

# **SPECIAL AMUSEMENT ORDINANCE**

Effective Date May 15, 1979

Amended June 26, 1995

## **Article I. Title, Purpose and Definitions**

### **Section 101. Title**

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Sullivan, 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 purpose 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 or part-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 Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal 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 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; the location to be used; whether the applicant has ever had a license to

conduct the 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 addition 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 any thing, 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 **\$10.00** payable to the Town of Sullivan.

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within **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 that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinance, or rules and regulations, articles, or bylaws.

A permit shall be valid only for the license year of the applicant's existing liquor license.

### **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 and municipal ordinances, articles, bylaws, or rules and regulations.

### **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 his 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 **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 **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 capricious, or that the denial, revocation, or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

### **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 provision of this Ordinance shall be punished by a fine of not more than twenty-five (**\$25.00**) for the first offense, and up to fifty dollars (**\$50.00**) for the subsequent offenses, to be recovered on complaint, to the use of the Town of Sullivan.

### **Section 302 Separability3**

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 **May 15, 1979**.