

Sabattus, Maine – Code of Ordinances

SPECIAL AMUSEMENT ORDINANCE

Section 1. Purpose and Authority

The purpose of this section is to control the issuance of special amusement permits for music, dancing or entertainment in facilities licensed by the State to sell liquor.

This section is adopted pursuant to 28-A M.R.S.A. ss 1054 and 30-A M.R.S.A. ss 3001.

Section 2. Definitions

The following definitions apply unless the context clearly indicates another meaning:

Entertainment - includes any live amusement, performance, exhibition, or recreation for patrons or customers of the licensed premises whether provided by:

- a. professional entertainers;
- b. full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value; or
- c. patrons induced by prizes or otherwise to act as entertainers.

Licensee - includes the holder of a license issued by the State for the sale of liquor to be consumed on the premises owned by said licensee, or any agent or employee of any such licensee.

Premises - includes all parts of the adjoining real estate occupied by a licensee over whom the licensee has direct or indirect control or interest, which the licensee uses in the operation of the licensed business.

Section 3. Special Amusement Permit Required

No licensee shall permit on the licensed premises any music, except radio or mechanical device, dancing or entertainment of any sort unless the licensee has obtained, from the Board of Selectmen, a special amusement permit under this ordinance.

Sabattus, Maine – Code of Ordinances

Section 4. Applications

Applications for special amusement permits and annual renewals thereof shall be made in writing to the Board of Selectmen and shall state:

1. the name of the applicant;
2. his business address;
3. the nature of the business, including a specific description of the entertainment to be offered;
4. the location to be used;
5. a copy of the applicant's current liquor license;
6. whether the applicant has ever had a license to conduct the type of business therein described either denied or revoked and if so, the applicant shall describe those circumstances specifically;
7. whether the applicant, including all partners and corporate officers, has ever been convicted of a felony and if so, the applicant shall describe those circumstances specifically; and
8. any additional information as may be required by the Board of Selectmen prior to the issuance of the permit.

Section 5. Entertainment Regulated

No special amusement permit shall be issued for a premise that will offer entertainment which includes:

1. Exposing to view the genitals, pubic hair, anus, vulva, or any portion of the female breasts at or below the areola area thereof. "Exposing to view" includes, without limitation, appearing without an opaque covering or appearing with only an opaque covering which adheres to the skin, such as body paint;
2. The actual or simulated touching, caressing or fondling of the breasts, buttocks or genitals by the performer;
3. The actual or simulated touching, caressing or fondling of the performer by members of the viewing audience.

Section 6. Code Compliance

No special amusement permit may be issued for any purpose or act, on or off the premises, if the premises and buildings to be used do not comply with all ordinances, codes, and regulations of the Town of Sabattus.

Sabattus, Maine – Code of Ordinances

Section 7. Fees

The fee for a special amusement permit shall be paid per year and shall be paid at the time of application. See the Town of Sabattus Fee Schedule for appropriate Fees.

Section 8. Public Hearing on Applications

Prior to granting a special amusement permit, the Board of Selectmen shall hold a public hearing. Reasonable notice of the hearing shall be given by the town to the applicant and shall be published at least once in a newspaper having general circulation in Androscoggin County. At the public hearing, testimony of the applicant and any interested person(s) shall be heard.

Section 9. Issuance of Permits

After public hearing and within fifteen (15) days of the Board of Selectmen's receipt of the completed application, the Board of Selectmen shall grant the special amusement permit requested unless the issuance of the permit would violate any prohibition in this ordinance or any State law or other town ordinance or is otherwise contrary to the public health, safety and welfare. In granting a permit, the Board of Selectmen may impose reasonable restrictions to protect property owners in the vicinity of the licensed premises from any nuisance aspects of the proposed amusements including, without limitation, noise, noise levels, days and hours of operation. The applicant shall be informed in writing of the decision on his application and the reasons for the decision.

Section 10. Term and Transferability

Special amusement permits shall be issued for a term of one (1) year to coincide with the applicant's existing liquor license. Special amusement permits are not transferable.

Section 11. Appeal

An appeal by the applicant or any aggrieved person may be taken from the decision of the Board of Selectmen to the Board of Appeals as provided in 28-A M.R.S.A. ss 1054(8).

Sabattus, Maine – Code of Ordinances

Section 12. Suspension or Revocation

After a public hearing, preceded by notice to the permit holder and the public, the Board of Selectmen may suspend or revoke a special amusement permit on the grounds that the licensed premises or activities on the premises violated or violate public order, the provisions of this ordinance, and/or any of the terms or provisions of any other town ordinance or regulation or any State law. Appeals from such a decision by the Board of Selectmen may be taken to the Zoning Board of Appeals as provided in 28-A M.R.S.A. ss 1054(8).

Section 13. Admission Charges

A licensed hotel, Class A restaurant, Class A restaurant malt liquor licensee, as defined in Title 28-A of the Maine Revised Statutes, that has been issued a special amusement permit, may charge admission in designated areas as approved in the permit.

Section 14. Inspection of Premises

Each permit holder, by accepting a special amusement permit, agrees to allow inspection of his/her premises by representatives of the Town during business hours without prior notice and at other times with prior notice.

Section 15. Prohibited Activities

No permit holder shall allow on the permitted premises any activity described in paragraph B, section 1(a) or 1(b) of this ordinance, regardless of whether such activity is carried out by professional entertainer(s), employees, or any other person and without regard as to whether any compensation is paid by the permit holder.

Section 16. Penalty

Violation of any provision of this ordinance shall be punished by a civil penalty of not less than \$500 dollars nor more than \$1,000 dollars. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this ordinance by appropriate court action. In the event that the town shall prevail in any court action to enforce this ordinance, the town shall recover its costs of suit, including reasonable attorney's fees.

Sabattus, Maine – Code of Ordinances

Section 17. Severability

In the event that any provision of this ordinance is held invalid by a court of competent jurisdiction, such ruling shall not affect the remaining provisions that shall remain in full force and effect.

Accepted:

Original Adoption:

Revision Dates:
