

**TOWN OF LONDONDERRY
ITINERANT VENDOR ORDINANCE**

AUTHORITY: This ordinance is adopted pursuant to the authority of 24 VSA 2291 (9).

Requirement: As of the date of adoption of this ordinance by the Londonderry Select Board, any Itinerant Vendor, as defined herein, shall obtain a license according to the requirements and provisions set forth herein, prior to engaging in such business.

Definition: Itinerant Vendor shall include persons, principles, agents, or business entities who engage in temporary or transient business within the Town of Londonderry, whether in one location or by traveling from place to place, to sell goods, services or food, or other items deemed similar in nature by the Select Board, from a structure, tent, vehicle or other device. This definition does not include principles, agents or business entities exclusively selling fruits vegetables or other farm products.

Itinerant Vending shall include temporary or transient business conducted outside any dwelling or structure, other than a temporary structure such as a tent, cart, mobile unit or similar device *without wastewater facilities by the property owner and /or owner's family members or others with a duly executed agreement with the property owner located within the property boundary and setbacks as described by the most current Zoning District Map for Londonderry.*

Exemptions: Garage sales, yard sales, auctions and similar types of sale for a period of 3 consecutive days or less, or more than eight days per calendar year, conducted by a property owner so as to not cause unsafe traffic conditions, parking problems or other nuisances to neighbors shall be exempt from this Ordinance.

Application: A complete application and fee shall be submitted to the Town Clerk or Appointee to be referred to the Londonderry Select Board for action to approve or deny.

A complete application shall include the following information and attachments:

1. Name, mailing address, and phone number of the Itinerant Vendor applicant.
 2. The physical address of the vending site, parcel identification number, and owner of record.
 3. A description of the proposed vending activity including items to be sold, hours/days/term of operation, and other information as may be reasonably required.
 4. A sketch showing the physical location of the property, proposed vending operation including the location and dimension of any structures, carts, vehicle, or other device to be used, signage and available on site parking.
 5. A Project Review Sheet as issued by the Department of Environmental Conservation District Office.
 6. Evidence of receipt of all applicable federal, state, and local permits necessary to legally conduct business, including but not limited to: Vermont sales and use tax
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certificates, rooms and meals tax certificates and health permits to operate a food establishment.

7. Any other information as may be reasonably requested or required by the Town.

FEES:

1. Applications shall include the required fees:
 - a. \$25 per application.
 - b. Fees may be waived for religious, charitable, educational and service organizations conducting fundraising activities in a public place or on Town property.

Procedure: The Select Board or Appointee shall act to approve or deny the complete application within 15 working days of referral by the Town Clerk or Appointee. Notice of approval, together with any applicable conditions, shall be delivered in writing to the applicant. If the permit is not approved, notice including the reason(s) for denial shall be delivered in writing to the applicant.

Posting: The approved Vendor License shall be posted and visible at the business location or carried with the Itinerant Vendor for presentation upon request.

Expiration: An Itinerant Vendor permit shall be effective for a term of 12 months at which time the permit shall expire, unless renewed by submittal of a complete application and fee to the Town Clerk for the same period, providing the activity is to continue as originally permitted and also provided no complaints relating to the itinerant vendor activities have been submitted. Any changes in the business shall require a new determination by the Select Board or Appointee.

Appeal: A person may appeal the denial of a license by filing a written notice of appeal with the Town Clerk or Appointee within five (5) days of receipt of notification of denial. The appeal shall be considered by the Select Board at a duly warned hearing with notice to the appellant. The decision may be affirmed or reversed, with or without conditions imposed to protect public health, safety and welfare and to prevent damage to public and private property.

Penalty: Violations of the provisions of this Ordinance shall be determined by the Select Board or Appointee which shall require payment of a fine of not less than \$100 nor more than \$100 for each offense, for each day the offense may continue, after notice of violation is delivered in writing by certified mail.

Performance Standards

All permit holders must comply with all of the following performance standards:

- (A) No land or structure in any zoning district shall be used or occupied by an Itinerant Vendor in any manner so as to create dangerous, injurious,

noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties.

(B) The following standards apply to all Itinerant Vendors. In determining ongoing compliance with these performance standards, the burden of proof shall fall on the applicant. The activity of any Itinerant Vendors shall not cause or result in:

- (1) **noise** in excess of seventy (70) decibels at the property line, or represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area;
- (2) **noticeable, or clearly apparent vibration** which, when transmitted through the ground, is discernible at property lines without the aid of instruments;
- (3) **smoke dust, odors, noxious gases, or other forms of air pollution** which constitute a nuisance to other landowners, businesses, or residents; which endanger or adversely affect public health, safety, or welfare; which cause damage to property, business, or vegetation; or which are offensive or uncharacteristic of the area;
- (4) **releases of heat, cold, moisture, mist, fog, precipitation or condensation** beyond the property lines of the property on which it is located, or to a height likely to be detrimental to the public safety, health, or welfare;
- (5) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is detrimental to the public health, safety, or welfare;
- (6) **liquid or solid wastes or refuse** in excess of available capacities for proper disposal; which cannot be disposed of by available or existing methods without undue burden to municipal facilities; which pollute ground and surface waters; or which are otherwise detrimental to the public health, safety, and welfare; or
- (7) **undue fire, safety, explosive, radioactive emission or other hazard** which endangers the applicant's or neighboring properties, or the general public or which results in a significantly increased burden on municipal facilities and services.

- (8) **Access.** The area of operation shall have enough room for customers to turn around and re enter the roadway face first and have a clear visibility to approaching traffic and pedestrians.
- (9) **Cleanliness.** The Vendor shall keep the area of operation clean and tidy. Any refuse shall be stored in secure containers that are screened from the neighbor's view. Any water used to clean or rinse shall be contained within the area of operation.
- (10) **Hours.** Hours of operation shall be at the discretion of the Select Board taking into consideration the type and nature of the vending activity; the vending site and surrounding neighborhood; the zone where the vending activity will take place.
- (11) At the end of the season or use, all temporary vestiges of the Vendor's business must be stored away from public view.
- (12) **Health.** All Itinerate Vendors selling food products shall comply with the Vermont Department of Health; "Health Regulations for Food Service Establishments".
- (13) **Signs.** Signage for Itinerate Vendors shall be governed by and in compliance with Section 418 of the Londonderry Zoning By-Laws.
- (14) **Vehicles/Trailers.** All vehicles and/or trailers used by Itinerate Vendors shall be safe, roadworthy and properly registered with the Vermont Department of Motor Vehicles.