

TITLE IX BUSINESS ORDINANCE

Chapter 5 Transient Business Ordinance

501 Title

This Chapter shall be known and may be cited as "Transient Business Ordinance of Ogunquit".

502 Purpose

The purpose of this Ordinance is to protect the public health, safety, and welfare by regulating transient business in Ogunquit. The necessity for regulating transient business is to protect the public from fraud or duress.

503 Authority

Authority to enact this Ordinance is found generally in Title 30 of the Maine Revised Statutes, in which the State of Maine authorizes municipalities to enact ordinances that promote public health, safety, and welfare.

504 Definitions

As used in this Ordinance, the words listed below shall have the following meanings:

504.1 A Transient Business is the sale of retail merchandise or services on a door-to-door basis or from a vehicle by any person, whether a resident or non-resident. The term includes activities commonly referred to as vending, hawking, and peddling.

504.2 Person applies to any individual, partnership, firm, association, corporation, or other legal entity, or any agent or employee of any individual, partnership, firm, association, corporation, or other legal entity.

505 License Required

505.1 Except as provided by Section 506, a person shall not conduct transient business in Ogunquit unless that person shall have first obtained a transient business license from the Town of Ogunquit.

505.2 Applications for all transient business licenses shall be written, filed with the Town Clerk, and shall state the name of the

applicant; his residence address, the name of the business to be conducted; his business address; the nature of his business; whether the applicant, including partners or superiors, has ever been convicted crimes other than traffic offenses, and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the Town Clerk in issuing the license.

505.3 The Town Clerk or other Town Official shall have a reasonable time, not to exceed three (3) working days, in which to investigate the application and background of the applicant.

506 **Licensing Requirement Exceptions**

506.1 The licensing requirement for transient business shall not apply to the following:

506.1.1 Non-profit civic, educational, or religious groups soliciting contributions as part of a fund-raising activity;

506.1.2 Sales or service personnel whom residents invite to their homes;

506.1.3 Sellers of the following products: fish, farm, orchard, dairy, baked goods, forest products and newspapers;

506.1.4 Sales or service personnel who service local businesses;

506.1.5 Political, religious, or other groups which are distributing free literature.

506.2 All other limitations, except as specifically noted, shall apply to any person conducting transient business, whether licensed or not.

507 **Licensing Fee**

The Board of Selectmen shall establish a reasonable fee for a transient business license.

508 **License Term and Conditions**

508.1 The Board of Selectmen shall determine the term and expiration of licenses.

508.2 The license holder shall carry and exhibit the license upon request of any person with whom the license holder is conducting business and to any Ogunquit police officer for purpose of inspection.

509 **Limitations**

509.1 The sale from a vehicle of food or drink for consumption or merchandise is prohibited in all public areas of Ogunquit.

509.2 Except for those persons servicing local businesses, sellers of merchandise, whether or not licensed, shall conduct business in residential areas only and not on public property in commercial areas.

509.3 A person, whether or not licensed, shall not conduct transient business between the hours of 8:00 p.m. and 8:00 a.m. This limitation shall not apply to sales or service personnel whom residents may call to their homes at other times.

510 **License Suspension or Revocation**

After giving notice to interested parties and holding a public hearing, the Board of Selectmen may suspend or revoke any transient business license issued by authority of this Ordinance. Grounds for action shall be misleading or falsification of information on transient business license applications, violation of any municipal ordinance or regulation or that public health, safety, and welfare have been adversely affected by action of a licensee.

511 **License and Appeal Procedures**

511.1 Any applicant who has applied for and has been denied a license or any licensee whose license has been suspended or revoked, may, within thirty (30) days of that denial, suspension, or revocation, appeal that decision to the Ogunquit Board of Appeals. The Board of Appeals may grant or reinstate the license if it finds that the licensed activities would not adversely affect the public health, safety, and welfare, or that the denial, suspension, or revocation was arbitrary and capricious.

511.2 The appeal shall commence after the appellant has filed his appeal with the Town Clerk and has paid a reasonable fee as established by the Board of Selectmen.

512 **Enforcement**

Ogunquit police officers are authorized to enforce the provisions of this Ordinance.

513 **Penalties**

The penalty for violations of this Ordinance, except where specified, shall be a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), or by imprisonment for not more than thirty (30) days, or by both. Each day that a violation occurs or continues shall be considered a separate offense. Fines collected for violations of this Ordinance shall be recovered for the use of the Town of Ogunquit.

514 **Severability**

If any provision of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

515 **Effective Date**

This Ordinance shall become effective immediately. (Adopted by vote of the Ogunquit Village Corporation on June 2, 1980, Article 16 of the Warrant.)