

# TOWN OF NORTHFIELD, NEW HAMPSHIRE HAWKERS AND PEDDLERS ORDINANCE

## **Section I Purpose**

The purpose of this ordinance is to protect the safety, health and welfare of the general public.

## **Section II Definitions:**

Hawker and Peddler: (RSA 320:1) the terms "hawker" and "peddler" shall mean and include any person, principal or agent, who:

- I. Travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares, or merchandise, either on foot or from any animal, cart, or vehicle; or
- II. Travels from town to town, or place to place in the same town, 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, including contracts for the replacement or installation of siding on any residence or building; or
- III. Keeps a regular place of business, open during regular business hours at the same location, 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.

"Itinerant Vendor" (RSA 321:1) shall mean and include 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.

## **Section III Exceptions**

The provisions of this ordinance shall not apply to:

- a. Any person selling the produce of the person's own farm or one that the person or the person's family tills.
- b. "Lemonade stands" or other similar enterprises operated solely by children under the age of 16 for a period of two consecutive days or less per week.
- c. Vendors operating during Old Home Day may do so only with the signed approval of the Old Home Day Committee

## **Section IV License required**

No person shall engage in hawking and peddling or itinerate vending without first having been issued a license by the Town of Northfield Police Chief.

## **Section V License application**

Every Hawker and/or Peddler, or Itinerant Vendor shall, at least 7 days prior to selling any goods or services apply to the Police Chief for a Vendor Permit using the application form provided by the Police Chief and approved by the Northfield Board of Selectmen.

## **Section VI Application review**

The Northfield Police Chief shall review all complete applications. Incomplete applications will not be reviewed. Complete applications will consist of:

1. A completed and signed Northfield application form
2. A copy of the applicant's valid New Hampshire Hawkers and Peddlers license
3. The application fee as set forth in this ordinance, in the form of cash, bank, cashiers or certified check, payable to the Town of Northfield.
4. A copy of the principal's and any agent's drivers license or other State issued picture identification card.
5. A copy of the applicant's, principal's and agent's criminal record from the State in which they reside as well as the State of New Hampshire.
6. For food vendors only, a copy of a State Food License.
7. For food vendors only, a statement signed by the Northfield Health Officer certifying that the Health officer has inspected and approved the applicant's food preparation and preservation system, as well as trash, solid waste and sanitary waste systems.

The Northfield Police Chief shall approve a Vendor Permit application only when a review of the application materials results in a conclusion that issuance of the license will not pose a threat to the safety, health or welfare of the general public. All other applications will be denied. Examples of conditions that would result in a denial of a permit include, but are not limited to:

- A finding that the persons engaged in hawking and peddling have been convicted of an offense involving activity which if repeated would pose a threat to the citizens of Northfield.
- A finding that the persons engaged in hawking and peddling have been involved in dishonest, fraudulent or deceptive practices leading to misappropriation or theft.
- A finding that the application contains false or misleading information.

## **Section VII Term**

All permits issued under this ordinance shall be valid for 3 months from the date of issue. Licenses are non-transferable.

## **Section VIII Posting of Permits**

Vending permits shall be posted in such a manner so as to be in the plain view of all customers.

## **Section IX Fees**

Application fees are established as follows:

|                             |          |
|-----------------------------|----------|
| Hawkers/Peddlers            | \$50.00  |
| Itinerant Vendors           | \$50.00  |
| Circus/Carnival Performance | \$100.00 |

The Town of Northfield reserves the right to charge additional fees or require the deposit of funds in escrow to cover the cost incurred in maintaining public safety, crowd control, traffic control or other services that may be required due to the hawking and peddling or itinerate vending activities provided for under this ordinance.

## **Section X Locations where permitted**

Hawkers and Peddlers and Itinerate Vendors are permitted, with the written permission of the landowner, to operate in the Commercial/Industrial zone, or on any other commercial property that is a lawful non-conforming use, or which has received a variance from the ZBA. The site must have sufficient on-site parking and a safe means of entrance and exit.

Hawkers and Peddlers and Itinerate Vendors are permitted to operate on town property only upon submission of a Use of Town Property application, and approval of such application by the Northfield Board of Selectmen.

Special condition for frozen confection vending: Hawking and peddling of frozen confections may be conducted within the public right of way of Northfield highways and roads, provided that such activity is conducted from the side of the road, and is not conducted in the traveled portion of any public right of way. The vehicle must be clearly marked to indicate their product and shall be equipped with safety equipment as recommended by the police chief.

## **Section XI Revocation of License**

The Police Chief or his designee may, upon a determination that public safety, health or welfare is compromised by the activities provided for under a Vendor Permit, revoke such permit. The Health Officer may, upon a determination that public health or welfare is compromised by the activities provided for under a Vendor Permit, revoke such permit. Any person whose permit has been revoked under this section shall be ineligible to be a permitted hawker or peddler, or itinerate vendor, in the Town of Northfield. The Police Chief shall notify the New Hampshire Secretary of State of any person whose permit has been revoked.

## **Section XII Penalties**

Any person who violated any provision of this Ordinance shall be guilty of a violation and subject to a penalty in the amount of \$500.00. Such person shall be deemed to have committed a separate violation for each and every day or portion thereof which any violation of the Ordinance is committed, continued or permitted by such person.

Any property owner who allows an unpermitted itinerate vendor, hawker or peddler to operate on his private property shall be subject to a \$500.00 fine for each day the unpermitted itinerant vendor, hawker or peddler is allowed to operate on his property.

Adopted this 2<sup>nd</sup> day of June, 2009

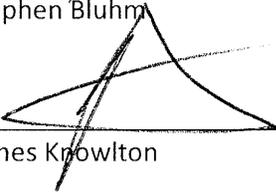
Northfield Selectboard



Debra Shepard, Chair



Stephen Bluhm



James Knowlton