

TOWN OF FARMINGTON, NEW HAMPSHIRE

HAWKERS AND PEDDLERS ORDINANCE

PURPOSE:

The Selectmen find and declare that the primary purpose of the public streets and sidewalks is for use by vehicular and pedestrian traffic.

The purpose of this ordinance is to provide for an area for Hawkers and Peddlers in order to provide for a fair allocation of limited peddler space in the Town of Farmington.

AUTHORITY:

The provisions of this ordinance are adopted pursuant to RSA 31:102-a and requirements imposed by the State of New Hampshire under either RSA 320 and RSA 321.

LICENSE REQUIRED:

It shall be unlawful for any person or persons to engage in the business of hawker, peddler, or itinerant vendor as defined in RSA 320:1 and RSA 321:1 in the Town of Farmington without first obtaining a license as provided herein.

TYPE OF LICENSES:

Transient Sales

A transient sales license shall permit the holder to go from door to door or place to place within the Town. Holders of such permits shall not be allowed to vend from vehicles, carts or other conveyances.

Pushcart License

A pushcart license shall permit the holder to vend from an assigned location in the area permitted for pushcarts. The number of pushcart licenses issued shall be limited to the number of spaces allocated in an area as designated by the Board of Selectmen.

DEFINITIONS:

The words "Hawker, Peddler, or Itinerant Vendor: as used herein shall be defined as in RSA 320:1 and RSA 321:1 and shall include any hawker, peddler, or itinerant vendor trader, farmer, merchant, or other person who sells or takes orders for merchandise from temporary or transient sales locations within the Town of Farmington, or who goes from town to town or place to place within the Town for such purposes.

APPLICATION PROCEDURE:

- A.** The applicant shall file a completed application form with the Town of Farmington. The applicant shall provide a copy of a current, valid New Hampshire Hawkers permit and furnish proof of product liability.
- B.** If more than one application is filed for one area, there will be a lottery to pick the successful applicant.
- C.** The application shall include:

1. Date of application
2. Name, home and business address of applicant
3. Name and address of owner of vending business if other than the applicant.
4. A detailed description of merchandise or services to be sold
5. A detailed description of the requested location, dates and hours of operation of the vending business
6. Description of stand to be used in vending or any motor vehicle to be used including vehicle registration number.
7. Copy of current State license including number and effective date
8. Source of energy to be utilized
9. Number of persons soliciting or vending and their names
10. Name of the last town in which they peddled or vended
11. Approval and signature of the Police Chief. It is the responsibility of the applicant to contact the Police Chief and obtain a written recommendation and signature on the application..
12. Approval and signature of the Health Officer/Code Enforcement Officer. It is the responsibility of the applicant to contact the Health/Code Officer and obtain a written recommendation and signature on the application.
13. Application Fee.

***** Only completed applications with all the required documentation and signatures will be considered by the Board of Selectmen**

- D. A copy of this ordinance will accompany the application form.
- E. Not later than thirty (30) days after the filing of a completed application with the Selectmen's Secretary, the Board of Selectmen shall review this application at an official Board of Selectmen's meeting and notify the applicant of its decision on the issuance or denial of the license. In the case of a denial, the Board shall indicate the basis for denial which may include, without restriction the following:
 1. Fraud or misrepresentation contained in the application;
 2. Over-intensive vending activities within the area or at the time requested in the application;
 3. Inadequate information as to the nature of the proposed business or identity of the applicant; or
 4. Such other reasons as the Board determines necessary for public health, safety and welfare.
- F. If the Board issues a license, it may restrict operations of the vending business to particular areas or to particular times or to a particular manner of operation or any combination of the foregoing.
- G. Any vendor or peddler licensed under this ordinance shall at all times operate in a manner which will not interfere with public safety on the streets and sidewalks and shall operate in such manner as to create minimal inconvenience to the public. A licensee shall operate a business only from such places and at such times as are authorized in the license.

- H.** If the Board denies a license under this ordinance, it shall give notice of the grounds therefore to the applicant. Said applicant may request a rehearing before the Board if he alleges mistake or error or if additional facts should be brought to the attention of the Board.

"FEE SCHEDULE"

EACH DAY - \$10.00 - non food
- \$15.00 - food

After the ceiling amount (two hundred and fifty \$250.00 for non residents or one hundred twenty five \$125.00 for Farmington residents) is reached, there will be no further charges. This ceiling amount, however, applies to the period of time applied for on the Hawkers and Peddlers Application and the fee schedule will begin again on each new period.

This fee schedule was adopted by the Board of Selectmen on June 22, 1989.

LIMITATIONS:

- A.** No permit shall be issued when the applicant's cart exceeds three (3) feet in width or five (5) feet in length.
- B.** Each vendor shall make a trash receptacle available to the public at this location and shall be responsible for collection and removal of all litter within a radius of twenty (20) feet of his approved location.
- C.** Vendor's shall be allowed to occupy only those spaces specifically designated for vending.
- D.** Vendors operation shall be limited to a reasonable and acceptable noise level.
- E.** Except as hereinafter described, there shall be no vending from the public streets and areas of the Town of Farmington.
- F.** Vendors shall remain only in those spaces allocated to them by the Board of Selectmen.
- G.** No cart shall be left unattended.
- H.** All carts shall be off the streets between the hours of eleven o'clock p..m. and seven o'clock a.m. of each day.
- I.** Vendors selling food products shall be subject to health inspections and must comply with all state and local health and sanitation regulations.
- J.** Each vendor shall be responsible for maintaining their operation in conformance with the laws and regulations of the State of New Hampshire and the Town of Farmington and shall be required before receiving a license to furnish evidence of insurance coverage holding the Town harmless from any liability - caused by the vendors or peddlers operation.

- K.** The Town shall be exempt from any and all responsibility and liability resulting from vendors operating on private property with the permission of property owner and vendor shall be jointly responsible for any and all liability incurred.

PERMITTED AREAS:

The area allocated for use by those persons in possession of a valid hawkers and vendors license shall be as determined by the Board of Selectmen.

EXPIRATION OF LICENSE:

License period is as granted, which will be noted on the Hawkers and Vendors license. All licenses will expire as of December 31 of the year of issuance and shall be renewed on an annual basis.

RENEWAL:

Licenses cannot be automatically renewed. Licensees must reapply once during each calendar year and shall be required to make application as set forth under the "Application Procedure" section of this ordinance.

TRANSFER:

No license issued under the provisions of this ordinance shall be used at any time by any person other than the one to whom it was issued. No such license is transferable.

REVOCAION OF LICENSE:

- A.** Licenses issued under the provisions of this ordinance may be revoked by the Selectmen after notice and hearing for any of the following causes:
- 1.** Fraud, misrepresentation of false statement contained in the application for license.
 - 2.** Fraud, misrepresentation of false statement made in the course of carrying on his business as peddler, hawker or itinerant vendor.
 - 3.** Any violation of this ordinance.
 - 4.** Conviction of any crime or misdemeanor involving moral turpitude.
 - 5.** Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B.** Notice of the hearing for revocation of a license shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage pre-paid, to the licensee at his last known address, or served in hand to the licensee at least five (5) days prior to the date set for the hearing.

EXHIBITION OF LICENSES:

Hawkers, peddlers and itinerant vendors are required to exhibit their state and local licenses in full public view at all times.

DESIGNATED AREAS AND TIME FOR PARKING ON TOWN STREETS AND/OR IN PUBLIC PARKING SPACES SHALL BE AS FOLLOWS:

No parking on any Street, Road or Highway within the boundaries of the Town of Farmington from 10:00 p.m. to 7:30 a.m.

No parking on Main Street from Elm Street to Grove Street at any time.

No parking on Central Street from Main Street to the Post Office at any time.

No parking Right of Way on Route 11.

ENFORCEMENT:

This ordinance will be enforced by Farmington Health Officials and Farmington Police Department.

PENALTY:

Any persons convicted of a violation of any provisions of this ordinance shall be guilty of a violation as defined by the Criminal Code of the State of New Hampshire. A separate offense shall be deemed committed upon each day during which a violation occurs and punishable by a fine of not more than one hundred dollars (\$100.00) for each and every violation.

If any section, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court, such portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions.

The ordinance shall take effect upon its adoption by the Board of Selectmen.

Approved and adopted this 22nd day of June 1989.

**TOWN OF FARMINGTON
APPLICATION FOR PEDDLERS LICENSE**

Name of Applicant: _____

Name and address of owner of vending business if other than the applicant: _____

Date of Birth: _____

Legal Address: _____

Sex: _____ Age: _____ Height: _____ Weight: _____ Color of Hair: _____ Color of Eyes: _____

If applicant is employed by another, name and address of employer, together with credentials establishing the exact relationship: _____

Description of nature of business and goods to be sold: (If products of farm or orchard, whether produced or grown by applicant) _____

Location for sale of goods: _____
(Please attach a letter of permission from property owner if not the same as applicant)

Requested effective date: _____

Length of time for which the right to do business is desired: _____

Names and addresses of persons soliciting or vending:

_____	_____
Name	Address

_____	_____
Name	Address

If vehicle is to be used:

_____	_____
Vehicle Make & Model	Color

_____	_____
License Plate Number	Vin Number

Name of the last/concurrent town in which peddled or vended: _____

THE FOLLOWING TO BE SUBMITTED TO LICENSING DEPARTMENT AT TIME OF APPLICATION: *Please use separate pieces of paper if more space is needed. Only completed applications with the required supporting documentation will be considered by the Board of Selectmen.*

1. A copy of the State License including number and effective date issued to applicant pursuant to provisions of R.S.A. 320:8 .
2. A detailed description of merchandise or services to be sold
3. A detailed description of the requested location, dates and hours of operation of the vending business.
4. If a specific stationary location is to be used, written permission of the person occupying the adjacent property;
5. Description of stand to be used in vending or any motor vehicle to be used including vehicle registration number.
6. Source of energy to be utilized
7. Approval and signature of the Police Chief. It is the responsibility of the applicant to contact the Police Chief and obtain a written recommendation and signature on the application.
8. Approval and signature of the Health Officer/Code Enforcement Officer. It is the responsibility of the applicant to contact the Health/Code Officer and obtain a written recommendation and signature on the application.
9. Application Fee.

PERMISSION IS HEREBY GIVEN TO INVESTIGATE THE LICENSEE AND LICENSEE RELIEVES THE TOWN OF FARMINGTON AND ITS AGENTS OF ANY LIABILITY AND AUTHORIZES THE TOWN OF FARMINGTON TO RELEASE ANY INFORMATION OBTAINED.

I hereby certify that the above statements are true and correct.

APPLICATION DATE: _____ SIGNATURE: _____

For Official use only:

POLICE CHIEF: _____ Date: _____

HEALTH OFFICER: _____ Date: _____

APPROVED BY THE FARMINGTON BOARD OF SELECTMEN: Yes: ____ No ____

Chairman, Board of Selectmen

Date

LICENSE NO. _____

EXPIRES: _____

