

CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.2.

Ordinance Number: **O – 2024.03.13 - 4**
 Ordinance Title: Peddlers and Vendors
 Chapter: 109
 Section: 3 Definitions.
 5 Inspection.
 7 Exemptions.
 8 Violations and penalties.

The City of Dover Ordains:

1. PURPOSE

This ordinance is intended to update the Dover Code with technical amendments consistent with a companion ordinance concerning Chapter 109 clarifying the local code in light of recent legislation repealing RSA chapter 320.

2. AMENDMENT

Chapter 109 entitled “Peddlers and Vendors” is hereby amended by revising Section 109-3, “Definitions”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 109-3 Definitions.

As used in this chapter, the following terms mean:

MOTOR VEHICLE

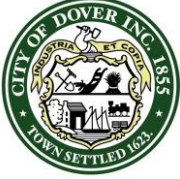
Any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor, which is required to be licensed and registered by the Division of Motor Vehicles.

PEDDLER

~~As defined in RSA 320:1, and includes a~~Any person, whether a resident of the City of Dover or not, traveling by foot, wagon, stand, motor vehicle, railroad car, cart, vehicle, or any other type of vehicle or conveyance from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale from stock or by sample for future delivery, or offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, or who, without travelling from place to place, shall sell or offer the same for sale from a wagon, stand, motor vehicle, railroad car, cart, vehicle, or other vehicle or conveyance. The term "peddler" shall not be construed to include an individual who displays his-their merchandise on a public sidewalk immediately adjacent to his-their place of business, provided that any merchandise so displayed allows 48 inches of pedestrian travel width consistent with the provisions of Chapter **125**, Streets and Sidewalks.

PUBLIC PROPERTY

Any City-owned or -controlled property, including but not limited to streets and sidewalks.



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SELL

Includes any offer or attempt to offer any exchange of a product or service.

STAND

Any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Division of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a peddler.

VENDOR

A peddler who on public property sells food, beverage or merchandise from a stand, motor vehicle or ~~his~~their person.

3. AMENDMENT

Chapter 109 entitled “Peddlers and Vendors” is hereby amended by revising Section 109-5, “Inspection”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 109-5 Inspection.

A vendor of food and beverages shall comply with the inspection provisions and standards for restaurants contained in Chapter **85**, Food Service Establishments, and the following:

- A. The equipment used in vending food and beverages shall not be used until the vendor receives a certificate of inspection indicating compliance with this section.
- B. Each food and beverage vending business ~~shall~~may be inspected ~~at least~~ quarterly, and normally will be inspected at least annually, by the Health Officer.

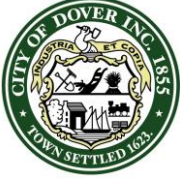
4. AMENDMENT

Chapter 109 entitled “Peddlers and Vendors” is hereby amended by revising Section 109-7, “Exemptions”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 109-7 Exemptions.

- A. Noncommercial vendors such as religious, charity, political and other social nonprofit organizations are exempt from these provisions and are not required to apply for an



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exemption.

B. Participants in any street fair, as defined by RSA 31:100, which may be authorized from time to time by the City Council, ~~and persons selling agricultural products from their own labor on land they own or till~~ shall be exempt from the ~~fee~~ requirements of Chapter 109, Peddlers and Vendors, but are not exempt from the requirements of Chapter 85, Food Service Establishments, § 109-6 only. All other provisions of this chapter shall apply to said participants. "Said participants" Street fair participants shall be defined as those persons or business organizations which have been listed and identified by the organization sponsoring any such street fair. Any list compiled by said organization for the purposes of this subsection shall be completed and provided to the Licensing Board, to the Police Department, or to the City Clerk placed on file in the office of the City Clerk on or before the first day of the street fair.

C. Persons selling agricultural products from their own labor on land they own or work shall be exempt from the provisions of Chapter 109, Peddlers and Vendors.

D. Any person conducting business in any industry or association trade show within the limits of the City of Dover are exempt from the provisions of Chapter 109, Peddlers and Vendors.

5. AMENDMENT

Chapter 109 entitled “Peddlers and Vendors” is hereby amended by revising Section 109-8, “Violations and penalties”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 109-8 Violations and penalties.

Any person, firm or corporation violating any provisions of this chapter shall be guilty of a violation and be subject to a fine as provided in the City Fine Schedule.

6. TAKES EFFECT

This ordinance shall take effect upon passage. The City Clerk shall cause publication of notice as required by RSA 47:18.

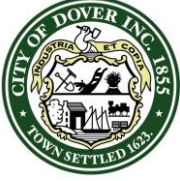
REQUIRES PUBLIC HEARING

TO BE REFERRED TO PUBLIC HEARING ON APRIL 10, 2024

AUTHORIZATION

Document Created by: Legal
 Document Posted on: April 10, 2024

O-2024.03.13 Chapter 109, Sections 3, 5, 7 & 8
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Approved as to Funding: Daniel R. Lynch
 Finance Director

Sponsored by: Mayor Robert Carrier
 By Request

Approved as to Legal Form and Compliance: Joshua M. Wyatt
 City Attorney

Recorded by: Jerrica Vanslyvong-
 Bizier
 City Clerk

DOCUMENT HISTORY:

First Reading Date: 3/13/2024	Public Hearing Date: 4/10/2024
Approved Date: 4/10/2024	Effective Date: 4/10/2024

DOCUMENT ACTIONS: Deputy Mayor Shanahan moved for its adoption, seconded by Councilor Richer. Roll Call Vote: 8-0.

VOTING RECORD		
Date of Vote: 4/10/2024	YES	NO
Mayor Robert Carrier	X	
Deputy Mayor Dennis Shanahan	X	
Councilor S. April Richer, Ward 1	X	
Councilor Robert Warach, Ward 2	X	
Councilor Anthony Retrosi, Ward 3	X	
Councilor Debra Hackett, Ward 4	X	
Councilor Fergus Cullen, Ward 6	X	
Councilor Linnea Nemeth, At Large	Absent	
Councilor Lindsey Williams, At Large	X	
Total Votes:	8	
Ordinance does pass.		

ORDINANCE BACKGROUND MATERIAL:

This ordinance is not intended to effectuate a substantive change to the administration of the City's Code. Effective September 1, 2023, the State repealed former RSA chapter 320, which among other things provided certain definitions and other rules/regulations applicable to hawkers and peddlers. *See* Laws 2023, 79:299. This ordinance in large part simply clarifies Dover's local regulations, to avoid any confusion about the repeal of the State statute. A copy of former RSA chapter 320 accompanies this ordinance, for reference.