



# Town of Turner, Maine

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## **SPECIAL AMUSEMENT PERMITS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS**

**SECTION I: PURPOSE AND AUTHORITY:** The purpose of this Ordinance is to control the issuance of special amusement permits for music, dancing or entertainment in facilities licensed by the State to sell liquor, registered with the State as a bottle club or any other business established, whether licensed or permitted or not. This section is adopted pursuant to 28-A M.R.S.A. ss 1054 and 30-A M.R.S.A. ss 301.

**SECTION II: DEFINITIONS:** The following definitions apply unless the context clearly indicates another meaning:

(A) ENTERTAINMENT: includes any amusement, performance, exhibition or diversion whether live, tape or otherwise for patrons or customers of the licensed premises whether provided a) by professional entertainers; b) by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value; c) by patrons induced by prizes or otherwise to act as entertainers; or d) by any other person.

(B) PREMISES: includes all parts of the contiguous real estate occupied by a business over which the owner/operator has direct or indirect control or interest or which the owner/operator uses in the operation of the business.

**SECTION III: SPECIAL AMUSEMENT PERMIT REQUIRED:** No person shall permit on the premises of any business, any music, except radio or mechanical device, dancing or entertainment of any sort unless the person has obtained from the Board of Selectmen a special amusement permit under this Ordinance.

(A.) APPLICATIONS: Applications for special amusements permits and annual renewals thereof shall be made in writing to the Board of Selectmen and shall state the name of the applicant; his business address; the nature of the business, including a specific description of the entertainment to be offered; the location to be used; 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; 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 any additional information as may be required by the Board of Selectmen prior to the issuance of the permit, including but not limited to, a copy of the applicant's current liquor license, if any.

(B) ENTERTAINMENT REGULATED: No special amusement permit shall be issued for a premises 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 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.

(C.) CODE COMPLIANCE: No special amusement permit may be issued for any thing or act or premises if the premises and buildings to be used do not comply with all ordinances, codes and regulations of the Town.

(D.) FEES: The fee for a special amusement permit shall be One Hundred Dollars (\$100.00) and shall be paid when the application is made.

(E.) 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 Clerk to the applicant and shall be published at least once in a newspaper having a general circulation in the Town. At the public hearing, testimony of the applicant and of any interested person shall be heard.

(F.) 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 Town Ordinance or is otherwise contrary to the public health, safety or welfare. In granting a permit, the Board of Selectmen may impose reasonable restrictions to protect property owners in the vicinity of the business premises from any nuisance aspects of the proposed amusements including, without limitation, noise and hours of operation. The applicant shall be informed in writing of the decision on his application and of the reasons for the decision.

(G.) TERMS AND TRANSFERABILITY: Special amusement permits shall be issued for a term of (1) calendar year and shall expire on the first day of the following year unless earlier suspended or revoked. Special amusement permits are not transferable.

(H.) RENEWALS: Special amusement permit renewal applications shall be processed by the Town Clerk who shall circulate the application among appropriate Town agencies for comment. The Clerk shall forward the application to the Board of Selectmen with a summary of the agency comments. Renewals shall be approved or denied by the Board of Selectmen.

(I) APPEALS: An appeal by the applicant or any aggrieved person may be taken from the decision of the Board of Selectmen to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

**SECTION IV: 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 premises or activities on the premises violated or violate the provisions of this Ordinance, the terms of the permit or the provisions of any other Town Ordinance or of the permit or the provisions of any other Town Ordinance or regulation or any State law. Appeals from such decision may be taken to the Superior pursuant to Rule 80B of the Maine Revised Statutes.

**SECTION V: 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 or premises registered as a bottle club or any other business establishment club or any other business establishment that has been issued a special amusement permit, may charge admission in designated areas as approved in the permit.

**SECTION VI: INSPECTION OF PREMISES:** Each permit holder, by accepting a special amusement permit, agrees to allow inspection of his premises by representatives of the Town during business hours without prior notice and at other times with prior notice.

**SECTION VII: PROHIBITED ACTIVITIES:** No permit holder shall allow on the permitted premises any activity described in Section II B, 1 or 2 of the Ordinance, without regard to whether such activity is carried out by professional entertainers, employees or any other person and without regard to whether any compensation is paid by the permit holder.

**SECTION VIII: PENALTY:** Violation of any provision of this Ordinance shall be punished by a civil penalty of Five Hundred Dollars (\$500.00). 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 action. In this Ordinance, the Town shall recover its costs of suit, including reasonable attorneys' fees.

**SECTION IX: SEVER ABILITY:** 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 which shall remain in full force and effect.

**SECTION X: EFFECTIVE DATE:** The effective date of this Ordinance shall be the date of its adoption by the Town: i.e.: April 8, 1995