

Chapter 388

Peddlers, Hawkers, and Itinerant Vendors

[**HISTORY: Adopted by the Town Council as indicated in article histories – 02-26-2024. Amendments noted where applicable.**]

GENERAL REFERENCES

Secondhand Dealers and Pawnbrokers — See Ch. 387.

Casual Sales — See Ch. 382

§ 388-1. Purpose

The purpose of this ordinance is to protect the safety, health, and welfare of the general public.

§ 388-2. Statutory Authority

In accordance with, and under the authority of, NH RSA 31:102-a and NH RSAs 320 and 321, this ordinance is adopted by the Salem Town Council.

§ 388-3. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

HAWKER and PEDDLER - Any person, either principal or agent, who approaches individuals or households without prior invitation and goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter, or exposing therefore, any goods, wares, or merchandise.

ITINERANT VENDORS - 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 building or structure for the exhibition and sale of such goods, wares, and merchandise or samples.

§ 388-4. 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 Town of Salem.
- B. All Town of Salem and State of New Hampshire licenses and permits must be publicly displayed at all times so as to be in plain view of customers.

§ 388-5. Exceptions

- A. The license and fee provisions of this chapter shall not apply to youth groups officially sanctioned by the Town of Salem or by SAU #57, 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. This ordinance also does not apply to farmers markets as defined in RSA 21:34-a.
- D. A candidate for public office in the process of obtaining signatures on nomination papers or petitions, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40 is exempt from the licensing provisions of this chapter pursuant to RSA 31: 102-a. 2.

§ 388-6. Application Process

- A. Applicants shall submit a completed application to the Inspectional Services 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 Salem application form.
 - 2. A copy of the applicant’s valid New Hampshire Hawkers and Peddlers license.
 - 3. The application fee in the form of cash or as a bank, credit card, cashiers, or certified check made payable to the Town of Salem
 - 4. A copy of the principal’s and any agent’s driver’s license or other State issued picture identification card.
 - 5. For food vendors only, a copy of a State Food License and a statement of inspection from the Health Officer.
 - 6. For those utilizing a motor vehicle, a copy of the vehicle registration, proof of insurance.

§ 388-7. License Fees

License fees under this section shall be \$50.00 for the initial application and \$25.00 for each week or \$100.00 for one year. License fees are calculated for each individual involved in sales or advertisement.

§ 388-8. Waiver 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 Salem, along with the dates and times of the proposed activity.

§ 388-9. Restrictions

- A. No person shall place, or expose for sale or advertisement, merchandise of any description or other article on any sidewalk, street, right-of-way, or property of the Town.
- B. Solicitations at private residences are limited to daylight hours and not before 8:00 am and after 7:00 pm.

§ 388-10. Revocation

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

§ 388-11. Penalties and Fines

- A Any itinerant vendor, hawker, or peddler operating without the benefit of a Town of Salem 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.

Adopted by the Town Council on the 26th day of February 2024.