VICTUALERS
ORDINANCE

of the Town of Chebeague Island
MAINE

Adopted by the Town Meeting:
Effective: 20 November 2010

Attest:

Town Clerk

Seal:
SECTION 101. TITLE
This Ordinance shall be known as and may be cited as the “Victualers” Ordinance in the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance” or “this chapter”.

SECTION 102. PURPOSE AND AUTHORITY
The purpose of this Ordinance is to protect the public safety by regulating the preparation of food for public consumption. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3812.

SECTION 103. DEFINITIONS
a) VICTUALER (vit-ə-lər) shall mean any person who operates a business in the Town of Chebeague Island that prepares and/or serves food or drink for consumption by the public within the Town of Chebeague Island and who must file form HHE-602 with the Maine Department of Health and Human Services.
b) FACILITY shall include a: restaurant, bed and breakfast, motel, hotel, convenience store, outdoor facility or other facility where food is prepared for public consumption.
c) BOARD shall mean the Town of Chebeague Island Board of Selectmen.
d) MUNICIPAL VICTUALER’S INSPECTION shall mean an inspection by the Municipal Fire Chief (or his designee) and the Municipal Health Officer. A successful inspection requires each inspector to file a form supplied by the Town Clerk. The completed form must represent that public safety is protected. The Town Office will assist applicants in scheduling inspections during regular business hours.

SECTION 104. LICENSE
It shall be unlawful for any victualer to operate within the Town of Chebeague until they have met the requirements of this Ordinance and been granted a victualer’s license by the Board. All licenses granted under this Ordinance expire coincident with State licenses submitted per Section 105a.

SECTION 105. REQUIREMENTS
a) APPLICATION – Application may be made to the Town Clerk by submitting a payment of the fee and a copy of Maine Department of Health and Human Services form HHE-602 (or other applicable State form). A successful municipal inspection is required. Application for a new license must be approved by the Board at any properly noticed meeting.
b) GROUNDS FOR DENIAL – The Board may deny an application for license if any conditions of this ordinance are not met or if the Board determines that issuing a license will not adequately protect the public safety. A denial must be made in writing to the applicant clearly citing the reasons for denial.
c) RENEWAL – Application for renewal may be made to the Town Clerk by certifying in writing that all State requirements have been met. The Town Clerk will grant a renewal upon proper certification and a successfully completed municipal inspection. Appeals to a renewal decision may be made in writing to the Board of Selectmen.

d) STATE INSPECTIONS – Any inspections of the facility carried out by State officials must be recorded with the Town Clerk (also see Section 106).

SECTION 106. REVOCATION

The Municipal Officers may revoke a license under this Ordinance by written notice to the applicant and after a properly noticed hearing. Findings must show that the licensee is in significant violation of Section 105 of this Ordinance, the Maine Food Code as adopted by The Maine Department of Human Services – 10-144 CMR 200, or the municipal building or fire codes and as a result public safety is at risk.

In order to determine cause for a hearing and to make proper findings the Board may require inspections by the Health Officer, Fire Chief and Code Officer who shall use inspection forms provided by the Town Clerk to file written reports to the Board. Inspections may occur without notice during regular business hours.

SECTION 107. FEE

An application fee for license and license renewal may be set by the Board in accordance with Ch 11 Art. II Sec. 109(S) of the Town Code of Ordinances.

SECTION 108. ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered by the Town Administrator and may be enforced by the municipal officers or law enforcement officers with jurisdiction in the Town of Chebeague Island.

SECTION 109. AMENDMENTS

This Ordinance may be amended by Town Meeting at any properly noticed meeting.

SECTION 110. SEVERABILITY

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.