

## SPECIAL AMUSEMENT ORDINANCE

### ARTICLE 1

#### Title, Purpose & Definitions

##### Section 101. TITLE

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Newport, Maine.

##### Section 102. PURPOSE

The purpose of this Ordinance is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28 MRSA Subsection 702.

##### Section 103. DEFINITIONS

103.1 Entertainment—For the purposes of this Ordinance, “entertainment” shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

103.2 Licensee—For purposes of this Section, “licensee” shall include the holder of a license issued under the Alcoholic Beverage Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other entity, or any agent, or employee of any such licensee.

### ARTICLE II

#### General

##### Section 201. PERMIT REQUIRED

No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the

municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the municipal officers.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business therein described either denied or revoked and if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued for anything, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.

The fee for a special amusement permit shall be \$75.00.

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within fifteen (15) days of the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall grant a permit unless they find the issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles or bylaws.

A permit shall be valid only for a period from the initial issuance until May 31<sup>st</sup> of each subsequent year.

## Section 202.INSPECTIONS

Whenever inspections of the premises used for or in connection with the operations of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or State law, or are reasonably necessary to secure compliance with any ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any official, or employee to make an inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official, or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the municipal officers may, revoke the special amusement permit of any licensee the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official or employee while in the performance of his duty. Provided that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

### Section 203. SUSPENSION OR REVOCATION OF A PERMIT

The municipal officers may, after a public hearing preceded by notice to interested parties, suspend, or revoke any special amusement permits which have been issued under this ordinance on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

### Section 204. RULES AND REGULATIONS

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulation governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of the Ordinance.

### Section 205. PERMIT AND APPEAL PROCEDURES

205.1—Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days from the date the request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days after an application for a permit which has been denied.

205.2—Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the municipal Board of Appeals as defined in 30 MRSA Subsection 2411. The municipal Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was arbitrary or a preponderance of the evidence on a violation of any ordinance, article,

bylaw, or rule or regulation of the municipality.

205.3—Coin operated, amusement devices shall be operated during regular business hours with the exception of Sunday morning (until noon) and after the hours of 7:30 a.m. to 3:30 p.m. on school days.

Applicants shall be required to divulge plans that they have in regard to supervision of said premises to prevent vandalism and other property damage, personal injury and potential parking and traffic flow problems.

#### Section 206. ADMISSION

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

### ARTICLE III

#### Penalty, Separability & Effective Date

#### Section 301. PENALTY

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more the Twenty-five Dollars (\$25.00) for the first offense and up to Fifty Dollars (\$50.00) for the subsequent offenses, to be recovered, on complaint, to use of the Town of Newport.

#### Section 302. SEPARABILITY

The invalidity of any provision of this Ordinance shall not invalidate any other part.

#### Section 303.EFFECTIVE DATE

The effective date of this Ordinance shall be March 5, 1979

“Attest, a true copy of an ordinance entitled Special Amusement Ordinance of the Town of Newport, as certified by the municipal officers of the Town of Newport, Maine and adopted by the Town meeting on the 5<sup>th</sup> day of March 1979.”

08/30/2013

Signature: *Paula A. Scott*  
Municipal Clerk