

TOWN OF NEW IPSWICH

661 Turnpike Rd New Ipswich NH 03071

Board of Selectmen



HAWKERS, PEDDLERS AND ITINERANT VENDOR ORDINANCE

Purpose: The purpose of this ordinance is to protect the safety, health and welfare of the general public.

Definitions:

Hawker and Peddler: The terms "hawker" and "peddler" shall mean and include any person, as defined by RSA 358 A:1, 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 personal services 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 building.

Itinerant vendor (RSA 321:1) shall mean and include 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, from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hire or occupy a temporary place of business. A "temporary place of business" means any public or quasi-public place including, but not limited to, a hotel, motel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car, or trailer temporarily occupied for the purpose of making retail sales of goods to the public.

Permit Required:

No person shall engage in the business of hawker or peddler or itinerant vendor within the town of New Ipswich unless a permit has been issued to do so. Permits issued under this ordinance shall be subject to the procedures, regulations and guidelines established by the Board of Selectmen and filed with the Town Clerk. Permits shall be issued by the Chief of Police.

Application for Permit:

Applicants for a permit under this ordinance must file with the Police Department on forms to be furnished by the Board of Selectmen, and shall be filed no less than fourteen days before the requested effective date of the permit and shall give the following information:

1. Name, address, date of birth, and phone number of the applicant and any employees or agents.

2. Name, address and tax identification number of any business entity, person or organization the applicant is or will be representing.
3. Items or services which the applicant intends to sell or the specific type of solicitation which is intended.
4. Method of sale or solicitation, including the dates and times of day.
5. Whether the item or service will be delivered at the time of the sale or at some time in the future. For items or services to be delivered in the future, whether a deposit or payments is required prior to delivery and the maximum time which will elapse from the date of sale to the date of delivery.
6. Make, year of manufacture, color, and vehicle registration (license) number of all motor vehicles which the applicant will use or bring into the town.
7. Name, address, age, driver's license number, and state which issued the driver's license for each person who will drive any of the vehicles listed in 6 above.
8. Description of any cart, trailer, booth, wagon or other non-motorized device to be used by permittee.
9. A statement signed by the applicant under penalty of perjury, that all information contained in the application is true and correct to the best of the applicant's knowledge and belief and is offered under Penalty of Unsworn Falsification pursuant to RSA 641:3.
10. Copy of current, valid food license, as may be applicable.
11. Such information as may be additionally required as determined to be in the interests of the public health, welfare and safety.
12. Copy of State Hawkers and Peddlers' license.

Exceptions:

1. Any person selling the product of the person's own farm or one that the person or the person's family tills.
2. Any person conducting sales of personal household goods on his own property.
3. Applicants may be excluded from this ordinance provided they are selling product(s) for patriotic purposes when none of the entity's earning benefit any private shareholder or individual.
4. Any non-profit organization, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or education purposes when no part of the entity's earning benefit any private shareholder or individual.
5. Street fairs, farmers' markets and other community events.

Fee, Term and Compliance:

- 1) The fee for a permit shall be \$50.00.
- 2) All permits shall be displayed in a place clearly visible to the public whenever business is conducted pursuant to the permit.
- 3) No permit is assignable to any other permit or entity.
- 4) Hawkers and peddlers, and itinerant vendors, shall comply with applicable state law and regulation as a condition of any permit issued by the Town of New Ipswich.

- 5) Permits shall be effective for up to 30 days, until local or state revocation, expiration of applicant's State of New Hampshire hawkers and peddlers' license or at midnight, December 31 of the calendar year in which the license was granted, whichever is shorter. Any application for a permit for a period of greater than 30 days shall be submitted to the Planning Board, prior to the Board of Selectmen, for determination as to the need for Site Plan review.

Prohibited Acts:

It shall be unlawful for any person to supply any false information on an application for a permit under this ordinance. It shall also be unlawful for any person who has received a permit under the ordinance to:

- 1) Commence business activities for the purpose of selling or soliciting prior to 9:00 a.m. or continue after 7:00 p.m., except upon an express authorization, said permission to be granted with reasonable conditions and terms deemed necessary for the public convenience and safety;
- 2) Enter upon any premises where there is a sign, which the permittee saw or reasonably should have seen, and which reasonably conveys the message that salesmen and solicitors are not permitted on the premises, or who having gained entrance to any residence, whether invited or not, does not immediately and peaceably depart from the premises when requested to do so by the occupant;
- 3) Misrepresent the purpose for wanting to speak with any potential customer or use any form of trickery to gain admission to a building to speak with any potential customer;
- 4) Misrepresent the quantity, character, quality or manufacturer of any item or service offered for sale, or to misrepresent the manufacturer's suggested retail price or the price for which the item or service is being offered for sale in the Town by others;
- 5) Operate pursuant to a permit on public property without permission as designated in the permit or on any traveled portion of a public way or in such manner as to impede normal and reasonable movement of pedestrian or vehicular travel;
- 6) Demand or accept any deposit or payment prior to the actual delivery of any item or service unless a receipt is given to the customer, and a duplicate copy of the receipt is retained by the permittee, which describes the item or services sold, the full price to be charged, the amount of the deposit or payment, the balance due upon delivery and states that delivery will not be later than a date stated.

Denial, Suspension and Revocation:

- 1) A permit application for hawkers and peddlers, and itinerant vendors, will be denied upon a finding that any of the persons engaged in business pursuant to this ordinance has been convicted of an offense involving activity which if repeated would pose a threat to the public safety of the citizens of the Town or which involves dishonest, fraudulent or deceptive practices leading to the misappropriation or theft of property.

- 2) A permit issued pursuant to this ordinance may be suspended, with reasonable notice, based upon a determination by the Police Chief or his designee that public health, safety or welfare is compromised during a specified time.
- 3) A permit issued pursuant to the ordinance may be revoked if it is determined that any information provided by the applicant to obtain a permit is not accurate, if the permittee fails to comply with the terms and conditions of the permit or if the Police Chief determines that it is in the interests of public safety to revoke the permit.
- 4) Revocation of State license as provided in RSA 320:14.

Penalties:

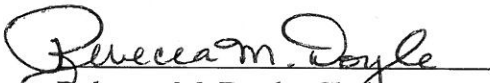
Any person who violates any provision of this ordinance shall be guilty of a violation and subject to a civil penalty in the amount of \$100.00 payable to the Town of New Ipswich. Each day a violation of said provisions exist shall constitute a separate offense.


Effective Date:

This Ordinance shall take effect immediately upon adoption by the Board of Selectmen.

Adoption:

Under the authority granted to the Board of Selectmen in lieu thereof RSA 31:012-a and after proper notice and hearing, the Board of Selectmen of the Town of New Ipswich hereby adopts this Hawkers, Peddlers or Itinerant Vendor Ordinance, on this the 24 day of May 2016.


Rebecca M. Doyle, Chairman


David S. Lage


Timothy Johnson, II

Attested: On this 31st day of May 2016



Seal

NANCY M. LASHUA
Notary Public - New Hampshire
My Commission Expires February 12, 2019