

ORDINANCE TO LICENSE TEMPORARY
STREET VENDING AND MOBILE EATING PLACES

Section 1. Purpose: Authority

This Ordinance is designed to control temporary street vending within the Town of Berwick, and is adopted under the authority of 30-A M.R.S.A. 3001.

Section 2. Definitions

- A. Street Vending: 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 property within the Town of Berwick.
- B. Street, Way or Public Property: Any street, sidewalk, alley or path, at any park, beach, playground, parking lot or other public property within the Town, or any portion thereof, which is open for use by the public as a matter of right.
- C. Mobile Eating Place: "Mobile Eating Place" means a mobile vehicle with any extending service area, designed and constructed to transport, prepare, sell or serve food at a number of sites and capable of being moved from its serving site at any time.

Section 3. Prohibition

No person shall, in any part of a street, way, or public property within the Town of Berwick, Maine, be engaged in the business of "street vending" or the operation of a "mobile eating place", as defined in this Ordinance, without a written permit to do so from the Board of Selectmen of the Town of Berwick or its designee.

The Board of Selectmen or its designee may, ~~in its sole discretion,~~ grant a written permit to any person, persons or corporation to carry on the above referenced activities personally or by its employees in any of said public places on a temporary basis provided that it does not interfere in any way the health, safety and welfare of the inhabitants of the Town, and does not otherwise create a public nuisance. A fee of \$10 will be charged for the issuance of said permit.

The Board of Selectmen or its designee may revoke said permit, in writing, any time it deems it necessary to provide for the health and safety of the citizens of the Town of Berwick, Maine, or if any conditions on the permit are not fully met. After receiving notification of any such revocation, the permittee may request a hearing before the Board.

The following organizations/individuals are exempt from the provisions of this Ordinance: National non-profit service clubs (such as Rotary International, Kiwanis, Lion's Clubs) religious groups, municipal departments, and historical societies.

Section 4. Penalty

Any person, firm, corporation or other entity violating any provision of this Ordinance shall be fined not less than \$50.00 or more than \$200.00 for each offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. Any fines or penalties recovered under this Section shall be paid to the Town of Berwick.

Adopted: November 5, 2002

Revised: May 13, 2003

Certification of Proposed Ordinance
(30A MRSA 3002)

We, the undersigned Municipal Officers of the Town of Berwick, hereby certify to the Municipal Clerk of the Town of Berwick that the Ordinance entitled:

An Ordinance to Amend the Ordinance to License Temporary Street Vending and Mobile Eating Places (Attachment D)

attached hereto is a true copy of the proposed Ordinance to be acted upon at the Annual Town Meeting to be held on May 13, 2003 in Berwick.

Dated this 8th day of April, 2003 at Berwick, Maine.

Wayne Arnold
Sam. Hou

Margaret A. Wheeler
Thomas J. Lounsbury

Eleanor M. Murphy
A Majority of the Board of
Selectmen of the Town of Berwick

A True Copy
ATTEST: Janeth Buckman
Town Clerk of Berwick, ME

Adopted
5/13/2003