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*7/15/187*

TOWN OF NEWFIELDS

ROCKINGHAM COUNTY, S.S.

BOARD OF SELECTMEN

ORDINANCE TO REGULATE VENDORS, HAWKERS, PEDDLERS, SOLICITORS AND OTHER ITINERANT VENDORS.

1. No person, partnership, corporation or other entity, may sell, barter, purchase or otherwise carry on commerce in goods or services within the Town of Newfields through door-to-door solicitations without first receiving a License to do so from the Town of Newfields.
2. Persons subject to this Ordinance shall apply to the Office of the Selectmen for a License. The application for License shall include the following information:
  - a. the name of the person applying, and the name of the entity, if different, for whom the application is made,
  - b. the Local address of the person applying, the permanent address of the person applying, and of the entity, if different from the person making the application.
  - c. the Local and permanent telephone numbers of said person and/or said entity.
  - d. the social security number of said person and the social security or taxpayer's identification number of the entity.
  - e. the nature of the goods or services involved, and the names of the area to be canvassed, the vehicle to be used and the names of all solicitors.
  - f. the method of solicitation to be used and copies of any proposed contracts, agreements, promotional materials, or other materials designed to be used in solicitation.
3. The Selectmen shall send one copy of the application together with a copy of the attachments to the Chief of the Newfields Police Department.
4. The Selectmen shall grant such License at the next regularly scheduled meeting unless they determine that:
  - a. the applicant has been convicted of actions involving ~~theft~~ <sup>*Theft*</sup> or fraud, or
  - b. the applicant has outstanding charges for ~~conviction~~ <sup>*Theft or*</sup> fraud lodged against him anywhere in the State of New Hampshire either with Local or State Agencies.
5. There shall be no fee for said License.

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*C. For other Good Cause as determined by the Chief of Police or Selectmen*

6. If an applicant believes the permit to have been wrongly denied, he may appeal the decision to the Board of Selectmen, who shall hold a hearing on the issue and who shall grant or deny the License. The Selectmen shall hold said hearing within seven (7) business days of the request for same by the applicant.
7. PENALTY: Any person, firm, or corporation who violates any of the regulations of this ordinance shall be guilty of a violation and may be fined up to \$100.00.

**DEFINITIONS:**

Vendor: shall be defined as any person(s) or corporation who travels from place to place in the Town of Newfields for the purpose of displaying items for public view for sale, barter or trade.

Hawker/Peddler: except as hereinafter expressly provided, the terms hawker and peddler as used in this chapter shall mean and include any person(s) as defined by (REVISED STATUTES ANNOTATED 358-A:1) either principal or agent, who goes from Town to Town or from place to place in the same town, or from a temporary place of business, carries for sale or barter, or exposes therefor, any goods, wares of merchandise from stock, or for future delivery.

Solicitor: (Reference RSA 320:1): This term shall include any person(s) or organization engaging in what is commonly called "Tag Days", in which members of any organization solicit monies in public places for the purpose of financial assistance to that organization.

Itinerant Vendors: For all purposes of this chapter the words itinerant vendors mean all persons, both principals and agents, who engage in a temporary or transient business in this State, either in one Locality or traveling from place to place selling goods, wares and merchandise from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hire or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise or samples.

Other Persons Covered: This ordinance covers itinerant purchasers of goods from persons, or organizations in the community which are not normally in business of retail or wholesale trade and which have not displayed such goods for sale or otherwise advertised or noticed the availability

of said goods for sale. This shall include persons seeking to purchase such items as gold, jewelry, antiques, junk, mobile home accessories, and other items which are not held out for sale in the normal course of business by the owners thereof. This shall not be deemed to include real estate.

#### EXEMPTIONS:

The provisions of this ordinance shall not apply to wholesalers or jobbers selling to dealers only nor to any persons selling the product of his own labor or the labor of his family or the product of his own farm or the one he tills, except that they must conform to other regulations in this chapter. (RSA 320). Neither shall the provisions of this ordinance be deemed to apply to door-to-door political or religious solicitors provided no funds are solicited and no items, goods, or service are sold or purchased.

Use of Vehicle: No vendor, hawker, peddler, solicitor or itinerant vendor shall allow any vehicle owned by him or in his charge, to stand, be or remain upon the corner of any street, or near the junction of any two streets for the sale of goods, wares, or merchandise therefrom.

Unnecessary Noise: No vendor, hawker, peddler, solicitor or itinerant vendor shall carry any goods, wares, or merchandise, nor shall any person whether employed by such vendor, hawker, peddler, solicitor or itinerant vendor call attention to or advertise such merchandise by any words or sounds, or by the blowing of horns, or other instruments, or by any unusual noise, in or upon any public street, lane, alley or place.

Litter: It shall be unlawful for any person(s), while engaged as a vendor, hawker, peddler, solicitor, or itinerant vendor as defined in this chapter, to dump, deposit, throw or leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in the Town of Newfields, or in or on ice in any waters in the Town of Newfields.

Prima Facie Evidence: Evidence that litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of Town Ordinance 804.5a, shall be prima facie evidence that the operator of said conveyance shall have violated this chapter.