

TOWN OF PHIPPSBURG ORDINANCE

**Use of the Municipal Parking Lot for an Outdoor Market**

**Adopted June 12, 2021**

1. **Repeal of Ordinances and Policies:** This Ordinance repeals and replaces Article #44 of the 1987 Town Meeting, Article #38 of the 1991 Town Meeting, Article #70 of the 1992 Town Meeting, and the Vendor Contract for the Town Hall Parking Lot of 2020.
2. **References:** (a) Selectmen's Policy on the Use of Town Buildings and Associated Grounds dated April 10, 2013.
3. **Purpose:** The purpose of this ordinance is to allow Town residents and taxpayers a place to sell local products (whether grown, caught, harvested, or crafted) in the Municipal Parking Lot during specific times of the year while keeping the use low impact.
4. **Location:** Vendors shall be located on the east side of the Municipal Parking Lot (pond side), across from the school and north of the Fire Station. Parking for buyers' and vendors' personal vehicles shall be in the same lot on the west side (roadside). Parking shall not be permitted between the Fire Station, Fire Garage, and Route 209, or in any way that blocks access/egress by emergency vehicles or access to or from Town Hall. The entrance to the Veteran's and Mariner's Memorial Site will also not be blocked.
5. **Allocation of Space:** Vendors are limited to one (12-foot-wide x 18-foot-deep maximum) space for tables, properly anchored tents (no stakes), chairs, signs, product, and vehicle (if wares are sold out of the vehicle). Maximum vertical height of vehicles being sold from is 8 feet. Space locations are not pre-assigned – as vendors arrive, they may choose whatever location they want. A maximum of ten 12-foot x 18-foot spaces are allowed in the Parking Lot. No utilities are provided.
6. **Dates and Times for Use:** Use shall be limited to weekends (Friday 5:00 p.m. until dark, Saturday and Sunday dawn until dark) and holidays during the months of May, June, July, August, September, and October. Use of the Municipal Parking Lot may be limited by the Board of Selectmen, with prior notice, when the Town needs the Parking Lot for special events such as town meeting, elections, fire department, and school activities.
7. **Restrictions for Use:**
  - A. Only Town residents and property taxpayers may use the Municipal Parking Lot for selling.
  - B. Items sold must be local products whether grown, caught, harvested, or crafted.
  - C. No animals are to accompany vendor unless they are for sale, for give-away, or are documented service animals.
  - D. The vendor shall be responsible for litter control and removal and keeping

- grounds neat and attractive. No fires are allowed.
- E. Generators or other loud noise producing devices such as radios on a high volume, megaphones, amplified music, etc. shall not be used.
  - F. No signs, tables, boxes, trays, crates, debris, trailers, vehicles, or other items incidental to the days selling shall be left behind at the end of the day. Overnight parking is prohibited. Nothing shall be driven into the ground (i.e. tent stakes).
  - G. The sale of firearms, fireworks, alcohol and marijuana (paraphernalia, edibles, etc.), pornography or adult materials are specifically prohibited.
  - H. Mobile Food Vending Units are prohibited except for times of special events as determined by the Board of Selectmen.
  - I. Alcoholic beverages and smoking is not permitted on the grounds [reference (a)].
  - J. Vendors shall report all damages, rules violations, and discrepancies to personnel at the Town Hall [reference (a)].
  - K. Any required State/County/Town permits required must be obtained prior to selling. The Code Enforcement Officer and Chair of the Planning Board shall be consulted.
  - L. Any State/County/Municipal orders concerning social distancing and masking due to pandemics (i.e., Covid 19) must be adhered to.
8. **Permits and Fees:** Vendors are required to submit a permit application and a fee of \$25.00 for each entire weekend and \$25.00 for each holiday outside of the weekend with no proration of fee for a partial weekend. The application and fee shall be submitted to the Town Administrator or designee during Town Hall business hours at least 4 days prior to setting up or selling. If there are any vacant spaces left at this point a vendor may apply for a second space for a second fee. The fees will be placed into a dedicated account to be used for upkeep of the parking lot related to the Outdoor Market. The Board of Selectmen has the right to adjust the fee as needed each year by April 1<sup>st</sup>.
9. **Insurance Requirements:** The vendor shall provide the Town with a Certificate of Liability Insurance for one million dollars naming the Town as an Additional Insured [reference (a)] with a carrier of the vendor's choice. This must be provided to the Town Office prior to noon on the Friday before selling.
10. **Administration and Enforcement:** This ordinance shall be administered and enforced by the Board of Selectmen or their duly authorized designee (such as Town Administrator, Chief of Police, or other Law Enforcement Officers, Fire and Rescue Personnel, and members of the Town lands Management Committee).
11. **Penalties:** Failure by a vendor to abide by the conditions of this ordinance shall be grounds for a \$50.00 fine and could result in dismissal or non-renewal of future a permits until the Selectmen are satisfied the vendor's obligations have been met and that the terms of this ordinance shall be met in the future. In addition to any fine, the Town will seek restitution for the cost of repairs to the Municipal Parking Lot and attorney fees and costs incurred by the Town.

- 12. EFFECTIVE DATE:** This ordinance shall take effect immediately upon enactment by the vote of Town Meeting.

<b>Amendment Summary</b>		
<b>Date</b>	<b>Section</b>	<b>Amendment</b>

Certified to be a true copy: Lisa M. Wallace, Town Clerk\_\_\_\_\_