

TOWN OF GORHAM

VICTUALER'S ORDINANCE

Adopted - October 6, 1998
Amended - July 1, 2008
Amended - April 7, 2009

VICTUALER'S ORDINANCE

SECTION 1 PURPOSE

- A. The purpose of this Ordinance is to regulate the sale of prepared food in the Town of Gorham. The regulations are those which the Town Council in a public meeting have clearly found to be necessary in order to protect the general welfare, public safety and health of the Town of Gorham and its citizens.

SECTION 2 LICENSE

- A. Any place where food or drink is prepared or served to the public for consumption on or off the premises shall be licensed annually as a Victualer, in order to operate within the Town of Gorham.
- B. Establishments must be in compliance with all local ordinances and property taxes and local fees must be paid in full prior to the issuance or renewal of a Victualer's License.

SECTION 3 EXCEPTIONS

- A. A public or private school, any non-profit organization selling food or drink, or any booster group raising money for a charitable cause; grocery stores, except those selling food items prepared on the premises; educational activities or public agency programs and food and drink sold only through vending machines shall be exempt from the provisions of this ordinance.

SECTION 4 APPLICATION PROCESS

- A. New Application: New applicants may apply at any time during the year. Applications for a license shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and when submitted to the Town Council shall bear the recommendation for approval or disapproval with reasons noted by the Code Enforcement Officer, the Police Chief, the Fire Chief and the Tax Collector.

A license shall be granted by the Town Clerk if the property in question complies with all Federal, State and local laws and the applicant demonstrates that the premises will be conducted in a healthful and sanitary manner in accordance with the Food Code so as not to jeopardize the public health, safety and welfare and that the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Gorham. A new license, when granted, shall be valid until June 30th, immediately following said granting of license. If the clerk is not satisfied that the application meets all the requirements of this ordinance, the clerk shall submit the application to the Town Council which, after public hearing, shall consider the application.

- B. Renewal License: An existing license may be renewed by the Town Clerk, provided that the holder of the existing license makes application for renewal on or before June 30th. If the holder applies for renewal on or before June 30th, the existing license shall remain in effect until final action of the renewal application. Otherwise, the existing license shall expire on June 30th and an application for a new license must be filed. The Clerk may renew a license only if the Clerk is satisfied that the application meets all the requirements of this ordinance. If the Clerk is not satisfied that the application meets all the requirements of this ordinance, the Clerk shall refer the application to the Town Council, which after public hearing, shall process the application in the same manner as an application for a new license.

SECTION 5 ADVERTISEMENT AND PUBLIC HEARING

The Town Council shall hold a public hearing prior to considering any application for a Victualers' License applications. Prior to the public hearing applications shall be advertised by posting notice in two (2) or more public places and advertising in a local newspaper, at least seven (7) days prior to the meeting.

SECTION 6 SECURING, SUBMITTING OF APPLICATION FOR LICENSE

Applications for a license required by this Ordinance shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk, and if referred to the municipal officers shall bear the recommendation for approval or disapproval with reasons noted of the Code Enforcement Officer, the Police Chief and the Fire Chief, and such other departments as may be required by the Municipal Officers or other Town ordinances.

A Victualer's License shall be granted if the property in question complies with all federal, State and local laws and the applicant demonstrates that the Victualer's premises will be conducted in a healthful and sanitary manner so as not to jeopardize the public health, safety and welfare, provided that the applicant is not delinquent in the payment of any taxes or fees owed to the Town of Gorham.

SECTION 7 CLASSES OF LICENSE/FEEES

The Town Council shall establish a Schedule of Application and License Fees.

SECTION 8 SUSPENSION, REVOCATION OF LICENSE

A Victualer's license may, after notice and public hearing, be suspended or revoked by the municipal officers for non-compliance with the ordinances, statutes, and regulations of the Town of Gorham and the State of Maine.

SECTION 9 REINSTATEMENT OF LICENSE

A licensed Victualer may, at any time after the suspension of the license, make an application in writing for the reinstatement of the license to the Town Clerk and such application shall be submitted to the municipal officers.

SECTION 10 PENALTY

Any violation of this ordinance shall be punishable by a fine of not less than three hundred (\$300) dollars for the first offense and not less than five hundred (\$500) dollars for the second and subsequent violation which shall be recovered for the use of the Town of Gorham. Each day that such unlawful act or violation continues shall be considered a separate offense. In addition, the Town may seek recovery of costs and any other legal and equitable remedies as may be available to the Town.

SECTION 11 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.