

32 §1871-A. LICENSING REQUIREMENTS

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A license issued annually by the department is required before any person may initiate deposits under section 1863-A, operate a redemption center under section 1867 or act as a contracted agent for the collection of beverage containers under section 1866, subsection 5, paragraph B. [2001, c. 661, §9 (NEW).]

1. Procedures; licensing fees. The department shall adopt rules establishing the requirements and procedures for issuance of licenses and annual renewals under this section, including a fee structure. Initial rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted effective after calendar year 2003 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and are subject to review by the joint standing committee of the Legislature having jurisdiction over business and economic development matters.

[2001, c. 2, Pt. A, §41 (COR).]

2. Criteria for licensing rules. In developing rules under subsection 1 for licensing redemption centers, the department shall consider at least the following:

A. The health and safety of the public, including sanitation protection when food is also sold on the premises; [2009, c. 405, §7 (AMD).]

B. The convenience for the public, including standards governing the distribution of centers by population or by distance, or both; [2009, c. 405, §7 (AMD).]

C. The proximity of the proposed redemption center to existing redemption centers and the potential impact that the location of the proposed redemption center may have on an existing redemption center; [2009, c. 405, §7 (NEW).]

D. The proposed owner's record of compliance with this chapter and rules adopted by the department pursuant to this chapter; and [2009, c. 405, §7 (NEW).]

E. The hours of operation of the proposed redemption center and existing redemption centers in the proximity of the proposed redemption center. [2009, c. 405, §7 (NEW).]

[2009, c. 405, §7 (AMD).]

3. Location of redemption centers; population requirements. The department may grant a license to a redemption center if the following requirements are met:

A. The department may license up to 5 redemption centers in a municipality with a population over 30,000; [2009, c. 405, §7 (NEW).]

B. The department may license up to 3 redemption centers in a municipality with a population over 20,000 but no more than 30,000; and [2009, c. 405, §7 (NEW).]

C. The department may license up to 2 redemption centers in a municipality with a population over 5,000 but no more than 20,000. [2009, c. 405, §7 (NEW).]

For a municipality with a population of no more than 5,000, the department may license redemption centers in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2009, c. 405, §7 (NEW).]

4. Exceptions. Notwithstanding subsection 3:

A. An owner of a redemption center who is renewing the license of a redemption center licensed by the department as of April 1, 2009 need not comply with subsection 3; [2009, c. 405, §7 (NEW).]

B. An entity that is a food establishment or distributor licensed by or registered with the department need not comply with subsection 3; [2009, c. 405, §7 (NEW).]

C. A reverse vending machine is not considered a redemption center for purposes of subsection 3 when it is located in a licensed redemption center; and [2009, c. 405, §7 (NEW).]

D. The department may grant a license that is inconsistent with the requirements set out in subsection 3 only if the applicant has demonstrated a compelling public need for an additional redemption center in the municipality. [2009, c. 405, §7 (NEW).]

[2009, c. 405, §7 (NEW) .]

SECTION HISTORY

2001, c. 661, §9 (NEW). RR 2001, c. 2, §A41 (COR). 2009, c. 405, §7 (AMD).

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