

**AN ORDINANCE TO
REGULATE STREET VENDORS AND
DOOR-TO-DOOR SOLICITORS
IN THE TOWN OF NORWICH**

1. AUTHORITY

1.1 This ordinance is adopted under the provisions of Vermont Statutes Annotated 24 V.S.A. §1971 and §2291(9).

2. CIVIL ORDINANCE

2.1 Any infraction of this ordinance will be considered a civil violation.

3. GENERAL PROVISIONS

3.1 No person shall, in person or by his/her employees or agents, sell, peddle, or solicit orders for any goods, wares, merchandise or services within the sidewalks or public streets of the Town of Norwich (Town), or by traveling from door-to-door within the Town without first securing a permit from the Chief of Police or his/her designee.

3.2 No person shall, in person or by his/her employees or agents, sell, peddle, or solicit orders for any goods, wares, merchandise or services within the sidewalks or public streets of the Town, or by traveling from door-to-door within the Town between the hours of 7:00 pm on one day and 9:00 am the next day.

3.3 A permit shall be obtained seven (7) days in advance of the start date of solicitation.

3.4 The permit fee(s) shall be set by the Selectboard.

3.5 The permit shall be valid for up to seven (7) days. The permit may be extended for additional seven (7) day periods by requesting such extensions from the Chief of Police or his/her designee.

3.6 Authorized representatives of religious, charitable, educational, or service organizations desiring to solicit or raise money through the sale of goods or through the sponsoring of an activity in a public place, municipal property, buildings, sidewalks or rights of way shall be exempt from paying any fees required by any section of this ordinance. All such organizations shall be required to submit in writing to the Chief of Police the name and purpose of the cause for which such sale of goods or activity is being conducted, the name and address of the immediate director of such activity, and the period during which such activity is to be carried out in the Town of Norwich and the time, place and location of such activity. If the Chief of Police investigation, shall find that the organization is a bona-fide charitable, religious, educational or service organization, and that the activity will not jeopardize public health, safety and welfare, he shall issue, free of charge, a permit to carry on such sale of goods or activity at a specified time and place and upon such other conditions as the Town Manager shall require. Such permit shall cover all persons engaged in the activity for which the permit was issued.

3.7 Minors, independent of an organization, may have a lemonade stand or similar stand and not trigger this ordinance.

4. DENIAL OF PERMIT

4.1 The Police Chief shall deny a permit if:

4.1.1 The applicant for a permit has been convicted within the last five (5) years of any felony or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.

4.1.2 A permit previously issued to the applicant has been revoked.

4.1.3 The applicant has made any material misrepresentation in the application for a permit.

5. APPLICATION INFORMATION

5.1 The applicant's full legal name.

5.2 A copy of a picture ID.

5.3 Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.

5.4 A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).

5.5 Full address of applicant's permanent residence.

5.6 Telephone number of applicant's permanent residence.

5.7 Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.

5.8 Full address of applicant's regular place of business, if any exists.

5.9 Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.

5.10 The type of business for which the applicant is applying for a license.

5.11 The dates during which the applicant intends to conduct business.

5.12 Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the Town, including the location where a transient merchant intends to set up his or her business.

5.13 A statement as to whether or not the applicant has been convicted within the last five (5) years of any felony or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.

5.14 A list of the three (3) most recent locations where the applicant has conducted business as a peddler or transient merchant.

5.15 Written permission of the property owner or the property owner's agent for any location to be used by a transient merchant.

5.16 A general description of the items to be sold or services to be provided.

5.17 Any and all additional information as may be deemed necessary by the Police Chief.

5.18 The applicant's driver's license number or other acceptable form of identification.

5.19 The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.

6. PROHIBITED ACTIVITIES.

6.1 No peddler, solicitor, transient merchant, noncommercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manner:

6.1.1 Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.

6.1.2 Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.

6.1.3 Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

6.1.4 Conducting business before 9 am or after 7 pm.

6.1.5 Failing to provide proof of license, or registration, and identification when requested.

6.1.6 Using the license or registration of another person.

6.1.7 Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the Town solely based on the Town having issued a license or certificate of registration to that person.

6.1.8 Remaining on the property of another when requested to leave.

6.1.9 Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

7. EXCLUSION BY PLACARD.

7.1 Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, noncommercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a

peddler, solicitor, transient merchant, noncommercial door-to-door advocate, or similar activity when the property is marked with a sign or placard mounted on a post at the entrance to the driveway or at the main entrance to the building:

- 7.1.1 At least fourteen inches long.
- 7.1.2 At least four inches high.
- 7.1.3 With text of a contrasting color at least 1½" high.
- 7.1.4 Stating "No Solicitation".

7.2 No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

8. NO SOLICITORS LIST

8.1 The "Do Not Solicit" list shall be maintained by the Police Department.

8.1.1 An owner or lawful occupant of any residence within the Town who wishes to prohibit solicitation at his or her residence may register the address of the residence with the Police Department by completing a form prepared by the Police Chief. The registration shall take effect seven (7) days after the form is submitted to the Police Department and be valid for two years.

8.1.2 The "Do Not Solicit" list shall consist solely of property addresses, and shall include no further identifying information concerning the ownership of each property.

8.1.3 The Police Department shall remove from the "Do Not Solicit" list any property which has changed ownership.

8.2 The Chief of Police or, in his absence, the officer in charge of the Police Department, shall provide a copy of the "Do Not Solicit" list to each and every applicant to whom a permit is issued pursuant to this ordinance. Upon request, the Chief of Police or his/her designee shall provide a copy of the "Do Not Solicit" list to any individual or entity otherwise exempt from the provisions of this ordinance which intends to engage in door-to-door canvassing, solicitation, campaigning, advocacy, education, proselytizing, or handbill distribution.

8.3 Solicitation at any address identified on the "Do Not Solicit" list shall constitute a violation of this ordinance. Each and every solicitation at an address identified on the "Do Not Solicit" list shall constitute a separate violation of the ordinance.

9. REPLACEMENT

9.1 This ordinance supersedes all existing ordinances to regulate street vendors and door-to-door solicitors.

10. ENFORCEMENT

10.1 This is a civil ordinance and shall be enforced by Police Department in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§1974a et seq.

11. PENALTIES AND COSTS

11.1 First offense \$100.00 full penalty \$50.00 waiver penalty

11.2 Second offense \$200.00 full penalty \$100.00 waiver penalty and revocation of permit

12. OTHER LAWS.

12.1 This ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont.

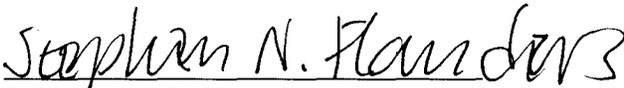
13. SEVERABILITY

13.1 If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

14. EFFECTIVE DATE.

14.1 This ordinance shall become effective 60 days after its adoption by the Town of Norwich Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

ADOPTED by the Norwich Selectboard on June 12, 2013.


Selectboard Chair

Effective Date: August 12, 2013