

Chapter 3.08 HAWKERS, PEDDLERS, AND VENDORS

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3.08.010 **Definition**

“Hawkers, Peddlers and Vendors” as used in this chapter means and includes itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within the town or who go from town to town or place to place within the town for such purposes. The phrase specifically does not include or affect any person or organization who undertakes activities involving any nonconsensual entry upon private property for the purposes of espousing any political, social, charitable or economic organization or cause, not for profit, or for the purpose of seeking or giving information, or of seeking financial contributions, on behalf of such organization or cause. (Ord. 9-14-92 § 1(1))

3.08.020 **Times activities are prohibited**

The activities of hawkers, peddlers and vendors is prohibited on any day after the hour of nine p.m. and prior to nine a.m. and all day on Sundays and legal holidays. The board of selectmen may, however, allow different hours of operations. Further, there should be no activities by the previously mentioned groups of individuals on any town-owned property, town right-of-way, or any otherwise-described town property without the expressed, written consent of the Milford board of selectmen or their duly authorized agent. (Ord. 5-24-04: Ord. 9-14-92 § 1(2))

3.08.030 **Registration required**

Any person or organization intending to engage in any hawking, peddling or vending activities shall not do so unless such person or organization has first registered with the chief of police of Milford as provided in this section. Registration with the chief of police shall identify:

- A. All persons who will be engaging in the hawking, peddling or vending activity by name, birth date, sex, residential and business address, and driver’s license number;
- B. The organization, if any, on behalf of which the hawking, peddling or vending activity is intended, including name, principal address, state of organization, if applicable, and directors and principal officers, as applicable;

- C. The intended dates, location(s) and hours of hawking, peddling or vending; and
- D. Upon presentation to the chief of police of such data, the chief shall issue a permit which shall state the name and address of the person, firm or organization to whom the permit is granted, the purpose for which the permit is given, the hours and days during which the permit is valid, and the length of time for which the permit is current. No permit shall be valid for a period of more than one year from the date of issue. Each applicant for a permit shall be charged as further described in Milford Municipal Code Appendix A – Fees, upon issuance of such permit. The permit shall be shown to any person requesting to see such permit to whom the party named on the permit sells or attempts to sell merchandise. (Ord. 2009-004, § (D); Ord. 9-14-92 § 1(3))

3.08.040 Identification required

Every person engaging in hawking, peddling or vending shall carry on his or her person, at all times, some form of personal identification document with a photograph affixed to it. (Ord. 9-14-92 § 1(4))

3.08.050 Where hawking, peddling and vending prohibited

Hawking, peddling and vending shall not take place in any residence or other establishment bearing on its exterior a sign plainly visible to visitors indicating “No Trespassing,” “No Solicitation,” or any equivalent language. No hawker, peddler or vendor shall enter upon or remain on any private property at any time after any owner or occupant of such property has communicated to such hawker, peddler or vendor that he or she is not welcome on the premises. (Ord. 2009-004; Ord. 9-14-92 § 1(5))

3.08.060 Exemptions and Non-Exemptions

- A. Types of persons or organizations that may request exemption. Certain persons or organizations may make a written request to the Administration Office for exemption from this chapter if they are one or more of the following:
 - 1. Any person selling the product of his own labor or the labor of his family or the product of his own farm or the one he tills.
 - 2. Any person conducting sales of personal household goods on his own property.
 - 3. Any nonprofit organization, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual.
 - 4. Persons involved in elementary and secondary schools conducting such solicitations under the direction and guidance of a local school or other charitable organization
 - 5. For profit organizations soliciting on behalf of a non-profit organization when the entire proceeds are in turn given to the non-profit organization.
- B. Form of exemption request. Written request for exemption shall identify and/or provide:

1. All persons who will be engaging in the hawking, peddling or vending activity by name;
 2. The organization, if any, on behalf of which the hawking, peddling or vending activity is intended, including name, principal address, state of organization, if applicable, and directors and principal officers, as applicable;
 3. The type of organization that permits them to be exempt as written above
 4. The intended dates, location(s) and hours of hawking, peddling or vending;
 5. Hard copy of a certificate of insurance that the applicant has been issued by an insurance company licensed to do business in the state, protecting the licensee and the town from all claims for damages to property and bodily injury, including death which may arise from operations under or in connection with the license, and naming the town of Milford as additionally insured. Such insurance shall provide combined primary and excess coverage which meet a \$1,000,000 per occurrence limit and \$2,000,000 general aggregate; such policy shall provide for automobile liability insurance for owned, non-owned and hired vehicles as applicable; and such policy shall provide that the policy shall not be terminated or be cancelled prior to the expiration date except with 30 days' advance written notice to the town. Exceptions to certificates of insurance may be considered on a case by case basis by the Administration Office with consultation with the risk management agent to modify parameters to meet the exposures presented in a specific activity, and;
- C. Written exemption process. Upon presentation to the Administration Office of such data, the Town Administrator shall issue written exemption which shall state the name and address of the person, firm or organization to whom the exemption is granted, the purpose for which the permit is given, the hours and days during which the permit is valid, and the length of time for which the exemption is current. No exemption shall be valid for a period of more than one year from the date of issue. The written exemption letter shall be shown to any person requesting to see such letter to whom the party named on the permit sells or attempts to sell merchandise. (Ord. 9-14-92 § 1(3))
- D. Types of persons or organizations that are not eligible for an exemption. Certain persons or organizations are not eligible for exemption from this chapter if they are one or more of the following:
1. Itinerant vendors as defined in NH RSA 321:1.
 2. Any person conducting business in any industry or association trade show.
 3. Any person who sells exclusively antiques, used goods, or vintage items.
- E. Application requirements for non-exempt persons or organizations. Non-exempt persons or organization are required to supply the Milford Police Department with

a valid and current Criminal Background Check in addition to any other requirements of the Milford Hawkers and Peddlers Permit process. (Ord. 2009-004, § (A - E);

3.08.070 Penalty

Any person who violates this chapter shall be fined as further described in Milford Municipal Code Appendix – B Fines. (Ord. 4-23-01 (part); Ord. 9-14-92 § 2)