

**City of South Portland  
Office of the City Clerk  
P.O. Box 9422  
South Portland, ME 04116-9422  
207-767-7628**

**Used Car Lot Application**

§14-501; 29-A M.R.S.A., §852, §1105

Valid \_\_\_\_\_ to December 31, \_\_\_\_\_

Circle One:            Individual                      Corporation                      Association                      Partnership

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Email Address: \_\_\_\_\_

NOTE: If business is a corporation or association, please attach copies of the Articles of Incorporation and Bylaws. **Renewal applicants must provide Articles of Incorporation and Bylaws only if there have been changes from last year.**

NOTE: **If business is owned by an individual please include Birth Date:** \_\_\_\_\_

Owner of Business: \_\_\_\_\_

Address of Business Owner: \_\_\_\_\_

Name of Manager at Establishment: \_\_\_\_\_

Owner of Premises: \_\_\_\_\_

Address of Premises Owner: \_\_\_\_\_

Total Number of Motor Vehicles on Lot (includes cars for sale as well as employees' cars, cars on the lot for repair, customers and any other cars which you will need to accommodate on the lot): \_\_\_\_\_

**(An increase in total number of motor vehicles and number of cars for resale  
will require approval by the City Council)**

Total Number of Motor Vehicles on Lot Last Year: \_\_\_\_\_

Total Number of **Used** Motor Vehicles for Resale: \_\_\_\_\_

Size of Lot: \_\_\_\_\_

**Continued on back...**

Please furnish **complete plot plan on a separate sheet (required every year)**. The plot plan must include: (you are required to provide this **every year**, regardless of changes or not)

- 1. Location of Lighting
- 2. Location of Sign or Signs
- 3. Entrances and Exits
- 4. Fencing
- 5. Vehicle Placement
- 6. Location of any Building or Structures
- 7. Location and Length of Lot's Boundaries

Have applicant, partners, associates or corporate officers ever been arrested, indicted, convicted or court-martialed for any violation of law? \_\_\_\_\_ If yes, state particulars and disposition:

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 retaining to the premises will be paid prior to issuance of the license.

	<b>License Fee:</b>	\$120.00
Authorized Signature	<b>Processing Fee:</b>	\$20.00
	<b>Total:</b>	<b>\$140.00</b>

**Print Name and Title**

\_\_\_\_\_  
Date

**Municipal Use Only**

Date of Application: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_

New: \_\_\_\_\_ Renewal: \_\_\_\_\_ Map and Lot #: \_\_\_\_\_ RE Taxes Paid: \_\_\_\_\_

Personal Property Tax #: \_\_\_\_\_ Paid: \_\_\_\_\_  **Articles and Bylaws on file.**

**Building Inspector (New Only)**                      **Approved**     **Disapproved**   

Signature \_\_\_\_\_ Signed Electronically

Comment if disapproved \_\_\_\_\_

**Fire Chief**    **Approved**     **Disapproved**   

Signature \_\_\_\_\_ Signed Electronically

Comment if disapproved \_\_\_\_\_

**Police Chief**    **Approved**     **Disapproved**   

Signature \_\_\_\_\_ Signed Electronically

Comment if disapproved \_\_\_\_\_

**CODE OF ORDINANCES - CHAPTER 14**  
**ARTICLE XI. USED CAR LOT REGULATORY ORDINANCE**

**Sec. 14-501. Purpose.**

The City Council finds that used car lots within the City sometimes are littered with refuse or debris or used unlawfully as repositories of partially dismantled, inoperable, wrecked, junked, or discarded vehicles, thereby creating conditions which attract children and endanger their lives and health; increase vermin and noxious weeds; invite vandals; create fire hazards and other safety and health hazards; create, extend, and aggravate urban blight; interfere with the enjoyment of and reduce the value of surrounding private property; and interfere with the comfort and well-being of the public. The City Council also finds that frequently such used car lots are overburdened with many more motor vehicles, both being offered for sale and otherwise, so as to create or aggravate the aforementioned conditions.

**Sec. 14-502. License required.**

No person shall own, operate, or otherwise maintain any land, premises, or building for use as a used car lot as defined herein without having first obtained a nontransferable license from the City of South Portland and paying the fee therefor as specified in the Schedule of License, Permit and Application Fees established by City Council order.

**Sec. 14-503. Licensing authority.**

Initial licenses shall be issued by the City Council, after notice and public hearing on the licensee's application. The City Council shall grant and the City Clerk shall renew a license only if it or he/she finds that the proposed use and premises conform with all requirements of the building code, health and fire prevention laws, zoning ordinance, and all other applicable state or municipal laws and ordinances, as well as the provisions of this Article. Further, in reviewing a used car lot license application the City Council in the case of an initial application or the City Clerk in the case of a renewal, shall determine the total number of motor vehicles to be located on the lot at any one time, including those offered for sale and otherwise, which can be safely accommodated on the lot without creating a fire hazard or other public safety or health hazard and will not create or extend urban blight or interfere with the enjoyment of surrounding properties as identified in Section 14-501. Any initial license granted by the City Council or renewal granted by the City Clerk shall specifically state the maximum number of used motor vehicles for sale which may be located on the lot at any one time and the maximum number of motor vehicles that may be located on the lot at any one time whether offered for sale or otherwise. In determining the maximum number of used motor vehicles for sale that may be located on the lot at any one time and the maximum number of motor vehicles which may be located on the lot at any one time, whether offered for sale or otherwise, the City Council may consider the impact of non-motor vehicles, including but not limited to trailers or other accessories customarily associated with motor vehicles, which are located on the lot.

**Sec. 14-504. Definitions.**

Unless otherwise defined herein, all words will have their common meaning except for the following definitions:

- (a) *Motor vehicle or car* shall mean an automobile, truck, motorcycle, or other trackless, self-propelled vehicle designed primarily to transport persons or property over public streets and highways.

- (b) *Officer* shall mean any officer, director, stockholder, owner, manager or person who either has a financial interest of any nature in a used car lot sales facility or is otherwise in control thereof.
- (c) *Person* shall mean any individual, firm, corporation, association, partnership or organization.
- (d) *Used car lot* shall mean any premises upon which two (2) or more unlicensed and previously owned and operated motor vehicles are offered for sale.

**Sec. 14-505. Fees.**

Fees for an annual license for a used car lot as specified in the Schedule of License, Permit and Application Fees established by City Council order shall be paid annually.

**Sec. 14-506. Application and information.**

Every applicant for a used car lot license shall:

- (a) Complete and file an application on the form prescribed by the City Clerk;
- (b) Deposit the prescribed license fee in advance with the City Clerk;
- (c) Submit the completed application to the City Clerk, together with proof of corporate or other business entity status and evidence of authority to conduct business in the State of Maine, as well as a list of all officers of the applicant; and
- (d) Pay the required processing fee and the costs of published and mailed notices.

Any material misstatement or omission on the application shall be grounds for denial, suspension or revocation of the license.

**Sec. 14-507. Description of premises.**

Every applicant for a used car lot license shall include in the application a drawing or plan of the premises in question showing the location and length of the boundaries of the premises, any buildings or structures located or to be located thereon, and a complete layout plan. The drawing or plan must be sufficient to demonstrate that the lot as improved is large enough to accommodate the maximum number of used motor vehicles the applicant seeks permission to sell as well as the maximum number of cars for employees, repairs, customers and otherwise which the applicant will need to accommodate on the lot. The drawing or plan of the premises must also include other information such as fencing and exterior lighting sufficient to enable the City Council to determine compliance with the licensing standards contained in Section 14-503. The applicant is responsible for submission of a drawing or plan sufficient to show compliance with this Article. Submission of a drawing or plan that is not sufficient to determine compliance with this Article is grounds for denial of the license. Material misrepresentations or omissions on the drawing or plan is grounds for denial, suspension or revocation of the license.

**Sec. 14-508. Investigation of applicant.**

Upon receipt of each application for a used car lot license:

- (a) The Police Chief or his/her designee shall sign the application. If the Police Chief does not approve the application, s/he shall state the reason(s) in writing on the application. After the initial background investigation, the Police Chief shall notify the City Clerk of any relevant changes or new information regarding the applicant.
- (b) The City Clerk shall review the application and other documents and determine whether such documents comply with all the requirements of this Article;

(c) The Fire Chief or his/her designee shall inspect the proposed location to determine if all City ordinances concerning fire and safety have been satisfied, and shall sign the application if the applicant complies with all applicable ordinance requirements. If the Fire Chief does not approve the application, s/he shall state the reason(s) in writing on the application.

For initial applications, all reports required under this section shall be filed with the City Clerk who shall in turn forward them to the City Council.

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**Cross reference(s)**--Adoption of building code, electrical code, fire prevention code, plumbing code, §§ 5-2, 7-55, 8-31, 20-1; zoning, Ch. 27.  
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**Sec. 14-509. Denial, suspension or revocation of license.**

A license to operate a used car lot may be denied by the City Council or the City Clerk for either violation of, or failure to comply with, any of the provisions of this Article or with the provisions of any other applicable ordinance of the City of South Portland or law.

A license to operate a used car lot may be suspended by the City Clerk where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this Article, or with the provisions of any other applicable ordinance or law. Upon suspension of the license to operate a used car lot by the City Clerk, a public hearing before the City Council shall be placed on the agenda for the next City Council meeting that is at least seven (7) calendar days from the date of the suspension. The license shall remain suspended until the City Council hearing and decision. After a public hearing, the City Council may continue the suspension of the license or may revoke the license where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this Article, or with the provisions of any other applicable ordinance or law.

Any denial, suspension or revocation shall be in writing and shall include notification of the right to and procedure for appeal.

If any license application is denied or license revoked, the applicant/licensee may not reapply for a period of three (3) months. This prohibition on reapplication shall also apply to the spouse, parent, child, or other close relation by blood or marriage or a corporation, association or business entity directly related to the prior applicant/licensee.

**Sec. 14-510. Appeals.**

An appeal from license denial by the City Clerk may be taken to the City Council within thirty (30) days. An appeal from any final decision of the City Council may be taken by any party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

**Sec. 14-511. Penalty.**

In addition to any other enforcement action which the City may take, violation of any provision of this Article shall be a civil offense and a fine not exceeding five hundred dollars (\$500.00) may be imposed. Each day that a violation continues shall be treated as a separate offense.