

City Council Workshop

Agenda Item #3

May 9, 2016

Proposed Amendments to Chapter 14,
“Licenses, Permits, and Business Licenses
Generally”

The City Council has requested to review and consider proposed changes to the following ordinances regarding street closures, sidewalk seating licenses, and garage sale permits.

1) Street Closures

Requests for street closures made by Public Works, Water Resource Protection, or Police come before City Council via the City Manager for various construction projects.

Requests for street closures for events on city property, such as block parties, parades, races, and other events, appear on Council Meeting agendas for Council approval, as required by the event application submitted to the City Clerk’s office.

Council approval of street closures is one of the primary ways the public is notified of upcoming events or projects that impact traffic. The Council has requested to review the process for street closures to consider removing the requirement of City Council approval for street closures. Guidance is being requested on under what circumstances, if any, street closures should appear before the Council for approval.

2) Use of public sidewalk for outdoor seating

The City Clerk's office issues outdoor seating licenses in accordance with Sec. 14-24. The City Council must give approval for all new and renewal requests. In 2015, two businesses held an outdoor seating license. Of these, both were renewals. To date, there have been no complaints from the public regarding outdoor seating licenses.

The City Council has requested to review the current ordinance and consider proposed amendments to remove the requirement of City Council approval for issuance of outdoor seating licenses. Guidance is being requested on whether the Council would like to waive the requirement of Council approval for renewals and retain approval for new outdoor seating licenses only, or forgo approval for both renewals and new requests.

3) Garage sale permits

The City Clerk's office issues garage sale permits in accordance with Sec. 14-36. Permits are sold to residents holding indoor or outdoor garage sales where more than three items are being sold. The permits are \$5.00 each and are valid for three consecutive days. A maximum of two garage sale permits may be issued to any person for a sale on any given lot within a consecutive 6-month period. City Council approval is not required for the issuance of a garage sale permit.

The City generates less than \$2,000 annually in revenue from the sale of garage sale permits. In FY2014, the City Clerk's office issued 260 permits for a total of \$1,300 in revenue. In FY2015, the City Clerk's office issued 235 permits, for a total of \$1,175 in revenue for the City.

This item has been brought forward at the request of the Council to discuss potentially removing the requirement of garage sale permits.

In addition to the above, the City Clerk's office has additional proposed amendments to Chapter 14 of the city's Code of Ordinances to add for discussion:

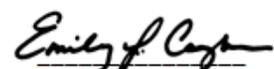
1) Amending Sec. 14-104 to allow food vendors (food trucks, booster clubs) to be exempt from review and Site Plan Approval from the Planning Board when said food vendor is part of a licensed event by the City. Amending this section would allow mobile food vendors that are part of a licensed event by the City to be exempt from review and Site Plan Approval from the Planning Board. The event application includes details for food to be submitted as part of the application and charges a \$35.00 fee per food vendor. Events are vetted and signed off by Code, Fire, Parks & Recreation, Police, Public Works, Transportation and City Clerk.

2) Amending Sec. 14-405 to remove the requirement of notice in newspaper of coin-operated machine license renewals. The City Clerk's office issues seven licenses annually for coin-operated machines. A public hearing is required for new coin-operated machine licenses. In addition, Sec. 14-405 requires annual notice in a local newspaper of coin-operated machine license renewals. This ad is paid for by the business owner. There is no requirement on the State level to notify the public of new or renewed coin-operated machine license renewals. There have been no known complaints of licensed coin-operated machines. Staff is making the recommendation that the requirement for notice of renewals be removed from Sec. 14-405.

3) Amending the Temporary Food Establishment license application to specify a set number of days in a calendar year that said Temporary Food Establishment license is applicable. The application currently allows temporary food establishment licenses to operate for two consecutive weeks. Staff is making the recommendation that temporary food establishment licenses be issued specific for a specific number of days.

4) Adding Brewery as an option on the liquor license application. As this new area of business continues to grow across Maine and within the City of South Portland, and as specific local licensing does not currently exist for these unique establishments, staff is making the recommendation that "Brewery" be added to the current liquor license application and to set fees and stipulations specific to this business with licensing classifications "Brewery - Small" or "Brewery - Large" based on State classifications (50,000/50,000+ gallons). This license would include breweries and tasting rooms where alcohol is consumed on premise. Guidance from the Council is requested on the proposed fee schedule. For reference, the State charges a fee of \$50.00 for small brewery (50,000 gallons or under) and \$1000 for over 50,000 gallons. Two other municipalities with "Brewery" licenses have a local fee of \$200 and \$500. The one current brewery licensed in South Portland is licensed as "Tavern" and the local fee is \$600.

Attached are the current ordinances and license applications. Guidance is being requested from the Council on the above proposals.


CITY CLERK



City of South Portland Event Application

Application must be turned in 30 days prior to the event

Application Date _____

ORGANIZATION INFORMATION

Name of Organization: _____

Contact Person for Event: _____ Title: _____

Contact Name and Phone number during the Event: _____

Mailing Address: _____

Telephone: _____ Cell Phone: _____

Email Address: _____ Web site: _____

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: _____

Location of Event: _____

Date of Event: _____ Rain Date: _____

Time of Event: Start Time: _____ Ending Time: _____

Does the Sponsoring Organization own the property? Yes No Estimated Attendance: _____
If not, please attach a letter from the property owner authorizing this event.

Does the Applicant have insurance for this event? Yes No

Please check off all events that will occur

Check off	Type of Event	Additional Information	Fee	Total
	Amplified Sound	Complete Neighbor Notification	\$10.00 per event	
	Burn Permit/Bonfire	Must complete additional paperwork with the Fire Department	No Fee	
	Carnival	Proof of Insurance is required	\$125.00 a day	
	Circus	Proof of Insurance is required	\$300.00 a day	
	Electrical Permit	Must complete additional paperwork with Code Enforcement	\$60.00 paid to Code Enforcement	
	Fireworks	Proof of Insurance is required. Site Plan approval from Fire Marshall Required (call 207-624-8744)	No Fee	
	Food	Please Provide a list (Include: Name of organization, contact, address, phone, and food items that will be sold or given away)	\$35.00 per event per Food Vendor	
	Non Food Items	Please Provide a list (Include: Name of individual, date of birth, address, phone, and items that will be sold or given away)	\$60.00	
	Off Premise Alcohol	State Application is required	\$20.00	
	Off premise Signs	Must complete additional paperwork with Code Enforcement	\$25.00 Minimum paid to Code Enforcement	
	Parade	Please provide Parade route.	No Fee	
	Parking Accommodations are needed	Please provide any maps or diagrams relating to this event.	No Fee	
	Road/Intersection Closure Time of Closure: Start: Finish:	Please provide any maps or diagrams relating to this event. Council Approval is required.	No Fee	
	Run/Walk/Cycle/Swim	Please provide any maps or diagrams relating to this event.	No Fee	
	Tent Permits	Must complete additional paperwork with Code Enforcement	\$25.00 paid to Code Enforcement	
	Tidal Waters to be used	Please provide a map	No fee	
	Trailer Permits	Must complete additional paperwork with Code Enforcement	\$25.00 paid to Code Enforcement	
			Processing Fee	\$20.00
			Total	

Fees are waived for Non Profits

Will Barricade and/or cones be needed? _____

If Yes, How many barricades _____ Cones _____

SANITARY FACILITIES

Please state if the following items will be available at your event, the number of items available and the proximity of the item to your event:

	<u>Amount at Event</u>	<u>Location</u>
TOILETS	_____	_____
HAND WASHING FACILITIES	_____	_____
PORTABLE WATER	_____	_____
FIRST AID FACILITIES	_____	_____

WASTE DISPOSAL

	<u>Amount at Event</u>	<u>Location</u>
RECYCLING CONTAINERS	_____	_____

Types of recycling containers: _____

WASTE CONTAINERS	_____	_____
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Types of waste containers: _____

DESCRIPTION OF EVENT

Signature of Applicant

Date Submitted

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this application to: **City Clerks' Office**
Attn: Jessica Hanscombe
25 Cottage Road
South Portland, Maine 04106
207-767-7628
jhanscombe@southportland.org

City of South Portland Event Application – Signoff

****FOR STAFF USE****

DEPARTMENT COMMENTS AND RECOMMENDATIONS:

City Clerk Comments/Recommendation: Print Name: _____

Code Officer/Health Comments/Recommendation: Print Name: _____

Fire Department Comments/Recommendation: Print Name: _____

Parks & Recreation Department Comments/Recommendation: Print Name: _____

Police Department Comments/Recommendation: Print Name: _____

Public Works Department Comments/Recommendation: Print Name: _____

Transportation Department Comments/Recommendation: Print Name: _____

Council Public Hearing Date: _____

Approved/Denied: _____ Date applicant notified: _____



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

**Application for a Food Establishment-
 Public Sidewalk, Use of
 Sec 14-24**

Requested Dates - From: March 15, _____ To: November 1, _____

Fee: \$25.00

Please fill out this application completely

Please complete the following information (print);

Business Name:	Telephone:
Address of Business:	
Owner of Business:	
Name of Manager at Establishment:	
Type of food served:	

1.No public sidewalk license shall be issued by the City Council 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 to meet the maximum coverage provisions of the Maine Tort Claims Act (14 M.R.S.A. § 8001 *et seq.*) as it may be amended, 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 use of the public sidewalk, 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.

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.

 Signature

 Date

Date of Public Hearing: _____ Date Notified Abutters: _____

Municipal Use-Only

Date of Application:	Real Estate taxes paid:	Personal Prop taxes paid:
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	Approved	Disapproved	Signature
Corporation Counsel			
Fire Chief			
Health Officer			
Parks Director			
Police Chief			
Public Works			

Diagram

Please Include dimensions of sidewalk, tables, buildings, ect.

Sec. 14-24. Use of public sidewalk for outdoor seating

- (a) No person, corporation, association or other business entity shall use a public sidewalk for outdoor seating unless licensed therefor by the City Council. A license granted pursuant to this section obviates the need for the user to obtain a permit under Section 23-11 of the Code of Ordinances as relates to use of a public sidewalk for outdoor seating.
- (b) Application for a use of public sidewalk for outdoor seating license (hereinafter “public sidewalk license”) shall be made upon a form provided by the City Clerk and said license shall be for such term as determined appropriate by the City Council, but in no event shall the license be valid prior to March 15th of each year or expire later than November 1st of each year. The application shall contain a sketch showing the portion of the public sidewalk sought to be used as the licensed premises. The fee for such license shall be as specified in the Schedule of License, Permit and Application Fees established by City Council order.
- (c) No public sidewalk license shall be issued by the City Council 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 to meet the maximum coverage provisions of the Maine Tort Claims Act (14 M.R.S.A. § 8001 *et seq.*) as it may be amended, 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 use of the public sidewalk, 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.
- (d) No public sidewalk license shall be granted by the City Council until the Fire Chief, the Police Chief, the Director of Public Works, the Director of Parks and Recreation and the Code Enforcement Officer have all made a positive recommendation upon the applicant’s ability to comply with the terms and conditions in subsection (f) below.
- (e) The City Clerk or her designee shall, at the applicant’s expense, give written notice to the applicant, by first class mail, of the date, time, and place of the meeting at which the application will be considered, and to all abutting property owners. Failure of any property owner to receive the notice sent as required under this subsection shall not necessitate another public meeting or invalidate any action taken by the City Council.
- (f) Terms for public sidewalk license. To be issued a public sidewalk license, a person, corporation, association or other business entity must agree to the following terms and conditions, which terms and conditions are a part of any license issued:
- (i) Licensee’s use of the public sidewalk shall be limited to the specific sidewalk area approved by the City Council (“the Licensed Property”). Licensee’s use of the public sidewalk will comply with all applicable laws, ordinances, and regulations, including, without limitation, any and all requirements regarding licensing and land use approvals.
 - (ii) Hours of operation at the Licensed Property are limited to 7:00 a.m. through 9:00 p.m., seven (7) days/week.
 - (iii) The Licensee, his/her/its employees, guests, patrons and invitees shall not engage in or allow any illegal activity to occur at the Licensed Property. Illegal drugs and/or tobacco

- products shall not be brought onto or consumed within the Licensed Property. The sale or consumption of alcohol on the Licensed Property is prohibited. Notices stating that smoking is prohibited on the Licensed Property shall be prominently displayed thereon.
- (iv) Thirty-six inches (36") in width of the public sidewalk must be left clear of any obstructions to safe pedestrian and wheelchair passage on the portion of the sidewalk that is not a part of the Licensed Property; provided, however, that umbrella canopies may encroach into this clearance width if they comply with subsection (vii) below.
 - (v) Nothing shall be permanently attached to the Licensed Property or any other City property. Heat lamps and tents are prohibited on the Licensed Property.
 - (vi) No sign, billboard, panel, placard, poster, notice or other advertising device in, upon or above the Licensed Property or so situated with respect to the Licensed Property shall interfere with or distract motorists on adjacent streets or otherwise be so situated as to prevent the safe use or maintenance of adjacent streets.
 - (vii) No umbrella canopy shall be no larger than seventy-two inches (72") at its widest dimension when open. An umbrella shall have a minimum height of seven feet (7'), as measured from the lowest point of the sidewalk to the lowest point of the umbrella canopy when open. No umbrella shall obstruct safe pedestrian and wheelchair passage on the portion of the sidewalk that is not a part of the Licensed Property.
 - (viii) No tables, chairs, umbrellas, trash receptacles or other items of personal property shall block any means of ingress or egress to Licensee's own premises. All tables, chairs, umbrellas, trash receptacles and other items of personal property shall be properly secured in the event of a storm. The Fire Chief or his designee must approve the number, method of securing and arrangement of tables, chairs, umbrellas, trash receptacles and other items of personal property located within the Licensed Property, and once so approved, the Licensee shall not increase the number of, or substantially change, the arrangement of tables, chairs, umbrellas, trash receptacles and other items of personal property located within the Licensed Property without first obtaining an amended approval from the Fire Chief or his designee.
 - (ix) The Licensee shall provide at least one trash receptacle located within the Licensed Property.
 - (x) The Licensed Property shall be cleaned as reasonably necessary, but no less than daily, using a broom, hose and/or other equipment as appropriate.
 - (xi) The Licensee is responsible for any damage to the Licensed Property or any part thereof caused directly or indirectly by the Licensee or his/her/its agents, employees, guests, or invitees. The City shall not be liable for any damage or loss to any property of the Licensee from any cause whatsoever while said Licensee's personal property is located at the Licensed Property for storage purposes or otherwise.
 - (xii) The Licensee is responsible for leaving the Licensed Property in the same condition in which it was received, reasonable wear and tear excepted, and shall be responsible for any loss or damage to the Licensed Property. The Licensee shall be charged for any

required repair or cleanup costs incurred as a result of the Licensee's use of the Licensed Property.

- (xiii) The Licensee releases and agrees to defend, indemnify and hold harmless the City, its agents, officers and employees, from any and all liability, actions, damages and claims of any kind and nature whatsoever for any injury, harm or damage to persons or damage to property that may arise or occur during or in connection with the Licensee's use of the Licensed Property.
- (xiv) In the event of suspension, revocation or expiration of the license, Licensee shall have forty-eight (48) hours to clean the Licensed Property and to complete the removal of all furniture, equipment and other personal property from the Licensed Property; Licensee shall repair all damages resulting from such removal. Any personal property not removed at the end of the term hereof shall be deemed abandoned by the Licensee and shall become the property of the City, and Licensee hereby waives any claim to such personal property and agrees to indemnify the City against all costs and expenses incurred by the City in storing, removing and disposing of any such personal property.

- (4) The flea market has violated one of more provisions of this Chapter or other City ordinances, including, without limitation, the City's zoning and licensing ordinances; or
- (5) The flea market operator has permitted unlicensed flea market vendors to sell, display or market goods on the property and had failed to remove or expel such vendors.
- (f) Standards for renewal. As part of the renewal process, the City Clerk will consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems.
- (g) Enforcement. This section shall be enforced by the City Clerk, for whom the Police Chief or his/her designee shall provide investigative and enforcement assistance.

(Code 1966, § 3-2-10; Ord. No. 21-67, 12-18-67; Ord. No. 16-03/04, 2/18/04 [Fiscal Note: Less than \$1000]; Ord. No. 7-08/09, 1/5/09 [Fiscal Note: Less than \$1000]1; Ord. No. 18-09/10, 6/21/10 [Fiscal Note: Less than \$1000])

Sec. 14-23. Theaters.

The City Clerk, only upon positive recommendation by the Building Inspector and Fire Chief, shall issue an appropriate license for the operation of a place where plays, operas, motion pictures, etc., are presented. Such recommendation shall be in writing.

(Code 1966, § 3-2-16; Ord. No. 21-67, 12-18-67; Ord. No. 16-03/04, 2/18/04 [Fiscal Note: Less than \$1000]; Ord. No. 18-09/10, 6/21/10 [Fiscal Note: Less than \$1000])

State law reference(s)--Theaters and shows, generally, 8 M.R.S.A. § 651 et seq.

Sec. 14-24. Use of public sidewalk for outdoor seating.

- (a) **No person, corporation, association or other business entity shall use a public sidewalk for outdoor seating unless licensed therefor by the City Council.** A license granted pursuant to this section obviates the need for the user to obtain a permit under Section 23-11 of the Code of Ordinances as relates to use of a public sidewalk for outdoor seating.
- (b) Application for a use of public sidewalk for outdoor seating license (hereinafter "public sidewalk license") shall be made upon a form provided by the City Clerk and said license shall be for such term as determined appropriate by the City Council, but in no event shall the license be valid prior to March 15th of each year or expire later than November 1st of each year. The application shall contain a sketch showing the portion of the

public sidewalk sought to be used as the licensed premises. The fee for such license shall be as specified in the Schedule of License, Permit and Application Fees established by City Council order.

- (c) **No public sidewalk license shall be issued by the City Council** 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 to meet the maximum coverage provisions of the Maine Tort Claims Act (14 M.R.S.A. § 8001 et seq.) as it may be amended, 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 use of the public sidewalk, 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.
- (d) **No public sidewalk license shall be granted by the City Council until the Fire Chief, the Police Chief, the Director of Public Works, the Director of Parks and Recreation and the Code Enforcement Officer have all made a positive recommendation upon the applicant's ability to comply with the terms and conditions in subsection (f) below.**
- (e) The City Clerk or her designee shall, at the applicant's expense, give written notice to the applicant, by first class mail, of the date, time, and place of the meeting at which the application will be considered, and to all abutting property owners. Failure of any property owner to receive the notice sent as required under this subsection shall not necessitate another public meeting or invalidate any action taken by the City Council.
- (f) Terms for public sidewalk license. To be issued a public sidewalk license, a person, corporation, association or other business entity must agree to the following terms and conditions, which terms and conditions are a part of any license issued:
- (i) Licensee's use of the public sidewalk shall be limited to the specific sidewalk area approved by the City Council ("the Licensed Property"). Licensee's use of the public sidewalk will comply with all applicable laws, ordinances, and regulations, including, without limitation, any and all requirements regarding licensing and land use approvals.
- (ii) Hours of operation at the Licensed Property are limited to 7:00 a.m. through 9:00 p.m., seven (7) days/week.

- (iii) The Licensee, his/her/its employees, guests, patrons and invitees shall not engage in or allow any illegal activity to occur at the Licensed Property. Illegal drugs and/or tobacco products shall not be brought onto or consumed within the Licensed Property. The sale or consumption of alcohol on the Licensed Property is prohibited. Notices stating that smoking is prohibited on the Licensed Property shall be prominently displayed thereon.
- (iv) Thirty-six inches (36") in width of the public sidewalk must be left clear of any obstructions to safe pedestrian and wheelchair passage on the portion of the sidewalk that is not a part of the Licensed Property; provided, however, that umbrella canopies may encroach into this clearance width if they comply with subsection (vii) below.
- (v) Nothing shall be permanently attached to the Licensed Property or any other City property. Heat lamps and tents are prohibited on the Licensed Property.
- (vi) No sign, billboard, panel, placard, poster, notice or other advertising device in, upon or above the Licensed Property or so situated with respect to the Licensed Property shall interfere with or distract motorists on adjacent streets or otherwise be so situated as to prevent the safe use or maintenance of adjacent streets.
- (vii) No umbrella canopy shall be no larger than seventy-two inches (72") at its widest dimension when open. An umbrella shall have a minimum height of seven feet (7'), as measured from the lowest point of the sidewalk to the lowest point of the umbrella canopy when open. No umbrella shall obstruct safe pedestrian and wheelchair passage on the portion of the sidewalk that is not a part of the Licensed Property.
- (viii) No tables, chairs, umbrellas, trash receptacles or other items of personal property shall block any means of ingress or egress to Licensee's own premises. All tables, chairs, umbrellas, trash receptacles and other items of personal property shall be properly secured in the event of a storm. The Fire Chief or his designee must approve the number, method of securing and arrangement of tables, chairs, umbrellas, trash receptacles and other items of personal property located within the Licensed Property, and once so approved, the Licensee shall not increase the number of, or substantially change, the arrangement of tables, chairs, umbrellas, trash receptacles and other items of personal property located within the Licensed Property without first

obtaining an amended approval from the Fire Chief or his designee.

- (ix) The Licensee shall provide at least one trash receptacle located within the Licensed Property.
- (x) The Licensed Property shall be cleaned as reasonably necessary, but no less than daily, using a broom, hose and/or other equipment as appropriate.
- (xi) The Licensee is responsible for any damage to the Licensed Property or any part thereof caused directly or indirectly by the Licensee or his/her/its agents, employees, guests, or invitees. The City shall not be liable for any damage or loss to any property of the Licensee from any cause whatsoever while said Licensee's personal property is located at the Licensed Property for storage purposes or otherwise.
- (xii) The Licensee is responsible for leaving the Licensed Property in the same condition in which it was received, reasonable wear and tear excepted, and shall be responsible for any loss or damage to the Licensed Property. The Licensee shall be charged for any required repair or cleanup costs incurred as a result of the Licensee's use of the Licensed Property.
- (xiii) The Licensee releases and agrees to defend, indemnify and hold harmless the City, its agents, officers and employees, from any and all liability, actions, damages and claims of any kind and nature whatsoever for any injury, harm or damage to persons or damage to property that may arise or occur during or in connection with the Licensee's use of the Licensed Property.
- (xiv) In the event of suspension, revocation or expiration of the license, Licensee shall have forty-eight (48) hours to clean the Licensed Property and to complete the removal of all furniture, equipment and other personal property from the Licensed Property; Licensee shall repair all damages resulting from such removal. Any personal property not removed at the end of the term hereof shall be deemed abandoned by the Licensee and shall become the property of the City, and Licensee hereby waives any claim to such personal property and agrees to indemnify the City against all costs and expenses incurred by the City in storing, removing and disposing of any such personal property.

(Code 1966, § 3-2-4; Ord. No. 21-67, 12-18-67; Ord. No. 16-93/94, 2-7-94; Ord. No. 16-03/04, 2/18/04 [Fiscal Note: Less than \$1000]; Ord. No. 11A-13/14, 4/23/14 [Fiscal Note: Less than \$1000])

State law reference(s)--Boxing, generally, 8 M.R.S.A. § 101 et seq.

Sec. 14-33. Waste Hauling.

The City Clerk shall issue an appropriate permit allowing the hauling of waste by truck, provided that the applicant has shown compliance with the provisions of Code Ordinances Chapter 9, Article II and all other applicable federal, state and local requirements for waste haulers and provided that the Police Chief has provided a positive recommendation on the permit application. In reviewing the application, the Police Chief shall consider past motor vehicle violations of the applicant as well as any criminal conviction or violation of federal, state or local law relevant to waste hauling. The recommendation of the Police Chief shall be in writing.

(Code 1966, § 3-2-17; Ord. No. 21-67, 12-18-67; Ord. No. 16-03/04, 2/18/04 [Fiscal Note: Less than \$1000]; Ord. No. 9-09/10, 11/2/09 [Fiscal Note: Less than \$1000]; Ord. No. 18-09/10, 6/21/10 [Fiscal Note: Less than \$1000])

Sec. 14-34. Fireworks displays.

No person shall have a public display of fireworks of any kind without first having applied to the City Clerk for a permit therefor. No such permit will be granted by the City Clerk until s/he first receives a positive recommendation in writing from the Fire Chief and the applicant has submitted proof of insurance in such amount as required by State law, 8 M.R.S.A. § 227-A, as may be amended. The recommendation of the Fire Chief and the Director of Finance shall be in writing.

(Code 1966, § 3-2-6; Ord. No. 21-67, 12-18-67; Ord. No. 16-93/94, 2-7-94; ; Ord. No. 16-03/04, 2/18/04 [Fiscal Note: Less than \$1000]; Ord. No. 18-09/10, 6/21/10 [Fiscal Note: Less than \$1000])

Cross reference(s)--Permits for supervised public displays of fireworks, § 8-44.
State law reference(s)--Fireworks, generally, 8 M.R.S.A. § 211 et seq.

Sec. 14-35. Repealed.

(Ord. No. 18-74, 8-19-74; Ord. No. 16-03/04, 2/18/04 [Fiscal Note: Less than \$1000])

Sec. 14-36. License required for garage sales.

No person shall conduct a garage sale or similar sale of in excess of three (3) items of personal property without first having obtained from the City Clerk a license to conduct such sale. The City Clerk may issue such license, at a cost as specified in the Schedule of License, Permit and Application Fees established by City Council order, to any person proposing to conduct such sale provided that such license and any sale conducted thereunder shall not be lawful and valid for more than three (3) consecutive days. Signs may be utilized

to advertise such sale; provided, however, no such signs shall obstruct or intrude onto any public right-of-way, block the sight vision of any public right-of-way for vehicular or pedestrian traffic, be placed upon any public utility pole, or be placed upon the property of others without their prior consent. Such signs may not be erected or allowed to remain either more than twenty-four (24) hours prior to or more than twenty-four (24) hours after such sale.

The City Clerk may issue only two (2) garage sale licenses for such sale, whether conducted indoors or out-of-doors, to any person or for a sale on any given lot within a consecutive six-month period. Any sale of this type conducted more frequently than three (3) consecutive days for each six (6) consecutive month period, or any sale conducted without license, shall be considered a use of land which must comply with the South Portland Zoning Ordinance and all licensing ordinances of the City, including the licensing requirement for secondhand dealers within this Chapter.

(Ord. No. 19-76, 8-16-76; Ord. No. 11-83/84, 11-21-83; Ord. No. 19-88/89, 5-1-89; Ord. No. 16-03/04, 2/2/04 [Fiscal Note: Less than \$1000]; Ord. No. 18-09/10, 6/21/10 [Fiscal Note: Less than \$1000])

Secs. 14-37--14-44. Reserved.

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.

(Ord. No. 16-03/04, 2/18/04 [Fiscal Note: Less than \$1000]; Ord. No. 11-10/11, 5/16/11 [Fiscal Note: Less than \$1000])

Sec 14-104

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 except when the unit is part of a licensed event by the City. 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.

Sec. 14-405. Notice of hearing.

The City Clerk shall give public notice of the public hearing on initial coin-operated machine applications by publishing a notice in a newspaper of general circulation in the City indicating the time and place of the public hearing, the nature of the matter to be heard, and the address or location of the property on which the coin-operated machine(s) is to be located. Notices shall also be sent to the owners of all property located within five hundred (500) feet of said property. For the purpose of this section, the owners of property shall be considered to be the parties listed by the assessor's department of the City of South Portland as those against whom municipal real estate taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing nor invalidate any action of the City Council on such application.

Notwithstanding any other provisions of this Article to the contrary, no public hearing shall be required nor shall notices be sent to neighboring property owners for license renewals by the City Clerk of establishments with the same or decreased number unless required by the City Council or requested by the applicant; provided, however, license renewals shall require publishing a notice in a newspaper of general circulation in the City.

(Ord. No. 16-81/82, 1-4-82; Ord. No. 16-93/94, 2-7-94; Ord. No. 16-03/04, 2/18/04 [Fiscal Note: Less than \$1000]; Ord. No. 18-09/10, 6/21/10 [Fiscal Note: Less than \$1000])

Sec. 14-406. Application and information.

Every applicant for a pinball machine license shall:

- (a) Complete and file an application on a 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 and directors; and
- (d) Pay the required processing fee and the costs of publishing and mailing notices as specified in the Schedule of License, Permit and Application Fees established by City Council order.

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



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 _____

Event Name: _____

Event Location: _____

Event Times: _____

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:
X	Food Service Temporary (Less than 2 weeks)	\$35.00	\$35.00
X	Processing Fee	\$20.00	\$20.00
			\$55.00

Please Check One	
<input type="checkbox"/>	New license
<input type="checkbox"/>	

(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.

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:

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.

Authorized Signature

Print Name and Title

Date

Additional Information:

Municipal Use Only

Date of Application:	Date Paid:	Receipt #
Map and Lot:	Real Estate taxes paid:	Personal Prop taxes paid:

	Approved	Disapproved	Signature
Fire Chief			
Health Officer			
*Bldg. Inspector			
*Police Chief			

*New Applications Only

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).

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

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

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

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

Signature of Authorized Officer



**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
With Alcoholic Beverages**

28A M.R.S.A. §653

Code of Ordinances - Chapter 14 §100-106

Valid to

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:
	Liquor	Vinous	Malt	Malt & Vinous	
Tavern			600.00		
Retail Store		300.00	300.00	300.00	
Restaurant	1,400.00	600.00	600.00	600.00	
Class A Catering	600.00				
Class A Lounge	2,100.00				
Club with Liquor (Non-profit)	600.00				
Hotel	1,700.00				
Background Checks: (Page 3)		How Many		X 25.00	
Processing Fee:					20.00
Total Due					

Please Check Business Type:	
Corporations, Associations and partnerships must complete a Corporate Officer List and submit with this application	
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Corporation
<input type="checkbox"/>	Association
<input type="checkbox"/>	Partnership

Please Check One	
<input type="checkbox"/>	New license
<input type="checkbox"/>	Renewal of license

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 Information	
Business Name:	
Location of Business:	
Telephone:	Website:
Mailing Address	
Name of Manager at Establishment:	Email for correspondence:

Owner Information

Owner Name:

Mailing Address:

Email Address:

Telephone:

Food Establishment Information

Seating Capacity:

Type of Food Served:

Days and Hours of operation:

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.

Authorized Signature

Print Name and Title

Date

FOR CITY USE ONLY

Date of Application: _____

Fire Chief Approved Yes No Approved By: _____

Comments:

Health Officer Approved Yes No Approved By: _____

Comments:

Police Chief Approved Yes No Approved By: _____

Comments:

**Corporate Officer List
 City of South Portland
 Office of City Clerk
 25 Cottage Road
 South Portland, ME 04106**

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).

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

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

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

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

 Signature of Authorized Officer

BUREAU OF ALCOHOLIC BEVERAGES DIVISION OF LIQUOR LICENSING & ENFORCEMENT

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
 To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.



<u>DIVISION USE ONLY</u>	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE:	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES _____

APPLICATION FOR SMALL BREWERY

\$50.00

Check Payable: Treasurer State of Maine

The undersigned hereby applies for a Small Brewery License to produce malt liquors containing 25% or less Alcohol by volume not to exceed 50,000 gallons per year or their metric equivalent.

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)	2. Business Name (D/B/A)		
DOB:			
DOB:			
DOB:	Location (Street Address)		
Address	City/Town	State	Zip Code
	Mailing Address		
City/Town	State	Zip Code	City/Town
			State
			Zip Code
Telephone Number	Fax Number	Business Telephone Number	Fax Number
Federal I.D. #	Federal basic permit number.		

- Is applicant a corporation, limited liability company or limited partnership? _____ Yes _____ No
 If YES, complete Supplementary Questionnaire.
- Business records are located at: _____
- Is/Are applicant(s) citizens of the United States? _____ Yes _____ No
- Is/Are applicant(s) citizens of the State of Maine? _____ Yes _____ No
- If a corporation, does any officer, director or stockholder of said corporation have in any way an interest, directly or indirectly, as a director or stockholder in any other corporation which is a holder of a wholesale license granted by the State of Maine?
 _____ Yes _____ No.
- Is the applicant directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person, association, or corporation holding a liquor license granted by the State of Maine?
 _____ Yes _____ No

8. Each applicant shall file with the application a list giving the name and address of each wholesale dealer authorized to distribute products and designate the exclusive territory assigned to each wholesale dealer. Attach a distributor territory form or additional information outlining the exclusive territory for each wholesaler and the products they may distribute within the area.

9. Will you maintain an additional location for on-premise consumption?

_____ Yes _____ No

Name of Premise D/B/A _____

Address: _____ State _____ Zip Code _____

Telephone: _____ Name of Manager _____

Type of Premise _____

10. List name, date of birth, place of birth for all applicants and managers. Give maiden name, if married.

Name in Full (Print Clearly)	DOB	Place of Birth

Residence address on all of the above for previous 5 years (Limit answer to city & state)

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ف NO ف

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ف No ف If Yes, give name: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20 _____
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name