

**AN ORDINANCE TO REGULATE
COMMERCIAL ACTIVITY ON PUBLIC PROPERTY**

SECTION 1 - PURPOSE

101. The Middlebury Selectboard finds that the primary purpose of the public streets and sidewalks is for general public vehicular and pedestrian use. Commercial activities on the public streets and sidewalks can cause a safety hazard and otherwise interfere with this purpose.

102. This ordinance is intended to regulate commercial activity on publicly-owned property to protect the public safety and welfare. Under this ordinance, commercial activity includes, but is not limited, to street vending, peddling and displaying of goods for sale or services for hire within the public rights of way or on Town property.

103. This ordinance shall apply to all publicly owned land and publicly owned rights-of-way, including Town parks, sidewalks, streets and parking spaces.

SECTION 2 - GENERAL PROHIBITION

201. Street vending, peddling and soliciting are prohibited on the public ways and properties in the Town of Middlebury except where specifically allowed under this ordinance. The geographic boundaries of the Town of Middlebury are defined in Maps 138-143, titled Town of Middlebury, Vermont, Addison County Regional Planning Commission, 1968, as recorded in the Middlebury Town Clerk's Office.

SECTION 3 - EXEMPTIONS FROM THIS ORDINANCE

301. Commercial activity that occurs as part of an event that has been permitted under the Public Assemblage Ordinance and internet-arranged transportation services that are licensed by the Town including but not limited to Uber, Lyft, BIRD, LIME.

SECTION 4 - ENFORCEMENT

401. A violation of this ordinance shall be a civil matter which shall be enforceable by the town pursuant to Title 24 V.S.A. §1974a and any other applicable provision of law.

402. A person who violates any provision of this ordinance shall be fined not more than \$800. Waiver fine is \$100.

SECTION 5 – SEVERABILITY

501. If any section, sentence, or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity or any other section or remaining portion of this ordinance.

Adopted: 7 June 1983, Effective 17 July 1983
Amended: 21 July 1988, Effective 30 August 1988
Amended: 1 November 1988, Effective 11 December 1988
Amended: 15 November 2016, Effective: 25 December 2016
Amended: 13 April 2021, Effective 23 May 2021