

CHAPTER 213

HOME SOLICITATION ORDINANCE

TOWN OF GRAY, MAINE

Adopted November 19, 1985

Section 213.1. TITLE

This ordinance shall be known and may be cited as the Home Solicitation Ordinance of the Town of Gray, Maine.

Section 213.2. SCOPE

This ordinance shall apply to persons, both principals and agents, offering goods, wares, and merchandise for unsolicited sale by sample for future delivery; to those who offer for unsolicited sale goods, wares, and merchandise at retail from a motor vehicle; and to hawkers or peddlers on the streets, or peddlers from motor vehicles.

Section 213.3. DEFINITIONS

Charitable solicitor: any person, firm or organization acting on behalf of any church, civic group, public institution, youth organization or any organization which is granted tax exempt status by the State of Maine.

Route salesperson: any individual who has established customers to whom he/she makes periodic deliveries on a regular basis.

Section 213.4. EXCEPTIONS

Sections 213.5, 213.6, 213.7, 213.8, 213.9, 213.10, 213.14 and 213.16 shall not apply to charitable solicitors and route salespersons as defined above.

Section 213.5. LICENSE

No person described in Section 213.2 shall be or remain in or on any of the streets, ways, or public places of the Town of Gray without obtaining a license which has been duly issued by the Town Clerk.

Section 213.6. APPLICATION

The application for such a license shall be on a form provided by the Town Clerk and shall contain at least the following information:

- A. The name of the applicant
- B. his/her home address
- C. his/her telephone number
- D. the name of his/her employer
- E. the address of his/her employer
- F. the telephone number of his/her employer
- G. the license number and general description of any motor vehicle or motor vehicles which the applicant intends to use in the conduct of his/her business
- H. an authorization for the release of any information about the applicant from any law enforcement agency to the Town of Gray
- I. the application must be signed under oath

Section 213.7. INSURANCE

In addition to the information required in Section 213.5, an applicant for a license shall provide a certificate of insurance indicating that he/she carries motor vehicle liability insurance coverage in amounts not less than \$50,000 for injury to, or death of, one person; \$100,000 for injury to, or death of, more than one person in a single incident; and property damage insurance in the amount of not less than \$25,000.

Section 213.8. LICENSE FEE

The license fee shall be \$25.00 for residents of the Town of Gray and \$50.00 for non-residents and shall be paid at the time of filing the application.

Section 213.9. EXPIRATION DATE

All licenses issued under this ordinance shall expire one year from their date of issue.

Section 213.10. DISPLAY OF LICENSES

All licenses granted under this ordinance shall be conspicuously displayed at all times while the licensee is conducting business in the Town of Gray.

Section 213.11. NOTICE OF RIGHT OF RECESSION

- A. Before executing any contract for the sale of goods in excess of \$250 which sale is regulated by this ordinance, the seller shall give the buyer a notice on a form provided by the Town Manager's office, obtain the buyer's signature on the notice in the space provided and affix the notice to either the copy of the contract or any receipt given by the seller to the buyer and return said notice to the Town Manager's office within forty-eight hours of the date of the execution of the contract.
- B. Said notice shall, at least, specify the consumer's rights under 9-A MRSA, Section 3.502.(1).

Section 213.12. PROHIBITION AGAINST FRAUDULENT PRACTICES

It shall be unlawful for any person to engage in any of the practices described below:

- A. Uses any plan, scheme or ruse or makes any statement which indicates that the purpose of such person's visit is other than to obtain orders for or to make sales of goods or services;
- B. Does not disclose to the prospective customer at the outset, his/her name and company and product he/she represents;
- C. Fails to show, upon request, company identification setting forth his/her name, company and product he/she represents;
- D. Misrepresents the right of the buyer to rescind or cancel a sale under state and federal law;
- E. Causes likelihood of confusion or misunderstanding as to the source, sponsorship, approval or certification of goods or services;
- F. Causes likelihood of confusion or misunderstanding as to affiliation, connection, or association with, or certification by another;
- G. Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or qualities that they do not have or that a person has a sponsorship, approval, status, qualification, affiliation, or connection that he/she does not have;
- H. Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or second-hand;
- I. Makes false or misleading representation of fact concerning the reasons for, existence of, or amounts of price regulations; or
- J. Makes false or misleading representations concerning the availability of credit or the nature of the transaction or obligation incurred.

Section 213.13. HOURS OF SOLICITATION

No sale or offer to sell regulated by this ordinance shall be made between the hours of 9:00 p.m. and 8:00 a.m.

Section 213.14. FALSE STATEMENTS

Any false statement in an application, either original or supplementary, for a license shall subject such applicant or licensee to the same penalty if he had no license.

Section 213.15. PENALTY

Anyone found guilty of violating any provision of this ordinance shall be subject to a fine of \$100. Each day such violation continues shall be deemed a new offense.

Section 213.16. APPEAL

Denial of a license under this ordinance may be appealed through the Municipal Officers of the Town of Gray.

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