

Chapter 127
HAWKERS, PEDDLERS AND ITINERANT VENDORS

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[HISTORY. Adopted by the Board of Selectmen of the Town of Bow on September 8, 2015 as Ordinance No. 15-07. Amendments noted where applicable.]

§ 127-1. Authority.

This Chapter is adopted pursuant to the authority granted under RSA 31:102-a and 31:102-b.

§ 127-2. Definitions.

For the purposes of this chapter, the words used herein shall have the following meanings:

HAWKER and/or PEDDLER - Any person or organization defined in RSA 320, as amended.

ITINERANT VENDOR – Any person or organization defined in RSA 321, as amended.

§ 127-3. Purpose.

The purpose of this Ordinance is to protect the safety, health, and welfare of the general public and not to protect the personal or property interests of any individual.

§ 127-4. License requirement.

- A. Any person or organization intending to engage in hawking, peddling or itinerant vending activities shall not do so until the person or organization has first been issued a valid license by the Bow Town Manager or his/her designee.
- B. All Town of Bow and State of New Hampshire licenses and permits must be publicly displayed at all times so as to be in plain view of customers.

§ 127-5. Exceptions.

- A. The license and fee provisions of this chapter shall not apply to youth groups officially sanctioned by the Town of Bow or by SAU #67, nor to “lemonade stands” or other similar enterprises operated solely by children aged 16 years or less for a period of two consecutive days or less in a week.
- B. The license and fee provisions of this chapter shall not apply to “yard sales” or “garage sales” when the sale is held on the private residential property of at least one of the sellers, the sale does not exceed three (3) days in duration, and no more than four (4) sales are conducted at that site in a calendar year.
- C. The license and fee provisions of this chapter shall not apply to farm stands located within the bounds of the land upon which the products were grown or raised and the products offered for sale originate from that property.
- D. Exempt organizations or individuals conducting business on Town of Bow property or within a Town of Bow right-of-way shall obtain advance location and hours of operation approval from the Board of Selectmen or their designee.

§ 127-6. Application process. [Amended by Board of Selectmen 10-11-2016]

- A. Applicants shall submit a completed application to the Town Manager’s Office. Incomplete applications will be returned to the applicant.
- B. To be considered complete, the application shall include the following:
 - (1) A completed and signed Town of Bow application form.
 - (2) A copy of the applicant’s valid New Hampshire Hawkers and Peddlers license.

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- (3) The application fee in the form of cash or as a bank, cashiers, or certified check made payable to the Town of Bow;
- (4) A copy of the principal's and any agent's driver's license or other State issued picture identification card;
- (5) An applicant seeking to engage in Hawking, Peddling or Itinerant Vending shall submit a set of his/her fingerprints taken by a qualified law enforcement agency or an authorized employee of the NH Department of Safety to the NH Department of Safety Criminal Records Unit. The applicant will submit a notarized NH Municipal Background Checks form, provided by the NH Department of Safety Criminal Records Unit along with appropriate fees, to the NH Department of Safety Criminal Records Unit. The applicant will request the results of the criminal background be sent to the Bow Town Manager.
 - (a) The Ordinance and RSA will be cited as "Reason Fingerprinted" (NH RSA 31:102a, 31:102b and Ord. No. 15-07.) The New Hampshire State Police will compare the subject's fingerprints against its criminal file and submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the New Hampshire State Police, which will disseminate the state and national results to the Bow Town Manager, who will then forward the results to the Police Chief for a fitness determination.
 - (b) The Chief of Police or his/her designee shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to the Bow Town Manager.
 - (c) In rendering a fitness determination, the Police Chief will decide whether the record subject has been convicted of, or is under pending indictment for a crime which bears upon his/her ability or fitness to serve in this capacity.
 - (d) A record subject may request and receive a copy of his/her criminal history record information from the Bow Police Department. Should the record subject seek to amend or correct his/her record, he/she must contact the New Hampshire State Police for a New Hampshire state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.
 - (e) If the applicant has already provided a record check to another city/town in the State of New Hampshire within the past twelve (12) months, a copy of said record check submitted to the Town of Bow Police Department shall suffice.
- (6) For food vendors only, a copy of a State Food License and a statement of inspection from the Code Enforcement Officer;

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- (7) For any sales or services regulated under NH Law, a permit from the NH Department of Health; and
- (8) A description of the proposed location of the business, together with a certificate from the Building Inspector/Code Enforcement Officer that the location is consistent with the Zoning Ordinance and Site Plan Regulations of the Town of Bow.
- (9) For those utilizing a motor vehicle, a copy of the vehicle registration, proof of insurance and an Official Motor Vehicle Record Check (a release of Motor Vehicle Records Form is available online at nh.gov).

§ 127-7. License fees.

The fees for Hawkers/Peddlers and Itinerant Vendors licenses are found in Chapter 124, Fee Schedule, of this Code.

§ 127-8. Waivers of fees.

Licenses shall be issued without payment of fees to any non-profit corporation or organization duly organized under RSA Chapter 292 and churches and other charitable organizations, provided that any officer of such corporation or organization supplies upon request official proof of such organization located in the Town of Bow, along with the dates and times of the proposed activity.

§ 127-9. Term of license.

The Town of Bow Hawkers and Peddlers and Itinerant Vendor Licenses shall bear the approved hours of operation and date on which they are issued and unless sooner revoked, shall expire one year from the date of approval unless an earlier expiration date was established.

§ 128-10. Posting required.

Every Town of Bow Hawkers and Peddlers or Itinerant Vendor License shall be exhibited by the licensee in full public view at the site of operation.

§ 127-11. License required for sales from private property.

A Town of Bow Hawkers and Peddlers or Itinerant Vendor License shall be required notwithstanding the fact that goods, wares, merchandise or services are to be sold or offered for sale from any private property within the Town. In the case of any such sale or offer for sale from private property, where the itinerant vendor is not the landowner, the landowner of the property shall co-sign the application.

§ 127-12. Public safety and traffic control.

Any itinerant vendor, hawker or peddler who sells, offers or exposes for sale, any goods, wares, merchandise or services in such a manner in the opinion of the Chief of Police, so as to impede the flow of vehicular or pedestrian traffic, or to create a health or safety hazard or a public

nuisance, shall be required to cease operating within the Town of Bow until the situation warranting suspension of the license is appropriately abated and the license has been reinstated by the Town Manager. The Chief of Police shall provide to the Town Manager a recommended list of locations in the Town of Bow where any itinerant vending, hawking or peddling shall be expressly prohibited. In locations where itinerant vending, hawking or peddling is allowed, the Chief of Police may require the presence of a paid police detail to preserve the public safety or welfare. The police detail shall be billed by and payable to the Town of Bow at prevailing rates, and shall be the liability of the property owner of the site of the itinerant vending, hawking or peddling activity. Permission of the Board of Selectmen is required in advance if the vending, hawking, or peddling is to be conducted on land owned by the Town of Bow or within any public right-of-way.

§ 127-13. Revocation.

Any Town of Bow Hawkers and Peddlers or Itinerant Vendor License granted by the Town of Bow may be revoked by the Town Manager at any time for cause sufficient in law.

§ 127-14. Conflict with State Law.

Nothing in this article shall be construed as conflicting with any license duly issued under the laws of the State of New Hampshire.

§ 127-15. Penalties and fines.

- A. Any itinerant vendor, hawker or peddler operating without benefit of a Town of Bow license shall be subject to trespassing charges and confiscation of his/her wares, goods, etc. and charged with a \$500.00 fine for each occurrence of selling of goods or wares as defined above.
- B. Any property owner who allows an unlicensed itinerant vendor, hawker or peddler to operate on his/her private property shall be subject to a fine of \$500.00 for each day the unlicensed itinerant vendor, hawker or peddler is allowed to operate on that property.