

Order 34-05/06  
Second Reading Waived  
Emergency Passage 8/1/05 9-0

JILL C. DUSON (MAYOR)(A/L)  
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**CITY OF PORTLAND**  
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEEMAN (4)  
JAMES I. COHEN (5)

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 19 PEDDLERS AND SOLICITORS  
ARTICLE II - STREET VENDORS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 19-19 of the Portland City Code is hereby amended to read as follows:*

**Sec. 19-19. Special conditions of operation.**

...

(b) *Conduct of operations:*

- (1) Every licensed street vendor shall wear a numbered badge issued by the clerk.
- (2) Every licensed street vendor shall operate only from a pushcart which conforms to all applicable rules or regulations promulgated under this article and to all requirements of this chapter.
- (3) Every licensed street vendor which is also a licensed mobile food service establishment shall provide waste paper receptacles for use by customers, and shall maintain the immediate area free of litter generated by them.
- (4) No licensed street vendor shall sell any goods or services, or use any equipment not specifically authorized by the license; operate in any manner which would constitute an unfair or deceptive trade practice under state law, or make any noise in violation of section 17-17.
- (5) No street vendor shall engage in street vending between the hours of 10:00 p.m. and 1:00 a.m.~~12:00~~

~~midnight~~ with a separate and additional night vendor's license. All provisions of this article shall apply to the night street vendor licenses. |

2. That Section 19-21 of the Portland City Code is hereby amended to read as follows:

**Sec. 19-21. Prohibited operations.**

...

- (d) No street vendor shall operate:
  - (1) Within any area designated by the city council for a sidewalk sale, street festival, or other special event, except as authorized by a street and sidewalk occupancy permit issued pursuant to section 25-26 and as provided by section 19-22;
  - (2) Or any city-owned property without a lease, contract, or other agreement with the city;
  - (3) On the grounds of any public school unless a school authorized function;
  - (4) Within sixty-five (65) feet of any other licensed street vendor, except for festivals approved pursuant to section 19-22;
  - (5) Within sixty-five (65) feet of any fixed-base retail establishment offering the same or substantially similar goods or services, except during festivals approved pursuant to Section 19-22 and except as provided in subsection (e) below;
  - (6) On any sidewalk less than eight (8) feet in width or in any other location so as to impede the free passage of vehicles or pedestrians, obstruct the entrance to or exit from private property, jeopardize the public safety, or otherwise inconvenience the public; or
  - (7) Between the hours of ~~12:00-midnight~~1:00 a.m. and 6:00 a.m. of the succeeding day. |

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