



NEWCASTLE MUNICIPAL CODE

Door to Door Solicitation Laws

Sections:

[5.08.010](#) Definitions.

[5.08.020](#) Unlawful to solicit without license and permit.

[5.08.030](#) Business license required.

[5.08.040](#) Door-to-door sales permit – Application procedure.

[5.08.050](#) Exemptions.

[5.08.060](#) Revocation of permit.

[5.08.070](#) Limitation on times for soliciting.

[5.08.080](#) No soliciting signs – Compliance.

[5.08.090](#) Violation – Penalty.

[5.08.010](#) Definitions.

For the purpose of this chapter, the following words as used in this chapter shall be considered to have the meaning ascribed in this section:

A. “Business” means all activities engaged in with the object of monetary and/or financial gain, benefit, or advantage to any person, directly or indirectly.

B. “Peddler” means any person with no fixed place of business who goes from house to house, from place to place or from state to state carrying or transporting goods, wares or

merchandise and offering, or exposing the same for sale, or making sales and deliveries to purchasers.

C. “Registered solicitor” means and includes a person or business that has obtained a valid business license and door-to-door sales permit as provided in this chapter.

D. “Residence” means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

E. “Soliciting” or “solicitor” means a person involved in one or more of the following in-person or door-to-door activities:

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever; or

2. Seeking to obtain prospective customers for application or purchase of insurance of any type or character; or

3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or

4. Seeking to obtain gifts or contributions or money, clothing or any other valuable thing for the support or benefits of any association, organization, corporation or project, not otherwise exempt under NMC [5.08.050](#).

F. “Transient merchant” means any person, firm or corporation who engages temporarily in the business of selling and delivering goods, wares or merchandise, within the city, and who, in furtherance of such purposes, hires, leases, uses, or occupies any building, structure or vacant lot, motor vehicle, or trailer. (Ord. 2005-312 § 1).

5.08.020 Unlawful to solicit without license and permit.

It is unlawful and a nuisance for any person to engage in soliciting, calling at a residence without the previous consent of the occupant for purposes of soliciting orders, sales, subscriptions or business or commercial information, or peddling without first having obtained a business license from the office of the city clerk pursuant to Chapter [5.15](#) NMC and NMC [5.08.030](#), and a door-to-door sales permit pursuant to NMC [5.08.040](#). (Ord. 2005-312 § 1).

5.08.030 Business license required.

Peddlers, solicitors, and transient merchants shall obtain from the office of the city clerk a general business license, in accordance with Chapter [5.15](#) NMC,

before commencing business, and shall have said business license in his or her possession at all times while conducting business within the city. The business license shall not be transferable. (Ord. 2005-312 § 1).

5.08.040 Door-to-door sales permit– Application procedure.

A. Each peddler, solicitor and transient merchants shall obtain from the office of the city clerk a door-to-door sales permit before commencing business within the city. The application for a door-to-door sales permit shall include the following information:

1. Each peddler, solicitor or transient merchant must provide to the city clerk a valid state photo driver's license or valid state photo identification card when applying for a business license and door-to-door sales permit and the name, address, telephone number and contact person for the principal applicant;

2. The nature of the products or services involved, and the names of the manufacturers, if any;

3. The proposed method of operation in the city;

4. The state tax identification number;

5. The company, manager, supervisor or principal applicant shall provide a list of persons who will solicit in the city, including each person's name, address and telephone number, a valid state photo driver's license or valid state photo identification card for each person, and any convictions of any crimes by each person;

6. The Newcastle police department will run a computer check for each peddler, solicitor or transient merchant, prior to the city issuing a business license and door-to-door sales permit;

7. The principal applicant must show for the purposes of this application that the company is lawful and conducting legitimate business; and

8. Any other information required by the city, including but not limited to an executed waiver/release for a criminal background check by the Newcastle police department.

B. Upon verification by the city of the information required in subsection (A) of this section, the city shall issue the door-to-door sales permit, which shall be valid for 15 days and show the dates during which the permit is valid. The permit may be renewed for 15-day periods, while the business license is valid and no additional fees shall be required for the door-to-door sales permit renewal. Each peddler, solicitor or transient merchant shall display the door-to-door sales permit on their person at all times while conducting business in Newcastle. The door-to-door permit shall be exhibited whenever a solicitor, peddler or transient merchant is requested to do so by any officer of the city or by any person solicited. (Ord. 2005-312 § 1).

5.08.050 Exemptions.

A. Officers or employees of the city, county, state or federal government, or any subdivision thereof, when on official business shall be exempt from the provisions of this chapter;

B. Charitable, religious or nonprofit organizations or corporations that have received exempt status under 26 U.S.C. Section 501(c)(3), as amended, shall be exempt from all provisions of this chapter except NMC [5.08.080](#); and

C. Candidates for political office, campaign workers, members and representatives of political committees or political organizations campaigning on behalf of ballot issues, distributors of sample ballots and other political literature and persons soliciting signatures of registered voters on petitions to be submitted to any governmental agency shall be exempt from all provisions of this chapter. (Ord. 2005-312 § 1).

5.08.060 Revocation of permit.

Any door-to-door permit may be revoked by the city manager or the chief of police because of any violation by the company, or any solicitor working for the company, of this chapter or of any other ordinance of the city, or of any state or federal law, or whenever the company ceases to possess the qualifications required in this chapter for the original permit, or if the company or any solicitor working for the company made a misrepresentation of fact in the door-to-door sales permit or business license application. (Ord. 2005-312 § 1).

5.08.070 Limitation on times for soliciting.

No peddlers, solicitors or transient merchants shall solicit within the city without a prearranged appointment at a residence between the hours of 8:00 p.m. and 10:00 a.m. (Ord. 2005-312 § 1).

5.08.080 No soliciting signs– Compliance.

No peddlers, solicitors or transient merchants shall solicit at a residence that has a sign posted on the premises that prohibits soliciting, including but not limited to a “No Soliciting” sign. (Ord. 2005-312 § 1).

5.08.090 Violation– Penalty.

Except as otherwise provided in Chapter [5.15](#) NMC, violation of any provision of this chapter is a misdemeanor and any person, business, company, firm or corporation who violates any of the provisions of this chapter shall upon conviction be punished by a fine up to \$1,000 and/or imprisonment for a term not to exceed 90 days. (Ord. 2005-312 § 1).

