



Office of the
BOARD OF SELECTMEN
ABBOT HALL
188 Washington Street
MARBLEHEAD, MASSACHUSETTS 01945

**PROPOSED RULES AND REGULATIONS
FOR HAWKERS, PEDDLERS AND TRANSIENT VENDORS**

At regular meeting of the Board of Selectmen held on January 5, 2005 at the office of the Selectmen, Abbot Hall, Marblehead, Massachusetts upon motion duly made and seconded, it was unanimously

VOTE: To adopt the following rules and regulations under General Laws, Chapter 101, Section 22, Chapter 94, Section 305 (A) and Department of Public Health regulations adopted thereunder, regulating and governing HAWKERS, PEDDLERS and TRANSIENT VENDORS in the Town of Marblehead.

1. Applications for licenses or permits shall be submitted to the Massachusetts Division of Standards in Boston, Massachusetts.
2. No Hawker or Peddlers shall stop for more than 15 minutes at any one time at any place, unless actually selling to the public at the end of said period. Immediately after the last sale, the vendor shall move at least 300 feet from the previous location. The vendor shall stop at those places where stopping is permitted. Stopping in a "no stopping", "no parking" or tow area is not permitted.
3. No Hawker or Peddler, without a proper license, shall display or sell goods, wares or merchandise which terms shall include, without limiting the generality or the foregoing to ice cream of any and all types, whether sold in cones, ice cream sandwiches or cups. SLUSH, (so called) canned or bottles drinks of all kinds, popcorn, peanuts, frankfurters, sausages, hamburgers, purely commercial books and pamphlets. Religious books and pamphlets are excluded, for example those of the Jehovah's Witnesses.
4. Vending shall not be permitted after 8:30 p.m. and before 10:00 a.m. No vending shall occur on any legal Massachusetts holiday except Labor Day, Fourth of July and Memorial Day.
5. A vendor may not stop for the purpose of sales on or at Fort Sewall without the written permission of the Board of Selectmen of the Town of Marblehead. A vendor may not stop for the purpose of any sales on or at any playground, park or beach in Marblehead without written permission from the Recreation and Parks Commission of Marblehead. A vendor may not stop, for the purpose of sales, within 500 feet of the boundaries of the real property comprising a public building. 500 feet is to be measured in a straight line from the nearest public school boundary line to the point of a sale, regardless of any intervening obstacles. This

area is considered a school safety zone. In addition, requirements of paragraph's 11, 12 and 13 of the within rules and regulations must be followed.

6. All condiments, cream and sugar shall be used only from a sanitary dispense or individually wrapped serving (105 CMR 590 (B) (5)- Massachusetts Department of Public Health.
7. All hot food shall be discarded if not sold by the end of the day (105 CMR 590 (B)(7).
8. Wrapped, ready to eat foods, such as sandwiches shall not be stored in direct contact with ice.
9. No bare hands of the vendor shall be in contact with any foodstuffs.
10. No music to be played at a level greater than 60 decibels at 20 feet. No music will be played when a vehicle (includes pushcarts or motor vehicles) are stopped. These restrictions are on the Marblehead Board of Health permits for mobile food services.
11. Before any mobile food service begins to operate a Board of Health permit from the Marblehead Board of Health shall be required.
12. If any items are sold by weight, a permit from the Marblehead Sealer of Weights and Measures shall be obtained.
13. When using an open flame or sterno, a permit from the Marblehead Fire Department is required, but must have a Marblehead Health Department permit first.
14. Raising or money for charitable purposes by selling tickets or toys is not a sale of goods, wares or merchandise within the meaning of Hawkers and Peddlers (4 op. Atty. General 515)(1916).
15. All permits and licenses shall be conspicuously displayed on the selling vehicle.
16. Motor Vehicles must conform to all laws relating to condition and operation of the Massachusetts Registry of Motor Vehicles, Chapter 90 of the Massachusetts General Laws and all parking and traffic regulations of the Town of Marblehead.
17. A vendor who sells or barter fruits or vegetables raised or produced by himself or by his family, or fish (including lobster) obtained by his own labor or labor of his family are exempt from the requirement of Hawkers and Vendor permit.
18. All goods, wares or merchandise sold on or from a motor vehicle shall equip such motor vehicles with a flashing amber dome light and on the front and rear, warning lights which shall flash alternately and shall be kept flashing when such vehicle is stopped for the purpose of making sales. See General Laws, Chapter 101, Section 16 A for the lighting requirements.
19. Persons engaged in food vending shall affix to their vending station, vehicle, pushcart or other conveyance a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.
20. The Health Department may cancel its authorization for a food or beverage unit due to health or sanitation violations.
21. If a complaint is received from any resident or merchant that a time limit violation has occurred, it shall be deemed prima facie evidence of same, and any police officer having responsibility for enforcing these regulations, shall have the authority to order the vendor violating the time limit regulation, or any other regulation, to immediately move at least 300 feet from the vendors present

location. If said vendor is actively selling to the public, the vendor shall move immediately after the last sale. Any police officer having responsibility for enforcing these regulations shall not be required to observe the 5 minute time limit violation when a time limit complaint is received under this section.

22. The police department of the Town shall prosecute any violators of this By-Law.
23. A violation of this By-Law shall be punished by a fine of \$100.00 for the first offense, \$150.00 for the second offense and \$200.00 for the third or subsequent offense during any one calendar year.

DEFINITION:

The terms “hawker” and “peddler” include any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing, any goods, wares or merchandise, either on foot, on or from any animal or vehicle.

The term “transient vendor” and “temporary or transient business” are set forth in General Laws, Chapter 101, Section 1.