



Gloucester City Council

CERTIFICATE OF VOTE

Certificate Number: 2022-166

Consistent with chapter 107 of the Acts of 2022, the Gloucester City Council, at a meeting held on **November 22, 2022** at 6:00 p.m. by remote participation, voted to approve the following:

IN CITY COUNCIL:

MOTION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 (Memhard) absent, to amend GCO Ch. 11 "Hawkers, Peddlers, Transient Vendors and Special Events," Art. II. "Hawkers and Peddlers", Sec. 11-3 (b) "Local license/permit requirement for fixed vending locations; procedure to obtain." And Sec. 11-3 (c) "Local license/permit requirement for fixed vending locations; procedure to obtain." And Sec. 11-5 "Fixed vending; site specific locations (six)" as follows:

ARTICLE II. HAWKERS AND PEDDLERS

Sec. 11-2. License/permit required.

No vendor shall sell goods, wares, merchandise or services, as prohibited by M.G.L. c. 101, § 16. No vendor shall sell goods, wares, merchandise or services unless duly licensed by the director of standards of the commonwealth and/or permitted by the city licensing commission except for those articles permitted to be sold without a license under M.G.L., c. 101, § 17.

Sec. 11-3. Local license/permit requirement for fixed vending locations; procedure to obtain.

- (a) Anyone either principal or agent that sells from a fixed location and not licensed or required to be licensed under the definition in M.G.L. c. 101 as a transient vendor or hawker and peddler must first procure a permit from the local licensing authority for the sale of goods, wares, or merchandise allowed to be sold under the provisions of M.G.L. c. 101, § 16. A local permit is required for vendor holding only a state license.
- (b) Applicants for a fixed location permit for those areas established by this chapter within the city, shall follow the sealed bid procedure, as outlined in subsection (c) of this section. The cost for such permit shall be not less than \$200.00 annually with no maximum, established by the city council. Permits will be issued for up to ~~six~~ **nine** specific locations throughout the city, as approved by the city council. The city council shall have the right to adopt and implement further lawful regulations and restrictions consistent with this article.

(1) Prior to bidding for a fixed location, a vendor shall be required to provide proof of valid, current hawkers and peddlers license and proof that they are a disabled veteran, **if applicable**, as defined in section 11-1.

(2) Vendors shall disclose general scope of sales.

(3) Vendors with a fixed location permit shall be onsite no later than July 4 and open for business for a minimum of 21 days for the period between May 15 and Sept 15.

(4) Failure to comply with the July 4 or 21-day minimum requirements shall cause the individual, firm or corporation's permit to be revoked and be disqualified from applying for a fixed vendor location for the following two years.

(5) In the event of prolonged, unseasonable, inclement weather or other unforeseen circumstance a fixed location permittee may appeal to the Licensing Commission for an exemption from the July 4 and/or 21-day requirements.

Approved permits and assigned locations shall be chosen by sealed bid procedure by the city's purchasing department on or before the first business day in February, 9:00 a.m., of each year.

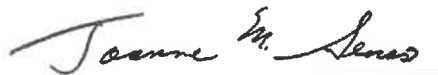
- (c) Sealed bid procedure will be as follows: Sealed bids will be submitted to the city's purchasing department following public notice and from the first secular day in January to the last business day in January, each year. Further, all bids received to be opened by the purchasing department, will be accompanied by a certified or cashier's check in the amount of the bid, payable to the city. Unsuccessful bidders' checks will be returned immediately following the bid opening. The sealed bid will be date and time stamped in the purchasing department. The purchasing department will open the sealed bids and if there is a tie between two or more vendors on the bid amount, then the bidder/vendor who is a disabled veteran shall be given preference over all other bidders provided they meet all other bid requirements. ***If there is a tie between two or more disabled veterans or there is a tie where there are no disabled veterans, the high bidders may resubmit a sealed bid within two business days.***

Sec. 11-4. - Identification required.

All fixed vendors operating within the city shall be required to prominently display a laminated permit, obtained from the office of the city clerk, which provides the name and address of, and bears a recent photograph of permittee.

Sec. 11-5. - Fixed vending; site specific locations ~~(six)~~ (nine)

- (a) The following are specific locations for vending:
- (1) *Washington Street*. Ten feet north from its intersection with Poplar Street.
 - (2) *Washington Street*. Water side at Plum Cove Beach
 - (3) *Western Avenue*. Water side between the intersection with Middle Street and the Public Landing east of Middle Street, site.
 - (4) Reserved.
 - (5) Visitor's center parking lot, Stage Fort Park.
 - (6) *Rogers Street*. In front of the Fitz H. Lane parking lot and at the southwest corner of the east entrance to Harbor Loop.
 - (7) Reserved.
 - (8) Reserved.
 - (9) *Rogers Street*. Twenty-five feet from its intersection with Harbor Loop at the southwest corner of the west entrance to Harbor Loop.
- (b) Should a fixed vendor location established under this section be located in an area designated as a no parking area, pursuant to chapter 22, the no parking prohibition shall not apply to the fixed vendor location.



Joanne M. Senos, City Clerk

Date: November 23, 2022

APPROVED BY THE MAYOR



Greg Verga

VETOED BY THE MAYOR



Greg Verga

SIGNED THIS 23rd DAY OF NOVEMBER, 2022

All Ordinances shall become effective 31 days after passage except Emergency Orders and Zoning Amendments shall become effective the next day