

**VICTUALERS ORDINANCE  
OF THE TOWN OF NEWPORT**

1. Purpose

- A. Purpose: The purpose of this ordinance is to regulate the sale of prepared food. The regulations are those which the town meeting and board of selectmen in public meetings have found to be necessary in order to protect the general welfare, public safety & health of the Town of Newport and its citizens.

2. License

- A. License: Any place where food or drink is prepared or served to the public as a profit-making venture, for consumption on the premises, including but not limited to, deli, outdoor facility, bakery, sandwich shop, convenience store, restaurant, motel and hotel, shall be licensed annually as a victualer in order to operate within the Town of Newport

3. Exceptions

- A. Exceptions: A public school, public service organization, private club, church organization, fire department, or any other non-profit organization selling food or drink to raise money for a charitable cause shall be exempt from the requirements of this license. Grocery stores, except those selling food items prepared and consumed on the premises, shall be exempt. Establishments selling food and drink only through vending machines shall also be exempt.

The Board of Selectmen shall have the authority to decide if any establishment is exempt or not.

4. Applications

- A. Application Form: An establishment shall apply for a victualers license on a form designed for that purpose by the Town of Newport. Failure of an applicant to fill out the form completely, or any misstatement on said form shall result in the denial of the license.
- B. Renewals: The Board of Selectmen shall during the month of May, annually, hold a public hearing on all victualers and at such time shall make a decision to (1) approve the renewal request, (2) table the renewal request, setting a date for the applicant to come before the Board to answer questions affecting consideration of the renewal request, or (3) for reason(s) noted, disapprove the request.
- C. New applications: New applicants may apply any time during the year. The Board of Selectmen shall hold a public hearing within 21 days of the receipt of the new application.

D. Notice: All public hearings scheduled for both renewal and new victualer licenses shall be posted in two (2) or more public places at least seven (7) days prior to said meeting.

E. License Term: A new license, when granted, shall be valid until May 31<sup>st</sup> immediately following said granting of license; renewals shall be valid until May 31<sup>st</sup> of the following year.

5. License:

A. The annual fee for a new or renewal license shall be fifty (\$50.00) dollars. A quorum of at least three members of the Board of Selectmen must be present to act on any license. A decision to grant, table or revoke a license shall be made by a majority of the Board present. The action taken by the Board shall be effective immediately. The Town Clerk shall issue the license itself within 48 hours of receiving the decision of the Board. If denied, or revoked, the Board shall sign an order specifying the reasons thereof, and the applicant shall be notified of this decision within 24 hours after said action. An establishment shall at all times display its current victualers license in a place within the establishment where it can readily be viewed by any member of the public.

6. Penalty:

A. Penalty: Any act made unlawful by this ordinance and any violation of this ordinance shall be punishable by a fine of not more than fifty (\$50.00) dollars for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

7. Severability


A. If any section, subsection, sentence, clause or phase 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.

Signed February 18, 1998

Fees Amended 1/24/2007

“Attest, a true copy of an ordinance entitled Victualer’s License 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 6<sup>th</sup> day of March, 1998.”

Date: 08/31/2012

Signature   
Municipal Clerk