

Chapter 6 Business License and Permit Regulations

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Chapter 6 Business License and Permit Regulations

Section 1 Administration

1.1 Purpose:

- 1.1.1 The purpose of this chapter is to establish business licensing, permitting and registration regulations in accordance with state law, and for the purpose of protecting the public health, safety and welfare.

1.2 Authority

- 1.2.1 This chapter is enacted pursuant to 30-A M.R.S.A. Section 3001 et seq.
- 1.2.2 For the purposes of this chapter, the Town Council shall be the licensing and permitting authority for the Town of Bucksport.
- 1.2.3 The Town Clerk shall serve as the authorized agent of the Town Council in such capacity as identified in this chapter.
- 1.2.4 The Code Enforcement Office, Fire Department and Police Department shall be authorized to conduct inspections, review records and make recommendations for the issuance of licenses, permits and registrations (referred to in this chapter as a “CFP Review”).
- 1.2.5 The Board of Appeals shall be authorized to hear and rule on administrative appeals in accordance with the requirements of this chapter.

1.3 Applicability

- 1.3.1 This chapter applies to the issuance of state licenses, permits and registrations that are required by law to be approved by municipalities before being issued. No such state license, permit or registration may be approved, except in conformance with the applicable requirements of this chapter.
- 1.3.2 This chapter applies to the issuance of municipal licenses and permits that are required by law for certain land uses. No such state-required municipal license or permit may be approved, except in conformance with the applicable requirements of this chapter.
- 1.3.3 This chapter applies to the issuance of municipal licenses that are not required by law, but which have been deemed necessary by the town of Bucksport to protect the public health, safety and welfare. No such town-required municipal license may be approved, except in conformance with the applicable requirements of this chapter.
- 1.3.4 Any charitable, educational, religious or fraternal organization recognized by the IRS as a non-profit entity is exempt from license fees identified in Section 5, and is also exempt from licensing as provided for in Section 2 of this chapter.
- 1.3.5 The Town of Bucksport is exempt from any municipal licensing requirements of this chapter.

1.4 Severability and Conflict

- 1.4.1 If a court finds any provision of this chapter to be invalid, the court’s decision may not invalidate any other provision of this chapter.
- 1.4.2 If any provision of this chapter conflicts with another provision of this chapter or any other chapter, ordinance, regulation or statute, the more restrictive provision governs.

1.5 Effective Date

1.5.1 Any amendment to this chapter shall become effective 30 days after the date of adoption of the amendment by the Town Council, except any amendment deemed to be an emergency shall become effective as determined by the Town Council.

1.6 Administrative Procedures: First Time Municipal Licenses and Permits

1.6.1 The Town Clerk shall receive and process applications for a first time municipal license or permit in accordance with the procedures identified in this section.

1.6.1.1 Applications shall be submitted on forms provided by the town.

1.6.2 Upon receipt of an application for a first time municipal license or permit, the Town Clerk shall determine if the following requirements have been met:

1. The application has been completed and signed by the applicant.
2. The required fee identified in Section 5 has been submitted.
3. All required land use permits have been issued, if applicable.
4. Written permission from the property owner, if other than the applicant, has been submitted.

1.6.3 The Town Clerk shall notify the applicant of any applicable requirement in Section 1.6.2 that has not been met. In the event all applicable requirements are not met, the Town Clerk shall note the deficiencies in the record for subsequent review.

1.6.4 The Town Clerk shall request a CFP Review to be conducted in accordance with the requirements of Section 1.9 for all first-time municipal license and permit applications.

1.6.5 The Town Council may require a public hearing for any first time municipal license application or permit subject to Town Council approval if deemed necessary to support the purposes of this chapter. The applicant or authorized agent must be present at a public hearing on their application.

1.6.6 The Town Council or Town Clerk, as applicable, shall consider the CFP Review recommendations, any deficiencies noted in the record, any public comments, and the applicable requirements identified in Section 2, and approve or deny an application for a first time municipal license or permit.

1.6.7 The Town Council or Town Clerk, as applicable, may grant approval of a first time municipal license or permit with any condition of approval deemed necessary to support the purposes of this chapter.

1.6.8 If a first time municipal license or permit is approved, the Town Clerk shall issue the license within 10 days of the approval.

1.6.9 If a first time municipal license or permit is denied, the applicant shall be provided with a written decision within 10 days of the decision. The applicant shall also be provided with information about the right to appeal the decision in accordance with Section 7.

1.6.9.1 All fees submitted by the applicant shall be retained by the town.

1.7 Administrative Procedures: Municipal License and Permit Renewals

1.7.1 The Town Clerk shall be responsible for administering the procedures for municipal license and permit renewals.

1.7.2 No less than 60 days prior to the expiration date of a municipal license or permit subject to renewal, the Town Clerk shall provide the licensee or permittee with a

- renewal notice. The notice shall identify the required renewal fee, information needed to verify the licensed or permitted activity, and the date the renewal fee and verification information are due.
- 1.7.3 The licensee or permittee shall submit to the Town Clerk the required verification information and the required renewal fee no less than 30 days before the license or permit expiration date.
- 1.7.4 If a licensee or permittee fails to comply with the 30-day deadline in Section 1.7.3, a \$25.00 late fee shall be added to the renewal fee. (This provision shall be in effect on January 1, 2018.)
- 1.7.5 The Town Clerk shall request a CFP Review to be conducted in accordance with the requirements of Section 1.9 for all municipal license and permit renewals.
- 1.7.6 Upon receipt of a CFP Review recommendation for approval, the Town Clerk shall issue a renewal license or permit within 10 days of the date of the recommendation.
- 1.7.6.1 The Town Clerk may issue a renewal with any condition of approval deemed necessary to support the purposes of this chapter.
- 1.7.7 Upon receipt of a CFP Review recommendation for denial, the Town Clerk shall submit all license or permit renewal documentation to the Town Council for review and a decision on the renewal at their first available meeting. Notice of this action shall be provided to the licensee or permittee.
- 1.7.7.1 The Town Council may require a public hearing for the license or permit renewal if deemed necessary to support the purposes of this chapter. The applicant or authorized agent must be present at the public hearing.
- 1.7.8 A licensed or permitted activity that has received a CFP Review recommendation for denial may continue during the Town Council review process. If the Town Council denies the license or permit renewal, the licensed or permitted activity may continue until all rights of appeal have been exhausted.
- 1.7.9 If a municipal license or permit renewal is approved by the Town Council, the Town Clerk shall issue the license within 10 days of the approval.
- 1.7.9.1 The Town Council may grant a renewal with any condition of approval deemed necessary to support the purposes of this chapter.
- 1.7.10 If the renewal of a municipal license or permit is denied, the applicant shall be provided with a written decision within 10 days of the decision. The applicant shall also be provided with information about the right to appeal the decision in accordance with Section 7.
- 1.7.10.1 All fees submitted by the applicant shall be retained by the town.
- 1.7.11 No licensed or permitted activity that has not been approved for renewal may continue after the license or permit expiration date, except as follows:
1. Section 1.7.8 is applicable; or
 2. The Town Clerk has found reasonable justification for granting a temporary extension to an expiration date to allow for the completion of renewal procedures.
- 1.8 Administrative Procedures: Municipal Review of State Licenses, Permits & Registrations**
- 1.8.1 The Town Clerk shall receive and process state license, permit and registration applications requiring municipal approval.

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- 1.8.2 Upon receipt of an application, the Town Clerk shall determine if the following requirements have been met:
1. The application has been completed and signed by the applicant.
 2. The required fee for municipal review has been submitted.
 3. All required land use permits have been issued, if applicable.
 4. Written permission from the property owner if other than the applicant has been submitted for first time applications.
- 1.8.3 The Town Clerk shall notify the applicant of any applicable requirement in Section 1.8.2 that has not been met. In the event all applicable requirements are not met, the Town Clerk shall note the deficiencies in the record for subsequent review.
- 1.8.4 The Town Clerk shall request a CFP Review to be conducted in accordance with the requirements of Section 1.9 for all applications.
- 1.8.5 A public hearing shall be conducted by the Town Council for all first-time state licenses, permits and registrations subject to Town Council approval. The applicant or authorized agent must be present at a public hearing for their application.
- 1.8.6 The Town Council may require a public hearing for a renewal application if deemed necessary to support the purposes of this chapter.
- 1.8.7 The Town Council or Town Clerk, as applicable, shall consider the CFP Review recommendations, any deficiencies noted in the record, any public comments, and the applicable requirements identified in Section 2, and approve or deny an application.
- 1.8.8 If an application for a state license, permit or registration is denied, the applicant shall be provided with a written decision within 10 days of the decision. The applicant shall also be provided with information about the right to appeal the decision in accordance with Section 7.
- 1.8.8.1 All fees submitted by an applicant shall be retained by the town.
- 1.8.9 No activity that has been licensed, permitted or registered by the state with municipal approval may continue after the license, permit or registration has expired, except as may otherwise be provided for by state law.

1.9 Administrative Procedures: CFP Reviews

- 1.9.1 A Code, Fire and Police (CFP) Review shall be conducted in accordance with the procedures identified in this section. The review shall be conducted by the Code Enforcement Office, Fire Department and Police Department for applications for first time municipal licenses and permits, municipal license and permit renewals, and applications for municipal approval of state licenses, permits and registrations. A CFP Review shall conclude with a recommendation to approve or deny a license, permit or registration.
- 1.9.2 A recommendation from the Code Enforcement Office shall be based on a review of local land use and zoning regulations, building standards, property maintenance regulations, and plumbing and subsurface wastewater disposal regulations enforced by the town.
- 1.9.3 A recommendation from the Fire Department shall be based on a review of life safety and fire prevention regulations enforced by the town.
- 1.9.4 A recommendation from the Police Department shall be based on a review of local public safety regulations and state laws enforced by the town.

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- 1.9.5 A CFP Review shall include an inspection of the premises to the extent deemed necessary by the reviewing authorities.
- 1.9.6 A recommendation for approval shall be made upon finding that the applicant is in compliance with all applicable provisions of this chapter.
- 1.9.7 A recommendation for conditional approval may be made to address any compliance issue identified during a CFP Review.
- 1.9.8 A recommendation for denial must be based on any of the following conditions, as applicable:
1. The applicant has been convicted of any Class A, B, or C crime.
 2. The premises or its use is noncompliant with any municipal zoning or other land use ordinance not directly related to liquor control, or any applicable provision of Section 2 of this chapter.
 3. There are conditions of record such as waste disposal violations, health or safety violations, or repeated traffic or parking violations on or in the vicinity of the premises and caused by persons patronizing or employed by the premises.
 4. There are conditions of record caused by persons patronizing or employed by the premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the premises to use their property in a reasonable manner.
 5. There are repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law in the vicinity of the premises and caused by persons patronizing or employed by the premises.
 6. There is a violation of any applicable provision of Title 28-A M.R.S.A.
 7. Server training in a program certified by the State of Maine has not been completed by individuals who serve alcoholic beverages.
 8. There is a violation of any applicable provision of the Bucksport Town Code.
- 1.9.9 A CFP Review recommendation must be submitted to the Town Clerk within two weeks of a CFP Review request, or by a sooner date deemed necessary by the Town Clerk to provide for the timely scheduling of a public hearing or to expedite other reviews of an application. A CFP Review recommendation may not be required less than 7 days after the date of the request for a CFP Review.

1.10 Public Notice

- 1.10.1 The Town Clerk shall post notice of the time and date of the Town Council review of an application at the Bucksport Town Office and on the town's official website no less than 7 days prior to the date of the review.
- 1.10.2 Except as otherwise required in this section, notice of any public hearing concerning an application must be published in a daily newspaper having general circulation in the municipality at least 3 consecutive days before the date of hearing, or in a weekly newspaper having general circulation in the town of Bucksport at least 7 days before the date of the hearing.
- 1.10.3 Notice of a public hearing for approval of a Bottle Club must be published in a daily newspaper having general circulation in the municipality for at least 3 consecutive days before the date of the hearing, or in a weekly newspaper having general circulation in the municipality for 2 consecutive weeks before the hearing date.

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- 1.10.4 Notice of a public hearing for approval of an Off-Track Betting Facility must be published in a daily newspaper of general circulation in the municipality for at least 6 consecutive days before the date of the hearing, or in a weekly newspaper of general circulation in the municipality on 2 consecutive weeks before the date of the hearing.
- 1.10.5 The cost of advertising a public hearing shall be borne by the applicant and paid to the town prior to publication of the hearing notice.

1.11 Transferability

- 1.11.1 No municipal license or permit may be transferred nor may any business be operated under new ownership until such time a license or permit is issued to the new owner in accordance with this chapter.
- 1.11.2 A new owner may apply for a license or permit upon a showing of a legal right, title or interest to the business or enterprise.
- 1.11.3 A license or permit required by this section is subject to the first-time license or permit application procedures identified in Section 1.6.

1.12 Business Name Certification

- 1.12.1 Before commencing any business in the Town of Bucksport, a certificate signed and sworn to by the business owner must be submitted to the Town Clerk. The certificate must state the name and address of the business owner, the business name and location, and the type of the business.
- 1.12.2 A certification fee shall be required, as identified in Section 5.

Section 2 Municipal License Standards

2.1 Closing-Out Sales (Pursuant to 30-A M.R.S.A. Chapter 183 Sub-Chapter 2)

- 2.1.1 A municipal license shall be required for a Closing-Out Sale.
- 2.1.2 The Town Clerk shall approve or deny a Closing-Out Sale license in accordance with the requirements of 30-A M.R.S.A. §3781 et seq.
- 2.1.3 A Closing-Out Sale license expires upon conclusion of the sale.

2.2 Dog Kennels (Pursuant to 7 M.R.S.A. Chapter 721)

- 2.2.1 A municipal license shall be required for a Dog Kennel.
- 2.2.2 The Town Clerk shall approve or deny a license for a Dog Kennel in accordance with the requirements of this chapter.
- 2.2.3 A Dog Kennel license expires January 31st each year and is subject to the renewal requirements identified in Section 1.7.
- 2.2.4 A Dog Kennel license covers a maximum of 10 dogs.
- 2.2.5 The town's animal control officer must inspect a kennel prior to the issuance of a license.
- 2.2.6 A Dog Kennel license may not be issued to anyone who has been convicted of any animal cruelty charges.

2.3 Festivals

- 2.3.1 A municipal license shall be required for a Festival.

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- 2.3.2 The Town Council shall approve or deny the licensing of festivals in accordance with the requirements of this chapter.
- 2.3.3 A Festival license shall expire upon conclusion of the festival, and is not a renewable license. A new application review in accordance with the requirements identified in Section 1.6 shall be required for previously licensed festivals.
- 2.3.4 Adequate provisions must be made for parking, traffic movement and pedestrian safety.
- 2.3.5 Adequate provision must be made for the disposal of sanitary and solid wastes.
- 2.3.6 Live or recorded entertainment may not involve nudity.
- 2.3.7 A Festival license may not be issued to anyone who has been convicted of a violation of any provision of Title 28-A M.R.S.A., if the sale of alcohol is included in the festival.
- 2.3.8 A Festival license authorizes any approved activity that takes place at the festival and which is not otherwise licensed in accordance with the requirements of this chapter, except any activity involving the sale or consumption of alcoholic beverages.
- 2.3.9 A Festival license is not required for the following types of festivals:
1. A festival conducted by a school and which is related to an educational curriculum or fund-raising objective. The exception is limited to festivals conducted on school property.
 2. A festival conducted by a place of worship and which is related to a religious observance or fund-raising objective. The exception is limited to festivals conducted on the place of worship's property.
 3. A festival conducted by a nonprofit, charitable or fraternal organization. The exception is limited to festivals conducted on the organization's property.

2.4 Food Services

- 2.4.1 A municipal license shall be required for Food Services, as required in this section.
- 2.4.2 The Town Council shall approve or deny the licensing of Food Services in accordance with the requirements of this chapter.
- 2.4.3 A Food Service license expires December 31st each year and is subject to the renewal requirements identified in Section 1.7.
- 2.4.3.1 A Class 1 or Class 2 Dining Food Service license shall expire upon expiration of the liquor license issued for the premises.
- 2.4.4 A Food Service license is not required for any charitable, educational, religious or fraternal organization.
- 2.4.5 A Food Service license is not required for any Outdoor Vendor selling food.
- 2.4.6 Food Services, as defined in Section 8, shall be subject to licensing as follows:
1. Ancillary Food Services: A Food Service license is not required.
 2. Catering Food Services: A Food Service license is not required.
 3. Concession Food Services: A Food Service license is not required.
 4. Dining Food Service Class 1: A Food Service license is required.
Dining Food Service Class 2: A Food Service license is required.
Dining Food Service Class 3: A Food Service license is required for Class 3 Dining Services with on premises dining facilities.
 5. Donation Food Services: A Food Service license is not required.
 6. Farm Food Services: A Food Service license is not required.

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- 7. Home-Based Food Services: A Food Service license is not required.
 - 8. Production Food Services: A Food Service license is not required.
 - 9. Retail Food Services Class 1: A Food Service license is required.
Retail Food Services Class 2: A Food Service license is not required.
 - 10. Wholesale Food Services: A Food Service license is not required.
- 2.4.7 Any Food Services facility where cooking appliances are used shall be subject to safety inspections by the Fire Department at its discretion.
- 2.5 Innkeepers** (Pursuant to 30-A M.R.S.A. Chapter 183 Sub-Chapter 3)
- 2.5.1 A municipal license shall be required for an Innkeeper.
 - 2.5.2 The Town Council shall approve or deny the licensing of Innkeepers in accordance with the requirements of this chapter.
 - 2.5.3 An Innkeeper license expires May 31st each year and is subject to the renewal requirements identified in Section 1.7.
 - 2.5.4 A person licensed as an Innkeeper must be of good moral character.
 - 2.5.5 Innkeeper businesses operating on the effective date of this section shall be exempt from the license fee in Section 5 for the first licensing year.
- 2.6 Outdoor Vendors (Site Vendors, Mobile Vendors, Street Vendors)**
- 2.6.1 A municipal license shall be required for an Outdoor Vendor.
 - 2.6.2 The Town Council shall approve or deny the licensing of Outdoor Vendors in accordance with the requirements of this chapter.
 - 2.6.3 An Outdoor Vendor license expires December 31st each year and is not a renewable license. A new application review in accordance with the requirements identified in Section 1.6 shall be required for previously licensed Outdoor Vendors.
 - 2.6.4 The Town Council may set dates on which a Site Vendor may or may not occupy a location.
 - 2.6.5 An Outdoor Vendor license shall identify the approved location(s) to be occupied. Additional locations may be approved by the Town Council during the term of a license.
 - 2.6.6 A Mobile Vendor or Street Vendor license may be limited to a prescribed route, if deemed necessary by the Town Council to support the purposes of this chapter.
 - 2.6.7 No Outdoor Vendor may operate on or along any portion of the Bucksport Waterfront Walkway, except as part of a town-approved event.
 - 2.6.8 No Outdoor Vendor may occupy any public parking space on Main Street, except as part of a town-approved event.
 - 2.6.9 An Outdoor Vendor license is not required for any charitable, educational, religious or fraternal organization.
 - 2.6.10 A single Outdoor Vendor license shall be required for a farmers' market. The license shall be issued to the market's operator or authorized agent. Vendors are not required to be licensed individually to participate in a farmers' market.
- 2.7 Pawnbrokers** (Pursuant to 30-A M.R.S.A. Chapter 183 Sub-Chapter 6)
- 2.7.1 A municipal license shall be required for a Pawnbroker.
 - 2.7.2 The Town Council shall approve or deny the licensing of Pawnbrokers in accordance with the requirements of this chapter.

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- 2.7.3 A Pawnbroker license expires December 31st each year and is subject to the renewal requirements identified in Section 1.7.
- 2.7.4 The Town Council may not issue a Pawnbroker license to a person who has been convicted of a violation of 30-A M.R.S.A. Chapter 183 Sub-chapter 6.
- 2.7.5 A person licensed as a Pawnbroker must be of good moral character.

2.8 Public Entertainment

- 2.8.1 A municipal license shall be required for Public Entertainment.
- 2.8.2 The Town Council shall approve or deny the licensing of Public Entertainment in accordance with the requirements of this chapter.
- 2.8.3 A Public Entertainment license expires at the end of the entertainment event and is not a renewable license. A new application review in accordance with the requirements identified in Section 1.6 shall be required for previously licensed Public Entertainment.
- 2.8.4 A Public Entertainment license may include more than one location and event, subject to approval by the Town Council.
- 2.8.5 Adequate provisions must be made for parking, traffic movement and pedestrian safety.
- 2.8.6 Public Entertainment may not involve nudity.
- 2.8.7 A Public Entertainment license is not required for any charitable, educational, religious or fraternal organization.
- 2.8.8 A Public Entertainment license is not required for a parade. Notice of any parade must be given to the Public Safety Director at least one week before the date of the parade. All parades must comply with the public safety requirements of the Public Safety Department.
- 2.8.9 No Public Entertainment may be conducted on or along the Waterfront Walkway, except as approved by the Bucksport Town Council.
- 2.8.10 A Public Entertainment license is not required for the following activities:
1. Any entertainment permitted as Special Amusements in accordance with Section 3.5.
 2. Any entertainment conducted at a place of assembly intended for entertainment events.
 3. Street performers or buskers performing without any advance notice to the public.

2.9 Roller Skating Rinks (Pursuant to 8 M.R.S.A. Chapter 23)

- 2.9.1 A municipal license shall be required for a Roller Skating Rink.
- 2.9.2 The Town Council shall approve or deny the licensing of Roller Skating Rinks in accordance with the requirements of this chapter.
- 2.9.3 A Roller Skating Rink license expires December 31st each year and is subject to the renewal requirements identified in Section 1.7.
- 2.9.4 A Roller Skating Rink license may not be issued to anyone convicted of any Class A, B, or C crime.

Section 3 Municipal Permit Standards

3.1 Automobile Graveyards

- 3.1.1 A municipal permit shall be required for Automobile Graveyards.
- 3.1.2 The Town Council shall approve or deny an Automobile Graveyard permit in accordance with the requirements of Appendix J of the Bucksport Town Code.
- 3.1.3 No other provisions in this chapter shall apply to Automobile Graveyards.

3.2 Automobile Recycling Businesses

- 3.2.1 A municipal permit shall be required for Automobile Recycling Businesses.
- 3.2.2 The Town Council shall approve or deny an Automobile Recycling Business permit in accordance with the requirements of Appendix J of the Bucksport Town Code.
- 3.2.3 No other provisions in this chapter shall apply to Automobile Recycling Businesses.

3.3 Dealers in Secondhand Precious Metals

- 3.3.1 A municipal permit shall be required for a Dealer in Secondhand Precious Metals (DSPM).
- 3.3.2 The Town Council shall approve or deny a DSPM permit in accordance with the requirements of this chapter.
- 3.3.3 A DSPM municipal permit expires December 31st each year and is subject to the renewal requirements identified in Section 1.7.
- 3.3.4 A dealer shall provide the address of the permanent place of business at which the dealer will do business to the municipality and shall notify the municipality if the location changes.
- 3.3.5 The Town Council may require other reasonable information as to the identity of the persons managing, supervising or conducting the business as necessary in order to fulfill the purposes of this section.
- 3.3.6 The Town Council may not issue a DSPM permit to a person if they find that issuance of the permit would be detrimental to the public health, safety or welfare.
- 3.3.7 The Town Council may not issue a DSPM permit to a person who has been convicted of a violation of 30-A M.R.S.A. §3972.

3.4 Junkyards

- 3.4.1 A municipal permit shall be required for Junkyards.
- 3.4.2 The Town Council shall approve or deny a Junkyard permit in accordance with the requirements of Appendix J of the Bucksport Town Code.
- 3.4.3 No other provisions in this chapter shall apply to Junkyards.

3.5 Special Amusements

- 3.5.1 A municipal permit shall be required for Special Amusements.
- 3.5.2 The Town Council shall approve or deny a Special Amusements permit in accordance with the requirements of this chapter.
- 3.5.3 A Special Amusements permit expires on the expiration date of the liquor license for the premises at which the Special Amusements are conducted. A Special Amusements permit is not a renewable permit. A new application review is required

- for previously permitted Special Amusements in accordance with the procedures identified in Section 1.6.
- 3.5.4 A public hearing shall be required for Special Amusements permit applications. Notice of the hearing shall be made in accordance with the requirements of Section 1.10.
- 3.5.5 No Special Amusements permit may authorize nudity in any form of entertainment.
- 3.5.6 The Town Council may set limits on the days and hours that permitted entertainment may be conducted, the type of entertainment and where it may be conducted, if deemed necessary to support the purposes of this chapter.

Section 4 State License, Permit and Registration Standards

4.1 Alcoholic Beverages (on premises consumption)

- 4.1.1 Municipal approval of license applications for on premises consumption of alcoholic beverages shall be required before a license may be granted by the Division of Liquor Licensing and Enforcement (DLLE).
- 4.1.2 The Town Council shall approve or deny on premises licenses in accordance with the requirements of this chapter.
- 4.1.3 The provisions of Section 4.1 shall also apply to applications for the transfer of an on premises license to another location, as required by the DLLE.
- 4.1.4 If the Town Council fails to take final action on an on premises license application within 60 days of receiving the application, the application is deemed approved and ready for action by the DLLE.
- 4.1.5 When an on premises license has been extended by the DLLE pending renewal, the Town Council shall take final action on the on premises license application within 120 days of receiving the application.
- 4.1.6 The Town Council's approval of an on premises license shall expire on the expiration date of the license issued by the DLLE.
- 4.1.7 If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in Section 7.
- 4.1.8 The Town Council may only deny an application upon finding any condition identified in Section 1.9.8 (1-7) to be applicable.

4.2 Beano or Bingo

- 4.2.1 Municipal approval of Beano or Bingo license applications shall be required before a license may be granted by the Chief of the Maine State Police.
- 4.2.2 The Town Council shall approve or deny Beano or Bingo licenses in accordance with the requirements of this chapter.
- 4.2.3 Beano or Bingo may not be conducted on Christmas, on Sunday before 11 a.m., or on any day between the hours of 12 midnight and 7 a.m. The prevailing time for the State of Maine shall determine these hours.
- 4.2.4 The Town Council's approval of a Bingo or Beano license shall expire on the expiration date of the license issued by the Chief of the Maine State Police.

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- 4.2.5 If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in Section 7.
- 4.2.6 Clubs, groups or organizations, composed of individuals at least 90% of whom are 62 years of age or older, that operate Beano or Bingo games for their own entertainment and recreation and not for profit, are exempt from the licensing requirements of 17 M.R.S.A. Chapter 13-A.

4.3 Bottle Clubs

- 4.3.1 Municipal approval of Bottle Club registration applications shall be required before a registration may be granted by the Division of Liquor Licensing and Enforcement (DLLE).
- 4.3.2 The Town Council shall approve or deny Bottle Club registrations in accordance with the requirements of this chapter.
- 4.3.3 The provisions of Section 4.3 shall also apply to applications for the transfer of a Bottle Club to another location, as required by the DLLE.
- 4.3.4 The Town Council's approval of a Bottle Club registration application shall expire on the expiration date of the registration issued by the DLLE.
- 4.3.5 If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in Section 7.
- 4.3.6 The Town Council may only deny approval of an application upon finding any condition identified in Section 1.9.8 (1-6) to be applicable, or any of the following conditions:
1. In the case of corporate applicants, any officer, director or stockholder of the corporation has been disqualified or found ineligible under M.R.S.A. 28-A Section 601.
 2. The location of the Bottle Club is at an amusement area, beach or other area designed primarily for use by minors.

4.4 Bring Your Own Bottle (BYOB) Functions

- 4.4.1 Municipal approval of BYOB permit applications shall be required before a permit may be granted by the Division of Liquor Licensing and Enforcement (DLLE).
- 4.4.2 The Town Council shall approve or deny BYOB permits in accordance with the requirements of this chapter.
- 4.4.3 The Town Council's approval of a BYOB function shall expire on the expiration date of the BYOB permit issued by the DLLE.
- 4.4.4 If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Town Clerk. The applicant shall also be provided with information on the rights of appeal, as provided for in Section 7.
- 4.4.5 The Town Council may only deny an application upon finding any condition identified in Section 1.9.8 (1-6) to be applicable.

4.5 Dual Liquor Licenses

- 4.5.1 Municipal approval of Dual Liquor license applications shall be required before a license may be granted by the Division of Liquor Licensing and Enforcement (DLLE).
- 4.5.2 The Town Council shall approve or deny Dual Liquor licenses in accordance with the requirements of this chapter.
- 4.5.3 The Town Council's approval of a Dual Liquor license shall expire on the expiration date of the license issued by the DLLE.
- 4.5.4 If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in Section 7.

4.6 Games of Chance

- 4.6.1 Municipal approval of Games of Chance license applications shall be required before a license may be granted by the Chief of the Maine State Police.
- 4.6.2 The Town Council shall approve or deny Games of Chance licenses in accordance with the requirements of this chapter.
- 4.6.3 If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in Section 7.
- 4.6.4 A Games of Chance license is not required when a game of chance constitutes social gambling, as defined in 17 M.R.S.A. Section 1831.

4.7 Off-Premises Catering

- 4.7.1 Municipal approval of Off-Premises Catering license applications shall be required before a permit may be granted by the Division of Liquor Licensing and Enforcement (DLLE).
- 4.7.2 The Town Clerk shall approve or deny Off-Premises Catering licenses in accordance with the requirements of this chapter.
- 4.7.3 The Town Clerk's approval of an Off-Premises Catering license application shall expire on the expiration date of the license issued by the DLLE.
- 4.7.4 If an application is denied by the Town Clerk, the applicant shall be provided with a written decision within 10 days of the date of denial by the Town Clerk. The applicant shall also be provided with information on the rights of appeal, as provided for in Section 7.
- 4.7.5 The Town Clerk may only deny an application upon finding any condition identified in Section 1.9.8 (1-6) to be applicable.

4.8 Off-Track Betting

- 4.8.1 Municipal approval of Off-Track Betting license applications shall be required before a license may be granted by the State of Maine Harness Racing Commission.
- 4.8.2 The Town Council shall approve or deny Off-Track Betting licenses in accordance with the requirements of 8 M.R.S.A. Section 275-D.

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- 4.8.3 The Town Council's approval of an Off-Track Betting license application shall expire on the expiration date of the license issued by the Commission.
- 4.8.4 If an application is denied by the Town Council, the applicant shall be provided with a written decision within 10 days of the date of denial by the Council. The applicant shall also be provided with information on the rights of appeal, as provided for in Section 7.
- 4.9 Taste-Testing Events**
- 4.9.1 Municipal approval of Taste-Testing Event license applications shall be required before a permit may be granted by the Division of Liquor Licensing and Enforcement (DLLE).
- 4.9.2 The Town Clerk shall approve or deny Taste-Testing Event licenses in accordance with the requirements of this chapter.
- 4.9.3 The Town Clerk's approval of a Taste-Testing Event license application shall expire on the expiration date of the license issued by the DLLE.
- 4.9.4 If an application is denied by the Town Clerk, the applicant shall be provided with a written decision within 10 days of the date of denial by the Town Clerk. The applicant shall also be provided with information on the rights of appeal, as provided for in Section 7.
- 4.9.5 The Town Clerk may only deny an application upon finding any condition identified in Section 1.9.8 (1-6) to be applicable.

Section 5 License and Permit Fees

Municipal Licenses & Permits

	Fee	
	New	Renewal
Closing-Out Sales (Town Clerk Approval)	None	N/A
Dealers in Secondhand Precious Metals	\$20.00	\$5.00
Dog Kennels (Town Clerk Approval)	\$42.00	\$42.00
Festivals	\$20.00	N/A
Food Services		
Dining Class 1	\$40.00	\$5.00
Dining Class 2	\$30.00	\$5.00
Dining Class 3	\$20.00	\$5.00
Retail Class 1	\$20.00	\$5.00
Innkeepers	\$20.00	\$5.00
Outdoor Vendors		
Site Vendors (Van or Trailer)	\$40.00	N/A
Site Vendors (Car or Pick-up)	\$20.00	N/A
Site Vendors (Stand or Tent)	\$20.00	N/A
Mobile Vendors	\$20.00	N/A
Street Vendors	\$20.00	N/A
Pawnbrokers	\$20.00	\$5.00
Public Entertainment	\$20.00	N/A
Roller Skating Rinks	\$20.00	\$5.00
Special Amusements	\$20.00	N/A

State License & Registration Reviews

Alcoholic Beverages (on premise consumption)	None	N/A
Bottle Clubs	\$20.00	\$5.00
Beano or Bingo	\$20.00	\$5.00
Bring Your Own Bottle (BYOB) Functions	\$20.00	\$5.00
Dual Liquor Licenses	\$20.00	\$5.00
Games of Chance	\$20.00	\$5.00
Off-Premises Catering (Town Clerk Approval)	\$10.00	\$5.00
Off-Track Betting	\$20.00	\$5.00
Taste-Testing Events (Town Clerk Approval)	\$10.00	\$5.00
Business Name Registration	\$5.00	N/A

Section 6 Enforcement

- 6.1 The Code Enforcement Officer (CEO) shall enforce the provisions of this chapter.
- 6.2 Upon identification of a violation of any provision of this chapter, the CEO shall notify in writing the person responsible for such violation. The notice must indicate the nature of the violation and the action necessary to correct it. A copy of all such notices must be maintained as a permanent record in the code enforcement office.
- 6.3 When the above action does not result in the correction of the violation, the Town Council, upon notice from the CEO, shall determine the appropriate actions and proceedings that may be necessary to enforce the provisions of this chapter in the name of the municipality.
- 6.4 The Town Council may suspend or revoke any municipal license or permit pursuant to the requirements of this section.
- 6.5 A municipal license or permit may be suspended or revoked if the Town Council finds that the license or permit is in violation of the ordinances of the Town of Bucksport or the laws of the State of Maine, or the licensee or permittee has willfully or persistently failed to comply with any applicable rules and regulations.
- 6.6 The Town Council shall conduct a public hearing to consider a license or permit suspension or revocation. Notice of the hearing shall be given in accordance with the requirements of Section 1.10. Notice shall also be provided to the licensee or permittee no less than 7 days prior to the date of the public hearing.
- 6.7 The cost of advertising a public hearing for a suspension or revocation shall be borne by the town.
- 6.8 A licensee or permittee is not required to be present for the public hearing.
- 6.9 The Town Clerk shall provide written notification of the Town Council's decision to the licensee or permittee within 10 days of the Council's decision. A decision to suspend or revoke a license or permit shall include the reason for the decision and information about the right to appeal the decision in accordance with Section 7.
- 6.10 The municipal officers, or their authorized agent, may enter into administrative consent agreements for the purpose of eliminating violations of this chapter and recovering fines without court action.

- 6.11 Any person who conducts any land use in violation of the licensing or permitting requirements of this chapter is subject to penalty in accordance with 30-A, M.R.S.A. §4452.

Section 7 Appeals

- 7.1 An administrative appeal shall be taken to the Board of Appeals by any person aggrieved by a decision made by the Town Council or Town Clerk to issue, deny, revoke or suspend a municipal license or permit.
- 7.1.1 An appeal application must be received by the town within 30 days of the date of the decision being appealed.
- 7.2 An appeal of a decision made by the Town Council or Town Clerk to approve or deny the issuance of a state license, permit or registration from the Division of Liquor Licensing and Enforcement shall be taken in accordance with the applicable provisions of state law.
- 7.2.1 An administrative appeal of a decision made by the Town Council or Town Clerk to approve or deny any other state license, permit or registration shall be taken to the Board of Appeals in accordance with the requirements of this section.

Section 8 Definitions

Except as specifically defined herein, all words in this chapter shall carry their customary dictionary meanings. For the purpose of this chapter, certain words or terms used herein are to be construed or defined as follows:

Bottle Club: As defined in 28-A M.R.S.A. §2.

Bring Your Own Bottle (BYOB) Function: As defined in 28-A M.R.S.A. §2.

Closing Out Sale: An event to dispose of the entire stock of goods of a business with the intent to permanently terminate further business after that disposal is complete. A Closing Out Sale may also be described as a going out of business sale, discontinuance of business sale, entire stock must go sale, must sell to the bare walls sale, or other similar designation.

Condition of Record: For the purpose of this chapter, any formal written complaint or written violation.

Dealer of Second-Hand Precious Metals: A person who engages in the business of purchasing, selling or acquiring through exchange secondhand precious metals, which include any item composed in whole or in part of gold or silver, but does not include dental gold, unrefined metal ore, an electronic product, any part of a mechanical system on a motor vehicle or gold or silver coins or bullion.

Division of Liquor Licensing and Enforcement: A branch of the Maine Bureau of Alcoholic Beverages and Lottery Operations, responsible for licensing and enforcement activities for Maine's beverage alcohol industry.

Dog Kennel: A place of business where 5 or more dogs kept for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

Dual Liquor License: A state license that allows a retail establishment to serve wine for on premises consumption and sell wine to be consumed off the premises.

Festival: An organized event providing an opportunity for the public to gather and celebrate or participate in activities based on a common theme, such as the arts, music, food or drink, notable events, sports, trades, hobbies, the seasons, harvests, community, traditions, folklore, charity, clubs, organizations, religion or other themes that may inspire an interest for celebration or a coming together. A festival may take place indoors or outdoors and may include, but is not limited to, live or recorded entertainment, exhibits, demonstrations, workshops, food, drink, merchandise, animals, parades, amusement rides, fireworks, competitions, games of chance, recreation and other organized activities.

Food: Human nourishment originating from a plant or animal source. Food may be raw, cooked, heated, cooled, frozen, processed, or unprocessed, and in a solid or liquid state.

Food Service: Selling or offering food to the public. Food Services are classified as follows:

Ancillary: A Food Service that includes food vending machines, or courtesy foods such as coffee and pastries or light snacks.

Catering: A Food Service that includes prepared foods delivered and served at a social or business event.

Concession: A Food Service provided at athletic or entertainment events from a permanent stand or counter.

Dining Class 1: A Food Service provided at a restaurant, banquet facility, club or other similar premises that is licensed to serve alcoholic beverages for on premises consumption.

Dining Class 2: A Food Service provided at a pub, bar, lounge, tap room or other similar premises that is licensed to serve alcoholic beverages for on premises consumption.

Dining Class 3: A Food Service provided at a café, cafeteria, dairy bar, diner, drive-in, food court, restaurant, or other similar premises that is not licensed to serve alcoholic beverages for on premises consumption.

Donation: A Food Service provided at a food pantry or food bank, or by delivery to homes.

Farm: A Food Service that includes meat, dairy or produce products provided at the farm where the products are produced, or at a farmers' market.

Home-based: A Food Service that includes food products manufactured at a residential property.

Production: A Food Service that includes food products produced at a manufacturing facility.

Retail Class 1: A Food Service provided at a convenience store, bake shop, delicatessen, gift shop, grocery store, sandwich shop, specialty food shop, or other similar commercial establishment. Limited on premises dining is provided.

Retail Class 2: A Food Service provided at a convenience store, bake shop, delicatessen, gift shop, grocery store, sandwich shop, specialty food shop, or other similar commercial establishment. On premises dining is not provided.

Wholesale: A Food Service that includes food products that are distributed for resale in the commercial market.

Games of Chance: As defined in 17 M.R.S.A. §1831.

Innkeeper: A person who keeps an inn, bed & breakfast, hotel or motel to provide lodging to travelers and others for compensation.

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License: A document acknowledging approval from the authority having jurisdiction for a specific activity, pursuant to the requirements of this chapter.

Municipal Permit: A permit issued by the Town Council or Town Clerk in accordance with the requirements of this chapter.

Nudity: Unclothed, uncovered or exposed to the extent that human genitals, pubic area or buttocks, or the nipple and/or areola of the female breast may be seen by the public either in full view or through a less than fully opaque covering.

Off-Premises Catering: As defined in 28-A M.R.S.A. §2.

Off-Track Betting: As defined in 8 M.R.S.A. §275.

Outdoor Vendor: A person engaged in the business of selling one or more products at a temporary outdoor location on public or private property. Outdoor Vendors are classified as follows:

Site Vendor: A person that offers products or services from a parked vehicle or trailer, or other portable structure installed at one location.

Mobile Vendor: A person that offers products or services from a moving motor vehicle, using signage or audible sounds to attract attention along the way, and stopping whenever anyone signals interest.

Street Vendor: A person that offers products or services by standing or walking without structural displays, or by using a pushcart or similar non-motorized moveable method for display.

Parade: Any organized procession or march on public streets or roads, for entertainment, informational or celebratory purposes.

Pawnbroker: A person engaged in the business of lending of money on the security of pledged tangible personal property that is delivered to and held by the pawnbroker. A Pawnbroker may also purchase tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

Person: Individual, partnership, corporation, or other legal entity.

Premises: Any place where an activity takes place.

Public Entertainment: Shows, performances, concerts, acts, parades, circuses, amusements or similar activities conducted for the assembled public.

Roller Skating Rink: A premises that provides an area used for roller skating.

Special Amusements: Live music, dancing, performances, shows, or similar entertainment in an establishment that is licensed for on premise consumption of alcoholic beverages. Special Amusements does not include incidental singing from employees of the establishment to honor or celebrate a special occasion for a customer.

Taste-Testing Event: As the term is applied in 28-A M.R.S.A. §1052-D.

Section 9 Abrogation

- 9.1 This chapter, adopted on January 12, 2017, by the Bucksport Town Council, repeals and replaces Sections 1 through 6 of the current Chapter 6 Business Licensing and Regulations, and relocates Section 7 in its entirety without amendments to Appendix E of the Bucksport Town Code.