

**TOWN OF BRANDON
ITINERANT VENDOR ORDINANCE**

I. AUTHORITY

This ordinance is adopted pursuant to the authority of 24 V.S.A. Section 2291(9).

II. PURPOSE

The purpose of this ordinance is to regulate the conduct of hawking, vending and peddling within the Town of Brandon, through the issuance of permits for the conduct thereof, to protect the public health, safety and welfare.

III. DEFINITIONS

A. "Itinerant Vendor" means all persons, principals, agents, corporations or other business entities who engage in a temporary or transient business in the Town of Brandon, either at one location 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, structure, vehicle, cart or other device from which goods are sold. 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 the Town who occupies a 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 organization, corporation, 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 operates a permanent business in the Town and displays items, goods, or produce for sale on a stand located on the public way located immediately adjacent to or in front of the place of business (e.g., sidewalk sale or display);
8. Any person selling his/her personal household goods on his/her own property (e.g., a yard sale, garage sale or tag sale).

B. "Administrative Officer" means the Zoning Administrator, Alternate Zoning Administrator, or designee.

- C. “Town Manager” means the Town Manager or the Town Manager’s duly authorized representative.
- D. “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, whether 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 solicits or induces any person sign any contracts relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or buildings.
 - 3. 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.
- E. “Temporary Place of Business” means any public or quasi public place including but not limited to a hotel, motel, rooming house, storeroom, 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.
- F. “Nonprofit Organization” means and includes any charitable, civic, religious or educational organization whose purpose is not-for-profit and whose funds are used for charitable, civic, religious or educational purposes.

IV. PERMIT REQUIRED, DISPLAY OF PERMIT

No Itinerant Vendor, Hawker or Peddler shall engage in such business without a permit being granted by the Town of Brandon. Such permit as granted shall be at all times conspicuously displayed on or in any vehicle, cart or stand used in such business.

V. STANDARDS

In granting any permit authorized under this ordinance, the Administrative Officer shall be governed by the following minimum standards and the applicant for a permit 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 provisions hereinafter imposed:

- A. All permits shall be for specific times, dates and locations which shall be set forth in writing by the Administrative Officer on each permit issued.
- B. No activity shall take place within any traveled portions of a street or highway, and no material, goods, or other items shall be placed or located within the traveled portions of any street or highway.
- C. No activity shall be conducted upon any sidewalk so as to hinder or interfere with the normal and usual pedestrian travel and use.
- D. No activity, including but not limited to, the congregation of customers and sales transactions to customers shall be conducted within three (3) feet of any entrance or exit to any occupied building or structure unless written approval by the owner thereof has first been obtained and copy of said approval has first been delivered to the Administrative Officer.
- E. 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.
- F. Any request to use the public parks of the Town of Brandon shall require the permission of the Town Manager as evidenced by signature on the application.
- G. No Itinerant Vendor, Hawker or Peddler shall operate between the hours of 11:00 PM to 7:00 AM.
- H. No Itinerant Vendor, Hawker or Peddler shall cry, sell, barter or trade merchandise, fruits, vegetables or other commodities without special permission of the Town. This section shall not prevent the selling of newspapers by crying or selling the same.
- I. 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, within the limits of the Town of Brandon for advertising purposes, or for the purpose of attracting attention of the public to a permitted event. This section shall not apply to an approved outdoor musical concert or permitted auction.
- J. Adequate provision must be made by the permittee for waste and refuse disposal, including sanitary facilities if required in the permit.
- K. Permits issued under this ordinance are not transferable.
- L. Permits shall be required for yard sales, auctions and fund-raising events by nonprofit organizations and charitable groups if the activity involves multiple vendors. Such event conducted by or sponsored by the Town School District are exempt from this provision.
- M. All activities granted a permit under this ordinance shall at all times operate in a manner which will not interfere with the public safety on the streets and sidewalks and so as to create minimal inconvenience to the public.

VI. APPLICATION

Applicants for a permit under this ordinance shall obtain an application from the Administrative Officer and submit the same a minimum of twenty (20) days prior to the date of the activity requested. The application shall include requests for the following information:

- A. Name and mailing address of the applicant;
- B. A description of the merchandise or services to be offered for sale. In the case of farm products or produce, a statement as to whether the same is produced or grown by the applicant;
- C. The days of the week and the hours of the day during which the applicant proposes to transact business;
- D. A description of the vehicle, stand, cart or structure to be used in vending;
- E. A license and registration number for such motor vehicle or trailer;
- F. A description of the proposed location of the business; if the applicant proposes to travel from place to place within the Town, then a description of the general area within the Town in which the applicant proposes to conduct business;
- G. State of Vermont Sales and Use Tax Certificates;
- H. State of Vermont Rooms and Meals Tax Certificate (if applicable);
- I. State of Vermont Commercial Caterers License;
- J. Proof of liability insurance in the amount of \$1,000,000.00.

VII. FEES

The fee for a permit shall be \$25.00 for each day the applicant proposes to conduct business. The fee for an annual permit shall be \$100.00. Fees shall be paid at the time of application.

The amount of the permit fee may be increased by the Board of Selectmen on a uniform basis for vending activities during holiday periods or for any special events when additional vending activities may be expected and for which additional traffic, safety, police and public protection actions by the Town may be expected. The amount of any fee increase will be determined following review of the application.

VIII. EXCEPTIONS AND WAIVERS

Nonprofit organizations desiring to solicit or raise money through the sale of goods or through the sponsoring of an activity in a public place or on municipal property, buildings, sidewalks or rights of way shall be exempt from the fees set forth above. Such groups will however apply for a permit as provided in this ordinance and provide all of the necessary information requested therein. Nonprofit organizations may be responsible for incremental costs associated with any event including but not limited to clean-up, police coverage or need for public works personnel support.

Upon 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.

IX. PENALTY

Any persons, agents, corporations or other entities violating the provisions of this ordinance shall be fined not less than \$50.00 nor more than \$200.00 for each offense as determined by the Administrative Officer. A separate offense shall be deemed committed for each week in which a violation continues after notice of violation.

X. EFFECT

Approved March 28, 2005. This ordinance shall take effect sixty (60) days after passage.

G. William Hatch (signed)

Ordinance Posted: March 29, 2005

Richard Baker (signed)

Effective Date: May 28, 2005

Bruce Brown (signed)

Stephen Carr (signed)

Kellie Patten (signed)