

**Town of St. Albans Municipal Code
Chapter 4**

Regulating Itinerant Vendors

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SECTION 1. PURPOSE. To protect the public health, safety and well being, and to promote the responsible, fair, and equitable sale of goods by itinerant vendors.

SECTION 2. AUTHORITY. This Code of Ordinances is adopted by the Selectboard of the Town of St. Albans under the authority granted in 24 V.S.A. Chapter 59 and 24 V.S.A. Chapter 61 which provides the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate activities within the Town Of St Albans.

SECTION 3. APPLICABILITY AND EXCEPTIONS. This ordinance applies to all persons defined as itinerant vendors seeking to sell goods or services on a temporary basis and are otherwise unlicensed or subject to applicable zoning requirements.

3.1 Exception: The provisions of this ordinance governing the sales of goods does not apply to the sales of local farm fruits, vegetables, or other produce provided that written permission of the landowner for private lands, or the Town for Town of St Albans property, has been requested and received.

SECTION 4. SEVERABILITY. The sections of this ordinance and its parts are separable. If any portion of this ordinance or application thereof to any person or circumstance shall be held invalid, the remainder of this ordinance shall not be affected. If any matter mentioned in this ordinance is said to be controlled by a specific State Statute, the reference to the State Statute shall apply.

SECTION 5. ENFORCEMENT & PENALTIES. Any certified law enforcement officer or code enforcement officer appointed by the Selectboard shall have authority to regulate the activities set forth in this Ordinance. The Town Manager is responsible for the issuance of permits prescribed in this Ordinance and all appeals of permit decisions will be heard and adjudicated by the Selectboard.

5.1 Fines. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977. The Town Manager or enforcement officers will request cessation to any activities in violation of this ordinance. If the violator/violators fail to comply with the request immediately, a municipal complaint ticket will be issued for two hundred dollars (\$200.00) for the first offense, three hundred dollars (\$300.00) for second offense, and five hundred dollars (\$500.00) for all subsequent offenses.

5.2 Judicial Bureau. A violation of this ordinance may lead to superior court action seeking injunctive relief and civil penalties pursuant to 24 V.S.A. § 1974a.

5.3 Waiver Schedule of Fines. A person who is charged and ticketed for the first time with committing a violation of offenses set forth in this ordinance may waive appearance and trial and plead "admitted" or "no contest" by a signed statement within twenty (20) days of issuance. The person shall submit a waiver fee in the amount of seventy-five dollars (\$75.00) to the Judicial Bureau as outlined on the reverse of the Municipal Complaint Form and provide written evidence that the original violation has been abated. The person shall also pay the permit fee directly to the Town.

5.3.1 Any law enforcement officer or code enforcement officer who issues a municipal ticket or summons for a violation of an offense citing this ordinance shall advise the alleged violator of the schedule of fines set forth in this ordinance and further advise the offender of the waiver process.

SECTION 6. DEFINITIONS. Whenever in this chapter the following terms are used, they shall have the meanings respectively given in this section.

- 6.1 Enforcement Officer.** Any constable, police officer, health officer or zoning administrator or such other person(s) appointed by the Selectboard to enforce the provisions of this ordinance.
- 6.2 Itinerant Vendor (a.k.a. Peddler or Hawker).** Persons, principles, agents, corporations or other business entities who engage in a temporary or transient business in the Town of St Albans, either in one locality or in traveling from place to place selling goods, wares or merchandise, and who, for the purpose of carrying on such business, hire, lease or occupy a building, structure, vehicle, cart or other device from which goods are sold.
- 6.3 Private Property.** Any property within the Town of St Albans that is not owned and maintained by the Town of St Albans.
- 6.4 Public Facilities.** Buildings, parks, forests, lands, highways, or rights of ways owned and maintained by the Town of St Albans.

SECTION 7. LICENSE REQUIRED. It shall be unlawful for any itinerant vendor to engage in business or the sale of goods within the Town of St Albans without a permit.

SECTION 8. APPLICATION: Application for a permit shall be made to the Town Manager and shall state thereon the name and mailing address of the applicant, the description and number of vehicles, carts or other devices, if any, intended to be operated, the kind of merchandise to be sold, the location where items are to be sold and business conducted and the dates and hours during which business will be conducted. The applicant will also provide the Town Manager with:

- 8.1 Documentation.** Copies of any and all other federal, state and local permits necessary for the itinerant vendor to conduct business as set forth in the application including, but not limited to, State of Vermont sales and use tax certificates, meals and rooms tax certificates and Vermont State Health permits to operate a food establishment.
- 8.2 Location.** A description and/or map of the location the itinerant vendor expects to ply the applicant's wares. Applicants requiring the use of public facilities will require the permission and signature of the Town Public Works Director. For vending on private property, written permission of the landowner must be attached to the application.
- 8.3 Bond Requirement.** The applicant shall provide the Town Manager with any such other information as may be reasonably required. The Town Manager may require the applicant to post a performance bond not to exceed \$100.00 to assure clean-up of the area in which the business is to be conducted.

SECTION 9. ISSUANCE OF PERMIT. Prior to issuing a permit, the Town Manager shall require a completed application together with any and all fees and copies of all necessary federal, state and local permits as required by Section 8 above.

- 9.1 Process.** Within fifteen (15) working days, the Town Manager shall act on the permit application. If the permit is denied, the reasons for the denial shall be made in writing to the applicant and delivered by certified mail sent to the address indicated on the application. If the permit is approved, the applicant will be notified and instructed to proceed to the Town Clerk to pay the applicable fees and receive the permit.

9.2 Appeals. A person may appeal to the Selectboard the denial of a permit by filing a written notice of appeal with the Town Manager within five (5) days of receipt of notification that the permit is denied. The Selectboard shall consider the appeal at the next scheduled Selectboard meeting after notice to the applicant at which the applicant is entitled to be present. The Selectboard may affirm or reverse the Town Manager's decision, or attach such additional conditions to the permit as will, in their best judgment, protect the public's health, safety and welfare and to prevent the damage of public and private property.


9.3 Fees. The fee for a permit on private property shall be \$25.00 for each day the itinerant vendor conducts business in the Town of St Albans with a maximum fee of \$150.00 for a semi-annual permit, which fee shall be paid at the time of permit issuance. Fees for itinerant vendors using public facilities shall be \$75.00 for each day the itinerant vendor conducts business in the Town of St Albans with a maximum fee of \$300.00 for a semi-annual permit, which fee shall be paid at the time of permit issuance.

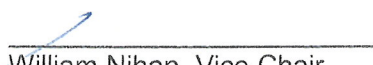
9.4 Display of Permit. The permit shall at all times be visibly posted at the location at which the business or sale of goods is being conducted or shall be carried with the Itinerant Vendor for presentation upon request. Permits will be valid for 6 months from the date of issuance.

SECTION 10. RELIGIOUS, CHARITABLE, EDUCATIONAL AND SERVICE

ORGANIZATIONS. Authorized representatives of religious, charitable, educational or service organizations desiring to solicit or raise money through the sale of goods or through the sponsoring of an activity in a public facilities shall be exempt from paying any fees required by any section of this Ordinance. All such organizations shall be required to submit in writing to the Town Manager the name and purpose of the cause for which such sale of goods or activity is being conducted, the name and address of the immediate director of such activity, and the period during which such activity is to be carried in on the Town of St Albans and the time, place and location of such activity. If the Town Manager, after investigation, shall find that the organization is a bona fide charitable, religious, educational or service organization, and that the activity will not jeopardize the public's health, safety and welfare, he shall issue, free of charge, a permit to carry on such sale of goods or activity at a specified time and place and upon such other conditions as the Town Manager shall require. Such permit shall cover all persons engaged in the activity for which the permit was issued.

SECTION 11. EFFECTIVE DATE. Upon passage by the Town of St Albans Selectboard.


Bernie Boudreau, Chair


William Nihan, Vice Chair


Joseph Montagne


Steve Coon


Brent Palmer

Attest By: 
Anna Bourdon, Town Clerk

Date: 4/16/2012

Adoption History – Itinerant Vendors Ordinance

1. Agenda item at regular Selectboard meeting on 4/9/2012.
2. Read and approved at regular Selectboard meeting on 4/16/2012 and entered in the minutes of that meeting which were approved at the meeting of 4/23/2012.
3. Posted in public places on 4/17/2012.
4. Notice of adoption published in the St. Albans Messenger newspaper on 4/19/2012 thru 4/21/2012 with a notice of the right to petition.
5. No petitions received.
6. Ordinance effective 6/16/2012.

ST. ALBANS TOWN CLERK'S OFFICE
RECEIVED FOR RECORD / DISCHARGE
September 11 A.D. 2012
at 12 o'clock 00 minutes PM
and recorded in Book Ord 2 Pages 1-5
Attest: [Signature] Asst. Town Clerk