

AGENDA
ORDINANCE COMMITTEE

Thursday, May 23, 2019

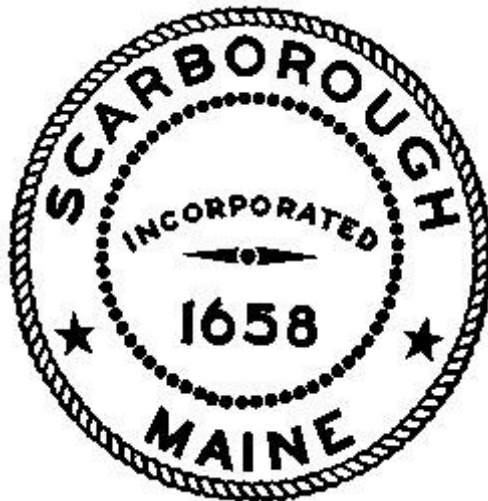
5:00 p.m.
Chamber A

- Item 1. Call to Order.
- Item 2. Roll Call.
- Item 3. Approval of the minutes from April 18, 2019 meeting.
- Item 4. Public Comment.
- Item 5. Discussion on Revisions to Chapter 1016 Garage/Yard Sale ordinance.
- Item 6. Discussion on Plastic bag ordinance.
- Item 7. Discussion of food truck licensing.
- Item 8. Discussion on Commercial marijuana ordinance development.
- Item 9. Adjournment.

CHAPTER 1016

TOWN OF SCARBOROUGH

GARAGE/YARD SALE ORDINANCE



Adopted March 21, 2007

**CHAPTER 1016
TOWN OF SCARBOROUGH
GARAGE/YARD SALE ORDINANCE**

PERMIT REQUIRED FOR GARAGE/YARD SALES.

No person shall conduct a garage/yard sale or similar sale of in excess of three (3) items of personal property without first having obtained from the Town Clerk a permit to conduct such sale. The Town Clerk may issue such permit, at a cost of five dollars (\$5.00), to any person proposing to conduct such sale provided that such permit and any sale conducted thereunder shall not be lawful and valid for more than three (3) consecutive days. Signs may be utilized to advertise such sale; provided, however, no such signs shall obstruct or intrude onto any public right-of-way, block the sight vision of any public right-of-way for vehicular or pedestrian traffic, be placed upon any public utility pole, or be placed upon the property of others without their prior consent. Such signs may not be erected or allowed to remain either more than twenty-four (24) hours prior to or more than twenty-four (24) hours after such sale.

The Town Clerk may issue only ~~two (2)~~ six (6) garage/yard sale permits for such sale, whether conducted indoors or out-of-doors, to any person or for a sale on any given residence within a consecutive ~~six~~ twelve-month period. Any sale of this type conducted more frequently than three (3) consecutive days for each ~~six (6)~~ twelve (12) consecutive month period, or any sale conducted without permit, shall be considered a use of land, which must comply with the Scarborough Zoning Ordinance and all licensing ordinances of the Town of Scarborough.

ATTACHING ADVERTISING MATERIAL TO VEHICLES; PLACING MATERIALS IN VEHICLES.

No person shall attach any advertising material of any kind, such as handbills, cards or papers, to the door handle, windshield wiper or any portion of any motor vehicle parked or standing in any street or public place, nor shall any person deposit any such material or samples of any kind within or upon any such vehicle so parked or standing.

PENALTY

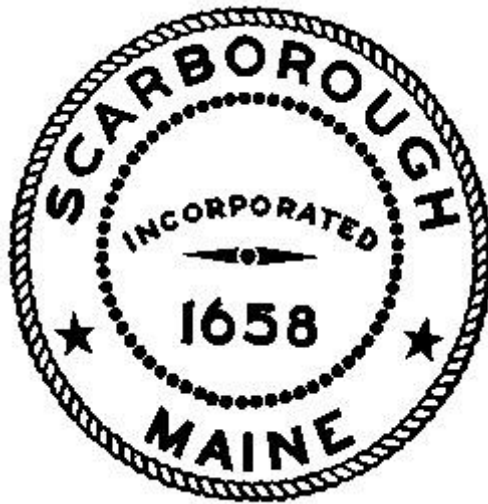
The first offense would be a warning; thereafter, any person who shall violate any provision of this ordinance shall be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) may be imposed. Each day that such violation continues to exist shall constitute a separate offense.

CHAPTER 1015

TOWN OF SCARBOROUGH

FOOD, FOOD HANDLERS AND FOOD

ESTABLISHMENTS ORDINANCE



Adopted June 21, 2006
Amended November 1, 2017

Section 1. Purpose.....	1
Section 2. Definitions.....	1
Food Code:.....	1
Section 3. License Required	1
Section 4. Exceptions.....	1
Section 5. Application Process	1
A. New Applications.....	1
B. Renewal Licenses	2
C. Public Hearing.....	2
Section 6. Investigation of Applicant.....	2
Section 7. License Fees	3
Section 8. Suspension, Revocation of License	3
Section 9. Reinstatement of License	3
Section 10. Penalty.....	3
Section 11. Severability	3
Section 12. Repeal of Prior Ordinances	3

CHAPTER 1015
TOWN OF SCARBOROUGH
~~FOOD~~, FOOD HANDLERS ~~AND FOOD ESTABLISHMENTS~~ ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to regulate the establishments offering for sale prepared and/or processed food in the Town of Scarborough. The regulations are essential to insure that all establishments selling prepared or processed foods are in compliance with the State of Maine Food Code 2001, all local ordinances and building regulations and that local property taxes and local fees are paid in full for the year prior to the issuance or renewal of a license.

Section 2. Definitions

Food Code:

The State of Maine Food Code 2001 adopted by the Maine Department of Human Services and the Maine Department of Agriculture, Food and Rural Resources.

Section 3. License Required

Any person who operates any place, including mobile units, where food or drink is prepared and/or processed or served to the public for consumption on or off the premise shall be licensed annually in order to operate within the Town of Scarborough.

Section 4. Exceptions

Any Public or private school; any booster group raising funds for school activities or sports programs; any non-profit organization selling food or drink to raise funds for charitable causes, educational activities or public agency programs; or any food sold only through vending machines shall be exempt from the provision of this ordinance.

Section 5. Application Process

A. New Applications

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

A license shall be granted if the property and/or mobile unit in question complies with all Federal, State and local laws and the applicant demonstrates that the premises and/or mobile unit will be conducted in a healthful and sanitary manner in accordance with the Food Code so as not to jeopardize the public health, safety and welfare and that the applicant is not

delinquent in the payment of any taxes or fees owed to the Town of Scarborough. A new license, when granted, shall be valid until June 30th, immediately following said granting of license.

B. Renewal Licenses

An existing license may be renewed by the Town Clerk, provided that the holder of the existing license makes application for renewal on or before ~~June 30th~~-January 31st. If the holder applies for renewal on or before ~~June 30th~~-January 31st, the existing license shall remain in effect until final action on the renewal application. Otherwise, the existing license shall expire on ~~June 30th~~-January 31st and an application for a new license must be filed. For renewal applications filed on or before ~~June 30th~~-January 31st, the Clerk shall process and issue renewal licenses in the same manner as the Town Council processes and issues new licenses, except that no public hearing is required for a renewal. The Clerk may renew a license only if the Clerk is satisfied that the application meets all the requirements of this ordinance. If the Clerk is not satisfied that the application meets all the requirements of this ordinance, the Clerk shall refer the application to the Town Council, which shall process the application in the same manner as an application for a new license.

C. Public Hearing

The Town Council shall hold a public hearing on all new applications for licenses under this Ordinance. Notice of the hearing shall be advertised in a local daily newspaper, at least seven (7) days prior to the meeting at the expense of the applicant.

Section 6. Investigation of Applicant

Upon receipt of each application request for a ~~Food~~, Food Handler ~~and Food Establishment~~ License the following shall occur:

- (a) The Code Enforcement Officer, or her/his designee, shall verify that the premises comply with all applicable ordinances of the town including, but not limited to, the building code, electrical code, plumbing code and zoning ordinance and shall report her/his findings in writing to the Town Clerk; and, [amended 11/01/17]
- (b) The Fire Chief or her/his designee shall inspect the proposed location to determine if all laws, ordinances or regulations concerning fire and safety have been satisfied and shall submit her/his report in writing to the Town Clerk; and, [amended 11/01/17]
- (c) The Police Chief or her/his designee shall investigate the application and shall report her/his findings in writing to the Town Clerk; and, [amended 11/01/17]
- (d) The Tax Collector shall submit a report to the Town Clerk on any delinquencies or payments due the Town at the time the license is requested or renewed; and,
- (e) The Town Clerk shall review the application and other documents and determine whether such documents comply with all of the requirements of this article and shall report such findings in writing to the Town Council.

Section 7. License Fees

Fees for this Ordinance shall be set forth as specified in Chapter 311, *Schedule of License, Permit and Application fees*.

Section 8. Suspension, Revocation of License

A ~~Food~~, Food Handler ~~and Food Establishment~~ license may, after notice and public hearing, be suspended or revoked by the Town Council for non-compliance with the ordinances, statutes, and regulations of the Town of Scarborough and the State of Maine.

Section 9. Reinstatement of License

A licensed ~~Food~~, Food Handler ~~and Food Establishment~~ may, at any time after the suspension of the license, make an application in writing for the reinstatement of the license to the Town Clerk and such application shall be submitted to the Town Council as per Section 5 above.

Section 10. Penalty

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

Section 11. Severability

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

Section 12. Repeal of Prior Ordinances

This Ordinance repeals and replaces the ordinance entitled “Fee for Innkeepers or Victualer’s License Ordinance” enacted by special town meeting, May 3, 1947 and amended through September 6, 1995.

Councilor Caterina and I met with the Assistant City Manager of South Portland, Joshua Reny, to discuss how that city's commercial marijuana ordinances were developed. He shared that their ordinances were written by their municipal attorney based on feedback from residents and the elected officials. If the Ordinance Committee amenable to this idea, I would recommend that Scarborough follow a similar path. We are fortunate to have as our attorney one of the best resources on the marijuana laws in Maine and his expertise would be welcome in crafting these complicated and important ordinances. We have started the process South Portland went through by identifying which types of commercial marijuana activity the Ordinance Committee is interested in exploring. We have also gathered input from residents through a survey and public information sessions. To further the development of these ordinances I offer the following points of discussion for your consideration:

- Does Scarborough wish to have caps on the number of businesses within each commercial designation
 - If there are to be caps on the number of/square footage how will licenses be awarded
- Fees for licensing
- Setbacks from sensitive uses
 - Schools
 - Places of worship
 - Places where children gather - pre schools, playgrounds, public parks
- Odor control/mitigation requirements
- Distance between commercial marijuana entities
- Design standards for medical marijuana retail stores