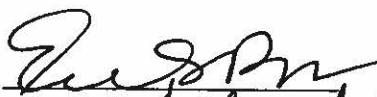
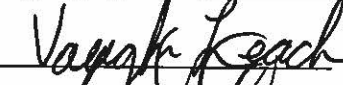



TOWN OF BLUE HILL
MOBILE VENDING ORDINANCE
In the Municipality of Blue Hill, Maine

Date: April 7, 2018

Certified by:  4.13.18
 4-13-18
 4/13/18
Municipal Officers Date

Attest True Copy:  4/13/18
Town Clerk Date

TOWN OF BLUE HILL MOBILE VENDING ORDINANCE

ARTICLE I. PURPOSE

The purpose of this Ordinance is to regulate mobile vendors to protect the public's health, safety, and welfare, while fostering a dynamic business climate that generally promotes an active pedestrian environment.

ARTICLE II. DEFINITIONS

Mobile Vendor: Any person engaged in selling, or offering for sale, food, beverages, or merchandise from a mobile vending unit, on the streets or sidewalks of the Town or on Town property.

Mobile Vending Unit: A moveable cart, trailer, or vehicle or other device designed to be portable and not permanently attached to the ground.

Vendor License: Authorization by the Select Board to conduct mobile vending operations.

Section 1. Permit Required

- A. It shall be unlawful for any mobile vendor to sell, display, or offer for sale any food, beverages, goods, or merchandise within the Town without first obtaining a mobile vendor license signed by a majority of the Select Board.
- B. Exemptions: The provisions do not apply to caterers transporting food or beverage to a residence or business.
- C. Applications for all mobile vendor licenses shall be made in writing to the Select Board on the application obtained from the Town and shall contain the following information:
 - 1. The name, mailing address, and phone number of the applicant; and the name, mailing address, and phone number of the owners of the mobile vending unit to be used, if other than the applicant.
 - 2. A specific description of vending operation including the type of food, or beverage, or merchandise to be sold, the hours of operation, and the method of refuse disposal.

3. A description and/or photograph of the mobile vending unit and other accessory items (coolers, umbrellas, signs, etc) to be used as a part of the vending operation.
4. The specific location(s) in which the mobile vendor intends to conduct business. Applicants operating without a fixed location and who are operating as a traveling vendor will be required to submit a statement outlining their proposed route.

Applicants who are operating from a location on town owned property, such as a town wharf parking area or town park, must obtain approval from the Select Board and will be subject to payment of an additional fee.

5. Any additional information as may be needed by the Select Board in the issuing of the permit, including but not limited to copies of the required State licenses and approvals, and proof of the applicant's general liability insurance in an amount of not less than \$500,000.

D. Fees are shown on the Attached Fee Schedule.

E. The Select Board shall, prior to granting a permit and after reasonable notice to the public and the applicant, hold a public hearing within 30 days of the date the request was received, at which the testimony of the applicant and that of any interested member of the public shall be taken. The notice to the public will be paid for by the applicant. The Select Board shall have the authority to issue a temporary permit of up to three (3) days of duration to a mobile vendor without a public hearing.

F. The Select Board shall grant a license unless they find that issuance of the license will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles or bylaws.

G. A mobile vendor license shall be valid for one (1) year and must be renewed annually. Should the applicant wish to change the location of the vending operation during the valid license timeframe, then the applicant shall reapply for a new license with the location information revised accordingly. No license fee will be charged for a location change but the new license will expire on the same date as the original license issued.

Section 3. Inspections

Mobile vendors shall be subject to periodic inspections by the Local Health Officer or Code Enforcement Officer to ensure compliance with health regulations, zoning or safety regulations, and license conditions. The Select Board may revoke the mobile vendor license of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of his duty.

Section 4. Suspension or Revocation of a Permit

The Select Board may, after a public hearing preceded by notice to the license holder and public, suspend or revoke any mobile vendor license which has been issued under this Ordinance on grounds that the license or licensee constitutes a detriment to the public health, safety or welfare, violates the terms of the license or this Ordinance or any other municipal or state law, ordinance, rules or regulations, or for misrepresentation of information in the application.

Section 5. Permit and Appeal Procedures

Any licensee requesting a mobile vendor license from the Select Board shall be notified in writing of their decision no later than thirty (30) days from the date the request was received. In the event that an applicant is denied the license, the applicant shall be provided with the reasons for the denial in writing. The applicant may not reapply for a license within thirty (30) days after an application for a license is denied.

ARTICLE IV: PERFORMANCE STANDARDS

A. Permitted Merchandise: Sale of items from a mobile vendor are limited to the following:

1. Food and non-alcoholic beverages;
2. Flowers or seasonal items such as Christmas trees and wreaths;
3. Souvenirs items directly related to the mobile vendor, such as t-shirts or coffee cups with the vendor's logo.

B. Location:

1. No mobile vendor selling food shall be located within 50 feet of an existing restaurant measured from the front door or within 50 feet of another mobile vendor, unless agreed to in writing by the restaurant

owner or other mobile vendor or at the specific direction of the Select Board.

2. Mobile vending is not allowed within or adjacent to schools, cemeteries, residential neighborhoods, or town parks, unless there is an event described in Article II.1.B, above or with the specific permission of the Select Board.
3. Mobile vendors will not be situated or so located in a way that will obstruct the free passage of pedestrians or vehicles or obstruct an entrance or exit.
4. Mobile Vending Units may not be parked overnight on city streets or in city parking lots, unless with specific permission of the Select Board.

C. Size:

1. A mobile vending unit shall not exceed twenty (20) feet in length.
3. Each mobile vending unit shall be self-contained. Two (2) additional coolers may be placed alongside the mobile vending unit for storage purposes. No vendor shall set up tables, racks, or other devices to increase the selling or display capacity of the unit.

D. Sound:

1. Generators, if used, shall not produce sound in excess of 80 decibels at a distance of six (6) feet from any point of the exterior of the mobile vending unit.
2. The use of bells, chimes, microphones, or loudspeakers are prohibited. Hawking or calling out to people is also prohibited.

E. Maintenance:

1. The area around the vendor shall be kept clean and free of litter, garbage and debris within a radius of 25 feet from the vending unit.
2. At least one trash receptacle must be provided by the vendor and removed at the end of each day.
3. All evidence of a vending unit must be removed from the premises each day after operations have ceased.

F. Hours of operation:

1. A mobile vendor may only operate between the times of 7:00 am and 10:00 pm.

G. Signs:

1. A sandwich board style sign, not to exceed 8 square feet may be placed next to the mobile vending unit in a manner that is visible to passing pedestrians or vehicles providing it does not block visibility of vehicular and pedestrian traffic.
2. Signs, not to exceed a total of 8 square feet, may be placed on the mobile vending unit, or incorporated into the unit through means of paint, banners, or canopies. A menu sign, not to exceed 4 square feet, is permitted and will not be counted towards the total sign area.

ARTICLE V: PENALTY, SEPARABILITY & EFFECTIVE DATE

Section 1. Penalty

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than \$500.00 for the first offense, and up to \$1,000.00 for each subsequent offense, to be recovered on complaint, to the use of the Town of Blue Hill.

Section 2. Separability

The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 3. Effective Date

This ordinance shall become effective when adopted by a majority vote at Town Meeting. This Ordinance specifically repeals the ordinance entitled "Town of Blue Hill Street Vending Vehicle Ordinance" dated 1988, as amended March 6, 1995 and "Street Vending Vehicles Procedure" dated January 27, 2006.

Enacted: _____

MOBILE VENDING ORDINANCE SCHEDULE OF FEES

Vending Fees – Annual

Casual – 1 to 3 days	\$ 50.00
Monthly – 30 consecutive days	\$125.00
Annual – 365 consecutive days	\$250.00

Use of Town Property by Mobile Vending Unit

Town parks, wharves, parking lots	
Casual – 1 to 3 days	\$ 25.00
Monthly – 30 consecutive days	\$ 50.00
Annual – 365 consecutive days	\$125.00