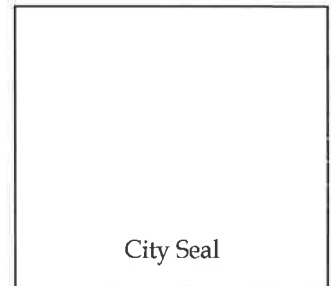


**CHAPTER 41-A**  
**CITY OF PRESQUE ISLE**

*Special Amusement Ordinance*



Adopted: December 15, 1997  
Repassed: March 19, 2001  
Repassed: February 23, 2005  
Repassed: February 2, 1009  
Repassed: January 7, 2013  
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Repassed: January 3, 2018  
Repassed: January 6, 2021  
Repassed: January 5, 2022



Attest: Kimberly A. Finnemore  
Kimberly A. Finnemore, City Clerk

## **CHAPTER 41-A**

### **SPECIAL AMUSEMENT ORDINANCE**

#### **ARTICLE 1 - TITLE, PURPOSE AND DEFINITIONS**

##### **Section 1-1 - Title**

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the City of Presque Isle, Maine.

##### **Section 1-2 - 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 as required by 28A M.R.S.A. Section 1054.

##### **Section 1-3 - Definitions**

**1-3.1 - 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.

**1-3.2 - Licensee.** For purposes of this section, "licensee" shall include the 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 entity, or any agent, or employee of any such licensee.

#### **ARTICLE 2 - GENERAL**

##### **Section 2-1 - Permit Required**

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 the 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.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the applicant; his residence 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 needed by the municipal officers in the issuing of the permit, including, but not limited to, a copy of the applicant's current liquor license.

No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all Ordinances, articles, bylaws, or rules and regulations of the municipality.

The fee for a special amusement permit shall be forty dollars (\$40.00).

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal Ordinances, or rules and regulations, articles, or bylaws.

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

## **Section 2-2 - Inspections**

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 Ordinance provision 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 the municipality authorized to make the inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any Ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official, or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the municipal officers may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make the inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of this duty, provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

### **Section 2-3 - Suspension or Revocation of a Permit**

The municipal officers may, after a public hearing preceded by notice to interested parties, suspend, or revoke any special amusement permits which have been issued under this Ordinance on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal Ordinances, articles, bylaws, or rules and regulations.

### **Section 2-4 - Rules and Regulations**

The municipal officers are 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 2-5 - Previous Ownership**

If the applicant has previously owned, operated or managed or been the primary ownership interest in any company, corporation or other legal entity that has previously held a special amusement permit or liquor license from this municipality, then such information may be used as a basis for determination of the issuance of the permit consistent with Article 2.

## **Section 2-6 - Permit and Appeal Procedures**

**2-6.1** 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 his 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.

**2-6.2** 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 by the Maine Rule Civil Procedures as amended under Rule 80B.

## **Section 2-7 - 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 the municipal special amusement permit.

## **ARTICLE 3 - PENALTY, SEPARABILITY AND SUNSET PROVISION**

### **Section 3-1 - Penalty**

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than fifty dollars (\$50.00) for the first offense, and up to one hundred dollars (\$100.00) for the subsequent offenses, to be recovered, on complaint, to the use of the City of Presque Isle.

### **Section 3-2 - Separability**

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

### **Section 3-3 - Sunset Provision**

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date, unless recommended and required by the City Council to remain effective prior to such expiration date.