

## **Chapter 7 Licenses and Permits**

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## ARTICLE I TAXICAB LICENSES

### **Sec. 7-101 Vehicles Used for Conveyance of Persons for Hire**

Every motor vehicle used or to be used for the conveyance of persons for hire upon the streets in the City of Caribou shall be deemed a taxicab within the meaning of this Article, except a motor vehicle subject to regulation by the Public Utilities Commission of the State of Maine, and motor vehicles collecting fares by tickets or coupons sold for interstate transportation. All vehicles accepted shall be granted special license in such form and on such conditions as the City Manager or designee may determine, and such license may be revoked for failure to comply with all pertinent laws and regulations.

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**Historical Note:** Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

### **Sec. 7-102 Taxicab License Requirements**

No person, firm or corporation shall operate or cause to be operated a taxicab unless licensed as herein provided. Application for licensure shall be made on forms provided by the City and shall set forth the name and address of the applicant, the trade name under which the applicant does or proposes to do business; where proposed offices and garages are to be located; the number of vehicles the applicant desires to operate, with a clear description of each vehicle, insurance coverage, and such other facts as the City may require for determining compliance with applicable laws and regulations.

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**Historical Note:** Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

### **Sec. 7-103 Parking Stand and License Issued**

A license fee shall be \$40.00 yearly for each taxicab. The City administration may designate a taxi stand or stands, upon request by the taxicab owner for each licensed taxicab, and after the designation, no vehicle shall park in that stand or stands except the taxicab for which that stand or stands is/are designated. No taxicab shall remain standing on any street on which parking meters are installed along side or next to any parking meter, except while serving passengers.

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**Historical Note:** Amended April 8, 2013; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

### **Sec. 7-104 Driver of Taxicab Must Have License**

No person shall drive or operate a taxicab unless duly licensed as a taxicab driver as required by Section 7-105 of this Article.

### **Sec. 7-105 Requirements for Taxicab Drivers' License**

Application for a license to drive a taxicab shall be made on forms furnished by the City and shall set forth under oath such information as the City may require. Such licenses shall be signed by the City Clerk, shall be numbered in order granted and, unless sooner suspended or revoked, shall continue in force until the first day of May next after the date thereof. The fee for such license shall be \$10.00. No such license shall be granted to any person unless he/she shall present a valid license to operate motor vehicles issued to him/her by the State, nor unless he/she shall have attained the age of twenty one years.

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**Historical Note:** Amended April 8, 2013; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

**Sec. 7-106 Identification Card and Revocation**

Upon issuance of a license to any taxicab driver, the City Clerk shall deliver to the licensee an identification card setting for the number and terms of the license, the name of the licensee, together with their signature and a photograph of themselves of such size as the City Clerk may require. Two such photographs shall be provided by the applicant for license at his own expense. The identification card above described shall be displayed so that it may be plainly seen by the passenger in each cab, which such licensed driver operates. Failure to comply with the terms of this Section shall be grounds for the revocation of the taxicab driver's license; and operation of cabs by any person, firm or corporation, the drivers of which do not comply with the terms of this Article, shall be grounds for the revocation of the license of such person, firm or corporation.

**Sec. 7-107 Rates**

No owner or operator of a vehicle for hire business shall charge any passenger any rate for service in excess of the rates posted with the City Clerk. The owner or operator of a vehicle for hire shall provide, in writing a list of the maximum rates to be charged for any services. Rates that are provided to the City Clerk will be listed on a Taxi License by the City Clerk. The Taxi License, on which the above rates are clearly written shall be conspicuously displayed in the specific taxi that is being licensed, so it can be seen by a passenger day or night.

Failure to so display such license or demanding any amounts in excess of the rates disclosed to the City Clerk shall be grounds for revoking the license, both of the driver of the taxicab and the person, firm or corporation operating such cab.

**Sec. 7-108 Inspection by Police Chief**

Every person operating a taxicab shall present such taxicab to the Chief of Police for inspection whenever the Chief of Police may require it.

**Sec. 7-109 Violation of Highway Laws Reason for Revocation**

Violation of any of the highway laws of the State of Maine or of the Articles of the City of Caribou regulating traffic shall be grounds for the revocation of license, both of the driver of the taxicab and the person, firm or corporation operating such taxicab, after notice and hearing.

**Sec. 7-110 License May be Revoked for Cause**

Any license issued hereunder may be revoked by the Council at any time after notice and a hearing in the event that any licensee or any employee of a licensee: (a) knowingly furnishes, or delivers liquor for or to a minor while utilizing a licensed taxicab; or (b) is convicted of a violation of Title 28-A M.R.S.A. Section 2081 while utilizing a licensed taxicab; or (c) any other cause which is detrimental to the public health, safety or welfare.

**Sec. 7-111 Penalties**

In addition to any other penalties provided in this Article, whoever violates any of the provisions of this Article shall be liable to a penalty not exceeding \$150.00 for each offense, to be recovered for the use of the City , by complaint before the Caribou District Court.

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**Historical Note:** Chapter 5, 1956 Caribou Code; as amended, December 17, 1973, April 2, 1980, June 4, 1980, April 2, 1984, October 23, 2000, Article 1, Section 7-110 amended June 10, 2002.

**State Law Reference:** 35 MRSA §§1501-1518; 35 MRSA §§1641-1646.

## **ARTICLE II DEALERS IN JUNK, SECOND HAND ARTICLES, AND PAWN BROKERS**

### **Sec. 7-201 Licensed Required**

All dealers in junk and second hand articles, and pawn brokers, before doing any business in the City of Caribou shall secure a license from the City Manager or designee. They shall pay to the Treasurer of the City, the sum of \$25.00, for the use of the City and shall give the City a good and sufficient bond which shall be approved by the City, in the sum of \$300.00, conditioned to perform all duties pertaining to their business. Dealers shall keep records of all goods brought and the date of sale and the name of the seller. These records shall be open at all times for the inspection of any police officer, deputy sheriff, constable or other properly designated city officials.

**Historical Note:** Chapter 5, 1956 Caribou Code; amended June 4, 1980; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

**Cross Reference:** Chapter 13, Zoning, Section 13-700 (38) Establishments dealing in the consignment or resale of used personal property

**State Law Reference:** 30 MRSA §3051, 30 MRSA §3151-3155, 30 MRSA §2151(5).

## **ARTICLE III PEDDLERS AND HAWKERS**

### **Sec. 7-301 Licensed Required**

It shall be unlawful for any person in his own behalf or as agent or servant of any other person, firm or corporation, to engage in the business of hawking and peddling goods, wares and merchandise at retail, within the limits of the City of Caribou without first obtaining a license from the City of Caribou, excepting in the following classes: commercial agents or other persons selling by lists, catalogues or otherwise, goods or wares or merchandise for future delivery, persons selling fish, persons selling farm, dairy or orchard products of their own production, persons selling bark, wood or forest products, and persons selling newspapers or religious literature. No vendor will be allowed to sell at curb side on any City street. Street vending shall be defined as the business of selling of goods, wares and/or services.

**Historical Note:** Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

### **Sec. 7-302 Application; Revocation**

Licenses for hawkers and peddlers under this Article may be issued by the City upon proper application in writing therefore, and upon payment of a license fee of \$25.00. Such license shall be valid for the thirty days next following the issuance thereof, unless sooner revoked, after notice and hearing, for good and sufficient cause in the interest of the public health, safety or welfare.

**Historical Note:** Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

### **Sec. 7-303 Private Residences**

The practice of going in and upon private residences in the City of Caribou by such hawkers and peddlers, whether licensed or not, and not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of peddling and hawking goods, wares, and merchandise at retail, is hereby declared to be a nuisance and a violation of this Article.

**Sec. 7-304 Penalty**

Any person, in his own behalf or as agent or servant of any other person, firm or corporation violating any of the provisions of this Article shall upon conviction be subject to a fine of not more than fifty dollars (\$50.00) for each offense, or imprisonment for not more than 30 days, or by both such fine and imprisonment.

**Historical Note:** Chapter 5, 1956 Caribou Code; as amended June 4, 1980, Sec. 7-301 amended June 24, 1999.  
**State Law Reference:** 32 MRSA §§4681-4689; 30 MRSA §2151(5).

**ARTICLE IV COMMERCIAL RUBBISH HAULERS**

Any person engaged in the business of collection or disposal of garbage or rubbish in the compact area must apply for a license as provided in Chapter 6, Article III, Section 6-202.

**Historical Note:** Article V Itinerant Photographers adopted June 4, 1980; Article V Itinerant Photographers deleted by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

**ARTICLE VI LUNCH WAGONS**

The City may issue a license to any reputable person to maintain a vehicle for the sale of food in the public way, pursuant to 30 MRSA §3101. The annual license fee shall be \$10.00. Any person who operates without a license required by this ordinance shall be subject to a fine of not more than \$100 for each offense. Each day a violation continues shall constitute a separate offense.

**Historical Note:** adopted June 4, 1980; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

**ARTICLE VII AUTOMOBILE JUNKYARDS**

**Sec. 7-701 License Required**

No automobile junkyard shall be established, operated, or maintained, without first obtaining a nontransferable license to do so from the City, which license shall be valid only until January 1 of the following year.

**Historical Note:** adopted June 4, 1980; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

**Sec. 7-702 Planning Board Approval**

A license for the establishment of an automobile junkyard shall not be issued by the City until the proposed location of such junkyard shall have been approved under this Article by the Planning Board and unless the application for such license is accompanied by a certificate from the Board stating it's approval of such location and setting forth such special requirements for fencing, screening, setback, etc. as the Board may deem necessary as a condition of its approval in order to adequately serve the public health and welfare, and to protect the appearance of the area.

**Historical Note:** Adopted June 4, 1980; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

**Sec. 7-703 Screening**

Any area to be occupied by junk automobiles or parts thereof shall be kept entirely screened to view from highways and streets, residences, and from any place of public assembly or recreation by natural objects or well constructed and properly maintained fences at least six feet high. Applicants shall submit drawings or written specifications for the fencing or screening to be approved by the Planning Board. Applicants shall provide appropriate bonds or other financial guarantees to the City for installation of any required fencing or Planning Board conditioned site improvements before issuance of a license by the City. Failure to install required improvements within six months from the date of issuance of the license shall constitute a violation of this Article and shall be punishable by law and/or forfeiture of financial guarantees.

**Historical Note:** adopted June 4, 1980; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

**Sec. 7-704 State Law**

All other pertinent provisions of the State Law on Automobile Junk Yards, Chapter 215, Title 30 Revised Statutes of Maine, as amended, shall be observed.

**Historical Note:** formerly Section 104.17 of the Zoning ordinance, Chapter 10 of the 1956 Caribou Code; amended June 4, 1980.

**ARTICLE VIII SPECIAL AMUSEMENT PERMITS**

**Sec. 7-801 Title**

This Article shall be known and may be cited as the Special Amusement Article of the City of Caribou, Maine.

**Sec. 7-802 Purpose**

The purpose of this Article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28 MRSA §702.

**Sec. 7-803 Definitions**

1. *Entertainment.* For the purposes of this Article, “entertainment” shall include any amusement, performance, exhibition or diversion for patrons or customers of the license premises whether provided by professional entertainers or by full time or part time employees of the licensed premises whose incidental duties include activities with an entertainment value.

2. *Licensee.* For purposes of this Section, “licensee” shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.

**Sec. 7-804 Permit Required**

1. Music, dancing and entertainment. No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the City a special amusement permit.

2. Application for permit. Applications for all special amusement permits shall be made in writing to the City and shall state: the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony, and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the City in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.
3. Compliance with all local laws. No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the licensed purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.
4. Fee. The fee for a special amusement permit shall be \$30.00, plus publication costs.
5. Public hearing. The City Council shall, prior to granting an initial permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days of the date of the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken. Renewals of permits do not need a public hearing and may be authorized by the City Manager.
6. Factors in issuing permit. The municipal officers shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws.
7. Term of license. A permit shall be valid only for the license year of the applicant's existing liquor license.

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**Historical Note:** Sec. 7-804(4) as amended April 8, 2013; Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

### **Sec. 7-805 Suspension or Revocation of a Permit**

The City may suspend or revoke any special amusement permits which have been issued under this Article on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

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**Historical Note:** Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

### **Sec. 7-806 Rules and Regulations**

The City Manager or designees are hereby authorized to establish written rules and regulations governing the issuance, suspension and revocation of special amusement permits. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

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**Historical Note:** Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

**Sec. 7-807 Permit and Appeal Procedures**

1. Notice of decision. Any licensee requesting a special amusement permit from the City shall be notified in writing of the City’s decision no later than fifteen (15) days from the date of decision. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit on the same premises within 30 days after an application for a permit which has been denied.

2. *Appeal.* Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the municipal board of appeals as defined in 30 MRSA §2411. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

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**Historical Note:** Amended by Ordinance No. 2, 2018 Series on April 9, 2018; effective May 9, 2018.

**Sec. 7-808 Admission**

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

**Sec. 7-809 Penalty**

Whoever violates any of the provisions of this Article shall be punished by a fine of not more than Fifty Dollars (\$50) for the first offense, and up to One Thousand Dollars (\$1,000) for subsequent offenses, to be recovered, on complaint, to the use of the City of Caribou.

**Sec 7-810 Separability**

The invalidity of any provision of this Article shall not invalidate any other part.

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**Historical Note:** Originally effective on July 1, 1978; amended June 4, 1980.

**Cross Reference:** Chapter 13, Art. I, Sec. 13-107.

**ARTICLE IX STREET AND ROAD ACCESS PERMIT**

Whenever an additional access is desired to a city road or street, the requesting property owner shall obtain an access permit from the Caribou Public Works Department. No new additional road or street connection shall be allowed without such a permit.

The permit application shall state how proper roadside drainage will be maintained, whether through a driveway depression, a culvert, or through a subsurface drainage system. If a culvert is deemed appropriate, the size of the culvert, both in diameter and in length, will be listed. The drainage system, including whether or not a culvert is required and the size of the culvert, shall be subject to approval by the Public Works Director, or his designee.

Whenever a property owner requests a new culvert that is approved by the city, the city shall install it. The property owner shall agree to pay the cost of the culvert and the cost of installation, including labor and equipment. Upon request, the City Public Works Department shall provide an advance estimate of cost of the culvert and its installation. Once the culvert is installed, the city shall be responsible for maintaining the culvert, including replacement.

Failure to comply with this ordinance shall be subject to a penalty of \$50.00 for each offense.

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**Historical Note:** Adopted May 11, 1987.

**Cross Reference:** Similar provisions, Section 11-403.

## **ARTICLE X OPENING PERMIT**

Any person required to excavate or in any way interfere with the surface or sub-surface of any public way must, through a recognized qualified contractor, apply for an opening permit with the Director of Public Works. Permittees' are required to comply with written "Conditions Applicable to Opening Permits on Public Ways", as determined and updated periodically by the City Manager and Public Works Director, and provide evidence of Liability Insurance of not less than \$300,000. The "Opening Permit" must be retained by the permittee and posted at the work site for inspection by City Officials. Permittees' violating the terms of this ordinance will be subject to the cost of repairing the excavation plus 50%. Additional permits will not be granted if the applicant has other opening permits that remain open and out of compliance with the terms of this ordinance.

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**Historical Note:** Chapter 7, Article XI was adopted May 27, 1997.

**Cross Reference:** Similar provisions, 11-404.

## **ARTICLE XI REGISTERED NONPROFIT DISPENSARIES AND REGISTERED CULTIVATION FACILITIES**

### **Section 1101 Purpose**

The purpose of this Article is to control the issuance of a permit to operate either a Registered Nonprofit Dispensary or Registered Cultivation Facility as may be permitted by the State of Maine and the Caribou Planning Board.

### **Section 1102 Permit Required**

1. *Operation of a Registered Nonprofit Dispensary or Registered Cultivation Facility:* No Permit or renewal of a Permit may be issued unless the facility is permitted by the State of Maine Department of Health and Human Services and the Caribou Planning Board to be eligible for a Certificate of Occupancy. No facility shall conduct business within the limits of Caribou without first securing a permit from the Municipal Officers of the City of Caribou.
2. *Applications for permit:* Applications for a permit shall be made in writing to the Municipal Officers through the City Clerk's Office and shall state:
  - a. The name of the Nonprofit
  - b. Location and type of Facility
  - c. State License Number
  - d. Copy of complete State of Maine DHHS Application establishing the Nonprofit
3. *Compliance with all laws:* No permit shall be issued unless the Applicant can prove full compliance with all applicable State and Local Ordinances pertaining to the type, operation, and location of the facility or mobile unit to be permitted.

4. *Fee:* A fee of \$500 per location of either a Registered Nonprofit Dispensary or Registered Cultivation Facility shall apply for first time and renewal applications to provide for the cost of advertising, notices to abutters, compliancy checks, and use of administrative time to process.
5. *Public Hearing:* The Municipal Officers shall, prior to granting any permit new or annual renewal, provide for not less than 7 days notice of a public hearing, within 30 days upon the receipt of the application, to receive written and verbal testimony from the applicant and interested members of the public pursuant to the granting of a permit.
6. *Factors in issuing permit:* In granting or denying an application, the Municipal Officers shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - A. Conviction of the Applicant of any Class A, Class B, or Class C crime;
  - B. Noncompliance of the licensed Dispensary or Cultivation Facility or its use with any local zoning ordinance or land use ordinance;
  - C. 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;
  - D. 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;
  - E. Any violation of State Law or Caribou Code directly related to the operation under the provisions of law of the Registered Nonprofit Dispensary or Registered Cultivation Facility.
7. *Term of License:* A permit shall be valid for only one (1) year from the date of first issuance and shall be subject to meeting all requirements as set forth in this Chapter for subsequent renewal.
8. *Annually,* within 30 days prior to the license renewal date; the dispensary shall be inspected by Code Enforcement, Fire Chief and Police Chief to insure that the dispensary is in compliance for Zoning, Fire Safety and Security requirements.

### **Section 1103 Suspension of Revocation of a Permit**

The Municipal Officers may, after public hearing preceded by notice to the Applicant and interested parties, suspend, or revoke any permit issued for the operations of either a Registered Nonprofit Dispensary or Registered Cultivation Facility, which have been issued under this Article, on the grounds that the continued operations of the facility would constitute a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

### **Section 1104 Rules and Regulations**

The Municipal Officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension and revocation of Registered Nonprofit Dispensaries or Registered Cultivation Facilities permits and other limitations of these operations required

to protect the public health, safety and welfare. These rules and regulations may specifically amend the determination of the location and size of permitted premises, the hours during which the permitted activities are permitted, or other operational considerations that would otherwise impact the public's wellbeing.

### **Section 1105 Permit and Appeal Procedures**

*1. Notice of decision.* Any Licensee requesting either a Registered Nonprofit Dispensaries or Registered Cultivation Facilities permit from the Municipal Officers shall be notified in writing of their decision no later than fifteen (15) days from the date the request was received by the City Clerk. In the event that a Licensee is denied a permit, the Licensee shall be provided with the reasons for the denial in writing. The Licensee may not reapply for a permit within 30 days after an application for a permit which has been denied.

*2. Appeal.* Any Licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the Municipal Board of Appeals as defined in 30 MRSA §2411. The Municipal Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

### **Section 1106 Penalty**

Whoever violates any of the provisions of this Article shall be punished by a fine of not more than One Hundred (\$100) for the first offense, and up to Twenty-five Hundred Dollars (\$2,500) for subsequent offenses, to be recovered, on complaint, to the use of the City of Caribou. Penalties are set pursuant to Title 30-A MRSA §4452, 3 Civil Penalties, paragraph B, the minimum penalty for a specific violation is \$100.00, and the maximum penalty is \$2,500.00.

### **Section 1107 Separability**

The invalidity of any provision of this Article shall not invalidate any other part.

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**Historical Note:** Article XI was adopted on October 25, 2010.

## **ARTICLE XII LICENSES FOR THE SALE OF LIQUOR**

### **Section 1201 Purpose**

The purpose of this Article is to set forth the process for any person, organization or commercial establishment, hereafter collectively referred to as Establishment(s), to obtain or maintain a license for the sale of spirits, wine or malt liquor to be consumed on or off the licensed premises in the times, places and manners as may be specified in the license, pursuant to Title 28-A MRSA Chapter 27 and as permitted by the State of Maine.

### **Section 1202 Permit Required**

- 1. Operation of a Licensed Establishment:* No establishment may offer for sale spirits, wine or malt liquor within city limits without first having a license issued by the State with prior approval by the municipal officers as set forth below.

2. *Applications for permit:* Applications for a liquor license shall be made in writing on forms provided by the Department of Public Safety Bureau, submitted to the City Clerk's Office and shall be complete as will be submitted to the Bureau.
3. *Compliance with all laws:* No license shall be issued unless the Establishment can demonstrate full compliance with all applicable State and Local Ordinances pertaining to the type, operation, and location to be permitted.
4. *Fee:* Establishments shall pay a fee of \$10 for the initial issuance or annual renewal of a liquor license plus applicable public notice costs if a public hearing is required.
5. *Public Hearing and Approving Authority:*
  - a. The City Council shall be the approving authority and conduct a public hearing for new annual license applications, requests to increase annual license certifications, and if there is cause to question the past operation of an Establishment seeking license renewal.
  - b. The City Manager, after review by the public safety and code enforcement departments, may without conducting a public hearing approve applications for annual license renewals, seasonal/temporary licenses, off-premises catering, taste testing events and extensions of existing licenses.
  - c. The City Clerk shall provide notice of a public hearing at the applicant's prepaid expense, stating the date, time and place of hearing, to appear the week before the hearing in a weekly newspaper having general circulation in the municipality and by a minimum 7-day posting.
6. *Factors in issuing permit:* In granting or denying an application, the approving authority shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - a. Conviction of the Applicant of any Class A, Class B, or Class C crime;
  - b. Noncompliance of the licensed premise or its use with any local zoning ordinance or land use ordinance not directly related to liquor control;
  - c. 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;
  - d. 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;
  - e. Any violation of State Law or Caribou Code directly related to the operation under the provisions of law of the licensed premise.
  - f. A determination by the municipal officers that the purpose of the application is to circumvent the provisions of Title 28-A MRSA Section 601;

- g. Additional factors which may be considered: (1) character of any applicant; (2) location of the establishment; (3) manner in which the establishment has been operated and (4) whether the operation has endangered the safety of persons in or on areas surrounding the establishment's place of operation.
7. *Term of License:* A permit shall be valid for only one (1) year from the date of first issuance and shall be subject to meeting all requirements as set forth in this Chapter for subsequent renewal.

### **Section 1203 Suspension or Revocation of a Permit**

The City Manager shall report to the municipal officers any findings that may impact the decision to renew a license pursuant to Section 1202. The City Council may, after public hearing preceded by notice to the Applicant and interested parties, suspend, or revoke any permit issued for the operations of the licensed premise, which has been issued under this Article, on the grounds that the continued operations of the facility would constitute a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

### **Section 1204 Permit and Appeal Procedures**

1. *Notice of decision.* Any applicant requesting a liquor license from the city shall be notified in writing of the approving authority's decision no later than fifteen (15) days from the date the request was received by the City Clerk. In the event that an applicant is denied a liquor license, the applicant shall be provided with the reasons for the denial in writing. The applicant may not reapply for a permit within 30 days after an application for a permit which has been denied.
2. *Appeal.* Any applicant who has requested a liquor license and has been denied, or whose liquor license has been revoked or suspended, may, within 15 days of the receipt of the written decision of the approving authority, appeal the decision to the Bureau of Liquor Enforcement.

### **Section 1205 Penalty**

Whoever violates any of the provisions of this Article shall be punished by a fine of not more than One Hundred (\$100) for the first offense, and up to Twenty-five Hundred Dollars (\$2,500) for subsequent offenses, to be recovered, on complaint, to the use of the City of Caribou. Penalties are set pursuant to Title 30-A MRSA §4452, 3 Civil Penalties, paragraph B, the minimum penalty for a specific violation is \$100.00, and the maximum penalty is \$2,500.00.

### **Section 1206 Separability**

The invalidity of any provision of this Article shall not invalidate any other part.

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**Historical Note:** Article XII adopted by City Council May 9, 2011; amended September 8, 2020.