

GLOUCESTER CITY COUNCIL MEETING
Tuesday, August 11, 2026 – 6:30 p.m.
Rose Baker Center for Aging Well
6 Manuel F. Lewis Street, Gloucester, MA 01930
and
Remotely via Zoom
-Minutes-

Councilors Present: Council President, Councilor Tony Gross; Council Vice President, Councilor Sean Nolan; Councilor Scott Memhard; Councilor Marjorie Grace; Councilor Patti-Ann Page; Councilor Hannah Kimberley; Councilor Dylan Benson; Councilor Francesco Margiotta

Absent: Councilor Jason Grow

Also Present: CAO, Kelly Dolan (remote); CFO, Conor MacCorkle (remote); City Clerk, Grace Poirier; Auditor, Kenny Costa (remote); DPW Director, Michael Hale (remote); Economic Development Coordinator, Emily Sloane (remote); School CFO, Cody Marshall (remote); Assistant Conservation Agent, Katie Kneeland (remote)

*This meeting was conducted with the City Council in person
and the public participating in person and remotely via Zoom.*

Meeting called to order at 6:32 p.m.

Councilor Gross stated the following:

“This public meeting of the City Council is recorded on zoom with a link that is posted on the agenda. If you are calling in on a phone, you can press Star 9 to request to speak. If you are watching on a computer or device, there is a “raised hand” button that you can tap or press to request to speak. Please use either of these options during oral communications and public hearings to be recognized to speak.

If technical difficulties arise and the Zoom link is interrupted during an in-person hybrid meeting of the City Council and a quorum is present, the meeting may continue after efforts have been made to reestablish the link. The minutes shall note the interruption.

It is the finding of the City of Gloucester that no individual should be denied equal treatment or opportunity because of their age, ancestry, color, disability, including intellectual and developmental mental disability, family status, immigration status, gender identity or expression, military status, marital status, national origin, race, religion, sex or sexual orientation.”

FLAG SALUTE AND MOMENT OF SILENCE: **Councilor Benson** led the flag salute. **Councilor Gross** asked for a moment of silence in honor of all the City’s fisherman that had been lost at sea.

ORAL COMMUNICATIONS: **Douglas Finkle, 65 Old Nugent Farm Road,** stated his concerns regarding the Blinky app for the City’s beaches not advertising the Long Beach parking lot that he had recently become the owner of.

PRESENTATIONS/COMMENDATIONS: None.

CONFIRMATION OF NEW APPOINTMENTS: None.

CONSENT AGENDA ACTION

- **CONFIRMATION OF REAPPOINTMENTS**

- **MAYOR'S REPORT**

1. Memorandum from the Archives Department requesting acceptance of donations in the amount of \$216 (refer B&F)
2. Memorandum from the Mayor regarding a supplemental list of Election Officers for the September 1, 2026 State Primary and the November 3, 2026 State Election (refer O&A)
3. Memorandum from the Community Development Director regarding the draft Housing Compass Plan referral (refer P&D)
4. Memorandum from the Sustainability Coordinator regarding an invitation to attend the Climate Leader Community Designation Public Forum (Info only)
5. Memorandum from the Mayor regarding Division 5, Section 2-454 Recommendation re: Mariner's Medal Nomination (FCV 8/25/2026)

- **COMMUNICATIONS/INVITATIONS**

- **INFORMATION ONLY**

- **APPLICATIONS/PETITIONS**

1. SCP#2026-008: The application of 187 Atlantic Ave Holdings, LLC, Map #255, Lot #1: GZO Sec. 5.2 "Earth Fill and Removal Regulations," 5.2.2 "Permit from the City Council," to permit the movement of more than 3 acres or 1,000 cy of soil in the R-20 district. (refer P&D)

- **COUNCIL ORS ORDERS**

- **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**

1. City Council Meeting: 7/28/2026 (Approve/File)
2. Standing Committee Meetings: B&F 8/6/2026 (under separate cover), O&A 8/3/2026, P&D 8/5/2026 (under separate cover) (Approve/File)

ITEMS TO BE ADDED/REMOVED FROM THE CONSENT AGENDA: None.

MOTION: On a motion by Councilor Benson, seconded by Councilor Page, the City Council voted 8 in favor, 0 opposed, 1 absent, to accept the consent agenda.

COMMITTEE REPORTS

- **Budget & Finance – August 6, 2026**

1. **Memorandum from the Interim Police Chief requesting acceptance of CIU donations for the Youth Anglers Program in the amount of \$5,500**

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Page, the Budget & Finance Committee voted, 3 in favor, 0 opposed, to recommend that the City Council accept various

cash donations and a gift card under MGL c. 44, §53A, to support the Community Impact Unit for the Youth Anglers Program in the amount of \$4,500 from the following members and business partners in our community:

NAME	AMOUNT	DATE
Bass Pro Shops	\$ 500.00	7/8/26
Campbell Funeral Service, Inc.	\$ 1,000.00	7/8/26
Harsheel Inc.	\$ 1,000.00	7/8/26
Fisherman's Wharf	\$ 1,000.00	7/8/26
North Atlantic Pacific Seafood LLC	\$ 500.00	7/8/26
Gloucester Lane Inc.	\$ 500.00	7/8/26

Total	\$ 4,500.00	

Summary of Discussion: None.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Page, the City Council voted 8 in favor, 0 opposed, 1 absent, to accept various cash donations and a gift card under MGL c. 44, §53A, to support the Community Impact Unit for the Youth Anglers Program in the amount of \$4,500 from the following members and business partners in our community:

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North Atlantic Pacific Seafood LLC	\$ 500.00	7/8/26
Gloucester Lane Inc.	\$ 500.00	7/8/26

Total	\$ 4,500.00	

2. Memorandum from the Building Commissioner requesting approval to pay a 2019 invoice with FY2027 funds

This matter was continued to the August 25, 2026 City Council meeting.

3. Memorandum from the Economic Development Coordinator requesting acceptance of the amendment to the MassDevelopment memorandum of Agreement (MOA).

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Page, the Budget & Finance Committee voted, 3 in favor, 0 opposed, to recommend that the City Council accept a state grant, under MGL c. 44, §53A, an amendment to the Community One Stop for Growth Grant from MassDevelopment in the amount of \$17,000 from the Real Estate Services Technical Assistance Program Scope Extension to support the 65 Rogers Street (I4C2) Visioning and RFP Development project. There is a local match of \$3,000 for this grant.

Summary of Discussion: Councilor Page stated the following:

“In context to this grant extension, it is important to recognize there are two relevant state reports which are due to be released within the next several weeks. One is the named MBTA Ferry study where Gloucester is shortlisted as one potential location. The other is the State Commercial Fisheries Commission Fisheries Economic

Development report. This commission, initiated by Sen. Bruce Tarr, is considering fishing industry initiatives worthy of investment. Given the direct impact on the site, It would be prudent to await the results of both studies. It is widely speculated I4-C2 is being considered for the expansion of the MBTA ferry.

After decades of waiting and inaction, a few more weeks would allow all options to be considered and provide the broadest possible perspective. A ferry terminal in Gloucester needs to consider location carefully. The Cruiseport terminal is expressly dedicated to commercial passenger ships. The harbormaster's station is a special public destination facility within the DPA for the arrival of transient yachts. Adding the prospect of passenger ships in Harbor Cove needs to be evaluated. HC should remain dedicated to commercial fishing industry infrastructure. Repeatedly there are violations within the DPA and each infraction weakens the whole. Harbor Cove, the last vestige of commercial dockage in the port, should not be further compromised with the assault of recreational passenger ships. If Harbor Cove is added to the locations for passenger ships, what becomes of the industrial port? Harbor Cove is the point of no return. This is an accelerated timeframe from the previously stated schedule which was through January. – it was recognized a good process takes time and we would take as long as it needs.

The timing would be quite right for the issuance of an EOI which coincidentally coincides with the MBTA ferry study. Slam dunk. The revised, abbreviated schedule is not realistic for outside interests and are not fairly considered in timeframe. Collaborative interests need time to conduct process - due diligence Stakeholder meetings? Harbor plan? The Harbor Plan process was clear not to grant any special relief for I4-C2. The I4-C2 webinar presentation did not mention a ferry or “forward leaning concepts”.

The events of this week effectively signal fishing is important to the City's economic development. The State is coalescing around fishing. There should not be consideration of “forward leaning concepts” within the DPA We should pull this back and provide more time. Pause on the contract extension, await the State reports and resubmit the EOI with a longer timeline.”

Councilor Gross stated that nothing about the proposed contract amendment was binding. He stated that all options needed to be considered and discussed because that was what was fair to the residents of the City.

There was a brief discussion regarding the timeline of the EOI process. **Economic Development Coordinator, Emily Sloane** stated that an EOI had not been originally considered, and was being added to the process, which is why there was an extension to the timeline.

Councilor Page asked if the two studies should be considered first. **Emily Sloane** stated that the MBTA Ferry Study had originally been set to be released in the spring, but was being held up for unknown reasons, and the City was one of several communities that were being considered, so the release of the study should not hold up the City's process. She stated that the fishing study would be reviewed and any parties that were completing an RFP would integrate relevant findings into their proposal.

Councilor Benson asked if the vote should be delayed until the studies were released. **Councilor Page** stated she believed the studies should be released before a vote was taken. She stated that there was language in the contract that called out the MBTA Study and its potential impact, which gave her pause on wanting to see the study first.

Councilor Gross stated that City would retain the ability to agree to or deny a ferry service coming into the City and where it would be.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Page, the City Council voted by ROLL CALL 5 in favor, 3 opposed (Benson, Grace, Page), 1 absent, to accept a state grant, under MGL c. 44, §53A, an amendment to the Community One Stop for Growth Grant from MassDevelopment in the amount of \$17,000 from the Real Estate Services Technical Assistance Program Scope Extension to support

the 65 Rogers Street (I4C2) Visioning and RFP Development project. There is a local match of \$3,000 for this grant.

• Ordinances & Administration – July 20, 2026 Meeting

1. Memorandum from the Mayor regarding the appointment of election officers for September 1, 2026 State Primary Election and the November 3, 2026 State Election

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council, in accordance with MGL c. 54, §§ 11 and 11b, confirm the appointment of election officers as recommended in the memo from the Mayor to City Council dated July 2, 2026.

Summary of Discussion: None.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Margiotta, the City Council voted 8 in favor, 0 opposed, 1 absent, to, in accordance with MGL c. 54, §§ 11 and 11b, confirm the appointment of election officers as recommended in the memo from the Mayor to City Council dated July 2, 2026.

• Ordinances & Administration – August 3, 2026 Meeting

No items under this heading.

• Planning & Development – July 22, 2026 Meeting

1. PP#2026-003: Petition by National Grid to install underground facilities on Wheeler Street beginning at a point 10 feet South of the centerline of the intersection of Wheeler Street and Wheeler Point Road and continuing approximately 55 feet in a Northwest direction. National Grid is petitioning to install 55ft +/- 2-3" PVC conduit from the existing pole 515 on Wheeler Street to the property of 134 Wheeler Street. Gloucester, MA.

COMMITTEE RECOMMENDATION: On a motion by Councilor Grow, seconded by Councilor Benson, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit Massachusetts Electric Company d/b/a National Grid, to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the public way, National Grid to install underground facilities on Wheeler St Beginning at a point 10 feet South of the centerline of the intersection of Wheeler St and Wheelers Point Rd and continuing approximately 55 feet in a Northwest direction. National Grid is petitioning to install 55ft +/- 2-3" PVC conduit from the existing pole 515 on Wheeler St to the property of 134 Wheeler St. Gloucester MA - as shown on a plan included in the application dated May 29, 2026 – with the following conditions:

1. Notification to the Department of Public Works 72 hours in advance of the proposed work. A construction schedule will be prepared by the applicant for review and acceptance by the Department of Public Works.
2. In the absence of a detailed construction plan, the Department of Public Works requests: all proposed conduits and appurtenances shall be placed so as to cause minimum conflict with existing underground utility services.
3. All excavations must be secured at all times.
4. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day, to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2-inches, totaling 4-inches.
5. Sidewalks must be restored with like material immediately after pole set.
6. Paving conditions must be approved by Public Works prior to issuance of road opening permit.

Summary of Discussion: Councilor Benson stated that the proposed work would be completed in the winter, and the paving would occur in the spring.

MOTION: On a motion by Councilor Benson, seconded by Councilor Kimberly, the City Council voted 8 in favor, 0 opposed, 1 absent, to permit Massachusetts Electric Company d/b/a National Grid, to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the public way, National Grid to install underground facilities on Wheeler St Beginning at a point 10 feet South of the centerline of the intersection of Wheeler St and Wheelers Point Rd and continuing approximately 55 feet in a Northwest direction. National Grid is petitioning to install 55ft +/- 2-3" PVC conduit from the existing pole 515 on Wheeler St to the property of 134 Wheeler St. Gloucester MA - as shown on a plan included in the application dated May 29, 2026 – with the following conditions:

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4. All excavated trenches shall be patched flush with the surrounding asphalt using hot mix asphalt binder at the end of each work day, to minimize pedestrian hazards. Asphalt shall be applied in two lifts of 2-inches, totaling 4- inches.
5. Sidewalks must be restored with like material immediately after pole set.
6. Paving conditions must be approved by Public Works prior to issuance of road opening permit.

SCHEDULED PUBLIC HEARINGS:

1. PH2026-015: Petition to the City Council to accept and lay out a public way re: Deacon Farm Lane

This matter was continued from July 14, 2026 to the August 25, 2026 City Council Meeting.

2. PH2026-018: CC#2026-012 (Memhard): Amend GZO Sec. 3.2.1 “Dimensional Requirements for Single, Two-Family and Three Family Dwellings” by increasing the minimum lot area per dwelling unit (sf) requirement for the RC-40 (Coastal Residential) zoning district by DELETING “20,000 sf” and ADDING “40,000 sf.”

This matter was opened and continued to the August 25, 2026 City Council Meeting.

3. PH2026-019: Loan Order 2026-002: Memorandum from the Chief Financial Officer re: Loan Order for Municipal Equipment, School Bus & Fleet Acquisition in the amount of \$2,500,000

•Public Hearing Opened: 7:09 p.m.

•Speaking in Favor: DPW Director, Michael Hale stated that a one-year projection of the outlook for the City’s fleet of vehicles had been completed, which had found that 55% of the fleet was beyond their life expectancy. He stated that equipment was considered beyond life expectancy after 12 years, and there was equipment that was from the 1980s and 1990s.

Grace Poirier shared her screen. The following was shared on the screen.

Veh #	Division/ Dept	Brand	Model	Year	Reg	VIN		
190	City St	Ford	Explorer	1999	475-309	1FTF00H174V4E080		
434	Parks	Ford	F350 PU	2006		1FDWF31Y16E82881	1/6/2006	15
100	Adm	Ford	F150	2012	M87468	1FTMF1EM2CKD83305	6/28/2012	10
102	Asst Dir	Ford	F150	2012	M87472	1FTMF1EM0CKD83304	6/28/2012	10
103	Mayor	Ford	Explorer	2016	M95512	1FM5K8B83GGC93438	4/28/2016	
105	Asses.	Jeep	Compass	2012	M2725A	1C4NJCB2CD540456	8/15/2018	
106		Ford	Explorer	2020	M1509A	1FMSK8BH7LGC01633	4/21/2020	
107		Ford	Explorer	2020	M1510A	1FMSK8BH3LGC01631	4/21/2020	
108		Ford	Exolorer	2020	M1511A	1FMSK8BH5LGC01632	4/21/2020	
109	PS	Jeep	Compass	2011	M9838A	1J4NF1FB3BD258148	1/26/2021	
110	Admin	CHEVY	Equinox	2024	M5560B	3GNAXPEG05L204115		
111	Admin	Chevy	Equinox	2024	M5562B	3GNAXPEG25L04116		
119	Eng	Ford	F150	2008	M8038A	1FTRF12W8KLC86502	1/31/2008	10
121	MEAD	Ford	F350 PU	2010	M79067	1FTWF3A51A5A27261	11/24/2009	40
122	Park Serv	Ford	F350 PU	2012	M88243	1FTRF1A5C3CA85240	1/24/2012	10
123	Central	Chev	Silverado	2017	M97420	1GCNKNEHXH203447	2/6/2017	
124	FAC	Chev	Exp. Van	2017	M97418	1GCZGGFG1H1174830	2/6/2017	
125	FAC	Chev	Exp Van	2017	M97421	1GCZGGFG6H1175424	2/6/2017	
126	FAC	Chev	Exp Van	2017	M97422	1GCZGGFG6H1173480	2/6/2017	
127	FAC	Chev	Exp Van	2017	M97419	1GBOKYEGOHZ204887	2/6/2017	
128	FAC	Chev	Silverado	2017	M97417	1GB3CYCG8H202205	2/6/2017	
130	Ops Man	Chev	Silverado	2013	M99538	1GC2KXCGXZ260489	1/22/2018	
131	FAC	Chev	Silverado	2025	M9038B	3GCNKAKE9SG262517	4/1/2025	
132	FAC	Chev	Silverado	2025	M9040B	3GCNKAKE8SG262359	4/1/2025	
133	FAC	Chev	Silverado	2025	M9041B	3GCNKAKE2SG262357	4/1/2025	
134	FAC	Chev	Express	2025	M8445B	1GCZGFP8S1167235	3/3/2025	
191	Solar Tech	sign	trailer	2015	M92597	4GM1M0915F1471062	4/8/2015	-
192	Solar Tech	sign	trailer	2015	M92599	4GM1M0917F1471076		-
221	Utilities	Ford	F350 PU	2012	M88246	1FTRF1A5C3CA85240	1/24/2012	10
222	Utilities	Ford	F350 PU	2012	M88243	1FTRF1A5C3CA85240	1/24/2012	10
244	Sewer	Int	Util, ST, CC	1997	M52-149	1HTSCAAN6VH459593	11/18/1996	125
250	Sewer	Ford	Vactor, 10T	1997	M53772	1FDYN80E9VVA34894	1/31/1998	18,991
252	Sewer	Intl	Tank	2002	M66747	1HTSDAAR32H505571	9/21/2001	600
253	Sewer	Intl	Vactor	2005	M83275	1HTVDAAR55J033954	7/6/2004	1,213
254	Sewer	Intl	Vactor	2018	M96600	1HTWKSUR2JH553151	6/1/2017	
255	Sewer	Int	Tank	2018	M93925	1HTWNSUT0JH572588	9/8/2017	
290	Sewer	MGS	pump	1991	M46-624	16MG10911MD017436	8/28/1991	1
291	Sewer	UNK	Tlr, Pump	1986	None	inventory only		
294	Sewer	Inger	Tlr/Comp	2001	M73036	324495U1L221	10/18/2001	0
295	Sewer	Ford	F450	2023	M5255B	1FDUF4HT8PDA19416	10/17/2024	
296	Sewer	Ford	F550	2024	M5257B	1FD0X5HT7REC06788	10/17/2024	
297	Sewer	Chevy	Silverado	2025	UPDATE	3GCNKAKE1SG262363	4/1/2025	46
320	Water	Chev	Express	2019	M3400A	1GCWGAFG2K1142413	1/9/2019	
321	Water	Express	Trailer	2018	M3278A	5GLBE1228JC000500	7/26/2019	
322	Water	Chevy	Silverado	2025	UPDATE	3GCNKAKE2SG2623575	4/9/2025	
322	FAC	Chev	Silverado	2025	M9039B	3GCNKAKE4SG262361	4/1/2025	42
327	Ops Man	Ford	PU	2011	M83975	1FTRF3B6XBEB15199	12/15/2010	10
333	Water	Ford	F450	1999	M60823	1FDXF46F3XEB55506	10/30/1998	20
334	Water	Ford	F450	2012	M88246	1FTRF1A5C3CA85240	1/24/2012	10
338	Water	Ford	Dump	2011	M832961	1HTWDAAR55J033954	7/6/2004	1,213
339	Water	Chev	Silverado	2018	M2724A	1GB3KYCG6JZ310086	8/15/2018	156
345	Water	Intl	Dump	2013	M96657	1HTMMAAMXDH105118	5/17/2017	
346	Water	Intl	Dump	2013	M96658	1HTMMAAM6DH104127	5/17/2017	
357	Water	Intl	7400	2005	M70378	1HTWDAAR35J130716	1/18/2005	1,824
358	Water	Intl	7400	2013	M83171	1HTWDAARXDJ152663	5/14/2012	100
359	Water	Chevy	Silverado	2025	M9031B	1GB3KSE7XSF264033	6/17/2025	
360	Water	Chevy	Silverado	2025	m9032B	1GBKSE79SF264136	6/17/2025	
371	Water	JCB	Backhoe 4 x 4	1996	M55743	SLP214TCTE0444948	8/20/1996	1
374	Water	Kom	Exc	2013		18985	5/28/2013	0
375	Water	J Deere	75D Exc	2012		1FF075DXPCG014567	6/6/2012	0
376	Water	Takeuchi	Excavator	2016		126101622		
384	Water	Inger	Compres	2001	M73036	324495U1L221	10/18/2001	
394	Water	Inger	Tlr	2001	M66774	325319U1L221	12/7/2001	
395	Water	Doosan	Utl. Trailer	2015	M90540	4FVLSACA9FU470534	7/28/2015	
396	Water	Wack	Utl. Trailer	2018	M2712A	5XFLV0413JM002087	8/15/2018	
397	Water	Chevy	Express	2025	UPDATE	1GCZGGFP8S1167235	6/16/2025	
398	Water	Haul	Tlr	2013	M86358	16HGB2420DP089900	3/18/2013	
399	Veolia	Carryon	Tlr	2011	M81401	4YMUL0817BV015779	5/17/2011	

423	Parks	Ford	PU, 3/4T 4 x 4	1997	M60-805	1FTHF36H6VEC25050	4/1/1998	20
424	Parks	Ford	Dump	2011	M83963	1FDRF36H6BEB57754	3/7/2011	22
425	Parks	Ford	Dump	2011	M83963	1FDRF36H6BEB57754	3/7/2011	22
426	Parks	Ford	Dump	2011	M83963	1FDRF36H6BEB57754	3/7/2011	22
427	Parks	Ford	Dump	2011	M83963	1FDRF36H6BEB57754	3/7/2011	22
428	Parks	Ford	Dump	2011	M83963	1FDRF36H6BEB57754	3/7/2011	22
429	Parks	Ford	Dump	2011	M83963	1FDRF36H6BEB57754	3/7/2011	22
430	Parks	Ford	Dump	2011	M83963	1FDRF36H6BEB57754	3/7/2011	22
431	Parks	Ford	Dump	2011	M83963	1FDRF36H6BEB57754	3/7/2011	22
442	Parks	Chevy	Silverado	2020	M6498A	1GB3YSE75LF308519	10/21/2020	10
443	Parks	Cevy	Silverado	2020	M6499A	1GB3YSE72LF308770	10/21/2020	10
444	Parks	Chevy	Silverado	2020	M6500A	1GB3YSE78LF308739	10/21/2020	10
445	Parks	Chevy	Silverado	2020	M9848A	1GB3YSE76LF308366	10/21/2020	10
446	Parks	Chevy	Silverado	2020	M9849A	1GB3YSE74LF308785	10/21/2020	10
460	Parks	Tennant		1999	M60827	4300-1195	5/12/1999	59
491	Parks	Barb	Tlr, Surf	2008	None	600 HD	3/19/2009	
492	Parks	Snow	Tlr, 2 Wh	1989	M44-540	41ZTUG255KA001332	5/16/1989	1
493	Parks	Intl Tlr	Tlr, 4 Wh	1989	M44-539	1ZFUF1423KB002858	6/5/1989	1
494	Parks	Tlr		2000	M61983	5A3U61254YL003554	3/7/2000	
495	Parks	Tlr	Chipper	2007	M75496	1VRY1119371008861	6/7/2007	0
496	Parks	Tlr	Utility	2010	M83258	4YMUL1218AV069556	5/28/2010	0
497	Parks	Tlr	Utility	2010	M83257	4YMUL1218AV069573	5/28/2010	0
498	Parks	Tlr	Utility	1997	M55782	40LAB202XVP036718	10/15/1996	
523	P. Prop	Ford	F350 PU	2010	M81402	1FTWF3A57AEA77263	11/24/2009	40
524	P. Prop	Ford	F350 PU	2010	M81402	1FTWF3A57AEA77263	11/24/2009	40
563	Parks	Tractor	J. Deere	2001		LV53105333340	5/30/2001	
564	Parks	Tractor	J. Deere	2001		LV53105332954	5/30/2001	
565	Parks	Tractor	J. Deere	2008		LV5625R264187	3/19/2009	
592	P. Prop		Trailer	1970	M68769	1000449		
593	P. Prop	Equip	Trailer	2012	M90248	M029BT4012CT00219	10/10/2012	
600	P. Ser	Ford	F150	2012	M87470	1FTMF1CM7CKD98451	6/28/2012	10
601	P. SER	Ford	Silverado	2020	M6483A	3GCN9AEH8LG239041	4/9/2020	
602	P. Ser	Chevy	silverado	2024	M4472A	3GCN9EYH3LG237813	3/13/2024	
603	P. Ser	Mort	Trailer	2024	M5274B	4WXB2822R1049410	3/13/2024	
604	P. Ser	Chevy	Silverado	2025		3GCNKA6K6SG262359	4/2025	45
615	Pub Ser	Ford	F350	2012	M87469	1FTRF3B6XCEC32248	6/28/2012	10
616	Pub Serv	Chevy	Silverado	2025	M9035B	3GCNKA6K1SG262365	5/1/2025	

621	Hwy-Sign	Ford	F350 PU	2010	M81402	1FTWF3A57AEA77263	11/24/2009	40
641	Hwy	Dwn	Trailer	2007	M79794	5RSFU182X7T001050	7/19/2007	0
642	Hwy	Dwn	Trailer	2007	M79793	5RSFU120267T001094	7/19/2007	0
643	Hwy	Ford	F350	2010	M81402	1FTWF3A57AEA77263	11/24/2009	40
644	Hwy	Ford	F350	2010	M81402	1FTWF3A57AEA77263	11/24/2009	40
645	Hwy	Ford	f800	1995	m9030B	1FDXF80E15VA50477	6/17/2025	
646	Hwy	Ford	F350	2010	M81402	1FTWF3A57AEA77263	11/24/2009	40
647	Hwy	Ford	F350	2010	M81402	1FTWF3A57AEA77263	11/24/2009	40
656	Hwy	Mack	Flatbed	2021	M9839A	1M2GR6AC4MM001534	1/26/2021	0
657	Hwy	Mack	Flatbed	2021	M9840A	1M2GR6AC6MM001535	1/26/2021	0
658	Hwy	Mack	Flatbed	2021	M9832A	1M2GR6AC8MM001536	1/26/2021	
662	Hwy	Bobcat	Skd Ldr	1995	None	PIN (512719209)		
663	Hwy	Bobcat	Skd Steer	2006	None	531114962		
664	Hwy	Ford	F350	2010	M81402	1FTWF3A57AEA77263	11/24/2009	40
668	Hwy	FRHT	M2	2019	M4469A	1FVACXFC8KHKM5644	4/9/2020	
670	Hwy	Holder	C988	2010	M88234	52410570	10/21/2011	11
673	Hwy	Wacker	Loader	2019	M6477A	3056147	1/21/2019	
677	Hwy	Jdeere	Backhoe	2015	M92592	1T03105KH00270680	1/8/2015	
679	Hwy	Wacker	Roller	2007	N/A	5675962		
680	Hwy	Int	Sweeper	2015	M90228	1HTMMAAN8FH182615	5/8/2014	1307
681	Hwy	FVCR	4970	2025	M5558B	4C92F1416S1643040		
684	Hwy	Cat	Loader	1992	M46576	94Z03945	6/11/1993	
688	Hwy	Volvo	Loader	2009	M83120	62559	3/12/2010	1
690	Highway	Ing	Trl, Comp	1997	M53757	283267UK1221		
691	Hwy	Ford	F350	2010	M81402	1FTWF3A57AEA77263	11/24/2009	40
692	Hwy	Evaco	Tilt Trailer	1998	M51833	1E9UC2428WA187765		
693	Hwy	Stone	Cmt Mxr	1992	M53-277	2321217	6/5/1992	0
694	Hwy	Custom	Tlr	1999	M61239	5B732153XX1004683	6/22/1999	0
695	Hwy	Carry	Util. Trail.	2019	M3390A	4YMB1214KG032193	4/29/2019	
697	Hwy	Trail	Blackha	1999	M61587	2B9U54292XF095040	6/3/1999	0
699	Hwy	Trail	Utility	2000	M61975	5A3U40854YL005229	9/8/2000	0
700	Hwy	Ford	F350	2010	M81402	1FTWF3A57AEA77263	11/24/2009	40
716	Env. Eng.	Ford	Explorer	2018	M98401	1FM5K8B8XJGA57988	1/22/2018	10
900	Assess	Ford	Focus	2013	M83174	1FADP3F22DL171799	10/24/2012	10
901	Back Flo	Ford	Escape	2020	M6488A	1FMCU9B22LUB73660	10/29/2020	10
904	Bd Hlt	Ford	Focus	2007	M75476	1FAFP34NX7W202502	10/24/2006	11

909	Bldg Insp	Ford	LGTCN	2012	M87471	1FTMF1CM9CKD98452	6/28/2012	10
910	Shellfish	Ford	Explorer	2017	M97331	1FM5K8881HGC37273	3/27/2017	
918	Mechanic	Ford	F350	2011	M83973	1FT8X3B63BEB57755	12/31/2010	10
919	Building	Ford	Explorer	2022	M2399B	1FM5K88H2NGB29758	9/15/2022	
992	w&m	Cargo	Utility Tr	2014	M93296	1P9BU1311ER645031	7/7/2015	
Asst.	dpw	GMC	SIERRA	2024	M5270b	1GT49ME72RF288165	1/3/2024	7
0		N. Holland	tractor	2011		2bjn50108		

Michael Hale stated that the above was the current fleet of City vehicles. He stated that too much money was being spent on maintaining an aging fleet, and new vehicles needed to be purchased. He stated that the aging vehicles were becoming a safety hazard to both employees and the general public.

School CFO, Cody Marshall stated that a bid had been received of \$480,000 for leasing nine school buses. He stated that it would be more cost effective to purchase the buses outright. He stated that the City already owned six buses, and the School Department would be reducing the fleet to 18 school buses.

•**Speaking in Opposition:** None.

•**Communications:** None.

•**Questions from Councilors to Applicants/Staff:** None.

•**Public Hearing Closed:** 7:20 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Memhard, seconded by Councilor Page, the Budget & Finance Committee voted, 3 in favor, 0 opposed, recommend that the City Council approve the loan order as follows:

Ordered: That the City of Gloucester appropriates Two Million Five Hundred Thousand Dollars (\$2,500,000) to pay costs of acquiring municipal vehicles and equipment, including but not limited to Department of Public Works equipment, refuse and trash collection vehicles, school buses, and general City fleet vehicles, together with all costs incidental or related thereto.

To meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, or pursuant to any other enabling authority.

The Mayor and any other appropriate official of the City are authorized to apply for, accept and expend any grants, gifts, reimbursements, trade-in proceeds, insurance proceeds, or other funds that may be available to the City to pay costs of the acquisitions authorized by this order. The amount authorized to be borrowed by this order shall be reduced by the amount of any such funds received prior to the issuance of bonds or notes.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

Summary of Discussion: **Councilor Nolan** stated that he had toured the DPW fleet recently and it was in dire need of replacement due to the age of the vehicles.

Councilor Gross stated his support for the matter.

Councilor Benson stated his support for the matter.

MOTION: On a motion by Councilor Memhard, seconded by Councilor Page, the City Council voted by **ROLL CALL 8** in favor, 0 opposed, 1 absent, to approve the loan order as follows:

Ordered: That the City of Gloucester appropriates Two Million Five Hundred Thousand Dollars (\$2,500,000) to pay costs of acquiring municipal vehicles and equipment, including but not limited to

Department of Public Works equipment, refuse and trash collection vehicles, school buses, and general City fleet vehicles, together with all costs incidental or related thereto.

To meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 7, or pursuant to any other enabling authority.

The Mayor and any other appropriate official of the City are authorized to apply for, accept and expend any grants, gifts, reimbursements, trade-in proceeds, insurance proceeds, or other funds that may be available to the City to pay costs of the acquisitions authorized by this order. The amount authorized to be borrowed by this order shall be reduced by the amount of any such funds received prior to the issuance of bonds or notes.

Further Ordered: That the Treasurer is authorized to file an application with the Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any or all of the bonds authorized by this order and to provide such information and execute such documents as the Municipal Finance Oversight Board may require for these purposes.

MOTION TO RECONSIDER: On a motion by Councilor Nolan, seconded by Councilor Memhard, the City Council voted by ROLL CALL 0 in favor, 8 opposed, 1 absent, to reconsider the vote.

MOTION TO RECONSIDER FAILS

- 4. PH2026-020: Memorandum from the Conservation Agent to amend Ch. 12 “Marshlands,” Sec. 12-16 “Requests for determination of applicability and submission of notices of intent” re: fee schedule.**

•Public Hearing Opened: 7:27 p.m.

•Speaking in Favor: Assistant Conservation Agent, Katie Kneeland stated that there had been two different versions of the ordinance posted on the City website, and when discrepancies were discovered, changes were made to fix this issue. She stated that those changes were done in 2023, with the fee structure being the only part left to do, which was what was before the Council. She stated that the fee structure had not been updated since 2006.

•Speaking in Opposition: None.

•Communications: None.

•Questions from Councilors to Applicants/Staff:

•Public Hearing Closed: 7:29 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Grace, seconded by Councilor Margiotta, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council amend the Gloucester Code of Ordinances Chapter 12 “Marshlands” as follows:

Sec. 12-16. Requests for determination of applicability and submission of notices of intent.

- (e) *Fees.* The amount of the fee shall be determined ~~[DELETE] by the number of interests presumed to be significant under the Act and potentially affected by the proposed action, as determined~~ by the commission or its agent. ~~[DELETE] The interests are described in section 12-10(3).~~ The current fee structure is as follows:

~~[DELETE]~~

Residential construction		Amount per interest
	Number of lots and/or units	
	One to five	\$50.00
	Six to nine	100.00
	Ten to 19	150.00
	20 to 49	200.00
	50 or more	250.00
Commercial and industrial construction		
	Construction cost*	
	Less than \$99,999.00	\$50.00
	\$100,000.00—249,999.00	100.00
	\$250,000.00—499,999.00	150.00
	\$500,000.00—999,999.00	200.00
	\$1,000,000.00 or more	250.00

~~[DELETE] *Fees are based on a \$120.00 per square foot construction cost as determined by the building inspector's office.~~

[ADD]

Fee Structure

Legal Notice for Request for Determination of Applicability, Notice of Intent, Amendment Request to Order of Conditions	\$125
Request for Determination of Applicability	\$200
After the fact Request for Determination of Applicability (enforcement or post-work)	\$400
GWO Delineations of all resource areas.	\$1 per linear foot Not to exceed \$200 for SFH/duplex and \$2000 for other
Notice of Intent - Category 1 Work on an existing single family home lot such as an addition, porch, pool, etc.; site work without a house not related to work in a resource; invasive vegetation control; septic system repairs; monitoring wells; new agriculture or aquaculture projects; resource improvement or non-enforcement restoration or tree clearing exceeding 10 trees.	\$250
Notice of Intent - Category 2	\$500

New single-family home or duplex construction; impervious parking lot; beach nourishment; public utility projects; inland limited projects; each crossing for driveway to a single-family home; each storm drain-project source discharge; water level variations; water supply exploration; tree clearing greater than ¼ acre or any project not listed in any other category.	
Notice of Intent - Category 3 Site preparation for development beyond structures (projects developed on land owned in common or with common interest is considered one project under conservation review); each structure other than a single-family home or duplex (beyond accessory uses to a single-family home, including directly related/immediate site work; road construction or common or shared driveway, hazardous material clean up, water supply development, tree clearing greater than ½ acre.	\$750
Notice of Intent - Category 4 Each crossing for development (more than duplex) or commercial/industrial road; dam/sluceway/tidegate work; landfill operation/closure; sand/gravel/excavation operation 9 outside of or in excess of other project filing; railroad line or utility road construction; bridge; dredging; treatment plant and discharge; tree clearing greater than 1 acre or any hazardous material release response.	\$1000
Notice of Intent - Category 5 Docks, piers, dikes or new retaining walls located on the coast or river.	\$4 per linear foot Not to exceed \$200 for SFH/duplex and \$2000 for other
Amendment to Order of Conditions	\$100
Extension Permit Request	\$100 (for each extension)
Request for Certificate of Compliance associated with Single Family Homes, Duplexes and Restoration projects	\$100 Plus \$100 if the OOC is expired
Request for Certificate of Compliance associated with other projects	\$200 Plus \$100 if the OOC is expired
After the fact Notice of Intent for enforcement or post work	2 times filing fee with a minimum of \$600
Request for Return to Compliance for Enforcement Orders	\$500

Additional Fees

Unless otherwise noted below, additional fees apply to Requests for Determination of Applicability, Abbreviated Notice of Resource Area Delineation, and Notices of Intent.

Work in Riverfront Area, ACEC, or Upland Edge or within 100 feet to fish runs, fisheries, shellfish, or eelgrass beds	+ 50% of filing fee
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Summary of Discussion: None.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Margiotta, the City Council voted 8 in favor, 0 opposed, 1 absent, to amend the Gloucester Code of Ordinances Chapter 12 “Marshlands” as follows:

Sec. 12-16. Requests for determination of applicability and submission of notices of intent.

- (e) **Fees.** The amount of the fee shall be determined ~~[DELETE] by the number of interests presumed to be significant under the Act and potentially affected by the proposed action, as determined~~ by the commission or its agent. ~~[DELETE] The interests are described in section 12-10(3).~~ The current fee structure is as follows:

~~[DELETE]~~

Residential construction		Amount per interest
Number of lots and/or units		
One to five		\$50.00
Six to nine		100.00
Ten to 19		150.00
20 to 49		200.00
50 or more		250.00
Commercial and industrial construction		
Construction cost*		
Less than \$99,999.00		\$50.00
\$100,000.00—249,999.00		100.00
\$250,000.00—499,999.00		150.00
\$500,000.00—999,999.00		200.00
\$1,000,000.00 or more		250.00

~~[DELETE] *Fees are based on a \$120.00 per square foot construction cost as determined by the building inspector's office.~~

~~[ADD]~~

Fee Structure

Legal Notice for Request for Determination of Applicability, Notice of Intent, Amendment Request to Order of Conditions	\$125
Request for Determination of Applicability	\$200

After the fact Request for Determination of Applicability (enforcement or post-work)	\$400
GWO Delineations of all resource areas.	\$1 per linear foot Not to exceed \$200 for SFH/duplex and \$2000 for other
Notice of Intent - Category 1 Work on an existing single family home lot such as an addition, porch, pool, etc.; site work without a house not related to work in a resource; invasive vegetation control; septic system repairs; monitoring wells; new agriculture or aquaculture projects; resource improvement or non-enforcement restoration or tree clearing exceeding 10 trees.	\$250
Notice of Intent - Category 2 New single-family home or duplex construction; impervious parking lot; beach nourishment; public utility projects; inland limited projects; each crossing for driveway to a single-family home; each storm drain-project source discharge; water level variations; water supply exploration; tree clearing greater than ¼ acre or any project not listed in any other category.	\$500
Notice of Intent - Category 3 Site preparation for development beyond structures (projects developed on land owned in common or with common interest is considered one project under conservation review); each structure other than a single-family home or duplex (beyond accessory uses to a single-family home, including directly related/immediate site work; road construction or common or shared driveway, hazardous material clean up, water supply development, tree clearing greater than ½ acre.	\$750
Notice of Intent - Category 4 Each crossing for development (more than duplex) or commercial/industrial road; dam/sluceway/tidegate work; landfill operation/closure; sand/gravel/excavation operation 9 outside of or in excess of other project filing; railroad line or utility road construction; bridge; dredging; treatment plant and discharge; tree clearing greater than 1 acre or any hazardous material release response.	\$1000
Notice of Intent - Category 5	\$4 per linear foot

Docks, piers, dikes or new retaining walls located on the coast or river.	Not to exceed \$200 for SFH/duplex and \$2000 for other
Amendment to Order of Conditions	\$100
Extension Permit Request	\$100 (for each extension)
Request for Certificate of Compliance associated with Single Family Homes, Duplexes and Restoration projects	\$100 Plus \$100 if the OOC is expired
Request for Certificate of Compliance associated with other projects	\$200 Plus \$100 if the OOC is expired
After the fact Notice of Intent for enforcement or post work	2 times filing fee with a minimum of \$600
Request for Return to Compliance for Enforcement Orders	\$500

Additional Fees

Unless otherwise noted below, additional fees apply to Requests for Determination of Applicability, Abbreviated Notice of Resource Area Delineation, and Notices of Intent.

Work in Riverfront Area, ACEC, or Upland Edge or within 100 feet to fish runs, fisheries, shellfish, or eelgrass beds	+ 50% of filing fee
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5. PH2026-021: CC#2026-007 (Gross): Amend GCO Ch. 11 “Hawkers, Peddlers, transient Vendors and Special Events,” Sec. 11-1 “Definitions,” Sec. 11-2 “License/permit required,” Sec. 11-3 “Local license/permit requirement for fixed vending locations; procedure to obtain,” Sec. 11-4 “Identification required,” Sec. 11-5 “Fixed vending; site specific locations (nine),” Sec. 11-6 “Conduct of business,” Sec. 11-7 “Business prohibited between certain hours,” Sec. 11-8 “Vendors prohibited upon certain streets, areas,” Sec. 11-9 Revocation and expiration of permit,” Sec. 11-10 “Special events; transient vendors; parades,” Sec. 11-11 “Special event permit; transient vendor permit; fee,” Sec. 11-12 “Door-to-Door Sales; permitting required,” Sec. 11-13 “Meats, butter, certain other food products – Licensing,” Sec. 11-14 “Same – Inspection of products,” Sec. 11-16 “Temporary permits to sell articles for charitable purposes,” Sec. 11-17 “Violations; fines.”

•Public Hearing Opened: 7:33 p.m.

•Speaking in Favor: Councilor Gross stated that the main changes to the ordinance were in regard to door-to-door solicitation, food trucks, special events, and the Licensing Commission. He stated that the Special Events Advisory Committee would no longer be a Committee, as it required City employees to post public meetings which were unnecessary. He stated that the time frame for when a special event would need to be applied for would change to thirty days before the event. He stated that Hawkers & Peddlers licenses would last one year, rather than expiring on January 1st of each year. He stated that door-to-door sales would need to register within the City, as there were more scams happening recently.

•**Speaking in Opposition:** None.

•**Communications:** None.

•**Questions from Councilors to Applicants/Staff:** **Councilor Page** asked for clarification on the disbanding of the Special Events Advisory Committee (SEAC). **City Clerk, Grace Poirier** stated that SEAC had been established in roughly 2011, and at the time had been established to streamline the process for individuals to apply for special event permits. She stated that since its inception the process had become more cumbersome, mainly due to SEAC needing to meet publicly under the provisions of the Open Meeting Law. She stated that special events would still be reviewed by departments, but a public meeting would not be required. She stated that the Mayor's Office would still have final approval on all special events, and any events that required a road closure would go before the Planning & Development Committee.

Councilor Page asked for clarification regarding if special events would no longer appear on public agendas. **Grace Poirier** stated applications would be reviewed and approved internally, but the Mayor's Office could put upcoming special events on a calendar to keep the public aware of events. **Councilor Gross** stated that the Clerk's Office could put it on future City Council agendas for information only.

Councilor Benson asked for clarification regarding the deletion of events like the Horribles Parade and St. Peter's Procession from the ordinance. **Grace Poirier** stated that the way the ordinance was currently written, it read as if only the events defined within the ordinance were ones that could be permitted. She stated that the deleted events would fall under the new language for special events.

•**Public Hearing Closed:** 7:46 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Margiotta, seconded by Councilor Grace, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council amend the Gloucester Code of Ordinances Chapter 11 "Hawkers, Peddlers, Transient Vendors and Special Events" as follows:

Sec. 11-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disabled veteran shall mean the same as defined in MGL c. 31, § 1.

[ADD] *Door-to-door sales* means the selling, offering for sale, soliciting orders for sale, or taking subscriptions for any goods, wares, merchandise, or services by going in or upon private property, residences, or places of business within the City, without prior express invitation or appointment. For the purpose of this article, door-to-door sales shall refer only to commercial activity and shall not apply to any person or organization soliciting or canvassing for noncommercial purposes including, religious, charitable, educational or political, or to any person, organization or group that espouses or advocates a position or belief on any subject of public interest, or on behalf of any candidate for public office.

[ADD] *Event vendor* means any hawker, peddler, transient vendor, or any person, either principal or agent, who sells or offers for sale goods, wares, merchandise, or services as part of a permitted special event.

Farmer's market is a public market for the primary purpose of connecting and mutually benefitting Massachusetts farmers, communities and shoppers while promoting and selling products grown and raised by participating farmers.

A proposed farmers market must meet the minimum qualification for Massachusetts Farmers' Markets as defined by the Massachusetts Department of Agricultural Resources (MDAR) that include, without limitation, two or more farmers primarily selling products that they grew, produced or raised; set hours of regularly scheduled operation; products that are clearly labeled as to origin; and written rules that govern the operation of the farmers market that 1) assure its primary purpose is to provide a direct marketing opportunity for Massachusetts farmers, foresters and fisheries, 2) addresses the terms and conditions of sales, including pricing and labeling, vendor eligibility and product source, and compliance by all vendors with local, state and federal laws and regulations, 3) include a written grievance procedure, and 4) address market and vendor liability, including any insurance requirements.

Included in this definition are state licensed farm-wineries and fresh fish caught by local fishermen.

All vendors participating in a farmer's market covered by this definition are exempt as vendors under section 11-14(a).

Any other vendors participating in the farmer's market must obtain a local vendors license.

Farmers markets are not included under [ADD] the zoning ordinance use schedule, "Open Uses," section 2.3.3 (1) and (2).

Farmers' markets must comply with all applicable local, state and federal laws and regulations.

Hawker and peddler means any person who, for himself, or for another person, firm or corporation travels by foot, automobile, or any other type of conveyance, town to town or place to place in the same town, taking or attempting to lease or take orders for retail sale of goods, wares, merchandise, or services including, but without limiting, the selling, distribution, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of any nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail, sample of the subject of such sale or whether he is collecting advance payment on such retail sales or whether he is soliciting contributions for any purposes.

[ADD] *Food Truck* means a mobile food establishment that is a readily movable trailer, cart or motorized wheeled vehicle, currently registered with the Massachusetts Registry of Motor Vehicles (if applicable), designed and equipped to cook or prepare or serve food and shall include any food truck, food cart, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle.

[ADD] *Licensing Commission* shall be comprised of the city clerk, the chief of police, the fire chief, the building inspector and the sanitary inspector.

[ADD] *Mobile Food Establishment* means a food establishment, as defined in 105 CMR 590.01, that is located on or operated from a vehicle or is otherwise mobile or towed, and from which food or beverages are stored, prepared, cooked, packaged, served, vended, or otherwise provided for individual portion service.

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

~~[DELETE] *Special event* means an event that is open to the general public which may be held on public or private property, including city streets and may feature entertainment, amusements, food and beverages. The event may be classified as a road race, bike ride, bike race, parade, walkathon or festival.~~

[ADD] *Special event* means an event that is open to the general public which may be held on public property (including city streets, parking lots and public spaces) or private property which features entertainment, amusements, and/or food and beverages and that is classified as a road race, bike ride, bike race, parade, walkathon, festival, rowing and swim events, reenactments, outdoor concerts or block party.

Temporary or transient business means any exhibition, sale, rental, lease or services of goods, wares, or merchandise which is carried on in a tent, booth, building or other structure [ADD] as part of a permitted special event, unless such place is open for business during usual business hours for a period of at least 12 consecutive months.

Transient vendor means any person, either principal or agent, who engages in a temporary or transient business in the commonwealth, selling goods, wares or merchandise [DELETE] either in one locality or traveling from place to place. [ADD] as part of a permitted special event.

Vendors include hawkers and peddlers, transient vendors [DELETE] and persons who sell or offer for sale services, including, but not limited to, face painting, photographers, etc. [ADD] and event vendors.

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 [Delete] licensed [ADD] permitted by the [DELETE] 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 [ADD] fixed vendor permit from the local [DELETE] licensing [ADD] permitting 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 [DELETE] vendor [ADD] vendors 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 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 [ADD] local hawkers and peddlers [Delete] license [ADD] permit 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 September 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, [ADD] and expire the last business day of January the following 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, [DELETE] the high bidders may resubmit a sealed bid within two business days, [ADD] a coin toss will be conducted.

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 (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) *Hough Avenue*, four spaces in [ADD] assigned locations in the southern parking lot in the parcel of Hough Avenue #24 next to the southeast corner of the parcel of Hough Avenue #41 as designated by the public works department. Vendors shall provide sufficient trash and waste receptacles that shall be emptied

~~[DELETE] on a daily [DELETE] basis. Each vendor shall hold all local, state and federal required permits and licenses as required and shall provide proof of inspection by the Gloucester Health Department.~~ [ADD] Two parking placards for Stage Fort parking lot only, shall be issued with each vendor spot.

(5) Visitor's center parking lot, Stage Fort Park. [ADD] Two parking placards for Stage Fort parking lot only, shall be issued with this vendor spot.

(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.

(c) Solomon Jacobs Landing Floats in an area to be designated by the Harbormaster shall be included as a Fixed vending specific site solely for the operation of a water taxi/shuttle which meets the requirements as outlined in Chapter 10, Section 10-54 Waterways of the Code of Ordinances and only available to applicants which meets those requirements.

(d) All vendors shall remove their vehicles and property from the fixed vendor location at the close of business each day. There shall be no overnight parking in the fixed vendor location.

[ADD]

(e) Any unoccupied fixed vendor locations that are not issued may be used by special events organizers during an event.

Sec. 11-6. Conduct of business.

All vendors shall be governed by the following restrictions:

- (1) No vendor shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the city.
- (2) All vendors shall operate from carts which are neat and clean and do not leak. No vendor shall pitch a tent in addition to their cart or vehicle for the purpose of selling their wares at fixed vendor site. ~~[DELETE] All food vendors operating mobile food units or push carts as regulated by 105 CMR 590.052(I) shall obtain the board of health inspection/permit prior to any sales.~~ [ADD] All vendors operating from a mobile food establishment, including food trucks, shall be licensed in accordance with G.L. c. 101, § 22, and shall obtain a food vendor permit from the Board of Health and a local permit from the Licensing Commission prior to conducting business within the city.
- (3) All vendors shall clearly and prominently post prices for all foods, beverages, goods, merchandise and services offered for sale.

- (4) No vendor shall sell goods, wares, merchandise or services from a fixed location on private land without the written permission of the owner of private land. Such written permission shall be produced upon request of the licensing commission, police, sealer of weights and measures or building inspector. Said vendor shall comply with the Gloucester Zoning Ordinance.
- (5) All hawkers and peddlers, except those permitted for a fixed location by the licensing commission under section 11-3 or those permitted ~~[DELETE] by the~~ [ADD] as special events ~~[DELETE] committee~~ under section 11-10, shall be moving at all times other than when servicing a customer. For vendors on foot ~~[DELETE] 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, [ADD] including food trucks, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass. [ADD] Vendors operating from food trucks shall only conduct their business curbside with customers who are on foot, and may not serve any customer within or aboard their mobile food establishment. Food vendors shall not provide customer seating of any kind.
- (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.
- (7) Hawkers, peddlers and transient vendors shall provide suitable receptacles for the placement of any trash and litter that may be expected to result from the sale of their wares and shall remove said trash and litter.
- (8) Each permit or license, ~~[DELETE] fixed or moving~~ shall be a person-specific permit or license, [ADD] except for fixed vending locations the permit or license shall be vendor specific.
- (9) All permits and licenses shall be kept with the vendor in a visible location at all times.
- (10) There shall be no subleasing of site specific vendor locations.

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

- (a) No vendor shall sell or offer for sale any goods, wares, services or merchandise, ~~[DELETE] including publications, magazines, and books, or solicit subscriptions for publications, magazines, or books,~~ [ADD] or engage in door-to-door sales, in the city between the hours of 6:00 p.m. and 8:00 a.m., except that a duly licensed ice cream vehicle may sell or offer for sale any ice cream products from their vehicle in the city between the hours of 9:00 a.m. and 8:00 p.m. ~~[DELETE] Fixed vendors shall be exempt from prohibited hours during special events.~~ [ADD] Hours for fixed vendors will be site specific and specified in the bid documents for each location.
- (b) ~~[DELETE] 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. 11-8. Vendors prohibited upon certain streets, areas.

Vendors are prohibited from selling upon the following streets, and all public property including but not limited to parks, playgrounds, sidewalks, grassy areas and beaches within the city except at those fixed locations specified in section 11-5, [ADD] areas approved by the city licensing commission for the sale of articles for

charitable purposes in conformance with section 11-16, and special event locations approved in conformance with section 11-10.

- (1) Nautilus Road.
- (2) Beach Road.
- (3) Bass Avenue.
- (4) Harbor Road.
- (5) Salt Island Road.
- (6) Witham Street.
- (7) Rockport Road.
- (8) Essex Avenue.
- (9) ~~[DELETE] Manuel Lewis Road.~~ [ADD] Manuel F. Lewis Street
- (10) Centennial Avenue.
- (11) Western Avenue.
- (12) Rogers Street.
- (13) Main Street.
- (14) Pleasant Street.
- (15) Prospect Street.
- (16) Railroad Avenue.
- (17) Washington Street.
- (18) Lincoln Avenue.
- (19) Elderly housing complexes.
- (20) Beaches.

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

- (a) [ADD] Permits shall expire one year from issuance.

Renumber Sec 11-9 from here

(a b) 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 c) 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.

(e-d) 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.

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

(a) ~~[DELETE] There shall be a special events committee comprised of the following city staff:~~ [ADD] Applications for special events shall be reviewed by the following departments, either individually or as a group who shall meet as a group, as needed, to review applications for special events: the city clerk or ~~[DELETE] his~~ [ADD] their designee, the building inspector or ~~[DELETE] his~~ [ADD] their designee, the department of public works director or ~~[DELETE] his~~ [ADD] their designee, the chief of police or ~~[DELETE] his~~ [ADD] their designee, the fire chief or ~~[DELETE] his~~ [ADD] their designee, the emergency medical services director [ADD] or their designee, the health department food inspector [ADD] or their designee, the harbormaster or ~~[DELETE] his~~ [ADD] their designee and the community development director or ~~his~~ [ADD] their designee. ~~[DELETE] The committee shall meet monthly and shall post notices of its meetings.~~

(b) ~~[DELETE] The special events committee~~ The department heads or their designees shall review all special events applications and shall assist applicants with any necessary approvals including approvals by the city council. ~~[DELETE] The committee may in its own discretion refer any application to the city council for consideration.~~ [ADD] Applications may be referred 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 [ADD] recommend to the full City Council for approval of a ~~[DELETE] have the authority to approve the special event permit.~~ [ADD] road closure for the special event.

(c) City sanctioned special events/parades shall be designated with restricted vending areas based on public safety considerations. ~~[DELETE] Transient~~ [ADD] Event vendor permits shall be approved by the city clerk's office ~~[DELETE] and the chief of police.~~ For the purpose of this article, special events/parades shall be limited to: [ADD] events open to the public taking place on public property or private property that feature entertainment, amusements, and/or food and beverages and that is classified as a road race, bike ride, bike race, parade, walkathon, festival, rowing and swim events, reenactments, outdoor concerts or block party.

~~[DELETE] (1) Fishtown Horribles Parade.~~

~~[DELETE] (2) St. Peters Fiesta Procession.~~

~~[DELETE] (3) Labor Day fireworks.~~

~~[DELETE] (4) Middle Street Walk.~~

~~[DELETE] (5) Gloucester Schooner Festival.~~

~~[DELETE] (6) Sidewalk Bazaar.~~

~~[DELETE] (7) Downtown block parties.~~

~~[DELETE] (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) [DELETE] The licensing commission may recommend and the city council may approve additional special events, parades relevant to this section.~~
- (g f) ~~Forty-five~~ [ADD] Thirty days prior to any ~~event~~, [ADD] special event as defined in section 11-1, the event ~~organizing committee~~ [ADD] organizers shall submit their application for a special event permit [ADD] which shall be reviewed by the department heads or designees named in section 11-10. Applications shall include the number of vendors that will be participating, including vendors of goods and food ., An application for [DELETE] ~~transient~~ [ADD] event vendor permits and a list of said [DELETE] ~~transient~~ [ADD] event vendors along with all applicable application fees to the city clerk's office [ADD] shall be submitted within a timeframe as established during the application process by the city clerk. ~~[Delete] for referral to and review by the special events advisory committee for approval.~~ [ADD] Applications for food permits shall be submitted to the Board of Health within a timeframe as established during the application process by the Board of Health.
- ~~(h g)~~ [ADD] Event vendor permits are required for vendors at events held on public property.
- ~~(i h)~~ [ADD] Proof of liability insurance shall be submitted no later than 7 days prior to a special event held on city property.
- ~~(j i)~~ [ADD] The mayor or their designee shall have the final approval of applications.

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

- a. ~~[DELETE] Permits shall be issued for the special event/parade date and/or rain date only in each calendar year by the special events committee.~~ [ADD] Applications for special events shall be submitted no earlier than 12 months and no later than one month prior to the event.
- b. Permits shall be issued for one transient vendor in one location and cannot be duplicated or transferred. [ADD] Event vendors must complete an event vendor application. Applications must be authorized by the event organizer, signed by the vendor and shall be submitted along with payment, to the city clerk's office for the issuance of a transient vendor badge. Applications for transient vendor permits shall be submitted within a timeframe as established during the application process by the city clerk.

~~[DELETE] Sec. 11-12. Door to Door Sales Books, magazines and other publications; licensing, registration required.~~

- a. ~~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 [Delete] licensed [ADD] permitted by the City Clerk director of standards of the commonwealth. Furthermore, such a hawker, peddler or transient vendor must record his their name and residence with the chief of police for a background check. 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.~~

~~b. Any hawker, peddler or transient vendor operating in the city shall display at all times a laminated badge with permit number, name of person, name of company, goods or services sold, and expiration date.~~

[ADD] Sec. 11-12. – Door-to-Door Sales; permitting required

a) To promote public safety, deter fraud, and protect residents from unlawful or deceptive practices related to door-to-door sales while preserving lawful commercial activity, no person shall conduct door-to-door sales within the city, without first obtaining a permit from the city clerk pursuant to this section.

b) An applicant for a door-to-door sales permit shall submit a completed application on a form approved by the city clerk, together with:

- a. Valid government-issued photo identification;
- b. The name, business address, email, and telephone number of the Applicant and the company or organization, if any, on whose behalf the Applicant will be acting;
- c. A description of the goods or services to be offered;
- d. Dates or period during which door-to-door sales will occur;
- e. A signed CORI Authorization permitting review by the Police Department; and
- f. Any applicable fee contained within the schedule of fees.

c) Upon receipt of a completed application and CORI Authorization, the city clerk shall transmit the CORI Authorization to the chief of police, or their designee, for review.

d) The city clerk shall issue the permit within ten (10) business days of the filing of a complete application, inclusive of CORI review, except that the city clerk may deny a permit application if the chief of police, or their designee, has recommended denial after review of the applicant's CORI report.

e) Any person denied a permit under this section may request a hearing before the Licensing Commission by submitting a request to the city clerk in writing within 14 days from the date of denial. The Licensing Commission shall hold a hearing and issue a written decision affirming or reversing the denial within 30 days of receipt of the hearing request. The decision of the Licensing Commission shall constitute the final administrative action of the City.

f) While engaged in door-to-door sales, each vendor shall prominently display on their outer garment a laminated identification badge issued or approved by the city clerk. The badge shall include the permit number, the name of the individual vendor, the name of the company represented, a description of the goods or services offered, the permit expiration date, and a statement indicating issuance of the permit does not constitute an endorsement by the city.

g) Permits shall be valid from the date of issuance through the expiration date stated thereon, which shall not exceed one year from issuance. A permit is personal to the applicant and may not be transferred, assigned, or lent. The city clerk may issue a replacement permit or badge upon affidavit of loss and payment of any applicable replacement fee contained within the schedule of fees.

h) Nothing in this ordinance waives or limits the applicability of any other federal, state, or local law, including consumer protection, tax, or business registration requirements. Door-to-door sales vendors must comply with all time, place, and manner restrictions otherwise applicable in the city pursuant to this chapter.

i) Violations. Engaging in door-to-door sales without a permit, failure to display the required badge, or violation of any condition of this section constitutes a violation subject to enforcement under Sec. 11-17.

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 ~~[DELETE] either be [DELETE] 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.* ~~[DELETE] 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 ~~[DELETE] March 1 in each year.~~ ~~[ADD] one year from date of issuance.~~

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) Fifty dollars for each use or possession of a false or condemned measuring device; and
- (2) Twenty dollars for each use of an unsealed measuring device.

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.

(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 \$50.00.
- (3) The penalty for the third violation shall be \$100.00.
- (4) The penalty for the fourth and subsequent violations shall be \$200.00.
- (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 ~~[DELETE] transient~~ [ADD] event vendors or failed to include all ~~[DELETE] transient~~ [ADD] event vendors in the list of ~~[DELETE] transient~~ [ADD] event 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.

Summary of Discussion: None

MOTION: A motion was made by Councilor Nolan, seconded by Councilor Margiotta, to amend the Gloucester Code of Ordinances Chapter 11 “Hawkers, Peddlers, Transient Vendors and Special Events” as follows:

Sec. 11-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disabled veteran shall mean the same as defined in MGL c. 31, § 1.

[ADD] Door-to-door sales means the selling, offering for sale, soliciting orders for sale, or taking subscriptions for any goods, wares, merchandise, or services by going in or upon private property, residences, or places of business within the City, without prior express invitation or appointment. For the

purpose of this article, door-to-door sales shall refer only to commercial activity and shall not apply to any person or organization soliciting or canvassing for noncommercial purposes including, religious, charitable, educational or political, or to any person, organization or group that espouses or advocates a position or belief on any subject of public interest, or on behalf of any candidate for public office.

[ADD] *Event vendor* means any hawker, peddler, transient vendor, or any person, either principal or agent, who sells or offers for sale goods, wares, merchandise, or services as part of a permitted special event.

Farmer's market is a public market for the primary purpose of connecting and mutually benefitting Massachusetts farmers, communities and shoppers while promoting and selling products grown and raised by participating farmers.

A proposed farmers market must meet the minimum qualification for Massachusetts Farmers' Markets as defined by the Massachusetts Department of Agricultural Resources (MDAR) that include, without limitation, two or more farmers primarily selling products that they grew, produced or raised; set hours of regularly scheduled operation; products that are clearly labeled as to origin; and written rules that govern the operation of the farmers market that 1) assure its primary purpose is to provide a direct marketing opportunity for Massachusetts farmers, foresters and fisheries, 2) addresses the terms and conditions of sales, including pricing and labeling, vendor eligibility and product source, and compliance by all vendors with local, state and federal laws and regulations, 3) include a written grievance procedure, and 4) address market and vendor liability, including any insurance requirements.

Included in this definition are state licensed farm-wineries and fresh fish caught by local fishermen.

All vendors participating in a farmer's market covered by this definition are exempt as vendors under section 11-14(a).

Any other vendors participating in the farmer's market must obtain a local vendors license.

Farmers markets are not included under [ADD] the zoning ordinance use schedule, "Open Uses," section 2.3.3 (1) and (2).

Farmers' markets must comply with all applicable local, state and federal laws and regulations.

Hawker and peddler means any person who, for himself, or for another person, firm or corporation travels by foot, automobile, or any other type of conveyance, town to town or place to place in the same town, taking or attempting to lease or take orders for retail sale of goods, wares, merchandise, or services including, but without limiting, the selling, distribution, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of any nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail, sample of the subject of such sale or whether he is collecting advance payment on such retail sales or whether he is soliciting contributions for any purposes.

[ADD] *Food Truck* means a mobile food establishment that is a readily movable trailer, cart or motorized wheeled vehicle, currently registered with the Massachusetts Registry of Motor Vehicles (if applicable), designed and equipped to cook or prepare or serve food and shall include any food truck, food cart, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle.

[ADD] *Licensing Commission* shall be comprised of the city clerk, the chief of police, the fire chief, the building inspector and the sanitary inspector.

[ADD] Mobile Food Establishment means a food establishment, as defined in 105 CMR 590.01, that is located on or operated from a vehicle or is otherwise mobile or towed, and from which food or beverages are stored, prepared, cooked, packaged, served, vended, or otherwise provided for individual portion service.

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

~~[DELETE] Special event means an event that is open to the general public which may be held on public or private property, including city streets and may feature entertainment, amusements, food and beverages. The event may be classified as a road race, bike ride, bike race, parade, walkathon or festival.~~

[ADD] *Special event* means an event that is open to the general public which may be held on public property (including city streets, parking lots and public spaces) or private property which features entertainment, amusements, and/or food and beverages and that is classified as a road race, bike ride, bike race, parade, walkathon, festival, rowing and swim events, reenactments, outdoor concerts or block party.

Temporary or transient business means any exhibition, sale, rental, lease or services of goods, wares, or merchandise which is carried on in a tent, booth, building or other structure [ADD] as part of a permitted special event, unless such place is open for business during usual business hours for a period of at least 12 consecutive months.

Transient vendor means any person, either principal or agent, who engages in a temporary or transient business in the commonwealth, selling goods, wares or merchandise [DELETE] either in one locality or traveling from place to place. [ADD] as part of a permitted special event.

Vendors include hawkers and peddlers, transient vendors [DELETE] and persons who sell or offer for sale services, including, but not limited to, face painting, photographers, etc. [ADD] and event vendors.

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 [Delete] licensed [ADD] permitted by the [DELETE] 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 [ADD] fixed vendor permit from the local [DELETE] licensing [ADD] permitting 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 [DELETE] vendor [ADD] vendors 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 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 [ADD] local hawkers and peddlers [Delete] license [ADD] permit 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 September 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, [ADD] and expire the last business day of January the following 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, [DELETE] the high bidders may resubmit a sealed bid within two business days, [ADD] a coin toss will be conducted.

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 (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) *Hough Avenue*, four spaces in [ADD] assigned locations in the southern parking lot in the parcel of Hough Avenue #24 next to the southeast corner of the parcel of Hough Avenue #41 as designated by the public works department. Vendors shall provide sufficient trash and waste receptacles that shall be emptied [DELETE] ~~on a daily~~ [DELETE] basis. ~~Each vendor shall hold all local, state and federal required permits and licenses as required and shall provide proof of inspection by the Gloucester Health Department.~~ [ADD] Two parking placards for Stage Fort parking lot only, shall be issued with this vendor spot.
- (5) Visitor's center parking lot, Stage Fort Park. [ADD] Two parking placards for Stage Fort parking lot only, shall be issued with this vendor spot.
- (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.

(c) Solomon Jacobs Landing Floats in an area to be designated by the Harbormaster shall be included as a Fixed vending specific site solely for the operation of a water taxi/shuttle which meets the requirements as outlined in Chapter 10, Section 10-54 Waterways of the Code of Ordinances and only available to applicants which meets those requirements.

(d) All vendors shall remove their vehicles and property from the fixed vendor location at the close of business each day. There shall be no overnight parking in the fixed vendor location.

[ADD]

(e) Any unoccupied fixed vendor locations that are not issued may be used by special events organizers during an event.

Sec. 11-6. Conduct of business.

All vendors shall be governed by the following restrictions:

- (1) No vendor shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the city.
- (2) All vendors shall operate from carts which are neat and clean and do not leak. No vendor shall pitch a tent in addition to their cart or vehicle for the purpose of selling their wares at fixed vendor site. ~~[DELETE] All food vendors operating mobile food units or push carts as regulated by 105-CMR 590.052(1) shall obtain the board of health inspection/permit prior to any sales.~~ [ADD] All vendors operating from a mobile food establishment, including food trucks, shall be licensed in accordance with G.L. c. 101, § 22, and shall obtain a food vendor permit from the Board of Health and a local permit from the Licensing Commission prior to conducting business within the city.
- (3) All vendors shall clearly and prominently post prices for all foods, beverages, goods, merchandise and services offered for sale.
- (4) No vendor shall sell goods, wares, merchandise or services from a fixed location on private land without the written permission of the owner of private land. Such written permission shall be produced upon request of the licensing commission, police, sealer of weights and measures or building inspector. Said vendor shall comply with the Gloucester Zoning Ordinance.
- (5) All hawkers and peddlers, except those permitted for a fixed location by the licensing commission under section 11-3 or those permitted ~~[DELETE] by the~~ [ADD] as special events ~~[DELETE] committee~~ under section 11-10, shall be moving at all times other than when servicing a customer. For vendors on foot ~~[DELETE] 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, [ADD] including food trucks, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass. [ADD] Vendors operating from food trucks shall only conduct their business curbside with customers who are on foot, and may not serve any customer within or aboard their mobile food establishment. Food vendors shall not provide customer seating of any kind.
- (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.
- (7) Hawkers, peddlers and transient vendors shall provide suitable receptacles for the placement of any trash and litter that may be expected to result from the sale of their wares and shall remove said trash and litter.
- (8) Each permit or license, ~~[DELETE] fixed or moving~~ shall be a person-specific permit or license, [ADD] except for fixed vending locations the permit or license shall be vendor specific.
- (9) All permits and licenses shall be kept with the vendor in a visible location at all times.
- (10) There shall be no subleasing of site specific vendor locations.

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

- (a) No vendor shall sell or offer for sale any goods, wares, services or merchandise, ~~[DELETE] including publications, magazines, and books, or solicit subscriptions for publications, magazines, or books,~~ [ADD] or engage in door-to-door sales, in the city between the hours of 6:00 p.m. and 8:00 a.m., except that a duly

licensed ice cream vehicle may sell or offer for sale any ice cream products from their vehicle in the city between the hours of 9:00 a.m. and 8:00 p.m. ~~[DELETE] Fixed vendors shall be exempt from prohibited hours during special events.~~ **[ADD] Hours for fixed vendors will be site specific and specified in the bid documents for each location.**

(b) ~~[DELETE] 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. 11-8. Vendors prohibited upon certain streets, areas.

Vendors are prohibited from selling upon the following streets, and all public property including but not limited to parks, playgrounds, sidewalks, grassy areas and beaches within the city except at those fixed locations specified in section 11-5, **[ADD] areas approved by the city licensing commission for the sale of articles for charitable purposes in conformance with section 11-16**, and special event locations approved in conformance with section 11-10.

- (1) Nautilus Road.
- (2) Beach Road.
- (3) Bass Avenue.
- (4) Harbor Road.
- (5) Salt Island Road.
- (6) Witham Street.
- (7) Rockport Road.
- (8) Essex Avenue.
- (9) ~~[DELETE] Manuel Lewis Road.~~ **[ADD] Manuel F. Lewis Street**
- (10) Centennial Avenue.
- (11) Western Avenue.
- (12) Rogers Street.
- (13) Main Street.
- (14) Pleasant Street.

- (15) Prospect Street.
- (16) Railroad Avenue.
- (17) Washington Street.
- (18) Lincoln Avenue.
- (19) Elderly housing complexes.
- (20) Beaches.

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

(b) [ADD] Permits shall expire one year from issuance.

Renumber Sec 11-9 from here

(a b) 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 c) 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.

(e-d) 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.

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

(a) [DELETE] There shall be a special events committee comprised of the following city staff: [ADD] Applications for special events shall be reviewed by the following departments, either individually or as a group who shall meet as a group, as needed, to review applications for special events: the city clerk or [DELETE] his [ADD] their designee, the building inspector or [DELETE] his [ADD] their designee, the department of public works director or [DELETE] his [ADD] their designee, the chief of police or [DELETE] his [ADD] their designee, the fire chief or [DELETE] his [ADD] their designee, the emergency medical services director [ADD] or their designee, the health department food inspector [ADD] or their designee, the harbormaster or [DELETE] his [ADD] their designee and the community development director or his [ADD] their designee. [DELETE] The committee shall meet monthly and shall post notices of its meetings.

(b) [DELETE] The special events committee The department heads or their designees shall review all special events applications and shall assist applicants with any necessary approvals including approvals by

the city council. ~~[DELETE] The committee may in its own discretion refer any application to the city council for consideration.~~ **[ADD] Applications may be referred 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 **[ADD] recommend to the full City Council for approval of a** ~~[DELETE] have the authority to approve the special event permit.~~ **[ADD] road closure for the special event.**

(c) City sanctioned special events/parades shall be designated with restricted vending areas based on public safety considerations. ~~[DELETE] Transient~~ **[ADD] Event** vendor permits shall be approved by the city clerk's office ~~[DELETE] and the chief of police.~~ For the purpose of this article, special events/parades shall be limited to: **[ADD] events open to the public taking place on public property or private property that feature entertainment, amusements, and/or food and beverages and that is classified as a road race, bike ride, bike race, parade, walkathon, festival, rowing and swim events, reenactments, outdoor concerts or block party.**

~~[DELETE] (1) Fishtown Horribles Parade.~~

~~[DELETE] (2) St. Peters Fiesta Procession.~~

~~[DELETE] (3) Labor Day fireworks.~~

~~[DELETE] (4) Middle Street Walk.~~

~~[DELETE] (5) Gloucester Schooner Festival.~~

~~[DELETE] (6) Sidewalk Bazaar.~~

~~[DELETE] (7) Downtown block parties.~~

~~[DELETE] (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) [DELETE] The licensing commission may recommend and the city council may approve additional special events, parades relevant to this section.~~

~~(g f) Forty-five~~ **[ADD] Thirty** days prior to any ~~event,~~ **[ADD] special event** as defined in section 11-1, the event ~~organizing committee~~ **[ADD] organizers** shall submit their application for a special event permit **[ADD]** which shall be reviewed by the department heads or designees named in section 11-10. Applications shall include the number of vendors that will be participating, including vendors of goods and food ., An application for ~~[DELETE] transient~~ **[ADD] event** vendor permits and a list of said ~~[DELETE] transient~~ **[ADD] event** vendors along with all applicable application fees to the city clerk's office **[ADD] shall be submitted within a timeframe as established during the application process by the city clerk.** ~~[Delete] for referral to and review by the special events advisory committee for approval.~~ **[ADD] Applications for food permits shall be submitted to the Board of Health within a timeframe as established during the application process by the Board of Health.**

- (h g) [ADD] Event vendor permits are required for vendors at events held on public property.
- (I h) [ADD] Proof of liability insurance shall be submitted no later than 7 days prior to a special event held on city property.
- (j i) [ADD] The mayor or their designee shall have the final approval of applications.

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

- c. ~~[DELETE] Permits shall be issued for the special event/parade date and/or rain date only in each calendar year by the special events committee.~~ [ADD] Applications for special events shall be submitted no earlier than 12 months and no later than one month prior to the event.
- d. Permits shall be issued for one transient vendor in one location and cannot be duplicated or transferred. [ADD] Event vendors must complete an event vendor application. Applications must be authorized by the event organizer, signed by the vendor and shall be submitted along with payment, to the city clerk's office for the issuance of a transient vendor badge. Applications for transient vendor permits shall be submitted within a timeframe as established during the application process by the city clerk.

~~[DELETE] Sec. 11-12. Door-to-Door Sales Books, magazines and other publications; licensing, registration required.~~

- c. ~~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 [Delete] licensed [ADD] permitted by the City Clerk director of standards of the commonwealth. Furthermore, such a hawker, peddler or transient vendor must record his their name and residence with the chief of police for a background check 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.~~
- d. ~~Any hawker, peddler or transient vendor operating in the city shall display at all times a laminated badge with permit number, name of person, name of company, goods or services sold, and expiration date.~~

[ADD] Sec. 11-12. – Door-to-Door Sales; permitting required

- a) To promote public safety, deter fraud, and protect residents from unlawful or deceptive practices related to door-to-door sales while preserving lawful commercial activity, no person shall conduct door-to-door sales within the city, without first obtaining a permit from the city clerk pursuant to this section.
- b) An applicant for a door-to-door sales permit shall submit a completed application on a form approved by the city clerk, together with:
- a. Valid government-issued photo identification;
 - b. The name, business address, email, and telephone number of the Applicant and the company or organization, if any, on whose behalf the Applicant will be acting;
 - c. A description of the goods or services to be offered;

- d. Dates or period during which door-to-door sales will occur;
 - e. A signed CORI Authorization permitting review by the Police Department; and
 - f. Any applicable fee contained within the schedule of fees.
- c) Upon receipt of a completed application and CORI Authorization, the city clerk shall transmit the CORI Authorization to the chief of police, or their designee, for review.
- d) The city clerk shall issue the permit within ten (10) business days of the filing of a complete application, inclusive of CORI review, except that the city clerk may deny a permit application if the chief of police, or their designee, has recommended denial after review of the applicant's CORI report.
- e) Any person denied a permit under this section may request a hearing before the Licensing Commission by submitting a request to the city clerk in writing within 14 days from the date of denial. The Licensing Commission shall hold a hearing and issue a written decision affirming or reversing the denial within 30 days of receipt of the hearing request. The decision of the Licensing Commission shall constitute the final administrative action of the City.
- f) While engaged in door-to-door sales, each vendor shall prominently display on their outer garment a laminated identification badge issued or approved by the city clerk. The badge shall include the permit number, the name of the individual vendor, the name of the company represented, a description of the goods or services offered, the permit expiration date, and a statement indicating issuance of the permit does not constitute an endorsement by the city.
- g) Permits shall be valid from the date of issuance through the expiration date stated thereon, which shall not exceed one year from issuance. A permit is personal to the applicant and may not be transferred, assigned, or lent. The city clerk may issue a replacement permit or badge upon affidavit of loss and payment of any applicable replacement fee contained within the schedule of fees.
- h) Nothing in this ordinance waives or limits the applicability of any other federal, state, or local law, including consumer protection, tax, or business registration requirements. Door-to-door sales vendors must comply with all time, place, and manner restrictions otherwise applicable in the city pursuant to this chapter.
- i) Violations. Engaging in door-to-door sales without a permit, failure to display the required badge, or violation of any condition of this section constitutes a violation subject to enforcement under Sec. 11-17.

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 ~~[DELETE] either be [DELETE] 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.* ~~[DELETE] 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 **[ADD] one year from date of issuance. [DELETE] 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) Fifty dollars for each use or possession of a false or condemned measuring device; and
- (2) Twenty dollars for each use of an unsealed measuring device.

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.

(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 \$50.00.
- (3) The penalty for the third violation shall be \$100.00.
- (4) The penalty for the fourth and subsequent violations shall be \$200.00.
- (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 ~~[DELETE] transient~~ [ADD] event vendors or failed to include all ~~[DELETE] transient~~ [ADD] event vendors in the list of ~~[DELETE] transient~~ [ADD] event 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.

Summary of Discussion: Councilor Gross proposed an amendment.

Councilor Benson asked for clarification regarding the amendment. Grace Poirier stated that during the legal review an older law had been referenced regarding the makeup of the Licensing Commission that included the building inspector and sanitary inspector, which was out of date, and therefore they did not need to be included.

MOTION AS AMENDED: On a motion by Councilor Gross, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 absent, that the following should read:

[ADD] Licensing Commission shall be comprised of the city clerk, the chief of police, and the fire chief.
~~[DELETE], the building inspector and the sanitary inspector.~~

Summary of Discussion: Councilor Gross proposed an amendment.

Councilor Nolan stated that this area was resident parking only, and a vendor may be from out of town, so a parking placard was necessary.

MOTION AS AMENDED: On a motion by Councilor Gross, seconded by Councilor Memhard, the City Council voted 8 in favor, 0 opposed, 1 absent, that the following should read:

(2) *Washington Street.* Water side at Plum Cove Beach. [ADD] One parking placard shall be issued for this vendor spot.

MOTION AS AMENDED: On a motion by Councilor Nolan, seconded by Councilor Margiotta, the City Council voted 8 in favor, 0 opposed, 1 absent, to amend the Gloucester Code of Ordinances Chapter 11 “Hawkers, Peddlers, Transient Vendors and Special Events” as follows:

Sec. 11-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disabled veteran shall mean the same as defined in MGL c. 31, § 1.

[ADD] *Door-to-door sales* means the selling, offering for sale, soliciting orders for sale, or taking subscriptions for any goods, wares, merchandise, or services by going in or upon private property, residences, or places of business within the City, without prior express invitation or appointment. For the purpose of this article, door-to-door sales shall refer only to commercial activity and shall not apply to any person or organization soliciting or canvassing for noncommercial purposes including, religious, charitable, educational or political, or to any person, organization or group that espouses or advocates a position or belief on any subject of public interest, or on behalf of any candidate for public office.

[ADD] *Event vendor* means any hawker, peddler, transient vendor, or any person, either principal or agent, who sells or offers for sale goods, wares, merchandise, or services as part of a permitted special event.

Farmer's market is a public market for the primary purpose of connecting and mutually benefitting Massachusetts farmers, communities and shoppers while promoting and selling products grown and raised by participating farmers.

A proposed farmers market must meet the minimum qualification for Massachusetts Farmers' Markets as defined by the Massachusetts Department of Agricultural Resources (MDAR) that include, without limitation, two or more farmers primarily selling products that they grew, produced or raised; set hours of regularly scheduled operation; products that are clearly labeled as to origin; and written rules that govern the operation of the farmers market that 1) assure its primary purpose is to provide a direct marketing opportunity for Massachusetts farmers, foresters and fisheries, 2) addresses the terms and conditions of sales, including pricing and labeling, vendor eligibility and product source, and compliance by all vendors with local, state and federal laws and regulations, 3) include a written grievance procedure, and 4) address market and vendor liability, including any insurance requirements.

Included in this definition are state licensed farm-wineries and fresh fish caught by local fishermen.

All vendors participating in a farmer's market covered by this definition are exempt as vendors under section 11-14(a).

Any other vendors participating in the farmer's market must obtain a local vendors license.

Farmers markets are not included under [ADD] the zoning ordinance use schedule, "Open Uses," section 2.3.3 (1) and (2).

Farmers' markets must comply with all applicable local, state and federal laws and regulations.

Hawker and peddler means any person who, for himself, or for another person, firm or corporation travels by foot, automobile, or any other type of conveyance, town to town or place to place in the same town, taking or attempting to lease or take orders for retail sale of goods, wares, merchandise, or services including, but without limiting, the selling, distribution, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of any nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail, sample of

the subject of such sale or whether he is collecting advance payment on such retail sales or whether he is soliciting contributions for any purposes.

[ADD] *Food Truck* means a mobile food establishment that is a readily movable trailer, cart or motorized wheeled vehicle, currently registered with the Massachusetts Registry of Motor Vehicles (if applicable), designed and equipped to cook or prepare or serve food and shall include any food truck, food cart, canteen truck, catering truck, breakfast truck, lunch truck, lunch wagon, or any other mobile food vehicle.

[ADD] *Licensing Commission* shall be comprised of the city clerk, the chief of police, and the fire chief.

[ADD] *Mobile Food Establishment* means a food establishment, as defined in 105 CMR 590.01, that is located on or operated from a vehicle or is otherwise mobile or towed, and from which food or beverages are stored, prepared, cooked, packaged, served, vended, or otherwise provided for individual portion service.

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

~~[DELETE] *Special event* means an event that is open to the general public which may be held on public or private property, including city streets and may feature entertainment, amusements, food and beverages. The event may be classified as a road race, bike ride, bike race, parade, walkathon or festival.~~

[ADD] *Special event* means an event that is open to the general public which may be held on public property (including city streets, parking lots and public spaces) or private property which features entertainment, amusements, and/or food and beverages and that is classified as a road race, bike ride, bike race, parade, walkathon, festival, rowing and swim events, reenactments, outdoor concerts or block party.

Temporary or transient business means any exhibition, sale, rental, lease or services of goods, wares, or merchandise which is carried on in a tent, booth, building or other structure [ADD] as part of a permitted special event, unless such place is open for business during usual business hours for a period of at least 12 consecutive months.

Transient vendor means any person, either principal or agent, who engages in a temporary or transient business in the commonwealth, selling goods, wares or merchandise [DELETE] either in one locality or traveling from place to place. [ADD] as part of a permitted special event.

Vendors include hawkers and peddlers, transient vendors [DELETE] and persons who sell or offer for sale services, including, but not limited to, face painting, photographers, etc. [ADD] and event vendors.

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 [Delete] licensed [ADD] permitted by the [DELETE] 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 [ADD] fixed vendor permit from the local [DELETE] licensing [ADD] permitting 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 [DELETE] vendor [ADD] vendors 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 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 [ADD] local hawkers and peddlers [Delete] license [ADD] permit 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 September 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, [ADD] and expire the last business day of January the following 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, [DELETE] the high bidders may resubmit a sealed bid within two business days, [ADD] a coin toss will be conducted.

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 (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. [ADD] One parking placard shall be issued for this vendor spot.

(3) *Western Avenue*. Water side between the intersection with Middle Street and the Public Landing east of Middle Street, site.

(4) *Hough Avenue*, four spaces in [ADD] assigned locations in the southern parking lot in the parcel of Hough Avenue #24 next to the southeast corner of the parcel of Hough Avenue #41 as designated by the public works department. Vendors shall provide sufficient trash and waste receptacles that shall be emptied [DELETE] on a daily [DELETE] basis. ~~Each vendor shall hold all local, state and federal required permits and licenses as required and shall provide proof of inspection by the Gloucester Health Department.~~ [ADD] Two parking placards for Stage Fort parking lot only, shall be issued with each vendor spot.

(5) Visitor's center parking lot, Stage Fort Park. [ADD] Two parking placards for Stage Fort parking lot only, shall be issued with this vendor spot.

(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.

(c) Solomon Jacobs Landing Floats in an area to be designated by the Harbormaster shall be included as a Fixed vending specific site solely for the operation of a water taxi/shuttle which meets the requirements as outlined in Chapter 10, Section 10-54 Waterways of the Code of Ordinances and only available to applicants which meets those requirements.

(d) All vendors shall remove their vehicles and property from the fixed vendor location at the close of business each day. There shall be no overnight parking in the fixed vendor location.

[ADD]

(e) Any unoccupied fixed vendor locations that are not issued may be used by special events organizers during an event.

Sec. 11-6. Conduct of business.

All vendors shall be governed by the following restrictions:

- (1) No vendor shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the city.
- (2) All vendors shall operate from carts which are neat and clean and do not leak. No vendor shall pitch a tent in addition to their cart or vehicle for the purpose of selling their wares at fixed vendor site. ~~[DELETE] All food vendors operating mobile food units or push carts as regulated by 105 CMR 590.052(I) shall obtain the board of health inspection/permit prior to any sales.~~ [ADD] All vendors operating from a mobile food establishment, including food trucks, shall be licensed in accordance with G.L. c. 101, § 22, and shall obtain a food vendor permit from the Board of Health and a local permit from the Licensing Commission prior to conducting business within the city.
- (3) All vendors shall clearly and prominently post prices for all foods, beverages, goods, merchandise and services offered for sale.
- (4) No vendor shall sell goods, wares, merchandise or services from a fixed location on private land without the written permission of the owner of private land. Such written permission shall be produced upon request of the licensing commission, police, sealer of weights and measures or building inspector. Said vendor shall comply with the Gloucester Zoning Ordinance.
- (5) All hawkers and peddlers, except those permitted for a fixed location by the licensing commission under section 11-3 or those permitted ~~[DELETE] by the~~ [ADD] as special events ~~[DELETE] committee~~ under section 11-10, shall be moving at all times other than when servicing a customer. For vendors on foot ~~[DELETE] 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, [ADD] including food trucks, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass. [ADD] Vendors operating from food trucks shall only conduct their business curbside with customers who are on foot, and may not serve any customer within or aboard their mobile food establishment. Food vendors shall not provide customer seating of any kind.
- (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.
- (7) Hawkers, peddlers and transient vendors shall provide suitable receptacles for the placement of any trash and litter that may be expected to result from the sale of their wares and shall remove said trash and litter.

- (8) Each permit or license, ~~[DELETE] fixed or moving~~ shall be a person-specific permit or license, ~~[ADD] except for fixed vending locations the permit or license shall be vendor specific.~~
- (9) All permits and licenses shall be kept with the vendor in a visible location at all times.
- (10) There shall be no subleasing of site specific vendor locations.

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

(a) No vendor shall sell or offer for sale any goods, wares, services or merchandise, ~~[DELETE] including publications, magazines, and books, or solicit subscriptions for publications, magazines, or books,~~ ~~[ADD] or engage in door-to-door sales,~~ in the city between the hours of 6:00 p.m. and 8:00 a.m., except that a duly licensed ice cream vehicle may sell or offer for sale any ice cream products from their vehicle in the city between the hours of 9:00 a.m. and 8:00 p.m. ~~[DELETE] Fixed vendors shall be exempt from prohibited hours during special events.~~ ~~[ADD] Hours for fixed vendors will be site specific and specified in the bid documents for each location.~~

(b) ~~[DELETE] 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. 11-8. Vendors prohibited upon certain streets, areas.

Vendors are prohibited from selling upon the following streets, and all public property including but not limited to parks, playgrounds, sidewalks, grassy areas and beaches within the city except at those fixed locations specified in section 11-5, ~~[ADD] areas approved by the city licensing commission for the sale of articles for charitable purposes in conformance with section 11-16,~~ and special event locations approved in conformance with section 11-10.

- (1) Nautilus Road.
- (2) Beach Road.
- (3) Bass Avenue.
- (4) Harbor Road.
- (5) Salt Island Road.
- (6) Witham Street.
- (7) Rockport Road.
- (8) Essex Avenue.

(9) ~~[DELETE] Manuel Lewis Road.~~ [ADD] Manuel F. Lewis Street

(10) Centennial Avenue.

(11) Western Avenue.

(12) Rogers Street.

(13) Main Street.

(14) Pleasant Street.

(15) Prospect Street.

(16) Railroad Avenue.

(17) Washington Street.

(18) Lincoln Avenue.

(19) Elderly housing complexes.

(20) Beaches.

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

(c) [ADD] Permits shall expire one year from issuance.

Renumber Sec 11-9 from here

(a b) 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 c) 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-d) 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.

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

(a) ~~[DELETE] There shall be a special events committee comprised of the following city staff:~~ ~~[ADD] Applications for special events shall be reviewed by the following departments, either individually or as a group who shall meet as a group, as needed, to review applications for special events:~~ the city clerk or ~~[DELETE] his~~ ~~[ADD] their~~ designee, the building inspector or ~~[DELETE] his~~ ~~[Add] their~~ designee, the department of public works director or ~~[DELETE] his~~ ~~[ADD] their~~ designee, the chief of police or ~~[DELETE] his~~ ~~[ADD] their~~ designee, the fire chief or ~~[DELETE] his~~ ~~[ADD] their~~ designee, the emergency medical services director ~~[ADD] or their designee~~, the health department food inspector ~~[ADD] or their designee~~, the harbormaster or ~~[DELETE] his~~ ~~[ADD] their~~ designee and the community development director or ~~his~~ ~~[ADD] their~~ designee. ~~[DELETE] The committee shall meet monthly and shall post notices of its meetings.~~

(b) ~~[DELETE] The special events committee~~ The department heads or their designees shall review all special events applications and shall assist applicants with any necessary approvals including approvals by the city council. ~~[DELETE] The committee may in its own discretion refer any application to the city council for consideration.~~ ~~[ADD] Applications may be referred 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 ~~[ADD] recommend to the full City Council for approval of a~~ ~~[DELETE] have the authority to approve the special event permit.~~ ~~[ADD] road closure for the special event.~~

(c) City sanctioned special events/parades shall be designated with restricted vending areas based on public safety considerations. ~~[DELETE] Transient~~ ~~[ADD] Event~~ vendor permits shall be approved by the city clerk's office ~~[DELETE] and the chief of police.~~ For the purpose of this article, special events/parades shall be limited to: ~~[ADD] events open to the public taking place on public property or private property that feature entertainment, amusements, and/or food and beverages and that is classified as a road race, bike ride, bike race, parade, walkathon, festival, rowing and swim events, reenactments, outdoor concerts or block party.~~

~~[DELETE] (1) Fishtown Horribles Parade.~~

~~[DELETE] (2) St. Peters Fiesta Procession.~~

~~[DELETE] (3) Labor Day fireworks.~~

~~[DELETE] (4) Middle Street Walk.~~

~~[DELETE] (5) Gloucester Schooner Festival.~~

~~[DELETE] (6) Sidewalk Bazaar.~~

~~[DELETE] (7) Downtown block parties.~~

~~[DELETE] (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) [DELETE] The licensing commission may recommend and the city council may approve additional special events, parades relevant to this section.~~
- (g f) ~~Forty-five~~ [ADD] Thirty days prior to any ~~event~~, [ADD] special event as defined in section 11-1, the event ~~organizing committee~~ [ADD] organizers shall submit their application for a special event permit [ADD] which shall be reviewed by the department heads or designees named in section 11-10. Applications shall include the number of vendors that will be participating, including vendors of goods and food . An application for ~~[DELETE] transient~~ [ADD] event vendor permits and a list of said ~~[DELETE] transient~~ [ADD] event vendors along with all applicable application fees to the city clerk's office [ADD] shall be submitted within a timeframe as established during the application process by the city clerk. ~~[Delete] for referral to and review by the special events advisory committee for approval.~~ [ADD] Applications for food permits shall be submitted to the Board of Health within a timeframe as established during the application process by the Board of Health.
- ~~(h g)~~ [ADD] Event vendor permits are required for vendors at events held on public property.
- ~~(i h)~~ [ADD] Proof of liability insurance shall be submitted no later than 7 days prior to a special event held on city property.
- ~~(j i)~~ [ADD] The mayor or their designee shall have the final approval of applications.

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

- e. ~~[DELETE] Permits shall be issued for the special event/parade date and/or rain date only in each calendar year by the special events committee.~~ [ADD] Applications for special events shall be submitted no earlier than 12 months and no later than one month prior to the event.
- f. Permits shall be issued for one transient vendor in one location and cannot be duplicated or transferred. [ADD] Event vendors must complete an event vendor application. Applications must be authorized by the event organizer, signed by the vendor and shall be submitted along with payment, to the city clerk's office for the issuance of a transient vendor badge. Applications for transient vendor permits shall be submitted within a timeframe as established during the application process by the city clerk.

~~[DELETE] Sec. 11-12. Door to Door Sales Books, magazines and other publications; licensing, registration required.~~

- e. ~~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 [Delete] licensed [ADD] permitted by the City Clerk director of standards of the commonwealth. Furthermore, such a hawker, peddler or transient vendor must record his their name and residence with the chief of police for a background check. 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.~~
- f. ~~Any hawker, peddler or transient vendor operating in the city shall display at all times a laminated badge with permit number, name of person, name of company, goods or services sold, and expiration date.~~

[ADD] Sec. 11-12. – Door-to-Door Sales; permitting required

- a) To promote public safety, deter fraud, and protect residents from unlawful or deceptive practices related to door-to-door sales while preserving lawful commercial activity, no person shall conduct

door-to-door sales within the city, without first obtaining a permit from the city clerk pursuant to this section.

b) An applicant for a door-to-door sales permit shall submit a completed application on a form approved by the city clerk, together with:

- a. Valid government-issued photo identification;
- b. The name, business address, email, and telephone number of the Applicant and the company or organization, if any, on whose behalf the Applicant will be acting;
- c. A description of the goods or services to be offered;
- d. Dates or period during which door-to-door sales will occur;
- e. A signed CORI Authorization permitting review by the Police Department; and
- f. Any applicable fee contained within the schedule of fees.

c) Upon receipt of a completed application and CORI Authorization, the city clerk shall transmit the CORI Authorization to the chief of police, or their designee, for review.

d) The city clerk shall issue the permit within ten (10) business days of the filing of a complete application, inclusive of CORI review, except that the city clerk may deny a permit application if the chief of police, or their designee, has recommended denial after review of the applicant's CORI report.

e) Any person denied a permit under this section may request a hearing before the Licensing Commission by submitting a request to the city clerk in writing within 14 days from the date of denial. The Licensing Commission shall hold a hearing and issue a written decision affirming or reversing the denial within 30 days of receipt of the hearing request. The decision of the Licensing Commission shall constitute the final administrative action of the City.

f) While engaged in door-to-door sales, each vendor shall prominently display on their outer garment a laminated identification badge issued or approved by the city clerk. The badge shall include the permit number, the name of the individual vendor, the name of the company represented, a description of the goods or services offered, the permit expiration date, and a statement indicating issuance of the permit does not constitute an endorsement by the city.

g) Permits shall be valid from the date of issuance through the expiration date stated thereon, which shall not exceed one year from issuance. A permit is personal to the applicant and may not be transferred, assigned, or lent. The city clerk may issue a replacement permit or badge upon affidavit of loss and payment of any applicable replacement fee contained within the schedule of fees.

h) Nothing in this ordinance waives or limits the applicability of any other federal, state, or local law, including consumer protection, tax, or business registration requirements. Door-to-door sales vendors must comply with all time, place, and manner restrictions otherwise applicable in the city pursuant to this chapter.

i) Violations. Engaging in door-to-door sales without a permit, failure to display the required badge, or violation of any condition of this section constitutes a violation subject to enforcement under Sec. 11-17.

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 ~~[DELETE] either be [DELETE] 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.* ~~[DELETE] 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 ~~[ADD] one year from date of issuance. [DELETE] 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) Fifty dollars for each use or possession of a false or condemned measuring device; and
- (2) Twenty dollars for each use of an unsealed measuring device.

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.

(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 \$50.00.
- (3) The penalty for the third violation shall be \$100.00.
- (4) The penalty for the fourth and subsequent violations shall be \$200.00.
- (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 ~~[DELETE] transient~~ ~~[ADD] event~~ vendors or failed to include all ~~[DELETE] transient~~ ~~[ADD] event~~ vendors in the list of ~~[DELETE] transient~~ ~~[ADD] event~~ 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.

COUNCIL VOTE:

1. Warrant for the September 1, 2026 State Primary Election

Summary of Discussion: None.

MOTION: On a motion by Councilor Nolan, seconded by Councilor Margiotta, the City Council voted 8 in favor, 0 opposed, 1 absent, to adopt the Warrant for the September 1, 2026 State Primary Election

INDIVIDUAL COUNCILOR'S DISCUSSION INCLUDING REPORTS BY APPOINTED COUNCILORS TO COMMITTEES: None.

COUNCILORS' REQUESTS TO THE MAYOR: Councilor Page requested an update regarding what had been spent on the East Gloucester playground renovation.

COUNCILORS' THANKS AND ACKNOWLEDGEMENTS: Councilor Grace thanked Councilor Gross and Councilor Nolan for putting together a workshop regarding frauds and scams for seniors.

Councilor Nolan and Councilor Gross thanked the organizers of the ceremony for the Fisherman's Memorial.

COUNCILORS' WARD UPDATES AND COMMUNITY NEWS: Councilor Margiotta stated that the Annisquam Village Players had put on a rendition of the Addams Family musical.

MOTION: On a motion by Councilor Gross, seconded by Councilor Nolan, the City Council voted 8 in favor, 0 opposed, 1 absent, to adjourn the meeting at 7:58 p.m.

Submitted by: Lynds Jones, Legislative Aide

Items submitted at the meeting: Presentation by Michael Hale.

Meeting Recording: <https://www.gloucester-ma.gov/1097/Past-Remote-Public-Meetings>