

TITLE IX BUSINESS ORDINANCE

Chapter 9 Business Registration

901 Title, Purpose and Definition

901.1 This Chapter shall be known and may be cited as the 1989 Business Registration Ordinance of Ogunquit.

901.2 The purpose of this Ordinance is to provide for the public health, safety, and welfare by maintaining for public information a comprehensive list of businesses in Ogunquit and to ensure compliance with other municipal ordinances, regulations and life safety codes through annual inspections by the Code Enforcement Department and the Fire Department.

901.3 As used in this Ordinance, words shall retain their usual and customary definitions except as defined herein:

901.3.1 Business shall include all individuals, partnerships, corporations, and other entities, exclusive of employees of such entities, that provide services or merchandise whether for profit or not, having a place of operations within the municipal boundaries of Ogunquit and meeting one of the following criteria:

All businesses which the State of Maine requires to register for sales tax or as an employer; or
Agricultural and fishing occupations; or
Professions; or Home occupations.

901.3.2 Municipal Officers means the Town of Ogunquit Select Board. STM 11/04/14

902 Registration Required

902.1 No business in Ogunquit shall conduct any enterprise unless the business has registered with the Town of Ogunquit and obtained all required licenses with the State of Maine. STM 11/04/14

902.2 Application

Applications for registration shall be on forms prescribed by the Municipal Officers and filed with the Town Clerk. Applications shall state the name of the applicant; all aliases; the applicant's

residence address; the name of the business to be conducted; the business address; the precise location of the business; the nature of the business; whether the applicant has ever had a license to conduct business either denied or revoked and, if so, the circumstances of such denial or revocation. If the applicant is other than an individual, the applicant shall describe its legal structure and, in the case of a partnership, shall state, for each partner, all of the information required for the individuals. If the applicant is a corporation, the applicant shall state the name, all aliases, and the names and residential and business addresses of all directors and officers. The applicant shall also state the size of the business in terms required by the Municipal Officers, the age of the business, the maximum number of employees, and other information the Municipal Officers deem generally useful for administrative and planning purposes.

- 902.3** After a completed application is filed with the Clerk, together with the required non-refundable registration fee, the Clerk shall forward a Notice of Inspection to the Code Enforcement Officer or Harbormaster and the Fire Chief. An inspection of the business premises shall be conducted by the Code Enforcement Officer and the Fire Chief and if these officials find the business and the business premises to be in compliance with all municipal ordinances, regulations and life safety codes, they shall issue a Certificate within thirty (30) days of receipt of the application. This certificate shall be displayed conspicuously within the business premises at all times. The certificate, so issued, shall only be evidence of compliance with this Business Registration Ordinance and shall not prevent the Town or others from later asserting noncompliance with other municipal ordinances, regulations or life safety codes.
- 902.4** A copy of the certificate, signed by either the Code Enforcement Officer or the Harbormaster and by the Fire Chief, shall be returned to the Clerk and filed with the original application as a permanent record of the Town.
- 902.5** The Harbormaster shall be the Inspection and Enforcement authority under this Section for all boats and fishing businesses afloat.
- 902.6** Businesses, which do not provide access to the public, and do not have any employees other than the owners are exempt from the inspection requirements of 902.3, but must register said business with the Clerk.

903 **Registration Fee**

The registration fee shall be one hundred fifty dollars (\$150). Non-profit civil, religious and municipal organizations shall pay no registration fee. The Municipal Officers are authorized to change this fee commensurate to costs of administration. (BOS 05/20/2014)

903.1

If it is determined by the Code Enforcement Officer or Harbormaster or Fire Chief that the business or business premises does not comply with all municipal ordinances and regulations and life safety codes, then the applicant or business owner shall make all necessary changes, modifications or renovations that the Code Enforcement Officer or Fire Chief or Harbormaster may lawfully require in writing, within a specified time and date determined by the Code Enforcement Officer, Fire Chief or Harbormaster. If the applicant or business owner fails to comply with the lawful requirements of the Code Enforcement Officer, Fire Chief or Harbormaster by the time and date specified by such official, then the business shall be closed to both the public and the business's employees until such compliance. The Code Enforcement Officer or Harbormaster may inspect the business premises at any time after issuance of the certificate to ensure compliance with this Ordinance. If at any time the premises are not in compliance, the certificate may be revoked and the business subject to all remedial actions described herein.

903.2

Businesses ordered closed under this section will be posted as closed by the Code Enforcement Officer or Fire Chief or Harbormaster, and requests for reinspection shall be treated as a new application.

904 **Registration Term**

All businesses shall register annually by May 31. New businesses shall register before the establishment is open to the public and thereafter by May 31.

905 **Business Registration Inspections**

905.1

The Code Enforcement Officer, Fire Chief or his designee may, at any time, inspect every registered business for compliance with Fire Safety related laws, regulations and registration conditions. The business owner or representative shall permit access to the business premises for inspection upon request of the Code Enforcement Officer, Fire Chief or his designee. STM 11/04/14

905.2 Purpose

Because of the number of businesses in the Town of Ogunquit affected by this Ordinance, an orderly schedule of inspections must be provided.

905.3 Businesses shall be divided into the following/groups:

Group 1: All new businesses.

Group 2: All existing lodging houses, guest houses, rental cabins, hotels, motels, or all transient housing.

Group 3: All existing restaurants and retail businesses, which sell food or food products.

Group 4: All other business not described in Groups 1, 2, and 3, including non-profit organizations.

905.3 Time Compliance

Repealed at Special Town Meeting, November 4, 2014.

905.4 Appeals

Appeals from the decision of the Code Enforcement Officer or Fire Chief or Harbormaster shall be to the Municipal Officers, and from the Municipal Officers to Superior Court in accordance with Maine law. The Municipal Officers shall have the following powers and duties:

To hear and decide where it is alleged that there is an error in the order, requirement, decision, or determinations made, or not made, by the Code Enforcement Officer or Fire Chief or Harbormaster in the administration or enforcement of this Ordinance. The action of the Code Enforcement Officer or Fire Chief or Harbormaster may be modified or reversed by the Municipal Officers by majority vote of those present and voting; however, there shall be no appeal to the Municipal Officers from any order or decision of the Code Enforcement Officer or Fire Chief which is required by the Life Safety Code and the State of Maine Plumbing Code.

906 Enforcement

The Clerk shall notify the Code Enforcement Officer, in writing, and by group, after May 31, but before the end of the last working day in June, each year, of the businesses described in Section 901.3.1 and 905.2 that are not in compliance with this Chapter.

The Code Enforcement Officer or Harbormaster shall issue citations for violations of this Chapter. If after thirty (30) days a business owner does not take action to sure the violation alleged by the citation, the Police Chief is authorized to summon the applicant or the business owner to court. Businesses, which have not complied with the provisions of this Ordinance, are subject to injunctions as well as monetary penalties.

907 **Penalties**

The penalty for violation of this Chapter shall be twenty-five dollars (\$25). Each day that a violation occurs or continues shall be considered a separate offense. Fines may be paid directly to the Town or may be recovered through court action. All penalties accrue for the use of the Town.

908 **Severability**

If any provision of this Ordinance is held to be invalid such invalidity shall not affect the remaining portions of the Ordinance.

909 **Effect on Other Ordinances**

This Ordinance shall repeal and replace Chapter 9, "Business Registration Ordinance of Ogunquit" of the Town's ordinances.

910 **Effective Date**

This Ordinance shall become effective May 31, 1989.

ⁱ Section 903 – SB 4/10/12