



**City of South Portland**  
**Office of the City Clerk**  
**25 Cottage Road**  
**South Portland, ME 04106**  
**207-767-7628**

## Application for a Food Establishment License to

**Valid**

Code of Ordinances Chapter 14 §100-106

All applicants require a **State Food License**. Failure to do this may result in your City Food License not being issued. It is illegal to operate your business without all applicable licenses.

Please fill out this application completely even if this is a renewal.

Please check the license you require:			Total Fees:
	Food Service Only – Prep Onsite	\$200.00	
	Food Service Only – NO Prep Onsite	\$150.00	
	Food Service Temporary (Less than 2 weeks)	\$35.00	
	Food Service Catering	\$95.00	
	Mobile (1) (2)	\$120.00	
	Mobile Ice Cream (1)	\$120.00	
	Stationary (2)	\$120.00	
	Pushcart (2)	\$100.00	
	Background Checks (each)	\$25.00	
X	Processing Fee	\$20.00	\$20.00

Please Check One	
	New license
	Renewal

Please Check Business Type: (3)	
	Individual
	Corporation
	Association
	Partnership

(1) Please attach vehicle registration(s) and a copy of your State of Maine Service License if mobile vending or ice cream truck. A list of stops and their locations, with written permission from the land owner(s) is required for any new stops and all new applicants.

(2) If the vending unit will be operating within 500' of another city licensed food establishment, the license will require a Public Hearing. The 500' is measured from lot line to lot line on the city tax maps. Additional fees for legal ads will be incurred. Applicant must provide written permission from property owners. Planning Board approval may be necessary for some stationary units.

(3) Corporations, Associations and partnerships must complete a Corporate Officer List and submit with this application

**Are there coin operated amusement devices on the premises?** Yes  No  **How many** \_\_\_\_\_  
**Are there Billiard/Pool Tables on the premises?** Yes  No

**Please complete the following information (print);**

Business Name:	Telephone:	
Address of Business:		
Name of Manager at Establishment:		
Owner Name:		
Mailing Address:	City:	
State:	Zip:	Telephone:
Contact person:		Email Address:

Seating Capacity:						
Type of Food Served:						
<b>Days and Hours of operation:</b>						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

**Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.**

<b>Authorized Signature</b>	<b>Print Name and Title</b>	<b>Date</b>

**Additional Information:**

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<b>Municipal Use Only</b>			
Date of Application:	Date Paid:	Receipt #	
Map and Lot:	Real Estate taxes paid:	Personal Prop taxes paid:	
<b>*New Applications Only</b>			
Comments:			

**Corporate Officer List  
City of South Portland  
Office of City Clerk  
P.O. Box 9422  
South Portland, ME 04116-9422**

Name of Company: \_\_\_\_\_

If applicant is a partnership, association or corporation, list names, residences, and birth dates as well as title of each member. If applicant is new and/or city ordinance requires a background check be conducted on all corporate officers, a \$25 fee per name applies. (Check may be made out to the City of South Portland).

<b>Name</b> full name, including middle initial and maiden name, if applicable	<b>Date of Birth</b>
<b>Address</b>	<b>Title</b>

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<b>Address</b>	<b>Title</b>

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<b>Address</b>	<b>Title</b>

<b>Name</b> full name, including middle initial and maiden name, if applicable	<b>Date of Birth</b>
<b>Address</b>	<b>Title</b>

\_\_\_\_\_  
**Signature of Authorized Officer**



**Mobile Vending/Pushcarts License Permission**  
**City of South Portland**  
**Office of City Clerk**  
**P.O. Box 9422**  
**South Portland, ME 04116-9422**

**Application to be filled out by the property owner**

I, \_\_\_\_\_ give \_\_\_\_\_  
Print name Mobile Vending Company

Permission to solicit food at \_\_\_\_\_  
Business Name

\_\_\_\_\_  
Business Location

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

**CODE OF ORDINANCES - CHAPTER 14**  
**ARTICLE VI. FOOD, FOOD HANDLERS AND FOOD SERVICE ESTABLISHMENTS**

DIVISION 1. GENERALLY

**Sec. 14-100. State Code adopted and administrative rules adopted.**

The City hereby adopts the most recent version of the State of Maine Food Code as adopted by the Maine Department of Health and Human Services and the Maine Department of Agriculture, Food and Rural Resources and its associated Rules Relating to the Administration and Enforcement of Establishments Licensed by the Health Inspection Program as if fully set forth herein, except for the changes set forth in this Article.

**Sec. 14-101. Definitions.**

*Catering establishment:* An establishment providing catered meals to eat on site for planned functions, but which does not provide meals to the general public on a walk-in basis.

*Craft producer:* A vendor associated with a farmers' market who manufactures or crafts non-farm and food products by the force of their own labor, who has control over the means and methods of production and who assumes the financial and liability risk for the production enterprise.

*Farm and food products:* Any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits and fruit products, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, malt liquor, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

*Farmers' market:* A building, structure or place used by 2 or more farmers for the direct sale of farm and food products to consumers. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 75% of the product offered by that person was grown or processed by that person or under that person's direction. A product not grown or processed by that person must have been purchased directly from another farmer and the name and location of the farm must be identified on the product or on a sign in close proximity to the displayed product.

*Food establishment.* The definition of "food establishment" in the Food Code at Section 1-201.10(B)(32)(c) is hereby amended to read:

(c) "Food establishment" does not include:

(i) An establishment that offers only prepackaged foods that are not potentially hazardous, provided that the sale revenues of the prepackaged foods do not exceed 3% of the annual gross income of the individual establishment;

*Services vendor:* A vendor associated with a farmers' market who provides a service intended for immediate consumption.

*Vendor associated with a farmers' market:* A craft producer and/or services vendor selling good or services at the same designated location and days and times as a farmers' market.

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**Charter reference(s)**--Council authorized to create offices, § 203; authority for manager to make appointments, § 302.1.  
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**Sec. 14-102. License required**

No person may operate a food establishment or place without first obtaining a license to do so from the City Clerk. A food service establishment license shall only be granted upon a showing by the applicant of compliance with all requirements of this Article and all other relevant provisions of this Chapter. Licenses must be posted in a conspicuous place on the licensed premises.

**Sec. 14-103. License fees**

Fees for licenses required by this Article shall be as specified in the Schedule of License, Permit and Application Fees established by City Council order.

**Sec. 14-104. Mobile, temporary and non-permanent stationary vending units**

Mobile, temporary and non-permanent stationary vending units, including push carts and mobile ice cream vendors, shall be licensed in accordance with the provisions of this Article except as set forth herein. Each such unit shall be licensed to sell and dispense only such items as are listed in the application and which the unit is properly equipped to dispense. In no event shall any license granted to any unit be valid to permit operation or sales within a five hundred foot (500') distance from any licensed food establishment within the City; provided, however, that this limitation shall not apply to mobile ice cream vending units.

Sales of farm or food products as part of a farmers' market in a location specified in Section 14-105(a) shall not be considered mobile, temporary or non-permanent stationary vending units and shall not be regulated by this section.

A license for a mobile, temporary and non-permanent stationary vending unit may only be granted if the vending unit complies with zoning regulations and has received site plan approval from the Planning Board as provided in Chapter 27, "Zoning," Article VXIII, Site Plan Review. Impacts to be considered include, but are not limited to: increase in traffic generation and circulation, parking area, utilization of City services, stormwater run-off, noise, odors or other annoying or dangerous emissions detectable at lot boundaries, or health concerns such as likelihood of attracting insects, vermin or other pests.

Notwithstanding other provisions of this section to the contrary, applicants for mobile, temporary or non-permanent stationary vending unit licenses may apply to the City Council for a waiver of the provisions of this section prohibiting operation within five hundred feet (500') of any other licensed food service establishment. The City Council shall hold a public hearing on any such request. Not less than ten (10) days before the public hearing, notice shall be sent to all licensed food service establishments within five hundred feet (500'). The City Council may grant, deny, or grant with conditions any such license based upon a showing of hardship by the applicant and based upon a showing that the granting of a variance would not be detrimental to the public health, safety or welfare, provided, however, that at least five (5) affirmative votes shall be required for a waiver.

**Sec. 14-105. Farmers' Markets.**

**(a) Farmers' Markets Generally.**

- (i) No person may sell items at a farmers' market without either a farmers' market license or a vendor associated with a farmers' market license issued by the City Clerk's office. There must be at least two farmers holding valid farmers' market licenses present at a designated location and day/time of a farmers' market in order for any licensee to sell good or services at the farmers' market for that day/time.
- (ii) A farmer, craft producer or services vendor seeking to participate in or be associated with a farmers' market shall pay an annual application processing fee as specified in the Schedule of License, Permit and Application Fees established by City Council order. In addition, for each farmers' market location that an applicant seeks to sell goods or services at, the applicant shall pay the applicable per market location fee as specified in the Schedule of License, Permit and Application Fees established by City Council order. All other licensing fees shall be waived.
- (iii) Any vendor who seeks to apply for a vendor associated with a farmers' market license must first demonstrate to the City Clerk that the applicant has been approved by whomever is responsible for the general oversight of the designated location and day/time of the farmers' market, be it the property owner, market manager or otherwise.
- (iv) To ensure that a farmers' market retains its essential character as such, the total number of licenses issued for vendors associated with a farmers' market shall not exceed 25% of the total number of farmers' market licenses issued, as calculated on a per farmers' market location basis each license year and in whole numbers. For purposes of calculating compliance with this subsection, the number of licenses issued for vendors associated with a farmers' market shall be rounded up to the nearest whole number.
- (v) All farmers' markets must comply with all applicable requirements of Chapter 27 of the Code of Ordinances.
- (vi) Mobile, temporary and non-permanent stationary food vending units, including push carts and mobile ice cream vendors, are prohibited from participating in duly approved farmers' market locations.
- (vii) Any items sold at the farmers' market that are not the products of the farmer selling them must be so labeled.
- (viii) In addition to the general provisions regarding suspension or revocation of a license, the City Clerk shall revoke the license of any person who fraudulently uses weights or measures, combines with any other licensee in the fixing or maintaining of a price, or who intentionally and knowingly deprives another licensee of the use of the latter's designated stall in the market. In addition, the City Clerk may suspend or revoke the license of any person who violates any other section of this Chapter.

**(b) Farmers' Markets located on City Property.**

- (i) Farmers' markets may be permitted on City property at such times and locations as established by City Council order.
- (ii) The City Clerk may assign to a particular farmer or to a farmers' market association duly organized and existing under the laws of Maine the administrative duty to assign stalls to participating farmers.
- (iii) No license for the sale at a farmers' market of any items shall be issued by the City Clerk until the applicant has filed with the City Clerk a certificate, in a form satisfactory to the Corporation Counsel, evidencing general liability coverage in an amount not less than \$400,000 combined single limit for personal injury and property damage, or such other amount as may be required by the Maine Tort Claims Act (14 M.R.S.A.

§ 8001 et seq.) as amended from time to time, whichever amount shall be greater, and naming the City as an additional insured. The licensee shall maintain such insurance at all times while engaged in sales at a farmers' market, and the licensee shall provide the City Clerk with not less than ten (10) days' advance written notice of the cancellation, expiration or non-renewal of said insurance.

**Sec. 14-106. Enforcement and penalties.**

**(a) Enforcement.** The City's Health Officer or Health Inspector is authorized to enforce and shall enforce the provisions of this Article. The City Clerk is also authorized to enforce the provisions of this Article.

**(b) Fines.** Any person violating any provisions of this Article shall be fined in an amount not to exceed five hundred dollars (\$500) per violation. Each separate section and each day of a violation shall constitute separate violations. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions below.

**(c) License suspension or revocation.**

- (1) The Health Officer or Health Inspector may immediately suspend any license granted under this Article for reasons of public health or safety.
- (2) The Health Officer or Health Inspector may immediately suspend any license granted under this Article upon denial of access to inspect the establishment.
- (3) The City Clerk may suspend any license granted under this Article for violation of any provision of this Chapter.

Upon suspension, the licensee shall immediately surrender the license to the Health Officer or Health Inspector. If suspended by the Health Officer or Health Inspector, the license shall remain suspended until reinspection shows compliance with this Article. If suspended by the City Clerk, the license shall remain suspended until the licensee shows compliance with this Chapter.

Where a licensee fails to comply with the requirements of this Article or this Chapter within ten (10) days from the date of suspension, a hearing shall be scheduled before the City Council for revocation of the license. Upon scheduling of a revocation hearing before the City Council, the license shall remain suspended until the completion of the hearing and decision by the City Council. The City Council may revoke the license on the following grounds:

1. The licensee has failed to bring the establishment into compliance with this Article or this Chapter within ten (10) days of the date the license was suspended;
2. The license has been suspended three (3) times or more within the previous 12-month period; or
3. The Council finds that the establishment poses a significant threat to public health or safety.