

VENDOR REGULATION

A vendor has been selling hot dogs from a truck in the town hall driveway. He also occasionally uses a small pullout along a town highway near the public beach. We have had several citizen complaints, but we don't have an itinerant vendor ordinance. Is there anything we can do?

Your selectboard can be as formal or informal in addressing itinerant vendors as the circumstances warrant. The selectboard has general responsibility for and authority over town property, including the town hall, as well as the general responsibility to ensure the safety on town highways. 24 V.S.A. § 872; 19 V.S.A. § 304. It also has the legal authority to regulate itinerant vendors. 24 V.S.A. § 2291(9). By the same token, there is no obligation on the part of the selectboard to make town property available to vendors for their private use.

We would first recommend simply asking the vendor to stop using the town property to conduct his business. If a verbal request is unsuccessful, you could follow up with a letter. If these efforts are not successful, the next step would be to consider adopting an itinerant vendor ordinance and commencing formal enforcement. Your board needs to make the determination as to the appropriate level of response. Passing an ordinance to address a one-time issue might not be the best approach.

- Jim Barlow, VLCT Staff Attorney

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