

Chapter 150

PEDDLERS, SOLICITORS AND VENDORS

[HISTORY: Adopted by the Town Meeting of the Town of Lee as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Forest lands — See Ch. 111.

Licenses and permits — See Ch. 125.

ARTICLE I

Hawkers, Peddlers and Transient Vendors

[Adopted 5-26-1971 STM by Art. 10 as Ch. 15 of the 1971 Code]

§ 150-1. License required.

No person shall act as a hawker, peddler or transient vendor within the Town until such person has first obtained a license from the Board of Selectmen.

ARTICLE II

Ice Cream Truck Vendors

[Adopted 5-9-2013 ATM by Art. 50]

§ 150-2. Definitions.

Pursuant to 520 CMR 15.00, the Massachusetts Department of Public Safety requires each municipality to issue permits to persons engaging in ice cream vending. For the purpose of this ordinance, the following definitions shall apply:

ICE CREAM — Any frozen dairy or frozen water-based food product.

ICE CREAM TRUCK — Any motor vehicle used for selling, displaying or offering to sell ice cream.

ICE CREAM TRUCK VENDING — The selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.

ICE CREAM TRUCK VENDOR/OPERATOR — Any person who owns, sells, displays, or offers to sell ice cream from an ice cream truck or any person who drives or operates such a vehicle.

§ 150-3. Permit required; scope of authorization.

No person shall engage in ice cream truck vending within the Town of Lee unless the applicant has been issued a valid permit to do so by the Chief of Police or his designee. Said permit shall only be valid for use within the Town limits. A separate permit is required for every person who engages in ice cream truck vending/operation.

§ 150-4. Display of permit.

All permits issued shall be conspicuously displayed and clearly visible on the windshield dash of any ice cream truck operated or from which ice cream or any prepackaged food product is sold.

§ 150-5. Application form; permit contents.

Only the uniform application and permit form approved by the Department of Public Safety shall be utilized. The permit shall include a current color photograph of the applicant, encased in plastic. Permits shall be numbered in order as granted and be encased in plastic.

§ 150-6. Submission requirements.

In order to obtain an initial permit or to renew a permit, each applicant shall submit the following to the permitting authority:

- A. A completed uniform application form;
- B. A copy of their fingerprints; and
- C. Two current, 1 1/2 inches by two inches (color) photographs.
- D. Valid driver's license

§ 150-7. Fee.

The Police Department shall collect an administrative fee in the amount of \$50 upon the issuance of each permit.

§ 150-8. Permit term.

Both initial and renewal permits shall expire annually on January 1.

§ 150-9. Investigation of applicant.

Upon receipt of the permit application or application for renewal, the Chief of Police or his designee shall conduct an investigation into the criminal history of a permit applicant to determine eligibility. The investigation shall include performing a state and national criminal history records check as authorized by MGL c. 6, § 172B 1/2. As part of this investigation, the Chief of Police or his designee shall ensure that the identity of the applicant is true and accurate and, in the case of a renewal, that the applicant is linked to the original permit number.

§ 150-10. Denial or revocation of permit; appeals.

The Chief of Police or his designee may deny issuance of a permit or revoke a permit for just cause. Pursuant to 520 CMR 15.05, no permit shall be issued to any person who is a sex offender, as defined by MGL c. 6, § 178C. Upon denial of the issuance or the revocation of a permit, an applicant shall have the right of appeal to the Board of Selectmen. All such appeals must be made in writing and addressed to the Board of Selectmen. Appeals will be heard at the next regularly scheduled meeting of said Board. The decision of the Board shall be final and binding. No such right of appeal shall attach for the denial of a permit to an applicant who is a

sex offender.

§ 150-11. Violations and penalties.

Whoever conducts themselves as an ice cream vender/operator without a valid Town-issued permit or with an expired permit, or whoever improperly displays a permit, shall be subject to a fine of no more than \$100 for the first offense, \$200 for a second offense and \$300 for a third or subsequent offense.

§ 150-12. Compliance with other laws and regulations.

Every ice cream vender/operator shall comply with all state motor vehicle laws, regulations specific to the operation of ice cream trucks, city ordinances, health codes, as well as any zoning or Department of Public Works regulations that may restrict or prohibit vending in certain areas. Violation of any such law, regulation, ordinance or health code shall be grounds for the revocation of the vendor's permit.