

LICENSES AND PERMITS

SECTION 101. LICENSE REQUIRED: APPLICATION

Any person required by the provisions of this ordinance to obtain from the Town, (1) a license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege, or (2) a permit to commence, proceed or continue to perform any act, shall make written application therefor over his signature to the Town Clerk upon forms provided by the Town Clerk and shall state such facts as may be required. Applications shall be accompanied by the required fee which will be returned if the license or permit applied for is not issued.

SECTION 102. MUNICIPAL LICENSING AUTHORITY

The Municipal Officers are the licensing authority of the Town of Newport, unless otherwise provided by ordinance or by law.

SECTION 103. TOWN CLERK'S DUTY

The Town Clerk is hereby authorized and directed to receive all applications required by this ordinance, and to act thereon with reasonable promptness consistent with the nature of the matter, either by posting official notices and advertisements, or issuing the license/permit upon approval of the Municipal Officers.

SECTION 104. CERTIFICATION PROCEDURE

In all cases where the certification of any Municipal Official is required as a condition precedent to approval of any license, the Town Clerk shall notify promptly such officer and shall not submit the application to the Municipal Officers unless all required certifications are received, as evidence by signature on the application. Such certification shall be based upon actual inspection within ten (10) working days of receipt of the application by the Town Clerk, and findings as follows:

1. Code Enforcement Officer: That the premises comply with all applicable state laws and local ordinances, including but not limited to the BOCA National Codes;
2. Health Officer: That the applicant and the premises in which the applicant proposes to conduct the trade, profession, business or privilege comply with all applicable State laws and local ordinances relative to health and sanitation, including but not limited health, plumbing and sanitation ordinances;
3. Police Chief: That the applicant is of good moral character and that the safety and good order will not be affected adversely;
4. Fire Chief: That the premises comply with all applicable State laws and local ordinances, including but not limited to Fire Protection.

SECTION 105. LICENSE ISSUED

Upon approval with the requirements of this ordinance, the Municipal Officers shall, through the Town Clerk, issue the license or permit forthwith. The Town Clerk shall preserve all applications for license and other papers filed in connection therewith as a public record in the Town Office for a period of 5 years, and shall endorse thereon the dates of filing, and the granting or denial of said license, and shall make an abstract of any other proceedings taken in connection therewith.

SECTION 106. EFFECTIVE DATE OF LICENSES

The effective date of all licenses shall be the actual date of issuance thereof by the Town Clerk, except where the licenses are issued for a fixed period of time.

SECTION 107. DISPLAY OF LICENSE

Any person to whom a license has been issued shall keep the license exhibited at all times in a conspicuous place in the place of business for which the license was granted if the business is conducted at a fixed place; otherwise the applicant shall carry such license on his/her person when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege for which the license was granted. Any person receiving a license shall produce the license for examination when so requested by any Town Official.

SECTION 108. INSURANCE

When policies of insurance are required, such policies shall be approved as to substance and form by the Town Manager. Such policies shall be issued by insurance companies duly admitted to transact business in Maine and public liability policies shall be at least in the following amounts:

1. Bodily injury liability limits of one hundred thousand dollars (\$100,000) for one person and three hundred thousand dollars (\$300,000) for any number of persons in the same accident, and
2. Property damage liability limit of fifty thousand dollars (\$50,000).

SECTION 109. SUSPENSION OR REVOCATION OF LICENSE

Any license issued may be suspended or revoked by the Municipal Officers for cause. The person to whom such license was issued shall have the right to a hearing before the Appeals Board on such action, provided a written request therefor is filed with the Town Clerk within ten (10) days after receipt of notice of such suspension or revocation. The action taken by the Board after such hearing shall be final. No refund of any part of a

license shall be made in connection with the suspension or revocation of any license for cause.

As used in this section, "cause" shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license is granted under the provisions of this ordinance, or any premises or facilities in connection therewith, which act, omission or conditions is:

1. Contrary to the health, morals, safety or welfare of the public;
2. Unlawful or fraudulent in nature;
3. Unauthorized or beyond the scope of the license granted;
4. Forbidden by the provisions of Federal or State laws or Town ordinance, or any duly established rule or regulation of the Town applicable to the trade or profession for which the license has been granted; or
5. The result or failure to comply continuously with all conditions required as precedent to the approval of the license.

SECTION 110. TERM OF LICENSE

All licenses shall expire on the last day of May after date of issuance, except where the required fee indicates a lesser period, and except when otherwise provided by law.

SECTION 111. TRANSFERABILITY OF LICENSE

No license issued under this ordinance shall be transferable unless specifically authorized by the provisions of this ordinance or by the action of the Municipal Officers.

SECTION 112. ENFORCEMENT

It shall be the duty of the Police Chief to require prompt compliance with the provisions of this ordinance, and to prosecute all violators thereof.

SECTION 113. PENALTY

Unless otherwise specifically provided by law, the penalty for failure to obtain a license, as and when required by this ordinance or for operating after a license has been suspended or revoked, shall be not less than ten dollars (\$10) nor more than one hundred dollars (\$100.00) for each separate offense. Each day's violation of any provision of this ordinance shall constitute a separate offense.

SECTION 114. LICENSE & PERMIT FEE SCHEDULE

The following schedule of fees is hereby made effective: Town Meeting 1989

“Attest, a true copy of an ordinance entitled Licenses and Permits Ordinance of the Town of Newport, as certified by the municipal officers of the Town of Newport, Maine, and adopted by the Town meeting on the 2nd day of March, 1989.”

Date: 08/31/2012

Signature: Paula A. Scott, cnc
Municipal Clerk