Deborah A. Clayman
City Clerk

City of Chelsea
LICENSING COMMISSION

City Hall, 500 Broadway
Chelsea, MA 02150

Telephone: 617-466-4050
Fax: 617-466-4059
dclayman@chelseama.gov

APPLICATION FOR OPEN AIR VENDOR LICENSE

I hereby make application for a license to engage in open air vending, as required by Chapter 9, Article III, sections 9-50 through 9-63, of the Revised Ordinances of the City of Chelsea, and agree to comply with the rules and regulations promulgated thereunder:

Nature of business for which license is sought:

_____ Sidewalk Sales

_____ Yard Sale

_____ Open Air Vending of Goods, Wares and Merchandise from One Location

1. Name of applicant: _____

   Home address: _____

   Home telephone: _____

2. Business name of applicant: _____

   Proposed address: _____

   Business telephone: _____

3. Property owner's name: _____

   Property owner's address: _____

   Property owner's telephone: _____

4. Are you a Massachusetts 501(c)(3) Massachuetts non-profit organization/corporation? _____ Yes _____ No

5. Indicate whether business will be conducted on private or public property (yard sales are restricted to yards and driveways only):

   _____

6. Dates of business operation: _____

7. Hours of operation: _____

8. Goods, wares and/or merchandise to be sold on premises:

_____

_____

9. Indicated whether this operation is for a charitable organization or veterans organization: _____

10. Is your operation/event co-sponsored by the City of Chelsea?
____ Yes ____ No

11. Applicant must obtain written approval from the following departments prior to issuance of Open Air Vendor License (**not applicable to yard sale applicants**):

Department of Inspectional Services	Date
Zoning Officer	Date
Electrical Inspector	Date
Fire Prevention	Date

_____
Signature of Applicant

_____
Federal Tax ID Number or Social Security Number

NOTE: In accordance with Chapter 9, Article III, Sec. 9-51, of the Revised Ordinances of the City of Chelsea, Massachusetts, this application requires written consent on the part of the owner or owners of the premises on which the applicant desires to carry on business. Therefore, property owner's signature of authorization is required below. To conduct business on City property, including sidewalks, approval must be sought from the City Manager.

_____
Signature of Property Owner

Date: _____

RETURN THIS APPLICATION TO DEBORAH A. CLAYMAN, CITY CLERK, 500 BROADWAY, ROOM 209, CHELSEA, MA 02150, WITH THE FOLLOWING:

1) The names and addresses of any employees who will be working for you (and provide updated lists during the year should your employees change);

2) Application/License fees as follows:

   a) **Open-air vending applicants** are required to submit a $10 application fee (non-refundable) and, upon approval of the application, a $15 license fee, payable to the City of Chelsea (check or money order);

   b) **Yard-sale applicants** are required to submit a $5 per day license fee, payable to the City of Chelsea (check or money order);

3) Affidavit of Tax Compliance;

4) Upon approval of application, bond or liability insurance policy, in accordance with Chapter 9, Article III, Sec. 9-56, of the Revised Ordinances of the City of Chelsea, Massachusetts. **Applicant must submit a bond in the amount of $50,000 or a $100,000 insurance certificate naming the City of Chelsea as an additional named insured** to protect the city against any suit, action or proceeding in which the city may be a party 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.

AFFIDAVIT OF TAX COMPLIANCE

Pursuant to M.G.L., c. 62C, s. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Massachusetts tax returns and paid all Massachusetts taxes required under law, as well as paid all contributions and payments in lieu of contributions pursuant to M.G.L., c. 151A, s. 19A(b).

_____
Signature

_____
Social Security or Federal ID#

_____
Date

Sec. 9-33. Age requirement.

No person under sixteen (16) years of age shall be granted, nor shall receive, a license as a transient vendor.

Sec. 9-34. Subject to further restrictions.

The terms of every transient vendor license issued pursuant to this article shall be subject to such further restrictions and regulations as the licensing commission shall impose.

Sec. 9-35. Waiver of fees.

For charitable organizations only, the licensing commission may waive in whole or in part any and all fees required by this article.

Sec. 9-36. Penalties.

Any transient vendor who violates any provision of this article shall be liable to a penalty in accordance with section 1-7, or be subject to arrest as provided for in chapter 101, section 32 of the General Laws.

Sec. 9-37. Interpretation of article.

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

Sec. 9-38 -- 9-49. Reserved.

ARTICLE III. OPEN AIR VENDING OF GOODS, WARES AND MERCHANDISE FROM ONE LOCATION

Sec. 9-50. Purpose, definitions.

(a) The purpose of this article is to license and regulate the open air, temporary sale of goods, wares and merchandise, from one location in the city. Any person duly licensed pursuant to chapter 101 of the General Laws, or other provisions of this chapter of the ordinances, who is carrying on business in a manner consistent with said license, shall not be subject to the licensing requirements of this article.

(b) As used in this article, the terms "goods, wares or merchandise" shall include, but not be limited to, consumer goods, home furnishings, novelty items, clothing, shoes, sports memorabilia, trees, Christmas trees, wreaths, plants, flowering

plants, cut flowers and food of any kind.

Sec. 9-51. License required, fee.

(a) No person, whether principal or agent, shall, on a temporary basis, offer for sale, expose for sale, or sell any goods, wares or merchandise, in any open area, alley, lot located in the city or adjacent to any street, or way of the city unless such person has first obtained a license therefor from the licensing commission. Said license shall be known as a "city open air vending license".

(b) In order to receive such a license, the applicant must submit written consent to its issuance on the part of the owner or owners of the premises on which or in front of which the applicant desires to carry on business and of the ground floor of such premises. Said owners or tenants shall not demand or accept consideration for such grant of approval. Evidence of the granting or receipt of such consideration shall be grounds for immediate revocation of such license. The property owner may obtain legally negotiated rent from a license holder operating on his premises. When the exercise of the license will occur on or in front of premises owned by the city, the owner's consent herein provided for may be given by the department having charge of the premises. For the purposes of this license, unless otherwise provided for by the city manager, the department of municipal inspections shall be deemed to have charge of municipal sidewalks, and the department of public works shall be deemed to have charge of the public ways.

(c) Whenever the license is intended to be exercised on public property, including but not limited to public ways, sidewalks, and parks, the city manager may make and collect an additional charge as rent, unless the licensee is the tenant of the ground floor of the premises in front of which the location for vending has been granted, and the character of the merchandise the licensee is selling under the license is essentially the same as that being sold within the ground floor of those premises. Rental rates shall be determined annually by the city manager.

Sec. 9-52. Expiration of license.

The city open air vendor license shall remain in force for a specified period of time, indicated on the license, but not later than the first day of September following its date.

Sec. 9-53. Special license relating to transient sales for charitable purposes.

The licensing commission 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 United States in time of war or insurrection, a special license authorizing it, for 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 of transient business, provided that no person under sixteen (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, and in conformity with the provisions of all statutes, ordinances, rules and regulations not inconsistent herewith.

cross reference - Door-to-door solicitors, sec. 9-100 *et seq.*
statutory reference - Mass.Gen.L. c. 101, § 12.

Sec. 9-54. Licenses of open air vendors to be shown on demand.

Every city open air vendor shall exhibit his state and city licenses when the same are demanded of him by an inspector of the city of Chelsea, or a police officer of the city of Chelsea.

Sec. 9-54. Responsibility for obtaining and maintaining all other relevant licenses, permits, seals, etc.

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 issued by a department, board, commission or officer of the city of Chelsea.

Sec. 9-55. Revocation of License.

Any city open air vendor license granted by the licensing commission may be revoked by the licensing commission for cause after reasonable notice to the licensee and a public hearing upon the grounds for revocation.

Sec. 9-56. Bond or insurance required.

No city open air vendor shall sell goods, wares or merchandise in the city unless such open air vendor has posted a bond with the city clerk in an amount to be determined by the city manager, sufficient to protect the city against any suit, action or proceeding in which the city may be a party, 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. Said bond specified above shall be subject to the approval of the city manager and shall be in a form approved by the city solicitor.

A liability insurance policy, issued by an insurance company authorized to do business in the Commonwealth of Massachusetts,

and substantially conforming to the requirements of this section, may be substituted for the above-described bond.

Sec. 9-57. Age requirement.

No person under sixteen (16) years of age shall be granted, nor receive a license as an open air vendor.

Sec. 9-58. Subject to further restrictions.

The terms of every open air vendor license issued pursuant to this article shall be subject to such further restrictions and regulations as the licensing commission shall impose.

Sec. 9-59. Waiver of fees.

For charitable purposes, and events organized under the auspices of recognized business associations, the licensing commission may waive in whole or in part any and all fees required by this article.

Sec. 9-60. Penalties.

Any open air vendor who violates any provision of this article shall be liable to a penalty in accordance with section 1-7, or be subject to arrest as provided for by chapter 101, section 32 of the General Laws.

Sec. 9-61. Interpretation of article.

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

Sec. 9-62. -- 9-69. Reserved.

ARTICLE IV. HAWKERS AND PEDDLERS

Sec. 9-70. Definitions.

As used in this article the terms "hawker" or "peddler" shall mean and include any person who goes from place to place either on foot or on or from any animal or any vehicle carrying, exhibiting or selling any goods, wares or merchandise.

statutory reference - similar definition, Mass.Gen.L. c. 101, §13.

Chelsea City Council

City Hall
500 Broadway
Chelsea, MA 02150
(617) 889-8210
(617) 889-8349 Fax

2/5/96 2nd Reading
m/s
2/26/96
m/s
Roll Call Passed 9-1-1-0

February 5, 1996

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-SIX

Be it Ordained by the CityCouncil of the City of Chelsea as follows:

That the Revised Ordinances of the City of Chelsea be amended by adding thereto the following new sections:

9-61. to 9-69.

Sec. 9-61. **Exemptions.**

(a) The provisions of this article shall not apply to residential yard sales, provided that only two such yard sales shall occur per year on a single parcel of land, that it be for the benefit of the tenant(s), owner(s) or occupant(s) of the parcel, that the items set out for sale shall all have been previously owned by the tenant(s), owner(s) or occupant(s), that the yard sale occur exclusively upon the parcel and not upon any way, street, or sidewalk.

(b) Persons found to be in violation of this section shall, in addition to any fines levied, be reported to the Licensing Commission.

Sec. 9-62. Sidewalk Sales.

Any license issued under the provisions of this article to the tenant of a ground floor premises for vending in front of which the location, where the character of the merchandise being sold under the license is essentially the same as that being sold within the ground floor of those premises shall be subject to the following restrictions:

(a) Transactions.

All transactions for the purchase of goods, wares or merchandise shall occur within the confines of the establishment. In no instance shall sales transactions occur on the streets or sidewalks of the City.

(b) Display.

Only those goods, wares or merchandise which may be placed on a table or a rack shall be sold, or displayed under the provisions of this license. In no instance shall there be the sale of furniture, or major appliances from the sidewalk, or streets of the city.

(c) Time.

Licenses shall be issued for a maximum of two calendar days per week, being Friday and Saturday, or both.

(d) Distance.

Permitted activities shall not obstruct the public ways. Permitted activity shall occupy no more than three and one-half feet from the face of the building. The Licensing Commission may impose a greater stricter restriction, if deemed to be in the interests of public safety.

(e) Maintenance.

Due to street traffic and commercial activity created by the issuance of licenses subject to this section, store owners shall be responsible for maintaining the cleanliness of the sidewalk, curb and gutter immediately in front of the business at all times before, after and during such permitted activity, by sweeping or through such other manner as is deemed appropriate.

Sec. 9-63. **Interpretation of article.**

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

Sec. 9-64. -- 9-69. Reserved.

Marie Jeffrey

Councillor Marie Jeffrey