

City of Fall River, In City Council

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 14 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to businesses be amended by striking out Article VIII in its entirety, and inserting in its place thereof a new Article VIII, Hawkers and Peddlers, to read as follows:

Sec. 14-315 Definitions

For purposes of this section, the following terms are defined as follows:

"City" means the City of Fall River.

"Department" means the Department of Engineering.

The terms "hawker" and "peddler" as used in this article mean any person, either principal or agent, who goes from place to place selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares, or merchandise whether on foot or from any push cart or vehicle.

"Licensing authority" means the Clerk of the City of Fall River or her designee.

"Person" means an individual, corporation, partnership, or other business organization or entity.

"Push cart" means any wagon, cart, or similar wheeled container, but not a vehicle, from which goods, wares, or merchandise are offered for sale to the public.

Sec. 14-316 License required

- A. No person shall sell, barter, carry for sale or barter, or expose therefor, or provide any goods, wares, or merchandise under this article without first obtaining a hawkers and peddlers license from the licensing authority. Nor shall any person employ, direct, or otherwise cause any other person to sell, barter, carry for sale or barter, or expose therefor, or provide any goods, wares, or merchandise under this article without first obtaining a hawkers and peddlers license from the licensing authority.
- B. All hawkers and peddlers duly licensed by the Commonwealth's Division of Standards are required to register with and obtain a certificate of such registration from the city clerk prior to conducting business in the city. The fee for such registration shall be \$50.00 annually. The certificate of registration shall expire on the last day of April in each year.

Sec. 14-317 Sales exempted from license requirement

- A. Pursuant to M.G.L. c. 101 § 17, no hawkers and peddlers license is required for the sale of newspapers, religious publications, flowering plants and wild or uncultivated flowers.
- B. Hawkers and peddlers of said items listed in this section, shall record their names and residences with the city clerk without being subject to a fee.

Sec. 14-318 Goods prohibited

Pursuant to M.G.L. c. 101 § 16, hawkers and peddlers are prohibited from selling jewelry, other than costume jewelry valued at not more than \$10.00 and made by a nonprofit charitable organization, furs, wines, spirituous liquors, small artificial flowers, and miniature flags.

Sec. 14-319 License application

An applicant for a hawkers and peddlers license shall file with the licensing authority a written application containing:

- A. The name, address, and telephone number of the applicant;
- B. The name, address, and telephone number of the business, its owner or owners, and the mailing address of the business;
- C. The items offered for sale or provided to the public;
- D. The proposed location of the vending site, including two alternative locations, listed by order of preference;
- E. Evidence that all weighing and measuring devices have been duly inspected and sealed as required by law.

Each application shall be accompanied by a fee as listed in the fee schedule.

Sec. 14-320 Approval process

- A. A license application shall be forwarded to the Department of Engineering for review and approval of the proposed location requested by the applicant. The Department shall determine whether the width of the sidewalk at the proposed location or service route contains a minimum of seven (7) feet, including a minimum 36-inch path of travel around the push cart. Failure of the sidewalk to possess a minimum width of seven (7) feet, including a minimum 36-inch path of travel around the push cart will result in automatic rejection of the proposed location or service route by the Department. The Department may also consider in its approval or rejection of the proposed location whether the proposed location or service route poses a danger or nuisance to the public health, safety, or welfare, or impedes pedestrian or vehicular traffic.
- B. The Department may work with the applicant or licensee to modify the location or service route at any time (i) before the issuance of a license or (ii) after the issuance of a license, if the grant of a license or approval of the location or service route has led to the creation of a nuisance or otherwise endangers the public health, safety, welfare, or impedes pedestrian or vehicular traffic or (iii) by request of the licensee.
- C. The license shall state the approved location or service route in which the push cart may be located and operated.

Sec. 14-321 Indemnification

Prior to the issuance of any license, the applicant shall execute an agreement holding the City, its employees, and agents harmless from any liability arising from the use of the license.

Sec. 14-322 Insurance

The licensee, at his or her sole cost and expense, shall obtain and maintain liability insurance for bodily injury and property damage in an amount not less than five hundred thousand dollars (\$500,000). The policy or policies shall contain an endorsement listing the City of Fall River as additional insured, and shall provide that the City be given thirty (30) days written notice prior to cancellation or material change. Proof of insurance shall be submitted to the licensing authority prior to issuance of any hawkers and peddlers license.

Sec. 14-323 License term and renewal

Each license issued pursuant to this Article shall be for a period of one year commencing on May 1 and ending April 30. Renewal of any license shall be for an additional one year term and requires the submission of a new application along with a license fee as listed in the fee schedule.

Sec. 14-324 Prohibition against transfer of license

No person holding a hawkers and peddlers license shall sell, lend, lease, assign, or transfer in any manner said license.

Sec. 14-325 Display of license.

Every hawker or peddler shall exhibit his or her license and/or certificate of registration when the same is demanded of him or her by a sealer of weights and measures or his designee or a member of the police department of the city.

Sec. 14-326 Numbers and badges

- A. Every hawker and peddler licensed pursuant to this article shall be assigned a number and shall be provided with a badge, which shall be conspicuously worn by the licensee.
- B. All badges issued pursuant to this section shall be furnished by the licensing authority at the expense of the licensee.

Sec. 14-327 Number plates on vehicles

Every vehicle or push cart used by a licensee under this article as a conveyance for articles offered or exposed for sale or barter shall have attached thereto on each side a number plate to be furnished by the licensing authority at the expense of the licensee, with his license, bearing the number and date of expiration of such license.

Sec. 14-328 Push cart regulations

- A. Push cart operations shall be limited to sidewalks that conform to the requirements of this Article.
- B. The maximum dimensions for any push cart shall not exceed six feet in length by four feet in width.
- C. The push cart may have affixed thereto or painted thereon a sign used in conjunction with the pushcart.
- D. No operator of a push cart shall park, stand, or move a push cart and conduct business where the licensee has not been authorized to operate.

- E. No push cart operator or licensee shall provide or allow any dining area, including, but not limited to, tables, chairs, booths, bar stools, benches, or standup counters.
- F. A trash receptacle shall be provided for patrons.
- G. The push cart operator shall refrain from using bells, chimes, horns or other sounds, including the utterance of boisterous outcries to promote the sale of its goods, wares, or merchandise.
- H. The licensee and the operator are responsible for ensuring that the area surrounding the push cart is kept clean and free of trash and debris associated with the push cart operation.
- I. The push cart shall not be unattended at any time. Nor shall the push cart be stored, parked or left at the permitted location over night.
- J. No propane tanks or open flames are permitted for operation on the push cart.

Sec. 14-329 Penalty; revocation and hearing

- A. Any person who violates any provision of this article shall be liable to a penalty in accordance with section 1-15 or be subject to arrest as provided for in M.G.L. c. 101 § 32.
- B. A violation of this article may result in suspension of a permit issued pursuant to this article for up to five (5) days or revocation. Upon suspension or revocation of a license issued pursuant to this article, the person whose license was suspended or revoked may request a hearing before the municipal hearing officer or his designee. Such request shall be in writing and shall be filed with the licensing authority within ten (10) days after suspension or revocation. Failure to timely appeal the administrative determination is deemed a waiver of the right to a hearing.
- C. Revocation of a hawkers and peddlers license issued by the Commonwealth may result in revocation of a hawkers and peddlers license issued pursuant to this article.

Sec. 14-330 Enforcement

The Chief of Police or his designee and the sealer of weights and measures or his designee shall be vested with enforcement of this Article.

Sec. 14-331 Conflict with state license

Nothing in this article shall be construed as conflicting with a hawkers and peddlers license duly issued under the laws of the Commonwealth.

Sec. 14-332 Severability

The invalidity of any portion or portions of this article shall not invalidate any other portion, provision or section thereof.

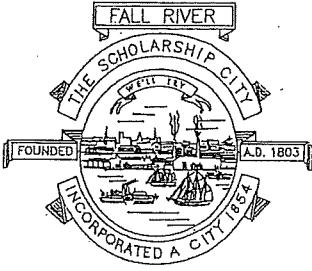
In City Council, November 13, 2012
Passed to be ordained, as amended

Approved, November 27, 2012
William A. Flanagan, Mayor

A true copy. Attest:



City Clerk



City of Fall River Massachusetts
Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

HAWKER AND PEDDLER LICENSE

NEW LAW

CITY CERTIFICATE NOW REQUIRED

In accordance with Sec. 14-316 of the Revised Ordinances of the City of Fall River, 1999, all hawkers and peddlers duly licensed by the Commonwealth's Division of Standards are required to register with and obtain a certificate of such registration from the City Clerk prior to conducting business in the city.

The fee for such registration is \$50.00 annually.

The certificate of registration is valid from May 1 of the current year and will expire April 30 of the following year.

In addition, any sale of food items from a push cart also requires a food vending permit.

Both applications must be made to the City Clerk and are available in the office during regular business hours, Monday – Friday from 9:00 a.m. to 5:00 p.m.

Should you have any questions or concerns, please feel free to contact this office at 508-324-2220.

ALISON M. BOUCHARD
CITY CLERK

City of Fall River, In City Council

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 14 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to businesses be amended by inserting a new section to read as follows:

Section 14-333 Sales prohibited on parade routes or procession routes.

- (a) The city council finds that the solicitation and sale of goods and wares along established parade routes and procession routes during the course of, as well as for a certain time before and after said parades or processions, causes disorder in the parade or procession and poses a hazard to the public's health, welfare, and safety. As such, this section prohibits hawkers and peddlers from selling or displaying their wares along a duly designated parade or processional route, the designation of which is listed on a parade and processional permit on file with the police department or mayor's office.
- (b) No person shall sell or expose for sale any merchandise in accordance with this article along the length of a parade route or procession route designated by the Mayor for a period of two hours before, two hours after, and during the course of a parade or procession.

In City Council, October 28, 2014
Passed to be ordained, as amended

Approved, November 5, 2014
William A. Flanagan, Mayor

A true copy. Attest:

Alison M. Bouchard

City Clerk