

## **Rules and Procedures**

### **Rule 401**

**April 13, 1990**

#### **Rule 401 - Hawkers and Peddlers**

This rule is effective immediately, and establishes guidelines and regulations for hawkers and peddlers. It supersedes all previous rules, regulations, orders and other Departmental directives on the subject of hawkers and peddlers.

Sec. 1 GENERAL CONSIDERATIONS: This rule, issued under the authority granted by the City of Boston Code (CBC) St. 14, s. 164, should be read in conjunction with various other provisions of state or local law, most importantly, G. L. c. 101, s. 13 et seq. (defining hawkers and peddlers and providing for state licensing) the balance of CBC St. 14, s. 164 (relating to the issuance of licenses by the commissioner of Public Works for the storage and sale of merchandise on public streets), CBC Ord. 14, s. 269 (relating to the issuance of licenses by the Commissioner of Health and Hospitals or the Mayor and Council for the hawking or peddling of various foods), CBC Ord. 14, s. 270 (forbidding the crying of wares so as to disturb peace and comfort), CBC Ord. 14, s. 271 (forbidding the selling of food in a manner tending to injure or disturb the public health or comfort or in certain vehicles), CBC Ord. 14, s. 282 (forbidding advertising on foot or distributing handbills or advertising by vehicles north and east of Massachusetts Avenue except by permit issued by the Commissioner of Public Works).

#### Sec. 2 DEFINITIONS

(a) Hawkers and Peddlers: Any person either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares or merchandise, either on foot, or on or from an animal or vehicle.

(b) Business Section: That part of the city bounded as follows: The Massachusetts Turnpike Extension on the south; Granby Street on the west from the Massachusetts Turnpike to the Charles River; the Charles River on the north; the Southeast Expressway from Charlestown to Commercial Street; north on Commercial Street to the waterfront; south on the waterfront and the Fort Point Channel to the Massachusetts Turnpike Extension.

(c) Restricted Territory: That part of the city bounded as follows:

Charlestown.

That part of the North End of Boston that lies north of the Southeast Expressway and west of Commercial Street out to the harbor.

That part of South Boston that lies north of Summer Street out to the harbor.

That area which begins at Dartmouth and Massachusetts Turnpike Extension intersection, southerly on Dartmouth Street to the Southwest Corridor, southwesterly along the Southwest Corridor to Ruggles Street, northwesterly on Ruggles Street to Avenue Louis Prang, northerly on Avenue Louis Prang to the Fenway, northerly on the Fenway to Park Drive, northerly on Park Drive to Commonwealth Avenue, westerly on Commonwealth Avenue to the Boston University Bridge and northerly on the Boston University Bridge to the Charles River.

Sec. 3 GENERAL REQUIREMENTS: It shall be lawful for hawkers and peddlers to carry on their business at reasonable hours in all parts of the city, except in those parts designated as the business section or as restricted territory wherein the conditions and restrictions contained in s. 4 and 5 shall apply provided:

- (a) They do so in conformity with the laws of the Commonwealth, and the Ordinances and regulations of the city;
- (b) That unless they are specifically licensed to do so by the Commissioner of Public Works they shall not remain in one place or within 200 yards thereof while offering merchandise for sale in a public street for longer than five minutes except to complete a sale. This rule shall not be construed so as to prohibit hawkers and peddlers from proceeding, as their present practice is, from house to house and stopping thereat, even should such houses be less than 200 yards apart, for the purpose of inquiring whether or not their goods are desired by the residents;
- (c) That they make reasonable announcement of the merchandise which they have for sale, but loud outcries likely to disturb or annoy other persons will not be permitted at any place or time: and
- (d) That they carry on their business with motor vehicles or vehicles drawn by horses, or on foot, with trays, baskets, handcarts, or other easily moveable appliances.

Sec. 4 BUSINESS SECTION REQUIREMENTS: Within the business section, it shall be lawful for hawkers and peddlers to carry on their business, subject to the provisions of s. 3, but only between the hours of 8:00 p.m. and 8:00 a.m., except they may also carry on their business by stopping and standing subject to the direction of the police for the sale of merchandise outside the curbstone in the following streets: Blackstone Street, between Haymarket Square and Clinton Street, both sides; North Street, between Blackstone and Union Streets, west side; and North Street from North Square to Clark Street, both sides.

Sec. 5 RESTRICTED TERRITORY REQUIREMENTS: Within the restricted territory, hawkers and peddlers may carry on their business subject to the provisions of s. 3 at reasonable hours, but

between 8:00 a.m. and 8:00 p.m. they may use only motor vehicles or vehicles drawn by horses, or trays, baskets, or other appliances not in the nature of stands carried by the person using them.

Sec. 6 SPECIALLY DESIGNATED AREAS: Specifically designated areas exempt from restrictions of s. 4 and 5 may be established from time to time by the Commissioner, after holding public hearings.

Sec. 7 EXEMPTION FOR NEWSPAPERS: The selling of newspapers and other periodical publications at retail in the public streets shall not be restricted by these rules, except that s. 3 (c) of these rules shall apply to persons so engaged, and that no stand encroaching on a public street or sidewalk shall be maintained without a license from the Commissioner of public works.

Sec. 8 A hawker and peddler who sells or barter or carries for sale or barter or exposes for sale any goods, wares or merchandise without having been issued a hawker and peddler license by the director of standards in the executive office of consumer affairs of the Commonwealth of Massachusetts may be punished by a fine of not more than two hundred dollars (M.G.L. ch. 101, sec. 14). A police officer may arrest without a warrant any person whom he has reason to believe is violating the above statute (M.G.L. ch. 101, sec. 32).

Sec. 9 Any person who violates this rule may be punished by a fine of not more than twenty dollars for the first offense and not more than one hundred dollars for any subsequent offense, and any such person who is unknown to a police officer witnessing such offense may be arrested without a warrant (Ch. 584, sec. 10, Acts of 1907; C.B.C. St. 14, sec. 164).