

TOWN OF DUMMERSTON

ORDINANCE REGULATING ITINERANT VENDORS, TRANSIENT MERCHANTS, PEDDLERS AND SOLICITORS ON TOWN OWNED PROPERTY

I. Purpose.

This Ordinance is adopted pursuant to 24 V.S.A. § 229(9) and 24 V.S.A. § 1971, et seq. The purpose of this ordinance is to regulate and limit itinerant vendors, transient merchants, peddlers and solicitors on Town owned property.

II. License Required.

It shall be unlawful for any person to engage in the business of peddler, solicitor, itinerant vendor or transient merchant as defined in Paragraph III, below, on Town owned property, without first obtaining a license therefore as provided herein.

III. Definitions.

The terms "Peddler," "Solicitor," "Itinerant Vendor," and "Transient Merchant" shall have the meanings as set forth in Black's Law Dictionary.

IV. Application.

Applicants for a license under this ordinance shall file an application with the Town Clerk at least 30 days prior to the anticipated date of commencement of business.

Nothing in this article shall prohibit the Selectboard from waiving the thirty-day period in the case of applications submitted on behalf of religious, charitable, educational or service organizations.

V. Duration and Frequency.

No license shall be valid for more than four (4) days, and no more than three licenses shall be granted to an applicant (including individuals, partners, employees, etc. involved in the business) in any one year period.

VI. Granting of License.

Licenses will be granted or denied by the Selectboard after discussing the application at a regularly warned Selectboard meeting. The Selectboard shall have the right to set conditions as to the time, location and manner of the applicant's business and shall have the right to deny an application on the basis of safety, health and moral welfare. No license shall permit the conducting of business on any Town road/street or parking lot.

VII. Fees.

The fee for such license shall be \$5.00 for all religious, charitable, educational and service organizations, and \$25.00 for all others.

VIII. Criminal Ordinance.

This ordinance shall be designated a criminal ordinance pursuant to 24 V.S.A. § 1971(b). It shall be the duty of any police officer of the town to require any person seen peddling, soliciting or doing business as an itinerant vendor or transient merchant, and who is not known by such officer to be duly licensed, to produce his license, and to enforce these provisions against any person to be found in violation thereof. Also, no such licensee shall interfere with the ordinary passage in or use of streets, and any police officer may suppress and prevent the continuance of such vending, peddling or selling if it shall disturb the public peace, notwithstanding the existence of any license. A maximum fine of \$500.00 shall be imposed for a violation of this ordinance.

IX. Public Notice and Implementation

- * Public Notice: The Selectboard of the Town of Dummerston shall make reasonable efforts to ensure that the public is notified of the existence of this ordinance: Ordinance Regulating Itinerant Vendors, Transient Merchants, Peddlers and Solicitors On Town Owned Property
- * This ordinance: Ordinance Regulating Itinerant Vendors, Transient Merchants, Peddlers and Solicitors On Town Owned Property, shall be: 1) entered into the Selectboard's minutes, and 2) shall be posted in at least five (5) conspicuous places within the Town of Dummerston, and 3) the full text of the ordinance or a concise summary of it published in the Brattleboro Reformer not more than fourteen (14) days following the date specified below when this ordinance is adopted.
- * This ordinance is hereby adopted by the Selectboard of the Town of Dummerston on this 12th day of May, 2004 and shall, unless a petition is filed as provided by law, become effective upon the expiration of sixty (60) days after said date.
- * Citizens have the right to petition for a vote on this ordinance at an annual or special town meeting as provided in 24 V.S.A. Section 1973.

Dummerston Selectboard

EFFECTIVE DATE: JULY 12, 2004

TOWN OF DUMMERSTON PUBLIC NOTICE

Purpose: The Dummerston Selectboard has adopted an Ordinance Regulating Itinerant Vendors, Transient Merchants, Peddlers and Solicitors on Town Owned Property under authority granted by V.S.A. Title 24, Section 2291(9) and Title 24, Section 1971 (b). The purpose of this ordinance is to regulate and limit itinerant vendors, transient merchants, peddlers and solicitors on Town owned property.

Principal Provisions: It shall be unlawful for any person to engage in the business of peddler, solicitor, itinerant vendor or transient merchant (as defined by the meanings set forth in Black's Law Dictionary) on Town owned property without first obtaining a license by the Dummerston Selectboard. Licenses may be granted by the Selectboard after discussing the application at a regularly warned Selectboard meeting. The Selectboard shall have the right to set conditions as to the time, location, and manner of the applicant's business and shall have the right to deny an application on the basis of safety, health and moral welfare. Applicants for a license under this ordinance shall file an application with the Town Clerk at least 30 days prior to the anticipated date of commencement of business.

Section Headings: 1. Purpose, 2. License Required, 3. Definitions, 4. Application, 5. Duration and Frequency, 6. Granting of License, 7. Fees, 8. Criminal Ordinance, 9. Public Notice and Implementation.

The full text of this ordinance can be examined at the Dummerston Town Offices. Questions regarding the ordinance may be directed to Paul Normandeau, Tucker Reed Road, Dummerston, VT, 05346, 254-9037.

This ordinance was adopted on May 12, 2004. It will take effect on July 12, 2004 unless a petition signed by at least five percent of the voters of Dummerston is filed with the municipal clerk by June 26, 2004 asking for a vote to disapprove the ordinance. If a petition is received, the Dummerston Selectboard will warn a special meeting and the voters may vote on that question. (24 V.S.A. Section 1973)