

Town of Norway



Street Vendor Ordinance

Voted by Town Vote

June 18, 2012

Section 1. Title

This ordinance shall be known as the Town of Norway Street Vendor Ordinance.

Section 2. Authority

This ordinance is enacted pursuant to Title 30-A, Section 3001

Section 3. Purpose

The purpose of this ordinance is to regulate and license street vendors, promote highway safety, preserve the character and aesthetics of the town, protect the property values, and to protect the health, safety and welfare of individuals and the public.

Section 4. Permit Required

It shall be unlawful for any person to engage in the business of street vendor as defined in Section 5. within the corporate limits of the Town of Norway without first obtaining a permit as provided herein. Permits will be valid for one year from date of issue.

Section 5. Definitions

Public Right of Way: Any street, road, drive, way, sidewalk, or any other public place within the Town of Norway.

Street Vendor: Selling or offering to sell, displaying for sale, demonstrating, distributing samples of or soliciting or taking orders for any goods or services in any street, way or public place. A person or persons engaged in the sale on a temporary basis with landowner's permission.

Yard Sale: An informal, irregularly scheduled event for the sale of used goods by private individuals. Also known as tag sale, rummage sale, lawn, attic, junk, moving sale, etc.

Section 6. Restrictions

1. A street vendor may not operate on any town-owned property without permission from the Select board.
2. A street vendor may not operate within the grounds of any public school
3. A street vendor may not operate within 65 feet of any fixed-base retail establishment offering the same or similar goods or services

4. No licensed street vendor shall operate within any area designated by the Norway Board of Selectmen for a sidewalk sale, street festival or other special event.
5. The sales area shall be limited to sixty-four (64) square feet and shall not exceed fourteen (14) feet in height. The sales area shall be limited to not more than one-per-fifty feet.
6. The sales area shall be removed and cleaned for at least twelve (12) hours per day.
7. Owner of the property shall provide toilet facilities to the vendor.
8. Street vendors are prohibited from locating on a public right-of-way.
9. No events shall be held between November 15 and April 15

Section 6.A Exceptions

1. A street vendor's license shall not be required for advertising only (as on a motor vehicle for sale)
2. A street vendor's license shall not be required to hold a yard sale, as defined in Section 5.
3. A street vendor's license shall not be required to operate a state licensed public market stall.
4. A street vendor's license shall not be required to participate in a sidewalk sale, street festival or other special event authorized by the Norway Board of Selectmen
5. A street vendor's license shall not be required to sell any agricultural product.

Section 7. Application

Applicants for permit under this ordinance must file with the Norway Select board a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:

- Name and business description of the applicant
- Address of applicant (Street address and mailing address)
- A brief description of the nature of goods to be sold
- Any and all employees of the applicant with appropriate written evidence of their employment status
- If a vehicle is to be used, a description of the vehicle and proof of current registration
- A current photo ID
- The full name, address and telephone number of the property owner, the location of the property and written permission from the property owner.

- At the time of filing the application, a fee of \$100.00 shall be paid to the Town Clerk to cover the cost of investigation and administration of this Ordinance. Resident non-profit organizations and municipal departments are exempt from fees.
- Street Vendor's permits shall be limited to one per applicant.
- The application shall be filed with the Norway Selectboard officers not less than 30 days nor more than 120 days before the date on which it is proposed to commence the event.
- Street Vendors shall maintain in full force and effect at all times, a policy of comprehensive public liability insurance with limits of no less than \$500,000, naming the Town of Norway as additional insured. A certificate of insurance must be provided before a street vendor's permit is issued.
- Proof of current Maine resale certificate, where applicable
- Organizations (private, non-profit, or for-profit) wishing to use government or quasi government property for special events shall still make application if applicable to this ordinance. As part of the application process, the applicant will describe the intended properties that will be used as part of the event as well as any vendors that may be used during the event. The Town of Norway may then decide to exempt those vendors from the provisions of this ordinance. During such events, the sponsoring organizations also have the right to object to other vendors (as this ordinance pertains to) operating in town during their events. Those objections will be considered during the permitting process (Section 8)

Section 8. Permit and Appeal Procedures

The Norway Board of Selectmen shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within fifteen (15) days, or such other number of days as the legislature may specify, from the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

Any applicant requesting a street vendor permit from the Board of Selectmen shall be notified in writing of their decision no later than fifteen (15) days, or such other number of days as the legislature may specify, from the date his/her request was received. In the event a permit is

denied, the applicant shall be provided with the reasons for denial in writing. The applicant may not reapply for a permit within thirty (30) days, or such other number of days as the legislature may specify, after an application for a permit has been denied.

Any applicant who has requested a permit and has been denied or whose permit has been revoked or suspended may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the Norway Board of Appeals as defined in and pursuant to 30A M.R.S.A. 2691. The Norway Board of Selectmen may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare or that the denial, revocation or suspension was not based upon a preponderance of the evidence on a violation of any municipal ordinance, article, bylaw, rule or regulation of state law.

Section 9. Transfer

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

Section 10. Exhibition of Permit

Permits are required to be displayed at all time

Section 11. Revocation and Suspension of Permit

Permits issued under the provisions of this Ordinance may be revoked by the Norway Board of Selectmen for any of the following causes:

- Fraud, misrepresentation or false statement contained in the permit application
- Fraud, misrepresentation or false statement made in the course of carrying on his/her business as a Street Vendor.
- Any violation of any State, Federal, or local law, ordinance, rule or regulations
- Conviction of any crime or misdemeanor involving moral turpitude
- Conducting the business of street vending in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

A permit may be suspended by the Town of Norway Code Enforcement Officer during the permit term for the reasons outlined in this section. The CEO shall meet with the permittee to outline the reasons for suspension and allow the permittee an opportunity to provide an explanation. If, after hearing the permittee's explanation, the CEO suspends the permit, the

permitee may appeal to the Board of Selectmen, who shall call an emergency meeting to consider the appeal.

Section 12. Enforcement and Penalty

The Code Enforcement Officer and/or the Norway Town Manager 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 \$2500.00 shall be imposed, which shall accrue to the benefit of the Town of Norway. Each day that a violation continues will be treated as a separate offense. The Selectboard, Town Manager and/or Code Enforcement Officer may also seek injunctive relief where applicable.

Section 13. Severability

If any part of 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 or constitutionality of the remaining portions of this Ordinance or any rules or regulations promulgated hereunder.

Section 14. Effective Date

This Ordinance shall become effective upon passage by the legislative body of the Town of Norway at Town Meeting