TITLE 5

BUSINESSES AND OCCUPATIONS

CHAPTER

CHAPTER 1

TEMPORARY PERMITS AND LICENSES

SECTION

1201. Issuance of temporary license or permit.

Whenever, by any provision of the ordinances of the city as heretofore or hereafter enacted, a license or permit is required to be secured from the city council for the carrying on of any business, trade or occupation, or for the doing of any act, the city clerk shall have power, in his discretion, to grant a temporary license or permit for such purpose, upon the payment of the fee prescribed by ordinance for a regular license or permit therefore. Such temporary license or permit shall not be for a period of time in excess of 30 days, and shall be subject to revocation at any time by the city clerk or by the city council, and any action taken by the city council in refusing to issue a regular license or permit therefor shall be considered a revocation of such temporary license or permit.

1202. Conditions for issuance

The city clerk shall not issue such temporary license or permit unless he is satisfied that all conditions requisite to a regular license or permit have been complied with, including the securing of any necessary approvals therefor.

1203. Notice of revocation

In the event that any such temporary license or permit shall be revoked as herein provided, the city clerk shall promptly notify the holder thereof, in person or by mail sent postage prepaid to his last or usual address. The giving of such notice shall terminate any rights under such temporary license or permit.

1204. Construction

Nothing in this chapter shall be so construed as to make the issuance of any temporary licenses or permit mandatory upon the city clerk.

SECTION

1205. Rights of licensee

The carrying on of any business, trade or occupation, or the doing of any act, by any person to whom a temporary license or permit shall have been granted authorizing the same pursuant to the terms of this chapter, during the term of such license or permit or until the same shall have been revoked as herein provided, shall not be subject to criminal prosecution or equitable restraint or injunction.

CHAPTER 3

LICENSED PRIVILEGES AND OCCUPATIONS

Subchapter 1. General Provisions

Section

Subchapter 2. Auctioneers

(Reserved for Future Use)

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Subchapter 8. Inns

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LICENSED PRIVILEGES AND OCCUPATIONS (Continued):

LICENSED PRIVILEGES AND OCCUPATIONS (Continued):

Subchapter 17. Transient or Itinerant Photographers.

SECTION

Subchapter 18. Use and Occupancy of Streets

Subchapter 19. Lawn/Porch/Garage Sales

Subchapter 1. General Provisions

SECTION

1231. Definitions

The word "license" as used in this chapter shall mean a license granted by the city council.

1232. Duration of license

All licenses issued under this chapter shall continue and be in force until the second Monday of May next following the respective dates thereof unless otherwise provided.

1233. Application.

Before a license shall be granted, the applicant shall file a written application with the city clerk, directed to the city council, signed by the applicant, and stating his place of residence with street and number and the particular kind of license he desires. The applicant in said application shall also state that he will observe the conditions of his license and all provisions of the ordinances governing it.

1234. Fee

(a) The fee shall be paid to the city clerk before a license shall be issued.

(b) All fees received by the city clerk for licenses shall be turned over to the city treasurer for the use of the city.

1235. Granting by city council, revocation.

All licenses shall be granted by the city council and any licenses may be revoked at any time by the city council, upon hearing and for cause.

1236. Forfeiture

A licensee who shall violate a provision of an ordinance relating thereto or a condition of his license shall, on conviction, in addition to the penalty imposed, forfeit his license.

1237. Sale, assignment, transfer

A license shall not be sold, assigned or transferred.

SECTION

1238. Indemnification of city

All licenses shall be subject to the condition that the licensee shall indemnify and reimburse the city for any damages sustained by the city by reason of the granting or exercise of such license.

1239. Number card, plate, or badge

The city clerk at the expense of the city shall furnish each licensee with a suitable card, plate, or badge bearing the number of his license and the same shall be conspicuously placed or worn by the licensee according to the provisions of his license or to the approval of the chief of police.

1240.

It shall be the duty of the police department to see that all ordinances relating to licenses and the carrying on of licensed occupations and privileges are obeyed and promptly report to the city attorney for prosecution of all violations thereof.

Subchapter 2. Auctioneers

(Reserved for future use)

Cross references. Auctioneers, Licensing
generally, see 32 V. S. A. 7601 - 7603
City Council powers, see city charter
Section 25 (16).
Transient Auctioneers, see Sections 1408 - 1409.

Subchapter 3. Billiard Rooms and Pool Rooms

SECTION

1281. Billiard rooms and pool rooms

No person shall keep for public use a billiard room or pool room unless duly licensed.

Cross references. Application of statutes, see V. S. A. 507.
Charitable exemptions, see 31 V. S. A. 506.
City council powers, see city charter section 25 (16).
License required, see 31 V. S. A. 503.
Regulations of operation, see 31 V. S. A. 505.

1282. Fee

The fee for such license shall be $30.

Cross references. Fees, see 31 V. S. A. 504, 507.

1283. Food Sale

A billiard room or pool room license shall not authorize the licensee to keep a lunchroom or victualing house in a billiard room or pool room.

1284. Minors.

No persons keeping a billiard room or pool room shall permit a minor to be admitted thereto or to play at billiards or pool therein without the written consent of his parents or guardian.

1285. Hours

No person keeping a billiard room or pool room shall permit the same to be kept open or used between the hours of twelve o'clock midnight and six o'clock in the morning.

Cross references. Sabbath breaking, see 13 V. S. A. 3301.

1286. Gaming or gambling

The suffering or permitting of gaming or gambling in or upon the premises licensed as a billiard room or pool room shall forfeit and render void such license.

Cross references. Gambling machines, possession, see 13 V. S. A. 2136.
Gaming house, keeping, see 13, V. S. A. 2134.

Subchapter 4. Bowling Alleys, Shooting Galleries, and Indoor Skating Rinks

1301. Bowling Alleys, Shooting Galleries, and Indoor Skating Rinks

No person shall keep a bowling alley, shooting gallery, or indoor skating rink unless duly licensed.

> Cross references. Charitable exemption,
> see 31 V. S. A. 506.
> Licensing generally, see 31 V. S. A.
> 503 - 508.

1302. Fee

The fee for such license shall be $10 for a bowling alley, $10 for a shooting gallery, and $10 for an indoor skating rink.

1303. Hours

No person keeping a bowling alley, shooting gallery, or indoor skating rink shall permit the same to be kept open or used between the hours of twelve o'clock midnight and six o'clock in the morning.

1304. Gaming and gambling

The suffering or permitting of gaming or gambling in or upon the premises licensed as bowling alley, shooting gallery, or indoor skating rink shall forfeit and render void such license.

> Cross references. Gambling machines,
> Possession, see 13 V. S. A. 2136.
> Gaming house, keeping, see 13 V. S. A. 2135.
> City Council powers, see City Charter,
> Section 25 (2).

Subchapter 5. Buildings Hazardous to Health or Property

SECTION

1321. Slaughterhouses

No person shall build, use, or occupy a slaughterhouse, or place for butchering or killing animals or for killing and dressing fowls unless duly licensed.

Cross references. City council powers,
see city charter section 25 (9).
Regulation by state health commission,
see 18, V. S. A. 4501 - 4507.

1322. Steam mills; powder storage

No person shall build, use or occupy a steam mill, or house for storing powder, or alter the same, unless duly licensed.

Cross references. City Council powers,
see section 25 (10).

1323. Petition for license

The petition for such license shall state the proposed location of the steam mill, or house for storing powder, or the proposed alteration or changes to be made in such building already erected, the materials with which the same is to be built or repaired, the dimensions, height and number of stories of the proposed building, the situation of all boilers therein, the manner in which the same are to be secured or set, the height of chimney to be built or altered, and the various kinds of work to be carried on, in said building.

1324. Fee

The fee for a license required by sections 1321 or 1322 shall be $10.

1325. Penalties

A person who shall violate a provision of section 1321 or 1322 or who, while using or occupying, under such license, a steam mill, or house for storing powder, fails to comply with and maintain all of the specifications contained in his petition for the license, shall be fined not more than $20 nor less than $3 for each and every day he continues such violation or fails and neglects to comply with and maintain any of said specifications.

Subchapter 6. Circuses, Menageries, Trained Animals, Carnivals

SECTION

1341. License

No person shall exhibit or operate a circus, menagerie, or trained animals, or combination thereof, unless duly licensed.

> Cross references. City council powers, see city charter section 25 (3). Municipal regulation or shows, see 31 V. S. A. 401 - 407. Penalty imposed on city officers for issuance of license for less than minimum fee, or when state license fee has not been paid, see 31 V. S. A. 403. State license, see 32, V. S. A. 9501 - 9510.

1342. Fee

The fee for such license shall be, for each day, $50.

> Cross references. Minimum and maximum municipal fees, see 31 V. S. A. 401. Penalties imposed on municipal officers, see 31 V. S. A. 403. State license fees, see 32 v. S. A. 9505.

1343. Location

The chief of police shall fix the station of every such exhibition in such manner as not to interfere with the ordinary passage of business of the streets and walks, and may suppress and prevent the continuance of such exhibition if it disturbs the public peace, notwithstanding such license.

1344. Carnivals

No person shall exhibit or operate a carnival in the City unless duly licensed and the fee for such license shall be, for each day, $50.

> Cross references. City council powers, see city charter section 25 (3). Municipal regulation of shows, see 31 V. S. A. 401 - 407. State license, see 32. V. S. A. 9501 - 9510.

Subchapter 7. Houses for Care of Infants

SECTION

1361. License

No person, except as hereinafter provided, shall establish, conduct, manage, or maintain in the City, a house or other boarding place for the care, rearing, or management of infants under the age of 14 years unless duly licensed. No person shall have, maintain, receive, or take in to maintain and care for, either for compensation or otherwise, any such infant without first having obtained a license therefor.

Cross references. Dependent children, placement, see 33 V. S. A. 623. Foster homes, see 33 V. S. A. 501 - 505.

1362. Application; issuance; term; regulations, renewal

(a) Any person desiring to establish, conduct, manage, or maintain any such house or boarding place, or have, receive, take in, maintain, or care for in such house or boarding place, whether for compensation or otherwise, any such infant, shall apply in writing to the board of aldermen for a license and the application shall be signed by the applicant and shall contain the nature of the business desired to be conducted, the location and the name or names of the owner or lessee of the house or boarding place, the name or names of any person or persons interested in the conduct of such business, the name of each infant and its parentage, or other person who has the legal or actual custody of such infant, the name and residence of any person applying for the admittance of any such infant, the terms and conditions of the proposed admission, and the security offered to be given to meet the expenses of the care and maintenance of each infant, and such other information as said board of aldermen shall require.

(b) A blank application containing questions to be answered, shall be furnished such applicant by the city clerk and each question shall be answered by the applicant, honestly and truthfully, and when such application shall be signed, it shall be returned to said clerk.

(c) If said board shall be satisfied, from an inspection of such application and from such other investigation as it may see fit to make, that the applicant is a proper person to receive such license and the premises described in the application are suitable and sanitary, it shall order said clerk to issue a license to such applicant for a period not exceeding one year, subject to the rules and regulations the board of health shall from time to time prescribe.

SECTION

1362. Application; issuance; term; regulations; renewal (Continued):

(d) The board of health of said city shall formulate, adopt, and have printed such rules and regulations as said board shall deem proper and necessary to be made to carry out the purpose of this subchapter, limiting the number of infants under 14 years of age that shall be received into such a house or boarding place and prescribing in a general way the care that shall be given them, and setting forth any additional requirements which said board shall deem that any such licensee should observe. No such license shall be delivered to such applicant unless there shall be attached thereto a copy, duly attested by the health officer of said city, of such rules and regulations as said board of health shall prescribe. The fee for each license shall be $2.

(e) The board of aldermen, in its discretion, may renew any such license for a term not exceeding one year, upon application in writing of the licensee, setting forth in details the reasons for the request and answering such questions as shall be asked the licensee by said board.

1363. Revocation

Each such license shall include a statement that it is granted under and by virtue of the provisions of this subchapter and under such rules and regulations as the board of health shall prescribe, and that any violation of the terms of this subchapter or any violation of any such rules or regulations prescribed by said board of health shall be sufficient cause for revocation of such license and the forfeiture of the fee paid therefor.

1364. Exemptions

Corporations and societies existing in said city, organizing and existing under and by virtue of the laws of the State of Vermont for the purpose of conducting, managing or maintaining a house or other boarding place for the care, rearing, or management of such infants, and charitable societies existing, controlled, and cared for by recognized church organizations in said city, shall be excepted from the provisions of this subchapter.

SECTION

1365. Report

(a) Each licensee shall, on the first Monday in each month, and at such other times as the board of health of said city shall direct, make report in writing to said board of health, of all infants under said age of 14 years who have been received by such licensee during the preceding month.

(b) Such report shall contain the name of each infant, its age, the name of its parent or parents, if required by said board, and of the person who applied for its admission, and the name of the person who became responsible for its care, the terms and conditions of its admission, including a statement as to the security given to meet the expense of its care, and such other information as said board shall require.

(c) Each licensee shall also notify in writing said board of health at once, when such licensee disposes of any such infant and shall set forth the nature of its disposition and give the name and address of the person who has received such infant.

1366. Penalty

Any person who shall violate any of the provisions of sections 1361 - 1365 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $50 or by imprisonment of not more than 30 days for each offense.

Subchapter 8. Inns

SECTION

1381. License

No person shall keep an inn unless duly licensed.

Cross references. City council powers see city charter section 25 (16). License, issuance and revocation, see 9 V. S. A. 3061.

1382. Fee

The fee for such license shall be as follows: hotel or motel $35; tourist-rooming house accommodating less than 10 people $5; tourist-rooming house accommodating 10 or more people $10.

Subchapter 9. Peddlers, Itinerant Vendors, Street Hawkers, and Transient Auctioneers

SECTION

1401. Peddler

A person going from town to town or from place to place in a town carrying goods, wares or merchandise, and offering to sell or barter the same, or actually selling or bartering the same, or who having no regularly established place of business in this or any other state, open at all times in regular business hours and at the same place, takes orders by sample or otherwise for future delivery of goods, wares, or merchandise, by himself or his agents, from any source within the state thereby completing a sale; or a person who keeps a regular place of business, open at all times in regular business hours and at the same place, who shall elsewhere than at such regular place of business, personally, or through his agents, offer for sale or sell, and at the time of such offering for sale, deliver goods, wares or merchandise shall be deemed to be a peddler.

Cross references. City Council powers, see city charter Section 25 (3). State license, see 32 V. S. A. 9301 - 9312.

1402. Exceptions

The provisions of the preceding section shall not apply to one who sells or offers for sale, in person or by his employees or agents, newspapers, ice, wood, meats, bread, and pastry, milk, butter, eggs, poultry, fish or vegetables, or other articles of food which other articles of food have been grown or produced by him, or to the old fashioned tin peddler, so-called, or to sales made by commercial travelers to manufacturers, merchants, and dealers, for resale only. For the purpose of this subchapter a commercial traveler is defined as one who represents a manufacturer, jobber, wholesaler, producer or distributor, which manufacturer, jobber, wholesaler, producer or distributor is so designated in a recognized trade directory, registry or association.

Cross references. Exemptions, see 32 V. S. A. 9302.
Loss of exempt status, see 32 V. S. A. 9303.

SECTION

1403. License

(a) Such peddler shall pay a license tax of $10.

(b) No license shall be granted to any person who does not at the time hold a peddler's license from the state.

(c) Such licensed peddler may employ, without the payment of any additional license fee, one person who may engage in the business of peddling for his employer under such license. Such employee, while so engaged, shall be entitled to all the rights and privileges granted by said license and be subject to all granted by said license and be subject to all the provisions, regulations and penalties which apply to the same. The city clerk shall furnish such employee without charge, a written permit authorizing him to engage in such employment and such employee shall not engage in such employment until he receives such permit, and while so engaged, shall carry such permit on his person at all times and show the same upon request. For each person in addition to one, that such licensed peddler may employ in the business of peddling under such license such peddler shall pay to the city clerk an additional fee of $5 and the city clerk, upon the payment of such fee, shall issue to such peddler a written permit to so employ such person, which permit such additional employee shall carry on his person at all times when engaged in the business of peddling under such license and shall show the same upon request.

Cross references. Issuance only to persons who have received state license, see 32 V. S. A. 9310. State license tax, see 32 V. S. A. 9305.

1404. Food products

No person, except owners and renters of land as to the products of their own land, shall peddle or sell from vehicles, fish, fruit, meat, vegetables, or other provisions, including bakery products and other food products manufactured by himself or others, unless licensed. The fee for such license shall be $10. Such licensee may, without the payment of any additional fee, employ one person who may engage in the business of peddling for his employer under such license. Such employee, while so engaged shall be entitled to all of the rights and privileges granted by said license and be subject to all the provisions, regulations and penalties which apply to the same. The city clerk shall issue to such employee a written permit to engage in such employment under said license, which person such employee shall carry on his person when so engaged and shall show on request.

SECTION

1404. Food products (Continued):

For each person in addition to one that such licensee may employ in the business of peddling under such license, such licensee shall pay to the city clerk an additional fee of $2 and the city clerk shall issue to such licensee a written permit authorizing him to employ such additional person in said business and such additional employee shall carry such permit on his person while engaged in the business of peddling under said license and shall show such permit upon request.

1405. Itinerant vendors

The words "itinerant vendor" as used in this chapter shall be construed to include any person, partnership or corporation that engages in a temporary or transient business in this city either in one location or traveling from place to place selling goods, wares or merchandise and for the purpose of carrying on such business, hires, leases or occupies a building or structure for exhibition and sale of such goods, wares or merchandise.

Cross references. State license, see 32 V. S. A. 9201 - 9215.

1406. License

No person, firm or corporation, shall act as an itinerant vendor within the city unless licensed, as herein provided.

Cross references. Applications; contents and recording, see 32 V. S. A. 9203. Licenses required; Construction with local law, see 32 V. S. A. 9202. State License Application, fee and deposit, see 32 V. S. A. 9204. When effective, see 32 V. S. A. 9207.

1407. Fee

The fee for such license, in addition to the license fee provided and required by the Vermont Statutes Annotated, shall be $75. Such license shall not be transferable nor give authority to more than one person to sell goods as an itinerant vendor, either by agent or clerk or in any other way than in his own proper person; but such licensee may have the assistance of one or more persons in conducting the business, who shall have authority to aid him but not to act for or without him.

Cross references. Fee and deposit see 32 V. S. A. 9204

SECTION

1408. Itinerant Peddler, Auctioneer; Definitions

The words "itinerant peddler" as used herein, shall be construed to include a person who, without going from house to house, goes from place to place on the streets or any of the public grounds of the city or remains in a single location thereon, selling from any vehicle or otherwise, as a temporary or transient business, goods, wares, merchandise or provisions and shall include a street hawker who does not peddle from house to house. The words "itinerant auctioneer" as used herein shall be construed to include a person who temporarily holds himself out as a public auctioneer and engages temporarily in the business of an auctioneer within the city.

1409. License

No person shall act as an itinerant peddler or transient auctioneer unless licensed as herein provided. No such licensee shall interfere with the ordinary passage of business on the streets and sidewalks of the city. The fee for such license shall be $5 for each day. The itinerant peddler license shall restrict sales thereunder to such location or locations on the street or public grounds of the city as the chief of police may designate and approve. The mayor may revoke any such license when in his judgment the public good requires and the police may suppress and prevent the continuance of such selling, peddling or auctioneering, if it shall disturb the public peace, notwithstanding such license. No license issued hereunder shall be transferable or authorize any person except the licensee to act or sell goods thereunder, except an itinerant peddler license issued to a partnership which shall authorize any one member thereof to act thereunder and an itinerant peddler issued to a corporation which shall authorize some one person, to be named in such license, to act thereunder.

1410. Penalties

Any person who engages within the city in the business of a peddler, itinerant vendor, itinerant peddler, or transient auctioneer, as defined in the eight preceding sections and who violates any of the provisions of this subchapter shall be fined no more than $50 nor less than $5 or imprisoned not to exceed 90 days or both.

Cross references. Advertising without license,
see 32 V. S. A. 9215.
Penalties relating to peddlers,
see 32 V. S. A. 9312.
Selling without license,
see 32 V. S. A. 9214.

Subchapter 10. Junk Yards

SECTION

1421. Junk Yards

No person shall keep a junk yard unless duly licensed. Junk shall be broadly interpreted to include old automobiles and trucks, waste papers, used rags, used metals, and other similar items.

1422. Fee

The fee for such license shall be $25.

Cross references. State regulations,
see 24 V. S. A. 2067 et seq.

1423. Penalties

A maximum fine of $!0 shall be imposed upon a person for each twenty-four hours or fraction thereof in which he is in violation of this subchapter.

Subchapter 11. Porters and Cartmen

SECTION

1441. Definition

Persons engaged in the business of carrying with vehicles for hire, materials, goods, baggage, or other property, from place to place within the city, including the business of general carters, parcel delivery, trucking and moving furniture, are porters or cartmen.

Cross references. City council powers
see section 25 (19).
Garbage collector; see section 2901 et seq.

1442. License

No persons shall carry on the business of porter or cartman unless licensed as herein provided.

1443. Fee

The fee for such license shall be $5 for each motor vehicle, regardless of capacity. Such license shall be granted only to the owner of the vehicle, and shall be at all times kept and on request exhibited by the person in charge of the licensed team or vehicle while the same is in use under such license.

1444. Employees

Such licensed porter or cartman may employ, without the payment of any additional license fee, one person to drive and operate the licensed vehicle in the business of carrying for hire materials, goods, baggage, and other property for his employer from place to place within the city. Such employee, while so engaged, shall be entitled to all the rights and privileges granted by said license and be subject to all the provisions, regulations, and penalties which apply to the same. Such licensee may also employ without the payment of any additional license fee such additional persons as may be required to assist such driver in the operation of such vehicle in said business.

Subchapter 12. Public Dances

SECTION

1461. License

No person shall operate or maintain for profit and gain, except for the sole benefit of a recognized fraternal, college, school, military, or charitable organization, any public dance within the city limits without first obtaining a license therefor from the city council.

Cross references. City council powers,
see city charter section 25 (4).
Municipal regulation of dance halls,
see 31 V. S. A. 501 - 508.

1462. Fee

The license fee shall be $5 for each occasion or $50 per year.

1463. Conditions to granting license

Such license shall be granted only upon application, shall conform in all respects to the provision of sections 1231 - 1240, inclusive, and shall require that the licensee insure the maintenance of law and order at all public dances operated and maintained under such license.

Cross references. Police supervision,
see 31 V. S. A. 502.
Regulations on operations, see
31 V. S. A. 505.

Subchapter 13, Restaurants, Lunchrooms and Victualing Houses

SECTION

1481. Definitions, License

For the purpose of this subchapter a victualing house shall mean and include restaurant, lunchrooms, public eating places and drug stores and other stores dispensing food and drink to the public for consumption on the premises. No person shall keep a victualing house unless duly licensed.

Cross references. City council powers,
see city charter section 25 (16).
State license, see 18 V. S. A. 4351 - 4358.

1482. Fee

The fee for such license shall be $20 if seating more than 20 people, $10 if seating 6 to 10 people, or $5 if seating 5 or less people.

1483. Tax on Sale of Alcoholic Beverages

(a) Words, terms and phrases defined in Chapter 225 of Title 32 Vermont Statutes Annotated, as amended, shall have the same meanings when used in this section unless the context clearly indicates a different meaning.

(Add 4-1-90)

(b) Notwithstanding subjection (a) hereof, "Operator" shall include any person, or his agent, operating a victualing house. In the event that an operator is a corporation, the term "operator" shall include any officer or agent of such corporation who, as an officer or agent of the corporation, is under a duty to pay the gross receipts tax to the City treasury as required by this section.

(Add 4-1-90)

(c) A tax on the sale of alcoholic beverages is hereby levied and imposed and shall be collected by the operator, and paid over to the City as herein provided. The amount of this tax shall be measured by 10 percent of the tax levied and imposed by the State of Vermont pursuant to 21 V. S. A. 9241, as amended, rounded upward to the nearest whole cent. The purchaser of alcoholic beverages shall pay the tax to the operator and each operator shall be liable for the collection thereof.

(Add 7-1-90, 2:01 a. m.)

SECTION

1483. Tax on Sale of Alcoholic Beverages (Continued):

(d) A tax on the gross receipts from alcoholic beverages, exclusive of taxes collected pursuant to subsection (c) of this section, is hereby levied and imposed and shall be paid to the City by the operator as herein provided, in lieu of payment of taxes collected pursuant to subsection (c) of this section remaining in the possession of the operator after payment of the tax imposed by this subsection shall be retained by the operator as compensation for remitting of taxes by him, her or it. The amount of this gross receipts tax shall be measured by 10 percent of the tax levied and as amended, rounded upward to the nearest whole cent.

(Add 7-1-90, 2:01 a. m.)

(e) Each operator shall file with the City Treasurer a photocopy of the return filed with the Commissioner of Taxes at such time as the return filed with the Commissioner of Taxes is required to be filed pursuant to 32 V. S. A. 9243 and 9244, as amended. A remittance for the amount of the gross receipts taxes shall accompany each such return.

(Add 7-1-90, 2:01 a. m.)

(f) Each operator shall file with the City Treasurer a photocopy of any written determination by the Commissioner of Taxes that gross receipt taxes have been overpaid or underpaid. In the event of an underpayment, a remittance for the underpayment, measured by 10 percent of the taxes and interest assessed by the Commissioner of Taxes, shall accompany each such photocopy of a written determination. In the event of an overpayment, the overpayment, measured by 10 percent of the taxes and interest computed by the Commissioner of Taxes, shall be credited by the City Treasurer on any taxes then due from the operator, and the balance shall be refunded to the operator or his, her or its successors, administrators, executors or assigns.

(Add 7-1-90, 2:01 a.m.)

(g) An operator who violates any provision of this section shall pay a fine not exceeding $500.00.

(Add 4-1-90)

(h) A violation of any provision of this section shall constitute a violation of a condition of a license issued pursuant to this subchapter.

(Add 4-1-90)

SECTION

1483. Tax on Sale of Alcoholic Beverages (Continued):

(i) No license shall be issued to an operator of a victualing house pursuant to this subchapter unless said operator has executed a release or waiver, incorporated in the written application for said license, waiving the provisions of 32 V. S. A. 9204, as amended, and authorizing the Commissioner of Taxes to divulge or make known to the city all reports or returns filed by the operator with the Commissioner or written determination issued to the operator by the Commissioner in connection with 32 V. S. A., chapter 225, as amended.

(Add 4-1-90)

(j) This section shall become effective upon adoption. The foregoing notwithstanding, subsections (c), (d), (e) and (f) of this section shall become effective on July 1 1990, at 2:01 a. m.

(Add 4-1-90)

Effective Paragraph 1483 a, b, g, h, i, j, - 1 April 1990.

(i) Subsection (c) of this section notwithstanding, during the period from October 1, 1993 to June 30, 1994, inclusive, the amount of the tax levied and imposed pursuant to subsection (c) of this section shall be measured by 30 percent of the tax levied and imposed by the State of Vermont pursuant to 32 V. S. A. 9241, as amended, rounded upward to the nearest whole cent.

(j) Subsection (d) of this section notwithstanding, during the period from October 1, 1993 to June 30, 1994, inclusive, the amount of the gross receipts tax levied and imposed pursuant to subsection (d) of this section shall be measured by 30 percent of the tax levied and imposed by the State of Vermont pursuant to 32 V. S. A. 9242 (c), as amended, rounded upward to the nearest whole cent.

(Add 10-1-93)

Subchapter 14. Street Musicians

SECTION

1501. License

No person shall play any musical instrument on any street as a street musician unless duly licensed.

Cross references. City council powers, see section 25, (3).

1502. Fee

The fee for such license shall be $5.

Subchapter 15. Taxicabs

SECTION

1521. Purpose

It is hereby declared that the business of operating motor vehicles for the carriage of passengers for hire along the public highways of this city is one affected with a public interest; that the rapid increase of the carriage of passengers for hire by motor vehicles and the lack of effective regulation have increased the dangers and hazards on said public highways; and that much more stringent regulations are imperative to the end that said highways may be rendered safer for public use, congestion of traffic minimized, and the motor vehicle accident rate decreased, and the use of said highways for the transportation of passengers for hire restricted to the extent required by the necessities of the public and the various agencies within the city for the transportation of passengers for hire adjusted and correlated so that said highways may serve the best interests of the people of this city. To secure such ends is the purpose of this subchapter.

Cross references. City council powers,
see city charter section 25 (19).
Financial responsibility, see 23
V. S. A. 841 - 848.
Municipal regulation, see 214
V. S. A. 2031, 2032.

1522. Definitions

A taxicab, for the purposes of this subchapter, shall include any motor vehicle, regularly used in the business of carrying passengers for hire, with or without baggage, on the public highways of the city, and which receives or discharges passengers within the city limits, or advertised for such use, including motor vehicles operated for hire in connection with a livery business, and a jitney as defined in section 4 of Title 23, Vermont Statutes Annotated, but shall not include any such vehicle while being used in interstate or foreign commerce, or a vehicle used in their business by common carriers as defined in section 235 of Title 30, Vermont Statutes Annotated.

A taxidriver is the operator of a taxicab.

SECTION

1523. License - Prohibited activities

(a) No person shall advertise for use as a taxicab or use or operate as a taxicab upon any public highway within the city, any motor vehicle, or cause the same to be so operated, unless such motor vehicle is licensed for such use as hereinafter provided, or use or advertise for use as a taxicab on any public highway within the city, any motor vehicle which has not been inspected and certified to be safe for such use and to comply in its condition, and equipment with all requirements of law as hereinafter provided, or which to his knowledge is not safe for use and does not comply with such requirements, or the license for which is suspended.

(b) No person shall operate or act as the operator or driver of any taxicab upon any public highway within the city, unless licensed so to do as hereinafter provided, nor while his taxidriver's license or the license for such taxicab is suspended, nor while such taxicab to his knowledge is not safe and does not comply in its condition and equipment with all requirements of law.

1524. Fees; grounds for rejection; transfer

(a) The fee for a taxidriver license for an owner of a vehicle to personally operate the same within the city as a taxicab, shall be $2, and the fee for a taxidriver license to operate any taxicab within the city shall be $5. No such license shall be granted to any person, who, in the judgment of the city council, because of disability, physical or mental defects, bad character or bad habits, is not a suitable person to have such license.

(b) The fee for a taxicab license shall be $10 for each vehicle to be operated as a taxicab within the city. A taxicab license may be transferred to another vehicle without payment of another fee, on proper application by the same owner to the city clerk.

Subchapter 16. Theaters, moving picture and vaudeville shows

SECTION

1551. License

No persons shall carry on the business of a theater, moving picture, or vaudeville show unless duly licensed.

Cross references. Licenses for theaters,
see 31 V. S. A. 442, 443.

1552. Fee

The fee for such license shall be $50.

Subchapter 17. Transient or Itinerant Photographers

SECTION

1561. Purposes

(a) It is hereby declared that the regulation of itinerant photographers is essential to the public safety, morals and welfare of the inhabitants of this city to the end that certain abuses heretofore practiced shall be curbed. Some of the practices sought to be regulated are as follows: The practice of itinerant photographers, going from house to house in the city collecting monies without giving proper receipts therefor, delaying delivery of pictures for an unreasonable time beyond the promised date, defalcating orders of which no duplicate is left with the customer, nor leaving their names and addresses with the customer or of supplying the customer with false names and addresses, the fraudulent misrepresentation that pictures are being taken for some press service that does not exist, the taking of pictures, delivering them and receiving pay, which pictures within a few months thereafter fade when in many cases the customer does not even know the name and address of the photographer, the practice of irresponsible itinerant photographers of taking obscene photographs or portrait. Many of these practices and others, including the charging of unconscionable prices, have been shown to have been practiced upon minors.

(c) This subchapter is also enacted as a revenue measure.

Cross references. City council powers,
see city charter section 25 (3).
Licensing by local officials of persons
not having state license prohibited,
see 32 V. S. A. 9106.
State licensing, see 32 V. S. A. 9101 - 9108.

SECTION

1562. Definition

The words "itinerant photographers" as used in this subchapter shall be construed to mean all persons, whether as principals or agents, who engage in a temporary or transient business in this city, whether such persons conduct their said business by traveling from house to house taking pictures in houses or operate from a hotel room, store or other place of business, or otherwise, and who perform any of the following acts of the photography business: Solicit orders, take pictures, assist in taking pictures, show proofs, deliver pictures, make collections for pictures sold.

1563. License requirement

An itinerant photographer, before commencing business, shall apply for and obtain a license as hereinafter provided.

1564. Application for license

Each applicant for an itinerant photographer's license shall apply for the same on an application blank to be prepared and furnished by the city clerk at the expense of the city, answer in his own hand all questions therein asked and personally appear and file such application at the office of the city clerk and answer such further oral inquiries as the city clerk shall make at such time. The application blank shall contain inquiries concerning other places the applicant has engaged in business during the past 5 years, names and address of references, and such further inquiries as the city clerk shall prepare, having in mind the purposes for which this subchapter is enacted. The applicant at the same time shall deposit with the city clerk the fees herein imposed and the power of attorney and bond herein required.

1565. Fee

The itinerant photographer's license fee shall be $100 per year.

SECTION

1565. Bond

Each applicant shall file with the city clerk at the time of making application, a bond in the penal sum of $1,000 executed by the applicant and a competent surety company authorized to do business in Vermont or by two responsible free-holders residing in St. Albans and approved by the city clerk, or in lieu thereof, a cash deposit of equal amount. Such bond shall be conditioned that all photographs, photographic pictures or enlargements taken or made, or for which orders shall be taken, will be completed and delivered, will be done in a good workmanlike manner and will be as represented by the licensee, that the licensee will refund any monies paid on such work which has not been done in a good workmanlike manner or which is not completed and delivered according to contract or which is not as represented by the licensee, that the licensee will indemnify and reimburse any person dealing with such licensee to the amount of any payment or payments such purchaser may have been induced to make through misrepresentation and will reimburse such person for failure of the licensee to complete and deliver such work. Any person so aggrieved shall have a right of action on the bond for the recovery of the amount of payments made or damages suffered or both. Said bond shall run for a period of time of at least 6 months beyond the last day for which license is applied and in the event of a cash deposit the same shall not be refunded by the city clerk until 6 months after the expiration of the license.

1566. Power of Attorney

With each application the applicant, if not a resident of the State of Vermont shall in writing, appoint the city clerk his true and lawful attorney on whom service of legal process in any action or proceeding against the applicant may be made with the same validity as if made upon such applicant personally and said appointment shall be filed with the city clerk. Such power of attorney shall be upon forms prepared and furnished by the city clerk at the expense of the city.

SECTION

1568. Investigation and report

After the applicant shall have filed with the city clerk his application together with the fees, bond and power of attorney hereinbefore provided, the city clerk shall make an investigation particularly of the reputation and standing of the applicant as to moral integrity, professional ability, criminal record (if any) and along such additional lines as may seem requisite in the light of the purposes for which this ordinance is enacted. Upon completion of this investigation he shall make written report thereon to the city council. The city council after receiving such report shall consider the personal fitness of the applicant and if it adjudges that the granting of such license would not be contrary to the public safety, morals or welfare, shall grant an itinerant photographer's license to the applicant for the length of time for which application is made.

1569. Penalty

An itinerant photographer who takes pictures or performs any of the acts of the photographic business set forth in section 1563 hereof without first having obtained a license as hereinbefore provided shall be imprisoned not more than 60 days or fined not more than $50 or both.

1570. Statement of business

In order that the administrative officers of the city may know the extent of photographic business done in this city and the names of all persons doing such business to the end that they can determine whether or not the persons doing photographic business are or are not itinerant photographers, all persons engaged in this city in the photographic business shall within 30 days after this subchapter shall take effect, file with the city clerk at the expense of the city a statement of the nature of their business, the places, if any, where they have been located for the past 5 years and answer such further inquiries thereon as the city clerk may make, having in mind the purposes for which this subchapter is enacted. All persons who, more than 30 days after the effective date of this subchapter, begin to do photographic business in this city, whether as an itinerant photographer or not, shall 5 days before commencing such business file with the city clerk a statement as required by the preceding sentence. After this subchapter shall have been in effect for 30 days no persons shall engage in the business of photography or perform any of the acts commonly associated with the photography business in the City of St. Albans until 5 days after he shall have filed with the city clerk the statement required in the two preceding sentences.

SECTION

1571. Orders

All orders taken by a licensee shall be in writing and in duplicate, which orders shall set forth the true name and address of the licensee, the terms thereof, the amount paid in advance and the balance remaining due, and the delivery date. A copy of such order shall be delivered to the purchaser at the time the order is taken.

1572. Prohibited acts

An itinerant photographer shall not, after delivery of copy of an order to a customer, defalcate or alter the original order in any respect, shall not take obscene photographs nor detach the heads from pictures of customers and affix them to bodies of other subjects nor otherwise make unlawful use thereof. An itinerant photographer shall not make fraudulent misrepresentation of his pictures nor misrepresent that they are taken for a press service bureau, or publication. An itinerant photographer shall not take orders from minors unless and except such order is approved in writing by one of the minor's parents, or in the event such minor has no living parent, by his legally appointed guardian, or in the absence of such guardian, by an adult with whom he makes his home.

1573. General penalty

Any person, firm or corporation who makes a false statement on an application or in the statement required by section 1571, or who violates any of the provisions hereof for which penalty is not already provided shall be imprisoned not more than 30 days or fined not more than $50 or both.

1574. Unconstitutionality

In case any of the sections of this subchapter shall be held unconstitutional or invalid for any reason the remainder of the subchapter shall continue in full force and effect and be construed as though such valid section, paragraph or clause had not been included herein.

Subchapter 18. Use and Occupancy of Streets

Section

1591. Definition

The word "street" shall include the entire width between property lines of every way used for vehicular traffic and pedestrian travel which has become public by authority of the law, and such ways in public places other than highways as the public is permitted to use for vehicular and pedestrian traffic.

Cross references. City Council powers, see city charter section 25 (22).

1592. License requirement

No person shall use or occupy any part of any street for the sale or storage of gasoline, oil, wares, or other merchandise of any kind, or for the erection and maintenance of any gasoline pump or oil pump or other structure in connection with such use or occupancy without first having obtained a license from the city council.

Cross references. Above-ground storage of flammable liquids, see section 2101 et seq.

1593. Granting of license; term

The city council may grant a license for the use of a specified part of such street upon application as herein provided, to any proper person and shall determine the specified part of such street to be so used and may at any time require the licensee to change the location at his own expense. All licenses granted under this section shall expire on the second Monday of May following the date thereof.

1594. Persons eligible

No such license shall be granted to any person who is not the owner, or lessee for the term of one year or more and in actual occupancy, of the premises abutting such part of a street sought to be used; and if to a lessee, the owner's consent shall first be obtained.

SECTION

1595. Application, supervision and approval of work

Any person seeking such license shall make application therefor to the city council in writing, upon a blank to be furnished by the city clerk, and shall state his residence and place of business. He shall describe accurately in writing, by plan or otherwise, the exact location desired, the kind of structure which he wishes to erect, also the shape and the dimensions of the space or specified part of such street which he desires so to use and occupy and the kinds of merchandise which he wishes to store or sell. All work done by the licensee in establishing his said business under this subchapter shall be done under the supervision of the superintendent of streets of the City of St. Albans and subject to his approval and the approval of the chief engineer of the fire department.

1596. Filling of application blank fees

(a) The answers to all questions noted on said blank shall be written therein by the applicant or by his express authority and shall be truthfully made. A false answer knowingly made shall be grounds for revoking any license granted.

(b) The license fee for the sale or storage of gasoline, oil, wares, or other merchandise upon any street shall be $25 and the license fee for the erection or maintenance of any gasoline pump or oil pump or other structure shall be $50 for each such pump or other structure so erected and maintained. The license fee for double gasoline or oil pumps, shall be $75 for such double gasoline or oil pump so erected and maintained.

1597. Suspension or revocation

(a) The city council may in its discretion suspend or revoke any such license granted for any reason which it shall consider sufficient and shall revoke any such license when it appears to the city council, upon hearing, due notice to the licensee having been given, that the use of such specified part of such street has created, or is, a nuisance, or when the city council shall deem it for the public welfare that such license should be revoked.

(b) In case a license shall be revoked, the licensee shall at once remove from said street whatever he has erected thereon under his said license and put such specified part of said street used by him in as good condition as it was before such license was granted.

SECTION

1598. Underground oil storage

(a) No underground plant within the street limits of the City of St. Albans to be used for the storage of oil under said street shall be permitted without the consent of the city council and such consent shall be stated in such license; but underground connecting pipes may be laid under the sidewalk within the street limits, under the supervision of the superintendent of streets and subject to his approval and the approval of the chief of the fire department, by the licensee, from any storage plant not placed under said sidewalk or within the street limits, which the licensee may have a right to use, to the pump erected to be used for the sale of oil within said street limits.

(b) In case an underground plant is desired in such street and under such sidewalk for the storage of oil, the applicant shall include in his application a detailed plan of the same, showing exact location, kind of storage plant or other structure proposed to be used, the size and shape of the proposed plant, and mode of construction.

1599. Inspection

All work done under any license granted by virtue of section 1593 and all privileges exercised thereby, shall be subject to inspection without let or hindrance, at any time, by the superintendent of streets, or the chief of the fire department.

1600. Damages

Any person who establishes, uses, or occupies any part of such street, or such underground plant, for the purposes provided in this subchapter, shall be liable in damages to the City of St. Albans or to any person, if the city or such person shall sustain damages as the result of such use and occupancy of such street, or such plant, to be recovered in an action declaring upon this subchapter.

1601. Penalties

Any person who violates any provision of this subchapter relating the use and occupancy of streets shall be subject to a fine not exceeding $20 for the first offense and not exceeding $50 for each subsequent offense; and each day's violation shall be deemed a separate offense.

Subchapter 19. Lawn/Porch/Garage Sales

SECTION

1650. Definition

A lawn, porch or garage sale or any combination thereof is the casual sale, as such term is defined by 32 V. S. A. Section 9701 (12) (A) and (B), as amended, of items of tangible personal property advertised, on premises or off-premises, as available for sale at a residential property.
(Add 7-1-97)

1651. License

No person shall operate or maintain a lawn/porch/garage sale or any combination thereof within the city limits without first obtaining a license therefor from the city clerk.
(Add 7-1-97)

1652. License Requirements and Conditions

1. The license may be issued only to the owner/lessee of a dwelling unit on the property on which the sale will be conducted.

2. The license shall be in clear view at all times during the sale.

3. The license is valid for ten (10) days from date of issuance.

4. No more than four (4) licenses per calendar year shall be issued per dwelling unit. Second and subsequent licenses will not be issued earlier than seven (7) days after expiration of the prior license.

5. The license shall not be transferable.

6. The sale shall be operated only on the property of the licensee, and shall not be located in any public right of way, street or sidewalk.

7. The sale shall not begin before 8:00 a. m. nor continue past 8:00 p. m.

(Add 7-1-97)

SECTION

1653. Fee

There will be no cost for the first and second licenses. The third license shall cost $10.00. The fourth license shall cost $15.00.

(Add 7-1-97)

1654. Penalties

Any person who shall violate any of the provisions of this subsection relating to the operation of a lawn/porch/garage sale shall be subject to a fine not exceeding $15.00 and each day's violation shall be deemed a separate offense.

(Add 7-1-97)

CHAPTER 5

POSTING BILLS

SECTION

1701. Posting or painting show bill, advertisement, sign or notice

No person shall post a show bill, advertisement or paper, or paint a sign, advertisement, or notice on a building, fence, post, pole, stone, or wall within the city, without the written consent of the owner thereof and approval of the city council.

Cross references. Buildings and fences,
Disfiguring, see 13 V. S. A. 3701.
City council power, see city charter
section 25 (13) (16) (22) (23).
Filing of municipal ordinance with
Secretary of State, see 9 V. S. A. 3628.
Injuring post, fence, building, or sign,
see section 4258.
Liquor advertisements, penalty, see 13
V. S. A. 304.
Posting or painting indecent or immodest
Show bill, advertisement, sign or notice
or marking sidewalk, see section 3554.
Private property, posting on, see
13 V. S. A.
State control of outdoor advertising
Generally, see 9 V. S. A. 3621 et seq.
Street lights, poles, posting on, see
13 V. S. A. 3785.
Tobacco signs, see 13 V. S. A. 304.
Utility poles, posting on, see 13
V. S. A. 301