

Chapter 29

**PUBLIC HEALTH AND SAFETY**

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**ARTICLE I. IN GENERAL**

**Secs. 29-1—29-30 Reserved.**

**ARTICLE II. VICTUALERS****Sec. 29-31. Purpose.**

The purpose of this article is to regulate the sale of prepared food for consumption on or off the premises.

(Ord. of 4-13-98, § 29-1)

**Sec. 29-32. License required.**

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. (For those licenses in effect upon the passage of this article, the license will renew in the month the last license was issued.)

(Ord. of 4-13-98, § 29-2)

**Sec. 29-33. Exceptions.**

(a) 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 article. 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 council shall have the authority to decide if an establishment is exempt or not.

(b) The annual fee shall be set from time to time by the council and a schedule of fees shall be kept on file and available in the town office.

(Ord. of 4-13-98, § 29-3)

**Sec. 29-34. Compliance.**

(a) All establishments must be inspected by the code enforcement officer 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 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.

(Ord. of 4-13-98, § 29-4)

**Sec. 29-35. License application; renewal; display.**

(a) Application forms for a victualer's license or renewal shall be on a form designed for that purpose by the town. Victualer applications shall be advertised by publishing notices in a local newspaper and by posting notices in at least two public places, at least seven 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 thereon within 30 days of the public hearing. Written notice of a decision shall be provided to the applicant.

(b) A new license, when granted, shall be valid for one year and renewed annually in the month in which the license was issued. An establishment shall at all times display its current victualer's license in a place within the establishment where it can be readily viewed by any member of the public.

(Ord. of 4-13-98, § 29-5)

**Sec. 29-36. Penalty.**

(a) Any person found guilty of violating any provisions of this article shall be subject to a civil penalty in accordance with section 1-6 of the Code.

(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.

(Ord. of 4-13-98, § 29-6)

**Sec. 29-37. Severability.**

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

(Ord. of 4-13-98, § 29-7)