

## **ORDINANCE 56**

### **TRANSIENT SELLERS & LUNCH WAGONS**

#### Sec. 1. License Required.

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. The application and license shall be area specific. Applicants for a transient sellers 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.

Applicants required to register as a transient seller pursuant to Title 32 MRSA §4681 shall produce proof of registration at time of application.

#### Sec. 2. Definitions.

"Transient sellers of consumer products" means any person who engages in the business of selling products to consumers and who does not conduct such activity on property within the Town of Winthrop which is owned or leased by the seller.

"Transient sellers of consumers products' does not include persons who sell door-to-door, at public fairs, expositions or bazaars or members selling on behalf of public service of non-profit organizations.

The term "transient seller of consumer products" shall be deemed to include persons who solicit sales at roadside locations within the bounds of any public way within the Town.

"Lunch wagon" means a vehicle or cart which is used for the sale of food on or within the bounds of any public way within the Town.

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

#### Sec. 3. Fee.

The license shall be obtained from the Town Council following the submission of any application form to be obtained from and returned to the Town Clerk. An application fee of \$25.00 shall be paid at the time that an application is submitted.

#### Sec. 4. Term.

Any license issued under this Ordinance shall expire on May 31, except as provided in Sec. 5. Any license to operate a "lunch wagon" shall specifically state that during the Independence Day celebration of each year, only nonprofit charitable organizations holding a current lunch wagon license may sell food from the intersection of Summer Street and Bowdoin Street to the intersection of Knickerbocker Street and Memorial Drive.

Sec. 5. Temporary Licenses.

Applicants for licenses under this Ordinance who propose to conduct such activity for less than 30 days may request a non-renewable, temporary license which shall require the payment of an application fee of \$10.00 at the time the application is submitted.

Sec. 6. Prohibited Locations. No licensee under this Ordinance may conduct business within the boundaries of highways identified as State Routes 41, 133, 135 and 202.

Sec. 7. Non-Transfer.

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

Sec. 8. 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.

Sec. 9. 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 Title 30-A MRSA §3814.

Sec. 10. 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 may not be issued if the Lunch Wagon will inconvenience public travel.

**Original adoption**

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**Amended**

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