

**TOWN OF WALDOBORO, MAINE  
SPECIAL AMUSEMENT ORDINANCE**

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**ARTICLE 1. TITLE, PURPOSE, AND DEFINITIONS**

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A. Title

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Waldoboro, Maine.

B. 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 28 MSRA §702 and located within the legal boundaries of the Town of Waldoboro.

C. Definitions

1. Entertainment

For the purpose 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

For the purpose of this section, “licensee” 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, or any agent, or employees of any such license.

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**ARTICLE 2. GENERAL**

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A. 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 Town of Waldoboro a special amusement permit signed by at least a majority of the Board of Selectmen.

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; 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 in the issuing of the permit, including but not limited to a copy of the applicants 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 the special amusement permit shall be \$10.00.

The Board of Selectmen shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days of the date the request was received, at the testimony of the applicant and that of the public shall be taken.

The municipal officers shall grant a permit unless they find that the 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.

B. 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 an 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 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 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 of 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 same time it is sought to make the inspection.

C. Suspension or Revocation of a Permit

The Board of Selectmen 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.

D. 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 music, dancing, or entertainment permitted under each class, and any 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 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.

E. Permit and Appeal Procedures

1. Any licensee requesting a special amusement permit from the Board of Selectmen 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 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 30 days of the denial, suspension or revocation, appeal the decision to the Waldo Board of Appeals as defined in 30 MSRA §2411. The Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to public health, safety, or welfare, or that the denial, revocation, or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based by a preponderance of evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

F. 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 special amusement permit.

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**ARTICLE 3. PENALTY, SEPARABILITY, AND EFFECTIVE DATE**

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A. 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 Two Hundred Dollars (\$200.00) for the subsequent offenses, to be recovered, on complaint, to the use of the Town of Waldoboro.

B. Separability

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

C. Effective Date

The effective date of this Ordinance shall be March 10, 1979.