

Town of Williston
Peddler Ordinance

August 27, 1992

TOWN OF WILLISTON
PEDDLER ORDINANCE

LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of peddler, as defined in section of this chapter, within the town without first obtaining a license therefore as herein provided.

DEFINITIONS.

The word "peddler" as used herein shall include any person, whether a resident of the town or not, who travels by foot or utilizes a wagon, motorized vehicle, pushcart, or similar type of conveyance, along the streets, sidewalks, and other public or private places within the town of Williston, or who, on a temporary basis, hires, leases, or occupies a building' (or a portion thereof), structure, or land within the town of Williston, and thereon or therefrom, offers, displays, or exposes for sale goods, wares, merchandise, food, or similar products. One who solicits orders as a separate transaction makes deliveries to purchasers shall not be deemed a peddler hereunder unless such activity is carried out as a scheme or design to evade the provisions of this chapter, in which case such person shall be deemed a peddler subject to the provisions of this chapter. The word "peddler" shall also include the words "hawker", "street vendor" and "huckster", but shall not include a farmer who is selling the produce of his/her own farm, or the sale of personally owned items at the residence of the owner of those items.

APPLICATION:

Applications for a peddlers license shall include the following:

- a) A brief description of the nature of the business and goods to be sold and in the case of products of farm or orchard, whether produced or grown by the applicant;
- b) if employed, name and address of the employer, together with credentials establishing the exact relationship;
- c) The length of time for which the right to do business is desired;
- d) if a vehicle is to be used, a description of the same, together with the license number or other means of identification;

e) Two (2) photographs of the applicant, taken within sixty (60) days immediately prior to the date of filing the application, which pictures shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

f) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor;

g) A statement as to the dimension, construction and appearance of applicant's stand or cart, and a photograph of such;

h) Proof that applicant maintains public liability insurance for personal injury and property damage. Proof shall be in the form of a certificate from an insurance company authorized to do business in the state, with the provision that such insurance shall be noncancellable except after ten (10) days' notice to the town zoning administrator. Such public liability insurance shall provide coverage of at least one hundred thousand dollars (\$100,000.00) for personal injury to or death of any one or more persons in any one accident, and for damage to property in the amount of at least twenty-five thousand dollars (\$25,000.00) resulting from any one accident.

i) The hours of business to be maintained by the peddler.

PROPERTY TAXES DELINQUENT.

No license shall be issued to:

a. any applicant who is delinquent in the payment of any property taxes, water, sewer, or sewer benefit assessments, or related fees, costs or penalties, applicable by law and due the Town of Williston as of the date of the application;

b. any applicant whose principal, general partner, president, treasurer or Board of Directors includes a principal, general partner, president, treasurer or director of any business delinquent in payment of any property taxes, water, sewer, or sewer benefit assessments, or related fees, costs, or penalties applicable by law and due the Town of Williston as of the date of the application.

LICENSEE'S DUTIES AND OBLIGATIONS.

All licensees shall be subject to the conditions that the licensee shall be liable to any person who shall receive actionable

injury through the exercise thereof, and shall also be liable to indemnify and save harmless the Town of Williston in all things related to the exercise of such license, and such conditions shall be obligatory upon licensees without other notice than that to be implied from this section. All licenses shall be further subject to the condition that the licensee shall keep his/her place of business safe at all times for the use of the public invited thereon, and such condition shall be obligatory upon licensees without other notice than implied in this section.

Liability insurance for bodily injury shall not be required for noncommercial functions or endeavors, provided that the applicant agrees in writing to hold and save the town harmless for any and all liability arising out of such functions or endeavor.

INVESTIGATION.

Upon receipt of such application, a copy thereof shall be referred to the chief of police, who shall cause such investigation of the applicant's business and moral character to be made as he/she deems necessary for the protection of the public good. The chief of police shall make a report of such investigation and return same to the town zoning administrator. Such report shall be considered by the zoning administrator in determining whether a license shall be issued or the applicant certified as qualified for the issuance of a peddler's license.

GRANTING OF LICENSE.

Applications for peddlers' licenses will be granted or denied by the zoning administrator. Application will be granted when it is found that use of license will not adversely affect:

- a) Traffic;
- b) Permanent local business;
- c) Character of area.

LICENSE ISSUANCE, DURATION AND FEES.

- a) Issuance: There shall be one peddler's license available for issuance under this chapter for all areas of Williston.
- b) Duration:

Yearly Licenses: The license year for licenses granted pursuant to this chapter shall commence on April first and terminate at

midnight March thirty-first of the subsequent year. All license applications submitted by March first shall be processed and granted or denied prior to April first of such year.

Quarterly Licenses: Peddlers may apply for and be granted quarterly licenses (three months in duration) under the same terms and conditions as yearly licenses. The quarterly licenses will be issued for the following time periods: April 1 through June 30; July 1 through September 30, October 1 through December 30; January 1 through March 31. Applicants may purchase licenses for consecutive quarters not to exceed one year. Quarterly license applications must be submitted one month before date of intended issuance.

Special Event License: Peddlers may apply and be granted licenses for special events and/or short-term (less than three months) peddling under the same terms and conditions as yearly licenses. The zoning administrator shall use his/her discretion in granting these licenses, and shall charge a per-day rate for these licenses.

c) Fees: All license fees shall be payable in full upon application, to be immediately refunded if application is denied.

d) Renewal: Renewals shall be reviewed by the zoning administrator and chief of police, and shall be granted or denied at their discretion. Renewals will be granted for up to a year but shall not be granted past March 31.

TRANSFER AND DISPLAY; EMPLOYEES.

a) Display: No license issued under the provisions of this chapter shall be used or worn at any time by any person other than the one to whom it was issued. A licensee shall display his/her license at all times when peddling. Failure to do so shall be considered cause for revocation of such license.

b) Employees: A licensed peddler may utilize the services of one employee. Any applicant for a peddler's license who anticipates the use of an employee shall list upon such application such proposed employee's name and address. The employee shall be investigated in the same fashion as the applicant and the zoning administrator shall certify whether a license shall be granted to such employee. Licensed peddlers may hire an employee at any point of the duration of the license, providing the employee has met the above conditions prior to starting work. Upon issuance, the employee may peddle only as an employee of the applicant. A licensed peddler and his/her employee shall not simultaneously peddle at different locations.

LOUD NOISES AND SPEAKING DEVICES.

No peddler, nor any person on his/her behalf, shall shout, cry out, blow a horn, or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks, or other public places of the town or upon any private premises in said town if sufficient volume is produced therefrom to be capable of being plainly heard upon the streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

SIGNS.

All signs used by the peddler must be approved at the time of application. Peddlers shall be limited to the use of only one sign promoting his/her activities which sign cannot be in excess of ten square feet in surface display area nor stand more than four feet above ground level. For the purpose of this ordinance banners, pennants, flags, and other similar items shall be considered signs. No sign shall be affixed to public or private property without obtaining prior approval therefor from the owner of said property. No sign,

-'n shall be placed in such a manner as to obstruct or interfere with traffic. The use of string lighting is prohibited without the prior written approval of the zoning administrator.

PROHIBITED AND REGULATED LOCATIONS.

Peddling is prohibited in zoning areas designated as residential, or agricultural/rural. Peddling within the Village Historic District must be reviewed by the Historic Preservation Committee which shall recommend to the zoning administrator approval or denial of the application.

Peddling within the town traveled highway is prohibited.

NONEXCLUSIVE LOCATION; DISTANCE FROM COMPETITORS.

No licensed peddler shall be entitled to any exclusive location nor shall he/she peddle his/her within one hundred (100) feet of the entryway to any business which sells or offers the sale of goods, wares, merchandise, food etc. , of the same type and nature as offered by the peddler. The zoning administrator shall determine in appropriate cases whether such similar goods are being offered for sale.

PEDDLING BY CHARITABLE ORGANIZATIONS, ETC.

Nothing in this chapter shall prohibit the selectboard from issuing permits for peddling by representatives of the public, pious or charitable organizations for such periods of time as the selectboard shall authorize without payment of a licensing fee.

Requests for peddling fee waivers shall be made only for licensees who have successfully obtained permission through the licensing process; subsequent to which the selectboard shall act upon the licensees request for a fee waiver.

ENFORCEMENT

A. Penalty: Each violation of this ordinance shall be subject to a \$50.00 fine; each day a violation continues shall constitute a separate offense.

B. License Revocation: A peddler's license may be revoked or suspended by the zoning administrator without reimbursement of any fee for:

- 1) Misrepresentations on the application;
- 2) Williston Police Department or zoning administrator's determination that peddler's conduct demonstrates a lack of suitable business or moral character;
- 3) Conviction of a federal or state law violation;
- 4) Violation of the provisions of this ordinance or other Town of Williston regulations.

C. Enforcement: Any violation of this ordinance may be enforceable by injunction or other action available at law.

D. Appeals Process: Applicants whom are denied licenses by the zoning administrator may appeal that decision to the selectboard, whose decision will remain final.

APPLICABILITY AND SEVERABILITY

A. Applicability: This ordinance controls only those activities treated and does not supersede any state or federal law or consistent local regulation.

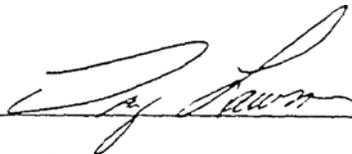
B. Severability: Any part or provision of this ordinance shall be considered severable and the invalidity of any part or section shall not be held to invalidate any other part or provision of this ordinance.

FEE SCHEDULE.

\$75	Full Year (April 1 through March 31)
\$25/qr±r.	Quarterly (April 1 through June 30, July 1 through September 30, October 1 through December 31, January 1 through March 1)
\$10/event	Length of event not to exceed seven days

Adopted by the Town of Williston. Selectboard on:

August 27, 1992



Ronald Blewitt

Virginia V. [unclear]

Delbert [unclear]

Arthur Smith
