

Order 8-12/13

Given first reading on 7/2/12

Passage: 9-0 7/16/12

MICHAEL F. BRENNAN (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
EDWARD J. SUSLOVIC (3)  
CHERYL A. LEEMAN (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

JOHN R. COYNE (5)  
JOHN M. ANTON (A/L)  
JILL C. DUSON (A/L)  
NICHOLAS M. MAVODONES (A/L)

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 19 PEDDLERS AND SOLICITORS  
ARTICLE II. STREET VENDORS  
SECTIONS 19-16 THRU 19-23**

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

*That Chapter 19, Sections 19-16 thru 19-23 of the Portland  
City Code is hereby amended to read as follows:*

**Sec. 19-16. Definitions.**

For purposes of this article, the following special definitions shall apply, unless the context clearly implies otherwise:

*Off-peninsula includes all land located north of I-295, as defined by Section 14-47.*

*On-Peninsula includes all land located south of I-295, as defined by Section 14-47.*

*Street artist* means a person who is engaged in the creation of a work of art or who offers for sale a work of art created by the artist who is offering it for sale.

*Street goods vendor* means a person who sells, demonstrates, distributes samples of or solicits or takes orders for goods other than food or beverages.

*Street vending* means selling or offering to sell, displaying for sale, demonstrating, distributing samples of, or soliciting or taking orders for, any food, beverages, goods or services in any street, way or public place.

*Street vendor* means a person who sells, demonstrates, distributes samples of or solicits or takes orders for food or

beverages, including but not limited to pushcarts and food trucks.

*Street, way or public place* means any street, sidewalk, alley or path, and any park, playground or other city-owned property, or any portion thereof, which is open for use by the public as a matter of right.

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

(a) Area of operation: A licensed street vendor may operate:

- (1) In any zone of the city where such use is a permitted or conditional use as defined in chapter 14 of the City Code;
- (2) At Hadlock Field subject to the following conditions:

On the north side of Park Avenue between High Street and I-295, except when there is a game or event at Hadlock Field in which case food trucks are limited to Park Avenue along Deering Oaks Park until two (2) hours before a game or event and starting again two (2) hours after the game or event.

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(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 or food truck 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 ~~12:00 midnight~~ 6:00 a.m. without a separate and additional night vendor's license. All provisions of this article shall apply to the night street vendor licenses.

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

(a) No street vendor shall operate on any street, way or public place without a license.

(b) No street goods vendor shall operate on any street, way or public place except during a festival or event declared pursuant to Section 19-22.

(c) No vendor other than a licensed street vendor or a street artist as defined in this Article shall operate on any street, way or public place.

(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) On 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 if operating on the peninsula, 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 if~~ operating on the peninsula, except during festivals approved pursuant to Section 19-22 and except as provided in subsection (e) below;
- ~~(6) Within two-hundred (200) feet of any other licensed street vendor or fixed-base retail establishment if operating off the peninsula, except during festivals approved pursuant to Section 19-22 and except as provided in subsection (e) below;~~
- ~~(67) On~~ For pushcarts, 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 and 6:00 a.m. of the succeeding day.~~

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(e) Notwithstanding paragraph (d) (5) above, a licensed street vendor may operate one mobile food service establishment within sixty-five (65) feet, if on the peninsula or two-hundred (200) feet if off the peninsula, of a fixed-based retail establishment offering the same or substantially similar goods or services, upon the following conditions:

- (1) The owner of the fixed-base retail establishment and the owner of the mobile food service establishment are the same and each entity is licensed under the same ownership; ~~or~~

- (2) ~~Both the fixed base retail establishment and the mobile food service establishment are located outside of the boundaries of the Portland Downtown District. The owner of the mobile food service establishment has permission from the owner of the fixed-based retail establishment.~~

All other laws and regulations applicable to such licensed street vendor shall apply.

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**Sec. 19-23. Rules promulgated by City Manager.**

The city manager is authorized to make reasonable rules and regulations, not inconsistent with this Article, governing the design, construction and location of pushcarts or food trucks.

The city manager is authorized to make reasonable rules and regulations related to the number and duration of events permitted on public property requiring a permit under the provisions of this Article.

The city manager is also authorized to make reasonable rules and regulations, not inconsistent with this article, governing street artists. Such regulations may include the identification of areas within which street artists may work, limitations on the number of locations available to street artists within designated areas, a method of assigning locations to street artists and a procedure to identify suitable locations.