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Solon Maine Annual Town Meeting Warrant 2010

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WARRANT FOR MARCH 6, 2010 ANNUAL TOWN MEETING

To Michael Foster, a resident of the Town of Solon in the County of Somerset:

In the name of the State of Maine, you are hereby required by law to notify and warn the inhabitants of the Town of Solon, qualified to vote in town affairs, to assemble at the Solon Elementary School on the 6th day of March AD 2010 at eight o'clock in the forenoon, then and there, in accordance with the Revised Statutes of the State of Maine 1964, Title 30, Paragraph 2051 and seq. or as amended, to elect a moderator, and to transact all other business as enumerated in this Warrant.

For the election of officers, the polls will open immediately after the election of a Moderator, and will remain open until 12:15 PM. The Moderator will open absentee ballots at 10:00 AM on March 6, 2010. The transaction of other business as enumerated will begin at 1:30 PM.

Article 1: To choose a Moderator to preside at said meeting.

Judy Robertson nominated Phillip Roy. Ronald Giguere seconded. Phil Roy elected moderator.

Article 2: To open polls for election of Town Officials.

Nominated Candidates:

Selectman, three-year term: Elaine Aloes 180 votes

Road Commissioner: Ronald Giguere 126 votes Trent Cates 81 votes

Town Clerk/Tax Collector: Barbara Maden 201 votes

Treasurer: Judith Robertson 196 votes

MSAD # 74 School Board Director, three-year term: Lori Dana 193 votes

215 cast ballots in the election for Town Officials and 83 voters attended Town Meeting.

Article 3: To see if the town will vote to take the following amounts from the 2009 Surplus for overage in these accounts: Cemeteries, \$150.19; Social Security and Medicare, \$1,178.22; and Town Office Security System, \$72.00.

Selectmen and Budget Committee recommend Yes

Michael Golden moved to accept as recommended. Michael Sackett seconded. Motion passed.

Article 4: To see if the town will vote to increase the property tax levy limit of \$406,709.30, established for the town of Solon by State law, in the event the municipal budget approved under the following articles will result in a tax commitment that is greater than that property tax levy limit.

Selectmen and Budget Committee recommend Yes

Michael Golden moved to accept as recommended. Michael Sackett seconded. Voted on by secret ballot and accepted 59-15.

Article 5: To see what sum of money the Town will raise and appropriate by taxation for GENERAL GOVERNMENT.

James Hill moved to accept all sections as recommended. Michael Golden seconded. Daniel Keegan moved to amend section 6 to \$25,500. Barbara Keegan seconded. Amendment failed. Original motion passed.

1. TOWN CHARGES

Selectmen and Budget Committee recommend \$14,000 plus fees

2. TOWN OFFICE UTILITIES

Selectmen and Budget Committee recommend \$3,400

3. TOWN OFFICE/MAINTENANCE

Selectmen and Budget Committee recommend \$2,000

4. TOWN OFFICE/SECURITY SYSTEM

Selectmen and Budget Committee recommend \$400

5. SCHOOLS, BOOKS & DUES

Selectmen and Budget Committee recommend \$3,500

6. MUNICIPAL OFFICERS SALARIES

Selectmen and Budget Committee recommend \$27,000 as follows:

Selectmen \$8,500.00 each

Chair additional \$1,000.00

Vice-Chair additional \$ 500.00

7. TAX COLLECTOR/TOWN CLERK

Selectmen and Budget Committee recommend \$22,500

8. TREASURER

Selectmen and Budget Committee recommend \$5,800

9. DEPUTY TAX COLLECTOR/CLERK

Selectmen and Budget Committee recommend \$2,000

10. CODE ENFORCEMENT & PLUMBING INSPECTOR

Selectmen and Budget Committee recommend \$1,700 plus fees.

11. ANIMAL CONTROL OFFICER

Selectmen and Budget Committee recommend \$1,700 plus fees.

12. ELECTIONS

Selectmen and Budget Committee recommend \$2,500.00

13. REGISTER OF VOTERS

Selectmen and Budget Committee recommend \$1,500.00

14. COMPUTER FEES

Selectmen and Budget Committee recommend \$2,300

15. MUNICIPAL BUILDINGS MAINTENANCE RESERVE ACCOUNT

Selectmen and Budget Committee recommend \$4,000

16. MUNICIPAL BUILDINGS HEAT

Selectmen and Budget Committee recommend \$13,000

Article 6: To see what sum the Town will raise and appropriate by taxation for PROTECTION.

Michael Sackett moved to accept all sections as recommended by Budget Committee. Andrew Davis seconded. Michael Sackett amended his motion to the Selectmen's recommendation. Michael Golden seconded. Amendment passed. Motion passed as amended.

1. STREET LIGHTS

Selectmen and Budget Committee recommend \$8,000

2. HYDRANT RENTAL

Selectmen and Budget Committee recommend \$17,886

3. FIRE CHIEF

Selectmen and Budget Committee recommend \$6,000

4. FIRE DEPARTMENT

Selectmen and Budget Committee recommend \$20,000 plus reimbursements

5. FIRE TRUCK RESERVE ACCOUNT

Selectmen and Budget Committee recommend \$3,000

6. WORKER COMPENSATION INSURANCE

Selectmen and Budget Committee recommend \$7,000

7. UNEMPLOYMENT INSURANCE

Selectmen and Budget Committee recommend \$2,687

8. INSURANCE

Selectmen and Budget Committee recommend \$19,500

9. SOCIAL SECURITY AND MEDICARE

Selectmen recommend \$15,000 and the Budget Committee recommends \$14,500

Article 7: To see what sum of money the Town will raise and appropriate by taxation for the HEALTH AND SANITATION.

Andrew Davis moved to accept all sections as recommended. James Quimby seconded. Motion passed.

1. TRANSFER STATION

Selectmen and Budget Committee recommend \$61,500 plus fees & income

2. TRANSFER STATION TRUCK AND EQUIPMENT RESERVE ACCOUNT

Selectmen and Budget Committee recommend \$5,000

Article 8: To see what sum of money the Town will raise and appropriate by taxation for PUBLIC WORKS.

Michael Golden moved to accept as recommended. Andrew Davis seconded. Alice Heald moved to amend section 1 to \$78,000 and section 2 to \$72,000. Amendment failed. Original motion passed.

1. WINTER ROADS

Selectmen and Budget Committee recommend \$81,000

2. SUMMER ROADS

Selectmen and Budget Committee recommend \$77,000

3. MAINTENANCE OF HIGHWAY DEPARTMENT EQUIPMENT

Selectmen and Budget Committee recommend \$7,000

4. HIGHWAY EQUIPMENT RESERVE ACCOUNT

Selectmen and Budget Committee recommend \$10,000

5. GRAVEL ROADS MAINTENANCE

Selectmen and Budget Committee recommend \$17,000

6. STREET NAME SIGN RESERVE ACCOUNT

Selectmen and Budget Committee recommend \$200

Article 9: To see what sum of money the Town will raise and appropriate by taxation for SOCIAL SERVICES.

Michael Sackett moved to accept all sections as recommended. Andrew Davis seconded. Motion passed.

1. GENERAL ASSISTANCE

Selectmen and Budget Committee recommend \$21,520

2. KVCAP BUS SERVICE (requested \$400)

Selectmen and Budget Committee recommend \$400

3. FAMILY VIOLENCE PROJECT (requested \$1,925)

Selectmen and Budget Committee recommend \$400

4. HOSPICE (requested \$500)

Selectmen and Budget Committee recommend \$500

5. SPECTRUM GENERATIONS (requested \$760.00)

Selectmen and Budget Committee recommend \$760.00

6. KENNEBEC BEHAVIORAL HEALTH (requested \$1,100)

Selectmen and Budget Committee recommend \$1,000

7. SOLON FOOD CUPBOARD (requested \$2,000)

Selectmen and Budget Committee recommend \$2,000 with the money given to the Solon Corner Market to be used at the discretion of the Solon Food Cupboard.

8. HEADSTART (requested \$1,500)

Selectmen and Budget committee recommend \$900

9. RED CROSS (requested \$100)

Selectmen and Budget committee make no recommendation as this request was received after the Budget Meeting

Article 10: To see what sum of money the Town will raise and appropriate by taxation for DEBT SERVICE.

Michael Sackett moved to accept all sections as recommended. Michael Golden seconded. Motion passed.

1. BACKHOE LOAN PAYMENT

Selectmen and Budget Committee recommend \$6,400 by taxation

2. TRUCK LOAN PAYMENT

Selectmen and Budget Committee recommend \$14,000 by taxation.

3. SALT SHED LOAN PAYMENT

Selectmen and Budget Committee recommend \$9,900 by taxation.

4. 2009 ROAD PROJECT LOAN PAYMENT

Selectmen and Budget Committee recommend \$159,000 by taxation and \$49,000 from URIP funds.

5. FIRST PARK

Selectmen and Budget Committee recommend \$7,576.56 by taxation.

Article 11: To see what sum of money the Town will raise and appropriate by taxation for LEISURE SERVICES.

Andrew Davis moved to accept all sections as recommended. Coreen Giguere seconded. Michael Sackett moved to amend section 3 to the Budget Committee's recommendation. Allyn Foss seconded. Amendment passed. Motion passed as amended.

1. RECREATION PROGRAM

Selectmen and Budget Committee recommend \$1,500 plus fees.

2. SWIM/CAMP PROGRAM

Selectmen and Budget Committee recommend \$500 plus fees.

3. COOLIDGE LIBRARY (\$10,500 requested)

Selectmen recommend \$9,500 and Budget Committee recommends \$10,500

4. AFTER SCHOOL PROGRAM RESERVE ACCOUNT (\$6,600 requested)

Selectmen and Budget Committee recommend \$6,300

5. BAKER MOUNTAIN SKI CLUB (\$500 requested)

Selectmen and Budget Committee recommend \$500

Article 12: To see what sum of money the Town will raise and appropriate by taxation for OTHER SERVICES.

Michael Golden moved to accept all sections as recommended. James Hills seconded. Motion passed.

1. HUMANE SOCIETY

Selectmen and Budget Committee recommend \$1,175

2. CEMETERIES

Selectmen and Budget Committee recommend \$7,000

3. KENNEBEC VALLEY COUNCIL OF GOVERNMENTS (requested \$1,374)

Selectmen and Budget Committee recommend \$1,374

4. SOMERSET ECONOMIC DEVELOPMENT (requested \$100)

Selectmen and Budget Committee recommend \$100

5. EVERGREEN CEMETERY STONE MAINTENANCE RESERVE

Selectmen and Budget Committee recommend \$4,500

Article 13: To see if the Town will vote to create a Library Building Capital Reserve Fund. The money can only be expended by a majority vote of the Selectmen and a majority vote of the Library Trustees.

Selectmen and Budget Committee recommend Yes

Michael Golden moved to accept as recommended. Michael Sackett seconded. Motion passed.

Article 14: To see if the Town will vote to create and fund a Town Flag Reserve Fund to install and maintain flags on sections of North Main Street, South Main Street, Ferry Street, School Street and Pleasant Street.

Selectmen and Budget Committee recommend Yes and to transfer \$1,500 from the unused funds in the Bicentennial Reserve Fund to this new reserve account.

Michael Sackett moved to accept as recommended. Michael Golden seconded. Motion passed.

Article 15: To see if the Town will vote to donate a sum of money to the Solon Alumni Association Scholarship Fund from the unused funds in the Bicentennial Reserve Fund.

Selectmen and Budget Committee recommend Yes and to donate \$1,000.

Jane Ouderkirk moved to accept as recommended. Michael Sackett seconded. Motion passed.

Article 16: To see if the Town will vote to transfer the balance of the surplus funds in the Bicentennial Reserve Fund, after all other authorized expenditures are made, to the Library Building Capital Reserve Fund.

Selectmen and Budget Committee recommend Yes

Michael Sackett moved to accept as recommended. James Hills seconded. Motion passed.

Article 17: To see if the Town will authorize the Selectmen to dispose of tax acquired property belonging to Darryl Avery, Pat Gardner, Jennifer Earl and Adrienne Earl for non-payment of 2007 property taxes. The property taxes for 2007 (\$1,021.95), 2008 (\$953.99) and 2009 (\$953.99) plus interest and lien costs are owed on the property. The property is located at 401 Rowell Mountain Road, Map R9 Lot 20.

Selectmen and Budget Committee recommend giving Darryl Avery, Pat Gardner, Jennifer Earl and/or Adrienne Earl until April 5, 2010 at 3:45 pm to pay the 2007, 2008 and 2009 real estate taxes, interests and costs plus any other associated costs. If this amount is not paid the Selectmen will put the property out to bid, set a minimum bid amount and will sell the property to the highest bidder.

Michael Sackett moved to accept as recommended. Ross Steward seconded. Motion passed.

Article 18: To see if the Town will authorize the Selectmen to dispose of tax acquired property belonging to Cleo Atwood, Mary Luce, Roy Harvey, William Atwood, Nicole Atwood and Ivan Smith for non-payment of 2007 property taxes. The property taxes for 2007 (\$499.15), 2008 (\$611.48), and 2009 (\$611.48), plus interest and lien costs are owed on the property. The property is located at 90 Boardman Road, Map R8 Lot 31B-2.

Selectmen and Budget Committee recommend giving Cleo Atwood, Mary Luce, Roy Harvey, William Atwood, Nicole Atwood and/or Ivan Smith until April 5, 2010 at 3:45 pm to pay the 2007, 2008 and 2009 real estate taxes, interests and costs plus any other associated costs. If this amount is not paid the Selectmen will put the property out to bid, set a minimum bid amount and will sell the property to the highest bidder.

Ross Steward moved to accept as recommended. Michael Sackett seconded. Motion passed.

Article 19: To see if the Town will authorize the Selectmen to dispose of tax acquired property belonging to the Dean and Kelly Morgan for non-payment of 2007 property taxes. The property taxes for 2007 (\$695.22), 2008 (\$733.06) and 2009 (\$725.88) plus interest and lien costs are owed on the property. The property is located at 75 Longley Road, Map R6 Lot 38.

Selectmen and Budget Committee recommend giving the Morgans until April 5, 2010 at 3:45 pm to pay the 2007, 2008 and 2009 real estate taxes, interests and costs plus any other associated costs. If this amount is not paid the Selectmen will put the property out to bid, set a minimum bid amount and will sell the property to the highest bidder.

Jane Ouderkirk moved to accept as recommended. James Quimby seconded. Motion passed.

Article 20: To see if the Town will vote to create a Rainy Day Reserve Fund from the excess proceeds made on the sale of any tax acquired property. Excess proceeds is the amount realized after the property taxes, interest, cost of liens and notices, legal fees and any other necessary costs are deducted from the sale price. Rainy Day Reserve Funds can only be expended by a town meeting vote.

Selectmen and Budget Committee recommend Yes

Michael Sackett moved to accept as recommended. Michael Golden seconded. Motion passed.

Article 21: To see if the Town will adopt the “Adult Entertainment Ordinance”? (see Ordinance attached to the end of this warrant)

Selectmen make no recommendation and Budget Committee recommends Yes

Michael Golden moved to accept as recommended. Michael Sackett seconded. Frank Ridley moved to amend the motion to Pass Over the article. Jane Ouderkirk seconded. Frank and Jane then withdrew the amendment and the second. Original motion passed.

Article 22: To see if the Town will adopt the following resolution presented by a citizen of Solon..

A resolution of the Town of Solon, Maine to end the expenditure of our citizens tax dollars for excessive, destructive and unnecessary warfare funding by the U.S. Congress.

Whereas, the financial resources available for use by governments at the local, county, state and federal levels in the United States are and must be limited, and an inordinate and wasteful level of military expenditure is being made by the U.S. federal government for pointless and destructive warfare in Iraq, Afghanistan and Pakistan, and the people of the Town of Solon, are collectively paying approximately 233,000 dollars per year of their limited financial resources for such warfare which supplies no identified public benefits, and this warfare creates great and unnecessary harm to the people of Iraq, Afghanistan and Pakistan and to U.S. military personnel and their families, and education services, infrastructure repairs, other essential public services, and family and private-sector financing in the Town of Solon and throughout the State of Maine has been and is being substantially reduced in order for an excessive portion of available financial resources to be diverted from the constructive economy to pointless and destructive warfare,

Now, therefore be it resolved that the Town of Solon, Maine commands Maine’s member of the U.S. House of Representatives from the Second Maine Congressional District to oppose all legislation brought before the U.S. House of Representatives that provides further funding of the U.S. warfare and U.S. military occupation in Iraq, Afghanistan and Pakistan, and the Town of Solon, Maine also demands that this member of Congress take strong and forceful action to influence the full U.S. House of Representatives to terminate funding for these military operations.

Selectmen and Budget Committee make no recommendation.

Michael Golden moved to Pass Over this article. Greg Cooley seconded. Motion passed.

Article 23: To see if the town will vote to authorize the municipal officers to make final determinations regarding the closing and opening of roads to winter maintenance pursuant to 23 M.R.S.A Section 2953.

Selectmen and Budget Committee recommend Yes.

James Hills moved to accept as recommended. Michael Golden seconded. Motion passed.

Article 24: To see if the Town will authorize the municipal officers to apply for, accept and expend grant money available from the State, federal government or other organization for any public purpose when they deem it to be in the town’s best interest and any needed matching funds are available within the current budget.

Selectmen and Budget Committee recommend Yes.

Michael Sackett moved to accept as recommended. James Quimby seconded. Motion passed.

Article 25: To see if the Town will give the Selectmen and/or the Fire Chief permission to apply for a grant to purchase a generating system to supply power to the Fire Station and/or the Municipal Office Building in the case of a power outage so the buildings can be used as an emergency shelter and/or an emergency operations center.

Selectmen and Budget Committee recommend Yes.

Michael Golden moved to accept as recommended. Michael Foster seconded. Motion passed.

Article 26: To see if the Town will give the Selectmen and/or the Fire Chief permission to apply for a grant to purchase fire fighting and safety equipment for the Fire Department.

Selectmen and Budget Committee recommend Yes.

Michael Sackett moved to accept as recommended. Michael Golden seconded. Motion passed.

Article 27: To see if the Town will accept the following tax related articles:

1. To see if the Town will authorize the Tax Collector and Treasurer to apply any property tax overpayment of less than \$20 to that person's the next year's property taxes.
2. To see the Town will vote to authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed pursuant to 36 M.R.S A Section 506.
3. To see if the town will vote to raise and appropriate from the overlay to pay tax abatements and applicable interest granted during the fiscal year 2010.
4. To see if the town shall use any surplus funds in excess of \$80,000.00 to reduce taxes.
5. To see if the town shall authorize the Selectmen to procure a Tax Anticipation Note (TAN) for the purpose of paying municipal indebtedness; such note to be repaid during the current fiscal year from taxes paid during the municipal year.

Selectmen and Budget Committee recommend Yes.

Ross Steward moved to accept as recommended. James Hills seconded. Motion passed.

Article 28: To see if the town shall set September 10, 2010 as the date when all unpaid taxes become interest bearing at the rate to be set by the State. (Rate being 7%)

Selectmen and Budget Committee recommend Yes.

Michael Sackett moved to accept as recommended. James Hills seconded. Motion passed.

Article 29: If the Town accepts Article 24-2, what, if any, interest shall the Town pay on these prepaid taxes? (If the Town votes to pay interest, it cannot be more than 7%.)

Selectmen and Budget Committee recommend 0%.

Michael Golden moved to accept as recommended. Michael Sackett seconded. Motion passed.

Article 30: To see if the town will vote to set the interest rate to be paid by the town on abated taxes pursuant to 36 M.R.S.A. Section 506-A

Selectmen and Budget Committee Yes and at a rate of 0%.

Michael Sackett moved to accept as recommended. James Hills seconded. Motion passed.

Michael Golden moved to adjourn at 2:30 p.m. Michael Sackett seconded. Motion passed.

Given under my hand this 10th day of February A.D., 2010,

Elaine Aloes, Chair of Selectmen

Mary Lou Ridley, Selectman

Sarah Davis, Selectman

Attest true copy: Barbara Maden, Town Clerk

Pursuant to within warrant, I have hereby notified and warned the inhabitants of the Town of Solon, qualified by law to vote in town affairs, to assemble at the Solon Elementary School on the sixth day of March AD 2010 at eight o'clock in the morning then and there in accordance with the Revised Statutes of the State of Maine, 1964, Title 30, Paragraph 2051 and seq. or as amended to act on all articles herein enumerated in this warrant posted at the Solon Town Office, Solon Post Office, Solon Corner Store, Solon Superette and Griswold's Store, conspicuous and public places within Solon, on the 25th day of February AD 2010, which is at least seven days prior to the Annual Town Meeting. Michael Foster, a resident of Solon.

**TOWN OF SOLON
ADULT-ONLY BUSINESSES ORDINANCE**

Section I. Findings

The Citizens of the Town of Solon believe that sexually oriented businesses, because of their very nature, have negative secondary effects on surrounding areas. They have observed that in many communities throughout this country the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties and the facilitation of illicit and undesirable activities. This evidence is relevant to issues facing the Town. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are located in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas. An ordinance is a proper and reasonable means of controlling the negative secondary effects of sexually oriented businesses.

Section II. Purpose

The regulations of this Ordinance are not directed at the content of speech but are directed at the negative secondary effects of sexually oriented businesses. The purpose of this Ordinance is to regulate the place and manner of operation of sexually oriented businesses. It is intended to regulate and to annually license sexually oriented businesses, and to prevent their location in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas. Regulation of these uses is necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas of the Town at large. The purpose of this Ordinance is not to prohibit sexually oriented businesses from operating in the Town, but to regulate their location and manner of operation, while providing a reasonable opportunity for such businesses to exist.

Section III. Definitions

The following terms as used in this Ordinance and for the purpose of the Ordinance have the meanings to them below:

A. "Adult amusement store" means an establishment having as a substantial or significant portion of its sales or stock in trade, erotic material, or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based on its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's purpose is to purvey such material.

B. "Adult motion picture theater," means an enclosed building used regularly and routinely for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on erotic material for observation by patrons therein.

C. "Adult entertainment cabaret," means a public or private establishment which features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interests of the patron.

D. "Adult spa," means an establishment or place primarily in the business of providing services of an erotic nature.

E. "Sexually oriented business," means Adult amusement stores, Adult movie theaters, Adult entertainment cabarets, or Adult spas, as defined herein, or any business where erotic materials and activities are displayed, depicted, described or simulated as a regular and substantial part of its operation.

F. "Residence," means any structure, which is principally used as a dwelling including, without limitation, a single family or multi-family house, an apartment, a condominium, or a mobile home.

G. "Specified criminal activity," means a criminal conviction for any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; or any similar sex-related offenses to those described above under the Maine Criminal Code or statutes of other states, the United States or any other nation or province, and for which:

(1) less than two (2) years have elapsed since the date of conviction or the date of release from confinement or probation imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of less than one year;

(2) less than five (5) years have elapsed since the date of conviction or the date of release from confinement or probation imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of one year or more;

(3) less than (5) years have elapsed since the date of the last conviction or the date of release from confinement or probation imposed for the last conviction, whichever is the later date, if the convictions are for two or more offenses or combination of offenses occurring within any twenty-four (24) hour period, and all such offenses are punishable by maximum term of imprisonment of less than one year.

Section IV. License Required

A person or persons wishing to operate a sexually oriented business shall obtain an annual license (a) prior to opening the person's establishment, and (b) prior to expiration of the current annual license. A license issued under this Ordinance does not eliminate the requirements of any other Ordinance in Solon including the Site Review Ordinance.

Section V. Application; Investigation and Issuance of License

1. Application. An applicant for sexually oriented business license shall:

- A.** Complete and file an application prescribed by the Board of Selectmen;
- B.** Deposit a license fee and a processing fee in advance with the Town Clerk . The amount of which fees are to be set by the Board of Selectmen and amended from time to time.
- C.** Submit the completed application to the Board of Selectmen, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, evidence of partnership, if a partnership, or articles of association and bylaws, if the applicant is an association, as well as a list of all officers and directors;
- D.** File a sworn affidavit, which states the names of all owners, officers, managers or partners of the applicant, and their places of residence at the time of the application and for the immediately preceding three (3) years;
- E.** File the release authorized by 16 M.R.S.A, Section 620(6) (Criminal History Record, Information Act) with the application, for the applicant and each officer, owner, manager or partner of the applicant;
- F.** Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner;
- G.** State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services offered to customers.
- H.** Submit evidence of compliance with Section X of this Ordinance and evidence that there is no basis for denial of a license to applicant under the standards listed in Section VI of this Ordinance.

2. Investigation of applicant, officers. Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:

A. Upon receipt of the application the Board of Selectmen will arrange for public notice of a public hearing on the application in a newspaper of general circulation and by mail to owners of lots within 1000 feet of the proposed location of the structure, at least 10 days prior to the public hearing before the Board of Selectmen. The costs of publication, certified mail postage, and other expenses related to the hearing shall be paid from the processing fee. After receipt of required reports the Board of Selectmen will hold a public hearing and make a final decision. The hearing shall be held within thirty (30) days after receipt of a complete application by the Board of Selectmen and a decision shall be made within fifteen (15) business days thereafter.

B. The Code Enforcement Officer; within fifteen days of receipt of the application, shall inspect the location or proposed location and construction drawings to determine whether the applicant's proposed plan satisfies the setback and construction requirements of this ordinance and then report findings in writing to the Planning Board and Board of Selectmen. The Code Enforcement Officer shall enforce the provisions of all the applicable Town Ordinances and State Laws as indicated in accordance with 30-A M.R.S.A. 4452.

C. The Board of Selectmen shall investigate the applicant, including the criminal history record information required under Section V (1) (E).

D. The Code Enforcement Officer, within fifteen days of receipt of the application, shall verify that the proposed premises of the establishment will comply with Section X and with all other applicable State and Town laws and land use codes of the Town and then report findings in writing to the Planning Board and Board of Selectmen. The Code Enforcement Officer will also verify whether or not other permitting under local Ordinances and state laws is required in addition to verification for compliance.

3. Issuance of license. The Board of Selectmen, after notice and public hearing, shall determine whether the application and documents submitted comply with all of the requirements of this Ordinance. The license shall be issued upon determination by the Board of Selectmen, based upon the record, including evidence and testimony at the public hearing, that the applicant meets the requirements of this Ordinance. The license may not be transferred or assigned.

Section VI. Standards of Denial

An application for a sexually oriented business license shall be denied in the following circumstances:

A. The applicant is a corporation or other legal entity that is not authorized to do business in the State of Maine;

B. The applicant is an individual who is less than 18 years of age;

C. The applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required that is reasonably necessary to determine whether the license can be issued;

D. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has been denied a sexually oriented business license for knowingly making an incorrect statement of a material nature within the immediately preceding five years;

E. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has had a license granted pursuant to this Ordinance or a similar ordinance provision in any other municipality revoked for any reason during the immediately preceding five years;

F. The applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has committed any Specified Criminal Activity as defined herein;

G. The site on which the sexually oriented business is proposed is a prohibited site under Section X, or

H. The application in any other way fails to meet the requirements of this Ordinance.

Section VII. Standards for Suspension; Revocation

A sexually oriented business license may be suspended or revoked by the Board of Selectmen after notice and hearing upon a finding that the licensee has violated any provision of this Ordinance. Providing false or erroneous information in an application shall be a reason for revoking or suspending a permit.

Section VIII. Age Restriction

No sexually oriented business may permit any person under the age of 18 years into the premises in which the sexually oriented business is located.

Section IX. Prominent Display of License; Price Charges and Names of Owners or Officers

A sexually oriented business licensee must display the sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licenses must also display at all times in an open and conspicuous place in the sexually oriented business a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices charged for all food, beverages, goods, wares, merchandise or services offered by the business unless the price is conspicuously displayed on the individual product.

Section X. Prohibited Sites; Site Requirements

1. A sexually oriented business may not be sited within 500 feet of the closest part of the structure of a business which caters to the general public or 1,000 feet of the closest part of the structure of any of the following:

- A. A church, synagogue or other house of religious worship;
- B. A public or private elementary or secondary school;
- C. A day care facility;
- D. A public park or public recreational facility;
- E. Any residence on adjacent property, excepting the owner or proprietor;

The distance cited in this section shall be measured between the closest edge of the structure of the sexually oriented business and the closest edge of the structure of the use listed (A) through (E) above.

2. A sexually oriented business will be required to construct a visual barrier around the sides of the business as required by the Board of Selectmen.

3. It shall be unlawful for any person to cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.

4. It shall be unlawful for any person to cause or permit the operation or establishment of more than one sexually oriented business in the same building, structure, or portion thereof.

Section XI. Signs and Exterior Layout of Sexually Oriented Businesses

1. Sexually Oriented Businesses shall have an 8.5 inch by 11 inch sign at each entrance stating "Under 18 not admitted" or similar wording accepted by the Board of Selectmen.

2. Sexually Oriented Businesses may have an 8.5 inch by 11 inch sign at entrances listing business hours, and appropriately posted signs, with letters no larger than 3 inches high, stating "Entrance", "Parking", "No Loitering" or other wording approved by the Board of Selectmen

3. Sexually Oriented Businesses shall have only one exterior identification sign.

A. The sign shall contain only the name of the establishment and "XXX" or the type of business as defined in Section III above.

B. The sign may not contain any other symbols or illustrations.

C. The sign must meet the approval of the Board of Selectmen, who may require changes if they believe the proposed sign would be offensive to a significant number of Solon residents.

D. The exterior dimension of the sign shall not exceed 30 square feet.

E. The sign may be two sided.

F. The sign may be unlit, internally lit, or lit with spotlights.

G. The lights may not blink.

H. The bottom of the sign may not be more than 10 feet above grade.

I. The top of the sign may not be more than 15 feet above grade.

4. No signs or symbols, except as permitted in Section XI, paragraphs 1 through 3 above, shall be visible from the exterior of the establishment.

5. Exterior lights shall be used for necessary illumination; they shall not blink nor be so bright as to unduly disturb neighbors or passersby, as determined by the Board of Selectmen.

Section XII. Prohibited Activities

A. All acts of public indecency, as defined in 17-A M.R.S.A., Section 854, are prohibited in sexually oriented businesses.

B. All other acts prohibited by applicable ordinances or laws.

C. No alcoholic beverages allowed on the premises.

D. The sexually oriented business hours of operation will be allowed anytime during the hours of 8:00 am – Midnight seven days a week.

Section XIII. Enforcement

A violation of this Ordinance is a civil violation and the civil penalties and remedies under Section XV shall apply. The owner of the premises on or in which the sexually oriented business is located, who is not the licensee of the sexually oriented business, is jointly and severally liable with the licensee for any violation of Sections X to XIII. The Ordinance shall be enforced by the Code Enforcement Officer, the Board of Selectmen, and any law enforcement officials having jurisdiction within the Town of Solon. If court action is required to enforce this Ordinance, the Town shall be awarded its enforcement costs, including its reasonable attorney's fees.

Section XIV. Penalties

Violation of this Ordinance shall result in a monetary penalty beginning on the date a notice of violation from the Board of Selectmen is mailed to the Applicant at the address contained in Town records. If the violation is not remedied within ten days of notice being sent, the Board of Selectmen shall send a second notice. Fees are to be set by the Board of Selectmen and amended from time to time. Remedying a violation does not prohibit the Board of Selectmen from suspending the license as provided in Section VII. "Standards for Suspension, Revocation."

Section XV. Severability

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section XVI. Conflict with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other Ordinance, regulation or statute, the more restrictive provision shall apply.

Section XVII. Appeals

An appeal from any final licensing, denial, suspension or revocation decision of the Board of Selectmen may be taken by an aggrieved party to the Solon Appeals Board within 30 days of the decision. The decision of the Solon Appeals Board may be taken to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure. Service of Process shall be served on the Town Clerk. The Town shall file its responsive pleadings and record of proceedings with the Court not later than ten (10) business days after service of the summons and complaint. Additionally, the Town shall submit its responsive brief within fourteen (14) days after receipt of the plaintiff's brief, and shall move for an expedited hearing. All enforcement action, if any, shall be stayed during the pendency of the Rule 80B appeal.

Section XVIII. Effective Date

This Ordinance shall become effective immediately after approval by the voters of the Town of Solon.