



**Town of Pittsfield
Board of Selectmen
Town Hall, 85 Main Street
Pittsfield, NH 03263**

**AN ORDINANCE
REGULATING HAWKERS, PEDDLERS AND VENDORS**

I. AUTHORITY

In accordance with, and under the authority of, New Hampshire Revised Statutes Annotated, Chapter 31, Section 102-a; Chapter 320, and Chapter 321, authorizing the Board of Selectmen to enact ordinances governing Hawkers, Peddlers and Vendors, the following ordinance is adopted by the Board of Selectmen of the Town of Pittsfield.

II. PURPOSE

It is the express intent and purpose of this ordinance to strictly regulate the conduct of hawking, vending and peddling within the Town of Pittsfield, through the issuance of permits for the conduct thereof, to protect the welfare of the citizens and to prevent undesired, unhealthful and criminal activity.

III. DEFINITIONS

The terms used in this ordinance shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

A. "Itinerant Vendors" means all persons, both principals and agents, including 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 from stock or by samples for future delivery and who, for the purpose of carrying on such business, hire or occupy a temporary place of business. This definition shall not apply to the following:

1. Sales made to dealers by commercial travelers or selling agents.
2. Hawkers and Peddlers defined herein.
3. Any person selling the product of his own labor or the labor of his family or the product of his own farm or the one he tills.

4. Any person who operates a permanent business in this State who occupies temporary premises, and prominently displays the permanent business name and permanent address while business is conducted from a temporary premises and while that person is selling the same product as is sold at the permanent business.
5. Any nonprofit corporation, community chest, fund or foundation organized and operated exclusively for religious or charitable, scientific, literary, or educational purposes.
6. Any person conducting business in any industry or association trade show.
7. Any person who sells exclusively antiques, used goods or vintage items.

B. "Hawker and Peddler" shall mean and include any person, either principal or agent, who:

1. 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
2. Travels from town to town or place to place in the same town, offering to perform a personal service 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 buildings; or
3. 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.
4. Provisions of this definition pertaining to hawkers and peddlers shall not apply to any person selling the product of his own labor or the labor of his family or a product of his own farm or the one he tills, nor to any person conducting sales of personal household goods on his own property, nor to itinerant vendors as described herein.

C. "Temporary Place of Business" means any public or any quasi public place including, but not limited to, a hotel, motel, rooming house, storeroom, building, part of a building, tent, vacant lot, parking lot, railroad car, trailer temporarily occupied for the purpose of making retail sales or goods to the public, portion of any property, lot or parcel adjacent to a public way which is under lease or license temporarily from the owner thereof.

D. "Person" shall mean any firm, corporation, association, club, merchant or other similar occupation. It shall mean the singular as well as the plural.

E. "Street, Highway" shall be as defined by RSA 259:125 or subsequent amendments thereto.

IV. STANDARDS

In granting any license authorized pursuant to this ordinance, the Board of Selectmen shall be governed by the following minimum standards, and the applicant for a license shall be governed by the following restrictions, however, the provisions of this section shall not be construed to limit any other standards that may be established for specific activities pursuant to the provisions hereinafter imposed:

A. All licensees shall be for specific times, dates, and locations which shall be set forth in writing by the Board of Selectmen on each license issued.

B. All applications for a license shall be submitted in writing by an adult who shall state his residential address, business address, and residential and business telephone numbers, if applicable, and such other information as will assist the Board of Selectmen to carry out its duties pursuant to this ordinance.

C. No activity shall take place within any travel portions of a street, or highway, and no materials, goods, or other items shall be placed or located within the traveled portions of any street or highway.

D. No activity shall be conducted upon any sidewalk so as to hinder or interfere with the normal and usual pedestrian travel and use. No activity, including but not limited to, the congregation of customers and sales transactions to customers, shall take place whatsoever within three feet (3') of the pavement of any traveled street or highway.

E. No activity, including but not limited to, the congregation of customers and sales transactions to customers shall be conducted within three feet (3') of any entrance or exit to any occupied building or structure unless written approval by the owner thereof has first been obtained and a copy of said approval has first been delivered to the Board of Selectmen.

F. No activity shall be conducted within ten feet (10') of any other lawful activity being conducted upon town property or interfere with such activity in any manner.

G. All activities where minors are employed shall be subject to all statutes and administrative regulations dealing with the employment of minors.

H. This ordinance shall not apply to fraternities, societies, churches or any group seeking subscriptions or donations from their own members.

I. Any activity proposed to take place on land or in buildings of someone other than the applicant shall be accompanied by written permission of the land or building owner.

J. All applications shall be submitted to the Board of Selectmen at least seven (7) days prior to the activity for

which the license is requested. The time limits stated herein shall be exclusive of Sundays and holidays. Any application received by the Board of Selectmen within less than seven (7) days of the activity may be denied by the Board in its discretion, however, the Board may charge an additional fee for any such applications submitted within less than seven (7) days of the activity in the event that the application is approved by the Board, which fee shall not be more than two (2) times the normal fee.

K. Any request to solicit business in or upon the public parks of the Town of Pittsfield shall require the prior written permission of the Board or Commission in charge of such public park before a license will be issued.

L. No person shall orally solicit for himself, others, or conduct any business of any kind upon the streets or highways of the Town of Pittsfield. No person shall stop any motor vehicle upon the streets or highways within the Town of Pittsfield for the purpose of soliciting business of any kind.

M. Photographic identification badges may be required by the Board of Selectmen as a condition of application approval. The Board may require the badges to be worn by all participants of any licensed activity as a condition of any application approval.

N. The written recommendation of the Chief of Police shall be required before the issuance of a license to any applicant. The Chief shall verify that granting the license would not endanger the public.

O. No hawker, peddler or vendor shall operate between the hours of 10:00 PM and 8:00AM on any day.

P. Applicants shall provide a copy of their issued and current State Hawking, Peddling or Vending License, a copy of their criminal background check, and a copy of their State Food Service License, if serving food, with the application for a license hereunder.

V. HAWKER, PEDDLER, VENDOR

No hawker, peddler or itinerant vendor shall cry, sell, barter or trade merchandise, fruits, vegetables, or other commodities without special permission by license. This section shall not prevent the selling of newspapers by crying or selling the same.

VI. PUBLIC PROPERTY

No person, charitable organizer, hawker, peddler or itinerant vendor shall sell, dispose of, advertise or display any goods, items, or solicit by subscription card or otherwise, any order for such goods, or the pledge of any money, or donations for any purpose, in or upon any public parks, sidewalks, public property or commons in the Town of Pittsfield for any purpose, charitable, benevolent, or otherwise, without first obtaining a license to do so from the Board of Selectmen.

VII. LOUD SPEAKERS

No person shall operate, conduct or use, or cause to be so operated, conducted or used, an outside speaker of any nature, or other sound system or equipment of any kind whatsoever, within the limits of the Town of Pittsfield for advertising purposes, or for the purpose of attracting the attention of the public, unless the said person shall first secure a license from the Board of Selectmen. This provision shall not apply to the operation of any radio broadcasting station operated by virtue of a license from the Federal Communications Commission or loudspeakers or sound equipment operated exclusively within any building or other permanent structure.

VIII. ZONING AND OTHER REGULATIONS

An applicant shall comply with all Zoning requirements and other regulations and ordinances of the Town of

Pittsfield. Where there is a conflict of these provisions with the Zoning Ordinance, the Zoning Ordinance shall control.

IX. AUTHORIZED LOCATIONS

Hawking, peddling and vending under this ordinance is restricted to the commercial, light industrial and urban zones of the Town of Pittsfield.

X. FEES

The Board of Selectmen hereby establishes fees to be paid to the Town of Pittsfield for all licenses issued under this ordinance, as follows:

1. \$100.00 for a license that shall be valid for a term of up to one year, unless revoked earlier. Non-profit organizations shall be exempt from all fee requirements.

XI. WAIVER

Upon the request of an applicant for a permit hereunder the Board of Selectmen may waive the conditions of these regulations where the literal compliance and strict conformity therewith would cause undue hardship or injustice to the applicant.

XII. PENALTIES AND VIOLATIONS

Any person who fails to obtain a license as herein required shall be guilty of a violation, the penalty for which shall be one hundred dollars (\$100.00). Such person shall be deemed to be guilty of a separate offense for each and every day during a portion of which any violation of this ordinance is committed.

XIII. REVOCATION

Licenses issued hereunder may be revoked in writing for the following reasons:

1. The violation of any condition imposed by the Board upon a license.
2. A written recommendation by the Chief of Police of the Town of Pittsfield that the license holder has become an unsuitable person to hold such a license.
3. Revocation, non-renewal or loss for any reason of the license holders State license.
4. Written notice that the owner of property, used by the license holder, has revoked the license holder's authority, and permission to the continued use of the licensed location for operations by the licensed holder.

XIV. LOSS OF PAID FEES FOR REVOCATION

The revocation of a license issued under this ordinance shall not entitle the license holder to a refund of all or a portion of the fees paid for the issuance of the license revoked.

Adoption

This ordinance shall take effect on _____, having been adopted by a vote of the Board of Selectmen on _____.

Board of Selectmen

Frederick T. Hast, Chairman

Thomas E. Marston

Donna M. Keeley