

**Special Town Meeting
Hawkers & Peddler By-law
Adopted November 3, 1986**

Hawkers and Peddlers; Transient Vendors
Hawkers and Peddlers

1. LICENSE REQUIRED

No person shall go from place to place in the Town selling or bartering, or carrying or exposing for sale or barter, any meats, butter, cheese, fresh fruits, vegetables or fish either on foot, or from any animal or vehicle or in any other manner, without a license from the Town Clerk; provided, however, that this section shall not apply to any person who sells only fruits or vegetables raised or produced by himself or his family, or fish which is obtained by his own labor or the labor of his family, not to wholesalers or jobbers selling to dealers only, nor to commercial agents or other persons selling by samples, lists, catalogues, or otherwise future delivery. (Note: Display License on vehicle, stopped or moving)

2. QUALIFICATIONS OF LICENSEE

The Town Clerk shall have authority to grant such license required in Section 1 to any person of good repute or morals and integrity who is, or has declared his intention to become a citizen of the United States.

3. DURATION OF LICENSE: FEE:

License issued under the provisions of this bylaw shall continue in force for one year from the date of issuance, and each person shall pay a fee of twenty-five (\$25.00) dollars.

4. ARTICLES WHICH MAY BE SOLD WITHOUT A LICENSE

Hawkers and peddlers may sell without a license newspapers, religious publications, ice, flowering plants, and such flowers, fruits, nuts, and berries as are wild or uncultivated.

5. RECORDING NAME AND RESIDENCE WITH TOWN CLERK

Before any of the articles mentioned in Section 1 which may be sold without a license are sold, offered or exposed for sale, the hawkers or peddlers shall record their names and residences with the Town Clerk. Every person licensed under Section 1 as a hawker or peddler of meats, butter, cheese, fresh fruits, vegetables or fish shall in like manner record his name and residence with the Town Clerk.

6. EXHIBITING LICENSE AND PERMISSION OF OWNER

Any licensee who fails, neglects or refuses to exhibit his license when it is demanded of him by a police officer, or other designated regulatory official, shall be subject to the same penalty as if he had no license. Likewise, upon request of a police officer, or other designated regulatory official, any hawker or peddler who fails to exhibit written permission of the owner of private property from which sales are made shall be subject to penalty as if such person had no license.

7. REVOCAION OF LICENSE

Any license granted under this bylaw may be revoked by the Town Clerk for just cause.

8. SALES RESTRICTED TO CERTAIN AREA

No person shall sell or barter, or carry or expose for sale or barter any merchandise in any area other than an area zoned as a Business District; provided, however, that on holidays or other days of public celebrations, this section shall not apply to any person duly licensed by the Town Clerk to sell or expose for sale any merchandise on that particular day.

9. PARKING OR STANDING LONGER THAN FIFTEEN MINUTES AT ANY PARTICULAR LOCATION PROHIBITED

No person may station his animal or park his vehicle on any roadway or remain standing at any particular location for the purpose of selling, bartering or exposing any goods, merchandise or food for a period in excess of fifteen (15) minutes. Required movement must be at least thirty (30) feet from the prior location. Any violation of this section shall be punished by a fine of not more than fifty (\$50.00) dollars.

10. REQUIREMENTS FOR VEHICLES AND RECEPTACLES

No person hawking, peddling or carrying or exposing for sale any merchandise shall carry or convey such merchandise in any manner that will tend to injure or disturb the public health or comfort nor otherwise than in vehicles which are neat and clean and do not leak.

11. NUMBERS AND BADGES

Every hawker and peddler licensed by the Town Clerk shall be assigned a number and shall be provided by the Town Clerk with a badge which shall be conspicuously worn by the licensee. Every hawker and peddler selling articles or merchandise described in section four, for which a license is not required, shall provide himself with a badge of such type and design as may be approved by the Town Clerk, which he shall wear in a like manner. Whoever neglects to wear such badge, or wears same without authority, shall be guilty of a misdemeanor.

All badges mentioned in this section shall be furnished by the Town Clerk at the expense of the licensee.

12. CERTIFICATE OF SEALER OF WEIGHTS AND MEASURES: FALL WEIGHTS AND MEASURES

No person shall be registered or assigned a badge or number under the provisions of this bylaw until he presents a certificate from the Sealer of Weights and Measures stating that all weighing measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with the intent to use, any false or unsealed weighing or measuring devices shall be sufficient cause for revocation of his license or cancellation of his registration.

1. DEFINITIONS

For the purpose of the article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Transient Vendor.” “Transient Vendor” shall mean and include any person either principal or agent, not a resident and taxpayer of the Town, who engages in a temporary or transient business in the town, whether in one locality or in traveling from place to place selling goods, wares or merchandise.

“Temporary or Transient Business.” “Temporary or Transient Business” shall mean any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least twelve consecutive months.

2. LICENSE REQUIRED

All transient vendors who shall hereafter engage in, or carry on, any mercantile or trading business in any tent, booth, building or other structure in the town shall first obtain a license from the Board of Selectmen.

3. LICENSE FEE

The fee for the license required in section 2 shall be fifty (\$50.00) dollars and no such license shall be issued unless and until the fee is first paid to the Town Clerk.

4. FORM AND CONTENTS OF LEASE; DURATION

The license required by this article shall be in writing and shall state the nature of the business licensed, and shall remain in force so long as the licensee shall continuously keep and expose for sale in the Town such stock of goods, wares and merchandise so licensed, but not later than the first day of January following the date of issuance.

5. REMITTING LICENSE FEE WHERE BUSINESS CONTINUED

If any person licensed as required in the bylaw shall continue to carry on the licensed business uninterruptedly for a period of twelve (12) consecutive months, such license fee may be remitted.

6. WAIVING LICENSE FEE WHERE PERMANENT BUSINESS INTENDED IN GOOD FAITH.

If the Board of Selectmen shall be of the opinion that any tradesman intends in good faith to establish and conduct a permanent and continuing business in the Town, they may waive the payment of the license fee.

7. WHEN RESIDENT OR TAXPAYER SUBJECT TO BYLAW

Any resident or taxpayer of the Town who shall conduct, superintend or carry on, or pretend to conduct, superintend or carry on, any business referred to in this article in which any person not a resident or taxpayer of the Town has actual interest, or for or as the agent of such nonresident or non taxpayer, shall be deemed subject to the foregoing provisions, and the Board of Selectmen may require any person whom they have reason to believe should obtain a license to take out the same.

8. RESTRICTIONS AS TO AREA WHERE TRANSIENT VENDOR MAY ENGAGE IN TEMPORARY OR TRANSIENT BUSINESS

No transient vendor shall engage in a temporary or transient business in any area other than an area appropriately zoned for such business.

9. PERSONS AND SALES EXCEPTED

The foregoing provisions relative to transient vendors shall not apply to sales by commercial travelers or by selling agents to dealers in the usual course of business, or bona fide sales of goods, wares or merchandise by sample for future delivery.

A True Copy Attest:

Dolores Berge, Town Clerk