CHAPTER 7

BUSINESS LICENSES AND PERMITS

SUBCHAPTER 1 - GENERAL PROVISIONS

SECTION 7-101 LICENSING AUTHORITY

Unless otherwise provided under this Chapter, the City Council is the licensing authority with respect to all licenses or permits required under this Chapter.

SECTION 7-102 CONDITIONS OF LICENSE

1. All licenses issued under this Chapter shall be conditioned upon compliance with the provisions of this Chapter and other applicable provisions of the Code and state statutes.

2. No license shall be effective until the required fee for the license period has been paid in full.

SECTION 7-103 TERM OF LICENSE

Unless otherwise issued under this Chapter, the term of any license or permit shall end on April 30 of each year. If the initial term is a period of four months or less, the license fee shall be one-half the annual fee established under Section 7-105.

[Derivation: Sections 12-52 and 3-102, 1973 Revised Code of Ordinances as amended 6/11/90 and 6/8/92; Ordinance No.: 04-06, Effective: 10/22/2004]

SECTION 7-104 LICENSE RENEWALS

Licenses shall be renewed by appropriate application and payment of fee within 60 days prior to expiration date of license.

Any person failing to renew any annual incense required by the provisions of this Chapter within thirty (30) days after the expiration or renewal date, and continuing to operate, may in lieu of the civil penalties provided in Section 1-109 of this Code, pay a renewal license fee equal to three (3) times the annual regular fee for each year unpaid.
[Derivation: Sections 12-52 and 3-102, 1973 Revised Code of Ordinances as amended 6/11/90 and 6/8/92]

[Derivation: Ordinance No.: 04-06, Effective 10/22/2004]

SECTION 7-105 LICENSE FEES

1. Unless expressly provided herein the fee for each license required to be obtained under this Chapter shall be One Hundred Dollars ($100) per year.

   A. Except all license fees will be half rated for new licenses four months from the expiration date.

2. The fee for licenses granted under Sections 7-402 and 7-405 shall be $125.00 per year, except for Old Hallowell Day events when the applicant shall obtain a license from the Old Hallowell Day Committee.

   A. The fee for a Transient-Victualers License issued for Old Hallowell Day only, covering all vendors sanctioned and located by the Old Hallowell Day Committee, shall be a total of $100.00, (which covers Sections 7-402, 7-403 & 7-411 Transient Public Property – $50.00 AND Sections 7-324 & 7-325 Victualers – $50.00) payable by the Old Hallowell Day Committee under a single application identifying all vendors. The Old Hallowell Day Committee shall obtain insurance binders from all vendors and give the City a combined binder covering the City for all vendors.

   The fee for license granted under Section 7-323 Closing-out Sale shall be $40.00.

3. Victualers License under Sections 7-324 and 7-325 shall be $100.00 if liquor is not sold on the premises and $200.00 if liquor is sold on the premises.

   A. Innkeepers License required under Section 7-324 shall be $100.00 if a Victualers License is not required (without food and/or liquor) and $0 if a Victualers License is required (with food and/or liquor).

4. Certain events or activities under Subchapter V shall be assessed license fees on a daily basis as follows:

   A. Boxing or other athletic event for which admission is charged: $100 per day.

   B. Circuses, Carnivals and Mass Gatherings: $300 per day.

   C. Mechanical Rides: $100 per day.

5. The license fee for coin operated amusements, video games, and similar devices or machines described in Section 7-509 shall be $75.00 per machine per year, provided that, if more than five (5) machines or devices are situated on the same premises, the annual fee for each additional machine over five (5) shall be $15 per machine per year.

6. If liquor is sold or served at any place of public amusement under Subchapter V, there is an additional fee of $100 per year per liquor license.

7. The license fee for Bottle Clubs under Section 7-531 shall be $300 per year.

8. License fee for a temporary one day license is $20.00.

[Derivation: Sections 12-51 and 3-101, 1973 Revised Code of Ordinances as amended 6/11/90, 6/8/92 and 11/1/95; Ord. No.: 00-06]
[Derivation: Ordinance No. 03-09, Effective April 17, 2003]
[Derivation: Ordinance No. 04-06, Effective 10/22/2004]
[Derivation: Ordinance No. 06-04, Effective July 20, 2006]
[Derivation: Ordinance No. 07-07, Effective August 23, 2007]

SECTIONS 7-106 THROUGH 7-108 (Reserved)

SECTION 7-109 APPLICABILITY

No person shall conduct any activity described in this Chapter without first obtaining the required license. This Chapter shall not be applicable to governmental entities that have jurisdiction within the boundaries of the City.

SECTION 7-110 VIOLATIONS; PENALTIES

The breach of any covenant or condition contained in the application, license, or permit is prohibited; and shall constitute a separate civil violation on each day such violation occurs or continues to exist. Except as otherwise provided by law, the licenses granted under this Chapter, may upon violation of any condition of the license or applicable law be suspended by the City Manager, and revoked by the City Council after notice and hearing. Civil penalties and other remedies for violations of this Chapter shall be as provided in Section 1-109 and as provided by statute.

(This page intentionally left blank)

SUBCHAPTER II

(Reserved)

(This page intentionally left blank)

SUBCHAPTER III - SALE OF GOODS AND SERVICES AT FIXED LOCATIONS

SECTION 7-320 MUNICIPAL OFFICERS TO APPROVE, DISAPPROVE APPLICATIONS FOR LIQUOR LICENSES

In accordance with applicable state statutes, the municipal officers shall have the authority to approve or disapprove applications for state liquor licenses.

[Derivation: Section 12-1, 1973 Revised Code of Ordinances]

SECTION 7-321 PAWNBROKERS; LICENSE REQUIRED, FEE; PENALTY

1. The municipal officers may grant licenses to persons of good moral character to be pawnbrokers for one (1) year unless sooner revoked for violation of law.

2. The annual license fee for such license shall be as provided in Section 7-105 of this chapter.

3. Any person who carries on a pawnbroker business without a license shall be punished in accordance with 30-A M.R.S.A. §3961.

[Derivation: Section 12-4, 1973 Revised Code of Ordinances]

SECTION 7-322 JUNKYARDS TO BE LICENSED; FEE; STATE REGULATIONS GOVERN

The municipal officers shall have the authority to grant permits to establish, operate or maintain junkyards, automobile graveyards, and recycling facilities, subject to the provisions of Chapter 9. The annual license fee shall be as provided in Section 7-105 of this Chapter.

The provisions of 30-A M.R.S.A., §3751 et seq. and rules adopted by the Maine Department of Transportation shall apply to the regulation of junkyards, automobile graveyards, and recycling facilities.

[Derivation: Section 12-5, 1973 Revised Code of Ordinances]
[Derivation: Ordinance No.: 04-06, Effective 10/22/2004]

SECTION 7-323 LICENSE REQUIRED FOR CLOSE-OUT SALE, FEE; STATE STATUTES

No person shall offer for sale a stock of goods, wares or merchandise under the designation of "closing-out sale," "going out-of-business sale," "discontinuance-of-business sale," "entire stock must go," "must sell to bare the walls," or other designation of like meaning unless he shall have obtained a license to conduct such a sale from the municipal officers. The provisions of 30-A M.R.S.A. §§ 3781-3784 shall apply. The fee for such license shall be as provided in Section 7-105 of this Chapter.

[Derivation: Section 12-6, 1973 Revised Code of Ordinances]

SECTION 7-324 INNKEEPERS AND VICTUALERS; LICENSE, BOND, FEE

1. The municipal officers, treasurer and City Clerk, called the licensing board, shall meet annually and after notice as provided in 30-A M.R.S.A. §3812, shall license under their hands as many persons of good moral character and under such restrictions and regulations as they deem necessary, to be innkeepers, victualers, tavern keepers, and operators of lodging houses at any meeting to be notified and to be held may revoke licenses so granted if in their opinion there is sufficient cause. License issued under this Section shall expire May 31 of each year.

2. No person shall receive his license as an innkeeper or victualer until he has given his bond to the treasurer with one (1) or more satisfactory sureties in the penal sum of three hundred dollars ($300.00).

3. The annual license fee for an innkeeper's or victualer's license shall be as provided in Section 7-105 of this Chapter.

[Derivation: Section 12-7, 1973 Revised Code of Ordinances]
[Derivation: Ordinance No. 04-06, Effective 10/22/2004]

SECTION 7-325 PREMISES OF PREPARED FOOD AND ICE CREAM PLACES INCLUDING VENDING MACHINES TO OBTAIN VICTUALER'S LICENSE

All owners of restaurants, food catering services, ice cream and other frozen dairy products, and bakeries preparing and wholesaling food and owners of places with vending machines having food and those persons preparing pizzas and Italian sandwiches in the City shall obtain a victualer's license.

[Derivation: Section 12-8, 1973 Revised Code of Ordinances as amended 7/13/92]

SECTIONS 7-326 - 7-390 (Reserved)

SECTION 7-391 (Reserved)

[Derivation: Section 12-51, 1973 Revised Code of Ordinances as amended 6/8/92]
[Derivation: Ordinance No. 04-06, Effective 10/22/2004]

SUBCHAPTER IV - SALE OF GOODS AND SERVICES AT NO FIXED LOCATION

DIVISION A - TRANSIENT SELLERS AND SALES ON PUBLIC PROPERTY, PRIVATE PROPERTY & FROM VEHICLES

SECTION 7-401 TRANSIENT SELLER OF CONSUMER MERCHANDISE LICENSE REQUIRED; PENALTY; FARMERS MARKET

1. License. It shall be unlawful for a "transient seller of consumer merchandise", as defined by 32 M.R.S.A. §14701, to sell, offer or expose for sale any merchandise within the City without having first obtained a license from the City. A transient seller of consumer merchandise may obtain a license from the City by completing an application provided by the City Clerk, and submitting it with copies of the current State Motor Vehicle Registration, the State Seller's License, an insurance binder for use on public property covering the City and the required license fee as provided in Section 7-105. If a Transient Seller is selling food a Victualer's License is also required as provided by Section 7-324 and the required license fee as provided in Section 7-105.

2. Penalty. A violation of this Chapter by a transient seller of consumer merchandise shall be punishable by a civil penalty of $300.00 for each day a violation exists or occurs.

3. Farmers Market. Transient sellers at a Farmers Market established for the sale of produce, meat or other goods grown or made as part of a farm operation shall first obtain a license from the City as provided by Subsection 1 of this Section except that the term for a Farmers Market license shall be from May 1st to November 1st and the fee shall be $25.00. Merchandise sold at a Farmers Market shall not include food prepared at the market for consumption at the market by the public unless the seller also obtains a Victualer's License as provided by Section 7-324 and the required license fee as provided in Section 7-105. A copy of the applicant's State Motor Vehicle Registration or a copy of ownership for any vehicle, cart stand, trailer, container or other mobile unit placed by a licensee at the Farmers Market is required at time of licensing.

[Derivation: Ord. No. 00-_____; Ord. No.: 04-06, effective 10/2/2004; Ord. No.: 07-08, effective 08/23/2007; Ord. No. 16-03, effective 08/18/2016]

SECTION 7-402 SALES ON PUBLIC PROPERTY

No person shall sell any food, goods, or services on any public property except as expressly permitted under this Section and Sections 7-403 & 7-411. The City Council may, if in its opinion public convenience so requires, issue a license to any reputable person permitting the sale of food, food products, goods or services by that person on a part of a public way or public parking area provided that there is no interference with public travel caused thereby,

subject to the following conditions:

1. The annual license fee shall be as provided in Section 7-105 of this Chapter.

2. An applicant for license shall complete an application form provided by the City Clerk and submit it to the City Manager not later than the 25th day of the month for submission at the next regular meeting of the City Council

3. A licensee selling prepared food shall obtain a separate victualer's license under Section 7-324.

4. Licenses issued under this Section shall expire on May 31 of each year and may be renewed by a new application submitted to the City Manager.

5. The location or site of licensee's operation shall be approved by the City Manager upon the application.

6. The location of licensed vendors for operations during Old Hallowell Day weekend only shall be specified by the Old Hallowell Day Committee, subject to subsections 10 through 16, except that lighted signs are permitted.

7. No licensee may sell food or food products on a public way or parking area at a location within five hundred feet distance from any permanent establishment selling foods of a like kind.

8. A licensee seeking renewal shall have preference over other applicants with respect to the same location continuously and actually used by that licensee during the previous 12 months for a period of not less than 100 days, and no subsequent use of that location has been granted to a different licensee.

9. There shall be no more than two designated locations on Water Street between the Railroad Bridge and Gows Lane.

10. There shall be no designated locations within 50 feet distance from any Historic Site or Historic Landmark designated by law.

11. Any vehicle, cart, stand, trailer, container, or other things placed by a licensee on a public way or parking area must be readily removable at all times, and shall be immediately removed upon order of the Chief of Police, Fire Chief, or City Manager in the event of emergency or hazardous conditions.

12. A licensee may not use any lighted signs, audio systems, or similar attention seeking devices.

13. The license issued by the City must be visibly displayed by the licensee at the designated location during operation.

14. Licenses issued under this Section may not be transferred, assigned, sublet, or additional name added to or subtracted from license.

15. The licensee shall comply with all applicable City ordinances and State laws.

16. A license granted under this Section may be revoked by the City Manager for just cause after notice and hearing.

17. A copy of their State Motor Vehicle Registration or a copy of ownership for any vehicle, cart stand, trailer, container or other mobile unit placed by a licensee on public property is required at time of licensing.

[Derivation: Ord. No.: 04-06, eff. 10/22/2004; Ord. No.: 05-06, eff. 8/18/2005; Ord. No.: 06-02, eff. 5/18/2006; Ord. No.: 07-09, eff. 8/23/2007; Ord. No. 12-08, eff. 8/13/2012; Ord. No.: 16-01, eff. 03/24/2016; Ord. No. 16-03, eff. 08/18/2016]

SECTION 7-403 SALES ON CITY SIDEWALKS

The display or sale of goods on City sidewalks is prohibited except as follows:

1. Such sales may only be held in the Business Districts.

2. Such sales may be held only on City sidewalks in front of property owned, leased or rented by the seller.

3. All goods being sold on a sidewalk shall be of a similar kind to goods sold inside the seller's building.

4. No more than one-third of the width of the sidewalk nearest the seller's property may be used to display the goods being sold.

5. No goods shall be displayed or stored on a sidewalk during non-business hours, during a snowstorm or after a snowstorm until the City has removed the snow.

[Derivation: Section 12-12, 1973 Revised Code of Ordinances and Ord. No. 00-__; Ord. No. 04-06, Effective: 10/22/2004]

SECTION 7-404 (Reserved)

[Derivation: Ordinance No. 00-__; Ord. No. 04-06, Effective 10/22/2004]

SECTION 7-405 SALES ON PRIVATE PROPERTY AND FROM VEHICLES

1. Any person or other entity selling food, food products, goods or services of any kind from a mobile or temporary facility, not located on public property must complete an application and obtain a permit from the City Clerk.

2. A licensee selling prepared food shall obtain a separate Victualer's license under Section 7-324.

3. If a vehicle is to be used, a description of the same, together with registration number or other means of identification shall be stated in the application.

4. The annual license fee shall be as provided in Section 7-105 of this Chapter.

5. The license under this section shall be displayed by the license holder at all times.

6. Licenses issued under this Section shall expire May 31 of each year.

[Derivation: Section 12-10, 1973 Revised Code of Ordinances as amended 6/8/92, and Ord. No. 00-___]
[Derivation: Ordinance No.: 04-06, Effective : 10/22/2004]

SECTION 7-406 OCCASIONAL SALES ON RESIDENTIAL PROPERTY (YARD SALE, LAWN SALE GARAGE SALE, ETC.) – SEE SECTION 4-622

[Derivation: Ordinance No.: 04-06, Effective: 10/22/2004]

SECTIONS 7-407 through 7-410 (Reserved)

SECTION 7-411 ITINERANT PHOTOGRAPHER; LICENSE REQUIRED; FEE; PENALTY

1. No person may practice as an itinerant photographer without first obtaining a license from the municipal officers. The annual license fee for such license shall be as provided in Section 7-105 of this Chapter.

2. Any person who practices as an itinerant photographer without having first obtained such a license shall be punished in accordance with 32 M.R.S.A. §2961.

[Derivation: Section 12-3, 1973 Revised Code of Ordinances as amended 6/8/92]

DIVISION B

(Reserved)

DIVISION C - TAXI CAB SERVICE

SECTION 7-451 DEFINITIONS

The following words and phrases when used in this article shall have the following meanings:

1. Certificate means a certificate issued by the council authorizing a person to operate a taxicab business in the City.

2. Driver's license means the permission granted by the council to drive a taxicab upon the streets of the City.

3. Rate card means a card issued by the owner of taxicab for display in each taxicab which boldly shows the rates then in force.

4. Taxicab means a motor vehicle regularly engaged in the business of carrying passengers for hire having a seating capacity of not less than five (5) persons and not operated on a fixed route.

5. Taxicab operator means a person engaged in the business of employing drivers and taxicabs for transporting passengers for hire.

6. Waiting time means the time when a taxicab is stopped at the request of the passenger, but does not include any time that the taxicab is not in motion due to any cause other than the request, act or fault of a passenger.

[Derivation: Section 23-16, 1973 Revised Code of Ordinances]

SECTION 7-452 POLICE DEPARTMENT TO REPORT VIOLATIONS TO COUNCIL

The police department is hereby given the authority and is instructed to watch and observe the conduct of operators and drivers operating under this article.

Upon discovering a violation of the provisions of this Division, the police department shall report the same to the council which will order or take appropriate action.

[Derivation: Section 23-17, 1973 Revised Code of Ordinances]

SECTION 7-453 OPERATOR'S CERTIFICATE REQUIRED

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City without having first obtained a certificate from the council.

[Derivation: Section 23-18, 1973 Revised Code of Ordinances]

SECTION 7-454 APPLICATION FOR CERTIFICATE TO BE FILED; INFORMATION REQUIRED

An application for a taxicab certificate required by Section 7-453 shall be filed with the City Clerk upon forms provided by the City and such application shall be verified under oath and shall furnish the following information:

1. The name and address of the applicant.

2. Evidence of ability to secure bond or insurance.

3. The experience of the applicant in the transportation of passengers.

4. The number of vehicles to be operated or controlled by the applicant.

5. Such further information as the council may require.

[Derivation: Section 23-19, 1973 Revised Code of Ordinances]

SECTION 7-455 ISSUANCE OF CERTIFICATE

If the council finds that an applicant is fit, willing and able to perform such public transportation, and to conform to the provisions of this division and the rules promulgated by the council, then the City Clerk shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance, otherwise the application shall be denied.

[Derivation: Section 23-20, 1973 Revised Code of Ordinances]

SECTION 7-456 INDEMNITY BOND REQUIRED

No certificate required by Section 7-453 shall be issued or continued in operation unless there is in full force and effect an indemnity bond for each vehicle authorized in the amount of one hundred thousand dollars ($100,000) for bodily injury to any one (1) person; in the amount of three hundred thousand dollars ($300,000) for injuries to more than one (1) person which are sustained in the same accident and twenty-five thousand dollars ($25,000) for property damage resulting from any one (1) accident.

Said bond shall insure to the benefit of any person who shall be injured or who shall sustain, damage to property proximately caused by the negligence of a taxi operator.

[Derivation: Section 23-21, 1973 Revised Code of Ordinances]

SECTION 7-457 LIABILITY INSURANCE IN LIEU OF BONDS

Said bond or bonds shall be filed in the office of the City Clerk and shall have as surety thereon a surety company authorized to do business in the State of Maine.

The council may in its discretion allow a taxi operator to file, in lieu of bonds required in Section 7-456, a liability insurance policy issued by an insurance company authorized to do business in the State of Maine. Such policy shall conform to the provisions of Section 7-456 relating to bonds.

[Derivation: Section 23-22, 1973 Revised Code of Ordinances]

SECTION 7-458 LICENSE FEES PREREQUISITE TO ISSUANCE TO CERTIFICATE

No certificate provided under this division shall be issued or continued in operation unless the holder thereof has paid an annual license fee of one hundred dollars ($100.00) for the right to engage in the taxicab business and five dollar ($5.00) each year for each vehicle operated under a certificate.

[Derivation: Section 23-23, 1973 Revised Code of Ordinances]
[Derivation: Ordinance No.: 04-06, Effective: 10/22/2004]

SECTION 7-459 TRANSFER OF CERTIFICATES

No operator's certificate may be sold, assigned, mortgaged or otherwise transferred without the consent of the council.

[Derivation: Section 23-24, 1973 Revised Code of Ordinances]

SECTION 7-460 SUSPENSION, REVOCATION OF CERTIFICATES; HEARING

A certificate issued under the provisions of this division may be revoked or suspended by the council if the holder thereof has:

1. Violated any of the provisions of this division.

2. Discontinued operations for more than sixty (60) days without due cause.

3. Has violated any ordinance of the City or the laws of the United States or of the State of Maine, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension or revocation, the holder shall be given ten (10) days notice of the proposed action to be taken, and shall have an opportunity to be heard by the City Council.

[Derivation: Section 23-25, 1973 Revised Code of Ordinances]

SECTION 7-461 DUTY TO PROVIDE SERVICE; PENALTY

Holders of certificates issued in accordance with this division shall maintain a central place of business within the City limits for the purpose of receiving calls and dispatching cabs.

Holders of certificates shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so and if the services cannot be rendered within a reasonable time they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefor.

Any holder who shall refuse to accept a call during business hours anywhere in the corporate limits of the City at any time when such holder has available taxicabs, or who shall fail or refuse to give service during business hours shall be deemed a violator of this division and the certificate granted to such holder shall be revoked at the discretion of the council.

[Derivation: Section 23-26, 1973 Revised Code of Ordinances]

SECTION 7-462 TO BE MARKED

Taxicabs will be clearly marked as such, taxicab operators may employ a specific color scheme, identifying design, monogram or insignia.

[Derivation: Section 23-27, 1973 Revised Code of Ordinances]

SECTION 7-463 UNLAWFUL TO REFUSE TO PAY FARE

It shall be unlawful for any person to refuse to pay the legal fare of any vehicles mentioned in this division after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

[Derivation: Section 23-28, 1973 Revised Code of Ordinances]

SECTIONS 7-464 THROUGH 7-479 (Reserved)

DIVISION D - TAXI CAB DRIVERS

SECTION 7-471 LICENSE REQUIRED

No person shall operate a taxicab for hire on the streets of the City, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the City shall be so driven at any time for hire, unless the driver of such taxicab shall be at least eighteen (18) years of age, covered by appropriate insurance and shall have had issued to him an operator's license by the State of Maine for at least one (1) year and shall have then in force a taxicab driver's license issued under the provisions of this division.

[Derivation: Section 23-26, 1973 Revised Code of Ordinances]

SECTION 7-472 APPLICATION FOR LICENSE; CONTENTS

An application for a taxicab driver's license shall be filed with the City Clerk on forms provided by the City; and such application shall be verified under oath and shall contain the following information:

1. Applicant's name, address, date of application, current photograph of applicant, date of birth, place of birth and citizenship.

2. Physical and mental defects, if any.

3. Treatment of mental or physical defects or disorders during previous year and by whom.

4. Previous driving experience, previous taxi licenses and where issued, and any previous denials, suspensions, or revocations of such licenses and the reasons therefor.

5. Court convictions within the past year and for what offenses.

6. Name of employing taxicab operator.

7. Oath and signature of the applicant.

[Derivation: Section 23-37, 1973 Revised Code of Ordinances]

SECTION 7-473 CERTIFICATE TO ACCOMPANY APPLICATION; CONTENTS

Each application for a taxicab driver's license shall be accompanied by a certificate from a reputable physician certifying that in his opinion the applicant is not inflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.

The certificate shall include the following evidence of examination from a reputable physician:

1. Name and age of applicant.

2. Condition of sight, including test for color blindness.

3. Condition of hearing, heart, blood pressure.

4. Report on possible respiratory ailments, including x-ray examination if indicated by preliminary examination.

5. Note of any mental disorder or other physical defect which would impair the applicant's ability to drive a taxicab.

[Derivation: Section 23-38, 1973 Revised Code of Ordinances]

SECTION 7-474 FEE OF APPLICANT

At the time an application for a taxicab driver's license if filed, the applicant shall pay to the City Clerk the fee established under Section 7-105.

[Derivation: Section 23-39, 1973 Revised Code of Ordinances Amended 6-6-90]

SECTION 7-475 INVESTIGATION OF APPLICANT REQUIRED; REPORTS TO BE ATTACHED TO APPLICATION

The police department shall conduct an investigation of each applicant for a taxicab driver's license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the council.

[Derivation: Section 23-40, 1973 Revised Code of Ordinances]

SECTION 7-476 COUNCIL TO CONSIDER APPLICATION FOR LICENSE

The council shall upon consideration of the application for a taxicab driver's license and the reports and certificate required to be attached thereto approve or reject the application.

[Derivation: Section 23-41, 1973 Revised Code of Ordinances]

SECTION 7-477 PERSONAL APPEARANCE UPON REJECTION OF APPLICATION FOR LICENSE

If an application for a taxicab driver's license is rejected, the applicant may request a personal appearance before the council to offer evidence why his application should be

reconsidered.

[Derivation: Section 23-42, 1973 Revised Code of Ordinances]

SECTION 7-478 ISSUANCE OF TEMPORARY PERMIT; LENGTH OF VALIDITY

Upon receipt of an application for a taxicab driver's license, police report, physician's certificate and license fee, the City Clerk may issue a temporary permit providing the application has been signed by the Mayor and the Chief of Police who through personal knowledge or investigation believes the applicant to be a suitable licensee.

[Derivation: Section 23-43, 1973 Revised Code of Ordinances]

SECTION 7-479 DISPOSITION OF FEE FOLLOWING DENIAL OF APPLICATION FOR LICENSE

In cases of denial of an application for a taxicab driver's license, a processing fee of ten dollars ($10.00) will be charged and the remaining forty dollars ($40.00) returned to the applicant.

[Derivation: Section 23-44, 1973 Revised Code of Ordinances]

SECTION 7-480 CLERK TO ISSUE LICENSE

Upon the approval of an application for a taxicab driver's license, to the applicant which shall bear the name, address, color, age and signature of the applicant.

[Derivation: Section 23-45, 1973 Revised Code of Ordinances]

SECTION 7-481 REVOKED LICENSE NOT TO BE RENEWED

A license which has been revoked in one year shall not be renewable in the next.

[Derivation: Section 23-46, 1973 Revised Code of Ordinances Amended 6-11-90]

SECTION 7-482 CHIEF OF POLICE AUTHORIZED TO SUSPEND LICENSE

The Chief of Police is hereby given the authority to suspend any taxicab driver's license issued under this division for a driver failing or refusing to comply with the provisions of this division, such suspension to last for a period of not more than thirty (30) days.

[Derivation: Section 23-47, 1973 Revised Code of Ordinances]

SECTION 7-483 COURT CONVICTION A BASIS FOR SUSPENSION OF LICENSE

A court conviction of any traffic violation, felony, or crimes involving moral turpitude, shall in the public interest be the basis for suspension of a taxicab driver's license. Upon such conviction the Chief of Police is empowered and directed to take possession of the driver's license and to keep the same in his custody until disposition is directed by the council.

Such suspension will remain in force until the council has heard the case at its next regular meeting at which time it will specifically direct reinstatement of the license, a specific term of suspension, or revocation.

The suspended licensee shall be notified of the hearing and may present such pleas and extenuating circumstances as he desires.

[Derivation: Section 23-48, 1973 Revised Code of Ordinances]

SECTION 7-484 RECEIPTS REQUIRED UPON DEMAND FROM PASSENGER

The driver of any taxicab shall upon demand by the passenger render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specifically prepared receipt on which shall be the name of the owner, charges and date of transaction.

[Derivation: Section 23-49, 1973 Revised Code of Ordinances]

SECTION 7-485 SOLICITATION OF PASSENGERS REGULATED

No driver shall solicit patronage in a loud or annoying tone of voice or in any manner annoying to any person or obstruct the movement of any person, or follow any person for the purpose of soliciting patronage.

[Derivation: Section 23-50, 1973 Revised Code of Ordinances]

SECTION 7-486 RECEIPT; DISCHARGE OF PASSENGERS

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk, or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets where passengers may be discharged at either the right or left-hand sidewalk, or side of the roadway in the absence of a sidewalk.

[Derivation: Section 23-51, 1973 Revised Code of Ordinances]

SECTION 7-487 NUMBER OF PASSENGERS RESTRICTED; CHILD IN ARMS

No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab as stated in the registration issued by the State of Maine for

such vehicle.

A child in arms shall not be counted as a passenger.

[Derivation: Section 23-52, 1973 Revised Code of Ordinances]

SECTION 7-488 REFUSAL OF PASSENGERS RESTRICTED

No driver of a taxicab shall refuse or neglect to convey any orderly person upon request, unless previously engaged or forbidden by the provisions of this division to do so.

[Derivation: Section 23-53, 1973 Revised Code of Ordinances]

(This page intentionally left blank)

SUBCHAPTER V - AMUSEMENTS

DIVISION A - IN GENERAL

SECTION 7-501 SPECIAL AMUSEMENT PERMIT

1. Except as expressly provided herein, no person may own, operate, sponsor or provide for a place of public amusement for any duration of time without first obtaining a special amusement permit approved by the Chief of Police.

2. "Place of public amusement" means the premises on which members of the general public may view, listen to or participate in any type of entertainment, including dancing, music, athletic events, theaters, roller rinks, ice skating rinks, bowling alleys, pool or billiard rooms, shooting galleries and games of chance.

3. Special amusement permits for boxing events, circuses, carnivals and traveling amusement shows shall be approved by the municipal officers, and shall be subject to the additional provisions of Sections 7-541 through 7-544 and 7-551 through 7-556. Any place of public amusement that is also a mass gathering as defined at Section 7-512(1)(B) shall require both a special amusement permit and a mass gathering permit approved by the municipal officers.

4. Mechanical rides, video games and coin operated amusements under Sections 7-509 and 7-510 and entertainment and athletic events under the direction and control of a governmental entity shall not require a special amusement permit.

5. If liquor is sold to be consumed at a place of public amusement, the special amusement permit may only be approved and issued by the municipal officers pursuant to 28-A M.R.S.A. § 1054, after holding an advertised public hearing and receiving the recommendations of the Chief of Police and Fire Chief.

[Derivation: Section 3-1, 1973 Revised Code of Ordinances as repealed and replaced 11/1/95]

SECTION 7-502 APPLICATION; FEE

1. A completed application for a special amusement permit must be submitted to the City Clerk not later than 14 days prior to the opening or event. A completed application for a special amusement permit requiring approval of the municipal officers must be submitted to the City Clerk not later than 14 days prior to a regularly scheduled meeting of the City Council and not later than 30 days prior to the opening or event. The application shall not be considered complete without payment of the requisite fee as provided in Section 7-105.

2. The application form shall be completed and signed by the owner or operator of the place of public amusement, and shall contain the following information:

   A. The specific nature and type of public amusement to be provided.

   B. The full name, telephone number and address of the owner of the premises.

   C. The name, telephone number and address of the operator of the place of public amusement.

   D. If the owner and operator are not the same person, a written agreement signed by the owner of the premises (e.g., a contract, license or lease) evidencing authority of the operator to use the premises as a place of public amusement.

   E. The specific location and description of the premises of the place of the public amusement.

   F. The specific dates and hours of operation.

   G. A specific description of any structure, tent or other enclosure on the premises in which members of the public may be present, and the seating and standing capacity of each.

   H. The number and type of all toilet facilities on the premises or reasonably available.

   I. The maximum number of patrons reasonably expected to be present on the premises and within 100 feet of the premises at the busiest time of operation.

   J. Acknowledgment that the Chief of Police may designate one or more special police officers to be present at or near the premises during certain hours of operation, and covenant to reimburse the City for compensation of such officers.

   K. Covenant that the operation will comply with all performance standards, health and safety regulations, and fire codes as provided by City Ordinance and State Law.

   L. Whether the operator intends to serve food on the premises.

   M. Whether the operator intends to serve liquor on the premises, and if liquor is to be served, the name of licensee(s) and type of license held.

   N. Whether the place of amusement is out of doors and has the potential to attract the attendance of 250 or more persons on or within 100 feet of the

premises.

[Derivation: Section 3-2, 1973 Revised Code of Ordinances as repealed and replaced 11/1/95]

SECTION 7-503 ASSIGNMENT OF SPECIAL POLICE OFFICERS

1. The Chief of Police shall determine, based on the information provided in the application and such additional information that he may require from the operator, whether and how many police officers shall be specifically assigned for the purpose of supervision and crowd or traffic control at or around the place of public amusement.

2. (Reserved)

3. Any police officer or fire personnel performing special duties will be compensated at the rate of one and one-half their regularly hourly wage in a pay period (Wednesday noon to Wednesday noon).

   Minimum compensation will be the applicable rate for 4 hours. After the first 4 hours, any fraction of an hour of service will be rounded up to the nearest hour.

   The rates for such service plus administrative cost, of $3.00 per special duty officer, shall be borne by the party running such event.

4. A police officer or firefighter on duty at a place of public amusement shall attend such gathering in uniform, shall represent the City in an official capacity, and shall not in any way represent the operator of the place of public amusement.

[Derivation: Section 3-3, 1973 Revised Code of Ordinances as repealed and replaced 11/1/95, and as amended 2/12/96]

SECTION 7-504 REVIEW OF APPLICATION BY FIRE CHIEF

The Fire Chief or his designee shall, based on the information contained in the application and such other information that may be obtained from the operator or from inspection of the premises, note any potential fire hazards or violations of fire and related safety codes, and advise the applicant prior to the issuance of the permit. Failure to comply with directives of the Fire Chief or his designee may result in the immediate revocation of the special amusement permit. [Amended Ord. No. 01-12 eff. 9/20/01]

[Derivation: Section 3-4, 1973 Revised Code of Ordinances as repealed and replaced 11/1/95]

SECTION 7-505 PERFORMANCE STANDARDS

1. The provisions of the Life Safety Code (ANSI/NFPA 101, 2000 Ed. as amended) shall apply to all places of public amusement regardless of capacity or the number of persons accommodated. A current copy of the Life Safety Code is available for review at the office of the City Clerk or the office of the Code Enforcement Officer.

2. The passageways, aisles, and exits in all places of public amusement shall be kept clear and unobstructed at all times in accordance with the Life Safety Code.

3. All fabric used for tents, coverings, curtains, decorations or similar purposes in all places of pubic amusement shall be of fire-proof or flame retardant materials in accordance with the Life Safety Code.

4. All places of public amusement shall have adequate lighting in accordance with the Life Safety Code.

5. All places of public amusement not within a building or permanent structure shall comply with the regulations promulgated by the State of Maine, Department of Human Services relating to Mass Outdoor Gatherings, including those relating to toilet facilities, water supply, trash removal, and sanitation, regardless of the number of persons in attendance.

6. No place of public amusement may conduct business or be open to the public between 2:00 a.m. and 7:00 a.m. in any day.

[Derivation: Section 3-5, 1973 Revised Code of Ordinances as repealed and replaced 11/1/95]

SECTIONS 7-506 through 7-508 (Reserved)

[Derivation: Sections 3-7 - 3-8, 1973 Revised Code of Ordinances as repealed 11/1/95]

SECTION 7-509 MECHANICAL HORSES, VENDING, PINBALL MACHINES, MUSIC BOXES; NAME, ADDRESS TO BE AFFIXED

The owner of any coin-operated machine such as a mechanical horse, vending machine, pinball machine, or music box, etc. shall have each such machine plainly marked with his name and address, and shall obtain a license for each machine from the City Clerk. License issued under this Section shall expire May 31 of each year. The annual fee for each machine shall be as provided in Section 7-105 of this Chapter.

[Derivation: Section 3-10, 1973 Revised Code of Ordinances as amended 6/11/90]
[Derivation: Ordinance NO.: 04-06, Effective: 10/22/2004]

SECTION 7-510 FURNISHING OF LISTS; DESIGNATION OF MACHINES

Prior to the first day of April of each year, the owners of the coin-operated machines mentioned in Section 7-509 shall furnish to the board of assessors a complete list of their machines with the year of purchase.

Any machine purchased more than five (5) years prior to the date of the list may be designated as being a five (5) year old machine.

[Derivation: Section 3-11, 1973 Revised Code of Ordinances]

SECTION 7-511 VIOLATIONS; PENALTIES

The operation of a place of public amusement without a special amusement permit or the breach of any covenant or condition contained in the application or permit shall constitute a separate civil violation on each day such violation occurs or continues to exist. The owner or operator of a public amusement shall be liable for violations of this Chapter and shall be subject to civil penalties and other remedies as provided in Section 1-109, and as provided by statute.

[Derivation: Section 3-12, 1973 Revised Code of Ordinances as repealed and replaced 11/1/95]

DIVISION B - MASS GATHERINGS

SECTION 7-512 MASS GATHERINGS

1. Regulations:

   A. Hazard. The City Council after a hearing finds that mass outdoor gatherings frequently create a hazard to the public, health, safety and peace. Accordingly, it is deemed to be appropriate and in the interest of the public welfare to regulate the conduct of such gatherings in order to protect the public health and safety.

   B. Mass outdoor gatherings. For the purposes of this ordinance, a mass outdoor gathering shall be deemed to mean any gathering held outdoors with the intent to attract the continued attendance of 250 or more persons for four (4) or more hours, or any amusement, exhibition, demonstration, celebration, parade or other event at which there is the reasonable possibility that 500 or more persons may be gathered at the place of the event at any time during the event.

C. Permit required. No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct a mass outdoor gathering until a permit has been obtained from the City Manager after approval of the City Council. The application for a permit shall be submitted to the City Manager no less than thirty (30) days prior to the scheduled date of the mass gathering.

2. Permit Issuance:

A. Written application. The City Manager on approval of the City Council shall issue a permit for a mass outdoor gathering upon receipt of a written application therefor unless, after the consideration of the factors listed in subsection 2, it appears to the Council within a reasonable certainty that the gathering will present a grave and imminent danger to the public health or to the public safety.

B. Council's determination. In determining whether there exists a reasonable certainty that the gathering will present a grave and imminent danger to the public health or safety, the Council shall consider the nature of the gathering and the availability of:

(1) An adequate and satisfactory water supply and facilities;
(2) Adequate refuse storage and disposal facilities;
(3) Sleeping areas and facilities;
(4) Wholesome and sanitary food service;
(5) Adequate medical supplies and care;
(6) Adequate fire protection;
(7) Adequate police protection;
(8) Adequate traffic control; and
(9) Any other matters as may affect the security of the public health or safety.

C. Plans: Cooperation. In its review of applications for permits for the holding or promoting of a mass outdoor gathering, the Council may require such plans, specifications and reports as it shall deem necessary for a proper review. In its review of such applications, as well as in carrying out its other duties and functions in connection with such gathering, the City Manager on direction of the Council may request, and shall receive from all public officers, departments and agencies of the City, Hallowell Water District and Maine School Administrative District #16 such cooperation and assistance as may be necessary and proper.

3. The City Manager on direction of the City Council may also require, prior to the issuance of a permit, that the applicant furnish to the City a bond of a surety company qualified to do business in this State in such an amount as the Council shall determine, but in no event less than ten thousand $10,000) dollars, to ensure

the public peace, safety and compensation of damage to property, public or private.

4. The fee for such permit shall be as provided in Section 7-105 of this Chapter, and must accompany the application therefor.

5. This ordinance does not apply to events sponsored by any governmental unit.

[Derivation: Section 3-13, 1973 Revised Code of Ordinances as repealed and replaced 11/1/95]

SECTIONS 7-513 THROUGH 7-520 (Reserved)

DIVISION C - PUBLIC DANCES

SECTION 7-521 LICENSING OF HALLS, PUBLIC DANCING AREAS

All public dance halls and public places offering dancing shall be licensed as provided under Section 7-501. All dance halls and public places offering dancing shall meet requirements of State Fire Marshal Regulations prior to issuance of such license and registration with duly issued operational certificate. The annual license fee for public dance halls and places offering dancing shall be as provided in Section 7-105 of this Chapter.

[Derivation: Section 3-23, 1973 Revised Code of Ordinances as repealed and replaced 11/1/95]

SECTION 7-522 LIGHTING; FIRE CHIEF'S APPROVAL REGULATION

The lighting effects at a dance regulated by the provisions of this article shall be subject to the approval of fire chief, and the general lights in the dance hall shall neither be dimmed nor extinguished during any such dance.

[Derivation: Section 3-24, 1973 Revised Code of Ordinances]

SECTION 7-523 DECORATIONS TO BE FIREPROOF

Decorations in any place where there is public dancing shall be of fireproof material.

[Derivation: Section 3-25, 1973 Revised Code of Ordinances]

SECTION 7-524 SEPARATE TOILET FACILITIES REQUIRED

There shall be in every public dance hall and in every public place offering dancing separate toilet facilities for men and women.

[Derivation: Section 3-26, 1973 Revised Code of Ordinances]

SECTIONS 7-525 THROUGH 7-530 (Reserved)

DIVISION D - BOTTLE CLUBS

SECTION 7-531 BOTTLE CLUBS

1. License required. No person, firm, or corporation shall keep, maintain, operate, lease, or otherwise furnish, either to its members and guests or to the general public, any premises, in the City of Hallowell, for use as a bottle club, without first having obtained a license therefore to be issued by the City Clerk after approval of the Mayor and City Council in accordance with this Article.

2. Definitions. Unless otherwise defined herein or in the text, all words used will have their common meaning.

   A. Bottle club. "Bottle club" means any establishment or premises which is operated on a regular basis in the following manner: (a) no alcoholic beverages sold on the premises; (b) all members, guests or members of the public must provide their own alcoholic beverages for consumption on the premises; (c) fees or other charges are imposed on all members, guests or members of the public for admission to the premises; or for setups, i.e. liquid mixers, cups, ice and other items associated with the consumption of alcoholic beverages or for any other reason. For purposes of this ordinance, the term "bottle club" shall include, but not be limited to all such premises designated for municipal regulation under 28 M.R.S.A.

   B. Person. "Person" shall mean any individual person, firm, corporation, association, partnership or organization.

   C. Officer. "Officer" shall mean any officer, director, stockholder, owners, manager, or person who either has a financial interest of any nature in a bottle club or directs any policy of a bottle club.

3. Fees. The annual license fee for a bottle club shall be as provided in Section 7-105.

4. Application and information. Every applicant for a bottle club license shall:

   A. Complete and file an application on a form prescribed by the Mayor and City Council;

B. Deposit the prescribed license fee in advance with the City Clerk;

C. Submit with the completed application to the City Clerk the following:

(1) An attested copy of the Articles of Incorporation and By-Laws, if the applicant is a corporation, of Articles of Association and By-Laws, if the applicant is an association, or partnership documents if the applicant is a partnership, as well as a list of all principal officers of the bottle club.

(2) An affidavit which will identify all principal officers, their places of residency at the present time and for the immediately preceding three (3) years.

(3) A description of the premises for which a license is desired and shall set forth such other material information, description, or plan of that part of the premises where liquor will be consumed.

5. If an application should be denied or withdrawn the License Fee shall be refunded to the Applicant.

6. Investigation of applicant. Upon receipt of each application for a bottle club license:

A. Code Enforcement Officer shall verify that the premises of the proposed bottle club comply with the applicable provisions of this Code, specifically including, but not by way of limitation, Chapters 4 and 9 and shall report his findings in writing to the Mayor and City Council.

B. The Health Officer shall cause inspection to be made of the proposed location of the bottle club for the purpose of determining whether the applicable ordinances relating to health and safety have been complied with. A report of his findings shall be made in writing to the Mayor and City Council.

C. The Fire Chief shall cause an inspection to be made of the proposed location of the bottle club for the purpose of determining if City ordinances concerning fire and safety have been complied with. He shall submit a report of his findings in writing to the Mayor and City Council.

D. All reports required under this section shall be filed with the City Clerk.

7. Notice of hearing. After receipt of the written reports required under paragraph f., the City Clerk shall give notice of a public hearing on the application in the form and manner and to the persons herein specified.

A. The notice shall include the time and place of such hearing, the nature of the

matter to be heard, the address or location of the property involved. Where notice by mail is required, it shall be mailed at least seven (7) days in advance of the hearing date by regular United States mail.

B. Notices shall be given to each of the following:

(1) To the applicant; and

(2) To all residents of the City by publication in a newspaper of general circulation in the City a least once, not more than thirty (30) nor less than five (5) days, before the date of the hearing; and

(3) To the owners of the property within three hundred (300) feet of such parcel or tract by mail.

For the purpose of this section, the owners of property, shall be considered to be the parties listed by the Board of Assessors as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the Mayor and City Council.

8. License not to be transferable. A separate license must be obtained for each bottle club. Each license shall authorize the operation of such an establishment only at the location described in such license and in conformity with all applicable or ordinances and laws. No license shall be transferred to another person or to any other location.

9. Display of license. Every bottle club shall exhibit its license at all times in a conspicuous place on its premises.

10. Expiration. All licenses issued pursuant to this ordinance shall expire on May 31.

11. Suspension or revocation of license. The Mayor and Council may, after notice, for good cause shown suspend or revoke a license to operate a bottle club. Revocation and suspension proceedings shall be governed by the provisions of 30-A M.R.S.A. §3814 as amended.

12. Appeals. An appeal from any final decision of the Mayor and City Council shall be taken by any party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

13. Penalty. Violation of any provision of this ordinance shall be a civil violation as defined in 17-A M.R.S.A. §4 and 4-A, as amended. Each day that a violation continues shall be a separate offense. All fines shall be recovered on complaint to the use of the City.

14. Hours of bottle club. The hours of a bottle club shall be an opening for business no

earlier than 6:00 P.M. to closing no later than 4:00 A.M. the following morning. During the hours that a bottle club must remain closed, no members, guests or other persons other than regular employees, may be on or remain therein, and the use by anyone of the premises or facilities of the bottle club for the drinking of alcoholic beverages during such hours when a bottle club must remain closed is prohibited.

[Derivation: Section 3-14, 1973 Revised Code of Ordinances Enacted 6/8/82]

SECTIONS 7-532 THROUGH 7-540 (Reserved)

DIVISION E - CARNIVALS AND CIRCUSES

SECTION 7-541 LICENSING REQUIRED; APPLICATION; HEARING

No circus, traveling amusement show or similar exhibition may perform unless it has been licensed by the municipal officers for each day's performance pursuant to Sections 7-501 through 7-505. The daily license fee shall be as provided in Section 7-105 of this Chapter.

Application for such license shall be made to the City Clerk, and notice of such application shall be published in a local newspaper in the City at least once a week for three (3) weeks prior to a hearing on such application by the municipal officers, said applicant to prepay the cost of such notice.

[Derivation: Section 3-37, 1973 Revised Code of Ordinances as repealed and replaced 11/1/95]

SECTION 7-542 LICENSING OF LOCATION

A license provided by Section 7-541 shall be granted by the municipal officers only for locating where the performances will not disturb nearby residences and will not interfere with or obstruct traffic on main highways.

[Derivation: Section 3-38, 1973 Revised Code of Ordinances]

SECTION 7-543 PROXIMITY TO BUILT-UP SECTION

Circuses or traveling amusement shows shall be located at least two thousand (2,000) feet from a compact or built-up section of residences.

[Derivation: Section 3-39, 1973 Revised Code of Ordinances]

SECTION 7-544 PERFORMANCE BOND REQUIRED; GROUNDS TO BE CLEANED

The person owning, operating or sponsoring a circus or show shall file a performance bond

with the City Clerk with the condition that the grounds are to be properly cleaned to the satisfaction of the City Manager within seventy-two (72) hours after the circus or show closes.

The performance bond required by this Section shall be in the amount of two thousand five hundred dollars($2,500.00) and shall be supplied by an insurance company licensed to do business in the state.

[Derivation: Section 3-40, 1973 Revised Code of Ordinances]

SECTIONS 7-545 THROUGH 7-550 (Reserved)

DIVISION F - BOXING

SECTION 7-551 STATE STATUTES, BOXING COMMISSION REGULATIONS TO APPLY

All boxing contests or exhibitions shall be conducted in accordance with the State Statutes and with the rules and regulations adopted by the Maine State Boxing Commission.

[Derivation: Section 3-51, 1973 Revised Code of Ordinances]

SECTION 7-552 PERMIT; BOND; CONDUCTION STANDARDS REQUIRED

No person shall conduct any boxing contest, exhibition or bout, within the City, either professional or amateur, to which admission to witness the same is charged to the public, without first securing a special amusement permit under Section 7-501 for each set of such contests, exhibitions or bouts, for which one (1) admission charge is made.

Such permit shall be issued by the municipal officers of the City on application and upon the applicant filing a bond satisfactory to council in the sum of three hundred dollars ($300.00), conditioned that said contests, exhibitions or bouts will be conducted as to the number of bouts as advertised and in accordance with the provisions of the laws of the state relative to such contests, exhibitions or bouts and particularly as to number and length of rounds, gloves, weight and physical examination of contestants, decisions and receipts, that accurate standard scales shall be provided by said applicant at a time and place designed for weighing in, that no person under the age of fourteen (14) years shall be admitted to such contests, exhibitions or bouts unless accompanied by a parent or legal guardian.

[Derivation: Section 3-52, 1973 Revised Code of Ordinances]

SECTION 7-553 FEES

The permit fee required under Section 7-552 shall be as provided in Section 7-105 of this Chapter.

[Derivation: Section 3-53, 1973 Revised Code of Ordinances as amended 6/11/90]

SECTION 7-554 PROMOTER RESPONSIBLE FOR COMPLIANCE WITH REGULATIONS

A boxing promoter is responsible that all rules and regulations shall be complied with, and that the boxing contest shall be as advertised.

Any promoter not complying with such rules and regulations will be denied the right to promote boxing contests within the City until said promoter has been reinstated by the police and City Council.

[Derivation: Section 3-54, 1973 Revised Code of Ordinances]

SECTION 7-555 PROMOTER TO SUPPLY SUITABLE REFEREE

It shall be the duty of a boxing promoter to supply a suitable referee who will meet with the approval of the Chief of Police, City Manager and City Council.

[Derivation: Section 3-55, 1973 Revised Code of Ordinances]

SECTION 7-556 CONTESTS TO START AT TIME ADVERTISED

Boxing contests, exhibitions or bouts must start at such time as advertised.

[Derivation: Section 3-56, 1973 Revised Code of Ordinances]

(This page intentionally left blank)

SUBCHAPTERS VI AND VII

(Reserved)

(This page intentionally left blank)

SUBCHAPTER VIII - CABLE TELEVISION SYSTEM FRANCHISES AND REGULATION

SECTION 7-801 AUTHORITY OF THE CITY COUNCIL TO GRANT FRANCHISE AGREEMENTS

The City Council is authorized to contract on such terms and conditions as are in the best interest of the City for the placement and maintenance of cable television systems and appurtenances or parts thereof along public ways and easements within the City limits, pursuant to the provisions of this Subchapter VIII and 30-A M.R.S.A. §3008. Any franchise granted by the City Council shall be for a period not to exceed ten years. The City Council may, however, within two years prior to the expiration of a franchise agreement permit a renewal of the franchise for a period not to exceed an additional five years, with such amendments as the City Council may deem appropriate.

[Derivation: Section 12-31, 1973 Revised Code of Ordinances Enacted 2/13/95]

SECTION 7-802 CONTENT OF FRANCHISE AGREEMENTS

Each franchise agreement must, as a minimum, contain provisions relating to the following:

1. The duration of the franchise agreement and provisions for renewal, if any;

2. The area or areas to be served by the franchise grantee;

3. The services to be provided to subscribers, billing procedures, the investigation and resolution of complaints, and other subscriber rights;

4. Public access, and services provided to City government and School Administrative District 16 with respect to the use of the cable television system facilities;

5. Construction standards with respect to the installation of cable television systems and appurtenances or parts thereof;

6. System design technical standards, and provisions for the orderly integration of available new technology;

7. Maintenance and repair of the cable television system;

8. Minimum insurance requirements and indemnification of the City by the franchise grantee;

9. A specific policy with respect to the extension of lines and services to persons not served;

10. The regulation of rates charged by the franchise grantee and notice and opportunity for public comment with respect to changes in rates;

11. Notice and opportunity for public comment on program availability and content, and changes thereto;

12. The revocation or termination of the franchise agreement;

13. Remedies for breach of the franchise agreement by the franchise grantee including penalties and/or liquidated damages;

14. Appropriate representations, warranties and covenants of the franchise grantee with respect to its authority, its ability to carry out the franchise agreement, and the services to be provided;

15. Required notices, reports and records to be given or maintained by the franchise grantee; and

16. Reimbursement of all expenses incurred by the City with respect to the granting of the franchise agreement, including reasonable legal fees, consulting fees, and costs of public notices and advertising.

[Derivation: Section 12-32, 1973 Revised Code of Ordinances Enacted 2/13/95]

SECTION 7-803 FRANCHISE APPLICATIONS

The City Council may require any persons seeking a franchise agreement for the operation of a cable television system to provide any information that may be reasonable and applicable to the City Council's consideration of a franchise agreement, including but not limited to, the following:

1. Certifications with respect to the applicant's legal existence and authority;

2. A description of the applicant's organizational structure and identification of all persons with a significant financial interest in the applicant, including shareholders, and creditors;

3. Audited financial statements;

4. Pro forma operating statements and projections;

5. Previous cable operating experience;

6. Copies of existing or previous franchises with other municipalities;

7. Proposed rates and programming;

8. Financial and technical ability and capacity to perform the proposed services;

9. The ability to introduce technical improvements; and

10. All matters relating to the minimum provisions in a franchise agreement as outlined in Section 7-802 above.

The City Council may charge any such applicant a reasonable nonrefundable filing fee to defray costs of public notices, advertising, legal fees, consulting fees, and other expenses incurred in reviewing and considering an application.

[Derivation: Section 12-33, 1973 Revised Code of Ordinances Enacted 2/13/95]

SECTION 7-804 FRANCHISE FEES

Except as expressly provided by this ordinance, no franchise agreement shall provide that a franchise grantee pay the City a franchise fee. Each franchise agreement granted by the City Council shall provide that, if this ordinance is amended by the City Council to require a franchise fee, the franchise agreement shall be deemed amended to incorporate by reference the provision of the ordinance establishing such fee, provided, however, the franchise grantee shall be given twelve month's written notice before payment of such fee is required.

[Derivation: Section 12-34, 1973 Revised Code of Ordinances Enacted 2/13/95]

SECTION 7-805 PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT

1. Prior to the approval and execution of a franchise agreement by the City Council, there shall be published in the Kennebec Journal, on at least two separate days, a public notice stating that:

   A. The proposed franchise agreement and all papers submitted by the franchise applicant are on file at the office of the City Clerk and are available for inspection and review by the public.

   B. The City Council will conduct a public hearing with respect to the proposed franchise agreement, and the date, time, and place of the hearing.

   C. All interested persons may submit written comments to the City Manager relative to the proposed franchise agreement and information submitted by the applicant for consideration by the City Council not later than three business days prior to the date of the public hearing.

2. The first date of publication shall be at least twenty-one (21) days prior to the date of the public hearing, and the last date of publication shall be at least fourteen (14) days prior to the date of public hearing. Additionally, the notice shall be posted at City Hall and at least one other public place within the City.

3. Prior to the issuance by the City of a request for proposals to enter into a cable television franchise agreement, the City Council shall provide an opportunity for public review and comment in the same manner provided in paragraphs a and b of this section.

4. All franchise applications and related documents filed with the City are public records.

5. For the purpose of this Section franchise agreement includes any amendment to a franchise agreement.

[Derivation: Section 12-35, 1973 Revised Code of Ordinances Enacted 2/13/95]