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NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on January 6th, 2026, at 6:30 p.m. to consider the following:

Shall the Town amend the Code of Ordinances, Chapter 18, Businesses, Article II, Licenses adding definitions for commercial rental license, rent, and residential rental license; changing the name of Chapter 18 from Businesses to Licensing; adding to Section 18-31, License Required, Expiration clarifying the residential rental license, commercial rental license, and business license; and deleting the following from Section 18-33 Application (a) (5): “unless the applicant has previously received a license under this article for the same business or activity at the same location and the license has been applied for prior to April 30 of the expiration year”.

Per Order of the Municipal Officers this 16th day of December, 2025.

A True Copy  
Attest:

s/Kim McLaughlin  
Kim M. McLaughlin, Town Clerk

## **ARTICLE II. 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:

*Any personal property tax* shall mean 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.

*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.

*Business license* means a license for any activity on Appendix A of this code other than Commercial and Residential rental.

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

*Commercial rental license means a license for any rental unit that consists of 5 units and more, hotel, motels, Inns, bed and breakfasts, cabins, condotels*

*Documented and relevant disturbance* means a separate complaint of disorderly, indecent, or riotous conduct upon any licensed establishment that results in a police response and report of such occurrence and which the chief of police, in consultation with the license administrator and any other appropriate municipal staff, determines was caused by or causally related to the manner in which business was conducted at the licensed location.

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

*Rent means to grant the possession or use of housing in exchange for money or services rendered.*

*Residential rental license means a license for any rental unit including condominium, single family, two family, and multifamily up to and including 4 unit buildings.*

*Seasonal rental*, means any rental unit, including hotels, motels, cabins, condominiums, single-family homes, duplexes or multifamily dwellings which are rented or available to be rented only during the period March 1 to December 1.

*Short-term rental* means any building or structure, or portion thereof, that is offered or provided to a guest or guests to be used for living or sleeping for a fee for less than 30 consecutive days, with the exception of motels, hotels, bed and breakfast, inn's, overnight cabins, and campgrounds. Short-term rental units may be whole house, duplexes, multifamily, apartments, condominiums, condominium hotels/motels, and individual rooms or individual units in homes, duplexes, multifamily, apartments, condominiums, and condominium hotels/motels.

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*Year-round rental* means any rental unit, including hotels, motels, cabins, condominiums, single-family homes, duplexes or multifamily dwellings which are rented or available to be rented at any time during the calendar year.

(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; Ord. of 5-4-2010(1); Ord. of 2-21-2023)

Cross reference(s)—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 licensing of** 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.
- (b) Any licensee who commits a civil or criminal violation in the course of conducting a 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 as specified in section 18-28(a).

- (c) All fines shall be recovered upon complaint for use by the town and shall be placed in the town treasury.
- (d) 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; Ord. of 5-4-10(1))

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

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

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

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

All fees required to be paid under this article shall be paid prior to the issuance of the license.

(Ord. of 3-2-1999, § 10; Ord. of 4-20-1999; Ord. of 8-24-1999; Ord. of 5-4-10(1))

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

a) A License approved by the town council is required for all activities listed in Appendix A Schedule of License, Permit and Applications Fees as set forth in appendix A of this code. These licenses are broken out in the following categories:

- (1) Residential rental license (see definition). A separate license is required for each Assessing Map ID Map/block/Lot/Unit.
- (2) Commercial rental license (see definition). A separate license is required for each Assessing Map ID Map/block/Lot/Unit.
- (3) Business license (see definition). A separate license is required for each business.

(ba) The town council is authorized to grant, grant 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 except that town council review is mandatory to grant, grant subject to conditions, or deny all victualers licenses with beer, wine or liquor and special amusement licenses listed in the schedule set forth in section 18-32. The license administrator shall have the right to refer any licenses to the town council for public hearing and action if, in the license administrator's judgment, the application merits such scrutiny.

(cb) Until the 2011 license cycle, 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 18-38, has acted on the renewal application.

- (1) For the license cycle starting in 2011, licenses granted for businesses on properties on tax map numbers 101-1-1 through and including 305-4-1 shall expire on May 1, 2012. Licenses for these parcels shall expire on May 1 every other year for future cycles. (i.e. 2014, 2016 etc.) Licenses issued to businesses without tax map numbers shall be assigned to this expiration schedule.
- (2) For the license cycle starting in 2011, licenses granted for businesses on properties on tax map numbers 305-4-2 through and including 404-9-10 or higher numbers subsequently created shall expire on May 1, 2013. Licenses for these parcels shall expire on May 1 every other year for future cycles. (i.e. 2015, 2017 etc.) Any such license shall expire on May 1 of the 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 18-38, has acted on the renewal application.

(de) Payment of a pro rata license fee shall be allowed as follows: In the event of a change in ownership, license category or other activity necessitating a new business license, the applicant shall be required to pay the new application fee plus the percentage of the fee set forth in appendix A based on the percentage of the licensing cycle remaining.

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(ed) 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 even if such person also engages in some other business or activity not requiring a license.

(fe) No person shall operate or conduct any business or activity identified in the schedule set forth in section 18-32 without first obtaining a license therefor, nor shall any person operate or conduct any 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; Ord. of 5-4-10(1))

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

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

(Ord. of 4-1-2003)

### **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 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, disorderly customers, and excessively loud or unnecessary noise that initiate complaints to or require a response from the police, fire department or other municipal regulatory body or employee.
- (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 has previously received a license under this article for the same business or activity at the same location and the license had been applied for prior to April 30 of the expiration year.~~
- (6) Identify if the business includes a short-term rental(s) as defined in section 18-26 of this article.

(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; Ord. of 5-4-10(1); Ord. of 2-21-2023)

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**Sec. 18-34. Notice of special amusement and victualers with beer, wine and/or liquor applications; public hearing.**

- (a) The license administrator shall give notice of all special amusement and victualers with beer, wine and/ or liquor license applications by posting a list of the applicants 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 special amusement and victualers with beer, wine and/ or liquor 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 employee, including without limitation the tax assessor, the building inspector, the electrical 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; Ord. of 5-4-10(1))

**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 a license application.
- (b) The town council shall consider information provided by the applicant or received from the administrative board convened per section 18-38 or 18-39, 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;
  - (7) The licensed location has had three or more documented and relevant 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;
  - (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

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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; or

- (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 performance guarantee or contractual obligation to the town, or is otherwise delinquent in any financial obligation to the town, including real property taxes.
- (c) The town council may also impose conditions on the operation of any licensed business or activity, such as restrictions on the hours of operation, a requirement of trash removal at specified intervals, or implementation of particular forms of crowd control, where the public interest so requires.
- (d) When the town council denies a license, written notice of the decision shall be provided to the applicant within ten days thereof, which shall set forth the reasons for the denial. The licensee shall receive written notice in the same manner of any conditions imposed upon the license whenever conditions are imposed, and the license administrator shall note such conditions on the license records maintained by the license administrator.

(Ord. of 6-13-1961, § 4(C); Ord. of 2-16-1988; Ord. of 6-18-1991; Ord. of 11-8-1993; Ord. of 3-4-1997; Ord. of 4-15-1997; Ord. of 3-2-1999; Ord. of 4-20-1999; Ord. of 4-15-2008; Ord. of 5-4-10(1); Ord. of 3-1-2016)

### **Sec. 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 of 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.

(Ord. of 6-13-1961, § 4(D); Ord. of 2-16-1988; Ord. of 3-2-1999; Ord. of 4-20-1999; Ord. of 5-4-10(1))

### **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 official 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 and who presents valid identification to enter at any reasonable time any portion of the licensed premises which the licensee has the right to enter or occupy.
- (c) Failure to allow entry required by this section shall constitute a violation of this article and shall constitute cause for nonrenewal, 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," upon receipt of the required fee and of a written statement from the licensee that there has been no material change in the

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information 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 licensing cycle as outlined in section 18-31 of this chapter.
  - (2) The license administrator has received, during the past licensing cycle as outlined in section 18-31 of this chapter, 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.
  - (4) The licensed location has had three or more documented and relevant disturbances as verified by the police chief within the previous licensing cycle as outlined in section 18-31 of this chapter, 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 the 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; the planning director; 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, an alternate member of the town business community appointed by the town council; and an alternate 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. The administrative board can determine that the license administrator may renew the license without further action by the town council. 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.
- (c) 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, § 1-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; Ord. of 5-4-10(1); Ord. of 3-1-2016)

### **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

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licensee receives written notification of the suspension and the reasons therefor, 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; the planning director; 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, an alternate member of the town business community appointed by the town council; and an alternate 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.
- (c) 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 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, § 5(C); Ord. of 2-16-1988; Ord. of 8-7-2001; Ord. of 9-18-2001; Ord. of 4-15-2008; Ord. of 3-1-2016)

Secs. 18-40—18-65. Reserved.

Per Order of the Municipal Officers this 16th day of December, 2025.

A True Copy

Attest:

s/Kim McLaughlin  
Kim M. McLaughlin, Town Clerk