

TOWN OF NARRAGANSETT

CHAPTER 1069

AN ORDINANCE IN AMENDMENT OF CHAPTER 14, ARTICLE XI OF THE CODE OF ORDINANCES OF THE TOWN OF NARRAGANSETT, RHODE ISLAND ENTITLED “PEDDLERS, SOLICITORS AND ITINERANT VENDORS”

The Town Council of the Town of Narragansett hereby ordains as follows:

SECTION 1. Chapter 14, Article XI of the Code of Ordinances of the Town of Narragansett entitled “Peddlers, Solicitors and Itinerant Vendors” is hereby amended as follows:

SECTION 2. ARTICLE XI is amended by incorporating the following wording and designations:

ARTICLE XI. – HAWKERS, PEDDLERS, SOLICITORS, ~~AND~~ ITINERANT VENDORS AND MOBILE FOOD ESTABLISHMENTS (MFE)

DIVISION 1. - GENERALLY

Sec. 14-331. – Rules, Regulations and Prohibitions.

- A. MFE, Types A and B shall be allowed to stop, with property owner permission and in consideration of all sections of this ordinance, for periods not to exceed four hours in all areas except in residential neighborhoods.
- B. There shall be no solicitation of motor vehicles while a motor vehicle is stopped in traffic or stopped at a traffic light or intersection. All hawkers, peddlers, solicitors and MFEs shall be prohibited from blocking any sidewalk, impeding the flow of traffic, or blocking traffic so as to create a traffic hazard.
- C. The Chief of Police may, from time to time, submit to the Town Council locations, public streets, highways or rights-of-way throughout the town which in his/her opinion, because of excess traffic and congestion, or for safety concerns, are rendered unsafe for the public welfare to allow the selling or offering for sale of merchandise, services or food by hawkers, peddlers or MFEs.
- D. The Town Council shall have the right to deny, suspend, or revoke any license issued per this ordinance if the operation of the licensee within the town violates the town’s land use regulations, zoning or other ordinances specific to the operation of a MFE.
- E. No licensee shall offer for sale at any town-owned park, beach or recreational area any food, goods or services without obtaining prior written approval from the Parks and Recreation Director, nor any other publicly owned property without Town Council approval.

- F. No hawker, peddler, itinerant vendor or MFE shall stop or set up to service customers within 100 feet of any establishment offering for sale similar goods or services.
- G. Sales prohibited during certain hours:
No hawking, peddling or MFE activity regulated by this chapter shall be permitted anywhere in the town, except between the hours of 9:00 a.m. and 8:00 p.m.
- H. Duly licensed hawkers, peddlers and MFEs may operate within the town except in the following areas: Boston Neck Road, Point Judith Road, Ocean Road, Burnside Avenue, Galilee Escape Road, Sprague Park, Beach Street, entire length, Memorial Square, entire length, Mathewson Street from Courtway Street to Kingstown Road and any other public highway or street where parking is prohibited on both sides of the public highway or street. Licensees must have their licenses in their possession at all times while operating within the town.
- I. No hawker, peddler or MFE shall attempt to sell his/her wares by means of any loudspeaker, voice amplification system or electronic noise making device intended to attract public attention, nor shall he/she create a nuisance situation.
- J. No MFE vendor shall provide or allow set up of any dining area, including but not limited to tables, chairs, booths, benches or standup counters unless a proposal for such seating arrangement is submitted with the license application and approved by the Town Council.
- K. MFE vendors shall provide their consumers with single service articles, such as plastic forks, napkins and paper plates. All said vendors shall offer a waste container for public use that the operator shall empty at his/her own expense. MFE vendors are responsible for the clean up of all areas surrounding their location.
- L. Unattended vehicles are prohibited. No peddler cart or MFE shall be parked on a street overnight or left unattended and unsecured on a street at any time. Any peddler cart or MFE which is found to be unattended on a street shall be considered a public safety hazard and may be ticketed and impounded.

DIVISION 3. – HAWKERS, PEDDLERS AND SOLICITORS

Sec. 14-365. - Definitions.

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

Hawker means any person selling or offering for sale any goods, wares, or merchandise, including any food or beverage, on any public street, highway, or public right of way in the state from a stationary location. (example: commercial vendor selling from a “booth” at an event)

Peddler means any person selling or offering for sale any goods, wares, or merchandise from a vehicle, cart, or any other conveyance that is not stationary. (example: commercial vendor selling novelties from a push cart at an event)

Solicitor means any person that makes a request or a plea for contributions (as to a charity).

Sec. 14-366. - Exemptions; exceptions.

The exceptions and exemptions in the application of this division in and by the general laws of the state are hereby declared and made, and no license shall be required of or fee charged to any person coming within such exception or exemption in G.L. 1956, § 5-11-18.

Mobile food establishments registered pursuant to division 4 of this article and chapter 11.1 of title 5 of the general laws of the state, and any regulations promulgated thereunder, are not hawkers or peddlers and are explicitly exempted from this division

Sec. 14-367. - License.

No person shall sell or offer for sale any goods, wares, merchandise, ice cream or other articles or substances on any of the streets of the town, or sell or offer for sale any fruit or vegetables from carts or baskets as hawker or peddler unless a license therefor shall first be granted to the person by the town council and issued by the town clerk. Authority for the issuance of such license is hereby conferred in the town clerk after the license has been granted by the town council. Any person intending to solicit door-to-door must also first register with the Narragansett Police Department.

Sec. 14-369. - Fees; display; revocation.

A person issued a hawker, peddler or solicitor's license under the provisions of this division shall pay to the town clerk an annual fee of \$50.00 and for a license as hawker, ~~and~~ peddler or solicitor for less than a year, a fee of \$25.00 per day. Every person licensed under the provisions of this division shall at all times carry with him such license while engaged in hawking, peddling, soliciting or selling in any of the methods described in this section and shall produce the license whenever required by any sheriff, deputy sheriff, town sergeant, chief of police, constable or police constable, or by any member of the town council. Any failure on the part of such licensee to produce the license forthwith shall be cause for the revocation of such license.

Sec. 14-371. - Limitation on number issued.

The number of peddler and hawker licenses issued and outstanding at any time in the town shall be limited to ~~ten~~ six licenses.

Sec. 14-3732. - Not to remain in one location; exception.

Sec. 14-3743. - Customer-signalling devices.

Sec. 14-3754. - Soldiers and sailors license.

Sec. 14-3765. - Penalties for violation of division.

DIVISION 4. – MOBILE FOOD ESTABLISHMENTS (MFE)

Sec. 14-400. - Definitions.

A food service operation that is operated from a movable motor-driven or propelled vehicle, portable structure, or watercraft that can change location. Mobile food establishments specifically includes, but is not limited to, food trucks, food carts, ice cream trucks/carts, and lemonade trucks/carts. For the purposes of this ordinance, and as allowed by Title 230, RI Department of Business Regulation, Subchapter 35 – Mobile Food Establishments, Part 1.8 Permits, A.4. the following types of MFEs shall apply:

- A. Type A: A MFE where food is prepared or reheated and sold from said truck. This type of MFE is prohibited from operation in neighborhood residential areas unless catering a private event. MFEs operation in all other areas are subject to Sec. 14-331.
- B. Type B: A MFE that sells prepackaged ice cream, ice cream products and frozen lemonade. This type of MFE is permitted to travel through neighborhood residential zones and stop only long enough to complete the sale of said product. MFEs operating in all other areas are subject to Sec. 14-331.

Sec. 14-401. - Municipal Mobile Food Establishment Permit Required.

No mobile food establishment registered with the Rhode Island Department of Business Regulation pursuant to Title 5, Chapter 11.1 of the Rhode Island General Laws, as amended, and any regulations promulgated thereunder, shall operate in the town without first having obtained a municipal mobile food establishment permit from the town council. The application for a permit shall include:

- i. The goods, articles, or types of food proposed to be sold.
- ii. The year, make, model and registration number of any vehicle to be used.
- iii. A valid permit to make sales at retail from the RI Division of Taxation or, in the case of a MFE, a current RI Mobile Food Establishment Certificate.

Sec. 14-402. - Restrictions on Municipal Mobile Food Establishment Permit.

The qualifications for a municipal mobile food establishment permit shall not exceed the qualifications for a state mobile food establishment registration, as determined by the Rhode Island Department of Business Regulation. The fee for a municipal mobile food establishment permit shall not exceed the maximum fee set by the Rhode Island Department of Business Regulation and established by regulations. The municipal mobile food establishment permit shall expire on the same day that the state mobile food establishment registration expires. A single

municipal mobile food establishment permit shall be required to operate within the town, and additional permits shall not be required for operation on more than one day and/or in more than one location in the same calendar year. Mobile food establishments shall not be regulated as hawkers or peddlers.

Sec. 14-403. - Grounds for Denial, Suspension, or Revocation of Municipal Mobile Food Establishment Permit.

The town may deny, suspend, or revoke a municipal mobile food establishment permit if the operation of the registrant within the town violates or would violate the town's land use regulations, zoning, or other ordinances in relation to the operation of a mobile food establishment. The holder of a municipal mobile food establishment permit against whom disciplinary action is taken shall notify the Department of Business Regulation in writing and provide documentation of such discipline within three business days of the initiation of such disciplinary action.

Sec. 14-404. - Number of Permits Granted.

The maximum number of municipal mobile food establishment permits that may be issued by the town shall be twelve, unless changed by majority vote of the town council.

Sec. 14-405. - Display of Municipal Mobile Food Establishment Permit.

The municipal mobile food establishment permit shall be affixed to the mobile food establishment in a conspicuous place.

Sec. 14-406. - Compliance with Other Laws and Regulations.

Mobile food establishments shall comply with all applicable statutes, rules, regulations, and policies relating to food safety, and additionally shall comply with the fire safety code, if applicable.

Sec. 14-407. - Electronic Submission of Permit Applications.

An application for a municipal mobile food establishment permit may be submitted by email or other electronic means.

Sec. 14-408. - Permit Fee.

The annual fee for a municipal mobile food establishment permit shall be \$75.

Sec. 14-409. - Permit for events proposed to be located on public property.

For any event where an individual has ordered or commissioned the operation of one or more mobile food establishments at a gathering proposed to be located on public property, the organizer must obtain a separate event permit prior to the event. The fee for such a permit shall be \$250 for each day of the event. Events organized by nonprofit organizations (as evidenced by

proof of tax exempt status) must obtain an event permit, the fee for which shall be \$150 for each day of the event. All event permits shall be issued on the condition that the organizer of the event must leave sufficient space for emergency vehicles in compliance with the Rhode Island Fire Safety Code. Applications for an event permit must be received 90 days in advance of the proposed event. All events shall be in accordance with all stipulations of this ordinance and any other land use or zoning laws of the town. The event organizer will be responsible to ensure that all MFEs submit state MFE Certificates before an Event Permit will be issued by the town.

Sec. 14-411. - Permitting authority and procedure.

The Town Council shall serve as the permitting authority for all permit applications relating to mobile food establishments. The Town Council shall hold a public hearing on all applications for an event permit.

SECTION 3. Section 14-372 is amended by deleting the following section in its entirety:

Hours; areas of operation.

Duly licensed peddlers may operate from 9:00 a.m. to 8:00 p.m. within the town except in the following areas: Boston Neck Road, Point Judith Road, Ocean Road, Burnside Avenue, Galilee Escape Road, Sprague Park, Beach Street, entire length, Memorial Square, entire length, Mathewson Street from Courtway Street to Kingstown Road and any other public highway or street where parking is prohibited on both sides of the public highway or street. Licensees must have their licenses in their possession at all times while operating within the town.

And the identification of “Section 14-372” is reassigned to text as delineated in **SECTION 2.** of this ordinance.

SECTION 4. This ordinance shall take effect upon its final passage, and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

First reading, introduced, read and passed in the Town Council meeting legally assembled on the 21st day of October, 2019.

Second reading, read, passed and adopted in the Town Council meeting legally assembled on the 4th day of November, 2019.

Attest:

A handwritten signature in black ink, appearing to read "Theresa C. Donovan", written in a cursive style.

Theresa C. Donovan, CMC
Town Clerk