TOWN OF DOVER-FOXCROFT

PEDDLING AND SOLICITING
ORDINANCE

I. PURPOSE AND INTENT

The purpose of this ordinance is to allow limited and controlled use of public ways and public lands for small-scale sales activities traditionally conducted in public places such as farmers’ markets and craft fairs, and through licensing to prevent nuisance conditions and threats to the public health, safety and welfare which could otherwise result if public ways and public lands were opened to the unlimited retail sales activities. The intent of this ordinance is to allow appropriate public places to be used for the sale of goods and products customarily produced in home businesses or sold at roadside farm stands or dockside locations; typically such goods and products are made, grown, caught, gathered, prepared, baked, cooked or canned/preserved by the seller.

II. LICENSE REQUIRED

No person shall expose for sale upon the public streets of the town, nor within a public right-of-way, nor upon any property owned or controlled by the Town, nor go from place to place in the town exposing for sale and selling goods, wares or merchandise at retail without first having secured a license to do so as hereinafter provided.

III. GRANTING LICENSE BY TOWN CLERK

The Town Clerk may grant a license to expose for sale or sell upon the public streets of the town, upon a public right-of-way, upon any public lands owned or controlled by the Town, or go from place to place in the town exposing for sale and selling goods, wares or merchandise at retail.

There shall be three classes of licenses: 3 day licenses; 90 day licenses; and one year licenses.

*There shall be four classes of licenses: 1 day licenses; 3 day licenses; Season (May – Oct, 6 mos.) licenses; and One year licenses.

*- License types adjusted according to a schedule adopted by the Board of Selectmen – 07/01/2006

IV. APPLICATION FOR LICENSE

Application for a license shall be in writing on forms provided by the Town. It is a violation of this ordinance to provide inaccurate information on a license application or to conduct the licensed activity in a manner different from the information provided on the application.

No license shall be issued unless the applicant shall provide to the town a copy of the seller’s certificate of registration with the Maine Sales Tax
Assessor; a federal tax identification number, if required; and a proper scale registration if goods are to be sold by weight.

V. INFORMATION IN LICENSE

Every license issued under this chapter shall include upon it, the name and address of the person to whom such license has been issued, the licensee’s federal tax number, if required, the licensee’s state sales tax number, the time period covered by the license, the date of expiration thereof, and the amount paid as a license fee therefore.

VI. FEE

Each applicant granted a license hereunder shall pay to the town a license fee for consecutive days as follows:

A. For a three (3) day license: $5.00
B. For a ninety (90) day license: $15.00
C. For one year: $60.00
   a. *One Day $ 50.00
   b. *Three Day 100.00
   c. *Season (May – Oct, 6 mos.) 350.00
   d. *One Year 450.00

VII. REVOCATION AND SUSPENSION

The Clerk may revoke a license issued under this ordinance upon finding that the licensee has violated any provision of the ordinance. The clerk shall first give the licensee notice of the grounds for the proposed revocation and an opportunity to be heard. In an emergency affecting the public health, safety or welfare, the Clerk may suspend the license pending a hearing.

VIII. INELIGIBILITY FOR LICENSE

The Clerk may decline to issue a license to an applicant who was previously licensed under this ordinance and during the term of the most recent license held by that applicant violated any provision of this ordinance, if the Clerk finds that such a violation was intentional and material or if the Clerk finds that the applicant violated the same provision more than once. An applicant who is denied a license under this subsection is not permitted to reapply for 3 days after the denial if the application was for a 3 day license; 90 days after the denial if the application was for a 90 day license; and one year if the application was for a one year license.
IX. DISPLAY OF LICENSE

Every person to whom a license is issued hereunder shall display such a license, so as to be clearly visible to public view at all times, when exposing for sale or selling any goods, wares or merchandise at retail upon the public streets of the town, upon a public right-of-way, or upon any public lands owner or controlled by the Town.

Every person to whom a license is issued hereunder, whenever demanded by a constable or police officer of the town, shall provide such a license to the person demanding the same. Any person who neglects or refuses to do so, shall be subject to the provisions of Section VII of this chapter and such license shall be revoked.

X. VIOLATIONS AND PENALTIES

Whoever shall expose for sale or sell upon the public streets of the town or upon a right-of-way, or upon any property owned or controlled by the town go from place to place in the town exposing for sale or selling goods, wares or merchandise in violation of the chapter shall be punished by a fine of not more than one hundred dollars ($100), with each day to be considered a separate violation, to be recovered on complaint for the use of the Town.

The Town reserves the right to revoke any license granted and the right to withhold the granting of future licenses to serious and/or repeat violators of this chapter.

XI. RETAINED AUTHORITY OVER PUBLIC PROPERTY

This ordinance does not limit the authority of the Town to control public property. Whenever it deems it appropriate or necessary to do so, the Board of Selectmen may designate locations where the activities licensed under this ordinance are allowed, prohibited or allowed subject to limitations and conditions or may designate specific locations for particular persons or types of activities licensed under this ordinance. The Board of Selectmen may exercise this power by order, without amending this ordinance, but shall first give notice and the opportunity to be heard to any existing licensee who would not be affected by the Selectmen’s proposed action.

No seller shall have any exclusive right to any location in the public streets or property, nor shall any be permitted a stationary location, nor shall be permitted to operate in any congested area where the seller’s operation might impede or inconvenience the public. For the purpose of this ordinance, the judgment 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.
XII. SIZE OF OPERATION LIMITED

No person licensed to use a public street, right-of-way or public lands under this ordinance shall utilize or occupy more than one hundred eighty (180) square feet.

XIII. NONAPPLICABILITY

The provisions of this chapter shall not apply to commercial agents or other persons selling, by samples, lists, catalogs or otherwise goods, wares or merchandise for future delivery or persons selling newspapers or religious literature door to door. Nor shall the provisions of this chapter apply to periodic sales conducted by local non-profit, charitable, educational, cultural, religious, philanthropic, social or fraternal organizations or periodic sidewalk sales by local tax paying businesses immediately adjacent to their premises.

XIV. GOODS, WARES AND MERCHANDISE OFFERED FOR SALE TO BE LIMITED

Goods, wares and merchandise offered for sale upon the public streets of the town, upon a public right-of-way, or upon any public lands owned or controlled by the town shall be limited to the following categories:

A. Fresh fruit and vegetables;
B. Seedlings and flowers;
C. Fresh and frozen meats;
D. Fresh eggs and dairy products;
E. Fish, lobsters and other ocean products;
F. Baked and canned goods;
G. Cider, syrup, honey, jams and jellies;
H. Herbs and organic products;
I. Fiddleheads and wild berries;
J. Wreaths and Christmas trees;
K. Home made furniture and cabinetwork;
L. Home made arts and crafts; and
M. Mobile push carts and lunch wagons serving non-alcoholic beverages and fried, grilled or fresh sandwiches and incidentals.

XV. LICENSEE RESPONSIBILITIES

It shall be the responsibility of each licensee to ensure the area where they establish their sales is kept clean and that no merchandise, trash, litter or other materials are left in such area at the end of each day.
Violations of this provision may result in the license revocation and punishment under section VII.