

## TOWN OF DAMARISCOTTA PUBLIC VENDING ORDINANCE

Be it ordained and enacted by the inhabitants of the Town of Damariscotta, Maine:

For the protection of the general public, its health and welfare, pursuant to the general police powers of the said Municipality and Title 30, Section 2151 et seq. Maine Revised Statutes, it is hereby enacted that:

No person, business or business corporation shall peddle, hawk, vend, sell or offer for sale at retail, any good of any kind from any type of vehicle parked within the Business Section of the Town of Damariscotta as such Business Section or District is defined in the Traffic and Parking Ordinance of the Town of Damariscotta.

No person, business or business corporation shall sell or offer for sale, peddle, hawk, vend or attempt to vend or otherwise distribute at retail, any meat, fish, poultry, fruit, vegetables, dairy products, furniture, clothing, or goods of any kind upon any other streets or sidewalks, parking lots or parking areas within the Town of Damariscotta without first obtaining a license to do so from the Municipal officers of the Town.

Any person, business or business corporation may apply to the Town for a license to sell the said specified goods in the places above mentioned. Such application shall state with specificity the item or items to be offered, the hours of operation, the specific place where the item or items are to be sold, the name(s) of the owner(s) of the business if operation under a trade name and what health or other precaution may be necessary to preserve the quality of the item being sold. Push-carts and similar sidewalk sales vehicles shall specify the route or area in which the operator intends to sell his goods.

Notice of the application shall be published in the same manner as for liquor sales licenses and a hearing on the granting or denial of such license shall be held in the same manner as specified for liquor licenses.

In considering whether to grant such a license the Selectmen shall consider:

1. The health and safety of the general public and pedestrian traffic in the area to be utilized by the vendor.
2. Whether the sale of such products would create a nuisance to the public, congestion on the sidewalks and/or other unacceptable interference with the public's free use of the streets and sidewalks of the Town.
3. Any prior complaints concerning the vendor, method of vending or other public concern including traffic or pedestrian congestion.

The application fee shall be the amount included in the Town's fee schedule. The Board of Selectmen shall determine the application fees based on the Town's average administrative cost to process permit and license applications. These costs shall reflect the Town's estimated costs associated with the permitting or licensed activity including the administrative time for processing the application, any required initial and follow-up inspections, legal and other professional fees and the cost for public notices.

Exceptions:

This ordinance shall not apply to any business which operates out of a permanent structure which is immediately adjacent to a sidewalk where the owner wishes to sell goods or to local charitable, benevolent or non-profit organizations raising funds or charitable purposes.

Penalties:

Any person or business or business corporation found in violation of this ordinance shall be subject to a fine of \$100.00 for the first offense and \$150.00 for subsequent offenses. Each day or part thereof that such a violation continues shall be considered a separate violation.

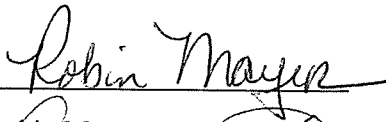
Enforcement:

This ordinance shall be enforced by the duly sworn police officers of the Town of Damariscotta, Maine who shall issue appropriate summons or notice of violation forms.

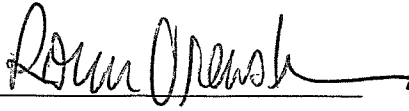
Separability:

If any section, sentence, clause or paragraph of this ordinance shall be determined to be unconstitutional by a court of competent jurisdiction, such section, sentence, clause or paragraph shall be considered a separate, distinct and independent portion of this ordinance and such holding shall not affect the validity of the remaining portions of this ordinance.

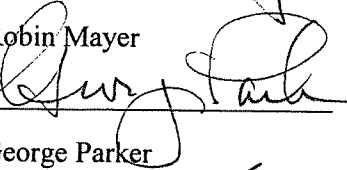
The enactment of this ordinance hereby revises the Public Vending Ordinance for the Town of Damariscotta, Maine as enacted on June 17, 1985.



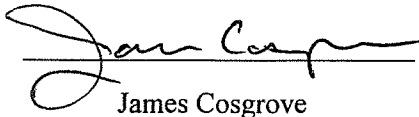
Robin Mayer



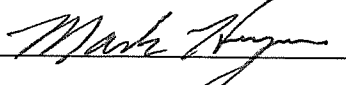
Ronn Orenstein



George Parker



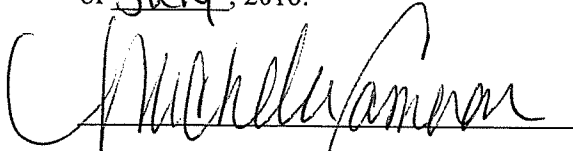
James Cosgrove



Joshua Pinkham



Attest: A true copy of an ordinance entitled "Public Vending Ordinance" for the Town of Damariscotta, Maine-June 15, 2016, as certified to me by the municipal officers of Damariscotta, Maine on the 6 day of July, 2016.



Michelle Cameron, Town Clerk  
Damariscotta, Maine

**Legislative History**

Enacted June 17, 1985

Revised June 15, 2016

