

TOWN OF POWNAL VICTUALERS' LICENSE ORDINANCE

Section 1: Definitions

The following definitions shall apply to the interpretation and the enforcement of this Ordinance:

Victualer: Shall mean any person operating any "Restaurant", as herein defined within the Town of Pownal.

Victualer Licensing Board: Shall mean the Pownal Select Board.

Restaurant: Shall mean any restaurant, bar, coffee shop, cafeteria, short order cafe, and luncheonette, in which food or drink is prepared for sale on the premises to the public, but not including premises used for temporary events or operated, hosted or served by the Regional School Unit, hospital or charitable organizations who do not operate twelve or more times per year, licensed catering companies, farms, private citizens, civic organizations or by business concerns whose prime purpose is to serve their employees or provide temporary food or drink services.

Person: Shall mean any individual, firm, corporation or association, but not schools, charitable and civic organizations.

Section 2: Licensing

License Required: It shall be unlawful for any person to operate any eating establishment a Restaurant in the Town who does not possess a license granted by the Victualer Licensing Board and issued by the Code Enforcement Officer. Such license shall be posted in a conspicuous place. Only persons who comply with the requirements of the Ordinance shall be entitled to receive and retain such a license. Applications for such license shall be procured from the Code Enforcement Officer, completed and signed by the applicant and filed with the Code Enforcement Officer for submission to the Victualer Licensing Board and shall show proof of Health Inspector & Fire Marshall sign off from the State to operate.

License Fees: The fees for such victualer's licenses shall be set by the Victualer Licensing Board to reflect a portion of the administrative costs of processing the license application. See Fee Schedule for current fees.

Requirements: The required fee must be paid in full prior to the issuance of any victualer's license. Any person in the Town must be licensed to do so by the Maine Department of Health and Human Services. No person shall operate as a Restaurant without first obtaining a victualer license from the Victualer Licensing Board of the Town of Pownal. Said victualer license shall not be granted without proof that the applicant possesses or in the process of obtaining an applicable state license. A copy of said license or approved document by a state inspector must be submitted for all renewals with the application for a victualer license before a victualer license will be issued. Victualer licenses will set forth the maximum number of seats permitted for each licensee. Licensees must comply with the seating capacity requirements contained in the Town victualer license, regardless of whether a conflicting number exists in state license applications, approvals or other documents. Failure to comply with the seating capacity limitations contained in the victualers license shall be grounds for license revocation under this Ordinance.

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Expiration: All such licenses shall expire on the last day of June annually; provided however, that any license issued after April 1 shall be valid until June 30 of the following year. The Town Clerk shall notify all currently licensed establishments of the need to renew. Victualer licenses must be displayed for the public on the premises.

Enforcement: All license must comply with Title 28-A § 653 section 2 subsections C and D: Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises.

Failure to comply will result in the licensing board revoking current license or denying renewal of the license.

Section 3: Issuance, Suspension, Revocation & Reinstatement

Issuance: The Victualer Licensing Board shall hold a Public Hearing within thirty (30) days following the Town Clerk's receipt of a completed application and payment of appropriate fee(s). The Victualer Licensing Board, shall meet on a date and at a time and place in said Town, which they shall appoint, by posting notices in at least two (2) public places, at least seven (7) days prior to the meeting, stating the purpose of the meeting. Notwithstanding any contrary provision of this Ordinance, the Town Clerk or designee shall have the authority to issue renewal licenses under this Ordinance, provided that a license has not been suspended or revoked during the prior license year. If a license has been suspended or revoked during the prior license year, the renewal license application shall be reviewed by the Victualer Licensing Board.

A victualer license shall be granted if the property in question complies with all federal, State and local laws and the applicant demonstrates that the victualer's premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety or welfare.

Suspension & Revocation: Such license may be temporarily suspended by the Victualer Licensing Board upon the failure of the licensee to comply with this Ordinance, or revoked upon a serious or repeated violation of the terms of the Ordinance after an investigation and hearing, notice of such hearing being served upon such licenses or left at the license's premises at least three (3) days before the time set for said hearing. When the Fire Chief, Town Clerk or Code Enforcement Officer or their designee believes a victualer's license should be suspended or revoked, they shall notify the Victualer Licensing Board and it shall give notice of the public hearing in the same manner as set forth above to decide whether such suspension or revocation shall be ordered. When, upon inspection, conditions are found that violate this Ordinance or regulations adopted thereunder, or which may endanger the life, health or safety of persons patronizing any victualer established under this Ordinance, the Code Enforcement Officer or designee may request an emergency suspension of the victualer license issued and shall provide a copy of the notice in the same or

Exhibit B

faster means to the licensee. The Victualer Licensing Board may grant such an emergency suspension subject to reinstatement following a public hearing before the Board if cause is not shown by the Code Enforcement Officer or designee.

Reinstatement of License: The licensee may at any time after said suspension make application in writing for reinstatement of said license to the Town Clerk and such application shall be submitted to the Victualer Licensing Board for action who has suspended said licensee representing that the condition for which the suspension was imposed has been corrected, and the Code Enforcement officer shall within three (3) days after the receipt of said application make a re-inspection of said premises. If he/she finds that said licensee is again complying with the terms of this Ordinance, the license shall be reinstated.

Should the Code Enforcement officer fail to find the condition corrected to his/her satisfaction, he/she may make re-inspections at such future times as he/she may deem reasonable. In the event said licensee does not satisfactorily comply with the requirements of the officer after such suspension, either party may apply to the Victualer Licensing Board for a hearing in the manner provided above and the Victualer Licensing Board shall conduct said hearing and thereafter revoke, indefinitely suspend or reinstate said license. Repeated incidents of such suspensions shall be considered a valid reason for revocation of said license.

Section 4: Penalty & Application

Penalty: Any person who violates any provisions of the Ordinance shall be subject to a fine or not more than \$200.00 and each and every violation of the provisions of this Ordinance shall constitute a separate offense.

Application: This Ordinance shall apply to all facilities located in the Town that qualify. All facilities presently existing in the Town at the time of passage of this Ordinance must apply for a license prior to May 1, 1989. Failure to do so will result in a violation as stated in Section 3 above. Nothing in this Ordinance is intended to restrict the Town of Pownal Local Food Sovereignty & Self-governance Ordinance.