



## FACTS FOR HAWKERS AND PEDDLERS

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Inspection Services  
4 Boltwood Avenue  
(413) 259-3030

1. Anyone who sells merchandise by going either from town to town or from place to place in the same town is acting as a hawker or peddler.
2. If sales are not being conducted from a tent, booth, building, or other structure, a hawkers and peddlers license is required.
3. The laws regarding hawkers and peddlers do not apply to the following people:
  - Wholesalers selling only to dealers.
  - Commercial agents selling by samples, catalogues, or other means intended to promote future sales.
  - Heating oil dealers.
  - Sellers of fish, fruits, vegetables, or other farm products produced by the seller or the seller's family.
  - Sellers of articles for charitable purposes.
  - Licensed sellers of dairy products.
4. Hawkers and peddlers may not sell the following items:
  - Jewelry, except for costume jewelry valued at no more than ten dollars that is made by a nonprofit or charitable organization.
  - Furs.
  - Wines or other spirits.
  - Small artificial flowers and miniature flags, except by temporary license.
5. Hawkers and peddlers may sell the following items without a license:
  - Newspapers and religious publications.
  - Flowering plants.
  - Uncultivated (wild) flowers, fruits, nuts, and berries.

(Over)

6. If you wish to sell items other than those listed in section 5 (above), you must have a State License to Peddle and a State Sales Tax License, which you can obtain through the following steps:

- Request an application for a State License to Peddle from the:

Division of Standards  
Commonwealth of Massachusetts  
One Ashburton Place  
Boston, MA 02108  
(617) 727-3480

OR online at: [www.state.ma.us/standards/license.htm](http://www.state.ma.us/standards/license.htm)

- Send the completed application to the Division of Standards in Boston, as indicated on the form. You must also send the appropriate fee: \$62 for a state-wide license.
- Apply to the Department of Revenue (DOR) for a Sales Tax License, form TA-1. The filing fee is \$10. Once you begin business, you will have to collect 5% sales tax or meals tax if applicable and remit these tax revenues to the DOR. (DOR tele: 413-734-1000)
- When you begin to sell, you must sign your license and wear it conspicuously on your outer clothing.

7. In order to sell in Amherst, you must observe the following further steps and regulations:

- When you receive your State license, register your name, peddler's license number, and sales or meals tax license number with Inspection Services, Town Hall. You must register your State license with Inspection Services each year that you are in business. If you do not need a license, you still register every year.
- If you are selling food, you must have a permit from the Health Department. You must also obtain a Lunch Cart License from the Board of License Commissioners, for a fee of \$100, and a meals tax number from the DOR. Contact Inspection Services to begin the process of applying for these licenses.
- You may not sell between 8:00 p.m. and 8:00 a.m. during May, June, July, and August; between 7:30 p.m. and 8:00 a.m. during September; and between 6:00 p.m. and 8:00 a.m. during the rest of the year. If you wish to obtain an exemption from these hours, contact Inspection Services.
- If your selling is likely to generate trash or litter, you must provide a trash receptacle.
- Selling must be done on the sidewalk in such a way as to not impede pedestrian traffic. You may not sell from a vehicle or on any of the Town common areas.
- Parking is at a premium in downtown Amherst! Please comply with all Town parking regulations. You may not park at a meter for other than the specified time indicated on the meter – meter feeding is not permitted, nor is long-term parking in designated loading zones. Failure to comply with Town parking regulations may result in being ticketed or being asked by the Police Department to discontinue selling.
- If you sell from a cart, your display can be no larger than 4' x 6'.
- The fine for violating any of the Town regulations is \$10 per offense.