

**CITY OF HALLOWELL
PROPOSED ORDINANCE**

Relating to Farmers Market Sellers

BE IT ORDAINED by the City Council of the City of Hallowell that Sections 7-401 and 7-402 of the Revised Code of Ordinances, City of Hallowell (1997) are amended as follows:

SECTION 7-401 TRANSIENT SELLER OF CONSUMER MERCHANDISE LICENSE
REQUIRED; PENALTY —~~DEFINITIONS; FARMERS MARKET~~

1. License. It shall be unlawful for a “transient seller of consumer merchandise”, as defined by 32 M.R.S.A. §~~4681~~14701, to sell, offer or expose for sale any merchandise within the City without having first obtained a license from the City. A transient seller of consumer merchandise may obtain a license from the City by completing an application provided by the City Clerk, and submitting it with copies of the current State Motor Vehicle Registration, the State Seller’s License, an insurance binder for use on public property covering the City and the required license fee as provided in Section 7-105. If a Transient Seller is selling food a Victualer’s License is also required as provided by Section 7-324 and the required license fee as provided in Section 7-105.
2. Penalty. A violation of this Chapter by a transient seller of consumer merchandise shall be punishable by a civil penalty of \$300.00 for each day a violation exists or occurs.
3. Farmers Market. Transient sellers at a Farmers Market established for the sale of produce, meat or other goods grown or made as part of a farm operation shall first obtain a license from the City as provided by Subsection 1 of this Section except that the term for a Farmers Market license shall be from May 1st to November 1st and the fee shall be \$25.00. Merchandise sold at a Farmers Market shall not include food prepared at the market for consumption at the market by the public unless the seller also obtains a Victualer’s License as provided by Section 7-324 and the required license fee as provided in Section 7-105. A copy of the applicant’s State Motor Vehicle Registration or a copy of ownership for any vehicle, cart stand, trailer, container or other mobile unit placed by a licensee at the Farmers Market is required at time of licensing.

SECTION 7-402 SALES ON PUBLIC PROPERTY

- ~~17. —An exemption is granted for the Farmer’s Market. The permit fee will be \$25.00 per farmer. Each farmer must apply individually for a permit from the City each year. The period of the permit will be each Tuesday from 4:00 p.m. to 8:00 p.m. from May 1st to November 1st. The public location will be the north end of the Waterfront parking lot. The City Manager is delegated the authority, with approval by the Council, of changing the date, time and location to provide better service to the Market vendors.~~
187. A copy of their State Motor Vehicle Registration or a copy of ownership for any vehicle, cart stand, trailer, container or other mobile unit placed by a licensee on public property is required at time of licensing.

First Reading: _____
Amended: _____
Second Reading: _____
Third Reading: _____

Ordinance No: _____
Effective Date: _____

City Clerk

BACKGROUND & SUMMARY

The original “Exemption” for the sellers at the Farmer’s Market was enacted as part of Section 4-702 relating to sales on public property. Now that the Farmer’s Market has moved to a location on private property the reduced fee for a transient seller’s license no longer applies. This proposal adds language to Section 7-401 to provide for the shorter term of the license and the reduced license fee whether the market is on public or private property and removes the language from Section 4-702. It also makes it clear that a victualer’s license is required if a vendor is preparing and serving food for consumption at the market. Section 7-401 Subsection 1 is also amended to update a reference to statute and to add a reference to §7-324 regarding Victualer’s Licenses.