

DRAFT

Town of Norway



Street Vendor/Food

Truck

Ordinance Voted by Town

Vote

June 18, 2012

Revised April 2023

Public Hearing April 20, 2023

Section 1. Title:

This ordinance shall be known as the Town of Norway Street Vendor and Food Truck 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 permit street vendors and food trucks, 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 on public and private property

Section 4. Permit Required:

It shall be unlawful for any person to operate any street vendor operation or food truck 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 to up to one year from date of issue or as a single event.

Any single event that anticipates having 250 or more people expected to attend are required to submit an Outdoor Festival Application to the Norway Selectboard, pursuant to the Outdoor Festival Ordinance.

Section 5. Definitions:

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

Private Property: Real estate owned/leased by private individuals and or corporations.

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.

Food Truck: A self-contained food services operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare or serve food intended for individual portion consumption.

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/food truck may not operate on any town-owned property without permission from

the Select board.

2. A street vendor/food truck may not operate within the grounds of any public school without permission from the school.
3. A street vendor/food Truck may operate on private property with the permission of the property owner after the permit to the property owner is approved by the Selectboard.
4. A street vendor/food truck may not operate within 100 feet of any fixed-base retail establishment offering the same or similar goods or services unless permission is granted by the fixed-based retail establishment.
5. No permitted street vendor/food truck shall operate within any area designated by the Norway Selectboard for an event unless invited in by the sponsoring organization.
6. Street vendors and food trucks shall only operate between the hours of 7:00 am and 10:00 pm, unless extended or reduced by the Norway Selectboard.
7. The Norway Selectboard has the option to grant the street vendor/food truck public parking spaces as needed.
8. A lease holder who applies for a street vendor/food truck must have permission from the property owner.
9. The area of use shall be clean after the end of the event and any trash removed.

Section 6. A Exceptions:

1. A street vendor's/food truck permit shall not be required for advertising only (as on a motor vehicle for sale).
2. A street vendor's permit shall not be required to hold a yard sale, as defined in Section 5.
3. A street vendor's permit shall not be required to operate at a state licensed public market stall or a farmers' market.
4. A street vendor's/food truck permit shall not be required if participating in a special event authorized by the Norway S e l e c t b o a r d .
5. A street vendor's/food truck license shall not be required to sell any agricultural product.
6. The street vendor and or food truck does not need an individual permit if the property owner has received a street vendor/food truck permit for the property from the Selectboard.

Section 7. Application:

When submitting the application for a permit(s):

- A one-time fee of \$100.00 which shall be good for one year.
- A one-time fee of \$20.00 for any one single event.
- Non-profit organizations and municipal departments are exempt from fees.

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

- Name of the applicant.
- Business/Organization name.
- Address of applicant, address and emailing.
- A brief description of the nature of goods to be sold.
- The name, address and telephone number of the property owner.
- The location of the property where the food truck or street vendor proposes to operate.
- Public parking spaces needed.
- If the location is on private property written permission from the property owner is required.
- The Norway Selectboard shall review the fees on an annual basis.
- The application shall be filed with the Norway Selectboard not less than 30 days before the date on which it is proposed to commence the event.
- Street Vendors/Food Trucks shall maintain in full force and effect at all times, a policy of comprehensive public liability insurance with limits of no less than \$400,000, naming the Town of Norway as additional insured for permits approved using Town Property.
- Proof of current Maine resale certificate, where applicable;
- Organizations wishing to use town 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 Norway Selectboard may 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 within designated area during their events. Those objections will be considered during the permitting process (Section 8)

Section 8. Permit and Appeal Procedures:

The Norway Selectboard shall, prior to granting a permit and after reasonable notice to the public and the applicant, hold a public hearing within thirty (30) days from the date the request was received, at which time the testimony of the applicant and that of any interested members of the public shall be taken. The Norway Selectboard may grant the permit if it finds that the proposed activities are compliant with all applicable town ordinances.

Any applicant requesting a street vendor permit from the Norway Selectboard shall be notified in writing of their decision no later than five business days following the Norway Selectman's decision. 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 the same permit within one year after an application for a permit has been denied.

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. Revocation and Suspension of Permit:

Permits issued under the provisions of this Ordinance may be revoked by the Norway Selectboard 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/food truck.
- Any violation of any State, Federal, or local law, ordinance, rule or regulations.
- 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's Code Enforcement Officer/Health 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 fix the violations. If, after hearing the permittee's explanation, the CEO suspends the permit, the permittee may appeal to the Norway Selectboard at the next available Selectboard meeting.

Section 11. Enforcement and Penalty:

The Code Enforcement Officer/Health Officer 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 \$2,500.00 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 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 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.