

Chapter 6

~~XX(RESERVED)~~

SPECIAL AMUSEMENT PERMIT ORDINANCE

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Chapter 6

SPECIAL AMUSEMENT PERMIT ORDINANCE

Section 6-101 Authority and Enactment

The municipal officers of the Town of Winter Harbor enacted this Ordinance on July 5, 1983 following a public hearing held on July 20, 1983 under the authorization of the Voters of the Town Meeting held Monday March 7, 1983.

Section 6-102 Purpose

The purpose of this Ordinance is to control, as required by Title 28, Section 702, MRSA, as amended, the issuance of Special Permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor or malt liquor in the Town of Winter Harbor.

Section 6-103 Definitions

- A. Entertainment. For 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 or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.
- B. Licensee. For purposes of this Ordinance, "Licensee" shall include the holder of a license issued pursuant to the provisions of Title 28, MRSA, Liquors, as amended, or any person, individual partnership, firm, association, corporation or other legal entity acting as agent or employee of any holder of said license.

Section 6-104 Permit Required

No licensee for the sale of liquor or malt liquor to be consumed or the licensed premises, situated in the Town of Winter Harbor, shall permit on said licensed premises any music, except radio or other mechanical devise, any dancing or entertainment of any sort unless the licensee shall have first obtained from the Board of Selectmen a Special Amusement Permit signed by at least a majority of the members of said Board of Selectmen.

Applications for all Special Amusement Permits shall be made in writing to the Winter Harbor Board of Selectmen and shall state the name of the applicant; the name, location, and nature of business; the location to be used; the specific type of Special Amusements to be offered; and any other information the Board of Selectmen may require in order to ascertain

5. The licensed activity causes or contribute to, or is likely to cause or contribute to Nuisances as provided in Title 17 MRSA Chapter 91.

- C. A permit shall be granted and valid only for the license year of the applicant's existing liquor license.
- D. There shall be five (5) classes of permits and only those activities specified in each class shall be permissible under the Special Amusement Permit.

Class 1-Live music without mechanical amplification.

Class 2-Live music with mechanical amplification.

Class 3-Dancing.

Class 4-Talent and performance activities such as comedy, dramatics, narration, juggling, magic acts and similar amusements.

Class 5-Any combination or combinations of Classes 1,2,3,4.

Section 6-107 Revocation of Suspension

Any permit may be revoked or suspended by the Board of Selectmen after reasonable notice to the licensee and the public, and after a public hearing. The Board of Selectmen may revoke or suspend any license, or place additional restrictions hereon, if the Board of Selectmen determines that any conditions exist that would be grounds for denial of the license application under Section 6-106(B) of this Code.

Section 6-108 Inspections

Any licensee or licensed premises for which a Special Amusements Permit has been granted shall allow any authorized inspection agent of the Town of Winter Harbor to enter at reasonable times to inspect the premises to insure conformance with this Ordinance and other ordinances of the Town of Winter Harbor.

Section 6-109 Penalty

Any firm, corporation, individual, owner, or partnership who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred (\$100.00) for each offense. Each day such violation continues shall constitute a separate offense.

Section 6-110 Severability

The invalidity of any clause, portion, or provisions of this Ordinance shall not invalidate any other clause, portion, or provision.

Section 6-111 Amendment

The Board of Selectmen may, by majority vote, amend this