

## Chapter 10

### LICENSES AND BUSINESS REGULATIONS\*

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\* **Cross References:** Administration, Ch. 2; police and fire alarms, Ch. 3; registration and licensing of dogs required, § 4-29; cable television, Ch. 6; fire prevention and protection, Ch. 7; shellfishing license required, § 11-131 et seq.; solid waste, Ch. 13; posting of notices, posters, etc., restricted, § 14-27; clearance required above sidewalks for awnings, § 14-46; zoning and subdivision of land, App. A; sign regulations, App. A, § 408.

**State Law References:** Licenses and permits, 30-A M.R.S.A. § 3701 et seq.

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**Art. I. In General, §§ 10-1--10-25**

**Art. II. Licenses, Generally, §§ 10-26--10-45**

**Art. III. Disposal and Transportation of Sewage, §§ 10-46--10-65**

**Art. IV. Special Amusement Permits, §§ 10-66--10-95**

**Art. V. Vehicles for Hire, §§ 10-96--10-110**

#### ARTICLE I.

#### IN GENERAL

##### **Sec. 10-1. Police officers, firemen in attendance at dance halls and at sports events.**

(a) Proprietors, managers, or any person or group of persons in charge of public dances, boxing matches or wrestling matches shall, at their own expense, have in attendance thereat adequate police officers and firemen. Such officers and firemen shall represent the police and fire departments in official capacity and shall not in any way represent the party or parties in charge of such public dance, boxing match or wrestling match, except that this regulation shall not apply to fraternal, church, social or other charitable organizations. There is a three-hour minimum cost (at the current hourly rate).

(b) Whoever violates any provisions of (a) above shall be punished by a fine not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each offense. (Bylaws of 1942; Mo. of 6-1-92)

**Secs. 10-2--10-25. Reserved.**

#### ARTICLE II.

#### LICENSES, GENERALLY

**Sec. 10-26. Required; fees.**

(a) A person or organization may not engage in any of the businesses or occupations listed below without first obtaining a license from the town according to the provisions stated below. In addition, the applicant is responsible for compliance with all pertinent town ordinances and state laws. Except as otherwise stated, the license shall expire on June 30, annually.

(b) The fees indicated below include a twenty-five dollar (\$25.00) application fee which is nonrefundable if the license is not approved. Unless otherwise designated, the initial license shall be assessed on a semi-annual basis. There will be a late fee assessed to licenses that have expired in the amount of twenty-five dollars (\$25.00) for licenses with fees higher than fifty dollars (\$50.00), and in the amount of ten dollars (\$10.00) for licenses with fees fifty dollars (\$50.00) or less. The fine will double after the license has been expired for more than thirty (30) days.

- (1) *Bowling alleys, billiards and other types of games.* The owner or operator of a bowling alley, billiard or pool parlor, or shooting gallery shall obtain a license for a fee of twenty dollars (\$20.00) per lane or table.
- (2) *Carnivals and circuses.* The owner or operator of a carnival or circus shall obtain a license for a fee of one hundred fifty dollars (\$150.00) per day. If the carnival or circus is sponsored by a charitable corporation to aid in obtaining funds to carry out its purposes, the town shall make a refund of all but twenty-five dollars (\$25.00) of the daily fee upon receipt of an affidavit from the treasurer of the corporation indicating the gross receipts of the corporation from the operation of the carnival or circus.
- (3) *Peddlers.* A person who seeks to peddle merchandise at retail shall obtain a license for a fee of twenty-five dollars (\$25.00) per week, fifty dollars (\$50.00) for up to three (3) months, seventy-five dollars (\$75.00) for up to six (6) months, and one hundred dollars (100.00) for up to twelve (12) months. A peddler who has no permanent business location within the state must obtain a seller's permit from the state before this license is granted. A person need not obtain a license to sell merchandise by sample, list, or catalog for future delivery (but shall register this activity with the Brunswick Police and the Brunswick Chamber of Commerce); farm, dairy, orchard, fish, or forest products of their own production on their own property; or newspapers or religious literature.
- (4) *Pawnbrokers.* A person who wishes to lend money on merchandise for a set period of time shall obtain a pawnbroker's license for a fee of seventy-five dollars (\$75.00).
- (5) *Pinball machines and other amusement devices.* A person shall obtain a license to operate one (1) or more pinball machines, electronic games, or other amusement devices at a particular location for a fee of thirty-five dollars (\$35.00) for each machine.
  - a. Owner identified. An applicant for a license under this subsection shall provide the town council with the name and address of the owner of the machines.
  - b. Posting of license. The license required shall be posted securely and conspicuously on the premises for which it is granted and shall state the number of machines which are licensed. The licensee may substitute machines during the license year without additional

charge.

- c. Exception. This subsection does not apply to machines or devices which are owned or operated by a charitable corporation where the person in possession of the machine derives no pecuniary benefit from its presence or operation on his premises; but the corporation shall furnish the council with the name and address of the owner of any such machines.
- (6) *Sellers of prepared food on public way.* The town council may, upon finding that the public convenience so requires and that the applicant is a reputable person, authorize the issuance of a license to sell prepared food on a public way.
- a. The fee for a license for sellers of prepared food on a public way shall be a twenty-five dollar (\$25.00) application fee. The fee for a license for sellers of prepared food on a public way located at the Mall on Maine Street shall be fifteen hundred dollars (\$1,500.00); this license cannot be prorated. The fee for licenses for sellers of prepared food on a public way at the Farmer's Market located at the mall on Maine Street shall be three thousand dollars (\$3,000.00) (for Tuesdays and Fridays). All fees for licenses for sellers of prepared food on a public way shall be payable annually, in advance, and the license shall expire on the date of the first council meeting in March. Applications will be considered by the town council at the first council meeting in March and applications must be filed with the town clerk seven (7) days prior to this meeting. Additional applications may be filed whenever less than the maximum number of licenses have been issued and are in effect.
  - b. The town council may authorize the issuance of a license for a single day or single event on a public way. The fee for a single day license shall be twenty-five dollars (\$25.00) and for a single event license shall be fifty dollars (\$50.00) up to three (3) days. The provisions of subsection c.5. below shall not apply to single day or single event licenses.
  - c. In determining whether or not to issue a license, the council shall consider the following:
    1. The number and proximity of licenses previously granted for the general area sought to be served by the applicant.
    2. The nature, size, appearance and condition of the vehicle or food service device to be used by the applicant. A plan or picture shall be provided.
    3. The impact of the proposed use, including the location of chairs, tables, and service areas on public travel and the adjacent neighborhood. A plan for the use of the public way shall be provided.
    4. The character and ability of the applicant.
    5. Licenses to sell prepared food on the town mall shall be approved for no more than four (4) vendors annually, not including the Brunswick Farmers' Market.

- d. Each license shall contain the following conditions:
1. Operations of the licenses shall be confined to those hours and parts of public ways designated in the license. Because of the public way location, the town council may choose to further restrict the hours of operation. No equipment may remain on the mall or public way when the vendor is not open for business, except as approved by the director of parks and recreation. Such approval shall allow equipment to remain on the mall overnight when the following day's activity is expected to make vendor arrival unduly difficult. Such approvals shall not exceed six (6) times per year.
  2. The licensee shall keep and maintain the area adjacent to its activities free of litter and debris.
  3. The licensee shall indemnify the town against and hold the town harmless from any expense or liability in any way arising out of or connected to activity under the license.
- e. The council may, in its discretion, as a further condition of the license, require the licensee to provide proof of insurance in appropriate amounts with respect to the risks referred to in d.3. above, and impose such conditions, not inconsistent with this article, as it deems reasonable and necessary. Current limits of insurance are as follows: General liability, including product coverage, with a single aggregate limit of five hundred thousand dollars (\$500,000.00) for bodily injury, and a one hundred thousand dollars (\$100,000.00) limit for property damage.
- f. Any license issued hereunder may be revoked for reasonable cause at any time by the council.
- g. Each mall vendor shall also obtain a victualer's license.

(7) *Theater.* A person shall obtain a license to operate an indoor or drive-in theater for a fee of one hundred fifty dollars (\$150.00).

(8) *Victualers/innkeeper.* A person shall obtain an annual victualer's (food service establishment) or innkeeper's license for a fee according to the fee schedule listed below. This license shall expire on the last day of May, annually. A license may be issued by the town clerk, pending favorable inspection by the Brunswick Health Officer and providing all arrearage for taxes, fees, or any other obligations to the town are met. This license shall be issued to a person or corporation preparing and selling unpackaged food to persons within the town limits of Brunswick.

The initial victualer/innkeeper's license may be issued on a quarterly basis with an expiration date of May 31st of each year.

A one- to three-day temporary victualer's license may be issued by the town clerk for a festival

or a holiday celebration, pending favorable inspection by the Brunswick Health Officer or a valid license issued by the State of Maine Department of Human Service or the Department of Agriculture. Verification of a state license must be presented to the town clerk at the time of application. The Brunswick Health Officer may accept a license issued by the state health department of another state, if he so decides it is appropriate.

Such licenses include, but are not limited to, the following types of businesses:

Bakery

Bed & breakfast lodging establishment

Commercial caterer

Delicatessen

Fish market (re: Prepared seafood)

Home caterer

Hotel

Ice cream shop

Inn

Lounge with limited food menu

Mobile-food unit

Motel

Neighborhood grocery

Restaurant

Take-out food establishment (Coffee, popcorn, hotdogs, Mall vendors, ice cream, mobile carts, prepared seafood vendor, etc.)

FSE is defined as food service establishment.

A Brunswick Food Service License is not needed for schools, church kitchens including bean suppers and holiday bazaars, fund raisers for youth organizations (hockey, soccer, swimming, Girl or Boy Scouts, football, Youth Orchestra, Band Boosters, etc.).

Fee Schedule:

FSE with malt, vinous, and spirituous liquor will be two hundred fifty dollars (\$250.00).

FSE with malt and vinous will be two hundred dollars (\$200.00).

FSE with malt or vinous will be one hundred seventy-five dollars (\$175.00)

FSE with no alcohol--Sit-down will be one hundred dollars (\$100.00)

FSE with mobile carts, take-out coffee, popcorn, deli, pizza, bakeries, ice-cream, catering, B & B's, (includes room inspection also), etc will be seventy-five dollars (\$75.00)

FSE temporary 1 to 3 days (festival, holiday celebration, parade) will be twenty-five dollars (\$25.00).

Innkeeper (1--15 rooms) includes complementary food will be one hundred dollars (\$100.00)

Innkeeper (over 15 rooms) includes complementary food will be one hundred seventy-five dollars (\$175.00)

- (9) *Secondhand dealer.* A person shall obtain a license to engage in the business of selling secondhand goods or antiques for a fee of seventy-five dollars (\$75.00).
- (10) *Bazaar or flea market.* A person shall obtain a license to operate a bazaar or flea market, so-called, consisting of two (2) or more vendors for a fee of fifty dollars (\$50.00). The license may cover a period of one (1) to three (3) days. The licensee shall maintain a register open to inspection by the chief of police or his representative of the name and address of each vendor in the market. Charitable organizations located in Brunswick (i.e. Christmas bazaars or church fairs, etc.) need not obtain a license.

Any person or organization may obtain an annual license to operate a bazaar or flea market for a fee of two hundred twenty-five dollars (\$225.00).

- (11) *Tattooing establishment.* A person shall obtain a license to engage in the business of applying tattoos to other persons for a fee of seventy-five dollars (\$75.00). Such license will not be approved until the premises where the tattooing is to take place have passed inspection by the town's health officer.
- (12) *Going out of business.* A person shall obtain a license to hold a "going out of business sale" for a fee of fifty dollars (\$50.00) as authorized by 30A, M.R.S.A., § 3781 et seq. The license is good for sixty (60) days and may be extended for an additional sixty (60) days. The application shall be accompanied by a list of inventory of items to be included in the sale.

After termination of the sale, the person or persons to whom the license was granted shall not continue the business under the same or a different name, at the sale location or elsewhere in the same municipality, contrary to the designation of such sale.

This license includes businesses advertising "closing out sale," "entire stock must go," "going out of business sale," "must sell to the bare walls," or other such designation which states directly or by implication the intent of such person or persons to dispose of the entire stock of business goods.

(13) *Junkyards, automobile graveyards and automobile recycling businesses.*

- a. Purpose. The purpose of this subsection is to supplement the provisions of Title 30-A, Sections 3751 through 3760 as they may be amended from time to time, and to exercise the municipality's home rule and police power in relation to accumulations of vehicles and junk. If any provision of this subsection is inconsistent with any of the provisions in Title 30-A Sections 3751 through 3760, the stricter provisions shall apply.
- b. Authority. This section is authorized by Title 30-A, Section 3001 and 3755.
- c. Definitions.
  1. Automobile graveyard means a yard, field or other area used to store three (3) or more unserviceable, discarded, worn-out or junk motor vehicles and any related motor vehicles regardless of whether or not they are unserviceable, discarded, worn-out or junk.
  2. Junkyard means a yard, field, or other area used to store:
    - i. Discarded, worn-out or junk plumbing, heating supplies, household appliances or furniture;
    - ii. Discarded and scrap or junk and junk lumber;
    - iii. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous metal;
    - iv. Garbage dumps, waste dumps and sanitary fills;
    - v. Any related items regardless of whether or not they meet the definitions in i. through iv. above;
    - vi. Nothing in this subsection shall be interpreted to supersede the requirements of Chapter 13, Solid Waste, in the Municipal Code of Ordinances or to permit activities prohibited by that chapter.
  3. Automobile recycling business means the dismantling of motor vehicles for the purpose of reselling the component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvaged vehicles.

4. Highway means any public way or other way on which the public is permitted general access.
  5. Person means any natural person, corporation, partnership or association.
  6. Subsection means Municipal Code of Ordinances, Chapter 10, Licenses and Business Regulations, Article 2 Licenses Generally, section 10-26(13) Junkyard/Automobile graveyards.
- d. Establishment or maintenance of automobile graveyards, junkyards or automobile recycling businesses.
1. All automobile graveyards, junkyards, or automobile recycling businesses are regulated by this subsection regardless of their distance from a highway. No person may establish, operate or maintain an automobile graveyard, junkyard, or automobile recycling business in violation of this subsection or without first obtaining a non-transferable permit from the municipal officers of the Town of Brunswick. The permit expires October 1st of each year.
  2. The fee for an automobile graveyard or junkyard located more than one hundred (100) feet from a highway is fifty dollars (\$50.00), plus a twenty-five dollar (\$25.00) application fee and the cost of posting and publishing the required notices. The fee for an automobile graveyard or junkyard located within one hundred (100) feet of any highway is two hundred dollars (\$200.00), plus the cost of posting or publishing the required notices. The fee for a recycling business is two hundred fifty dollars (\$250.00), plus an annual inspection fee of twenty-five dollars (\$25.00) for a five-year permit, plus the cost of posting and publishing the required notices.
  3. The person seeking a permit shall complete an application on a form provided by the town. The application shall include:
    - i. The name and address (mailing and physical) of the person establishing, operating or maintaining the activity for which a permit is sought, and the address (mailing and physical) of the activity.
    - ii. Whether the activity sought is an automobile graveyard, junkyard, or automobile recycling business.
    - iii. A sketch plan drawn on a scale not to exceed one (1) inch equals one hundred (100) feet showing the boundary lines of the property and any residences or wells within the boundaries of the site plan or within one hundred (100) feet of the site's boundaries.
    - iv. A statement of the standards within this subsection and state law with

space for the person to make a brief statement of compliance with the standards.

- v. Such other information as the municipal officers or their designee requires to enable the municipal officers to make an informal decision on the permit request.
- e. Standards. No permit shall be issued for an automobile graveyard, junkyard, or automobile recycling business unless the municipal officers of the Town of Brunswick find the following standards have been met:
1. The automobile graveyard, junkyard, or recycling business must be enclosed by a visual screen at least six (6) feet high and built in accordance with rules adopted by the Maine Department of Transportation in pursuant to Title 30-A, Section 3759.
  2. No vehicle, machine or equipment with an intact engine or motor may be stored within one hundred (100) feet of any body of water or freshwater or coastal wet land in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
  3. No vehicle, machine or equipment may be dismantled or stored within five hundred (500) feet of a school, church, cemetery, or public playground or park in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
  4. No vehicle, machine or equipment may be dismantled or stored over a sand and gravel aquifer or aquifer recharge area in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
  5. No vehicle, machine or equipment containing fluids may be dismantled or stored within the 100-year floodplain in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection.
  6. No vehicle, machine or equipment may be dismantled or stored in an automobile graveyard, junkyard or automobile recycling business permitted for the first time after the effective date of this subsection within one hundred (100) feet of a well that serves as a public or private water supply, excluding a private well which serves only the automobile graveyard, junkyard or automobile recycling business or the owner or operators abutting residence.
  7. The yard, field or other area used for the automobile graveyard, junkyard, or automobile recycling business is owned by fee title without any encumbrances. In the alternative, the person may present notarized, written permission for the

establishment, operation or maintenance of the automobile graveyard, junkyard or recycling business from the person owning the encumbrances.

8. No vehicle, machine, equipment or junkyard junk may be located, stored or dismantled closer than twenty (20) feet from any lot line unless the person has notarized written permission from the abutting property owner.
  9. The following standards must be performed when dismantling any vehicle, machine or equipment:
    - i. The battery must be removed.
    - ii. Engine lubricant, transmission fluid, brake fluid and engine coolant must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal or state laws, rules or regulations.
    - iii. Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground. The person establishing, operating or maintaining the automobile graveyard, junkyard or automobile recycling business must comply with all applicable federal or state laws related to hazardous material must be complied with.
  10. Before a permit is issued, the municipal officers designee shall inspect the premises and issue a report to the municipal officers regarding compliance with this subsection and any other applicable local, state or federal laws, ordinances, rules and regulations. No permit shall be issued if the person seeking the permit refuses to grant permission for this inspection.
- f. Severability. If any part or parts, sentence, clause or phrase of this subsection is declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this ordinance or any rules or regulations promulgated hereunder.
  - g. Effective date. This subsection shall become effective thirty (30) days after enactment by the Brunswick Town Council pursuant to Section 211 of the Brunswick Town Charter.
  - h. Enforcement and penalty. The Brunswick Town Council or its designee shall enforce the provisions of this subsection. A violation of any provision of this subsection shall be a civil violation, and a civil penalty not exceeding two thousand five hundred dollars (\$2,500.00) shall be imposed, which shall accrue to the benefit of the Town of Brunswick. Each day that a violation continues will be treated as a separate offense. The Brunswick Town Council or its designee may also seek injunctive relief, where appropriate, and may seek attorneys fees and costs for prosecution of violations of this section. The Brunswick Town Council may also revoke or suspend the permit after notice and hearing.

(14) *Sales or exhibits by non-profit organizations on public places.*

a. *Definitions.*

1. *Nonprofit corporation.* An entity that is organized, conducted and is in good standing as a nonprofit corporation in the State of Maine.
2. *Public place.* Any sidewalk, street, the Lower Mall, or property owned by the Town of Brunswick, except as otherwise specified in Chapter 14, Section 14-124.

b. The town council may, upon making the findings in subsection c, grant a license to non-profit corporations for sales or exhibits on public places.

c. In determining whether or not to issue a license, the town council shall affirmatively find the following:

1. That the applicant is a non-profit corporation.
2. That the sales or exhibit can be conducted in the proposed location in a manner which;
  - (i) will not unreasonably interfere with public use and enjoyment of the public place;
  - (ii) will not unreasonably interfere with free passage in the public place or interfere with vehicular or pedestrian access to private property;
  - (iii) will not cause a public safety concern by distracting persons operating motor vehicle;
  - (iv) to the extent the sale or exhibit is partially on private property is with written permission from the owner.

d. The license may be for a single day or up to three (3) days. The fee for a single day is five hundred dollars (\$500.00) and for up to three (3) days is one thousand two hundred dollars (\$1,200.00). At the request of the applicant, the Council may waive any portion of the fee, except for a twenty-five dollar (\$25.00) application fee.

e. The application for a license shall be on a form provided by the town clerk. The applicant shall be required to furnish the following information in and such other information as the clerk finds necessary to process the application:

1. The name of the applicant with contact information and name of the applicant's registered agent.

2. The proposed location of the sale or exhibit.
3. The proposed hours of the sale or exhibit.
4. A copy of the applicant's article of incorporation, bylaws and a certificate of good standing.
5. A description of the sale or exhibit.
6. A sketch demonstrating that the sale or exhibit can be conducted in conformance with subsection (c)(2).
7. If the sale or event is proposed to be conducted partially on private property, written permission from the owner of that property.
8. A written statement from the chief of police or his or her designee that the provisions of subsection (c)(2) can be met.

After approval by the town council, the license shall be obtained from the town clerk.

f. Indemnification and insurance.

1. The licensee shall execute a document agreeing to defend, indemnify and hold harmless the town and its officers, officials and employees in their public and individual capacities, from and against any expense or liability in any way arising out of or connected to activity under the license.
2. The council may, in its discretion, as a further condition of the license, require the licensee to provide proof of insurance satisfactory to the town manager in appropriate amounts with respect to the risks referred to in subsection f.(1) above.

g. Conditions. The town council may place such conditions on the license as it deems appropriate to meet the provisions of this subsection.

(15) *Alcohol license applications.* A fee of twenty-five dollars (\$25.00) will be assessed to any full time alcohol license application requiring the approval of the Town Council or their designee. (Ord. of 5-4-87, § 101; Mo. of 12-4-89; Mo. of 3-5-90; Mo. of 6-3-91; Ord. of 6-17-91; Mo. of 6-1-92; Ord. of 2-3-97; Ord. of 10-20-97; Emergency/Regular Ord. of 5-20-02; Ord. of 2-18-03(1); Ord. of 1-10-05; Ord. of 6-15-05; Ord. of 3-23-06; Ord. of 10-5-06(1); Ord. of 11-1-06(2) ; Ord. of 5-19-08; Ord. of 2-2-09; Ord. of 3-23-09(1))

**Sec. 10-27. Qualifications.**

In order to be eligible for any license, an applicant shall meet any qualifications established by law and shall pay any arrearages for taxes, fees, or any other obligation to the town.

(Ord. of 5-4-87, § 102; Mo. of 6-1-92)

**Sec. 10-28. Penalties.**

The following penalties apply to this article:

- (1) *Violation.* A person or an organization who violates any of the provisions of this article shall be punished by a fine of not more than two hundred fifty dollars (\$250.00).
- (2) *False information.* A person who gives false information in obtaining a license under this article shall be punished by a fine of not more than two hundred fifty dollars (\$250.00).

(Ord. of 5-4-87, § 103; Mo. of 6-1-92)

**Secs. 10-29--10-45. Reserved.**

**ARTICLE III.**

**DISPOSAL AND TRANSPORTATION OF SEWAGE\***

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\* **Cross References:** Solid waste, Ch. 13; transportation of sewerage, § 16-28.

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**Sec. 10-46. License required.**

A person shall not engage in the business of collecting or transporting sewage within the boundaries of Brunswick without first obtaining a license from the town clerk. A person shall not engage in the business of collecting or transporting solid waste within the boundaries of Brunswick without first obtaining a license as described in Chapter 13 of this Code. Before a license to collect or transport sewage may be issued, the public works director shall inspect each disposal vehicle to be used which must be leak-proof and spill-proof. An application fee of twenty-five dollars (\$25.00) shall be paid for the initial inspection of any vehicle covered under this ordinance. Upon approval by the public works director and payment of a fee of seventy-five dollars (\$75.00) per vehicle, per year, the town clerk shall issue the license to the applicant. If the license is issued between July 1 and December 31, the fee shall be thirty-eight dollars (\$38.00) per vehicle.

(Ord. of 2-6-89, § 401; Ord. of 11-6-89, § 401; Mo. of 6-1-92; Ord. of 3-1-93; Ord. of 11-1-06(2))

**Sec. 10-47. Care and use of disposal vehicle.**

The owner of a sewage collection or disposal vehicle shall keep it clean and as free as possible of offensive odors. He shall not park it in any place other than its regular parking place for longer than is reasonably necessary to make a collection.

(Ord. of 2-6-89, § 402; Mo. of 6-1-92; Ord. of 3-1-93)

**Sec. 10-48. Suspension and revocation of license.**

After notice and hearing, the town council may suspend or revoke the license of any person who violates, or whose employees violate section 10-47.

(Ord. of 2-6-89, § 403; Mo. of 6-1-92; Ord. of 3-1-93)

**Sec. 10-49. Penalty.**

A person who violates this article shall be punished by a fine of not more than five hundred dollars (\$500.00) for the first offense, and by a fine of not more than one thousand dollars (\$1,000.00) for the second and each subsequent offense committed within a twelve-month period of time. In any case, the court shall also order the violator to reimburse the town for the cost of abating any damage caused by the violation. The employer of any person who violates this article within the scope of their employment is subject to the same penalties and charges as are outlined in this section.

(Ord. of 2-6-89, § 802; Mo. of 6-1-92; Ord. of 3-1-93)

**Sec. 10-50. Qualifications.**

In order to be eligible for any license, an applicant shall meet any qualifications established by law and shall pay any arrearage for taxes, fees, or any other obligations to the town.

(Mo. of 6-1-92; Ord. of 3-1-93)

**Secs. 10-51--10-65. Reserved.**

**ARTICLE IV.**

**SPECIAL AMUSEMENT PERMITS\***

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\* **State Law References:** Special permit for music, dancing or entertainment, 28-A M.R.S.A. § 1054 et seq.

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**Sec. 10-66. Purpose.**

The purpose of this article is to regulate the issuance of special amusement permits for music, dancing, or entertainment in facilities licensed by the state to sell liquor as authorized by 28-A M.R.S.A. § 1054.

(Ord. of 6-5-78, § 102; Ord. of 5-5-87, § 102; Mo. of 6-1-92)

**Sec. 10-67. Definition.**

For the purposes of this article, the word "entertainment" means any amusement, performance, exhibition, or diversion for customers of the licensed premises whether provided by professional entertainers or by employees of the operator of the licensed premises.

(Ord. of 6-5-78, § 103; Ord. of 5-5-87, § 103; Mo. of 6-1-92)

**Sec. 10-68. Permit required.**

(a) A licensee for the sale of liquor to be consumed on the licensed premises shall not permit any live music, dancing, or entertainment of any kind on the premises until he has first obtained a special amusement permit issued by the town council.

(b) He must file a written application for the permit with the council including the name, date and place of birth, and residence address of the applicant; the name, address and nature of the business; and any additional information required by the council necessary to the processing of the application.  
(Ord. of 6-5-78, § 201; Ord. of 5-5-87, § 201; Mo. of 6-1-92)

**Sec. 10-69. Inspection.**

As soon as an application for a special amusement permit has been received by the town council, the codes enforcement officer shall inspect the licensed premises to determine whether they are in compliance with all pertinent law. He shall make a written report to the town council with his findings in that regard.  
(Ord. of 6-5-78, § 202; Ord. of 5-5-87, § 202; Mo. of 6-1-92)

**Sec. 10-70. Public hearing.**

Before granting a permit, and after seven (7) days' notice published in a newspaper having general circulation in the town, the town council shall hold a public hearing to determine whether issuance of the permit would be detrimental to the health, safety, or general welfare of the public, or would be in violation of any provision of this Code or town ordinance. After the hearing, the council shall issue the permit unless it finds that to do so would be detrimental to the health, safety, or general welfare of the public, or would be in violation of a municipal ordinance.  
(Ord. of 6-5-78, § 203; Ord. of 5-5-87, § 203; Mo. of 6-1-92)

**Sec. 10-71. Denial of permit.**

If the application for a special amusement permit is denied, the town council shall give the applicant a written statement of the reasons for the denial.  
(Ord. of 6-5-78, § 204; Ord. of 5-5-87, § 204; Mo. of 6-1-92)

**Sec. 10-72. Conditional issuance.**

The town council may attach conditions to any special amusement permit which are necessary for the protection of the health, safety, or general welfare of the public.  
(Ord. of 6-5-78, § 205; Ord. of 5-5-87, § 205; Mo. of 6-1-92)

**Sec. 10-73. Permit fee.**

The fee for a special amusement permit is one hundred dollars (\$100.00). This fee includes a twenty-five dollar (\$25.00) application fee which is nonrefundable if the application for the permit is denied.  
(Ord. of 6-5-78, § 206; Ord. of 5-5-87, § 206; Mo. of 6-1-92; Ord. of 11-1-06(2))

**Sec. 10-74. Term of permit.**

A special amusement permit is coterminous with the license year of the applicant's existing liquor license.  
(Ord. of 6-5-78, § 207; Ord. of 5-5-87, § 207; Mo. of 6-1-92)

**Sec. 10-75. Periodic inspection.**

Whenever an inspection of the premises used for the operation of a business by the holder of a special amusement permit is provided for by law, or is reasonably necessary in order to determine whether there is compliance with any pertinent law, the licensee shall permit the health officer or any official or employee of the codes enforcement office to make the inspection at any reasonable time, on written request.  
(Ord. of 6-5-78, § 208; Ord. of 5-5-87, § 208; Mo. of 6-1-92)

**Sec. 10-76. Suspension or revocation of a permit.**

After seven (7) days' notice published in a newspaper having general circulation in the town, and public hearing, the town council may suspend or revoke a special amusement permit if it determines that the music, dancing, or entertainment being provided at the licensed premises constitutes a detriment to the public health, safety, or welfare; or violates any law; or if the health officer or any official or employee of the codes enforcement office has been refused admission to make an inspection of the premises after written request.  
(Ord. of 6-5-78, § 209; Ord. of 5-5-87, § 209; Mo. of 6-1-92)

**Sec. 10-77. Penalty.**

A person who violates any of the provisions of this article shall be punished by a fine of not more than five hundred dollars (\$500.00).  
(Ord. of 6-5-78, § 301; Ord. of 5-5-87, § 301; Mo. of 6-1-92)

**Sec. 10-78. Qualifications.**

In order to be eligible for any license, an applicant shall meet any qualifications established by law and shall pay any arrearages for taxes, fees, or any other obligation to the town.  
(Mo. of 6-1-92)

**Secs. 10-79--10-95. Reserved.**

**ARTICLE V.**

**VEHICLES FOR HIRE\***

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\* **Editors Note:** Ord. of Feb. 5, 1996, amended Art. V, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. V pertained to similar subject matter. See the Code Comparative Table.

**Cross References:** Traffic and vehicles, Ch. 15.

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**Sec. 10-96. Definitions.**

For the purpose of this article the following terms are to be deemed and construed to have the meanings respectively ascribed to them in this section, unless, from the particular context, it clearly appears that some other meaning is intended.

*Horse-drawn carriage* shall mean any horse-drawn vehicle used for transportation of passengers for

hire.

*Taxicab* shall mean a motor vehicle used for the conveyance of passengers for hire, without fixed routes or termini, the destination and route of which are under the control of the passenger or passengers being carried therein, and the fares for which are at rates per mile or wait time or both.

*Taximeter* shall mean a mechanical instrument or device by which the fare for hire of a taxicab is mechanically calculated and on which the fare is plainly and accurately indicated.  
(Ord. of 8-15-88, § 1; Mo. of 6-1-92; Ord. of 2-5-96)

**Cross References:** Definitions and rules of construction generally, § 1-2.

### **Sec. 10-97. License required.**

It is unlawful for any person to operate or cause to be operated in the town any horse-drawn carriage or taxicab without having first obtained a license to do so. It shall not be deemed to be the operation of a taxicab or the causing of a taxicab to be operated within the meaning of this section if:

- (1) An individual, partnership, or corporation licensed to operate a taxicab in any municipality which grants the same rights as are granted herein to taxicabs licensed in the town shall, upon previous call therefor, take passengers from this town to the municipality in which the taxicab is licensed; or,
- (2) Any person licensed to operate a taxicab in any municipality which grants the same rights as are granted herein to taxicabs licensed in the town shall upon delivery in this town of a bona fide passenger from the municipality where the taxicab is licensed, take passengers from the point of delivery in this town to the municipality where the taxicab is licensed without parking, standing, or cruising in this town to obtain the passengers.

(Ord. of 8-15-88, § 2; Mo. of 6-1-92; Ord. of 2-5-96)

### **Sec. 10-98. Application for license.**

Application for a license to operate a horse-drawn carriage or taxicab shall be made on forms provided by the town and approved by the town council and shall, among other things, set forth:

- (1) The name, address and date of birth of the applicant.
- (2) The number of horse-drawn carriages or taxicabs actually owned and the number of horse-drawn carriages or taxicabs actually operated in the town by the applicant on the date of application.
- (3) The number of horse-drawn carriages or taxicabs for which a license is desired.
- (4) The make, type, year of manufacture, and passenger seating capacity of each horse-drawn carriage or taxicab for which application for a license is made.
- (5) A description of the proposed color scheme, insignia, style, or any other distinguishing characteristics or proposed horse-drawn carriage or taxicab design.

(Ord. of 8-15-88, § 3; Mo. of 6-1-92; Ord. of 2-5-96)

**Sec. 10-99. Issuance of licenses.**

The town clerk shall issue to the owner of the horse-drawn carriage or taxicab, provided he shall comply with the further conditions of this article, a license for its operation upon the payment of a license fee of sixty-five dollars (\$65.00) per year for each horse-drawn carriage or taxicab. If the license is issued between October 1 and March 31, the fee shall be thirty-three dollars (\$33.00) per vehicle. All licenses issued under this article shall continue in force until the first day of the following April.  
(Ord. of 8-15-88, § 4; Mo. of 6-1-92; Ord. of 2-5-96; Ord. of 11-1-06(2))

**Sec. 10-100. Inspection of horse-drawn carriages or taxicabs.**

Before a license is issued to the owner of any horse-drawn carriage or taxicab, or whenever the chief of police may require it, the owner shall deliver it to the chief of police for inspection. The chief of police, or some person designated by him, shall inspect the horse-drawn carriage or taxicab and determine whether it is safe and suitable for horse-drawn carriage or taxicab service. Any horse-drawn carriage or taxicab which is declared to be unsafe or unsuitable for horse-drawn carriage or taxicab service may be immediately ordered out of service at any time by the police chief until it has been made safe or suitable.  
(Ord. of 8-15-88, § 4.1; Mo. of 6-1-92; Ord. of 2-5-96)

**Sec. 10-101. Certification of vehicle safety.**

No license shall be issued for any horse-drawn carriage or taxicab until the chief of police or his designee certifies to the town clerk that it is safe and suitable for horse-drawn carriage or taxicab service.  
(Ord. of 8-15-88, § 4.2; Mo. of 6-1-92; Ord. of 2-5-96)

**Sec. 10-102. Insurance required.**

No license shall be issued for any horse-drawn carriage or taxicab until the owner has filed with the town clerk a certificate of insurance from an insurance company authorized to do business in the state showing that the horse-drawn carriage or taxicab is insured for the period of the license covering liability for injuries to persons and property resulting from the use and operation of the horse-drawn carriage or taxicab and that the required fee has been paid. The insurance policy shall be issued for a principal sum sufficient to provide indemnity for personal injury in an amount not less than one hundred thousand dollars (\$100,000.00) for injury to one (1) person and three hundred thousand dollars (\$300,000.00) for injuries to more than one (1) person arising out of any one (1) accident and property damage to the amount of twenty-five thousand dollars (\$25,000.00).  
(Ord. of 8-15-88, § 4.3; Mo. of 6-1-92; Ord. of 2-5-96)

**Sec. 10-103. Identification.**

A taxicab shall be conspicuously marked, in letters not less than two and one-half (2 1/2) inches in height, with the word "TAXI" or "TAXICAB" and the owner's name, trade name, or with a design or monogram containing the owner's name or trade name. The design or monogram must be at least eight (8) inches in diameter.

In the case of a horse-drawn carriage the company or crest and "for hire" signage shall be appropriately displayed.

(Ord. of 8-15-88, § 5; Mo. of 6-1-92; Ord. of 2-5-96)

**Sec. 10-104. Horse-drawn carriage or taxicab drivers' applications and license fees.**

It is unlawful for any person to operate a horse-drawn carriage or taxicab unless he first obtains a license. An application for the license must be made on a form furnished by the town and shall set forth under oath such information as the town council may require. The license shall be signed by the town clerk after approval to grant the license has been given by the chief of police or his designee. Each license must be numbered in the order granted and, shall continue in force until the first day of the following April. The license fee is thirty dollars (\$30.00) per year. If the license is issued between October 1 and March 31, the fee shall be fifteen dollars (\$15.00). No such license shall be granted to any person unless he can read, write, and speak the English language intelligently. No license shall be granted to any person unless he shall present a valid driver's license issued to him by the state. The applicant must be at least eighteen (18) years of age. He must furnish to the town clerk with his application two (2) recent photographs of himself. Any person whose driver's license has been suspended for a period of ten (10) days or more by any state shall not be eligible to apply for a horse-drawn carriage or taxi operator's license until one (1) year following the date of restoration of the suspended driver's license. No horse-drawn carriage or taxi license shall be issued to any person who has been convicted of a vehicular violation which imposes a sentence of imprisonment exceeding a period of one (1) year.

(Ord. of 8-15-88, § 6; Mo. of 6-1-92; Ord. of 2-5-96; Ord. of 11-1-06(2))

**Sec. 10-105. Town clerk to furnish identification card.**

Upon the issuance of a license to any horse-drawn carriage or taxicab driver, the town clerk shall deliver to the licensee an identification card bearing a recent photograph of the licensee, the number of the license and the licensee's name. The identification card shall be posted within the horse-drawn carriage or taxicab driven by the licensee in plain view of the passenger at all times.

(Ord. of 8-15-88, § 6.1; Mo. of 6-1-92, Ord. of 2-22-94; Ord. of 2-5-96)

**Sec. 10-106. Additional passengers restricted.**

No driver of a horse-drawn carriage or taxicab shall carry any person other than the passenger first engaging his horse-drawn carriage or taxicab without the latter's consent.

(Ord. of 8-15-88, § 7; Mo. of 6-1-92; Ord. of 2-5-96)

**Sec. 10-107. Rates of fare.**

No owner or driver of a horse-drawn carriage or taxicab shall charge any passenger any rate for service within the limits of the town in excess of the rates posted as provided for in this section.

- (1) *Posting of rates.* A plainly printed card setting forth the rates of fare shall be conspicuously displayed in every horse-drawn carriage or taxicab so that it can be seen by a passenger day or night. Failure so to display such card or proof of charging in excess of the posted rates shall be grounds for revoking the license of the driver.

- (2) *Taximeters.* Every taxicab equipped with a taximeter shall be checked and approved by the sealer of weights and measures of the town at least once every year, and the owner or the operator of such taxicab will submit the vehicle owned by him for such inspection to the sealer of weights and measures, or to any other properly authorized representative of the town when required to do so by the sealer of weights and measures, the chief of police or the town manager.

(Ord. of 8-15-88, § 8; Mo. of 6-1-92; Ord. of 2-5-96)

**Sec. 10-108. Penalty.**

Any person convicted of a violation of this article shall be guilty of a civil offense and shall be punished by a civil penalty of not more than two hundred and fifty dollars (\$250.00).

(Ord. of 8-15-88, § 9; Mo. of 6-1-92; Ord. of 2-5-96)

**Sec. 10-109. Suspension or revocation.**

The revocation or the suspension of the license to operate a motor vehicle by any state for more than ten (10) days automatically revokes a horse-drawn carriage or taxi driver's license issued by the town.

(Ord. of 8-15-88, § 10; Mo. of 6-1-92)

**Sec. 10-110. Qualifications.**

In order to be eligible for any license, an applicant shall meet any qualifications established by law and shall pay any arrearages for taxes, fees, or any other obligation to the town.

(Mo. of 6-1-92)