



# Haverhill

City Clerk's Office, Room 118  
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## **RE: Events requiring permits and licenses from City**

Date: April 5 2018

The Haverhill City Clerk's Office is required to make sure organizations obtain the correct permits or licenses for certain public events. The following processes require permission from the City:

### **Raffles/Bazaar (this includes 50/50 raffles):**

#### **Hosting a Raffle**

Under [M.G.L. c. 271, s. 7A](#) and its implementing regulations, [940 CMR 12.00](#) , some nonprofit organizations are permitted to hold certain gaming activities in order to fundraise. The law allows nonprofits to hold raffles, defined as "an arrangement for raising money by the sale of tickets, certain among which, as determined by chance after the sale, entitle the holders to prizes."

The law requires that the promotion and operation of the raffle be limited only to the qualified members of the sponsoring organization and no such member shall receive remuneration in any form for their time or effort devoted to the promotion and operation of such raffle. In addition, all raffle proceeds must be used for educational, charitable, religious, fraternal or civic purposes or for veterans' benefits.

#### **Only Certain Organizations Can Hold Raffles**

Under [M.G.L. c. 271, s. 7A](#), only a veterans, church or religious, fraternal or fraternal benefit society, educational or charitable, civic or service club, or other club or organization operated exclusively for nonprofit purposes may hold a raffle. This means:

1. a for-profit entity cannot hold a raffle for itself or a nonprofit; and
2. an individual cannot hold a raffle.

The organization must be organized and actively functioning as a nonprofit in Massachusetts for at least two years. This means the organization cannot:

1. organize one week and have a raffle the next week; and
2. be incorporated or otherwise organized in another state.

If the organization is a public charity, in order to hold a raffle it must be registered with the AGO and in compliance with the reporting requirements under [M.G.L. c. 12, s. 8F](#). [ **Note:** The law ( [M.G.L. c. 12, s. 8E and 8F](#)) exempts the American National Red Cross, the Grand Army of the Republic, American

Veterans of World War II, Korea and Vietnam, Vietnam Veterans of America, AMVETS, the United Spanish War Veterans, the American Legion, the Disabled American Veterans of the World War, Military Order of the Purple Heart, the Paralyzed Veterans of America, the Veterans of World War I of the U.S.A., the Veterans of Foreign Wars of the United States and organizations that hold property held for any religious purpose, whether incorporated or unincorporated, from having to register with the AGO. These organizations still need to follow [M.G.L. c. 271, s. 7A](#) in order to hold a raffle.]

The public charity must also be in possession of a [Certificate of Solicitation](#) under [M.G.L. c. 68, s. 19](#) . If the public charity is unable to document its compliance with the reporting and certificate requirements, it should contact the AGO's Non-Profit Organizations/Public Charities Division.

**All applicants are asked to carefully read over the enclosed materials to be certain that your organization meets all guidelines set forth by the Commonwealth of Massachusetts. There are serious legal ramifications for unauthorized groups holding such events. For this reason we ask that if you have any questions about your application please visit the following website [www.ago.state.ma.us](http://www.ago.state.ma.us) (Charities) and/or call one of the offices below.**

- **Office of the Attorney General, Division of Public Charities.....(617) 727-2200**
- **Massachusetts State Lottery Commission..... (781) 849-5555**
- **Office of the Commissioner of Public Safety.....(617) 727-3200**

Once your application has been received by the City Clerk's office it needs to be approved by the Chief of Police before we can issue the permit. Permits are typed and mailed out by this office once they are approved. Permits are good for 1 year from the date of issuance. It is the responsibility of the organization to submit 2 original copies of the annual report to the City Clerk's Office once all raffles and bazaars for the permit year are complete. Should an organization wish to **renew** their Raffle and Bazaar permit for the following year, they will need to submit the 2 annual report forms before beginning the re-application process.

### **Flea Markets:**

Flea markets, yard sales and garage sales shall be limited to the following: no more than two sales for two consecutive days within a twelve-month period for each address or location, with the exception of City-sponsored flea markets for the period from May 1 through September 30.

One rain date shall be allowed for inclement weather.

Antiques, secondhand articles, handmade articles, used household articles and the like shall be the only articles sold at a flea market, yard sale and garage sale. New merchandise shall not be allowed for sale.

The fee for a flea market license shall be \$75 per permit.

Churches of the City of Haverhill and City-sponsored flea markets shall be exempt from registration fees but applications are still required.

## **Auctions:**

### **Chapter 108. Auctions and Auctioneers**

#### **§ 108-1. Permit required.**

No person shall conduct an auction without a special or annual permit issued by the City Council. Application for such a permit shall be filed with the City Clerk and shall contain the name of the applicant; the name, address and state license number of the auctioneer; the hours between which the auction is to be conducted; the location of the auction; and a general description of the goods to be auctioned.

#### **§ 108-2. Special permit.**

An applicant for a special permit to conduct an auction shall include the estimated value of the goods and the date or dates, not to exceed 10, on which the auction shall be held on the application. The City Council, in considering such an application, shall either approve the permit subject to reasonable terms and conditions relating to public safety as it may establish, or deny the application on stated grounds, which must be reasonable grounds relating to public safety. If the City Council is unable to take up a pending application for a special permit within six business days of the filing of an application for a special permit, then the City Council President shall be empowered to designate the terms of and issue said special permit. Upon approval, the applicant shall pay a fee of \$50 per date prior to issuance of the special permit.

#### **§ 108-3. Annual permit.**

Each annual permit issued shall be valid for a term of one year commencing on the date of the approval of the application. No person shall be eligible for an annual permit unless he or she maintains a regular place of business for the conduct of auctioneering within the City. An annual permit shall be issued or denied on the same terms applicable to a special permit. If the City Council is unable to take up a pending application for an annual permit within 14 business days of the filing of an application for an annual permit, then the City Council President shall be empowered to designate the terms of and issue said annual permit. Upon approval, the applicant shall pay a fee of \$1,000 prior to issuance of the annual permit.

#### **§ 108-4. Certain auctions not subject to these provisions.**

The provisions of this chapter shall not apply to any auction held or conducted by an order or judgment of any court of the commonwealth or of the United States or by any officer of a municipality, county or state of the United States; sales held by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, lien holders, assignees for the benefit of creditors; sales by any other person specifically authorized by law to sell real, personal or mixed property; casual and isolated sales by an owner of his own goods; and any auction held or conducted by any resident member of a charitable, educational, religious or other nonprofit organization within the commonwealth.

**Alcohol licenses:**

Alcohol licenses are heavily regulated by the MA ABCC commission and granted by the ABCC and Haverhill License commission. As there are many rules and permissions required for these licenses, including for the one day licenses, please contact Laura Angus, Haverhill License Commission Clerk, with any questions and the process.

**Event Permits:**

Haverhill requires that event organizers obtain event permits before large events. Applications and instructions are available on the website:

[http://cms3.revize.com/revize/haverhill/government/city\\_clerk/event\\_permit/index.php](http://cms3.revize.com/revize/haverhill/government/city_clerk/event_permit/index.php).

These applications should be started early as the applications need to be submitted at least 30 days before the event.