

**TOWN OF HIGHGATE**

**PUBLIC ASSEMBLY**

**VENDING**

**ORDINANCE ADOPTED**

**March 21, 1996**

PURSUANT TO 24 V.S.A., CHAPTER 59, SECTION 1971, THE HIGHGATE BOARD OF SELECTMEN ADOPTED THE PUBLIC ASSEMBLY VENDING ORDINANCE AS RECOMMENDED BY THE ORDINANCE COMMITTEE ON MARCH 21, 1996 AT THEIR REGULAR MEETING. THE CAMPING AND PARKING FACILITY ORDINANCE WILL BECOME EFFECTIVE MAY 21, 1996. A CONCISE SUMMARY OF THE ORDINANCE IS LISTED BELOW. THE COMPLETE ORDINANCE IS AVAILABLE FROM THE TOWN CLERK'S OFFICE DURING BUSINESS HOURS. THE ADOPTION, AMENDMENT, AND APPEAL OF THE ORDINANCE MAY BE MADE THROUGH THE PROVISIONS OF 24 V.S.A., CHAPTER 59.

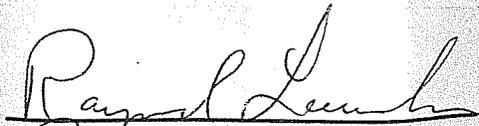
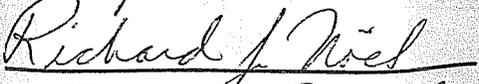
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Board of Selectmen:

Raymond Laroche

Richard Noel

Brian Rowell


**TOWN OF HIGHGATE**  
**PUBLIC ASSEMBLY VENDING ORDINANCE**

**1. Purpose**

To regulate vending within the Town of Highgate for the protection of the public health, safety and welfare, to maintain safe and efficient pedestrian and motor vehicle traffic.

**2. License Required**

(a) For one day prior to, the day of, and the day after, and including the duration of any event in the Town of Highgate for which a State Assembly Permit has been approved, it shall be unlawful for any person to engage in vending as defined herein within the Town of Highgate without first obtaining a license as herein provided.

(b) Notification: The Board of Selectmen will post and advertise the need for a vending license within two (2) days of the filing of a Public Assembly Permit application.

**3. Definitions**

The word "vending" shall mean the temporary or transient business of selling goods, wares, or merchandise. Vending shall not include soliciting orders or making deliveries or the sale of products of land such as fruits and vegetables pursuant to 24 V.S.A. Section 451.

**4. Application**

Any person who wishes to engage in vending as defined in this ordinance shall file an application with the Town. The Board of Selectmen shall review and approve or disapprove each license application.

(a) The Board of Selectmen will base approval on Public Assembly Permit requirements in accordance with the provisions of 20 V.S.A. Chapter 201, Sections 4501- 4511.

(b) A statement as to the dimension, construction and appearance of applicant's stand or cart, and a photograph of such if required, and a description of the area where the vendor requests his/her cart or stand to be located must accompany the application.

(c) Written permission from the landowner or co-signed if different from the vendor is required. The landowner is responsible for the vending on said premises and shall be held to the provisions of this ordinance.

**5. License issuance, fees, and duration**

(a) Issuance. Each license is good for only one (1) location at any one (1) time. A license shall authorize vending at any location throughout town except as noted below or with written approval from the Board of Selectmen.

(1) In the public right of way on any road regardless of class.

(2) Within any town park or recreation area.

(b) A licensed vendor shall be responsible for keeping the area within twenty five (25) feet of the vendor clear of solid waste. Trash cans with covers and plastic garbage bags are required for this purpose. Solid Waste is to be disposed of properly.

(c) Fees and duration. Fee for all approved licenses under this section shall be payable in full upon application to the Office of the Town Clerk and Treasurer. Refunds made only for licenses not approved.

(1) General licenses. \$15.00

(d) The Board of Selectmen may waive the fee for Highgate residents and non-profit organizations.

Highgate Vending Ordinance (continued)

(e) At no time shall a vendor create a public nuisance, obstruct or interfere with the free passage of vehicles, pedestrians, bicycles, and those physically challenged on the public right of way.

(f) The Board of Selectmen shall negotiate on-site vending with the event promoter for local residents denied a license.

**6. Transfer and Display**

(a) No license issued under this ordinance shall be used at any time by any person other than the one to whom it was issued or an employee and/or volunteer thereof. A licensee shall display his/her license at all times while vending. Failure to do so shall be considered cause for revocation of such license and the fine shall be imposed.

(b) Employees and/or Volunteers. A licensed vending may utilize the services of employees and/or volunteers and shall be fully responsible for insuring that his/her employees and/or volunteers comply with the provisions of this chapter.

**7. Severability**

If any section, subdivision, paragraph, sentence, clause, or phrase of this chapter, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof.

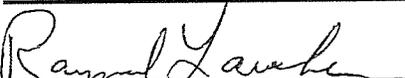
**8. Penalty**

The violation of any provision of said ordinance is a criminal misdemeanor. As such, each violation is punishable by immediate revocation of the vendor's license and a two hundred fifty (\$250.00) fine for the first offense and a five hundred dollar (\$500.00) fine or and/or imprisonment for a term not to exceed one year for all violations. Each day shall constitute a separate offense.

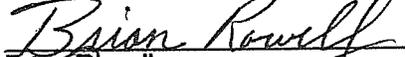
**9. Criminal Ordinance**

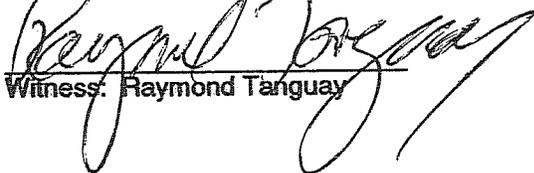
This ordinance is designated criminal pursuant to 24 V.S.A. Section 1971 (b).

**ADOPTED BY THE BOARD OF SELECTMEN AND DATED ON MARCH 21, 1996.**

  
Raymond Laroche, Chairman

  
Richard Noel

  
Brian Rowell

  
Witness: Raymond Tanguay