

CHAPTER FOUR

LICENSES AND REGULATIONS

SECTION 1. PEDDLERS AND ITINERANT PHOTOGRAPHERS

1. For the purposes of this Ordinance the terms "Peddler" and "Itinerant Photographer" shall have the definitions given in 32 V.S.A. § 9401 and 32 V.S.A. § 9001, respectively.
2. Each such Peddler or Itinerant Photographer, whether principal, agent, servant, or solicitor, shall obtain a license as hereinafter provided paying therefore an annual fee of one hundred dollars (\$100.00) or a daily fee of fifteen dollars (\$15.00). Such license shall be issued by the City Council and signed by the City Clerk.
3. Each license shall contain a statement of the name, place of residence and address of the licensee, his place of birth, his description, product, company name and address and name and nearest office licensee is assigned. Each such license shall be numbered and memorandum thereof recorded by the City Clerk in a book kept for that purpose.
4. Each such application for license under this Ordinance shall be made in writing and shall contain the information required by the preceding paragraph and a statement that the Applicant has complied with all the Laws of the State of Vermont, as well as any qualifying documentation. The Application shall be accompanied by a remittance to cover the amount of the fee.
5. The City Council shall have the right to refuse a license when a majority of the members thereof have reason to believe, and do believe, that the Applicant is not a suitable person and may, for reasonable cause, revoke such a license.
6. Each such license granted as herein provided shall, unless sooner revoked, expire on December 31 of the year in which it is issued.
7. Exemption - Any public event sponsored by the City of Vergennes (e.g. Memorial Day, Vergennes Day etc.) or a non-profit organization, provided that all concessions or sales have been authorized by the sponsor.

SECTION 2. ITINERANT VENDORS

1. For the purpose of this Ordinance the term "Itinerant Vendor" shall have the definition given in V.S.A. Title 32 Section 9101.
2. Each such Itinerant Vendor shall obtain a license as hereinafter provided paying therefore the provided in V.S.A. Title 32 Section 9109.

3. Such license shall be issued by the City Clerk when he/she receives the fee ~~hereinbefore provided for~~ **above** and when he/she is satisfied that the Applicant has complied with all the requirements of the Laws of Vermont. A license duly issued by the State of Vermont and in force shall be deemed in compliance with the Laws of the State of Vermont.
4. Each such license shall continue in force so long as the Licensee shall continuously keep and expose for sale in such city, such stock of goods, wares or merchandise. But such license shall in all cases expire on March 31st following its date.

SECTION 3. PEDDLERS OF FISH AND BAKERY GOODS

1. All persons selling or peddling fish, other seafood or bakery goods from a vehicle shall first obtain a license from the City Council, paying therefor \$100.00 or a daily fee of fifteen dollars (\$15.00) for each vehicle. Upon receipt of the application to the Health Officer, who shall immediately inspect all such vehicles to be used in the City of Vergennes, and shall inspect the equipment to be used in such vehicles. The City Council shall grant such license, as a matter of right, upon receiving from the Health Officer a written and signed statement describing the vehicles and equipment so inspected and stating that such vehicles and equipment are sanitary and fit for use in selling and carrying said fish, other seafood or bakery goods as the case may be.
2. The City Council may revoke any license granted under the provisions of this Ordinance when, on inspection, the Health Officer finds and reports in writing that the vehicles or Equipment used therein is no longer sanitary or fit for use in selling or carrying fish, other seafood or bakery goods as the case may be.
3. Each such license granted as herein provided shall, unless sooner revoked, expire On December 31st of the year in which it is issued.

SECTION 4. CIRCUSES, CARNIVALS AND OTHER SHOWS

1. DEFINITIONS:

“Show” as used herein shall mean any circus, carnival, menagerie, street show or itinerant show. “Show” shall also mean any form of live entertainment or performance open to the public such as, but not limited to, concerts, plays, dances with live music or a disc jockey, dance reviews, clowns, magicians, or comedians.

2. REGULATION OF SHOWS

1. No show shall be conducted in the City of Vergennes unless a license has been obtained from the City Council, nor shall any show be conducted in violation of the provisions of this Ordinance.

2. A license issued under this Ordinance shall be effective on issuance and shall remain in effect until midnight on the next occurring April 30th unless the City Council provides for expiration on an earlier date. A license, which expires on April 30th, shall remain in effect beyond April 30th if the holder of the license applies for a new license before and the application for a new license is pending before the City Council on April 30th.
3. Any license issued under this Ordinance may be revoked by the City Council, for just cause, after notice to the license holder and provision of an opportunity for a hearing before the City Council.

3. APPLICATION FOR LICENSE

1. An application for a license under the provisions of this Ordinance shall be filed with the City Manager at least twenty-one (21) days before the date set for the opening of the show.
2. Such application shall include:
 - a. The name of the owner and operator.
 - b. A site plan indicating: location, and distance from the nearest residences, fire hydrants, state and local highways, overhead electrical and telephone wires, entrances, and exits to shopping centers and other public places.
 - c. The intended hours of operation and the number of days that the show will be
 - d. conducted.
 - e. Description of the show, including a list of each item of proposed exhibit or entertainment.
 - f. Any other information required by the city Council or the City Manager.

4. APPROVAL STANDARDS

Prior to the issuance of any license under this ordinance, the City Council shall determine that the proposed show satisfies the following standards:

- a. The proposed show is in conformance with any applicable City ordinances including the Vergennes Zoning Regulations and Subdivision Regulations;
- b. The proposed show will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads.
- c. The proposed show will not present or create a threat to the safety of person or property because of fire, explosion or other hazard.
- d. The proposed show will not create unhealthy conditions regarding water supply, sewage disposal, or solid waste disposal.

- e. The proposed show will not interfere with the use of neighboring property for its customary use by the creation of noise, dust, noxious odors, lighting, or other activities, which extend beyond the boundary of the activity.
- f. The proposed show will not overburden the public infrastructure of the City. Special attention shall be given to the cumulative impacts of other activities which may be occurring at the same time.
- g. The proposed show will not have an adverse effect on public health, safety, welfare, and convenience of the inhabitants of the City.

5. APPROVAL CONDITIONS

When issuing a license under this ordinance, the City Council may attach such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts reviewable under the Approval Standards set forth above. Such conditions may include but are not limited to:

- a. establishing specific hours for the proposed show;
- b. establishing noise limits;
- c. requiring the provision of traffic control personnel at no cost to the City;
- d. requiring the provision of crowd control and medical personnel at no cost to the City.
- e. requiring the provision of fire fighting equipment and personnel at no cost to the City;
- f. requiring the posting of security bonds or escrow accounts to ensure compliance with applicable ordinances and license conditions;
- g. requiring that trash and litter on public streets attributable to the proposed activity be collected and removed at no cost to the City;
- h. restricting or prohibiting the consumption of alcoholic beverages in connection with any regulated activity;
- i. Prohibiting the sale of admission or seating tickets in excess of the established capacity of the event area.

6. LICENSE FEE

The fee for any license shall be \$25.00, which shall be paid at the time of filing the application.

7. EXEMPTIONS

Activities conducted by schools licensed by the State Department of Education and/or churches, on school or church grounds, are exempt from the requirement to obtain a license and pay a permit fee.

8. ENFORCEMENT

Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. Police officers of the City of Vergennes shall be authorized to act as issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

9. WAIVER FEE

An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount for any person who declines to contest a municipal complaint and pays the waiver fee:

First offense	\$50.00
Second offense	\$125.00
Third offense	\$200.00
Forth offense	\$275.00
Firth and subsequent offenses	\$350.00

Offenses shall be counted on a calendar year basis.

10. CIVIL PENALTIES

An issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$100.00
Second offense	\$200.00
Third offense	\$300.00
Forth offense	\$400.00
Fifth and subsequent offenses	\$500.00

Offenses shall be counted on a calendar year basis.

11. OTHER RELIEF

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the City Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law.

12 AUTHORITY

This ordinance is enacted by the City Council to promote the public health, safety, and

welfare of the City under the authority it is granted to regulate public entertainment activities set forth in 24 V.S.A. § 2291 and § 104 of the Vergennes City Charter. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

SECTION 5. SALES CARTS, STANDS, AND BOOTHS

No person shall erect, install, establish, operate or maintain a roadside stand or booth, Whether of a permanent or temporary nature, for the Sale or display of goods, wares, merchandise, food or drink, within the limits of any street, highway or public way, or the traveled portion of any sidewalk within the City of Vergennes, without the expressed written consent of the City Council.

SECTION 6. TAXICABS

1. No person shall operate motor vehicles, as described in Title 23 Section 4 Paragraph 14 of Vermont State Statutes Annotated, (Taxicab), without prior granting of a license by the City Council and full compliance with Title 23 § 844 of Vermont Statutes Annotated.
2. An annual fee of \$25.00 shall be charged for each license.

SECTION 7. GENERAL

1. No person shall, by himself or his agent, cut, dig up, remove, destroy or injure in any manner any part of the Public Highway, sidewalks or gutters within the limits of the City, without the permission of the City Council.
2. No person shall place ashes, leaves, snow or any other material within the limits of any highway in the City of Vergennes without first obtaining permission to do so from the City Manager.