

**FINAL**

**Street Vendor Ordinance  
Town of Newcastle**

**Adopted: June 20, 2016**

Certified by: *Wanda Beuss* - Town Clerk



**Title:** This ordinance shall be known, and may be cited as, the "Street Vendor Ordinance of the Town of Newcastle", and will be referred to herein as "this ordinance".

1. Purpose.

- a. The purpose of this ordinance is protection of the general public, it's health and welfare, pursuant to the police powers and home rule authority of the Inhabitants of Newcastle under 30-A M.R.S.A. § 3001 et seq. and 30-A MRSA § 3931. Pursuant to those powers, this ordinance seeks to provide municipal licensing and regulation of Transient Sellers and Lunch Wagons.

2. License Required.

- a. Transient sellers of consumer products and operators of lunch wagons shall obtain a license from the Town as set forth herein before selling, offering or exposing for sale any food, goods, wares, merchandise or products of any kind for more than seven days in any calendar year within the territorial bounds of Newcastle.
- b. The application and license shall be area specific. Applicants for a transient seller's license or a lunch wagon license who desire to operate in more than one area at the same time shall obtain a separate license for each area of business.

3. Definitions.

"Transient sellers" means any person who engages in the business of selling products to consumers from vehicles, trailers, carts or other mobile or automotive machines or who solicit sales at roadside locations within the bounds or right of way of any public way within the Town.

"Lunch wagon" means a vehicle, trailer or cart which is used for the sale of food.

"Nonprofit charitable organization" means any not for profit organization formed for charitable purposes.

4. Exemption

- a. Persons selling on behalf of public service of non-profit organizations, schools, or charities are exempted from the requirements of this ordinance.
- b. Persons selling farm produce located on their own property are exempted from the requirements of this ordinance.

5. Compliance with other laws

- a. Prior to obtaining a Transient Sellers or Lunch Wagon license in Newcastle, Applicants shall provide the Town copies of their required State licenses.
- b. Applicants required to register as a transient seller pursuant to 32 MRSA §4681 shall produce proof of registration at time of application.

- c. Applicants required to register as victualers pursuant to 30-A MRSA §3811 shall produce proof of registration at time of application.

6. Fee.

The license shall be obtained from the Board of Selectmen following the submission of any application form to be obtained from and returned to the Town Clerk. The Board of Selectmen shall periodically establish a schedule of fees for the licenses herein described.

7. Term.

Any license issued under this Ordinance shall expire on December 31 of each calendar year.

8. Prohibited Locations.

No licensee under this Ordinance may conduct business within the boundaries or rights of way of State Route 1.

9. Non-Transfer.

Licenses issued under this Ordinance shall not be transferable and fees paid are non-refundable.

10. Penalty.

Failure to obtain such license prior to selling goods, wares, merchandise or products of any kind is punishable by a fine of not less than \$25.00 and not more than \$250.00.

11. Revocation.

Licenses under this Ordinance have the responsibility of keeping the area designated for their business pursuits clean of rubbish, food and or food products related to their business. Failure to maintain a clean site shall be cause for cancellation of the license. Any revocation or suspension of a license shall be subject to the provisions in 30-A MRSA §3814 per occurrence.

12. Lunch Wagons.

Operators of "lunch wagons" who obtain the license required by this Ordinance shall not be required to obtain any other license under 30-A MRSA § 3931. A license shall not be issued if the Lunch Wagon will inconvenience public travel.

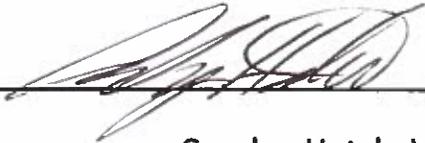
This certifies to the municipal clerk of Newcastle, Maine proposed ordinance entitled the "Street Vendor Ordinance" shall be acted upon by the voters at a town meeting to be held on Monday, June 20, 2016.

Dated: May 23, 2016 Municipal Officers of Newcastle, Me:



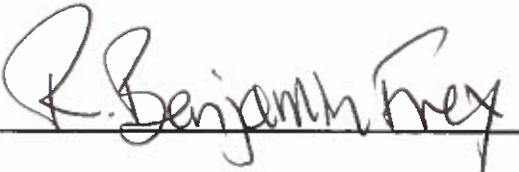
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Brian Foote, Chair



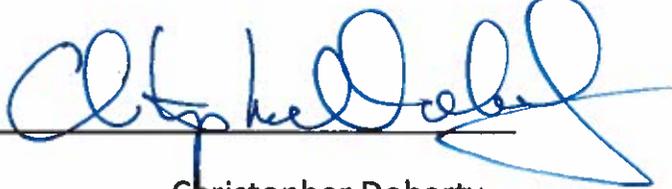
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Carolyn Hatch, Vice Chair



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R. Benjamin Frey



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Christopher Doherty



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Joel Lind



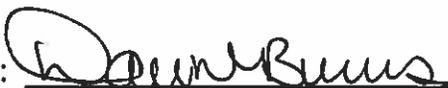
**Town of Newcastle**  
Dawn Burns  
Town Clerk / Registrar of Voters/Motor Vehicle Agent

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NEWCASTLE, ME  
04553  
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3441  
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6995

**Certification**

I, Dawn Burns, the duly appointed Town Clerk for the Town of Newcastle, hereby certify that the attached copy of "Street Vendor Ordinance" is as required by law the true and accurate copy approved at the Annual Town Meeting by the inhabitants of the Town of Newcastle on June 20, 2016.

Dated: June 21, 2016

Attest: 

Dawn Burns  
Town Clerk



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• Brian Foote, Chair • Chris Doherty, Selectman • Carolyn Hatch, Vice Chair.  
R. Benjamin Frey, Selectman • Joel Lind, Selectman •