

## Chapter 46

### PEDDLERS AND HAWKERS\*

\* **Cross References:** Businesses, ch. 10.

**State Law References:** Licensing and regulation of hawkers and peddlers, G.L. 1956, §§ 5-11-10--5-11-18.

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#### **Sec. 46-1. Definitions.**

The following words and phrases shall have the meanings as hereinafter defined when used in this chapter:

*Charitable or religious organization.* No qualification as a charitable or religious organization shall exist unless the applicant is able to provide a current exemption certificate from the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Service Code or has maintained in the state a continuous existence as a charitable or religious organization for a period of three years prior to the date of its application pursuant to this chapter.

*Chief of police* applies to any member of the city police department designated by the chief of police to carry out such duties in his/her absence.

*Peddler* and *hawker* mean any person who has no regular fixed place of business within the city, and who engages in the business of selling or offering to sell goods or services by going from place to place within the city.

*Solicitor.* Any person who solicits contributions from the public, either on the streets of the city or from door to door, for any charitable or religious organization shall be defined as a solicitor for charitable or religious purposes. Any person who solicits subscriptions by going from place to place within the city, and who offers for sale subscriptions to magazines or other materials protected by provisions of the First Amendment to the Constitution of the United States of America, shall be defined as a solicitor for subscriptions.

*Transient merchant* means any person, firm or corporation, whether as owner, agent, consignee or employee, who has no permanent, regular place of business within the city, and who engages in the business of selling and/or delivering goods, wares and merchandise within the city, and who, in furtherance of such

purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad car or boat, public room in hotels, lodgings or apartments, or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise; provided, however, that no merchant shall be considered a transient merchant under this chapter if such merchant is a bona fide commercial traveler selling goods at wholesale by samples.

(Code 1971, § 13-98)

**Cross References:** Definitions generally, § 1-2.

#### **Sec. 46-2. License required; application; issuance; term.**

(a) Except as hereinafter provided, all hawkers, peddlers, transient merchants and solicitors desiring to sell or offer for sale as hawkers, peddlers, transient merchants and solicitors any goods, wares, merchandise, ice cream, fruits or vegetables, or other articles or substances on any street or alley or in any temporary fixed place of business in the city shall first obtain a license therefor, to be issued by the board of public safety, and to that end shall make application to such board for such license therefor, respectfully, as may be desired.

(b) Upon the recommendation or approval of the chief of police in writing, the board of public safety may issue a license, accordingly, to such person, firm or corporation, respectively, to sell the articles and substances hereinbefore mentioned in such manner as shall be specified in such license upon any streets in the city, or to hawkers, peddlers, transient merchants and solicitors authorizing them to sell or offer for sale as hawkers, peddlers, transient merchants and solicitors any articles or substances within the city for a period of 12 months from the date of such license. Such licenses may be issued subject to conditions imposed by such board and made subject to the regulations of the board.

(Code 1971, § 13-99)

**State Law References:** Licensing and regulation of hawkers and peddlers, G.L. 1956, §§ 5-11-10--5-11-18.

#### **Sec. 46-3. Ice cream and lemonade peddlers.**

(a) No peddler or hawker selling or distributing any ice cream, lemonade or any other items shall park or stop his/her vehicle for the purpose of making a sale of such items in an area which is closer than 200 feet to a school building between the hours of 8:00 a.m. and 3:00 p.m. on days on which school is in session, as measured from the closest point of the property upon which the building is located to the location on which the vehicle is parked.

(b) All peddlers and hawkers parking in any allowed area within the city must comply with all of the city's traffic regulations, including, but not limited to, stopping with the right wheels to the curb, and they shall only be allowed to park for that amount of time which it takes to serve a customer.

(Code 1971, § 13-99.1)

#### **Sec. 46-4. Hot dog and fast food peddlers.**

(a) No hawker selling or distributing any prepared foodstuffs such as hot dogs, hamburgers, etc., shall park or stop his/her vehicle for the purpose of preparing and selling such foodstuffs to a customer in any area other than that so designated as their authorized sales area under this license.

(b) All peddlers parking in any allowed area within the city must comply with all of the city's traffic regulations, including, but not limited to, stopping with the right wheels to the curb, and they shall only be

allowed to park for that amount of time which it takes to serve a customer.  
(Code 1971, § 13-99.2)

#### **Sec. 46-5. Flower vendors.**

(a) *Permit required.* Any person who intends to sell flowers at a location other than his/her principal place of business and who engages in the business of selling flowers on the streets or sidewalks of the city shall be duly licensed for such purpose by the board of public safety in accordance with the provisions of section 46-2. These provisions are not intended to prohibit the sale of flowers grown on the premises of a property owner.

(b) *Permit fee.* The fee for a flower vendor's permit shall be as provided in chapter 18.

(c) *Application for permit.* An application for a flower vendor's permit will be sworn to in duplicate and shall be filed with the police department no less than 21 days prior to the time when the permit applied for shall become effective.

(d) *Location of sales; prohibited locations.* Flower vendor permits shall specify the location where the flowers are intended to be sold. There shall be one permit issued per location. No flower vendor permit shall be granted for a location in the city that is within 1,000 feet of a licensed retail florist or greengrocer, or within 1,000 feet of places of worship one-half hour before, during or one-half hour after services or activities within such places of worship. No flowers shall be sold within 300 feet of the intersection of two or more arterial streets (those having a right-of-way width of 60 feet or greater) or from any location from which such activity would restrict or interfere with the ingress or egress of abutting property owners, create a public nuisance, increase traffic congestion or delay, constitute a hazard to life and property, or obstruct adequate access to fire, police or safety vehicles.

(e) *Expiration of permit.* Flower vendor permits shall expire within five days of the date of issuance.

(f) *State sales tax permit required.* The vendor shall have a valid state sales tax permit, which shall be presented at the time of application.  
(Code 1971, §§ 13-99.3, 13-100)

#### **Sec. 46-6. Transfer of license.**

No license issued under this chapter shall authorize any person, firm or corporation other than the one named therein to act thereunder. Any such license may be transferred by the board of public safety, on recommendation of the chief of police, on payment of a fee of \$5.00; further, the chief of police, or his/her designate, acting as the agent of the board of public safety, may in an emergency situation waive such transfer fee in the event the licensee becomes incapacitated through illness or injury and can provide to the chief of police documented proof of such incapacitation.  
(Code 1971, § 13-101)

**State Law References:** Transfer of licenses, G.L. 1956, § 5-11-6.

#### **Sec. 46-7. Exemptions from license fee.**

No fees shall be charged for licenses issued to any person, firm or corporation to sell articles exempted

from license by G.L. 1956, §§ 5-11-8 and 5-11-9, or to any person, firm or corporation who shall receive a license from the general treasurer in accordance with the provisions of G.L. 1956, § 5-11-7.  
(Code 1971, § 13-102)

**Sec. 46-8. Identification cards--Issuance; wearing of card; deposit.**

Every person, firm or corporation licensed under this chapter shall also obtain from the chief of police an identification card of plastic at least three inches by two inches, and shall at all times while engaged in the business for which he/she is licensed wear such identification card conspicuously on the outside of his/her outside coat. In the case of a firm or corporation, a specific number of identification cards may be issued to accommodate the specific needs of the licensee. Such identification card shall contain a number which shall correspond to the identification card number marked on the license and shall be issued upon the deposit of \$10.00 by such person, firm or corporation as shall obtain the license bearing such identification card number. Upon the surrender of such identification card to the chief of police, the deposit shall be returned and the license shall thereby be revoked.

(Code 1971, § 13-103)

**Sec. 46-9. Same--Use after expiration of license; use by other persons.**

No person, firm or corporation shall wear any identification card referred to in the preceding section after the expiration or revocation of the license represented by it. Any licensed person, firm or corporation who shall suffer any such identification card issued to him/her to be used by another person, firm or corporation for a purpose similar to that for which the identification card was issued to him/her shall forfeit such identification card, together with the license represented by it.

(Code 1971, § 13-104)

**Sec. 46-10. Failure to exhibit license and identification card.**

Any person, firm or corporation licensed under this chapter who shall fail, upon proper demand of any police officer, to exhibit to such officer his or her license and identification card shall be deemed for the purpose of this chapter to be unlicensed and to have violated the provisions of this chapter.

(Code 1971, § 13-105)

**Sec. 46-11. Penalty; confiscation of goods.**

Any person, firm or corporation violating any of the provisions of this chapter shall be punishable as provided in section 1-4, and shall be punished by confiscation of all articles so offered for sale then in the immediate possession of the person found to be in violation of the provisions of this chapter, together with the packs, packages and/or vehicle upon or in which those articles shall have been transported and/or displayed. Every day that such violation continues shall constitute a separate and distinct offense.

(Code 1971, § 13-106)

**Sec. 46-12. Milkmen and newspaper vendors excepted from chapter.**

Nothing herein contained shall apply to milkmen or to vendors of newspapers.

(Code 1971, § 13-107)

**Sec. 46-13. Prohibited acts.**

(a) It shall be unlawful for any peddler or solicitor to ring the bell, or knock on the door, or otherwise attempt to gain admittance for the purpose of peddling or soliciting at any residence, dwelling or apartment at which a sign bearing the words "No Peddlers or Solicitors," or words of similar import indicating that such persons are not wanted on said premises, is painted, affixed or otherwise exposed to public view.

(b) It shall be unlawful for any peddler or solicitor to fail to disclose to the prospective buyer, upon request, the name of the company, product or organization he/she represents, and, if requested so to do, to leave the premises immediately.

(c) It shall be unlawful for any peddler, hawker or solicitor to conduct door-to-door sales, promotions or solicitations in residential zones within the city between the hours of 9:00 p.m. and 9:00 a.m. (Code 1971, § 13-108)