

Meeting of November 6, 2017

South Portland City Council
Position Paper of the City Clerk

Subject:

ORDER #79-17/18 - Amending the City's Master Fee Schedule of Licenses, Permits, Inspection and Application Fees regarding setting the license fees for Adult Use Marijuana Establishments. Passage requires majority vote.

Position:

As noted at the first reading of Ordinance #9-17/18, a companion order amending the Master Fee Schedule is being brought forward to set setting the license fees for marijuana establishments as follows: \$1,400 for Marijuana Stores (Class II), \$600 for Marijuana Cultivation Facilities (Class II), and \$300 for Marijuana Products Manufacturing Facilities (Class I). These amounts are based on the current alcohol licensing fee schedule, and shall go into effect on November 26, 2017, the projected effective date of Ordinance #9-17/18.

These fees may be subject to further amendments depending upon the State's fee structures, which have yet to be determined. If these fees are found to be in conflict with the State's fee schedule at some point in the future, these fees will be brought forward by staff for review by the City Council.

Requested Action:

Council passage of ORDER #79-17/18.

A handwritten signature in black ink, appearing to read "Erin J. Sullivan", is located at the bottom right of the page.



CITY OF SOUTH PORTLAND

PATRICIA A. SMITH
Mayor

SCOTT T. MORELLI
City Manager

EMILY F. SCULLY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

**IN CITY COUNCIL
ORDER # 79-17/18**

District One
CLAUDE V.Z. MORGAN

District Two
PATRICIA A. SMITH

District Three
EBEN ROSE

District Four
LINDA C. COHEN

District Five
BRAD FOX

At Large
MAXINE BEECHER

At Large
SUSAN HENDERSON

ORDERED, that the City's Master Fee Schedule of License, Permit, Inspection and Application Fees be and hereby is amended to add Adult Use Marijuana Licensing fees as shown on the attached effective November 26, 2017, which is the effective date of the companion amendments to Chapter 14 and Chapter 27 of the Code of Ordinances.

[Fiscal Note: Less than \$1,000]

Dated: November 6, 2017

**CITY OF SOUTH PORTLAND
SCHEDULE OF LICENSE, PERMIT, INSPECTION AND APPLICATION FEES**

Adopted: July 7, 2010
 Amended: July 19, 2010
 October 4, 2010
 December 3, 2012
 December 17, 2012
 March 18, 2013
 May 19, 2014
November 6, 2017

This Schedule is subject to amendment by City Council Order.

Chapter 8 – Fire Protection and Prevention		
Code of Ordinances or Statutory Reference	Type of Fee	Fee Effective 12/23/12
§ 8-3.3.1(c)	Master Box connection to Dispatch Center – new connection fee	\$200
	Master Box connection to Dispatch Center – annual maintenance fee	\$200
§ 8-3.3.1(d)	Master Box connection to Dispatch Center – reconnection fee	\$200
§ 8-3.4(c)	Private central alarm system number assignment – new assignment	\$100
	Private central alarm system number assignment – annual maintenance fee	\$50
§ 8-3.4(d)	Private central alarm system number assignment – reassignment	\$50
§ 8-3.5(a)	False alarm penalty – first and second response	No charge
§ 8-3.5(b)	False alarm penalty – third response	\$25
§ 8-3.5(c)	False alarm penalty – fourth, fifth or sixth response	\$200 per response
§ 8-3.5(d)	False alarm penalty – seventh and subsequent responses	\$500 per response
§ 8-3.10.1	Master Box connection to City’s fire alarm system – new connection fee	\$200
	Master Box connection to City’s fire alarm system – annual maintenance fee	\$200
§ 8-3.10.2	Master Box connection to City’s fire alarm	\$50

	system – disconnection fee	
	Disconnect with less than (24) twenty four hours notice to Fire Department	\$100 per Fire Department visit
	Emergency disconnects between the hours of 4:00 p.m. and 7:30 a.m. and on weekends and holidays	\$100 for the first hour and \$50 for each additional hour per location
	Master Box that has been tripped without proper notification – Fire Department response fee and reconnection fee	\$125 per response; \$125 per reconnect
	Master Box connection to City’s fire alarm system – routine reconnection fee	\$50
§ 8-4.8	Inspection fees	
	Initial and first reinspection	No charge
	Second and subsequent reinspections	\$75 per inspection
§ 8-4.17	Portable structure permit fee	\$100
§ 8-4.19	Minimum amount of Fireworks Display bond	\$100,000 per event
§ 8-4.20(b)(2)	Sprinkler system connection fee	\$200
	Sprinkler system annual maintenance fee	\$200
§ 8-8.4	Tank Vessel inspection fee	\$135
§ 8-9.2	Minimum amount of Gas Line Operations Work liability insurance	\$500,000 per occurrence
§ 8-11.6	Fire Lane violation fine	\$50-\$500
§ 8-12.2; 8 M.R.S.A. § 223-A(12)	Consumer Fireworks Penalties	
	First offense for any person who uses consumer fireworks or possesses consumer fireworks with the intent to use them in the City	At least \$200 and not more than \$400, plus costs
	Second and subsequent offenses for any person who uses consumer fireworks or possesses consumer fireworks with the intent to use them in the City	At least \$300 and not more than \$600, plus costs, per violation
	First offense for any person who sells consumer fireworks or possesses consumer fireworks with the intent to sell them in the	At least \$500, plus costs

	City	
	Second and subsequent offense for any person who sells consumer fireworks or possesses consumer fireworks with the intent to sell them in the City	At least \$1,000, plus costs, per violation
§ 8-13.23	Inspection fees	
	Initial and first reinspection	No charge
	Second and subsequent reinspections	\$75 per inspection

Chapter 14 – Licenses, Permits and Business Regulations Generally

Code of Ordinances or Statutory Reference	Business or Occupation	Fee Effective 7/27/10
§ 14-3(b)	Application Processing Fee	\$20.00
§ 14-3(b)	Advertisement Fee	At Cost
§§ 14-3(b) & 14-8	Background Check Fee	\$25.00 per name
§§ 14-700 – 14-716	Adult Use Establishment	\$550.00
§ 14-27	Amplified sound license, per event	\$10.00
	Amusements	
§ 14-28; 8 MRSA § 1 et seq.	Billiards or pool, per table	\$20.00
§ 14-29; 8 MRSA § 1 et seq.	Bowling alley, per establishment	\$80.00
§ 14-29	Amusement Center, device or park not otherwise defined	\$80.00
8 MRSA §§ 501-502	Carnival (traveling amusement show), per day	\$125.00
8 MRSA §§ 501-502	Circus, per day	\$300.00
§§ 14-401 – 14-413; 8 MRSA § 441 et seq.	Coin-operated amusement device, each machine	\$130.00
§ 14-34; 8 MRSA § 227	Fireworks, public display	As per 8 M.R.S.A. § 227-A(3)
§ 14-30; 8 MRSA § 601 et seq.	Roller skating rink or skate park	\$80.00
§ 14-29; 8 MRSA § 1 et seq.	Shooting gallery	\$80.00
§ 14-23; 8 MRSA § 1 et seq.	Theater, motion picture – Seating capacity of 999 or less, per screen	\$300.00
§ 14-23	Theater, motion picture – Seating capacity of 1000 or more, per screen	\$400.00
§§ 14-751 – 14-758; 30-A MRSA § 3751 et seq.	Automobile Graveyard or Junkyard	\$300.00
§§ 14-751 – 14-758; 30-A MRSA § 3751 et seq.	Automobile Recycling Business	\$500.00

§§ 14-75 – 14-80	Automobile service station, flammable liquids	\$125.00
§§ 14-501 – 14-511	Automobile Used Car Lot	\$120.00
17 MRSA Ch. 13-A	Bingo, beano, games of chance	\$100.00
	Single day event or raffle	\$25.00
§§ 14-250 – 14-270	Bottle Clubs	\$830.00
§ 14-200 et seq.	Cable TV Franchise	
§ 14-203(1)	Application filing fee	\$25.00
§ 14-206(a)	Proposal Bond	\$15,000.00
§ 14-206(b)	Performance Bond	\$100,000.00
§ 14-18	Car Wash, for profit making purposes	\$50.00
§ 14-18	Car Wash, bona fide non profit organization on temporary, short-term basis	N/A
§ 14-15(b); § 14-101	Christmas trees	\$30.00
§ 14-105	Farmers' Market License, per location	\$25.00
	Vendor Associated with a Farmers' Market License, per location	\$25.00
§ 14-32	Flammable liquids, oil, hazardous materials - manufacturing, refining, mixing or storing	
	Flammable and combustible liquids 1,000 to 25,000 gallons	\$125.00
	Flammable and combustible liquids greater than 25,000 gallons	\$200.00
	Compressed gas under 2,000 gallons	\$100.00
	Compressed gas greater than 2,000 gallons	\$150.00
	Aircraft refueling	\$160.00
	Marina with fuel dispensing	\$150.00
	All other flammable liquids, oil, hazardous materials	\$100.00
	Flea Market	
§ 14-22	Operator	\$75.00
§ 14-22	Vendor	N/A

	Food Establishments (FE) without alcoholic beverage	
§ 14-100 et seq.	Food preparation on site	\$200.00
§ 14-100 et seq.	No food preparation on site	\$150.00
§ 14-104	Mobile ice cream vending unit	\$120.00
§ 14-104	Mobile vending unit	\$120.00
§ 14-104	Pushcart	\$50.00
§ 14-104	Stationary vending unit	\$120.00
§ 14-104	Temporary (less than 2 weeks)	\$35.00
28-A MRSA § 653	Food Establishment (FE) with alcoholic beverage	
§ 14-100 et seq	Club (non-profit) w/liquor	\$600.00
§ 14-16	Hotel w/liquor	\$1,700.00
§ 14-100 et seq.	Restaurant, Class A w/liquor	\$1,400.00
§ 14-100 et seq.	Catering Establishment	\$600.00
§ 14-100 et seq.	Restaurant w/malt and/or vinous	\$600.00
§ 14-100 et seq.	Retail store w/malt and/or vinous	\$300.00
§ 14-100 et seq.	Class A lounge w/liquor	\$2,100.00
§ 14-100 et seq.	Tavern, stand-up bar w/malt	\$600.00
§§ 14-45 – 14-48	Special amusement w/dancing	\$250.00
§§ 14-45 – 14-48	Special amusement w/o dancing	\$100.00
§ 14-36	Garage sale	\$5.00
30-A MRSA § 3781	Going out-of-business sale	\$75.00
§§ 14-90 – 14-93; 30-A MRSA § 3811; CMR DHS Rules Ch. 206	Lodging Establishment	\$50.00 plus \$3.00 per room/ maximum \$300.00
	Massage Establishments and Therapists	
§ 14-601 et seq.	Massage Establishment	\$60.00
§ 14-601 et seq.	Massage Therapist	\$30.00
§ 14-601 et seq.	Combined Massage Establishment /Massage Therapist	\$40.00
§ 14-601 et seq.	Conditional Massage Therapist	\$30.00
§ 14-19;	Pawnbroker	\$60.00

30-A MRSA § 3960 et seq.		
	Peddlers or Solicitors/ Temporary Vendors	
§ 14-15	30 days or less	\$60.00
§ 14-15	More than 30 days but less than 90 days	\$85.00
§ 14-20; 30-A MRSA § 3971	Secondhand dealer	\$90.00
§ 14-24	Public Sidewalk, Use of	\$25.00
	Marijuana Establishments	
	<u>Medical Marijuana Dispensaries</u>	<u>N/A – License not required</u>
28-B MRSA § 101 et seq.;	Marijuana Cultivation Facility	\$600.00
§ 14-770 et seq.		
28-B MRSA § 101 et seq.;	Marijuana Products Manufacturing	\$300.00
§ 14-770 et seq.	Facility	
28-B MRSA § 101 et seq.;	Marijuana Social Club	Prohibited
§ 14-770 et seq.		
28-B MRSA § 101 et seq.;	Marijuana Retail Store	\$1,400.00
§ 14-770 et seq.		
28-B MRSA § 101 et seq.;	Marijuana Testing Facility	N/A - License not required
§ 14-770 et seq.		
	Taxicabs	
§ 14-58	Certificate of Public Convenience	N/A
§ 14-59	Each taxicab	\$60.00
§ 14-60	Driver (includes badge)	\$25.00
§§ 15-269 – 15-285	Towing and Wrecker Business	\$240.00
§§ 14-725 – 14-728	Transfer Station for Municipal Solid Waste	\$500.00
§ 14-33; § 9-33 et seq.	Trucking, refuse removal	\$25.00

Chapter 24 – Subdivisions		
Code of Ordinances or Statutory Reference(s)	Type of Fee	Fee Effective 10/24/10
	Minor subdivision	\$300.00
	Amended minor subdivision	\$300.00
	Major subdivision, preliminary plan	\$300.00 plus \$50.00/lot for each lot >10
	Major subdivision, final plan	\$750.00 plus \$50.00/lot for each lot >10
	Amended major subdivision	\$400.00 if no additional lots created; otherwise same as for final plan except that existing lots do not count in calculating fee
	Re-approval of lapsed subdivision plan	\$300.00

Chapter 27 – Zoning		
Code of Ordinances or Statutory Reference	Type of Fee	Fee Effective 10/24/10
§ 27-115(b)	Zoning map change request initiated by someone other than Planning Board or City Council	\$500.00
§ 27-115(f)	Maximum Amount of Rezoning Performance Bond	\$50,000.00
§ 27-154	Board of Appeals application fee	\$100.00
§ 27-304	Nonconforming residential lot of record application fee	\$300.00
§ 27-747	Master plan application fee	\$300.00
§ 27-1403	Special Exception application fee	\$200.00
	Site Plan application fee*	
	•Land disturbance >15,000 – 2 acres	\$300.00
	•Land disturbance >2 acres	\$400.00
		\$400.00
		add'tl \$25.00/1,000 s.f.
		\$150.00/unit or tenant up to 10 units
		add'tl \$100.00/unit or tenant
	Minor site plan	\$300.00
		\$50.00
		same as site plan but minimum of \$400.00
	Re-approval of lapsed site plan	\$300.00
*In the event that a single or multi-unit or multi-tenant building and a land disturbance are both proposed, the higher of the two fees shall determine the required fee		
§ 27-1577	Accessory dwelling unit application fee	\$150.00

Chapter 25 – Swimming Pools and Wading Pools

Code of Ordinances or Statutory Reference	Type of Fee	Amount of Fee
§ 25-20(b)	Annual routine inspection if paid by May 31	\$40.00
§ 25-20(b)	Annual routine inspection if paid after May 31	\$80.00, plus City's collection costs
§ 25-20(b)	Inspection in response to complaint or subsequent reinspections following closure or noncompliance event, per inspection	\$100.00