

POLICE DEPARTMENT

OF THE
CITY OF BOSTON

of Boston
Police

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RULES

AND

REGULATIONS

1950

3491

(Book No.)

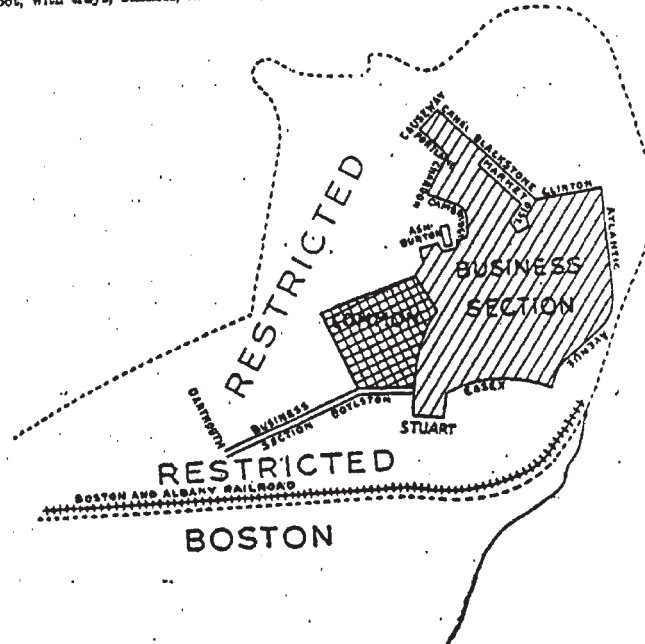
[Rule 74.]

Rule 74.—Hawkers and Peddlers

Authorisation to act as such in Boston by disabled veteran with special state license.
No Fee.

Norm. — In accordance with the provisions of a. 9, c. 584, Acts of 1907, the police commissioner has designated the streets, parts of streets, and sections of the city of Boston, wherein, and not elsewhere in said city, it shall be lawful for hawkers and peddlers to stop or stand for the purpose of selling merchandise; provided, that such hawkers or peddlers carry on their business in conformity with the laws of the commonwealth, the ordinances of the city, and the regulations of the city council and of the health department of the city of Boston not inconsistent with such laws or with the following rules hereby established under their authority:

1. For the purposes of these rules the area within and including the following streets and squares shall be called the "Business Section":
Haymarket square, Canal street, Causeway street, Portland street, Chardon street, Bowdoin square, Cambridge street, Scollay square, Pemberton square, Somerset street, Ashburton place, Bowdoin street, Beacon street, Park street, Tremont street, Stuart street, Washington street, Essex street, Atlantic avenue, Clinton street, Blackstone street, Haymarket square; also Boylston street, between Tremont and Dartmouth streets.
2. That part of the city proper lying outside the "Business Section" and north of a line formed by the tracks of the Boston and Albany Railroad and Summer street from Dewey square to Dorchester avenue shall be known as the "Restricted Territory."
3. In all parts of the city excepting the "Business Section" and the "Restricted Territory" hawkers or peddlers may carry on their business at reasonable hours subject to conditions herein prescribed with motor vehicles or vehicles drawn by horses, or on foot, with trays, baskets, handcarts, barrows or other easily movable appliances.



4. In the "Restricted Territory" they may carry on business at reasonable hours; but between 8 A.M. and 6.30 P.M. they may use only motor vehicles or vehicles drawn by horses, or trays, baskets or other appliances not in the nature of stands carried by the persons using them.

EXCEPTION

In that part of the "Restricted Territory" described as North street, between Blackstone street and North square (westerly side), and North street, from North square to Clark street (both sides), between 3 P.M. and 11 P.M. on Saturdays and on the weekday immediately preceding legal holidays, hawkers and peddlers may stop and stand, subject to the direction of the police, for the sale of merchandise outside the curbstones and may use the vehicles and appliances described in section 3 of this rule.

5. In the "Business Section" they may carry on business only before 8 A.M., or after 6 P.M.; with the following exceptions:

Between 3 P.M. and 9 P.M. on Fridays, they may stop and stand subject to the direction of the police, for the sale of merchandise outside the curbstone in the following street: Blackstone street, south side, from Creek square to Haymarket square.

Between 3 P.M. and 11 P.M. on Saturdays and on the weekday immediately preceding legal holidays, they may stop and stand subject to the direction of the police, for the sale of merchandise outside the curbstone, in the following streets: Blackstone street, between Haymarket square and Clinton street (both sides); North street, between Blackstone and Union streets (west side).

Before 8 A.M. and after 6.30 P.M. on other days and at the times and places specified in the preceding paragraphs of this section, hawkers and peddlers may use the same vehicles and other appliances described in section 3 of this rule.

6. Except as specified in the second paragraph of section 4 and the second and third paragraphs of section 5 of this rule, no hawker or peddler, unless licensed at a designated stand by the board of street commissioners of the city of Boston in accordance with the provisions of chapter 584, Acts of 1907, shall in a public street and while offering merchandise for sale remain in one place or within 200 yards thereof for more than five minutes except to complete a sale, if any, in which he may be engaged at the expiration of said five minutes. This rule shall not be so construed as to prohibit hawkers and peddlers from proceeding, as their present practice is, from house to house and stopping thereat, even should such houses be less than 200 yards apart, for the purpose of inquiring whether or not their goods are desired by the residents.

7. Hawkers and peddlers may make reasonable announcement of the merchandise which they have for sale, but loud outcries likely to disturb or annoy other persons will not be permitted at any place or time.

8. The selling of newspapers and other periodical publications at retail in the public streets shall not be permitted by these rules, except that section 7 shall apply to persons so engaged, and that no stand or other appliance encroaching upon a public street shall be maintained without a license from the board of street commissioners.

Rule 75.—Music in Public Streets

Fees: Musician, Itinerant

Individual	\$10.00	Renewal September 1
Collective	2.00	For specified period
Sound truck	2.00	For specified period

1. Except as hereinafter provided no person shall play on a musical instrument in a street unless licensed so to do by the police commissioner. (C. 244, Acts of 1878, c. 223, Acts of 1885, c. 291, Acts of 1906, c. 40, s. 47, Rev. Ord. of 1947; see also Comm. vs. Flaisted, 148 Mass., p. 375.) For the purposes of this rule the word "street" shall include, as defined in the ordinances of the city of Boston, "all public ways, alleys, lanes, courts and sidewalks, and those parts of public squares and places which form traveled parts of highways"; but it is to be understood that as the parks and public grounds are under the control of the city authorities, no person, whether licensed by the police commissioner or not, has a legal right to play on a musical instrument in any of those places without a special permit from such authorities.

[Rule 75.]

2. Under the statutes of the commonwealth, parades by certain organisations are specifically authorised, and musicians forming parts of such parades, when lawfully held, are not required to be licensed by the commissioner. Organisations whose accompanying musicians are thus exempted are as follows:

(G. L., Ter. Ed., c. 33, s. 49, as inserted by c. 425, Acts of 1939, as amended.)

- (1) The organised militia.
- (2) The troops of the United States.
- (3) The Ancient and Honorable Artillery Company of Massachusetts.
- (4) Associations wholly composed of soldiers honorably discharged from the military service of the United States, upon the reception of any regiment or company of soldiers returning from said service, and for escort duty at the burial of deceased soldiers, with the written permission of the mayor.
- (5) Students in educational institutions in which military science is prescribed part of the course of instruction, under the superintendence of their teachers, with the consent of the governor.
- (6) Members of schools for military instruction conducted with the approval of the governor, when parading under the supervision of their instructors.
- (7) Foreign troops, whose admission to the United States has been consented to by the United States Government, with the consent of the governor.
- (8) Any body of men may, with the consent of the governor, parade in public with any harmless imitation of firearms approved by the adjutant-general.
- (9) All regularly organized groups, posts, camps, detachments and chapters of United States War Veterans under the laws of the commonwealth as set forth in chapter 33, section 49, of the G. L., as inserted by the Acts of 1939, chapter 425, as amended, and the Massachusetts State Guard Veterans' Association and regularly organized units thereof, under the supervision of their duly authorized officers.
- (10) The Keasarge Association of Naval Veterans, Inc., with their color guards of not more than twelve men, with firearms.
- (11) Uniformed color guards of not more than ten men, with firearms:
 - (a) The Society of Colonial Wars in the Commonwealth of Massachusetts.
 - (b) Order of the Founders and Patriots of America.
 - (c) The Massachusetts Society of the Sons of the American Revolution.
 - (d) Society of the Sons of the Revolution in the Commonwealth of Massachusetts.
 - (e) Society of the War of 1812 in the Commonwealth of Massachusetts.
 - (f) Regularly organized branches of any of said societies.
 - (g) Regularly organized camps of the Sons of Veterans may at any time parade in public with their color guards of ten men with firearms.
- (12) Any post or camp of an incorporated organisation of veterans of any war in which the United States has engaged, or any incorporated civic or fraternal organisation, may parade with music on the Lord's day for the purpose of attending divine service, holding commemorative exercises or dedicating memorials; provided, that the music shall be suspended while passing within two hundred feet of any place of public worship where services are being held. (G. L., Ter. Ed., c. 136, s. 10.)
- (13) Any company or association of policemen or firemen, whether in active service or former members of a police or fire department, may parade with music, in the case of policemen, on policemen's memorial day, the first Sunday of June in each year and, in the case of firemen, on firemen's memorial day, the second Sunday of June in each year, for the special purpose of decorating the graves of deceased policemen or firemen, as the case may be; provided, that the music shall be suspended while passing within two hundred feet of any place of public worship where services are being held. (G. L., Ter. Ed., c. 136, s. 11.)
- (14) Musicians forming parts of parades, processions and organized formations which have been granted a permit by the Boston Traffic Commission by authority of chapter 78, Acts of 1960, are not required to be licensed by the police commissioner.

ITINERANT MUSICIANS' LICENSES

COLLECTIVE

3. The police commissioner may grant on application collective licenses for bands of persons, whether licensed individually or not, to play on musical instruments in the streets at specified times and places. The name of the leader of the band or of the person who is to be in charge thereof, the number of musicians, and the proposed time and place shall be given in the application. A license, when granted and in use, shall be held ready by the person in charge of the band at the time for inspection by any police officer; and in addition to the general authority conferred upon division commanders by section 13 of this rule, it is further ordered that when a police officer notifies the person in charge of the band of a violation of any statute, ordinance or lawful regulation, he and all other persons authorized under his license shall at once cease to play and shall not again play unless notified by the same police officer that the violations have been discontinued.

On a Sunday no person to whom a collective musicians' license for a band has been issued will permit such band to play music within two hundred feet of a church where services are being held.

INDIVIDUAL

4. ~~The police commissioner may grant licenses to play on musical instruments to~~ the ~~street~~ to suitable persons ~~more than sixteen years of age whose usual or principal occupation is that of an itinerant musician.~~ A person desiring a license as an itinerant musician shall file at the office of the chief clerk an application therefor, including his name, address and such other information as may be required. Should the license be granted and should the licensee change his address while the license is in force, he shall immediately notify the police commissioner of the change. Applications for new licenses under this section may be filed at any time. Applications for renewal of existing licenses should be filed at least thirty days before the expiration of such licenses. All individual itinerant musicians' licenses shall expire annually on the 1st day of September.

SOUND TRUCKS

5. The police commissioner may grant on application a license to operate a sound truck, so called, to play music in the streets at specified times and places. The name of the operator or the person who is to be in charge of the sound truck and the proposed time and place shall be given in the application. A license, when granted and in use, shall be held ready by the operator or person in charge for inspection by any police officer; and in addition to the general authority conferred upon division commanders by section 13 of this rule, it is further ordered that when a police officer notifies the operator or person in charge of a sound truck of a violation of any statute, ordinance or lawful regulation, they shall at once cease to play music and shall not again play unless notified by the same police officer that the violations have been discontinued.

No person shall drive or park any vehicle designed or used primarily for the purpose of advertising on any street in the district bounded by the southeasterly line of Massachusetts avenue, the Roxbury canal, South bay, Fort Point channel, Boston harbor, Charles river, and the Charles River basin. (Article VII, s. 1, Traffic Rules and Regulations, Boston traffic commission.)

6. No licensed itinerant musician, except on a license granted under section 3, shall play on a musical instrument in any public street on Sunday; nor within five hundred feet of any school house; nor within three hundred feet of any other building after he has been notified to desist by a police officer or an occupant of such building; nor in a public street and 9 p.m. in the territory, including the boundary streets or parts of streets, inclosed as follows: Beginning in Bay State road at the intersection of University road, thence through Causeway, Commercial streets, Atlantic avenue, Kneeland, Washington, Hollis, Tremont, Stuart, and Eliot streets, Park square, Columbus avenue, Dartmouth street, Huntington avenue, Hemenway, Boylston streets, Brookline, Commonwealth avenues, University road to point of beginning.

7. A licensed itinerant musician when playing on a musical instrument in a street shall wear upon the left breast of his outside garment a badge bearing his license number to be supplied by the police commissioner. He shall also, when playing on a street piano or organ, display his license number conspicuously on the right-hand upper outside corner of the instrument.

COLLECTIVE

3. The police commissioner may grant on application collective licenses for bands of persons, whether licensed individually or not, to play on musical instruments in the streets at specified times and places. The name of the leader of the band or of the person who is to be in charge thereof, the number of musicians, and the proposed time and place shall be given in the application. A license, when granted and in use, shall be held ready by the person in charge of the band at the time for inspection by any police officer; and in addition to the general authority conferred upon division commanders by section 13 of this rule, it is further ordered that when a police officer notifies the person in charge of the band of a violation of any statute, ordinance or lawful regulation, and any other persons authorized under his license shall at once cease to play and shall not again play, unless notified by the same police officer that the violations have been discontinued.

On a Sunday no person to whom a collective musicians' license for a band has been issued will permit such band to play music within two hundred feet of a church where services are being held.

INDIVIDUAL

4. The police commissioner may grant licenses to play on musical instruments in the streets to suitable persons more than sixteen years of age, whose principal occupation is that of a itinerant musician. Any person desiring a license as an itinerant musician shall file at the police commissioner's office an application therefor, including name, address and such other information as may be required. Should the holder of a license desire to change his address while the license is in force, he should and should the licensee change his address while the license is in force, immediately notify the police commissioner of the change. Applications for renewal under this section may be filed at any time. Applications for renewal of a license should be filed at least thirty days before the expiration of such license. Itinerant musicians' licenses shall expire annually on the 1st day of January.

SOUND TRUCKS

[illegible]

No person shall drive of advertising on any street chusetta avenue, the Roxbury Charles river, and the Charles. lations, Boston traffic commission.

6. No licensed itinerant musician shall play on a musical instrument in any public place, or in any building, or in any part of any school house; nor within three blocks of any school house; nor within three blocks of any public building after he has been notified to desist by a police officer or alderman, nor at any time except between 8 p.m. and 5 a.m.; nor at any time except between 8 p.m. and 5 a.m. in the territory, including the boundary streets or parts of streets, inclosed as follows: Beginning in Bay State road at the intersection of University road, thence through Bay State road, Beacon, Somerset, Howard streets, Scollay square, Sudbury, Portland, Causeway, Commercial streets, Atlantic avenue, Kneeland, Washington, Hollis, Tremont, Stuart, and Eliot streets, Park square, Columbus avenue, Dartmouth street, Huntington avenue, Hemenway, Boylston streets, Brookline, Commonwealth avenue, University road to point of beginning.

7. A licensed itinerant musician when playing on a musical instrument in a street shall wear upon the left breast of his outside garment a badge bearing his license number to be supplied by the police commissioner. He shall also, when playing on a street piano or organ, display his license number conspicuously on the right-hand upper outside corner of the instrument.

[illegible]

On Page 123, Section 4, strike out the following new sentences:
The Police Commissioner may grant permits to use the streets to suitable persons whose usual or principal occupation is for the purpose of the ferry line of Massachusetts, Boston harbor, Traffic Rules and Regulations.

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e granted under section 3, shall
day; nor over one hundred feet
any other building after he has been
of such building; nor in a public street,
nor at any time except between 8 p.m.
the boundary streets or parts of streets, inclosed as
at the intersection of University road, thence through
Howard streets, Scollay square, Sudbury, Portland
tito avenue, Kneeland, Washington, Hollis, Tremont
e, Columbus avenue, Dartmouth street, Huntington
Brookline, Commonwealth avenues, University road

MUSIC IN PUBLIC STREETS.

8. Every street piano or organ shall be accompanied, while in use in a public street, by at least one adult male licensed itinerant musician. A female licensed itinerant musician shall not play on a musical instrument in a street unless she is accompanied by an adult male licensed itinerant musician. Licensed itinerant musicians and persons accompanying them are forbidden to ring doorbells, knock at doors, or enter stores or buildings for the purpose of soliciting money.

9. All instruments used by licensed itinerant musicians shall be presented annually in April to the police officer or other person designated by the police commissioner to examine the condition of such instruments; and when the condition of an instrument is found by him to be unsatisfactory it shall not be again used in public until he shall have approved it.

10. A licensed itinerant musician shall not permit a musical instrument owned or controlled by him to be used in a street or to be taken into a street for use in violation of any of the provisions of this rule.

11. He shall not carry and shall not display upon his instrument any advertisement or any special appeal for money, nor shall he go about with his instrument in the company of any person carrying such advertisement or presenting such appeal.

12. Every licensee provided for by this rule shall at all times have his license with him, and shall exhibit the same at the request of any police officer. The police will require itinerant musicians who are unknown to them to exhibit their licenses and will promptly prosecute all unlicensed persons.

SUSPENSION, REVOCATION, PENALTY

13. All licenses provided for in this rule may be revoked or suspended by the police commissioner without notice or stated cause, and in case of revocation no portion of the fee shall be refunded. All licensees shall obey the order of a police officer in command of a division to refrain from playing on a musical instrument in the public street pending written charges to be preferred by him to the police commissioner.

14. No person, other than musicians in a lawful parade or procession or itinerant musicians licensed thereto by the police commissioner, shall in any street, except as a warning of danger, ring or cause to be rung any bell, or use or cause to be used any musical or noise-making instrument. (C. 40, s. 47, Rev. Ords. of 1947.)

Any person violating any of the provisions of this section shall be liable to a fine not exceeding twenty dollars for each offence. (C. 40, s. 102, Rev. Ords. of 1947.)

[NOTE.—The regulation of singing in the streets is not directly within the authority of the police commissioner, but in general it may be regulated, when necessary, in the same manner as public speaking in the streets.]

PARADES AND PROCESSIONS

The exclusive authority to regulate the time, place and manner of parades, processions, and other organized formations of persons and vehicles, other than funeral processions or picket lines within the city of Boston is conferred by law upon the Boston traffic commission (c. 78, Acts of 1950) and the following is the rule of the commission:

CHANGE IN RULES AND REGULATIONS

G. O. # 563 ET. 7:45 A.M. 9/15/39 R. & R. Chang

RULE 75—PARADES AND PROCESSIONS

On page 124, strike out the second paragraph entitled "Boston Traffic Commission. Article VII-A.—Parades", and insert in place thereof the following new paragraph:

"Boston Traffic Commission. Article VIII.
Parades, Processions and Formations.

No person shall take part in any parade, procession or other organized formation of persons or vehicles, other than a funeral procession or a picket line, in or upon any street, way, highway, road or parkway under the control of the city unless the traffic commissioner has granted a permit for such parade, procession or formation. Said permit shall designate the time, place and manner of such parade, procession or formation. Before a permit is issued, written notice of the time, place and manner of the parade, procession or formation shall be filed with the traffic commissioner at least forty-eight hours before the time fixed

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