ARTICLE __: Shall the Town of Raymond Peddler's Ordinance, as adopted May 21, 1994, be further amended by adding the underscored language and deleting the language in strikeover type as shown below?

Peddler's Ordinance

Section I. Title: This Ordinance shall be known as the Town of Raymond Peddler's Ordinance.

Section II. Authority: This Ordinance is enacted pursuant to Title 30-A, Sections 3001.

Section III. Purpose: The purpose of this Ordinance is to define, regulate and license peddlers; promote highway safety; preserve the character and aesthetics of the Town; to protect the property values; and to protect the health, safety, and welfare of individuals and the public.

Section IV. Definitions:

~~1.~~ A. 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 bona fide charitable, service, religious, municipal and non-profit organizations or agencies.

~~2.~~ B, 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, including food, beverages and non-food goods, wares and merchandise. The word "peddler" shall include the words "hawker", "huckster", "Street vendor" and "itinerant vendors". The definition of the word "peddler" for this Ordinance does not include but is not limited to the following exceptions:

A ~~person conducting a~~ temporary yard sale occurring no more than four weekends in one calendar year;~~,~~ a fruit stand a minor or children's enterprise, the sale of camp firewood, and a car or boat for sale.

~~The word "temporary" as used herein shall refer to the period of four (4) weekends a calendar year.~~

~~3.~~ C. The word "Town" shall mean the Town of Raymond, Maine.

GENERAL PROVISIONS

Section V. ~~Permit and~~ License Required:

It shall be unlawful for any person to engage in the business of peddler as defined in Article II of this Ordinance within the corporate limits of the Town of Raymond without first obtaining a ~~permit and~~ license therefor as provided herein.

Section VI. Application:

A. Application Procedure for Peddler License on Private Property. Applicants for license for the sale

of goods on private property 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:

1. Name and description of the applicant;

2. Address (legal and local);

3. A brief description of the nature of the business and the good to be sold;

4. If employed, the name and address of the employer, together with appropriate written evidence of the applicant's employment status;

5. ~~The length of time for which the permit id desired;~~ Description of the location from which goods will be sold and a copy of lease agreement or other documentation providing the landowner authorization to utilized described property for the sale of goods;

6. If a vehicle is to be used, a description of the same, verification of appropriate insurance, together with license number or other means of vehicle identification;

7. A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be 2" by 2" showing the distinguishing manner;

8. The names of at least two (2) 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;

9. 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 offenses and the punishment or penalty assessed therefor;

10. At the time of filing the application: a fee of $250.00 dollars for Residents and $500.00 dollars for Non-Residents shall be paid to the Town Clerk to cover the cost of investigation and administration of this Ordinance.

11. A copy of any and all current and relevant business licenses including number and effective date.

12. A sketch, drawn to scale, and, if available, a photograph of the cart to be used in the operation of the business labeling all aspects including, but not limited to, materials, measurements, appurtenances, signs, awnings, umbrellas, fuel, refrigeration, off-cart items, and water supply. Specific measurements, designs and locations of the cart and all appurtenances, including all off-cart items, shall be submitted.

B. The number of peddlers licenses for the sale of goods on private property issued at any one time will be limited to two (2).

C. ~~The dimensions of a peddler's cart or unit will be no greater than 38 inches in width, 8 feet in~~

~~length, and must be removed form sidewalks at the end of each day;~~ Size Restriction: No peddler's cart set up, including any cart, tables, serving counter, food storage, coolers or preparation areas or ancillary features shall occupy a space greater than 150 sq. ft. The Town may waive the size restriction if it finds that, due to the proposed location of activity, the size of the set up will not interfere with public safety or the use and enjoyment of public property.

D. No peddler's license shall be issued for the sale of goods on private property located withing sixty-five feet (65') of any fixed-based retail establishment offering the same substantially similar good, unless the owner of the fixed-base retail establishment is also the peddler's license applicant.

E. Peddler's Licenses shall be limited to one per person;

F. Licenses shall be issued ~~on June 1, 1994, or the first business day thereafter. In subsequent years licenses shall be issued~~ annually on May 1st, or the first business day thereafter. ~~Applicants may be made for one month prior to the issuance date.~~ Applications shall be submitted no later that April 1st. If there are more than two qualified applicants, ~~the~~ licenses shall be selected by by staff through a lottery, prior to recommending license approvals to the Board of Selectmen.

G. Peddlers shall maintain in full force and effect at all times, a policy of comprehensive public liability insurance with limits of no less than $4~~3~~00,000, naming the Town of Raymond as additional insured. A certificate of insurance must be provided before a peddler's license is issued.

H. The Town may issue peddler's license for the sale of goods on Town-owned property through the solicitation of requests for proposals for certain locations on public property approved by the Board of Selectmen. ~~Application shall be made only for private property (not on the property of any government or quasi-governmental agency and outside the right-of-way limits of any public highway), and shall be made only for the commercial zone~~.

I. Notwithstanding the limitation on the peddler's licenses set forth in section VI.B. Above, the Town may issue temporary peddler's licenses on public or private property for the sale of goods on particular dates at a particular time and location. Applicants for temporary licenses shall complete and submit the full written peddler's license form.

Section VII. Investigation and Issuance:

~~Upon receipt of such application, the original shall be referred to the Town Manager, 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. If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Town Manager shall endorse on such applicant his disapproval and his reasons for the same, and return the said application to the Town Clerk, who shall notify the applicant that his application is disapproved and that no permit and license will be issued. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Town Manager shall endorse on the application his approval, and return said application to the Town Clerk, who shall, upon payment of the prescribed license fee deliver to the applicant his license. Such license shall contain the signature and seal of the Town Clerk 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 use in such peddling. The Town Clerk shall keep a permanent record of all licenses issued.~~

A. Upon receipt of a complete application by the Town Clerk , the original shall be referred to the Town Code Enforcement Officer (CEO), who shall investigate the applicant's business and moral character as deemed necessary for the protection of the public good, and review the application to ensure that applicable State and local licensing is obtained as well as review any potential zoning issues. The CEO will then issue a final written recommendation for the Town Manager to bring to the Board of Selectmen for a final vote.

B. If the Board approves the issuance of a license, it may condition operations of the vending business to particular times or to a particular manner of operation or any combination of the foregoing.

C. If the Board denies a license under this ordinance, it shall give notice of the grounds therefore to the applicant. The applicant may request that the Board reconsider its decision if the applicant alleges mistake or error or if additional facts should be brought to the attention of the Board to the extent available licenses remain.

Section VIII. Transfer:

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

Section IX. Exhibition of Licenses:

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

Section X. Revocation of License:

A. ~~Permits and l~~Licenses issued under the provisions of this Ordinance may be revoked by the Selectmen after notice and hearing, for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for license;

2. Fraud, misrepresentation, or false statement made in the course of carrying on his business as a peddler;

3. Any violation of any State, Federal or local law, ordinance, rule or regulations;

4. Conviction of any crime or misdemeanor involving moral turpitude;

5. Conducting the business of peddling in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

B. 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 last known address at least seven (7) days prior to the date set for

hearing. Notice may also be served in hand.

Section XI. Expiration of License:

All licenses issued under the provisions of this Ordinance shall expire on their anniversary date.

Section XII. Enforcement and Penalty:

The Selectmen shall enforce the provisions of this Ordinance. A violation of any provision of this Ordinance shall be a civil violation, and a civil penalty not exceeding Two Thousand Five Hundred Dollars ($2,500.00) shall be imposed, which shall accrue to the benefit of the Town of Raymond. Each day that a violation continues will be treated as a separate offense. The Selectmen may also seek injunctive relief, where appropriate.

Section XIII. Severability:

If any part or parts, section or subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid, such shall not affect the validity of constitutionality of the remaining portions of this Ordinance or any rules or regulations promulgated hereunder.

Section XIV. Effective Date:

This Ordinance shall become effective upon passage by the legislative body of the Town of Raymond at a duly called Town Meeting.