

Town of Gilmanton, New Hampshire
ORDINANCE REGULATING HAWKERS AND PEDDLERS

In accordance with and under the authority of the State of New Hampshire Revised Statutes Annotated, Chapter 31:102-a and Chapter 320, the Town of Gilmanton Board of Selectmen hereby establish the following ordinance for the regulation of hawkers and peddlers.

PURPOSE

The purpose of this ordinance is to protect the safety, health and welfare of the general public and not to protect the personal or property interests of any individual. Nothing in this ordinance shall be deemed to be the making of a promise, or the undertaking of a special duty to any person; nor shall the provision of, or failure to provide such licenses or to undertake particular inspections or types of inspections be deemed to create a special relationship or duty towards any person upon which an action in negligence or any other tort might be founded.

Section I Definitions The terms "hawker" and "peddler" shall mean and include any person, either principal or agent, who:

- I. Travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares, or merchandise, either on foot, by vehicle or any other means of conveyance;
- II. Travels from town to town, or place to place in the same town, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or building; or
- III. Keeps a regular place of business, open during regular business hours at the same location, but who offers for sale or sells and delivers, personally or through his agents, at a place other than his regular place of business, goods, wares, or merchandise.

Section II Exceptions The provisions of this ordinance shall not apply to the following:

- I. Itinerant vendors as defined in RSA 321:1.
- II. 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 benefits any private shareholder or individual.

Section III Licenses and Fees In granting any license authorized pursuant to this ordinance, the Chief of Police shall be governed by the following minimum standards and the applicant for a license shall be governed by the following general restrictions, however, the provisions of this section shall not be construed to limit any

Town of Gilmanton, New Hampshire
ORDINANCE REGULATING HAWKERS AND PEDDLERS

other standards that may be established for specific activities pursuant to the provisions hereinafter imposed:

I. No person shall hawk or vend without having first been issued a license by the Town of Gilmanton Chief of Police (“Chief”).

II. All licenses shall be issued for specific times, dates and locations, which shall be set forth in writing by the Chief on each license issued.

III. All licenses shall be effective for not more than twenty-eight (28) calendar days from the date of approval, and may be renewed for up to an additional twenty-eight (28) calendar days at the discretion of the Chief.

IV. License applications shall be made to the Chief on a form provided by the Chief. For public safety purposes, the Chief is permitted to obtain certain personal information regarding, but not limited to, age, social security numbers, date of birth, driver’s license and motor vehicle registration information. An applicant must submit the following with the application:

- a. A copy of their Hawkers and Peddlers License, issued by the Secretary of State for the State of New Hampshire
- b. An application fee of \$50.00 for the first week of the license and \$25.00 for each consecutive week thereafter. Payment must be made by bank, cashier or certified check, made payable to the Town of Gilmanton.
- c. A copy of the applicant’s criminal record from the State that they reside in as well as from the State of New Hampshire
- d. A copy of any agent’s criminal record from the State that they reside in as well as from the State of New Hampshire
- e. A copy of any agent’s driver’s license or other State issued picture identification card.

Section IV Record

The Town of Gilmanton shall keep records of all licenses issued with the number of each license, the names of the persons licensed and the fees received therefore, and all such records shall be open for public inspection.

Section V Endorsing and Exhibiting License

Every person licensed as a hawker or peddler shall endorse his usual signature upon his license. When this license is demanded of him by a selectman, town clerk, police officer or the person to whom he sells or offers or exposes for sale his wares, he shall forthwith exhibit the same; and, if he neglects or refuses to do so, he shall be liable to the same penalty as if he had no license.

Town of Gilmanton, New Hampshire
ORDINANCE REGULATING HAWKERS AND PEDDLERS

Section VI Term and Transfer of Permit

I. All licenses issued under the provisions of this ordinance shall bear the date on which they are issued and shall continue in force, subject to this chapter, unless revoked by the Chief of Police in accordance with Section VII of this ordinance. Any hawker or peddler who does not comply with the requirements for license renewal under this ordinance shall be subject to the same penalty as if he had no license.

II. Said licenses may not be transferred.

Section VII Revocation or Denial of Licenses

Any license granted by the Town of Gilmanton may be denied and/or revoked:

1. Upon conviction of the licensee of any offense which in the judgment of the Chief of Police warrants such denial and/or revocation or;

2. Upon the submission to the Chief, evidence satisfactory that, during the term of the license, and acting under cover thereof, the licensee has accepted or solicited money, otherwise than through a bona fide sale or barter of goods, wares or merchandise or has in any manner solicited alms from the public, or;

3. Upon a finding by the Chief that the applicant has willfully falsified his application for license or;

4. Upon consideration of evidence that the holder of said license is insane, a sexual psychopath, is or has been guilty of crimes against persons or property or whose conduct has been otherwise disorderly and is of such violent or offensive demeanor that to permit holder to obtain or retain such license would constitute a threat to the peace or safety of the public or;

5. That the holder of said license is at large pending appeal from a conviction for a violation of the law involving extreme moral turpitude.

6. Any person whose license has been revoked under this section shall be ineligible to be licensed as a hawker or peddler in the Town of Gilmanton.

7. The Chief of Police will notify the Secretary of State for the State of New Hampshire of any person whose license has been revoked.

Section IX Violations/Penalties

Any person who violates any provision of this Ordinance shall be guilty of a violation and subject to a penalty of \$500 per day. Such person shall be deemed to have committed a separate violation for each and every day or portion of which any violation of the Ordinance is committed, continued or permitted by such person.

Town of Gilmanton, New Hampshire
ORDINANCE REGULATING HAWKERS AND PEDDLERS

Section IX Appeal

Any person whose license is revoked under this chapter shall have the right of appeal to the Gilmanton Board of Selectmen.

Passed and approved by the Selectmen of Gilmanton, New Hampshire this _____ day of _____, 2022.

_____ Chairman _____ print

_____ Selectman _____ print

_____ Selectman _____ print

**Town of Gilmanton, New Hampshire
ORDINANCE REGULATING HAWKERS AND PEDDLERS**

**TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS,
AND UNINCORPORATED PLACES**

**CHAPTER 31
POWERS AND DUTIES OF TOWNS**

Miscellaneous

Section 31:102-a

31:102-a Hawkers, Peddlers and Vendors. –

The governing board of a city, town or village district may adopt, by ordinance or regulation, provisions for the licensure and regulation of 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 a town or who go from town to town or place to place within a town for such purposes. Any person who violates any provision of such ordinance or regulation shall be guilty of a class B misdemeanor, and each continuing day of violation after notice shall constitute a separate offense. A city, town, or village district shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40. Persons who are under the age of 14 who are selling soft drinks on family owned or leased property shall be exempt from city, town, or village district licensing requirements. Provisions adopted under this section shall be in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and may include, but shall not be limited to:

- I. Classification of licensees consistent with constitutional requirements of equal protection;
- II. Imposition of reasonable requirements, including fees, for the issuance of a license;
- III. Restrictions as to the areas of the municipality open to licensees and the hours and days of their operation; and
- IV. Other reasonable conditions and terms deemed necessary for public convenience and safety as the governing board determines.

Source. 1973, 558:9. 1981, 515:1. 1993, 164:1, eff. July 23, 1993. 2001, 274:2, eff. Jan. 1, 2002. 2010, 298:1, eff. Sept. 11, 2010. 2021, 166:1, eff. Sept. 28, 2021