

HAWKERS, PEDDLERS AND ITINERANT VENDORS ORDINANCE

Adopted by the Board of Selectmen of the Town of Sugar Hill, May 20,2013

§ 1 Statutory Authority.

In accordance with, and under the authority of, New Hampshire Revised Statutes Annotated, Chapter 31, Section 102-a; Chapter 320, and Chapter 321, the Sugar Hill Select Board hereby adopts the following provisions for licensure and regulation of hawkers, peddlers and itinerant vendors, and authorizes the Sugar Hill Police Chief to issue permits for Hawkers and Peddlers and Vendors.

§ 2 Purpose.

It is the express intent and purpose of this chapter to strictly regulate the conduct of hawking, vending and peddling within the Town of Sugar Hill, through the issuance of permits for the conduct thereof, to protect the welfare of the citizens and to prevent undesired, unhealthful and criminal activity. Nothing in this chapter shall be deemed to be the making of a promise, or the undertaking of a special duty with any person; nor shall the provision of, or failure to provide such licenses or to undertake particular inspections or types of inspections be deemed to create a special relationship or duty towards any person upon which an action in negligence or other tort might be founded.

§ 3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HAWKER and PEDDLER

Shall mean and include any person, either principal or agent, who:

- A. Travels from place to place in Sugar Hill selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares, or merchandise, either on foot, vehicle or any other means of conveyance; or
- B. Travels from place to place in Sugar Hill, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements; or
- C. Keeps a regular place of business, open during regular business hours, but who offers for sale or sells and delivers, personally or through his agents, at a place other than his regular place of business, goods, wares, or merchandise within Sugar Hill without an appointment.

ITINERANT VENDORS

Shall mean all persons, both principals and agents, including those persons whose principal place of business is not in this state, who engage in a temporary or transient business in this state, either in one locality or traveling from place to place, selling goods, wares and merchandise, with a total value greater than \$500, from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hire or occupy a temporary place of business. A "temporary place of business" means any public or quasi-public place, including, but not limited to, a hotel, motel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car, or trailer temporarily occupied for the purpose of making retail sales of goods to the public.

§ 4 Exceptions.

The provisions of this chapter shall not apply to:

- A. Any nonprofit or government organization or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual;
- B. A community event approved by the Select Board.
- C. Any person conducting sales of product produced from his own or his family's labor on his own property as long as such person is in compliance with all land use and other applicable laws and regulations.
- D. Any person conducting sales of personal household goods on his own property as long as such person is in compliance with all land use and other applicable laws and regulations.

§ 5 Licenses and Fees.

In granting any license authorized pursuant to this chapter, the Chief of Police shall be governed by the following minimum standards:

- A. NO person shall, within the Town of Sugar Hill, conduct any activity as a hawker, peddler, or itinerant vendor as defined in Section 3 above, without first being issued a license by the Chief of Police.
- B. All licenses shall be for specific times, dates and locations which shall be set forth in writing by the Chief of Police on each license issued.
- C. Every hawker, peddler or itinerant vendor before making any sales of goods, wares, merchandise or services in the Town of Sugar Hill shall apply to the Chief of Police for a license and shall accompany such application with:
 - (1) A copy of their hawker and peddler or itinerant vendor license, issued by the State of New Hampshire, as applicable.

- (2) An application fee of \$100 for the first week and \$25 for each week thereafter so long as the weeks are consecutive. This fee will be made payable to the Town of Sugar Hill in the form of a bank, cashier or certified check. The license will remain in effect for not more than 90 calendar days from date of approval.
- (3) A copy of the principal and any agent's criminal record from the State in which they reside as well as from the State of New Hampshire.
- (4) A copy of the principal and any agent's state issued picture Identification card.
- (5) A copy of their State Food Service License, if serving food.
- (6) A residential address, business address, and residential and business telephone numbers, if applicable, and such other information as will assist the Chief of Police and Select Board to carry out their duties.

§ 6 Standards of Conduct.

All licensees shall be governed by the following general restrictions, however, the provisions of this sections shall not be construed to limit any other standards that may be established for specific activities pursuant to the provisions hereinafter imposed:

- A. No activity shall take place within any travel portion of a street, or highway, and no materials, goods, or other items shall be placed or located within the traveled portions of any street or highway.
- B. No activity shall be conducted upon any sidewalk so as to hinder or interfere with the normal and usual pedestrian travel and use.
- C. No activity, including but not limited to, the congregation of customers and sales transactions to customers shall be conducted within ten feet of any entrance or exit to any occupied building or structure unless written approval by the owner thereof has first been obtained and a copy of said approval has first been delivered to the Board of Selectmen.
- D. No activity shall be conducted within 10 feet of any other lawful activity being conducted upon town property or interfere with such activity in any manner.
- E. All activities where minors are employed shall be subject to all statutes and administrative regulations dealing with the employment of minors.
- F. Any activity proposed to take place on land or in buildings of someone other than the applicant shall be accompanied by written permission of the land or building owner.
- G. Any request to solicit business in or upon public property located in the Town of Sugar Hill shall require the prior written permission of the Select Board.

- H. No person shall orally solicit for himself, others, or conduct any business of any kind upon the streets or highways of the Town of Sugar Hill. No person shall stop any motor vehicle upon the streets or highways within the Town of Sugar Hill for the purpose of soliciting business of any kind.
- I. No hawker, peddler or vendor shall operate between the hours of (6:00 p.m. and 9:00 a.m.) on any day.

§ 7 Records.

The Town of Sugar Hill shall keep records of all licenses issued with the number of each, the names and residences of the persons licensed and the sums received therefore, and all such records shall be open for public inspection.

§ 8 Endorsing and Exhibiting License.

Every person licensed as a hawker or peddler shall endorse his usual signature upon his license. When this license is demanded of him by a select board member, town clerk, police officer or the person to whom he sells or offers or exposes for sale his wares, he shall forthwith exhibit the same; and, if he neglects or refuses to do so, he shall be liable to the same penalty as if he had no license.

§ 9 Term and Transfer of Permit.

- A. All licenses issued under the provisions of this chapter shall bear the date on which they are issued.
- B. All licenses issued under the provisions of this chapter may be revoked by the Chief of Police in accordance with § 10 of this chapter. Any hawker or peddler who does not comply with the requirements for license renewal under this chapter shall be subject to the same penalty as if he had no license.
- B. Said licenses may not be transferred.

§ 10 Revocation of licenses.

- A. Any license granted by the Town of Sugar Hill may be denied and/or revoked:
 - (1) Upon conviction of the licensee of any offense which in the judgment of the Chief of Police warrants such revocation;
 - (2) Upon the submission to the Town of Sugar Hill of evidence sufficient to demonstrate that, during the term of the license, and acting under cover thereof, the licensee has accepted or solicited money, otherwise than through a bona fide sale or barter of goods, wares or merchandise or has in any manner solicited alms from the public, or;
 - (3) Upon a finding that the applicant has willfully falsified his application for license or;
 - (4) Upon consideration of evidence that the holder of said license is a registered sex offender or has been guilty of crimes against persons or

property or whose conduct has been otherwise disorderly and is of such violent or offensive demeanor that to permit him to retain such license would constitute a threat to the peace or safety of the public or;

(5) If the holder of said license is at large pending appeal from a conviction for a violation of the law involving extreme moral turpitude.

B. Any person whose license has been revoked under this section shall be ineligible to be licensed as a hawker or peddler in the Town of Sugar Hill.

C. The Chief of Police will notify the Secretary of State for the State of New Hampshire of any person whose license has been revoked.

§ 11 Violations and Penalties.

Any person who fails to obtain a license as herein required shall be subject to a penalty of \$100 per day and each day shall constitute a separate offense.

§ 12 Loss of paid fees for revocation.

The revocation of a license issued under this chapter shall not entitle the license holder to a refund of any of the fees paid for the issuance of the license revoked.

§ 13 Appeal.

Any person whose license is denied or revoked under this chapter shall have the right of appeal to the Sugar Hill Select Board.

Given under our hands and seal this 20th day May, 2013.

Select Board Member: _____

Select Board Member: _____

Select Board Member: _____

Received and Recorded/Town Clerk: _____