

DEFINITIONS FROM THE LEWISTON CITY CODE OF ORDINANCES AND/OR MAINE STATE STATUTES

Adult amusement device means any machine which, upon the insertion of a coin or the payment of consideration, operates or may be operated to depict, display, or project, directly or indirectly, pictures, photography or other visual images of specified anatomical areas or specified sexual activities.

Adult business establishment means a business or commercial establishment which customarily derives at least fifty (50) percent of its operating income from the retail sale or lease of goods and/or services which may not lawfully be sold or leased to persons under the age of eighteen (18), or a business entity which customarily excludes persons under the age of twenty (20) from admission to its premises, including, but not limited to, adult amusement establishments, private membership clubs, taverns, restaurants or other establishments deriving at least fifty (50) percent of their operating income from the sale of alcoholic beverages; and shall also include any licensed billiard or pool hall and any business establishment containing more than two (2) of any type of billiard or pool table.

Automobile graveyard means a yard, field or other area used as a place of storage, other than temporary storage, by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable, for three or more unserviceable, discarded, wornout or junked motor vehicles as defined in 29 M.R.S.A. § 1(7), or parts thereof, referred to in this article as "vehicle" and includes an area used for automobile dismantling, salvage and recycling operations.

Billiard and pool halls means any place for the playing of any game of billiards, pool, bagatelle or similar game.

Boardinghouse means an establishment where meals are regularly prepared and served for compensation for three or more persons, where most of the food is placed upon the table family style, without service or ordering of individual portions from a menu, and where lodging units may or may not be available.

Bowling alley means any building, structure, enclosure or other place for the playing of bowls, candlepins, duckpins, tenpins or similar games, other than coin-operated amusement devices.

Carnivals & Circuses

Carnival means any traveling amusement show, excluding circuses, with or without midway, rides, concessions or other specific attractions. For licensing purposes, the term "carnival" shall also include rodeos, thrill shows and freak shows.

Circus means any show in which feats of horsemanship, tumbling, strength, etc., are exhibited, excluding carnivals and harness or running horse races; any show with an enclosed ring for the exhibition of animals.

Class A lounge means any business establishment which holds a class A lounge license issued by the state bureau of alcoholic beverages for the sale of spirituous, vinous and malt liquors.

Closeout Sales/Going Out of Business Sales means offered 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 terminate further business after that disposal is complete (*MRSA Title 30-A, section 3781*)

Coin-operated amusement device means any machine or device which upon the insertion of a coin may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, and which is operated for amusement only and does not dispense any form of payoff, prize or reward except free replays. For the purpose of licensing, the owner of the establishment where the device is located shall be the party responsible for obtaining the license.

Flammable liquid means a class 1 flammable liquid as defined in the rules and regulations issued by the state insurance commissioner.

Flea market means the selling or offering for sale, to the public, of any services, goods, wares and merchandise or personal property by three or more individuals, groups or organizations from or at one location.

Food service establishment means any person who prepares, sells, serves or packages food for consumption on premises within the corporate limits of the city, including but not limited to restaurants, luncheonettes, diners, snackbars, drive-ins and concession stands. The term "food service establishment," for the purpose of licensing, shall include any caterer doing business within the corporate limits of the city, any lessee or subtenant of any premises, business or dominant lessor (such as recreation or amusement areas, drive-in theaters, sports arenas or public exhibition halls) who prepares, serves, sells or packages food for consumption on the premises of any such business or dominant lessor, and any person, club or other establishment offering for sale malt, spirituous or vinous liquors for consumption on the premises.

FSE--Class A means a food service establishment which holds a license issued by the state bureau of alcoholic beverages for the sale of spirituous, vinous and malt liquors, except a class A lounge.

FSE--Class B means a food service establishment which holds a license issued by the state bureau of alcoholic beverages for the sale of malt and vinous liquors.

FSE--Class C means a food service establishment which holds a license issued by the state bureau of alcoholic beverages for the sale of malt liquor.

FSE--Class D means a food service establishment serving no malt, spirituous or vinous liquors.

FSE--Class E means a food service establishment which allows its patrons to bring their own spirituous, vinous or malt liquors for consumption on the premises.

FSE--Class F means a food service establishment operating for a period not to exceed 30 days.

FSE--Class G means a food service establishment operating for a period not to exceed three days.

Group care facility means a boarding care facility wherein children under 18 years of age or adults over 16 years of age and not legally related to the operator are provided personal care, supervision and/or rehabilitative services. Group care facilities within the meaning of this definition must be licensed by the state and may include, but are not limited to, group homes, halfway homes and congregate homes, but do not include foster family homes.

Innkeeper means anyone who operates a place where the public, for consideration, obtains sleeping accommodations and meals under one roof and which has a public dining room or rooms operated by the same management open and serving food during the morning, afternoon and evening, and a kitchen, apart from the public dining rooms, in which food is regularly prepared for the public on the same premises.

Junk collector means anyone dealing or trading in junk; anyone who engages in the collection, storage, transfer or sale of junk.

Junk means old iron, chains, brass, copper, tin, lead or other base metals, old rope, old bags, rags, wastepaper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds when less than one gross, and all articles discarded or no longer used, or a manufactured article composed of any one or more of the materials mentioned.

Junkyard means a yard, field or other area used as a place of storage for:

- (1) Discarded, wornout or junked plumbing, heating supplies, household, appliances and furniture;
- (2) Discarded, scrapped and junked lumber;
- (3) Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material; and
- (4) Garbage dumps, waste dumps and sanitary fills; all of which are referred to in this article as "junk."

Lodginghouse means a building or group of attached or detached buildings containing lodging and/or dwelling units for occupancy for daily or weekly periods by persons not within the second degree of kindred to the person conducting the lodginghouse and where regular meals are not prepared or served to the lodgers. The term "lodginghouse" shall be meant to include premises in which transients and/or residents share common bathroom and/or kitchen facilities; it shall not be meant to include the dormitories of charitable, educational or philanthropic institutions or associations, or any house where lodgings are let to less than five lodgers.

Massage therapist means any person who performs therapeutic massage for consideration or gratuity or with the expectation of receiving consideration or any gratuity.

Mobile home park means a contiguous parcel of land with a minimum area of five (5) acres designed and/or used to accommodate a minimum of three (3) manufactured housing units on mobile home lots which are to be rented or leased, but not sold. The management and maintenance of a mobile home park shall be deemed to be the responsibility of a single owner or operator, with improved lots and/or services being available under a leasing arrangement.

Motion picture theater means any building or area, including drive-in parks, arenas, exhibition halls or public buildings, where commercial films, movies or motion pictures, including previews of motion pictures, closed circuit telecasts and videotape replays, are shown, or where any cinematograph or similar apparatus is kept, used or exhibited for any commercial use whatsoever.

Pawnbroker means any person engaged in the business of lending money on deposit or pledges of personal property or other valuable thing other than securities or printed evidence of indebtedness, or in the business of purchasing personal property, or chooses in action, or other valuable thing, and selling or agreeing to sell the same back to the seller at a price other than the original price of purchase, or in the business of purchasing personal property such as articles containing gold, silver, platinum or other precious metals or jewels for the purpose of reducing or smelting them into a different form and reselling the product.

Peddler means any person traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house, or from street to street carrying, conveying or transporting goods, wares and merchandise and offering or exposing the same or any service for sale; or who without traveling from place to place shall sell, expose or offer any goods, wares, merchandise or service for sale from any portable, mobile or temporary structure, or from a wagon, automotive vehicle or other vehicle or conveyance; or who without traveling from place to place shall sell, expose or offer for sale the same in the entrances to buildings or other premises or upon vacant lots or other tracts of land within the corporate limits of the city. The term "peddler" shall not be construed to include the following: vendors of food sold by wagon, automotive vehicle or any other type of conveyance, vendors of merchandise by sample, list or catalogue for future delivery, vendors of farm, dairy, orchard, fish and forest products of their own production, vendors of newspapers and religious literature, route salesmen while engaged in making deliveries to their regular customers, commercial travelers or selling agents who, in the usual and customary course of business, make sales to dealers, or persons duly authorized to conduct tag days, sell poppies or otherwise solicit.

Racetrack means any fairgrounds, racetrack or field in the city which has on it any structure or grandstand with a capacity of over 100 persons and which is used by spectators at races.

Roller-skating rink means a building, facility or premises that provides an area used for roller skating. (*MRSA Title 8, section 604*)

Roving diner means any portable, mobile or temporary structure, and any vehicle, cart, wagon, conveyance or carrier of any kind, from which food is sold or caused to be sold, at retail, from house to house, store to store, building to building, or along or upon any sidewalk, street, park or other public property in the city; lunch wagons. The term "roving diner" shall not be construed to include caterers, vendors of dairy products, ice, bakery products, or similarly employed route salesmen while engaged in making deliveries to their

regular customers or persons making deliveries on order from customers of retail stores in the city.

Sale of Personal Property from Residential Premises means the sale of, or offer for sale of, personal property from any residential premises; only the sale of donated personal property and the sale of personal property owned, used and maintained for personal use only by the seller, and not for resale to the public, shall be permitted to be sold from residential premises. Such sales may be commonly referred to as "garage sale", "yard sale", "lawn sale", "tag sale", "household goods sale", "white elephant sale" and similar references. Residential premises means a building or structure having at least one dwelling unit, boarding or lodging room, and the lot of land associated therewith, and any accessory structures; and any lot of land within a residential zone.

Secondhand dealer means any person who engages in the purchase, collection, transfer or storage for later resale, or who engages in the trading or selling, unless such sale is by auction of less than four days' duration, of any article, vehicle or material, or portion thereof, of which prior use has been made in any manner whatsoever. The term "secondhand dealer" shall not be construed to include pawnbrokers, junk collectors, used car dealers, antique dealers who handle and sell bona fide antiques exclusively; nor shall it include any person primarily engaged in the retail sale of new and unused goods, who deals with used goods only incidentally, such as accepting such goods in trade as part of a transaction involving the sale of new goods, but only to the extent that such used goods are of the same type as the new goods sold by such person.

Solicitor means any person using or upon any sidewalk, street park or other public place, or at any doorway or entranceway immediately abutting thereon, within the corporate limits of the city for the purpose of begging, collecting or soliciting alms for the poor or funds for any charitable, philanthropic, civic, musical, athletic, patriotic or related purposes.

Sound truck means any private vehicle, conveyance or carrier of any kind having, either mounted or unmounted, any electronic, mechanical or other appliance, apparatus, equipment or device used to broadcast or otherwise amplify any announcement, voice, advertisement, recording, tape or other sound for any purpose other than use during a public emergency, and traveling upon or using any street, sidewalk, park or other public place within the corporate limits of the city. The term "sound truck" shall not be construed to include any private or public emergency vehicles used to perform a public service.

Special amusement means entertainment which includes any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensee whose incidental duties include activities with an entertainment value.

Special food handler means any person engaged in processing, storing, serving or selling food for consumption off premises.

Tattoo Operator means the individual who performs or practices the art of tattooing on the person of another.

Tattoo means to insert pigment under the skin of a human being by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.

Taxicab means a motor vehicle used for the conveyance of passengers for hire from place to place on the streets of the city, and shall include, in addition to such motor vehicles as are commonly known as taxicabs, all motor vehicles of every kind, character and description which are used as taxicabs, cabs, for-hire cars, or livery cars and engaged as such in the conveyance of passengers for hire. The term "taxicab" shall not be construed to include motor vehicles owned by undertakers and used for funeral services, motor vehicles for hire while being used for services at funerals or weddings or motorbuses.

Therapeutic massage establishment means any business including but not limited to a sole proprietorship in which the business operations consist of providing or making available massage in the city for consideration or with the expectation of receiving consideration or any gratuity, whether or not the business has a fixed place of business within the city limits.