

Town of Van Buren



SPECIAL AMUSEMENT ORDINANCE

Title, Purpose and Definitions

Section 101 - Title:

This Ordinance shall be known as the Special Amusement Ordinance of the Town of Van Buren, 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 under 28 M.R.S.A. § 702.

Section 103 - Definitions:

1. *Entertainment:* "Entertainment" shall include any amusement, performance, or 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.
2. *License:* "License" 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 legal entity acting as agent or employer of the holder of such license.

Section 201 - Permit Required:

No license for the sale of liquor to be consumed on the licensed premises shall permit, on such licensed premises located in the Town of Van Buren any music, except radio or mechanical device, any dancing or entertainment of any sort unless the license shall have first obtained from the Town Council a Special Amusement Permit.

1. **Application Form:** Applications for Special Amusement Permits and annual renewal thereof shall be made in writing on forms provided by the Town Clerk and signed by the licensee. Each application shall state the name, address of the applicant; the name, address and nature of the proposed amusement; whether admission will be charged under 201.1 and, if so, the area so designated; and whether the applicant has ever had a State Liquor License or Special Amusement permit denied, suspended or revoked, and if so, an explanation thereof.
2. **Admission Charged:** A licensed hotel, Class A tavern or restaurant malt liquor licensee, as defined in Title 28 of the Maine Revised Statutes, who has been issued a Special Amusement Permit may charge admission in designated areas; provided, however, such areas must be so designated in the application and approved by the Town Council.
3. **Live Entertainment Regulation:** No licensee shall permit entertainment on the licensed premises, whether provided by professional entertainer(s), employees of the licensed premises, or any person, when the entertainment involves
 - a. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
 - b. The actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals;
 - c. The actual or simulated displaying of the genitals, pubic hair, buttocks, or anus, or any portion of the female breasts at or below the areola area thereof;

d. The permitting by any license of any person to remain in or upon the licensee premises who exposes to any public view any portion of his or her genitals or anus. For the purpose of this subsection, the terms, "displaying" or "Expose" shall mean unclothed or costumed and not covered by a fully opaque material.

4. **Use of Premises:** No permit shall be issued for any act or premises if the act or premises to be used do not fully comply with all ordinance, rules and regulations of the Town of Van Buren or the Statutes rules and regulations of this State.
5. **Permit Fee:** The permit fee for a Special amusement Permit shall be \$10.00 plus the cost of advertising for a public hearing under
6. **Public Hearing:** Prior to granting a Special Amusement Permit and after reviewing by Health Officer, the Chief of Police or ranking law enforcement officer, and the Fire Chief, the Town Council shall hold a public hearing after reasonable notice of the same has been given to the applicant and has been advertised, at the applicant's expense, in a newspaper at least seven (7) days in advance. At the public hearing the testimony of any interested person shall be heard.
7. **Issuance of Permit:** After public hearing, the Town Council shall grant the Special Amusement Permit requested unless the issuance of the permit would be detrimental to the public health, safety or welfare, or would violate any applicable State Law or Town Ordinance.
 - a. *Restrictions:* In approving such a permit, the Town Council may impose reasonable restrictions to protect property owners in the vicinity of the licensed premises from any nuisance aspect of the proposed amusement, including the location and size of the premises, the facility that may be required for the permitted activities on those premises, and the hours during which the permitted activities will be allowed.
8. **Notice of Decision:** Any licensee requesting a Special Amusement Permit shall be notified in writing of the Town Council's decision no later than fifteen (15) days from the date of their decision. In the event that a licensee is denied a permit or restrictions are imposed upon the permit, the licensee shall provide in writing with the reasons for the denial or a list of the restrictions. A licensee may not reapply for the same permit within thirty (30) days.
9. **Expiration of License:** A Special Amusement Permit shall be valid only for the license year of the applicant's existing liquor license.
10. **Suspension of Revocation:** The Town Council may, after a public hearing, preceded by notice to interested parties, suspend or revoke any Special Amusement Permit on the ground that the music, dancing or entertainment so permitted is detrimental to the public health, safety, or welfare, or violates any applicable State Law or Town Ordinance. If the Town council revokes or suspends a licensee's Special Amusement Permit, he shall be notified in writing within seven (7) days of the reasons for such action.
11. **Penalty:** Whoever violates any provision of this Ordinance shall be fined not more than \$50.00 for the first offense and not more than \$100.00 for subsequent offense, to be

recovered, on complaint to the use of the Town of Van Buren. Each day's violation shall constitute a separate offense.

Approved by the Voters of Van Buren: January 19, 1983

On January 2, 1998 at a special town meeting a motion to change the ordinance with a new Ordinance failed by a secret ballot vote of:

47 Votes in Favor

280 Votes Against

1 Spoiled

The Ordinance is enforced as written above.

NOTE This Ordinance was voted by the voters and can only be changed by the voters.

Ordinance was reviewed by Council on March 26, 2012 and no changes were made except grammatical errors.

Council Chairman

Council Secretary

Councilman

Councilman

Councilman