

Sabattus, Maine – Code of Ordinances

MOBILE VENDOR ORDINANCE

Section 1. Title and Purpose

This ordinance shall be known and may be cited as the Mobile Vendor Ordinance of the Town of Sabattus, Maine.

The purpose of this ordinance is to regulate Mobile Vendors, Itinerant Vendors, Street Vendors, Peddlers and Street Artists.

This ordinance applies to any peddler, food service establishment, including ice cream vendors, hot dog stands, push carts, and other food services that are operate on any Town of Sabattus Street, way or town property.

This ordinance shall not be construed to include employed route salesmen while engaged in making deliveries to their regular customers or person making deliveries on order from customers of retail stores in the town.

Section 2. Definitions

Mobile Vendor - means and include any portable, mobile or temporary structure, and any vehicle, cart wagon conveyance or carrier of any kind, from which food is sold or caused to be sold at retail, from house, store to store, building to building or along or upon any sidewalk, street, park or other public property in the Town of Sabattus.

Itinerant - means any person who travels from place to place

Peddler - means any person traveling by foot, wagon automotive vehicle or any other type of conveyance from place to place, from house to house, or from street to street carrying , conveying or transporting good, wares and merchandise and offering or exposing the same or any service for sale; or who without traveling from place to place shall sell, expose or offer any goods, wares, merchandise or service for sale from any portable, mobile or temporary structure, or from a wagon, automotive vehicle or other means of conveyance; or who without traveling from place to place shall sell, expose or offer for sale the same in the entrances to public land or entrances to public lands.

Person - shall include individuals, firms, associations, partnerships, corporations, trusts and other legal entities.

Sale - means the exchange of any item or merchandise or food for any form of money, whether at retail or wholesale, regardless of whether a profit is made.

Street Artist - means a person who is engaged in the creation of a work of art or who offers for sale a work of art created by the artist who is offering it for sale.

Street Goods Vendor - means a person who sells, demonstrates, distributes samples of or solicits or takes orders for goods other than food or beverages.

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Street vending - means selling or offering to sell, displaying for sale, demonstrating, distributing samples of, or soliciting or taking orders for any food, beverages, goods or services in any street, way or public property.

Street Vendor - means a person who sells, demonstrates, distributes sample of or solicits or takes orders for food or beverages.

Street, way or town property - means any street, sidewalk, alley or path and any park, playground or other town owned property, or any portion thereof, which is open for use by the public as a matter of right

Section 3. Licenses

No person, firm, corporation or association shall operate as a mobile vendor in Sabattus without first securing a license under this ordinance. Any person seeking such a license shall annually make application to the Sabattus Board of Selectmen. Within thirty (30) days of receipt of said application, the Board of Selectmen shall hold a public hearing following notification of the abutters of the location at which the vendor intends to do business. Following the Public Hearing, the Selectman shall issue, issue with conditions or deny the license. Said license shall expire on December 31st of each year.

Fees will not be prorated. Refer to the Town's Town of Sabattus Fee Schedule for the annual license fee.

Section 4. Application Form

This application shall be on a form provided by the Town Clerk and shall require the applicant to furnish the following information:

1. Name, address and telephone number of mobile vendor owner.
2. Name, address and telephone number of mobile vendor operator, if different from owner.
3. Identification of site or sites where mobile vendor will operate.
4. Description of mobile vendor vehicle and its license number, if any.
5. A certificate of insurance.
6. A photograph mobile vendor vehicle.
7. A certificate of approval issued by the Department of Human Services of the State of Maine, if required.
8. A complete record of the applicant with respect to any disqualifying criminal conviction or a statement by the applicant that no such conviction exists.

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9. An appropriate form of statement, over the signature of the applicant, giving all persons and governmental agencies having information relevant to the above items and permission to release same to the Clerk.
10. A description of those items which the applicant proposes to sell and dispense.
11. Food and other merchandise, before receiving a license, the following Town departments will review the application as follows:
 - a. The Police Department will certify that the vendor will not create safety problems for either traffic or pedestrians and that information of file does not indicate that the applicant is a person of bad moral character.
 - b. The Code Enforcement Officer will certify that the use is allowed in the zoning district(s) in which the applicant proposes to operate.

Section 5. Disqualifying Criminal Convictions

A license granted under this section shall be denied or revoked when any applicant or licensee has received a disqualifying criminal conviction at any time during the five years immediately preceding the application or while a license granted under this policy is in effect or has been imprisoned at any time during said periods for a disqualifying criminal conviction, provided that said conviction was for an offense which is rationally related to the purpose of licensing mobile vendors.

Section 6. Scope of Authority

A licensee under this ordinance shall be authorized to sell and dispense only those items which have been described in the application and which the mobile vendor is equipped to dispense pursuant to the rules described by the Department of Human Services, as they may be amended from time to time. No mobile vendor shall operate within two hundred (200) feet of any fixed base retail establishment or other mobile vendor offering the same or substantially similar goods or services. A mobile vendor shall operate only on town property and or on any public ways. No license shall be granted for a mobile vendor unless allowed as a land use in the underlying zoning district(s) in which it operates.

Section 7. Operating Standards

- A. *Location.* A mobile vendor may operate only on public land which he/she has written permission to use.
- B. No peddler shall have any exclusive right to any location in the public streets, nor shall any peddler be permitted a stationary location, nor shall he be permitted to operate

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in any congested area where his operations might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

C. Abutters of land to be used by a mobile vendor shall be notified of the Public Hearing date at which the mobile vendor's application will be considered by the Board of Selectmen.

D. *Access.* Mobile vendor license applicants demonstrate to the Board of Selectmen that there is sufficient access, parking and maneuvering space available at the site on which the mobile vendor will operate. The location and adequacy of approaches shall be first reviewed by the Code Enforcement Officer.

E. The approved mobile vendor permit issued by the Town of Sabattus must be conspicuously displayed on the vending equipment. This permit is non-transferable.

F. *Mobile Vendor Signs.* Mobile vendors must conform to the Town of Sabattus Sign Ordinance.

G. Hours of operation shall be from sunrise to sunset. The mobile unit shall be removed from the site and relocated in a safe and suitable place between the hours of sunset and sunrise.

H. *Noise level.* No loud speakers or any unnecessary noise will be allowed on the site. Noise is required to be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. The average dBA count resulting shall not exceed sixty (60) dBA at any point on or beyond the site.

Section 8. Rubbish containers

A sufficient number of covered, metal rubbish containers shall be provided at each site immediately adjacent to the mobile vendor to hold material discarded by its customers, and the license shall cause the same to be emptied as necessary. In no case shall such containers be more than ten feet from the mobile vendor vehicle. A licensee shall keep sidewalks, roadways, and other public or private spaces adjoining and adjacent to his/her locations clean and free from paper and refuse of any kind which may be generated by the operation of the business.

Section 9. Insurance

The licensee shall provide written evidence of insurance coverage for the period of the license and executed by an insurance company authorized to issue such a policy in the state, in the usual form of automobile liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the vehicle to be licensed.

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Such policy of insurance shall be issued for the principal sum not less than \$300,000, for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the Clerk. Such certificate shall state that the issuing agent will notify the Clerk in writing no less than thirty (30) days prior to the cancellation thereof.

Section 10. Automatic Revocation or Suspension

No license granted under this ordinance shall be effective for any period during which the licensee's certificate of approval, issued by the Department of Human Services, is suspended or revoked.

Section 11. Grounds for Suspension or Revocation

A license granted under the authority of this ordinance may be suspended or revoked by the Board of Selectmen, after notice of hearing, when the Selectmen determines that the licensee has violated any condition of this Ordinance or any other applicable law, or of the license granted to him/her.

Section 12. Term and Transferability

Approval of a license shall be for a period of one year subject to annual renewal by the board of selectman upon continued compliance with the regulations. The license is non-transferable.

Section 13. Prohibited Operations

1. No mobile vendor, street vendor or peddler shall operate on any Street, way or town property without a license.
2. No vendor other than a licensed street vendor or a street artist as defined in this ordinance shall operate on any street, way or town property.
3. No street vendor, mobile vendor or peddler shall:
 - a. Operate within 200 feet of any other licensed street vendor, mobile vendor or peddler or within 200 feet of a food service establishment having a fixed location. Measurements shall be determined in a straight line (ignoring intervening structures) from closest point of the property line of the fixed location.
 - b. On any sidewalk less than eight (8) feet in width or in any other location so as to impede the free passage of vehicles or pedestrians, obstructs the entrance to or exit

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from public property, jeopardizes the public safety, or otherwise inconvenience the public.

c. No sale of alcoholic beverages.

d) Place or cause to be placed any advertising poster or notice on any utility pole or other pole or on any tree located on town property or on any public way.

Section 14. Street Artist

1. No street artist shall operate:

a. On any sidewalk less than eight (8) feet in width or in any other location so as to impede the free passage the free passage of vehicles or pedestrians, obstructs the entrance to or exit from public property, jeopardizes the public safety, or otherwise inconvenience the public.

b. On the street or use public benches, monuments or structures to display artwork.

Section 15. Enforcement

1. The Code Enforcement Officer or the Sabattus Police Department shall investigate any alleged violations of this policy. Upon verification of the alleged violation, a notice of violation will be served on the violator and service on an employee or agent of a violator shall constitute service upon the violator.

2. Upon issuance of a notice of violation, a copy of the notice of violation will be forwarded to the Town Manager.

Section 16. Addition or Amendments

Additions or amendments to the ordinance, when passed in the form as to indicate the intention of the Town of Sabattus to make the same a part of the ordinance, shall be deemed to be incorporated in the ordinance, so that reference to the ordinance includes the additions and amendments.

Accepted:

Original Adoption:

Revision Dates:
