

**Town of Belmont, New Hampshire**  
**ORDINANCE REGULATING ITINERANT VENDORS**

In accordance with and under the authority of the New Hampshire Revised Statutes Annotated, Chapter 31:102-a, and Chapter 321 the Town of Belmont Board of Selectmen hereby establish the following ordinance for the regulation of itinerant vendors.

**PURPOSE**

The purpose of this Ordinance is to protect the safety, health, and welfare of the general public and not to protect the personal or property interests of any individual.

Nothing in this Ordinance shall be deemed to be the making of a promise, or the undertaking of a special duty to any person; nor shall the provision of, or failure to provide such licenses or to undertake particular inspections or types of inspections be deemed to create a special relationship or duty towards any person upon which an action in negligence or any other tort might be founded.

**Section I**    **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" mean 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 with a total value greater than \$500.00 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:
  - I.        Sales made to dealers by commercial travelers or selling agents.
  - II.        Hawkers and peddlers as defined in the Town of Belmont Ordinance Regulating Hawkers and Peddlers.
  - III.       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.
  - IV.       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.

- V. Any nonprofit corporation, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes.
  - VI. Any person conducting business in any industry or association trade show.
  - VII. Fraternities, societies, churches or any group seeking subscriptions or donations from their own members.
- B. "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 or portion of any property, lot or parcel adjacent to a public way which is under lease or license temporarily from the owner thereof, temporarily occupied for the purpose of making retail sales or goods to the public,
- C. "Person" shall mean firm, corporation, association, club, merchant or other similar occupation. It shall mean the singular as well as the plural.
- D. "Street, Highway" shall be as defined by RSA 259:125.

**Section II Licenses and Fees**

- A. No itinerant vendor shall conduct business as described in Section I herein within the Town of Belmont without having first been issued a license by the Town of Belmont Chief of Police ("Chief").
- B. All licenses shall be for specific times, dates and locations which shall be set forth in writing by the Licensing Board on each license issued.
- C. Application for a license shall be made to the Chief on a form provided by the Chief. For public safety purposes, the Chief is permitted to obtain certain personal information regarding, but not limited to, age, social security number, date of birth, driver's license and motor vehicle registration information. An applicant must submit the following with the application:
  - 1. An application fee of \$50.00 for the first week of the license and \$25.00 for each consecutive week thereafter. Payment must be made by bank, cashier or certified check made payable to the Town of Belmont. A record of the payment of the license application fee shall be kept on file in the Selectmen's Office. If, after review of said application, the Chief determines that the applicant is a person of good repute as to morals and integrity and he/she is a person of responsibility and business acumen, the Chief may issue a permit to the applicant, which permit shall remain in force and effect for not more than twenty-eight (28) calendar days from the date of approval.

2. A copy of the applicant's current vendor's license issued by the State of New Hampshire pursuant to RSA 321.
  3. Written permission of the owner of any land or building upon which the applicant will engage in the licensed activity, if other than the applicant.
  4. All applications shall be submitted to the Chief at least seven (7) working days prior to the activity for which the license is requested. The time limits stated herein shall exclude Sundays and holidays. Any applications received by the Chief less than seven (7) working days prior to the activity may be denied by the Chief in his/her discretion, or the Chief may issue the license and charge an additional fee for expedited processing, which fee shall not be more than two (2) times the normal fee. All applications shall be reviewed by the Land Use Office for compliance with Town Zoning Regulations.
  5. Any request to solicit business in or upon the public parks of the Town shall require the prior written permission of the Recreation Commission; such permission must be submitted with the application to the Chief.
- D. All licenses shall be effective for not more than twenty-eight (28) calendar days from the date of approval. The issuance of more than one (1) license for the same purpose in a twelve (12) month period shall be at the sole discretion of the Chief, and such use is subject to the Town of Belmont Site Plan Review Regulations.

**Section III Standards** All licenses granted pursuant to this Ordinance shall be subject to the following standards, however, the provisions of this section shall not be construed to limit any other standards that may be imposed for specific activities:

- A. 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 travel portions of any street or highway.
- B. No activity shall be conducted upon any town 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 ten feet (10') of the pavement of any traveled street or highway.
- C. 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 Chief.

- D. 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.
- E. All activities where minors are employed shall be subject to all statutes and administrative regulations dealing with the employment of minors.
- F. No person shall orally solicit for himself, others, or conduct any business of any kind upon the streets and highways of the Town of Belmont. No person shall stop any motor vehicle upon the streets and highways within the Town of Belmont for the purpose of soliciting business of any kind.
- G. Photographic identification badges may be required by the Chief as a condition of application approval. The Chief may require the badges to be worn by all participants of any licensed activity as a condition of any application approval.
- H. Proposed activities shall be temporary in nature and shall not include the erection or placement of structures or other improvements. Such development would require review and approval under the Town of Belmont Site Plan Review Regulations.

**Section III Public Property** No person, charitable organization, hawker, or 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, property or commons in the Town of Belmont for any purpose, charitable, benevolent, or otherwise, without first having obtained a license to do so from the Chief.

**Section IV Loud Speakers** No license holder shall operate, conduct or use, or cause to be so operated, conducted or used an outside speaker of any nature, or other sound equipment of any kind whatsoever within the limits of the Town of Belmont in connection with the conduct of business pursuant to this license unless the Chief shall first authorize such conduct as a condition of the license. This provision shall not apply to the operation of any radio broadcasting station operating by virtue of a license from the Federal Communications Commission or to loudspeakers or sound equipment operated exclusively within any building or other permanent structure.

**Section V Zoning and Other Regulations** An Applicant shall comply with all zoning requirements in the Town of Belmont and where there is a conflict of these provisions with the Zoning Ordinance, the Zoning Ordinance shall control.

**Section VI Authorized Locations** Vending under these regulations is restricted to the Commercial, Industrial & Village Zones of the Town of Belmont and shall comply with the Zoning Ordinance and Zoning Use Tables as amended.

**Section VIII License Revocation** Any itinerant vendor who sells, offers or exposes for sale, any goods, wares or merchandise in such a manner in the opinion of the Chief or Board of Selectmen, so as to impede the flow of vehicular or pedestrian traffic, or to create a health or safety hazard or a public nuisance, shall be prohibited from operating within the Town of Belmont. In locations where itinerant vending is allowed, the Chief may require the presence of a paid police detail to preserve the public safety or welfare. The police detail shall be billed by and payable to the Town of Belmont and shall be the liability of the property owner of the site of the itinerant vending activity.

**Section IX Penalties and Violations** Any person who fails to obtain a license as herein required or who violates any provision in this ordinance or condition of a license issued hereunder shall be guilty of a violation, the penalty for which shall be five hundred dollars (\$500.00). 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. The violation of any condition imposed by the Chief upon a license shall result in the termination of the license. Notice of termination shall be given to the license holder in writing by the Chief.

Any property owner who allows an unpermitted itinerant vendor to operate on his private property shall be subject to a five hundred dollar (\$500.00) fine for each day the unpermitted itinerant vendor is allowed to operate on his property.

**Section X Appeal** Any person whose license is revoked under this chapter shall have the right of appeal to the Board of Selectmen.

Adopted this 5<sup>th</sup> day of June in the year 2006.

Belmont Board of Selectmen  
/s/

Brian Watterson, Chairman

Ronald Cormier, Jr., Vice-Chairman

Reginald Caldwell, Selectman