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CHAPTER 11

LICENSES, PERMITS AND FRANCHISES

ARTICLE I General Provisions Applicable To Licenses, Permits and Franchises

Sec. 11-101 Application Required

Any person required by the provisions of Articles I to V, VII, X and VI of this Chapter to obtain from the City (1) a license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege, (2) a permit to commence, proceed or continue to perform any act, or (3) a franchise, shall make written application therefor over his signature to the City Clerk upon forms provided by him and shall state such facts as may be required. Applications shall be accompanied by the required fee, which will be returned if the license, permit or franchise applied for is not issued.

Sec. 11-102 City Clerk's Duty

As agent of the City Council, the City Clerk is hereby authorized and directed to (1) receive all applications required by Articles I to V, VII, X and XI and (2) act thereon with reasonable promptness consistent with the nature of the matter, by either (a) issuing the license, permit or franchise as applied for, subject to the limitations on his authority as contained herein, or (b) denying same and so notifying the applicant personally or in writing addressed to his address as shown in the application, such notice to state the reason for such denial.

Sec. 11-103 City Clerk; Authority Limitations

The authority of the City Clerk to issue licenses, permits and franchises is hereby limited as follows:

1. Agent of Council. The City Clerk acts as agent of the City Council.
2. Council Reservation. Anything in Articles I to V, VII, X and XI to the contrary notwithstanding, the City Council hereby reserve sole power to grant or to deny licenses, permits and franchises. Certifications by officials and any other restriction in this Chapter are standards set up for the direction of, and limitations placed upon the authority of the City Clerk in the exercise of his powers granted herein as agent of the City Council, are not to be construed as limitations on or as delegations of power by the City Council. In such specific cases or classes as it may desire at any time, the City Council may assume original jurisdiction.
3. Manager's Order. The City Clerk shall confer with the City Manager relative to any applications which the City Clerk in his discretion deems may not be in the best interest of the City, and shall deny or defer action for a specified period on any license, permit or franchise application if so ordered in writing by the Manager.
4. Certification. In all cases where certification by any City official is required as a condition precedent to issuance of any license, permit or franchise by the City Clerk, he shall notify promptly such officer or officers and shall not issue the license, permit or franchise until and unless all required certifications are received, as evidenced by signature on the application. Whenever any required certification is refused by the appropriate City official, the license, permit or franchise applied for shall be denied.
5. Ownership Certificate. No license, permit or franchise shall be issued to partnerships or to persons engaged in business as a sole proprietor under any name, style or designation other than their own name exclusively, unless and until such partnership and sole proprietor have filed certificates in the office of the City Clerk as required by the Revised Statutes of Maine.
6. Conformance With Zoning Ordinance. No license, permit or franchise shall be issued to any applicant for any use at any location where such use is prohibited by the Zoning Ordinance, unless the Code Enforcement Officer shall certify on the application that such use is an approved non-conforming use under such ordinance. Eff:11/12/93

Sec. 11-104 Appeals

Whenever the City Clerk denies a license, permit or franchise as applied for, such denial may be made the subject of an appeal to the City Council by the applicant if written notice of such appeal addressed to the City Clerk is received by him within ten (10) days of the date of his written notice of denial. The City Council shall consider such an appeal at its first regular meeting thereafter, or at an earlier special meeting at its discretion.

Sec. 11-105 Bonds

Where the provisions of Articles I to V, VII, X and XI require that the applicant furnish a bond, such bond shall be furnished in

the required amount and be approved thereon by the City Attorney as to legal and financial sufficiency prior to acceptance by the City Clerk. Bonds in amounts over five hundred dollars (\$500) must be corporate surety. All bonds shall be in amounts of five hundred dollars (\$500) unless otherwise specifically stated. All franchise bonds shall be as required and conditioned by the City. All license bonds shall be conditioned as required by State law, if the condition is not so set forth, then as may be required by the City Attorney. All permit bonds shall be conditioned as follows: (1) that the applicant will indemnify and hold harmless the City of Rockland against all liability, judgements, costs and expenses which may in any manner accrue against the City because of any negligence or alleged negligence in the performance of the work for which the permit was issued, or because of any other negligence or alleged negligence, or in consequence of the granting of such permit; (2) that the applicant will in all things comply strictly with the conditions of the permit; and (3) that the applicant will pay to the City of Rockland any damages caused to property of the City of Rockland by such operation. The City Attorney in his discretion is authorized to accept or to require one or more insurance policies as a substitute for or supplement to any required bond when he considers such to be necessary to protect the interest of the City.

Sec. 11-106 Certifications

1. In all cases where certification by any one of the following City Officials is required as a condition precedent to issuance of a license, permit or franchise by the City Clerk, such certification shall be based upon actual inspection within twenty (20) days after notification by the City Clerk. In addition to the requirements for inspection and certification set for in the Rockland Code, all of the inspections listed in paragraphs A through D of this subsection shall also be performed on premises for which an application for a new on-premises liquor license, and application for a transfer of location of an existing on-premises liquor license, or an application for renewal of an on-premises liquor license has been submitted to the City Council. The standards governing inspections and findings shall be as follows:

A. Code Enforcement Officer. That the proposed operation complies with all applicable State law and local ordinances, including but not limited to the Building Code and Zoning Ordinance.

B. Fire Inspector. That the premises comply with all applicable State law and local ordinances, including but not limited to the Fire Prevention Ordinance.

C. Plumbing Inspector. That the premises in which the applicant proposes to conduct the trade, profession, business or privilege comply with all applicable State laws and local ordinances relative to plumbing.

D. Police Chief. That the applicant is of good moral character, that the safety and good order of the community will not be affected adversely by the granting of the license, permit or franchise, and, in the case of a liquor license application, that those disturbances, incidents and violations set for in 28 M.R.S., Section 653(2)(C) and (D) have not been problems at the licensed premises in the past.

2. When a license, permit or franchise application is before the City Council for approval, and the inspections in this section are not complete, or the results of the completed inspections are unsatisfactory, the Council shall take one of the following actions:

A. Table the application until the next scheduled Council meeting, or to another date certain, so that the inspections and/or certifications can be satisfactorily completed before the vote to approve is taken.

B. Deny the application.

C. Vote to grant the application, the grant to become effective only on the date when satisfactory completion of the inspections and/or certification is achieved and not before.

D. Vote to grant the application for a limited time period only, that time period to expire on the date of a regular or special Council meeting, so that if satisfactory completion of the inspections and/or certifications is not achieved by the expiration of that time, the license, permit or franchise can be denied by vote at that meeting, or if satisfactory completion is achieved, the application can be granted without conditions.

E. Vote to grant the application notwithstanding the absence of certification by the City Clerk (pursuant to Sec. 11-103 of this Article), the Code Enforcement Officer, the Plumbing Inspector, the Fire Inspector and/or the Police Chief. Eff: 11/12/93

Sec. 11-107 Effective Date

The effective date of all licenses, permits and franchises shall be the actual date of issuance thereof by the City Clerk.

Sec. 11-108 Exhibition of License, Permit or Franchise

Any person to whom a license has been issued shall keep same exhibited at all times in a conspicuous place in the place of business for which the license was granted if the business is carried on at a fixed place of establishment; otherwise he shall carry such license on his person when engaged in the operation, conduct or carrying on of any trade, profession, business or privilege

for which the license is granted. Any person to whom a permit or franchise is issued shall keep the same at the place where the operation is being performed at all times when the operation is in progress and until it is completed, if the permit or franchise is to cover an operation; otherwise he shall keep it at his fixed place of business, and if none, on his person. Any person receiving a license, permit, or franchise shall produce the same for examination when so requested by any City official.

Sec. 11-109 Existing Licenses and Permits

All existing licenses and permits duly issued by the City prior to the effective date of Articles I to V, VII, X, and XI which cover for a definite period thereafter and which by their terms expire within one year after the effective date of Articles I to V, VII, X and XI are hereby confirmed. All licenses and permits issued for an indefinite term, or which were issued for a definite term of more than one year, are hereby revoked as to future applicability as of a date thirty (30) days after the date of the Articles referenced above. Any holder of a license or permit revoked by the terms of this section may, within twenty (20) days after the effective date of Articles I to V, VII, X and XI, appeal in writing to the City Council through the City Clerk for such adjustment, as he feels proper under the circumstances if the holder feels that such revocation affects an existing contract or right or causes an injustice.

Sec. 11-110 Insurance

When policies of insurance are required, such policies shall be approved as to substance and form by the City Attorney; such policies shall be issued by insurance companies duly admitted to transact business in Maine and public liability policies shall be at least in the following amounts: (1) bodily injury liability limits of five thousand dollars (\$5,000) for one (1) person and ten thousand dollars (\$10,000) for any number of persons in the same accident, and (2) property damage liability limit of one thousand dollars (\$1,000).

Sec. 11-111 Liability

The City of Rockland assumes no liability in connection with, or as a consequence of the issuance of, any license, permit, or franchise.

State Law Reference: 14 M.R.S. § 8103.

Sec. 11-112 Nuisance

Nothing in this or in any other ordinance shall be construed as authorizing the right of any person to create or to maintain a nuisance.

Sec. 11-113 State Applications

All license or permit applications to the State of Maine which require the consent of the Municipal Officers of the City of Rockland, and which require public notice and hearing, must be approved by the City Council. The City Clerk is hereby authorized to execute such consents on behalf of the City Council after such approval. Applications for licenses to sell wine or malt liquor at farmers markets in Rockland pursuant to 28-A M.R.S § 1366(4) shall also require the approval of the City Council following public notice and hearing (Eff: 04/10/13). Applications for State of Maine Off-Premises Catering Permits for providing alcohol for special events that do not require public notice or hearing, may be approved and executed by the City Clerk pursuant to Title 28-A §1076(7)(D), provided that the applicant holds a current State of Maine Liquor License, as specified by Title 28-A §1052, or is a qualified licensed catering service as defined in Title 28-A, §2(15)(P), unless such special event is to take place on property owned by the City of Rockland, in which case approval must be by the City Council. Eff: 11/9/07

Sec. 11-114 Suspension or Revocation

Any license, permit, or franchise issued by the City may by written notice be suspended by the City Manager, and may be suspended or revoked by the City Council, in either case for cause. The person to whom such license, permit, or franchise was issued shall have the right to a hearing before the Council on any such action of the City Manager, provided a written request therefor is filed with the City Clerk within ten (10) days after receipt of notice of such suspension. The City Council may confirm such suspension or revoke or reinstate any such license, permit, or franchise. The action taken by the City Council shall be final. No refund of any part of a license, permit, or franchise fee shall be made in connection with the suspension or revocation of any license, permit, or franchise for cause.

Sec. 11-115 Suspension or Revocation Cause

The term "cause" as used in Section 11-114 hereof shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license, permit, or franchise is granted under the

provisions of Articles I to V, VII, X and XI, or any premises or facilities in connection therewith, which act, omission or conditions is:

1. contrary to the health, morals, safety or welfare of the public;
2. unlawful, irregular, or fraudulent in nature;
3. unauthorized or beyond the scope of the license or permit granted;
4. forbidden by the provisions of State law or City ordinance, or any duly established rule or regulation of the City applicable to the trade, profession, business, privilege, act or operation for which the license, permit, or franchise has been granted;
5. the result of failure to comply continuously with all conditions required as precedent to the approval of the license, permit, or franchise.

It is hereby expressly provided that the violation of any of the State laws pertaining to the operation of motor vehicles, or violation of the City of Rockland Traffic Code, shall be grounds for the suspension or revocation of licenses issued to a driver, but not to an owner of any taxicab guilty of such violation.

Sec. 11-116 Term

The term of all licenses shall be for a period of one (1) year from the effective date, except where the required fee indicates a lesser period. All permits shall be issued for such term not more than one (1) year as the City Clerk in his discretion deems appropriate and warranted by the subject matter, except a building permit which shall have no term but which shall expire and be cancelled by the City Clerk unless the permitted operation is commenced and actively prosecuted during the period of one (1) year after the effective date of the permit.

Sec. 11-117 Transferability

No license, permit, or franchise issued under Articles I to V, VII, X and XI shall be transferable unless specifically authorized by the provisions of those Articles or by the action of the City Council.

Sec. 11-118 Enforcement

It shall be the duty of the Police Chief to require prompt compliance with the provisions of Articles I to V, VII, X and XI and to prosecute all violators thereof.

Sec. 11-119 Penalties

Unless otherwise specifically provided by law, the penalty for failure to obtain a license, permit, or franchise as and when required by Articles I to V, VII, X and XI is hereby determined to be twice the amount of the required license fee or five (5) times the amount of the required permit fee, as the case may be, but not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense, to be recovered to the use of the City on complaint or by other appropriate action before the Sixth District Court.

ARTICLE II Licenses, When Required

Sec. 11-201 Auctioneers

No person shall engage in the trade or business of auctioneer in the City of Rockland without first obtaining a State license therefor. Non-residents must obtain both a State and a municipal license, however. Application for the State license shall be made in accordance with the Revised Statutes of Maine as amended; application for municipal license shall be made to the City Clerk.

State Law Reference: 32 M.R.S. §§ 284-299.

Sec. 11-202 Bowling Alleys; Pool Rooms

No person shall conduct, maintain or operate any place open to the public for bowling or for playing pool or billiards without first obtaining a license. No such license shall be granted except upon certification of the Police Chief, the Fire Chief, Building Inspector and Plumbing Inspector. Such establishments shall not operate and shall be closed to the public between midnight and sunrise. A licensee shall furnish a five hundred dollars (\$500) surety bond, conditioned as required by the Revised Statutes of Maine.

State Law Reference: 8 M.R.S. §§ 1, 2.

Sec. 11-203 Dances (Public)

No person shall conduct a public dance without first obtaining a license. In no event shall any such license be granted except

upon certification of the Police Chief, the Fire Chief, the Building Inspector and the Plumbing Inspector. No dancing shall be permitted in any public dance later than 1:00 A.M. without prior consent of the Police Chief. No person shall conduct any public dance without providing at his expense the services of a special police officer, selected by and under the direction of the Police Chief. This section shall not apply to dances conducted by local governmental or school authorities or organizations, nor dances given by any local non-profit association.

State Law Reference: 8 M.R.S. §§ 161, 162.

Sec. 11-204 Dances, Festivals, Shows

No person shall conduct a public dance, exhibit, sponsor, hold, promote or operate any pageant, amusement show, theatrical performance, including a music festival or any festival or exhibition, which in excess of two hundred (200) persons are reasonably anticipated to attend and where a substantial portion of the entertainers or persons attending will be out of doors, without first obtaining a license. In no event shall any such license be granted except upon certification of the Police Chief, the Fire Chief, the Building Inspector and the Plumbing Inspector that the issuing and granting of the license would not create a hazard, nuisance or annoyance. No such dance, pageant, exhibit, amusement show, theatrical performance, music festival or any other festival or exhibition shall be permitted later than 1:00 A.M., without prior consent of the Chief of Police. No person shall conduct any public dance, exhibit, pageant, amusement show, theatrical performance including a music festival or any other festival or exhibition without providing at his expense the services of special police officers as determined and selected and under the direction of the Police Chief. This section shall not apply to dances, exhibits, pageants, amusement shows, theatrical performances including a music festival or any other type of festival or exhibition conducted by local government or school authorities, or service organizations, nor dances given by any local non-profit associations.

State Law Reference: 22 M.R.S. §§ 1601-1607; 8 M.R.S. §§ 501, 502.

Sec. 11-205 Employment Agencies

No person shall operate an employment agency for profit or remuneration without first obtaining a license therefor. No such license shall be granted except upon certification of the Police Chief. A licensee shall furnish surety bond in such amount and form as required by the Revised Statutes of Maine.

State Law Reference: 26 M.R.S. §611 & §1083.

Sec. 11-206 Exhibitions, Performances and Shows

No person or organization except for school functions, which shall be the responsibility of SAD #5, shall conduct or operate any exhibition, performance or show at which an admission fee is charged without first obtaining a license therefor. No such license shall be granted except upon certification of the Police Chief and the Fire Chief. Either the Fire Chief or the Police Chief, or both, may condition their certificate of approval upon the presence of one or more members of their respective departments or some person or persons satisfactory to and under the direction of the Fire Chief or Police Chief; in which event such expense shall be reported to the City Clerk as a part of the certificate and collected by the City Clerk prior to the issuance of a license, if the applicant is a person or organization which does not reside in the City. No license fee shall be charged for events conducted by local government or school authorities or organizations, or by local non-profit organizations. Provided, however, that no circus or carnival shall be licensed without the approval of the City Council.

State Law Reference: 8 M.R.S. Sec. 501, 502.

Sec. 11-207 Hawkers and Peddlers

No person shall engage in the business of hawking or peddling of goods, wares and merchandise at retail within the City limits without first obtaining a license therefor. Such license shall be granted for a specified period not to exceed one (1) week and only upon certification of the Police Chief. This does not apply to commercial agents or other persons selling by lists, catalogues, or otherwise, goods, wares, or merchandise for future delivery; to persons selling fish, or to persons selling farm, dairy, or orchard products of their production, or to persons selling bark, wood or forest products, or to persons selling Christmas trees, Christmas wreaths, Christmas greens or Christmas cards or seals. Eff: 11/12/93

Sec. 11-208 Itinerant Vendor

No person shall engage in the business of that of an "itinerant vendor" without first applying for a license to, and making payment therefor, to the City. No such license shall be granted without filing the required State license with the City Clerk, nor shall license be granted except upon certification of the Police Chief and Fire Chief. The words "itinerant vendor" for the purposes of this Chapter, shall be construed to mean and include all non-resident persons, both principals and agents, who engage

in a temporary or transient business in the City, and who, for the purpose of carrying on such business, hire, lease or occupy any building or structure for the exhibition and sale of such goods, wares and merchandise, or who sell goods, wares and merchandise at retail from a car, wagon or other conveyance. No such itinerant vendor shall be relieved or exempted from the provisions and requirements hereof by reason of associating himself temporarily with any local dealer, trader or merchant, or by conducting such temporary or transient business in connection with or as part of the business of, or in the name of any local dealer, trader or merchant. The license fee shall be computed as required in the Revised Statutes of Maine. This section shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares and merchandise by sample for future delivery, nor to hawkers or peddlers on the streets or peddlers from vehicles all as provided by the Revised Statutes of Maine. **THE LICENSEE SHALL NOT SELL ANY GOODS ON THE DESIGNATED PARADE ROUTE DURING THE TIME SET FOR ANY PARADE.** Eff: 12/9/87

State Law Reference: 32 M.R.S. §§ 14701-14716.

Sec. 11-209 Junk Dealer

No person shall engage in the business of junk dealer without first obtaining a license therefor. The word "junk" as herein used shall mean old iron, chain, brass, copper, tin, lead, or other base metals, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber, and glass, and empty bottles of different kinds, when less than one (1) gross and all articles discarded or no longer used as a manufactured article composed of any one or more of the materials mentioned. A license shall be granted only after certification by the Police Chief, Fire Chief, Building Inspector, and plumbing Inspector, and only upon application agreeing to comply with the following conditions:

1. Screening. All buildings, lots or places wherein junk is placed or kept shall be completely screened from the view of any public street by a sufficient fence, screen or building, and no junk shall be placed so it is visible from any public street;

2. Records. The licensee shall keep in a separate book, open for inspection by any public officer, a written record showing the time of purchase of each article purchased by him, a brief description of the article, and the name and residence of the person from whom such article was purchased or received;

3. Hours. No licensee shall purchase or receive any article (a) between the hours of 7:00 PM and 7:00 AM, (b) on any Sabbath, (c) from any person under the age of seventeen (17) years, without the written consent of parent or guardian, or (d) from a person known or suspected to be a thief or a receiver of stolen property. NO work or business shall be conducted on any legal holiday before 10:00 AM Eastern Standard Time or Daylight Saving Time, whichever shall be in effect at the time;

4. License. A license is required for each place or premises where the business or any part thereof, including storage, is conducted, and shall specify the particular place licensed. No licensee shall engage in the business in any manner at any place without first obtaining a license for each such particular place.

The Police Chief shall be responsible for inspection of all junk yards periodically, and shall report immediately to the City Manager, who in turn shall report to the City Council any continuous violation of the above license conditions.

State Law Reference: 30-A M.R.S. §§ 3751-3760.

Sec. 11-210 Lodging Houses And Short-Term Rentals

1. Lodging House License.

A. License Required. No person shall operate a Lodging House, Bed & Breakfast Establishment, Inn, Motel or Hotel without first obtaining annually a one-year license therefor from the City Council. Eff: 09/07/16

B. Definitions. For the purposes of this subsection¹

“Lodging house” means a building other than a single-, two-, or multi-family structure in which a licensed operator provides, for a fee, sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals served to occupants only, but without separate kitchen facilities for individual occupants; provided, however, that the building may include a separate, additional dwelling unit occupied by the owner or manager that includes kitchen facilities for such owner or manager’s personal use.

C. Certifications; Public Hearing. Such license shall not be granted except upon the certification of the Police Chief, Fire Chief, Code Enforcement Officer (Building Inspector), and Plumbing Inspector pursuant to this Section and Section 11-106.

Prior to granting such licenses, the City Council shall hold a public hearing, notice of which shall be posted in a public location and advertised at least seven days before the hearing.

There shall be a non-refundable application and / or annual license fee for the Lodging House License which shall be set by Order of the City Council.

D. Standards. Following the public hearing, the City Council may condition or deny any Lodging House license upon the basis of a recommended condition or denial of certification by either the Police Chief, Fire Chief, Code Enforcement Officer, or Plumbing Inspector pursuant to Section 11-106. The City Council may condition, suspend or revoke a Lodging House License, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

State Law Reference: 30-A M.R.S. § 3801 & § 3811.

2. Short-Term Rentals Permit.

A. Purpose. The purpose of the Short-Term Rentals Permit is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of short-term guests, for compensation, for periods of less than one month, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. Short-Term Rentals Permits and the revenue they make available to homeowners helps makes Rockland affordable for persons on fixed or limited incomes; enhances and diversifies accommodations available to visitors and tourists; and provides travelers with affordable accommodations from which to explore Rockland and the Midcoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for short-term rentals may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the City because they impair the livability and desirability of Rockland neighborhoods for year-round residential uses.

B. Definitions. For the purposes of this Subsection¹:

(1) Family. Two or more persons related by blood, marriage, civil union or adoption who reside together as a single housekeeping unit, sharing common kitchen and bathroom facilities. A "family" for zoning purposes may also consist of (1) two or more persons related by blood, marriage, civil union, or adoption and no more than three additional person who are not related, or (2) no more than three unrelated persons, who occupy a dwelling unit as a single housekeeping unit, sharing common kitchen and bathroom facilities.

(2) "Minimum Stay Period" means the minimum number of nights for which a Short-Term Rental may be rented to guests. Guests may stay for less than the minimum stay period provided that the STR remains vacant until the end of the minimum stay period. *(For example, if the minimum stay period is four (4) nights, this does not preclude rental to guests for two (2) nights, provided the unit remains unrented for the two (2) subsequent nights before being occupied again as a short-term rental.)*

(3) "Owner-Occupied" describes a dwelling unit that is such owner's primary residence and is occupied, including overnight, by such owner when any part of the structure is rented as a short-term rental.

(4) "Short-Term Rental" ("STR") means the use of all or part of a legally-existing dwelling unit for rental to a person or persons unrelated to the owner or occupant of the unit, for consideration, for periods of less than one month, as follows:

(a) Short-Term Rental – 1 ("STR-1") means either:

- (i) an owner-occupied single-family structure in which not more than one bedroom is rented or offered for rent to one person or one family for periods of less than one month, or
- (ii) a dwelling unit in a two-family structure in which one unit is occupied by the owner of the entire structure that is rented or offered for rent by one person or one family for periods of less than one month.

(b) Short-Term Rental – 2 ("STR-2") means either:

- (i) a single-family structure that is not occupied by its owner that is rented or offered for rent to one person or one family for periods of less than one month, or
- (ii) one dwelling unit in a non-owner occupied two-family structure rented or offered for rent to one person or one family for periods of less than one month.

(c) Short-Term Rental – 3 ("STR-3") means one dwelling unit in a multi-family or mixed-use structure that is rented or offered for rent to one person or one family for periods of less than one month.

C. Permit Required. Effective November 1, 2016, no person shall operate a Short-Term Rental without first obtaining annually a one-year permit therefor from the Code Enforcement Office.

D. Eligibility. The City Clerk may accept applications for Short-Term Rentals from only those persons who are eligible to apply, as follows:

- (1) Short-Term Rental Permits may not be granted to a renter, lessee, or other party who is not the owner of the proposed short-term rental or the owner's property manager, and no renter or lessee of a dwelling unit may sub-let the rented or leased premises as a short-term rental;

¹ See Ch. 19, Art. III, Sec. 19-302 for definitions of words and phrases not defined herein.

- (2) Where the proposed short-term rental is a single-family structure, the applicant must demonstrate in the application either that (a) the structure is the applicant’s primary residence, (b) the applicant’s primary residence is at another residence within the City of Rockland, or (c) the applicant has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, ~~or~~ Warren, Camden, Hope, Cushing or St. George, which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental of the structure;
- (3) Where the proposed short-term rental is an approved accessory apartment, the applicant must demonstrate in the application that the applicant owns and maintains his/her primary residence at the primary structure on the same lot to which the short-term rental is accessory;
- (4) Where the proposed short-term rental is a unit in a duplex or two-unit condominium, the applicant must demonstrate that the applicant owns and maintains his/her primary residence in the other unit in the duplex or two-unit condominium, or if such unit is not the primary residence of the applicant, that the applicant either (a) maintains his/her primary residence elsewhere in Rockland or has contracted with a property manager with its principal place of business in Rockland, Thomaston, Owls Head, Rockport, or Warren which contract requires such property manager to provide around-the-clock on-site response capacity to address complaints arising from the short-term rental in the structure.

E. Application Fee. The City Council may establish a non-refundable application fee for Short-Term Rental Permits, and/or a permit fee which may include a graduated fee schedule on the basis of the number of rooms of the facility and/or other criteria.

F. Notice. Within seven (7) days of receipt of a complete application for a Short-Term Rental Permit, the City Clerk shall submit the application to the Code Enforcement Officer and, by U.S. Mail, First Class, provide notice of such application to the owner(s) of record of abutting parcels, including owner(s) of record of parcels located directly across a street or other way from the subject parcel, at least seven (7) days prior to issuing such license. Such notice shall include the name, address, and telephone number of the person(s) responsible for management of the STR. Notice is effective upon mailing.

G. Permitting Authority; Review Criteria. The authorized Permitting Authority shall grant, grant with conditions, or deny applications for Short-Term Rental Permits, applying the level of review criteria (“Review Level”) as defined below, consistent with Table 11-210(2), no sooner than fourteen (14) days after the Clerk mails notice of such application to abutters pursuant to Subsection E and no later than thirty (30) days when the Code Enforcement Officer is the Permitting Authority, or sixty (60) days when the Planning Board is the Permitting Authority. When the application is for the renewal of a current Short-Term Rental Permit and the permittee is in compliance with this and other applicable Ordinances, the City Clerk may grant an administrative extension of such current permit for up to thirty (30) days when reasonably necessary to allow the continuance of the accommodations during the permit review and renewal process. All Short-Term Rentals are also subject to the Additional Requirements set forth in Subsection G.

Review Level I:

Applicant shall provide satisfactory evidence of current insurance providing coverage for the use of the premises as a short-term rental and for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises. Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a STR, and Applicant shall cause the City to be named as a certificate holder for each such policy.

Applicant shall provide the name, address, and telephone number of the person(s) who will be responsible for management of the STR.

Applicant shall provide two on-site parking spaces for a single-family structure and three on-site spaces for a two-family structure.

Applicant shall not currently be in violation of any applicable law, ordinance, or regulation relating to a short-term rental, lodging house, bed and breakfast establishment, hotel or motel, or other commercial residential facility.

Review Level II:

Applicant shall demonstrate compliance with applicable² building, fire prevention, and life safety codes upon inspection by the Code Enforcement Officer and Fire

² See Chapter 4 – Buildings, Inspections & Enforcement.

Chief or their designees.

Applicant shall provide satisfactory evidence of current insurance providing coverage for the use of the premises as a short-term rental and for bodily injury and property damage sustained or caused by the owner, guests, and others admitted to the premises. Evidence of such insurance must be available for inspection at all times while a unit or structure is used as a STR, and Applicant shall cause the City to be named as a certificate holder for each such policy.

Applicant shall provide the name, address and telephone number of the person(s) who will be responsible for management of the STR.

Applicant shall provide two on-site parking spaces if a single-family structure; one and one-half on-site parking spaces for each dwelling unit in a two- or multi-family structure.

Applicant shall not currently be in violation of any applicable law, ordinance, or regulation relating to a short-term rental, lodging house, bed and breakfast establishment, hotel or motel, or other commercial residential facility.

When the Planning Board is the Permitting Authority under Table 11-210(2), it shall grant, condition, or deny the application by taking into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances.

Planning Board review of the STR is only required for initial applications, applications where the property at which an STR is located has changed ownership, or applications after an STR license has been suspended. Otherwise, for STR license renewals, the Code Office shall be the Permitting Authority.

Table 11-210(2)

Type of Accommodation	Type of Structure	Minimum Stay Period	Permitting Authority in Residential AA, A, and B Zones	Permitting Authority in Other Zones	Review Level
STR-1	Single-Family (rental of one room in owner-occupied structure or one unit in an owner-occupied two-family structure)	1 night up to less than 1 month	Code Office	Code Office	I
STR-2	Single-Family (whole house)	1-3 nights up to less than 1 month	Planning Board	Code Office	I
	Two-Family (one unit rented monthly and one unit rented less than one month)	1-3 nights up to less than 1 month	Planning Board	Code Office	I
STR-3	Multi-Family or Mixed Use	1-3 nights up to less than 1 month	Planning Board	Planning Board	II

H. Additional Requirements. In addition to the standards set forth in Section 11-106 and other applicable law, ordinance, or regulations, the following criteria shall apply to applications for Short-Term Rentals:

- (1) The occupancy classification of a single-family structure, or a unit in a two-family or multi-family structure, used as a STR shall be in compliance with that of a “one-family dwelling” as described in Chapter 24 § 24.1.1.1 of NFPA 101 Life Safety Code/2012;
- (2) Short-term rentals shall be to a single individual or family;
- (3) The maximum occupancy (for STR-2) shall be limited to two people per existing bedroom plus no more than two additional children under the age of twelve;
- (4) Provided that there are approved fire separations between dwelling units in an existing duplex or condominium structure, each unit under separate, unrelated or affiliated ownership shall be considered a single-family structure for the purposes of Short-Term Rentals Permit provisions. New condominium units established after October 1, 2015, may not be used for Short-Term Rentals;
- (5) Multi-family dwellings must be a permitted use in the zone in which it is located in order to rent any unit as a STR-3;
- (6) An approved functional sprinkler system is required in any multi-family dwelling in which a single unit is used as a STR-3;
- (7) No detached accessory building, recreational vehicle, trailer, tent, or other mobile residential equipment other than a mobile home may be permitted or rented as a short-term rental;
- (8) The use of a dwelling unit as a STR does not violate any applicable condition of municipal approval, covenant, or other lawful restriction on the use of the parcel;
- (9) Notwithstanding anything to the contrary in Section 19-315, signage identifying, advertising, providing wayfinding, or otherwise relating to the use of a dwelling as a STR is not permitted, either on- or off-site;
- (10) The Permittee must maintain accurate, up-to-date records of all rental transactions in the STR, including the number of guests and the duration of their stays. Such records must be available for review by the Code Enforcement Officer upon request;
- (11) The Permittee must post in plain sight to visitors near the entrance a Notice that identifies the name, address, phone number(s), e-mail address, and emergency contact of the operator of the STR, and, when the STR is not subject inspection by the City’s Code Enforcement Officer and Fire Chief pursuant to Table 11-210(2), the following disclaimer:

NOTICE

The Operator of these accommodations, [print permittee’s name] has been granted a City of Rockland Short-Term Rentals Permit, Permit No. _____, pursuant to Rockland Code of Ordinances, Ch. 11, Art. II, Sec. 11-210(2). THE GRANTING OF THIS PERMIT DOES NOT CONSTITUTE A FINDING BY THE CITY OF ROCKLAND OR OTHER CODE ENFORCEMENT AUTHORITY THAT THE PREMISES ARE IN COMPLIANCE WITH APPLICABLE BUILDING, PROPERTY MAINTENANCE, FIRE PREVENTION, LIFE SAFETY, OR OTHER APPLICABLE CODES OR REGULATIONS. No inspection for compliance with such regulations has been conducted, and none is required for Operator to acquire a Short-Term Rental Permit or to conduct that business at these premises so long as the Operator’s use of the premises is in conformance with and does not exceed the scope of the Short-Term Rentals Permit;

- (12) The Permittee must assure that each advertisement of the STR includes Permittee’s City of Rockland Short-Term Rentals Permit number;
- (13) Renters of short-term rentals may not sublease any portion of the short-term rental to another person, family, or entity; and
- (14) The Permittee shall maintain permit eligibility in conformance with Sec. 11-210(2)(D) continuously during the permit period.
- (15) No food prepared at the STR may be served by or on behalf of the Permittee to guests without current state certification for such food service, when required.

I. Complaints. Complaints regarding STRs filed with the Police Department shall be brought to the attention of the Code Enforcement Officer as soon as practicable. Any person may also file a complaint with the Code Enforcement Officer. The Code

Enforcement Officer shall establish and maintain a log of all complaints for each STR received and substantiated by the City. The Code Enforcement Officer shall seek the correction of all substantiated complaints by the Permittee.

J. Suspension, Revocation, or Denial of Permit. The Permitting Authority may deny any Short-Term Rental Permit upon failure of the applicant to meet all regulations set forth in this section. When, in the judgement of the Code Enforcement Officer, the nature and/or number of complaints warrants further review of the STR, he shall provide a report of the same to the City Council for its consideration. The City Council may condition, suspend, or revoke a Short-Term Rental Permit, following a public hearing, on the basis of the licensee's non-compliance with any applicable law, ordinance, or regulation, or license certification, condition, or criteria.

3. Penalties.

A. Operation Without Permit. Whoever operates a lodging house or, after November 1, 2016, a short-term rental without a license or permit therefor shall be penalized with a fine of five hundred dollars (\$500) for the first offense and additional fines of one thousand dollars (\$1,000) for each additional offense, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each rental of any room or other short-term rental shall constitute a separate offense.

B. Violation of Law, Ordinance, or Regulation. A lodging house licensee or short-term rental permittee who violates any applicable law, ordinance, or regulation and who, following notice by the Code Enforcement Officer fails to abate such violation within the period prescribed shall be penalized with a fine of two hundred and fifty dollars for each such violation, to be recovered upon complaint before the Maine District Court in Rockland, for the use of the City. Each day such violation is allowed to continue shall constitute a separate violation.

C. In addition to or instead of such penalty(ies), in the sole the discretion of the City, the City may seek an injunction prohibiting the operation of the lodging house or short-term rental until the offense or violation shall have been abated.

4. Transitional Provisions. Notwithstanding anything to the contrary herein, the provisions in this Ordinance Amendment relating to the permitting of short-term rentals, and penalties for violations of such provisions, shall be implemented as follows:

A. Reservations.

(1) Persons or entities who operated a short-term rental in Rockland at any time between January 1, 2015, and December 31, 2015, which STR is not of a type that may be permitted as a STR-1, STR-2, or STR-3, and who received reservations for short-term rentals at the same premises between January 1, 2016, and May 31, 2016, may honor such reservations and provide such short-term rentals without a permit therefor. No new reservations for short-term rentals may be accepted after the effective date of this ordinance unless such rentals were offered for rent in 2015 prior to December 31, and would fall within the definition of a STR-1, STR-2, or STR-3.

(2) Persons or entities who operated a short-term rental in Rockland at any time between January 1, 2015, and December 31, 2015, which STR, if permitted, would fall within the definition of a STR-1, STR-2, or STR-3, and who receive reservations for short-term rentals at the same premises for dates between January 1, 2016, and prior to October 30, 2016, may honor such reservations and provide such short-term rentals without a permit therefor.

B. Registration. All parties operating Short-Term Rentals prior to November 1, 2016, are required to register each such Short-Term Rental with the Code Office, utilizing a form therefor provided by the Code Office and providing the requested information, including address, operator, level of occupancy, and emergency contact information. So long as a short-term rental complies with either provision A(1) or A(2) above and registers with the City, an STR permit shall not be required from the City until after October 31, 2016.

C. Permitting. Notwithstanding the foregoing registration requirement, the Code Office shall make applications to operate STR-1, STR-2, and STR-3 accommodations available as of the effective date of this ordinance.

Eff. Date: 05/11/16

Sec. 11-211 Motion Picture Houses; Theatres

No person shall operate a motion picture house or theater without first obtaining a license therefor. No such license shall be granted except on certification of the Police Chief, Fire Chief, Building Inspector, and Plumbing Inspector. The payment of a motion picture house or theater license fee shall be considered total payment for all licenses and permits required of the motion picture house or theater under this Section. Any other license and any permit required by the City under this Section must be applied for, but if granted shall be issued by the City Clerk without charge and without requiring any bond therefor.

State Law Reference: 8 M.R.S. §§ 651-658.

Sec. 11-212 Plumbers

No person, firm or corporation shall engage in or work at the business of plumbing in the City, without complying with State laws applicable thereto and obtaining a State license.

State Law Reference: 32 M.R.S. §§ 3301-3304, 3501-3507

Sec. 11-213 Public Automobiles (Commercial Type)

No person shall engage in the trade or business of operating any vehicle for the purpose of transporting or moving any property or goods, for hire or reward, whether by contract or otherwise, without first obtaining a license for each vehicle so operated. No such license shall be granted except upon certification of the Police Chief. In the case of a refuse or garbage collector, no license shall be granted except upon certification of the Police Chief, and such license shall be conditioned upon compliance with Section 14-113(4) of Chapter 14 of this Code.

All licenses for refuse and garbage collectors shall expire annually on April 1.

Subsequent to April 1, 1979 all refuse and garbage collectors' fees shall be one hundred dollars (\$100) annually.

Sec. 11-214 Roller-Skating Rinks

Every person who keeps a roller-skating rink or room shall obtain a license therefor. No such license shall be issued without the certification of the Police Chief, the Fire Chief the Building Inspector, and the Plumbing Inspector.

State Law Reference: 8 M.R.S. § 601.

Sec. 11-215 Second-Hand Merchants; Pawnbrokers

1. License Required. No person shall engage in the business or occupation of dealing in second-hand or used personal property, or in the business of a pawnbroker (collectively, a "second-hand dealer" as hereinafter defined), without first obtaining a license therefor.

2. Definitions. The following words and phrases shall have the assigned meaning(s) for the purposes of this section; words and phrases not herein or in applicable state law shall have their common and ordinary meanings.

A. Pawnbroker. "Pawnbroker" means a person who engages in pawn transactions.

B. Pawn transaction. "Pawn Transaction" means the lending of money on the security of pledged tangible personal property that is delivered to and/or held by a pawnbroker, including the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

C. Second-Hand Dealer. "Second-Hand Dealer" means and includes any person, partnership, firm, or corporation whose business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand tangible personal property, but does not mean or include a coin dealer, participants at gun shows or events as defined in of Title 27, Code of Federal Regulations, Section 478.100, as amended who are not gun show traders, any person who performs the services of an auctioneer for a fee or salary.

D. Tangible personal property. "Tangible personal property" means personal property that may be seen, weighed, measured, felt, touched or in any other manner perceived by the senses, including computer software that is not a custom computer software program, and motor vehicles. "Tangible personal property" does not include checks, draughts, or similar financial instruments; rights and credits, insurance policies, bills of exchange, stocks and bonds and similar evidences of indebtedness or ownership; or real estate.

3. Application. Application for such license shall be made upon a form provided by the City Clerk which, among other information, shall elicit the applicant's name, business and home address, phone numbers, e-mail address, and date of birth.

Where the applicant is a business entity, the same information shall be required for each principal of said entity. The fee for such application shall be established by Order of the City Council, is due at the time of application, and may not be refunded if denied. If granted, such license shall expire one (1) year from the date of issuance.

4. Review. No license shall be granted by the City Clerk under this Section until and unless the Police Chief and Fire Chief shall have investigated the applicant in accordance with the requirements of State law. The Police Chief shall determine whether or not the applicant or principals of the applicant have any criminal record, and may condition or disapprove the grant of a license to such applicant on the basis of such investigation and the extent to which such prior criminal conduct included any theft, robbery, or receipt of stolen goods; endangered public safety; and/or involved dishonesty or other disregard for the truth.

5. Records of Sales. Pursuant to 30-A M.R.S. § 3971, every second-hand dealer, upon acquisition of any second-hand or used article either by purchase or exchange, shall complete a record of the transaction, on a form furnished or approved by the Police Chief, stating the full name and address of the seller, the month, date and year on which the transaction took place, and a full and detailed description of each article(s) purchased or exchanged, and the price(s) paid therefor, and shall cause such record to be signed by the seller in person. Before recording this information, the secondhand dealer shall require reasonable written proof of the seller's identification in the form of a motor vehicle operator's license, military identification,

adult liquor identification or similar item. The relevant information in the record shall be electronically or otherwise reported to the Police Chief or his/her designee within forty-eight (48) hours thereafter, unless earlier electronically reported to a duly authorized police officer upon request. The second-hand dealer shall retain the record in his or her possession for a period of not less than two (2) years, during which time the record may be inspected at any and all reasonable times by any police officer.

6. Hold Period. No second-hand or used article acquired by a second-hand dealer may be re-sold or otherwise disposed of, or changed or altered in its appearance or otherwise, within fifteen (15) days after its purchase, except with the prior, written consent of the Police Chief or his/her designee; provided, however, that this fifteen (15) day hold period shall not apply to bullion oriented gold, silver, platinum or palladium coins or bars. The Police Chief may impose reasonable conditions upon granting such consent.

7. Minors. No second-hand dealer may directly or indirectly purchase or receive by way of barter or exchange any goods or articles from any person such dealer knows or has reason to believe to be under the age of 18, unless the minor is accompanied by his or her parent or guardian.

8. Compliance With State Law. In addition to the requirements set forth in this Section, second-hand dealers and pawnbrokers shall fully comply with the requirements set forth in Title 30-A, Maine Revised Statutes, Section 3971, as may be amended.

State Law Reference: 30-A M.R.S. §§ 3901, 3961-3965.

Eff: 12/10/14

Sec. 11-216 Shooting Galleries

No person shall conduct, maintain or operate any shooting gallery which is open to the public without first obtaining a license. No such license shall be granted except upon certification of the Police Chief, the Fire Chief, the Building Inspector, and the Plumbing Inspector. Every person so licensed shall, at the time he receives his license, give bond to the City in the sum of five hundred dollars (\$500), conditioned as required by the Revised Statutes of Maine.

State Law Reference: 8 M.R.S. § 1 et seq.

Sec. 11-217 Victualers

No person shall engage in the business of selling at retail any food commonly consumed by persons without first obtaining a license therefor. No such license shall be granted except upon certification of the Building Inspector, Plumbing Inspector, Police Chief, and the Fire Chief. A licensee shall furnish surety bond in amount and form as required by the Revised Statutes of Maine. Every victualer has all rights and privileges and is subject to all the duties and obligations of an innkeeper, except furnishing lodging for travelers, as provided by the Revised Statutes of Maine.

State Law Reference: 30-A M.R.S. § 3811 et seq.

Sec. 11-218 Wharf, Fish Weir or Trap; Build or Extend

No person shall commence or proceed to build or extend any wharf, fish weir or trap in tide waters within the limits of the City without first obtaining a license therefor after public hearing as required by the Revised Statutes of Maine, as amended.

State Law Reference: 38 M.R.S. §§ 480 et seq., 1021-1027.

Sec. 11-219 Pin Ball Machines

The provisions of the State law relative to licensing pin ball machines are hereby incorporated into this section.

State Law Reference: 8 M.R.S. §§ 441-450.

Sec. 11-220 Going Out of Business Sales

The provisions of the State law relative to going out of business sales are hereby incorporated into this section.

State Law Reference: 30-A M.R.S. §§ 3781-3784.

Sec. 11-221 Cable Television

A. General Provisions. The Municipal Officers may contract on such terms and conditions as are in the best interests of the municipality for the placing and maintenance of community antennae television systems, other community communications systems, and appurtenances or parts thereof, along public ways and including contracts with operators of such systems which receive the services of television transmission offered by any public utilities using public ways for such transmission. No public utility shall be required to contract with the Municipal Officers pursuant to this paragraph. Systems located in accordance with such ordinances and contracts are not defects in public ways.

B. Procedures for Public Comment Before Contracting for Cable Service. Before the Municipal Officers vote to grant or renew any cable television franchise, the following steps must be taken:

1. The Council shall, by order, institute a period of public comment to determine the needs and interest of the people of Rockland with respect to cable television service, said period to precede the vote to authorize issuing requests for proposals from cable television providers by at least ninety (90) days. During this time, the public shall be afforded an opportunity to comment about the quality of the present service provided, and to proffer suggestions on how new terms in a franchise agreement might improve that service. The Council may also authorize a survey of cable subscribers.

2. Franchise applications and related documents shall be filed with the City at least ninety (90) days before the vote on the grant of a franchise or renewal, and such documents shall be open to public inspection at City Hall during reasonable hours.

3. At least one week before the Council votes in first reading on the granting or renewal of a cable franchise, there shall be a public hearing devoted exclusively to the discussion of the proposed terms of the franchise agreement or agreements. This hearing shall be in addition to the regular public hearing at the time of second reading on the vote to grant the franchise.

4. The Council may assess reasonable fees from applicants for a franchise agreement or renewal to defray the costs of public notice, advertising and other expenses incurred by the municipality in acting upon applications.

C. Required Terms In Any Franchise Agreement. Any Franchise Agreement must contain the following provisions:

1. The area to be served;

2. A line extension policy;

3. A provision for renewal, the terms of which may not exceed 15 years;

4. Procedures by which the cable company shall investigate and resolve complaints;

5. Any other terms and conditions that are in the best interests of the people of the City of Rockland.

D. Municipal Regulation of Cable Television Providers.

The Rockland City Council shall be the final municipal regulating authority with respect to Basic Service Tier Rates and charges for related equipment, installation and services. The Council shall do so in accordance with FCC Rate Regulations, giving reasonable opportunity for consideration of the views of interested parties. For the purposes of this Section, "reasonable opportunity for consideration of the views of interested parties" shall mean a public hearing before the City Council, advertised at least 7 days in advance, in which the cable provider and the public have the opportunity to make comments before any vote of the Council regulating Basic Tier Rates and other charges is taken. Eff: 1/10/94

ARTICLE III Permits; When Required

Sec. 11-301 Building

1. Permit. Applications for the permit(s) required by Chapter 4 of the Code for building, enlarging, demolishing or altering a building shall be submitted to, and processed by the Code Enforcement Officer, who shall issue the same only if satisfied that the proposal complies with all applicable State laws and City ordinances, including but not limited to, the Maine Uniform Building and Energy Code ("MUBEC") and the City of Rockland Fire Prevention and Life Safety Codes and Zoning Ordinances. The Code Enforcement Officer shall collect and account for the required fee or fees, and promptly furnish a copy of all such permits to the City Assessor. No permit for the demolition of any historic building or structure listed on, or situated within a district listed on, the U.S. Department of the Interior's National Register of Historic Places shall be issued by the Code Enforcement Officer without prior approval by vote of the Rockland City Council. Eff: 8/5/94; amended 10/09/13.

Sec. 11-301.1 Moving Buildings, Cutting Wires, Removing Poles

The following provisions apply to permits for moving buildings, cutting wires and removing poles.

1. Permit Required. No person may move a building upon a public way, or cut, disconnect or remove the wires or poles of a telegraph, telephone or electric utility for any purpose, without a permit from the City. Removal of poles, cutting and disconnection of wires, and moving of buildings on or over a public way requires a permit from the City Council. The requirement with respect to wires and poles does not apply to the utility which owns and/or maintains the wires or poles.

2. Hearings and Notices. For operations requiring permits from the City Council, applications must be in writing. Upon receipt of the application, the City Council shall fix a time and place for a hearing and give reasonable notice of the hearing, including actual notice to any utility whose service may be affected. Upon hearing, the City Council may grant a permit upon such terms and conditions and make such apportionment of expenses as it determines best, including, but not limited to sufficient bond and/or proof of liability coverage for the operation.

3. Damages from Moving of a Building. If a way or bridge is damaged by the moving of a building, the City Council shall determine what proportion of the damage the owner of the building shall pay, and this amount may be recovered by the City in a

civil action against the owner of the building.

4. Civil Penalty. Whoever disconnects or removes wires or poles or moves a building on or over a public way without first obtaining a required permit therefore is subject to a fine of not less than \$100.00 nor more than \$2,500.00, payable to the City, in addition to any penalties set forth in 35-A M.R.S. § 2516. Eff: 6/12/91

State Law Reference: 35-A M.R.S., § 2516.

Sec. 11-302 Explosives (Not Flammable Liquids)

The permit required by Chapter 7 of this Code, for any person to have, keep, use, store or transport any explosives shall be applied for to and issued in writing by the Fire Chief, who shall issue same only if satisfied of compliance with all applicable State laws and City ordinances, particularly but not limited to Chapter 7 of this Code. Such permit, however, shall not be valid until and unless countersigned by the City Clerk who shall collect and account for the required fee.

Sec. 11-303 Flammable Liquids

The permit required by Chapter 7 of this Code for storage or handling of flammable liquids shall be applied for to and issued in writing by the Fire Chief, who shall issue same only if satisfied of compliance with all applicable State laws and City ordinances, particularly but not limited to Chapter 7 of this Code. Such permit, however, shall not be valid unless and until countersigned by the City Clerk who shall collect and account for the required fee.

Sec. 11-304 Signs; Marquees

1. Permit Required. No person shall hereafter erect, place or install any sign, or replacement of an existing sign, or any marquee or replacement thereof, overhanging within the limits of any sidewalk or street, without first obtaining a permit. This permit shall not allow any part of the sign to be nearer than eight (8) feet of the surface of the sidewalk or street. This section does not apply to sign placed flat against any building, which do not overhang by more than six (6) inches within the limits of any sidewalk or street, nor to signs erected by the City.

2. Inspection Required. No such permit shall be issued without the written approval of the Building Inspector, who shall satisfy himself as to the safety of the proposed sign and fastenings thereof.

3. Liability. The application form for such permit shall contain an agreement over the signature of the applicant to the effect that the applicant will indemnify and held harmless the City of Rockland against all liability, judgements, costs and expenses which may in any manner accrue against the City because of any negligence or alleged negligence in connection with the installation, ownership, maintenance, existence or use of such sign or marquee.

Cross Reference: Chapter 19.

Sec. 11-305 Street Opening

No person shall dig or make an excavation in any public street without first obtaining a permit therefor as required by the Revised Statutes of Maine, and Chapter 15, Article IV of the Rockland Code.

Sec. 11-306 Curb Cuts

No person shall cut a curb without a permit from the City Clerk, with approval of the Director of Public Works countersigned thereon. Such curb cut shall be made at the expense of the applicant, and the work shall be performed to the satisfaction of the Director of Public Works. This section shall not apply to public work performed by or under the direction of the Director of Public Works.

Sec. 11-307 Fundraising Event Permit

Pursuant to Chapter 17, Article IV, Section 17-405, no person may conduct a toll booth or other fundraising event in the City of Rockland that includes the solicitation, from or adjacent to any public way, of drivers to exit such way to donate or otherwise respond to such solicitation without first obtaining from the City Clerk a permit therefor.

The permit to be issued under this section shall authorize only the permit holder to conduct such fundraising event, is not transferable, and shall be valid only on the day(s) and at the time(s) set forth in the permit.

Upon application, the City Clerk shall grant, grant with conditions, or deny a fundraising event permit as follows:

1. Applicant shall have provided current and accurate identifying and contact information of the event organizer, sponsor, and responsible person(s) in charge of the event;
2. Applicant shall have clearly identified the location for the event, and shall have demonstrated that applicant has the

- permission of the property's owner or lessor, as applicable, to conduct the event;
3. Applicant shall have provided proof of insurance protecting participants, donors, and third parties;
 4. Applicant shall have obtained the review and approval, or approval with conditions, of the Police Chief, including review and approval of a written safety plan for properly directing traffic onto the site, demonstrating the site provides adequate and safe entrance(s) and exit(s), sight lines, and on-site circulation for both vehicles and pedestrians;
 5. Applicant shall have scheduled and prepaid the estimated cost of police or other public safety coverage, if such coverage is required by the Police Chief as a condition of the permit;

Upon applicant's satisfaction of the requirements set forth in this section, the City Clerk shall issue to such applicant a permit that, without limitation, identifies the event organizer, sponsor, and responsible persons; states the date(s) and time(s) for which the permit is limited; and states that no person may solicit or stop vehicles within any City street. Such permit shall expire at the end date and time set forth in the permit. The Rockland Police Department retains the authority to stop the event and cease its operation if the event or its participants create a safety hazard for the participants or the motoring public. Eff: 09/10/12.

ARTICLE IV License and Permit Fees Required

Sec. 11-401 License Fee Schedule

The fees for licenses and permits shall be sent by Order of the City Council. Eff: 07/13/10

Sec. 11-402 Land Use Fee Schedule

Land use fees shall be set by order of the City Council. Eff: 01/13/10

ARTICLE V Taxicabs

Sec. 11-501 Definitions

Taxicab: Every motor vehicle regularly used or to be regularly used for the conveyance of persons for hire from place to place within the City and not operated on a fixed route, shall be deemed a taxicab within the meaning of this Article except a motor vehicle subject to regulation by the Public Utilities Commission of the State of Maine and motor vehicles collecting fares by tickets or coupons for interstate transportation.

Person: The term person as used herein shall mean and include every natural person and every firm, association, corporation and business organization of any kind, character or description.

State Law Reference: 29-A M.R.S. §552; 30-A M.R.S. §3009.

Sec. 11-502 Unlicensed Taxicabs Prohibited

It shall be unlawful for any person to operate or cause to be operated in the City of Rockland any taxicab without having first obtained a license as hereinafter provided.

Provided nevertheless that it shall not be deemed to be the operation of a taxicab or the causing of a taxicab to be operated within the meaning of this Article if,

1. a person, licensed to operate a taxicab in any city which grants the same rights as are granted herein to taxicabs licensed in the City of Rockland shall, upon previous call therefor, take a passenger or passengers from Rockland to the city in which taxicab is licensed, or
2. a person, licensed to operate a taxicab in any city which grants the same rights as are granted herein to taxicabs licensed in the City of Rockland, shall, upon delivery in Rockland of a bona fide passenger from the city where the taxicab is licensed, take a passenger or passengers from the point of delivery in Rockland to the city where his taxicab is licensed without parking, standing or cruising in Rockland to obtain the passenger or passengers.

Sec. 11-503 License Required; Application

Applications for a taxi license shall be made on forms provided by the City, shall be submitted for approval to the Municipal Officers, and shall, among other things, set forth:

1. The name, address and telephone number of the applicant, and any other person or entity having an

interest in the business;

2. Experience of the applicant in the transportation of passengers;
3. The number of taxicabs actually owned and the number of taxicabs actually operated in the City of Rockland by such owner on the date of application, if any;
4. The number of taxicabs for which a license is desired;
5. The intended make, type, year of manufacture, vehicle identification number and passenger seating capacity of each taxicab for which application for a license is made;
6. Certificate of insurance covering the business entity and all vehicles to be licensed with a minimum of the following coverage: Bodily Injury Liability Limit at levels consistent with State requirements for any number of persons in the same accident; Property Damage Liability at levels consistent with State requirements. All renewal applications shall also be accompanied by the certificate of insurance as well. Failure to keep the required insurance in continuous effect during the license period shall be cause for suspension or revocation of the license.
7. A statement that the applicant, or any other person or entity having an interest in the business, has not been convicted, been on probation or parole, or served time on a sentence for any of the following:
Criminal Offenses: criminal homicide; rape; aggravated assault; child molestation; sale or distribution of narcotic drugs, barbituric acid derivatives, and/or central nervous system stimulants; criminal solicitation or criminal attempt to commit any of the above; or any felony in the commission of which a motor vehicle was used, during a period of five (5) years prior to the date of application;
Conviction, probation, parole of serving a sentence for any of the foregoing offenses, for the time periods listed, shall be grounds for denial of a license.
8. A list of all current taxicab drivers.
9. Signature of applicant under oath that the information contained in the application is true and correct to the best of the applicant's knowledge.
10. Such other information as the Municipal Officers in their discretion cause to be inserted in the application.

Sec. 11-504 Public Hearing and Approval of Taxi License

- A. No such license shall be issued until the Municipal Officers have held a public hearing thereon and approved the issuance thereof.
- B. No such license shall be granted under this Article unless and until the Police Chief shall certify, by his signature on the application, that the applicant has not been convicted of any of the offenses listed in Sec. 11-503 (7) above, and that the vehicles to be used as taxicabs are safe and in good working order, to be determined by a physical inspection of each taxicab pursuant to Sec. 11-508.
- C. The burden of proof in establishing compliance with the standards set forth in this section shall be upon the applicant.
- D. Taxi licenses issued under the provisions of this Article shall be issued for a period of one (1) year from the date of issuance. All renewals of such license shall follow the procedures set forth in this Article.
- E. No taxicab license provided for in this Article shall be sold, assigned or transferred without the approval of the City Council, in the same manner as application for new or renewal of a license.
- F. Once all of the conditions of this Article have been met, the City Clerk shall issue to the applicant a license to operate a taxi company in the City, and shall collect a fee of fifty dollars (\$50) annually for each taxicab.
- G. Written record of any denial of a license shall be forwarded to any applicant so denied, and shall be filed in the City Clerk's office.

Sec. 11-505 Suspension and Revocation of License

A license issued under the provisions of this Article may be suspended or revoked by the Municipal Officers of the City for any of the following reasons upon written notification of such violation from the Police Chief to the City Clerk:

1. The owner or any person or entity having an interest in the business, is convicted of one of the disqualifying offenses listed in Sec. 11-503 (7) above;
2. Violation of any of the provisions of this Article;
3. Discontinues operation of the business for more than sixty (60) days;
4. Has violated any ordinance of the City, laws of the State of Maine, or laws of the United States, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension or revocation, the holder of a license shall be given written notification of the pending action to be taken, a brief statement of the reason, and the time and place of hearing, ten (10) days prior to such hearing. At the hearing, any

such holder may present evidence and witnesses in support of the holder's position. Any such holder whose license is so revoked shall be ineligible to apply for reinstatement of such license for a period of one (1) year from the date of such revocation, except that suspension and revocation for conviction of any of the disqualifying offenses listed in Sec. 11-503(7) shall be for the periods of disqualification listed in those paragraphs. Written notice of such revocation shall be forwarded to such holder and shall be filed in the City Clerk's Office.

Application for re-instatement of a license revoked under the provisions of this section shall be in the same manner as application for new or renewal of a license.

Sec. 11-506 Notification After Sale of Taxicab

Whenever a licensee sells or otherwise disposes of a taxicab or taxicabs licensed under this Article, he shall so notify the City Clerk in writing within thirty (30) days of such sale or disposition. Prior to any new taxicab being placed into service, the licensee shall deliver it to the Police Chief for inspection pursuant to Sec. 11-508. A copy of the inspection report shall be filed with the City Clerk.

Sec. 11-507 Taxicab Markings

Every licensee shall have the name of the license holder and the word "Taxi" plainly printed on the main panel of each rear door of, or other conspicuous place on every taxicab operated by him, in letters not less than two (2) inches in height.

Sec. 11-508 Inspection of Taxicabs

Before a license is issued to the applicant, the applicant shall deliver such taxicab or taxicabs to the Chief of Police for inspection, and the Chief of Police or some person designated by him, shall inspect such taxicab or taxicabs and determine whether or not they are safe and suitable for taxicab service. In determining whether a taxicab is safe and suitable, the Chief shall consider the following factors: 1) whether the vehicle has a State inspection sticker; 2) whether the vehicle's doors are in good working order; 3) whether the vehicle is equipped with a taximeter which has been tested, approved and sealed by the State Sealer of Weights and Measures and which is placed so that the fare and mileage figures are in plain view of all passengers; 4) whether the vehicle is conspicuously marked as required in Section 11-507; 5) whether the vehicle is reasonably clean and in reasonably good repair inside and out; and 6) whether the vehicle is in compliance with the laws of Maine relating to passenger vehicles and the rules and regulations of the Commissioner of the Department of Transportation. No new taxicab added during the term of the license shall be placed into service until such taxicab is certified by the Police Chief as safe and suitable, and no such taxicab shall be placed into service until payment by the licensee of the appropriate license fee. A copy of the inspection report shall be filed with the City Clerk.

Every licensee shall present his taxicab or taxicabs to the Chief of Police, or designee, for inspection whenever he may require it. Any taxicab which is deemed, after such inspection, to be unsafe or unsuitable for taxicab service may be immediately ordered out of service by the Chief of Police until it shall be made to be safe or suitable for taxicab service.

Sec. 11-509 Taxicab Drivers Application and License Fee

1. Taxicab Driver's Application and License Fee. Applications for licenses to drive taxicabs shall be made on forms furnished by the City, and shall set forth under oath the following information:

- a. the full name, address, and age of the applicant;
- b. a complete record of the applicant with respect to any disqualifying criminal conviction as listed in subsection 3(b) below or a statement that no such conviction exists;
- c. a complete record of convictions of the applicant for reckless driving, driving to endanger, operating or attempting to operate under the influence during the three (3) years preceding the application, or a statement that no such conviction(s) exist;
- d. a statement of whether any driver's license held by the applicant is presently revoked or suspended or has been revoked or suspended during the three (3) years preceding the application and the reason for such revocation(s) or suspension(s);
- e. the name and address of the taxi company for which the driver will be employed, or a statement that the driver will be an independent contractor;
- f. any other information which the municipal officers may require.

The application shall also contain an appropriate form of statement over the signature of the applicant giving all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk or Chief of Police, or designee.

Such taxicab driver's licenses shall be issued by the City Clerk upon approval of the Chief of Police, or designee, shall be numbered in the order granted, and, unless sooner suspended or revoked, shall continue in force for one (1) year. The fee for

such license shall be set by Order of the City Council and shall be payable upon application. The license fee shall be refunded if the license is denied, however, the additional charge for the required background check shall be non-refundable. Eff: 07/13/10

No taxicab driver's license shall be granted to any person unless he shall present a valid driver's license issued to him by the State of Maine and evidence that he is eighteen (18) years of age or more. Whenever the office of the City Clerk is closed, the Police Chief, or designee, may issue a temporary license to anyone who qualifies hereunder, but such license shall be valid only until the City Clerk's office shall again be open for regular conduct of business.

2. Standards for Denial, Revocation, or Suspension of Taxicab Driver's License.

A taxicab driver's license shall be denied or revoked by the Police Chief, or designee, for any of the following reasons:

a. The applicant has not attained the age of eighteen (18) years;

b. The applicant or licensee has been convicted, been on probation or parole, or served time on a sentence during a period of five (5) years previous to the date of application or is convicted after a license has been issued, for any of the following criminal offenses: criminal homicide; rape; aggravated assault; child molestation; sale or distribution of narcotic drugs, barbituric acid derivatives, and/or central nervous system stimulants; criminal solicitation or criminal attempt to commit any of the above; or any felony in the commission of which a motor vehicle was used;

c. The applicant or licensee has been convicted or is convicted for any of the following: reckless driving; driving to endanger; operating or attempting to operate under the influence; leaving the scene of an accident (with personal injury and/or property damage); taking a motor vehicle without consent; operating after suspension or revocation; loaning or altering license or permit; passing a stopped school bus; speeding in excess of 25 mile per hour over the posted limit; or eluding an officer; during the three (3) years preceding the application, or after a license is issued;

d. The applicant fails to present a valid driver's license issued to him or her by the State of Maine.

A taxicab driver's license shall be revoked whenever the holder's State of Maine driver's license shall be suspended for conviction on any of the offenses listed in paragraph (c) above. Such licensee shall be ineligible for re-issuance of a taxi driver license for a period of three years from the date of such conviction.

The City Clerk shall make and keep a written record of every decision to deny an application for a taxicab driver's license or to revoke or suspend any such license in the manner required by Title 1 M.R.S. § 401 et seq.

Sec. 11-510 Driver's Identification

The City Clerk shall deliver to each licensed driver an identification card setting forth the number and term of the license, and the name, address, and brief physical description of the taxicab driver. This card shall at all times be displayed prominently in the cab driven by the taxicab driver along with a clear copy of the driver's State of Maine Driver's License.

Sec. 11-511 Rates of Fare Posted

All rates of fare shall be posted conspicuously within the taxicab and in the owner's office and made available upon request. The posted rates of fare shall include a statement of the rate to be charged for waiting time, additional passengers and any other extra charges.

Sec. 11-512 Penalty

Whoever violates a provision of this Article by operating a taxicab without a license shall be punished by a fine of Five Hundred Dollars (\$500) for the first offense and One Thousand Dollars (\$1000) for each subsequent offense to be recovered on complaint before the Maine Sixth District Court, to the use of the City. Each instance of operation of a taxicab without a license shall be considered a separate offense.

In the event of operation of a taxicab without a license, the City shall be authorized to seek an injunction from the Maine Sixth District Court to prohibit further operation of taxicabs without a license by a person who has unlawfully operated taxicabs in the City without a license.

Sec. 11-513 Separability

If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

Eff: 05/10/06

ARTICLE VI Licensing and Control of Rifle Ranges

Sec. 11-601 Establishment; Permit

Rifle ranges for target shooting may be established in any zone where such a use is permitted, provided that the City Council has granted a special license under the following regulations and conditions.

Sec. 11-602 Application

Application shall be made to the City Clerk upon a prescribed form stating the name of the organization, the names of its officers, the location of the proposed range and such other information as the Council may require. The application shall be accompanied by the fee required under Section 11-401.

Sec. 11-603 Applications to be Investigated

All such applications shall be referred to the City Manager, the Chief of the Fire Department, and the Chief of Police for investigation and report to the City Council.

Sec. 11-604 Public Hearing

The Council shall set a date for a public hearing and shall give notice thereof in the local paper and in any such other manner as it considers desirable.

Sec. 11-605 Council Decision

After such public hearing the Council may in its discretion issue or refuse to issue such a license.

Sec. 11-606 Manner of Operation

Any rifle range for which a permit has been issued shall be operated in a safe manner. Compliance with all applicable regulations of the National Rifle Association shall constitute prima facie evidence of safe operation.

Sec. 11-607 Expenses to be Borne by Applicant

All expense in connection with the publication of the public notice shall be borne by the applicant.

Sec. 11-608 Issuance by Council

The license issued by the Council shall expire after one (1) year and may be renewed by submitting a new application and license fee. The Council shall issue a license unless there are reasonable grounds to believe that the rifle range will not be operated safely or in compliance with applicable Zoning Ordinance and Building Code provisions. In making this determination, the Council may consider evidence bearing on the abilities and on the good moral character of the applicant, including but not limited to, the degree of experience and training of the applicant in the use of weapons, prior conviction(s) or arrest(s) involving weapons, prior revocation or suspension of a similar license issued in Rockland or any other community. A license, once issued, may be revoked by the City Council for cause after notice and hearing.

Sec. 11-609 Signed by Council

All such licenses must be signed by every member of the Council and no license shall be issued without such signatures.

Sec. 11-610 Use Restrictions

No licensed outdoor rifle range shall be used for shooting before 8:00 A.M., Standard or Daylight time whichever prevails, or after one-half hour after sunset, or on Sundays except from 2:00 to 5:00 P.M., and the Council may at any time further restrict the use of such range on any other days or hours.

Sec. 11-611 Restrictions of Minors

Shooting shall never be allowed by minors except when an adult approved by the organization is on the premises.

Sec. 11-612 Exception to This Article

Section 12-601, Chapter 12, shall not apply to licenses under this Article.

**ARTICLE VII Oil Burner
and Heating Equipment**

REPEALED 06/09/04

ARTICLE VIII Special Amusement Ordinance

Sec. 11-801 Title

This Article shall be known and may be cited as the Special Amusement Ordinance of the City of Rockland, Maine.

Sec. 11-802 Purpose

The purpose of this Article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28-A M.R.S. § 1054 and any other establishment conducting business in the City of Rockland. Eff: 07/13/10; Amended 11/12/10

Sec. 11-803 Definitions

1. Entertainment. For the purpose of this Article, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the premises whether provided by professional entertainers or by full-time or part-time employees of the premises whose incidental duties include activities with an entertainment value.

2. Licensee. For purposes of this Article, "licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, and any other establishment conducting business in the City of Rockland, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such establishment. Eff: 07/13/10; Amended 11/12/10

Sec. 11-804 Permit Required

1. Entertainment Requiring Permit. No licensee shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the Municipal Officers. Eff: 07/13/10

2. Applications. For all special amusement permits shall be made in writing to the Municipal Officers and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the Municipal Officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

3. Compliance With Other Ordinances. No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.

4. Fee. The fee for a special amusement permit shall be set by Order of the City Council. Eff: 07/13/10

5. Public Hearing. The Municipal Officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicants, hold a public hearing within fifteen (15) days of the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

6. Decision to Grant. The Municipal Officers shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles or bylaws.

7. Duration of Permit. A permit shall be valid only for the license year of the applicant's existing liquor license.

Sec. 11-805 Suspension or Revocation of a Permit

The Municipal Officers may suspend or revoke a special amusement permit which was issued under this Article if the permit holder is in violation of any provision of this Article or has knowingly made an incorrect statement of a material nature on the application for a permit. Determination of the severity of the violation and whether a suspension or revocation is warranted shall be made by the Municipal Officers after a public hearing preceded by notice to interested parties.

Sec. 11-806 Rules and Regulations

The Municipal Officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of this Article.

Sec. 11-807 Permit and Appeal Procedures

Any licensee requesting a special amusement permit from the Municipal Officers shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days after an application for a permit which has been denied.

Sec. 11-808 Admission

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

Sec. 11-809 Live Entertainment Regulation

The purpose of this section is to regulate nudity as a form of live entertainment and those establishments at which alcoholic beverages are served or consumed, and which are licensees under this Article.

No licensee shall permit entertainment on the licensed premises whether provided by professional entertainer(s), employees of the licensed premises, or any other person, when the entertainment involves:

1. the performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
2. the actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals;
3. the actual or simulated displaying of the genitals, pubic hair, buttocks, anus, or any portion of the female breasts at or below the areola area thereof.
4. the permitting by any licensee of any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her genitals or anus.

For the purpose of this section, display or displaying and expose or exposing shall mean unclothed or uncostumed or not covered by a fully opaque material.

Sec. 11-810 Penalty

Whoever violates any of the provisions of this Article shall be punished by a fine of not more than five hundred dollars (\$500) for each offense. Each day that a violation occurs shall be considered a separate offense.

Sec. 11-811 Separability

The invalidity of any provision of this Article shall not invalidate any other part.

Sec. 11-812 Effective Date

The effective date of this Article shall be July 1, 1978.

ARTICLE IX Nudity in Licensed Businesses

Sec. 11-901 Purpose

The purpose of this Article is to regulate nudity as a form of commercial exploitation and to regulate dress as a form of conduct and not to impede the free exchange and expression of ideas. The conduct regulated is that which the community and City Council in public meetings have clearly found to be offensive to the general welfare, public safety, order and morals of the City of Rockland and its citizens.

Sec. 11-902 Definitions

1. Theater. As used in this Article, "theater" means (a) a building, playhouse, hall, or other place having a permanent stage upon which movable scenery and theatrical or vaudeville or similar performances are given and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage, or (b) a building, room, hall, or other place whose primary function is to present movies or motion pictures and which has a permanent movie screen and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the screen, or (c) an open-air or "drive-in" movie having a permanently affixed movie screen and permanently affixed devices for broadcasting the soundtracks of movies or motion pictures inside of the patrons' vehicles.

2. License Ordinance. "License Ordinance" means the Chapter authorizing the granting of municipal licenses for businesses within the City of Rockland as amended to the date on which the violation of this Article takes place.

3. Sales Person, Waiter, Waitress and Entertainer. A person shall be deemed a sales person, waiter, waitress or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

4. Expose. "Expose" or "Exposed" means unclothed or uncostumed or not covered by a fully opaque material.

Sec. 11-903 Prohibited Conduct

1. Exposing. It shall be unlawful for a person who, while acting as a sales person, waiter, waitress, entertainer or in any other capacity as an owner, manager, or employee in a business subject to license under this Chapter: (a) to expose his or her genitals, pubic hair, buttocks, perineum, or anus; or (b) to expose any portion of the female breasts at or below the areola thereof.

2. Causing; Assisting. It shall be unlawful for a person to cause, permit, procure, counsel, or assist any person to expose himself or herself as prohibited by this Article.

3. Printed Matter. It shall be unlawful for a person operating a business subject to license under this Chapter to, at the place of business, display or cause or permit the display of photographs, covers of magazines, newspapers or other printed matter which expose or show genitals, pubic hair, buttocks, perineum, anus, or female breasts at or below the areola thereof, in such manner that such photographs, covers of magazines, newspapers, or other printed matter are visible to children or unwilling adults using the sidewalks, streets, or highways.

Sec. 11-904 Exceptions

Section 11-902 (1) and (2) of this Article do not apply to a theater or similar establishment which is primarily devoted to theatrical performances or the presentation of movies.

This Article does not apply to any act authorized or prohibited by any statute of the State of Maine.

Sec. 11-905 Penalty

Any act made unlawful by this Article and any violation of this Article shall be punishable by a fine of not more than five hundred dollars (\$500) for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

In addition to any other penalty provided by the law, the commission of acts prohibited by this Article shall constitute a nuisance and may be abated by the City seeking an injunction to prohibit further and continued violation thereof.

Sec. 11-906 Severability

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

State Law Reference: 30-A M.R.S. §§ 2101-2109, 3001.

ARTICLE X Licensing of Bottle Clubs

Sec. 11-1001 License Required

No person, firm, or corporation shall keep, maintain, operate, lease, or otherwise furnish, either to its members and guests or the general public, any premises, building, apartment, or place for use as a bottle club, without first having obtained a license and paying the fee therefor.

Notwithstanding any other provisions of this Article, a bona fide non-profit, charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization shall not be subject to the provisions of this Article.

Sec. 11-1002 Licensing Authority

Licenses shall be issued by the Municipal Officers, after notice and hearing on the licensee's application. Notices shall be given by the Municipal Officers, pursuant to the provisions of Section 11-1010 of this Article. The Municipal Officers shall grant a license when they find that the applicant is in strict compliance with the requirements of this Article and the other applicable codes and ordinances of the City of Rockland.

Sec. 11-1003 Definitions

Unless otherwise defined herein or in the text, all words used will have their common meaning. Words and phrases having a special meaning will be defined when they first appear in the Article, except for the following definitions:

- 1. Bottle Club. A "bottle club" means any person operating on a regular basis a premise for social activities in which members or guests provide their own alcoholic beverages, and where no alcoholic beverages are sold on the premises. A bottle club maintains suitable quarters for the use of members on a regular basis or charges an admission fee to members or to the general public. A bottle club is not a public place, as define in Title 17, M.R.S.A. § 2003.
- 2. Person. "Person" shall mean any individual, person, firm, corporation, association, partnership, or organization.
- 3. Officer. "Officer" shall mean any officer, director, stockholder, owner, manager or person who either has a financial interest of any nature in a bottle club or directs any policy of a bottle club.

Sec. 11-1004 Fees

Fees for a license for a bottle club shall be paid annually:
 Bottle Club \$1,700

Sec. 11-1005 Application and Information

Every applicant for a bottle club license shall:

- 1. complete and file an application on a form prescribed by the City Clerk;
- 2. deposit the prescribed license fee in advance with the City Clerk;
- 3. submit the completed application to the City Clerk, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, or articles of association and bylaws if the applicant is an association, as well as a list of all officers of the bottle club;
- 4. file an affidavit which will identify all officers, and their places of residency at the present time and for the immediately preceding three (3) years. Submission of false information in an application for a license shall be a violation of this Article and such act shall be ground for the denial of the application.

Sec. 11-1006 Qualification of Officers

All officers of a bottle club shall meet the following qualifications: Never have been convicted of a Class A, B, or C crime nor of violating any of the gambling or prohibitive liquor laws either of the United States or of the State of Maine or any other state, within five (5) years immediately preceding the date of application. Each such officer shall file the release authorized by 16 M.R.S. § 620 (Criminal History Record Information Act) with the application. Failure to provide such a release shall be a ground for denial of the application.

Sec. 11-1007 Description of the Premises

Every applicant for a bottle club license shall include in the application 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 it is proposed to consume or keep liquor.

Sec. 11-1008 Articles and Bylaws

Applicants for bottle club licenses shall possess written articles of incorporation or association and bylaws. The articles or bylaws shall provide for regular election of officers or directors. Membership shall be regulated by articles or bylaws.

Sec. 11-1009 Investigation of Applicant

Upon receipt of each application for a bottle club license or notice of a change of officers:

1. Compliance with Ordinances. The Code Officer shall verify that the premises of the proposed bottle club comply with the applicable ordinances of the City of Rockland, including but not by way of limitation, the Building Code, Electrical Code, Plumbing Code, and Zoning Ordinance and shall report his findings in writing to the Municipal Officers.

2. City Clerk. The City Clerk shall review the application and other documents and determine whether such documents indicate that the requirements of the Article have been met and shall report his findings in writing to the Municipal Officers.

3. Inspection of Premises by Code Officer. The Code 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 Municipal Officers.

4. Inspection by Fire Chief. 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 Municipal Officers.

5. Investigation by Police Chief. The Police Chief shall cause an investigation to be made of the officers of the bottle club and shall report his findings in writing to the Municipal Officers.

Sec. 11-1010 Notice of Hearing

After receipt of the written reports required by Section 11-1009, the City Clerk shall give notice of the public hearings on applications for bottle clubs in the form and manner and to the persons herein specified. 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.

Notices shall be given to each of the following, as specified:

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

2. Abutters. To the owners of all the property within five hundred (500) feet of such parcel or tract by mail.

3. Property Owners Defined. For the purpose of this Section, the owners of property, shall be considered to be the parties listed by the Assessor's Department of the City of Rockland 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 Municipal Officers.

Sec. 11-1011 Licenses Not To Be Transferable

A separate license must be obtained for each branch or separate establishment of a 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 ordinances and laws. No license shall be transferred to another person or to any other location, except that a licensed bottle club may change its name upon approval of the Municipal Officers, if its location remains the same.

Sec. 11-1012 Display of License

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

Sec. 11-1013 Expiration

All licenses issued pursuant to this Article shall expire on the last day of June of each year.

Sec. 11-1014 Proximity to Schools and Churches

No new bottle club license shall be granted under this Article to premises situated within three hundred (300) feet of a public or private school, school dormitory, church, chapel or parish house, in existence as such at the time such new license is applied for, except such premises as were in use as bottle clubs on the effective date of this Article. The three hundred (300) foot distance shall be measured from the main entrances of the school, school dormitory, church, chapel or parish house by ordinary course of travel.

Sec. 11-1015 Minors Not Permitted on Bottle Club Premises

No person under the age of twenty (20) years shall be permitted in or on that part of the premises subject to the control of any bottle club where persons are permitted to drink alcoholic beverages.

Sec. 11-1016 Entertainment License

No licensee shall permit on his licensed premises any music, except radio or other mechanical device or any dancing or

entertainment of any sort, unless the licensee shall have first obtained a special amusement permit, pursuant to the requirements of Rockland Special Amusement Ordinance.

Sec. 11-1017 Hours of Bottle Club

The premises used as a bottle club shall be closed and vacated by members and guests each day from 1:15 A.M. to 6:00 A.M. except January 1; and 2:00 A.M. on January 1. 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 any one 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.

Sec. 11-1018 Entrance to be Marked

The entrance to every club shall be plainly marked "Bottle Club, Members and Guests Only."

Sec. 11-1019 Illegal Activities

No licensee shall knowingly permit any illegal activities to take place on the licensed premises. Such licensed premises shall be subject to inspection by State, county or municipal law enforcement officers at any time, at the request of the Municipal Officers.

Sec. 11-1020 Suspension or Revocation

A license to operate a bottle club, as provided for by this Article, may be denied, suspended, or revoked by the Municipal Officers for either violation of or failure to comply with any of the provisions of this Article. Determination of the severity of the violation and whether or not a denial, suspension, or revocation is warranted, shall be made by the Municipal Officers, after notice and hearing.

Sec. 11-1021 Appeals

An appeal from any final decision of the Municipal Officers 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.

Sec. 11-1022 Penalty

In addition to any action which the Municipal Officers may take, violation of any provision of this Article shall be a civil violation and a fine not exceeding five hundred dollars (\$500) may be imposed. Each day that a violation continues will be treated as a separate offense.

State Law Reference: 30-A M.R.S. §§ 2101-2109, 3001; 28-A M.R.S. §§ 2, 4.

ARTICLE XI Licensing of Amusement Devices

Sec. 11-1101 License Required

No person, firm, corporation or association shall keep for public patronage or permit or allow the operation of any amusement device, as hereinafter defined, in or on any premises or location under his/her charge, control, or custody, without having a license for each location from the City of Rockland.

Sec. 11-1102 Licensing Authority

Licenses shall be issued by the Municipal Officers, after notice and hearing on the licensee's application. Notices shall be given by the Municipal Officers, pursuant to the provisions of Section 11-1108 of this Article. The Municipal Officers shall grant a license when they find that the applicant is in strict compliance with the requirements of this Article and the other applicable codes and ordinances of the City of Rockland.

Sec. 11-1103 Definitions

Unless otherwise defined herein, or in the text, all words will have their common meaning. Words and phrases having a special meaning will be defined when they first appear in the Article, except for the following definition:

1. Amusement Device shall mean and include devices, mechanical, electrical, electronic, or otherwise, which upon payment of a fee or insertion of a coin, disc, or other insertion piece, whether or not also manipulated by the operator, may be used by the public generally as a game, amusement, or entertainment, whether or not registering a score and which do not dispense any form

of pay-off, prize, or reward, other than an additional free use of the device itself.

Sec. 11-1104 Fees

Fees for an amusement device license shall be as established in Chapter 11, Section 11-401, License Fee Schedule.

Sec. 11-1105 Application and Information

Every applicant for an amusement device license shall:

1. Application. Complete and file an application on a form prescribed by the City Clerk.
2. Fee. Deposit the prescribed license fee in advance with the City Clerk.

Sec. 11-1106 Description of the Premises

Every applicant for a license shall include, in the application, 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 it is proposed to consume or keep liquor.

Sec. 11-1107 Investigation of Applicant

Upon receipt of each application for a license or notice of a change of officers:

1. Compliance with Ordinances. The Code Officer shall verify that the premises of the proposed location comply with the applicable ordinances of the City of Rockland, including, but not by way of limitation, the Building Code, Electrical Code, Plumbing Code, and Zoning Ordinance and shall report his findings in writing to the Municipal Officers.
2. Compliance with this Article. The City Clerk shall review the application and other documents and determine whether such documents indicate that the requirements of the Article have been met and shall report his findings in writing to the Municipal Officers.

Sec. 11-1108 Notice of Hearing

After receipt of the written reports required by Section 11-1107, the City Clerk shall give notice of the public hearing on an application for a license in the form and manner herein specified. 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.

Sec. 11-1109 License Not To Be Transferable

A separate license must be obtained for each location. Each license shall authorize the operation of an amusement device(s) only at the location described in such license and in conformity with all applicable ordinances and laws. No license shall be transferred to another person or to any other location, except that a licensed location may change its name upon approval of the Municipal Officers, if its location remains the same.

Sec. 11-1110 Display of License

Every location shall exhibit its license at all times in a conspicuous place on its premises.

Sec. 11-1111 Expiration

All license issued pursuant to this Article shall expire one (1) year after issuance. All licenses issued pursuant to this Article to establishments holding a valid State of Maine Liquor License shall expire on the same date as said State of Maine Liquor License. Eff: 06/09/99

Sec. 11-1112 Illegal Activities

No licensee shall knowingly permit any illegal activities to take place on the licensed premises. Such licensed premises shall be subject to inspection by state, county or municipal law enforcement officers at any time, at the request of the Municipal Officers.

Sec. 11-1113 Suspension or Revocation

An amusement device license, as provided for by this Article, may be denied, suspended, or revoked by the Municipal Officers for either violation of, or failure to comply with, any of the provisions of this Article. Determination of the severity of the violation and whether or not a denial, suspension, or revocation is warranted, shall be made by the Municipal Officers, after notice and hearing.

Sec. 11-1114 Appeals

An appeal from any final decision of the Municipal Officers 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.

Sec. 11-1115 Penalty

In addition to any action which the Municipal Officers may take, violation of any provision of this Article shall be a civil violation and a fine not exceeding five hundred dollars (\$500) may be imposed. Each day that a violation continues will be treated as a separate offense.

Sec. 11-1116 Construction

Severability is intended throughout and within the provisions of this Article. If any provision, including inter alia any exception, part, phrase, or term, or the application thereof to any person or circumstance is held invalid, the application of other persons or circumstances shall not be affected thereby and the validity of this Article in any and all other respects shall not be affected thereby.

State Law Reference: 8 M.R.S. § 502; 30-A M.R.S. § 2101-2109.

ARTICLE XII Licensing of Adult Amusement Stores

Eff: 10/01/14

Sec. 11-1201 Purpose

The purpose for licensing Adult Amusement Stores, as defined herein, is to establish reasonable and uniform regulations to prevent the deleterious secondary impacts of such establishments within the City of Rockland. It is not the purpose of this ordinance amendment to ban adult amusement stores, or to limit the content of, or access to, protected speech or expression.

Sec. 11-1202 License Required

No person, firm, or corporation shall keep, maintain, operate, lease, or otherwise furnish, whether for members or the general public, any premises, building, apartment, or place for use as an Adult Amusement Store without first having obtained an Adult Amusement Store license and paying the application and/or license fee(s) established therefor by Order of the City Council.

Sec. 11-1203 Licensing Authority

The City Clerk may issue an Adult Amusement Store license only upon its approval by the Municipal Officers, after notice and public hearing. Notice shall be given by the Clerk, pursuant to the provisions of Section 11-1210 of this Article. The Municipal Officers shall approve an Adult Amusement Store license when they find that the applicant is in strict compliance with the requirements of this Article and the other applicable codes and ordinances of the City of Rockland. In the event the City Council fails to hear and rule upon an Adult Business Store application within sixty (60) days of the date of the application, it shall be deemed to have been denied.

Sec. 11-1204 Definitions

For the purposes of this Article, certain words and phrases are defined as follows:

1. **Adult Amusement Store.** Any establishment having as a portion of its stock in trade, whether for sale, rental, or other use, or that derives any revenue from the sale, rental, or other use of, any “sexual device,” or any live or filmed, animated, printed, or digitized depiction or description of “specified sexual activity” or “specified anatomical area;” provided however that an establishment that sells any “sexual device” or sells or rents any filmed, animated, printed, or digitized depiction or description of any “specified sexual activity” or “specified anatomical area” and whose inventory for such purposes does not exceed 10% of total inventory wholesale value or generate in excess of 10% of the revenue of the establishment shall not constitute an “adult amusement store.” For the purposes of this definition, a “sexual device” shall mean a device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus, but shall not include a device primarily intended for preventing pregnancy or for protection against sexually transmitted diseases; “specified sexual activity” shall mean any sexual act including intercourse or other sexual contact as defined under Maine law, masturbation, sodomy, fondling or touching of human genitals, pubic region, breast, buttocks, or anus, or any depiction of human genitals in a state of sexual stimulation or arousal; and “specified anatomical area” shall mean less than completely and opaquely covered human genitals, pubic region, female breast below a point immediately above the top of the

areola, buttocks, or anus not depicted for a legitimate medical, educational, or scientific purpose.

2. Officer. Any officer, director, stockholder, owner, manager or person who either has a financial interest of any nature in an Adult Amusement Store or directs any policy of an Adult Amusement Store.
3. Person. Any individual, person, firm, corporation, association, partnership, or organization.

Sec. 11-1205 Fees

The City Council may establish a reasonable, non-refundable application fee for processing and giving notice of applications for Adult Amusement Store licenses and performing investigations and inspections therefor. The City Council may establish a reasonable, non-refundable license fee for inspecting and monitoring licensees' compliance of Adult Amusement Store licensees.

Sec. 11-1206 Application and Information

Every applicant for an Adult Amusement Store license shall:

1. Complete and file an application on a form prescribed by the City Clerk;
2. Pay in advance the non-refundable application fee and/or license fee;
3. Provide to the City Clerk all information and materials requested in the application or by a responsible municipal official, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, or articles of association and bylaws if the applicant is an association;
4. Submit, under oath, an affidavit in which the applicant identifies all officers, operators, and/or managers of the applicant, and of applicant's employees to be employed at the licensed premises, and states their dates of birth, social security numbers, current addresses, and prior addresses during the immediately preceding three (3) years.

The submission of false information in an application for a license shall be a violation of this Article and of 17-A M.R.S. § 452, and such act shall be ground for the denial of the application.

Sec. 11-1207 Qualification of Officers

To be eligible for an Adult Amusement Store license, no officer, operator, or manager of the applicant shall have been convicted, at any time, of a Class A, B, or C crime or, irrespective of the classification of the crime, of any offense relating to prostitution, unlawful sexual conduct, or trafficking a controlled substance. Each such officer, operator, or manager of the applicant shall file the release authorized by 16 M.R.S. § 620 (Criminal History Record Information Act) with the application. Failure to provide such a release shall be a ground for denial of the application.

Sec. 11-1208 Administrative Denial of Application

The City Clerk shall deny an application for an Adult Amusement Store license upon the occurrence of one or more of the following:

1. Applicant, upon notice, fails to submit information required under Sec. 12-1206;
2. Applicant fails to pay the non-refundable application fee established by the Council pursuant to Sec. 11-1205;
3. Applicant or an officer, manager, or operator of the applicant has been convicted of a crime that makes the applicant ineligible for a license pursuant to Sec. 11-1207.

Sec. 11-1209 Investigation of Applicant

Upon receipt of each application for an Adult Amusement Store license or notice of a change of operator(s) or manager(s):

1. Compliance with Ordinances. The Code Officer shall inspect and verify that the premises of the proposed Adult Amusement Store comply with the applicable ordinances of the City of Rockland, including but not by way of limitation, the Building Code, Electrical Code, Plumbing Code, and Zoning Ordinance and shall report his findings in writing to the Municipal Officers.
2. City Clerk. The City Clerk shall review the application and other documents and determine whether such documents indicate that the requirements of the Article have been met and shall report his findings in writing to the Municipal Officers.
3. Inspection by Fire Chief. The Fire Chief shall cause an inspection to be made of the proposed location of the Adult Amusement Store 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 Municipal Officers.

4. Investigation by Police Chief. The Police Chief shall cause an investigation to be made of the officer(s), operator(s), and manager(s) of the proposed Adult Amusement Store and shall report his findings in writing to the Municipal Officers.

Sec. 11-1210 Notice of Hearing

After receipt of the written reports required by Section 11-1210, the City Clerk shall give notice of the public hearings on applications for Adult Amusement Stores in the form and manner and to the persons herein specified. 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.

Notices shall be given to each of the following, as specified:

1. Residents. To all residents of the City by publication in a newspaper of general circulation in the City at least once, not more than thirty (30) nor less than five (5) days before the date of the hearing.
2. Abutters. To the owners of all the property within five hundred (500) feet of such parcel or tract by mail.
3. Property Owners Defined. For the purpose of this Section, the owners of property, shall be considered to be the parties listed by the Assessor's Department of the City of Rockland 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 Municipal Officers.

Sec. 11-1211 City Council Review Criteria

The Council shall approve and the Clerk shall subsequently issue an Adult Amusement Store license unless the Council finds, after notice and hearing, that:

1. The applicant is a person who is a minor;
2. The applicant provided false information in its application;
3. The applicant previously held a license or other permission to operate an adult amusement store or similar establishment that, within two years prior to the date of his application in Rockland was either (A) revoked by a municipality, or (B) found to constitute a public nuisance;
4. The applicant has, within two years prior to the date of his application, failed timely to pay any tax, fee, fine, or penalty;
5. The applicant failed to obtain a sales tax certificate from the State of Maine; or
6. The proposed store is likely to endanger public safety, for specified reasons.

Sec. 11-1212 Operations

In addition to and notwithstanding any other applicable provisions in this Code of Ordinances, Adult Amusement Store licensees shall be subject to the following restrictions and requirements:

1. No merchandise or pictures of the products or entertainment offered on the premises may be displayed in window areas or any area where they can be viewed from the sidewalk or street in front of the building, or from another parcel;
2. Licensee shall remain in compliance with the provisions for Adult Amusement Store signage set forth in Sec. 19-315;
3. Licensee may not employ any minor at or in connection with the Adult Amusement Store;
4. Licensee may not employ any person who has ever been convicted of a Class A, B, or C crime or, irrespective of the classification of the crime, of any offense relating to prostitution, unlawful sexual conduct, or trafficking a controlled substance;
5. The Adult Amusement Store shall be closed and vacated by the public each day from 12:00 Midnight to 6:00 A.M. During the hours that an Adult Amusement Store must remain closed, no members of the public or other persons, other than regular employees, may be on or remain therein;
6. No person may possess opened containers of or consume any alcoholic beverage on the licensed premises, at any time;
7. No licensee shall knowingly permit any illegal activities to take place on the licensed premises;

8. Every Adult Amusement Store shall include at least one interior Manager's Station, not to exceed thirty-two (32) sq. ft. in floor area. Licensee shall assure that at least one employee is on duty at all times and stationed at such Manager's Station. The interior of the premises shall be so configured as to ensure that the entire interior of the premises to which any patron is admitted for any purpose is within the unobstructed view of employees at one or more Manager's Stations;
9. The exterior of the licensed premises shall be surveilled by one or more security cameras that enable the employee at the Manager's Station to see view the conduct of patrons and other members of the public in areas not viewable from the street, parking areas, paths, and entrances, and areas adjacent to the other exterior walls of the premises. All areas subject to security surveillance pursuant to this subsection shall be adequately lit, in conformance with the lighting standards and conditional use approval by the Planning Board, so as to enable such surveillance. Digitized recordings of such surveillance shall be maintained for at least (sixty) 60 days;
10. Loitering shall not be tolerated, either outside or inside the premises ;
11. The exterior of an Adult Amusement Store may not be painted or otherwise arranged as to depict the human form or any part thereof, whether by photograph, painting, drawing, silhouette, or pictorial representation, nor exhibit any sexually-explicit or suggestive language;
12. The licensed premises shall be subject to inspection by State or municipal law enforcement and/or code enforcement officers at any time, at the request of the City Council or City Manager; and
13. Every Adult Amusement Store shall exhibit its license at all times in a conspicuous place on the licensed premises.

Sec. 11-1213 Licenses Not To Be Transferable

An Adult Amusement Store license is valid only for and at the premises identified therefor in the application. No Adult Amusement Store license may be transferred to another person or to any other location; provided, however, that a licensed Adult Amusement Store may change its name upon approval by the Municipal Officers, if its location remains the same.

Sec. 11-1214 Expiration

All licenses issued pursuant to this Article shall expire one year from the date of issue.

Sec. 11-1215 Proximity to Certain Establishments

No new Adult Amusement Store license shall be granted for premises situated within 300 feet from any residence, inn, bed and breakfast establishment, lodging house, assisted living facility, school, daycare, place of religious worship, recreational facility or park, playing field, or playground, or business holding a liquor, special amusement, or entertainment license (measured as a line between the public entrance of the adult amusement store and the closest point on the property line of the incompatible use).

Sec. 11-1216 Entertainment License

No licensee shall permit on his licensed premises any music, except radio or other mechanical device, or any dancing or entertainment of any type or in any form.

Sec. 11-1217 Suspension or Revocation

A license to operate an Adult Amusement Store, as provided for by this Article, may be denied, suspended, or revoked by the Municipal Officers for either a violation of or failure to comply with any of the provisions of this Article. Determination of the severity of the violation and whether or not a denial, suspension, or revocation is warranted, shall be made by the Municipal Officers, after notice and hearing.

Sec. 11-1218 Appeals

An appeal from any final decision of the Municipal Officers by any party with standing shall be made to the Superior Court in accordance with the provisions of Maine Rule of Civil Procedure 80B.

Sec. 11-1219 Penalty

In addition to any action which the Municipal Officers may take, violation of any provision of this Article shall be a civil violation and subject to a fine not exceeding five hundred dollars (\$500) per day. Each day that a violation continues is a separate offense