

**TOWN OF HUDSON
BOARD OF SELECTMEN**

**RULES AND REGULATIONS FOR ISSUANCE OF TRANSIENT VENDOR AND
HAWKER/PEDDLERS LICENSES**

1. PURPOSE: The purpose of these rules and regulations is to carry out the provisions of local and state law so as to regulate such licenses in an orderly administrative fashion with due regard to preservation of the public health, safety and welfare.
2. AUTHORITY: These rules and regulations are duly promulgated pursuant to and subject to authority contained in relevant state statutes and local By-laws.
3. DEFINITIONS:
 - a) Transient Vendors, any person, either principal or agent, who engages in a temporary or transient business in the commonwealth selling goods, ware or merchandise, either in one locality or in traveling from place to place.
 - b) Hawkers/Peddlers, any person, either principal or agent, who goes from town to town or from place to place in the same town therefore, any goods, wares or merchandise either on foot or from any animal or vehicle.
 - c) A "Promoter" is a business or person who operates for the purpose of either directly or indirectly, renting, leasing or granting a license to use space to any vendor for the display for sale or for the sale of tangible personal property or services subject to tax under M.G.L. chapter 64H.
4. APPLICATION:

Applicants for Transient Vendor or Hawker/Peddler Licenses shall make application for said license by a form duly authorized and approved by the Board of Selectmen and shall include a copy of the applicant's state issued license pursuant to General Laws Chapter 101, section 7, where applicable.

 - b) Application forms shall be filed in the office of the Board of Selectmen, together with the appropriate filing fee. Thereafter, the application shall be scheduled for a decision by the Board of Selectmen at a duly noticed public meeting.
 - c) Each business or person, before commencing business as a promoter, shall provide the following documentation to the Board of Selectmen's office no later than seven (7) business days prior to the event:
 - 1) a copy of his/her promoters license issued the deputy director.
 - 2) proof of an agreement with the individual allowing the use of his/her property for this purpose.

d) Within three (3) days following the event the promoter shall provide a list of all individual vendors with identifying information as described in Section 3A of Chapter 101 as amended

e) A vendor operating under an agreement with a licensed promoter, as defined in section 1 of chapter 101 of the General Laws shall not be required to apply and or pay a fee for a license authorizing the sale of goods, ware and merchandise within a municipality as required by section 5 of said chapter 101.

5. REVIEW PROCESS FOR TRANSIENT VENDOR LICENSES FOR NON-CHARITABLE ORGANIZATIONS: Prior to the Board of Selectmen's review of applicant's request for a license, the following town officials shall review such application and submit recommendations as to the following:

a) The Building Inspector shall review the proposed location of the activity to ensure compliance with zoning.

b) The Police Chief shall review issuance of traffic and parking to ensure compliance with public health, safety and welfare concerns.

c) The Executive Assistant shall verify that the permission from the property owner has been secured (that state licensure has been secured, where applicable, with assistance from the Town Clerk in that regard; and whether applicant has existing licenses for a similar purpose elsewhere.

d) Applicant is expected to attend the Board of Selectmen's meeting at which his or her application is reviewed and should be prepared as to ensure that the intent and purpose of these rules and regulations is complied with.

e) Subsequent to the issuance of a license, the licensee shall display both state and local licenses in a conspicuous place at the site where the sales are to occur.

f) Licensee, to whom the license has been issued, must be present upon the site where the sales are occurring at all times during such sales.

6. REVIEW PROCESS FOR TRANSIENT VENDOR LICENSES FOR CHARITABLE ORGANIZATIONS AND FOR INDIVIDUALS LICENSED AS "PROMOTERS."

a) The Executive Assistant shall verify that the permission of the property owner, upon whose site the activity is to be conducted, has been secured. Impact on traffic, parking and appropriateness of zoning shall be reviewed in the same manner as specified in 5A and 5B above.

b) Subsequent to the issuance of a license by the Board of Selectmen for Transient Vendors, the Licensee shall display said license in a conspicuous place at the site where sales are to occur. Holders of state-issued "Promoters" licenses shall display them at the sales site, as well.

7. REVIEW PROCESS FOR HAWKERS AND PEDDLERS LICENSE APPLICATIONS:

a) No Hawker or Peddler, whether or not requiring a license pursuant MGL Section 17 or 22 of Chapter 101, shall operate within the Town until he/she has satisfactorily completed a Criminal Records check pursuant to MGL Chapter 6 Section 172 (c).

b) Applications for local licenses pursuant to section 17 of Chapter 101 for the sale of meat, butter, cheese, fresh fruits, and vegetables shall be reviewed, and sales shall be governed in the same manner as are applications and sales under Transient Vendor Licenses for Charitable Organizations as specified in section 6 (a), (b) and (c) above.

I. Hawkers and Peddlers whose license is granted by the Commonwealth pursuant to section 22 of Chapter 101 shall comply with the following rules and regulations:

II. A Hawker or Peddler may not sell those goods, items or merchandise for which he or she is otherwise licensed from public property other than public ways. When located on a public way the Hawker/Peddler may not obstruct vehicular or pedestrian traffic and may be shut down if they constitute such an obstruction or other public safety concern.

III. A Hawker or Peddler may only display and sell his or her goods, items or merchandise from real property which is located in commercially zoned areas so as to insure satisfactory compliance with public health, safety and welfare concerns.

IV. A Hawker or Peddler must conspicuous display his or her state issued license and shall furnish a copy of said licenses to the Board of Selectmen at least (7) days prior to the display and/or sale of goods, items or merchandise.

c) A Hawker or Peddler not requiring a license pursuant to Chapter 101, section 17 of the Massachusetts General Laws shall comply with the following rules and regulations:

I. Such Hawker or Peddler may not display or sell his or her goods, items or merchandise from public property other than public ways or in such a way so as to obstruct pedestrian and/or vehicular traffic on public ways.

II. Such Hawker or Peddler must display the express written permission of the property owner upon whose property the activity is to occur.

8. GENERAL PROVISIONS:

a) The Board of Selectmen reserves the right and authority to amend, modify or change the foregoing rules and regulations after due notice and hearing.

b) The Board of Selectmen further reserves the right and authority to waive strict compliance with any of the provisions of these rules and regulations when it is determined to be in the public interest to do so.

c) If any portion of these rules and regulations is determined by a court of competent jurisdiction to be invalid or otherwise unconstitutional, then the remaining portions of these rules and regulations shall continue with full force and effect.

d) These rules and regulations are promulgated pursuant to the authority contained in Massachusetts General Laws Chapter 101, Section 3 as amended and as to the general provisions of state and local law as hereinbefore specified. If there is any conflict between these rules and regulations, and the relevant provisions of Chapter 101 of the General Laws, then said statutory section shall supersede the local rule and regulation conflicting therewith.

e) These rules and regulations shall not apply to those individuals who distribute or sell religious books, publications, pamphlets (tracts and articles. So long as it can be reasonably verified that such materials are in fact the items offered for distribution or sale without pretext.

AS AMENDED ON 4-25-11 BOS