



CITY CLERK  
GLOUCESTER, MA

# City of Gloucester

## City Council

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Telephone 508-281-9722 Fax 508-281-8472

CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
Monday, November 15, 2010 – 6:30 p.m.  
1<sup>st</sup> Fl. Council Conference Rm. – City Hall

### AGENDA

(ITEMS MAY BE TAKEN OUT OF ORDER)

#### 1. *Continued Business:*

- A) CC2010-070 (McGeary) Amend GCO Sec. 22-287 (Disabled veteran, handicapped parking) Re: East Main Street #267 (Cont'd from 11/01/10)
- B) CC2010-072 (McGeary) Amend GCO Sec. 22-269 (Stop Intersections) Re: Bass Rocks Road at its intersection with Atlantic Road (Cont'd from 11/01/10)
- C) CC2010-076 (Mulcahey) Amend GCO Chapter 11 "Hawkets And Peddlers, and Transient Vendors", Article II, Sec. 11.5 Fixed Vending; site specific locations (6) to allow a 20% rebate to Disabled Veterans on fixed permit bid (Cont'd from 11/01/10)
- D) Memorandum from Charles H. Carroll, Director MA Division of Standards re: Adoption of Amended M.G.L. Chapter 101 by requiring "Promoters", as defined, to be licensed under the Acts of 2010, Chapter 308 (By direction of the City Council President)
- E) Amend GCO Sec. 22-287 "Disabled Veteran, handicapped parking" re: adding Main Street #46 (Cont'd from 11/09/10 City Council meeting for clarification by Committee)
- F) Amend GCO Sec. 22-287 "Disabled Veteran, handicapped parking" re: adding Main Street #287 (Cont'd from 11/09/10 City Council meeting for clarification by Committee)

COMMITTEE

Councilor Sefatia Theken, Chair

Councilor Ann Mulcahey, Vice Chair

Councilor Bruce Tobey

Committee members – Please bring relevant documentation

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Carolyn Kirk  
Jim Duggan  
Linda T. Lowe  
Robert Ryan/Larry Ingersoll  
Suzanne Egan  
Donna Compton



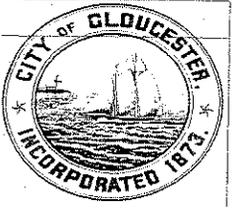
**CITY OF GLOUCESTER 2010  
CITY COUNCIL ORDER**

**ORDER:** #CC2010-076  
**Councillor** Ann Mulcahey

**DATE RECEIVED BY COUNCIL:** 10/26/10  
**REFERRED TO:** O&A & Purchasing Dept.  
**FOR COUNCIL VOTE:**

**ORDERED** that the Gloucester Code of Ordinances Chapter 11 "Hawkers And Peddlers, and Transient Vendors" Article II, Sec. 11.5 Fixed Vending; site specific locations (6) be amended to allow a 20% rebate to Disabled Veterans on fixed permit bid

Councillor Ann Mulcahey



**CITY OF GLOUCESTER 2010  
CITY COUNCIL ORDER**

<b>ORDER:</b>	<b>#CC2010-070</b>
<b>Councillor</b>	<b>Paul McGeary</b>

<b>DATE RECEIVED BY COUNCIL:</b>	<b>10/12/10</b>
<b>REFERRED TO:</b>	<b>TC &amp; O&amp;A</b>
<b>FOR COUNCIL VOTE:</b>	

**Ordered** that the GCO Sec. 22-287, entitled "Disabled veteran, handicapped parking", be amended by **adding**:

two (2) handicapped parking spaces in front of the Gloucester Stage Company at  
East Main Street #267

And further

Ordered that this matter be referred to the Traffic Commission and the Ordinances and Administration Committee for review, recommendation and measurements.

Councillor Paul McGeary



**CITY OF GLOUCESTER 2010  
CITY COUNCIL ORDER**

**ORDER:** #CC2010-072  
**Councillor** Paul McGeary

**DATE RECEIVED BY COUNCIL:** 10/12/10  
**REFERRED TO:**  
**FOR COUNCIL VOTE:**

**Ordered** that the Gloucester Code of Ordinances, Sec. 22-269. (Stop intersections) be amended by

ADDING: Bass Rocks Road at its intersection with Atlantic Road.

And further

**Ordered** that this matter be referred to the Traffic Commission and the Council Committee on Ordinances and Administration for review, recommendation and measurements.

Paul McGeary, Ward I Councilor



DEVAL L. PATRICK  
GOVERNOR

COMMONWEALTH OF MASSACHUSETTS  
DIVISION OF STANDARDS

One Ashburton Place, Room 1115 Boston, MA 02108  
(617) 727-3480 FAX (617) 727-5705  
www.mass.gov/standards

GREGORY BIALECKI  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

BARBARA ANTHONY  
UNDERSECRETARY OF CONSUMER  
AFFAIRS AND BUSINESS REGULATION

CHARLES H. CARROLL  
DEPUTY DIRECTOR

*Handwritten signature/initials*

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

TO: Town Clerks and Promoters  
FROM: Charles H. Carroll, Director  
DATE: October 18, 2010  
Subject: Promoters License -- Effective Date November 9, 2010

10 OCT 25 AM 11:13  
CLERK OF SUPERIOR COURT

*Amend State Licensing & Promoters*

As you know, Chapter 308 of the Acts of 2010, copy enclosed, amended M.G.L. Chapter 101 by requiring "Promoters", as defined, to be licensed by the Division as of November 9, 2010.

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. (See M.G.L. c. 101, s. 1) Under the amended law, any vendor operating under a promoter's license would be exempt from having to be individually licensed by the Division as a "transient vendor" as is currently required. Chapter 308 also preserves a municipality's option to require an individual seller to be licensed as a transient vendor under M.G.L. c. 101, s. 5, but only for those municipalities that already require such a seller to be licensed on or before November 9, 2010.

Who is required to be licensed under the new law? A person or business who leases space for the sale of goods or taxable services is required to be licensed by the Division. Examples include, *inter alia*, trade shows if goods are sold, flea markets both indoors and outdoors and card shows.

As of November 9, 2010, each business or person, before commencing business as a promoter, shall make a written application, under oath to the deputy director, for a license, stating the names and residences of the owners or parties in whose interest the business is to be conducted. Upon payment of the applicable fee, a license will be issued. Each license will remain valid for a period of one year from the date of issue or until the date of its surrender or affidavit of its loss.

The license fee is based on the number of days the promoter operates in a calendar year and the fee schedule is as follows: \$200 for 1 to 9 single shows; \$300 for 10 to 19 single shows; \$400 for 20 to 29 single shows; \$500 for 30 to 39 single shows; \$600 for 40 to 49 single shows; and \$1,000 for over 50 single shows. Each day of operation in the commonwealth shall constitute a single show.

The licensed promoter is required to maintain a copy of each written agreement between the promoter and an individual vendor, which shall include documentation regarding the identity and location of each vendor, including a social security number or tax identification number and a general description of merchandise sold by each vendor. Records are required to be kept for a period of not less than 12 months. The deputy director or law enforcement authorities may direct a promoter to provide such records upon request. Every licensed promoter shall comply with sections 8A and 67A of M.G.L. chapter 62C and any regulations promulgated pursuant thereto as required by the commissioner of revenue.

The application for a promoter's license is enclosed. Please make copies if needed.

# Chapter 308 of the Acts of 2010

## AN ACT RELATIVE TO FLEA MARKET VENDORS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the definition of "Promoter" and inserting in place thereof the following definition:-

"Promoter", a person who, either directly or indirectly, rents, leases or grants a license to use space to a person for the display for-sale or for the sale of tangible personal property subject to tax under chapter 64H.

**SECTION 2.** The definition of "Show" in said section 1 of said chapter 62C, as so appearing, is hereby amended by inserting after the word "market", in line 24, the following words:-, either indoor or outdoor.

**SECTION 3.** Section 1 of chapter 101 of the General Laws, as so appearing, is hereby amended by striking out the definitions of "Transient vendor" and "Temporary or transient business" and inserting in place thereof the following 6 definitions:-

"Promoter", 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 chapter 64H; provided, however, that this shall not include a state or county fair as defined in section 1 of chapter 128A; and provided further, that a promoter licensed under this chapter shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto as required by the commissioner of revenue.

"Tangible personal property", personal property of any nature consisting of any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured or being within the commonwealth.

"Temporary or transient business", an exhibition and sale of goods, wares or merchandise which is carried on in a 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; provided, however, that this shall not include a business operating under a written agreement with a licensed promoter.

"Transient vendor", a person, either principal or agent, who engages in a temporary or transient business in the commonwealth selling goods, wares or merchandise, either in 1 locality or in traveling from place to place; provided, however, that this shall not include a person operating under a written agreement with a licensed promoter.

“Usual business hours”, the time period during which similar businesses in the community conduct business.

“Written operating agreement”, a written agreement between a promoter, licensed under section 3A and a vendor to conduct business at any location.

**SECTION 4.** Said chapter 101, is hereby amended by inserting after section 3 the following section:-

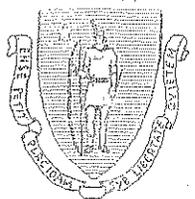
Section 3A. (a) Each business or person, before commencing business as a promoter, shall make a written application, under oath, for a license to the deputy director stating the names and residences of the owners or parties in whose interest the business is to be conducted. Upon the payment of the fee under the fee schedule in subsection (b) the deputy director shall issue a license granting the authority to do business as a promoter. A license shall expire 1 year from the date thereof or on the day of its surrender or of the filing of an affidavit of its loss, if it is earlier surrendered or if such affidavit is earlier filed. The license shall contain a copy of the application therefore and shall not be transferable.

(b) For the purpose of determining a single show for this chapter, the conduct of an activity or event described in the definition of “show” in section 1 of chapter 62C held on a single day in the commonwealth shall constitute a single show. The fee schedule for a license as a promoter shall be as follows: \$200 for 1 to 9 single shows to be held per year; \$300 for 10 to 19 single shows to be held per year; \$400 for 20 to 29 single shows to be held per year; \$500 for 30 to 39 single shows to be held per year; \$600 for 40 to 49 single shows to be held per year; and \$1,000 for over 50 single shows to be held per year.

(c) Each promoter licensed to conduct business shall maintain a copy of the written operating agreement with each vendor which shall include documentation regarding the identity and location of each vendor, including social security number or tax identification number and a general description of merchandise sold by each vendor. The promoter shall maintain such records for a period of not less than 12 months. The deputy director or law enforcement authorities may request a promoter to provide the records. A promoter licensed under this section shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto as required by the commissioner of revenue.

**SECTION 5.** A vendor operating under an agreement with a licensed promoter, as defined in section 1 of chapter 101 of the General Laws, inserted by section 3, shall not be required to apply and pay a fee for a license authorizing the sale of goods, wares and merchandise within a municipality as required by section 5 of said chapter 101 unless, on the effective date of this act, the municipality requires such a vendor to pay a fee under said section 5 of said chapter 101, or under any other statute, local by-law, regulation or policy, in which case, notwithstanding any general or special law to the contrary, said municipality may continue to charge such fees under said section 5 of said chapter 101 or under such other statute, local by-law, regulation and policy.

*Approved, August 11, 2010.*



OFFICE USE ONLY

ISSUE DATE: \_\_\_\_\_ LICENSE # \_\_\_\_\_

## Application for Promoter's License

This application must be filled out as indicated, duly signed, and returned to this office before a license will be issued. The license FEE is based on the number of days sales will be conducted, as appears in M.G.L Ch. 101, Sec. 3B.

Mail to the Division of Standards: One Ashburton Place, Room 1115, Boston, MA 02108

I, \_\_\_\_\_ Residing at \_\_\_\_\_  
 in the town of \_\_\_\_\_ State of \_\_\_\_\_ Zip \_\_\_\_\_

DBA \_\_\_\_\_  
 Business Address \_\_\_\_\_ Bus. Phone \_\_\_\_\_

I hereby apply for a State Promoter's License as defined in Massachusetts General Law Chapter 101, as amended. The names and residences of the owners or parties in whose interest I am to do business under this license are as follows:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Federal ID Number or Social Security Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Date of Birth (MM/DD/YYYY): \_\_\_\_\_

E-Mail Address \_\_\_\_\_

"Promoter", 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 or sale or for the sale of tangible personal property or services subject to tax under chapter 141F; provided, however, that this shall not include a state or county fair as defined in section 1 of chapter 128A; and provided further, that a promoter licensed under this chapter shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto as required by the commissioner of revenue.

**LICENSE FEE SCHEDULE**

Total Days	Class	Fee Amount
<input type="checkbox"/> 50 or Over	A	\$1000.
<input type="checkbox"/> 40-49	B	\$600.
<input type="checkbox"/> 30-39	C	\$500.
<input type="checkbox"/> 20-29	D	\$400.
<input type="checkbox"/> 10-19	E	\$300.
<input type="checkbox"/> 1-9	F	\$200.

"Show", a flea market either indoor or outdoor, craft show, antique show, coin show, stamp show, comic book show fair and any similar show, whether held regularly or of a temporary nature at which more than one vendor displays for sale or sells tangible personal property subject to tax.

Please Check Appropriate Box

Pursuant to Massachusetts General Law Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

I have requested a state promoter's license for \_\_\_\_\_ day(s) and enclosed check made PAYABLE to THE COMMONWEALTH OF MASSACHUSETTS in the amount of \$ \_\_\_\_\_. I have also listed all the dates, locations and times of operation on the reverse side of this application as required.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

THIS APPLICATION IS BEING SIGNED UNDER THE PENALTIES OF PERJURY