

## ARTICLE 11

### **REGULATING FOR-PROFIT TRANSIENT VENDORS AND BUSINESS; HAWKERS AND PEDDLERS; DOOR-TO-DOOR BUSINESS AND SOLICITATIONS**

#### **SECTION 1. DEFINITIONS:**

“Door-to-Door Solicitation”: Any person who moves from door-to-door or place-to-place within the Town of Milford soliciting for any organization, person, or entity not incorporated in accordance with the provisions of G.L. c. 180 (non-profit organizations), is conducting door-to-door solicitation.

“Garage Sale”: Garage sale is the sale of personal goods from residential real property which is the personal residence and premises of the person conducting the sale.

“Hawkers and Peddlers”: Any person who goes from place to place within the Town, whether on foot or in a vehicle, offering for sale goods, wares, services or merchandise; the selling of goods, wares, services or merchandise; or displaying goods, wares, services or merchandise for sale, for profit, is a hawker and/or peddler.

“Person”: Any person or corporation acting on behalf of an individual, organization or other entity not established and incorporated in accordance with G.L. c. 180.

“Transient Vendor or Business”: A transient vendor or business is a person or entity who by going door-to-door or place-to-place offers goods, wares, services or other tangible or non-tangible things of value for a profit.

“Temporary Business”: A temporary business is any exhibition, offering or sale of goods, wares, services, periodicals, or merchandise, or any other commercial purpose, which is carried on in any structure or cover, such as a building, tent, booth, lean-to, or other temporary means of enclosure, storage or shelter, or upon a set location and provided that such place is or will not be regularly and usually open for business for a period to exceed twelve (12) consecutive months.

#### **SECTION 2. TRANSIENT VENDOR OR BUSINESS:**

Every person who engages in a transient vendor or business selling goods, wares, periodicals, or merchandise or who goes door-to-door or place-to-place, either as principal or agent, offering or selling goods, wares, services or other tangible or non-tangible things of value for profit, shall, before commencing said business in the Town of Milford, make a written application, under oath, for a license to the Chief of Police stating his or her name and address, the name and address of the owner or parties in whose interest said business is to be conducted, their business address, a brief description of the business he wishes to conduct within the Town of Milford and other pertinent data or information concerning the individual and the vehicle that they will be utilizing for business purposes. He shall also permit the Chief of Police or officers of the Milford Police Department to photograph him and to copy his fingerprints for the purpose of identification.

#### **SECTION 3. TEMPORARY BUSINESS:**

Every person who engages in a temporary business selling goods, wares, periodicals, merchandise or service or any other commercial purposes, either as principal or agent, shall, before commencing business in the Town of Milford, make a written application, under oath, for a license to the Chief of Police stating his or her name and address, the name and address of the owner or parties in whose interest said business is to be conducted, their business address, a brief description of the business he wishes to conduct within the Town of Milford and other pertinent data or information concerning the individual and the vehicle that they will be utilizing for business

purposes. He shall also permit the Chief of Police or officers of the Milford Police Department to photograph him and to copy his fingerprints for the purpose of identification.

**SECTION 4. COMPLIANCE WITH GENERAL LAWS, BY-LAWS, AND REGULATIONS:**

In addition to the provisions of the Town of Milford By-Law concerned with Regulating For-Profit Transient Vendors and Business; Hawkers and Peddlers; Door-To-Door Business and Solicitations, said persons shall also comply with the by-laws and regulations of the Town of Milford and General Laws of the Commonwealth of Massachusetts.

**SECTION 5. LICENSING:**

The Chief of Police shall make a determination as to whether a license will be issued within twenty (20) days, and shall issue a license to approved applicants within ten (10) days, excepting Saturday, Sunday, and Legal Holidays. The license will be in the form of a badge or identification card, and will contain the name and photograph of the licensee. The license is non-transferable and is valid only for the person identified therein and for the purpose as shown on the license. The issuance of this license shall not act as waiver of any and all responsibilities that the licensee may have in accordance with the By-Laws and Regulations of the Town of Milford or the Massachusetts General Laws, nor shall the license serve as an endorsement by the Town of Milford of the individual or their business activities, products or services.

The Chief of Police will determine if the person is a suitable person to be so licensed. The Chief of Police may deny the issuance of a license if said applicant has been convicted of a felony, or has been convicted of any one or more of the following listed misdemeanor offenses, or is a fugitive from justice.

- a. assault and battery
- b. breaking and entering; entering; or breaking
- b. unlawful removal of a motor vehicle
- c. defrauding an insurer
- d. larceny
- e. shoplifting
- f. fraudulent checks
- g. unlawful or fraudulent use of credit cards
- h. unlawful taking of money or other goods
- i. stealing or poisoning a dog
- j. buying, receiving or concealing stolen goods
- k. deceptive advertising
- l. making or publishing false statements
- m. destruction or injury of a building
- n. trespass on property
- o. consumer protection
- p. firearms or weapons violations
- q. violations of the controlled substance laws

The license will be valid for a period of ninety (90) days from the date of issuance. If the expiration date is a Saturday or Sunday, the expiration date will be the Monday post. If the expiration date is a legal holiday, the expiration date will be the next calendar day that is not a holiday. Licenses shall be void upon surrender or revocation, or upon the filing of a report of loss or theft with the Police Department.

Said license shall be displayed and provided to a police officer upon request or command.

Said license shall be affixed conspicuously upon the outer garment of the licensee whenever he is engaged in said business so that it may be viewed by all persons.

Said license shall be the property of the Town of Milford and shall be surrendered to the Chief of Police or officers of the Milford Police Department upon demand. In addition to any penalties as established in Section 8 of this By-Law, the Chief of Police may suspend or revoke said license for any violation of the provisions of this By-Law or if the Chief of Police determines that the licensee is an unsuitable person to be licensed.

Prior to exhibiting, offering or selling goods, wares, services, periodicals, or merchandise, or for any other commercial purpose, every licensee shall file a statement with the Board of Selectmen, under oath and the pains and penalties of perjury, indicating the average quantity and value of the goods, wares, services, periodicals, or merchandise and shall make payment to the Town of Milford in the nature of a fee equal to the taxes assessable under the last preceding tax levy. A copy of the receipt of said payment shall be presented to the Chief of Police prior to the release and issuance of said license.

#### **SECTION 6. LICENSE FEE:**

The fee for said license shall be twenty-five dollars (\$25.00).

#### **SECTION 7. EXEMPTIONS:**

The provisions of this by-law shall not apply to any person or entity that has been licensed by the Town of Milford or the Commonwealth of Massachusetts; or any person conducting a “garage sale”; nor shall it apply to any person who goes door-to-door to sell goods, wares, periodicals, merchandise or services on behalf of any group or organization established in accordance with the purposes as defined in Massachusetts General Laws, Chapter 180, Section 2, nor to any person engaged in a temporary business to sell goods, wares, periodicals, merchandise or services on behalf of any group or organization established in accordance with the purposes as defined in Massachusetts General Laws, Chapter 180, Section 2.

#### **SECTION 8. VIOLATIONS; ARREST; PENALTIES:**

- a. Whoever fails to be licensed as required by the provisions of this by-law; to conspicuously display the license, affixed to the outer garment; or comply with the provisions of this by-law shall be in violation.
- b. Violations shall be punished by a fine of twenty-five dollars for the first offense and fifty-dollars for each subsequent offense. In addition to said fine, in accordance with Section 5., above, the Chief of Police may suspend or revoke said license for any violation of the provisions of this By-Law or if the Chief of Police determines that the licensee is an unsuitable person to be licensed.
- c. Whoever violates the provisions of this By-Law may be arrested by a police officer authorized to serve criminal process in the Town of Milford, and kept in custody in a convenient place, not more than twenty-four hours; Saturday, Sunday, and Legal Holidays excepted, until he can be taken before a court so that a complaint can be made against him for the offense and he then be taken upon a warrant issued upon such a complaint.

NOTE: As amended ATM 1963, Article 55; ATM May 14, 1986, Article 23; STM April 22, 1991, Article 1; completely revamped, May 19, 2003 ATM, Art. 34, approved by Attorney General September 4, 2003.

**SECTION 9 (PAWNBROKERS)** – In accordance with the provisions of Chapter 140 of the General Laws, the Board of Selectmen may license suitable persons to carry on the business of pawnbrokers in Milford. The fee for such license, and annual renewal thereof, shall be One Hundred (\$100.00) Dollars.