TITLE 5

BUSINESS LICENSES AND REGULATIONS

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I. AUTOMATIC AMUSEMENT DEVICES

5-1 Definitions.

The following terms shall have the meanings indicated:

AMUSEMENT DEVICE ROOM- A building or place containing five or more amusement devices, as defined herein.

AUTOMATIC AMUSEMENT DEVICE — any mechanism whereby, upon the deposit therein of a coin or token, credit card, debit card or swipe card, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines including free play pinball machines, electronic video games, computer generated video games and all game machines or devices similar thereto. The term "automatic amusement device" shall not

include not include keno, beano, bingo, or other like games of chance with cash rewards or prizes, or any game established or licensed by the Massachusetts State Lottery, nor shall it include jukeboxes, rides, bowling alleys, or any device maintained within a residence for the use of the occupants thereof and their guests.

OWNER- A record owner, contract purchaser, lessee, assignee, bailee, receiver or trustee.

PERSON - One or more individuals, a corporation, partnership, association, trust or firm and any trustee, receiver or assignee.

5-2 License required.

A. It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public are invited, to maintain, operate or permit to be operated or maintained in the premises, any automatic amusement device without having first obtained a valid license from the License Commission, pursuant to the provisions of the ordinance.

B. No person shall maintain or operate an amusement device room as the exclusive use of any premises in the City.

C. Nothing in this ordinance shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Massachusetts, as may be amended from time to time.

D. An amusement device room may be allowed as an accessory use to a restaurant, as that term is defined by the Zoning Ordinances, subject to a permit(s) issued by the License Commission, and provided the amusement device room shall occupy no more than 49% of the total square footage of the licensed establishment which is open to the public. For the purposes of this chapter, the total square footage of the licensed establishment shall not include the kitchen, employee rooms, utility closets, storage areas, loading docks, or any other area which is not open to the public.

5-3 Application for License/Procedure.

A. Any application for a license will be acted upon after a hearing before the License Commission (the "Commission") in accordance with the rules, regulations and procedures of the License Commission.

B. The license commission shall conduct a public hearing in accordance with the provisions of M.G.L. c. 39, §23B, within forty-five days of the receipt by the License Commission of a properly completed application.

C. The License Commission shall grant a license based upon the merits of each application.

D. The application shall be accompanied by a plan identifying the street and number, all entrances and exits, the type of establishment and the exact location and number of the amusement device(s) to be licensed.

E. No license shall be issued to any applicant unless he/she is over eighteen years of age and provides proof of United States citizenship or legal residence status as an alien. This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association or other business entity. In the case of a corporation, partnership, association or other business entity, the applicant shall provide a Certificate of Good Standing from the Office of the Secretary of State.

F. When acting upon an application to operate an amusement device room, the License Commission shall consider, among other factors it may deem relevant, the following factors:

1. The overall type of business conducted on site.

2. Whether alcohol is to be served on the premises.

3. Whether the Building Commissioner has approved the proposed layout of the automatic amusement devices after consideration of the applicable Building Codes including Plumbing and Electrical.

4. The layout of the restaurant and amusement device room and whether the amusement device room is separated from the rest of the establishment.

5. The means by which the applicant proposes to restrict minors under the age of 18 on the site or as required by MGL c. 140, §. 179.

6. The presence and use of public safety details as an integral part of the establishment's business plan.

7. Whether granting the license will increase the incidence of illegal or disruptive conduct in the area in which the premises are located.

8. Whether granting the license will unreasonably increase the level of noise in the

area in which the premises are located.

5-4 Fee.

The license fee per machine shall be one hundred dollars ($100.00) per year.

5-5 License to be Displayed.

A. The license shall be posted permanently and conspicuously in the premises wherein the amusement devices are to be located

B. If the licensee moves the place of business to another location within the City, the license may be transferred to the new location only upon reapplication to the License Commission in accordance with the provisions of this ordinance.

C. The license shall not be transferred or assigned. Specifically, but not by way of limitation, a license shall not run with the premises, nor shall sale of the premises effectuate a transfer of the license.

5-6 Operation of Amusement Devices.

A. The owner of any amusement device within the City shall comply with all provisions of law, ordinance, rule or regulations applicable thereto and relating to the conduct of the business in connection with which the game is used and the use and maintenance of the premises where it is located.

B. The owner of the amusement device shall maintain good order on the premises at all times. The failure to maintain good order may be grounds for the suspension of revocation of the license. The lack of good order on the premises shall include but not be limited to the following.

1. Fighting and rowdy behavior.
2. Possession or consumption of alcoholic beverages, except where the premises are licensed for on-premises consumption thereof.
3. Gambling.
4. Permitting the use of any controlled substance possession of which is prohibited by Massachusetts Law.

C. The owner of an amusement device shall not permit it to be played or operated after 10:00 p.m. by a person under the age of 16 unless accompanied by and under the supervision of a parent or other guardian over the age of 2I.

D. The owner of an amusement device shall not allow it to be available for use or used unless it is under the control of and supervised by a person at least I8 years of age, who shall ensure that it is operated in compliance with this ordinance.

E. A person under the age of 16, unless accompanied by and under the supervision of a parent or other guardian over the age of 21, is not permitted to operate amusement devices during normal school hours (as established by the School Committee or appropriate authority) on weekdays only exclusive of holidays.

F. No cash awards shall be offered or given in any contest, tournament, league or individual play on any amusement device, and no such game shall be permitted.

G. Any premises in the City containing an amusement device or devices, when open for the transaction of business, shall be subject to inspection by any police officer.

5-7 License commission rules and regulations.

A. All meetings convened by the Licensing Commission shall take place no earlier than 5:30 P.M. on a week day.

B. The license commission may issue rules and regulations for the use of automatic amusement devices consistent with the Massachusetts General Laws and applicable ordinances, in the interest of public safety to guard against creation of a nuisance or to insure adequate safety and security for the patrons or the affected public.

5-8 Penalty and Enforcement

Violations of this Ordinance shall be subject to a fine of two hundred ($200.00) for each violation. Each violation of this Ordinance shall constitute a separate offense, and each day that any such violation continues shall constitute a separate offense. The Police Chief or his designee, and any Woburn Police Officer and the Building Commissioner shall have authority to enforce the provisions of this title. Any alleged violation of this Ordinance may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent in accordance with M.G.L.c.40, §21D.

(Prior Ch. 22 sec. 12(m); amended 7/19/2013).

II. CARNIVALS

5-14 Clean-up deposit required.

A. Whenever a permit is issued for a carnival or similar entertainment, a clean-up deposit of one thousand dollars is required from the owners of the carnival to ensure that when the affair is over and before the carnival owner leaves the City, the grounds where the carnival or similar entertainment was conducted will be cleaned up and left in a satisfactory condition by the owners of the carnival.

B. The required deposit shall be in cash or a certified check made payable to the City and deposited in the treasurer's office, and the treasurer shall hold it in escrow. Failure to clean up the grounds to the satisfaction of the ward city councilor will cause the deposit to be forfeited to the City.

C. It is also required that some type of public sanitation facilities be available on the grounds.

D. All permits will require a majority vote of the City Council.

(Prior Ch. 30 sec. 7; amended 10/25/2021).

III. SECONDHAND DEALERS AND SECONDHAND COLLECTORS

5.3.1 Definitions

As used in this ordinance, the following terms shall have the meanings indicated:

Acceptable Identification — Either:

A. A current driver's license, issued by a governmental agency, that includes the date of birth, photograph, and physical description of the person offering the identification; or

B. Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

Police Chief — The Chief of Police of the City of Woburn or his designee.

Regulated Property — The following used property:

A. Precious metals, which are any metal valued for its character, rarity, beauty or quality, including but not limited to gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.

B. Precious gems, which are any gem valued for its character, rarity, beauty or quality, including but not limited to diamonds, rubies, emeralds, sapphires or pearls, or other precious or semiprecious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.

C. Watches and jewelry containing precious metals or precious gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wristwatches, or stopwatches.

D. Sterling silver flatware, including but not limited to knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.

E. Any electronic audio, video or photographic and optical equipment, along with computer or computer equipment or recordings in any form (collectively “electronics”).

F. Any power tools or equipment.

G. Musical instruments.

H. Sporting equipment.

I. Collectibles, including objects of art, coins, currency and antique objects, but not including those items identified in Section 5.3.

Secondhand Collector - Has the same meaning as the term "junk collector" in M.G.L. c. 140, § 56.

Secondhand Dealer — Has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in M.G.L. c. 140, § 54.

5.3.2 License required.

A. No person shall conduct business as a secondhand dealer or secondhand collector, unless licensed by the City Council. (Prior CH.22 sec 1(A)). The license shall be conspicuously posted in an accessible place on the licensed premises.

B. Licenses under this bylaw may be issued only after notice and a public hearing, notice of the time and place of which hearing shall have been given, at the expense of the applicant, by the clerk of the city, by publication, not less than seven days prior thereto, in a newspaper of general circulation in the city.

C. Licenses under this bylaw may be issued for a period of one (1) year, from April until May, unless sooner revoked by the City Council.
D. A one time, non-refundable, application fee of $200 shall apply.
E. An annual renewal fee of $100 shall apply. A public hearing is not required for a license renewal.
F. The police department shall be notified by the Office of City Clerk of all license applications and renewals.

5.3.3 Grounds for Denial of Issuance or Renewal

The City Council may, after notice and a public hearing, deny an original or renewal application for a secondhand dealer or secondhand collector license if it has probable cause to believe any of the following conditions exist after a public hearing:

1. The applicant, or any person who in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business, has owned or operated a secondhand dealer or secondhand collector business regulated under this regulation or any substantially similar license and, within the five years prior to the application date:

    a. Has had a secondhand dealer or secondhand collector license revoked for a reason that would be grounds for a denial or revocation pursuant this chapter; or

    b. The secondhand dealer or secondhand collector business has been found to constitute a public nuisance.

2. The applicant, or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business, has been convicted of a felony or any crime involving a false statement within 15 years prior to the application date.

3. The applicant has:
    a. Knowingly made a false statement in the application;
    b. Knowingly omitted information requested to be disclosed in the application; or
    c. Completed the application with reckless disregard for the truth or accuracy of the statements made therein.

4. A lawful inspection of the secondhand dealer or secondhand collector business premises by the Chief of Police or his designee has been unjustifiably refused by a person who, in part or whole, manages or operates the business.

5. The applicant or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business has more than five violations of

this ordinance; any state or federal law, or any combination thereof within a two-year period, including the two years prior to the application date.

6. The secondhand dealer or secondhand collector business, the applicant or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business has been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of secondhand business to be conducted, such as, but not limited to, receiving stolen property, any form of breaking and entering, larceny from a person or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Chief of Police or his designee.

5.3.4 Suspension or Revocation of License

The City Council may, after notice and a public hearing, suspend or revoke a secondhand dealer or secondhand collector license if it has probable cause to believe any of the following conditions exist after a public hearing:

1. Any secondhand dealer or secondhand collector business, or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business knowingly writes or records the wrong name, date of birth, address, or identification number of a person offering any item for sale or knowingly permits the signing of such wrong name, date of birth, address, or identification number shall be subject to suspension or revocation of the license by the City Council.

2. Any secondhand dealer or secondhand collector business, or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business is found to have purchased any stolen article shall be liable for the loss incurred by such purchase, and the purchased article may be reclaimed by the owner of the same, at no cost, and the license may be subject to suspension or revocation by the City Council.

3. Any secondhand dealer or secondhand collector business, or any person, who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business knowingly alters, obliterates or removes and part of an item purchased prior to the end of any holding period may have their license suspended or revoked by the City Council.

4. Any secondhand dealer or secondhand collector business, or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business knowingly violates any other provision of this ordinance may have their license suspended or revoked by the City Council.

5.3.5 Business permitted only at licensed premises

A. No secondhand dealer or secondhand collector shall carry on his business in any other place than that designated in his license.

B. Every secondhand dealer or secondhand collector shall have readily available for public view at his/her shop a copy of the statutes, ordinances and police regulations relating to the dealers in gold, silver, coins, precious and semi-precious gems, platinum or electronics, to be furnished upon the issuance of the license by the Office of the City Clerk.

5.3.6 Transportation/Storage of Regulated Property

A. No person shall collect or transport regulated articles from place to place within the City limits unless specifically licensed by the City Council to do so.

B. Every vehicle used in the collection or transportation of regulated articles shall be listed on the license granted by the City Council. The contents of such vehicle, while transporting regulated articles, shall be subject at all times to the examination of the Chief of Police or his designee.

5.3.7 Recordkeeping.

A. Every secondhand dealer or secondhand collector shall maintain a book or other method of recording, which shall be of a size, style and method approved by the Chief of Police. Entries shall be legibly written, photographed or typed in the English language and shall show the amount paid for each article and the number attached to each article where required in accordance with Subsection C hereof. All forms of electronic record keeping shall be approved by the Chief of Police. No entry shall be erased, obliterated, altered or defaced.

B. Secondhand dealers and secondhand collectors shall require that acceptable identification be provided prior to purchasing any regulated property.

C. At the time of every purchase of any regulated property, a detailed description thereof including weights, karat, inscriptions, serial number, together with the name, date of birth, address, identification number and signature of the individual selling the regulated property, and the day and hour when such purchase was made, shall be entered in said book before the regulated property is purchased. In the event that such person is unable to write, the secondhand dealer, secondhand collector or their employee, shall enter a notation in the book stating that such person was unable to do so.

D. When the regulated property is gold, silver, coins, precious and semi-precious gems, platinum, or electronics, the secondhand dealer or secondhand collector shall, at the time of making any purchase, attach a number to each article bought, and shall make entry of such number in the book provided for herein.

E. In those transactions where precious metals, coins and or gems, regardless of form, weight or appearance, are purchased, a digital photograph of the item purchased shall be retained together with the acceptable identification.

F. A list of all purchases and acquisitions shall be submitted to the Woburn Police Department within one (1) week of such purchase or acquisition.

5.3.8 Testing of Weighing and Measuring Devices

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the City of Woburn Sealer of Weights and Measures prior to being placed into service. All weighing and measuring devices shall thereafter be inspected and tested on an annual basis.

5.3.9 Purchases

A. No secondhand dealer or secondhand collector or any employee thereof shall directly or indirectly purchase or receive by way of barter or exchange any regulated article from a person under the age of eighteen (18) years.

B. A secondhand dealer or secondhand collector shall not purchase or receive by way of barter or exchange any regulated property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.

C. Any regulated property that is taken under "consignment" where the secondhand dealer or secondhand collector receives any type of gain, profit, trade of property, or the recovery of expenses shall be considered regulated property and shall be subject to the provisions of this ordinance.

D. No secondhand dealer or secondhand collector may purchase or sell any property of any type without the consent of the owner.

5.3.10 Retention Periods for Regulated Property; Exemptions

A. Where the regulated property purchased is gold, silver, coins, precious and semi-precious gems, platinum or electronics, no secondhand dealer or collector shall permit the same to be altered, broken up, taken apart, defaced, melted, sold or otherwise disposed of until at least thirty (30) days from the date of its purchase or receipt has

elapsed, unless permission has been obtained from the Chief of Police or his designee.

B. All other regulated property purchased by a secondhand dealer or secondhand collector shall be held by said secondhand dealer or secondhand collector for at least 15 days from the date of purchase.

C. The secondhand dealer or secondhand collector shall maintain the property in substantially the same form as when purchased and shall not alter, exchange or commingle the property. During the holding period the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Chief of Police or his designee.

D. The Chief of Police or his designee may give written notice to a secondhand dealer or secondhand collector holding regulated property that the Chief of Police or his designee has reasonable grounds to believe that more likely than not a specific item of regulated property is associated with criminal conduct. The secondhand dealer or secondhand collector holding the regulated property shall then continue to hold the property specified in the notice in the same manner and place as required under Subsection A of this section until released by the Chief of Police Chief. The holding period for any item of regulated property shall not exceed 180 days from the date of purchase, unless the item is subject of a pending civil or criminal proceeding.

E. A secondhand dealer or secondhand collector may from time to time request, in writing that the Chief of Police shorten the length of the holding period. If the Chief of Police or his designee determines relief from the holding period is appropriate due to unreasonable hardship, the Chief of Police or his designee shall provide the secondhand dealer or secondhand collector who requested relief with written authorization to sell, transfer or otherwise dispose of the regulated property. The request shall identify the property and state the basis or bases of the unreasonable hardship or hardships. The authorization shall be effective only upon delivery of the written authorization to the secondhand dealer.

F. Secondhand dealers or secondhand collectors retailing or wholesaling used property limited to the following are exempt from Subsection B above:

1. Used clothing, furniture, knickknacks, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery; or
2. Any person who knowingly writes or records the wrong name, date of birth, address, or identification number of a person offering any item for sale or knowingly permits the signing of such wrong name, date of birth, address, or identification number shall be subject to suspension or revocation of license by the City Council.

3. Used clothing, furniture, footwear and houseware items such as dishes, pots, pans, cooking utensils and cutlery, obtained only from or through a registered charity or by donations; or
4. Used books, papers, or magazines.

5.3.11 Inspection of Licensed Premises and Records

A. The book or other means of recording shall at all times be open to the inspection of the Chief of Police or his designee. When the Police Chief or his designee has reasonable grounds to believe that a specific item of regulated property held by a secondhand dealer or secondhand collector is associated with criminal conduct.

B. Whenever necessary to make an inspection to enforce the provisions of this ordinance, or when the Chief of Police or his designee has reasonable grounds to believe more likely than not that a specific item of regulated property held by a secondhand dealer or secondhand collector is associated with criminal conduct, the Chief of Police or his designee may enter the premises of the secondhand dealer or secondhand collector at any reasonable time, provided that the premises is occupied at the time of entry and the Chief of Police or his designee presents proper official identification at or near the time of entry. If entry is refused, the Chief of Police or his designee shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.

C. Authority to inspect secondhand dealer or secondhand collector premises under this ordinance is in addition to and not in limitation of the authority the City or the Chief of Police or any police officer would otherwise have to enter the business premises.

5.3.12 Penalty and Enforcement

Violations of this Ordinance shall be subject to a fine of two hundred ($200.00) for each violation. Each violation of this Ordinance shall constitute a separate offense, and each day that any such violation continues shall constitute a separate offense. The Police Chief or his designee, and any Woburn Police Officer shall have authority to enforce the provisions of this Ordinance. Any alleged violation of this Ordinance may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent in accordance with M.G.L. c.40, §21D.

5.3.13 Severability

If any provision of this ordinance is held to be invalid, it shall not affect the validity or application of the remaining provisions, or take any other action relative thereto.

(amended 9/6/2013)

IV. (deleted 9/6/2013)

V. TRANSIENT VENDORS, HAWKERS AND PEDDLERS

5-30 Definitions.

"Hawker and peddler": any person, either principal or agent, who goes from place to place within the City selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares or merchandise, either on foot, on or from any vehicle.

"Transient vendor": any person, either principal or agent, who engages in a transient business selling goods, wares or merchandise, either in one locality or in traveling from place to place.

"Transient business": any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least twelve consecutive months.
(amended 8/20/2009)

5-31 License required—Exceptions.

No person shall go place to place in this City selling goods, wares, or merchandise or establish a transient business, as defined above, unless duly licensed by the Director of Standards of the Commonwealth and/or licensed by the City of Woburn except for those articles permitted to be sold without a license under MGLA, c. 101,§ 16 & 17. These regulations shall not apply to any City of Woburn resident selling second-hand goods at a yard sale or garage sale at his or her own residence provided that the sale of items does not exceed two days, nor shall the regulations apply to any members of, or agent of, a not-for-profit organization incorporated under Chapter 180 of Massachusetts General Law. Persons acting on behalf of not-for-profit organizations must notify the Office of the City Clerk of their intent to sell goods, wares, or merchandise prior to conducting any such transactions in the City. A sign or badge displaying the name of the not-for profit organization benefiting from the fundraising sales must be visible during all such transactions. (amended 8/20/2009)

5-32 Procedures for state license holders.

A transient vendor, hawker or peddler who has obtained a license from the Director of Standards of the Commonwealth may not sell, or offer or expose for sale, any of the articles enumerated in Section 17, Chapter 101 of the General Laws, or any acts in 5-14 amendment thereof or in addition thereto, until he or she has recorded his or

her name, residence, phone number and a brief description of the business to be conducted within the City with the Office of the City Clerk and provided a copy of his or her state license. Nothing in the ordinance codified in this part shall be construed as conflicting with any license issued under the authority of the commonwealth. (amended 8/20/2009)

5-33 Procedures for obtaining a transient vendor, hawker or peddler license from the City of Woburn.

The City Clerk shall have authority to grant a license to any person of good repute for morals and integrity, who is, or has declared his intent to become, a citizen of the United States, upon the approval of the Chief of Police, and where applicable, the Sealer of Weights and Measures and the Board of Health. Persons not licensed by the state shall make an application to the Office of the City Clerk, on a form containing the following information: The applicant's name, type of license (transient vendor or hawker/peddler), signature, home address, the name and address of the owner or parties in whose interest the business is to be conducted, their business address and phone number, cellular telephone numbers for the applicant and business; a brief description of the business to be conducted within the City; the applicant's social security number; the description and registration of any motor vehicles used by the applicant; their sales tax number, and whether the applicant has ever been charged with a felony. The applications shall be made under oath.

A licensing fee in the sum of $100.00 shall be payable to the City of Woburn at the time of application.

The Chief of Police shall approve the application within 3 business days of its filing unless he determines either that the application is incomplete, or that the applicant is a convicted felon, or is a fugitive from justice.

No person shall receive a license, as provided in this part, until he presents a certificate from the sealer 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. 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, or the cancellation of his registration.

Any food selling requires approval from the Board of Health.

The City Clerk shall issue to the transient vendor, hawker or peddler, a decal or sticker containing the vendor number and expiration date which shall be affixed to the vehicle used by the transient vendor, hawker or peddler in the transaction of business.

(amended 8/20/2009)

5-34 Expiration and Revocation of licenses.

The licenses, unless sooner revoked by the City Council for due cause after hearing, shall expire one year after the granting thereof. (amended 8/20/2009)

5-35 Number to be displayed on badge.

Every transient vendor, hawker and peddler licensed by the City of Woburn shall be assigned a number and shall wear a badge in a conspicuous place of such type and design as may be approved by the City Clerk, and which shall contain his number, photograph and the words "hawker" "peddler" or “vendor “and "Woburn”. (amended 8/20/2009)

5-36 Vehicles to bear number and expiration date of license.

Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him shall have attached to it on each side a number plate of such type and design as may be approved by the City Clerk, and bearing the number and the date of expiration of the license. (amended 8/20/2009)

5-37 License to be signed--Exhibit of license on demand.

Every person licensed as described in this part shall endorse his usual signature upon his license. Any licensee who fails, neglects or refuses to exhibit his license when the same is demanded of him by a police officer shall be subject to the same penalty as if he had no license. (amended 8/20/2009)

5-38 Conduct of business.

(1) All transient vendors, hawkers and peddlers, whether licensed by the State or the City of Woburn, shall be governed by the following restrictions unless otherwise noted and must further comply with the provisions of M.G.L. Ch. 101:

(2) No person hawking, peddling or carrying or exposing any articles for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the City, nor 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. (Prior Ch. 22 sec. 2(D)).

(3) Hawkers and peddlers may only remain stationary for fifteen minutes at any given location to sell their goods, wares, and merchandise on public land,

including without limitation, public streets, public parks, public parking lots, public playgrounds, and public ways. Between such transactions, hawkers and peddlers shall be moving at all times. For vendors on foot, moving shall be walking in a normal manner along a street, path or way with all goods, wares, and merchandise, or service. For vendors operating from vehicles, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass.

(4) Transient vendors may not sell goods, wares, or merchandise on public land, including without limitation, public streets, public parks, public parking lots, public playgrounds, and public ways.

(5) Transient vendors may sell goods, wares, merchandise or services at fixed locations on private commercial property only if such property is properly zoned for such activities and the vendor has written permission to conduct such transactions from the owner of the private land.

(6) Transient vendors may not sell goods, wares, merchandise or services on residential property.

(7) All transient vendors, hawkers and peddlers shall clearly and prominently post prices for all foods, beverages, goods, merchandise and services offered for sale. Transient vendors, hawkers and peddlers are prohibited from selling or offering goods, wares, merchandise or services between the hours of 8:00 pm to 6:00 am.

(8) Transient vendors, hawkers and peddlers shall provide suitable receptacles for the placement of any trash and litter that may be expected to result from the sale of their wares and shall remove said trash and litter.

(9) The provisions of sub-paragraphs (3), (4) and (6) shall not apply to vendors authorized by the City to sell goods, wares or merchandise at a Woburn Farmers' Market at Spence Farm as set forth in Title 2, Article XL.

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(amended 8/20/2009; amended 2/17/2011)

5-39 Penalties for violation.

Whoever violates any of the provisions described in this part (Sections 5-30 - 5-40), shall be subject to the following civil penalties enforceable by the Police Department:

a. $150 for the first offense
b. $200 for each subsequent offense".

(amended 8/20/2009)

5-40 Reserved (amended 8/20/2009)

5-41 Reserved (amended 8/20/2009)

VI. MOTOR VEHICLE LICENSES

5-42 Licenses--Definitions and classes.

A. Licenses granted under the provisions of Chapter 140, Section 57-69, of the General Laws shall be classified and defined as follows:

1. Class 1. Any person who is a recognized agent or motor vehicle manufacturer or seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with each such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of secondhand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to secondhand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new vehicles, such dealer shall be subject to all provisions of this chapter and of the rules and regulations made in accordance therewith applicable to holders of licenses of class 2. The fee for said license, either original or renewal, shall be $100.00. In addition, a charge of $200.00 shall be paid by each applicant for a new or renewed license to cover the costs of processing and inspections, before the license is issued by the City Clerk's Office. The charge for a transfer of a license shall be $300.00 to cover the $100.00 license fee and the $200.00 costs of processing and inspections.

2. Class 2. Any person whose principal business is the buying or selling of secondhand motor vehicles may be granted a used car dealer's license. The fee for said license, either original or renewal, shall be $100.00. In addition, a charge of $200.00 shall be paid by each applicant for a new or renewed license to cover the costs of processing and inspections, before the license is issued by the City Clerk's Office. The charge for a transfer of a license shall be $300.00 to cover the $100.00 license fee and the $200.00 costs of processing and inspections.

3. Class 3. Any person whose principal business is the buying of secondhand motor vehicles for the purpose of remodeling, taking apart or rebuilding the

same, or the buying or selling of parts of secondhand motor vehicles or tires, or the assembling of secondhand motor vehicles' parts may be granted a motor vehicle junk license. The fee for said license, either original or renewal, shall be $100.00. In addition, a charge of $200.00 shall be paid by each applicant for a new or renewed license to cover the costs of processing and inspections, before the license is issued by the City Clerk's Office. The charge for a transfer of a license shall be $300.00 to cover the $100.00 license fee and the $200.00 costs of processing and inspections.

B. 1. The City Council of the City may grant licenses under the provisions of Chapter 140, Section 59, of the General Laws.

2. a. The licenses shall expire on January 1st, following the date of issue unless sooner revoked.

b. No such license shall be granted unless the City Council is satisfied from the investigation of the facts stated in the application and any other information which they may require of the applicant that such applicant is a proper person to engage in the business specified in subsection A of this section in the classifications for which he has applied that said business is or shall be his principal business, and that he has available a place of business suitable for the purpose.

3. The license shall specify all the premises to be occupied by the licensee of the purpose of carrying on the licensed business.

4. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the City Council in writing, a copy of which shall be attached to the licensee, see further Section 5-44 below.(Prior Ch.22 sec. 6(A); Ords. dated 04/10/87).

5-43 Prices of used and/or secondhand vehicles to be displayed.

All used and/or secondhand vehicles to be sold by a person, company or corporation having a 1st Class or 2nd Class vehicle license, the price of said vehicle shall be displayed on said vehicle for visual inspection by any prospective buyer or purchaser of said vehicle. (Prior Ch. 22 sec. 6(B).

5-44 Public hearing required; Transfer of License.

No original license for the sale of new motor vehicles and no original license for the sale of secondhand motor vehicles as authorized by Chapter 140, Section 59 of the General Laws shall be granted until after the City Council has held a public hearing

thereon, first causing notice of the time and place of such hearing to be published in a newspaper of general circulation in the City once in each of two successive weeks, the first publication being not less than twenty-one days before the day of such hearing. The expense of such publication to be borne by the applicant. This part shall have no application to licenses presently being exercised. (Prior Ch. 22 sec. 6(C)). No license once granted can be transferred, conveyed or otherwise given to any other person or entity without first obtaining approval of the City Council, and payment of a transfer fee of $300.00 dollars. Whenever any holder of a license granted under this section wishes to transfer such license, or convey the premises for which the license was granted, the new owner or occupant must make an application to the City Council before a renewal license can be granted. No license, once granted, can be used at or for another location other than the one specified in the original license or in the application. (Ords. dated 04/10/87).

5-44(a) Maximum number of licenses

Notwithstanding any other provision or section of this Municipal Code, the City Council shall not issue or grant more than thirty (30) second class motor vehicle licenses at any one time. Holders of second class motor vehicle licenses upon the effective date of this Sub-section, may retain all rights under their licenses as long as they are in compliance with state and local statutes, ordinances and regulations and that the renewal of such license has been granted before the expiration of their current license; further no such license may be transferred to a new holder unless the total number of licenses issued and outstanding within the City of Woburn at the time of the requested transfer does not exceed thirty (30). (Added 5/22/98; amended 9/14/98)

VII. SECONDHAND LUMBER YARDS

5-45 License required.

Except as provided in this part, no person, firm, partnership, or corporation shall operate or deal in the purchase, sale or barter of old or secondhand lumber of building materials, or old metals, within the City, unless a license to do so is first obtained from the City Clerk after being granted by the City Council annually. Each such license shall bear on the face thereof such restrictions or regulations as the City Council shall direct and impose. (Prior Ch. 22 sec. 7(A)).

5-46 Temporary license for demolition of buildings.

The City Council may when, in its judgment, necessity requires it, grant a temporary license for a period of not over thirty days, to a person, firm, partnership or corporation who is about to be engaged in demolishing or razing a building after a

proper permit has been secured, to sell at the location specified in the permit for demolition or razing only those materials obtained from that building. (Prior Ch. 22 sec. 7(B)).

5-47 Revocation of licenses.

The City Council may revoke any license granted under this part at any time. (Prior Ch. 22 sec. 7(C)).

5-48 Business prohibited within five hundred yards of highways.

No secondhand lumberyard shall be operated or maintained within five hundred yards of any public highway. (Prior Ch. 22 sec. 7(E)).

5-49 Violation--Penalty.

Any person, firm, partnership or corporation, violating the provisions of this part shall be punished by a fine of not more than twenty dollars in accordance with the provisions of Section 55 of Chapter 140 of the General Laws, Terr. Ed. (Prior Ch. 22 sec. 7(D)).

VIII. MOBILE VENDING VEHICLES

5-50 Definition.

For the purpose of this section and the following sections, "mobile vending vehicle" is construed to mean a mobile vehicle, lunch cart or food vehicle which is used in the business of selling or exposing for sale, prepared food, meals or lunches or beverages intended to be consumed by the purchaser without further preparation or processing thereof by the purchaser. (Prior Ch. 22 sec. 8(A)).

5-51 License required.

No person shall carry on the business of selling or exposing for sale from a mobile vending vehicle prepared food, meals, lunches, or beverages within the City unless said person(s) are licensed to do so by the City Council of the City. (Prior Ch. 22 sec. 8(B)).

5-52 Fees due and payable with application--Expiration of License.

The fee for the aforementioned license shall be fifty dollars which is due and payable to the City Clerk upon the filing of an application for said license. Said

license shall expire one year from the date of issuance by the City Council. (Prior Ch. 22 sec. 8(C)).

5-53 Council may establish certain conditions.

The City Council, if in their opinion public convenience so requires, may license a reputable person to maintain a vehicle for the sale of food in such part of any public way and during such hours as they may designate, provided that public travel is not discommoded thereby. Any such license may be revoked by the City Council at any time after a hearing with the licensee for any violations of any conditions so stated on the license. (Prior Ch. 22 sec. 8(D)).

5-54 Violation--Penalty.

Any violation of the above sections or conditions set forth on the license for operation shall be punishable by a fine of not more than one hundred dollars. (Prior Ch. 22 sec. 8(E)).

IX. GASOLINE SERVICE STATIONS

5-55 Attendant to be on duty.

A. Self-service gasoline station: Any building or premises wherein or upon which gasoline or other motor fuel is sold at retail and wherein the licensed motor vehicle operator dispenses his or her own motor fuel at any or all of the pumps. (Prior Ch. 22 sec. 11(a)).

B. The dispensing of motor fuel by means of self service automated dispensing systems shall be permitted, provided that the applicant for such a system has submitted complete plans and specifications of the proposed installation to the City Council of the City of Woburn under the provisions of Section 11 of the Woburn Zoning Ordinance, that a special permit shall have been granted under the said provisions of the Woburn Zoning Ordinance and that there is compliance with Section 5.08 of the Code of Massachusetts regulations as certified by the State Fire Marshal.

C. Every self-service gasoline station shall dispense motor fuel from the self-service pump or device for any owner-operator of a motor vehicle bearing disabled person or disabled veteran number plates in compliance with M.G.L., Chapter 90, Section 2. (amended 11/13/2020)

D. Every self-service gasoline station shall dispense motor fuel from the self-service pump at self-service prices, by request, for any owner-operator of a motor vehicle age 62 and over.

E. At any self-service station full service shall be made available to the retail customer as an option. (Prior CH 22 - 11(a)). (Ord. amended 5/17/94)

5-56 Underground storage tanks at gasoline service stations.

A. The following are required on all installations of underground tanks for flammable liquid storage at gasoline service stations:

1. An inspector of the Woburn fire department shall be on the site during the installation or removal of all underground tanks.
2. All tanks are to be installed according to 527 CMR-9, NFPA Code 30, and the requirements of the Woburn fire department.
3. All steel tanks shall be cathodically protected and coated i.e., STI-P3.
4. Piping to tanks shall have swing joints and malleable fittings.
5. All tanks shall have wear plates on bottom of tank under fill holes.
6. At least two observation wells for tank. Pipe shall extend a minimum of twelve inches below bottom of tank.
7. Reinforced concrete over tanks in traffic areas.
8. All other requirements of the Woburn fire department shall be followed.

B. The maximum amount of storage on any one site shall be twelve thousand gallons per product. Ord. 8/15/90.

C. The maximum amount of flammable liquid stored underground at any one location shall be forty thousand gallons. (Ord. dated 9/27/84: prior Ch. 22 sec. 11(c)).

X. LODGING HOUSES

5-57 Definitions.

For the purpose of this part:

A. Boarding, Rooming or Lodging House: a building or structure or portion thereof arranged or used for lodging with or without meals for compensation by three (3) or more lodgers or boarders. This definition shall not include hotels, motels or inns." (Ord. 6/27/91).

B. "Lodging unit" means a rented room or group of rooms containing no cooking facilities, used for living purposes by a separate family or group of persons living together or by a person living alone, within the dwelling. (Prior Ch. 20 sec. 1).

5-58 Licenses.

The chief of police may license persons to keep lodging houses or lodging units therein. The fee shall be twenty dollars annually and shall expire on the thirty-first day of December next after the granting of the same. Such license shall specify the street and number, if any, of the building where the business is to be carried on, or give some other description thereof, and the license shall not protect a licensee who carries on his business in any other place. (Prior Ch. 20 sec. 2).

5-59 Certification of inspector of buildings and wire.

No such license shall be granted or renewed until the inspector of buildings and wire inspector thereof has specified in writing that the buildings and wiring meet the requirements of the local laws regarding buildings and wiring. (Prior Ch. 20 sec. 3).

5-60 Certification by fire chief.

No such license shall be granted or renewed until the chief of the fire department has certified in writing that the building has sufficient means of escape in cases of fire and that suitable appliances are supplied for extinguishing fires and for giving an alarm to the inmates in case of fire and the chief of the fire department may from time to time require such alterations to be made, or additional appliances to be provided as may in his judgment be necessary for the protection of life and property in case of fire. (Prior Ch. 20 sec. 4).

5-61 Certification by Board of Health.

No licenses shall be granted or renewed until the board of health thereof has certified in writing that the building is provided with a sufficient number of water closets and urinals and with good and sufficient means of ventilation; and the board may from time to time require the licensee thoroughly to cleanse and disinfect all parts of said building and the furniture therein to the satisfaction of such board. (Prior Ch. 20 sec. 5).

5-62 Register to be kept.

In every public lodging house or lodging unit a register shall be kept in which shall be entered the name and address of each lodger, together with the time of his

arrival and departure, and such register shall at all times be open to the inspection of the police. (Prior Ch. 20 sec. 6).

5-63 Access to be given to City officials.

The keepers of every public lodging house or lodging unit shall at all times, when so required by the inspector of buildings, the health department, the fire department, the police department, or wire inspector, give him free access to said house or any part thereof.(Prior Ch.20 sec. 7).

5-64 Revocation.

Any license issued under this part may be revoked at any time by the chief of police for any violation of this part or any other ordinance or law. (Prior Ch. 20 sec. 9).

5-65 Violation--Penalty.

The owner and whoever keeps or holds himself out as keeping a public lodging house or lodging unit without being duly licensed as hereinbefore provided, and whoever is concerned or financially interested in any public lodging house or lodging unit, the keeper of which is not so licensed, shall be punished by a fine of not less than five hundred dollars. (Prior Ch. 20 sec. 8).

XI. POOL AND BILLIARD ROOMS AND BOWLING ALLEYS

5-66 Licenses required--Conditions.

Licenses to keep a billiard, pool or bowling alley shall be granted subject to the conditions that the licensed premises shall not be open or in use later than twelve midnight, in any day, that no curtains, opaque screens or other obstructions shall be placed at the doors or windows or inside the room or rooms occupied in any way that shall prevent a complete view of the premises from the outside, that no spirituous or intoxicating liquors shall be sold or kept on the licensed premises, that the arrangements of the premises shall be subject to the approval of the chief of police, and that the license shall be forfeited upon violation of any condition thereof or any ordinance of the City, law of the Commonwealth, or police regulation of the City applicable thereto. The license shall be placed in a conspicuous position occupied by the licensee.(Prior Ch. 22 sec. 4(A); Ord. amended 5/21/99).

5-67 Bowling alleys--Hours of operation.

Bowling alleys shall not be in operation for business on any day of the year between the hours of 12:01 a.m. and eight a.m. (Prior Ch. 22 sec. 4(B)).

XII. TAXIS AND LIVERIES

5-68 Definitions.

For the purpose of this section, the following words shall have the following meanings:

A. Livery Car Service or Livery Limousine Service - an unmarked vehicle with a seating capacity not to exceed the manufacturer's recommended seating capacity that is operated for hire and used to provide livery service, by or on behalf of a named insured, or by an employee of the named insured, and which displays a livery registration number plate issued by the Massachusetts Registry of Motor Vehicles. A livery car service shall:

1. be hired on a prearranged basis only, with a minimum of 2-hour notice; (amended 6/30/2015)

2. not pick up fares on the street;

3. not take on-demand requests for transportation;

4. manage on a prearranged, scheduled business day and return to the vehicle's base of operation (fixed business address) for a continuous period of least 4 hours in each 24 hour period;

5. be operated by the licensed, named insured or a licensed employee of the named insured, who shall be in attendance as a chauffeur;

6. be managed from a base of operation, which is a fixed business address within the City of Woburn that is properly insured and zoned for said business or is a licensee who is allowed to operate at the location as may be otherwise permitted under the Zoning Code and whose vehicles shall each have two-way radio, telephone or mobile phone communications systems. (amended 4/9/2015)

B. Taxicab - a motor vehicle with a seating capacity not to exceed manufacturer's recommended seating capacity, displaying on its exterior, permanently painted or decal identification markings, a light, which shall be affixed to the roof of said vehicle, and a taxi registration number plate issued by the Massachusetts Registry of Motor Vehicles, operated for hire by or on behalf of the named insured or by an employee or independent contractor of said named insured; but which does not pickup, transport, or discharge passengers along a route. A taxicab shall be hired on a hailed, on an on-demand or on a prearranged basis and shall:

1. Must charge for service based upon time and miles traveled or on a prearranged billed basis;

2. be operated by the licensed, named insured, a licensed employee, or licensed independent contractor of the named insured, and who is in attendance as the driver of the taxicab;

3. be managed from a base of operation, which is a fixed business address within the City of Woburn that is properly insured and zoned for said business or is a licensee who is allowed to operate at the location as may be otherwise permitted under the Zoning Code;

4. have vehicles with a two-way radio, telephone or mobile phone communications system; (amended 4/9/2015)

5. maintain at the start and end of each shift, waybills including all of the following information for each vehicle:

   a. current date-by-date, month and year;

   b. the name of the vehicle's associated company and/or licensed owner;

   c. the name of the vehicle's driver,

   d. the vehicle's license, Permit, or medallion number,

   e. the time of pick-up of passenger(s),

   f. the place of origin by number, street and city of each passenger;

   g. the place of destination by number, street and city of each passenger; and

   h. the form of primary payment method and amount received.
(amended 6/30/2015)

C. Special Operator License a document granting formal permission to operate a taxi or livery vehicle in the City of Woburn.

5-69 Licenses/Fees.

A. The number of taxicab licenses to be issued shall not be in excess of twenty-eight. The number of livery licenses to be issued shall not be in excess of forty-

one.

B. No person shall engage in the business of transporting persons for hire in a vehicle within the limits of the City of Woburn without first having obtained a license from the Woburn City Council. This Ordinance shall apply both to businesses located within the city or to vehicles employed for transportation trips originating within the city.

C. No license shall be required for:

1. hearses and grieving-family transport vehicles used by funeral homes for funerals and burials.

2. taxis/livery vehicles lawfully licensed in other communities, provided that such taxis/livery vehicles shall not originate transportation trips within the city unless:
   a. no taxi licensed by the City of Woburn is available to respond to a request for transportation; or
   b. use of such taxi is originated by a Woburn Police Officer.

D. No person having charge of a vehicle licensed hereunder shall demand or receive a rate or fare other than as established by the City Council for the class of license issued hereunder.

E. The following provisions relate to all taxi and livery licenses:

1. The date of expiration for all taxi and livery licenses set to expire April 30, 2015 shall be extended up to and including July 15, 2015. Each taxi and livery license issued on or after April 1, 2015 shall be effective for one year only, expiring each year on April 30th. (amended 4/23/2015; amended 6/30/2015)

2. Each license shall specify the Massachusetts motor vehicle registration number, the Vehicle Identification Number (VIN) and the make and model of the vehicle that may be used under said license.

   Before a license may be issued for a vehicle, a copy of the registration issued by the Massachusetts Registry of Motor Vehicles shall be filed with the City Clerk. Said registration shall contain the name of the license holder, the principal place of business and of garaging that is identical to that approved by the City Council, the name of the insurance company through which the vehicle is insured, and the VIN, make and model of the vehicle referenced in the application and approved by the City Council. No amendment of the registration may be made during the term of the license without the approval of the City Council.

3. For every vehicle license so granted each year there shall be paid for the use of the City the following license fees:

Taxis	$50.00 per year
Livery Car Service and Livery Limousine Service	$50.00 per year

4. No person shall be eligible to receive such a license who cannot demonstrate familiarity with the streets of the City of Woburn and unless they are either a citizen of the United States or a person lawfully documented for work in the United States. With respect to corporations and business entities, no such corporation or business entity shall be eligible to receive such a vehicle license unless (1) such corporation or business entity can produce a Certificate of Good Standing in the Commonwealth of Massachusetts, (2) the manager or principal representative in charge of the business can demonstrate familiarity with the streets of the City and (3) is either a citizen of the United States or a person lawfully documented for work in the United States. Proof of residence within the City by the applicant shall be prima facie evidence of familiarity with the streets of the City.

5. In addition to any insurance requirements established by state law or regulation, any person seeking a license to operate within the City of Woburn shall be required to maintain a minimum limit of automobile liability insurance coverage as follows:

Taxis	$100,000 combined single limit, each occurrence
Private Livery	$150,000 combined single limit, each occurrence
Limousines	$300,000 combined single limit, each occurrence

   a. Upon cancellation, the motor vehicle insurance coverage amounts as required herein or the reduction of the motor vehicle insurance coverage amounts to levels that are less than what are required herein, or upon the motor vehicle no longer being registered with the Massachusetts Registry of Motor Vehicles, or a name change, then the license shall be void with one exception. If the termination of motor vehicle insurance coverage or the termination of the motor vehicle registration is solely due to the acquisition of a replacement motor vehicle, then the license may be suspended for a period not to exceed 3 months pending the satisfactory inspection of the replacement vehicle, as provided herein and the approval

of a new license by the City Council.

b. Written notice of cancellation, non-renewal, or of any limits reduction change in said policy shall be mailed to the City Clerk, City Hall, 10 Common Street, Woburn, MA 01801 at least ten (10) days in advance of the effective date thereof.
c. The license holder must provide their insurance company with a copy of this ordinance.
d. The insurance requirement provisions of this part shall be effective immediately upon adoption, and all licensees shall be required to comply with these provisions within ninety (90) days thereof. The failure to comply with this provision shall be grounds for the suspension or revocation of the license.

All licensees are required to submit a certificate of insurance satisfactory to the City Clerk or his designee, indicating therein the amount of coverage and the maximum number of persons to be carried in each vehicle. (amended 10/21/2014)

6. No license shall be sold, assigned or transferred directly by conveyance, assignment or transfer of the license itself, nor indirectly by sale of the business or ownership interests in a corporation holding the license without City Council approval.

7. Any person in whose name a license is taken out for one or more vehicles for hire, for all purposes of this Ordinance shall be considered as the owner of the same and liable to all forfeitures and penalties herein contained.

8. There shall be no advertisements or other displays or any references to products or services on or about the licensed vehicles other than references to the licensee's operation.

9. Primary payment method shall be by cash, voucher, credit or debit card, check, or prearranged billing including name of billed individual or company.

10. All vehicles for hire and registered in the city shall have the name, trade name, and telephone number of the owner and the word "Woburn" painted on both sides of the exterior body of the taxicab in standard letters not less than four (4) inches high and one-half (1/2) inch wide.

11. All vehicles must be managed from a base of operation, which is a fixed business address within the City of Woburn that is properly insured and zoned for said business and be equipped with two-way radio or mobile phones.

F. Credit Card Payments:

1. No Taxicab Driver shall refuse to accept a credit card as payment for a fare after May 1, 2015 and no Driver may demand a fee above the fare in return for accepting a credit card payment. (M.G.L. c. 140D, §28A).
2. All Taxicabs shall accept credit cards at all times. If a Taxicab does not have a functioning credit card reader or ability to process the credit card through the taxi licensee's base of operations, it shall be deemed unfit for service as a taxicab.
3. All licensed taxi companies shall comply with all applicable state and federal laws when accepting credit card payments.

(amended 6/30/2015)

G. Be Equipped for Credit Card Processing:

1. Effective May 1, 2015 all taxicabs shall be equipped with an electronic credit card processing capability. Such equipment shall allow the passenger to swipe the card in the rear compartment of the taxicab without handing the card to the Driver. Such equipment shall list fare, tolls, fees, and tips separately for processing purposes. Such equipment shall have the ability to electronically authorize the transaction in a timely manner. Such equipment will provide a printed, or electronic receipt that includes:

   a. Woburn Licensed Taxi Number,
   b. Date,
   c. Time,
   d. Charge Amount,

2. All Taxis shall have a functioning credit card reader at all times. If a Taxi does not have a functioning credit card reader, it shall be deemed unfit for service as a taxi.

5-70 Operation of all licensed vehicles.

A. No person to which a license has been granted shall suffer or allow any person other than the driver licensed pursuant to Section 5-74 hereof by the Chief of Police to drive such a vehicle for hire.

B. All vehicles licensed hereunder shall be kept in a good condition suitable for occupancy and mechanically fit for the safety of the passengers. The interior and exterior shall be clean and sanitary at all times. Owner and driver shall each be held responsible for violations of this provision as the case may be.

C. No license shall be issued until each vehicle intended to be used has been inspected by the Chief of Police or his designee, as follows:

1. No license shall be issued until each vehicle intended to be used shall have been thoroughly inspected by the Chief of Police or his designee. A list of items to be inspected by the police department shall be furnished to all license applicants by the City Clerk. If the vehicles are found to be safe and suitable for hire and being in the same condition as supplied by the manufacturer with reasonable wear and tear being excepted, the Chief of Police or his designee shall issue a certificate of inspection, which shall designate by registration number, make, model, VIN, seating capacity and intended use of each so approved. Such certificate shall be filed in triplicate with each application with the City Clerk for any license established by this Ordinance. When and if issued by the City Council, any license shall be deemed to cover only the vehicle described in such certificate.

2. Each vehicle shall be inspected each year before any license is renewed by the Woburn Police Department. The certificate of inspection shall be filed with the renewal application. Any vehicle that fails to pass such inspection shall not be used for transportation of persons or things for hire until repaired, or the conditions which caused the inspection failure are addressed, and the vehicle passes re-inspection. The cost of re-inspection shall be $25.00 per vehicle payable to the City of Woburn.

D. In no event may any vehicle licensed hereunder carry more persons than the number of available seat belts permanently equipped in such vehicle; every child under forty pounds (40 lbs.) shall be transported only in approved child safety restraint devices.

E. No vehicle licensed under this Ordinance as one classification of license shall be further licensed or used at the same time as another classification of license.

F. No smoking shall be permitted, by anyone at any time, in any taxi so licensed and a "no smoking" sign shall be displayed in plain view of the rear passenger seats of every licensed vehicle.

G. A Taxi or Livery License, once issued, shall include a sticker or other marker as determined by the City Clerk that shall be displayed and affixed to the back left corner of the vehicle. The sticker or marker shall be provided by the City Clerk and the actual cost of the sticker or marker, which is in excess of the license application fee, shall be paid by the licensee upon the license being issued. The shape, color and the form of the sticker or other marker shall be determined by the City Clerk and shall identify the effective dates of the license. The color of the

sticker or marker shall change annually.

5-71 Taxi Fares.

1. The fares shall be a fixed rate and the same rate for all classes of riders (senior citizens and children discounts are recommended). Each licensee shall present its base rate structure at the time of licensing, and file any changes to said structure with the office of the City Clerk, and such structure shall go into effect unless the City Council determines otherwise. The City Council reserves the right to review taxi rates for reasons, including but not limited to, if a passenger voices a complaint.

2. Every taxi licensed hereunder shall display such fares along with a photocopy of the applicable taxi license in a conspicuous location within the passenger compartment of the licensed vehicle.

(amended 6/30/2015)

5-72 Livery Car Service.

A. Any vehicle operated as a livery car service as defined by Section 5-68 (A) must be licensed prior to operation. A Livery Car License may only be issued to those applicants who meet the qualifications below:

1. Rate Qualification: the fares charged for a vehicle is to be exclusively the rates specified as "private livery rates" in Section B below; any private livery vehicle charging taxi rates shall be considered an unlicensed taxi and shall have its private livery license revoked;
2. Size Qualification: a public vehicle of any type with a seating capacity not in excess of eight passengers excluding the driver;
3. Use Qualification: such private livery vehicle may be rented only from a garage or the residence of the owner, with the owner or an employee of the owner in attendance as a chauffeur, for use only in connection with social functions, funeral, touring, shopping trips and similar purposes. This type of license DOES NOT APPLY to taxis (5-71), scheduled limousine service (Section 5-73), or any vehicle that is used in any of the following ways:

   A. stationed at a railroad, bus or gasoline station, club, stand, parking lot, street, highway, or airport.
   B. operated with a fare structure determined by zones or taximeter or primarily by distance traveled.
   C. used to pick up, transport and discharge passengers along a route or on a schedule.

Any private livery engaged in the foregoing not applicable uses shall be considered an unlicensed taxi. (amended 6/30/2015)

4. Vehicles licensed as Private Liveries shall have a livery license plate issued by the Massachusetts Registry of Motor Vehicles, bear no light but shall display at least one of the following methods of identification:
   1. A removable identification card, with the name of the livery company and/or the client printed thereon;
   2. Bear on the right and left side rear windows a livery sign containing only the name of the livery service in letters not to exceed two inches (2") in height;
   3. Small logo on front doors on both driver and passenger sides.

B. Fares for Livery Car Service and Livery Limousine Service

1. The fares for Livery Car Services shall be established primarily by time used rather than distance traveled. The fares shall be a fixed rate and the same rate for all classes of riders (senior citizens and children discounts are recommended). Each licensee shall present its base rate structure at the time of licensing and such structure shall go into effect unless the City Council determines otherwise. The City Council reserves the right to review livery rates if, among other things, a passenger voices a complaint.

C. Every Livery Car Service vehicle licensed hereunder shall have in the vehicle, a chart setting forth the fare and rate schedule and a photocopy of the livery license.

5-73 Special Operator's Licenses.

A. No person shall drive or operate a taxi, livery car service or livery limousine service within the limits of the City of Woburn without first obtaining a special operator's license from the Chief of Police or his designee. No person shall be eligible to receive such a license that cannot demonstrate familiarity with the streets of the City of Woburn and must be either a citizen of the United States or a person lawfully documented for work in the United States.

B. For every such special operator's license so granted there shall be paid the sum of $20.00. Applications for such license must be filed in person, on a form furnished by the Chief of Police or his designee. The license shall include the name, address and photograph of the licensed driver.

C. No such license shall be granted unless the applicant shall possess a current and valid Massachusetts Motor Vehicle Driver’s License, and be at least 18 years of age.

D. Every licensed operator having charge of a licensed vehicle shall at all times have in his/her possession a special operator's license. A copy of this Ordinance shall also be maintained in each vehicle. Every operator of a licensed vehicle while engaged in the operation of the vehicle shall display his Special Operators License in one of the following four ways:

1. a suitable frame or other device upon the dashboard or
2. sun visor of said vehicle where it is in plain view and can be viewed by passengers riding in the rear seat of the vehicle;
3. As an identification badge either pinned on the drivers shirt/jacket, or
4. on strap around his/her neck.

E. Every licensed operator shall be courteous and respectful to the passengers of such vehicles and shall operate the same with due regard to the safety of such passengers, the rights of pedestrians, the occupants of these vehicles and the public generally. Said drivers shall be clean and appropriately dressed.

F. An applicant may be barred from receiving or holding a special operator's license under this Ordinance for any of the following reasons:

1. shows evidence of the use of intoxicating liquors or narcotic drugs while driving;
2. has a criminal record within the past seven years for any of the following:
   a. Conviction of a felony;
   b. Violation of parole or probation;
   c. Illegal possession of firearms;
   d. 3 or more moving violations of motor vehicle laws in one year.

G. No person shall be licensed as a driver who:
1. Is not at least 18 years old;
2. Does not possess Massachusetts RMV driver's license;
3. Is registered as a sexual offender;
4. Is neither a citizen of the United States nor a person lawfully documented for work in the United States.

H. All applicants are required to have a registry of motor vehicle background check and/or CORI check to be conducted by the Woburn Police Department. The Chief of the Woburn Police Department shall provide to the City Council notice of his approval or disapproval of the license application based on the background and/or CORI check to the extent allowed by law.

I. The Chief of Police may suspend or revoke the special operator's license upon any conviction or a finding of responsibility for a moving violation. Any suspension or revocation of a special operator's license may be appealed to the City Council

within seven (7) days of the date of notification.

J. Notwithstanding the preceding subsections, where evidence shows that the applicant's or license holder's other activities or condition would present a danger to the health, safety, welfare or morals of the inhabitants of the City of Woburn, the City Council may reject an application, or may suspend, revoke or refuse to renew an existing license.

K. All Special Operator Licenses shall expire 2 years after issuance and may be renewed.

5-74 Enforcement/Temporary Suspension of Licenses/Hearings.

A. It shall be the duty of the Woburn Police Department to enforce the provisions of this Ordinance. Whoever violates any provision of this Ordinance shall be punished by a fine of Seventy Five dollars ($75.00) for the first offense, one-hundred dollars ($100) for the second offense and two-hundred ($200) for each subsequent offense within a 12 month period. This penalty may be enforced by means of the noncriminal disposition provisions of M.G.L. c. 40, § 21D or by filing of a criminal complaint by any enforcing persons in the Woburn District Court.

B. In addition to the foregoing, the City Council may, following notice and an opportunity for a hearing, enforce this Ordinance by means of suspension or revocation of any license issued hereunder.

C. Upon a determination that the public good and safety so requires, the Chief of Police and/or his designee is authorized to immediately suspend any license issued hereunder for up to two weeks, pending a hearing before the City Council,

D. The Woburn Police Department shall have the authority to impound any vehicle in violation of these sections.

5-75 Effective Date.

This Article shall become effective on June 15, 2015. (amended 4/23/2015)

5-76 (deleted)

5-77 (deleted)

5-78 (deleted)

5-79 (deleted)

5-80 (deleted)

5-81 (deleted)

(Section 5-68 to 5-81 prior Ch. 26, Secs. 1 to 14; amended 3/15/2011; amended 5/1/2009; amended 7/10/2008; amended 5/20/2014; amended 10/21/2014; amended 4/9/2015; amended 4/23/2015; amended 6/30/2015)

XIII. BUSES

5-82 Licensees subject to orders, rules and regulations.

No person shall operate any motor vehicle upon any public way for the carriage of passengers for hire, or for transporting passengers for hire, in such manner or for such purposes as is set forth in Section 1 of Chapter 159A of the Massachusetts General Laws, without first obtaining a license therefor from the City Council. Any person receiving such license and operating thereunder shall, in respect to the operation of such a vehicle, be subject to the following orders, rules and regulations.

A. Every application for such a license shall be in writing and signed by the applicant, who shall be the owner of the vehicle or vehicles proposed to be under such license, and shall state:

1. The owner's name and address;
2. The maker's name and number of vehicle;
3. The model or type of the vehicle;
4. The rate of horsepower;
5. The seating capacity of passengers as indicated by the manufacturer;
6. The Massachusetts Automobile Registry number;
7. The route over which said vehicle is to be operated.

B. If the vehicle is to be operated by any person other than the licensee, the name of every such operator, his address, and Massachusetts license number, shall also be stated in such application.

C. No person other than the licensee or than the operator named in the application, shall drive any such vehicle unless his name is first recorded in the office of the City Clerk, with his address and his Massachusetts license number.

D. Every such license so granted shall also be subject to the following further conditions:

1. First. The licensee shall pay to the City Clerk as a license fee before said license shall be operative as required by Section 1 of said Chapter 159A.
2. Second. The security to be deposited by the licensee under the provisions of Chapter 159A of the General Laws, shall be as required by said Chapter 159A and as set forth in Section 6 thereof. (Prior Ch. 26 sec.15).

XIV. INNKEEPERS

5-83 Guest Registration.

A. Definitions.

Innkeeper. Any person engaged in the ownership or operation of hotels, motels, extended-stay hotel, and similar types of businesses to transients (hereafter jointly "hotel"). The term innkeeper includes the proprietor or any other person who has the right to rent rooms within the hotel including clerks and other employees and agents of the hotel owner or operator.

Guest. Any person renting or otherwise using or inhabiting a sleeping room or living room unit in a hotel.

B. Every innkeeper of any hotel, motel, or extended-stay hotel shall, at all times, maintain a manager on duty capable of assisting, communicating, and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety.

C. Guest Register. Every innkeeper shall at all times keep and maintain on the premises of hotel a guest register in which shall be inscribed the name and home address of each guest and shall contain such guest's vehicle description and license plate state and number.

Upon registration, the innkeeper shall require all guests to provide a valid driver's license or identification card from within the U.S., U.S. Military identification, or a valid passport. The corresponding identification number and type of identification shall be recorded in the register

The innkeeper shall write opposite each guest name the number of each room or unit assigned to and occupied by such guest, together with the date when such room or unit is rented, and shall sign the register. No person shall be allowed to occupy any sleeping room or living room unit in a hotel unless all of the aforesaid entries have been made in such guest register.

The innkeeper shall keep and maintain all guest registers a manner that provides quick and easy reference to the number of each room or unit assigned, and the name of the guest assigned to that room or unit, together with the date when such room or unit is rented.

The information required by this section shall be maintained by the innkeeper for one year from the date of rental. An officer of the City of Woburn Police Department ('Officer') may request to inspect the guest register as part of the Police Department's public safety responsibilities by asking the innkeeper's consent to inspect the guest register. If such inspection is refused, the innkeeper must secure the guest register in the presence of the Officer in a manner directed by the Officer to ensure that no one can tamper with the guest register and the innkeeper must maintain the security of the guest register until such time as a subpoena, warrant, or court order has been issued or denied.

D. The guest vehicle parking area of any hotel shall be accessible in a reasonable manner at all times to any law enforcement officer or by an official of the Fire Department with territorial jurisdiction while in the performance of his or her duties.

E. Penalty and Enforcement. Violations of this Ordinance shall be subject to a fine of three hundred ($300.00) for each violation. Each violation of this Ordinance shall constitute a separate offense, and each day that any such violation continues shall constitute a separate offense. The Police Chief or his designee, and any Woburn Police Officer shall have authority to enforce the provisions of this title. Any alleged violation of this Ordinance may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent in accordance with M.G.L.c.40, §21D.

Nothing in this section shall be deemed to limit the use of other lawful methods of abating violations of this section including, but not limited to, application for equitable relief from a court of law. (Prior Ch. 22 sec. 9; amended 4/8/2021)

XV. MISCELLANEOUS BUSINESS REGULATIONS

5-84 Pawnbrokers.

No person shall carry on a business as a pawnbroker in the City. (Prior Ch. 22 sec. 5; amended 3/23/2017).

5-85 Leasing of motor vehicles and trailers.

All leasing of motor vehicles or trailers in the City shall require a permit from the City Council. (Prior Ch. 22 sec. 10).

XVI. CANVASSERS AND SOLICITORS

5-86 Definitions and Procedures.

A. As used in this article, the term "canvasser" or "solicitor" shall mean any individual, whether a resident of Woburn or not, traveling either by foot, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not; provided, that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel room, motel room, lodginghouse, apartment, shop or any other place within the city for sole purpose of exhibiting samples, taking orders for future delivery, and or any type of soliciting. Persons ordinarily engaged in the business of delivering newspapers door-to-door are exempted from the operation of the ordinance as are persons engaged in soliciting and/or organizing with respect to religious and/or political matters, as well as local organizations engaged in fund-raising activities.

B. Permit and License Required - It shall be unlawful for any solicitor or canvasser to engage in such business without first obtaining a permit and license therefore in compliance with the provisions of the article.

C. License Application Contents; Filing Fees –

(a) Applicants for a permit and license under this article must file with the City Clerk, which shall give the following information:

(1) Name and description of the applicant
(2) Permanent home address and full local addresses of the applicant;
(3) A brief description of the nature of the business and the goods to be sold;
(4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
(5) The length of time for which the right to do business is desired;

(6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery;
(7) The names of at least two (2) reliable property owners of the county who will certify as to the applicant's good character and business respectability or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
(8) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

(b) At the time of filing the application, a fee of two hundred and fifty dollars ($250.00) shall be paid to the City Clerk for each solicitor or canvasser.

D. Same Investigation; Issuance of License –

(a) Upon receipt of a license application under this article, the original shall be referred to the chief of police who shall cause an investigation of the applicant to determine the following facts:
(1) Whether or not fraud, misrepresentation or false statements have been made in the application for license;
(2) Whether or not the applicant has been convicted of any crime or misdemeanor involving moral turpitude.

(b) If, as a result of such investigation, the chief of police shall find that either paragraph (a) (1) or (a) (2) is answered in the affirmative, he shall endorse on such application his reasons therefor, and return the same to the City Clerk who shall notify the applicant that his application is disapproved and that no license will be issued.

(c) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the chief of police shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and return such permit along with the application to the City Clerk, who shall, upon payment of the prescribed license fee, deliver to the applicant his permit and issue a license. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the class of license issued, the kind of goods to be sold

thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The clerk shall keep a permanent record of all licenses issued.

E. Exhibition of License - Solicitors and canvassers are required to exhibit their licenses in such a manner to be visible at all times.

F. Enforcement - It shall be the duty of any police officer of the city to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his solicitor's or canvasser's license, and to enforce the provisions of this article against any person found to be violating the same.

G. Record of Violations - The chief of police shall report to the City Clerk all citations for violation of this ordinance, and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

H. Revocation of Licenses –

(a) Permits and licenses issued under the provisions of this article, may be revoked by the City Clerk after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for the license;

(2) Fraud, misrepresentation or false statement made in the course of carrying on his business as solicitor or as canvasser;

(3) Any violation of this article;

(4) Conviction of any crime of or misdemeanor involving moral turpitude;

(5) Conducting the business of soliciting or canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

A. Appeal - Any person aggrieved by the action of the chief of police or the City Clerk in the denial of a permit or license, or the action of the City Clerk in the assessing of the fee, shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth full the grounds for the appeal. The

Council shall set a time and place for a hearing on the appeal and notice of such hearing shall be given to the appellant in the same manner as provided for notice of hearing on revocation.

B. Expiration Dates of Licenses - All annual licenses issued under the provisions of this article shall expire on December 31 in the year when issued; other than annual licenses shall expire on the date specified in the license. (Article XVI added 10/18/90).

XVII. REGULATION OF COMMERCIAL PARKING LOTS

5-87 Definitions.

As used in this article, “commercial parking lot” shall mean any open air parking lot or parking garage used in whole or in part for parking three (3) or more motor vehicles and where a fee for parking is charged.

5-88 Procedures.

No person shall engage in the business of conducting or maintaining a commercial parking space without a license therefore granted by the City Council, approved in all cases by the head of the fire department. Each license granted under this section and the application therefore shall specify all the premises to be occupied by the licensee for the purpose of conducting the licensed business, the total area of the space therein to be actually used for parking or storing vehicles, and the maximum number of vehicles to be parked or stored in such area. The annual fee for a license for any space, lot, parcel or yard, used in whole in part for parking three (3) or more motor vehicles shall be six dollars ($6.00) per parking space annually. Each license shall bear such restrictions or regulations as the City Council shall direct and impose, including but not limited to restrictions on hours of operation, lighting, and signage. Licenses granted hereunder shall expire on April thirtieth following the date of issue, or on such date as may be specified therein, and may be suspended or revoked by such authority and by the head of the fire department. Whoever, not being licensed, engages in a business required by this section to be licensed, or is concerned therein, or, being licensed, violates any condition of his license or engages in such business, or is concerned therein, and any other place than that designated in his license or after notice to him that his license has been suspended or revoked, shall be punished by a fine of not more than three hundred dollars. (added 1/26/2004)

(Article XVIII. Marijuana Establishments, Section 5-89 Forbidden added 9/21/2017, deleted 1/19/2022)