

WISCASSET BOARD OF SELECTMEN,
BOARD OF ASSESSORS AND OVERSEERS OF THE POOR
SEPTEMBER 1, 2015

Preliminary Minutes

Tape recorded meeting

Present: David Cherry, Vice Chair Judy Flanagan, Chair Ben Rines, Jr., Jeff Slack and Town Manager Marian Anderson

1. Call to Order

Chair Ben Rines, Jr., called the meeting to order at 6 p.m.

2. Pledge of Allegiance

3. Public Hearings – none

4. Approval of Minutes

Ben Rines, Jr., moved to approve the minutes as amended. Vote 4-0-0.

5. Approval of Treasurer's Warrants

**David Cherry moved to approve the Payroll Warrants of August 21 and August 28, 2015. Vote 4-0-0.
Judy Flanagan moved to approve the Accounts Payable Warrants of August 18 and September 1, 2015.
Vote 4-0-0.**

6. Assessors' Business – none

7. Special Presentations or Awards – none

8. Appointments – none

9. Resignations

Ben Rines, Jr., announced that Roland Abbott, Ambulance Director, had resigned. Jeff Slack moved to accept the resignation with regret. Vote 4-0-0.

10 Public Comment

Jeanne Main said that in spite of numerous complaints to the Town, one of her neighbors continues to have propane tanks, fire extinguishers, unregistered vehicles, and other trash on his property, which she can see from her deck. She said the CEO has sent letters to the owner of the property but nothing has been done. She asked that the town demand that the property be cleaned up immediately or that her property be reassessed at a lower rate. The Town Manager said she has asked the CEO to visit the neighbor to resolve the issue. Police Chief Troy

Cline recommended that if hazardous materials are present, the DEP be contacted. Ben Rines moved that we give the landowner until the 30th of September to clean up his property or the Town will take legal action. Vote 4-0-0.

11. Unfinished Business

A. Update on basketball court fundraiser: Marian Anderson reported that Todd Souza is looking into the matter, but she had no information at this time.

B. Lincoln County Healthcare Lease: Marian Anderson reported on discussions with Patrick Parson, Lincoln County Healthcare, for the lease of the (former) elementary school from December 2015 to May 2016. There will be no lease payment, but Lincoln Healthcare will pay for heating, estimated between \$85,000 and \$90,000. The tenant will be responsible for trash pickup and plowing; the town will take care of water and sewer and maintenance of boilers, etc. The town will be responsible for removing snow from the roof and snow banks after the tenant plows roads. It was the consensus of the board to move forward with a lease. **Ben Rines, Jr. moved to authorize the Town Manager to sign the lease. Vote 4-0-0.**

Jeff Slack moved to take agenda item 12D out of order. Vote 4-0-0.

12. New Business

D. Brian Murray request to discuss Currier Langley's delinquent tax payment agreement for Map R01, Lot 044-J: Murray asked for the status of Currier Langley's delinquent tax payment agreement and what the Town's foreclosure policy was. He said because of issues with his neighbor over property lines, he would like to acquire the abutting property. The need for a policy for this and other foreclosed properties was discussed as it would apply to both unoccupied land and land with buildings. Jeff Slack said in the past foreclosed properties were offered to an abutter, put out to bid or sold directly. Ben Rines, Jr. recommended that a letter be sent to Langley giving him two weeks to pay his total bill before the Town took possession of his property. David Cherry recommended that a request to cease actions on Langley's neighbor's properties be included in the letter. Marian Anderson will determine if the liens on the Langley property are in good condition and then if no payment is made, the board could at the next meeting decide what to do with the property

E. Delinquent tax payment agreements: Marian Anderson had prepared a packet of information for the board members on properties with delinquent taxes and status of their payment agreements. **Ben Rines, Jr., moved that the Town will continue to honor all agreements. Vote 4-0-0.** Anderson will verify the status of all liens starting with vacant properties. The board will discuss the current policy on tax-acquired properties and check with MMA for legal assistance. A work meeting with the Town Manager, Assessor, CEO and Planner was suggested. **Ben Rines, Jr., moved that until the matter is sorted out, there will be no more agreements made by the Town. Vote 4-0-0.** Judy Flanagan suggested that a list of available properties be circulated to Town departments to determine if they would be interested.

11. Unfinished Business (cont'd.)

D. Federal Street Update: Marian Anderson said she had drafted a letter to the commissioner in response to his letter informing the town that no changes would be made to the weight limit on Federal Street. The board discussed whether or not to participate in the meeting of stakeholders being planned by Senator Chris Johnson to address concerns of Wiscasset and Sheepscot Village regarding Federal Street. A board meeting at the elementary school to which the MDOT commissioner, state representatives and residents of Newcastle and Alna would be invited was discussed but no decision was made. There was a consensus that the chairman and town manager meet within the next two weeks with the DOT regarding the process for changing weight limits on state roads. Marian Anderson will contact Senator Johnson and advise him that the board would respond to his invitation at a later date.

12. New Business

A. Town Real Estate Update

i. Former Ferry Road Development, LLC property Map 8, Lots 5b, 6 and 12: Sherri Dunbar reported she had been working on the Mason Station property and had shown it several times. She asked the board about its plans for the property, noting that not all the property had been foreclosed. The property will need remediation, and she had met with Todd Cotton, an environmental engineer, who had done an assessment on the cost of remediation. She said that EPA superfunds were available for cleanup of brownfield properties. Marian Anderson will check on the tax status of the property and will meet with Lincoln County Planning on funds available for cleanup. **David Cherry moved to keep the 327-acre parcel and to sell the other two parcels. Vote 4-0-0.** The Ordinance Review Committee's work on a Planned Development District ordinance for the large parcel was mentioned. A copy of the Lincoln County Health lease for the former elementary school will be given to Dunbar.

ii. Bath Road, Map U17, Lot 004B: Sherri Dunbar will discuss this property in executive session with the board. **Ben Rines, Jr., moved to meet in executive session with Sherri Dunbar on Friday, September 4, at 5:30 p.m. Vote 4-0-0.**

B. Project Funding Discussion

i. Fence at Wiscasset Community Playground: Marian Anderson described the need for a fence at the playground near a steep drop-off. The area had previously been blocked by shrubbery which had been removed. **Judy Flanagan moved to take \$1,023.96 out of contingency for the fence materials. Vote 4-0-0.**

ii. Crack fill and seal at Sherman Park: Paving at the playground of the new elementary school had been damaged by heavy equipment; the Town's share of the cost to repair will be \$3,800. **David Cherry moved to pay the \$3,800 from contingency. Vote 4-0-0.**

C. Invitation to Senior Center Dinner September 9 @ 5 p.m.: This will not be a select board meeting; the Senior Center has sent its agenda for the meeting. **Ben Rines, Jr., moved that the board meet at the Senior Center on September 9 or 23rd. Vote 4-0-0.** (Note: this was later changed to September 16.)

F. Removal of NOAA tide gauge September 9-13: Marian Anderson said the NOAA mapping project had been completed and the tide gauge would be removed around September 9 – 13.

13. Department Head or Committee Chair Report

A. Update on speeding and traffic control – Chief Troy Cline: The chief summarized his report on traffic stops for speeding, lack of registration or inspection and failure to wear seatbelts. Usually warnings are given on the first stop with tickets given for repeat offenses. He reported that Thomas Hoepner has been appointed as School Resource Officer. Cline said he would work with the town on the Federal Street problem and will be present in the mornings at the elementary school with blue lights flashing to ensure speed limits are not exceeded. Pedestrian crossing problems in the village were discussed as was the possibility of employing another officer. The pedestrian crossing lights, previously discussed, are no longer available from MDOT but it is possible to obtain one for \$9,000 and Marian Anderson is exploring sharing the cost with the school department. Judy Flanagan asked about the possibility of having a day set aside where an officer can check and/or instruct on the installation of child car seats. Cline will check with the highway safety department.

14. Town Manager's Report

Marian Anderson reported that with help from CMP the generator for the municipal building will be connected by winter.

The runway striping at the airport has been completed

Joseph McCole been appointed as interim EMS director for a 90-day period.

In response to Judy Flanagan's question regarding the loader bids, Anderson explained that although some companies submitted two bids with different prices, all bids were compared with the specs and the bid was awarded to Nortrax.

In response to a request for increased office hours, the town manager said the office had been open one night a week until six, but some nights there had been no activity and it was not cost effective to keep the office open for an extra hour. A drop box for payments had been installed and registration and fishing and hunting licenses can be obtained on line.

A motion to double side selectmen's packets failed.

Ben Rines, Jr., moved that the board continue to meet at 6 p.m. Vote 4-0-0.

15. Adjournment

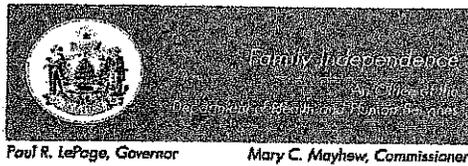
Jeff Slack moved to adjourn the meeting. Vote 4-0-0.

**TOWN OF WISCASSET
PUBLIC HEARING
GENERAL ASSISTANCE ORDINANCE**

The Board of Selectmen will hold a public hearing on Tuesday, September 15, 2015 at 6:00 p.m. in the Municipal Building Hearing Room. The purpose of the hearings is as follows:

- 1. To adopt the local 2015-2016 General Assistance Ordinance and yearly Appendices**

Dated: 09/08/2015



Office for Family Independence
19 Union Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 624-4168
Toll Free: 1-800-442-6003
Fax (207) 287-3455

TO: Municipal Officials/Welfare Directors/General Assistance Administrators
FROM: Ian Miller, General Assistance Program Manager
RE: 2015 – 2016 General Assistance Ordinance Maximums
DATE: September 8, 2015

Enclosed please find the following items:

- MMA's new (October 1, 2015–September 30, 2016) “**General Assistance Ordinance Appendix**” (A, C & D).
- “**GA Maximums Summary Sheet**” which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The “summary” does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA.
- “**GA maximums adoption form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS. (*see “Filing of GA Ordinance and/or Appendices” below for further information*).

Appendix A - D

The enclosed Appendices A - D have been revised for your municipality's General Assistance Ordinance. These new Appendices, once adopted, should replace the existing Appendices A – D. Even if you have already adopted MMA's model General Assistance Ordinance, the municipal officers must approve/adopt the new Appendices yearly.

GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2015 to September 30, 2016.**

APPENDIX A - OVERALL MAXIMUMS

| <u>County</u> | <u>Persons in Household</u> | | | | | |
|---------------|-----------------------------|-------|-------|---------|---------|---------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| | \$666 | \$739 | \$932 | \$1,161 | \$1,245 | \$1,320 |

NOTE: For each additional person add \$75 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

| <u>Number in Household</u> | <u>Weekly Maximum</u> | <u>Monthly Maximum</u> |
|----------------------------|-----------------------|------------------------|
| 1 | 45.12 | 194 |
| 2 | 83.02 | 357 |
| 3 | 118.84 | 511 |
| 4 | 150.93 | 649 |
| 5 | 179.30 | 771 |
| 6 | 215.12 | 925 |
| 7 | 237.67 | 1,022 |
| 8 | 271.86 | 1,169 |

NOTE: For each additional person add \$146 per month.

APPENDIX C - HOUSING MAXIMUMS

| <u>Number of Bedrooms</u> | <u>Unheated</u> | | <u>Heated</u> | |
|---------------------------|-----------------|----------------|---------------|----------------|
| | <u>Weekly</u> | <u>Monthly</u> | <u>Weekly</u> | <u>Monthly</u> |
| 0 | \$119 | \$513 | \$141 | \$607 |
| 1 | \$126 | \$540 | \$156 | \$669 |
| 2 | \$160 | \$690 | \$198 | \$850 |
| 3 | \$202 | \$870 | \$248 | \$1,066 |
| 4 | \$209 | \$897 | \$264 | \$1,135 |

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

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APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is *not automatically* entitled to the "maximums" established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water*:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

| <u>Number in Household</u> | <u>Weekly</u> | <u>Monthly</u> |
|----------------------------|---------------|----------------|
| 1 | \$14.00 | \$60.00 |
| 2 | \$15.70 | \$67.50 |
| 3 | \$17.45 | \$75.00 |
| 4 | \$19.70 | \$86.00 |
| 5 | \$23.10 | \$99.00 |
| 6 | \$25.00 | \$107.00 |

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water*:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

| <u>Number in Household</u> | <u>Weekly</u> | <u>Monthly</u> |
|----------------------------|---------------|----------------|
| 1 | \$19.10 | \$86.00 |
| 2 | \$23.75 | \$102.00 |
| 3 | \$27.70 | \$119.00 |
| 4 | \$32.25 | \$139.00 |
| 5 | \$37.30 | \$160.00 |
| 6 | \$41.00 | \$176.00 |

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

| <u>Month</u> | <u>Gallons</u> | <u>Month</u> | <u>Gallons</u> |
|--------------|----------------|--------------|----------------|
| September | 50 | January | 225 |
| October | 100 | February | 225 |
| November | 200 | March | 125 |
| December | 200 | April | 125 |
| | | May | 50 |

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MMA
09/15

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

| <u>Number in Household</u> | <u>Weekly Amount</u> | <u>Monthly Amount</u> |
|----------------------------|----------------------|-----------------------|
| 1-2 | \$10.50 | \$45.00 |
| 3-4 | \$11.60 | \$50.00 |
| 5-6 | \$12.80 | \$55.00 |
| 7-8 | \$14.00 | \$60.00 |

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

| <u>Number of Children</u> | <u>Weekly Amount</u> | <u>Monthly Amount</u> |
|---------------------------|----------------------|-----------------------|
| 1 | \$12.80 | \$55.00 |
| 2 | \$17.40 | \$75.00 |
| 3 | \$23.30 | \$100.00 |
| 4 | \$27.90 | \$120.00 |

FOR MUNICIPAL USE ONLY

MMA
09/15

**GENERAL ASSISTANCE ORDINANCE
APPENDICES A-D
2015-2016**

COPY

The Municipality of Wiscasset adopts the MMA Model Ordinance GA Appendices (A-C) for the period of Oct. 1, 2015—September 30, 2016. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the 18th of September 2015 by the municipal officers:

(Print Name)

(Signature)

3.20 WEIGHT LIMIT ON FEDERAL STREET

3.20.1 No person, business, corporation or other entity shall operate or cause to be operated any truck, trailer, tractor or other vehicle that has a gross weight of more than 6,000 pounds or a width greater than eight feet, on that section of Federal Street which runs northerly from State Highway #1 to the former State Highway Garage as now situated, a distance of 3,800 feet.

3.20.2 Provided, however, that this section shall not apply to persons operating general service vehicles engaged in conducting business on said street.

3.20.3 Whoever violates this section shall, upon conviction, be punished by a fine of not less than \$10.00 nor more than \$100.00. [2-73]

*Taken from the 2015 Edition of the Town of Wiscasset Ordinances (Article IX – Regulations, Licenses, Permits)

TOWN OF WISCASSET
Main Street Pier
Vendor Permit Application

APPLICANT NAME: Allen & Mary Teescot

BUSINESS NAME: Rocky Hill Design

MAILING ADDRESS: 13 Lilac Garden Rd

PHONE NUMBER: 380-6074

EMAIL ADDRESS: AT @ Rockyhill design.com

SEASONAL PERMIT: \$400 (10' X 20') or \$600 (30' x 34')

WINTER RENTAL PERMIT: \$300 (10' X 20') or \$400 (30' x 34')

DAY USE PERMIT: DATE(s): 9/19 9/26 \$25

FOR PROFIT NON PROFIT

DESCRIPTION OF ALL BUSINESS ACTIVITIES THAT WILL TAKE PLACE ON SITE: sell books from a table

REQUEST FOR APPROVAL OF ACCESSORY FURNITURE: (please list all furniture and size and attached a sketch of placement)

I REQUEST ELECTRICAL SERVICE: 110 Volt outlet

\$100/season or \$5/day additional use will be billed by the Town

- ATTACH A CERTIFICATE OF INSURANCE, NAMING THE TOWN OF WISCASSET AS AN ADDITIONAL INSURED.
- ATTACH A PHOTO OR SKETCH OF THE PROPOSED STRUCTURE.

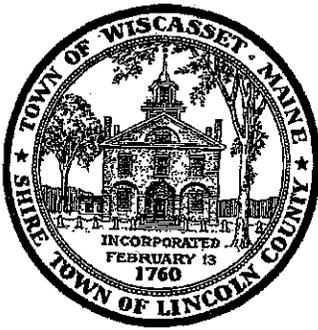
I represent that all of the above information is true and correct. I have read the attached Main Street Pier Policies and agree that I will comply with all rules and regulations.

Mary D... [Signature]
Signature

09/31/15
Date:

| | Office use only |
|-------------------|-----------------|
| Permit fee | _____ |
| Electric fee | _____ |
| Total amount | _____ |
| Approval Date | _____ |
| Assigned location | _____ |
| Issue date | _____ |
| Expiration date | _____ |

Recommended Not Recommended _____
Authorized by _____
Waterfront Committee
by Waterfront Committee
Jamel Torres, Town Planner



Office of Planning & Codes

51 Bath Road • Wiscasset, ME 04578

TO: Wiscasset Board of Selectmen
FROM: Karl Olson, Chair, Ordinance Review Committee and Jamel Torres,
Town Planner
CC: Marian Anderson, Town Manager
DATE: September 15, 2015
SUBJECT: Temporary Business and Business License Ordinance Amendments

Per request of the Select Board, the Ordinance Review Committee (ORC) updated the Town's current temporary business and business license ordinances during the month of August. At the August 31, 2015 ORC meeting, the committee approved the attached ordinances.

Since the July 7, 2015 Select Board meeting, the ORC, in collaboration with Doug Fowler, Director of Public Works, added a list of town-owned and maintained properties, including the "Town Common" to the amended Temporary Business License. This list is located in Section 1.4.3.f. on page 2. Per request of the Select Board in July, this list seeks to better define the Town Common and town-owned and maintained properties. No other amendments to the Temporary Business Ordinance have been made since the July 7 Select Board meeting.

The ORC was also tasked with looking into the appropriateness of including an Appeals Section within the updated Business License Ordinance. The committee consulted with the Maine Municipal Associations Legal Department and came to the conclusion that having an Appeals Section within this ordinance is appropriate. If the ordinance did not include an Appeals Section, then the business license applicant would have to appeal the decision to court.

As a reminder, the original amendments to the Temporary Business License and Business License Ordinances brought forward from the ORC at the July 7, 2015 Select Board meeting are attached to this memo. Additionally, both of the amended ordinances are attached to this memo. The sections in red are the amendments made since the July 7, 2015 Select Board meeting.

1.4 TEMPORARY BUSINESS ORDINANCE [6-06, 6-11]

1.4.1 Purpose. It is the intent of this ordinance to regulate temporary business activities so that temporary stands, concessions and exhibits are allowed only upon meeting certain minimum regulations.

1.4.2 Definitions.

- a. Temporary Business Activity: Any activity, stand, concession, carnival, road show, trade show, fair or public exhibition, taking place from a temporary structure and/or temporary location, whose purpose is to advertise, display, or offer goods for sale for no more than ninety (90) consecutive days during a three hundred sixty-five (365) day period.
- b. Temporary Business License: A document obtained from the Wiscasset Code Enforcement Officer that grants the applicant permission to conduct a temporary business activity in the Town of Wiscasset.

1.4.3 Permits. It shall be unlawful for any individual, person, firm, corporation, partnership, or other business entity to conduct temporary business activities in the Town of Wiscasset without first applying for and obtaining a temporary business license.

- a. To operate a temporary business 15 days or fewer, the applicant shall obtain a temporary business license from the Wiscasset Code Enforcement Officer before engaging in any activities associated with this section. The Code Enforcement Officer shall have the authority to approve or deny any temporary business license pursuant to this ordinance.
- b. To operate a temporary business for more than 15 days or on the Town Common, the applicant shall obtain approval from the Selectmen before obtaining a temporary business license from the Code Enforcement Officer.
- c. The Selectmen and the Code Enforcement Officer shall deny a license to an applicant when the application is incomplete, contains misrepresentation, false or misleading statement, is unsigned; or the applicant evades, suppresses or refuses to furnish information material to the proper issuance of the license; or the activity for which the license is sought is unlawful, or constitutes a public nuisance; or the applicant fails to first comply with any provision of this article, or other ordinance regulating the business, the business property, or the business location.

- d. A single temporary business license shall be valid for a maximum of ninety (90) consecutive days during a three hundred sixty-five (365) day period, beginning on the commencement of the temporary business activity.
- e. The temporary business license fee shall be established by the Selectmen.
- f. Any temporary business that would like to be located on the Town Common and Town-owned and maintained properties must first get approval from the Selectmen. The Town Common is not to be used for any private enterprise other than community-sponsored affairs. The Town Common and Town-owned and maintained properties are defined as:
 - i. The grounds surrounding the Municipal Complex.
 - ii. The grounds surrounding the Public Works Garage.
 - iii. The grounds surrounding the Powder House.
 - iv. The grounds surrounding the Maine Art Gallery
 - v. The grounds surrounding the Waste Water Treatment Plant
 - vi. The grounds surrounding the Wiscasset Scout Hall
 - vii. The Sunken Garden
 - viii. The Commercial and Recreation Piers
 - ix. The grounds located at the northern end of Churchill Street, between Churchill Street, Hooper Street, and Gardiner Road (Route 27).
 - x. The grounds located between Washington Street (middle section), Bath Road (Route 1), and Gardiner Road (Route 27).
 - xi. The grounds located between the sidewalk and Washington Street (middle section).
 - xii. The grounds located between Washington Street (eastern section), Summer Street, and Bath Road (Route 1).

- xiii. The grounds located between High Street, Main Street, and Bath Road (Route 1). This is commonly referred to as the "Town Common."
 - xiv. The grounds located between the north side of Main Street (Route 1) and the sidewalk, between Summer Street and Federal Street (Route 218).
 - xv. The grounds located between the south side of Main Street (Route 1) and the sidewalk, between High Street and Middle Street.
 - xvi. The grounds located between the north side of Fore Street and the sidewalk, between Middle Street and Water Street.
 - xvii. The grounds located between Fore Street and the bridge to Whites Island.
- g. Any temporary business that wishes to be located on the Main Street Pier shall abide the Town of Wiscasset's Main Street Pier Policy.

1.4.4 Appeals. Any application to conduct a temporary business activity that has been denied in writing, has been suspended or revoked, may, within thirty days of the denial, suspension or revocation, appeal the decision to the Wiscasset Board of Appeals as defined in Article I, Section 5.

1.4.5 Regulations. Each licensee shall meet all of the requirements listed below. Failure to meet any of the requirements listed herein shall constitute grounds for non-issuance or revocation of a temporary business license.

- a. No temporary business activity shall create hazardous traffic conditions.
- b. No temporary business activity shall obstruct or act as a cause of obstructing any sidewalk, street or highway within the Town of Wiscasset.
- c. Each licensee shall be required to clean up its site, repair any related damages and remove all materials associated with its temporary business activity within twenty-four (24) hours of license or event expiration, whichever occurs first. Failure to remove shall result in the Town removing materials at the expense of said licensee and shall constitute a violation of this ordinance.
- d. Temporary licenses shall be conspicuously displayed at the place of business.

- e. Signs shall comply with the applicable provisions of the Wiscasset Sign Ordinance, Article III.
- f. Adequate toilet facilities shall be provided as determined by the Wiscasset Local Plumbing Inspector.
- g. Written permission shall be obtained from the land owner before applying for a temporary business license.

1.4.6 Exemptions. The following are exempt under this ordinance:

- a. Private garage or yard sales conducted on the seller's owned or leased property.
- b. Temporary business activities (see Section 1.4.2.a above) that have been invited to a town-sponsored event.
- c. Temporary activities involving craft fairs, flea markets and yard sales that are sponsored by churches, civic organizations and nonprofit organizations that are tax exempt under the provisions of the Internal Revenue Code.
- d. Temporary business activities shall not be considered in determining the minimum lot size requirements for the use or uses made of any lot.

1.4.7 Violation. Any individual, person, firm, corporation, partnership or other business entity violating the provisions of this ordinance shall receive a warning for the first offense. For each and every offense thereafter a fine or not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) shall be levied. Each day of a continuing violation after the issuance of a written notice of violation shall be deemed a separate offense. The Wiscasset Police Department and Code Enforcement Officer shall be responsible for the enforcement of this ordinance.

9. BUSINESS LICENSE [6-06]

9.1 PURPOSE OF PROVISIONS

The purpose of this chapter shall be to require the registration of all business activities and enterprises located within the town and to provide the town with the necessary information concerning the business within the town, including but not limited to the nature of the business operation, number of employees, location of business, and emergency contacts, in order to protect the health, welfare and safety of the town's inhabitants. For the purpose of this section, business activities and enterprises shall include any person or persons carrying on the businesses, trades, professions, or selling of goods, and any establishment that serves or prepares food or drink for public consumption.

9.2 DEFINITIONS

Business: All kinds of vocations, occupations, home occupations, professions, enterprises, churches, and nonprofits, any of which are conducted on any premises in the Town of Wiscasset. Also includes door to door vendors if their base of operations is located in the Town of Wiscasset.

Premises: All land, structures and places, and the equipment and appurtenances connected or used therewith, in any business, and also any personal property which is either affixed to, or otherwise used in connection with, any such business conducted on such premises.

9.3 LICENSE REQUIRED

A person or organization may not engage in any business activity or enterprise without first obtaining a license from the Town Clerk. In addition, the applicant is responsible for compliance with all pertinent town ordinances and state laws. A separate license shall be required for each business entity and each location. All business licenses shall expire three years after the date of issuance by the Town Clerk. A thirty-day (30) grace period, beginning on the date of permit renewal, is allowed.

9.4 FEE

There shall be no fee for a business license.

9.5 PROCEDURE

9.5.1 Applications for business licenses shall be obtained from the Town Clerk. Applications shall be made in writing and shall state the name of the business, location of business, description of business, name of owner,

mailing address of owner, emergency contact information, number of employees; Also, driver's license number, proof of insurance, and proof of registration shall be required for those businesses and enterprises associated with motor vehicle use.

9.5.2 The Town Clerk shall submit the business license applications to the Selectmen for their approval.

9.5.3 The Selectmen shall deny a license to an applicant when the application is incomplete, contains misrepresentation, false or misleading statement, is unsigned; or the applicant evades, suppresses or refuses to furnish information material to the proper issuance of the license; or the activity for which the license is sought is unlawful, or constitutes a public nuisance; or the applicant fails to first comply with any provision of this article, or other ordinance regulating the business, the business property, or the business location.

9.6 APPEALS

9.6.1 Any business license application that has been denied in writing, has been suspended or revoked, may, within thirty days of the denial, suspension or revocation, appeal the decision to the Wiscasset Board of Appeals pursuant to Article I, Section 5 of the Town of Wiscasset Ordinances.

9.7 AUTHORIZATION

9.7.1 Registration does not permit the conduct of any business or enterprise if the premises to be used for the business, or the conduct of such business, does not fully comply with the Wiscasset Ordinances.

9.7.2 Non-resident businesses employed on a temporary basis to improve or repair the landowner's property are exempt from this ordinance.

9.8 VIOLATIONS

Any person, firm or corporation, including but not limited to a landowner or his/her agent, who violates any provision of the ordinance after receiving notice of such violation shall be subject to the applicable provisions in Town of Wiscasset Ordinances Article IX, Section 2 (General Provisions). This includes businesses or enterprises that have not completed, or renewed their business license within the established grace period (see section 9.3 above). The Wiscasset Board of Selectmen or its designee shall be responsible for the enforcement of this ordinance.

9.9 SEVERABILITY

If any portion of this ordinance shall be held to be invalid, such decision shall not affect to the validity of the remaining portions thereof.

9.10 EFFECTIVE DATE

The effective date of this ordinance shall be the date of its adoption.



Office of Planning & Codes

Temporary and Business License Amendments July 7, 2015 Select Board meeting

Temporary Business License

Pages 1-2, Section 1.4.3

- a. *New provision* – This allows the Code Enforcement Officer (CEO) to approve/deny a temporary business license that seeks to conduct business for 15 days or less. **Currently, the CEO has the authority to approve/deny any temporary business license application.**
- b. *New provision* – This allows the Selectboard to approve/deny a temporary business license that seeks to conduct business for longer than 15 days.
- c. *New provision* – Language that gives authority to the Selectboard/CEO for denying a temporary business license application
- d. Same language as current ordinance
- e. Same language as current ordinance
- f. *New provision* – Language that gives the Selectboard the authority to approve/deny any temporary business that wishes to be located on the **Town Common**. Also notes that the **Town Common is not to be used for any private enterprise.**
- g. *New provision* – Pertains to temporary businesses that wish to be located on Main Street Pier.

Page 3, Section 1.4.6

- b. *New provision* – Ensures that temporary business activities that have been invited to a town-sponsored event are exempt from this ordinance.

Business License

Page 1, Section 9.1

- Annual registration is redundant, the ORC and Town Clerk agree that registration should occur once every three (3) years.

Page 1, Section 9.2

- *New language* – Includes door to door vendors if their base of sales is located in Wiscasset.

Page 1, Section 9.3

- Changes annual registration to once every three (3) years

Page 2, Section 9.5

9.5.2 *New provision* – Gives the Town Clerk the authority to submit business license applications to the Selectboard for approval

9.5.3 *New provision* – Language that gives authority to the Selectboard for denying a business license application

Page 2, Section 9.6 (New Section)

9.6.1 *New provision* – If the Selectboard has the authority to deny a business license application, an appeals section is needed.