Business License Ordinance for the Municipality of Dresden, Maine

Adopted by Town Meeting dated 12/03/2024

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NOTICE OF CHANGE

"This document describes the Business License Ordinance for the Town of Dresden. This document supersedes and replaces the New Business Permit Ordinance document dated July 7, 1989"

Section 1: Title, Purpose and Scope

1.1 Title

This Ordinance shall be known as and may be cited as the "Business License Ordinance of the Town of Dresden".

1:2 Purpose

The purpose of this ordinance is to establish a unified licensing process and standard for all types of business licenses which the town issues. Through this ordinance the town seeks to insure compliance on business to protect public health, safety and welfare.

1:3 Licensed Activities

No person or business shell engage in any business activities unless they possess a valid town business license to do so.

1.4 Definitions

APPLICANT: During the application process, "applicant" shall be defined as follows.
The principal owner of the establishment is the applicant. If a corporation is the principal owner, the principal stockholder of the corporation is the applicant. If the principal owner is not primarily responsible for the actual operation of the establishment, then the person primarily responsible for the actual operation of the establishment shall be included as the co-applicant

BOARD: The Select Board

BUSINESS: A business shall be defined as a person's regular occupation or trade for enhancing one's livelihood, which includes all individuals, partnership, corporations, and other entities, exclusive of employees of such entities, that provide service or merchandise, whether for profit or not, having a place of operation within the municipal boundaries of the Town of Dresden and meeting one of the following criteria:

1. All businesses that the State of Maine requires to register for sales tax or an employer; or
2. Agricultural and fishing occupations; or
3 Profession; or
4 Home occupations.

CEO: Code Enforcement Officer.

CUP: Conditional Use Permit.

LICENSE: A grant of authority from the Town of Dresden to an Applicant and their establishment to conduct a particular activity on a particular property pursuant to this Ordinance and/or State law.

NVOCA: Notice of Violation and Order for Correction Action.

Section 2: General Provisions

2:1 Licensing Authority

The Board shall serve as reviewers and approves of all Business Licenses under the Ordinance.

2:2 Licenses Not Transferable

A Business License shall be specific to the applicant and property, and not be transferable to another person or property.

2.3 License Renewal

Business Licenses are to be renewed on or before March 1st of each calendar year.

2.4 Display of License Placard Required

When the town issues a new License, renews a license, or amends a License, the Town Office shall issue a new printed License placard. This License placard shall be displayed at the Licensed establishment such that it is readily visible to customers, people at the establishment, and State officials.

The License placard shall indicate the following information

- Name of Business
- Street Address of Establishment
- Owners Name
- Type of Business
- Date of License Expiration
- Date of issuance
- Select-board approval
- If Applicable, seating capacity or occupancy limits, and other limits Or restrictions specified by the Board of Selectmen.

Upon approval from the Board, a Business License will be provided to the applicant signed by the Board. An example of the License to be provided to the applicant will be in the format found as attachment 1. which is hereby incorporated herein by reference.

2.5 Inspections

Inspections are mandatory for most licensed businesses. The following shall apply.

A town official or board shall inspect every business as a condition of issuance of a (CUP) or License. Submittal of an application to the Town office constitutes agreement to make the premises available for inspection during normal working hours, or at an agreed upon time between the applicant and town officials. Such inspections shall generally be conducted prior to an action by the Board or Planning Board, but may be deferred by the Boards if the operation is seasonal and not open at the time of application or for good cause.

A. Code inspection. Code inspections are to be conducted by the (CEO). The purpose of this inspection is to insure compliance with all State and local permits and licenses. For a new or expanding establishment, the CEO shall verify the possession of a valid CUP from the town.

B. The applicable Federal or State agencies will conduct all other inspections

2.6 Application Fees

The application fee shall be paid at the time of application submittal, and shall be non-refundable. The following shall apply.

2.6.1 New Licenses and Renewals

A. All fees shall be in accordance with those found in the Dresden Land Use Ordinance

B. Veterans; a reduced initial Business License fee (50%) is available to all veterans upon the presentation of a valid DD 214 reflecting a discharge from the United States Armed Forces under Honorable conditions.

2.6.2 License Amendments

The fee for a License amendment shall be $25.

2.7 Saving Clause

In the event any provision of this ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of the Ordinance.

2.8 Effective Date

This Ordinance is effective as of adoption by vote at a Town Meeting dated _____

Section 3: Application process

3.1 Application Procedure

Each Applicant's review process is identical weather an Applicant is submitting a request for a new License or an amendment to an existing one.

3.1.1 Application Form

The Board shall adopt an application form. This form may be amended as needed by the Board and shall be available in the Town Office.

3.1.2 Transition Period

A: Existing Businesses

Any businesses currently operating on prior authorization within the Town of Dresden boundaries shall be grandfathered from the requirement to appear before the Board. Businesses that fall within this grandfathered provision will still be required to submit the license information to the Town Office so as to receive their License placard. The cost to obtain said license will be in accordance with the fee found in the fee schedule of the Dresden Land Use Ordinance.

B: Applications in Process

Any completed application, which has been received by the Town Office but not decided on by the Board at the time this Ordinance is enacted, shall be decided based on the requirements in place at the time of receipt by the Town Office.

3.2 Submittal of Application

The applicant shall complete and submit to the town the application form along with all supplemental information and materials per the instructions included with the form. Applications material shall be delivered to the Town Office either in person or by mailing to; Dresden Town Office, PO Box 30 Dresden, Me. 04342

3.3 Timing of application

3.3.1 New Licenses and License Amendments

The application for a new or amended license may be submitted at anytime, but the license must be obtained before the licensed activity is started.

3.3.2 License Renewals

An application for license renewal shall be submitted no sooner than 90 days prior to expiration of the current license. Applying is advised no later than 30 days prior to the expiration date.

3.3.3 State Authorization

Prior to renewal or amendment of a Town issued License, which required authorization from the State of Maine, the applicant must demonstrate compliance with the applicable State Licensees. Loss of State authorization shall automatically invalidate the Town-issued License.

3.4 Administrative Review of Application

The Board shall initiate an administrative review of the application as required in this Ordinance. If a CUP is required, a copy of the application will be given to the Planning Board chairman. The Tax collector will verify that all taxes have been paid for the property in question. If no CUP is required, the Board shall be the reviewing authority.

3.5 Public Meeting

At its scheduled meeting, the Board shall entertain public comments before deciding on an application for a new license or to amend an existing license. The public meeting is an opportunity for the public to offer input to the board, either speaking at the hearing or by providing written comments to be read at the meeting.

3.6 Decision

The board shall vote to make one of the following decisions.

3.6.1 Approval

The Board shall approve an application when the applicant fully complies with this ordinance and other applicable town codes. To achieve the purpose of the Ordinance and other applicable Town codes the Board may impose conditions of approval.

3.6.2 Denial

The Board shall deny an application that has not complied with this Ordinance's requirements and other relevant town Ordinance.

3.7 Appeals

Any decision, action, or inaction pertaining to this ordinance by the Board is appealable to the Dresden Board of Appeal In Accordance With the Dresden Land Use Ordinance.

3.8 Enforcement

Enforcement of this ordinance shall be as follows.

3.8.1 Enforcement Responsibilities

Enforcement authority pursuant to this ordinance varies by License type, and is specified for each License type as being the (CEO), or other State required Licensing Authority.

3.8.2 Enforcement Actions

Actions taken to enforce this ordinance shall generally follow the sequence provided here.

A. Reminder

At least 30 days prior to the expiration of the Business License, the Town Office shall contact the business owner of record to remind them of the requirement to renew their License. If the lapse in license exceeds 30 calendar days after the renewal date, this matter shall be turned over to the designated enforcement authority for formal enforcement action.

B. Notice of Violation

If the business fails to correct the lapse of action concerning it License within 30 days, a Notice of Violation and Order for Corrective Action (NVOCA) shall be issued. This notice shall document the violation in terms of actions and code section violated, and shall order the violation to immediately cease. This NVOCA shall be delivered in person or by any means where receipt is documented in writing (such as certified mail/return receipt requested). The business will have (7) working days from receipt of the NVOCA to correct the violation.

C. Board Action

In the event the NVOCA does not result in compliance within the specified time. The matter shall be documented in writing and turned over to the Board. For any violation forwarded to the board and not resolved within 7 working days thereafter, the Board will entertain public comments concerning the matter as part of their next scheduled meeting. If the Board chooses to take enforcement action, it shall have the authority to take any of the following actions, which are not necessarily a sequence of steps but rather a list of options.

1. Suspend License: The Board may suspend the License for a fixed period of time not to exceed 30 days.

2. Planning Board: The Board may chose to send the matter back to the Planning Board for consideration of removal of the (CUP).

3. Revoke License: The Board may revoke the License(s). If revoked, the License holder shall not re-apply for a new license within 60 calendar days of the Boards vote.

4. Prosecute: The Board may initiate any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate and necessary to enforce the provisions of this Ordinance in the name of the Town. If prosecution is successful, the town shall not accept any applications from the violating business for a new or renewed License within 120 days of the court decisions.

3.9 Penalties

Any person who violates this Ordinance may be subject to a civil penalty of $25.00 per day per violation for the first offense, $50.00 per day per violation for the second offense and subsequent offenses within a 2-year period. The "per day" period shall begin on the first day that the NOVOC is officially received.

3.10 Waiver/Payment of Fines

The Select board may waive the violations, and fines to the Town of Dresden, if the required amount is paid within 20 calendar days of issuance of the Notice of Violation and order of Corrective Action. If the fine is paid, any initiated legal matters will be terminated.

If the offender chooses not to pay the fines, the legal action against them will proceed. If the offender is found by a court of law to have committed the offense, all fines, applicable court fees, attorney's fees, and prosecution costs will apply.

TOWN OF DRESDEN
Post Office Box 30
Dresden, Maine 04342
737-4335

Business License

Please post in public view

Name of Business:	
Street Address:	

Granted to:	
To conduct the business of:	
Expiration Date:	
Issue date:	

Issued in accordance with the provisions of the Town of Dresden Business Ordinance,

license is hereby granted to operate the business referenced above.

1st Selectboard Member

2nd Selectboard Member

3rd Selectboard Member