

TOWN OF WATERBURY
ORDINANCE REGULATING VENDORS

ARTICLE I. GENERAL PROVISIONS

Sec. 1.01 PURPOSES

To regulate the activities of vending operations within the Town of Waterbury for the protection of public safety and health and to maintain safe and efficient movement of pedestrians and motor vehicles within and through the downtown, and to promote safe and convenient parking in the business district of the community.

Sec. 1.02 AUTHORITY

This ordinance is adopted pursuant to the authority conferred by 24 V.S.A. §2291(9) and 1971 and is designated a Civil Ordinance by 24 V.S.A. §1971(b).

Sec. 1.03 DEFINITIONS

- (a) "Vendor" shall mean any person, including an employee or agent of another who sells or offers to sell any food, beverage, goods, or merchandise on any public street, sidewalk or public park from a stand, motor vehicle, cart, push cart or from his/her person or one who travels from door to door offering to sell the items listed above.
- (b) "Stand" shall mean any table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be registered as a vehicle, which is used for the display, storage, promotion or transportation of articles or services offered for sale by a vendor.
- (c) "Public Street" or "Sidewalk" shall include all areas legally open to public use such as streets, highways, roadways, parking spaces, parking lots, sidewalks and any other public ways.
- (d) "Public Parks" shall include recreation fields, ball fields, playgrounds, swimming pools, and green areas set aside for the enjoyment of the public, and shall include the Dascomb P. Rowe Field, Anderson Field, Hope Davey Park, the Newton Baker Mini-Park, and green areas adjacent to parking lots or streets that are within highway rights of way or which are owned by the Town of Waterbury or the Edward Farrar Utility District within the limits of the Town of Waterbury.
- (e) "Special Events" shall include, but not be limited to, fairs, festivals, shows, concerts and parades that take place on Public Streets, Sidewalks or in Public Parks. The duration of a "Special Event" is limited to events that will run three (3) consecutive days or fewer.
- (f) "Municipal Manager" shall include the Municipal Manager of the Town of Waterbury and his or her designees.
- (g) "Police Officer" shall include any sworn Police Officer, County Sheriffs and their Deputies.
- (h) "Zoning Administrator": the appointed Zoning Administrator of the Town of Waterbury.

Town of Waterbury shall be a named an “additional insured”.

ARTICLE III FEES

Sec. 3.01 FEE STRUCTURE

The Select Board of the Town of Waterbury shall establish a fee schedule for Licenses issued to Applicants for Vendor Licenses and to Organizers of Special Events by this ordinance. The fee structure is not part of this ordinance and may be amended at any time by the Select Board. Once established, the fees schedule shall remain in force until amended by the Select Board. The fee structure shall not be amended more often than one time in any given 12 month period.

ARTICLE IV LICENSE

Sec. 4.01 POSSESSION & DISPLAY

Vendor Licenses issued to Vendors must be in the possession of persons engaged in vending operations authorized by said License. The License must be displayed and visible on any vehicle or “stand” as defined in Section 2.02(b) of this ordinance that will be used in the conduct of the proposed vending operation.

ARTICLE V OPERATING REQUIREMENTS

Sec. 5.01 Location of Vending Operations

- (a) A vehicle or “stand” as defined in Section 2.02(b) of this ordinance that will be used in the conduct of the proposed vending operation shall be subject to the following:
- (b) Permitted Locations:
 - (1) In any legal parking space in the Town of Waterbury.
 - (2) On sidewalks in the Town of Waterbury.
 - (3) In public parks, as named in this ordinance, within the Town of Waterbury
- (c) No vehicle or “stand” as defined in Section 2.02(b) of this ordinance that will be used in the conduct of the proposed vending operation shall impede pedestrian or vehicular travel or access to the entrance to any building, driveway, loading zone, or alley, whether in public or private ownership and shall not locate within five feet of a crosswalk, fire hydrant.
- (d) No vehicle or “stand”, as defined in Section 2.02(b) of this ordinance that will be used in the conduct of the proposed vending operation, shall locate within one hundred (100) feet of the front door of a permanent restaurant during normal business hours of the permanent restaurant.
- (e) No vehicle or “stand” as defined in Section 2.02(b) of this ordinance shall run or operate a generator powered by gasoline, LP gas, natural gas or diesel fuel to provide electricity or

other power for its operation. Providing electric power to the “stand” by connecting to the battery or other power source of a motor-vehicle with its engine running is also prohibited.

- (f) Electrical service provided to vehicle or “stand” as defined in Section 2.02(b) of this ordinance must run through a meter assigned to the vendor operating such vehicle or “stand”. The meter must be located on a pole owned by the vendor or the utility company and such pole shall not be located on property owned by the Town of Waterbury or the Edward Farrar Utility District, even if the property in question is in the highway right-of-way.
- (g) No vehicle or “stand” as defined in Section 2.02(b) of this ordinance that will be used in the conduct of the proposed vending operation shall park in a parking spot set aside and designated as a “Handicapped Space”. **Sec. 5.02 Specific Prohibitions**

Vendors shall NOT locate vehicles or “stands” as defined in Section 2.02(b) of this ordinance that will be used in the conduct of the proposed vending operation in the following locations:

- (a) Rusty Parker Memorial Park, except as an official participant of the Waterbury Farmers’ Market or as a sanctioned vendor at a permitted Special Even and then only with permission of the Commissioners of the Edward Farrar Utility District.
- (b) No vendor shall shout, make any cry out, blow a horn, ring a bell, or use any sound device, including any loud speaker or radio, or sound amplifying system upon any of the streets, alleys, parks, or other public places or upon any private premises in the town where a sound of sufficient volume is emitted or produced capable of being plainly heard on streets, alleys, in parks and other public places of the town for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.
- (c) Vending Machines or any other unattended or automated devices designed to offer goods for sale shall be prohibited in all public locations within the Town of Waterbury, unless at a public park as defined in this ordinance and only with the express written permission of the Town of Waterbury .

Sec. 5.03 Hours of Operation

Vendors shall be allowed to engage in vending operations only between these hours:

- (a) Street vendors using vehicles or “stands” as defined in Section 2.02(b) of this ordinance: 7:00 a.m. – 9:00 p.m.
- (b) Door to Door Vendors: 9:00 a.m. – 6:00 p.m.

All vehicles or “stands” as defined in Section 2.02(b) of this ordinance, used for vending must be removed from public streets, sidewalks, and all property owned by the Town of Waterbury during hours when vending is not allowed by this ordinance.

Sec. 5.04 Trash

Vendors shall provide a receptacle for trash and recyclables generated in the course of their operations. Vendors shall pick up trash within the vicinity of their vending operation. Vendors shall take the trash

and the trash receptacle with them when they leave the vending site and they shall be responsible for the proper disposal of said trash.

Sec. 5.05 Restricted Areas

No vending permits shall be issued to allow vending at the Anderson Recreation Field or at the Swimming Pool.

ARTICLE VI Special Events License

Sec. 6.01 Special Events

The Select Board may issue a License for a Special Event organized and offered by a local not-for-profit organization, church, sports league, fraternal or service organization, or a private business sponsoring a Special Event that is open to the public. Such license shall be valid for no more than three (3) consecutive days. Before issuing a license for a Special Event the Select Board may consider the number of Special Events that have taken place during the preceding twelve-month period in the Town or in a specific area of the Town, the impacts on business establishments and residents in the Town or in a specific area of the Town and other such factors as the Select Board determines to be of importance to their decision. The Select Board may reject a request to hold a Special Event if they deem that to be in the best interest of the Town of Waterbury to do so. The fee structure adopted by the Select Board may include a fee for such Special Event Licenses.

Article VII Agricultural Products

Sec. 7.01 Sale of Agricultural Products

This ordinance shall apply to Vendors selling Agricultural Products as defined by the State of Vermont, except that no fee may be charged for a Vendor License issued to a vendor selling such products.

Article VIII Exemptions

Sec. 8.01 Exemptions from Permitting

- a) Vendors who are members of the Waterbury Farmers Market shall not be required to apply for a Vendor Permit and shall not pay Vendor Fees to operate within the situs of the Waterbury Farmers Market on days when said Market is operating.
- b) Vendors sanctioned and permitted by organizers of Special Events shall not be required to apply for a Vendor Permit and shall not pay Vendor Fees to operate at the Special Event.
- c) The Select Board may impose other reasonable conditions on vendors at special events that are not specifically described in this ordinance.

Article IX Enforcement

Sec. 9.01 Enforcement Authority

This ordinance may be enforced by the Municipal Manager, Police Officers or the Zoning Administrator.

Sec. 9.02 Violations

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of Title 24 V.S.A. 1794a and 1977 et seq. A civil penalty of not more than \$500.00 may be imposed for a violation of this civil Ordinance, and the waiver fee shall be set at \$25.00 for the first offense, \$50.00 for the second offense within a six-month period, and \$75.00 for all subsequent offenses within a six-month period. Each day that the violation continues will constitute a separate violation of this Ordinance.

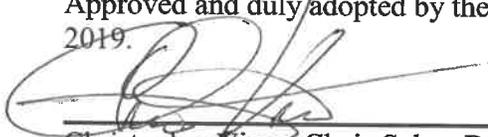
Article X Severability

Sec. 10.01 If any section of this ordinance is found to be unenforceable by a court, the remaining sections shall remain in effect and may be enforced by the Town of Waterbury.

Article XI Effective Date

Sec. 11.01 **On its effective date**, this ordinance shall nullify the Ordinance to Regulate Vendors that was adopted July 5, 1994. This ordinance shall be effective at midnight the 61st day after the date of adoption by the Select Board

Approved and duly adopted by the Select Board of the Town of Waterbury this 15th day of April, 2019.



Christopher Viens, Chair-Select Board



Mark Frier, select Board



Jane Brown, Select Board



Nathaniel Fish, Select Board

Michael Bard, Select Board

I certify the Select Board of the Town of Waterbury adopted this "Ordinance Regulating Vendors" at a duly warned meeting held on April 15, 2019. I further certify that it was published in the Waterbury Record on April 25, 2019 and that no petition to disapprove the ordinance was submitted on or before May 29, 2019. As such, the ordinance is effective as of June 15, 2019.



Carla Lawrence, Town date: 0617-2019

APPLICATION FOR VENDING PERMIT

Applicant: _____ Business Name: _____

Address: _____

Phone #: _____ Type of Business: _____

Do you own the business? Yes No If no, owner's name: _____

Owner's Address: _____

Owner's Phone: _____

Items for Sale: _____

Date Sales to be conducted (Dates, Monthly, Season, Special Event – limited to three (3) consecutive days): _____

Location(s) Sales to be conducted:

Insurance Company: _____

Address: _____

_____ Municipality Named Insured? Yes No
Liability Limit

If vendor desires to sell prepared food does applicant have a permit from:

Vermont Department of Health? Yes No

Vermont Tax Department? Yes No

Are other state permits required for your operation? Yes No

If yes, please describe

If vehicle, trailer or vending cart is registered, provide description and registration number: _____

Please provide copies of necessary state licenses and certificates to allow you to conduct business. I.E.: Health Department Certificates, Rooms and Meals Tax Certificates, Sales Tax Certificates etc....

Insurance: Section 2.05 of the Ordinance to Regulate Vendors requires applicant to be insured. Please provide a public liability bond or insurance policy, naming the Town of Waterbury as an additional insured. The following coverage and limits must be provided: Products liability, property and casualty, and motor vehicle coverage (if vehicle is used). Minimum liability limits must be \$300,000 per occurrence.

Food vending businesses are subject to inspection by Town Health Officer.

Fees:

Monthly License: Fee \$65 per month - valid for 30 consecutive days from date of issue.

Annual License: Fee: \$700 - valid for 365 days of issuance.

Special Event License: Fee: \$25 per day - valid for up to three consecutive days beginning on the day of issuance.

I certify the above information is true. I have attached a Certificate of Insurance to the application and copies of all required state permits and/or licenses. I have received a copy of the Village of Waterbury Ordinance to Regulate Vendors.

Signature: _____

Date: _____

Received By: _____

Date Received: _____