



150 Concord Street
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www.framinghamma.gov/CityCouncil

FRAMINGHAM CITY COUNCIL

ORDER NO. 2018-035-001

REQUEST OF THE ECONOMIC DEVELOPMENT SUBCOMMITTEE

UPON THE REQUEST OF ECONOMIC DEVELOPMENT SUBCOMMITTEE THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That, after diligent review and public comment heard at meetings held on June 19, 2018 and July 10, 2018, the City Council amend the General Bylaws – Article VIII, Section 4, Transient Vendors, Hawkers and Peddlers as outlined as follows:

Section 4. Transient Vendors, Hawkers & Peddlers

- 4.1 *No person shall sell, solicit or display goods, articles, wares or merchandise upon the public ways of the town unless duly licensed so to do, without first having obtained a permit from the Board of Selectmen.*
- 4.2 *No person, either principal or agent, shall engage in a temporary transient business in this Town selling goods, wares, periodicals or merchandise, or go door-to-door for any commercial selling purposes or canvassing, without a license issued by the Board of Selectmen. Such person shall make written application, under oath, for such license stating his or her name and address, the name and address of the owner or parties in whose interest said business is to be conducted, and a brief description of the business to be conducted. Such person shall permit the police department to photograph and fingerprint him or her for the purpose of identification. The fee for such license shall be set by the Board of Selectmen. Such license shall be affixed in a prominent place to the outer garment of each licensee whenever he or she shall be engaged in such business so that it may be seen by all prospective customers. The provisions of this section shall not apply to: (a) any person conducting a "garage sale;" (b) any person who goes door-to-door to sell goods, wares, periodicals or merchandise on behalf of any group organized for any of the purposes described in M.G.L., Ch. 180, s. 2; (c) any person (other than an Ice Cream Truck Vendor as defined under G.L. c. 270 § 25 and 520 CMR 15.02) operating a "Food Truck" that has been duly licensed by the Commonwealth of Massachusetts Division of Standards under G.L. c. 101 and the Framingham Board of Health; and (d) in the case of an event at a fixed location featuring sales from one or more Food Truck(s), or a farmer's market, festival or similar event, any Ice Cream Truck Vendor that participates as a pre-arranged vendor at such event and remains stationary at such event location. For purposes of this section, a "Food Truck" shall mean a motor vehicle truck from which the operator offers for sale any prepared or packaged food or beverages, but shall not (except in the case of an event described in the immediately preceding Sub-section 4.2(d) above) include an Ice Cream Truck as defined in G.L. c. 270 § 25 and 520 CMR 15.02*

- 4.3 *(Deleted by Attorney General)*
- 4.4 *No transient vendor, hawker or peddler shall sell or offer or expose for sale any of the article enumerated in Section 17 Chapter 101 of the General Laws or in any act in amendment thereof or any addition thereto until he has recorded his name and residence with the Board of Selectmen, provided, however, that this section shall not apply to religious publications or newspaper which are not of a commercial nature. Every commercial agent or other person selling by sample, lists, catalogues or otherwise for future delivery, and every person licensed under the preceding section as a transient vendor, hawker or peddler shall record his name and residence in like manner with the Board of Selectmen before conducting any business within the Town.*
- 4.5 *No person hawking, peddling, or carrying or exposing any articles for sale, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the Town, nor otherwise than in vehicles and receptacles which are neat and clean and do not leak.*
- 4.6 *Every transient vendor, hawker and peddler licensed by the Board of Selectmen shall be assigned a number and shall be provided by the Board of Selectmen with a badge which shall be conspicuously worn by him; and every other such hawker and peddler as described in subsection 4.4 shall provide himself with a badge of such type and design as may be approved by said Board of Selectmen, which he shall wear in like manner. Whoever neglects to wear, or wears such badge without authority, shall be punished by the penalty provided in subsection 4.11.*
- 4.7 *Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him shall have attached thereto on each side a number plate, to be furnished by the Town with his license, bearing the number and date of expiration of such license.*
- 4.8 *No person shall be registered or assigned a badge or number plate under the provisions of subsections 4.6 and 4.7, until he presents a certificate from the Sealer of Weights and Measures stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with intent to use, any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his license, or the cancellation of his registration.*
- 4.9 *Nothing in these Bylaws shall be construed as conflicting with any license issued under the authority of the Commonwealth.*
- 4.10 *Any license granted under Article VIII, Section 4 of these Bylaws or any Bylaw amendments or additions, may be revoked by the Board of Selectmen.*
- 4.11 *Whoever violates any provision of Article VIII, Section 4 of these Bylaws shall be punished by a fine not exceeding three hundred dollars (\$300) for each offense.*



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FIRST READING:

YEAS: Cannon, Giombetti, Grove, King, Rossi, Richardson, Sisitsky, Steiner, Tully Stoll

NAYS: None

ABSTAIN: None

ABSENT: Shepard, Torres

PASSED IN COUNCIL: JUNE 19, 2018

SECOND READING:

YEAS: Cannon, Giombetti, Grove, King, Richardson, Rossi, Shepard, Sisitsky, Steiner

NAYS: None

ABSTAIN: None

ABSENT: Torres, Tully Stoll

PASSED IN COUNCIL: JULY 10, 2018

A True Record, Attest:

Handwritten signature of Lisa A. Ferguson in blue ink.

Lisa A. Ferguson, Acting City Clerk

8/27/18

Date Approved

Handwritten signature of Yvonne M. Spicer in blue ink.

Yvonne M. Spicer, Mayor