

Chapter 12 LICENSES AND BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

Section 12-1. Revocation due to unpaid fees.

The failure to pay the annual license fee for any license or special license granted by the Board of Aldermen shall be cause for the revocation of such license or special license after the licensee has been informed by written notice of the fee due, the year, the name, and that his license or special license may be revoked after a hearing by the Board of Aldermen. (Ord. of 4-17-79)(06-22-2005)

12- 2 LICENSING UNDER MGL CHAPTER 140, SECTION 57 & 59

(a) License required.

No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof or allow any property under his control to be used as a place of sale or display of motor vehicles without securing a license from the Board of Aldermen.

This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles, and to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public. (MGL 140§57)

(b) Application requirements.

- (1) Application for license shall be filed with the City Clerk of the City of Everett and be made in such form as shall be approved by the Registrar of Motor Vehicles, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. (MGL 140§57)
- (2) Every applicant for such license shall file, with the City Clerk of the City of Everett, the following additional information:
 - a. Name, local address and telephone number of the manager of the business if different from applicant.
 - b. Federal Employer Identification Number if applicant is a corporation, partnership or firm; Social Security Number if applicant is a sole proprietorship.
 - c. Certificates of inspection issued by the Everett Building Department and Fire Prevention Division of the Everett Fire Department.
 - d. Certificate of Good Standing issued by the Treasurer -Collector of the City of Everett.
 - e. A current Criminal Offender Record Information (CORI) report for owner and manager. (New license or change in manager)
 - f. A Revenue Enforcement and Protection (REAP) Attestation.
 - g. A certified plot plan approved by the Building Department, shall accompany all new applications, indicating required parking

designations for customer, employee and vehicles for sale or repair and any other requirements set forth by the Zoning Ordinances of the City of Everett. (New license only)

- h. Proof of ownership and/or right to possession of the property wherein the license will be effective.
 - i. Property Card from the Assessor's Department of the City of Everett displaying name and address of current owner.
 - j. Workmen's Compensation Insurance Affidavit
 - k. Application fee of \$200.00. (New license only)
 - l. Other information that may be requested by the Board of Aldermen.
- (c) License fee, expiration.

The annual license fee to be paid for said license shall be \$200.00. All licenses shall expire on the last day of each calendar year. Any change of ownership shall require a new application and license with corresponding payment of fees.
- (d) Standards for issuance of license; denial.
 - (1) The City, in considering the application, shall take into consideration the nature and development of the surrounding property; the proximity of churches, schools, public buildings or other places of public gathering; the effect such business may have upon traffic conditions in the City and the creation of traffic hazards; the sufficiency in number of such other businesses of the same character in the City; the health, safety and general welfare of the public; and the suitability of the applicant to establish, maintain and operate such business and to receive a license.
 - (2) All licenses shall be issued by the City Clerk only after payment of licensing fee and proof of the licensee obtaining of a bond, or equivalent proof of financial responsibility as described in Massachusetts General Law Ch 140§58, and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth.
 - (3) In the case of a sale of a business licensed under this section, no license shall be issued to the purchaser until the previous license is surrendered or an executed purchase and sale agreement is filed with the City Clerk.
- (e) Transferability.

Said license shall not be assignable or transferable and shall authorize the licensee to conduct the business only on the premises specified.
- (f) Suspensions and revocations.
 - (1) All licenses granted under this section shall be revoked by the Board of Aldermen if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine of the Massachusetts General Laws, inclusive, or the rules and regulations made there under; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the Registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. In each case where such license

is revoked, the Board of Aldermen shall forthwith notify the Registrar of such revocation. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. (MGL Ch 140§59)

- (2) All licenses issued pursuant to this section may be suspended by the Board of Aldermen for cause, after notice to the licensee. The licensee may request an appeal to be presented to the Board of Aldermen, whose decision on said suspension shall be final.

(g) Standards of Operation

- (1) All licensees shall comply with all applicable laws of the State and Federal Government, the Rules and regulations of the Massachusetts Registry of Motor Vehicles and the Revised Ordinances of the City of Everett.
- (2) No stripped, dismantled or wrecked automobiles shall be displayed, stored or otherwise permitted on said licensed area.
- (3) All employee, customer and vehicles for sale, shall be parked or otherwise stored at all times in an orderly and uniform manner on the licensed premises only.
- (4) All employee and customer parking spaces shall be clearly marked with proper signage.
- (5) Conditions as to hours of operation, number of vehicles available for sale and any other conditions shall be strictly adhered to unless amended by the Board of Aldermen and attached to the license.
- (6) Proper office facilities shall be maintained on the premises for conduct of business.
- (7) Proper fencing and lighting, as required by the Board of Aldermen or Building Department shall be maintained.
- (8) Banners, flags (except the proper display of an National, State or City Flag) are prohibited to prevent a carnival atmosphere.
- (9) Proper signage as required by the Building Department, Traffic Division of the Everett Police Department or the Board of Aldermen shall be maintained.
- (10) All vehicles for sale on any lot licensed under the provision of this section shall be owned by the license holder.
- (11) All vehicles for sale shall be so identified in a manner approved by the Board of Aldermen.

(h) Unlicensed Business.

Whoever, not being licensed, carries on the business for which a license is required by section fifty-seven of Chapter 140 of the Massachusetts General Laws, or is concerned therein, or, being licensed, carries on such business or is concerned therein in any other place or manner than that designated in his license, or after notice to him that his license has been revoked or suspended, shall be punished by a fine of not less than two hundred and not more than one thousand dollars. . (MGL Ch 140§68)

(i) Violations and penalty

- (1) Each and every person failing to comply with any of the provisions in this section, shall be subject to a fine of not more than five hundred dollars fines as provided in Chapter 140: Section 69 of the Massachusetts General Laws.
- (2) In addition to being subject to the penalties provided herein, any license issued under this section may be revoked or suspended for any intentional misstatement in any application or for any violation of this section.

(Rev. Ords. 1976, Pt. 2, Ch. 10, § 14, A0048-10) Cross reference(s)--Traffic and motor vehicles, Ch. 18.

Section 12-3 Licensing under Chapter 148, Section 56.

Persons may be licensed in accordance with chapter 148, section 56, of the M.G.L. The fee for each license shall be one hundred dollars (\$100.00) and a fee of one hundred dollars (\$100.00) for each renewal thereof.

Editor's Note: Changed from 12-2.5 in 2004

Section 12-4 Notice to abutters.

Any person or other entity applying for a license under M.G.L., c. 140, §§ 57, 58 and 59, shall provide to the clerk of the board of aldermen, when such application for a license is first presented to the board of alderman, return receipt from the U.S. Postal Service, indicating that all abutters within one hundred fifty (150) feet of any part of the property intending to be used for a first, second or third class motor dealer, have been notified of the date that such application will be heard by the board of aldermen. (Ord. of 4-4-94)

Editor's note--Ord. of 6-5-95(2), deleted the provisions of former § 12-4, which pertained to food dispensing at gasoline stations restricted, as derived from Ord. of 4-10-78. Changed from 12-2.5 in 2004.

Section 12-5. Time restriction upon delivering or removing merchandise.

No person shall deliver or remove merchandise from any business establishment in the city between the hours of 10:00 p.m. and 7:00 a.m., except in emergencies.

(Rev. Ords. 1976, Pt. 2, Ch. 11, § 1)

Section 12-6. Delivery of milk and bread.

The delivery of milk and bread to stores is allowable between the hours of 10:00 p.m. to 12:00 midnight. Permission for such delivery between such hours shall be granted by the chief of police upon request of the business establishment. The chief of police shall not grant this permission of delivery if in his judgment a nuisance shall be created, and the chief of police shall withdraw such permission if in his judgment, a nuisance is created by such delivery or if requested to do so by the city council. (Rev. Ords. 1976, Pt. 2, Ch. 11, § 2)

Section 12-7. Prohibited conduct in certain establishments.

(a) The following acts or conduct in or on premises licensed in accordance with chapter 140, section 181 or section 183A of the General Laws are deemed contrary to the public need and to the common good. Therefore no license shall be held for the sale of alcoholic beverages to be served and consumed on the licensed premises where such acts or conduct are permitted:

- (1) It is forbidden to employ or permit any person in or on the licensed premises while such person is unclothed or in such attire as to expose to view any portion

of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals.

- (2) It is forbidden to employ or permit any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire as described in subsection (a)(1) of this section.
- (3) It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress, or fondle the breasts, buttocks, or genitals of any other person.
- (4) It is forbidden to employ or permit any person to wear or use any device or covering exposed to view which simulate the breasts, buttocks, pubic hair, or genitals or any portions thereof.
- (5) It is forbidden to employ or permit any person in or on the licensed premises to perform any act or acts, or to simulate the act or acts, of:
 - a. Sexual intercourse, masturbation, sodomy, flagellation, or any sexual acts prohibited by law; or
 - b. Touching, caressing, or fondling of the breasts, buttocks, or genitals of another.

(b) It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, television type cassettes, still pictures, or other photographic reproductions depicting any of the acts, or any simulation of any of the acts, prohibited in subsection (a) of this section.

(c) Notwithstanding any of the provisions of this section, no person duly licensed by the licensing board for the city under chapter 140, section 181, or 183A, or chapter 138, sections 1, 12, or 23 of the General Laws shall employ, use the services of, or permit upon this licensed premises any employee, entertainer, or other person who by his or her attire or conduct violates any general laws, special act, or ordinance of the city.

(d) Any person violating any of the provisions of this section shall, upon conviction, be punished in accordance with section 1-7. (Ord. of 12-20-76)

Section 12-8. Delinquencies in municipal taxes or charges/licenses and permits.

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or the other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector as required by applicable provisions of law, and the party is given a hearing, to be held not

earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The city council may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter 268A in the business or activity conducted in or on said property.

(e) This section shall not apply to the following licenses and permits: open burning; section 13 of chapter 48; bicycle permits; section 11A of chapter 85; sales of articles for charitable purposes, section 33 of chapter 101; children work permits, section 69 of chapter 149; clubs, associations dispensing food or beverage licenses, section 21E of chapter 140; dog licenses, section 137 of chapter 140; fishing, hunting, trapping license, section 12 of chapter 131; marriage licenses, section 28 of chapter 207 and theatrical events, public exhibition permits, section 181 of chapter 140, and dumpster permits, section 17-79 of the Revised Ordinances of the City of Everett. (Ord. of 8-19-96(1))

Editor's note--Ord. of 8-19-96(1), added provisions to the Code, but did not specify manner of inclusion. At the discretion of the editor, therefore, said provisions have been included as § 12-30 herein. Editor's Note: Changed from 12-11 in 2004

Section 12-9 Special Licenses for Extended Hours of Operation

(a) For the purpose of controlling noise and promoting the public peace and to protect public safety and nighttime tranquility, no retail or wholesale store, factory or manufacturing plant, or any establishment that services the general public shall conduct business or operate between the hours of 11:00 p.m. and 6:00 a.m. (A0237-09)

(1) All businesses required to be registered under MGL Chapter 112: Section 87H and other applicable sections and or Chapter 112: Section 87AA and other applicable sections shall be required to obtain a special permit to operate between the hours of 9:00 p.m. and 7:00 A.M. (C0113-08)

(b) A special license to extend the hours of operation between 11:00 p.m. and 6:00 a.m. may be granted by the Board of Aldermen and at the discretion of the Board of Aldermen, a police detail may be required. (A0237-09)

(c) Upon receipt of an application for a special license by the City Clerk:

- (1) The city clerk shall forward such application to the Board of Aldermen.
- (2) The Board of Aldermen shall hold a public hearing and shall, within 30 days of the public hearing take final action on the application for the special license. The applicant shall publish notice of said hearing in a local paper and shall notify all abutters by registered mail of the time of said hearing.
- (3) Applications for special licenses shall only be approved if the Board of Aldermen finds that in its judgment all the following general rules are compiled with:
 - a. The particular site is an appropriate location for such a condition.
 - b. The use will not adversely affect the neighborhood.
 - c. There will be no nuisance or serious hazard to vehicles or pedestrians.
 - d. Adequate and appropriate facilities are provided for the proper operation under the proposed condition.
 - e. Petitioner complies with sections 12-1 and 12-8.
- (d) A special license granted under this section shall lapse within one year, and may be reviewable by the Board of Aldermen.
- (e) The Board of Aldermen reserves the right to revoke a special license at any time for violations to the conditions of issuance or of any of the ordinances of the City of Everett or State or Federal Law.
- (f) Any appeals to the actions of the Board of Aldermen shall be before and subject to the rules of to the Board of Appeals.
- (g) Any business currently operating contrary to the intent of this section may continue to operate provided that a license is issued by the licensing authority. (Ord of 06-22-2005)

Section 12-10. Time limit on renewal of license.

Any establishment licensed under Chapter 12 shall file a full and complete application for renewal, including required inspection reports, no later than 30 days from the date of the expiration of their current license. (03-08-2006)

12-11 HOME OCCUPATIONS

- (a) Purposes. The purposes of these home occupation provisions are in recognition of:
 - (1) The need to protect market value of existing residential properties;
 - (2) The need to guarantee existing residential property owners freedom from excessive noise, excessive traffic, nuisance, fire hazard and other possible adverse effects from commercial-type activities being conducted in residential areas;
 - (3) The need of some citizens to use their place of residence for limited commercial type activities to produce or supplement personal or family income;
 - (4) The fact that certain limited home occupational uses can be useful to both the community as well as the residential-proprietor;
 - (5) The fact that the nature of the investment or operation of some activities have a pronounced tendency once started to rapidly increase beyond the limits

permitted and thereby impair the use and value of residentially zoned areas for residential purposes; and

(6) The City's obligation to protect the integrity of its residential areas from activities that detract from the residential character of a neighborhood and infringe upon the rights of neighborhood residents.

(b) General limitations. Uses permitted as home occupations shall be limited as follows:

(1) Uses that are limited in extent;

(2) Uses defined in this chapter as customary home occupations or recognized professions,

(3) Uses that are clearly incidental and subordinate to the use of the premises for residential purposes;

(4) Uses that do not substantially change the appearance or condition of the residence or accessory structure;

(5) Uses that are compatible with neighboring residential uses; and

(6) Do not detract from the residential character of the neighborhood.

(c) Definitions. As used in this section, the following terms shall have the meanings indicated:

(1) HOME OCCUPATION -- Any use of a legally existing residential property which is consistent with the limitations established in Subsection (a) above and which is in compliance with the performance standards established in Subsection (d) below. Uses which are not consistent with the limitations established in Subsection (b) above and/or which are not in compliance with the performance standards established in Subsection (d) below shall not be registered as a home occupation or be issued a permit as a home occupation. Such activities shall be considered by definition either a conforming or a nonconforming commercial activity.

(d) Performance standards. In any legally existing dwelling unit or accessory structure, home occupations may be conducted, provided that they are in compliance with the applicable requirements of this section and the following performance standards:

(1) Number allowed per residential unit. The total number of home occupations conducted within a dwelling unit is limited to one (1) Home Occupation.

(2) Appearance. In no way shall the appearance of the residential structure or the premises be altered by a home occupation, and in no way shall the home occupation be conducted such that the structure or premises differs from its residential character by the use of colors, materials, premises layout, construction or lighting.

(3) Garage sales and yard sales. Home occupations do not include garage sales and yard sales.

(4) Home occupations involving classes or instruction. If the home occupation is the type in which classes or instruction is given, there shall be no more than two (2) students or pupils in the dwelling unit or on the premises at any one (1) time, provided that the Board of Appeals may grant specific conditional approval of a reasonable number of additional students if it is found that the additional students will not generate additional motor vehicle traffic.

(5) Retail sales limited. Retail sales, on premises, shall be prohibited except for the retail sales of merchandise, products, supplies or goods produced or fabricated on the premises as a result of the home occupation, provided that incidental retail sales may be made in connection with other permitted home occupations.

(Examples: A dressmaker would be permitted to sell only clothing produced or fabricated on site and would not be allowed to purchase stocks of dresses for sale to the general public on-site.)

(6) Number of employees.

a. No person other than members of the immediate family or those permanently residing on the premises shall be employed, on a full-time or part-time basis, in the home occupation, except that the Board of Appeals may grant specific conditional approval of up to two (2) additional persons to be employed on a part-time basis for periods not to exceed three (3) months if it is found that the additional persons will not generate additional motor vehicle traffic.

b. Persons engaged in building trades or similar fields, using their dwelling units or residential premises as an office for business activities carried on off the premises, may have more employees if they are not employed on the premises nor report to the premises for any job-related purpose.

(7) Space/floor area devoted to home occupation. A home occupation shall be conducted only within the dwelling unit or an accessory building and shall not occupy more than twenty-five percent (25%) of the combined total floor area of the dwelling unit and accessory buildings on the premises, excluding any unenclosed areas such as decks and open porches, etc.

(8) Outdoor display and storage. There shall be no outside operations, storage or display of products, materials, goods, supplies or equipment associated with the home occupation without the specific conditional approval of the Board of Appeals based upon a determination that such out-of-doors operation can be accomplished without adverse impact to adjoining properties and the traveling public, except that samples of goods sold or job-related materials may be carried in vehicles used for business purposes.

(9) Off-street parking. The home occupation shall not require more than one (1) on-street parking spaces, for clients or customers, in addition to the off-street parking spaces available to the residence.

(10) Home deliveries.

a. Home occupations shall not involve the use or storage at or on the premises of tractor trailers, semi-trucks or heavy equipment such as fuel trucks, logging or construction trucks or equipment. One commercial vehicle not to exceed (7,000 lbs)

seven thousand pounds may be parked off-street at the premises during non-business hours.

- b. Deliveries shall not exceed those normally and reasonably occurring from a residence, and shall not include more than an average of one (1) delivery of products or materials per day.
- c. Deliveries shall not require vehicles other than those customarily used for residential package delivery.

(11) Signs.

- a. There shall be no signs related to the home occupation present on the property, except one (1) flush-mounted wall sign, not over two (2) square feet in area, indicating only the occupant's name and occupation.
- b. The Board of Appeals may grant specific conditional approval of larger signs and non-flush-mounted signs upon a determination that a sign would not detract from the essential residential appearance of the particular dwelling and is consistent with the character of the zone in which it is located.

(12) Adverse impacts.

- a. A home occupation shall not be permitted to produce any offensive noise, vibration, smoke, electrical interference, dust, odors or heat. Any noise, vibration, smoke, electrical interference, dust, odors or heat detectable beyond the property lines shall constitute a violation of the terms of this provision.
- b. Home occupations which will constitute a fire hazard to neighboring residences, will adversely affect neighboring property values or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors or other circumstances shall not be approved.

(13) Hours of operation. In no case shall a home occupation be open to the public at times earlier than 8:00a.m. nor later than 8:00 p.m.

(e) Administrative procedures.

(1) Registration required. All home occupations established, operated or maintained in the City of Everett are required to apply for a permit with the City Clerk, as follows:

- a. Existing home occupations. Within six (6) months of the effective date of this provision all existing home occupations are required to apply.
- b. Application forms. Applications to permit a home occupation shall be on forms provided by the City Clerk.
- c. There shall be no application fee for a Home Occupation Permit, but the annual fee for the permit shall be \$25.00.
- d. Permits limited. Uses that do not meet the definition of a home occupation, as provided in Subsection (c) above, shall not be permitted as a home occupation.

- e. Failure to apply. A failure to obtain a permit as required shall be deemed abandonment of any right to operate a nonconforming home occupation regardless of actual intent.

(2) Permits required. Prior to the establishment of a new home occupation after the effective date of this provision, the legal occupant of the residential property shall apply for a permit from City Clerk pursuant to this section.

- a. Application forms. Applications for a home occupation permit shall be on forms provided by the City Clerk.

- b. Permits limited. Permits for home occupations are limited as follows:

1. Permits for home occupations shall be granted to a designated person who resides at the residential address.
2. Permits for home occupations are not transferable from person to person or from address to address.
3. Should a home occupation permit holder die or move to a new location, the existing permit shall be automatically terminated, except that, in the case of death, the surviving spouse or child residing at the same address may continue the permit upon notice to and written authorization from the City Clerk.
4. In cases where an application is considered not to be in compliance with the home occupation performance standards, the application will be denied.
5. If operating under name but the individual or corporate name, home occupations shall possess a valid business certificate.

- c. Revocation of a permit. The City Clerk may revoke any home occupation permit for noncompliance with the criteria set forth in this section. If the permit is revoked, such home occupation use shall be terminated.

- d. Compliance with other applicable statutes and standards. Home occupations shall comply with all local, state or federal regulations pertinent to the activity pursued, and the requirements of or permission granted by this section shall not be construed as an exemption from such regulations.

- e. Inspections. Home occupation applicants shall permit, if requested, a reasonable inspection of the premises by the Code Enforcement Officer or designee to determine compliance with this section.

(3) Penalties - Any person who violates the provisions of this chapter by any act of commission or omission shall be punished by a fine pursuant to Section 1-8 of the Revised Ordinances of the City of Everett, unless otherwise stated. Each day such violation continues shall be considered a separate offense. (A0131-08)

Secs 12-12--12-20. Reserved.

ARTICLE II. HAWKERS AND PEDDLERS

DIVISION 1. GENERALLY

Section 12-21. Name, address to be recorded.

No hawker or peddler shall sell, or offer or expose for sale, any of the articles enumerated in M.G.L. section 17 of chapter 101, until he has recorded his name and residence with the board of health. (Rev. Ords. 1976, Pt. 2, Ch. 8, § 7)

Section 12-22. Noise control.

No person hawking, peddling or carrying or exposing any article for sale shall cry his wares in a public street, nor use or cause to be used a bell, horn or other noise-making instrument, or other means therein for the purpose of giving notice of the exercise of a business or calling, or for the sale of an article.
(Rev. Ords. 1976, Pt. 2, Ch. 8, § 8)

Section 12-23. Transportation of wares.

No person hawking, peddling or carrying or exposing articles for sale shall carry or convey such articles in any manner that will tend to injure or disturb the public health or comfort nor otherwise than in vehicles and receptacles which are neat and clean and do not leak. Such vehicles and receptacles shall be inspected by the agent of the board of health once a month.
(Rev. Ords. 1976, Pt. 2, Ch. 8, § 9)

Section 12-24. Identification--Badge, number.

Every hawker and peddler licensed by the board of health shall be assigned a number, and shall provide himself with a badge of such type or design as may be approved by the board of health, which shall be worn conspicuously by him. Every other hawker or peddler, as described in section 12-21, shall also provide himself with a similar badge, which he shall wear in a like manner. Whoever neglects to wear such badge or wears it without authority shall be punished by a fine in accordance with the provisions of section 1-7.
(Rev. Ords. 1976, Pt. 2, Ch. 8, § 10)

Section 12-25. Same--Vehicles, containers.

Every vehicle or other receptacle used by a licensee under the provisions of this article as a conveyance for articles offered or exposed for sale by him shall have plainly painted or attached to each side of such vehicle or other receptacle the licensee's name and number, in letters and figures at least two (2) inches in height. (Rev. Ords. 1976, Pt. 2, Ch. 8, § 11)

Section 12-26. Weighing and measuring devices.

No person shall be registered or assigned a number under the provisions of sections 12-21 and 12-24 until he presents a certificate from the inspector of weights and measures stating

that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law and each licensee shall have such measuring and weighing devices inspected at least once a month thereafter. The use of or possession by such person with intent to use any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his license.

(Rev. Ords. 1976, Pt. 2, Ch. 8, § 12) Cross reference(s)--Weights and measures, Ch. 21.

Section 12-27 . Identification badge required for certain persons.

(a) Every person who is required by reason of his employment to enter the premises of any private firm, home or residence in the city for the purpose of reading gas, electric or water meters, or working on telephone or cable television systems shall have in his possession to display, if requested, an identification badge. Such identification shall contain the photo of the person having such badge, together with name of such person and whom he represents, signed by a duly authorized officer of his employment. Such badges shall not be less than two (2) inches in height and width.

(b) Whoever refuses to show such badge when requested or has such badge without authority shall be punished by a fine in accordance with the provisions of section 1-8.

(Rev. Ords. 1976, Pt. 2, Ch. 8, § 13; Ord. of 04-08-2004)

Section 12-28. Solicitation permit.

(a) No person shall go from place to place or from door to door, or occupy or use any part of a public way within this city for the purpose of soliciting charitable contributions, or of conducting any survey or poll, or of selling or offering for sale any article or service whatsoever, without first obtaining a written permit so to do from the chief of police or other officer in charge of the police department at the time such request is made.

(b) Such permit may be issued not more than seven (7) days prior to the date on which it is to be effective and shall specify the time of day and other terms and conditions under which it is to be issued. Any person found violating this section shall be informed of its existence and must obtain a permit before continuing such activities.

(c) Whoever violates any of the terms or conditions under which the permit was issued or whoever persists in soliciting, etc. after being informed of its existence without obtaining such permit, shall be fined in accordance with the provisions of section 1-8.

(Rev. Ords. 1976, Pt. 2, Ch. 11, § 16)

Secs. 12-29--12-40. Reserved.

DIVISION 2. LICENSES

Section 12-41. Required; exception.

No person, other than a person licensed under M.G.L. Ch. 101 sec. 22, shall go from place to place in the city selling, bartering or carrying or exposing for sale or barter, any fruits, vegetables, meat, butter, cheese, or fish in or from any cart, wagon or other vehicle, or in any other manner without a license therefor from the board of health; provided, however, that this section shall not apply to any person who sells only fruits or vegetables raised or produced by himself or his family or fish which is obtained by his own labor or the labor of his family.

(Rev. Ords. 1976, Pt. 2, Ch. 8, § 1)

Section 12-42. Issuance.

The board of health shall have the authority to issue licenses required by the provisions of Section 12-41 to any person of good repute for morals and integrity.

(Rev. Ords. 1976, Pt. 2, Ch. 8, § 2)

Section 12-43. Term; fee.

Licenses required by 12-41, unless sooner revoked by the board of health, shall date from and expire on the first day of May of each year. The fee shall not exceed the limit set by the Division of Standards.

- (a) Burial – fifteen dollars (\$15.00)
- (b) Funeral Director – one hundred dollars (\$100.00)
- (c) Catering Company – seventy-five dollars (\$75.00)
- (d) Catering (outside) – ten dollars (\$10.00)
- (e) Dumpster
 - (1) Permanent – seventy-five dollars (\$75.00)
 - (2) Temporary – twenty-five dollars (\$25.00)
 - (3) Hauler – one hundred dollars \$100.00
- (f) Food Service (restaurant/theatre) – seventy-five dollars (\$75.00)
- (g) Food-retail store – seventy-five dollars (\$75.00)
- (h) Frozen Desert – twenty-five dollars (\$25.00)
- (i) Massage Therapist – fifty dollars (\$50.00)
- (j) Massage Establishment – one hundred dollars (\$100.00)
- (k) Milk – ten dollars (\$10.00)
- (l) Milk Dealer – fifty dollars (\$50.00)
- (m) Mobile Vendor – fifty dollars (\$50.00)
- (n) Tanning – fifty dollars (\$50.00)
- (o) Tobacco – fifty dollars (\$50.00)

(Rev. Ords. 1976, Pt. 2, Ch. 8, § 3)(Ord. of 3-4-99)

Section 12-44. Failure, etc., to exhibit upon demand.

Any licensee under this article who fails, neglects or refuses to exhibit his license when the same is demanded of him by an officer of the board of health, inspector of weights and measures or police officer shall be fined in accordance with the provisions of section 1-7.

(Rev. Ords. 1976, Pt. 2, Ch. 8, § 4)

Section 12-45. Status of Commonwealth licenses.

Nothing in this article shall be construed as conflicting with any license issued under the authority of the Commonwealth. (Rev. Ords. 1976, Pt. 2, Ch. 8, § 5)

Section 12-46. Victualler's license fee.

The Board of License Commissioners shall establish a fee schedule in accordance with the provisions of M.G.L. c. 140 § 2. (Rev. Ords. 1976, Pt. 2, Ch. 11, § 14)

Section 12-47. Garages.

(a) The following fees shall be for licenses and each renewal thereof to use the land at a designated location to maintain and use buildings or structures for garages: to be occupied by

motor vehicles but shall not apply to Motor Vehicle Repair Shops or Motor Vehicle Body Repair Shops.

4 to 10 cars, inclusive . . . \$ 3.00

11 to 15 cars, inclusive . . . 5.00

16 to 25 cars, inclusive . . . 10.00

26 to 50 cars, inclusive . . . 15.00

51 cars or more . . . 25.00

(Rev. Ords. 1976, Pt. 2, Ch. 7, § 28)

Sec.12-48. Commercial garages, auto body shops and automobile repair shops.

(a) Definitions - The following words, terms and phrases, when used in this article, shall have the meanings ascribed by them in this section, except where the context clearly indicates a different meaning:

- (1) Commercial garage shall mean an income producing building or structure in which an automobile, truck, motorcycle or other self-propelled vehicle designed primary to transport persons or property over public streets or highways is kept or stored for any purpose, whether temporarily or regularly.
- (2) Motor vehicle shall mean an automobile, truck, motorcycle or self-propelled vehicle designed primarily to transport persons or property over public streets and highways, and shall include motorized off-road vehicles, but shall not include trailers.
- (3) Motor vehicle body shop shall mean any business of a person or firm that repairs, modifies, remodels, paints or alters in any way a motor vehicle body, or part thereof for compensation.
- (4) Motor vehicle repair shop shall mean any business of a person or firm that maintains, repairs, modifies, remodels, or alters in any way any engine or mechanical parts of a motor vehicle for compensation.

(b) Licensing Required

- (1) It shall be unlawful for any person or firm to maintain and use a building or structure for a commercial garage, motor vehicle repair shop or motor vehicle body shop, unless such person or firm has first obtained a license for such purposes from the Board of Aldermen.
- (2) When a person or firm engages in the business of operating a motor vehicle repair shop and motor vehicle body shop at the same location, a single application for the two uses may be submitted and a single license may be issued.
- (3) No owner of any real property shall allow any person or firm to maintain and use a building or structure for a commercial garage, motor vehicle repair shop or motor vehicle body shop on the owner's real property without the person or firm having obtained a license therefore from the Board of Aldermen and complying with the terms of this article.
- (4) Municipal owned garages and private garages of single motor vehicles appurtenant to one, two, or three family dwelling houses are exempted from the provisions of this section. (A0255-09)

(c) License Application.

- (1) Applications for licenses hereunder shall be made to the City Clerk on forms to be provided by the Clerk. Each application shall be accompanied by a fee of \$200.00 which shall be retained by the city. (A0254-09)
- (2) If filed by an individual, the application shall be signed by the individual; if filed by a partnership, the application shall be signed by all partners; if filed by a corporation or other organization, the application shall be signed by the president or chief officer.
- (3) Upon application for a commercial garage, motor vehicle repair shop or motor vehicle body shop, the City Clerk shall cause notice of such application together with the location of the business, to be advertised at least seven days prior to the hearing in one or more daily newspapers, stating that a public hearing will be given by the Board of Aldermen or a committee thereof, at the time and place stated in such notice. Notice shall also give given by registered or certified mail return receipt requested by the applicant not less than seven days prior to the hearing, to all owners of real estate within a 300 foot radius of the land for which the application is made.
- (4) The costs of the advertising shall be paid by the applicant at the time of application. These costs are in addition to the filing fee described in subsection (a) of this provision.
- (5) After application and notice, the Board of Aldermen shall hold a public hearing at the time and place stated in the notices. At the public hearing, the Board of Aldermen will hear fully the applicant and any interested person wishing to be heard. The Board of Aldermen or committee thereof may limit the discussion to a reasonable length of time.

(d) License Issuance.

In determining whether to grant a license, the Board of Aldermen shall consider the effect the commercial garage, motor vehicle repair shop or motor vehicle body shop will have on the neighborhood in relation to fire hazards, aesthetics, traffic, waste discharge, water, and air and noise pollution. Petitioner shall accept each license on condition that he will conform to such conditions as may be imposed.

- (1) No license shall be granted unless the applicant has obtained the following:
 - a. A statement from the building inspector that the building or structure to be used conforms to the applicable requirements of the Everett Zoning Ordinance and State Building Code.
 1. Petitioners for a new license shall supply the building inspector with a certified plot plan that clearly indicates proposed parking for customers, vehicles for repair and employees.
 - b. A statement from the Bureau of Fire Prevention that the building or structure to be used conforms to the requirements of the Fire Safety Code.
 - c. A statement from the Collector's Office stating that no taxes or fees are owed to the City of Everett by the property owner.
 - d. Proof of proper disposal of Waste Oil and other fluids.
 - e. A statement from the Chief of Police that the information provided by a Criminal Offender Record Check (CORI) is satisfactory.
 - f. Auto Body Repair Applications shall present a copy of their registration from the Massachusetts Division of Standards pursuant to MGL Ch. 100A.

- g. The applicant shall comply with all applicable federal, state, and local laws, regulations, and ordinances.
- h. The Board of Aldermen may impose restrictions and conditions as to the operation of the business concerning hours of operation, fencing and screening, parking, vehicle storage, number of vehicles, location of outside storage, outdoor work areas, and/or restrictions and conditions which the Board of Aldermen decides are necessary to protect the public safety and welfare.
- i. The Board of Aldermen shall not issue more than 60 auto repair licenses within the City of Everett.
 - 1. A license previously granted by the Board of Aldermen of the City of Everett shall remain in effect at the licensee's location as long as the licensee complies with all of the rules and regulations of the Board of Aldermen.
 - 2. The Board of Aldermen shall not approve the transfer of an existing repair license on the effective date of this act, from its existing location to any other location within the City of Everett. (A0071-07A) (A0115-10)

- (2) The applicant shall pay the annual fee of \$200.00 and comply with such conditions and restrictions as may be imposed by the Board of Aldermen. (A0254-09)
- (3) Any license granted under this article shall be posted in a conspicuous place on the premises of the licensed property.
- (4) The Board of Aldermen reserves the right to limit the number of said establishments operating with the City by placing a moratorium on such for a period of not more than one year. At the end of the moratorium period the Board's Committee on Licensing shall review the number of licenses currently operating and report its findings and recommendation to the full Board.

(e) Transferability of License.

- (1) Any license granted under this article shall be a personal privilege and shall not be assignable or transferable.
- (2) Any license granted under this article shall allow the holder to operate only on the property address for which the license is granted. The license shall terminate upon the transfer of the business to another location.

(f) Revocation of License.

The Board of Aldermen may revoke or suspend any license issued under this article for any violation of any condition or restriction of the license or any violation of any applicable law, regulation, or ordinance, after giving the license holder notice and an opportunity to be heard at a duly publicized public hearing

(g) License Renewal.

Any license issued hereunder shall be effective as of May 1 in each year and shall expire on April 30 of the following year. At least 30 days prior to the expiration of any license, the license holder shall apply for the renewal of the license on forms provided by the City Clerk.

Renewals shall be issued upon the completion of necessary inspections and documentation, and payment of the annual fee of \$200.00 without the necessity of a public hearing. The Board of Aldermen, however, reserves the right to require full Board approval for any license where the conduct of said licensee or operation of said business is determined by any member of the Board to warrant such review.

(h) Additional Conditions.

The use and occupation of every garage shall be subject to but not limited to the following conditions:

- (1) All vehicles, serviced by the license holder shall be serviced inside the building and not on any public or private way. All vehicles shall be stored within property lines.
- (2) Hours of operation as determined by the Board of Aldermen shall be in effect at all times, and no work shall be allowed on Sunday.
- (3) No more than the number of vehicles allowed by the Board of Aldermen shall be on the licensed lot awaiting service.
- (4) The storing of junk or "parts" cars is prohibited.
- (5) No vehicles are to be parked on or along the public ways.
- (6) Establishments or operators and employees shall possess and/or conform to all necessary registrations, licensing, or other requirements of the Commonwealth of Massachusetts or United States of America.
- (7) Auto Body Shops - painting of cars must be done in a spray booth or spray space that conforms to 780 CMR Section 411.
- (8) Auto Body - Exterior garage doors are to be closed while painting vehicles.
- (9) Auto Body - building shall meet all applicable 780 CMR rules and regulations

(i) Enforcement.

The provisions of this article may be enforced by the City Clerk pursuant to M.G.L.A. c. 40, § 21D. Each day on which a violation exists shall be deemed a separate offense. Any person, firm, corporation, association or other entity violating any provision of this article shall be punished in accordance with the provisions of section 1-8 and/or by suspension or revocation of said license or licenses. (A0077-07)

Section 12-49. Licenses for four or more vehicles.

(a) No person, firm, corporation or other legal entity shall park, garage, maintain, store or keep on display, on any private premises, covered or uncovered, more than three (3) unregistered or uninsured motor vehicles, except by license granted by the board of aldermen, except municipal parking lots, licensed open air parking lots or holders of first or second class motor vehicle licenses and licensed garages.

(b) Said licenses shall be subject to such rules and regulations established by the fire prevention bureau of the City of Everett.

(c) Whosoever violates the provision of subsection (a) of this shall be subject to a fine in accordance with Section 1-8 of these Revised Ordinances of the City of Everett. (Rev. Ords. 1976, Pt. 2, Ch. 7, § 34; Ord. of 04-08-2004) State law reference(s)--Licensing of Open Air Parking Spaces. M.G.L. c. 148, § 56.

Section 12-50. Flowering plants and related items.

(a) No person shall sell flowering plants, whether real, artificial, permanent, temporary, wild, cultivated, either on open, private property or from a tent, booth, building structure on said private property without first obtaining a letter of authorization from the owner of said property and a license from the board of alderman. The applicant may then present said letter from the owner and license from the board of alderman to the city clerk for a temporary license. Upon paying the fee of fifty dollars (\$50.00) a day for each day of use, the city clerk shall issue such license for the property where flower and flower related items are to be sold, provided such property, from any point, is not closer than five hundred (500) feet to a point of a property to which was granted an occupancy permit by the building inspector to conduct a florist business.

(b) No person shall sell flowering plants or related items, whether real, artificial, permanent, temporary, wild cultivated or uncultivated on a public way or public land without:

- (1) Obtaining a license from the board of aldermen specifying location on public way which he wishes to occupy. The license granted must be posted in a conspicuous area for public viewing.
- (2) Obtain a permit from the board of public works or it's designee in compliance with chapter 17, sections 17-81 and 17-82.
- (3) Upon obtaining approval from the board of aldermen and permit from the board of public works, the applicant may then present such permits and approval to the city clerk, who shall issue a temporary license for the occupation of public land or on a public way or part thereof to sell flowers and related items and shall pay a fee of fifty dollars (\$50.00) dollars for each day of use. The license granted shall be posted in a conspicuous view.
- (4) No license shall be issued by the city clerk for any location on public property or way or parts thereof which location from any point would be within five hundred (500) feet, to a point of property to which was granted an occupancy permit by the building inspector to conduct a florist business.
- (5) All applications must be made thirty (30) days prior to the first date requested.

(c) All hawkers and peddlers licensed under M.G.L., c. 101 shall comply with the provisions of this section, but this shall not prevent a hawker or peddler licensed under said chapter to sell his wares provided he does not remain in a set position on a public way or part thereof for more than ten (10) minutes to make a sale.

(d) There is exempted from the provisions of this section, florist establishments, which have been granted an occupancy permit by the building inspector to carry on the business of a florist shop.

(e) No person shall sell Christmas trees or Christmas wreaths on a private open area without obtaining a license from the board of aldermen. No person shall sell Christmas trees or Christmas wreaths on an open private area that is located within five hundred (500) feet of an existing florist shop for which a florist occupancy permit has been issued.

The city clerk may issue the license granted by the board of aldermen upon the payment of the sum of fifty dollars (\$50.00) for each day requested or an annual fee of two hundred fifty dollars (\$250.00). The annual fee shall cover a period of time from the granting of such license and for one year thereafter. This license must be posted in a conspicuous area for public viewing.

- (f) Anyone who violates this section shall be subject to a fine in accordance with chapter 1, section 1-8. Each day of violation shall constitute a separate violation. The city may seek injunctive relief, if deemed appropriate, in addition to the fines.
(Ord. of 6-28-82; Ord. of 7-27-83, § 13A; Ord. of 11-16-92)

Section 12-51 Hacking License Fee

- (a) In accordance with MGL, Chapter 40, Section 22, the annual fee for operating a taxicab (Hacking License) shall be twenty-five dollars. This fee shall be effective April 1, 2002 and any new license shall be pro-rated by any part of a month until next April 1st.
- (b) Any person operating a taxi (Hacking License) without a license from the City Clerk's Office shall be fined in accordance with Chapter 1, Section 8 of the Revised Ordinances of the City of Everett. (Ord. of 05-11-02)

Section 12-52 OPEN AIR PARKING

- (a) This ordinance shall be known and may be cited as the Open Air Parking Ordinance.
- (b) For the purpose of this chapter, the following words are defined as set forth herein:
- (1) Abutters – owners and residents of property within one hundred and fifty feet (150') of the proposed open air parking lot;
 - (2) Board – the Board of Alderman for the City of Everett;
 - (3) Open-Air Parking Lot – a land area for the parking or storage of four (4) or more motor vehicles for any period of time for a fee, including Towing Yards.
 - (4) Property Owner – the registered owner of the property used or to be used for the purpose of operating an open-air parking lot;
 - (5) Towing Yards - an area of land that is used for the short-term storage of motor vehicles, not to exceed ninety (90) days. Vehicles stored in such lots shall be limited to those removed at the request of public agencies, insurance companies, financial institutions, or other persons who may claim a property or security interest in the vehicle
- (c) No person shall operate an open-air parking lot as defined above, without obtaining a license to do so by affirmative vote of the Board of Aldermen upon fulfilling the requirements set herein.
- (d) Any person seeking a license to operate an open-air parking lot, hereinafter called the petitioner, shall at the time of application provide to the City Clerk the following:
- (1) completed forms provided by the City Clerk or his designee, which shall be signed and attested to under oath;
 - (2) a certified engineered plot plan of the proposed location. Said plot plan shall include:
 - a. the surface of such lot,
 - b. the building(s) thereupon,
 - c. the location of proposed parking spaces;
 - d. the means and direction of egress and exits,
 - e. the location of secured lighting,
 - f. location of employee parking
 - g. location of vehicles used by operator

- h. such other information as requested by any department of the City of Everett.
- (e) No original license shall be granted unless the petitioner has conformed to the rules and regulations of the Board pertaining to the granting of such license. The rules and regulations are as follows:
 - (1) Petitioner shall obtain from the building inspector a statement that the lot and any building(s) or structure(s) to be used is in a business or industrial district or is an existing non-conforming use in a dwelling or apartment district, and that such building conforms to local and State Building Codes.
 - (2) Petitioner shall obtain from the bureau of fire prevention a statement that the lot and any building or structure conforms to the requirements of public safety, police department and fire prevention.
 - (3) Petitioner shall accept each license on condition that he will conform to such conditions as may be imposed, as to the hours of operation, elimination of noise, and nuisance within the area where the business is being conducted, in each case, for the public's safety and welfare.
 - (4) A public hearing shall be held by the Board on each petition and the petitioner shall publish notice of said hearing in a local paper and shall notify all abutters by registered mail of the time of said hearing.
 - a. Notice of public hearing via mail and newspaper shall be made not more than fourteen (14) days and not less than seven (7) days before the date of the required public hearing;
 - (5) Petitioner shall furnish a statement under pains and penalties of perjury that he is the owner and operator of the business and a duly authorized agent of the corporation and that no other person, corporation, trust or business entity is interested in said business, in whole or in part.
 - (6) Any person seeking a license to operate an open-air parking lot, hereinafter called the petitioner, shall also submit to a review by the City Treasurer in accordance with Section 12-8 of this Chapter.
- (f) Every parcel of land hereafter used as an open-air parking lot as defined in this Section shall be designed, developed, and maintained in accordance with the following requirements. The parking lot:
 - (1) Shall not be used for the repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.
 - (2) Shall be graded for proper drainage and provided with an all-weather surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.
 - (3) Shall be designed such that each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
 - (4) Shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement.
 - (5) Shall be designed with proper landscaping to add to the aesthetic properties of the neighborhood as determined by the Board.

- (6) Shall, if hazards exist which can be eliminated or lessened by properly designed and located lighting, be required to be illuminated. The Building Department may recommend, and the Board may authorize, any required parking facilities to be illuminated at such hours and in such a manner as deemed to be in the best interest of the public safety and security.
 - a. Lighting facilities, if required, shall be so arranged and operated so that they neither unreasonably disturb occupants of adjacent properties nor interfere with traffic.
 - b. All exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residence district.
- (7) Shall comply with all the applicable Sections of the Zoning Ordinances of the City of Everett.
- (g) If any subsection, subdivision, paragraph, sentence, clause or phrase of this Section or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Section.
- (h) Violations of this Section shall be punished by fine in accordance with the provisions of Chapter 1-8 of these Revised Ordinances of the City of Everett.
(Ord of 06-22-2005)

Section 12-53 Fortune Telling, Psychic Reading

No person shall tell fortunes for money unless a license therefor has been issued by the Board of Aldermen. Said license shall be granted only to applicants who have resided continuously in the city for at least twelve months immediately preceding the date of the application. No such license shall be transferred or assigned. The fee for each license granted under this section shall be fifty dollars. Whoever tells fortunes for money unless licensed under this section shall be punished by a fine of not more than one hundred dollars.

Secs. 12-54--12-60. Reserved.

ARTICLE III. JUNK AND SECONDHAND DEALERS

Section 12-61. License.

- (a) Required. No person shall purchase, barter, collect or store junk, waste materials, materials discarded by others, old metal, rags or other secondhand articles, for any purpose, without first having received a license to do so from the board of aldermen. City administrative officers, Boards, and Commissions shall be exempt from the provisions of this ordinance.
- (b) Fee. The fee for a license to keep a shop for the purchase, sale or barter of junk, old metals or secondhand articles shall be one hundred fifty dollars (\$150.00) and the fee for a license to collect junk shall be fifteen dollars (\$15.00). The fee for selling second hand articles in a second hand establishment shall be twenty-five dollars (\$25.00).
- (c) Revocation. Any license granted under the provisions of this article may after notice and hearing, be revoked by the board of aldermen.
(Rev. Ords. 1976, Pt. 2, Ch. 10, §§ 1--3)

Section 12-62. Records to be kept.

Every keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles shall keep a book in which shall be written, at the time of every purchase of any such article, a description of the article purchased, the name, age and residence of the person from whom purchased, a photocopy of a valid identification (driver's license, liquor ID, military ID, etc.) and the day and hour when such purchase was made. Such book shall at all times be open to any police officer of the city.

(Rev. Ords. 1976, Pt. 2, Ch. 10, § 4; Ord. of 04-26-2004)

Section 12-63. Sign to be displayed.

Every keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles shall place in some suitable and conspicuous location on his shop a sign, having his name and occupation legibly inscribed thereon in large, no more than 12 inches in height, letters. (Rev. Ords. 1976, Pt. 2, Ch. 10, § 5)

Section 12-64. Examination of shops, articles by city.

Every shop for the purchase, sale or barter of junk, old metals or secondhand articles and all articles of merchandise therein may be examined by any police officer of the city.

(Rev. Ords. 1976, Pt. 2, Ch. 10, § 6)

Section 12-65. Purchases from minors.

No keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles shall, directly or indirectly, either purchase or receive, by way of barter or exchange, any of the articles aforesaid of any minor knowing or having reason to believe him to be such.

Section 12-66. Retention Period for Purchases.

No junk or old metals purchased or received by such keeper shall be sold by him until a period of at least one (1) week from the date of its purchase, or receipt shall have elapsed. No secondhand articles purchased or received by such keeper shall be sold by him until a period of at least fifteen (15) days from the date of purchase, or receipt shall have elapsed.

(Rev. Ords. 1976, Pt. 2, Ch. 10, § 7; Ord. of 04-26-2004)

Section 12-67. Location of shops, stores, etc.

No dealer or collector of junk, or rags shall be allowed to keep, expose, sort or offer for sale any junk or rags in any shop, store or any other building which is located within five hundred (500) feet of any school or other public building.

(Rev. Ords. 1976, Pt. 2, Ch. 10, § 8)

Section 12-68. Condition of premises; manner of keeping clothing.

All dealers and collectors of junk, old metals, rags or secondhand wearing apparel shall be required to keep their premises in a neat and orderly condition. Such clothing shall be kept enclosed in sacks, boxes, barrels or other suitable covered containers.

(Rev. Ords. 1976, Pt. 2, Ch. 10, § 9)

Section 12-69. Storage of old rags overnight prohibited.

No person to whom has been issued a license for the purpose only of collecting junk, old metals or old rags, or other secondhand articles, except secondhand clothing, shall store any old rags overnight in any building within the city limits.

(Rev. Ords. 1976, Pt. 2, Ch. 10, § 10)

Section 12-70. Licensing of vehicles.

Every vehicle used in the collection of junk, metals, rags or secondhand articles shall have the owner's name, or business upon each side thereof, in plain legible words and figures of not less than one and one-half (1 1/2) inches in size.

(Rev. Ords. 1976, Pt. 2, Ch. 10, § 12) Cross reference(s)--Traffic and motor vehicles, Ch. 18.

Section 12-71. Copy of article to be printed in license.

A copy of this article shall be printed upon every license granted pursuant to this article.

(Rev. Ords. 1976, Pt. 2, Ch. 10, § 13)

Secs. 12-72--12-90. Reserved.

ARTICLE IV. PRECIOUS METAL DEALERS*

Section 12-91. License required.

No person shall purchase, barter, collect or store precious metals, gold, silver, platinum, etc., for any purpose without a license to do so by the board of aldermen. (Ord. of 8-17-81)

Section 12-92. License fee.

The fee for a precious metal dealer's license shall be twenty dollars (\$20.00). (Ord. of 8-17-81)

Section 12-93. Revocation of license.

Any license granted under this article may be revoked following notice and hearing by the board of alderman. (Ord. of 8-17-81)

Section 12-94. Records to be kept.

Every shopkeeper shall keep a daily legible list containing an accurate description on forms provided by the Police Department of all articles purchased during the preceding business day, the respective numbers of such articles, the prices paid therefore, the time and hour when such purchase was made, the name and address of the seller, and a photocopy of a valid identification (driver's license, liquor ID, military ID, etc.). The above list is to be delivered to the commanding officer of the police station on the first workday of each week before twelve noon. (Ord. of 8-17-81; Ord. of 5-4-87(2); Ord. of 04-26-2004)

Section 12-94.5 Purchases from minors.

No shopkeeper shall, directly or indirectly, either purchase or receive, by way of barter or exchange, precious metals, gold, silver, platinum, etc., from any minor knowing or having reason to believe him to be such. (Ord. of 04-26-2004)

Section 12-95. Purchases to be held for thirty days.

All articles purchased, over the counter, by dealers in precious metals licensed under the provisions of this article, shall be held for a period of thirty (30) days in its original state before disposing of same. (Ord. of 12-7-81; Ord. of 5-4-87(1))

Section 12-96. Daily transaction book required.

Every person licensed under the provisions of this article shall keep a daily book transaction recording all purchases and sales over the counter shall make the daily transaction book available to the police department. (Ord. of 12-21-81)

Section 12-97. Penalty.

Any person who violates any provision of this article shall, upon conviction, be punished in accordance with section 1-8. (Ord. of 8-17-81)

ARTICLE V RECYCLING REDEMPTION CENTERS

Section 12-98 Definitions

- (a) *Recycling Redemption Centers* are defined as any person who owns and/or operates a facility for the purpose of accepting and redeeming containers from consumers, and who had registered with the Bureau of Solid Waste Disposal as provided in Commonwealth of Massachusetts Regulation 301 CMR 4.00.
- (b) *Beverage Containers* are defined as any sealable bottle, can, jar, or carton, which is primarily composed of glass, metal, plastic, or any combination of those materials and produced for the purpose of containing a beverage. This definition shall not include containers made of biodegradable material, or of greater than two-gallon capacity.

Section 12-99 License Required

- (a) Required.
No person shall purchase, barter, collect or store beverage containers for any purpose without a license to do so by the Board of Aldermen.
- (b) Information to be supplied.
The applicant for a license to operate a recycling redemption center shall provide to the licensing authority the following:
 - (1) Provide proof that a Notice of Intent has been filed with the Bureau of Solid Waste Management.
 - (2) The owner's name and address.
 - (3) The operator's name and address, if different from the owner.
 - (4) The address of the redemption center.
 - (5) The initial date of operation.
 - (6) In the case of an existing redemption center, the number of beverage containers received and redeemed on a monthly basis.
 - (7) In the case of a new redemption center, the anticipated number of beverage containers received and redeemed on a monthly basis.

(8) Such other information as the Board of Aldermen shall determine is necessary to ensure the protection of the public interest.

(c) Fee.

The annual fee to operate a recycling redemption center shall be twenty-five dollars (\$25.00).

(d) Revocation.

Any license granted under the provisions of this article, may after notice and hearing, be revoked by the Board of Aldermen.

Section 12-100 Examination of Redemption Centers.

Every redemption center including all articles and any merchandise therein may be inspected by the Board of Health, by any police officer, and any member of the licensing authority to insure compliance that all laws and restrictions issued with the license are complied with.

Section 12-101 Location of Recycling Redemption Centers

No recycling redemption center shall be located within five hundred (500) feet of any school or other public building.

Section 12-102 Penalty

Any person who violates any provisions of this Article, shall be fined in accordance with Section 1-8, and may have the license revoked under Section 12-99(d).

Section 12-103 Existing Redemption Centers

(a) Any redemption center in operation prior to the passage of this may continue to operate provided that a license is issued by the licensing authority.

(b) Any redemption center in operation prior to the passage of this Article that is located with five hundred (500) feet of a school or public building, may continue to operate provided that a license is issued by the licensing authority, unless the physical size of the business area increases. (Ord. of 04-11-2002)

Section 104-199 Reserved.

ARTICLE VI SPECIAL EVENTS

Sec. 12 – 200 Establishing a special event

The Board of Aldermen may establish any event in the City of Everett as a special event and shall describe the area of such special event, and also shall name such special event, and declare the date(s) and times of such special event. (Ord of 05-03-2004)

Sec. 12 – 201 Special Events Exceptions

(a) During any Special Event in the City of Everett, and in accordance with Chapter 12 of the Revised ordinances of the City of Everett, no vendor shall sell any products from public or private property within the Special Event area without first obtaining a special license from the Board of Aldermen.

- (b) Any vendor operating without a Special License from the Board of Aldermen in a Special Event area during a Special Event shall have all products being offered for sale confiscated and held in a convenient place until after the completion of the Special Event.
- (c) Any person who shall fail to comply with any of the provisions of this article will be subject to a fine in accordance with Section 1-8 of these Revised Ordinances of the City of Everett.
- (d) All products confiscated shall be disposed of eight days after the Special Event if not claimed by the vendor.
- (e) Any permanently established business within the area of such exclusion shall not be required to comply with this section provided that such established business may only offer for sale items normally presented for sale at its location.
(Ord of 05-03-2004)

Sec 12 – 202 Area of Vendor Limits

- (a) No vendor, with or without a license or permit, except a vendor with a holder of a special license from the Board of Aldermen, shall be allowed to present its good for sale within a certain designated area from the property line of the location of a special event so established by the Board of Aldermen.
- (b) Any permanently established business within the areas of such exclusion will not be required to comply with this section provided such established business shall only offer for sale items normally presented for sale at its location.
- (c) A list of such exclusions with the area, dates, and times shall be kept on file in the office of the City Clerk. (Ord of 05-03-2004)

Sec 12 – 203 Designated Area

- (a) The Board of Aldermen shall determine the designated area of each Special Event in the City of Everett. The Designated area shall surround an area of a Special Event and shall always be indicated by a measurement in feet from the Special Event area.
- (b) No vendor, with or without a license or permit, except a vendor with a holder of a special license from the Board of Aldermen, shall be allowed to present its good for sale within the designated area from the property line of the location of a special event so established by the Board of Aldermen.
- (c) Any permanently established business within the areas of such designated area shall not be required to comply with this section provided that such established business shall only offer for sale items normally presented for sale at its location.
- (d) A list of such exclusions with the area, dates, and times shall be kept on file in the office of the City Clerk. (Ord of 05-03-2004)