



City of Revere
City Council

City Council Order No. 20-370

Date: June 14, 2021

Offered by Revere City Council

Be it ordained by the City of Revere, MA as follows:

AN ORDINANCE FURTHER AMENDING THE REVISED ORDINANCES OF THE CITY OF REVERE RELATIVE TO TRANSIENT VENDOR LICENSES, DOOR-TO-SOLICITORS, AND CANVASSERS

Section 1. Chapter 5.12 Transient Vendors is hereby deleted in its entirety and inserted in place thereof the following new Chapter 5.13 Transient Vendors

Section 5.13.010 Definitions.

As used in this article, the following words and phrases shall have the meanings ascribed to them in this section:

- A. *Transient vendor* means any person who engages in a "temporary or transient business" selling goods, wares or merchandise, either in one locality or in traveling from place to place.
- B. *Temporary or transient business* means any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least 12 consecutive months.

Section 5.13.020 Transient vendor licenses.

- A. Every transient vendor, before making any sale of goods, wares or merchandise in the city, shall apply to the city council for a license and shall accompany such application with a license fee of five hundred dollars as listed in Table I - Fee Schedule. Such application shall be filed with the city clerk.
- B. No license shall be granted under this section until the applicant has complied with the provisions of Chapter 101, Section 3 of the General Laws and has exhibited to the city clerk a license issued by the director of standards of the commonwealth.
- C. If, after review of said application, it appears that the applicant is a person of good repute as to morals and integrity and he or she is a person of responsibility and business acumen, the city council may authorize the city clerk to issue a city license to the applicant. Upon order of the city council and proof of payment of all license fees the city clerk shall issue the city license endorsed upon the state license "local license fees paid" and shall affix thereto his or her official signature and date of such endorsement.

Section 5.13.030 Expiration of license.

The city transient vendor license shall remain in force so long as the licensee shall

continuously keep and expose for sale such stock of goods, wares and merchandise but not later than the first day of January following its date.

Section 5.13.040 Licenses for nonprofit organizations.

The city council may, under such conditions as they may deem proper, grant to any organization engaged in charitable work or to a post of any incorporated organization of veterans who served in the military or naval service of the United States in time of war or insurrection a special license authorizing it, for a particular time period to be stated in such license, and for a charitable purpose stated in such license, to conduct under their control a temporary or transient business, provided that no person under 16 years of age shall be accredited as an agent of the license holder. The exercise of the license hereby provided for shall be subject to the provisions of all statutes, ordinances, rules and regulations not inconsistent herewith.

Section 5.13.050 Display of license.

Every transient vendor shall exhibit his or her state and city licenses when the same are demanded of him or her by a councillor or sealer or deputy sealer of weights and measures or member of the police department of the city.

Section 5.13.060 Additional city permits.

Should a license be issued pursuant to this article, the licensee shall be responsible for obtaining and maintaining any and all other relevant licenses, permits and seals, including, but not limited to, health department and fire department permits, and seals from the sealer of weights and measures.

Section 5.12.070 Revocation of license.

Any transient vendor license granted by the city council may be revoked by the city council for good cause after reasonable notice to the licensee and a hearing upon the grounds for revocation.

Section 5.13.070 Bond or insurance required.

No transient vendor shall sell goods, wares or merchandise in the city unless such transient vendor has posted a bond with, or has provided a certificate of liability insurance naming the city as an "additional insured" to, the city clerk in the amount of five thousand dollars, and has signed an agreement providing for indemnification of the city against any loss which may arise by way of any suit, action or proceeding against the city as a result of any act or failure to act on the part of such transient vendor while operating within the territorial limits of the city. This indemnification agreement shall be in a form approved by the city solicitor.

Section 5.13.080 Minimum age.

No person under 18 years of age shall receive a license as a transient vendor.

Section 5.13.090 Additional restrictions.

The terms of every transient vendor license issued pursuant to this article shall be subject

to such further restrictions and regulations as the city council shall impose.

Section 5.13.100 Penalties.

Any transient vendor who violates any provision of this chapter shall be punishable in accordance with the provisions of Chapter 1.16 of the Revised Ordinances of the City of Revere by a fine of three hundred (\$300.00) dollars, or be subject to arrest as provided for by Chapter 101, Section 32 of the General Laws.

Section 5.13.110 Conflict with state license.

Nothing in this article shall be construed as conflicting with any license duly issued under the laws of the commonwealth.

Section 2. Title 5 of the Revised Ordinances of the City of Revere is hereby amended by inserting a new Chapter 5.12 Door-to-door Solicitors and Canvassers:

Chapter 5.12 Door-to-door solicitors and canvassers.

Section 5.12.010 Definitions.

The terms "soliciting" and "canvassing" means and includes any one or more of the following activities:

- A. Seeking to obtain the purchase, or the orders for the purchase, of goods, wares, merchandise, foodstuffs, services, of any kind of consideration whatever; or
- B. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type or kind of publication; or
- C. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of, or seeking to gain membership in or volunteers for, any charitable or nonprofit association, organization, corporation or project.

The provisions of Sections 5.12.010 through 5.12.080 shall not apply to those who are operating validly as hawkers or peddlers or open air vendors, or to officers or employees of the city, county, state or federal government, or any subdivision thereof, when on official business, or to the city of Revere neighborhood youth and students who solicit for the shoveling of snow or cutting of lawns, or in connection with fundraising activities or city of Revere senior citizen fundraising activities, or to milkpersons, bakery persons, insurance agents, laundry persons, and ice, oil and coal dealers, nor shall it be construed to prevent route salespersons or other persons having established customers to whom they make periodic deliveries from calling upon such customers.

If any solicitor or canvasser is under the age of eighteen years and is selling goods or periodicals for a commercial purpose, the provisions of M.G.L. Chapter 101, Section 34 shall apply.

5.12.020 Registration required.

It is unlawful for any person to solicit or canvass, for him or herself or for another person, or organization, by foot, automobile or any other type of conveyance, from place to place, house to house or street to street, calling at residences without the previous consent of the occupant, without first having registered with the chief of police.

5.12.030 Application for certificate of registration.

- A. Application for a certificate of registration shall be made upon a form provided

by the police department.

- B. An authorized representative of the sponsoring organization shall apply to the chief of police of his designee either personally, between the hours of nine a.m. and two p.m. from Monday through Thursday excluding holidays, or by mail, and truthfully state in full the information requested on the application, to wit:
 - 1. Name, address and telephone number of the sponsoring organization;
 - 2. State and/or federal tax identification number or tax exempt number of the sponsoring organization;
 - 3. Name, residential address, telephone number, social security number and date of birth of each representative of sponsoring organization who will be soliciting or canvassing in the city;
 - 4. Period of time for which the certificate is applied (i.e., the dates on which the soliciting or canvassing will take place);
 - 5. Any convictions for a violation of a felony or crimes against the person under the laws of the commonwealth or any other state or federal law of the United States within five years of the application, by the sponsoring organization or any of its representatives who will be soliciting or canvassing in the city;
 - 6. Signature of authorized representative of the sponsoring organization.
- C. A photograph or an acceptable copy of a photograph of each representative of the sponsoring organization who will be soliciting or canvassing in the city must be attached to the application.
- D. If the sponsoring organization is required by M.G.L.A. Chapter 68, Section 19, to register as a charitable organization with the commonwealth, a copy of said registration must be attached to the application.
- E. All statements made by the application upon the application or in connection therewith shall be under oath.
- F. No certificate of registration shall be issued to any person who has been convicted of the commission of a felony or crime against the person within five years of the date of the application; nor to any person whose certificate of registration issued hereunder has previously been revoked as provided herein.
- G. The chief of police shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and date pertaining thereto and all certificates of registration issued under the provisions of Sections 5.12.010 through 5.12.080 and of denial of applications. Fully completed applications for certificates, shall be acted upon within three days of receipt. The original copy of the application shall be given to the applicant and a duplicate copy shall be retained on file in the office of the chief of police.
- H. When approved, each solicitor or canvasser shall be issued a certificate of registration and shall at all times while soliciting or canvassing in the city carry upon his/her person the registration certificate and the same shall be exhibited by such registrant whenever he or she is required to do so by any police officer or by any person solicited. The certificate of registration shall state the expiration date thereof.

- I. An administration fee of ten dollars shall be charged for each certificate of registration issued.
- J. Soliciting and canvassing may be conducted Monday through Saturday between the hours of nine a.m. and eight p.m., and Sundays between the hours of twelve p.m. and six p.m., excluding major holidays on which retail stores and businesses (except for local convenience stores, restaurants and other food establishments) are closed.

5.12.040 Deceptive practices.

No solicitor or canvasser may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a person's home, office or other establishment.

5.12.050 - Duty of solicitors and canvassers.

It shall be the duty of every solicitor and canvasser going onto any premises in the city to first examine whether there is a notice stating that no solicitors are welcome; if such notice is present then the solicitor or canvasser shall immediately and peacefully depart from the premises.

Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant

5.12.060 - Revocation of certificate.

Any certificate of registration issued hereunder shall be revoked by the chief of police if the holder of the certificate is convicted of a violation of any of the provisions of Sections 5.12.010 through 5.12.080 or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of said sections. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the certificate in person or by certified United States mail addressed to his or her residence or organization address set forth in the application.

Immediately upon the giving of such notice the certificate of registration shall become void.

5.12.070 - Solicitation of donations upon the public ways.*

No person, individually or on behalf of any organization, shall at any time, solicit donations of any kind from any operator or occupant of a motor vehicle upon the public way.

5.12.080 - Penalty for violations.

Any violation of the provisions of this title shall be punishable in accordance with the provisions of Title 1, Chapter 1.16 of the Revised Ordinances of the city of Revere by a fine of three hundred dollars.

Section 3. Table I - Fee Schedule of the Revised Ordinances of the City of Revere is hereby amended deleting the words, "Section 5.12.020 of this revision, is two thousand dollars" and inserting in place thereof, "Chapter 5.13.020, is five hundred dollars".

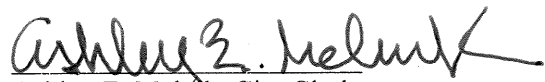
November 23, 2020 Ordered to a first reading.
June 14, 2021 Ordered on a second reading.
June 14, 2021 Ordered on a third and final reading.
June 14, 2021 Ordered Engrossed and Ordained on a Roll Call.

In City Council, June 14, 2021 ORDERED ENDROSSED AND ORDAINED on a Roll Call: Councillors Giannino, Guinasso, Keefe, McKenna, Morabito, Novoselsky, Powers, Rotondo, Serino, Visconti, and Council President Zambuto voting "YES". Attest: Ashley E. Melnik, City Clerk

Approved by:

Attest:

Mayor Brian M. Arrigo



Ashley E. Melnik, City Clerk

Date

In accordance with the provisions of MGL Chapter 43, Section 125, every such order, ordinance, resolution and vote shall be in force if not returned by the mayor within ten days after it has been presented to him. This ordinance has been passed without the Mayor's signature citing Section 5.12.070 Solicitation of donations upon public ways is unconstitutional (Massachusetts Coalition for the Homeless v. City of Fall River, et al.).