

# VILLAGE OF LUDLOW

## VENDOR ORDINANCE

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WHEREAS, the Village of Ludlow Board of Trustees recognizes that it is necessary and proper to enact an ordinance to provide for the control and regulation of the activities of itinerant vendors.

### ARTICLE 1. AUTHORITY

- 1.01 This ordinance is adopted pursuant to the authority of 24 V.S.A. § 2291(9).

### ARTICLE 2. DEFINITION

- 2.01 "Vendor": The term "Vendor" as used in this ordinance shall include persons, principles, agents, corporations or other business entities who engage in a temporary or transient business in the Village of Ludlow, Vermont, 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.

### ARTICLE 3. LICENSE REQUIRED

- 3.01 It shall be unlawful for any vendor to engage in business or the sale of goods within the Village of Ludlow without a permit.

### ARTICLE 4. APPLICATION

- 4.01 Application for a permit shall be made to the Municipal Manager 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.

- 4.02 The applicant will also provide the Municipal Manager with copies of any and all other federal, state and local zoning permits necessary for the itinerant 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.
- 4.03 The applicant shall provide the Municipal Manager with any such other information as may be reasonably required.
- 4.04 The Municipal Manager shall require the applicant to post a performance bond not to exceed one hundred dollars (**\$100.00**) to assure clean-up of the area in which the business is to be conducted.

#### ARTICLE 5. FEE

- 5.01 The fee for a permit shall be twenty-five dollars (**\$25.00**) for each day the vendor conducts business in the Village of Ludlow for a period of up to 150 days, with a maximum fee of two hundred and fifty dollars (**\$250.00**). Fee shall be paid at the time the application is filed. Vendors may re-apply for a new permit when their initial permit expires.
  - a. This permit fee is for one location. Each addition location is an added daily fee.
  - b. The 150-day permit will not be allowed for multiple locations by the same vendor.

#### ARTICLE 6. ISSUANCE OF PERMIT

- 6.01 Prior to issuing a permit, the Municipal Manager shall require a completed application together with any and all fees and copies of all necessary federal, state and local zoning permits as required by Section 4 & 5 above;
  - a. In no more than fifteen (15) working days, the Municipal Manager 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. If the permit is approved, it shall note all restrictions which apply on the face of the permit,

including but not limited to those as are hereinafter set forth in Section 10.

- b. A person may appeal to the Board of Trustees the denial of a permit by filing a written notice of appeal with the Municipal Manager within five (5) days of receipt of notification that the permit is denied. The Board of Trustees shall forthwith consider the appeal at a hearing after notice to the applicant at which the applicant is entitled to be present. The Board of Trustees may affirm or reverse the Municipal Manager's decision, or attach such additional conditions to the permit as will, in their best judgment, protect the public's health, safety and welfare and to prevent the damage of public and private property.

#### ARTICLE 7. DISPLAY OF PERMIT

- 7.01 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 Itinerant Vendor for presentation upon request.

#### ARTICLE 8. LOCATION RESTRICTIONS

- 8.01 A Vendor will not occupy or encroach on any street, sidewalk, park, property, or any other public place unless his/her permit specifies that vending in such public place is permitted.
- 8.02 A Vendor will not block a street, sidewalk, alleyway, or driveway at any time without written authorization as indicated on the face of the permit.

#### ARTICLE 9. RELIGIOUS, CHARITABLE, EDUCATIONAL AND SERVICE ORGANIZATIONS

- 9.01 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 in a public place or on any municipal property, buildings, sidewalks or rights of way shall be **exempt** from paying any fees required by any section of this Ordinance.
  - a. All such organizations shall be required to submit in writing to the Municipal Manager 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 in on the Village of Ludlow and the time, place and location of such activity.
  - b. If the Municipal Manager, after investigation, shall find that the organization is a bona fide charitable, religious, educational or

service organization, and that the activity will not jeopardize the public's health, safety and welfare, he/she shall issue, free of charge a permit to carry on such sale of goods or activity at a specified time and place and upon such other conditions as the Village of Ludlow shall require. Such permit shall cover all persons engaged in the activity for which the permit was issued.

- c. If, prior to April 15 of any given year, a religious, charitable, educational or service organization has submitted and received a permit to carry on the sale of goods or activities as described above, then any Itinerant Vendor permits issued pursuant to this Ordinance shall, for the year in question, be invalid on the day in which such activities are to occur, except that:
  - 1). the Vendor may conduct business on behalf of the religious, charitable, educational or service organization by agreement with such organization, which agreement shall be made in writing and provided to the Municipal Manager prior to the sale of goods or activity occurring; or
  - 2). those Vendors who are operating or conducting business outside the designated area in which the sale of goods or activity is occurring as approved by the Municipal Manager shall be permitted to conduct business on the designated day provided they have sought and obtained prior approval from the Municipal Manager.

#### ARTICLE 10. PENALTY

- 10.01 Any persons, principles, agents; corporations or other entities violating the provisions of this article shall be fined not less than \$50.00 or more than \$200.00 for each offense as determined by the Board of Trustees; and a separate offense shall be deemed committed for each day in which a violation continues after notice of violation.

#### ARTICLE 11. SEVERABILITY

- 11.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, 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 effect the validity or effectiveness of the remaining portions hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

ARTICLE 12. PUBLICATION AND EFFECTIVE DATE

- 12.01 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 12.02 This ordinance shall be entered in the minutes of the Village Board of Trustees meeting, and posted in at least five conspicuous places within the Village of Ludlow and published in a newspaper circulating in the Village on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 12.03 This Ordinance shall become effective on June 2, 2008, sixty (60) days after the date of its adoption by the Village Board Trustees, unless a petition is filed with the Village Clerk by May 15, 2008, forty-four (44) days after the date of its adoption. The petition should be addressed to the Village Trustees, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

Questions about the Ordinance may be directed to the Municipal Manager, Ludlow, Vermont, or by calling telephone number (802) 228-2841.

The foregoing ordinance is hereby re-adopted by the Board of Trustees of the Village of Ludlow, Vermont on this 1<sup>st</sup> day of April, 2008.

**VILLAGE OF LUDLOW  
BOARD OF TRUSTEES**

Robert Gilmore, Chair  
David Rose  
James Fuller