

Town of South Hero

Ordinance to License and Regulate Mobile Vendors

Pursuant to the provisions of Title 24, Vermont Statutes Annotated, Sections 1971 and 2291, it is hereby ordained by the Select Board of the Town of South Hero that the following "Ordinance to License and Regulate Mobile Vendors" is adopted for the Town of South Hero, Vermont.

Section 1	Authority	Section 7	License Fees
Section 2	Title	Section 8	Exemptions
Section 3	Purpose	Section 9	Enforcement
Section 4	Definitions	Section 10	Severability
Section 5	Requirements for Mobile Vendor		
Section 6	Application for License		

Section 1 - Authority

This ordinance is enacted pursuant to the authority granted to the Town of South Hero to promote the public health, safety, welfare and convenience, and for the betterment of the community, as contained in Title 24 VSA 2291. This ordinance shall be a civil ordinance within the meaning of Title 24 VSA Chapter 59.

Section 2 - Title

An Ordinance to License and Regulate Mobile Vendors operating within the confines of South Hero, VT

Section 3 - Purpose

The purpose of this ordinance is to create a permit requirement and related provisions for vendors operating within the Town of South Hero, and limit the operation of Mobile Vendors to sites previously approved as Accessory Uses – Commercial as outlined in the Town of South Hero Development Regulations. Procedures for the procurement of such permit are outlined within this ordinance.

Section 4 - Definitions

Vendor: For the purpose of this ordinance the term "Vendor" shall include persons, principles, agents, corporations or other business entities who engage in a temporary or transient business in the Town of South Hero whether in one locality or in traveling from place to place selling food or merchandise from any vehicle, cart, stand or other assemblage of materials. All uses shall be in conjunction with an Accessory Use – Commercial as outlined in the Town of South Hero Development Regulations granted to the property upon which the proposed use located.

Section 5 - Requirements for Mobile Vendors within the Town of South Hero

Prior to the issuance of any license under this ordinance, the Select Board shall determine that the proposed Mobile Vendor satisfies the following requirements:

- A. Vendors may only operate on private property whose owners have applied for, and received an approved Conditional Use and Site Plan as outlined within the Town of South Hero Development Regulations for an Accessory Use – Commercial within the Zoning District it is located.
- B. Vendors must have Sales and Use tax registration number from the Department of Taxes and a copy of which must be attached to the Vendor Permit Application.
- C. All signage shall be in accordance with the Town of South Hero Sign Ordinance.
- D. Vendors must display the Town of South Hero issued permit in a prominent location on the unit.
- E. Only one (1) vendor may locate on any parcel at one time unless previously approved in the Conditional use and Site Plan Approval.
- F. Vendors must provide for adequate waste collection in accordance with the property owners approved Conditional Use and Site Plan.

- G. It is the responsibility of the Vendors to ensure obtainment of all State and Federal Permits that may be required. Copies must be attached to the Vendor Permit Application.
- H. The vendor will not present or create a threat to the safety of persons or property because of fire, explosion, or other hazard.

Section 6 - Application for License

A completed application for a license under the provisions of this ordinance shall be filed with the Select Board at least twenty-one (21) days before the permit is needed.

Such application must include:

- A. Name of Vendor unit owner and operator
- B. Description, make, model, and license plate number of vending unit, if applicable
- C. Property owner's contact information
- D. Food vendors must have and present with application a current license from the Vermont Department of Health
- E. List of operating hours
- F. Signatures of property owner(s) indicating consent for the use of their property
- G. Signature of vendor indicating agreement to the listed requirements, and the requirements outlined in the owners approved Conditional Use and Site Plan
- H. Current VT State Sales & Use tax number

Section 7 - License Fee

Fees will be listed on the application form and must be paid at the time of the application. The annual year will be from January 1 – December 31.

Section 8 - Exemption

- A. Activities conducted by schools licensed by the State of Vermont Department of Education and/or churches, on school or church grounds.
- B. Activities conducted by the Town of South Hero or by any Department, Committee or group authorized by the Town of South Hero.
- C. Temporary sales on one's own property (not more than six (6) days per year), such as the occasional children's lemonade stand, are exempt from these regulations.

Section 9 – Enforcement

Any person who violates a provision of this civil ordinance may be subject to license revocation by the Selectboard.

Section 10 - Severability

The provisions of this ordinance are declared to be severable and if any provision hereof be adjudged invalid such judgment shall not affect the validity of any other provision.

Signed:

Jonathan Shaw, Selectboard Chair *Nov 23, 2020*

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