

Article ____ To see if the town will vote to amend the current Land Use Code as follows:
A new subsection 170-101.10(C)(10) is added to read: “All floats shall have reflective markers around their perimeters at each corner or angle point of the structure. These reflective markers must be placed so that they are easily seen by all boat traffic. Markers must be maintained and must be replaced when damaged. Permanent identification must be placed on each float with the owner’s name, contact information, and current address.”

(The intent is to require safety markers on floats.)

Article ____ To see if the town will vote to amend Chapter 9, Budget, of the Code as follows:
Section 9-1, Budget Committee, is amended to read: “There shall be a Budget Committee consisting of ~~seven~~ five members appointed by the Board of Selectmen. ~~Initially, three members of said Committee shall be appointed for three years, two for two years and two for one year, after which the terms of office shall be for three years.~~ The terms of office shall be for three years. Members of the Budget Committee may be re-appointed any number of times. The Budget Committee will meet with the Selectmen, Town Manager and department heads as mutually agreed upon, following transmission of estimates of expenditures by the Town Manager. It may concur with such estimates in whole or in part and, in case of failure of concurrence, may submit to the Annual Town Meeting its own recommendations.”

(The intent is to reduce the number of members of the budget committee and to set the terms of office.)

Article ____ To see if the town will vote to amend the Chapter 162, Victualers, of the Code as follows:

1. Section 162-3 Exceptions, subsection B, is amended to read as follows:

B. ~~The Licensing Board~~ Town Manager shall have the authority to decide if an establishment is exempt or not prior to application.

2. Section 162-4 Applications, subsections A, B, C, and D, are amended to read as follows:

A. Renewals. ~~The Licensing Board~~ ~~(Board of Selectmen, Treasurer and Town Clerk~~ shall, on the second Monday of May, annually, review all renewal applications for the purpose of determining the status of the applicant’s previous conformance with this chapter and at such time make a decision as to approve the renewal request; table the renewal request, setting a date for the applicant to come before the Board to answer questions affecting the consideration of the renewal request; or for reason(s) noted, disapprove the request. Notice of such ~~Licensing Board~~ of Selectmen meeting shall be given

in the manner required by 30-A M.R.S.A. § 3812. Applicants for renewal shall submit a completed application with fees ~~on or before May 1~~ no later than 21 days prior to the first meeting of the Board of Selectmen in May, annually. Failure to meet the ~~May 1 annual renewal obligation deadline~~ shall ~~constitute~~ necessitate a new application.

- B. New applications. New applicants may apply at any time during the year. The ~~Licensing Board of Selectmen~~ shall hold a public hearing within 21 days of the receipt of any ~~new~~ application deemed to be complete by the Town Clerk.
- C. Application form. All applicants, whether renewal or new licenses, shall apply on a form as approved by the ~~Licensing Board of Selectmen.~~
- D. Advertisement. All victualer license applications shall be advertised by posting notices in two or more public places and advertising in a local newspaper, in print and online, at least seven days prior to said meeting.

3. Section 162-5 License fees; issuance, is amended to read as follows:

The annual fee for a new license or renewal of a license shall be as specified in the Town Fee Schedule. The fee shall be paid to the Town Treasurer of Boothbay Harbor upon application. ~~A quorum of at least four members of the Licensing Board must be present to act on any license.~~ A decision to grant, table or revoke a license shall be made by a majority of the ~~Licensing Board of Selectmen~~ present. The decision to grant or revoke shall be signed by those members of the ~~Licensing Board of Selectmen~~ present. The action taken by the ~~Licensing Board of Selectmen~~ shall be effective immediately. The Town Clerk shall issue the license itself within 48 hours of receiving the application form signed by the ~~Licensing Board of Selectmen.~~ If denied or revoked, the ~~Licensing Board of Selectmen~~ shall sign an order specifying the reasons thereof, and said order shall be delivered to the applicant within 48 hours by a Constable of the Town of Boothbay Harbor. An establishment shall at all times display its current victualers license in a place within the establishment where it can readily be viewed by any member of the public.

4. Section 162-7 Certification of compliance required; inspections; other sanitary requirements, subsections A, B, C, D, F, G, and H, are amended to read as follows:

- A. Compliance certification. An establishment requesting a victualers license or renewal of the same shall certify to the ~~Licensing Board of Selectmen~~ and prove to ~~said~~ the Board's satisfaction that it is not in violation of any municipal ordinance, including Zoning, or state or federal laws, statute, or regulation. The applicant shall also certify that all water charges by the water system, sewer fees by the Sewer District and taxes assessed by the Town of Boothbay Harbor on the establishment or equipment and fixtures contained

therein are fully paid as of the date of application. The Licensing Board of Selectmen ~~shall~~ may deny any application which fails to meet these requirements.

- B. Initial inspection. An establishment requesting a license for the first time shall be inspected by the Licensing Board Code Enforcement Officer prior to any action being taken on the license application.
- C. Application form. An establishment shall apply for a victualers license or renewal on a form designed for that purpose by the Town of Boothbay Harbor. Failure of an applicant to fill out the form completely or any misstatements on said form ~~shall~~ may result in the denial of the license.
- D. Health. An establishment licensed as a victualer and providing for on-premises food consumption shall provide with its renewal application a copy of its current eating licenses issued by ~~the Department of Health and Welfare~~ all applicable State agencies. A new application shall be granted by the Licensing Board of Selectmen only under the condition that the victualer license becomes effective after the ~~Department of Health and Welfare~~ State has had an on-site inspection and has issued all applicable an eating licenses.
- F. Sewage. All classes of establishments, A through H, inclusive, shall either be connected to the public sewer in Boothbay Harbor or have an approved septic disposal system which is constructed and operated in conformance with applicable state and local laws, ordinances and regulations. Mobile food vendors must submit a waste water disposal plan.
- G. Garbage. All classes of establishments, A through H inclusive, shall have a sufficient number of containers with tight fitting covers for the storage and disposal of garbage generated. The covered containers shall be stored either in a separate room or, if stored outside, shall be stored on a concrete or macadam base or on a surface which is readily washable and shall have an enclosure around them at least three feet in height and secured against entrance by ~~dogs~~ animals.
- H. Vents. An establishment which cooks food on the premises shall have a vent from the cooking area to the outdoors whenever reasonably possible. The location of said vent shall be such that it does not present an unreasonable nuisance to any abutting property or to the public via fumes, grease, smell, heat, steam, condensation, smoke or noise.

(The intent is to eliminate the Licensing Board and transfer its functions to the Board of Selectmen, as well as to make improvements in procedures.)