespass.

C. In the event that a door-to-door solicitation license is revoked under this section, no administrative or other fees shall be refunded to the license holder.

Notice of the denial or revocation of a permit shall be given in writing, setting forth specifically the reasons for denial or the grounds of revocation. The Town Clerk shall issue notice, including the time and place of the hearing before the Town Council. Such notice of hearing shall be mailed first class, postage prepaid, to the applicant or permit holder at his/her address as listed in the application at least five days before the date set for the hearing.

§ 8-227 Violations and penalties.

Any person, firm, or corporation who violates any provisions of this article shall pay a fine of not more than \$200, and each violation of any provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

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EXPLANATION

This ordinance establishes the protocol for door-to-door solicitation in the Town of Cumberland.


ON A MOTION MADE BY COUNCILOR SCHMITT, SECONDED BY COUNCILORS BEAULIEU AND SHAW, IT IS UNANIMOUSLY VOTED TO APPROVE AS AMENDED BY A ROLL CALL VOTE. VOTE 7/0.

Date Adopted: September 18, 2024



Jeffrey J. Mutter, Mayor

A True Copy, ATTEST:



Michael L. Kinch, Council President



Sandra M. Giovanelli, Town Clerk

ORD 24-20-[A](#)

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2. Seeking to enlist membership in any organization except as otherwise exempted by this Article.
3. Seeking to present, in person, organizational information except as otherwise exempted by this Article.

LICENSE

The photo identification card issued to a licensee under this Article.

[PERSON/INDIVIDUAL](#)

Any individual, business entity, firm, partnership, corporation, company, association or joint stock association, society, organization or league and includes any trustee, receiver, assignee, agent or other similar representative thereof, except as otherwise exempted by this Article. A person who intends to canvas or solicit door-to-door in the Town of Cumberland.

SOLICIT or SOLICITATION

Includes any one (1) or more of the following activities:

1. Seeking to sell or obtain orders for the purchase of goods wares, merchandise, foodstuffs, and services of any kind, character or description whatever.
2. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
3. Seeking to obtain gifts or contributions of money, clothing or any other valuable item for the support or benefit of any charitable or nonprofit association, business entity, organization, corporation, group or project except as otherwise exempted by this Article.

§ 8-217 License required.

No ~~person, firm or corporation~~Individual shall canvass- or solicit, including to distribute circulars or other matters, or call from house to house in the Town of Cumberland to sell, promote the sale of or attempt to sell goods by sample, or to take or attempt to take orders for, the future delivery of goods, merchandise, wares or any other property, personal or real, of any nature whatsoever, or take or attempt to take orders for services to be furnished or performed presently or in the future, or collect or attempt to collect contributions for any purpose, without first having obtained a written license from the Town of Cumberland under the provisions of this Article (except as otherwise provided in Section 8-220 below).

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8-218 Application for license; fee.

- A. Any person seeking such a license, and not exempt by as described in this chapter, shall submit an application to the Town Clerk's Office through the online licensing portal, containing the following information:
- (1) The full name of the ~~applicant~~Individual seeking a license under this Article (the "Applicant") and local address, if any.
 - (2) The place and date of birth of the Applicant.
 - (3) The permanent address of the ~~applicant~~Applicant.
 - (4) If the ~~applicant~~Applicant is operating a motor vehicle in connection with the soliciting or canvassing, the year, make, color, model, license plate number, registered state, vehicle owner and address.
 - (5) The address at which the ~~applicant~~Applicant will receive notices under this chapter.
 - (6) The name and address of ~~his or her~~the Applicant's employer or principal, if any, and the nature of the business activity thereof.
 - (7) The nature of the business or activity in which the ~~applicant~~Applicant wishes

to engage within the Town. This shall include what items the ~~applicant~~
Applicant is selling, if any.

(8) The length of time for which the right to do business is desired.

(9) A statement as to whether the ~~applicant~~ Applicant has been convicted in any jurisdiction of any crime and, if so, where, when, the nature of the offense, and the punishment and penalty imposed therefor.

(10) A statement as to the name, address and nature of employment of the ~~applicant's~~ Applicant's previous two places of employment.

(11) A copy of valid government-issued photo identification.

(12) An acknowledgement that the ~~license holder~~ Applicant will keep him/herself informed of the addresses on the "No solicitors or solicitation" registry described in this Article and will not enter on premises of addresses listed thereon.

(13) Such other and further information as the Town may deem relevant and require from time to time.

B. The applicant shall, together with the application, ~~and a non-refundable fee of \$25 made payable to the Town,~~ submit his or her photograph and a written description of himself or herself.

C. The Town Clerk's office shall review ~~the~~ applications in consultation with the Police Department and issue qualified licenses.

§ 8-219 Issuance of license; duration; renewal.

In additional to providing the aforesaid information, the applicant shall pay a non-refundable fee of \$25 per license, made payable to the Town of Cumberland. Said license shall be issued for one calendar year, with all licenses due for renewal on December 31st. Renewals will also be completed through the Town's online portal. Upon submission of said application and after approval of the same, a license shall be issued to the aforesaid applicant in the form of a permit which, until surrendered or revoked, shall entitle the licensee to engage in the activities described in this chapter. If a license is revoked for any reason provided for in this chapter, a new license will not be issued for 24 months from the revocation.

§ 8-220 Exemptions.

The following are exempt from the requirement to secure a license when conducting activities consistent with this chapter.

A. Officers or employees of the Town, county, state, federal government, or any subdivision thereof, when on official business.

B. Any person, firm or corporation delivering goods or performing services which have been previously ordered by the person owning, leasing or occupying the property where such delivery is made or service performed shall be exempt from the requirements of this Article.

C. Charitable, religious, or nonprofit organizations or corporations which have received tax-exempt status under 26 U.S.C. § 501(c)(3), or other similar civic, charitable, or nonprofit organizations.

D. Representatives of political organizations and political candidates.

E. Activities and arrangements having prior consent of the occupant are exempt from the provisions of this chapter.

§ 8-221 Rules of conduct for licensees.

Every ~~person~~ Individual to whom a license has been issued hereunder shall, in the carrying on of his or her activity in the Town of Cumberland, comply with the following rules of conduct:

- A. He or she shall carry his or her ~~permit~~ license at all times and have it displayed at all times.
- B. He or she shall not permit any other person to possess said license ~~card~~ and shall immediately report its loss to the Chief of Police.
- C. He or she shall not cause or permit the license ~~card~~ to be altered or defaced.
- D. He or she shall not enter or attempt to enter any dwelling house without invitation or permission of the occupant and shall immediately leave any premises upon request.
- E. He or she shall not represent the aforesaid license ~~card~~ to be an endorsement of the licensee or of the goods or services of his or her principal or employer.
- F. He or she shall immediately surrender the license ~~card~~ upon revocation of the license as hereinafter provided.
- G. He or she shall always carry a valid government-issued photo identification.
- H. He or she shall not sell any product or type of product not mentioned in his or her ~~application~~ Application and license.

§ 8-222 Time limitations.

Solicitation shall only occur within the Town from Monday through Saturday between 9:00 a.m. and 7:00 p.m. and shall not be permitted on federal holidays. Canvassers, as defined herein, shall only engage in the practice of canvassing between 9:00 a.m. and 9:00 p.m. Such canvassing activities may occur on any day.

§ 8-223 Street sales prohibited.

No person shall engage in any "street sales," as defined in this chapter unless he/she has received all necessary permits from the Town, including any license required in this chapter or any zoning permits, if applicable.

§ 8-224 Enforcement

It is the responsibility of the Police Department to ensure the lawful operation of door-to-door solicitors. It shall be the duty of any police officer in the Town to require any person seen soliciting and who is not known by such officer to have a valid permit, to produce the solicitor's

license/~~identification card~~, and to enforce the provisions of this article against any person found to be in violation of this article. Any person who cannot produce a valid identification card shall have such goods in his/her possession at the time confiscated and shall be deemed to be in violation of this article.

§ 8-225 "No solicitors or solicitation" registry.

The owner or lawful occupant of any premises within the Town not desiring to have persons enter onto his or her premises, in addition to posting his or her premises, may register through the Town's website to have his or her address placed on a registry to be distributed to those door-to-door solicitors required to obtain a license. Those ~~individuals~~ owners or occupants who have submitted their information to the Town's registry will receive an official Town of Cumberland, "No Solicitation" sticker.

§ 8-226 Permit revocation; hearing.

The Town Clerk may decline to issue a permit, or may revoke permits issued under the provisions of this article, after notice and hearing before the Town Council for any of the following causes:

A. A door-to-door solicitation license shall not be issued to any person who:

- (1) Has previously been found guilty of violating any provision of this chapter.
- (2) Has been convicted, within the seven years preceding the license application date, of any theft or theft-related crime, fraud or any fraud-related crime, or any similar offense tending to show dishonesty of character.

B. A door-to-door solicitation license shall be revoked for any of the following reasons:

- (1) Conduct by any license holder that constitutes a violation of this chapter.
- (2) A license holder going upon premises either posted "No Solicitors" or "No Solicitation," or appearing on the No Solicitors or ~~No~~ Solicitation Registry provided for in this chapter, or both.
- (3) Conduct by any license holder while on private premises that constitutes a summary offense or criminal act, including, but not limited to, defiant trespass.

C. In the event that a door-to-door solicitation license is revoked under this section, no administrative or other fees shall be refunded to the license holder.

An appeal hearing for either reconsideration in the denial of issuance of a permit, or for the revocation of a door to door solicitation permit, shall be held before the Town Council. Notice of the denial or revocation of a permit shall be given in writing, setting forth specifically the reasons for denial or the grounds of ~~complaint~~ revocation. ~~An appeal may be filed with the~~ The Town Clerk, ~~who~~ shall issue notice, including the time and place of the hearing before the Town Council. Such notice of hearing shall be mailed first class, postage prepaid, to the applicant or

permit holder at his/her address as listed in the application at least five days before the date set for the hearing.

§ 8-227 Violations and penalties.

Any person, firm, or corporation who violates any provisions of this article shall pay a fine of not more than \$200, and each violation of any provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

EXPLANATION

This ordinance establishes the protocol for door-to-door solicitation in the Town of Cumberland.

ORD 24-20

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LICENSE

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PERSON

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association or joint-stock association, society, organization or league and includes any trustee, receiver, assignee, agent or other similar representative thereof except as otherwise exempted by this Article.

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163 activities may occur on any day.
164

165 **§ 8-223 Street sales prohibited.**
166

167 No person shall engage in any "street sales," as defined in this chapter unless he/she has received
168 all necessary permits from the Town, including any license required in this chapter or any zoning
169 permits, if applicable.
170

171 **§ 8-224 Enforcement**
172

173 It is the responsibility of the Police Department to ensure the lawful operation of door-to-door
174 solicitors. It shall be the duty of any police officer in the Town to require any person seen
175 soliciting and who is not known by such officer to have a valid permit, to produce the solicitor's
176 license/identification card, and to enforce the provisions of this article against any person found

to be in violation of this article. Any person who cannot produce a valid identification card shall have such goods in his/her possession at the time confiscated and shall be deemed to be in violation of this article.

§ 8-225 "No solicitors or solicitation" registry.

The owner or lawful occupant of any premises within the Town not desiring to have persons enter onto his or her premises, in addition to posting his or her premises, may register **through the Town's website** to have his or her address placed on a registry to be distributed to those door-to-door solicitors required to obtain a license. **Those individuals who have submitted their information to the Town's registry will receive an official Town of Cumberland, No Solicitation Sticker.**

Door-to-door solicitors who enter onto premises appearing on the registry shall be subject to the penalty provided for in this chapter.

§ 8-226 Permit revocation: hearing.

The Town Clerk may decline to issue a permit, or may revoke permits issued under the provisions of this article, after notice and hearing for any of the following causes:

- A. A door-to-door solicitation license shall not be issued to any person who:
 - (1) Has previously been found guilty of violating any provision of this chapter.
 - (2) Has been convicted, within the seven years preceding the license application date, of any theft or theft-related crime, fraud or any fraud-related crime, or any similar offense tending to show dishonesty of character.
- B. A door-to-door solicitation license shall be revoked for any of the following reasons:
 - (1) Conduct by any license holder that constitutes a violation of this chapter.
 - (2) A license holder going upon premises either posted "No Solicitors" or "No Solicitation," or appearing on the No Solicitors or No Solicitation Registry provided for in this chapter, or both.
 - (3) Conduct by any license holder while on private premises that constitutes a summary offense or criminal act, including, but not limited to, defiant trespass.
- C. In the event that a door-to-door solicitation license is revoked under this section, no administrative or other fees shall be refunded to the license holder.

An appeal hearing for either reconsideration in the denial of issuance of a permit, or for the revocation of a door-to-door solicitation permit, shall be held before the Town Council. Notice of the denial or revocation of a permit shall be given in writing, setting forth specifically the reasons for denial or the grounds of complaint. An appeal may be filed with the Town Clerk, who shall issue notice, including the time and place of the hearing before the Town Council. Such notice of hearing shall be mailed first class, postage prepaid, to the applicant or permit

holder at his/her address as listed in the application at least five days before the date set for the hearing.

§ 8-227 Violations and penalties.

Any person, firm, or corporation who violates any provisions of this article shall pay a fine of not more than \$500, and each violation of any provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

EXPLANATION

This ordinance establishes the protocol for door-to-door solicitation in the Town of Cumberland.



Town of Cumberland Routing Sheet for Legislation to
Appear Before the Cumberland Town Council

☒ Ordinance ☐ Resolution Relating to DOOR-TO-DOOR SOLICITATION

(1) This legislation has been approved, and the language is acceptable for publication, by
Kelley Morris Salvatore, Town Solicitor

Signed: Kelley Morris Salvatore Date and Time: 07/15/2024

(2) This legislation and all attached information, specifically all proposed funding sources, has been approved
by _____ of the Town Finance Department, certifying that all financial notes and
other financial documentation has been attached.

☐ Check if no Fiscal Note is required.

Signed: _____ Date and Time: _____

(3) This legislation has been approved by Jeff Mutter of the Mayor's Office.

Signed: Jeff Mutter Date and Time: 7/15/24 @ 1:25 pm
Mayor Jeffrey J. Mutter

(4) This legislation has been accepted for placement on the Town Council Agenda for the meeting to be held on
July 17, 2024 by S. Givarelli of the Town Clerk's Office. This
authorization confirms that all four copies of the necessary document, including a copy in an electronic format,
has been attached and signed by the designated department and has been received prior to the designated 3:30
p.m. deadline.

The Town Clerk's Office will issue a Legislation number.

Signed: S. Givarelli Date and Time: 7/15/24 @ 1:14 pm

(5) Does this resolution have an accompanying contract or agreement to be signed?

Yes	<input checked="" type="radio"/> No
-----	-------------------------------------

If yes - who is the point of contact for the agreement: _____

**Should a given piece of legislation prove to be extremely time sensitive, the Mayor's signature and only the
Mayor's signature below authorizes said legislation to be exempt from the necessary route described above.*

Jeffrey J. Mutter, Mayor