

**TITLE VI
BICYCLES AND OTHER WHEELED GOODS
AND
PEDESTRIAN ORDINANCE**

Chapter 5-A An Ordinance Restricting the Distribution of Commercial Handbills

501-A Title

This Chapter shall be known and may be cited as the “Ordinance Restricting the Distribution of Commercial Handbills.”

502-A Purpose

The purpose of this Ordinance is to protect the public health, safety and welfare by prohibiting the distribution of commercial handbills in certain areas of the Town where that activity has generated serious issues affecting the safety of pedestrians, free flow of vehicular traffic, littering problems that diminish aesthetics and the environment and, regarding aggressive solicitation, protecting the safety and privacy interests of Ogunquit residents and visitors.

503-A Authority

Authority to enact this Ordinance is found generally in the Maine Revised Statutes, 30-A M.R.S.A. § 3009, which authorizes the municipal officers of any Maine municipality to enact an Ordinance protecting sidewalks and public ways, and in the general authority of Maine municipalities to enact ordinances to protect the public health, safety and welfare.

504-A Definitions

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

504-A.1

Restricted Areas are those areas in Ogunquit where the distribution of commercial handbills has generated serious issues of pedestrian safety, vehicular traffic congestion, and aesthetic and environmental problems from littering and are specifically designated as follows:

- U.S. Route 1 (and extending out 50' feet from the edge of the existing pavement);
- Shore Road (and extending out 50' feet from the edge of the existing pavement);

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- Beach Street (and extending out 50' feet from the edge of the existing pavement);
- Town public parking lots;
- Town MSW transfer station;
- Ogunquit Beach;
- Marginal Way; and
- Within the actual travel way of any public street.

504-A.2 Aggressive Solicitation means to pursue or verbally or physically accost citizens, either intentionally or recklessly, in an effort to pass out, distribute or otherwise disseminate commercial handbills to them where the person being solicited is likely to fear imminent bodily harm or the commission of a crime against his property or is likely to feel intimidated into accepting the commercial handbill.

504-A.3 Commercial Handbills means any written or printed materials promoting or offering for sale or trade any goods or services.

505-A **Restricted Activities**

505-A.1 No person, firm or corporation shall pass out, distribute or otherwise disseminate commercial handbills in restricted areas to pedestrians or occupants of motor vehicles.

505-A.2 No person, firm or corporation shall engage in aggressive solicitation with regard to passing out, distributing or otherwise disseminating commercial handbills anywhere within the Town.

505-A.3 No person, firm or corporation shall staple or otherwise affix any commercial handbills to any publicly owned property or utility pole in any public right-of-way, nor shall any person, firm or corporation affix commercial handbills to motor vehicles parked anywhere in the Town unless the owner or operator thereof specifically requests or authorizes the same.

506-A **Limitations**

Nothing in this Ordinance shall be deemed to regulate in any manner distribution or dissemination, whether orally or by printed materials, of any religious, political, community-based, charitable or other non-commercial message or materials. To the extent a handout or other written material purports both to fall within this section's exemption and to promote the sale or trade of goods or services, the restrictive provisions of this Ordinance shall apply if it appears from the commercial handbill

that a material purpose in such handbill is to promote the commercial sale or trade of goods or services.

507-A **Enforcement**

This Ordinance may be enforced either by any law enforcement officer or the Town's Code Enforcement Officer.

508-A **Penalties**

The penalty for violations of this Ordinance, except where otherwise specified by State law, shall be a fine of not less than One Hundred Dollars (\$100) for a first offense and by a fine of not less than Five Hundred Dollars (\$500) for each subsequent offense by the same person, firm or entity or by another individual on behalf of a person, firm or entity previously found in violation of this Ordinance. Fines collected for violations of this Ordinance shall be recovered for the sole use and benefit of the Town of Ogunquit.

509-A **Severability**

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

510-A **Effective Date**

This Ordinance shall become effective immediately upon adoption by the Board of Selectmen. **(Adopted September 17, 2002)**