



City of Eastport
Victualer Ordinance

The City of Eastport hereby ordains:

1. PURPOSE

The purpose of the Victualer Licensing Ordinance is to ensure that establishments serving food or drink prepare their food and drink in a safe and sanitary environment.

2. LICENSE REQUIRED

Any establishment that serves food or drink prepared for consumption by the public within the corporate boundaries of the City of Eastport shall be required to annually apply for and be issued a Victualer's License. A license shall be specific to the premises and entity which is requesting the license. For example, a facility which is owned or operated at more than one location, or in the same location and is operated by different parties or personnel or which are physically separated shall require separate permits. However, no license shall be required for an establishment which only serves food or drink prepared by a licensed establishment or by a licensed catering firm.

3. EXEMPTIONS

A Public or Private School, Public Service Organization, Private Club, Church Organization, Fire Department, or any other non-profit organization selling food or drink on an infrequent basis to solely raise money for a charitable cause shall be exempt from the requirements of this license. Grocery stores, except those selling food items prepared on the premises, shall be exempt. Establishments selling food and drink only through vending machines shall also be exempt. The local exemption does not relieve an organization of State requirements. The Eastport City Council or City Clerk shall have the authority to decide if an establishment is exempt.

4. APPLICATIONS

A. Applicant: For the purposes of this ordinance, the applicant shall be the principal owner of the establishment. If the owner is a corporation, the applicant shall be the principal stock holder of that corporation. If the principal owner of the establishment, or the principal stockholder of the corporation owning the establishment, is not the person primarily responsible for the actual operation of the establishment, then the person(s) primarily responsible for the actual operation of the establishment, as well as the owner, shall be reviewed as co-applicant(s) together with the owner.

B. Renewals: The Eastport City Council shall annually review all renewal applications for the purpose of determining the status of the applicant's previous conformance to this ordinance and at such time make a decision as to (1) approve the renewal request, (2) table the renewal request, setting a date for the applicant to come before the Officers to answer questions affecting consideration of the renewal request, or (3) for reason(s) noted, disapprove the request. Applicants for renewal shall submit a completed application with fees annually to the City Clerk at least 30 days prior to the expiration date.

C. New Applications: New applicants may apply to the City Clerk at any time during the year.

D. License Term: A license, when granted, shall be valid immediately following said granting of license and will expire one year after it has been granted.

5. PUBLIC HEARING

A public hearing in front of the Eastport City Council shall be held annually on each new application or renewal application; however, this requirement may be waived by the Eastport City Council if a renewal applicant has been in good standing with the City for the proceeding five years.

6. ISSUANCE OR DENIAL OF A LICENSE

The Eastport City Council may deny the application for a license for one or more of the reasons described as follows:

1. If the applicant fails any part of a State inspection or local health inspection.
2. If the applicant is not of good moral character. In determining good moral character the Eastport City Council shall consider all evidence presented but shall, in addition, check the applicant's police record, if any. Conviction of a class D or more serious crime may be considered as evidence that the applicant lacks good moral character.
3. Failure to pay an outstanding fine, penalty or tax owed to City of Eastport by the individual, corporation or principal stockholder of the corporation that is applying for the license.

7. REQUIREMENTS AND CONDITIONS

The Eastport City Council may place conditions and requirements on the license. These conditions and requirements must be reasonably designed to promote the health, safety or welfare of the Public. Examples of possible conditions include, but are not limited to, specific opening and closing times, and measures designed to reduce noise.

8. FEES

The fees for a License shall be adopted by the City Council.

9. REVOCATION OF LICENSE; DETERMINATION OF VIOLATIONS

If after investigation and hearing, the Eastport City Council conclude that the Licensee is unfit to hold a license, it may revoke the license at any time. The Eastport City Council, for any cause which it considers satisfactory, may suspend a license for any period of time that it considers proper. The Eastport City Council may determine that an establishment which has not obtained a license is required to obtain a

license, or that a licensed establishment has violated conditions and restrictions applicable to its license. The Eastport City Council shall provide the Licensee, at least three days prior to the hearing date, notice of the time and place of the hearing at which any of these issues will be considered.

A. Compliance Certification: An establishment requesting a Victualer's License or renewal of the same shall certify to the Eastport City Council and prove to said Officers' satisfaction that it is not in violation of any Municipal Ordinance, including Zoning, or State or Federal Law, Statute or Regulation. The applicant shall also certify that all taxes, fines or penalty assessed by the City of Eastport on the establishment or equipment and fixtures contained therein are fully paid, as of the date of the application. The Eastport City Council shall deny any application which fails to meet these requirements.

B. Inspection: An establishment requesting a license for the first time shall be inspected by the Codes Enforcement Officer and Fire Chief prior to any action being taken on the license application. Any alterations or changes to an establishment will require additional inspections.

C. Application Form: An establishment shall apply for a Victualer's License or renewal on a form designed for that purpose by the City of Eastport. Failure of an applicant to fill out the form completely or any misstatements on said form shall result in the denial of the license.

D. Health: An establishment licensed or applying to be licensed as a Victualer, and providing for on-premises food consumption, shall provide with its new or renewal application a copy of its current state "Eating License" issued by the Department of Health Services.

10. PENALTY

Any act made unlawful by this Ordinance and any violation of this Ordinance shall be punishable by a fine of not less than \$25.00 and not more than \$100.00 for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

11. 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.

RE: City of Eastport Victualer Ordinance

Public Hearing Held On: 08/14/2019

Eastport City
Council Approval: Roscoe Archer III Roscoe Archer III, Council President
Hailley Bradbury Hailley Bradbury, Councilor
Scott Emery Scott Emery, Councilor
Jeanne Peacock Jeanne Peacock, Councilor
Peter Small Peter Small, Councilor

Ordinance Approved & Adopted: 8/14/2019
Effective Date: 8/30/2019

A True Attested Copy: Ella C. Kowal
Ella C. Kowal, City Clerk

If Applicable:

Amendment/Revision: / /
Effective Date: / /

A True Attested Copy: _____
City Clerk