

**TOWN OF GORHAM  
APPLICATION FOR VICTUALER'S LICENSE**

We, the undersigned, hereby make application to the Town of Gorham, Maine for issuance of a Victualer's License.

License to be issued in the name of:

Name: \_\_\_\_\_ Date of Birth \_\_\_\_\_

Residence Address: \_\_\_\_\_

Business Name: \_\_\_\_\_

Address of business holding Victualer's License: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Date: \_\_\_\_\_

License Class Fee \*\$ \_\_\_\_\_

\*Fees are:    Class I - \$100.00 (Establishments with on-site consumption of liquor)  
                  Class II - \$50.00 (Establishments without on-site consumption of liquor)  
                  Class III - \$25.00 (Mobile vending units)

NOTE: Nonprofit agencies do not need to apply for a Victualer's License

For office use:

Zoning Approved: \_\_\_\_\_

Code Enforcement Officer

Date

Tax Collector Approval: \_\_\_\_\_

Tax Collector

Date

Police Department Approval: \_\_\_\_\_

Police Chief

Date

Fire Chief Approval: \_\_\_\_\_

Fire Chief

Date

Public Hearing Date: \_\_\_\_\_ APPROVED/DENIED

**TOWN OF GORHAM**

**VICTUALER'S ORDINANCE**

Adopted - October 6, 1998

Amended - July 1, 2008

Amended - April 7, 2009

## VICTUALER'S ORDINANCE

### SECTION 1 PURPOSE

- A. The purpose of this Ordinance is to regulate the sale of prepared food in the Town of Gorham. The regulations are those which the Town Council in a public meeting have clearly found to be necessary in order to protect the general welfare, public safety and health of the Town of Gorham and its citizens.

### SECTION 2 LICENSE

- A. Any place where food or drink is prepared or served to the public for consumption on or off the premises shall be licensed annually as a Victualer, in order to operate within the Town of Gorham.
- B. Establishments must be in compliance with all local ordinances and property taxes and local fees must be paid in full prior to the issuance or renewal of a Victualer's License.

### SECTION 3 EXCEPTIONS

- A. A public or private school, any non-profit organization selling food or drink, or any booster group raising money for a charitable cause; grocery stores, except those selling food items prepared on the premises; educational activities or public agency programs and food and drink sold only through vending machines shall be exempt from the provisions of this ordinance.

### SECTION 4 APPLICATION PROCESS

- A. New Application: New applicants may apply at any time during the year. Applications for a license shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and when submitted to the Town Council shall bear the recommendation for approval or disapproval with reasons noted by the Code Enforcement Officer, the Police Chief, the Fire Chief and the Tax Collector.

A license shall be granted by the Town Clerk if the property in question complies with all Federal, State and local laws and the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner in accordance with the Food Code so as not to jeopardize the public health, safety and welfare and that the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Gorham. A new license, when granted, shall be valid until June 30<sup>th</sup>, immediately following said granting of license. If the clerk is not satisfied that the application meets all the requirements of this ordinance, the clerk shall submit the application to the Town Council which, after public hearing, shall consider the application.

- B. Renewal License: An existing license may be renewed by the Town Clerk, provided that the holder of the existing license makes application for renewal on or before June 30<sup>th</sup>. If the holder applies for renewal on or before June 30<sup>th</sup>, the existing license shall remain in effect until final action of the renewal application. Otherwise, the existing license shall expire on June 30<sup>th</sup> and an application for a new license must be filed. The Clerk may renew a license only if the Clerk is satisfied that the application meets all the requirements of this ordinance. If the Clerk is not satisfied that the application meets all the requirements of this ordinance, the Clerk shall refer the application to the Town Council, which after public hearing, shall process the application in the same manner as an application for a new license.

### SECTION 5 ADVERTISEMENT AND PUBLIC HEARING

The Town Council shall hold a public hearing prior to considering any application for a Victualers' License applications. Prior to the public hearing applications shall be advertised by posting notice in two (2) or more public places and advertising in a local newspaper, at least seven (7) days prior to the meeting.

#### SECTION 6 SECURING, SUBMITTING OF APPLICATION FOR LICENSE

Applications for a license required by this Ordinance shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and if referred to the municipal officers shall bear the recommendation for approval or disapproval with reasons noted of the Code Enforcement Officer, the Police Chief and the Fire Chief, and such other departments as may be required by the Municipal Officers or other Town ordinances.

A Victualer's License shall be granted if the property in question complies with all federal, State and local laws and the applicant demonstrates that the Victualer's premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare, provided that the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Gorham.

#### SECTION 7 CLASSES OF LICENSE/FEEES

The Town Council shall establish a Schedule of Application and License Fees.

#### SECTION 8 SUSPENSION, REVOCATION OF LICENSE

A Victualer's license may, after notice and public hearing, be suspended or revoked by the municipal officers for non-compliance with the ordinances, statutes, and regulations of the Town of Gorham and the State of Maine.

#### SECTION 9 REINSTATEMENT OF LICENSE

A licensed Victualer may, at any time after the suspension of the license, make an application in writing for the reinstatement of the license to the Town Clerk and such application shall be submitted to the municipal officers.

#### SECTION 10 PENALTY

Any violation of this ordinance shall be punishable by a fine of not less than three hundred (\$300) dollars for the first offense and not less than five hundred (\$500) dollars for the second and subsequent violation which shall be recovered for the use of the Town of Gorham. Each day that such unlawful act or violation continues shall be considered a separate offense. In addition, the Town may seek recovery of costs and any other legal and equitable remedies as may be available to the Town.

#### SECTION 11 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department  
 Michael A. Russell, MS, Director  
 389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557  
[www.portlandmaine.gov](http://www.portlandmaine.gov)

**Mobile Food Service Establishment License Application**  
 License expires annually on March 31<sup>st</sup>

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Application Fee: \$35      | <input type="checkbox"/> Pushcart or Ice Cream Truck License: \$307 | <input type="checkbox"/> Night Vending (10 p.m. to 6 a.m.): \$208  |
| <input type="checkbox"/> Health Inspection \$150.00 | <input type="checkbox"/> Food Truck License: \$520                  | <input type="checkbox"/> 3.5 sq. ft. cooler storage (pushcarts): \$36/cooler<br>Number of coolers (limit of 2 or 7 sq. ft.): |

<b>Business Information</b>			
Business Name (d/b/a):			
Mailing Address:			
Contact Person:			
Phone:		Cell:	
Email:			

**Sole Proprietor/Partnership Information (If Corporation, leave blank)**

Name of Owner(s)	Date of Birth	Residence Address

**Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)**

Corporate Name		Corporate Mailing Address	
Principal Officers	Title	Date of Birth	Residence Address

## About Your Mobile Food Service Unit

Type of Food Served:	
Cart/Truck Storage Address at Night:	
Will you vend on private property?      Yes      No	If yes, list the address(es) of the private property locations*:
Will you be night vending? (10pm to 6am):      Yes      No	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?    Y/N	
If yes, list name(s) of employee(s) and department(s):	

**The following must be included with your application:**

- \_\_\_\_\_ Two photos of the unit from different angles
- \_\_\_\_\_ Insurance form (ACORD) showing at least \$400,000 general liability coverage and City of Portland listed as Additional Insured
- \_\_\_\_\_ Vehicle registration for the pushcart or food truck
- \_\_\_\_\_ Copy of State Mobile Food License

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

*For more information about Mobile Food Service Establishments, see Portland City Code Chapter 11 and Pushcart or Food Truck Rules & Regulations at: [www.portlandmaine.gov](http://www.portlandmaine.gov)*

### For Administrative Use Only

Amount: _____		Email / Approval	Notes: _____
Date Paid: _____	FD: _____	/	_____
CC _____ CA _____ CK _____	Health: _____	/	_____
	PD: _____	/	_____
Amount: _____	Treasury: _____	/	_____
Date Paid: _____	DHHS:      N/A      /	/	_____
CC _____ CA _____ CK _____			_____

# How to Start a Food Business in the City of Portland

## TYPES OF FOOD ESTABLISHMENTS & FOOD SERVICE PERMIT APPLICATIONS


- Permanent Food Establishment
- Temporary Food Establishment
- ◦ Mobile Food Establishment

### Permanent Food Establishment

A permanent food establishment is an establishment operating at a fixed location for more than 21 consecutive days.

The owner or lessee of the food establishment is required to apply for a license on an annual basis, and licenses expire on January 31st of every year. The cost of the license is \$437 if food is stored, prepared, and served on site, plus the application fee. If the food establishment sells pre-packaged or ready-to-eat food only, but does not prepare the food on site, then the cost of the license is \$172, plus the application fee. If the food establishment serves alcohol for consumption on the premises, the cost of the license varies depending upon state liquor class (class 1-11) and other factors. The application fee is \$35 for the initial application, and \$25 annually for renewal. Please see the Business Licensing webpage for license applications and contact information: [/150/Business-Licensing](#)

Please confirm whether or not your business is located within a historic district, by checking the City's GIS map of historic districts: <http://click.portlandmaine.gov/portlandhistoric/>

If your business is located within a local historic district, any exterior or site alteration must be reviewed and approved by the Historic Preservation Office prior to undertaking the work. Examples of alterations requiring historic preservation approval include alterations to the building entry; installation of signs, awnings and/or exterior lighting; outdoor dining installations, the introduction of exterior vents, ductwork and/or other mechanical equipment. If you have questions about historic preservation ordinance requirements, the City's Historic Preservation Division staff will be happy to meet with you. Contact 874-8726 ([dga@portlandmaine.gov](mailto:dga@portlandmaine.gov)) or 756-



823 ([rwiener@portlandmaine.gov](mailto:rwiener@portlandmaine.gov)) for an appointment.

You are also required to have a state food service license from the Department of Health and Human Services, when 51% or more of your revenue is from prepared food. Applications can be downloaded from <http://www.maine.gov/dhhs/mecdc/environmental-health/el/forms.htm> **OR** the Department of Conservation, Forestry and Agriculture, when 51% or more of your revenue is from pre-packaged food. Applications are at [http://www.maine.gov/dacf/qar/permits\\_and\\_licenses/application\\_forms.shtml](http://www.maine.gov/dacf/qar/permits_and_licenses/application_forms.shtml).

## Permanent Food Establishment with Outdoor Dining

Owners of food establishments with outdoor dining must submit an Outdoor Dining Public Property or Outdoor Dining Private Property along with the permit fee and a drawing or plot plan of the dining area to the Inspections Division at [bl@portlandmaine.gov](mailto:bl@portlandmaine.gov). Following receipt of the application, the Inspections Division will perform a site visit for inspection. The cost of the Outdoor Dining Permit is \$80 annually, plus a \$2 fee per square foot of dining space on streets, sidewalks, and public ways, and \$6 per square foot of dining area in parks.

Application forms can be downloaded from this website, and completed applications should be returned to the Business License Division at City Hall, 389 Congress Street, Portland ME 04101. Questions can be directed to 207-874-8693.

## Temporary Food Establishment

Temporary Food Establishments prepare and serve food at a fixed location for less than 21 consecutive days in conjunction with a single event, or for less than 3 days per week in conjunction with a farmers market. All food must be from an approved source such as a pre-packaged source, or prepared in a licensed kitchen.

The cost of a Temporary Food Service License Application is \$89 per event. If the applicant is already licensed with the City of Portland, the cost is free per event.

Completed applications and the fee should be submitted to the Business License Division at City Hall, 389 Congress Street, Portland Maine 04101. Questions can be directed to 207-874-8557. Also view the [food service list of regulations](#).

In addition to the City of Portland Food Temporary Service Application, all food establishments must also obtain a Maine DHHS Temporary Food Service License. The cost of the license is \$60. A state mobile license would also be sufficient to meet this requirement. Applications can be downloaded from this website or obtained from the Maine CDC, Environmental Health Division's website at: <http://www.maine.gov/dhhs/mecdc/environmental-health/el/forms.htm> Questions can be directed to 207-287-5671.

## ➔ Mobile Food Establishments

A mobile food service includes push carts, food trucks, trailers, and ice cream trucks. Hours of operation for operation for mobile food service establishments are 6 a.m. to 10 p.m., or 11 a.m. to 8 p.m. for ice cream trucks. [Select Language](#) ▼



Mobile food establishments, ice cream trucks, and push carts can apply for a night vending permit to sell between the hours of 10 p.m. and 12 a.m. Download the [application and permit for mobile food establishments, ice cream trucks, and push carts.](#)

The fees are \$520 for a food truck and \$307 for a mobile cart or ice cream truck, plus an application fee. Licensure must be renewed annually, and expire March 31st of each year. Completed applications and the fees should be submitted to the Business License Specialist at City Hall, 389 Congress Street, Third floor, Room 307, Portland Maine 04101. Questions can be directed to 207-874-8557.



**STAY  
CONNECTED**



City of South Portland  
Office of the City Clerk  
25 Cottage Road  
South Portland, ME 04106  
207-767-7628

## Application for a Food Establishment License to

Valid

Code of Ordinances Chapter 14 §100-106

All applicants require a **State Food License**. Failure to do this may result in your City Food License not being issued. It is illegal to operate your business without all applicable licenses.

Please fill out this application completely even if this is a renewal.

Please check the license you require:			Total Fees:
<input type="checkbox"/>	Food Service Only – Prep Onsite	\$200.00	
<input type="checkbox"/>	Food Service Only – NO Prep Onsite	\$150.00	
<input type="checkbox"/>	Food Service Temporary (Less than 2 weeks)	\$35.00	
<input type="checkbox"/>	Food Service Catering	\$95.00	
<input type="checkbox"/>	Mobile (1) (2)	\$120.00	
<input type="checkbox"/>	Mobile Ice Cream (1)	\$120.00	
<input type="checkbox"/>	Stationary (2)	\$120.00	
<input type="checkbox"/>	Pushcart (2)	\$100.00	
<input type="checkbox"/>	Background Checks (each)	\$25.00	
X	Processing Fee	\$20.00	\$20.00

Please Check One	
<input type="checkbox"/>	New license
<input type="checkbox"/>	Renewal

Please Check Business Type: (3)	
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Corporation
<input type="checkbox"/>	Association
<input type="checkbox"/>	Partnership

(1) Please attach vehicle registration(s) and a copy of your State of Maine Service License if mobile vending or ice cream truck. A list of stops and their locations, with written permission from the land owner(s) is required for any new stops and all new applicants.

(2) If the vending unit will be operating within 500' of another city licensed food establishment, the license will require a Public Hearing. The 500' is measured from lot line to lot line on the city tax maps. Additional fees for legal ads will be incurred. Applicant must provide written permission from property owners. Planning Board approval may be necessary for some stationary units.

(3) Corporations, Associations and partnerships must complete a Corporate Officer List and submit with this application

Are there coin operated amusement devices on the premises? Yes ☐

No ☐ How many \_\_\_\_\_

Are there Billiard/Pool Tables on the premises? Yes ☐

No ☐

### Please complete the following information (print);

Business Name:	Telephone:	
Address of Business:		
Name of Manager at Establishment:		
Owner Name:		
Mailing Address:	City:	
State:	Zip:	Telephone:
Contact person:	Email Address:	

Seating Capacity:						
Type of Food Served:						
Days and Hours of operation:						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

**Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.**

Authorized Signature	Print Name and Title	Date

**Additional Information:**

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**Municipal Use Only**

Date of Application:	Date Paid:	Receipt #
Map and Lot:	Real Estate taxes paid:	Personal Prop taxes paid:

	Approved	Disapproved	Signature
Fire Chief			
Health Officer			
*Bldg. Inspector			
*Police Chief			

**\*New Applications Only**

Comments:

**Corporate Officer List  
City of South Portland  
Office of City Clerk  
P.O. Box 9422  
South Portland, ME 04116-9422**

Name of Company: \_\_\_\_\_

If applicant is a partnership, association or corporation, list names, residences, and birth dates as well as title of each member. If applicant is new and/or city ordinance requires a background check be conducted on all corporate officers, a \$25 fee per name applies. (Check may be made out to the City of South Portland).

<b>Name</b> full name, including middle initial and maiden name, if applicable	<b>Date of Birth</b>
<b>Address</b>	<b>Title</b>

<b>Name</b> full name, including middle initial and maiden name, if applicable	<b>Date of Birth</b>
<b>Address</b>	<b>Title</b>

<b>Name</b> full name, including middle initial and maiden name, if applicable	<b>Date of Birth</b>
<b>Address</b>	<b>Title</b>

<b>Name</b> full name, including middle initial and maiden name, if applicable	<b>Date of Birth</b>
<b>Address</b>	<b>Title</b>

\_\_\_\_\_  
**Signature of Authorized Officer**



**Mobile Vending/Pushcarts License Permission**  
**City of South Portland**  
**Office of City Clerk**  
**P.O. Box 9422**  
**South Portland, ME 04116-9422**

**Application to be filled out by the property owner**

I, \_\_\_\_\_ give \_\_\_\_\_  
Print name Mobile Vending Company

Permission to solicit food at \_\_\_\_\_  
Business Name

\_\_\_\_\_  
Business Location

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

**CODE OF ORDINANCES - CHAPTER 14**  
**ARTICLE VI. FOOD, FOOD HANDLERS AND FOOD SERVICE ESTABLISHMENTS**

**DIVISION 1. GENERALLY**

**Sec. 14-100. State Code adopted and administrative rules adopted.**

The City hereby adopts the most recent version of the State of Maine Food Code as adopted by the Maine Department of Health and Human Services and the Maine Department of Agriculture, Food and Rural Resources and its associated Rules Relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program as if fully set forth herein, except for the changes set forth in this Article.

**Sec. 14-101. Definitions.**

*Catering establishment:* An establishment providing catered meals to eat on site for planned functions, but which does not provide meals to the general public on a walk-in basis.

*Craft producer:* A vendor associated with a farmers' market who manufactures or crafts non-farm and food products by the force of their own labor, who has control over the means and methods of production and who assumes the financial and liability risk for the production enterprise.

*Farm and food products:* Any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits and fruit products, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, malt liquor, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

*Farmers' market:* A building, structure or place used by 2 or more farmers for the direct sale of farm and food products to consumers. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 75% of the product offered by that person was grown or processed by that person or under that person's direction. A product not grown or processed by that person must have been purchased directly from another farmer and the name and location of the farm must be identified on the product or on a sign in close proximity to the displayed product.

*Food establishment.* The definition of "food establishment" in the Food Code at Section 1-201.10(B)(32)(c) is hereby amended to read:

(c) "Food establishment" does not include:

(i) An establishment that offers only prepackaged foods that are not potentially hazardous, provided that the sale revenues of the prepackaged foods do not exceed 3% of the annual gross income of the individual establishment;

*Services vendor:* A vendor associated with a farmers' market who provides a service intended for immediate consumption.

*Vendor associated with a farmers' market:* A craft producer and/or services vendor selling good or services at the same designated location and days and times as a farmers' market.

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**Charter reference(s)**--Council authorized to create offices, § 203; authority for manager to make appointments, § 302.1.  
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**Sec. 14-102. License required**

No person may operate a food establishment or place without first obtaining a license to do so from the City Clerk. A food service establishment license shall only be granted upon a showing by the applicant of compliance with all requirements of this Article and all other relevant provisions of this Chapter. Licenses must be posted in a conspicuous place on the licensed premises.

**Sec. 14-103. License fees**

Fees for licenses required by this Article shall be as specified in the Schedule of License, Permit and Application Fees established by City Council order.

**Sec. 14-104. Mobile, temporary and non-permanent stationary vending units**

Mobile, temporary and non-permanent stationary vending units, including push carts and mobile ice cream vendors, shall be licensed in accordance with the provisions of this Article except as set forth herein. Each such unit shall be licensed to sell and dispense only such items as are listed in the application and which the unit is properly equipped to dispense. In no event shall any license granted to any unit be valid to permit operation or sales within a five hundred foot (500') distance from any licensed food establishment within the City; provided, however, that this limitation shall not apply to mobile ice cream vending units.

Sales of farm or food products as part of a farmers' market in a location specified in Section 14-105(a) shall not be considered mobile, temporary or non-permanent stationary vending units and shall not be regulated by this section.

A license for a mobile, temporary and non-permanent stationary vending unit may only be granted if the vending unit complies with zoning regulations and has received site plan approval from the Planning Board as provided in Chapter 27, "Zoning," Article VXIII, Site Plan Review. Impacts to be considered include, but are not limited to: increase in traffic generation and circulation, parking area, utilization of City services, stormwater run-off, noise, odors or other annoying or dangerous emissions detectable at lot boundaries, or health concerns such as likelihood of attracting insects, vermin or other pests.

Notwithstanding other provisions of this section to the contrary, applicants for mobile, temporary or non-permanent stationary vending unit licenses may apply to the City Council for a waiver of the provisions of this section prohibiting operation within five hundred feet (500') of any other licensed food service establishment. The City Council shall hold a public hearing on any such request. Not less than ten (10) days before the public hearing, notice shall be sent to all licensed food service establishments within five hundred feet (500'). The City Council may grant, deny, or grant with conditions any such license based upon a showing of hardship by the applicant and based upon a showing that the granting of a variance would not be detrimental to the public health, safety or welfare, provided, however, that at least five (5) affirmative votes shall be required for a waiver.

**Sec. 14-105. Farmers' Markets.**



**(a) Farmers' Markets Generally.**

- (i) No person may sell items at a farmers' market without either a farmers' market license or a vendor associated with a farmers' market license issued by the City Clerk's office. There must be at least two farmers holding valid farmers' market licenses present at a designated location and day/time of a farmers' market in order for any licensee to sell good or services at the farmers' market for that day/time.
- (ii) A farmer, craft producer or services vendor seeking to participate in or be associated with a farmers' market shall pay an annual application processing fee as specified in the Schedule of License, Permit and Application Fees established by City Council order. In addition, for each farmers' market location that an applicant seeks to sell goods or services at, the applicant shall pay the applicable per market location fee as specified in the Schedule of License, Permit and Application Fees established by City Council order. All other licensing fees shall be waived.
- (iii) Any vendor who seeks to apply for a vendor associated with a farmers' market license must first demonstrate to the City Clerk that the applicant has been approved by whomever is responsible for the general oversight of the designated location and day/time of the farmers' market, be it the property owner, market manager or otherwise.
- (iv) To ensure that a farmers' market retains its essential character as such, the total number of licenses issued for vendors associated with a farmers' market shall not exceed 25% of the total number of farmers' market licenses issued, as calculated on a per farmers' market location basis each license year and in whole numbers. For purposes of calculating compliance with this subsection, the number of licenses issued for vendors associated with a farmers' market shall be rounded up to the nearest whole number.
- (v) All farmers' markets must comply with all applicable requirements of Chapter 27 of the Code of Ordinances.
- (vi) Mobile, temporary and non-permanent stationary food vending units, including push carts and mobile ice cream vendors, are prohibited from participating in duly approved farmers' market locations.
- (vii) Any items sold at the farmers' market that are not the products of the farmer selling them must be so labeled.
- (viii) In addition to the general provisions regarding suspension or revocation of a license, the City Clerk shall revoke the license of any person who fraudulently uses weights or measures, combines with any other licensee in the fixing or maintaining of a price, or who intentionally and knowingly deprives another licensee of the use of the latter's designated stall in the market. In addition, the City Clerk may suspend or revoke the license of any person who violates any other section of this Chapter.

**(b) Farmers' Markets located on City Property.**

- (i) Farmers' markets may be permitted on City property at such times and locations as established by City Council order.
- (ii) The City Clerk may assign to a particular farmer or to a farmers' market association duly organized and existing under the laws of Maine the administrative duty to assign stalls to participating farmers.
- (iii) No license for the sale at a farmers' market of any items shall be issued by the City Clerk until the applicant has filed with the City Clerk a certificate, in a form satisfactory to the Corporation Counsel, evidencing general liability coverage in an amount not less than \$400,000 combined single limit for personal injury and property damage, or such other amount as may be required by the Maine Tort Claims Act (14 M.R.S.A.

§ 8001 et seq.) as amended from time to time, whichever amount shall be greater, and naming the City as an additional insured. The licensee shall maintain such insurance at all times while engaged in sales at a farmers' market, and the licensee shall provide the City Clerk with not less than ten (10) days' advance written notice of the cancellation, expiration or non-renewal of said insurance.

**Sec. 14-106. Enforcement and penalties.**

**(a) Enforcement.** The City's Health Officer or Health Inspector is authorized to enforce and shall enforce the provisions of this Article. The City Clerk is also authorized to enforce the provisions of this Article.

**(b) Fines.** Any person violating any provisions of this Article shall be fined in an amount not to exceed five hundred dollars (\$500) per violation. Each separate section and each day of a violation shall constitute separate violations. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions below.

**(c) License suspension or revocation.**

- (1) The Health Officer or Health Inspector may immediately suspend any license granted under this Article for reasons of public health or safety.
- (2) The Health Officer or Health Inspector may immediately suspend any license granted under this Article upon denial of access to inspect the establishment.
- (3) The City Clerk may suspend any license granted under this Article for violation of any provision of this Chapter.

Upon suspension, the licensee shall immediately surrender the license to the Health Officer or Health Inspector. If suspended by the Health Officer or Health Inspector, the license shall remain suspended until reinspection shows compliance with this Article. If suspended by the City Clerk, the license shall remain suspended until the licensee shows compliance with this Chapter.

Where a licensee fails to comply with the requirements of this Article or this Chapter within ten (10) days from the date of suspension, a hearing shall be scheduled before the City Council for revocation of the license. Upon scheduling of a revocation hearing before the City Council, the license shall remain suspended until the completion of the hearing and decision by the City Council. The City Council may revoke the license on the following grounds:

1. The licensee has failed to bring the establishment into compliance with this Article or this Chapter within ten (10) days of the date the license was suspended;
2. The license has been suspended three (3) times or more within the previous 12-month period; or
3. The Council finds that the establishment poses a significant threat to public health or safety.



**City of South Portland**  
**Rules and Regulations Governing Mobile Vending Units on City Property**  
**Adopted by the City Clerk May 1, 2017 and Effective May 20, 2017**

1. Pursuant to Council Order #187-16/17, mobile vending units may operate at the following City owned or controlled locations (the "City approved locations"):
  - a. On the following City streets:
    - None
  - b. At the following City properties:
    - Bug Light Park and Boat Launch – maximum of 2 mobile vending units, see attached map for general location of same
    - Wainwright Recreation Area & Sports Complex - maximum of 2 mobile vending units, see attached map for general location of same
    - Other City owned or controlled property, with permission, and as part of a City-sanctioned Special Event, as defined in Sec. 14-2 of the Code of Ordinances.

Subject to these rules and regulations, mobile vending units may generally operate in the City approved locations on any day of the week between the hours of 8:00 a.m. and 8:00 p.m. and are one a "first come, first served" basis. There are no reserved parking spaces for any specific mobile vending unit licensee.

2. During special events or certain other scheduled events approved in advance by the Parks, Recreation and Waterfront Department held at one of the City approved locations at which mobile vending units are normally allowed to operate, access to City approved locations by mobile vending units may be temporarily restricted by the authorized Event Organizer and/or the City. Licensed mobile vending units must have explicit permission from the Event Organizer in order to operate during the event.
3. Customer lineup areas may not block or otherwise impede the flow of traffic along a public way, whether pedestrian or motor vehicle. Lineup areas may not extend into driveways, walkways, or streets at any City approved location.
4. The Parks, Recreation and Waterfront Department has the authority to designate specific parking stalls or area(s) where mobile vending units may locate in the City approved locations and to limit the number of mobile vending units that may locate in any single City

approved location. Officers in the Police Department or the Code Enforcement Officer may request a mobile vending unit to relocate if, in their sole and exclusive judgment, the mobile vending unit is causing or contributing to a public safety hazard.

5. Mobile vending units shall comply with all parking rules applicable to the general public.
6. Mobile vending units shall not remain parked for more than 30 minutes at a City approved location when not in operation.
7. Mobile vending units at City approved locations must not exceed ten (10) feet in width, including any side extensions or awnings. Mobile vending units at City approved locations must not exceed twenty-four (24) feet in length, including the length of the trailer hitch, trailer, or other extension.
8. Mobile vending units must be self-contained when operating, except that trash and/or recycling receptacles may be placed outside of the mobile vending unit but shall be in contact with the mobile vending unit, and trash and/or recycling receptacles shall not impede the free movement of automobiles or pedestrians.
9. Mobile vending units must serve customers to the sidewalk or esplanade next to a sidewalk when parked in spaces parallel to City sidewalks.
10. Only food and/or non-alcoholic beverages are allowed to be sold at City approved locations.
11. Maine Municipal Association Risk Management Services sponsors a Tenant Use Liability Program (TULIP), which provides an opportunity for general liability insurance for outside entities and private groups that wish to use City approved locations. This TULIP program is available to users of City approved locations. Coverage limits of \$1 million are available for the event/program, including liability for bodily injury and property damage. The website address for the TULIP program is **[www.onebeaconentertainment.com](http://www.onebeaconentertainment.com)**. Please contact the City Clerk's Office for more information, including the City's TULIP access ID code.
12. Failure to adhere to these rules and regulations for mobile vending units may be cause for suspension or revocation of the license by the City Clerk's Office, pursuant to Chapter 14 of the Code of Ordinances.



# Bug Light Park and Boat Launch





# Wainwright Recreation Area & Sports Complex

