

## **CHAPTER 50**

### **SPECIAL AMUSEMENT PERMITS**

#### **Article I. Purpose.**

The purpose of this article is to regulate the issuance of special amusement permits for music, dancing, or entertainment in facilities licensed by the state to sell liquor as authorized by 28-A M.R.S.A. § 1054.

#### **Article II. Definition.**

For the purposes of this article, the word “entertainment” means any amusement, performance, exhibition, or diversion for customers of the licensed premises whether provided by professional entertainers or by employees of the operator of the licensed premises.

#### **Article III. Permit required.**

(a) A licensee for the sale of liquor to be consumed on the licensed premises shall not permit any live music, dancing, or entertainment of any kind on the premises until the licensee has first obtained a special amusement permit issued by the Town Clerk.

(b) The licensee must file a written application for the permit with the Town Clerk including the name, date and place of birth, and residence address of the applicant; the name, address and nature of the business; and any additional information required by the Town necessary to the processing of the application.

#### **Article IV. Inspection.**

As soon as an application for a special amusement permit has been received by the Town Clerk, the Codes Enforcement Officer, Fire/Rescue Chief, and Police Chief shall review the application. The Code Enforcement Officer and Fire/Rescue Chief shall inspect the licensed premises to determine whether the applicant(s) is in compliance with all pertinent law. The Codes Enforcement Officer, Fire/Rescue Chief and Police Chief shall make a report to the Town Clerk with their findings in that regard- within 21 days from receipt of application. The Clerk shall either issue the permit or refer to Town Council within 3 business days.

#### **Article V. Public hearing.**

All new Special Amusement Permits shall be reviewed by the Town Council who shall make a determination of approval or denial. Any renewal application for a Special

Amusement Permit, deemed by the Code Enforcement Officer, Fire/Rescue Chief or Police as in compliance with all pertinent law as stated in Article IV. Inspection, shall be issued by the Town Clerk once determined complete. Any renewal application for a Special Amusement Permit, deemed by the Code Enforcement Officer, Fire/Rescue Chief or Police as not in compliance with all pertinent law as stated in Article IV. Inspection, shall be referred to the Town Council for review. If the Town Council elects not to approve any Special Amusement Permit, the Town Council shall hold a Public Hearing after seven (7) days' notice published in a newspaper having general circulation in the town to determine whether issuance of the permit would be detrimental to the health, safety, or general welfare of the public, or would be in violation of any provision of this Code or town ordinance. Following the hearing, the Clerk shall issue the permit unless the Town Council finds that to do so would be detrimental to the health, safety, or general welfare of the public, or would be in violation of a municipal ordinance.

## **Article VI. Denial of permit.**

If the application for a special amusement permit is denied, the Town Clerk shall give the applicant a written statement of the reasons for the denial.

## **Article VII. Conditional issuance.**

The town council may attach conditions to any special amusement permit which are necessary for the protection of the health, safety, or general welfare of the public.

## **Article VIII. Permit fee.**

The fee for a special amusement application permit is one hundred and twenty-five dollars (\$125.00) which is nonrefundable if the application for the permit is denied.

The fee for a new special amusement application permit, will be prorated at a rate of .35/per day to coincide with the expiration date of the applicant's liquor license. Existing special amusement license holders as of September 3, 2024, shall be prorated to align the Special Amusement permit expiration date with the liquor license expiration date for the covered establishment.

## **Article IX. Term of permit.**

The permit runs concurrent with the State issued liquor license and shall expire on the same date as such license.

## **Article X. Periodic inspection.**

Whenever an inspection of the premises used for the operation of a business by the holder of a special amusement permit is provided for by law, or is reasonably

necessary in order to determine whether there is compliance with any pertinent law, the licensee shall permit the health officer or any official or employee of the codes enforcement office to make the inspection at any reasonable time, on written request.

### **Article XI. Suspension or revocation of a permit.**

After seven (7) days notice published in a newspaper having general circulation in the town, and public hearing, the town council may suspend or revoke a special amusement permit if it determines that the music, dancing, or entertainment being provided at the licensed premises constitutes a detriment to the public health, safety, or welfare; or violates any law; or if the health officer or any official or employee of the codes enforcement office has been refused admission to make an inspection of the premises after written request.

### **Article XII. Penalty.**

A person who violates any of the provisions of this article shall be punished by a fine of not more than five hundred dollars (\$500.00).

### **Article XIII. Qualifications.**

In order to be eligible for this license, an applicant shall meet any qualifications established by law and shall pay any arrearages for taxes, fees, or any other obligation to the town.

### **Article XIV. Live Entertainment Regulation.**

No licensee shall permit entertainment on the licensed premises, whether provided by professional entertainer(s), employees of the licensed premises, or any other person, when the entertainment involves:

- (a) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (b) The actual or simulated touching, caressing, or fondling of breasts, buttocks, anus, or genitals;
- (c) The actual or simulated displaying of the genitals, pubic hair, buttocks, anus, or any portion of the female breasts at or below the areola thereof;
- (d) The permitting of any licensee of any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her genitals or anus or female breasts below the areola thereof;

For the purposes of this section, the words "displaying" and "exposes" shall mean being unclothed or uncostumed or not covered by fully opaque cloth or textile material, or employing any device or covering which is intended to give the appearance of or to

simulate the genitals, public hair, buttocks, anus or the portions of the female breasts at or below the areola thereof.