

Ordinances & Administration Committee

Wednesday, February 4, 2019 – 6:00 p.m.

Kyrouz Auditorium - City Hall

-Minutes-

Present: Chair, Councilor Steven LeBlanc; Vice Chair, Councilor Jamie O’Hara; Councilor Sean Nolan
Absent: None.

Also Present: Councilor Melissa Cox; Joanne M. Senos; Jim Destino; Chip Payson; Harbormaster T. J. Ciarametaro; Adam Curcuru

The meeting was called to order at 6:02 p.m.

1. Management Reappointments

Harbormaster

Thomas “T.J.” Ciarametaro

TTE 02/14/22

The Committee members voiced their approbation of the Harbormaster’s accomplishments, as well as his Assistant Harbormaster, Chad Johnson, over the past three years, having observed projects moving forward rapidly to the benefit of the city. Dredging, bridge repairs, the Harbormaster’s building, train bridge replacement were projects mentioned by the Harbormaster. **Councilor LeBlanc** noted that the Waterways Board has been revitalized and that the city has become a newly popular destination for transient boaters. **Jim Destino**, CAO, reported that MassDOT will be closed the Blynman Bridge from Feb. 18 to April 6 for emergency repairs with no boat traffic allowed to pass under it. At some times vehicular traffic may be limited to one lane. If commercial fishermen are impacted on the river side of the city’s water sheet, they are working on solutions for the affected fishermen on the city’s harbor, the Harbormaster advised.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Thomas “T.J.” Ciarametaro as Harbormaster, TTE 02/14/22.

Director of Veterans’ Services

Adam Curcuru

TTE 02/14/21

Councilor LeBlanc highlighted the “fantastic” job that Mr. Curcuru has done for city veterans, that he is a hands-on Veterans’ Services Director, appreciating his proactive advocacy. **Mr. Curcuru** noted the whole community approach his office takes highlighting the overall support from various sectors of the community; with people getting involved to do the right thing by their veterans and for Gloucester. He expressed it was a privilege to continue to serve the community. **Councilor LeBlanc** also mentioned the fine work of Lucia Amero, Veterans’ Services Principal Clerk.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Adam Curcuru as Director of Veterans’ Services, TTE 02/14/21.

2. New Appointments

Capital Improvement Advisory Board

Paul Romary

TTE 02/14/22

Mr. Romary, noting he moved to the city in August from Roslindale, briefly reviewed his business background mentioning his work at the statehouse for the House Ways & Means Committee; and managed a \$10 million capital budget. He advised he is now retired and has the time to devote himself to other endeavors, saying that he “admires” what the city has done citing many positive changes recently. He expressed his belief that his background would be an asset to the CIAB. **Councilor Nolan** offered his thanks to Mr. Romary for stepping forward and expressed he was looking forward to hearing from the CIAB -- their ideas and guidance.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Paul Romary to the Capital Improvement Advisory Board, TTE 02/14/22.

Clean City Commission

Emily Richey-Smith

TTE 02/14/22

Ms. Richey-Smith briefly outlined her qualifications and desire to serve as a member of the Clean City Commission, noting she is a Lanesville resident that wants to see litter removed from the environment and to get involved in local government. She was thanked by the O&A Committee members for stepping forward for a great committee.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Emily Richey-Smith to the Clean City Commission, TTE 02/14/22.

Waterways Board

Jekabs “Jake” Vittands (At Large Member)

TTE 02/14/22

Mr. Vittands conveyed that he was an environmental engineer, newly retired, who moved to the city 32 years ago. He noted he’d attended Waterways Board meetings, conveying it was a good Board and expressed his appreciation for the work of the Harbormaster. He reported he has served on a finance board of a town, and was a member on a regional Chamber of Commerce as well, he added. **Councilor LeBlanc** mentioned a possible joint meeting of the Waterways Board and the Tourism Commission in order for them to brainstorm on recreational and transient boating efforts.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council appoint Jekabs “Jake” Vittands to the Waterways Board as an At Large Member, TTE 02/14/22.

3. Reappointments to Boards, Committees & Commissions

Conservation Commission

Helene Shaw-Kwasie (Cont’d from 1/14/19)

TTE 02/14/22

Ms. Shaw-Kwasie reported that she enjoys being a part of the Conservation Commission (ConCom); this being her third term, noting that the Commission works hard to ensure the applicant gets what they need while still following regulations and protecting the environment. She advised that it is always a great learning experience, voicing her approbation of ConCom’s chair, Rob Gulla. **Councilor Nolan** pointed out that ConCom is important to the city and that he has been told by constituents how accommodating the members are with applicants. He offered his thanks to Ms. Shaw-Kwasie for her desire to continue to serve.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Helen Shaw-Kwasie to the Conservation Commission, TTE 02/14/22.

Magnolia Woods Oversight & Advisory
Committee

Jack Palazola

TTE 02/14/22

Mr. Palazola advised he would appreciate serving a second term. **Councilor Nolan** expressed his thanks to Mr. Palazola, briefly touching on some of the issues surrounding Magnolia Woods.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Jack Palazola to the Magnolia Woods Oversight & Advisory Committee, TTE 02/14/22.

Planting Committee

Bonnie Angus, William Taylor (Cont’d from
1/14/19)

TTE 02/14/22

Councilor LeBlanc advised that he spoke with the Mayor, saying that the Planting Committee is essentially defunct and that he will be submitting a Council Order to remove it from the Code of Ordinances.

This matter is closed.

Traffic Commission

Michael Mulcahey

TTE 02/14/22

Mr. Mulcahey conveyed he wished to continue to serve on the Traffic Commission noting he's served on the Commission for 15 years. He mentioned that the Commission does its best to help residents and work with the Council on traffic issues. **Councilor LeBlanc** offered that Mr. Mulcahey tries to see both sides of any argument, and **Councilors Nolan** and **O'Hara** offering their thanks for Mr. Mulcahey's efforts.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Michael Mulcahey to the Traffic Commission, TTE 02/14/22.

Tourism Commission

Elizabeth Favazza Osier

TTE 02/14/22

Elizabeth F. Osier has submitted her resignation dated February 1, 2019 to the Mayor, and therefore is no longer a candidate for reappointment.

Waterways Board

Mark Lacey (Cont'd from 1/14/19), Philip Cusumano TTE 02/14/22

Mr. Lacey and **Mr. Cusumano** expressed they both wished to continue as members of the Waterways Board. They advised they are very pleased with the progress that the Harbormaster is making, as well as the good work of Assistant Harbormaster Chad Johnson. **Councilor Nolan** mentioned that as a rule he wasn't water oriented, but that as a Councilor he has worked with the Harbormaster and members of the Waterways Board, and now hears how welcoming the city is to boaters. **Mr. Cusumano** voiced his pride in the city's harbor and how it is improving.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Mark Lacey to the Waterways Board, TTE 02/14/22.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Philip Cusumano to the Waterways Board, TTE 02/14/22.

4. CC2019-002 (Cox): request certain sections of GCO Ch. 11 "Hawkers, Peddlers, Transient Vendors and Special Events" be amended

Councilor Cox reviewed the impetus behind bringing forward these amendments to Ch. 11 by working with the City Clerk and General Counsel whose research revealed there was a need for an "overhaul" of the chapter. The fixed vendors' portion of this chapter has already been amended by the Council, she noted. She advised some of what is proposed for amendment is housekeeping, using consistent terminology and in a few cases a complete rewrite.

Mr. Payson advised that this change to "Definitions" is due to removing the specific citation of fee amounts so that the City Clerk can change fees in the future without having to change the Ordinance.

Article I- In General, Sec. 11-1- Definitions:

Schedule of Fees means any fee schedule or list of fees as periodically updated and provided by the city clerk's office.

Mr. Payson noted that the number of specific locations was updated down from seven to six and other small housekeeping items were fixed.

Article II.-Hawkers and Peddlers, Sec. 11-3. - Local license/permit requirement for fixed vending locations; procedure to obtain.

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* 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 as defined in section 11-1.

(2) Vendors shall disclose general scope of sales.

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.

Mr. Payson reported that the Council had amended the requirements so that vendors selling from a fixed location on private land have to get permission of the private landowner before they can sell their wares; vendors must also comply with the Zoning Ordinance.

Sec. 11-6. Conduct of business.

(5) All hawkers and peddlers, except those permitted for a fixed location by the licensing commission under section 11-3 or those permitted by the special events committee *under section 11-10*, shall be moving at all times other than when servicing a customer. For vendors on foot or animal, moving shall be walking in a normal manner along a street, path or way with all goods, wares, merchandise or services. For vendors operating from vehicles, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass.

(6) No one shall sell or offer for sale on any public street, way or public place in the city, within 2,000 feet of any school in the city, between the hours of 8:00 a.m. and 4:00 p.m. on days when school *is* in session.

Mr. Payson reviewed this section with the Committee. He highlighted that fixed vendors are going to be now able to vend during special events as they are paying for those spots and that they should have the right to do so.

The Police Chief advocated for the changes to subsection (b) which was previously not codified anywhere, **Mr. Payson** highlighted. **Councilor Cox** added that such codification now takes what was understood to "actual." Subsection (c) refers to allowing fixed vendors who have bid and paid for a vending location will be able to vend at their fixed locations during special events.

Sec. 11-7.-Business prohibited between certain hours.

(b) Door-to-door solicitations require pre-approval by the chief of police; no door-to-door vendor shall sell or offer for sale their goods, wares services or merchandise door-to-door after 6:00 p.m. The usage of all public parking spaces must adhere to the Code of Ordinances and shall be allowed during business hours only.

(c) Fixed vendors may continue to sell or offer for sale their goods, wares, services or merchandise from their fixed locations during special events.

Mr. Payson highlighted that enforcing agents have been created with the power to issue tickets for violations; the Police Department may arrest for violations as well.

Sec. 11-9.-Revocation and expiration of permit.

(a) Any permit granted by the licensing commission *and/or the city clerk's office* under this chapter may be revoked by the *licensing commission and/or the city clerk's office* for good cause after reasonable notice to the permittee and a hearing upon the grounds of the revocation. Any permittee who violates any provisions of this article on three occasions shall be deemed to have provided sufficient cause for revocation of that permit. Unless sooner revoked, any permit granted by the licensing commission under this section shall be valid for the *stated period and upon* expiration shall revert to the city licensing commission.

(b) *The enforcing agent shall be the police department, the health department and/or the building department. Said enforcing agent shall have the authority to issue tickets with fines consistent with this chapter.*

(c) The police department, *the health department and/or the building department* shall have the authority to remove *and/or* shut down vendors who are in violation of this chapter; *the police department shall also have the authority to arrest vendors who are in violation of this chapter.*

This section has been significantly amended and reorganized; **Mr. Payson** pointed out, and reviewed the language with the Committee. **Councilor Cox** noted that Sec. 11-10 certain language was changed to assure clear understanding and removed the word "Fixed" from the title and are not under this particular section anymore. They also gave thought about any and all city-sponsored/sanctioned events, she added.

Sec. 11-10. – *Special events; transient vendors; parades.*

(a) *There shall be a Special Events Committee comprised of the following city staff: the city clerk or his designee, the building inspector or his designee, the department of public works director or his designee, the chief of police or his designee, the fire chief or his designee, the emergency medical services director, the health department food inspector, the harbor master or his designee and the community development director or his designee. The Committee shall meet monthly and shall post notices of its meetings.*

(b) *The Special Events Committee shall review all special events applications and shall assist applicants with any necessary approvals including approvals by the city council. The Committee may in its own discretion refer any application to the city council for consideration. If city council approval is required due to the proposed closure of any road, the application shall be referred directly to the planning & development committee who shall have the authority to approve the special event permit.*

(c) *City sanctioned special events/parades shall be designated with restricted vending areas based on public safety considerations. Transient vendor permits shall be approved by the city clerk's office and the chief of police. For the purpose of this article, special events/parades shall be limited to:*

- (1) Fishtown Horribles Parade.
- (2) St. Peters Fiesta Procession.
- (3) Labor Day fireworks.
- (4) *Middle Street Walk.*
- (5) *Gloucester Schooner Festival.*
- (6) *Sidewalk Bazaar.*
- (7) *Downtown block parties.*
- (8) All annual city council approved events.

(d) No vending *shall* be allowed on the Memorial Day Parade route.

(e) No vending *shall* be allowed within 300 feet of a cemetery within the city during Memorial Day or other special observance ceremony.

(f) *The Special Events Committee and/or the licensing commission may recommend and the City Council may approve additional special events, parades relevant to this section.*

(g) *Forty-five days prior to any event, the event organizing committee shall submit their application for a special event permit, an application for transient vendor permits and a list of said transient vendors along with all applicable application fees to the city clerk's office for referral to and review by the special events advisory committee for approval.*

Mr. Payson highlighted that the Special Events Advisory Committee now approves Special Events instead of the Licensing Commission and applicants must complete and provide application to the City Clerk

and the Police Department and pay all fees to the special event organizer prior to receipt of the permit. There was a discussion on the impetus for these changes. **Councilor LeBlanc** noted the permit holder has to have insurance which would be an umbrella and then is charging people to vend at their event -- those vendors fall under that permit holder's insurance policy which **Mr. Payson** confirmed. He noted that is part of what the Special Events Advisory Committee reviews and requires. **Councilor Cox** spoke to events like the Horribles Parades and their insurance that they must hold but noted that the city allows them to use its streets through a permit process -- and the city has its own liability insurance. **Councilor Nolan** noted that at a private event on private property, vendors still have to have vendor permits; if using propane from the Fire Department permits for that; if using a tent a permit for it from the Building Department, and if it is for food to have a Board of Health sign off which was confirmed by **Councilor Cox**.

Councilor LeBlanc pointed out that one of the Horribles Parade Committee members put a transient vendor in a handicap parking space last year and that was unacceptable. No such use of a handicap spot will be tolerated for the 2019 Horribles Parade, he advised.

Sec. 11-11. – *Special event permit; transient vendor permit; fee.*

(a) Permits shall be issued for the *special event/parade date and/or rain date* only in each calendar year *by the special events committee.*

(b) Permits shall be issued for one *transient* vendor in one location and cannot be duplicated or transferred.

(c) *All applicants for permits must complete applications provided by the city clerk's office and the police department and pay all application fees to the special event organizer prior to receipt of a permit.*

NOTE: “Sec. 11-12. - Special event permit fees for fixed vending locations.” is now deleted in its entirety and all of the following sections are to be renumbered accordingly.

Sec. 11-12. - Books, magazines and other publications; licensing, registration required.

Before doing any business in the city, any hawker, peddler or transient vendor of magazines, publications, books, or magazine or book subscriptions must be duly licensed by the director of standards of the commonwealth. Furthermore, such a hawker, peddler or transient vendor must record his name and residence with the chief of police of the city and receive a record number and a solicitor residence with the chief of police of the city, which must be carried on his person at all times, in addition to any permits/licenses issued by the licensing commission or director of standards.

Sec. 11-13. - Meats, butter, certain other food products—Licensing.

(a) *Required; exception.* Before selling any meats, butter, cheese, fish and fresh fruit or vegetables, any hawker, peddler or transient vendor must either be duly licensed by the director of standards of the commonwealth or permitted by the licensing commission; provided, however, that this section shall not apply to any person who peddles only fish obtained by his own labor or his family or to any person who peddles only fruits, vegetables or other farm products produced or raised by himself or his family.

(b) *Qualifications of applicant; inspection, sealing of weighing, measuring devices.* The licensing commission shall have authority to grant a permit under this section to any person of good moral character. No such permit shall be issued until a certificate from the sealer of weights and measures stating that all weighing and measuring devices intended to be used have been duly inspected and sealed. *The health department shall have authority to grant a food permit under this section for all food (including meat, butter and cheese) except fish, fruits, vegetables and honey.*

(c) *Fee; issuance.* Any permit issued by the licensing commission under this section shall be issued by and signed by the city clerk, as clerk of the commission, upon payment of a permit fee. Every hawker, peddler and transient vendor, so permitted shall be assigned a number by the city clerk, who shall keep a record of all permits issued.

(d) *Revocation.* Any permit granted by the licensing commission under this section may be revoked by the commission for good cause after reasonable notice to the permittee and a hearing upon the grounds for revocation. The use, or possession with intent to use, by any person permitted under this section by the licensing commission, of any false or unsealed weighing or measuring device shall be sufficient cause for the revocation of that permit.

(e) *Expiration.* Unless sooner revoked, any permit granted by the licensing commission under this section shall expire one year from March 1 in each year.

Sec. 11-14. - Same—Inspection of products.

Any meats, butter, cheese, fish and fresh fruit or vegetables offered for sale by *a* vendor must be inspected by the health *department*.

Sec. 11-15. - Same—Penalty for possession, use of unsealed or false weighing or measuring device.

Any hawker, peddler or transient vendor of any meats, butter, cheese, fish and fresh fruit or vegetables who use, or possesses with intent to use, any false, condemned or unsealed weighing or measuring device shall be subject to a penalty not to exceed:

- (1) \$50.00 for each use or possession of a false or condemned measuring device; and
- (2) \$20.00 for each use of an unsealed measuring device.

Mr. Payson commented that the newly numbered Sec. 11-18 contains statutory language. The reference to fees was deleted but is statutory as well.

Sec. 11-16. - Temporary permits to sell articles for charitable purposes.

The licensing commission shall, under such conditions as it may deem proper, grant to any organization engaged exclusively in charitable work, or to a part of any incorporated organization of veterans who served in the military services of the United States in time of war or insurrection, a special permit authorizing it, upon a particular day and for a charitable purpose named in such permit, to sell, through its accredited agents in the streets and other public places within the city, or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs, and similar small articles; provided that no person under age 16 years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles, a badge provided by such organization or post and approved by the licensing commission, bearing upon it the name of such organization or post the date on which the permit is to be exercised, and that no such agent shall be authorized to make or attempt to make such sales in front of any private premises against the objection of the owner or occupant thereof. The exercise of the permits hereby provided for shall be subject to the provisions of all statutes, ordinances, bylaws, rules and regulations not inconsistent herewith.

“Sec. 11-17. - Violations; fines” is new in whole, **Mr. Payson** pointed out, highlighting the subsection regarding misrepresentation saying that if the number of vendors is incorrect or there is a failure to include vendors on a submitted list to the City Clerk, they can be shut down or barred from holding an event in the future.

Sec. 11-17. - Violations; fines.

(a) Penalties for failure to adhere to this chapter shall be as follows:

- (1) The penalty for the first violation shall be a written warning.*
- (2) The penalty for the second violation shall be \$50.*
- (3) The penalty for the third violation shall be \$100.*
- (4) The penalty for the fourth and subsequent violations shall be \$200.*
- (5) Each day or part thereof that such violation occurs or continues shall constitute a separate offense.*

(b) Further, any event organizing committee found to have misrepresented the number of transient vendors or failed to include all transient vendors in the list of transient vendors required under section 11-10 may be fined under subsection (a)(4) of this section, shutdown or barred from holding said event in the future.

Councilor Cox offered her thanks to Ms. Senos, Mr. Payson, Mr. Destino for helping her through this process and for the input from the Police Department, the Building Inspector and Director of Public Health.

Mr. Destino advised that Councilor Cox’s Councilor Order caused them to look into all of Chapter 11 and that this is the last piece of the Code of Ordinances review precipitated by the Municode Review.

Ms. Senos noted the new fixed vendors, briefly reviewing for the Committee the successful bidders for 2019.

The Committee offered its thanks to Councilor Cox, Ms. Senos and Mr. Payson.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Advisory Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Ch. 11 “Hawkers, Peddlers, Transient Vendors and Special Events” as follows:

AMEND “ARTICLE I. - IN GENERAL Sec. 11-1. - Definitions” by ADDING:

“Schedule of Fees means any fee schedule or list of fees as periodically updated and provided by the city clerk’s office.”

AND AMEND “ARTICLE II. - HAWKERS AND PEDDLERS” as follows:

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 ~~seven~~ six 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 ~~city~~hawkers and peddlers license and proof that they are a disabled veteran as defined in section 11-1.

(2) Vendors shall disclose general scope of sales.

Approved permits and assigned locations shall be chosen by sealed bid procedure by the ~~city’s~~ city’s purchasing department, ~~city~~ 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~~ city’s purchasing department, ~~city~~, 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.

Sec. 11-6. - Conduct of business

(5) All hawkers and peddlers, except those permitted for a fixed location by the licensing commission under section 11-3 or those permitted by the special events committee under section 11-10, shall be moving at all times other than when servicing a customer. For vendors on foot or animal, moving shall be walking in a normal manner along a street, path or way with all goods, wares, merchandise or services. For vendors operating from vehicles, moving requires the vehicle to be

driven along a street, path or way, stopping only to service customers and allow traffic to pass.

(6) No one shall sell or offer for sale on any public street, way or public place in the city, within 2,000 feet of any school in the city, between the hours of 8:00 a.m. and 4:00 p.m. on days when ~~the school of the city are~~ is in session.

Sec. 11-7. - Business prohibited between certain hours.

(b) Door-to-door solicitations require pre-approval by the chief of police; no door-to-door vendor shall sell or offer for sale their goods, wares services or merchandise door-to-door after 6:00 p.m.

The usage of all public parking spaces must adhere to the Code of Ordinances and shall be allowed during business hours only.

(c) Fixed vendors may continue to sell or offer for sale their goods, wares, services or merchandise from their fixed locations during special events.

Sec. 11-9. - Revocation and expiration of permit.

(a) Any permit granted by the licensing commission and/or the city clerk's office under this ~~section~~ chapter may be revoked by the licensing commission and/or the city clerk's office for good cause after reasonable notice to the permittee and a hearing upon the grounds of the revocation. Any permittee who violates any provisions of this article on three occasions shall be deemed to have provided sufficient cause for revocation of that permit. Unless sooner revoked, any permit granted by the licensing commission under this section shall be valid for the stated period and upon ~~or~~ expiration ~~of any permit, such permit,~~ shall revert to the city licensing commission.

(b) The enforcing agent shall be the police department, the health department and/or the building department. Said enforcing agent shall have the authority to issue tickets with fines consistent with this chapter.

(c) The police department, the health department and/or the building department shall have the authority to remove, and/or shut down or arrest vendors who are in violation of this chapter; the police department shall also have the authority to arrest vendors who are in violation of this chapter.

Sec. 11-10. — ~~Fixed~~ Special events; transient vendors ~~during special events~~; parades.

(a) There shall be a Special Events Committee comprised of the following city staff: the city clerk or his designee, the building inspector or his designee, the department of public works director or his designee, the chief of police or his designee, the fire chief or his designee, the emergency medical services director, the health department food inspector, the harbormaster or his designee and the community development director or his designee. The Committee shall meet monthly and shall post notices of its meetings.

(b) The Special Events Committee shall review all special events applications and shall assist applicants with any necessary approvals including approvals by the city council. The Committee may in its own discretion refer any application to the city council for consideration. If city council approval is required due to the proposed closure of any road, the application shall be referred directly to the planning & development committee who shall have the authority to approve the special event permit.

(c) Vending from fixed locations, other than those specified in section 11-5 may be granted by the licensing commission, upon recommendations made by event organizers. City sanctioned ~~S~~special events/parades shall be designated with restricted vending areas

based on public safety considerations. Transient vendor permits shall be approved by the city clerk's office and the chief of police. For the purpose of this article, special events/parades shall be limited to:

- (1) Fishtown Horribles Parade.
- (2) St. Peters Fiesta Procession.
- (3) Labor Day fireworks.
- (4) ~~First Night Celebration.~~ Middle Street Walk.
- (5) Gloucester Schooner Festival.
- (6) Sidewalk Bazaar.
- (7) Downtown block parties.
- (8) All annual city council approved events.

(b) No vending ~~will~~shall be allowed on the Memorial Day Parade route.

(c) No vending ~~will~~shall be allowed within 300 feet of a cemetery within the city during Memorial Day or other special observance ceremony.

(d) The Special Events Committee and/or the licensing commission may recommend and the City Council may approve additional special events, parades relevant to this section.

(e) ~~Thirty~~Forty-five days prior to any event, the event organizing committee shall submit their application for a special event permit, an application for transient vendor permits and a list of fixed vending locations along said transient vendors along with all applicable application fees with their specific permit to ~~for~~ the city clerk's office for referral to and review by the licensing commission special events advisory committee for approval. ~~Fixed locations shall be within the restricted areas relevant to the event as approved by the licensing commission.~~

(f) ~~Notwithstanding subsections (d) and (e) there shall be a Special Event Advisory Committee comprised of the following city staff: the city clerk, the building inspector, the assistant department of public works director, the assistant chief of police, the assistant fire chief, the emergency medical services director, the health department food inspector, the harbor master and the community development tourism manager. The committee shall review all special events applications and shall assist applicants with any necessary approvals including approvals by the city council as referenced in section 11-10(a)(5). If city council approval is needed, the application shall be referred directly to the Planning & Development Committee who shall have the authority to approve the special event permit. The Special Event Advisory Committee shall meet monthly and shall post notices of its meetings.~~

Sec. 11-11. — Special event Permit; transient vendor permit required; fee.

~~Permits will be issued to approved fixed vendors within the restricted areas of special events by the licensing commission. The fee for a permit issued shall not exceed \$100.00.~~

(a) Permits shall be issued for the special event/parade date and/or rain date only in each calendar year by the special events committee.

(b) Permits shall be issued for one transient vendor in one location and cannot be duplicated or transferred.

(c) All applicants for permits must complete applications provided by the city clerk's office and the police department and pay all application fees to the special event organizer prior to receipt of a permit.

- (1) Site specific vendor submitting photograph and application receives two free badges. For each additional badge, the cost will be: \$25.00 per badge.

~~(2) Special event vendor submitting photograph and application receives one free badge. For each additional badge, the cost will be: \$25.00 per badge.~~

~~Sec. 11-12. — Special event permit fees for fixed vending locations.~~

~~Fees generated by the issuing of permits for fixed vending locations relating to special events listed in section 11-10, shall be paid directly to the events organizing/sponsoring committee for the event, subject to all limitations as stated in the vending ordinance or as shall be, at any time, enacted by the city council.~~

Sec. 11-1~~2~~3. - Books, magazines and other publications; licensing, registration required. Before doing any business in the city, any hawker, peddler or transient vendor of magazines, publications, books, or magazine or book subscriptions must be duly licensed by the director of standards of the commonwealth. Furthermore, such a hawker, peddler or transient vendor must record his name and residence with the chief of police of the city and receive a record number and a solicitor residence with the chief of police of the city, which must be carried on his person at all times, in addition to any permits/licenses issued by the licensing commission or director of standards.

Sec. 11-1~~3~~4 (“4” is struck). - Meats, butter, certain other food products—Licensing.

(a) *Required; exception.* Before selling any meats, butter, cheese, fish and fresh fruit or vegetables, any hawker, peddler or transient vendor must either be duly licensed by the director of standards of the commonwealth or permitted by the licensing commission; provided, however, that this section shall not apply to any person who peddles only fish obtained by his own labor or his family or to any person who peddles only fruits, vegetables or other farm products produced or raised by himself or his family.

(b) *Qualifications of applicant; inspection, sealing of weighing, measuring devices.* The licensing commission shall have authority to grant a permit under this section to any person of good moral character. No such permit shall be issued until a certificate from the sealer of weights and measures stating that all weighing and measuring devices intended to be used have been duly inspected and sealed. The health department shall have authority to grant a food permit under this section for all food (including meat, butter and cheese) except fish, fruits, vegetables and honey.

(c) *Fee; issuance.* Any permit issued by the licensing commission under this section shall be issued by and signed by the city clerk, as clerk of the commission, upon payment of a permit fee ~~of \$54.00~~. Every hawker, peddler and transient vendor, so permitted shall be assigned a number by the city clerk, who shall keep a record of all permits issued.

Sec. 11-1~~4~~5. - Same—Inspection of products.

Any meats, butter, cheese, fish and fresh fruit or vegetables offered for sale by ~~any hawker, peddler or transient a~~ vendor must be inspected by the ~~board of~~ health department.

Sec. 11-1~~5~~6. - Same—Penalty for possession, use of unsealed or false weighing or measuring device.

Any hawker, peddler or transient vendor of any meats, butter, cheese, fish and fresh fruit or vegetables who use, or possesses with intent to use, any false, condemned or unsealed weighing or measuring device shall be subject to a penalty not to exceed:

- (1) \$50.00 for each use or possession of a false or condemned measuring device;
- and
- (2) \$20.00 for each use of an unsealed measuring device.

Sec. 11-1~~67~~. - Temporary permits to sell articles for charitable purposes.

The licensing commission shall, under such conditions as it may deem proper, grant to any organization engaged exclusively in charitable work, or to a part of any incorporated organization of veterans who served in the military services of the United States in time of war or insurrection, a special permit authorizing it, upon a particular day and for a charitable purpose named in such permit, to sell, through its accredited agents in the streets and other public places within the city, or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs, and similar small articles; provided that no person under age 16 years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles, a badge provided by such organization or post and approved by the licensing commission, bearing upon it the name of such organization or post the date on which the permit is to be exercised, and that no such agent shall be authorized to make or attempt to make such sales in front of any private premises against the objection of the owner or occupant thereof. The exercise of the permits hereby provided for shall be subject to the provisions of all statutes, ordinances, bylaws, rules and regulations not inconsistent herewith. ~~The fee for such a permit shall be \$5.00.~~

Sec. 11-17. - Violations; fines.

(a) Penalties for failure to adhere to this chapter shall be as follows:

- (1) The penalty for the first violation shall be a written warning.
- (2) The penalty for the second violation shall be \$50.
- (3) The penalty for the third violation shall be \$100.
- (4) The penalty for the fourth and subsequent violations shall be \$200.
- (5) Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

(b) Further, any event organizing committee found to have misrepresented the number of transient vendors or failed to include all transient vendors in the list of transient vendors required under section 11-10 may be fined under subsection (a)(4) of this section, shutdown or barred from holding said event in the future.

~~ARTICLE III. - TRANSIENT VENDORS~~

~~Sec. 11-18. - Application:~~

~~Every person before commencing business as a transient vendor within the city shall file with the chief of police, on a form issued by the police department, a written application signed under the penalties of perjury containing the following information:~~

- ~~(1) Name of applicant.~~
- ~~(2) Address of applicant.~~
- ~~(3) Applicant's height, weight, eye and hair color.~~
- ~~(4) Applicant's social security number.~~
- ~~(5) The length of time for which the right to do business is desired.~~
- ~~(6) A brief description of the nature of the business and the goods to be sold.~~
- ~~(7) The name and home office address of the applicant's employer. If self-employed, it shall so state.~~
- ~~(8) If operating a motor vehicle: the year, make, model, registration number and owner's address.~~

This matter will be advertised for public hearing.

5. *CC2019-003 (Gilman): refer MGL Ch. 40, §8J to the P&D & O&A Committee to consider the establishment of a Disabilities Rights Commission and members to be appointed by the Mayor*

Councilor LeBlanc advised he was in receipt of a communication from Donna Leete, Human Resources Director that spoke to this matter. **Mr. Payson** conveyed that the course that Ms. Leete and the Mayor were looking at to look at the subject broadly. A Disability Rights Commission is good, but a Human Rights Commission is better, he pointed out because not only does it encompass disability rights but a “whole host” of other issues. He added that the Human Rights Commission is already established in the Code of Ordinances and is a good way to move forward.

This matter is continued to March 4, 2019.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:56 p.m.

Respectfully submitted,
Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.