

CHAPTER 14. VENDORS LICENSES

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Article 14.1 Purpose

The purpose of this Ordinance is to provide procedures and standards relating to the operation of vendors within the Town of Rangeley; and as further defined in this Ordinance to require annual licensing for the same.

This Chapter is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A, § 3001.

Article 14.2 Definitions and Classifications

Concession Trailer - a mobile vending unit that is not self-propelled, but that is pulled by a motor vehicle, such as a truck or van.

Edible Goods - any or all of the following:

- a. Prepackaged food, including but not limited to candy, beverages, chips, popsicles and ice cream;
- b. Off-site prepared food, including but not limited to hot dogs, desserts, sandwiches and pizza and/or;
- c. On-site prepared food, including but not limited to shaved ice, sandwiches, and tacos.

Farm Stand - a roadside stand at which locally grown produce is offered for purchase on property owned by the producer, and where the majority of the produce for purchase was grown on-site.

Farmers' Market - a place used by two (2) or more farmers for the direct sale of farm and food products to consumers, at which all sellers meet the state requirements as provided by M.R.S.A. Title 7 § 415.

Farm and food products - any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, malt liquor, wine,

ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees. (definition provided by M.R.S.A. Title 7 § 415.)

Mobile Food Truck - a self-contained and self-propelled mobile vending unit that sells edible goods.

Mobile Food Vendor - any business that sells edible goods from a mobile food vendor unit within the Town of Rangeley.

Mobile Food Vendor Court - a collection of mobile food vendors in an outdoor plaza or site providing a common area for self-serve dining. Mobile Food Vendor Courts are also subject to Planning Board Site Plan Review.

Mobile Food Vendor Unit - either a mobile food truck or concession trailer, as defined in this Ordinance. A mobile food vendor may be licensed to operate multiple food vendor units, provided that each shall be separately licensed consistent with this Ordinance.

Occasional Sales - The sale of tangible personal property from any given lot, whether conducted indoors or outdoors. May be also known as a "garage sale," "yard sale," "rummage sale", or other such names for similar sales or activities.

Produce - fresh fruits or vegetables (definition provided by M.R.S.A. Title 7 § 416)

Vendor - as used in this Chapter shall refer to any person, whether principal or agent, who proposes to set up a temporary sales site. A vendor is one whose business is of a temporary and completely portable nature. Vendor shall include but not be limited to a mobile food vendor unit, farmer's market, or youth sales stand.

Youth Sales Stand - a stand on private property operated by a person under the age of 18 for the occasional sale of lemonade or other nonalcoholic beverages, prepackaged food, or baked goods. May be also known as a "lemonade stand", or other such names for similar sales or activities.

Article 14.3 Exemptions

A public or private school, public service organization, private club, church organization, fire department or any other 501(c)(3), non-profit organization selling food, beverages, goods or merchandise to raise money for a charitable cause shall be exempt from the requirements of this license. Establishments selling food and drink only through vending machines shall be exempt from the requirements of this license.

A farm stand shall be exempt from the licensing requirements of this Ordinance, but must maintain state standards, as provided by M.R.S.A. Title 7 § 416.

Vendors operating on their own property, including youth sales stands, are not required to pay the licensing fee but are subject to the standards and other requirements of this Ordinance.

Persons selling on behalf of public service of non-profit organizations, schools, or charities are exempted from the requirements of this ordinance.

Non-profit organizations shall apply for a waiver of the licensing fee for all Organizational vendors functions. Proof of non-profit status must be provided, and a list of all Vendors must be included.

Article 14.4 Requirements:

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 of Rangeley without an approved license from the Rangeley Board of Selectmen.

All vendors shall meet the following requirements:

1. The vendor's operating site must be completely vacated at the end of each business day. All vendors must remove any signs, tables, or other miscellaneous items associated with the business by the end of the day.
2. Vendors require a license to operate and must follow the specific requirements set forth by the Town regarding where and when they may operate.
3. Vendors must observe all Town ordinances that apply to any operating business, such as the public display of license, parking, signs, and hours of operation.
4. Vendors must make an application in writing to the Board of Selectmen accompanied by photograph(s) or any applicable documentation of the vending unit or setup.
5. Vendors located on public property must have a certificate of insurance on file with the Town and meeting the minimum requirements as established by the Town.
6. Mobile food vendors must provide proof of current vehicle and/or trailer registration at the time of application.
7. An existing business who permits a vendor to operate on the business property must obtain an amendment to its conditional use permit.
8. Vendors must comply with all State and local requirements.

9. All vendors shall have a sufficient amount of containers with tight-fitting covers for the storage and disposal of all garbage generated.
10. Where applicable, a caterer's license may be submitted in place of a vendor's license, and the required licensing fee waived; however, catering vendors shall be subject to the standards and other requirements of this Ordinance.

Article 14.5 Performance Standards

1. A vendor not located on the vendor's own property must have written permission from the property owner.
2. No vendor shall impede access to any private driveway without written permission from the owner of the driveway.
3. 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 judgement of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested, or the public impeded or inconvenienced.
4. No vendor may set up in such a way so as to restrict access to or visibility at a public street intersection.
5. No vendor may operate a business within 500 feet of a Public-School property when school is in session.
6. 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.
7. Vendor hours of operation are limited to 7:00 AM to 10:00 PM. The hours of operation may be extended for special events.
8. Vendors must not create unreasonable amounts of noise, light, dust, fumes, or smoke. The judgement of a police officer, exercised in good faith, shall be deemed conclusive as to whether the amounts of noise, dust, fumes, or smoke are unreasonable such that they would impact the public health and safety.
9. All vendors must be located in a manner to provide minimum unobstructed pedestrian walkway(s) of thirty-six (36) inches in width and a minimum vertical clearance of eight (8) feet to allow safe public passage.
10. The Town will not provide electrical power to any vendor.
11. Any vendor who is required to have a Vendor's License shall display that license in a conspicuous place at the point or place of sale.

12. Mobile food vendors:

- a. Shall ensure that there is an adequate supply of potable water for cleaning equipment and preparation of foods.
- b. Shall ensure that the mobile food vendor unit has an adequate and safe source of electrical power.
- c. Shall not place or cause to be placed any signs on sidewalks or other rights-of-way.

13. Vendors on Town of Rangeley Property:

- a. No vendors will be allowed on Town of Rangeley properties except for the following locations:
 - i. Haley Pond Park
 - ii. Village of Oquossoc Park
 - iii. Depot Street and Pleasant Street parking areas
- b. Vendors license shall be approved on a first come, first served basis. Vendor locations on town property will be at the discretion of the Board of Selectmen and Park Commission (if necessary), subject to the provisions of this Ordinance.
- c. No vendor shall have a license for more than one town property at any one time.
- d. 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.
- e. No vendor set-up or motor vehicle, including all associated equipment, trailer hitches, trailers, or other extensions, shall occupy a space wider than ten (10) feet or longer than thirty (30) feet.
- f. Provisions of this Article may be modified for special events with an event coordinator. Any modifications to these standards shall be at the discretion of the Board of Selectmen and Park Commission (if necessary).
- g. No vendor shall set up on, or obstruct, any parking space on Main Street.
- h. Vendors shall provide proof of adequate insurance as determined by the Board of Selectmen, with such insurance naming the Town of Rangeley as an additional insured in relation to sales activities on Town property.

Article 14.6 License and Fees

Every vendor desiring to do business in the Town of Rangeley shall file a completed application for a license for that purpose with the Board of Selectmen. Vendors' license

fees will be set by the Board of Selectmen and will be reviewed by the Board of Selectmen annually.

New Applications: An applicant for a new license may submit the license application, supporting documents and fee to the Board of Selectmen at any time during the year. Applications must be presented to the Town Clerk at least 30 days prior to the event. New applications will be posted for a public hearing to be held at the next available meeting of the Board of Selectmen. An applicant for a new license, or their agent as delegated in writing, must attend the public hearing. Upon approval of an application by the Board of Selectmen, the Town Clerk shall issue a vendor's license. Any license, which is in effect for less than the full licensing period, shall include the dates for which the license is valid.

License Renewals: Renewal applications and license fees shall be submitted to the Town Clerk at least 30 days prior to the expiration date. Renewal applications shall be posted for review at a meeting of the Board of Selectmen. Upon approval by the Board of Selectmen, the Town Clerk shall issue a vendor's license in conformity with this Ordinance.

Article 14.7 Occasional Sales

No person may offer goods for sale to the public on property used for residential purposes in the manner of a "yard sale", "lawn sale", "garage sale", or any other similar type of sale where all goods for sale are displayed on the premises, except as follows:

- a. Such sales must not occur more often than three (3) times in any calendar year, and each such sale must be between sunrise and sunset during a period of not longer than three (3) consecutive calendar days; and
- b. No such sales may occur within thirty (30) consecutive days of each other; and
- c. No goods or tangible property may be placed or displayed on any part of a Town road or right of way; and
- d. All such sales of goods must qualify as "casual sales" as defined under Title 36 M. R. S. A. § 1752 (1-D) of the Maine Sales and Use Tax Law.
- e. All goods displayed and items used in the conduct of such a sale must be removed from the outside of any structure on the residential property within twenty-four (24) hours after the conclusion of the sale.

Article 14.8 Violations and Penalties

A vendor who sells, carries for sale, or offers for sale any goods, wares, merchandise, food, or other products, except as permitted by this Chapter or who fails to comply with any conditions imposed by the license shall forfeit their vendor's license.

Violations of this chapter are also punishable by a civil penalty. The maximum penalty per violation shall be \$100.00. Each day the violation continues constitutes a separate violation. Vendors who violate this Chapter shall be liable for court costs and reasonable attorney fees incurred by the Town.

When a violation of this Chapter is found, the Police Department shall issue a written notice of the violation to the responsible party or parties and shall notify the Town Manager, who will notify the Board of Selectmen of the violation. If the notice does not result in the correction of the violation, the Board of Selectmen is directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief and the imposition of civil penalties that may be appropriate or necessary to enforce the provisions of this Chapter in the name of the Town of Rangeley.

Article 14.9 Appeals

An aggrieved party may file an appeal of a decision by the Board of Selectmen to grant, grant with conditions, or deny a license application pursuant to this Chapter. Enforcement decisions and other determinations made under this Chapter shall not be appealable.

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