

ORDINANCE FOR THE TOWN OF BERLIN, VERMONT  
RELATING TO THE REGULATION OF PEDDLERS

This Ordinance is adopted pursuant to 24 V.S.A. Chapter 59 relating to the adoption of ordinances.

SECTION I. DEFINITIONS

"Peddler" shall mean any person, partnership, corporation or other business organization offering for sale to the general public any goods, products or services on a temporary or itinerant basis, where such sales or business activities occur over a period of ninety (90) days or less during any calendar year.

"Garage Sales" shall mean the sale of household goods or items by any resident who sells any such goods for a period of less than seven days, and where such sales occur on or within the residential property of the seller. The term "Garage Sales" shall also include lawn or yard sales.

SECTION II. APPLICABILITY OF ORDINANCE

1. The provisions of this ordinance shall apply to any and all peddlers whose sales to the general public shall occur within the Town of Berlin, Vermont.

2. The provisions of this ordinance shall not apply to any garage sales occurring within the Town of Berlin.

3. The provisions of this ordinance shall not apply to the sale of agricultural and farm products which are sold from and raised on the seller's premises.

SECTION III. REGULATION OF PEDDLERS

No peddler shall offer for sale or sell to the general public any goods, products or services within the Town of Berlin

without first obtaining a permit for such peddling and paying the fee required by this ordinance.

SECTION IV. APPLICATION PROCEDURE

1. Any person, partnership, corporation or other business organization seeking a peddler's permit shall apply for such permit by completing application forms therefor, which shall be available at the Berlin Town Clerk's office, and by complying with the provisions of Title 32, § 9108 of the Vermont Statutes Annotated.

2. Applicants for a peddler's permit shall include with their application a site plan drawn to scale which includes all dimensions, structures, signs, parking areas and set backs from adjacent property lines.

3. As part of the completed application, all applicants shall include a written statement signed by the landowner authorizing the applicant's use of the landowner's premises for peddling.

4. No application shall be acted upon unless the applicant submits to the Town Clerk a valid, current Itinerant Vendors license issued by the State of Vermont.

SECTION V. GRANT OF PERMIT

1. Permit applications shall be submitted to the Town Clerk.

2. The application shall be placed on the agenda for the next regularly scheduled meeting of the Board, which agenda shall be posted and warned in accordance with Vermont law pertaining to regular meetings of the Board.

3. The Board of Selectmen shall review the application and may afford the applicant the opportunity to be heard. The Board shall thereafter vote to grant or deny the application and shall inform the applicant in writing of its decision.

4. The Board shall grant the permit upon finding that the proposed application conforms to all Town of Berlin zoning regulations for the applicable zoning district regarding signs, parking requirements and set back requirements.

5. The permit shall become effective upon receipt by the applicant, and shall expire on March 31st following the date of its issuance.

#### SECTION VI. DISPLAY OF PERMITS

Any holder of a peddler's permit shall display the same in a prominent location upon the licensed premises and shall display the permit, upon request, to any law enforcement officer, a member of the Board of Selectmen or its agents.

#### SECTION VII. PENALTY

1. Any person who violates any provision of this ordinance shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) for each offense. Each week that any violation continues shall constitute a separate offense.

