

Town of Falmouth



POLICE DEPARTMENT

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Hawkers, Peddlers and Transient Venders

Guidelines for Vending and Peddling in the Town of Falmouth

All Hawklers, Peddlers and Transient Vendors shall be licensed under the provisions of the Massachusetts General Laws Chapter 101- Section 22 or Chapter 101- Section 17.

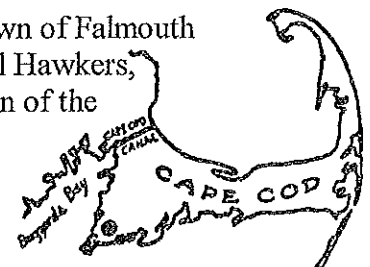
All Hawklers, Peddlers and Transient Vendors licensed under Massachusetts General Laws Chapter 101 – Section 22 or Chapter 101 – Section 17 are subject to the Rules, Regulations, Bylaws and Zoning Bylaws of the Town of Falmouth .

Procedures

All Hawklers, Peddlers and Transient Vendors seeking to transact business within the Town of Falmouth after first having obtained licensing under the provisions of Massachusetts General Laws Chapter 101 – Section 22 or Chapter 101 – Section 17 shall:

- I. Register with the Central Records Division of the Falmouth Police Department.
 1. Submit two passport photographs
 2. Complete registration form
- II. Those, who intend to peddle FOOD shall obtain a Health Certificate from the Town of Falmouth Board of Health Department.
- III. Those, who intend to peddle FISH or SHELLFISH shall in addition to the licensing obtained under the provisions of Massachusetts General Laws Chapter 101 – Section 22, shall obtain a Retail Dealers Permit as required by Chapter 130 of the Massachusetts General Laws.
- IV. Transact business within the Town of Falmouth in accordance with Massachusetts General Laws and the Town of Falmouth Rules, Regulations, Bylaws, Zoning Bylaws and Refrain from those areas restricted by the Chief of Police or any of his agents deemed to be a safety hazard to pedestrian or vehicular traffic.

A copy of the Rules, Regulations and Bylaws of the Town of Falmouth and memorandum outlining restricted areas shall be issued to all Hawklers, Peddlers and Transient Vendors by the Central Records Division of the Falmouth Police Department



Chapter 160
PEDDLING AND SOLICITING

ARTICLE I

Hawkers and Peddlers

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- § 160-2. License required.
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- § 160-4. Display of license.
- § 160-5. Obstruction of traffic prohibited; time limit.
- § 160-6. Location and seasonal restrictions.
- § 160-7. Restrictions during parades on closed streets.
- § 160-8. Suspension or revocation of license.

§ 160-9. Violations and penalties.

ARTICLE II

Transient Merchants and Solicitors

- § 160-10. License required; application information.
- § 160-11. Issuance of license; expiration.
- § 160-12. Fee.
- § 160-13. Charitable and nonprofit organizations.
- § 160-14. Display of license.
- § 160-15. Nonapplicability.
- § 160-16. Violations and penalties.

[**HISTORY:** Adopted by the Town of Falmouth: Art. I, Annual Town Meeting 4-3-1984, Art. 27; Art. II, Annual Town Meeting 4-6-1987, Art. 39. Amendments noted where applicable.]

GENERAL REFERENCES

Suspension or revocation of licenses — See Ch. 140, Art. II. Garage sales — See Ch. 176.

ARTICLE I

Hawkers and Peddlers

[Adopted ATM 4-3-1984, Art. 27]

§ 160-1. Statutory definitions to apply.

For the purpose of this Article, the definition of hawkers and peddlers shall be the same as those contained in MGL, C. 101, § 13.

§ 160-2. License required. [Amended STM 10-2-1990, Art. 39; ASTM 4-6-1992, Art. 61]

No person shall hawk, peddle or expose for sale or barter any goods, wares or merchandise from any wagon or vehicle without first obtaining a license from the Director of Standards or the Town of Falmouth. The fee for such license shall be in conformance with MGL 101, § 22.

§ 160-3. Inspection of vehicles.

No hawker or peddler shall expose for sale any foods, beverages, fruits, vegetables, fish, meat, dairy products, ice cream, frozen desserts or confections until the vehicle or receptacle has been inspected and approved by an inspector of the Health Department of the town. Vehicles utilized for the selling of frozen desserts or confection must have installed an amber flashing light visible from the front and rear of the vehicle, and such light must be flashing when the vehicle is stopped for the purpose of selling.

§ 160-4. Display of license.

Any person licensed under this Article shall have in his possession and readily available for display said license indicating license number, licensee's signature and date of expiration. The licensee must display such license when requested to do so by the Chief of Police or any of his agents, an inspector of the Health Department and the Sealer of Weights and Measures.

§ 160-5. Obstruction of traffic prohibited; time limit.

No person licensed under this Article shall engage in the activities described in § 160-3 in any manner as to impede foot or vehicular traffic along or to a public way or public sidewalk or any access road or driveway. No person while engaged in such activities shall remain stopped or standing in any one place within 200 feet thereof for more than 10 minutes unless continuously engaged in transactions.

§ 160-6. Location and seasonal restrictions. [Amended ATM 4-5-1988, Art. 23; AFTM 11-17-1997, Art. 56, approved 2-27-1998]

No hawker or peddler shall sell or offer for sale any goods, wares or merchandise on any street of the town within 500 feet of any public or private educational institution or the grounds thereof on days when such educational institutions are in session or on any day between May 1 and September 15 within 500 feet of any public beach or parking area under the jurisdiction of the Beach Committee without prior agreement of the Board of Selectmen, with the exception of hawkers or peddlers located in preexisting commercially zoned structures in the area of Falmouth Heights Beach. In addition, the Police Chief or any of his agents may restrict sales in any location within town that is determined to be a safety hazard to pedestrian or vehicular traffic.

§ 160-7. Restrictions during parades on closed streets.

When the Board of Selectmen votes to close a street or streets within the town for the purpose of a parade, no hawker or peddler may conduct business within the curblin of said streets during the hours the streets are closed.

§ 160-8. Suspension or revocation of license.

Failure to comply with this Article may result in suspension or revocation of licenses and/or permits described herein.

§ 160-9. Violations and penalties.

Any person committed an unlawful act in violation of MGL C. 101, or, in the case of this Article, MGL C. 272, § 59, may be subject to arrest. For penalty, see Chapter 1, General Provisions, Article I, Penalties.

ARTICLE II
Transient Merchants and Solicitors
[Adopted ATM 4-6-1987, Art. 39]

§ 160-10. License required; application information.

- A. Any person, either principal or agent, who engages in a temporary or transient business selling goods, wares, periodicals or merchandise from any tent, booth, building or other structure for fewer than 12 consecutive months; or any person, principal or agent, who goes door to door to private residences for commercial selling purposes; or who may otherwise solicit door to door, except one engaged in solicitations of a political or religious nature, shall, before commencing his or her business in the Town of Falmouth, make written application to the Chief of Police, under oath, for a license on such or as the Chief of Police may prescribe.
- B. Such person shall apply for a license in addition to complying with the provisions of MGL C. 101.
- C. The application shall state the applicant's name and address and other identifying information, the name and address of the owner of parties in whose interest said business is to be conducted, their business address and a brief description of the business which the applicant wishes to conduct in the Town of Falmouth.
- D. The applicant shall permit the Police Department to photograph him or her and to take his or her fingerprints for the purpose of identification.

§ 160-11. Issuance of license; expiration.

No later than 10 days after the filing of such application, the Chief of Police shall issue the applicant a license, providing that the applicant shows evidence of good character. Said license shall authorize the licensee to do only the business described in his or her application subject to the bylaws of the Town of Falmouth and the laws of the Commonwealth of Massachusetts. The license described herein shall expire one year from the date of issuance, or on the day of its surrender, or upon the filing of an affidavit of its loss or revocation.

§ 160-12. Fee.

The fee for such a license shall be \$10, except in the case of charitable or nonprofit organizations, who shall not be levied a charge.

§ 160-13. Charitable and nonprofit organizations.

In the case of charitable and nonprofit organizations or corporations with their principal place of business in the Town of Falmouth and individuals residing in the Town of Falmouth, the Chief of Police, at his discretion, may waive fingerprinting and photographing requirements. The Chief of Police may also elect to issue a license to the sponsors or officers of an organization in lieu of individual licensing; provided, however, that a list of all solicitors, seasonably made, shall be delivered to the Chief of Police at least 48 hours prior to the engagement of the aforementioned business.

§ 160-14. Display of license.

It shall be unlawful to engage in any of the aforementioned businesses or endeavors except in compliance herewith. The license shall be affixed in a prominent place on the outer garment of each licensee whenever he or she is engaged in such business as a means of introduction to the customer or citizen. Failure to display said license, when engaged in door-to-door solicitation, shall be punishable by revocation of said license.

§ 160-15. Nonapplicability.

The provisions of this Article shall not apply to any person conducting a "garage sale" nor to any person who goes door-to-door to sell goods, wares, periodicals or merchandise on behalf of any group organization for any of the purposes described in MGL C. 180, § 2.

§ 160-16. Violations and penalties.

Any person found in violation of any other provisions of this Article may be fined not more than \$300, or cited, under the authority of MGL C. 40, § 21D, Noncriminal disposition, and fined the sum of \$25 for the first offense and \$50 for the second or subsequent offense.