TOWN OF FRYEBURG
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; on private property within the Town; or from temporary location within the Town.

Mobile Vending Unit: A moveable cart, trailer, or vehicle or other device designed to be portable and not permanently attached to the ground from which a mobile vendor sells their product.

Travelling Vendor: A mobile vendor that operates without a fixed location within Town, that routinely moves about to sell their merchandise or services. Examples include ice cream trucks and mobile lunch canteens.

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

ARTICLE III. GENERAL

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 Board of Selectmen.

B. Exemptions: The provisions of this Ordinance do not apply to mobile vending occurring at festivals, fairs, community projects, or public events which occur on a periodic basis. Nor do the provisions apply to farm stands as defined within the Town of Fryeburg Land Use Ordinance, door-to-door sales of food or merchandise, or mobile caterers who are engaged in the business of transporting food and beverages to a residence or business pursuant to a prearranged agreement and dispensing of the food and/or beverages from a vehicle or trailer.

C. Applications for all mobile vendor licenses shall be made in writing to the Board of Selectmen 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, 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 from a fixed location will be required to submit a signed statement from the property owner stating that the applicant has permission to utilize the premises for vending purposes.

   Applicants operating from within a public right-of-way which does not abut their own property must submit a signed statement from the abutting landowner stating whether they approve of the vending operation.

   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, and estimated time of arrival and departure from each location. The Selectmen may require that the applicant submit a signed statement from the property owners or abutting property owners approving the uses of their property for vending purposes, as outlined above.

5. Any additional information as may be needed by the Board of Selectmen in the issuing of the permit, including but not limited to copies of the required State licenses and approvals, and proof of the applicants general liability insurance.

D. The fee for a mobile vendor license shall be paid when the application is submitted. The Board of Selectmen will annually set the fee amount. If they fail to set the fees, those established for the prior year continue in effect..

E. The Board of Selectmen 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.

F. The Board of Selectmen 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 1 year and must be renewed annually for a fee. Should the applicant wish to change the location of the vending operation during the valid license timeframe, then the applicant shall re-apply 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.

H. The maximum number of mobile vendors licensed in Town at one time shall be 5. Licenses will be issued on a first-come-first-served basis and existing vendors will be given priority in a situation where there are multiple applicants and only one license slot available.

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 Board of Selectmen 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. Provided, that no mobile vendor license shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

Section 4. Suspension or Revocation of a Permit

The Board of Selectmen 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, so issued, constitutes a detriment to the public health, safety, welfare, or violates the terms of the license or this Ordinance or any other municipal ordinance, articles, bylaws, or rules and regulations.

Section 5. Permit and Appeal Procedures

A. Any licensee requesting a mobile vendor license from the Board of Selectmen 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. Edibles, such as hot dogs, sausages, tacos, burritos, French fries, bagels, pastries, candy, sandwiches, chips, popcorn, nuts, pretzels, ice cream, frozen yogurt, fruit, beverages;
2. Produce, farm products, home processed food such as jams, jellies, pickles, and baked goods;
3. Flowers or seasonal items such as Christmas trees and wreaths;
4. Souvenirs items directly related to the mobile vendor, such as t-shirts of coffee cups with the vendors logo.

B. Location:

1. No mobile vendor selling food shall be located within 50 feet of an existing restaurant or within 50 feet of another mobile vendor.
2. Mobile vending is not allowed within schools, cemeteries, residential neighborhoods, or town parks, unless there is an event described in Article III.1.B, above.
3. Mobile vendors will not be situated or so located in a way that will obstruct the free passage of pedestrians or vehicle, obstruct an entrance or exit, or obstruct access to a fire hydrant.

C. Size:

1. A mobile vending unit may not exceed 8 1/2 feet wide by 18 feet long. Measurements will include all aspects of the vending unit including the trailer hitch, if applicable. The Selectmen may consider allowing larger mobile vending units on a case-by-case basis, taking into account the location of the activity and the type of merchandise for sale.
2. The height of a mobile vending unit, including canopies, umbrellas, or signs shall not exceed 10 feet.
3. Each mobile vending unit shall be primarily self-contained. 2 additional coolers will be allowed to be placed along side of 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. Portable waste water holding tanks designed in compliance with the State standards are permitted.

D. Sound:

1. Generators are generally prohibited to be utilized as part of the mobile vending unit. The Selectmen may consider allowing the use of a generator on a case-by-case basis, taking into account the location of the activity and necessity for a generator.
2. Hawking or calling out to people is prohibited.
3. The sound pressure level limits outline in Section 16.H of the Town of Fryeburg Land Use Ordinance must be adhered to at all times.

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 near the vending unit.
3. No merchandise shall be displayed using street structures such as planters, trees, sign posts, etc.
4. 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 8:00 pm.
2. Travelling mobile vendors may only stay in one location for a period not to exceed 20 minutes.

G. Service:

1. There shall be no service by the vendor to customers remaining in vehicles unless the vehicle has visible disability plates or placards.
2. No onsite dining is permitted. The presence of onsite dining would qualify the use as a restaurant, which is regulated under the Town of Fryeburg Land Use Ordinance.

H. 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 though 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.
3. No off-site signage advertising the mobile vendor is prohibited.

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 $1000.00 for each subsequent offense, to be recovered on complaint, to the use of the Town of Fryeburg.

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 “An Ordinance Regulating Roadside Vendors” dated July 21 1983.

Enacted: June 14, 2012
Revised: June 13, 2019