

**Town of Hinsdale
P.O. Box 13, 11 Main Street
Hinsdale, New Hampshire 03451**

Hawker, Peddler, Itinerant Vendor Ordinance

Section I – Declaration of Purpose

The purpose of the adoption of this Ordinance is to promote the safe flow of vehicular and pedestrian traffic on public ways; prevent the incidence of fraud and other commercial crimes; reduce litter and pollution; and promote the health, safety, and welfare of the public.

Section II – Activity Defined

This Ordinance shall control any selling or display or offering for sale of food, beverages, merchandise or services of any kind, whether by a person or from a stand or motor vehicle or otherwise with the areas affected. These activities may be known or referred to as street vending, peddling, soliciting, hawking or itinerant vending.

Section III – Definitions

- A. “Merchandise” shall mean any food, beverage, clothing, utensils, wares, toys, tools, and other articles or items offered for sale to the public, but not including newspapers, magazines, pamphlets, and handbills.
- B. “Nonprofit Organization” shall mean any association or organization, which in accordance with United States Internal Service Regulations, distributes no part of its income to its members, directors, or officers and which is established for a civic, educational, cultural, religious, social, political, scientific, philanthropic, or charitable purpose.
- C. “Person” shall mean any natural person, corporation, partnership, association, club or society or any other form of association or organization.
- D. “Vendor” shall mean any person participating in a street fair owning, operating, managing, or supervising a stand to sell merchandise or promote any nonprofit organization purposes.
- E. “Flea Market” shall mean any market, usually held outdoors, with more than one vendor offering merchandise to be sold or bartered.

Section II – General Prohibition

Street vending, peddling, soliciting, hawking and itinerant vending, as defined in RSA 320:1, RSA 321:1, and RSA 31:102a, is prohibited on the public ways and all properties within in the Town of Hinsdale except as permitted by the Town pursuant to this Ordinance and only in compliance with the terms of this Ordinance.

Section III – Prohibited Conduct: Vendor

A vendor is a peddler who sells or offers to sell food, beverage or merchandise from a stand, motor vehicle or his person. A vendor shall not:

- A. Engage in vending which impedes pedestrian or vehicular traffic.
- B. Engage in vending which is not itinerant in nature and at no time park permanently or temporarily in a designated “No Parking” zone.
- C. Engage in vending which violates the standards and regulations of this Ordinance and the provisions of State statutes regulating hawkers, peddlers, and itinerant vendors.
- D. Create or cause to be created any human or mechanical noise which creates a nuisance or otherwise disturbs the peace and enjoyment in the surrounding area.
- E. Engage in vending at any time except during Daylight Saving Time between 8:00 a.m. – 8:00 p.m. and during Standard Time between 8:00 a.m. – 6:00 p.m.

Section IV – Exemptions from This Ordinance

- A. Any public event sponsored by a non-profit organization provided that any concessions or sales must be related to the event.
- B. Any event which takes place in Town recreation areas and is part of a Town sponsored event or has the express written permission of the Board of Selectmen.
- C. Any event which takes place on land owned or controlled by the public school system and has the express written permission of the school board.
- D. Any Vendor Permit issued prior to the adoption of this ordinance;
- E. Farm Roadside stands per RSA 21:34-a III;
- F. Farmers Markets per RSA 21:34-a V.

Section V – Permit Procedure for Vending

- A. A person either on his own behalf or on behalf of a group of persons, wishing to vend shall file with the Community Development Office a vendor application containing:
 - 1. The name, address and phone number of the applicant;
 - 2. The nature and type of activity;
 - 3. The name and/or names of the businesses covered under the permit;
 - 4. If vehicular in nature, the names of any individual that drives and a copy of their license;
 - 5. Copies of applicable NH State licenses and permissions;
 - 6. Any additional information of a reasonable nature that the Community Development Office feels is necessary to ensure the public’s safety. Each permit will be reviewed by the Chief of Police; Highway Superintendent; Community Development Coordinator; Fire Chief; and Board of Selectmen.
- B. The Owner of the Vending Permit Operation must have and be able to demonstrate appropriate liability insurance (*acceptable proof to consist of certificate of insurance listing Town of Hinsdale as certificate holder*) when using public property, and have all applicable NH State Permits.

- C. The permit fee for a Town of Hinsdale Vendor Permit, valid within the calendar year issue will be \$50.00 for the first week; \$25.00 for each consecutive week; and/or \$200.00 for the year. The fee schedule may be amended from time to time by resolution of the Hinsdale Board of Selectmen.

Section VI – Official Action of the Permit

- A. The Community Development Coordinator or his/her designee shall determine whether the applicant has:
 - 1. Submitted a complete and accurate application;
 - 2. Met the provisions and purposes of the Ordinance; and
 - 3. Provided adequate arrangements to ensure the safety of the public persons covered under the permit, and the prevention from damage of public and private property has been provided.
- B. Upon consideration of all items in Section V, the Hinsdale Board of Selectmen has the authority to approve or disapprove the application. This decision shall be based on the finding by the Town Section VI(A) above. In either case, a decision must be made not later than fourteen (14) working days (not including Friday) after receipt of the application. If the application is disapproved and the permit is denied, the Community Development Coordinator shall provide written reasons to the applicant at the time of notification of disapproval of application and denial of permit. Permit applications may be obtained during normal business hours from the Selectmen’s Office or Community Development Office.
- C. The Board of Selectmen may amend or revoke a permit if it appears that the arrangements contained in the permit will no longer prevent injury to person or property due to a change in circumstances under which the permit for possession was granted.

Section VII – Appeal Process

- A. A person may appeal to the Board of Selectmen the denial of a permit by filing a written notice within fourteen (14) working days of denial of the permit. The Board of Selectmen shall forthwith consider the appeal at a hearing at which the applicant is present. The Board of Selectmen may affirm or reverse the decision, or attach such additional conditions to the permit as will, in their best judgment, protect the public safety and persons covered under the permit, and the prevention from damage of public and private property.

Section VII – Enforcement

- A. A person who violates any provision of this Ordinance shall be fined not more than \$500.00. The fine must be paid within 14 business days from date of issue or permit will be revoked. A second violation will result in revocation of permit.

- B. Upon the neglect or failure of a person responsible for a sidewalk display or vending cart to promptly comply with an order to remove the same, a police officer may remove it or cause it to be removed and the Town may recover the expense of such removal from the person responsible.
- C. If any section, sentence, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of this Ordinance.