Chapter 11: ADMINISTRATION

ARTICLE V: ADOPTION BY REFERENCE

SPECIAL AMUSEMENT ORDINANCE of the Town of Cumberland, Maine adopted by reference by the Town of Chebeague Island, Maine, pursuant to 30-A M.R.S. § 3003(2).

Adopted by Town Meeting: July 1, 2007, effective July 1, 2007.

The Town of Cumberland [Chebeague Island] hereby ordains the following to be a Special Amusement Ordinance:

SECTION I  TITLE, PURPOSE & DEFINITIONS

A. Title

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Cumberland, Maine [Chebeague Island].

B. Purpose

The purpose of this Ordinance is to control the issuance of special permits as required by Section 702 of Title 28 of the Maine Revised Statutes, for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor.

C. Definitions

1. Entertainment: For the 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-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

2. Licensee: Includes any person, individual, partnership, firm, association, corporation, or other legal entity which is the holder of a license for the sale of liquor to be consumed on premises owned by said licensee, or any agent or employee of any such licensee.
SECTION II  SPECIAL AMUSEMENT PERMIT

A. Application

1. No licensee for the sale of liquor to be consumed on his licensed 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 is situated a special amusement permit.

2. Applications for all special amusement permits shall be made in writing to the Town Council [Board of Selectmen] and shall state the name of the applicant; his resident 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 additional information as may be required by the Town Council [Board of Selectmen] prior to the issuance of said permit, including but not limited to a copy of the applicant's current liquor license.

3. No permit shall be issued for any thing or act, or premises, if the premises and building to be used do not fully comply with all ordinances, codes and regulations of said Town.

4. The amount of said fee shall be set by the order of the Town Council [Board of Selectmen].

5. A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee as defined in the Maine Revised Statutes who has been issued a special amusement permit may charge admission in designated areas approved in said permit.

B. Hearing

1. The Town Council [Board of Selectmen] shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within fifteen (15) days of receipt of a completed application, at which hearing the testimony of the applicant and that of any interested members of the public shall be taken.
2. The permit may be granted subject to such conditions and restrictions as the Council [Board of Selectmen] may deem necessary.

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

C. Inspections

1. Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any municipal ordinance, code or regulation or state law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of said Town authorized to make the inspection at any reasonable time that admission is requested.

2. In addition to any other penalty which may be provided, the Town Council [Board of Selectmen] may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection, or who interferes with such officer, official, or employee while in the performance of his duty. Provided that no license or special amusement permit shall be revoked unless written demand for the inspection is made upon the licensee or person in charge of the premises at the time it is sought to make the inspection.

D. Suspension or revocation

The Town Council [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 this Ordinance on the ground that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare or violates any municipal regulations.

E. Appeals

1. Any licensee requesting a special amusement permit from the Town Council [Board of Selectmen] shall be notified in writing of its decision no later than fifteen (15) days from the date his application 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 has been denied.
2. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the Superior Court.

SECTION III  RULES AND REGULATIONS

The Town Council [Board of Selectmen] is hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, 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 premises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

SECTION IV  PENALTY, SEPARABILITY AND EFFECTIVE DATE

A. Penalty

Anyone found guilty of violating any provisions of this chapter shall be subject to a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00). Each day such violation continues shall be deemed to be a new offense.

B. Separability

If any section or provision, or part thereof of this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the Ordinance as a whole or of any other section or provision or part thereof.

C. Effective Date