



**LEBANON FOOD TRUCK TASK FORCE  
NOVEMBER 19, 2024 - 8:00 AM  
MEETING ROOM 2, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

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**1. Call to Order**

- A. The November 19, 2024, Food Truck Task Force Meeting is hereby called to order.

**2. Approval of Minutes: None**

**3. Old Business**

- A. Continue Review of Proposed Amendments to City Code Chapter 179 (as presented to the City Council on June 5, 2024)

**4. New Business: None**

**5. Open to the Public**

- A. Any member of the public who desires to speak on any item may do so when the item is taken up by the Commission and will be allowed to speak on the subject for not more than three minutes. (Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)

**6. Future Agenda Items**

**7. Other Business**

**8. Adjournment**

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by visiting [LebanonNH.gov/Live](https://LebanonNH.gov/Live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.

# Agenda

## Lebanon City Council

### June 5, 2024

## 10. New Business:

### 10.C – Discussion and Set Public Hearing for June 19, 2024: Ordinance #2024-04 to Amend City Code Chapter 179, Vendors

#### Background

The City Manager's Office coordinates the permitting of vendors operating around Colburn Park and along the pedestrian mall pursuant to City Code Chapter 179, Vendors. The Code Chapter was adopted in 1990 and has been amended on several occasions since that time.

Over the last several months, the City Manager's Office has been drafting proposed amendments to Chapter 179 in an effort to address a variety of operational issues that have arisen in recent years. Primary amendments include adjustments and clarification of the number and location of spaces within which vendors may operate and updates to the proposed fee structure for vendors as further described below. In addition, the Department of Public Works has proposed new language to address disposal of food waste and grey water waste from food truck vendors, in particular. However, because large portions of the current chapter have been reformatted, the current proposal is to repeal and replace the chapter language in full.

With respect to the number and location of vendors, the current language of Chapter 179 provides that "up to five parking spaces on the north side of [South Park Street] between the crosswalk entrance and the easterly corner of Colburn Park" are available for vending activity. (Note: although the term "parking spaces" is used, this has always been understood and interpreted as "vendor spaces"). However, for many years, the City has permitted vending areas both west and east (before and after) the crosswalk on South Park Street. As depicted in the attached Vendor Parking Spaces diagram from 2017, two seasonal vendors were allowed to occupy a total of six parking spaces west of the crosswalk and two seasonal vendors and one daily or weekly vendor were allowed to occupy a total of eight parking spaces east of the crosswalk.

In recent years, it has become evident that most vendors cannot fit within the allotted areas as shown on the 2017 Vendor Parking Spaces diagram. Vendors are often unable to detach (or reattach) their food trailer from their towing vehicle because of space limitations due to other vendors or from private vehicles parking immediately adjacent to the food trucks/trailers. As a result, the currently proposed amendments include a reduction in the total number of vendor spaces from five to four, but with enough space for each towing vehicle and trailer.

It has been observed that most of the food trucks operating on South Park Street have service windows that open on the passenger side of their vehicle. When the vendors are located on the north side of South Park Street, customers are required to stand immediately next to moving traffic in the travel lane of the roadway, which has long been a cause for concern. In an effort to begin to address this issue, the current proposal would allow two vendor spaces on the south side of South Park Street, such that the service windows would open toward the adjacent sidewalk and away from moving traffic.

In addition, the current language of Chapter 179 provides for the regulation of sales by vendors within the general area of Colburn Park and the pedestrian mall. In recent years, the City

Manager's Office has received requests to expand the area where vending on City land is allowed to include the area formerly known as "Hough Square", near the intersection of Hanover, Hough, and High Streets. Many businesses located in Hough Square are similarly situated to those along the pedestrian mall in that the front of their buildings and storefronts coincides with the edge of the public right-of-way.

Also, in recent years, the Department of Public Works has been alerted to vendors disposing of grey water into the public stormwater system, which is a violation of City Code and federal law. As a result, DPW staff have recommended amendments to Chapter 179 concerning the proper disposal of grey water at the City's wastewater treatment facility with an applicable fee schedule and penalties for illicit discharges. As proposed, any vendor who elects not to use the City's wastewater treatment facility must provide proof of an acceptable alternative disposal location as part of their application for a vendor permit.

Finally, during the NH legislature's last session, legislation was passed that regulates the disposal of food waste by persons generating one ton of such waste per week or more if a facility authorized to manage food waste is located within 20 miles. Although the legislation does not take effect until February 1, 2025, proposed language has been added to Chapter 179 informing food truck vendors that the Lebanon Solid Waste Facility is authorized and has capacity to accept food waste for purposes of compliance with the provisions of NH RSA 147-M:27, V.

Additional proposed amendments to the chapter include new definitions; clarification that sidewalk vending is permitted for business fronting on North Park and West Park Streets; update and clarification of information required for vendor permit applications; updates to the permit fee and electricity usage fee for seasonal vendors; and a general reformatting of some of the existing language.

## **Action**

*The following motion is offered for City Council consideration:*

***MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, June 19, 2024, beginning at 7:00 p.m. in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2024-04 to amend City Code Chapter 179, Vendors, by repealing and replacing the existing language in its entirety.***

Included In This Section:

1. Proposed Ordinance #2024-04
2. City Code Chapter 179, Vendors
3. Legal opinion from Attorney Christine Johnston, dated May 22, 2024
4. Vendor Parking Spaces diagrams from 2017 and proposed for 2024

**CITY OF LEBANON**  
**ORDINANCE #2024-04**

AN ORDINANCE TO AMEND the Code of the City of Lebanon by deleting and repealing Chapter 179 thereof, Vendors, and replacing it with a new Chapter 179, to be entitled Vendors, which chapter provides for the regulation of sales by vendors within the general area of Colburn Park, the Lebanon Mall, and the area of Hanover Street formerly known as “Hough Square” in the City of Lebanon.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

**Section 1:**

The Code of the City of Lebanon is hereby amended by deleting and repealing Chapter 179, Vendors.

**Section 2:**

The Code of the City of Lebanon is hereby amended by adding thereto a new chapter, to replace Chapter 179 hereinabove repealed, to be Chapter 179, Vendors, to read as follows:

- §179-1 Declaration of purpose.
- §179-2 Definitions.
- §179-3 Permit required.
- §179-4 Permits and fees.
- §179-5 Limitation of number and location of vending operations; nonprofit permits.
- §179-6 Restrictions applicable to all vendors.
- §179-7 Grey water waste disposal.
- §179-8 Suspension or revocation of permit.
- §179-9 Appeals.
- §179-10 Penalties for offenses.

**§ 179-1 Declaration of purpose.**

The purpose of this chapter is to provide for the regulation of sales by vendors within the general area of Colburn Park, the Lebanon Mall, and the area of Hanover Street formerly known as “Hough Square” in the City of Lebanon. This is necessary to ensure the free flow of motor vehicle and pedestrian traffic and to promote the public health, safety and welfare in that area.

**§ 179-2 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**Abutting Business** - Any legitimate business located within, whether by lease, rental or ownership, a property directly abutting North Park Street, West Park Street, the Lebanon Mall, and those businesses located on Hanover Street within the area formerly known as “Hough Square” (shown on the map attached as Appendix A).

**Food Waste** (also referred to as food scraps) - Waste that has the potential of being composted and thereby diverted from disposal in the landfill. Examples include, but are not limited to: coffee grounds, eggshells, meat, dairy, fruit and vegetable scraps/peelings.

**Grey Water Waste** - Any wash water that has been used in a home or business, except water from toilets.

**Public Street or Sidewalk** - Include all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, and any other public way.

**Stand** - Any newsstand, table, bench, booth, rack, handcart, pushcart, or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles, used for the display, storage, or transportation of articles offered for sale by a vendor.

**Vendor** - Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods, or merchandise on any public street or sidewalk from a stand, motor vehicle, or from his or her person.

**Vending Area** - One of four designated areas for seasonal vendors only, encompassing not more than 6 parking spaces each along South Park Street. Boundary of vending areas will be clearly marked, and all vehicles associated with the vending operation (truck & trailer combined) must be contained within vending area. Vending areas are as shown on the map attached as Appendix B.

**Vending Hours** - Vending is permitted for daily, weekly, and seasonal vendors between the hours of 7:00am-9:00pm, Monday through Sunday during the vending season only.

**Vending Season** - The vending season for all vendors shall be April 1 through October 31.

**§ 179-3 Permit required.**

Vending which occurs as an inherent part of an event properly licensed or permitted by the City Manager, including but not limited to: a farmers' market, street fair, or alumni day, shall be exempt from the provisions of this chapter.

Vending activity shall be unlawful on all streets, sidewalks, and other public property in Lebanon, other than those listed below. However, this prohibition shall not apply to mobile vendors whose vehicle, stand or cart does not remain in any single site longer than 30 minutes, including but not limited to mobile ice cream trucks.

Vending activity is limited to the areas described below. It shall be unlawful for any vendor or abutting business to sell, display, or offer for sale any food, beverage, goods, or merchandise without first obtaining a permit from the City Manager. Vending activity on private property is regulated by the Zoning Ordinance.

- A. South Park Street: up to four designated vending areas on either side of the street. Permits will be issued for seasonal vending only.
- B. North Park Street: vending shall be permitted within the sidewalk area directly in front of a legally established business/place of residence that is physically located on North Park Street. Vending shall be by means of a "stand" as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.
- C. West Park Street: vending shall be permitted within the sidewalk area directly in front of a legally established business/place of residence that is physically located on West Park

Street. Vending shall be by means of a “stand” as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.

- D. Colburn Park: described as the entire area bordered by North, West, South, and East Park Streets, excluding the sidewalks along those streets. A maximum of four "stand" vendors will be permitted to utilize Colburn Park at any given time. Permits will be issued for daily/weekly vending only and will not be issued on Thursdays from May 1 through September 30 so as not to conflict with the weekly farmers’ market.
- E. Lebanon Mall: described as extending from the westerly sideline of West Park Street west and north to Hanover Street, meaning and intending to include the entire area of the pedestrian mall. A maximum of two “stand” vendors will be permitted to utilize Lebanon Mall at any given time. Permits will be issued for daily/weekly vending only. Permits for seated outdoor dining will only be issued to businesses physically located within or abutting the bounds of the pedestrian mall.
- F. Hanover Street “Hough Square”: vending shall be permitted within the sidewalk area directly in front of a legally established business/place of residence that is physically located on Hanover Street within the area formerly known as “Hough Square”. Vending shall be by means of a “stand” as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.

No permit shall be issued to an applicant unless the applicant assumes liability for damages, property loss, injury or death, or other related liability resulting from the activities of the vending operation.

**§ 179-4 Permits and fees.**

**A. Daily Permits:**

Daily Permits are issued for “Stand” vendors only. They are issued for any day of the week to include weekend days. Consecutive daily permits may not exceed three days. If a permit is requested for 4 or more days, the permit shall be considered a Weekly Permit. The fee for a daily vendor permit is \$10. Applicants wishing to obtain daily permits shall apply to the City Manager at least 24 hours prior to the desired start date. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- (4) If a motor vehicle is to be used in the vending business, a description and size (length and width) of the vehicle, together with the motor vehicle registration number.
- (5) A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.
- (6) Applicants must meet the requirements of the City Manager for size of vending stand, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.
- (7) When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing.
- (8) Permits and assigned locations are non-transferable, and the fee is non-refundable.

- (9) Use of city-owned electricity requires an inspection and approval by the City Electrician. If authorized, the daily fee for use of electricity from a City-owned power supply is \$3.

B. Weekly Permits:

Weekly permits are issued for “Stand” vendors only. Permits are issued for the week beginning Monday and ending Sunday and may run consecutively. The fee for a weekly vendor permit is \$50. Applicants wishing to obtain a weekly permit shall apply to the City Manager at least 5 days prior to the desired start date. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- (4) If a motor vehicle is to be used in the vending business, a description and size (length and width) of the vehicle, together with the motor vehicle registration number.
- (5) A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.
- (6) Applicants must meet the requirements of the City Manager for size of vending stand, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.
- (7) When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing.
- (8) Permits and assigned locations are non-transferable, and the fee is non-refundable.
- (9) Use of city-owned electricity requires an inspection and approval by the City Electrician. If authorized, the weekly fee for use of electricity from a city-owned power supply is \$15.

C. Seasonal Permits:

Seasonal Permits are issued for the time beginning April 1<sup>st</sup> and ending October 31<sup>st</sup> for specified vending areas as defined above and depicted on the map attached as Appendix B. The fee for a seasonal vendor permit is \$200. Applicants wishing to obtain a seasonal permit shall apply to the City Manager between January 1 and March 14 for the vending season. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- (4) If a motor vehicle is to be used in the vending business, a description and size (length and width) of the vehicle, together with the motor vehicle registration number.
- (5) A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.
- (6) For food trucks and trailers, in addition to required State permits, no vending permit shall be issued without a food truck inspection by the Lebanon Fire Department, or an authorized agency as designated by the Lebanon Fire Department. Should inspection be unfavorable, a permit will not be issued until truck/trailer is found to be compliant with required regulations.

- (7) Applicants must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.
- (8) When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing. The drawing shall be held as soon as March 15 or first business day immediately following (for example, if March 15 falls on a Saturday or Sunday, the drawing will take place on the following Monday).
- (9) Permits and assigned locations are non-transferable, and the fee is non-refundable.
- (10) To retain a permit for assigned vending area, seasonal vendors must utilize their assigned vending area at least 15 days of each month.
- (11) A vendor may, upon written permission from the City Manager, utilize the assigned vending area on less than 15 days in any month due to vacation, illness, or other extenuating circumstance. Noncompliance will result in the assigned vendor losing the vending area and disqualifying the vendor from applying for any vending area for the period of one year.
- (12) Vending area #2 (north side of the South Park Street east of the crosswalk entering Colburn Park) is the only vending area that has access to electricity. Use of city-owned electricity requires an inspection and approval by the City Electrician. If authorized, the seasonal fee for use of this power source is \$350 which is payable in monthly installments of \$50 each or as one lump sum at time of permit issuance.

D. Abutting Business Permits:

The annual fee for an abutting business permit shall be \$125. Abutting businesses shall be entitled to a permit for the use of an area in the vicinity of their established place of business. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.
- (4) Applicants must meet the requirements of the City Manager for noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.
- (5) Permits shall be for the period of time designated by the applicant in the application for a permit, but in no case shall extend for more than one year. Permits must be renewed annually and are subject to all other applicable state and City regulations.
- (6) Permitted areas shall not be situated as to impede pedestrian travel. Areas may not exceed 250 square feet, unless specifically approved by the City Manager, and may be prescribed, mapped, and modified from time to time by the City Manager, depending on the needs of the City.
- (7) Permits and assigned locations are non-transferable, and the fee is non-refundable.

**§ 179-5 Limitation of number and location of vending operations; nonprofit permits.**

- A. As noted in § 179-6 below, the City Manager may limit the number and location of vending operations. Absent any other limiting factor, the City Manager shall not permit more than four seasonal vending areas on South Park Street.
- B. Nonprofit permits. The City Manager may designate additional vending locations within the designated areas, provided that the proceeds from all sales at the location are used exclusively for the benefit of civic, school, charitable, philanthropic, religious, or other not-for-profit organizations. These spaces shall be available on a daily basis for a consecutive

period of time and shall be assigned without charge, at the discretion of the City Manager, and according to the above procedure for permits.

**§ 179-6 Restrictions applicable to all vendors.**

The following restrictions shall apply to all vendors obtaining permits to operate under this Code. In addition, the City Manager may limit the number and location of permits issued based on the criteria below or for other conditions as may be set by the City Manager.

- A. Stands/carts/vehicles shall not:
  - (1) Exceed nine feet in width and 54 feet in length (including towing vehicle and trailer). Height should not exceed 13 feet.
  - (2) Impede access to the entrance of Colburn Park or any adjacent building or driveway.
  - (3) Locate within 25 feet of a fire hydrant, fire escape, bus stop, loading zone, or driveway of a fire station, police station, or hospital.
- B. Hours of operation. Vendors shall be allowed to engage in the business of vending only between 7:00am and 9:00pm, except for abutting businesses operating under § 179-4D, which shall be allowed to operate in their permitted area during their normal business hours or as otherwise provided pursuant to § 179-4D. All vendors must leave public property during non-vending hours, except for good reason and by special waiver from the City Manager.
- C. Handicapped areas. No vendor shall block access to any handicapped parking space or access ramp.
- D. Removal of trash. All trash or debris originating from the operation of the vending stand shall be collected by the vendor and removed from public property daily.
- E. Food waste disposal – Beginning February 1, 2025, state law requires that any person generating one ton of food waste per week or greater shall not dispose of such waste in a landfill or incinerator provided that an alternative facility authorized to manage food waste is located within 20 miles. Food truck vendors are advised that the City of Lebanon solid waste facility has adequate capacity to accept food waste for purposes of compliance with the provisions of NH RSA 147-M:27, V.
- F. The area occupied by a vendor shall be limited to that area so designated by the City Manager.
- G. No vendor shall utilize an open fire in connection with the sale or display of the vendor's wares without a permit from the Lebanon Fire Department.
- H. No vendor shall shout, make an outcry, blow a horn, ring a bell, or use any other sound device for the purpose of attracting attention to any goods which the vendor proposes to sell. Vending operations must be reasonably quiet, i.e., no vending stand or vehicle shall emit excessive mechanical or compressor noise to the detriment of the environment around Colburn Park, the Lebanon Mall, or along Hanover Street in the area formerly known as "Hough Square".
- I. No vending activity shall unreasonably impede the flow of vehicular or pedestrian traffic. The City Manager may impose restrictions in addition to those listed in this section, when warranted, in order to ensure at all times the public's use of streets and sidewalks for purposes of travel.

- J. It is the intent of this chapter that goods or merchandise to be offered for sale shall consist solely of items which can easily be carried away from the sales location by customers, and which entail no special needs or problems pertaining to loading, handling, installation, or delivery, such as might interfere with vehicular traffic or with other users of Colburn Park, the Lebanon Mall, or the area along Hanover Street formerly known as "Hough Square". Heavy or bulky items such as tires, large appliances, large furniture items, motorized equipment, or the like are generally not permitted. All goods or merchandise displayed shall be for immediate sale and delivery. Displays or advertising whose primary purpose is to promote future or off-site transactions are not permitted. The City Manager may deny a permit to any vendor whose stand/vehicle/cart does not meet the intent of this subsection.
- K. No banners associated with vending operations may be displayed on the Colburn Park fence.
- L. LED signs are allowed as long as the sign stays static and is non-changeable. It cannot change colors or flash on and off, or otherwise become a nuisance or distraction to vehicular or pedestrian traffic.

**§ 179-7 Grey water waste disposal.**

- A. Vendors shall not dispose of grey water waste into city storm drains. Such actions are a violation of City Code Chapter 124-3 and the Code of Federal Regulations Title 4. Food service vendors are required to sign and submit a "City of Lebanon Grey Water Waste Disposal Agreement" as part of their application for a vending permit.
- B. Waiver of disposal: Any vendor who does not utilize the Lebanon Wastewater Treatment Facility as a grey water waste disposal site shall provide proof of an alternative disposal location.
- C. Grey water waste disposal is available at the Wastewater Treatment Plant. The disposal fee for seasonal vendors with grey water waste tanks, if utilized, is \$200; for daily permits is \$5; weekly permits is \$25.

**§ 179-8 Suspension or revocation of permit.**

- A. Any permit issued under this chapter may be suspended or revoked for any of the following reasons:
  - (1) Fraud or misrepresentation in the application for the permit.
  - (2) Conducting the business of vending contrary to the conditions of the permit.
  - (3) Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
  - (4) Failure to pay applicable fees.
  - (5) Unauthorized disposal of grey water waste into the City's storm drain system.
- B. Upon suspension or revocation, the city shall deliver written notice to the permit holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the permit holder's place of business or mailed to the permit holder's last known address.

**§ 179-9 Appeals.**

Persons who are denied permits or whose permits have been suspended or revoked may appeal by filing a written notice of appeal to the City Manager's Office. The appeal must be filed with the City Clerk within three working days after receipt of the notice of denial, suspension, or revocation. The City Manager shall render its decision in writing within 15 days thereafter.

**§ 179-10 Penalties for offenses.**

- A. Any person who violates any provision of this chapter shall be punished as provided in City Code Chapter 1, General Provisions, or by suspension of the permit for a period to be determined by the City Manager, or both.
- B. Any person who discharges grey water waste in an unapproved location shall be subject to a fine of \$600.

**Section 3: Severability.**

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

**Section 4: Effective Date.**

The Ordinance shall become effective upon passage.

## Chapter 179

### VENDORS

§ 179-1.	Declaration of purpose.	§ 179-7.	Restrictions applicable to all vendors.
§ 179-2.	Definitions.	§ 179-8.	Suspension or revocation of permit.
§ 179-3.	Permit required.	§ 179-9.	Appeals.
§ 179-4.	Permits and fees.	§ 179-10.	Penalties for offenses.
§ 179-5.	Application.		
§ 179-6.	Limitation of number and location of vending operations; nonprofit permits.		

[HISTORY: Adopted by the City Council of the City of Lebanon 8-22-1990 by Ord. No. 62. Amendments noted where applicable.]

#### GENERAL REFERENCES

Consumption of alcoholic beverages in Colburn Park and the Mall — See Ch. 14, Art. I.	Noise from sound amplification systems — See Ch. 110.
Removal of dog feces from Colburn Park and the Mall — See Ch. 18.	Driving and parking on the Mall — See Ch. 168, § 168-3.
Bicycles and skateboards on the Mall — See Ch. 27.	Vendor parking — See Ch. 168, § 168-7A.
	Vending machines — See Ch. 176.

#### § 179-1. Declaration of purpose.

The purpose of this chapter is to provide for the regulation of sales by vendors within the general area of Colburn Park and the Mall in the City of Lebanon. This is necessary to ensure the free flow of motor vehicle and pedestrian traffic and to promote the public health, safety and welfare in that area.

#### § 179-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ABUTTING BUSINESS** — Any legitimate business located within, whether by lease, rental or ownership, a property in the central business district abutting North or West Park Streets or the Mall area.

**PUBLIC STREET OR SIDEWALK** — Include all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys and any other public way.

**STAND** — Any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles, used for the display, storage or transportation of articles offered for sale by a vendor.

**VENDOR** — Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk from a stand, motor vehicle or from his or her person.

**§ 179-3. Permit required. [Amended 8-4-2010 by Ord. No. 2010-02 ; 8-19-2015 by Ord. No. 2015-01 ]**

Vending activity is limited to the areas described below. It shall be unlawful for any vendor or abutting business to sell, display or offer for sale any food, beverage, goods or merchandise without first obtaining a permit from the City Manager. Vending activity on private property is regulated by the Zoning Ordinance.<sup>1</sup>

- A. South Park Street: up to five parking spaces on the north side of the street between the crosswalk entrance and the easterly corner of Colburn Park.
- B. Colburn Park, which is described as the entire area bordered by North Park Street on the north, West Park Street on the west, South Park Street on the South and East Park Street on the east, excluding the sidewalks along those streets: A maximum of four "stand" vendors will be permitted to utilize Colburn Park at any given time. Permits will be issued for daily/weekly vending only.
- C. Lebanon Mall, extending from the westerly sideline of West Park Street west and south to Hanover Street, meaning and intending to include the entire area of the Mall.
- D. Vending activity shall be unlawful on all streets, sidewalks and other public property in Lebanon, other than those listed above. However, this prohibition shall not apply to mobile vendors whose vehicle, stand or cart does not remain in any single site longer than 30 minutes, including but not limited to mobile ice cream trucks.
- E. Vending which occurs as an inherent part of an event properly licensed or permitted by the Licensing Board or the City Manager, including but not limited to a farmers' market, street fair, or alumni day, shall be exempt from the provisions of this chapter.

**§ 179-4. Permits and fees. [Amended 2-20-1991 ; 10-2-1991 ; 8-4-2010 by Ord. No. 2010-02 ; 8-19-2015 by Ord. No. 2015-01 ]**

- A. Daily permits: The fee for a daily vendor permit is \$10. Applicants wishing to obtain daily permits shall apply to the City Manager prior to the desired event at a time designated by the City Manager. All applications shall include the following conditions: **[Amended 4-5-2023 by Ord. No. 2023-02 ]**
  - (1) Applicants must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.
  - (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
  - (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
  - (4) The daily fee for use of electricity from a City-owned power supply is \$3.
- B. Weekly permits: The fee for a weekly vendor permit is \$50. Weekly permits shall be issued for the week beginning Monday and ending Sunday, and may run consecutively. All applications shall include the following conditions: **[Amended 4-5-2023 by Ord. No. 2023-02 ]**
  - (1) Applicants must apply to the City Manager for a space at least two weeks prior to the date that is needed and must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.

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1. Editor's Note: The Zoning Ordinance is on file in the office of the City Clerk.

- (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
  - (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
  - (4) The weekly fee for use of electricity from a City-owned power supply is \$15.
- C. Seasonal permits: The fee for a seasonal vendor permit is \$100. Seasonal permits shall be issued for four three-month periods of the calendar year as follows: January/February/March; April/May/June; July/August/September; and October/November/December. All applications shall include the following conditions: **[Amended 4-5-2023 by Ord. No. 2023-02 ]**
- (1) Applicants must apply to the City Manager for a space before the end of the preceding quarter (December 15 for first quarter; March 15 for second quarter; June 15 for third quarter; and September 15 for fourth quarter) and meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.
  - (2) When more applications are received for spaces than are available, the City Manager shall determine the allocation by lottery.
  - (3) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
  - (4) Seasonal vendors must utilize their assigned space at least 15 days of each month.
  - (5) A vendor may, upon written permission from the City Manager, utilize the assigned space on less than 15 days in any month due to vacation, illness or other extenuating circumstance. However, during the entire period of time the space is vacated by the vendor due to the approved absence, the City reserves the right to rent the space on a daily permit basis.
  - (6) Noncompliance will result in the assigned vendor losing the space and disqualifying the vendor from applying for any space for the period of one year.
  - (7) The seasonal fee for use of electricity from a City-owned power supply is \$40.
- D. Abutting business permit: The annual fee for an abutting business permit shall be \$125. Abutting businesses shall be entitled to a permit for the use of an area in the vicinity of their established place of business. All applications shall include the following conditions:
- (1) Applicants must apply to the City Manager for a space at least two weeks prior to the date that is needed and must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the City Manager.
  - (2) Permits shall be for the period of time designated by the applicant in the application for a permit. Permits must be renewed annually and are subject to all other applicable state and City regulations.
  - (3) Permitted areas shall not exceed 625 square feet in area, unless specifically approved by the City Manager, and may be prescribed, mapped and modified from time to time by the City Manager, depending on the needs of the City.
  - (4) The City Manager, in his/her reasonable discretion, may waive or modify the provisions of § 179-7A, and B as they may apply to permits for abutting businesses granted under this section.

- (5) Permits and assigned locations are nontransferable, and the fee is nonrefundable.
- E. As an alternative to the annual abutting business permit under Subsection D above, abutting businesses may also apply for daily or weekly vendor permits under Subsection A or B above. Such permits shall be subject to the same conditions as any other daily or weekly permit, except that the numerical permit limitations of this section shall not apply to abutting businesses. **[Amended 4-5-2023 by Ord. No. 2023-02 ]**

**§ 179-5. Application.**

The application for a vendor's permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including but not limited to:

- A. Proof of identity and business address of the applicant.
- B. A brief description of the nature, character and quality of the food, beverages, goods or merchandise to be sold.
- C. If employed by another, the name and business address of the person, firm, association, organization, company or corporation.
- D. If a motor vehicle is to be used in the vending business, a description of the vehicle, together with the motor vehicle registration number.
- E. A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.
- F. No permit shall be issued to an applicant unless the applicant assumes liability for damages, property loss, injury or death or other related liability resulting from the activities of the vending operation. **[Amended 9-20-2000 by Ord. No. 70 ]**

**§ 179-6. Limitation of number and location of vending operations; nonprofit permits. [Amended 10-18-1995 ; 8-4-2010 by Ord. No. 2010-02 ; 8-19-2015 by Ord. No. 2015-01 ]**

- A. As noted in § 179-4 above, the City Manager may limit the number and location of vending operations. Absent any other limiting factor, the City Manager shall not permit more than five vending locations on South Park Street adjacent to Colburn Park. Two of these locations shall be seasonal, one shall be weekly, and two shall be daily.
- B. Nonprofit permits. The City Manager may designate additional locations within the restricted areas for the peddling of wares, provided that the proceeds from all sales at the location are used exclusively for the benefit of civic, school, charitable, philanthropic, religious, or other not-for-profit organizations. These spaces shall be available on a daily basis for a consecutive period of time and shall be assigned without charge, at the discretion of the City Manager, and according to the above procedure for permits.

**§ 179-7. Restrictions applicable to all vendors. [Amended 10-19-2005 by Ord. No. 2005-9 ; 8-4-2010 by Ord. No. 2010-02 ; 8-19-2015 by Ord. No. 2015-01 ]**

The City Manager may set a limit on the number and location of permits given under the categories below:

- A. Stands/carts/vehicles stands shall not:

- (1) Exceed nine feet in width and 18 feet in length. Height should not exceed 10 feet.
  - (2) Impede access to the entrance of any adjacent building or driveway.
  - (3) Occupy more than half of the available sidewalk width.
  - (4) Locate within 25 feet of a fire hydrant, fire escape, bus stop, loading zone or driveway of a fire station, police station or hospital.
- B. Hours of operation. Vendors shall be allowed to engage in the business of vending only between 7:00 a.m. and 9:00 p.m., except for abutting businesses operating under § 179-4D, which shall be allowed to operate in their permitted area during their normal business hours or as otherwise provided pursuant to § 179-4D. All vending stands must be removed from public property during nonvending hours, except for good reason and by special waiver of the City Manager.
- C. Handicapped areas. No vendor shall block access to any handicapped parking space or access ramp.
- D. Removal of trash. All trash or debris originating from the operation of the vending stand shall be collected by the vendor and removed from public property daily.
- E. The area occupied by a vendor shall be limited to that area so designated by the City Manager.
- F. No vendor shall utilize an open fire in connection with the sale or display of the vendor's wares without a permit from the Lebanon Fire Department.
- G. No vendor shall shout, make an outcry, blow a horn, ring a bell, or use any other sound device for the purpose of attracting attention to any goods which the vendor proposes to sell. Vending operations must be reasonably quiet, i.e., no vending stand or vehicle shall emit excessive mechanical or compressor noise to the detriment of the environment around Colburn Park or Mall.
- H. No vending activity shall unreasonably impede the flow of vehicular or pedestrian traffic. The City Manager may impose restrictions in addition to those listed in this section, when warranted, in order to assure at all times the public's use of streets and sidewalks for purposes of travel.
- I. It is the intent of this chapter that goods or merchandise to be offered for sale shall consist solely of items which can easily be carried away from the sales location by pedestrians, and which entail no special needs or problems pertaining to loading, handling, installation or delivery, such as might interfere with vehicular traffic or with other users of the park and mall. Heavy or bulky items such as tires, large appliances, large furniture items, motorized equipment or the like are generally not permitted. All goods or merchandise displayed shall be for immediate sale and delivery. Displays or advertising whose primary purpose is to promote future or off-site transactions are not permitted. The City Manager may deny a permit to any vendor whose stand/vehicle/cart does not meet the intent of this subsection.

**§ 179-8. Suspension or revocation of permit.**

- A. Any permit issued under this chapter may be suspended or revoked for any of the following reasons:
- (1) Fraud or misrepresentation in the application for the permit.
  - (2) Conducting the business of vending contrary to the conditions of the permit.
  - (3) Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.

- (4) Failure to pay fee.
- B. Upon suspension or revocation, the city shall deliver written notice to the permit holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the permit holder's place of business or mailed to the permit holder's last known address.

**§ 179-9. Appeals.**

Persons who are denied permits or whose permits have been suspended or revoked may appeal by filing a written notice of appeal with the Licensing Board. The appeal must be filed within three working days after receipt of the notice of denial, suspension or revocation, with the City Clerk. The Licensing Board shall hear such appeal at its next or regular meeting and shall render its decision in writing within 15 days thereafter.

**§ 179-10. Penalties for offenses.**

Any person who violates any provision of this chapter shall be punished as provided in Chapter 1, General Provisions, by suspension of the permit for a period to be determined by the Licensing Board, or both.

May 22, 2024

Shaun Mulholland  
City Manager  
City of Lebanon, NH  
51 N. Park St.  
Lebanon, NH 03766

**RELEASED TO THE PUBLIC**  
**Lebanon City Manager's Office**  
Date: 5/30/2024 *db*

**RE: Ordinance 2024-04 Chapter 179, Vendors**

Mr. Mulholland,

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2024-04, Chapter 179, Vendors, which your office forwarded to me on April 26, 2024 and in revised form on May 21, 2024. The goals of the proposed ordinance as I understand them are to address several issues the City has encountered with the current version of Chapter 179, including: vendors occupying larger areas than previously allotted because they frequently do not disconnect their truck and trailer; use of City electricity; and illegal dumping of grey water into the City's storm drains. The amendments will also slightly expand the area allowed for vending.

I have reviewed the proposed ordinance in detail. In my opinion, the ordinance is consistent with New Hampshire law and I discern no legal problems.

Please do not hesitate to contact me with additional questions or comments.

Sincerely,

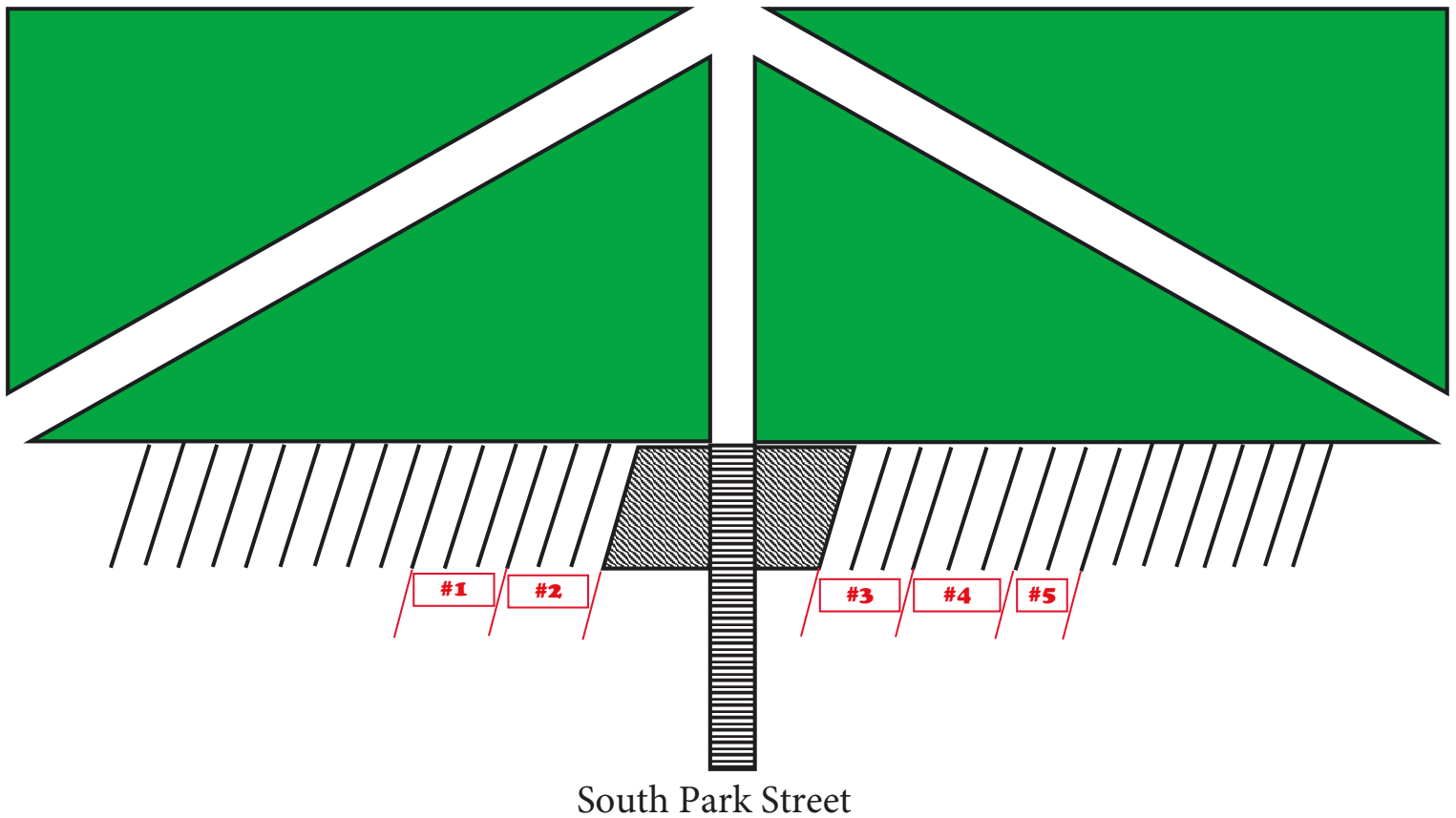
*C. Christine Johnston*

C. Christine Johnston

Signature: *David R. Brooks*

Email: David.Brooks@lebanonnh.gov

## Vendor Parking Spaces



Spots #1, 2, 3, 4 (encompassing three parking spaces) are seasonal, \$100 per season  
(*Jan, Feb, Mar/Apr, May, June/July, Aug, Sept/Oct, Nov, Dec*)  
Spot #5 (encompassing two parking spaces) is daily or weekly, \$10 daily or \$50 weekly  
(*smaller space; will not accommodate a food truck*)

