

Town of Bridgton

SPECIAL AMUSEMENT ORDINANCE



Enacted: September 1978

Re-enacted with amendments: June 9, 1993

Section 205 Revised: June 12, 1996

Amended: June 11, 1997, June 14, 2011, June 11, 2019

**TOWN OF BRIDGTON
SPECIAL AMUSEMENT ORDINANCE**

ARTICLE I. TITLE, PURPOSE AND DEFINITION

Section 101. TITLE

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Bridgton, 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. Nudity shall be prohibited in all such facilities licensed in the Town of Bridgton under this article. This section is adopted pursuant to 28-A M.R.S.A. ss1054 and 30-A M.R.S.A. ss3001.

Section 103. DEFINITIONS

103.1 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

- a. by professional entertainers;
- b. by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value; or
- . by patrons induced by prizes or otherwise to engage in activities with an entertainment value.

103.2 Licensee - For the purpose 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 legal entity, or any agent or employee of any such licensee.

ARTICLE II. GENERAL

Section 201. 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 first obtained from the Board of Selectmen a special amusement permit.

Section 201. PERMIT REQUIRED (CONT)

1. Applications for all special amusement permits shall be made in writing to the Board of Selectmen 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, including a specific description of any entertainment to be offered; 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 Board of Selectmen in the issuing of the permit, including but not limited to a copy of the applicant's (current) liquor license. All applications shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance. (06/11/19)

2. A special amusement permit shall not be issued for a premises or a person who will offer entertainment which allows for nudity as described by any of the following;

a. Exposing to view the genitals, pubic hair, anus, vulva or any portion of the female breasts at or below areola area thereof.

"Exposing to view" includes, without limitation, appearing without an opaque covering or appearing with only an opaque covering which adheres to the skin, such as body paint; or

b. The actual or simulated touching, caressing or fondling of the breasts, buttocks or genitals.

3. No permit shall be issued for anything, 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.

4. The Board of Selectmen shall, prior to granting a permit and after reasonable notice to the public and the applicant, hold a public hearing within 30 days of the date the requires was received, at which the testimony of the applicant and that of any interested member of the public shall be taken. (6/97)

5. The Board of Selectmen 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 202. INSPECTIONS

Whenever inspections of the premises used for or in connection with the operation of a licenses 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, 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 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 take sufficient samples for analysis 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 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 203. SUSPENSION OR REVOCATION OF A PERMIT

The Board of Selectmen may, after public hearing preceded by notice to the permit holder and public, suspend or revoke any special amusement permit which has been issued under this Ordinance on grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, welfare, or violates the terms of the permit or this Ordinance or any other municipal ordinance, articles, bylaws, or rules and regulations.

No permit holder shall allow on the permitted premises any activity described in paragraphs (2)(a) or (b) of section 201, without regard to whether such activity is carried on by professional entertainers, employees or any other person and without regard to whether any compensation is paid by the permit holder.

Section 204. RULES AND REGULATIONS

The 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 and 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 205. PERMIT AND APPEAL PROCEDURES

205.1 Any licensee requesting a special amusement permit from the Board of Selectmen shall be notified in writing of the Board's decision no later than thirty (30) days from the date a complete application is 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 is denied. (06/11/19)

205.2. Any person, firm or corporation aggrieved by a decision of the Board of Selectmen may appeal such decision to the Board of Appeals within 30 days of the written decision by filling an appeal at the office of the Town Clerk on forms approved by the Board of Appeals. (06/11/19)

205.3. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance. (06/11/19)

205.4. Appeals from decisions of the Board of Selectmen made after conducting a public hearing shall be purely appellate. The Board of Selectmen shall transmit to the Board of Appeals the decision of the Board of Selectmen and all documents and other evidence comprising the record on which the Board of Selectmen's decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Board of Selectmen. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Board of Selectmen was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of

the Board of Selectmen or to remand the matter to the Board of Selectmen for further proceedings. (06/11/19)

205.5. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the Board of Selectmen. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the filing of the appeal shall constitute a denial of the appeal.

205.6. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30AM.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure. (06/11/19)

Section 206. ADMISSION

A licensed motel, 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 III PENALTY, SEPARABILITY & EFFECTIVE DATE

Section 301. PENALTY

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than One Hundred Dollars (\$100.00) for the first offense, and up to Five Hundred Dollars (\$500.00) for each subsequent offense, to be recovered on complaint, to the use of the Town of Bridgton.

Section 302. SEPARABILITY

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

Section 303. EFFECTIVE DATE

The effective date of this Ordinance shall be immediately upon passage of this Ordinance.

Enacted: September 1978

Re-enacted with amendments: June 9, 1993

Section 205 Revised: June 12, 1996

Amended: June 11, 1997, June 14, 2011, June 11, 2019