Town of Porter

71 Main Street, Porter, ME 04068
Phone: (207) 625-8344 – Fax: (207) 625-4120
www.portermaine.org

TOWN OF PORTER
SPECIAL AMUSEMENT ORDINANCE

SECTION 1.1 TITLE

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

SECTION 1.2 PURPOSE

The purpose of this Article is to control the issuance of special amusement permits for music, dancing or entertainment in facilities where alcoholic beverages are consumed.

SECTION 1.3 DEFINITIONS

1. **Entertainment.** For the purpose of this Article, "entertainment" shall include any amusement, performance; exhibition or diversion for patrons or customers of the licensed premises whether provided by compensated entertainers or by full-time or part-time employees of a licensed premises whose incidental duties include activities with an entertainment value.
2. **Licensee.** For the purposes of this Article, "Licensee" shall include the property owner allowing a 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 to utilize, act on behalf of any such Licensee or left in charge of, or in control of or rent such Licensee's premises.
3. **Mass Gathering.** An event counts as a "mass gathering" if the number of people exceeds occupancy capacity, septage capacity, and/or has the potential to strain the planning and response resources of the local community where it takes place (e.g. traffic, parking, glare, refuse, noise, etc.).

SECTION 1.4 PERMIT REQUIRED

1. **Permit.** No Licensee for the sale of liquor to be consumed on the licensed premises shall permit, on the licensed premises, any music except radio or other mechanical device, or 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.

2. **Application Form.** Applications for all Special Amusement Permits shall be made in writing to the Municipal Officers utilizing an approved permit application form provided by the Town.
3. **Compliance with Law.** No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purpose(s) do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.
4. **Fee.** The application fee for a Special Amusement Permit is to be set annually by the Select Board.

SECTION 1.5 CONDUCT CONSTITUTING OFFENSES BY LICENSEES

1. **Tumultuous Conduct.** The Licensee shall not knowingly allow on any licensed premises any person or persons to disturb, tend to disturb, or aid in disturbing the peace of others of ordinary sensibilities or to be disorderly by violent, tumultuous, offensive or obstreperous conduct; or to permit or gather a crowd, or audience, or patrons to witness any entertainment, amusement, or show as to create a dangerous condition because of fire or other risks in derogation of the public health, comfort, convenience, safety or welfare.
2. **Riots.** The Licensee shall not allow on any licenses premises any public entertainment or amusement or show of any kind which tends to or is calculated to cause or promote any riot or disturbance.
3. **Unnecessary Noise.** The Licensee shall not allow on any licensed premises the making, creation, or maintenance of excessive, unusually loud noise which disturbs, annoys, injures, or prejudices, or endangers the comfort, repose, health, peace, or safety of individuals of ordinary sensibilities of the public in general, or the property rights of others, and which noises affect and are a detriment to public health, comfort, convenience, safety, welfare, or the prosperity of the residents of the municipality. Reference Article IV "Noise" in the Town of Porter Land Use Ordinance.
4. **Nuisances.** The Licensee shall not allow any licensed premises to be so conducted or operated as to amount to a nuisance in fact under any ordinances, or any sections of any ordinances, articles, bylaws or rules and regulations of the municipality, or under any statutes of the State of Maine.
5. **Prostitution and Public Indecency.** The Licensee shall not allow on any licensed premises or aid in or offer or agree to or allow in or near such licensed premises any prostitution, or prostitutes, or any public indecency under any or in derogation of any statutes of the State of Maine; or any meretricious display, or lewd act, or act of moral perversion, or knowingly receive, or offer or agree to receive any person on such licensed premises for the purpose of performing a lewd act, or an act of prostitution or moral perversion, or public indecency, or to knowingly permit any person to remain on such licensed premises for any such purpose, or to aid, abet, allow, permit, or participate in the commission of such acts.
6. **Solicitation of Drinks.** The Licensee shall not allow on any licensed premises any person to frequent or loiter with purpose of soliciting any other person, customer, or patron to purchase any drink of any kind.
7. **Gambling.** The Licensee shall not allow on any licensed premises the use or occupancy thereof for gambling or games of chance as prohibited by the statutes of the State of Maine.

SECTION 1.6 SUSPENSION OR REVOCATION OF A PERMIT

The Municipal Officers or designated agent may send notification of suspension or revocation of a Special Amusement Permit which was issued under this Article if the permit holder is in violation of any provision of this Article or has knowingly made an incorrect statement of a material nature on the application for a permit. Determination of the severity of the violation and whether a suspension or revocation is warranted shall be made by the Municipal Officers after a public hearing preceded by notice to interested parties.

SECTION 1.7 RULES AND REGULATIONS

The Municipal Officers are hereby authorized to establish written rules and regulations governing the issuing, 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 on those promises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections in this Article.

Property owners who do not reside on a property or a contiguous parcel under the same ownership, while renting or leasing the property may be required to apply for a Special Amusement Permit in accordance with this Article and the Town of Porter Land Use Ordinance Article V Sections 5.5, 5.6, 5.12, and 5.21.

SECTION 1.8 PERMIT AND APPEAL PROCEDURES

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.

SECTION 1.9 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 a municipality special amusement permit.

SECTION 1.10 PENALTY

Whoever violates any of the provisions of this Article shall be punished by a fine of not more than two hundred dollars ($200) for the first offense, and up to four hundred dollars ($400) for the subsequent offense(s), to be recovered, on complaint, to the use of the Town of Porter.

SECTION 1.11 SEPARABILITY

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

Adopted on March 15, 1997
Amended on May 29, 2024

Town of Porter

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Special Amusement Permit Application

Name of Applicant:

Residence Address:

Name of Business:

Business/Rental Address:

Nature of Business*:

Location Used requiring the Special Amusement Permit:

Have you ever had a license to conduct business denied or revoked? ☐ **Yes** ☐ **No**

If yes, please describe:

Have rentors/lessors of the property been made aware of the Special Amusement Ordinance?

☐ **Yes** ☐ **No**

Have rentors/lessors of the property acknowledged to the property owner, in writing, that they will comply with the Special Amusement Ordinance? ☐ **Yes** ☐ **No**

What is the frequency of events or use requiring a Special Amusement Permit at this location?

Comments:

Signature of Applicant (required):

Date:

*** Include a copy of current liquor license, if applicable**

PERMIT TO BE DISPLAYED ON THE PREMISES

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Special Amusement Permit

Subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of the "Special Amusement Ordinance of the Town of Porter"

Public Hearing held on:

This permit is hereby granted upon condition that the Special Amusement Permit does not violate any of the above Sections of the Special Amusement Ordinance of the Town of Porter or the Town of Porter Land Use Ordinance.

Owner's Name:

Business Name:

Street or Highway Name:

P.O. Box or Address:

Tax Map and Lot:

This permit is valid only for one year, being the license year of the applicants existing liquor license or an agent's liquor license used for an event on the property, as applicable.

Dated at Porter, Maine this _____ day of _____, _____

Municipal Officer (Town of Porter):

Municipal Officer (Town of Porter):

Municipal Officer (Town of Porter):

Certified True Copy

Town Clerk, Town of Porter:

Restrictions and/or Conditions:

Date Application Received _____
Fee Paid _____
For Office Use Only

Proposed Changes

2026 STM 'Stand-Alone' Ordinance amendments for warrant

To consolidate fees into a single document managed by Town Officers

A.) Shall changes to the TOWN OF PORTER DOG CONTROL ORDINANCE be enacted?

SECTION 9. IMPOUNDMENT FEES

Owners may reclaim their dog by first licensing, if applicable, according to Town regulations and by paying to the Town a fee ~~of one hundred dollars ($100)~~ for each dog involved. The Select Board shall annually set the amount of all fees required by this Ordinance. The owner will also be responsible for any additional costs incurred by the Animal Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of the dog. All fees are to be deposited in the separate account as required by M.S.R.A. 7, Section 3945.

SECTION 11. PENALTIES

Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and, upon conviction, therefore shall be fined per dog involved ~~not less than one hundred twenty-five ($125) dollars nor more than two hundred fifty ($250) dollars for the first violation, and fined not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) for the second offense,~~ to be recovered by a complaint before the Maine District Court, subject to the rights of exception and appeal as provided by law. The Select Board shall annually set the amount of all fees required by this Ordinance. All fines collected shall be recovered to the use of the Town of Porter and deposited in a separate account as required by M.S.R.A. 7 Section 3945 (Use and License Fees Retained by Municipalities).

B.) Shall changes to the AMUSEMENT ORDINANCE of the Town of Porter be enacted?

***Section 1.10 Penalty** – Whoever violates any of the provisions of this Article shall be punished by ~~a~~ fines set annually by the Select Board as required by this Ordinance. ~~of not more than two hundred dollars ($200) for the first offense, and up to four hundred dollars ($400) for the subsequent offense(s),~~ to be recovered, on complaint, to the use of the Town of Porter.*