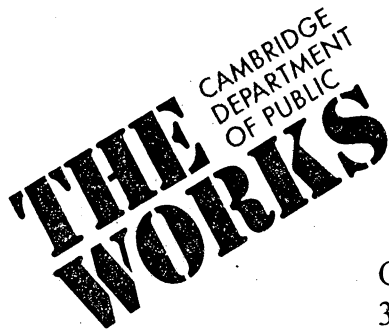




2

March 25, 2002

Clifford Jones
36 Pearl Street
Cambridge, MA 02139

Lisa Peterson
Commissioner

Re: Denial of permit to display and sell merchandise on the public sidewalk

147 Hampshire Street
Cambridge, MA 02139
617-349-4800
TTD 617-349-4805

Dear Mr. Jones:

This is in response to your letter to the DPW Compliance Officer dated March 13, 2002 in which you asked her why your permit application to sell merchandise on the public sidewalk was denied. You applied for your business, "Low Price Jewels & Merchandise," to use two tables on the public sidewalk at 577 Massachusetts Avenue, in Central Square, for the display and sale of items. Your application requested approval for Monday through Saturday hours from 7:00 a.m. to 8:00 p.m. and apparently sought an open-ended approval because no end date was stated. You indicated that you have already obtained either a transient vendor or a hawker and peddler license from the Commonwealth.

State law is clear that state-licensed vendors, and hawkers and peddlers, are subject to local regulation. Your permit application was denied consistently with the long-time City policy that prohibits people from selling merchandise on the public sidewalk in business districts in front of, or near, unrelated private businesses. It would not have been allowed in any event because it has no end date stated. Another problem with it is that state law provides that: "The sale by hawkers or peddlers of jewelry...is prohibited. This prohibition shall not apply to costume jewelry, so called, with a dollar value of not more than ten dollars per piece made by a nonprofit or charitable organization." General Laws, Chapter 101, §16. Therefore, your state license would prohibit your sale of "Low Price Jewels" unless they are costume jewelry valued not more than ten dollars apiece and made by a nonprofit or charitable organization.

The City's policy against allowing the display and sale of merchandise in front of or near unrelated private businesses is based on several reasons. It is based on the City's responsibility to provide safe and unobstructed sidewalks for pedestrian passage. If the City permitted every vendor to set up on the sidewalks, the sidewalks would be obstructed and made less safe by the tables and the customers. The City would have to expend resources to monitor the sidewalks to ensure that they remained reasonably passable. The policy is also based upon concern for private businesses in buildings adjacent to the sidewalks. Allowing occupancy of the public sidewalk for commercial



purposes would likely create unfair competition with adjacent occupants of commercial property who pay commercial real estate taxes. Even where the product competition was not direct, such occupancy of the sidewalk for commercial purposes would interfere with unobstructed access to retail premises.

For all these reasons, your permit application was denied.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa Peterson".

Lisa Peterson
Commissioner

C: Robert W. Healy, City Manager

2002 APR -1 A 9:58

CAMBRIDGE April 1, ²⁰⁰²~~19~~

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

To the honorable, the City Council of the City of Cambridge
The undersigned respectfully pray

Low Price Jewels & Merchandise, located at 36 Pearl Street
Name of Petitioner or Business Address ~~577 Massachusetts Ave~~

Be granted permission for a/an () "A" FRAMED SIGN,
() SANDWICH BOARD, (☒) DISPLAY OF MERCHANDISE,

²
(☒) TABLES, for restaurant seating () Y () N, () CHAIRS

In front of premises numbered 577 Massachusetts Ave, on
Address where sign will be

Thurs - Saturday, from 11:00 A.M. to 6:00 P.M.
Days of the week

Petitioner's signature Clifford Jones

Print name here Clifford Jones

Telephone number (617) 497-7238

PLEASE ATTACH A SKETCH TO YOUR
APPLICATION.

N-37

Applications and Petitions #2

An application was received from Low Price Jewels & Merchandise, requesting permission for two tables to display merchandise Thursdays - Saturday from 11:00 A.M. to 6:00 P.M. at the premises numbered 577 Massachusetts Avenue.

In City Council April 8, 2002

**REFERRED TO CITY
MANAGER WITH POWER
AND ECONOMIC
DEVELOPMENT, TRAINING
AND EMPLOYMENT
COMMITTEE.**

Copies
sent
4-10-02
mc