

SEABROOK CODE
CHAPTER 173
HAWKERS, PEDDLERS AND SOLICITORS ORDINANCE
ARTICLE I - LICENSING AND CONDUCT

Authority

The Seabrook Board of Selectmen hereby adopts this Ordinance as an amendment to the existing Hawkers, Peddlers and Solicitors Ordinance, pursuant to the authority granted by RSA 31:102-a.

Purpose

The purpose of this Ordinance is to (1) clarify that licenses issued under this Ordinance are exempt from compliance with the Town of Seabrook's Business License Ordinance; (2) adopt a fee exemption for disabled veterans in accordance with state statute; and (3) establish a revised application form and process.

Business License Exemption

A new Section 173-1a is hereby added to the Hawkers, Peddlers and Solicitors Ordinance to read as follows: "Applicants and persons issued a license under this Ordinance shall be exempt from the provisions of Chapter 184, Article II of the Seabrook Code pertaining to business licenses."

Veterans Fee Exemption

A new Section 173-4a is hereby added to the Hawkers, Peddlers and Solicitors Ordinance to read as follows: "Any person who qualifies under RSA 320:11 for a disabled veterans' fee exemption shall be exempt from paying the fees set forth in Section 173-4 of this Ordinance."

Application Form

Applicants for hawkers, peddlers and itinerant vendor licenses shall be required to complete the application form attached hereto and incorporated herein as Appendix A of the Hawkers, Peddlers and Solicitors Ordinance.

Effective Date

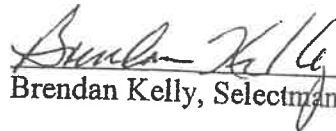
This policy shall be effective as of July 26, 2007.

In witness whereof, these amendments to the Hawkers, Peddlers and Solicitors Ordinance are hereby approved on this the 25th day of July, 2007 by the Seabrook Board of Selectmen.

ATTEST:



Richard A. McCann, Chairman



Brendan Kelly, Selectman



Robert S. Moore, Selectman

UNDER SEAL OF THE TOWN, received and recorded in the Office of the Town Clerk.

ATTEST:



Bonnie Lou Fowler, Town Clerk



§ 173-3. Issuance and revocation of license.

The Selectmen may issue such license under conditions and restrictions as to time and place as they deem necessary for public convenience and safety. They may revoke said license upon repeated violations of the remaining sections of this article.

§ 173-4. License fee. [Amended 3-13-1992 ATM by Art. 37; 2-8-2005 ATM by Art. 51³]

The fee for a Hawkers and Peddlers license shall be \$50 and for a Vendors license shall \$250.

§ 173-5. Stationary sales. [Amended 7-15-1998]

Within the limits of the public streets or other areas owned by the Town, within the area of Town known as "Seabrook Beach," located easterly of Route 1A (Ocean Boulevard) and running from the Massachusetts border to the boundary line of the Town of Hampton, all holders of a hawkers and peddlers license shall ply their trade while moving from place to place and shall not stop for a period of longer than 10 minutes in any one location. It is the intent hereof to prohibit the standing or stopping of said license holders for extended periods of time in one location and to encourage the orderly use of the public ways for the purpose of vending merchandise or items to the public. The Town of Seabrook will allow up to four vendors to locate at the Town parking area on Route 1A (Ocean Boulevard) as noted on the attached map.⁴ These vendors are allowed to remain in one location throughout the day but must in no way hinder the flow of traffic or inhibit the use of the parking area. The stand or selling device shall be no larger in size than a typical wheeled vending stand.

§ 173-6. Hours of operation. [Added 7-15-1998]

The licensee may operate between the hours of 9:00 a.m. to 7:00 p.m., seven days a week.

§ 173-7. Prohibited conduct for vendors. [Added 7-15-1998]

A vendor shall not:

- A. Vend within 1,000 feet of the grounds of any elementary or secondary school between one hour prior to the start of the school day and one hour after dismissal at the end of the school day;
- B. Vend within 50 feet on the same street of any public assembly building while such building is in use;
- C. Vend on any street or sidewalk where vending is otherwise prohibited;
- D. Leave any stand or motor vehicle unattended;

3. Editor's Note: This amendment was approved as follows: Yes - 1,335; No - 396.

4. Editor's Note: Said map is on file in the Town offices.

- E. Store, park, or leave any stand overnight on any street or sidewalk, park any motor vehicle other than in a lawful parking place, in conformance with city and state parking regulations;
- F. Sell food or beverages for immediate consumption unless he has available for public use his own litter receptacle which is available for his patrons' use;
- G. Leave any location without first picking up, removing and disposing all trash or refuse remaining from sales made by him;
- H. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under that stand or motor vehicle, except as expressly indicated in the application for a license;
- I. Set up, maintain or permit the use of any table, crate, carton, rack, sign or any other device to increase the selling or display capacity of his stand or motor vehicle, where such items have not been described in his application;
- J. Solicit or conduct business with persons in motor vehicles;
- K. Sell anything other than that which he is licensed to vend;
- L. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio sound amplifier or similar device to attract the attention of the public;
- M. Vend without insurance coverage; and
- N. Vend without a fire extinguisher of a type approved by the Fire Chief or his designee if the vendor utilizes heat-generation equipment.

§ 173-8. Violations and penalties. [Amended 7-15-1998]

Any violations of this article are punishable by a fine not to exceed \$100.⁵

5. Editor's Note: The provisions of former Art. II, Soliciting Funds, are now included in Part IV, Selectmen's Policies, Ch. P460.

Chapter 173

HAWKERS, PEDDLERS AND SOLICITORS

ARTICLE I Licensing and Conduct

- § 173-1. Town license required.
- § 173-2. State license prerequisite to Town license.
- § 173-3. Issuance and revocation of license.

- § 173-4. License fee.
- § 173-5. Stationary sales.
- § 173-6. Hours of operation.
- § 173-7. Prohibited conduct for vendors.
- § 173-8. Violations and penalties.

[**HISTORY:** Adopted by the Board of Selectmen of the Town of Seabrook as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses — See Ch. 184.
Soliciting in parks and beaches — See Ch. 202.

Policy on soliciting funds — See Ch. P460.

ARTICLE I Licensing and Conduct [Adopted 7-15-1982¹]

§ 173-1. Town license required. [Amended 10-25-2005 STM by Art. 44²]

All itinerant vendors, hawkers and peddlers, as such are defined in RSA 320:1 and 321:1, must apply for and receive a license from the Selectmen in a form approved by the Selectmen prior to the sale of any items or goods. Before the issuance of a license hereunder the Board of Selectmen shall require the applicant for a license to provide the Board with a criminal background investigation and a motor vehicle record in writing from the State of New Hampshire and the applicant's State of residence.

§ 173-2. State license prerequisite to Town license.

The applicant must first obtain and produce a copy of a current hawkers and peddlers license issued by the Secretary of State prior to applying for a Town license.

1. Editor's Note: This ordinance also provided that all other hawker and peddler ordinances, particularly one of 6-20-1978, are superseded by this ordinance. The preface to this ordinance indicates that it was adopted pursuant to RSA 31:39 and RSA 31:102-a.
2. Editor's Note: This amendment was approved as follows: Yes - 108; No - 32.