

**ORDINANCE TO REGULATE VENDORS, HAWKERS, PEDDLERS,
SOLICITORS AND OTHER ITINERANT VENDORS**

Adopted by the Board of Selectmen on May 19, 1997
Amended by the Board of Selectmen on June 16, 2003

1. No person, partnership, corporation or other entity (hereafter known as applicant) not having a permanent location in the Town of Kensington, and which is operating from a temporary or seasonal location (including door to door) shall sell, solicit, barter, purchase or otherwise carry on commerce in goods or services within the Town of Kensington without first receiving a permit to do so from the Town of Kensington.
2. This section shall not apply to homegrown fruits and vegetables that are harvested on resident properties and then sold on said properties. All other so called "vegetable stands" are required to comply with this ordinance.
3. This section shall also apply to anyone requesting use of a right of way, fireworks display, and the use of any town facility. – Amended June 16, 2003
4. Persons subject to this ordinance shall apply to the Office of the Selectmen for a permit. The application for permit shall include the following information:
 - a. The name of the applicant or entity for whom the application is made;
 - b. The permanent address of the applicant, and the entity, if different from the person making application;
 - c. The local and permanent telephone number(s) of the applicant and/or entity;
 - d. The nature of the goods or services involved, and the area or location to be canvassed, the vehicle to be used and the names of all solicitors;
 - e. The method of solicitation to be used and copies of any proposed contracts, agreements, promotional materials, or other materials designed to be used in solicitation;
 - f. Insurance coverage shall be provided as required on application.
5. The Selectmen shall send one copy of the application together with a copy of the attachments to the Chief of the Kensington Police Department.
6. The Board of Selectmen shall grant said permit at the next regularly scheduled meeting unless they determine that:
 - a. The Administrative Assistant has previously issued said permit under the guidelines of this ordinance;
 - b. The applicant has been convicted of actions involving consumer fraud, or;
 - c. The applicant has outstanding charges for consumer charges lodged against him/her anywhere in the State of New Hampshire or elsewhere if determined.
7. There shall be no fee for said permit.

8. If an applicant believes the permit to have been wrongly denied, an appeal of said decision may be made to the Board of Selectmen who shall hold a meeting on the issue and who shall grant or deny the permit. The Selectmen shall hold said hearing within seven (7) business days of the request for same by the applicant.
9. Other Persons Covered:
This ordinance also covers Itinerant Purchasers of goods from persons, or organizations in the community, which are not normally in business or retail or wholesale trade. This shall include persons seeking to purchase such items as gold, jewelry, antiques, junk, mobile home accessories and other items, which are not held out for sale in the normal course of business by the owners thereof. This shall not be deemed to include real estate.
10. Complaints:
Upon receipt of any complaint concerning nuisance, hazard, annoyance or disorderly conduct concerning any section of this ordinance, any or all solicitors may be asked to stop solicitation by the Board of Selectmen or their designee and a petition to revoke the permit may be filed with the Board of Selectmen by any person pending a review hearing within seven (7) days.
11. Notification to Police:
Upon the issuance of a permit to any person, firm, corporation, religious group or church, the Selectmen shall notify the Police Department of the same.
12. Identification Required:
Any person, firm, corporation, charitable organization, religious group or church granted such a permit shall upon demand show suitable identification to any person demanding same and shall at each solicitation or inquiry identify the unit benefiting from the funds received.
13. Penalty:
Any person violating any section of this ordinance shall be guilty of a violation and subject to prosecution in the District Court. Fines not to exceed \$500.00 dollars.