

Town of Greenville Vendor's Ordinance

Adopted January 30, 2019

Section 1. Findings and Purpose

- The primary purpose of public streets, sidewalks, and other public ways is to accommodate vehicles and pedestrians.
- Vending on public and private property can contribute to the public interest by fostering an active pedestrian and business environment.
- Reasonable regulation on public and private property is necessary to protect the public health, safety and welfare.
- The regulations contained herein are not intended to prohibit or hamper speech which is protected by the First Amendment, but merely to regulate specific activities which are commercial in nature.

Section 2. Definitions

- a. *CEO*: shall mean the Town of Greenville Code Enforcement Officer.
- b. *Town Property*: shall mean all property owned by the Town of Greenville, including but not limited to, Town-owned parks, beaches, boat launches, parking lots, streets, sidewalks, the airport, and other Town-owned public property.
- c. *Special Event*: shall mean any organized annual event such as the Greenville Fourth of July celebration and the Greenville Fly-in. Special events typically involve multiple vendors and activities under the direction of an event organizer.
- d. *Vendor*: shall mean any individual, including an employee or agent of a partnership, corporation or group of individuals, who sells or offers for sale from a stand, motor vehicle, food truck or his person, food, beverages, goods or merchandise on any public or private property.
- e. *Vendor's Motor Vehicle*: shall mean any vehicle used for display, storage or transportation of articles for sale by a vendor which is required to be licensed and registered with the Maine Bureau of Motor Vehicles. This term also includes trailers, trucks, food trucks, and automobiles.
- f. *Vendor's Stand*: shall mean any newsstand, table, bench, booth, rack, handcart, pushcart or any other device or fixture which is not required to be a registered vehicle, and is used for the display, storage or transportation of articles offered for sale by a vendor.
- g. *Town*: shall mean the Town of Greenville.

Section 3. License Required; Exemptions; Substitutions

- a. It shall be unlawful for any vendor to sell, display or offer for sale any food, beverages, goods or merchandise on any public or private property in the Town without a license from the Town of Greenville CEO, unless exempt.
- b. Exemptions. The following types of vendors are not required to obtain a permit or pay the licensing fee, but are subject to the standards and other requirements of this Ordinance:
 - 1) religious, non-profit and charitable organizations, such as, but not limited to, school groups, the hospital, the fire department, Kiwanis, Scouts, etc.; and
 - 2) Vendors operating on their own property.
- c. Where applicable, a caterer's license may be submitted in place of a vendor's license, and the required licensing fee waived; however, all vendors shall be subject the standards and other requirements of this Ordinance.

Section 4. Application

Any applicant for a Vendor's License must submit a completed Vendor's License Application and the appropriate License Fee to the CEO. All applications must include all permit approvals required by the State

of Maine and any other applicable agency or entity. Within 30 days of filing a complete application, the CEO shall approve, approve with conditions, or deny an application for a Vendor License. A license may be issued for a period of up to 5 months, after which time the license may be renewed for an additional time period of up to 5 months as long as the Vendor has not committed any violations and continues to comply with the requirements of this Ordinance. Special Events shall have the Event Coordinator file a completed Vendor's License Application and appropriate fee to the CEO prior to the scheduled event.

Section 5. License Fee Schedule

The following license fee schedule shall apply, unless amended by the Town of Greenville Select Board:

1 Day (Monday – Thursday).....	\$50.00 per day
1 Day (Friday – Sunday).....	\$75.00 per day
Weekly (Monday – Sunday).....	\$325.00 per week
Monthly (by Calendar).....	\$700.00 per month
Seasonal (up to 5 months).....	\$1,000.00 for the season
Agricultural/arts/crafts (non-commercial)....	\$200.00 for a year

Section 6. Insurance or Bond

The vendor shall indemnify the Town against and hold the Town harmless from any expense or liability in any way arising out of or connected to activity under the Vendor's License. The CEO may, in his/her discretion, as a further condition of the license, require the vendor to provide proof of insurance or a bond in appropriate amounts with respect to the risks, and impose such conditions, not inconsistent with this Ordinance, as he/she deems reasonable and necessary.

All vendors operating on Town Property shall furnish proof to the Town of a public liability bond or insurance policy in an amount not less than \$1 million dollars for property damage and injuries, and injury resulting in death caused by the operation of the vending business. The Town of Greenville shall be named as beneficiary of said policy.

Section 7. Performance Standards

- a. A vendor who is not on their own property must have written permission from the property owner.
- b. No vendor shall impede access to any private driveway without written permission from the owner of the driveway.
- c. No vendor shall create a public health and safety risk due to location, or unreasonably impede or inconvenience the public in a congested area. The judgment of a police officer or the CEO, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
- d. No vendor may conduct business within 100 feet of a public street intersection.
- e. No vendor may operate a business within 500 feet of a public school property when school is in session.
- f. All solid waste, litter and debris accumulating within 100 feet of a vendor's stand or motor vehicle must be collected and disposed of by the vendor. The vendor is responsible for maintaining the area in a sanitary condition and free of debris, and other hazards to the public.
- g. Vendor hours of operation are limited to 7 a.m. to 10 p.m. The hours of operation may be extended for special events which extend later into the evening.
- h. Vendors must not create unreasonable amounts of noise, light, dust, fumes, or smoke. The judgment of a police officer or the CEO, exercised in good faith, shall be deemed conclusive as to whether the amounts of noise, light, dust, fumes, or smoke are unreasonable such that they would impact the public health and safety.

- i. All vendors must be located in a manner to provide minimum unobstructed pedestrian walkway(s) of 36 inches in width and a minimum vertical clearance of 8 feet to allow safe public passage.
- j. The Town will not provide electrical power to any vendor.
- k. Any vendor who is required to have a Vendor's License shall display that license in a conspicuous place at the point of sale or place of selling.
- l. Vendors on Town Property
 - 1) No vendors will be allowed on Town of Greenville properties except for the following locations:
 - Town of Greenville Municipal Airport
 - Town of Greenville Public School
 - Town of Greenville Junction Wharf
 - 2) Vendors' licenses shall be approved on a first come, first serve basis. Vendor locations on town property will be at the discretion of the CEO subject to the provisions of this Ordinance.
 - 3) Vendors may not be located on school grounds unless authorized by the Town of Greenville School Board or their designee. Vendors must obtain a Vendor's License under the provisions of this Ordinance.
 - 4) More than one vendor may be allowed at the Town Airport, subject to the discretion of the CEO.
 - 5) No vendor shall have a license for more than one town property at any one time.
 - 6) Food trucks and stands must be self-contained when operating, except for the required trash and/or recycling receptacles, which shall be in contact with the food truck stand, and shall not impede the free movement of automobiles or pedestrians.
 - 7) No Vendor stand or motor vehicle, including all associated equipment, trailer hitches, trailers or other extensions, shall occupy a space wider than 10 feet or longer than 30 feet.
 - 8) The Section 7.l. provisions may be modified for special events with an event coordinator. Any modifications to these standards shall be at the discretion of the CEO.

Section 8. Revocation of License

The CEO is authorized to revoke or suspend any license issued under the provisions of this Ordinance for:

- a. misrepresentation of information in the application;
- b. fraud or misrepresentation in the conduct of the business;
- c. creation of a public nuisance or a threat to the public's health, safety or welfare; or
- d. any violation of this Ordinance.

Section 9. Appeals

Applicants who are denied a license, or whose licenses have been suspended or revoked may file a written appeal to the Town of Greenville Select Board, who shall consider and act upon any appeal within 30 days.

Section 10. Penalties

Any Vendor who violates the requirements of this Ordinance shall be subject to a fine of up to \$500. Each day a violation continues may be considered a separate violation. The CEO may deny an application for a license if the vendor has had repeated or ongoing violations of the requirements of this Ordinance.

Section 11. Validity Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Section 12. Effective Date. This Ordinance and any subsequent amendments take effect upon enactment by the legislative body of the Town of Greenville.