



GOFFSTOWN HAWKERS AND PEDDLERS ORDINANCE

I. AUTHORITY

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

II. PURPOSE

Pursuant to RSA 31:102-a, the purpose of this chapter is to enact provisions for the licensure and regulation of food trucks and food vendors.

III. LICENSE REQUIRED: DISPLAY OF LICENSE

Any person intending to engage in hawking and peddling activities within the Town of Goffstown shall not do so without first obtaining a license from the Goffstown Police Department by application through the Chief of Police as hereinafter provided. Such license shall be displayed in a conspicuous place.

IV. APPLICATION

- A. The application for a hawkers and peddlers license shall include the following information:
1. The name, date of birth, home and business address of the applicant and the name, date of birth and address of the owner, if other than the applicant, and the name, date of birth and home address of any employees of the business, and any stand and motor vehicle to be used in the operation of the business.
 2. A description of the type of food, beverage or merchandise to be sold.
 3. A description and photograph of any stand or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.
 4. A certificate of insurance or other proof acceptable to the Chief of Police that the applicant has been issued an insurance policy by an insurance company; licensed to do business in the State of New Hampshire, protecting the license from all

claims for damage to property and bodily injury including death, which may arise from operation under or in conjunction with the license. Such policy shall provide coverage in an amount of \$1 million to cover personal and property damage.

- B. In addition, an application for a vendor's license shall include:
1. A vendor from a motor vehicle shall describe, if less than the entire town, the general area in which he proposes to vend.
 2. A description of the proposed location of the vending business.
 3. A vendor from a motor vehicle who wishes to operate from a fixed location may request the hours and days of the week during which he wishes to operate.

C. Reasons for Denial of Application

A license may be denied for any of the following reasons:

1. False information provided by the applicant in seeking to obtain the license will result in denial of the permit
2. In determining whether to grant the license, the Town shall consider, information provided on the application, and any investigating the Town deem advisable to make it appear that all provisions of state law and this Ordinance will be complied with and whether the safety and convenience of the public will be adversely affected.
3. That License may also be denied if the applicant or any employee or owner is at large pending appeal for a conviction for a violation of the law involving extreme moral turpitude.

V. LOCATION

1. Hawkers and Peddlers, who wish to locate on private property must file a permit application and will be subject to a review by the Planning and Economic Development Director, Police Chief, Fire Chief, and DPW Director, or their designees to ensure that the chosen site is suitable and will not impede the safety or inconvenience the public. Hawkers and Peddlers must also provide authorizing letter from property owner.
2. Hawkers and Peddlers who wish to travel place to place shall include, in addition to the above, a description of the proposed route(s) and hours and days of the week of operation. They may not remain in one location longer than 30 minutes.

VI. FEES

Every applicant, before being granted a license, shall pay the following fees:

- A. The annual fee to operate as a peddler or vendor, in the Town of Goffstown, other than from a motor vehicle, shall be one hundred dollars (\$100).
- B. The annual fee to operate as a peddler or vendor from a motor vehicle in the Town of Goffstown shall be two hundred dollars (\$200) per vehicle.
- C. A license to operate as a peddler or vendor in the Town of Goffstown on a temporary basis may be obtained upon payment of a fee of twenty dollars (\$20) per week for a maximum period not to exceed 12 weeks.
- D. Each annual license shall expire on midnight of November 1 of each year.
- E. Application Fees for annual licenses received after July 15 of the licensing year shall be one-half (1/2) of the amounts set forth in VI A and B.

VII. STANDARDS

- A. No permit or license for vending shall be granted if the vending operation is proposed to be conducted within the traveled portion of any street unless the Town or the State NHDOT having jurisdiction over such street, shall have consented to the vending activity. Any person seeking to conduct such activities within the right-of-way of a State Highway shall, prior to commencing such activities, provide written authorization from an appropriate official of the State of New Hampshire authorizing such vending activities.

The Town of Goffstown reserves the right, based upon public safety, health, and welfare, to review any activity proposed within such areas, even where State authorization may have been obtained.

- B. Vending activities shall be conducted at such locations as to comply with all applicable setback requirements under the Land Use Planning Ordinance of the Town of Goffstown.
- C. A minimum of one off-street parking space shall be provided for any vending site, unless otherwise provided by a site plan approved by the Town after review and approved by the Planning Board.
- D. Any vending operation subject to this Ordinance shall comply with all sign requirements under the Town of Goffstown Sign Ordinance. In addition, signs are allowed only at vendor site and must be affixed to a tent or vending structure only. A single portable sign, not to exceed 12 square feet, may be allowed with prior approval for each separate property on which vending is allowed.

- E. Vending activities, including set-up and clean up, shall not commence before 8:00 am and shall be completed no later than 8:00 pm, unless otherwise authorized in the permit or license.
- F. Adequate provision must be made by the licensee or permittee for waste and refuse disposal.
- G. Licenses and permits issued under this ordinance are not transferable.
- H. A copy of the License shall be posted at all times on the vehicle or cart.
- I. A copy of the NH Department of Health Permit shall be submitted to the Town.
- J. A copy of the State Food License shall be submitted to the Town.

VIII. EXEMPTIONS

Non-commercial vendors such as religious, charity, political, and other social non-profit organizations are exempt from these provisions.

IX. 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 of up to \$1,000 for each violation.

X. REVOCATION OF LICENSE

- A. Any license granted by the Town of Goffstown may be revoked by the Town after a hearing, for any of the following reasons:
 - 1. Fraud, misrepresentation of false statement contained in the application for license.
 - 2. Fraud, misrepresentation or false statement made in the course of carrying on the business as peddler, hawker, or vendor.
 - 3. Any violation of this ordinance.
 - 4. Conviction of any crime involving moral turpitude.
 - 5. Conducting the business of peddling, hawking, or vending 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. Revocation or expiration of State License, as provided in NH RSA 320:14, subject to any rights of appeal.

XI. APPEALS

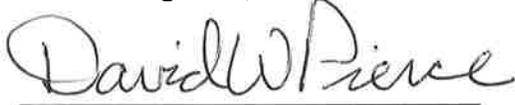
Persons who are denied licenses or whose licenses have been suspended may appeal the decision by filing a written notice of appeal with the Board of Selectmen. The appeal must be filed within five (5) working days after receipt of the notice of denial, suspension, or revocation with the Administration Department. The Board of Selectmen shall hear such appeal at a subsequent meeting and shall render its decision in writing within 15 working days from such meeting.

ADOPTED BY GOFFSTOWN BOARD OF SELECTMEN

May 21, 2018



Peter Georgantas, Chairman

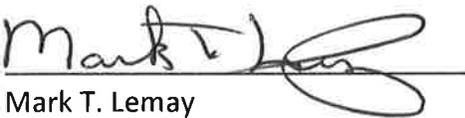


David W. Pierce, Vice Chairman



Kelly Bower

John "Allen" Brown



Mark T. Lemay