Town of Fair Haven THE SLATE CENTER OF THE NATION • CHARTERED OCTOBER 27, 1779

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# Peddler or Itinerant Vendors Ordinance

**ARTICLE 1 – AUTHORITY:** Pursuant to 24 VSA §1971 et seq. and 24 VSA §2291(9), the Fair Haven Selectboard adopts the Ordinance herein to regulate public nuisances within the Town of Fair Haven.

This Ordinance shall serve as a civil ordinance, pursuant to 24 VSA §1971(b).

**ARTICLE 2 – PURPOSE:** This Ordinance intends to prevent crime, promote public safety, convenience and maintain order in all public places in the Town of Fair Haven and to prevent traffic congestion and unsafe traffic conditions on the highways, along the sidewalks, and in all public areas.

This Ordinance is NOT meant to restrict persons involved in bona fide yard sales.

**ARTICLE 3 – LICENSE REQUIRED:** It shall be unlawful for any person to engage in the business of peddler, as defined in Article 4 – Definitions within the Town without first obtaining a license as herein provided.

**ARTICLE 4 – DEFINITIONS:**

- **PEDDLER OR ITINERANT VENDOR:** any person, whether a resident of the Town or not, who engages in selling goods, wares, merchandise, or services in a transient or on a temporary basis, or who sell from an automobile, truck, wagon, or other conveyance, excepting persons selling fruits, vegetables, or other farm produce and excepting the Farmer's Market, Applefest and other events permitted by the Selectboard. (Reference 24 VSA §2291(9).)

**ARTICLE 5 – APPLICATION:** Any vendor desiring a license under this ordinance shall acquire all licenses required by the State of Vermont or other ordinances of the Town of Fair Haven and make application on a form supplied by the Town.

Every application required under this ordinance shall contain the following:

a) Name and permanent address of applicant and any assistant(s) (if any) and verified by a valid, government issued form of photo identification (e.g., drivers license or passport). ID's are required for the applicant <u>and</u> any assistant(s).
b) Any temporary address of applicant/assistant(s) being used during the term of any license issued.
c) Contact information during the term of any license issued (e.g., cell phone, e-mail, other form of contact).
d) Corporate name, address, phone number, and corporate contact person name, phone number, and e-mail.
e) Valid registration of any vehicle to be used, including proof of insurance.
f) Type of merchandise to be sold or services to be provided.
g) Area to be used.
h) License term requested (minimum 1 day; maximum 1 year).

**ARTICLE 6 – ISSUANCE OF LICENSE:** Upon receipt of a fully completed license application as listed in Article 5 – Application, the Town Manager (or Selectboard for events they permit) shall confer with the Police Chief, DPW Superintendent, and the Town Clerk/Treasurer as to any adverse impact issuance of a license might have. Within two (2) business days from the date the application was deemed complete, the Town Manager (or, at its closest regular meeting after the application is deemed complete, the Selectboard for events they permit) shall render a decision to:

a) Approve the license without conditions,
b) Approve the license with conditions, <u>or</u>
c) Deny the license request.

A license request may be denied by the Town Manager (or Selectboard for events they permit) if s/he determines that such license issuance would conflict with the standards established in Article 2 – Purpose.

An application deemed incomplete and remaining incomplete consecutively for thirty (30) days shall automatically be deemed denied.

**ARTICLE 7 – LICENSE IS NON-TRANSFERABLE:** Licenses are <u>not</u> transferable or assignable to any other individual or entity.

**ARTICLE 8 – POSSESSION OF LICENSE:** During the conduct of business, a peddler/itinerant vendor and/or assistant shall have in his or her possession the original license granted under this ordinance and shall produce said license upon the request of any person.

**ARTICLE 9 – FEES:** A license application fee of $10.00 shall be submitted at the time of application, regardless of license duration.

License fees shall be refunded to denied applications.

**ARTICLE 10 – ENFORCEMENT:** The Fair Haven Police Department shall be responsible for the enforcement of this Ordinance according to the provisions of 24 VSA §1974a.

**ARTICLE 11 – PENALTIES:**

1. 1st Offense: Any person/entity violating this Ordinance shall be given a verbal warning. If the 1st Offense is for not having a license, the individual/entity shall be instructed to apply for a license within 24 hours of said verbal warning.
2. 2nd Offense: Any person/entity violating this Ordinance shall be punished by a maximum fine of $800.00 with a waiver penalty of $100.00. Each day that such violation continues shall constitute a separate violation.

   Note: an issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, from any person who declines to contest a municipal complaint and pays the waiver fee within 20 days from issuance of a municipal violation complaint.

**ARTICLE 12 – SEVERABILITY:** In the event any section, subsection, sentence, clause, or phrase of this Ordinance is adjudicated invalid or unconstitutional, the remaining portions of this Ordinance shall remain in full force and effect.

**ARTICLE 13 – EFFECTIVE DATE:** This Ordinance shall take effect 60 days after the date of adoption.

Adopted by the Fair Haven Selectboard this 7th day of July, 2015 at Fair Haven, Rutland County, State of Vermont.

Robert Richards, Chair

Roderic Holzworth, II

Richard Frazier, Clerk

Jeffrey Sheldon

Sean Galvin

Adopted: 07/07/2015
Effective: 09/05/2015