

Solicitors and Itinerant Vendor Ordinance
(As amended November 23, 2010, May 9, 2012 and March 11, 2015)

ARTICLE 1. Solicitors and Door to Door Sales

Section 1. No person or organization shall sell items or solicit funds from any person by house to house canvass or on the streets of Oakland without a permit. Local non-profit organizations are exempt from this article.

Section 2. The Chief of Police or his designee shall issue written permits upon application.

Section 3. All solicitation is limited to between 9:00 AM and 8:00 PM.

Section 4. All solicitors must register names, addresses, and references of all those who will be soliciting, as well as dates and times of the activity. All solicitors must wear approved identification while soliciting.

Section 5. Denial of a permit must be appealed by the applicant to the Town Council within fifteen (15) days of the Chief's decision.

Section 6. Any person in violation of this Article shall be fined \$25 for the first offense, \$50 for the second offense, and \$100 for subsequent offenses, plus the Town of Oakland's attorney's fees for the prosecution of any such violation. Each day of any violation of this article shall be a separate offense. Nothing in this article shall be construed to prohibit other or further civil or criminal action, including the Town of Oakland's attorney's fee, against any itinerant vendor. All fines shall be recovered for use by the Town.

ARTICLE 2. Itinerant Vendors

Section 1. Definitions.

Itinerant Vendor: Any person who engages in a temporary business of selling or delivering goods, wares, foods, foodstuffs, or merchandise within the Town of Oakland from either a public or private place, other than his/her permanent place of business or at his/her place of legal voting residence.

Private place: All premises that are assessed by the Town for property taxes, other than the applicant's permanent place of business or residence. If a private place is used, written authorization from the owner must accompany the application.

Public place: Public space shall mean all public ways laid out under authority of statute and dedicated to public use, or other places to which the public or a substantial group has access. A permit will be required to use public places for itinerant vending. Itinerant vendors will be subject to time, manner, and place restrictions imposed by the Town Manager to avoid interference with the public's right to use town property.

Section 1.5 Exceptions

Itinerant vendors who are participating in a Town sponsored event are exempt from the fee and application process set forth within this Ordinance.

Section 2. Permit Requirements

Itinerant vendors are required to obtain permits from the Police Chief or his designee for each calendar year. All permit applicants must provide written authorization from the owner of the property from which they intend to sell. Applicants must provide and display all necessary local, state, and federal licenses/permits required for their business. Permits will be granted upon payment of fees, fulfillment of above documentation and demonstration that the itinerant business will not pose pedestrian or vehicular safety concerns. Non-profit organizations and educational groups endorsed by the institution are exempt from local permitting requirements other than safety compliance.

a. Itinerant vendors shall apply to the Police Chief or his designee. There will be no fee for those who sell their Oakland products from someone else's property. Otherwise;

The fee for Itinerant vendors for less than 30 days consecutive will be \$10.

The fee for Itinerant vendors for 31 to 90 consecutive days will be \$25.

The fee for Itinerant vendors for 91 to 180 consecutive days will be \$50.

The fee for Itinerant vendors for 181 days or more consecutive days will be \$75.

Itinerant vendors who pay Oakland personal property tax are exempt. An alternative to the fee structure only may be negotiated with an organized group of vendors, subject to the approval of the Town Council.

b. Itinerant Vendors who prepare and/or serve food shall provide for waste and sanitation facilities for such business and be subject to inspection by the Code Enforcement Officer and/or Maine State health Officials. Unsanitary or unsafe conditions may result in revocation of permit to operate as well as civil penalties and other applicable remedies and costs including but not limited to Section 8.

c. Permits for all Itinerant Vendors shall only be issued if the applicant is in compliance with all other applicable State and Town laws, ordinances, rules, and regulations, and the location of any such itinerant vendor shall not be detrimental to vehicle or pedestrian traffic, vehicle traffic flow, vehicle traffic egress and ingress to the itinerant vendor's location site, and there is adequate parking and safe sight-distance of oncoming vehicle traffic.

Section 3. Permit application form

Itinerant vendors must complete the application form furnished by the Chief of Police or his designee clearly stating the time, place, manner, and purpose for which the permit is desired.

Section 4. Vendor Hours

Itinerant vendor's permits shall be valid between the hours of 9:00 am and 8:00 PM Monday thru Sunday, and shall not be transferable. An exception to this section shall be Oakland vendors who sell their own products.

Section 5. Prohibited locations.

Itinerant vendors permits shall not be issued to applicants for any location along a state or local public roadway where the Police Department identifies any safety concerns.

Section 6. Proof of insurance to be provided.

Itinerant vendors shall provide certificates of bodily injury liability and property damage insurance, attached to the permit application.

Section 7. Vendors to hold town harmless

Itinerant vendors shall indemnify and save harmless the Town of Oakland, its authorized agents, officials, and employees from any and all actions, causes of actions, liabilities, claims, demands, damages, or losses including any actions for contribution or indemnity, and including all reasonable attorney's fees, resulting from any civil or criminal action arising directly or indirectly out of any act or omission of mobile or temporary vendors, their employees, or business patrons.

Section 8. Violation; penalty.

Any Itinerant vendor who violates any provision of this article shall be guilty of a civil violation and subject to a fine of \$50.00, plus the Town of Oakland's attorney's fees for the prosecution of any such violation. Each day of any violation of this article shall be a separate offense. Nothing in this article shall be construed to prohibit other or further civil or criminal action, including the Town of Oakland's attorney's fee, against any itinerant vendor.

Section 9. Use of Permitting Fees and Fines

All fees and fines collected shall accrue to the general fund, and be used to fund requests from non-profit organizations during the existing budget preparation process.