

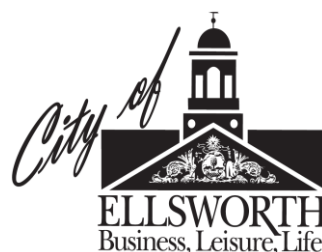
City of Ellsworth

Chapter 14

Licenses and Permits

A true copy –

Attest: Susanne McLean
City Clerk



Adopted 10/21/1996

Amended 01/27/1997

Amended 02/24/1997

Amended 03/17/1997

Amended 07/21/1997

Amended 08/18/1997

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Amended 01/20/2026

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CHAPTER 14 LICENSES AND PERMITS

ARTICLE I

DEFINITIONS

Except as specifically defined herein, all words in this ordinance shall carry their customary dictionary meanings. For the purpose of this ordinance, certain words or terms used herein are to be construed or defined as follows:

Act Upon: To go through the process of deciding whether the application has met the criteria to be approved.

Adult Use Cannabis¹: Means cannabis distributed or sold by a cannabis store.

Adult Use Cannabis Store: Means a “cannabis store” (retail facility) as defined in 28-B M.R.S.A. § 102-A. An Adult Use Cannabis Store is a facility licensed to purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation facility, to purchase adult use cannabis and adult use cannabis products from a products manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature cannabis plants, seedlings and other products to consumers.

Alcoholic Beverage: All liquors, including but not limited to wine, beer, and spirits.

Amusement: Live music, dancing, entertainment, exhibition, performances, shows, diversions. (No adult activity, see Ordinance 46 “Paid Sexual Contact”.)

Amusement (Special): Live music, dancing, entertainment, exhibition, performances, and shows, diversions that include the offering of alcoholic beverages. (No adult activity, see Ordinance 46 “Paid Sexual Contact”.)

Arcade: Building or area containing pinball, video, and bagatelle games, including pool and billiards.

Automobile Graveyard: Refer to "Junkyard".

Bagatelle: Coin operated device involving the rolling of balls into scoring areas - refer to "Arcade".

Bed and Breakfast: Refer to "Lodging House".

Boarding Home: Refer to "Lodging House".

Bottle Club: Building or portion thereof where amusement is allowed and a fee is charged. Beverages and/or food may be consumed on premises with associated licenses.

Branch Establishment: A division of a business or other organization.

Business: Any trade, calling, profession, or occupation, which regularly provides goods and/or services within the corporate limits of the City of Ellsworth.

Cannabis plant (medical): "Cannabis plant" means a plant of the genus Cannabis sativa L. "Cannabis plant" does not include hemp as defined in MRS Title 7, section 2231, subsection 1-A, paragraph D.

¹ Added January 20, 2026. Effective January 31, 2026.

Cannabis product (medical): "Cannabis product" means a product composed of harvested cannabis and other ingredients that is intended for medical use. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in MRS Title 7, section 2231, subsection 1-A, paragraph D.

Cardholder (medical cannabis): "Cardholder" means an individual who has been issued and possesses a valid registry identification card.

Class A Establishment: Designated as an establishment requiring Amusement, Lodging House, Liquor and Victualer's License.

Class B Establishment: Designated as an establishment requiring a combination of three of the following licenses: Amusement, Lodging House, Liquor and Victualer's. Combinations may include:

1. Lodging House, Liquor, Victualer's
2. Lodging House, Liquor, Amusement
3. Lodging House, Victualer's, Amusement
4. Victualer's, Liquor, Amusement

Class C. Establishment: Designated as an establishment requiring a combination of two of the following licenses: Amusement, Lodging House, Liquor, Medical Cannabis Dispensary, Adult Use Cannabis Store, and Victualer's. Combinations may include:

1. Amusement and Victualer's
2. Amusement and Liquor
3. Lodging House and Victualer's
4. Lodging House and Liquor
5. Amusement and Lodging
6. Liquor and Victualer
7. Adult Use Cannabis Store and Victualer
8. Medical Cannabis Dispensary and Victualer

Closing-Out Sales: This licensing procedure governs any sale which states either directly or by implication that the intent of the seller is to dispose of the entire stock of goods with a view to permanently terminate further business after that disposal is complete.

Conditions of Record: For the purpose of this Chapter, this term shall mean any formal written complaint or written violation.

²Consumer Fireworks:

"Consumer Fireworks" as defined in, Sec. 1. 8 MRSA §221-A, sub-§1-A has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47.

"Consumer Fireworks" does not include the following products as defined by the State Fire Marshal by rule:

A. Missile-type rockets:

² Added 4/16/2012 effective 6/16/2012

A device similar to a skyrocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Missiles shall not contain more than 20 grams of total chemical composition.

B. Helicopters and aerial spinners:

A tube containing more than 20 grams of chemical composition, with a propeller blade attached. Upon ignition, the rapidly spinning device rises into the air. A visible or audible effect may be produced at or near the height of flight.

C. Sky rockets and bottle rockets:

Cylindrical tube containing not more than 20 grams of chemical composition, as prescribed under section 3.7 and Table 4.3-1 of the *American Pyrotechnics Association* Standard 87-1 with a wooden stick attached for guidance and stability. Rockets rise into the air upon ignition. A burst of color and/or sound may be produced at or near the height of flight.

Dance Hall: Building or portion thereof where dancing is allowed. The term shall also include public or private parking lots, streets, or area(s) set aside for dancing - refer to "Amusement and Amusement (Special)".

Eating Establishment: Refer to "Victualer's"

Exhibition: A public showing for which a fee may or may not be charged.

Highway Opening: Refer to "Street Opening".

Hotels: Refer to "Lodging Houses".

Innkeepers: Refer to "Lodging Houses".

Itinerant Vendors: Refer to "Transient Sellers".

³Junkyard/Automobile graveyard –

1. *Junk Yard* - a yard, field or other area used as a place of storage for discarded, worn-out or junked plumbing, heating supplies, household appliances, furniture, discarded scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel and other ferrous and non-ferrous material, including garbage dumps, waste dumps and sanitary landfills.
2. *Automobile Graveyard* - A place occupied by three (3) or more unregistered, unserviceable, discarded, or junked automotive vehicles, or bodies, engines, or other parts thereof sufficient in bulk to equal two (2) vehicles or bodies, also referred to as a motor junk yard. (But excluding vehicle repair garages where autos are being overhauled or held temporarily pending insurance claims, etc.)

License: As used in this Chapter, this term shall also mean permit and approval from the authority having jurisdiction.

License Exemptions: Any organization/charity holding a Cert. (IRS 501 (c) (3)) verifying nonprofit status is exempt from the monetary requirements of this Chapter, however still subject to inspections pursuant to Article III Section 304 through 315.

Live Music: People performing live in a musical capacity.

³ Added 6/16/08

Lodging House: Place providing sleeping accommodations with or without meals and charges a fee, including but not limited to bed and breakfast, boarding houses, hotels, inns and motels.

Lunch Wagons: Establishment selling foods of any sort for consumption on or off premises, mobile in design. Refer to "Victualer."

Mass Gathering: Outdoor events, including but not limited to, exhibitions, festivals, music concerts and fairs where more than 250 persons are reasonably expected to attend.

Medical Use (medical cannabis): Medical use means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under MRS Title 22, Chapter 558-C.

Non-Business: Any schools, churches, athletic groups, non-profit organizations, persons fulfilling work under a warranty or professionals performing work within their profession, on an itinerant basis, within the City limits of Ellsworth who are licensed by the State of Maine.

Permit: A document or certificate giving permission to operate a business.

Person: Individual, firm, partnership, joint venture, association, corporation, or any other group, organization, entity acting as a unit in the plural as well as the singular number, legal entity, including but not limited to lessee and manager.

Premises: For the purpose of this Chapter, this term shall mean any building, room, structure, mobile unit, or area wherein or whereat the activity takes place.

Public Exhibition: Refer to "Exhibitions."

Qualifying Patient (medical cannabis): Means an individual who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of cannabis in accordance with MRS Title 22, Chapter 558-C.

Registered Dispensary: "Registered dispensary" means an entity registered in accordance with MRS Title 22, Chapter 558-C that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients and the caregivers of those patients. For the purpose of this Chapter, also referred to as a "dispensary".

Regularly: At least once a month.

Special Amusements: Refer to "Amusement (Special)"

Special Event: An event which:

1. Is operated in a temporary structure or in the out-of-doors.
2. Includes, but is not limited to, circuses, fairs, carnivals, festivals, religious revivals, political rallies, vehicle shows and displays, swap meets, rodeos, and similarly recognized temporary activities.
3. Does not include wedding and funeral ceremonies, elections, private yard sales, car washes (fundraising), and activities such as retail sales promotions conducted under an existing business permit that could otherwise be lawfully conducted in accordance with the provisions of the zoning restrictions in the district where such promotion takes place.

Street Opening: Method of excavation and destruction of pavement and its associated gravel surface (shoulders) within a public way. (See Unified Development Ordinance, Article 9 “Street Design and Construction Standards)

Taxicab: A vehicle used for the conveyance of persons for a fee.

Taxicab Driver: A person with an active Maine Driver’s License and legally permitted to operate a taxicab through the City of Ellsworth.

Taxicab Stands: A parking place within but along the shoulder of a public road right- of-way, designated specifically and reserved for the temporary parking of taxicabs for the purpose of loading and unloading passengers and their property.

Traffic Trip Generation: Number of vehicles that visit a location in a peak hour.

Transient Seller: Person(s) with no business office or location within the City of Ellsworth or State of Maine passing through or by the City with only a brief stay.

⁴**Tree Work:** Any removal, cutting, pruning, planting or root disturbance of city trees.

Vendor: Someone who promotes or exchanges goods or services for money.

Victualer’s: Provider of prepared food, of any sort, for public consumption either on or off premises for a fee.

Visiting qualifying patient (medical cannabis). "Visiting qualifying patient" means a patient who is authorized for the medical use of cannabis in Maine and who is not a resident of the State or who has been a resident of the State less than 30 days.

⁴ Added 5/19/25

ARTICLE II
LICENSE/ PERMIT FEE SCHEDULE

TYPE OF LICENSE	TERM OF LICENSE	FEE	AUTHORITY
ADULT USE CANNABIS STORE ⁵	ONE YEAR	\$10,000.00	CC/CLK
AMUSEMENT	ONE YEAR	\$40.00	CLK
SPECIAL AMUSEMENT	ONE YEAR	\$40.00	CC/CLK
ARCADES	ONE YEAR (12 devices or less)	\$25.00	CLK
ARCADES	ONE YEAR (over 12 devices)	\$40.00	CLK
BUSINESS PERMIT	ONE YEAR	\$20.00	CEO
BUSINESS PERMIT RENEWAL	ONE YEAR	\$10.00	CEO
CARNIVAL/CIRCUS	PER DAY	\$110.00	CM
CLASS A ESTABLISHMENT	ONE YEAR	\$120.00	CC/CLK
CLASS B ESTABLISHMENT	ONE YEAR	\$95.00	CC/CLK
CLASS C ESTABLISHMENT	ONE YEAR	\$75.00 - small \$115.00 - medium \$150.00 - large	CC/CLK
DRIVEWAYS	THIRTY DAYS	NO CITY FEE	CEO/DOT
CLOSING-OUT SALES (Required by State Law)	VALID FOR SIXTY DAYS	\$10.00	CC
CLOSING-OUT SALES (Required by State Law)	SIXTY DAY EXTENSION	\$10.00	CC
CONSUMER FIREWORKS RETAIL SALES LICENSE	ONE YEAR	\$500.00	CC
JUNKYARD/AUTOMOBILE GRAVEYARD/RECYCLING	ONE YEAR (within 100' from highway)	\$200.00	CC/CLK
JUNKYARD/AUTOMOBILE GRAVEYARD/RECYCLING	ONE YEAR (100 + from the highway)	\$75.00	CC/CLK
LIQUOR	ONE YEAR	\$50.00	CC/CLK
LODGING HOUSE	ONE YEAR	\$60.00 + \$3.00/RM	CC/CLK
MASS GATHERING	PER DAY	\$110.00	PC/CEO/CLK/FIRE
MEDICAL CANNABIS DISPENSARY ⁶	ONE YEAR	\$1000.00	CC/CLK
MOBILE VENDING UNIT	ONE YEAR	\$65.00	CC/CLK
POLE/WIRE PERMIT	ONE TIME	\$8.00/FILING FEE	CM/PW (already existing)
PUBLIC HEARING NOTICE FEE	YEARLY	\$100.00	CLK
STREET OPENING	THIRTY DAYS	Minimum fee \$25.00	CM/CEO/PW
TAXICABS	ONE YEAR	\$40.00/TAXI	CLK/PC
TAXI DRIVER	ONE YEAR	\$25.00/DRIVER	CLK
TAXI STANDS	ONE YEAR	\$110.00/SPACE	CLK
TRANSIENT SELLER	THIRTY DAYS	\$110.00	CLK/CEO
TREE WORK PERMIT	PER EVENT	\$25.00	TW/CM
VICTUALER'S	ONE YEAR	\$75.00	CLK
OFF-PREMISE CONSUMPTION	PER EVENT	\$35.00	CLK
BED & BREAKFAST < 5 ROOMS	ONE YEAR	\$35.00	CC/CLK
BED & BREAKFAST (5-15 ROOMS)	ONE YEAR	\$50.00	CC/CLK
BED & BREAKFAST (15+ ROOMS)	ONE YEAR	\$60.00 + \$3.00/RM	CC/CLK
WRECKER/TOWING SERV.	ONE YEAR	\$110.00	PC/CLK

KEY:

CC = CITY COUNCIL

CM = CITY MANAGER

TW = TREE WARDEN

⁵ Added January 20, 2026. Effective January 31, 2026.

⁶ Amended February 17, 2026. Effective February 18, 2026.

CEO = CODE ENFORCEMENT OFFICER

PC = POLICE CHIEF

CLK = CITY CLERK

PW = PUBLIC WORKS

ARTICLE III

GENERAL PROVISIONS

SECTION 301. ENACTMENT AUTHORITY

This chapter is enacted pursuant to 30-A M.R.S.A. Section 3001 et seq. This chapter expressly applies to licenses and permits requiring "municipal officers" approval.

SECTION 302. LICENSING/PERMITTING AUTHORITY

The City Council and/or their designees shall be the licensing/permitting authority for the City of Ellsworth in accordance with Title 30-A M.R.S.A. Section 3001.

SECTION 303. DELEGATION OF AUTHORITY

A. As agent of the City Council, the City Clerk is hereby authorized and directed to:

1. Receive applications required by Article IV:
2. Distribute applications to appropriate department heads for their inspection(s) and written report;
3. When required, set a public hearing and place request on the next available agenda for Council action; and
4. Issue licenses.

B. As agent of the City Council, the City Highway Foreman is hereby authorized and directed to receive and act upon all applications for driveway and City-street opening permits.

C. As agent of the City Council, the Superintendent of the City Wastewater Treatment Facility is hereby authorized and directed to receive and act upon all applications for hookups to the City sewer system.

D. As agent of the City Council, the Code Enforcement Officer is hereby authorized and directed to receive and act upon all applications for Business Licenses/Permits.

E. As agent of the City Council, the Tree Warden is hereby authorized and directed to receive and act upon all applications for tree work.

SECTION 304. APPLICATION REQUIREMENTS

Any person required by this ordinance to obtain a license or permit from the City shall make application upon a form provided by the appropriate issuing authority (see attachment A) and shall state facts as may be required. Application(s) must be accompanied by the required fee (refer to Article II) and returned to the issuing authority. The issuing authority will be responsible for obtaining written approvals from applicable department heads, including but not limited to: (1) Fire Chief, (2) Police Chief, (3) Code Enforcement Officer and (4) City Treasurer before license will be issued by licensing authority. Said approvals shall be based upon criteria set forth in this Chapter.

All licenses, new and renewals, requiring public hearings shall be acted upon by the City Council. The City Clerk shall act upon all licenses, new and renewals, not requiring public hearings.

SECTION 305. ACTION CRITERIA

When required, the officials named in Section 304 shall cause inspections to be made and a written report forwarded to the licensing authority verifying that the premises to be used by the proposed activity is in compliance with the following:

A. Current Land Use Ordinance

- B. Current 101 Life Safety Code (As adopted by the State of Maine)
- C. Chapter 14 Fire Prevention Codes and Ordinances
- D. Chapter 59 Consumer Fireworks and Commercial Outdoor Public Fireworks/Pyrotechnics Display Ordinance
- E. Current Electrical Code
- F. Current Building Code
- G. Current Plumbing and Subsurface Wastewater Disposal Rules
- H. Current Sewer/Storm Water Ordinance
- I. Current Maine State Food Code
- J. As a condition of approval, the Police and/or Fire Department may require that Police and/or Fire personnel be present before, during, or after the event, at the applicant's expense.
- K. Current Tree Ordinance

SECTION 306. PUBLIC NOTICE AND HEARING

A. Upon receipt of a completed application, the City Clerk shall, when required, cause notice of said application to appear for at least two (2) consecutive weeks before the date of the hearing in a weekly newspaper having general circulation in the City of Ellsworth, the cost of which shall be borne by the applicant and paid directly to the City of Ellsworth.

With NEW APPLICATIONS requiring a public hearing, the applicant must adhere to the following:

1. Applicant and/or authorized agent must be present at the public hearing:
2. Non-attendance shall cause the licensing authority to deem the application "incomplete" and no action will be taken;
3. Should Section 306.2 occur, the applicant shall have to reapply for notice and hearing as set forth in Section 304.

With RENEWAL APPLICATIONS requiring a public hearing, the applicant and/or authorized agent is not required to be present. The City Clerk will notify applicants if their appearance is required at the Public Hearing based on non-compliance with one or more of the following sections:

- B. Article III Section 304 APPLICATION REQUIREMENTS
- C. Article III Section 305 ACTION CRITERIA
- D. Article III Section 309 CITY COUNCIL ACTION
- E. Article IV Section 401 ADULT USE CANNABIS STORE
- F. Article IV Section 408 CONSUMER FIREWORKS RETAIL SALES LICENSE
- G. Article IV Section 411 LIQUOR LICENSE (MALT, VINOUS, SPIRITS)
- H. Article IV Section 414 MEDICAL CANNABIS DISPENSARY

SECTION 307. TERM OF LICENSE

A. Except as otherwise provided for in this chapter or by State Law, the term of all licenses shall be for one (1) year from the date of issuance and shall run concurrently unless the license(s) is issued for a lesser period.

SECTION 308. TRANSFERABILITY OF A BUSINESS

No license or permit issued under this ordinance shall be transferable. When a business or enterprise is transferred the previous owner's license shall immediately terminate unless otherwise provided by statutes or ordinance. The new owner shall obtain a new license under the terms of this ordinance.

For the purposes of this ordinance, a new owner shall include business or enterprise formerly operated by a tenant or mortgagor, or in the case of a corporation, a new owner or a controlling interest in the corporation. In applying for a permit, a potential new owner shall be permitted to apply for a permit as an owner upon a showing of legal right, title or interest to the business or enterprise.

SECTION 309. CITY COUNCIL ACTION

Upon referral by the City Clerk of a completed application in accordance with Section 304 of this chapter, the City Council shall hold a public hearing to consider the license/permit application. In its consideration to approve or deny said request, the City Council shall determine that the applicant has:

A. Obtained approvals in accordance with Section 305.

B. Paid all arrearages of the City personal property taxes and solid waste fees or any other obligations owed to the City, excluding real estate taxes and water and sewer charges. Real estate taxes and water and sewer charges will be collected under Title 36 and Title 38 of the Maine Revised Statutes and the Maine Public Utilities Commission Water Laws and Rules. Other obligations may include monies as aforementioned still owed by previous owners after a transfer of business occurs. Sole Proprietors will also be responsible for outstanding balances remaining in their personal names.

C. Is in compliance with any requirements for obtaining the license or permit pursuant to this or any other ordinance and any state or federal law.

D. If the City Council determines the applicant and/or owner has met these requirements, it shall approve the license/permit. If the City Council determines the applicant and/or owner has not met these requirements, it shall deny the license/permit.

SECTION 310. VIOLATIONS:

Any person who operates any activity regulated under this ordinance without a license or permit or who operates a such activity after suspension or revocation of a license or permit, pursuant to this ordinance, may be assessed a penalty of one hundred dollars (\$100.00) for each day the violation continues. In the event the City brings an action for violation of this ordinance and prevails in that action, it shall be awarded its reasonable attorney's fees and costs from the establishment at issue. This section does not preclude the City from exercising any other remedy it may have for violations of this ordinance or for operation of any such activity in a manner contrary to law.

SECTION 311. DENIAL, SUSPENSION AND REVOCATION

A. The City may deny a Permit or License if the applicant fails to comply with the requirements of this ordinance. A Permit or License issued under the provisions of this ordinance may be revoked by the Code Enforcement Officer for any of the following reasons:

1. If the licensee violates any condition or requirement of licensing under state or federal law or local ordinance.

2. If there is fraud, misrepresentation, or false statement made in the course of applying for a permit, or judicial finding of fraud, misrepresentation, or false statement made to the City in the course of operating the business;
3. If there is judicial finding that the permittee conducted business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or welfare of the public;
4. For failure to comply with terms or conditions of approval as specified in the permit application, such as but not limited to, building permit, sign permits, and development permit; or
5. For failure to abide by conditions imposed by Code Enforcement Officer, Police, and Fire Departments, in connection with a business permit involving a special event.

B. Failure of an establishment to obtain a license when deemed necessary by this ordinance shall be construed as violation and dealt with in the same manner as a denial, suspension or revocation. If an applicant or a permittee has not complied with any of the requirements listed above, or if, through a routine criminal background investigation it is discovered that an applicant or a permittee has a criminal background and that background may jeopardize the welfare and safety of the community, the City may immediately refuse to grant a permit or revoke an existing permit. The applicant or permittee shall receive notice by personal service or if personal service cannot be affected, by certified mail of the refusal or revocation.

The notice shall contain a statement of the reason(s) for the refusal or revocation. Violation, suspension or revocation shall be subject to the following procedures:

1. Upon receipt by the Code Enforcement Officer of a report from any department head or City, state or federal employee or agent charged with issuing, supervising, monitoring, inspecting or otherwise regulating any licensee, that the licensee is violating any law or ordinance respecting such license, the Code Enforcement Officer shall give notice to the licensee of the alleged violation.

The notice of violation from the Code Enforcement Officer shall be delivered to the licensee by a police officer of the City of Ellsworth or some other person authorized to serve process under the laws of the State of Maine. The notice shall state the nature of the alleged violation and the date it was allegedly observed. The violator may appeal any decision pursuant to Section 312. Appeal.

C. In the event the Code Enforcement Officer determines that a violation noted in paragraph (B.1.) has occurred, the Code Enforcement Officer shall promptly take one of the following actions:

1. Deny or revoke the license;
2. Suspend the license until the violation is corrected;
3. Order the license revoked, but suspend the revocation for a reasonable time to allow correction of the violation. If the violation is corrected during that period, the revocation shall be rescinded.

D. Any order by the Code Enforcement Officer shall be issued in writing and state the reasons therefore. In the event the Code Enforcement Officer orders the suspension or revocation of a license pursuant to Section C.1. through C.3. the licensee shall have the right to appeal the suspension or revocation pursuant to Section 312. Appeal.

E. In the event a violation reported pursuant to Section A. or B. above, the Code Enforcement Officer may immediately suspend the license by giving notice thereof to the licensee.

SECTION 312. APPEAL

A. The Board of Appeals shall hear the appeal pertaining to the Code Enforcement Officer suspending or revoking a permit/license de novo at a duly noticed meeting held within thirty (30) days of the date the appeal is filed.

B. Within thirty (30) days from the denial or revocation of a License or Permit the aggrieved party may appeal, pursuant to Article VII of the City of Ellsworth Land Use Ordinance.

SECTION 313. VALIDITY

If any section, subsection, clause or phrase of the Chapter shall be held to be invalid or unconstitutional, such validity shall not affect the remaining provisions of this Chapter and to that end the provisions of this Chapter are hereby declared to be severable.

SECTION 314. EXEMPTION OF FEES

Any organization operated exclusively for educational, religious, charitable public service, fraternal or other non-profit purposes, with the exception of Medical Cannabis Dispensaries and Adult Use Cannabis Stores, and having a permanent address within the City of Ellsworth may be exempted from the monetary provisions of this ordinance, but still subject to inspection and permit requirements pursuant to Article III Section 304 through 315.

SECTION 315. PENALTIES

Any person, including but not limited to a landowner, a landowner agent or contractor, violating any provision of this ordinance may, upon being found liable, be fined not less than one hundred dollars (\$100.00) for each day such offense continues, and the City's reasonable fees and expenses including attorneys fees. Each offense may constitute a separate offense for each day the violation occurs. Any violation of this ordinance may be deemed to be a nuisance.

ARTICLE IV REQUIRED LICENSE/PERMIT

SECTION 401. ADULT USE CANNABIS STORE (RETAIL)

No person shall operate any Adult Use Cannabis Store within the City of Ellsworth without obtaining a local license in accordance with Article III Section 304 through 315. Additionally, an Adult Use Cannabis Store shall not operate until it is licensed (e.g. has obtained an Active License) by the State Licensing Authority pursuant to the requirements of 28-B M.R.S.A Chapter 1, as may be amended. The state of Maine does not allow retail medical cannabis caregivers, therefore medical cannabis caregivers are not permitted to apply for this license.

A public hearing is required prior to action on the local license application or renewal.

A. Purpose.

1. To regulate adult use cannabis stores in a manner that protects the health, safety and welfare of the residents, merchants, and customers; and
2. To assure adult use cannabis stores operate with the highest professional and ethical standards.

B. Licensing documents. The following information shall be provided to the City Clerk as part of the initial and annual licensing process:

1. Conditional State License issued by the Maine Office of Cannabis Policy to operate an Adult Use Cannabis store. Note: this is only required for new licenses.
2. Letter from the Ellsworth Police Chief confirming: that the security plan and the anti-diversion policy and amendments are on file and found to be acceptable; the receipt of the summary report of incidents and illegal activities for the previous year; and the semi-annual receipt of the employee lists and that the employees were found to be acceptable.
3. Letter from the Ellsworth Fire Chief confirming the receipt of the material safety data sheets and annual updates.

C. Authority to Impose Conditions on License. The City Council shall have the authority to impose such reasonable terms and conditions on an adult use cannabis store as shall be necessary to protect the public health, safety, and welfare, and to obtain compliance with requirements of this Article, other ordinances, and applicable laws.

D. Conditions on License. The number of adult use cannabis store local licenses shall be limited to three (3). A lottery drawing will determine which applicants are awarded the available local licenses. All information on the lottery shall be posted in Appendix B and on the City's website. Lottery notices will be completed through use of the public notice process and mailed to the applicant. When a local license remains or becomes available, the same lottery process shall apply.

All persons or entities identified as the principal, partner, or member on the application are restricted to one application; applications that include persons or entities that are principals, partners, or members of another adult use cannabis store license applicant or current licensee may be denied.

A one-time conversion of an existing medical marijuana dispensary or a portion of an existing medical marijuana dispensary (such that the existing medical marijuana dispensary may continue operations within the same building as the adult use cannabis store), within the Cannabis Overlay Zone to an adult use cannabis store is allowed within the first year of the adoption of this ordinance, allowing for a one-time maximum of four (4) adult use cannabis stores. If the number of stores drops below three (3) and there are multiple applicants for each available license, a new lottery will be held to bring the number to no more than three (3).

E. Security Plan. An adult use cannabis store shall have a security plan approved by and filed with the Ellsworth Police Department. The policy shall address means of preventing a continuing pattern of offenses against the public peace; drug-related criminal conduct within the premises of the adult use cannabis store or the immediate area surrounding the adult use cannabis store; and criminal conduct directly related to or arising from the operation of the adult use cannabis store. The policy shall include, but not be limited to, the following:

1. Devices or a series of devices, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device to detect unauthorized intrusions.
2. The interior must be equipped with electronic monitoring, video cameras, and panic buttons,
3. Qualified security staff may be required by the Ellsworth Police Chief.
4. The adult use cannabis store shall have a policy to consistently and systematically prevent loitering.
5. Surveillance records shall be kept for a minimum 30 days and be available to the City of Ellsworth Police upon requests.
6. A service delivery plan.

F. Design Standards.

1. All glass windows and doors shall be opaque, tinted, or otherwise obscure view from outside the licensed premise.

2. All signage shall comply with Chapter 56 Article 12 and 8 §827 of the City Ordinance and all requirements of 28-B M.R.S.A Chapter 1, including but not limited to the limitations on advertising and marketing.

G. Performance Standards. Refer to Chapter 56 Article 8 §827 of the City Ordinance.

H. Operating Requirements. The licensee shall comply with the following requirements during the term of the license.

1. **Display of License.** The current local license shall be displayed at all times in a conspicuous location within the licensed premises.
2. **Hours of Operation.** An adult use cannabis store shall only operate between the hours of 7:00 AM and 10:00 PM.

I. Location.

1. All licensed premises shall be fixed permanent locations. Licensees shall not be permitted to operate adult use cannabis stores in temporary locations such as mall kiosks, readily removal structures, single and doublewide trailers, or farm stands.
2. Adult use cannabis stores shall only be located in accordance with the City's Zoning Ordinance, including the Cannabis Overlay Zone, and shall not be located within five hundred (500) feet from the property line of a preexisting public or private school. For the purposes of this paragraph, "school" includes a public school, as defined in 20-A M.R.S.A § 1 (24), a private school, as defined in 20-A M.R.S.A § 1 (22), a public preschool program, as defined in 20-A M.R.S.A § 1 (23-A) or any other educational facility that serves children from prekindergarten to grade 12.
3. Adult use cannabis stores shall not be located within one thousand (1,000) feet of a drug-free zone designated by the City under 30-A M.R.S.A § 3253.

J. Incident Reporting. An adult use cannabis store shall submit to the City of Ellsworth Police Department a copy of the State of Maine incident report form on the next business day after it discovers a violation of the requirements set out in the State rules regarding the operation of an adult use cannabis store. The report must indicate the nature of the breach and the corrective actions taken by the adult use cannabis store.

K. Illegal Activity Reporting. Any suspected illegal activity involving the operation of an adult use cannabis store must be reported to the City of Ellsworth Police Department by the adult use cannabis store in a timely manner.

L. Employees. An adult use cannabis store shall semi-annually provide to the Ellsworth Police Chief a list of all employees. Staff changes shall be reported to the Ellsworth Police Chief or designee within 10 days of hiring.

M. Chemical. An adult use cannabis store shall maintain a material safety data sheet file with the Ellsworth Fire Department for all chemical stored or used. The list of stored chemicals shall be reviewed and updated annually.

N. Unrestricted Access. The City of Ellsworth Code Enforcement Officer, Police Chief, Fire Chief or their designees requesting admission for the purpose of determining compliance with these standards shall be given unrestricted access at reasonable time. Failure to cooperate with City inspectors may be grounds to revoke the adult use cannabis store's business license, as set forth in this ordinance. During inspection, the city inspectors may identify violations of this ordinance.

O. Consumption. The consumption or inhalation of cannabis on or within the premises of an adult use cannabis store is prohibited. Cannabis Social Clubs are prohibited within the City.

- P. Adult Use Cannabis Food Establishment:** An adult use cannabis store must obtain a food establishment license, pursuant to 22 M.R.S.A section 2167 and Section 425 Victualer License of this ordinance.
- Q. Compliance with Other Laws.** An adult use cannabis store shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or will adopt in the future any stricter law or regulation governing adult use cannabis stores, the stricter law or regulation shall control.
- R. Denial, Revocation, and Suspension of License.** Notwithstanding any other provision of this Chapter, the following procedures shall apply to the denial, revocation, or suspension of an adult use cannabis store license.
1. The City may deny an adult use cannabis store license application or suspend or revoke a license for any of the following reasons:
 - a) For failure to comply with terms or conditions of approval as specified in the license application or other approvals or permits such as but not limited to, building permit, development permit, and inspections; or
 - b) For failure to abide by a license condition imposed by the City Council.
 2. Prior to suspending or revoking a license, the City Manager, or the City Manager's designee, shall:
 - a) Notify the licensee in writing that it is in violation of one or more City regulation with specific reference to the regulation alleged to be in violation, and order compliance within ten (10) days of notification.
 - b) If the condition or conditions leading to the notice are not satisfactorily addressed, the City Manager, or the City Manager's designee, shall give the licensee at least seven (7) days' advance notice of a hearing on whether to suspend or revoke the license. The notice shall contain a statement of the reason(s) for the proposed suspension or revocation, and the time and date of the hearing. The notice shall be made by personal service, certified mail to the licensee's address of record, or by other method reasonably calculated to give actual notice.
 - c) At the hearing, the City Manager, or the City Manager's designee, shall present the information regarding the alleged violations to the City Council and the licensee shall have the opportunity to present and question all witnesses.
 - d) Following the hearing, the City Council shall vote on whether to suspend or revoke the license based on the criteria contained in any subsection of this Section. The Council will issue written findings and conclusions within ten (10) days of the vote to suspend or revoke the license.
 - e) If the City Council votes to revoke a license, the City Clerk or designee shall notify the Maine Office of Cannabis Policy.
 - f) A licensee may appeal the suspension or revocation of a license within thirty (30) days to Superior Court in accordance with M.R.Civ.P. 80B.

SECTION 402. AMUSEMENT (SPECIAL) LICENSE

No person shall operate any establishment within the City which offers and/or allows alcoholic beverages to be consumed on the premises and offers live music, dancing, live entertainment, performance or show without obtaining a license or permit in accordance with Article III Section 304 through 315 of this ordinance and Chapter 37 Special Amusement Permit Ordinance of the Ellsworth Code of Ordinances. A public hearing is required prior to action on the license or permit application or renewal.

SECTION 403. AMUSEMENT LICENSE

No person shall operate any establishment within the City, which offers live music, dancing, live entertainment, performance or show without obtaining a license or permit in accordance with Article III Section 304 through 315.

SECTION 404. ARCADE LICENSE

No person shall keep pinball machines, video games or arcade games of any sort, for public patronage in the City, without first obtaining a license in accordance with Article III Section 304 through 315.

SECTION 405. BUSINESS LICENSE

No person shall directly or indirectly conduct any business or activity or use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required under this ordinance without a license, or a permit therefore being procured and kept in effect at all times as required by this ordinance or by state statute.

SECTION 406. CARNIVAL/CIRCUS LICENSE

No person shall operate a carnival, or circus, within the City without first obtaining a license in accordance with Article III Section 304 through 315. This license must be obtained no less than twenty-four (24) hours prior to the commencement of the event.

SECTION 407. CLOSING OUT SALES (M.R.S.A 30-A § 3781 et seq.)

No person may offer for sale a stock of goods, wares or merchandise under the designation of "closing-out sale," "going out of business sale," "discontinuance of business sale," "entire stock must go," "must sell to the bare walls" or other designation which states, directly or by implication, an intent of that person to dispose of the entire stock of goods with a view to permanently terminating further business after that disposal is complete, unless the person complies with the following requirements:

A. Inventory license. Before the disposal sale begins, the person must obtain a license to conduct the sale from the City Council or their designee of the municipality in which the sale will be conducted.

1. The person must apply to the City Council or their designee for the license under oath. The application must contain a complete inventory of all items to be included in the sale and must be accompanied by the payment of a license fee set by the City Council or their designee. The applicant must affirm, in writing and under oath, to the City Council or their designee that no merchandise will be included in the stock offered for sale unless the merchandise is in or at the place of business where the sale will take place when the sale opens. Any unusual purchases and additions to the stock of goods, wares or merchandise made within 60 days before the filing of an application for a license is prima facie evidence that the purchases and additions were made in contemplation of the sale.
 - a. If the applicant has been in the same business for which the sale is being conducted for less than 2 years of continuous operation in the municipality, the applicant must also affirm, in writing and under oath, that none of the merchandise was purchased before the sale opened for the purpose of selling and disposing of that merchandise at the sale.
2. The license is valid for 60 days from the date of issuance, unless revoked under Article III, Subsection 310-312. The validity of the license may be extended for 60 additional days if the

licensee provides an affidavit to the City Council or their designee stating that all goods, wares or merchandise listed in the inventory have not been disposed of within the original 60-day period.

B. License issued; records preserved. The City Council or their designee shall immediately issue the license upon compliance with this section. The City Council or their designee shall preserve all applications for licenses and other papers filed in connection with an application as a public record in their office for 5 years. They shall endorse the dates of filing and the granting or denial of the license on those papers and shall make an abstract of any other proceedings taken in connection with the application.

C. Revocation; prior violations; suspension. The City Council or their designee shall revoke any license issued under this subchapter if the licensee is convicted of violating this section. The City Council or their designee may refuse to issue another license to any applicant who has been convicted of violating this section before the date of application. If any person convicted of any violation of this section appeals the decision or sentence of the trial court, that person's license shall be suspended while the appeal is pending in the appellate court.

SECTION 408. CONSUMER FIREWORKS RETAIL SALES LICENSE

No person shall operate any establishment or sell from any establishment Consumer Fireworks within the City of Ellsworth without obtaining a license in accordance with Article III Section 304 through 315. A public hearing is required prior to action on the initial license application or renewal.

- A. The application fee for the initial license and renewal license shall be \$500.00.
- B. Applicant must be 21 years of age or older and provide proof of age with birth date and one government issued picture identification are required.
- C. A separate license is required for each location at which an applicant seeks to sell consumer fireworks.
- D. Application for a license to sell consumer fireworks within the City of Ellsworth shall be submitted with a current valid Federal license to sell consumer fireworks.

Prior to submission of an application to the State Fire Marshal's Office, the applicant must have a valid City of Ellsworth Consumer Fireworks Retail Sales License and a valid Federal license to sell consumer fireworks.

Upon receipt of the State license, the applicant shall submit a copy of the current valid license to the Fire Chief.

SECTION 409. DRIVEWAY PERMIT

- A. This procedure is for City roads/sidewalks only State roads are subject to different rules through the Department of Transportation.
- B. No person shall cause construction of a driveway within the City without obtaining approval, including but not limited to: (1) Code Enforcement Officer, (2) Highway Foreman and (3) City Manager.
- C. Any person required to obtain a City road/sidewalk opening permit shall make application with the Code Enforcement Office. The Code Enforcement Officer, Highway Foreman and City Manager will act upon the application and notify the applicant of their decision.

SECTION 410. JUNKYARD/AUTO GRAVEYARD LICENSE

No person shall operate or allow operation of an automobile graveyard, automobile recycling, or junkyard as defined in 30-A M.R.S.A. Section 3751 et. Seq. without first obtaining a license in accordance with said statute. A public hearing is required prior to action on the license application or renewal.

SECTION 411. LIQUOR LICENSE (Malt, Vinous, Spirits)

A. No person shall operate any establishment within the City which offers/allows alcoholic beverages for sale or consumption, either on or off the premises, without obtaining a license in accordance with Article III Section 304 through 315. A public hearing is required prior to action on a new license application or renewal application for establishments where alcohol is consumed on premises.

B. Applications for licenses to sell or serve alcohol may be denied on any one or more of the following grounds:

1. Noncompliance with Article III Section 305.
2. Applicant/owner has been convicted of any Class A, B or C crime.
3. There have been conditions of record regarding waste disposal, health or safety, or traffic or parking violations on or in the vicinity of the licensed premise and caused by employees or patrons.
4. There have been conditions of record caused by patrons or employees which unreasonably disturb, interfere with or affect the ability of persons or businesses residing in the vicinity of the licensed premise to use their property in a reasonable manner.
5. There have been repeated incidents of breaches of the peace, disorderly conduct, vandalism or other violations of law in the vicinity of the licensed premise and caused by patrons or employees.
6. The applicant has committed a violation of any provision under Title 28-A M.R.S.A., or State of Maine Liquor Enforcement Rules and Regulations.

C. Applications for licenses to sell or serve alcohol may be denied if the proposed use is within three hundred (300) feet of a public or private school, school dormitory, chapel or parish house; provided the exceptions within Title 28-A M.R.S.A §701, "Proximity to Schools" do not apply. The distance must be measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel, or parish house by the ordinary course of travel.

D. The Chief of Police or his designee may cause an investigation to be made of the criminal record of the principal officer(s), shareholders, members, or person(s) to be licensed.

SECTION 412. LODGING HOUSE LICENSE

No person shall operate a lodging house in the City without obtaining a license in accordance with Article III Section 304 through 315. A public hearing is required prior to an action on the license application or renewal.

SECTION 413. MASS GATHERING

A. No person or group of persons may sponsor, promote, operate or hold any festival, exhibition, amusement show, fair, theatrical performance, music concert, parade or other activity which 250 or more people are reasonably expected to attend and in which a substantial portion of the entertainment or the people attending will be out-of-doors unless a license is first obtained from the City of Ellsworth.

B. The person or group of persons seeking a mass gathering license must file an application, in accordance with Article III Section 304 through 315, with the City Clerk's office no less than 45 days before the proposed commencement of the outdoor event and secure the following:

1. A corporate bond from a company authorized to do business in Maine, ensuring prompt cleaning of the grounds after the close of the outdoor event, and ensure prompt payment for all damages caused by an

attendee or employee to public or private property in the vicinity resulting from or in connection with the licensed event. The surety shall be to the benefit of the City of Ellsworth and shall allow the City to draw on the funds if actions are not taken within three (3) working days after the event.

2. As a condition of approval, the Police and/or Fire Department may require that Police and/or Fire personnel be present before, during, or after the event, at the applicant's expense.
3. Demonstrate, by means of a written descriptive plan, that adequate facilities will be provided at the site of the outdoor event, in order to protect the health of the people who attend, including:
 - a. Adequate waste disposal facilities;
 - b. Adequate fire fighting equipment and personnel;
 - c. Adequate water supplies;
 - d. Adequate first aid facilities; and
 - e. Adequate communication facilities.
4. Provide notice to the appropriate City, county and state officials as named by the Police Chief.
5. File proof of authority from landowners whose property will be used in holding the outdoor event.
6. Demonstrate in a written descriptive plan that adequate parking space will be available. Permission from any property owner whose property will be used for parking must also be included.

C. Exemptions: All outdoor events, festivals, music concerts, fairs and other large gatherings sponsored and under the direct supervision of the City of Ellsworth, including the School Department shall be exempt from the provisions of this ordinance. All such activities conducted as an auxiliary use to normal operation of an approved campground shall also be exempt.

SECTION 414. MEDICAL CANNABIS DISPENSARY LICENSE

No person shall operate any medical cannabis dispensary establishment within the City of Ellsworth without obtaining a license in accordance with Article III Section 304 through 315. A public hearing is required prior to action on the license application or renewal.

A. Purpose.

1. To regulate dispensaries in a manner that protects the health, safety and welfare of the residents, merchants, and customers; and
2. To assure dispensaries operate with the highest professional and ethical standards.

B. Licensing documents. The following information shall be provided to the City Clerk as part of the annual licensing process:

1. State Certificate of Registration.
2. Letter from the Ellsworth Police Chief confirming: that the security plan and the anti-diversion policy and amendments are on file and found to be acceptable; the receipt of the summary report of incidents and illegal activities for the previous year; and the semi-annual receipt of the employee lists and that the employees were found to be acceptable.
3. Letter from the Ellsworth Fire Chief confirming the receipt of the material safety data sheets and annual updates.

C. Authority to Impose Conditions on License.

The City Council shall have the authority to impose such reasonable terms and conditions on a medical cannabis dispensary license as shall be necessary to protect the public health, safety, and welfare, and to obtain compliance with requirements of this Article, other ordinances, and applicable laws.

D. Security Plan. A dispensary shall have a security plan approved by and filed with the Ellsworth Police Department. The policy shall address means of preventing a continuing pattern of offenses against the public peace; drug-related criminal conduct within the premises of the dispensary or the immediate area surrounding the dispensary; and criminal conduct directly related to or arising from the operation of the dispensary. The policy shall include, but not be limited to, the following:

1. Devices or a series of devices, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device to detect unauthorized intrusions.
2. The interior must be equipped with electronic monitoring, video cameras, and panic buttons,
3. Qualified security staff may be required by the Ellsworth Police Chief.
4. The dispensary shall have a policy to consistently and systematically prevent loitering.
5. Surveillance records shall be kept for a minimum 30 days and be available to the City of Ellsworth Police upon requests.
6. A service delivery plan.

E. Design Standards.

1. All glass windows and doors shall be opaque, tinted, or otherwise obscure the view from outside the licensed premise.
2. All signage shall comply with Chapter 56 Article 12 and 8 §817 of the City Ordinance and all requirements of 22 M.R.S. § 2429-B, including but not limited to the limitations on advertising and marketing.

F. Performance Standards. Refer to Chapter 56 Article 8 §817 of the City Ordinance.

G. Operating Requirements. The licensee shall comply with the following requirements during the term of the license.

1. **Display of License.** The current local license shall be displayed at all times in a conspicuous location within the licensed premises.
2. **Hours of Operation.** A medical cannabis dispensary shall only operate between the hours of 7:00 AM and 10:00 PM daily.

H. Location.

1. All licensed premises shall be a fixed permanent location. Licensees shall not be permitted to operate a dispensary in a temporary location such as a mall kiosk, a readily removal structure, or a farm stand.
2. A dispensary shall only be located in accordance with the City's Zoning Ordinance, and shall not be located within five hundred (500) feet of the property line of a preexisting public or private school and/ or within one thousand (1,000) feet of the boundary of a drug-free zone designated by the City under 30-A M.R.S. § 3253.
3. It is prohibited to co-locate an office that can issue a physician's written certification from the same premise as a dispensary.

I. Incident Reporting. A dispensary shall submit to the City of Ellsworth Police Department a copy of the State of Maine incident report form on the next business day after it discovers a violation of the requirements set out in the State rules regarding the operation of a dispensary. The report must indicate the nature of the breach and the corrective actions taken by the dispensary.

- J. Illegal Activity Reporting.** Any suspected illegal activity involving the operation of a dispensary must be reported to the City of Ellsworth Police Department by the dispensary in a timely manner.
- K. Anti-diversion.** A dispensary shall have an anti-diversion policy designed to prevent diversion of medical cannabis for non-medical uses approved by and filed with the Ellsworth Police Department.
- L. Employees.** A dispensary shall semi-annually provide to the Ellsworth Police Chief a list of all employees. Staff changes shall be reported to the Ellsworth Police Chief or designee within 10 days of hiring.
- M. Chemical.** A dispensary shall maintain a material safety data sheet file with the Ellsworth Fire Department for all chemical stored or used. The list of stored chemicals shall be reviewed and updated annually.
- N. Unrestricted Access.** The City of Ellsworth Code Enforcement Officer, Police Chief, Fire Chief or their designees requesting admission for the purpose of determining compliance with these standards shall be given unrestricted access at reasonable time. Failure to cooperate with City inspectors may be grounds to revoke the dispensary's business license, as set forth in this ordinance. During inspection, the City inspectors may identify violations of this ordinance.
- O. Consumption.** The consumption or inhalation of cannabis on or within the premises of a dispensary is prohibited.
- P. Medical Cannabis Food Establishment:** A dispensary must obtain a food establishment license, pursuant to 22 M.R.S.A section 2167 and section 425 Victuallers' License of this ordinance.
- Q. Compliance with Other Laws.** A medical cannabis dispensary store shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or will adopt in the future any stricter law or regulation governing medical cannabis dispensaries, the stricter law or regulation shall control.
- R. Denial, Revocation, and Suspension of License.** Notwithstanding any other provision of this Chapter, the following procedures shall apply to the denial, revocation, or suspension of a medical cannabis license.
1. The City may deny a medical cannabis dispensary license application, or suspend or revoke a license for any of the following reasons.
 - a) For failure to comply with terms or conditions of approval as specified in the license application or other approvals or permits such as but not limited to, building permit, development permit, and inspections; or
 - b) For failure to abide by a license condition imposed by the City Council.
 2. Prior to suspending or revoking a license, the City Manager, or the City Manager's designee, shall:
 - a) Notify the licensee in writing that it is in violation of one or more City regulation with specific reference to regulation alleged to be in violation, and order compliance within ten (10) days of notification.
 - b) If the condition or conditions leading to the notice are not satisfactorily addressed, the City Manager, or the City Manager's designee, shall give the licensee at least seven (7) days' advance notice of a hearing on whether to suspend or revoke the license. The notice shall contain a statement of the reason(s) for the proposed suspension or revocation, and the time and date of the hearing. The notice shall be made by personal service, certified mail to the licensee's address of record, or by other method reasonably calculated to give actual notice.
 - c) At the hearing, the City Manager, or the City Manager's designee, shall present the information regarding the alleged violations to the City Council and the licensee shall have the opportunity to present and question all witnesses.

- d) Following the hearing, the City Council shall vote on whether to suspend or revoke the license based on the criteria contained in subsection D(1). The Council will issue written findings and conclusions within ten (10) days of the vote to suspend or revoke the license.
- e) If the City Council votes to revoke a license, the City Clerk or designee shall notify the Maine Office of Cannabis Policy.
- f) A licensee may appeal the suspension or revocation of a license within thirty (30) days to Superior Court in accordance with M.R.Civ.P. 80B.

SECTION 415. MOBILE VENDING UNITS

No person shall operate any vehicle, including a lunch wagon, a fixed mobile vending unit or roaming vending unit which is used for the sale of any prepared food without first obtaining a license in accordance with Article III Section 304 through 315.

This also includes a restaurant operating for a temporary period in connection with fair, carnival, circus and public exhibition or in a seasonal capacity. Those Mobile Vending Units parked in one spot for seasonal sales, must include in such applications a date for removal of vehicle upon the close of the season.

This removal will be subject to inspection by the Code Enforcement Officer. If the date for removal is not adhered to shall constitute a violation. If it is the intent of the mobile unit to set up business in one particular location, the City will require a notarized statement of approval from the landowner.

SECTION 416. PARADE PERMIT

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit has been obtained from the Chief of Police (Chapter 27 "Parade Ordinance of the City of Ellsworth")

SECTION 417. POLE AND WIRE PERMIT

A. No person shall install or construct utility above or below ground, along or upon City streets or roads without first obtaining a permit in accordance with 35-A M.R.S.A Section 2503.

B. Designation of Licensing Authority

The Ellsworth City Council hereby designates the City Manager as the licensing authority for the issuance of facilities located on, over, and under the surface of applicable public ways in the City of Ellsworth. All permits shall be issued in accordance with MRSA Title 35-A Section 2501-2520 or as later amended.

SECTION 418. SEWER HOOK-UP PERMIT

No person shall install or connect building sewers or discharge water or wastes into the public sewer system without first obtaining a Sewer Connection Permit in accordance with Chapter 5 "Sewer Ordinance".

SECTION 419. STREET OPENING PERMIT

No person shall grade, excavate, dig or open along or upon any City street or road without first obtaining approval in accordance with conditions stated within the application.

SECTION 420. STREETS, USE OF

A. No person engaged in the sale of goods, wares, or merchandise shall deposit, pile, place or display for purposes of sale or cause or permit to be deposited, piled, placed or displayed for the purpose of sale, any such goods, wares or merchandise upon or overhanging any sidewalk or street without obtaining a permit from the City Council in accordance with Chapter 11 "Use of Streets".

B. Parades refer to Chapter 27 ("Parade Ordinance of the City of Ellsworth") this permit is under jurisdiction of the Ellsworth Police Department.

SECTION 421. TAXICABS, TAXI DRIVERS, AND TAXI STANDS

No person shall operate any business or vehicle intended for the transport or livery of persons for a fee within the City of Ellsworth without first obtaining a license in accordance with Chapter 8, Taxicab Ordinance. All drivers of taxicabs shall obtain a driver's license in accordance with said Chapter 8. No parking space in the City of Ellsworth shall be used exclusively as a taxi stand unless the owner of the taxicab shall first obtain a permit in accordance with Section 412 of Chapter 7, Traffic Code.

SECTION 422. TOWING LICENSE PERMIT

No person shall operate any business or vehicle intended for the transport of other vehicles for a fee within the City of Ellsworth without first obtaining a license in accordance with Article III Section 304 through 315.

SECTION 423. TRANSIENT SELLER LICENSE

A. No person shall offer for sale any merchandise or service, other than at their place of business, without first obtaining a license in accordance with Section 415.B.

Such license shall be valid and effective for a period of thirty (30) days from the date of issuance, unless revoked, and the validity of such license may be extended for an additional period of thirty (30) days if so approved by the licensing authority.

B. License approval includes but is not limited to:

1. Copy of State License issued in accordance with 30-A M.R.S.A. Section 3001 et seq. and 32 M.R.S.A. Section 468 1.
2. Approvals of Police and Fire Chiefs.
3. Statement containing: name of company, product/service, number of sellers in City, names of sellers, length of time to be in area.
4. If it is the intent of the transient seller to set up business in one particular location, the City will require a notarized statement of approval from the landowner.

C. Off premises consumption catered by a State Licensee of any organization including non-profit which provides alcohol for a fee.

D. This section shall not apply to:

1. Persons selling by lists, catalog, or merchandise for future delivery.
2. Persons selling fish, farm, dairy, orchard or garden products of their own production.
3. Persons selling bark, wood, manure or forest products.
4. Persons selling newspapers or religious literature.

⁷SECTION 424. TREE WORK

No person shall remove, cut, prune, plant or cause root disturbance without obtaining a permit in accordance with Article III Section 304 through 315.

SECTION 425. VICTUALERS'

A. No person shall operate any business intending to prepare or serve food for consumption on or off the premises without first obtaining a license in accordance with Article III Section 304 through 315.

B. Charitable, religious or fraternal organizations holding breakfasts, dinners or suppers shall be exempt from the monetary licensing requirement of this section, but still subject to inspections pursuant to Article III Section 304 through 315.

⁷ Added 5/19/25

ARTICLE V
BUSINESS LICENSE/PERMITS

SECTION 501. PURPOSE

Requires the registration of all business activities and enterprises physically located within the City of Ellsworth and to provide the City with necessary information concerning the businesses within the City, including but not limited to the nature of the business operation, the number of employees, location of business, and emergency contacts, to protect the health, welfare and safety of the City's inhabitants.

SECTION 502. PERMIT (S) REQUIRED

A. It shall be unlawful for any person to operate a business, or to conduct a special event, without complying with the regulations specified in this ordinance and obtaining a business permit from the City of Ellsworth.

B. Non-Business enterprises, conducting business like activities on a regular basis are required to obtain a permit. Upon receipt of an application from "Non-Business" enterprises the Code Enforcement Officer will review the application and determine if the applicant qualifies for a fee exemption.

C. It shall be unlawful for any person to operate or conduct a business or special event without first obtaining a Business Permit.

SECTION 503. GENERAL REQUIREMENTS

A. A separate permit must be obtained for each branch establishment or location where a business is conducted.

B. When more than one business is operated, transacted or practiced in the same location by the same person, then only one permit shall be required for such business.

C. When more than one business is operated, transacted, or practiced in one location by a person other than the primary person, a separate permit shall be obtained for each person conducting such business.

D. For special events, only the sponsor of the primary event shall be required to obtain business permit. The City Council, however, may require all vendors participating in the event to obtain a permit if it is deemed necessary for preserving the general safety, health, and welfare of the community.

E. This excludes fundraising activities sponsored by schools, churches, athletic groups or nonprofit organizations, which have a minimal impact on surrounding properties.

SECTION 504. ISSUANCE OF BUSINESS PERMITS

A. Upon receipt of a complete business permit application and fee; the Code Enforcement Officer will review, verify, and process the application within 10 days or the permit is automatically approved. The review by the Code Enforcement Officer will also include a review by the Police and Fire Chiefs for compliance with local regulations.

B. If the business permit is issued for a special event, the Code Enforcement Officer, Police, and Fire Chiefs or their designees shall have the right to impose conditions on the permit, including

but not limited to, conditions relating to insurance, parking, health and sanitation, hours of operation, permissible noise levels, and other public safety concerns.

SECTION 505. FEES FOR THE BUSINESS PERMIT

A. Applicants applying for a business permit shall pay a one-time fee for an indefinite period of time or until changes occur. Such fee shall be due and payable before the business permit is approved.

B. Business activities that are located in the Development District may be required to pay a Development Fee based on the "Traffic Trip Generation". The City or a designee shall calculate development Fee based on the number of vehicle "trips".

SECTION 506. EXEMPTION OF FEES

Any organization operated exclusively for educational, religious, charitable public service, fraternal or other non-profit purposes and having a permanent address within the City of Ellsworth may be exempted from the monetary provisions of this ordinance, but still subject to inspection and permit requirements pursuant to Article III Section 304 through 315.

SECTION 507. EXHIBITION OF PERMIT

Every sponsor of a special event shall post the Business Permit required under this ordinance in a conspicuous location during all hours of the special event.

SECTION 508. LOCATIONS OF RESTRICTIONS

No permittee hereunder shall have any exclusive right to any location in a public street, nor shall the permittee be permitted to operate in any congested area where his operations might impede or inconvenience the public.

For the purpose of this ordinance the Police Chief, Fire Chief, Code Enforcement Officer or their designee's shall be deemed conclusive as to whether public safety would be affected, traffic impeded, and or inconvenienced. No business activity shall be conducted in an area of the City where such business activity is prohibited by the City of Ellsworth Land Use Ordinance.

SECTION 509. PERMIT NOT TRANSFERABLE

No permit issued under the provisions of this ordinance shall be assignable or transferable to any other person.

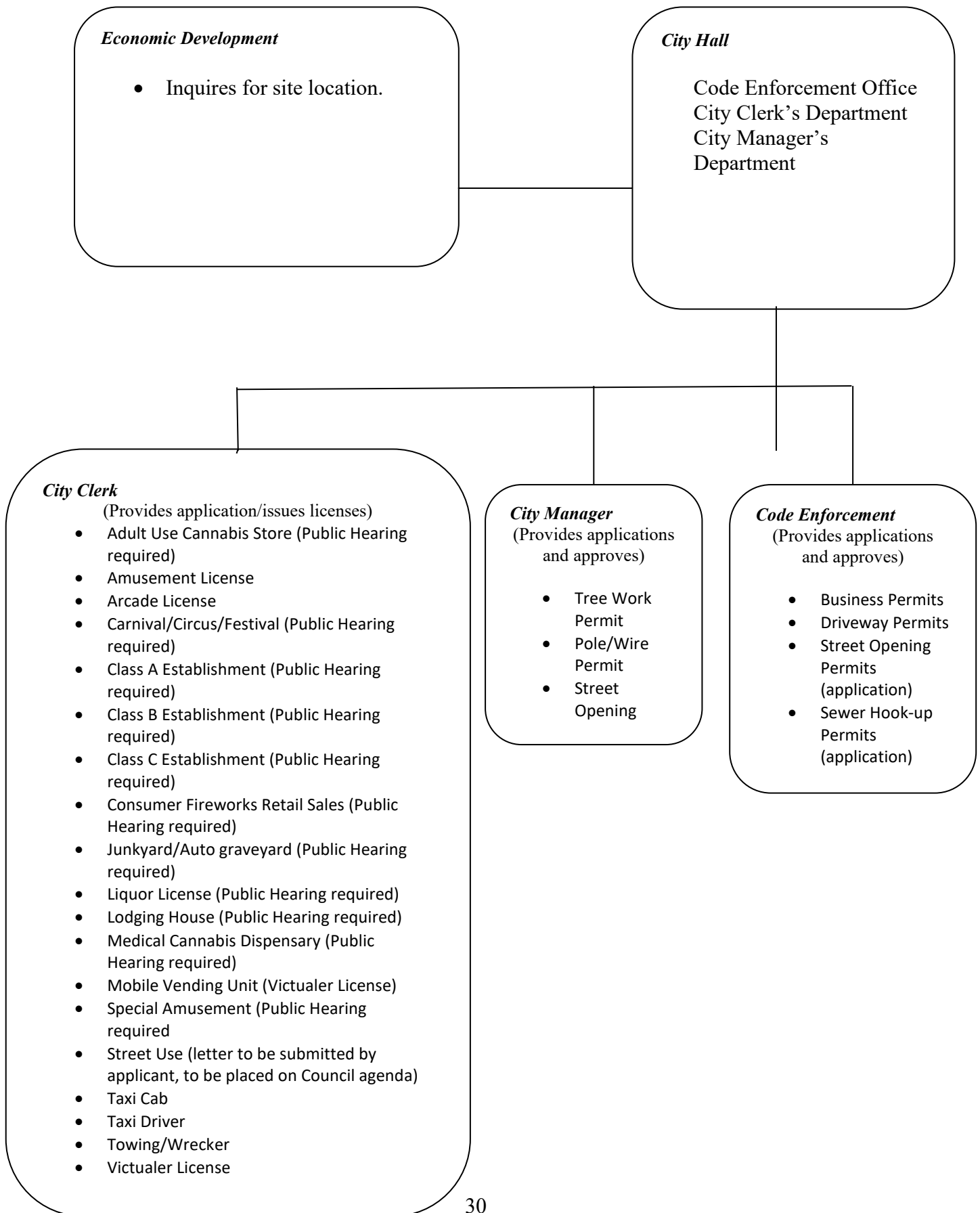
SECTION 510. CHANGE OF PLACE OF BUSINESS

No permit issued under the provisions of this ordinance shall apply to any business location other than the location designated in the permit application.

SECTION 511. ADOPTION

These regulations are effective as of September 1, 2007.

Flow Chart as it pertains to Business Licenses.



APPENDIX B

ADULT USE CANNABIS STORE LICENSING LOTTERY

The number of adult use cannabis store local licenses shall be limited to three (3) adult use cannabis stores. Local licenses shall be awarded subject to the lottery process found in Appendix B of this Chapter. Applications received within 30 days of May 14, 2026 that meet the license and application requirements shall be eligible to participate in a lottery drawing to determine which applicant(s) will be awarded any available local license. If there are three or less applicants for adult use cannabis store local licenses a lottery will not be required. When an adult use cannabis store local license remains or becomes available, the same 30-day application window and evaluation process shall apply. ADULT USE CANNABIS STORE LICENSING ORDINANCE, Chapter 14, Article 401.

Lottery Procedures

Applicants for an adult use cannabis store local license will have a 30-day window starting April 14, 2026 to submit applications.

In the event the City Council approves more than three (3) applications, all completed and approved applications will be assigned a unique identification number which will be sent to each applicant and posted on the City's website.

The City Manager and/or designees will draw the numbers.

The City will utilize a raffle drum and numbered balls to conduct the lottery. A numbered ball will be placed in the raffle drum for each unique identification number assigned to an approved application.

The lottery drawing will take place on the Monday following City Council conditional approval of the local licenses, at 6:30PM in the Council Chambers.

The City will prove out the numbered balls prior to the lottery, meaning it will confirm each numbered ball is present and ready for the lottery. The proving process will begin at 12:30PM, in the Council Chambers, on the day of the lottery. The proving process will involve the City Manager and/or designees calling out the number of each ball and staff checking off its presence on paper lists. This will confirm that all the required balls for the lottery are present and none are missing. The balls will be placed in buckets as they are proved out. The buckets will remain in the Council Chambers, in plain sight of all present or watching, until the lottery is complete.

The public is welcome to observe the proving process and the lottery in person, or remotely by watching on the City's livestream.

At 5:00PM, the balls for the lottery will be placed into the raffle drum. The drum will be turned no fewer than three times to sufficiently mix up the numbered balls. The City Manager and/or designees shall reach into the drum, mix the balls around before drawing one, or turn the drum again at any time during the lottery.

The first ball will be drawn from the drum and the ascribed number on the ball read aloud. The number will be recorded on paper by two different staff members. This first draw of three will be for the license invitation.

The order in which the remaining numbered balls are drawn will establish the waitlist order. A numbered ball will be drawn from the drum and read aloud, until the drum is empty.

The signed off lists will be posted on the City's website by the following business day. The lists will show the order in which the numbered balls were drawn. It will not have information about the applicant's name or proposed location. Due to the number of applications and the time involved in transcribing the lottery results to the application lists, this information will not be posted until the week following the lottery.

Information about an applicant's assigned identification number will not be present at the lottery. The City will not be able to verify or confirm any names or addresses associated with the unique identification numbers at the time of the lottery. This ensures the lottery is conducted "blind".

The City will not be able to take or respond to audience questions or comments during the lottery. The audience is welcome to observe but not participate in the process of drawing numbers. The City reserves the right to remove an audience member if they are disruptive to the lottery process. Anyone removed may still observe the lottery remotely.

Lottery winners will receive a written invitation, from the City, to proceed with the licensing process in order to obtain a final local license.