

RECEIVED FOR RECORD  
AUG 19 2021 06:00:00P  
WENDI DUSABLON  
TOWN CLERK  
HIGHGATE, VT

TOWN OF HIGHGATE  
REGULATING TRAVELING VENDORS

5-18-21

SECTION 1- PURPOSE- to protect the public health, safety, and wellbeing, and to promote the responsible, fair, and equitable sale of goods by traveling vendors.

SECTION 2- AUTHORITY- This ordinance is adopted by the Selectboard of the Town of Highgate under the authority granted in 24 V.S.A/ Chapter 59 and 24 V.S. A. Chapter 61 which provides the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate activities within the Town of Highgate.

SECTION 3- APPLICABILITY AND EXCEPTIONS- This ordinance applies to all persons defined as traveling vendors seeking to sell goods or services on a temporary basis and are otherwise unlicensed or subject to applicable zoning requirements.

3.1- EXCEPTION- The provisions of this ordinance governing the sales of goods does not apply to the sale of local farm fruits, vegetables, or other produce provided that written permission of the landowner for private lands or the Town, for Town property, has been requested and received.

SECTION 4- SEVERABILITY- The sections of this ordinance and its parts are separable. If any portion of this ordinance or application thereof to any person or circumstance shall be held invalid, the remainder of this ordinance shall not be affected. If any matter mentioned in this ordinance is said to be controlled by a specific State Statute, the reference to the Sate Statute shall apply.

SECTION 5-ENFORCEMENT & PENALTIES- Any certified law enforcement officer or enforcement officer appointed by the Selectboard shall have authority to regulate the activities set forth in this ordinance. The Selectboard shall annually appoint a member of the Board to serve as the Selectboard Permit Specialist at the first meeting following Town Meeting. The Selectboard Permit Specialist is responsible for the issuance of permits prescribed in this ordinance and all appeals of permit decision will be heard and adjudicated by Selectboard.

5.1- Fines- A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Section 1974a and 1977. The Selectboard or enforcement officers will request cessation to any activities in violation of this ordinance. If the violator/violators fail to comply with the request immediately, a municipal complaint ticket will be issued for two hundred dollars (\$200.00) for the first offense, three hundred dollars (\$300.00) for the second offense, and five hundred dollars (\$500.00) for all subsequent offenses.

5.2- Judicial Bureau- A violation of this ordinance may lead to superior court action seeking injunctive relief and civil penalties pursuant to 24 V.S.A. Section 1974.

5.3- Waiver of Schedule of Fines- A person who is charged and ticketed for the first time with committing a violation of offenses set forth in this ordinance may waive appearance and trial and plead "admitted" or "no contest" by a signed statement within twenty (20) days of issuance. The person shall submit a waiver fee in the amount of seventy-five dollars (\$75.00) to the Judicial Bureau as outlined on the reverse side of the Municipal Complaint Form and provide written evidence that the original violation has been abated. The person shall also pay the permit fee directly to the Town.

5.3.1 Any law enforcement officer or code enforcement officer who issues a municipal ticket or summons for a violation of an offense citing the ordinance shall advise the alleged violator of the schedule of fines set forth in this ordinance and further advise the offender of the waiver process.

SECTION 6- DEFINITIONS- Whenever in this chapter the following terms are used, they shall have the meanings respectively given in this section.

6.1 Enforcement Officer- Any constable, police officer, health officer or zoning administrator or such other person(s) appointed by the Selectboard to enforce the provisions of this ordinance.

6.2-Traveling Persons, principles, agents, corporations, or other business entities who engage in a temporary or transient business in the Town of Highgate, either in one locality, or in traveling from place-to-place selling goods, wares, or merchandise, and who for the purpose of carrying on such business, hire, lease or occupy a building, structure, vehicle, cart or other device from which goods are sold.

6.3 Private Property Any property within the Town of Highgate that is not owned and maintained by the Town of Highgate or the State of Vermont.

6.4 Public Facilities- Buildings, parks, forests, lands, highways, or rights of ways owned and maintained by the Town of Highgate.

6.5 Temporary- ~~The intent of this ordinance is to apply to traveling entities that remain in one location for one month or less on municipal property. Entities that are in location for greater than one are governed by the Zoning Regulations for the Town of Highgate.~~ The Selectboard will issue permits for no longer than one month at a time, but may renew a permit if an extension is desired.

SECTION 7- PERMIT REQUIRED- It shall be unlawful for any traveling vendor to engage in business or the sale of goods within the Town of Highgate without a permit.

SECTION 8- APPLICATION- Application for a permit shall be made to the Selectboard Permit Specialist and shall state thereon the name and mailing address of the applicant, the description and number of vehicles, carts or other devices, if any, intended to be operated, the kind of merchandise to be sold, the location where items are to be sold and business conducted and the dates and hours during which business will be conducted. The applicant will also provide the following information:

8.1 Documentation- Copies of any and all other federal, ~~state~~state, and local permits necessary for the traveling vendor to conduct business as set forth in the application including, but not limited to, State of Vermont sales and use tax certificates, meals and rooms tax certificates and Vermont State Health Permits to operate a food establishment.

8.2 Location- A description and or map of the location the traveling vendor expects to ply their wares. For vending on private property, written permission of the landowner must be attached to the application.

8.3 - Bond Requirement- The applicant shall provide any such other information as may be reasonably required. The Selectboard may require the applicant to provide a deposit not to exceed five hundred dollars (\$500.00) to assure clean -up of the area in which the business is to be conducted. This deposit is refundable to the traveling vendor upon confirmation by the Permit Specialist that the site was left in acceptable condition.

SECTION 9- ISSUANCE OF PERMIT- Prior to issuing a permit, the applicant shall submit the completed application together with all fees and copies of all necessary federal, state and local permits as required by Section 8 above.

9.1.- Process- Within fifteen (15) working days, the Selectboard Permit Specialist shall act on the permit application. If the permit is denied, the reasons for the denial shall be made in writing to the applicant and delivered by certified mail sent to the address indicated on the application with instructions on how to appeal the denial to the Selectboard. If the permit is approved, the applicant will be notified and instructed to proceed to the Town Clerk to pay the applicable fees and receive the permit.

9.2 Appeals- A person may appeal to the Selectboard the denial of a permit by filing a written Notice of Appeal with the Town Administrator within five (5) days of receipt of notification that the permit is denied. The Selectboard shall consider the appeal at the next scheduled Selectboard meeting after notice to the applicant at which the applicant is entitled to be present. The Selectboard may affirm or reverse the Selectboard's decision or attach such additional conditions to the permit as will, in their best judgement, protect the public's health, safety and welfare and to prevent the damage of public and private property.

9.3 Fees- The fee for a permit on public property shall be twenty-five dollars (\$25.00) for each day the traveling vendor conducts business in the Town of Highgate, which fee shall be paid at the time of permit issuance. There will be additional fees assessed for applicants needing

municipal services. The Selectboard Permit Specialist (or issuing authority) has the option to negotiate a discounted price for an extended stay, if they wish to encourage vending in a certain area for the convenience of the residents.

9.4 Display of Permit- The permit shall, at all times, be visibly posted at the location at which the business or sale of goods is being conducted or shall be carried with the traveling vendor for presentation upon request. Permits will be valid for 6 months from the date of issuance.

SECTION 10- RELIGIOUS, CHARITABLE, EDUCATIONAL, AND SERVICE ORGANIZATIONS-  
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 shall be exempt from paying any fees required by any section of this ordinance. All such organization shall be required to submit in writing to the Selectboard Permit Specialist 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 on in the Town of Highgate and the time, place, and location of such activity. If the Selectboard Permit Specialist, after investigation, shall find that the organization is a bon fide charitable, religious, educational or service organization, and that the activity will not jeopardize the public's health-, safety and welfare, they shall issue, free of charge (unless they require services), a permit to carry on such sale of goods or activity at a specified time and place and upon such other conditions as the Selectboard Permit Specialist shall require. Such permit shall cover all persons engaged in the activity for which the permit was issued.

SECTION 11- EFFECTIVE DATE- Upon passage of the Town of Highgate Selectboard.

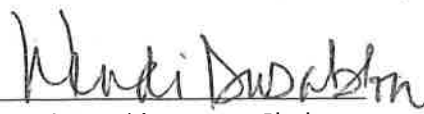
  
Sharon Bousquet

  
Vern Brosky III

\_\_\_\_\_  
Bruce Butler

  
Richard Flint

  
Kyle Lothian

Attest by   
Wendi Dusablon, Town Clerk

Date 8/19/2021

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VENDING APPLICATION FOR INDIVIDUAL VENDOR OPERATING INDEPENDENT FROM AN EVENT

The Selectboard reviews all application for vending on municipally owned property. The completed application will be placed on a meeting agenda for review. Vending application on private property shall be reviewed by the DRB.

GENERAL BUSINESS INFORMATION

Applicant Name \_\_\_\_\_ email \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Desired Location \_\_\_\_\_  
Business Name \_\_\_\_\_  
Items to be sold \_\_\_\_\_  
Number of employees in group \_\_\_\_\_  
person in charge on site \_\_\_\_\_ Phone \_\_\_\_\_  
Requested dates \_\_\_\_\_ hours \_\_\_\_\_  
Type of Sales Equipment Trailer \_\_\_\_ Canopy \_\_\_\_ tables \_\_\_\_  
Will you need electricity? \_\_\_\_\_  
Will you run a generator? \_\_\_\_\_ how large? \_\_\_\_\_  
do you have a plan to manage noise? \_\_\_\_\_  
Will you need a port-o-let? \_\_\_\_\_  
Will you have stand-alone signage? Describe \_\_\_\_\_  
Garbage containment plan \_\_\_\_\_

ATTACH A COPY OF ANY APPLICABLE DOCUMENTS:

- Business license
- Business Insurance
- Sales and Use Tax Certificates
- Dept of Health Inspections
- Menu, business flyer, images of items for sale
- Description or map of the desired location with parking plan
- Deposit if required

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RULES OF THE PUBLIC SPACES

- Smoking is prohibited
- Alcohol is prohibited
- Public intoxication is prohibited
- Trash must be disposed of in appropriate containers or carried out
- Pet owners are responsible for cleaning up waste and/ or repairing damage for their pets.

FEES-

Business requiring space on public land \$25 per day

business requiring electricity pay an additional \$10\_\_\_ per day depending on hours

business requiring port-o-let must provide their own or pay \$\_5/day for use of existing unit.

A deposit of \$200 will be required to ensure that all garbage is removed and any damage is repaired.

The Selectboard Permit Specialist may negotiate a reduced rate for extended periods of time if they deem it beneficial to the residents.

Permits will be issued for a one-month period but may be renewed is desired.

The Selectboard may waive the fee for any Religious, Charitable, Educational and Service Organization.

I, \_\_\_\_\_, as owner or authorized agent for \_\_\_\_\_ agree to the conditions of use outlined in this agreement and further agree to work with the Town Officials to maintain an orderly, tidy and attractive business at this site and understand that this agreement can be terminated at any time for failure to meet these standards. Any damage to property resulting from the operation of my business will be the responsibility of the business I represent. All rules, regulations, or ordinances of the public property remain applicable to the business use unless specifically waived for the use.

Authorized Agent \_\_\_\_\_

**Waiver of Liability**-In consideration of my request to locate my business on Highgate Municipal Property to conduct business, I agree, for myself and my heirs, executors and administrators to indemnify, defend and hold forever harmless, The Town of Highgate, its officers, agents and employees from and against any and all claims, demands, liabilities, actions, judgements, settlements, damages, costs and expenses (including attorney's fees and disbursements) for injury to, or death of any person, including myself, or damage to property arising out of, or resulting from any material, product, equipment, vehicle or service supplied by the company or by me, or the agents, servants or employees of either, or from any action or failure to act on the part of myself or the company, or the agents, servants or employees of either, while performing business on the premises of the Town of Highgate.

Authorized Agent \_\_\_\_\_