

Chapter 198

ITINERANT OR TEMPORARY VENDORS

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§ 198-1. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

HAWKER — A commercial vendor selling or offering any non-food goods, wares or merchandise whatsoever on or in road ways, private property, or public property in the Town of Gloucester from a stationary location (Example: commercial vendor selling from booth at an event).

PEDDLER — A commercial vendor selling or offering for sale any non-food goods, wares or merchandise whatsoever on or in road ways, private property, or public property in the Town of Gloucester from a vehicle, cart or any other conveyance which is not stationary (Example: door-to-door salesman; commercial vendor selling novelties from a push cart at an event).

TOWN — Town of Gloucester

TOWN CLERK — The Town Clerk of the Town of Gloucester

TOWN COUNCIL — The Town Council of the Town of Gloucester

§ 198-2. License required.

- A. All hawkers or peddlers desiring to sell or offer for sale any non-food goods, wares, merchandise, or other articles or substances on or in any roadways, private property or public property in the Town shall make application to the Town Clerk for a license, and said Town Clerk may issue a license for the period from the date of such license until said license shall expire.
- B. Holders of a special event license under Chapter 174, Entertainment - Special Events for Liquor Establishments, and Chapter 175, Entertainment - Special Events, shall be subject to the provisions of this chapter.

§ 198-3. Application: requirements.

- A. The application required shall include:
 - (1) The name of the business, its owners, and mailing address of the business.

- (2) The goods and articles proposed to be sold.
- (3) The year, make, model and registration number and proof of insurance for any vehicle to be used.
- (4) The days and hours during which the applicant wishes to operate.
- (5) The location or locations at which the operations shall take place.
- (6) Two so-called "passport-size photographs" of the individual authorized to act under such license, including any person employed as a driver (One photo will be used on an ID badge and one photo will remain with the application).
- (7) A current Permit to Make Sales at Retail from the State Division of Taxation.

B. Requirements.

The completed application will be forwarded to the Chief of Police for approval.

§ 198-4. License issuance.

- A. No such license shall be issued until such time as the Town Clerk receives all items outlined in § 198-.3, as deemed necessary.
- B. The Town Clerk shall, in addition to the license specified above, issue an identification badge containing one of the photographs of the authorized individual along with the effective dates of the license and such other information as the Town Clerk shall deem appropriate. Every licensee shall wear, while engaged in any activity regulated by this chapter, the identification badge issued by the Town Clerk. Such identification badge shall be worn so that it is clearly visible. Violation of this subsection shall be cause for the revocation of the license issued under this chapter.
- C. No license issued pursuant to this chapter shall be transferable, nor shall it authorize any person other than the individual to whom it was issued and named to act thereunder, provided, however a licensee may employ a driver, and such driver may act under the license so long as he or she is registered with the Town Clerk as a driver pertaining to said license and an identification badge has been issued in accord with 198-4 (B).
- D. A separate license shall be required for each vehicle, cart or pushcart. Every licensee shall carry with him/her such license while engaged in sales and produce the same when required by an official of the Town or any other person requesting to see said license. Failure to do so may be cause for the revocation of such license.

§ 198-5. Fees.

All applicants licensed under this chapter shall pay a filing fee as provided in Chapter 368, Fees, which shall be retained by the Town whether such license is granted or denied.

§ 198-6. Rules, regulations and prohibitions.

- A. There shall be no solicitation of motor vehicles while a motor vehicle is stopped in traffic or stopped at a traffic light or intersection. All peddlers or hawkers shall be prohibited from blocking any sidewalk, impeding the flow of traffic, or blocking traffic so as to create a traffic hazard.
- B. Prohibited locations. The Chief of Police may, from time to time, submit to the Town Council locations, public streets, highways or rights-of-way throughout the Town which in his/her opinion, because of excess traffic and congestion, are rendered unsafe for the public welfare to allow the selling or offering for sale of merchandise by peddlers or hawkers.
- C. All peddlers or hawkers shall be prohibited from selling or displaying goods at the following locations:

- (1) At the intersection of Route 44 and 102;
 - (2) At the intersection of Route 44 and 100;
 - (3) At the intersection of Route 100 and 102;
 - (4) At the intersection of Route 44 and Douglas Hook Road;
 - (5) At the intersection of Route 44 and Farnum Road;
 - (6) At the intersection of Route 44 and Saw Mill Road;
 - (7) At the intersection of Route 44 and Pine Orchard Road;
- D. The Town Council shall have the right to deny, suspend, or revoke any license, issued per this chapter, if the operation of the licensee within the Town violates the Town's land use regulations, zoning, or other ordinances.
 - E. No licensee shall offer for sale at any Town-owned park or recreational area any goods or services without obtaining prior written approval from the Recreation Director nor any other publicly owned property without Town Council approval.
 - F. No peddler or hawker shall stop or set up to service customers within 100 feet of any establishment offering for sale similar goods or services.
 - G. No peddler or hawker shall wear clothing that to the reasonable person shall be considered suggestive and/or offensive to the community.
 - H. Sales prohibited during certain hours. No peddling or hawking activity regulated by this chapter shall be permitted anywhere in the Town, except between the hours of 9:00 a.m. to dusk in residential districts, business districts and industrial districts. Exceptions to these hours may be granted only by the Recreation Director and/or Town Council.
 - I. Excessive nuisance. No peddler or hawker shall attempt to sell his/her wares by means of any loudspeaker, voice-amplification system or electronic noise-making device intended to attract public attention, nor shall he/she create a nuisance situation.
 - J. A licensee may operate on private property so long as the licensee has obtained the written consent of the owner(s) of real estate. Such consent shall be nontransferable, is personal to the licensee, and is effective only during the period of the license issued under this chapter.

§ 198-7. License expiration, revocation or suspension; violations and penalties.

- A. All peddler and hawker licenses shall expire on the date stated on the license issued by the Town Clerk's office, but any license may be revoked or suspended at any time by the Town Council for violation of any of the provisions of this chapter or for any other good cause.
- B. A peddler or hawker, while engaged in an activity regulated by this chapter, who shall neglect or refuse to wear the identification badge, as specified in this chapter, § 198-4B, may have the license revoked.
- C. Any person violating the provisions of this chapter shall upon conviction, be fined or imprisoned as provided in Chapter 1, General Provisions, Article II, Penalties; provided, however, that no person shall be fined more than \$200 or imprisoned more than 10 days for such violation.

§ 198-8. Categories of licenses; existing licenses; vacancies.

- A. For the purpose of this chapter, the Town shall have the following categories of licenses:
 - (1) Category 1: those persons selling or offering for sale articles or goods made by their own hands,

or of general manufactured merchandise (peddlers and hawkers);

- (2) Category 2: those persons or businesses selling or offering for sale services or products through door-to-door sales (peddlers).

- B. Limitations. As of the effective date of the adoption of this section, the maximum number of licenses shall be as follows: in Category 1, a maximum of three annual licenses; and in Category 2, a maximum of three annual licenses. The maximum number of licenses may be amended by the Town Council by resolution, provided, however, that any reduction in the number of authorized licenses shall not be deemed to affect the right of any current license holder to continue to renew the license annually. All licensees who have obtained a license prior to the effective date of this section shall be entitled to annually renew the license, notwithstanding the limitations on the number of licenses authorized to be issued, so long as the licensee complies with all of the provisions of this chapter and any applicable regulations. Any licensee who fails to renew his/her license prior to the expiration date shall not be entitled to renew the license unless and until there is a license available in the category applied for. No new licenses in any of the categories shall be issued until the total number of licenses issued for a specific category is less than the maximum number set forth above.
- C. Vacancies: The Town Clerk shall maintain a list of persons interested in obtaining an annual hawker or peddler license and, upon the occurrence of a vacancy in said category, shall notify the person whose name appears first on the waiting list of such category of the availability of a license. If the person so notified fails to make application within 10 days after notification, the Town Clerk shall remove that person's name from the list and notify the person whose name appears next on said list until an application is received. In the event that the Town Clerk does not approve the application, any applicant may appeal to the Town Council within 30 days of the date of any denial by the Town Clerk of any such application. In order to be considered by the Town Council, any such appeal must be properly delivered in writing by the applicant no later than the close of business on the Monday immediately preceding the next Town Council meeting.

§ 198-9. Nonprofit farm cooperative licensing.

A. In addition to the other licenses referred to in this chapter, the Town Clerk shall have the authority to issue a hawker's license(s) to the premises of a nonprofit farm cooperative agency(ices) jointly with an applicant for the sale of vegetables, fruits and flowers.

- (1) Requirements:

- (a) The applicant must be a Town resident.
- (b) All items to be sold must be grown on the applicant's premises.

- (2) Limitations:

- (a) A maximum of two licenses per nonprofit farm cooperative agency; per granted date(s).

B. A fee shall be charged for all applications for a special license in accordance with § 198-5 of this chapter and shall be retained by the Town whether the license is granted or denied.

§ 198-10. Effective date.

This chapter shall take place upon passage.