

## INSTRUCTIONS

- **1<sup>st</sup> Inspection Date** – When you submit your application and fees, the date for this inspection will be scheduled. (Someone will call you if received by mail). Once this inspection is completed you have forty-five (45) days to correct any deficiencies that might be found and then schedule your follow-up inspection within this time period.
- **Personal Property #** - Please complete the attached form from the Assessor's Office to be issued a Personal Property number.
- **Map, Block, Lot #** - Will be provided by the Business License Dept.
- **Business Name** – This should be whatever name you call your business. If it is a rental unit, specify that here.
- **Location of Business** – Address of business or rental.
- **Phone #** - Your business phone number or a number you can be reached at during business hours.
- **Business Owner** – This is the person the business or rental unit belongs to.
- **Address** – This should be the address where you receive mail in January of each year.
- **Phone #** - Home or cell phone numbers where you can be reached at any time in case of emergencies.
- **Property Owner** – The person that owns the property where your business is located.
- **Address** – The mailing address where the owner of property can be reached.
- **Ownership** – If this is a corporation or company, indicate what type of ownership and Name and Address of person responsible for this business.
- **Read and initial** each of the four (4) statements.
- **Will this license be used for short term rental** – If this license will be used for rental periods of less than 30 days check YES, if not or does not apply, check NO.
- **NOTE** – If you are the owner of the business and the property, sign and date. If you are **not** both the business owner and the property owner, you both must sign as applicants.
- Once you have completed all questions return all paperwork to the Building Department with the appropriate fees. (Fee Schedule Attached)

**Remember, it is your responsibility to notify any tenants of any scheduled inspection. The inspection process must be completed and signed off by all departments and ready for Council approval within forty-five (45) day time period.**

**PLEASE MAKE ALL CHECKS PAYABLE TO THE TOWN OF OLD ORCHARD BEACH.**

# BUSINESS LICENSE APPLICATION

**Licensing Process Must Be Completed Within 45 Days of First Inspection**

**Please make checks payable to Town of Old Orchard Beach**

Inspection Dates:	Date of Application	Zone	Map, Block, Lot
Name / Type of Business:			
Location of Business:			Phone#
Business Owner:			Phone #
Mailing Address:			Cell #
Email Address:			
Property Owner:			Phone #
Mailing Address:			Cell #
Email Address:			
<p>If either the owner of the business or the operator of the business is a corporation, limited liability company, partnership, or similar legal entity, or if the business is owned by more than one person, a natural person who maintains a residence or a place of business in the Town of Old Orchard Beach must be designated below to receive notices and to accept service of legal process of behalf of the applicant.</p> <p style="text-align: center;"><b>OWNERSHIP:</b>                      <input type="checkbox"/> Sole Proprietor    <input type="checkbox"/> Corporation    <input type="checkbox"/> Trust    <input type="checkbox"/> Partnership    <input type="checkbox"/> LLC</p>			
Name:			
Address:			
Signature:			
<b>NOTICE: MAKING FALSE STATEMENTS ON THIS APPLICATION IS A CLASS D CRIME PUNISHABLE UNDER 17-A MRSA §45.3</b>			

- \_\_\_\_\_ *I understand that a license is required before operating or conducting any business or activity governed by Old Orchard Beach License Ordinance*
- \_\_\_\_\_ *I understand that paying the application fees does not constitute a business license or authorize me to open that business.*
- \_\_\_\_\_ *I understand all business license applications must be completed and ready for Council review within forty-five (45) days of date of initial inspection.*
- \_\_\_\_\_ *I understand the \$75 application fee covers an initial inspection and a follow-up inspection. Any further inspection requires a \$75 fee per inspection.*

**Note: If the business owner and the operator are different, the owner and the operator must sign the application and the license will be issued jointly to both.**

<i>Signature of Property Owner</i>	Print Name	Date:
<i>Signature of Business Owner/Operator</i>	Print Name	Date:

REQUESTING LICENSE FOR THE FOLLOWING			OFFICE USE ONLY		
Will this license be used for short term rental?	YES		TOTAL	DEPARTMENT	SIGN OFF DATE /INITIALS
	NO			Zoning/Land Use	
<b>ALL FEES ARE NON-REFUNDABLE</b>				Building/Structural	
				Electrical	
				Plumbing	
				Fire	
				Tax	
<b>APPLICATION FEE</b>			<b>\$500</b>	Police	
<b>TOTAL</b>				Assessing- New License	



<b>LICENSE ORDINANCE CATEGORIES (amended 04-05-2022)</b>	<b>ALL FEES ARE <i>PER YEAR</i></b>
<b>Initial New Business License Application Administrative Fee</b>	<b>\$500.00 (one time fee)</b>
<b>Renewal Business License Administrative Fee</b>	<b>\$250.00 (annual fee)</b>
Re-inspection fee	\$60.00 per return inspection beyond two staff inspections.
Amusement Arcade	\$15.00 per unit not to exceed \$300.00
Amusement Park	\$30.00 per unit not to exceed \$350.00
Auto body shop	\$150.00
Automotive Graveyard	\$500.00
Body Piercing	
•Commercial Body Piercing Establishment	\$100.00
•Commercial Body Piercer	\$100.00
Bowling alleys	\$150.00
Boxing and wrestling shows	\$250.00 (per show)
Campgrounds	\$75.00 plus \$2.50 per site fee
•Recreational vehicle sales	\$75.00
Car Wash	\$150.00
Child care facility and nursery	\$100.00
Coin operated amusement devices accessory to another licensed activity	\$20.00 (per unit)
Dog kennels	\$150.00
Function Hall	\$150.00
Games of Skill	\$100.00 per game not to exceed \$600.00
Gasoline pumps and sidewalk tanks (the maintenance and operation of sidewalk tanks and pumps for the sale and distribution of gasoline and other volatile inflammable liquids for fuel or power)	\$75.00 per pump
Ice cream trucks (per truck)	\$350.00
Innholders, lodging houses, hotels, motels, & seasonal rentals	\$25.00 per unit first 10 units, plus \$7.50 per unit thereafter
Junk dealer/Junk Yards	\$150.00
Laundromat/dry cleaning establishment	\$150.00

Massage establishments	
•Therapeutic massage establishment license	\$100.00
•Massage therapist license	\$100.00
•Combined massage establishment/massage therapist license	\$150.00
Miniature golf course (indoors or outdoors)	\$150.00
Parking lots	\$300.00
Personal service	\$150.00
Rental of merchandise, including furniture and self-storage, as well as "water toys" as defined in and permitted by the Town of Old Orchard Beach, Maine Ordinance Regulating Use of Motorized and Non-motorized Water Toys on Town Beach, units/compartments.	\$150.00
Retail (Including repair/maintenance of goods)	\$150.00
Riding stables	\$150.00
Seasonal rentals units	\$25.00 per unit first 10 units, plus \$7.50 per unit thereafter
Service stations (including automotive repairs, care, and fuel services )	\$150.00
Sidewalk Cafe	\$150.00 plus \$2.00 per square ft.
Signs, erection and maintenance of signs, banners, awnings, marquees, and other temporary or permanent structures, excepting temporary or permanent structures of public utilities corporations, on the sidewalk, roadways, and streets of said town. Permanent signs affixed to buildings or sign poles extending over the town right-of-way are exempt.	\$75.00
Special Amusement Permit	\$100.00
Tattoo Establishment (see ordinance regulating same)	\$150.00
Tow trucks	\$150.00
Used car lots	\$150.00
Vehicles for Hire (per vehicle) (only based in OOB)	\$150.00
Vending machines	\$20.00 (per unit)
Victualers Without Preparation and No Alcohol Sales	\$150.00
Victualers Without Preparation with Beer, Wine, and / or Liquor consumed on premises or take-out)	\$300.00
Victualers With Preparation and No Alcohol Sales	\$200.00
Victualers With Preparation with Beer, Wine, and /or Liquor (consumed on premises or take-out)	\$325.00
Year Round Rentals	\$25.00 (per unit)

## ARTICLE II. BUSINESS LICENSES

### Sec. 18-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**Arcade or amusement casino** means an establishment of containing six or more amusement devices/machines.

**Coin-operated amusement device** includes but is not limited to jukeboxes, flipper games, video games, pinball machines, pool tables or billiard tables.

**Documented disturbance** means a separate complaint of disorderly, indecent, tumultuous, or riotous conduct upon any licensed establishment that results in a police response and report of such occurrence.

**License administrator** means the code enforcement officer or such other municipal employee as the town council may designate by order.

**Year Round rental** means any rental unit, including hotels, motels, cabins, single-family homes, duplexes or multifamily dwellings which are rented from Columbus Day to Memorial Day as well as from Memorial Day to Columbus Day. Lodging units that qualify as year round rentals must obtain this license as well as the innholder/lodginghouse/hotel license.

(Ord. of 6-13-1961, § 2(B); Ord. of 2-16-1988; Ord. of 11-8-1993; Ord. of 4-26-1995; Ord. of 3-2-1999; Ord. of 4-20-1999)

Cross references: Definitions generally, § 1-2.

### Sec. 18-27. Purpose.

The purpose of this article is to provide the town council a reasonable medium of regulating the businesses and activities identified in the schedule set forth in section 18-32 and to protect and promote the health, welfare, and safety of the town residents and of the general public.

(Ord. of 6-13-1961, § 2(A); Ord. of 2-16-1988)

### Sec. 18-28 Violation and Penalties.

(a) Any person who operates or conducts any business or activity for which a license is required under this article without first obtaining such license commits a civil violation and shall be subject to a fine not to exceed \$100.00 for the first day the offense occurs. The second day the offense occurs, the fine amount shall not exceed \$250.00. The third day and subsequent days thereafter, the fine amount shall not exceed \$500.00. Each day such violation continues shall be considered a separate violation. Any licensed business or activity or who permits a business or activity to occur which involves an act, omission or condition that 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 state law or town ordinance applicable to the trade, profession, business, privilege, act or operation for which the license is granted; or
- (5) Not in compliance with all conditions required as precedent to the granting of the license; commits a civil violation. Such violations shall be punishable by a fine of not more than \$100.00 the first day the offense occurs. The second day the offense occurs, the fine amount shall not exceed \$250.00. The third day and subsequent days thereafter, the fine amount shall not exceed \$500.00, and each day that such violation continues shall be considered a separate violation.

(b) All fines shall be recovered upon complaint for use by the town and shall be placed in the town treasury.

(c) Any person, including without limitation a real estate broker, associate real estate broker, real estate sales agent, or property manager, who rents an unlicensed rental unit on behalf of the unit's owner commits a violation of this ordinance and is subject to the fines imposed by section 18-28(a) above, which fines may be imposed in addition to any fines imposed upon the unit owner.

(Ord. of 6-13-1961, § 5(A), (B); Ord. of 2-16-1988; Ord. of 8-7-2001; Ord. of 10-16-2007)

#### **Sec. 18-29. Enforcement.**

The police department shall investigate any alleged violation of this article. Upon verification of the alleged violations, the police department may issue a citation for a civil violation.

(Ord. of 6-13-1961, § 9; Ord. of 4-26-1995; Ord. of 7-20-0995)

#### **Sec. 18-30. Payment of Fees.**

All fees required to be paid under this article shall be paid to the tax collector and shall be deemed received by the license administrator when received by the tax collector.

(Ord. of 3-2-1995, § 10; Ord. of 4-20-1999; Ord. of 8-24-1999)

#### **Sec. 18-31. License required; expiration.**

(a) The town council is authorized to grant, grand subject to conditions, or deny licenses for any business or activity listed in the schedule set forth in section 18-32 in accordance with the terms of this article.

(b) Any such license shall expire on May 1 of each year, unless otherwise provided therein, except that a license for which a renewal application is filed prior to May 1 shall continue in effect until the license administrator or the town council, if council action is required under section 18-32, has acted on the renewal application.

© Payment of a pro rata license fee shall be prohibited for any license.

(d) Any person engaged in any business or activity listed in the schedule set forth in section 18-32 shall obtain a license for that business or activity identified in the schedule set forth in section 18-32 except in compliance with the terms of this article and any conditions imposed upon the license issued.

(Ord. of 6-13-1961, § 1; Ord. of 2-16-1988; Ord. of 6-18-1991; Ord. of 3-2-1999; Ord. of 4-20-1999)

#### **Sec. 18-32. Schedule.**

The schedule of license, permit and application fees is set forth in appendix A of this code.

#### **Sec. 18-33. Application.**

(a) Any person who owns, operates or conducts any business or activity listed in the schedule of license, permit and application fees set forth in appendix A of this Code shall annually make application to the town council for a license to conduct such business or activity by submitting the following to the license administrator:

(1) A description of the business or activity which the applicant proposes to operate or conduct and the location at which the licensed activity or business will occur. (2) A statement that the applicant has secured or is in the processing of securing all state or local permits required for the licensed business or activity, provided that any license issued by the town council prior to the receipt of such other permits shall not authorize the operation of the business until all such other permits are obtained.

(3) A statement that the business and the premises are in compliance with all local ordinances other than this article, including but not limited to article II of chapter 6 pertaining to special amusements, the building code in article II of chapter 66, and chapter 78 pertaining to zoning.

(4) Evidence of satisfactory resolution of any public health, safety or welfare problems occurring in the operation of that or a similar business at the same location in the immediately preceding year, including but not limited to neighborhood complaints to or require a response from the police, fire department or other municipal regulatory body or employees.

(5) A nonrefundable application processing fee as specified in the schedule of license, permit and application fees in appendix A of this code, unless the applicant had previously received a license under this article for the same business or activity at the same location.

(b) The town council may require documentation of any of the information provided in the license application whenever the council determines that such documentation is needed to process the application.

(Ord. of 6-13-1961, § 4(A); Ord. of 2-16-1988; Ord. of 5-5-1998; Ord. of 3-2-1999; Ord. of 4-1-2003, § 2)

#### **Sec. 18-34. Notice of new applications; public hearing.**

(a) The license administrator shall give notice of all new license applications by posting a list of the applications and the licenses applied for in the town hall at least seven days prior to the license hearing.

(b) The town council shall conduct a license hearing at which it shall announce the pending license applications, although it may incorporate by reference a previously published list thereof.

Any applicant and member of the public shall be permitted to speak with regard to a specific license or applicant; provided, however, that if no one desires to speak in favor of or in opposition to a license application, the town council is authorized to act upon such application without hearing any testimony. The town council is authorized to inquire of any municipal inspector, the town manager or any representative of the police or fire department regarding any matter within their expertise and pertaining to any such license application.

(Ord. of 6-13-1961, § 4(B); Ord. of 2-16-1988; Ord. of 4-26-1995; Ord. of 3-2-1999; Ord. of 4-20-1999)

#### **Sec. 18-35. Denial; imposition of conditions for issuance.**

(a) Failure to provide any of the information required by section 18-33 to the license administrator in a timely manner shall be cause for a denial of license application.

(b) The town council shall consider information provided by the applicant or received from the building inspector, the electrical inspector, the town manager, the police chief, the fire chief or any other municipal employee or the general public in determining whether to issue, issue subject to conditions, or deny any license requested. The town council may deny a license application if it finds that:

(1) The applicant does not have the legal right to occupy the premises for which the license is sought;

(2) Required state or local permits have not been obtained or applied for;

(3) The business or activity is not or the premises are not in compliance with other local ordinances;

(4) Any public health, safety or welfare problems which occurred in the operation of the business or activity or a similar business or activity on the premises during the immediately preceding year were not satisfactorily resolved and are likely to recur;

(5) The applicant for the license has, during the immediately preceding year, committed or permitted, in the course of conducting a business or activity subject to this article, an act or omission which constitutes a violation of this article as defined in section 18-28 or 18-39;

(6) The applicant is delinquent in paying any personal property tax assessed by the town, unless there is pending at the time of application for the license a request for abatement of the tax or an appeal of the tax assessment. For purposes of this subsection, the word "applicant" means all of the following persons: (i) the owner of any personal property used in the conduct of the business or activity for which the license is sought, (ii) the owner of the business or activity for which the license is sought, and (iii) the person who conducts or operates the business or activity for which the license is sought. As used in this subsection, the term "any personal property tax" shall include all personal property taxes assessed against any person within the definition of applicant, whether or not the property so taxed is used in the conduct or operation of the business or activity for which the license is sought;

- (7) The licensed location has had three or more documented disturbances as verified by the police chief within the previous licensing period, which documentation shall be provided to the license administrator by the police department, or
- (8) The applicant owes any fine, penalty or judgment to the town as a result of any violation of this article and the fine, penalty or judgment with any accrued interest, has not been paid in full. Notwithstanding anything to the contrary in 1 M.R.S.A. § 18-3202, this subsection applies to actions and proceedings pending on the effective date of the Ordinance of April 15, 1997.
- (9) The applicant owes any amount to the Town of Old Orchard Beach for services rendered by the town or by town employees to the applicant or the applicant's property, is in default on any performances guarantee or contractual obligation to the town, including real property taxes.  
(Ord. of 6-13-1961, § 4©; Ord of 2-16-1988; Ord. of 06-18-1991,Ord. of 11-8-1993; Ord. of 3-4-1997; Ord. of 04-15-1997; Ord. Of 3-2-2; Ord. 04-20-1999; Ord. of 04-15-2008.)

**Section 18-36. Effective date; payment of full fee required.**

- (a) A License issued pursuant to this article shall be effective as of the date issued or as of the date payment if the appropriate license fee is received by the license administrator, whichever is later.
- (b) Payment in full of the license fee is required for each license, and there shall be no pro rata apportionment of such fees.  
(Ord. of 6-13-1961, § 4(D); Ord. of 2-16-1988; Ord. of 3-2-1999; Ord. of 4-20-1999)

**Sec. 18-37. Inspections.**

- (a) A licensee, as a condition of receipt of a license under this article, must allow any town official who is performing his official duties and who presents valid identification to enter the licensed premises at the same times and in the same manner as the licensee's patrons, customers or invitees, and the licensee shall not charge such town officials any admission or entry fee.
  - (b) A licensee, as a condition of receipt of a license under this article, must also allow any town official who is authorized to determine compliance with federal, state, or town law who presents valid identification to enter at any reasonable time any portion of the licenses premises which the licensee has the right to enter or occupy.
- © Failure to allow entry required by this section shall constitute a violation of this article and shall constitute cause for nonrenewable, suspension or revocation of this license.  
(Ord. of 7-20-1990, § 7)

**Sec. 18-38. Renewals**

- (a) The license administrator is authorized to renew, without further action by the town council, the license of any person holding a license pursuant to this article, referred to as the "licensee", on April 30 of each year upon receipt of the required fee and of a written statement from the licensee that there has been no material change in the formation provided in the licensee's previous application. The license administrator may not renew a license, but must refer the application to the town council, if:
  - (1) The license has been suspended or revoked by the town council during the preceding 12 months.
  - (2) The license administrator has received, during the past 12 months, any written complaint from any person charging that the licensee has violated the terms of this article or any other section of this code or town ordinance.
  - (3) The applicant is delinquent in paying any personal property tax assessed by the town, unless there is pending at the time of application for the license a request for abatement of the tax, or an appeal of the tax assessment. For purposes of this subsection, the word "applicant" means all of the following persons: (i) the owner of any personal property used in the conduct of the business or activity for which the license is sought, (ii) the owner of the business or activity for which the license is sought, and (iii) the person who conducts or operates the business or activity for which the license is sought. As used in this subsection, the term "any personal property tax" shall include all personal property taxes assessed against any person within the definition of applicant, whether or not the property so taxed is used in the conduct or operation of the business or activity for which the license is sought.

(4) The licensed location has had three or more documented disturbances as verified by the police chief within the previous licensing period, which documentation shall be presented to the license administrator in writing by the police department.

(b) In cases involving a complaint under subsection (a)(2) of this section or disturbances under subsection (a)(4) of this section, the license administrator shall bring the complaint or disturbance to attention of the town manager before referring the application to the town council. The town manager will then convene an administrative board consisting of the town manager, the police chief, the fire chief, the license administrator, a member of the town business community appointed by the town council, and a citizen of the town, not an employee of the town, appointed by the town council, to discuss the complaint or disturbance with the applicant. At this time, the town manager shall notify the town council chairperson, in writing, that this board is being convened. The purpose of the administrative board will be fact finding with the goal of resolving the issues raised by the complaint or disturbance. If the administrative board finds that the applicant has not successfully addressed the complaint or disturbance, the administrative board shall propose a consent agreement with the applicant to address the complaint or disturbance. If the applicant fails to appear before the administrative board or fails to accept a consent agreement proposed by the administrative board, the license administrator shall refer the application to the town council with the recommendation that the license not be renewed.

© Action undertaken by the administrative board will be viewed as advisory to the town council. The town manager will place recommendations on the agenda for the next regular meeting of the town council. The town council will act upon such recommendations in the same manner as used for license hearings.

(Ord. of 6-13-1961, § a-A; Ord. of 2-16-1988; Ord. of 6-18-1991; Ord. of 11-8-1993; Ord. of 3-2-1999; Ord. of 4-20-1999; Ord. of 9-18-2001)

### **Sec. 18-39. Suspension or revocation.**

(a) The town council, upon notice and after hearing, for cause, may suspend or revoke any license issued pursuant to this article. The term “cause” shall mean the violation of any license condition, any section of this article, any condition constituting a threat to the public health or safety, or the revocation or suspension of any state or local license that is a condition precedent to the issuance of a license pursuant to this article. The term “cause” shall also include any of the grounds for denying a license application under section 18-35. \* Licenses may be temporarily suspended without prior notice and hearing if, in the judgment of the building inspector, the town manager, or the town council, the continued operation of the licensed business or activity constitutes an immediate and substantial threat to the public health and safety, provided the licensee receives written notification of the suspension and the reasons therefore, prior to its taking effect, and a hearing is scheduled as soon as possible thereafter.

\*Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this amendment shall apply to any actions or proceedings pending on the date of its enactment.

(b) Before the town council conducts a hearing on a suspension or revocation, the town manager will convene an administrative board consisting of the town manager; the police chief; the fire chief; the license administrator; a member of the town business community appointed by the town council; and a citizen of the town, not an employee of the town, appointed by the town council, to discuss with the licensee the situation giving rise to the possible suspension or revocation.

©The purpose of the administrative board will be fact finding with the goal of resolving the situation by proposing a consent agreement with the licensee. If the licensee fails to appear before the administrative board or fails to accept a consent agreement proposed by the administrative board, the license administrator shall recommend to the town council that the license be suspended or revoked, as appropriate.

(d) Action taken by the administrative board will be viewed as advisory to the town council. The town manager will place recommendations on the agenda for the next regular meeting of the town council. The town council will act upon such recommendations in the same manner as used for license hearings.

(Ord. of 6-13-1961, § 5©; Ord. of 2-16-1988; Ord. of 8-7-2001; Ord. of 9-18-2001; Ord. of 4-15-2008)

Secs. 18-40—18-65. Reserved.