

Town of Anson
Special Amusement Permit Regulations

I. Purpose.

The purpose of these regulations 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 Title 28-A M.R.S.A. §1054.

II. Authority.

These regulations are adopted pursuant to Title 28-A M.R.S.A. §1054.

III. Definitions.

As used in these regulations, the following terms shall have the meanings indicated:

A. Entertainment

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 licensee whose incidental duties include activities with an entertainment value.

B. Licensed Premises

Any building, structure or area for which a liquor license for on-premise consumption has been issued by the State of Maine.

C. Licensee

Any person, individual, partnership, firm, association, corporation, or other legal entity which is the holder of a state-issued license for sale of liquor to be consumed on premises owned by licensee, or any agent or employee of any such licensee acting on behalf of said licensee or left in charge or control of such licensee's premises.

IV. Application.

A. No licensee for the sale of liquor to be consumed on his/her licensed premises shall permit on said 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 Board of Selectmen a special amusement permit.

B. Applications for special amusement permits shall be made in writing to the Board of Selectmen and shall state the following:

- 1) The name of the applicant;
- 2) The applicant's residence address;
- 3) The name and address of the business;
- 4) The nature of the business;
- 5) The location to be used;

- 6) All places of residence of the applicant during the past five years;
- 7) Whether the applicant has ever had a license to conduct special amusement and/or liquor license either denied or revoked and, if so, a specific description of the circumstances;
- 8) Whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, a complete description of the circumstances;
- 9) A documented copy of the results of the latest inspection of the premises by an agent of the State Fire Marshal's Office; and
- 10) Any additional information as may be required by the Board of Selectmen including, but not limited to, a copy of the applicant's current liquor license.

V. General Requirements.

A. No special amusement permit shall be issued if the premises and buildings to be used do not fully comply with all ordinances, codes and regulations of the Town of Anson.

B. The application fee for a special amusement permit shall be set by order of the Board of Selectmen.

C. The Board of Selectmen shall, prior to granting a special amusement permit and after seven days' notice to the Town of Anson and the applicant, hold a public hearing at which testimony of the applicant and that of any interested members of the public shall be taken.

IF YOU ARE REAPPLYING, YOU DO NOT NEED A PUBLIC HEARING. YOU JUST APPEAR BEFORE THE BOARD ONLY.

Amended

D. The Board of Selectmen shall grant a permit unless they find that issuance of the permit will be detrimental to public health, safety or welfare, or would violate any other municipal ordinances, rules, or regulations.

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

VI. Conduct constituting offenses by licensee.

A. 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 of 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.

B. Riots. The licensee shall not allow on any licensed premises any public entertainment, amusement or show of any kind which tends to or is calculated to cause or promote a riot or disturbance.

C. Unnecessary noise. The license shall not allow on any licensed premises the making, creation or maintenance of excessive or unnecessary or unnaturally loud noises so as to disturb, annoy, injure, prejudice, or endanger the comfort, repose, health, peace or safety of:

- 1) Individuals or ordinary sensibilities or the public in general; or
- 2) The property rights of others which noises affect and are detrimental to public health, comfort, convenience, safety, welfare and/or the prosperity of the residents of Anson.

D. 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, rules or regulations of the Town of Anson or statutes of the State of Maine.

VII. Inspections.

Whenever inspection of the licensed premises is required by ordinance and/or state law, or is reasonably necessary to secure compliance with any town ordinance, regulation or state law, it shall be the duty of the licensee, or the person in charge of the premises, to admit any law enforcement officer, official or employee of the town duly authorized or directed by the Board of Selectmen to make the inspection at any reasonable time that admission is requested, and to assure that said person performing the inspection shall not be interfered with nor harassed in any way.

VIII. Suspension or Revocation.

The Board of Selectmen may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permit which has been issued under these regulations on the grounds that the music, dancing, or entertainment permitted constitutes a detriment to the public health, safety or welfare or violates any town ordinance, regulations or rules or determines that the application was false or misleading in a fashion material to the approval.

IX. Appeals.

Any applicant who has requested a permit and has been denied or licensee whose permit has been revoked or suspended may, within thirty (30) days from the date of the denial, suspension or revocation, appeal the decision to the Anson Board of Appeals.

Section 8. Effective Date

Notwithstanding any law to the contrary, this Ordinance shall take effect upon adoption at a town meeting of the Town of Anson.

To the Town Clerk of the Town of Anson:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Anson Special Amusement Permit Regulations", which is to be presented to the voters for their consideration on March 5, 2016

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting on the day of the vote.

Dated: February 23, 2016

Anson Board of Selectmen:

Arnold Luce

Brenda L. Garland

John H. Bryant

Philip W. Turner

Inez Moody

Adopted : _____

True Attested Copy