CHAPTER 310

PEDDLERS ORDINANCE

Town of Yarmouth, Maine
Recodified: 1/15/98
Amended: 5/20/2010
Amended: 5/17/12

PEDDLERS ORDINANCE

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PEDDLERS ORDINANCE

ARTICLE I

A. TITLE

This ordinance shall be known and may be cited as the "Peddlers Ordinance of the Town of Yarmouth, Maine."

B. PURPOSE

The purpose of this Ordinance is to define, regulate and license peddlers.

C. DEFINITIONS

The word **"person"** as used herein shall include the singular and the plural and shall also mean and include any person, firm or corporation, association, club, partnership or society, excepting bonafide, not-for-profit charitable, service, religious, or municipal organizations, youth sports or similar school booster groups or agencies located within the Town of Yarmouth. "Person" shall not include any Farmer's Market or seller of foods, goods, or commodities as part of or associated with a Farmer's Market authorized by the Town Council. "Person" shall not include any person, firm, or corporation, association, club, partnership or society, operating as part of or associated with an event licensed by the Yarmouth Town Council under Chapter 312 of the Yarmouth Town Code (Public Property Licensing Ordinance).

The word **"peddler"** as used herein shall include any person, having no established or fixed place of business in the Town, selling or offering for sale, tangible commodities from place to place, or street vendor selling from an approved location on a public street or sidewalk or public place. The word **"**peddler**"** shall include the words **"**hawker**"** and **"**huckster**".**

The word **"Town"** shall mean the Town of Yarmouth, Maine.

The word "**Street Vendor**" shall mean a seller of any foods or non-alcoholic beverages for immediate consumption from a cart, stand, display, or vehicle stationed at a specified and approved location on a public street, sidewalk or public place. Such location to be established and approved as provided hereinafter.

ARTICLE II

A. PERMIT AND LICENSE REQUIRED

It shall be unlawful for any person to engage in the business of peddler as defined in ARTICLE I of this Ordinance within the corporate limits of the Town of Yarmouth without first obtaining a permit and license thereafter as provided herein.

B. APPLICATION

1. Applicants for license under this Ordinance must file with the Town Clerk a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information.

    a. name and description of the applicant;
    b. Address (legal and local);
    c. A brief description of the nature of the business and the goods to be sold;
    d. If employed, the name and address of the employer, together with appropriate written evidence of the applicant's employment status;
    e. The length of time for which the permit is desired;
    f. If a vehicle is to be used, a description of the same, together with the license number or other means of identification;
    g. A photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application, which picture shall be 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;
    h. The names of at least two reliable property owners of the Town who will certify as to the applicant's good character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
    i. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed thereafter;
    j. A statement of whether the applicant intends to act as a peddler or Street Vendor, and, if Street Vendor, the location(s) to establish or occupy.

2. At the time of filing an initial application, a fee of $30.00 shall be paid to the Town Clerk to cover the cost of investigation and administration of this ordinance, in addition to the license fee established in Chapter 401 of the Yarmouth Town Code.

C. INVESTIGATION AND ISSUANCE

1. Upon receipt of such application, the original shall be referred to the Chief of Police who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good.

2. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his/her disapproval and his/her reasons for the same, and return

the said application to the Town Clerk, who shall notify the applicant that his/her application is disapproved and that no permit and license will be issued.

3. If as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his/her approval, and return said application to the Town Clerk, who shall upon payment of the prescribed license fee, deliver to the applicant his/her license. Such license shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of said licensee, the kind of goods to be sold thereunder, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling. The Clerk shall keep a permanent record of all licenses issued.

D. TRANSFER

No license issued under the provisions of this Ordinance shall be used at any time by any person other than the one to whom it was issued.

E. EXHIBITION OF LICENSE

Peddlers and Street Vendors are required to exhibit their licenses at the request of any citizen.

F. REVOCATION OF LICENSE

1. Permits and licenses issued under the provisions of this Ordinance may be revoked by the Town Council after notice and hearing, for any of the following causes:

    a. Fraud, misrepresentation, or false statement contained in the application for license;
    b. Fraud, misrepresentation or false statement made in the course of carrying on his/her business as peddler;
    c. Any violation of this Ordinance;
    d. Conviction of any crime or misdemeanor involving moral turpitude;
    e. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

2. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his/her last known address at least five (5) days prior to the date set for hearing.

G. EXPIRATION OF LICENSE

All licenses issued under the provisions of this Ordinance shall expire 180 days after the date of issuance.

H. PROHIBITED ACTIVITIES

1. No license holder shall engage in the business of Peddler or Street Vendor in such places and at such times as to interfere with the lawful use of public grounds or the conduct of events licensed pursuant to chapter 312 of the Yarmouth Town Code, including but not limited to the following:

    a. From 10:00 a.m. on the third Friday in July until 6:00 p.m. of the immediately following Sunday in an area generally described as any place located westerly of the Royal River, and northerly of Interstate 95, and southerly of Hillside Street and a line extending from Hillside Street to the Royal River.
    b. In Royal River Park, pursuant to Chapter 501 of the Yarmouth Town Code (Article IV.C.),
    c. On any public school grounds

I. STREET VENDORS

1. Street Vendors may establish a fixed location on a public street, sidewalk or public grounds for a period not to exceed 180 days for the sale of food or non-alcoholic beverages intended for immediate consumption only, and only as authorized below:

    a. Location - An applicant for a Peddler's License as a Street Vendor shall specify the location(s) where s/he proposes to locate, which shall be subject to the approval of the Director of Planning and Development who may approve or deny the location(s) after consultation with the Chief of Police, Fire Chief, and Director of Public Works. The Director of Planning and Development shall deny approval of the specific location if s/he finds:

        i. The location shall call nuisance (including attractive nuisances), blight, safety, public health hazards, or
        ii. The location shall significantly impede or interfere with the free and reasonable movement of vehicles, bicyclists, or pedestrians upon town ways, crosswalks, pathways or sidewalks, or shall impair safe sight distances for turning vehicles from such town ways or in and out of private ways and parking areas.
        iii. In the event that the Director of Planning and Development shall deny a location, the applicant may amend the application to propose a different location.
        iv. Street Vendor locations shall be approved only within an areas:

            1. Within 150 feet of either side of US Route One, or
            2. Within 150 feet of either sideline of Main Street between the intersection with Sligo Road and Lafayette Street.

    b. Maintenance and Regulation of the Site

i. The licensee shall maintain the area in a neat, clean and sanitary manner. S/he shall provide adequate receptacles of both trash and recycling of any waste or packaging materials and shall remove all trash and recycling daily whenever the Street Vendor shall operate at that location.
ii. Size restriction- No Street Vendor set-up, including any cart, tables, serving counter, food storage or preparation areas or ancillary features shall occupy a space greater than 150 square feet.
iii. Generators prohibited- No Street Vendor shall locate or operate a generator or internal combustion engine as part of or accessory to the permitted activities.
iv. Animals prohibited- No animals shall be kept at the location except any bona-fide guide dog required by the licensee.
v. Signs, not including menu and pricing lists, shall be limited to no more than two signs with a total area of 8 square feet. Two-side signs shall be counted on each side toward the 8 square foot maximum.
vi. There shall be no flashing, strobe, moving, or string lighting or signs or message boards.
vii. No Street Vendor may play or emit any live or recorded music or sound at or above 45 decibles.
viii. No Street Vendor shall shout, bark, call out, or hail motorists or passers-by in a loud voice or by approaching or otherwise hawking.
ix. A Street Vendor shall comply with all reasonable requests of the Fire Chief for protection of the safety of all persons and prevention of fires; and shall comply with all reasonable requests of the Health Inspector for prevention of disease or unsanitary conditions.

c. Indemnification and Insurance Requirement:

i. Any Street Vendor who shall apply to use any town street, sidewalk or public grounds for street vending operations shall agree to indemnify, defend and hold the Town of Yarmouth, its officers, employees and agents harmless from any or all liability to itself or any third party arising out of the use or occupancy of the licensed location and the permitted activities; and the Street Vendor shall be required to provide the Town Manager with a Certificate of Insurance with a company authorized to do business in the State of Maine providing liability insurance coverage of at least $400,000 with the Town of Yarmouth as a named insured.

J. LIMITATION ON NUMBER OF LICENSES TO BE ISSUED OR RENEWED

1. The Town Council shall determine from time to time the total number of Peddler's and Street Vendor licenses which may be issued or renewed, and may establish a

priority system for allocation or reallocation of licenses and for the approval of license renewals.

ARTICLE III

A. APPEAL

Any person aggrieved by the action of the Chief of Police, Director of Planning and Development, or the Town Clerk in the denial of an application for permit or license as provided in ARTICLE II of this Ordinance shall have the right of appeal to the Town Council. Such appeal shall be taken by filing with the Council, within Fourteen (14) days after notice of action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in ARTICLE II of this Ordinance for such notice of hearing on revocation. The decision and order of the Council on such appeal shall be final and conclusive.

B. PENALTY

Any person violation any of the provisions of this Ordinance shall, upon conviction thereof be punished by a fine not to exceed one hundred dollars ($100.00).