

Meeting Notice

Bar Harbor Town Council Workshop

Date: Tuesday, March 3, 2026

Time: Immediately following the Special Town Council Meeting at 6:30 PM

Location: Council Chambers, Town Hall, 93 Cottage Street, Bar Harbor

The public can monitor by watching Spectrum channel 7 or 1303 or by live streaming on the town's website, www.barharbormaine.gov.

Purpose

To discuss and deliberate on policies, ordinance amendments, and operational updates impacting the Town of Bar Harbor. The workshop will gather councilor input to shape proposals, build consensus, and ensure agenda items are well-prepared for future formal consideration, public engagement, and final decisions. The goal of workshop discussions is to consider working drafts of documents to get a sense of the will of the Council.

Agenda

1. Boards and Committees

Review the structure and ordinance framework governing the Town's boards, committees, commissions, and task forces, with the goal of initiating a structured dialogue with committee chairs and identifying potential clarifications or amendments to Chapter 31.

Council will consider authorizing two Councilors to work with the Town Manager to conduct this review and report back with recommendations.

2. Chapter 94, Food, Merchandise, and Other Sales

Discussion of draft revisions to Chapter 94, Food, Merchandise, and Other Sales—follow up to earlier proposal and intended to incorporate key points and concerns previously expressed by the Council prior to formal consideration.

<p style="text-align: center;">Anyone with a disability wishing to attend this meeting and who may have questions about how to do so should contact the Town Clerk's office at clerk@barharbormaine.gov or 288-4098.</p>

Chapter 94. Food, Merchandise, and Other Sales

§ 94-1. Purpose.

The purpose of this chapter is to regulate businesses in Bar Harbor which offer food, merchandise and other services for compensation, so as to minimize, to the extent possible, the congestion of pedestrian and/or vehicular traffic and parked vehicles; to keep public ways as clean as possible and free of discarded food, merchandise, wrappings, bags, packages and other items of litter; to protect public safety; and maintain the appearance of public property.

§ 94-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ENCLOSED STRUCTURE

A space totally enclosed by walls, a floor or slab, and a ceiling or roof. The walls may be interrupted only by permanently installed operable or fixed windows or doors.

COMMERCIAL ACTIVITY

Any activity conducted for compensation or with the intent to generate compensation, whether payment is made on site or remotely, including but not limited to the provision of services, rentals, tours, instruction, delivery of goods, or facilitation of customer use of equipment.

COMMERCIAL VEHICLE

Any vehicle or trailer used in connection with a business, trade, or service, whether or not the vehicle is personally owned, including vehicles used to transport equipment, materials, or customers.

DROP OFF AND PICK UP

The brief and temporary stopping of a vehicle solely for the purpose of active loading or unloading of passengers or equipment, not to exceed the time reasonably necessary to complete the immediate transfer.

MERCHANDISE

Includes wares, goods and/or commodities customarily bought and sold, either at retail or wholesale, by merchants in the exercise of trade or business.

OUTDOOR

Any area visible from any public street, sidewalk, way or park that is not fully enclosed within a structure.

OUTDOOR DISPLAY

Any outdoor display of goods, materials, merchandise, or other stock-in-trade intended for sale, exchange or advertising purposes, but not including a sign as defined in Chapter 125, §125-109, of this Code or otherwise lawful outdoor seating provided by a restaurant. A

vending machine constitutes an outdoor display. Signs located on the rolling stock of common carriers and on registered and inspected motor vehicles are permitted, except such signs which are determined by the Code Enforcement Officer to be used to circumvent the intent of this Chapter.

PERSON

Includes individuals, firms, associations, partnerships, corporations, trusts and other legal entities.

PUBLIC PROPERTY

Any parcel, lot, beach, structure, street, park, parking lot, right of way, or other space owned by the Town of Bar Harbor.

SALE

The exchange of any item of merchandise or food for any form of money, whether at retail or wholesale, regardless of whether a profit is made.

SERVICE

An act such as rental of items, delivery of products, and/or other business activities for compensation.

STAGING

The placement, parking, storage, or retention of vehicles, trailers, equipment, materials, or other items on public property for the purpose of facilitating or supporting ongoing or repeated commercial activity, including where customers or clients retrieve, return, load, or unload equipment over time. Staging does not include brief stopping for active loading or unloading reasonably necessary to complete an immediate drop off or pick up.

STRUCTURE

Anything constructed or erected, the use of which requires location on, above or below the surface of the ground or any body of water, or which is attached to something having a location on, above or below the surface of the ground or any body of water.

§ 94-3. Restrictions on sales.

- A. Food, merchandise and services are to be sold, leased, or rented within structures.**
 - 1. Except for sales conducted at farmers' markets that comply with Chapter 125, Land Use, it shall be unlawful for any person or persons conducting or causing to be conducted any business within the Town of Bar Harbor to offer or cause to be offered for sale, either at retail or wholesale, items of food to persons without providing the following facilities with respect to the sale of said food: an area and/ or means of consuming said food on the premises wheresold.

2. The structure in or from which said items of food, merchandise and services are sold, leased or rented shall be so constructed as to be permanently attached to the land on which it is located and not of a movable or portable nature.

B. Prohibition on the use of public property for commercial use.

It shall be unlawful for any person within the Town of Bar Harbor to offer or cause to be offered for sale any food, merchandise, services, or conduct any business transaction on public property unless expressly authorized by written approval of the Town Council or as otherwise permitted under this Ordinance.

1. Including requiring, permitting, or conducting sales or exchanges of services on or within any public property or space.
2. Including the display or advertising of goods, services, or business activity on or within the confines of any public property or space.
3. The placement or retention of vehicles, trailers, equipment, or other materials on public property for the purpose of facilitating repeated or ongoing customer use, including where customers retrieve equipment from such vehicles or trailers over time, shall constitute staging and shall be prohibited.

§ 94-4. Exceptions:

The following exceptions apply to the prohibitions set forth in § 94-3 of this chapter.

1. **Outdoor seating at restaurants.**

Nothing in this section shall be deemed to prohibit restaurants from providing outside seating on private property so long as such seating complies with all other codes, ordinances, and laws.

2. **Eleemosynary, educational, and philanthropic organizations.**

Nothing in this section shall be construed to apply to sales conducted on public properties by eleemosynary, educational and philanthropic organizations with the written permission of the Town Council of Bar Harbor, or in the case of public parks as defined by § 144-4, with the permission of the permitting authority responsible for issuing a special event permit under § 144-25, which permission shall be given by said Council or permitting authority upon a finding that:

- (1) Organization conducting the sale must be eleemosynary, educational or philanthropic;
- (2) Sale will be of a temporary nature lasting not more than two days;
- (3) Sales will not cause congestion of parking areas, streets, sidewalks or public ways;
and
- (4) Sales cannot be in violation of State statutes or local ordinances, rules, or regulations.

3. **Vending machines:**

Nothing in this section shall be construed to prohibit outdoor vending machines on private property.

4. **Working Waterfront.**

Nothing in this section shall be construed to prohibit access to or use of public property for traditional working waterfront or water dependent purposes such as commercial fishing, aquaculture, marine transportation, or other similar uses customarily and historically associated with waterfront activity, provided that such use does not involve the parking of commercial vehicles or trailers on public property except as otherwise expressly authorized by the Town Council.

5. **Council use agreements.**

Nothing in this section shall be construed to prohibit the Town Council from authorizing specific private uses of public property through lease, license, agreement, permit, or other written authorization approved by the Council. Any such authorization shall be deemed an express exception to the general prohibitions of this section for the term and scope approved by the Council.

6. **Commercial vehicle drop off and pick up.**

The temporary stopping of commercial vehicles and trailers on public property solely for the purpose of active loading or unloading of passengers or equipment shall be permitted, provided that such vehicles and trailers do not park, stage, or remain on public property beyond the time reasonably necessary to complete the immediate drop off or pick up.

Nothing in this section shall be construed to prohibit members of the general public, including customers of any business, from accessing available public parking on a first come, first served basis for ordinary personal use.

§ 94-5 Soliciting on streets, in open spaces or from aircraft.

- A. No merchant, storekeeper, shopkeeper or operator of any business, calling or pursuit shall, personally or by another under their direction, stand or remain in any public street, sidewalk or park, or in any doorway or other place adjacent to a public street, sidewalk or park, within the Town of Bar Harbor and by calls, cries, ringing of bells, blowing of horns, or by the operation of any noisemaking, noise-producing or noise-amplifying device, or by reaching out into the street, sidewalk or other place adjacent to a parking area, public street or sidewalk, attract attention to or solicit passersby to enter into any street, shop, or place of business or commercial pursuit.
- B. Airborne advertising is prohibited and no person, personally or by another under their direction, may operate an aircraft for the purposes of towing or otherwise displaying banners or signs in a manner to attract the attention of users or inhabitants of public or private lands within the Town of Bar Harbor.

§ 94-6. Outdoor displays.

All outdoor displays, as defined by this chapter and occurring within the Town of Bar Harbor, are subject to the requirements set forth in this section:

- A. Regulated area. The requirements set forth in Subsection B shall apply to all outdoor displays on both sides of the street within the following portions of the Town of Bar Harbor:

1. Route 3 and Eden Street from and including the Hulls Cove Business District through to Otter Creek.
 2. All Downtown areas from Ells (Town) Pier south to Otter Creek, from Eden Street east to and including Main Street.
- B. Outdoor display regulations.
1. Three-foot setback. Outdoor displays shall be set back three feet from the front property lines.
 2. Facades and doorways. Regardless of building setback, no merchandise or outdoor display shall be attached, hung or affixed to any door, doorway or outdoor surface of any building facade.
 3. Exits and exit discharges. No merchandise shall be displayed within the exit or exit discharge of any building. For purposes of this section, the terms "exit" and "exit discharge" shall be defined as in NFPA 101 Life Safety Code as adopted in Chapter 85 of the Bar Harbor Code or as may be required or recognized by the State of Maine.

§ 94-7. Enforcement.

- A. Code Enforcement Officer. The provisions of this chapter shall be enforced by the Code Enforcement Officer pursuant to Chapter 125, Article X of this Code and 30-A M.R.S.A. § 4452, as the same may be amended, provided that neither the Code Enforcement Officer nor the Town Council shall permit a consent decree which has the effect of allowing a violation of this chapter to continue.
- B. Nuisance. In addition to any other penalty provided by the law, the commission of acts prohibited by this chapter shall constitute a nuisance and may be abated by the Town seeking an injunction to prohibit further and continued violation thereof.
- C. Each day separate offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

§ 94-8. Appeal.

Any person aggrieved by the denial, suspension, or revocation of a registration and permit may appeal such decision to the Town Council by submitting a written request for appeal within fourteen days of the decision.