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## Chapter 10

Adopted April 19, 2022

Effective May 19, 2022

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

- (a) License required. 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, with fees paid in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. 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. Applicants shall not qualify for licenses hereunder if the applicant is in arrears for any tax, fee, or other obligation to the town unless the applicant can provide evidence that written and binding payment arrangements have been made with the town. Any person or organization operating without the required license shall be subject to enforcement action by the town, including fine and/or order to cease and desist.
- ~~(b) The fees, in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances, include an 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. The fine will double after the license has been expired for more than thirty (30) days.~~
- (b) Application and license fees. Application fees are not refundable nor proratable. Unless specifically prohibited by the provisions governing the licensed activity, on another method is prescribed by those provisions, the initial license fee(s) may be prorated in accordance with this paragraph. Initial licenses issued in the first quarter of the license term shall pay 100% of the license fee. Initial licenses issued in the second quarter of the license term shall pay 75% of the license fee. Initial licenses issued in the third quarter of the license term, shall pay 50% of the license fee. Initial licenses issued in the fourth quarter of the license term, shall pay 25% of the license fee. The fee for all renewal licenses, regardless of when issued, shall be 100% of the license fee. The town clerk shall determine whether a license is an initial license or a renewal license. A late fee shall be assessed, in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances on all licenses renewed after their expiration date. The late fee shall double if the renewal is issued more than (30) thirty days following expiration. With six votes, the town council, after finding that it is in the public interest, may waive or reduce fees for a period of up to one year. Such reduction or waiver may be voted for a class of licenses, not individual licenses. Subsequent reductions or waivers shall require another finding and six votes.
- (1) Bowling alleys and billiard or pool parlor. The owner or operator of a bowling alley, or billiard or pool parlor shall obtain a license for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. Bowling alley means any building, structure, enclosure or other place for the playing of bowls, candlepins, duckpins, tenpins or similar games. Billiard and pool halls means any place for the playing of any game of billiards, pool, bagatelle or similar game.
- (2) Carnivals and circuses. The owner or operator of a carnival or circus shall obtain a license for a fee per day in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. The license fee shall not be prorated.
- (3) Peddlers. A person who seeks to peddle merchandise at retail shall obtain a license for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this

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Municipal Code of Ordinances. 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 town clerk) ~~Brunswick Chamber of Commerce~~; farm, dairy, orchard, fish, or forest products of their own production on their own property; or newspapers or religious literature. A peddler who is not on their own property must provide written permission from the property owner at time of application. Peddlers are not allowed to set up and sell on town property. The license fee shall not be prorated.

~~(4) Pawnbrokers. Any person, firm or corporation that wishes to lend money on merchandise for a set period of time shall obtain a pawnbroker's license for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.~~

(4) Pawnbrokers. Any person, firm or corporation that accepts and holds property for a set period of time, as a pledge to secure a loan of money, shall obtain a pawnbroker's license for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

~~(5) Pinball machines and other amusement devices. A person or business shall obtain a license to operate one (1) or more pinball machines, electronic games, or other amusement devices if the device's owner is not the owner the business establishment in which the device is located for a fee for each machine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.~~

(5) Amusement devices. A person or business shall obtain a license to operate one (1) or more pinball machines, electronic games, or other amusement devices. The license fee shall be per machine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

- 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.

~~(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 paid in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. All fees for licenses to sell prepared food on the town mall 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.~~

~~The license for outdoor seating on public ways will be from April 15 to November 1. Applications for outdoor seating will be considered by the town council at the first council meeting in April and applications must be filed with the town clerk seven (7) days prior to this meeting. A late fee as set in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B~~

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will apply to renewal licenses applications that are not received by the town clerk's office prior to April 15.

- b. ~~The town council may authorize the issuance of a temporary food license for a per vendor in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. The provisions of subsection (b)(6)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 five (5) 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. Except as otherwise provided herein, no equipment may remain on the mall or public way when the vendor is not open for business. Equipment may remain on the mall overnight for no more than ten (10) nights per year, provided the vendor provides advance notice via e-mail or telephone, to the director of parks and recreation.~~
  - 2. ~~The licensee shall keep and maintain the area adjacent to its activities free of litter and debris. Vendors shall provide at least one (1) trash receptacle and one (1) recycling receptacle conveniently located near their cart. Those receptacles shall be covered and have a capacity of at least thirty three (33) gallons. The receptacles shall be emptied, and the trash and recycling removed from the premises by the vendors, on a daily basis.~~
  - 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 subsection (b)(6)d.3. above, and impose such conditions, not inconsistent with this article, as it deems reasonable and necessary.~~
- 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 food service establishment license.~~
- h. ~~In cases of seating on public ways, there will be a requirement that the applicant maintains a minimum unobstructed paved pedestrian walkway of sixty (60) inches with a minimum vertical clearance of eight (8) feet. When completing an application, the applicant will provide a detailed diagram of the proposed seating and final approval will be based on a favorable inspection by the codes officer to ensure this requirement is met. This requirement must be maintained for the~~

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~~full time the license is in effect or the license may be subject to being revoked by the town council.~~

(6.1) Sellers of prepared food on public way. The town council may 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 paid in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. The license fee shall not be prorated.
- b. The license for outdoor seating on public ways is effective from April 15 to November 1. Applications for outdoor seating will be considered by the town council at the first council meeting in April and applications must be filed with the town clerk ten (10) days prior to this meeting. A late fee as set in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B shall apply to renewal license applications that are not received by the town clerk's office prior to April 15.
- c. In determining whether 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. An applicant-supplied plan drawn to scale illustrating the impact of the proposed use on public travel way and the adjacent properties. The plan shall illustrate the location and size of the proposed seating area, and the number and location of the tables and chairs within that area. The plan shall show the distances from adjacent buildings, trees, curbs, sidewalk furniture, and any other obstructions. It shall also delineate the unobstructed paved pedestrian walkway width of sixty (60) inches required below.
- d. Each licensee shall be subject to the following conditions:
  1. Operations shall be limited to areas directly in front of or behind property owned or leased by the licensee. For seating on public ways, the licensee must maintain a minimum unobstructed paved pedestrian walkway of sixty (60) inches with a minimum vertical clearance of eight (8) feet.
  2. Operations shall be confined to those hours and parts of public ways designated in the license. Licensees shall remove tables, chairs, receptacles, and other equipment when snow is forecasted or as directed by the public works director for any reason related to the safety or maintenance of the public way.
  3. Operations shall be conducted in a clean and sanitary manner and licensees shall supply adequate receptacles for trash and recyclables. Licensees shall be responsible for sweeping and washing the occupied spaces, and the area immediately surrounding those spaces.
  3. The licensee shall indemnify and defend the town against any liability or expense arising out of, or connected to, activity under the license. The applicant shall provide proof of insurance in amounts required by the town's finance director or insurance provider and name the town as an additional insured.
  4. The town council may impose such other license conditions as it deems reasonable and necessary.
- e. The requirements of this ordinance and any license conditions imposed by the town council shall be enforced by the town's codes enforcement officer. Any license issued hereunder may be revoked by the town council for cause, following notice and a hearing.

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- (6.2) Sellers of prepared food on the lower mall. The town council may issue an annual license to sell prepared food on the lower mall. Licensees shall be restricted to the five (5) vendor pads provided by the town. No part of the operation or any equipment shall encroach on the public way. Each mall vendor shall also obtain a food service license in accordance with section 8.1.
- a. The fee for a license for sellers of prepared food on the mall shall be paid in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. The license fee shall not be prorated. All fees for licenses to sell prepared food on the town mall shall be payable in advance. Applications will be considered by the town council at the first council meeting in March and applications must be filed with the town clerk ten (10) days prior to this meeting. After this application deadline, whenever fewer than the maximum number of licenses are in effect, those applications that were received by the application deadline, and were not selected for a license in a lottery, will receive first consideration. Subsequent applications will be evaluated on a first-come, first-served basis.
- c. In determining whether to issue a license, the town council shall first find that the application is complete. It shall then consider the following:
1. 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.
  2. The number of years that the vendor has been licensed as a mall vendor.
  3. The number of days that the licensee plans to be open to serve the public.
  4. The food and beverages being offered, so that no two (2) vendors are offering essentially the same menu items.
  5. The proximity of any "brick and mortar" establishment offering essentially the same menu items.
  6. For renewals, the past performance of the vendor. The evaluation of performance shall consider the popularity of the vendor's offerings, the number of days per year the licensee was open to serve the public, as well as any violations of the law or license conditions.
  7. Other factors the council determines are in the public interest.
- d. If there are more applicants than vendor pads available, the licensee(s) shall be chosen by vote of the council with each councilor having one vote per available pad. The license(s) shall be awarded to the applicant(s) receiving the most votes. If the council finds the applicant(s) equally qualified, the license(s) shall be awarded by lottery.
- e. Each license shall contain the following conditions:
1. Operations shall be confined to those hours and to the vendor pad designated in the license. The town council may choose to further restrict the hours of operation as it deems to be in the public interest. No equipment may be placed on the mall or public property prior to 6:00 AM, nor remain on the mall or public property beyond 10:00 PM when the vendor is not open for business. Exceptions to these hours may be granted by the director of parks and recreation. To obtain an exception, a licensee must provide advance notice via e-mail or telephone to the director of parks and recreation. Unless the director affirmatively denies the request, permission shall be deemed granted. Permission shall not be granted for more than ten (10) occurrences per year.
  2. The licensee shall keep and maintain the area adjacent to its activities free of litter and debris. They shall provide at least one (1) trash receptacle and one (1) recycling receptacle

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conveniently located near the vendor cart. Those receptacles shall be covered and have a capacity of at least thirty-three (33) gallons. The receptacles shall be emptied, and the trash, recycling, and receptacles removed from the premises by the licensee, on a daily basis.

3. The licensee shall be responsible to keep the vendor pad and the sidewalk directly in front of the vendor pad, clear of ice and snow.
  4. The licensee shall indemnify and defend the town against any liability or expense arising out of, or connected to, activity under the license. The applicant shall provide proof of insurance in amounts required by the town's finance director or insurance provider and name the town as an additional insured.
  5. Unless the express written permission is obtained from the director of parks and recreation, a licensee shall not be closed to the public for any period longer than ten (10) days in any thirty (30) day period, during the months of May through October.
  6. The town council may impose such other license conditions as it deems reasonable and necessary.
- f. Any license issued hereunder may be revoked by the council for cause, following notice and a hearing.
- g. Subject to the approval of the town council, a licensed mall vendor may sublicense the use of the assigned vendor pad to one other vendor during the license term. However, only one vendor shall be allowed on a vendor pad at any one time. To be considered for approval, sublicensees shall provide all the application materials required to be submitted by an applicant for a license. In addition, a sublicensee shall provide a written statement from the licensee stating that the licensee and sublicensee have an agreement on the use of the vendor pad. The licensee shall be responsible to ensure the sub-licensee's compliance with the rules and regulations imposed by the town by ordinance, by license condition, or by any additional conditions imposed in the approval of the sublicense. Other than an application fee, paid in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances, a sublicensee shall not be required to pay a license fee.
- (6.3) Farmers market on public property. The town council may issue one license to a duly organized local farmers market to sell agricultural products on the lower mall or in another town-owned location as determined by the town council. The farmers market and the items being offered for sale must meet the requirements of Maine law, 7 M.R.S. § 415 et seq., and any amendments thereto.
- a. The fee for a license for a farmers market shall be paid in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. The license fee shall not be prorated.
  - b. The license for the farmers market shall be effective from May 1 to December 31.
  - c. A maximum of fifteen (15) farmers or vendors may be sited under the one (1) license issued to the farmers market. To protect public property, the town's director of parks and recreation, at the director's discretion, may authorize the siting of fewer than the maximum number of farmers or vendors. In such case, the director shall notify the town council of that determination. The total size of the space provided for the market as well as the size and location of the spaces allocated to each farmer or vendor shall be determined by the director of parks and recreation.
  - d. The director of parks and recreation may close any spaces when the director determines that use of those spaces present a public safety concern or will damage the turf on the mall.

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(7) *Theater.* A person shall obtain a license to operate an indoor or drive-in theater for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. The license fee shall not be prorated.

~~(8) *Food service establishment/innkeeper.* A person shall obtain an annual food service establishment or innkeeper's license for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. A license may be issued by the town clerk, only after a copy of a valid license issued by the State of Maine Department of Human Service or the Department of Agriculture 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 food service establishment/innkeeper's license may be issued on a quarterly basis. For licenses expiring May 31, 2017, the license will be extended to June 30, 2017, and will then expire June 30 annually.~~

~~A one to three day temporary food service license may be issued by the town clerk for a festival or a holiday celebration, upon receipt of a copy of a valid license issued by the State of Maine Department of Human Service or the Department of Agriculture.~~

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

~~Bakery;~~

~~Bed and 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.).~~

~~Fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.~~

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(8.1) Food service. A person or corporation preparing and selling unpackaged food shall obtain an annual food service license for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. A license may be issued by the town clerk, only after the town clerk has been provided a copy of a valid license issued by the State of Maine Department of Agriculture or the Department of Health and Human Services. The food service license term shall be annual, beginning on July 1 and expiring on June 30.

Such licenses include, but are not limited to, the following types of businesses, if they are preparing and selling unpackaged food:

Bakery;

Bed and 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.);

A one, two, or three day temporary food service license may be issued by the town clerk for a festival or a holiday celebration, upon receipt of a copy of a valid license issued by the State of Maine Department of Human Services or the Department of Agriculture. Fees for these licenses shall be paid in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

A food service license is not required for schools, church kitchens including bean suppers and holiday bazaars, fundraisers for youth organizations (hockey, soccer, swimming, Girl or Boy Scouts, football, youth orchestra, band boosters, etc.).

(8.2) Innkeepers. A person or corporation operating a lodging facility, including but not limited to inns, hotels, motels, and bed and breakfasts, shall obtain an annual innkeepers license. A license fee shall be paid as established in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. A license may be issued by the town clerk, only after the town clerk has been provided a copy a copy of a valid license issued by the State of Maine Department of Human Services and providing all arrearage for taxes, fees, or any other obligations to the town are met. The license term shall be July 1 to June 30.



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(9) *Secondhand dealer.* A person shall obtain a license to engage in the business of selling secondhand goods or antiques for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

~~(10) *Bazaar, flea market, or farmer's market.* A person shall obtain a license to operate a bazaar, flea market, or farmer's market excluding the one on Town Mall that is governed by section (6), so-called, consisting of two (2) or more vendors for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. The license shall be issued on annual basis or may cover a period of one (1) to three (3) days. The licensee shall provide the town clerk at the time of application a list with 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 these for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.~~

(10) *Bazaar, flea market, or farmers market.* With the exception of the famers market operating on the lower mall or public property, governed under section 6.3, a person seeking to operate a bazaar, flea market, or farmers market, each defined as consisting of two or more vendors, shall obtain a license. The license fee shall be in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. The license fee shall not be prorated. The license shall be issued on an annual basis or may cover a period of one (1) to three (3) days. The licensee shall provide the town clerk at the time of application a list with 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.

(11) *Tattooing artist.* A person shall obtain a license to engage in the business of applying tattoos to other persons for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. Such license will not be approved until a copy of the ~~department of health and human services~~ Department of Health and Human Services license has been provided to the town clerk.

(12) *Going out of business.* A person shall obtain a license to hold a "going out of business sale" for a fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances, as authorized by 30-A 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 or inventory of items to be included in the sale. The license fee shall not be prorated.

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 Brunswick. ~~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 30-A M.R.S.A. §§ 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

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this subsection is inconsistent with any of the provisions in 30-A M.R.S.A. §§ 3751 through 3760, the stricter provisions shall apply.

b. *Authority.* This section is authorized by 30-A M.R.S.A. §§ 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 1 of each year.
2. An automobile graveyard or junkyard located more than one hundred (100) feet from a highway is charged a permit fee, plus an application fee, plus the cost of publishing any required notice. ~~and the cost of posting and publishing the required. An automobile graveyard or junkyard located within one hundred (100) feet of any highway is charged a permit fee plus the cost of posting or publishing the required.~~ A recycling business is charged a permit fee, plus an annual inspection fee for a five-year permit, plus the cost of posting and publishing the required notices. Fees are charged in accordance with the

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Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

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 30-A M.R.S.A. § 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.

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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 storage, handling, and disposal. ~~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 in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances 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.*<sup>1</sup>

- a. *Definitions.*

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<sup>1</sup> The changes to section 14 reflected here were made by ordinance amendment adopted on May 3, 2021. All other Chapter 10 amendments were adopted on April 19, 2022.

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1. ~~Nonprofit corporation means an entity that is organized, conducted and is in good standing as a nonprofit corporation in the State of Maine.~~ Exhibition means a public showing of objects or skills that are artistic, cultural, or educational.
  2. Nonprofit corporation means an entity that is organized, conducting its operations, and is in good standing, as a nonprofit corporation in the State of Maine.
  3. Public place means any sidewalk, street, the lower mall, or the upper mall, or other property owned by the Town of Brunswick, except as otherwise specified in Chapter 14, Section 14-124.
  4. Sales means the exchange of an item or items for money.
- b. The town council may, upon affirmatively making the following findings ~~in subsection (b)(14)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 with a presence in Brunswick.
  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~~ anyone operating a motor vehicle;
    - iv. To the extent the sale or exhibit is partially on private property is with written permission from the owner.
  3. The non-profit corporation is a qualified tax-exempt entity under the Internal Revenue Code of the United States.
  4. The sale or exhibit will result in a substantial public benefit.
- c. Except for the lower and upper mall which shall require a license approved by the town council, the provisions of Sec. 10-26 b. (14) shall not apply to the parks and facilities listed in Sec. 14-124 as the use of those parks and facilities shall be controlled by the recreation commission.
- d. The license may be for a single day or up to three (3) days. Fees are charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. At the request of the applicant, the council may waive any portion of the fee, except for an 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~~ the name of the applicant's registered agent, and proof of its tax-exempt status under the Internal Revenue Code.
  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.

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6. A sketch demonstrating that the sale or exhibit can be conducted in conformance with subsection (b)(14)~~e~~b.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 (b)(14)~~e~~b.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 (b)(14)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. Further the licensee shall:

1. Take all precautions to protect the public place from damage.
2. Clean up any debris resulting from its use, and in every other way, return the public place to its condition prior to its use.

(15) *Alcohol license applications.* A fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances, will be assessed to any full time alcohol license application requiring the approval of the town council or their designee.

(16) *Marijuana establishments.*

- a. *Purpose and authority.* This subsection is enacted pursuant to authority granted under 30-A M.R.S. § 3001, 22 M.R.S. § 2423-A(14) and 28-B M.R.S. § 402. The purpose of this subsection is to set forth procedures and standards for the issuance of local licenses for marijuana establishments in order to protect public health, safety and welfare.
- b. *Definitions.* As used in this subsection, the terms below shall be defined as indicated. All other terms used in this subsection, if not defined below, shall have the same definition as set forth in the Town of Brunswick Zoning Ordinance.

*Applicant* means a person who has submitted an application for licensure as a marijuana establishment pursuant to this article.

*Licensed premises* means the premises specified in an application for a license pursuant to this subsection or within a license issued pursuant to this subsection.

*Licensee* means a person licensed pursuant to this article.

*Local licensing authority* means the town clerk or, if referral to the town council is required pursuant to this subsection, the town council.

*Marijuana establishment* means a cultivation facility, marijuana store, medical marijuana storefront, marijuana caregiver, products manufacturing facility or testing facility, all as defined in the Town of Brunswick Zoning Ordinance.

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*Owner* means a person whose beneficial interest in a marijuana establishment is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a marijuana establishment and/or has a controlling interest in a marijuana establishment.

*Person* means a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer or employee thereof. "Person" does not include any governmental organization.

*Premises* means the physical location at which a marijuana establishment is to conduct its business.

*State license* means any license issued by the state licensing authority.

*State licensing authority* means the authority created or designated by the state for the purpose of regulating and controlling licensing for marijuana establishments.

- c. *License requirement.* Effective January 1, 2019, a marijuana establishment shall not begin or continue operations unless it has received and is in possession of a license issued pursuant to this subsection.
- d. *Licensing authority.* All license applications, whether new or renewal, shall be reviewed and may be approved by the town clerk. Application shall be made in writing using a form prepared by the town for the purpose and must include all information required by this subsection and by the form. Prior to action on a license application, the clerk shall give public notice of the application by having a sign posted in a conspicuous place on the premises listed on the license application at least seven (7) days prior to action, and by publication in a newspaper of general circulation in the Town of Brunswick at least seven (7) days prior to action.
- e. *Review procedures.* The review procedures described below shall be the same for initial license applications as well as renewals. In reviewing license applications, the licensing authority and any consulting town officials may consider the approval standards under this subsection as well as other applicable local, state or federal laws and, for license renewals, the licensee's record of compliance with the same.
  - i. The town clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this article and to obtain recommendations from other town officials as required.
  - ii. The licensing authority shall have the authority to impose any conditions on a license that may be reasonably necessary to ensure compliance with the requirements of this subsection or to address concerns about operations. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and of this subsection.
  - iii. No license shall be granted by the town clerk until the police chief, fire chief, health inspector and code enforcement officer have all made positive recommendations regarding the applicant's ability to comply with this subsection or any other applicable town ordinance or state or federal law enforced by such officials. The town clerk shall provide a copy of the license application to each official along with a form upon which the official shall note his or her findings and conclusions, as well as any recommended conditions of approval. The town clerk shall automatically include any conditions of approval recommended by the officials on the issued license.
  - iv. If any official consulted by the town clerk finds that a license application should not be approved, the application shall be forwarded to the town council for further review. The town council shall, upon review of all staff recommendations and applicable laws, make the

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final determination as to whether the license should be issued and/or any conditions to be attached.

- v. Licenses shall be approved only for the type(s) of marijuana establishment(s) identified in the application. A licensee who intends to expand or convert the licensed premises to a type of marijuana establishment that is not specifically approved in a license must obtain a new license for that use.
  - vi. Any municipal official with authority to make recommendations, grant licenses or enforce this or other municipal ordinances regarding marijuana establishments shall have authority to enter the premises of an applicant or licensee without notice to make any inspection reasonably necessary to ensure compliance.
- f. *Application submission requirements.* Each applicant for a marijuana establishment license shall complete and file an application on the form provided by the town clerk, together with the applicable license fee as well as the following supporting materials:
- i. A copy of the applicant's state license application and supporting documentation, as submitted to the state licensing authority.
  - ii. Evidence of all state approvals or conditional approvals required to operate a marijuana establishment, including, but not limited to, a state license as defined by this subsection, caregiver registration, a state retail certificate, or a state health license.
  - iii. If not included in the applicant's state license application, attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the marijuana establishment.
  - iv. If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years. Supporting documents, including but not limited to motor vehicle operator's license, motor vehicle registration, voter registration or utility bills shall be provided.
  - v. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Brunswick or its officials to obtain criminal records and other background information related to the individual.
  - vi. Evidence of all land use approvals or conditional land use approvals required to operate the marijuana establishment, including, but not limited to building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
  - vii. Evidence of all other local approvals or conditional approvals required to operate the marijuana establishment, including any applicable food or victualer's license.
  - viii. A description of the premises for which the license is sought, including a plan of the premises.

If the town clerk determines that a submitted application is not complete, he or she shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the clerk's request, the application may be denied.

- g. *License term and renewal.* Each license issued under this subsection shall be valid for the term of license granted by the state license authority ("the license year"). Applications for renewal



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licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted. A late fee shall apply as set forth in the Master Schedule of Revenues, Charges, Fees and Fines. Caregiver licenses shall be valid from September 1 to August 31 annually. Notwithstanding the provisions of section 10-26 (b) regarding proration of initial licenses, the ~~The~~ initial license shall be prorated by half of the fee if less than six (6) months is left in the licensing year.

- h. *Denial, suspension or revocation of a license.* A license application for a marijuana establishment shall be denied by the licensing authority, and an existing license may be suspended or revoked by the town council after notice and hearing, if the applicant, or any owner of the applicant or licensee:
- i. Fails to meet the requirements of this subsection.
  - ii. Is not at least twenty-one (21) years of age.
  - iii. Has had a license for a marijuana establishment revoked by the town or by the state.
  - iv. Has not acquired all necessary state and local approvals prior to issuance of the license.
  - v. Has been convicted of a criminal violation arising out of operation of a marijuana establishment.
  - vi. Has provided false or misleading application in connection with the license.
- i. *Approval and operating requirements.* In order to obtain a license pursuant to this subsection, the licensee shall demonstrate to the town clerk and all reviewing officials that the following requirements will be met. The licensee shall comply with all of these requirements during the term of the license:
- i. *Display of license.* The current license shall be displayed at all times in a conspicuous location within the premises.
  - ii. All licensed premises shall be fixed, permanent locations. Licensees shall not be permitted to operate marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
  - iii. *Security.*
    - (a) The licensed premises shall have lockable doors and windows and shall be served by an alarm system which includes automatic notification to the Brunswick Police Department.
    - (b) The licensed premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four (24) hours per day, seven (7) days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
    - (c) The licensed premises shall have exterior spot lights with motion sensors covering the full perimeter of the building(s).
  - iv. *Ventilation.*
    - (a) The licensed premises shall comply with all odor and air pollution standards established by ordinance.

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- (b) All marijuana establishments shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.
- v. *Loitering.* The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
- vi. A marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the State of Maine has adopted or adopts in the future any law or regulation governing marijuana establishments that conflicts in any way with the provisions of this subsection, the more restrictive shall control.
- j. *Transfer of ownership or change of location.* Licenses issued under this subsection are not transferable to a new owner. Any change in ownership shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new license for that location.
- k. *Appeals.* The following appeals may be decided by the town council upon a de novo hearing in which it will hear evidence on the application and make its own findings of fact and conclusions of law:
- i. Appeal of the town clerk's denial of an application for lack of completeness.
  - ii. Appeal by any aggrieved party having legal standing of any decision by the town clerk to grant a license under this subsection.
  - iii. Appeal by the applicant of any permit granted by the town clerk with conditions to which the applicant/licensee objects.

Appeals must be filed with the town clerk within thirty (30) days of the date of the decision subject to appeal. The town council shall hold the hearing on the appeal and render a decision within thirty (30) days of the date of the appeal, unless all parties consent to a delay.

Appeals of final determinations issued by the town council pursuant to this subsection shall be made to the Cumberland County Superior Court within thirty (30) days of the date of the decision being appealed.

- l. *Enforcement and penalties.* The operation of any marijuana establishment without the required license or in violation of the requirements of this subsection shall be a violation of this subsection. 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 in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances 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 shall be awarded attorney 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.
- m. *Severability.* The provisions of this subsection are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

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- n. *Other laws.* Except as otherwise specifically provided herein, this subsection incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S. Chapter 1, as may be amended. In the event of a conflict between the provisions of this subsection and the provisions of said Act or any other applicable state or local law or regulation, the more restrictive provision shall control.

(17) *Homeless shelters.*

- a. *Purpose and authority.* This subsection is enacted pursuant to authority granted under 30-A M.R.S. § 3001. The purpose of this subsection is to set forth procedures and standards for the issuances of local licenses for homeless shelters in order to protect public health, safety and welfare.
- b. *Definitions.* As used in this subsection, the terms below shall be defined as indicated. All other terms used in this subsection, if not defined below, shall have the same definition as set forth in the Town of Brunswick Zoning Ordinance.

*Applicant* means a person that has submitted an application for licensure as a homeless shelter pursuant to this subsection.

*Homeless shelter* means a homeless shelter, apartment-style, homeless shelter, non-apartment-style, or homeless shelter, resource center, all as defined in the Town of Brunswick Zoning Ordinance.

*Licensed premises* means the premises specified in an application for a license pursuant to this subsection or within a license issued pursuant to this subsection.

*Licensee* means a person licensed pursuant to this subsection.

*Licensing authority* means the town manager or his/her designee or, if referral to the town council is required pursuant to this subsection, the town council.

*Owner* means a person whose beneficial interests in a homeless shelter is such that the person bears risk of loss other than as an insurer and/or has a controlling interest in a homeless shelter.

*Person* means a natural person, partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer or employee thereof. "Person" does not include any governmental organization.

*Premises* means the physical location at which a homeless shelter is to conduct its business.

- c. *License requirement.* Effective April 8, 2019, a homeless shelter shall not begin operations unless it has received and is in possession of a license issued pursuant to this subsection. This subsection shall not apply to any homeless shelter that is in operation as of the date of enactment of this subsection.
- d. *Licensing authority.* All license applications, whether new or renewal, shall be reviewed and may be approved by the town manager or his/her designee. Application shall be made in writing using a form prepared by the town for the purpose and must include all information required by this subsection and by the form. Prior to action on a license application, the town manager or his/her designee shall give public notice of the application by having a sign posted in a conspicuous place on the premises listed on the license application at least seven (7) days prior to action, and by publication in a newspaper of general circulation in the town Brunswick at least seven (7) days prior to action.
- e. *Review procedures.* The review procedures described below shall be the same for initial license applications as well as renewals. In reviewing license applications, the licensing authority and any

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consulting town officials may consider the approval standards under this subsection as well as other applicable local, state or federal laws and, for license renewals, the licensee's record of compliance with the same.

- i. The town manager or his/her designee shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this subsection and to obtain recommendations from other town officials as required.
  - ii. The licensing authority shall have the authority to impose any conditions on a license that may be reasonably necessary to ensure compliance with the requirements of this subsection or to address concerns about operations. Failure of any licensee to comply with such conditions shall be considered a violation of the license and this subsection.
  - iii. No license shall be granted by the town manager or his/her designee until the police chief, fire chief, health inspector and code enforcement officer have all made positive recommendations regarding the applicant's ability to comply with this subsection or any other applicable town ordinance or state or federal law enforced by such officials. The town manager or his/her designee shall provide a copy of the license application to each official along with a form upon which the official shall note his or her findings and conclusions, as well as any recommended conditions of approval. The town manager or his/her designee shall automatically include any conditions of approval recommended by the officials on the issued license.
  - iv. If any official consulted by the town manager or his/her designee finds that a license application should not be approved, the application shall be forwarded to the town council for further review. The town council shall, upon review of all staff recommendations and applicable laws, make the final determination as to whether the license should be issued and/or any conditions to be attached.
  - v. Licenses shall be approved only for the type(s) of homeless shelter(s) identified in the application. A licensee who intends to expand the licensed premises or convert the licensed premises to a type of homeless shelter that is not specifically approved in a license must seek to obtain a new license for that use.
  - vi. Any municipal official with authority to make recommendations, grant licenses or enforce this or other municipal ordinances regulating homeless shelters shall have authority to enter the premises of an applicant or licensee without notice to make inspection reasonably necessary to ensure compliance.
- f. *Application submission requirements.* Each applicant for a homeless shelter license shall complete and file an application on the form provided by the town manager or his/her designee, together with the applicable license fee as well as the following support materials:
- i. Attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the homeless shelter.
  - ii. An affidavit that identifies all owners, officers, members, managers or partners of the applicant, their ownership interests.
  - iii. Evidence of all land use approvals or conditional land use approvals required to operate the homeless shelter, including, but not limited to, building permit, conditional or special use approval, change of use permit and/or certificate of occupancy.
  - iv. Evidence of all other local approvals or conditional approvals required to operate the homeless shelter, including any applicable food license.

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- v. A description of the premises for which the license is sought, including a plan of the premises.

If the town manager or his/her designee determines that a submitted application is not complete, he or she shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the town manager's or his/her designee's request, the application may be denied.

- g. *License term and renewal.* Each license issued under this subsection shall be valid for a term of five (5) years. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted. A late fee shall apply as set forth in the Master Schedule of Revenues, Charges, Fees and Fines.
- h. *Denial, suspension or revocation of a license.* A license application for a homeless shelter shall be denied by the licensing authority, and an existing license may be suspended or revoked by the town council after notice and hearing, if the applicant, or any owner of the applicant or licensee:
  - i. Fails to meet the requirements of this subsection.
  - ii. Has provided false or misleading information in connection with the license application.
  - iii. Is in violation of any other Town of Brunswick ordinance or state law and has failed to correct the violation within the period of time prescribed by the relevant enforcement agency.
- i. *Approval and operation requirements.* In order to obtain a license pursuant to this subsection, the licensee shall demonstrate to the town manager or his/her designee and all reviewing officials that the following requirements will be met. The licensee shall comply with all of these requirements during the term of the license:
  - i. *Display of license.* The current license shall be displayed at all times in a conspicuous location within the premises.
  - ii. *Hours of operation.* On-site supervision shall be required for a homeless shelter, non-apartment-style and a homeless shelter, resource center, twenty-four (24) hours per day, seven (7) days per week.
  - iii. *Maine State Housing Authority monitoring.* Any homeless shelter shall participate in the Maine housing monitoring program on an annual basis. Each annual monitoring report received over the course of the five-year license term shall be provided to the licensing authority with a renewal application.
  - iv. *Maximum beds in town.* The total capacity for individual residents within all homeless shelters in the town shall not exceed eighty-five (85).
- j. *Transfer of ownership or change of location.* Licensees issued under this subsection are not transferable to a new owner. Any change in ownership shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new license for that location.
- k. *Appeals.* The following appeals may be decided by the town council upon a de novo hearing in which it will hear evidence on the application and make its own findings of fact and conclusions of law:
  - i. Appeal of the town manager's or his/her designee's denial of an application for lack of completeness.

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- ii. Appeal by any aggrieved party having legal standing of any decision by the town manager or his/her designee to grant a license under this subsection.
  - iii. Appeal by the applicant of any permit granted by the town manager or his/her designee with conditions to which the applicant/licensee objects.

Appeals must be filed with the town manager or his/her designee within thirty (30) days of the date of the decision subject to appeal. The town council shall hold the hearing on the appeal and render a decision within thirty (30) days of the date of the appeal, unless all parties consent to a delay.

Appeals of final determinations issued by the town council pursuant to this subsection shall be made to the Cumberland County Superior Court within thirty (30) days of the date of the decision being appealed.

- l. *Enforcement and penalties.* The operation of any homeless shelter without the required license or in violation of the requirements of this subsection shall be in violation of this subsection. 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 in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinance 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 designees may also seek injunctive relief, where appropriate, and shall be awarded attorney 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.
- m. *Severability.* The provisions of this subsection are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.
- n. *Other laws.* In the event of a conflict between provisions of this subsection and the provisions of any other applicable state or local law or regulation, the more restrictive provision shall control.

(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); Ord. of 7-20-15(1); Ord. of 11-16-15(3); Ord. of 3-21-16(1); Amend. of 5-15-17(1); Ord. of 3-5-18; Ord. of 11-5-18; Ord. of 4-1-19; Ord. of 4-8-19; Ord. of 12-2-19; Ord. of 8-3-20 ; Ord. of 1-21-20(1) )