

Rules and Regulations for Vending of Expressive Matter in Fort Williams Park

Vending of Expressive Matter. Due to the pristine nature of Fort Williams Park, no commercial activity has been allowed with the exception of the Portland Head Light museum gift shop and sales by artists associated therewith, and most recently a pilot food concession program to accommodate Park visitors. In order to protect the scenic beauty of the Park, preserve landscape and iconic views, and prevent excessive commercialism, congestion and public safety issues, limited vending of expressive matter and the activity of performance artists shall only be allowed at the Park as follows:

The vending of expressive matter within Fort Williams Park is permitted provided that the activity is consistent with the terms of this section. For these purposes, “expressive matter” is defined to mean materials or objects created by the vendor with expressive content, such as newspapers, books, or writings, and visual art, such as paintings, prints, photography, and sculpture. The activity of performance artists, who may or may not entertain seeking a donation, is also governed by the provisions of this section. “Expressive matter” does not include materials or objects that are essentially commercial in content, i.e., expression related solely to the economic interests of the speaker and its audience or expression that does no more than propose a commercial transaction.

The following regulations govern the vending of expressive matter and performance artists within Fort Williams Park:

1. Vendors may only vend expressive matter or perform at specifically designated location(s) identified by the Town Manager, or his/her designee. The designated location for vendors wishing to vend expressive matter is adjacent to the Central Parking Lot, specifically the area starting from the easterly entrance of the Central Parking Lot and extending west a distance not to exceed 110 feet, bordering Humphreys Road.
2. A total of eight (8) vendors or performers shall be allowed at any one time, and will be allowed on a first come, first served basis. If more than eight (8) expressive matter vendors or performers attempt to vend at the designated location(s), and if it cannot be otherwise determined which vendor arrived first, then all such vendors will be deemed in violation of this section and may be directed to leave the area. Any such vendor failing to leave the area upon being directed to do so will be in violation of these rules.
3. Expressive matter vendors and performers shall only occupy the designated area during posted times, which will be consistent with the hours of operation for the Park where such designated spots are located in or adjacent to.
4. Expressive matter vendors and performers may not vend in a manner that violates the following restrictions:
 - i. No vendor shall allow any item or items used or offered in conjunction with vending to touch, lean against or be affixed permanently or temporarily to any street or park furniture installed on public property or any building, rock formation, landscape feature, tree, shrub or other planting.
 - ii. No vendor shall block any person from using any street, sidewalk or pathway by way of the vending activity.

- iii. No vendor shall vend anything in such a manner that would damage or otherwise injure Town property, including, but not limited to lawns, plants, animals or buildings.
 - iv. No vendor shall vend anything that is placed on a sidewalk or park path, or on a blanket or board placed upon such surface or on the top of a trash receptacle or cardboard box.
 - v. No vendor shall vend anything directly from any motor vehicle.
 - vi. No vendor shall use any amplification nor verbally seek to attract customers.
5. No vendor shall vend anything using a display stand that:
- i. provides less than a six (6) foot wide clear pedestrian path measured from the display to the opposite edge of any sidewalk or park path in front of such vendor;
 - ii. occupies more than eight (8) linear feet of public space parallel to any road, sidewalk or park path;
 - iii. occupies more than three (3) linear feet in depth; or
 - iv. uses any areas other than that area immediately beneath the surface of the display stand for the storage of items for sale.

For the purposes of this section a display stand shall mean a movable, portable or collapsible structure, framework, device, container or other contrivance used by a vendor for the purpose of displaying, keeping or storing any expressive matter.

6. Where exigent emergency circumstances exist the Town Manager, or his/her designee, may relocate the vendor(s) and performers. The Town Manager, or his/her designee also reserves the right to limit the presence and/or prohibit the

vendor(s) and performers from the designated location for circumstances including, but not limited to: special events, public safety emergencies, weather-related emergencies, unforeseen Park closures, construction projects (including staging areas), utility repairs, grounds maintenance activities or any Group Use approved by the Town Council.

7. **Penalty:** In addition to the penalties otherwise provided for under Section 12-4-9, The Town Manager, or his/her designee, may suspend the privilege of any vendor who violates any provision of these regulations for up to 30 days. A second violation of any provision of these regulations by a vendor will result in the permanent suspension of the privilege to vend and/or perform in the Park.

Approved by the Cape Elizabeth Town Council: 08/12/2013, effective 08/19/2013