

REGULATING TRAVELING 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 traveling vendors.

SECTION 2. AUTHORITY. This Code of Ordinances is adopted by the Trustees of the Village of Swanton 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 Village of Swanton.

SECTION 3. APPLICABILITY AND EXCEPTIONS. This ordinance applies to all persons defined as traveling vendors seeking to sell goods or services on a temporary basis and are otherwise unlicensed or subject to applicable zoning requirements. The intent of this permit requirement is to require a permit for a vendor who is working independently. For sponsored events, featuring multiple vendors, operating with the intent to bring citizens to all downtown business, individual permits will not be required. An example of this type of event would be the annual car show. The Swanton Village Manager will be responsible for determining the applicability of a permit requirement.

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 Village for Village of Swanton 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 shall have authority to regulate the activities set forth in this ordinance. The Village 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 Trustees.

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 Village 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 Village.

5.3.1 Any law 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 police officer authorized to enforce the provisions of this ordinance.

6.2 Traveling Vendor (a.k.a. Peddler). Persons, principles, agents, corporations or other business entities who engage in a temporary or transient business in the Village of Swanton, 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 Village of Swanton that is not owned and maintained by the Village of Swanton.

6.4. Public Facilities. Buildings, parks, forests, lands, highways, or rights of ways owned and maintained by the Village of Swanton.

SECTION 7. LICENSE REQUIRED. It shall be unlawful for any traveling vendor to engage in business or the sale of goods within the Village of Swanton without a permit.

SECTION 8. APPLICATION. Application for a permit shall be made to the Village 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 Village Manager with:

8.1 Documentation. Copies of any and all other federal, state and local permits necessary for the 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 vendor expects to sell their goods. 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 Village Manager with any such other information as may be reasonably required. The Village 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 Village 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 Village 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 Village Clerk to pay the applicable fees and receive the permit.

9.2 Appeals. A person may appeal to the Trustees the denial of a permit by filing a written notice of appeal with the Village Manager within five (5) days of receipt of notification that the permit is denied. The Trustees shall consider the appeal at the next scheduled Trustees meeting after giving notice to the applicant at which the applicant is entitled to be present. The Trustees may affirm or reverse the Village 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 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 traveling vendor conducts business in the Village of Swanton with a maximum fee of \$150.00 for a seasonal permit, which fee shall be paid at the time of permit issuance. Fees for traveling vendors using public facilities shall be \$75.00 for each day the traveling vendor conducts business in the Village of Swanton with a maximum fee of \$300.00 for a seasonal 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 Traveling 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 facility 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 Village 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 Village of Swanton and the time, place and location of such activity. If the Village 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 Village 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 Village of Swanton Trustees.

David Winchester, Village President

Adam Paxman, Village Trustee

Eugene LaBombard, Village Trustee

Suzie Kelleher, Village Trustee

Attest By: _____

Date: _____

Dianne Day, Village Clerk