

**TOWN OF HAMPDEN, MAINE  
VICTUALERS ORDINANCE**

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CERTIFIED BY:

\_\_\_\_\_  
Gayle Decker  
Town Clerk

AFFIX SEAL

**TOWN OF HAMPDEN, MAINE  
VICTUALERS ORDINANCE**

**The Town of Hampden hereby ordains:**

**Section 1. Purpose.** The purpose of this Ordinance is to regulate the sale of prepared food for consumption on or off the premises.

**Section 2. License.** Any person who owns or operates a place where food is prepared and served to the public as a profit-making venture for consumption on or off the premises, including but not limited to a restaurant, motel and hotel, deli, movie theater, soda fountain, bakery, sandwich shop, convenience store, or outdoor facility, shall be licensed annually as a victualer in order to operate within the Town.  
(Amended: 01-22-13)

At the time of application for a license or license renewal, applicant shall pay a fee in accordance with the Town of Hampden Fees Ordinance. (Amended: 11-17-03; 05-16-05)

**Section 3 Exceptions.** A public or private school, public service organization, private club, church organization, fire department or any other non-profit organization selling food or drink to raise money for a charitable cause shall be exempt from the requirements of this Ordinance. Grocery stores, except those selling food items prepared on the premises, shall also be exempt. Establishments selling food and drink only through vending machines shall also be exempt.

The Hampden Town Council shall have the authority to decide if an establishment is exempt or not.  
(Amended: 05-16-05)

**Section 4. Compliance**

- A. All establishments must be inspected by the code enforcement officer and the fire inspector to determine if they are in compliance with all municipal ordinances, including zoning, state life safety, food and liquor regulations. Failure to be in compliance with any of the foregoing shall be grounds for denial of the application. In addition, failure to allow the code enforcement officer and the fire inspector to inspect the establishment shall be grounds for denial of the application.
- B. The treasurer and tax collector must certify that all sewer user fees and personal property taxes are paid in full, as of the date of the application. Failure to meet these requirements shall be grounds for denial of the application.

**Section 5. Application.** (Amended: 05-16-05; 01-22-13)

- A. Application forms for a victualer's license or renewal shall be on a form designed for that purpose by the Town. Victualer applications, except for renewal applications under Subsection B below, shall be advertised by publishing notices in a local newspaper and by posting notices in at least two public places, at least seven (7) days prior to the meeting. The council shall conduct a public hearing on the applications at the next scheduled council meeting, and shall make a decision within 30 days following the public hearing. Written notice of the decision shall be provided to the applicant.  
(Amended: 05-16-05; 01-22-13)

- B. As long as there are no unresolved complaints or violations, licenses for renewal applications for the same owner and the same place of business may be issued by the code enforcement officer, after consultation with the fire inspector, treasurer and tax collector, upon determination of compliance with the provisions of this Ordinance. If the code enforcement officer determines that there are unresolved complaints or violations, the application shall be processed in accordance with Subsection A above. *(Amended: 05-16-05; 01-22-13)*
- C. A new license, when granted between January 1<sup>st</sup> and January 31<sup>st</sup>, shall be valid for 1 renewal cycle. (Example: New License Granted January 2, 2025, would expire January 31, 2026). A new license, when granted between February 1<sup>st</sup> and December 31<sup>st</sup>, shall be valid for 2 renewal cycles. (Example: New License Granted February 2, 2025 would expire January 31, 2027) An establishment shall at all times display its current victualer license in a place within the establishment where it can be readily viewed by any member of the public.
- D. Victualer's licenses shall expire on January 31<sup>st</sup> of each year, applications for renewal shall be submitted no later than December 31<sup>st</sup> of each year. Upon adoption of this section any current Victualer's Licenses that expire prior to January 31<sup>st</sup>, 2025, are hereby extended to January 31, 2025. Any current Victualer's Licenses that expire after January 31, 2025, are hereby extended to January 31, 2026.

**Section 6. Penalty.**

- A. Any person found guilty of violating any provisions of this article shall be subject to a civil penalty.
- B. In addition to a civil penalty, the Town may enjoin or abate any violation of this article by appropriate action, and may also proceed to revoke the victualer's license, after a hearing on the matter.
- C. Any person operating as a victualer within the Town without a victualer's license shall be subject to a civil penalty of \$100.00 per day for all days of operation without the required license. *(Amended: 05-16-05)*

**Section 7. Suspension or Revocation of License.**

- A. *Applicability of State Regulations; Effect of Suspension or Revocation of State License.* All victualers shall be subject to all state regulations of food service establishments, such regulations being enforced by state agencies. It is not the intent of this article to establish for the town a food service regulation scheme apart from that provided under state law. Accordingly, any suspension or revocation of a state license shall be considered as a suspension or revocation, as the case may be, of the victualer's license issued under this article on the same terms as imposed by the state. *(Amended: 05-16-05)*
- B. *Local Suspension or Revocation of License.* The Town Council, upon notice and hearing, for cause, may at any time suspend or revoke a victualer's license issued pursuant to this article. Cause shall mean the violation of any license provision or any provision of this article, or any condition constituting a threat to the public health, safety, or welfare, including but not necessarily limited to neighborhood disruption, disorderly customers, and excessively loud or unnecessary noise that initiates complaints to or requires a response from police, fire, or other town regulatory bodies or employees. *(Amended: 05-16-05)*

**Section 8. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.