

Chapter 73
HAWKERS AND PEDDLERS

[HISTORY: Adopted 6-18-1986 by the Board of Selectmen of the Town of Wolfeboro. Amendments noted where applicable.]

GENERAL REFERENCES

Beaches — See Ch. 16.

Sales on Sundays — See Ch. 144.

§ 73-1. Purpose.

The purpose of this chapter is to promote public convenience and necessity by providing for the use of public streets by street peddlers while preserving the free and unobstructed passage of pedestrians and traffic, to provide for a fair allocation of limited peddler space on congested streets in the Town and to assure that peddler operations are safe, neat and sanitary.

§ 73-2. Authority.

The provisions of this chapter are adopted pursuant to the authority granted by RSA 31:102-a and are in addition to any requirements imposed by the State of New Hampshire under either RSA 320 or RSA 321.

§ 73-3. License required.

It shall be unlawful for any person to engage in the business of hawker, peddler or itinerant vendor as defined in RSA 320:1 and RSA 321:1 in the Town of Wolfeboro without first obtaining a license as provided herein.

§ 73-4. Types of licenses.

- A. Transient sales. A transient sales license shall permit the holder to go from door to door or place to place within the Town. Holders of such permits shall not be allowed to vend from vehicles, carts or other conveyances at public places in the area from Libby Street to Pickering Corner, including Dockside, Railroad Avenue, Central Avenue or Glendon Street. Holders of this permit shall not be allowed to vend from any public place in the Town except ~~that vehicles, carts or other conveyances holding such a permit shall be permitted to stop at public beaches and recreation areas for a reasonable period of time and only as long as such stopping does not interfere with the movement of other traffic at such beaches or recreational areas~~ as otherwise permitted by the Board of Selectmen as part of a Special Event Permit.
- B. Pushcart license. A pushcart license shall permit the holder to vend from an assigned location in the area permitted for pushcarts. The number of pushcart licenses issued shall be limited to the number of designated pushcart spaces.

§ 73-5. Definitions.

The words "hawker," "peddler" and "itinerant vendor" as used herein shall be defined as in RSA 320:1 and RSA 321:1 and shall include any hawker, peddler or itinerant vendor, trader, farmer, merchant or other person who sells or takes orders for merchandise from temporary or transient sales locations within the Town of Wolfeboro or who goes from town to town or place to place within the Town for such purpose.

§ 73-6. Application procedure.

- A. The applicant shall file a completed application form with the Town of Wolfeboro. The applicant shall provide a copy of a current, valid New Hampshire hawker's permit prior to the issuance of a license pursuant to this chapter and furnish proof of product liability. **[Amended 11-18-2009]**
- B. If more than one application is filed for one area, priority will be given to existing Wolfeboro businesses. If

there remain multiple applications after applying such priority, there will be a lottery to pick the successful applicant. Lottery will be by picking numbers out of a hat. [Amended 11-18-2009]

- C. The permit will be in effect from May 1 to December 31.

§ 73-7. Limitations.

- A. No permit shall be issued when the applicant's ~~cart~~pushcart exceeds three feet in width or five feet in length, if applicable.
- B. Each vendor shall make a trash receptacle available to the public at his location and shall be responsible for collection and removal at his location.
- C. Vendors shall be allowed to occupy only those spaces specifically designated for vending.
- D. No vendor shall be allowed to occupy any designated parking space.
- E. Except as hereinafter described, there shall be no vending from the public streets and areas of the Town of Wolfeboro.
- F. No vendor shall, within 100 feet of an established business, offer for sale any like item offered by any other established business within that distance, which includes but is not limited to clothing apparel, food, etc. [Amended 6-28-1989]
- G. No ~~cart~~, food trucks or other vehicles shall be left unattended.
- H. All carts, food trucks or other vehicles shall be off the streets between the hours of 11:00 p.m. and 7:00 a.m. of each day.
- I. Each vendor shall be responsible for maintaining their operation in conformance with the laws and regulations of the State of New Hampshire and the Town of Wolfeboro and shall be required before receiving a permit to furnish evidence of insurance coverage holding the Town harmless from any liability caused by the vendor's operation.
- J. Vendors must activate their licenses for at least three months.

§ 73-8. Permitted areas.

The following areas shall be available for use to persons holding a valid pushcart license from the Town of Wolfeboro:

- A. Dockside, at that area near Lake Winnepesaukee near the shelter at the docks as marked.
- B. South Main Street, south of the intersection of Wharf Avenue as marked.
- C. Railroad Avenue, south side near South Main Street as marked.
- D. Across the street from the downtown post office, not more than 10 feet south of the crosswalk in front of Cate Park. [Added 6-28-1989]

~~D.~~E. Other Town property as may be authorized by the Board of Selectmen as part of a Special Event Permit.

§ 73-9. Expiration of license.

- A. All licenses shall expire upon expiration of any Special Event Permit, or
- B. All licenses issued shall expire on December 31 of each year.

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§ 73-10. Renewal.

Persons holding permits issued by the Town of Wolfeboro shall have until January 31 of each year to renew such permit. Any person failing to renew said permit within the allotted time shall be required to make application as set forth under § 73-6, Application procedure.

§ 73-11. Transfer.

No license issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued. No such license is transferable.

§ 73-12. Revocation of license.

- A. Licenses issued under the provisions of this chapter may be revoked by the Selectmen after notice and hearing for any of the following causes:
- (1) Fraud, misrepresentation or false statement contained in the application for license.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as peddler, hawker or itinerant vendor.
 - (3) Any violation of this chapter.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.
 - (5) Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
 - (6) Failure to activate a license by no later than June 15. **[Added 11-18-2009]**
- B. Notice of the hearing for revocation of a license shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address, or served in hand to the licensee at least five days prior to the date set for the hearing.

§ 73-13. Exhibition of license.

Hawkers, peddlers and itinerant vendors are required to exhibit their licenses at the request of any citizen.

§ 73-14. License fee.

The fee for a transient sales permit shall be \$25 and for a pushcart license not less than \$25 per month; \$150 for entire six months.

§ 73-15. Violations and penalties.

Any persons convicted of a violation of any provisions of this chapter shall be guilty of a violation as defined by the Criminal Code of the State of New Hampshire. A separate offense shall be deemed committed upon each day during which a violation occurs.