

TOWN OF HODLERNESSE, NH
HAWKERS, PEDDLERS, AND VENDORS LICENSING ORDINANCE

Article 1: Hawkers, Peddlers, and Venders License

Section Analysis

- 1.01 License Required
- 1.02 Definitions
- 1.03 Application
- 1.04 Action Upon Application
- 1.05 Transfer
- 1.06 Private Property
- 1.07 Exception

1.01 License Required:

It shall be unlawful for any person to engage in the business of Hawkers, Peddlers, or Vendors, as defined in RSA 320:1, within the corporate limits of the Town of Holderness without first obtaining a license therefore as provided herein.

1.02 Definitions:

The words "peddler" and "hawker" and "vender" as used herein shall be as defined in RSA 320:1 and shall include any person, either principal or agent, whether a resident of the Town of Holderness or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions and offering and exposing the same for sale or barter, or who, without traveling from place to place, shall sell or offer the same for sale or barter from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance. Without limiting the foregoing, the terms "hawker", "peddler", and "vendor" shall also mean and include one who solicits orders and as a separate transaction makes delivered to purchasers as part of a scheme or design to evade, or to attempt to evade, the provisions of this ordinance. The word "peddler" shall include "huckster". Without limiting the foregoing, the terms "hawker", "peddler", and "vendor" shall also mean and include any person, either principal or agent who goes from place to place, from house to house or from household repairs or improvements, or solicits or induces any person to sign and contract relating to household repairs and improvements, including but not limited to contracts from the paving or driveways and for replacement or installation of siding on any residence, building, or roofing.

1.03 Application:

Applicants for a license under this ordinance must file with the board of Selectmen duplicate sworn applications (original signatures on each) in writing on forms to be

furnished by the board of Selectmen, which shall be filed with the Board of Selectmen no less than seven days before the requested effective date of the license and shall give the following information:

- a. Name and description of the applicant
- b. Address (legal and local)
- c. A brief description of the nature of the business and the goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant.
- d. If the applicant is employed by, or an agent of, another, the name and address of the employer, or principal, together with credentials establishing the exact relationship between them.
- e. The requested effective date of the license and the length of time for which the right to do business is desired.
- f. If a vehicle is to be used, a description of the same, together with license number or other means of identification.
- g. A copy of the state license issued to the applicant pursuant to the provisions of RSA 320:8 or a signed statement claiming exemption there from under the provisions of RSA 320:3.

1.04 Action Upon Application:

In determining whether to grant the license, the board of Selectmen or their designee shall consider whether from the application and any investigating the Board of Selectmen deem advisable to make it appear that all provisions of state law and Town Ordinances have been and will be complied with and whether the safety and convenience of the public will be adversely affected.

1.05 Licenses Non-Transferable:

No license issued under the provisions of this ordinance shall be used at any time by anyone another than the one to whom it was issued.

1.06 Private Property:

Hawkers, Peddlers, and Vendors who wish to locate on private property must file a permit application and will be subject to a site review by the Holderness Compliance Officer to ensure that the chosen site is not in a congested area or where operation may impede safety or inconvenience the public. Hawkerc, Peddlers, and Venders must also provide authorizing letter from the property owner.

1.07 Exception

Applicants that may be excluded from this regulations:

- a. Any non-profit organization, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific,

literary, or education purposes when no part of the entity's earning benefit any private shareholder or individual.

- b. Any person conducting sales of personal household goods on his own property.
- c. Patriotic Exception- Applicants may be excluded from this regulation provided that they are selling product(s) for patriotic purposes when none of the entity's earning benefit any private shareholder or individual.
- d. The provisions of this ordinance shall not apply to any person selling the product of his or her own labor or the labor of his or her family or the product of his or her own farm or the one he or she tills.

Any person or organization which may become eligible for an exception shall notify the Holderness Police Department at least five (5) working days before the requested effective date of the scheduled event so that the Chief of Police can determine whether police coverage may be needed.

Article II: Enforcement and Regulation

Section Analysis

- 2.01 Revocation of License
- 2.02 Appeal
- 2.03 Exhibition of License
- 2.04 Use of Streets and Sidewalks
- 2.05 Fees
- 2.06 Term
- 2.07 Penalty

2.01 Revocation of License:

- a. License issued under the provisions of this ordinance may be revoked by the Board of 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 or false statement made in the course of carrying on the business as peddler, hawker, or vendor.
 - 3. Any violation of this ordinance.
 - 4. Conviction of any crime involving moral turpitude.
 - 5. Conducting the business of peddling, hawking, or vending 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.
 - 6. Revocation or expiration of State License as provided in RSA 320:14, subject of any rights of appeal.

- 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 prepaid to the licensee at his or her last known legal and/or local address no less than five (5) days prior to the date set for hearing.

2.02 Appeal:

Any person aggrieved by the action of the Board of Selectmen or their designee in the denial of any application for a license as provided in section 1.04 of this ordinance, or in the decision with reference to revocation of a license as provided in section 2.01 of this ordinance, shall have the right of appeal to the Board of Selectmen. Such appeal shall be taken by filing with the board of Selectmen, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known legal and/or local address, a written statement setting forth the grounds for appeal. The Board of Selectmen shall set a time and a place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in section 2.01 (b) of this ordinance for notice of hearing on revocation. The decision and order of the Board of Selectmen on such appeal shall be final and conclusive.

2.03 Exhibition of License:

Peddlers, Hawkers, and Vendors are required to exhibit their license at the request of a selectmen, town Clerk, police officer, sheriff or his deputy or the person to whom he or she sells or offers or exposes for sale his or her wares.

2.04 Use of Street and Sidewalks:

No peddler, hawker, or vendor shall have any exclusive right to any location in the public streets and sidewalks, nor shall any be permitted at a stationary location, unless the license specifically grants a stationary location, nor shall he or she be permitted to operate in any congested area where his or her operation might impede or inconvenience the public. For the purpose of this ordinance, the judgment of the chief of Police, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public is impeded or inconvenienced.

2.05 Fees

Term means the time of selling, not the amount of time spent in one location.

\$50.00 (Short Term – 7 or less consecutive days) for mobile Hawkers, Peddlers, and Vendors or for Hawkers, Peddlers, and Vendors on private property.

\$300.00 for all other Hawkers, Peddlers, and Vendors licenses.

2.06 Term:

License granted shall be effective until local or state revocation, expiration of applicant's State of New Hampshire hawkers, peddlers, and vendor's license, or at midnight, December 31 of the calendar year in which the license was granted.

2.07 Penalty:

Any person violation any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars. Each day a violation of said provisions exists shall constitute a separate offense hereunder.

The Holderness Board of Selectmen does hereby adopt this ordinance pursuant to RSA 31:102-a Hawkers, Peddlers, and Vendors as amended which states:

The governing board of a city, town or village district may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who