

VILLAGE OF WATERBURY  
ORDINANCE REGULATING VENDORS

**ARTICLE I.** GENERAL PROVISIONS

**Sec. 1.01** PURPOSES

To regulate the activities of vending operations within the Village 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 village, 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 the Rusty Parker Memorial Park, the Newton Baker Mini-Park, and green areas adjacent to parking lots or streets that are within highway rights of way owned by the Village of Waterbury or those owned by the Town of Waterbury within the limits of the Village 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 three (3) consecutive days.
- (f) "Municipal Manager" shall include the Municipal Manager of the Village of Waterbury and his or her designees.
- (g) "Police Officer" shall include any sworn Police Officer of the Waterbury Police Department.
- (h) "Zoning Administrator" shall include the appointed Zoning Administrator of the Village of Waterbury or the Town of Waterbury.

**ARTICLE II.**           **LICENSE REQUIRED**

**Sec. 2.01**   **STREET VENDORS**

It shall be unlawful for any vendor to sell, display or offer for sale any food, beverage, goods, or merchandise within the limits of the Village of Waterbury, except as otherwise stated herein, without first obtaining a vendor’s license as provided herein.

**Sec. 2.02**   **SPECIAL EVENTS**

It shall be unlawful to hold a “Special Event” on Public Streets, Sidewalks, or in Public Parks without permission of the Trustees. The Trustees shall consider all requests for Special Events at Regular or Special Meetings of the Board of Trustees and all such requests shall be submitted to the Trustees no less than thirty (30) days before the date of the event to insure inclusion in the Trustees’ Meeting Agenda.

**Sec. 2.04**                           **APPLICATION FOR VENDOR LICENSE**

Applications for a Vendor License shall be submitted to the Municipal Manager for approval on forms provided therefor and shall contain all information relevant and necessary to determine whether a Vendor License may be issued. Such information may include, but is not limited to:

- (a) Proof of Identity and business address of applicant.
- (b) If employed by another, the name and business address of the employer.
- (c) A description of the goods to be sold or offered for sale.
- (d) A description of and the license plate number of any registered vehicles, including registered trailers that will be used in the conduct of the proposed vending operation.
- (e) A description of any cart, handcart or “stand” as defined in Section 2.02(b) of this ordinance that will be used in the conduct of the proposed vending operation.
- (f) Proof of valid state licenses, permits, or certificates, when required, for the proposed vending operation. This is to include proof that sales taxes and rooms and meals taxes are being collected as required by state statute. In addition, if food or beverages are being prepared, the applicant shall show proof that the “stand”, has passed inspection by the Vermont Department of Health.
- (g) Acknowledge that the issuance and continued possession of a Vendor License shall be subject to review by the Municipal Manager or the Town Health Officer.

**Sec. 2.05**           **INSURANCE**

No Vendor License shall be issued unless the applicant furnishes proof of insurance for liability, products liability, property damages and injuries, including injury resulting in death, caused by the operation of the vending business. Such policy shall carry a minimum limit of \$1,000,000 per occurrence and the Village of Waterbury shall be a named an “additional insured”.

## **ARTICLE III            FEES**

### **Sec. 3.01    FEE STRUCTURE**

The Trustees of the Village 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 Trustees. Once established, the fees schedule shall remain in force until amended by the Trustees. 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 Village of Waterbury.
  - (2) On sidewalks in the Village of Waterbury.
  - (3) In public parks within the Village 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 or alley, whether in public or private ownership.
- (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 village property, even if the village’s property 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 Event.
- (b) Vending Machines or any other unattended or automated devices designed to offer goods for sale shall be prohibited in all public locations within the Village 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 Village 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.

**ARTICLE VI** Special Events License

**Sec. 6.01**      Special Events

The Trustees 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 Trustees may consider

the number of Special Events that have taken place during the preceding twelve-month period in the village or in a specific area of the village, the impacts on business establishments and residents in the village or in a specific area of the village and other such factors as the Trustees determine to be of importance to their decision. The Trustees may reject a request to hold a Special Event if they deem that to be in the best interest of the Village of Waterbury. The fee structure adopted by the Trustees 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) Trustees may impose other reasonable conditions on vendors at special events that are not specifically described in this ordinance.

**Article IX** Enforcement

**Sec. 9.01** This ordinance may be enforced by the Municipal Manager, Police Officers or the Zoning Administrator.

**Sec. 9.02** 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 Village of Waterbury.