

TOWN OF WESTON

ITINERANT VENDOR ORDINANCE

SECTION I: PURPOSE OF ORDINANCE.

The purpose of this Ordinance is to prevent crime and promote safety, convenience and order in all public and private places within the legal limits of the Town of Weston and to prevent traffic congestion and unsafe traffic conditions on the highways, along the sidewalks and in all public and private places, parks and recreational facilities of the Town.

SECTION II: AUTHORITY.

This ordinance is adopted pursuant to the authority conferred by 24 V.S.A. S1971, S2291 (9).

SECTION III: PROHIBITION.

It shall be unlawful for any person to conduct business as an itinerant vendor as defined herein within the legal limits of the Town of Weston unless exempt under Section V or Section VI of this Ordinance. Any activities conducted under the exemptions provided for in Sections V & VI must comply with the Town of Weston Zoning Regulations.

SECTION IV: DEFINITIONS.

ITINERANT VENDOR.

An Itinerant Vendor is defined as a person who, traveling from place to place, or having no permanent place of business within the Town of Weston, or remaining in one location occupying a building or structure that has not received a zoning permit for that activity, or carries goods, wares or merchandise on foot, and/or utilizes a wagon, automobile vehicle, push cart, trailer, van or any other type of conveyance, offers to or actually sells or barter such goods, wares or merchandise, whether such a person acts for himself/herself or as agent for another person.

BUILDING OR STRUCTURE.

A place of business used by an itinerant vendor which does not have a zoning permit and which must be removed at night.

PERSON.

The word person shall include firm, corporation, or other business entity.

ITINERANT VENDOR ORDINANCE ADMINISTRATOR.

The Administrator makes rulings on a person's activities under the authority of this ordinance. The Itinerant Vendor Administrator is appointed by the Board of Selectmen for a term of 2 years. Rulings made by the Itinerant Vendor Administrator are made under the provisions of this Ordinance only and do not exempt the applicant from the provisions of the Weston Zoning Regulations.

SECTION V. ACTIVITIES OR PERSONS EXEMPTED FROM THIS ORDINANCE.

- A. The sale or distribution of agricultural products
- B. Sales to or orders taken from manufacturers, merchants and dealers for the purpose of resale only.
- C. The soliciting of orders with or without the display of samples at a private residence for future delivery.
- D. On-site auctions or sales held for the disposal of the real or personal property of that land owner or lessee.
- E. Any person or activity defined by this Ordinance as an Itinerant Vendor which is permitted by the Weston Zoning Regulations.

SECTION VI. ACTIVITIES OR PERSONS EXEMPTED FROM THIS ORDINANCE AFTER REVIEW BY THE ITINERANT VENDOR ORDINANCE ADMINISTRATOR.

- A. The sale and distribution of newspapers or magazines or the soliciting of subscriptions for same. Should such activity entail a permanent sales fixture, a site plan must be submitted to the Vendor Ordinance Administrator for review under the purpose of this Ordinance.
- B. The sale or auction of goods, wares or merchandise by the authorized representatives of religious, charitable, educational, service or other non-profit or tax exempt organizations under the laws of the State of Vermont. Such organizations shall submit in writing to the Vendors Ordinance Administrator the name and purpose of the cause for which such activity is sought. The name and address of the immediate director of such activity and the location, dates and time which such activity is to be carried on in the Town of Weston. Such activities must be conducted in compliance with current Town of Weston Zoning Regulations.

SECTION VII. ADMINISTRATIVE PROCEDURE.

APPLICATIONS.

Persons seeking a decision by the Itinerant Vendor Administrator must submit a request in writing to the Itinerant Vendor Administrator at least 7 days before the

planned activity. If such application is made less than 7 days before the event the application may be reviewed at the Itinerant Vendor Administrator's discretion.

APPEALS.

Any applicant aggrieved by a decision of the Review Board may appeal that decision in writing to the Board of Selectmen within thirty (30) days of such decision. The Board of Selectmen shall hold a hearing within thirty (30) days of such an appeal and shall render a decision within fifteen (15) days after the close of such hearing.

PENALTIES.

Any violation of this ordinance may be enforceable by injunction or other action available by law. Any person violating the provisions of this ordinance shall be punished by a fine of three hundred dollars (\$300). Each week that such violation continues shall constitute a separate violation.

SECTION VIII. SEVERABILITY.

If any portion of this Ordinance and Amendments is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance and Amendments shall not be affected. The provisions of this ordinance shall not be construed as interfering with sales of any article in interstate commerce.

ADOPTED BY BOARD OF SELECTMEN April 11, 1995.

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EFFECTIVE DATE June 10, 1995.

February 27, 1990
June 8, 1993
April 11, 1995

BOARD OF SELECTMEN

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