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## Licenses Ordinance

### Chapter 6

#### Article 1. Innkeepers, Victualers, Tavern Keepers, and Lunch Wagons

##### **6-1.1 Purpose:**

The purpose of this Ordinance is to regulate the issuance of licenses to the various food service establishments and lodgings in the Town of Farmington for public health and welfare.

##### **6-2.2 Definitions:**

For the purpose of this ~~Ordinance~~ **Article**, the following definitions shall mean:

**A.** ~~4.~~ Innkeeper. "Innkeeper" means a person who keeps an inn, bed and breakfast establishment, hotel, or motel to provide lodging to travelers and others for compensation.

**B.** ~~2.~~ Licensing Board. "Licensing Board" means the municipal officers of the Town of Farmington.

**C.** ~~3.~~ Lodging House. "Lodging House" means a building in which three (3) or more rooms are rented, but does not include (1) a house where lodgings are rented to persons within the second degree of kindred to the person operating the lodging house; (2) the dormitories of charitable, educational or philanthropic institutions; or (3) the emergency use of private dwelling houses at the time of conventions or similar public gatherings.

~~**D.** ~~4.~~ Victualer. "Victualer" means a person who serves food or drink prepared for consumption on the premises by the public.~~

**D.** ~~5.~~ Lunch Wagon. "Lunch Wagon" means a vehicle used for the sale of food in such part of any public way and during such hours as the Licensing Board designates.

**E.** ~~6.~~ Premise. "Premise" means all lands, buildings, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with, any such business conducted on such premise.

##### **6-1.3 License Required**

No person shall operate as an ~~victualer~~, innkeeper, tavern keeper, lodging house or operate a lunch wagon, within the Town of Farmington unless licensed to do so by the Town, unless specifically waived by the Town. Applications for ~~Victualer's L~~ licenses

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shall be made in writing upon forms supplied by the Farmington Town Clerk and shall state the name of the applicant; ~~his~~ ***their*** residence and mailing addresses; the name of the business to be conducted; ~~his~~ ***their*** business address; the location(s) to be used; residence and business telephone numbers; and the date of the application. Upon receipt of the application, the Town Clerk shall refer the same to the Police Department, Sewer Department, and Fire ***Rescue*** Department for a determination to assure compliance with the ordinances, statutes and regulations of the Town of Farmington and the State of Maine.

#### **6-1.4 Hearing**

The Farmington Board of Selectmen shall hold a hearing on any original application for a license for food service and lodgings at which time the testimony of the applicant and that of any interested members of the public shall be taken. The applicant shall be notified of the hearing date.

The municipal officers shall grant a license unless they find that issuance of such license will be detrimental to the public health, safety or welfare, or would be in violation of any Town or State ordinances, rules, or regulations.

#### **6-1.5 Suspensions and Revocations**

The municipal officers may, after a public hearing, suspend or revoke any license for non-compliance of the Town of Farmington and State of Maine rules or regulations.

#### **6-1.6 Fees and Renewals**

Each person licensed as an innkeeper, tavern keeper, ***or*** lunch wagon ~~or victualer~~ shall pay to the Town Clerk a fee to be determined by the municipal officers. All licenses unless otherwise provided, shall be for twelve (12) months duration. Renewals of said ~~victualer's or~~ innkeeper's license shall be set by the municipal officers.

#### **6-1.7 Penalty**

Any person who violates any of the provisions of this Ordinance shall be punished by a fine of not more than fifty dollars (\$50.00) for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense to be recovered on complaint to the use of the Town of Farmington.

#### **6-1.8 Severability**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

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## Article 2. Public Transportation

**6-2.1 Public Cars, Fair Week:** Special licenses may be granted, and fees charged for running public cars during the days of the Franklin County Agriculture Association Fair, and at such other times as seems to the Selectmen of the Town advisable. The charge for such special licenses shall be fixed by the Selectmen.

## Article 3. Special Amusement

### **6-3.1 Title**

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Farmington. ~~Maine.~~

### **6-3.2 Purpose**

The purpose of this Ordinance 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 M.R.S. ~~A~~ § 702.

### **6-3.3 Definitions**

**For the purpose of this Article, the following definitions shall mean:**

- A. Entertainment. "Entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed 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.
- B. License. "License" 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 such licensee.

### **6-3.4 Permit Required**

No license for the sale of liquor to be consumed on ~~his~~ ***their*** licensed premises shall permit, on ~~his~~ ***their*** licensed premises, any music, except radio or other mechanical device, any dancing, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the municipal officers.

Application for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the applicant, ~~his~~ ***their*** residence address; the name of the business to be conducted; ~~his~~ ***their*** business address; the nature of ~~his~~ ***their*** business; the location to be used; whether the applicant has ever had a license to

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conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued for ***any thing***, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.

The fee for a Special Amusement permit shall be ***ten dollars (\$10.00)***.

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within ***thirty*** (30) 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.

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.

A permit shall be valid only for the license year of the applicant's existing liquor license.

### **6-3.5 Inspections**

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or State law, or are reasonably necessary to secure compliance with any ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or the employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

In addition to any other penalty which may be provided, the municipal officers may revoke the Special Amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of ~~his~~ ***their*** duty. Provided that no license or Special Amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

### **6-3.6 Suspension or Revocation of a Permit**

The municipal officers may, after a public hearing preceded by notice to interested parties, suspend, or revoke any special amusement permits which have been issued under this Ordinance on the grounds that the music, dancing, or entertainment so

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permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

### **6-3.7 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 Special Amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety, and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be 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.

### **6-3.8 Permit and Appeal Procedures**

Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days from the date ~~his~~ ***their*** request was received. 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 ***thirty*** (30) days after an application for a permit ~~which~~ ***that*** has been denied.

Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within ***thirty*** (30) days of the denial, suspension or revocation, appeal the decision to the municipal Board of Appeals as defined in 30 M.R.S.A § 2144. The municipal Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment of 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 rules and regulations of the municipality.

### **6-3.9 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.

### **6-3.10 Penalty**

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more ~~that~~ ***than*** twenty-five dollars (\$25.00) for each offense to be recovered, on complaint, ***to the use of*** the Town of Farmington. ~~Maine.~~

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**6-3.11 Separability:** The invalidity of any provision of this Ordinance shall not invalidate any other part.

#### **6-3.12 Effective Date**

The effective date of this Ordinance shall be the date of enactment.

### **Article 4. Motor Vehicles for Hire**

#### **6-4.1 License Required**

Effective April 2, 2011, it shall be unlawful for any person, firm, or corporation to engage in the business of carrying passengers for hire without first obtaining a Motor Vehicles for Hire License (hereinafter "Taxicab License") from the Farmington Board of Selectmen. All taxicab drivers shall obtain the required license after the completion of a background check from the Farmington Police Department. This section shall not apply to vehicles under the jurisdiction of the Public Utilities Commission.

#### **6-4.2 Issuance of License**

Licenses issued under the provisions of **Section 1** hereof shall be for the calendar year, but such licenses shall be subject to revocation by the Board of Selectmen for failure of the licensee, or ~~his~~ **their** agents, to comply with the rules and regulations of the Board of Selectmen. Renewal will be required on an annual basis. ~~No license shall be issued to any person, firm, Limited Liability Company, corporation, or other entity which hires a person to drive who:~~ **In determining whether the applicant is at present of such good moral character that the applicant can be trusted with the safe care and custody of passengers, the Chief of Police, or their designee, shall consider factors including but not limited to the following:**

#### **No license shall be issued to any applicant who:**

- A. Is in violation of this Article.
- B. Is a registered sex offender.
- ~~C. Has been convicted of a Class A crime; or~~ **Has been convicted of murder, manslaughter, or a Class A, B, or C crime against a person at any time.**
- D. Has any outstanding warrants.**
- E. Has made any false statements or omissions on the application;**
- F. Has convictions for the following periods of time immediately preceding ~~his~~ **their** ~~or her~~ application.

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TEN YEARS	FIVE YEARS	THREE YEARS
Misdemeanor Sexual Assault <b>Crime</b>	Assault	Driving to Endanger
Habitual Offender	Operating Under the Influence	Three moving Motor Vehicle Violations per 29-A M.R.S. Chapter 19
	Operating After Suspension	<b><i><u>Criminal Threatening or Terrorizing</u></i></b>
		<b><i><u>Criminal Mischief</u></i></b>
		<b><i><u>Harassment</u></i></b>
		<b><i><u>Theft by Unauthorized Taking or Transfer</u></i></b>

It is the responsibility of any owner of a taxicab service applying for a taxicab license to make certain that no person hired to drive is in violation of this section. ***An owner's license*** shall also be revoked by the Board of Selectmen of a person or entity which subsequently hires an individual with any of the unpardoned offenses listed in this section after being notified in writing by the Town Manager or Chief of Police that an individual hired by said person or entity has such an offense and fails to take corrective action within fifteen (15) days of such written notification.

The Board of Selectmen may promulgate rules and regulations governing the operation of said vehicles, the fares to be charged, and the amount of the fee for such licenses. No license shall be issued unless:

- A. The applicant furnishes proof of ***required*** liability coverage ***per state of Maine requirements*** on all vehicles to be used under such license;
- B. Drivers are qualified under the terms of this Article;
- C. Owners and drivers are properly insured;
- D. Motor vehicles for hire are properly registered ***with for hire plates***; and
- E. The applicant has paid the appropriate licensing fees.

Upon compliance with the requirements of this Article, the owner of the taxicab service shall be issued an owner's license. Upon compliance with all terms of this Article, a driver shall be issued an appropriate license. All owners of any taxicab service are required to comply with State laws regarding smoking.

#### **6-4.3 Display of License**

Drivers while on duty are required to display their valid drivers' licenses in the vehicles so that passengers can view their validity. In addition, a copy of the valid Taxicab License issued by the Town of Farmington to the person or entity permitted to engage in the business of carrying passengers for hire shall be ~~on display~~ ***kept*** in all vehicles being used for said business and are available on request.

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#### **6-4.4 Required Inspections; Certificate**

Each taxicab used in the Town of Farmington shall be inspected by May 1<sup>st</sup> each year; and at the request of the owner or operator thereof, may also be inspected at any other time. No certificate of inspection shall be in force longer than a one (1) year period. Such inspection shall be made by the Chief of Police or ~~his~~ ***their*** designee, who shall issue a Certificate of Inspection if the taxicab is found to be safe, clean and otherwise suitable. Such certificate shall be carried in the taxicab and readily available for inspection. No taxicab shall be operated without such certificate.

#### **6-4.5 Revocation**

The Board of Selectmen may revoke or suspend the Taxicab License of any owner or operator who violates the conditions of the license, makes a material misstatement on the application for the license, uses abusive or profane language in the presence of a passenger, keeps ~~his~~ ***their*** taxicab in an unsafe, unclean or unsatisfactory condition, or operates ~~his~~ ***their*** taxicab in an unsafe manner. The Board of Selectmen may revoke or suspend the Certificate of Inspection of a taxicab, if any part of it is found by the Chief of Police to be in an unsafe, unclean or unsanitary condition.

#### **6-4.6 Fees**

Fees for the Taxicab License shall be fifty dollars (\$50.00) for each taxicab and the sum of fifteen dollars (\$15.00) for each operator ~~plus the cost of background checks~~ for an initial license, and the sum of five dollars (\$5.00) for each operator ~~plus the cost of background checks for renewals. Operators licensed in reciprocating communities will not be charged the background check charge for initial licenses only.~~ Fees shall be determined by the Board of Selectmen and are subject to change from time to time. All fees are non-refundable.

#### **6-4.7 Fines for Noncompliance**

Any person, firm, Limited Liability Company, corporation, or other entity that operates a business of carrying passengers for hire found to be in violation of the Article shall be subject to a fine of one-hundred dollars (\$100.00) per day from the date of occurrence of any violation.

#### **6-4.8 Reciprocity**

Any other town or city that allows taxicabs and drivers licensed by the Town of Farmington the right to operate in said town or city, without obtaining a license from said town or city, shall be awarded that same right of operation in the Town of Farmington provided that said town or city has a written ordinance that is at least as stringent as Chapter 6, Article 4 of the Town of Farmington Code of Ordinances.

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#### **6-4.9 Code Enforcement Requirements**

If the taxicab business is operating from an office in the business owner's home in Farmington, this is allowed as long as it is in compliance with the Home Occupation performance standards in the Town of Farmington Zoning Ordinance. If the taxicab business is operating from an office other than the business owner's home, Code Enforcement Officer (CEO) review or Planning Board Site Review may be required. If CEO Review or Planning Board Site Review is not applicable, a Business Registration Form or a Home Occupation Registration must be filed with the Code Enforcement Office after the issuance of the Taxicab License.