



Town of Derry, NH
Application for
Hawkers, Peddlers & Itinerant Vendors License
Per Chapter 119 of Derry Town Ordinance

Applicant Name: _____ Type of Sales/Activity*: _____

Date(s) of Activity: _____ Length/Time of Activity: _____

Business/Organization Name: _____ Authorized Agent: _____

State of Business Registration: _____ NH State License ID#: _____

Applicant Address: _____

Applicant Phone(s): _____ Applicant Email: _____

Site/Area of Activity: _____

Site Owner (if applicable): _____

Site Owner Phone: _____ Site Owner Email: _____

Sound Amplification Y/N: _____ Type: _____

*Food & Beverage Sales Description (Subject to Chapter 55, Derry Town Ordinance): _____

**Include Insurance Binder for activity on Town property, naming Town of Derry as additional insured

**Include copy of valid NH Hawker/Peddler/Itinerant Vendor license

I, the undersigned, certify that I have read and understood Chapter 119 of the Derry Town Ordinance and that this application is true and complete to the best of my knowledge. I understand that any false statement will be considered sufficient grounds to refuse the issuance of a license to operate within the Town of Derry, NH

Name: _____ Date: _____

Office Use Only:

Police Dept. Reviewed by: _____ Approved Y/N: _____ Date: _____

Fire Dept. Reviewed by: _____ Approved Y/N: _____ Date: _____

Health Dept. Reviewed by: _____ Approved Y? N: _____ Date: _____

Special Conditions, if applicable: _____

Permit Granted Y/N: _____ Fee Payable to Town of Derry (\$50): _____

Approved By: _____ Date: _____

Chapter 119

HAWKERS, PEDDLERS AND ITINERANT VENDORS

ARTICLE I Regulations

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[HISTORY: Adopted by the Town of Derry as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Regulations [Adopted 1-14-2021]

§ 119-1. Definitions.

As used in this article, the following terms shall be the definitions indicated:

HAWKER AND PEDDLER — Means and includes any person, either principal or agent, who travels from town to town, or from place to place in the same town, selling or bartering or carrying for sale or barter or exposing therefor any goods, wares or merchandise, or service, either on foot or from any animal, cart, or vehicle; or any person who travels from town to town, or place to place in the same town, offering to perform personal services for household repairs and improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements on any residence or building; or any person who keeps a regular place of business, open during regular business hours at the same location, but who offers for sale or sells and delivers, either personally or through agents, at a place other than his regular place of business, goods, wares or merchandise.

ITINERANT VENDOR — All persons, both principals and agents, including those persons whose principal place of business is not in the state, who engages in temporary or transient business in the state, either in one locality or traveling from place to place, selling goods, wares and merchandise or service from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hires or occupies a temporary place of business. A "temporary place of business" means any public or quasi-public place, including, but not limited to, a hotel, motel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car or trailer, temporarily occupied for the purpose of making retail sales of goods to the public.

§ 119-2. Permit required.

- A. No person shall engage in the business of hawker, peddler or itinerant vendor within the Town of Derry unless a permit has been issued to do so. Permits issued under this article shall be subject to the procedures, regulations and guidelines established by the Town Council and filed with the Town Clerk. Permits shall be issued by the Town Council through the Town Administrator, to whom such authority is herewith delegated.
- B. Persons engaged in the business of hawker, peddler or itinerant vendor who have been granted a permit under this section consent to any applicable real estate taxes imposed by the Town Council pursuant to RSA Chapter 72 when property they occupy is determined to be taxable by its use. A copy of each hawker, peddler or itinerant vendor permit shall be provided to the Assessor.

§ 119-3. Application for permit.

- A. Application for a hawker, peddler or itinerant vendor whose business is registered by the Secretary of State as a Derry, New Hampshire, business, application for Permit shall be made through the Town Administrator, to whom such authority is herewith delegated, and shall include the following:
 - (1) The name, home and business address of the applicant, and the name of the owner, if other than the applicant.
 - (2) A description of the type of food, beverage, or merchandise to be sold.
 - (3) A current and valid New Hampshire hawker's, peddler's or itinerant vendor's license issued by the State of New Hampshire consistent with the provisions of New Hampshire RSA Chapter 321 must be presented at the time of application.
 - (4) A description of any stand or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle to be used in the operation of the business, and will be a condition of approval.
 - (5) A permit from the Town of Derry Health Officer for any hawker, peddler or itinerant vendor who sells any food product for consumption.
 - (6) Traditional mobile food units are subject to classification under Town of Derry Code, Chapter 55, Food Service Establishments.
 - (7) Written permission from the property owner where the applicant intends to conduct business.
 - (8) Hours of operation shall not be prior to 8:00 a.m. nor 1/2 hour after sunset, unless express permission is given by the Town Council for extended hours of operation.
 - (9) Permit fee shall be \$50 per year for each hawker's, peddler's, or itinerant vendor's permit. This permit will be renewable for the first of each succeeding year at a fee of \$50.
 - (10) Please note: permit may be subject to change of use application.

- B. Hawkers, peddlers or itinerant vendors whose business is registered by the Secretary of State and is functioning on a temporary or daily basis, shall notify on a daily basis the Derry Police Department and will provide them with a written list of names of the people who will be hawking or peddling, the exact location where the hawking or peddling will take place, the exact times when the hawking or peddling will take place, and give the full description, including plate numbers, of any vehicle that will be used; and a current phone number for person(s) responsible for listed vendor conduct.

§ 119-4. Sales on public property.

- A. No hawker, peddler or itinerant vendor shall place or expose for sale or advertisement merchandise of any description or other article on any sidewalk, street, right-of-way or property owned by the Town of Derry unless expressed written approval has been obtained from the Town Council.
- B. No hawker, peddler or itinerant vendor shall place or expose for sale or advertisement merchandise of any description or other article on any sidewalk, street, right-of-way, or property owned by the Derry Cooperative School District, unless expressed written permission has been obtained from the School Board.

§ 119-5. Exception to permit requirements.

Pursuant to RSA 321:3, the provisions of this article shall not apply to the following:

- A. Sales made to dealers by commercial travelers or selling agents.
- B. Hawkers and peddlers, as defined in RSA 320:1.
- C. Any person 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.
- D. Any person who operates a permanent business in this state, occupies temporary premises, and prominently displays the permanent business' name and permanent address while business is conducted from the temporary premises.
- E. Any nonprofit corporation, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual.
- F. Any person conducting business in any industry or association trade show.
- G. Any person who sells exclusively antiques, used goods, or vintage items.

§ 119-6. Prohibited conduct.

No hawker, peddler or itinerant vendor shall:

- A. Sell prepackaged food or beverages for immediate consumption, unless he has available for public use a litter receptacle which would be available for patrons' use, and, further, complies with all Town of Derry recycling requirements.¹
- B. Leave any location without first ensuring that he picks up, removes, and disposes of all trash or refuse remaining from any sales made by the vendor.
- C. Solicit or conduct business with persons who remain in their motor vehicle during the transaction of any sales.
- D. Sell any other goods than that for which they are licensed.
- E. Set up, maintain or permit the use of any table, crate, carton, rack, sign, or any other device, or increase the selling or display capacity of his or her stand or motor vehicle, than was identified in the permit application submitted to the Town of Derry.

§ 119-7. Revocation of permit.

In addition to any penalty imposed, such permit may be revoked for any violation of this article or state statute pertaining to the conduct of such business.

§ 119-8. Violations and penalties.

In addition to any penalty imposed, such permit may be revoked for any violation of this article or state statute pertaining to the conduct of such business.

§ 119-9. Adoption.

Under the authority granted to the Town Council in lieu thereof by RSA 31:102-a and after proper notice and hearing, the Town Council of the Town of Derry hereby adopts this hawkers, peddlers or itinerant vendors ordinance, on December 15, 2020.

§ 119-10. Effective date.

This article shall take effect January 14, 2021.

1. Editor's Note: See Ch. 128, Solid Waste, Art. I, Recycling.