

Proposed change to remove the required Christmas Tree license

6.16.040 REGULATION OF SALE OF FLOWERS, AND FLOWERING PLANTS AND CHRISTMAS TREES

- A. No person shall sell flowers or flowering plants (whether real, artificial, permanent, temporary, wild, cultivated or uncultivated) or Christmas trees or items pertaining to the florist business in the City of Malden, unless:
 - 1. such person is a licensed transient vendor, hawker or peddler (see Mass. Gen. Laws ch 101 § 1, MCC 6.16.020; Mass. Gen. Laws ch 101 § 17, MCC 6.04.030);
 - 2. such person is the holder of a permanent occupancy permit as a florist in a City of Malden building or structure; or
 - 3. such person is the holder of a business occupancy permit who sells and/or displays the goods referred to herein only from inside a building or structure.
- B. Any other person who wishes to sell said flowers, flowering plants or related items (whether from a tent, booth, building, structure, public or private land or property) shall apply for a temporary license from the City Council.
 - 1. Such application shall be accompanied by a license fee of \$1,000.00
 - 2. Such license shall remain in force so long as the licensee continuously keeps and exposes for sale in the City such goods or merchandise, but not later than the first day of January following the date of the issuance of said license.
 - 3. Such license may be issued and renewed upon such other and/or additional terms and conditions as the City Council deems fit and appropriate.
 - 4. Revocation, suspension or modification of such license may be made after a hearing, upon three days written notice, mailed certified mail, to the address of the license holder, as stated on the application.
- ~~C. Any other person who wishes to sell Christmas trees shall apply for a temporary license from the City Council.
 - 1. Such application shall be accompanied by a license fee of \$750.00 of which \$250.00 shall be refundable upon timely vacating of the business premises and upon verification by the Building Commissioner that the premises have been left in good and clean condition, not in violation of any applicable laws, ordinances, rules or regulations.
 - 2. Such license shall remain in force so long as the licensee continuously keeps and exposes for sale in the City such goods or merchandise, but not later than the first day of January following the date of the issuance of said license.
 - 3. The applicant shall file a Business Certificate with the City Clerk (unless otherwise exempt) and provide the business Sales Tax number. Approval of such license shall also be subject to approval of the selected business location by the Building Department. Such license may be issued and renewed upon such other and/or additional terms and conditions as the City Council deems fit and appropriate.
 - 4. Revocation, suspension or modification of such license may be made after a hearing, upon three days written notice, mailed certified mail, to the address of the license holder, as stated on the application.~~
- D. Malden based religious, fraternal and charitable organizations, as determined by the City Council shall be exempt from payment of the fee under this section.