

Ordinance
File

REGULATION OF HAWKERS, PEDDLERS & VENDORS

Pursuant to the authority granted by N.H.R.S.A. 31:102-a the Selectmen of the Town of Amherst, New Hampshire do hereby adopt and promulgate the following regulations for the control of the activities set forth therein:

Section 1. Definition. For the purpose of this ordinance, the following words as used herein shall be considered to have the meaning that follows:

1) "Itinerant vendors" shall mean all persons, both principals and agents, 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 from stock or by sample for future delivery and who, for the purpose of carrying on such business, hire or occupy any room, building or structure for the exhibition and sale of such goods, wares, and merchandise or samples.

2) "Hawkers and Peddlers" shall mean and include any person, either principal or agent, who goes from town to town or place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor any goods, wares, or merchandise.

Section 2. Prohibition. No hawker or peddler shall sell or barter or carry for sale or barter or expose therefor any goods, wares or merchandise in the Town of Amherst unless he has first procured a permit so to do as herein provided. Additionally, no itinerant vendor shall engage in a temporary or transient business in the Town of Amherst, County of Hillsborough, State of New Hampshire, either in one locality or traveling from place to place selling goods, wares, and merchandise from stock or by sample for future delivery nor shall they carry on such business, hire or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise or samples, until they have procured a permit as hereinafter provided.

Section 3. Application for permit. Application for a permit shall be made upon a form provided by the Selectmen of the Town of Amherst. The applicant shall truthfully state in full the information requested on the application, to wit:

a. Name and address of present place of residence and length of residence at such address; also business address if other than present address;

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b. Address or place of residence during the past three (3) years if other than present address;

c. Age of applicant;

d. Physical description of the applicant;

e. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;

f. Name and address of employer during the past three years if other than the present employer;

g. Description sufficient for identification of the product which the applicant deals in which constitutes the subject matter of said application for a permit.

h. Period of time for which the permit is applied;

i. The date, or approximate date, of the latest previous application for permit under this ordinance, if any;

j. Has a permit issued to the applicant under this ordinance ever been revoked?

k. Has the applicant ever been convicted of a misdemeanor or a felony under the laws of this state or any other state or federal law of the United States?

l. In the event that the product which is the subject of the application is a perishable or a food commodity the applicant is directed to the Board of Health for approval of the proposed operation and certification from said Board of Health that the proposal meets the standards established by the Town of Amherst Board of Health and its appropriate and applicable regulations prior to the consideration for an application for a permit.

m. The applicant will be required to present details of the operation such as the location from which the sales will be conducted, hours of operation, dates of operation, as well as a certification that the proposal has been reviewed by the Chief of Police and that the applicant has complied with any requests by the Chief of Police with respect to the accommodation of parking and/or traffic considerations.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

No permit shall be issued to any person who has been convicted

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of the commission of a felony under the laws of this state or any other state or federal law of the United States, within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this ordinance, nor to any person whose permit issued hereunder has previously been revoked as herein provided.

Section 4. Permit:

a. Hearing - Notice & Time:

After the filing of a permit pursuant to the within the Selectmen shall place the matter on their agenda for hearing at a regular meeting of the Selectmen not more than fourteen (14) days from the date of receipt of the said application and shall notify the applicant of the same;

b. Hearing - Scope:

The Selectmen may at said hearing inquire into the matters contained in the application for permit as well as to generally inquire into the fashion in which the solicitation is proposed to be conducted. After hearing the Selectmen shall, unless they determine that justification for denial exists pursuant to the requirements set forth in section 3. above, issue a permit to the applicant but they may, in their discretion, impose such reasonable conditions or restrictions on the grant of the same as they deem necessary for the protection of the public convenience and safety which may include:

a. Restriction as to the locations of the municipality at which said operation may be conducted as well as the hours and days of the same;

b. Requirements that the applicant coordinate its activities with the police department and, when appropriate, with the school board when it appears that the proposed activities would be carried on in areas or under circumstances which would interfere with school functions, previous commitments made by other parties or create or contribute to traffic considerations which would require special accommodations;

c. Such other reasonable restrictions as the Selectmen deem appropriate in the interest of public convenience or safety.

Section 5. Revocation of certificate. Any permit issued hereunder shall be revoked by the Selectmen if the holder of the permit is convicted of a violation of any of the provisions of this ordinance, or has made a false material statement in the application, or otherwise become disqualified for the issuance of a

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permit by reason of his or her failure to comply with the conditions of issuance of the permit. Immediately upon such revocation, written notice thereof shall be given by the Selectmen to the holder of the permit in person or by certified United States mail addressed to his or her residence address set forth in the application.

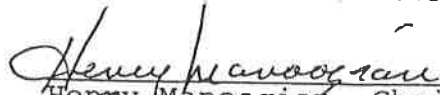
Immediately upon the giving of such notice the permit shall become null and void.

The permit shall state the expiration date thereof which shall be not more than one (1) year from the date of application or such lesser period as the Selectmen deem necessary.

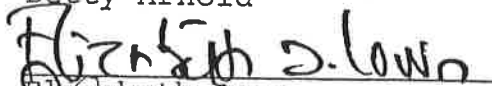
Section 6. Penalty and offense. Any person who engages in solicitation without a valid permit as provided herein shall be guilty of a violation and subject to such fine as the Court may deem appropriate.

Section 7. Compliance with local zoning ordinances. In any instance where the proposed activity is contemplated to be conducted at one location it shall be the duty and obligation of the applicant hereunder to secure all such necessary permits as may be required under the applicable zoning laws or other land use regulations for the Town of Amherst and no such activity shall be conducted unless the same is a permitted use under the local zoning ordinance or has been expressly exempted from the local ordinance through appropriate exemption process.

Section 8. It is hereby indicated that the within regulation is in addition to and not in substitute of any applicable regulations, statutes, ordinances or other appropriate rules and regulations governing the activities proposed which may be in effect at either the federal, state or local level and it shall be an obligation of the applicant hereunder to demonstrate compliance with any other licensing or other regulatory criteria that may apply.


Henry Manoogian, Chairman


Betty Arnold


Elizabeth Lown


Linda Dahlmann


Gary Cowenhoven