

# TOWN OF BUCKFIELD SPECIAL AMUSEMENT ORDINANCE

## **SECTION 1: ESTABLISHMENT**

Pursuant to M.R.S.A., Title 28-A §1054 (2), a Town must enact an Ordinance for the approval of special amusement on premises that serve alcohol. This Ordinance shall be entitled Special Amusement Ordinance.

## **SECTION 2: AUTHORITY**

This Ordinance shall authorize the Board of Selectmen to issue a Special Amusement Permit pursuant to M.R.S.A., Title 28-A §1054.

## **SECTION 3: PURPOSE**

The purpose of this Ordinance is to allow and control special amusement on a premises serving liquor in conjunction with live entertainment.

## **SECTION 4: DEFINITIONS**

For the purposes of this Ordinance, the following meanings shall apply.

**Live Entertainment** shall mean any music, dancing, amusement, performance, and/or exhibition permitted by the License on premises of a licensed establishment. Radios, TV's or other mechanical devises are not considered live entertainment.

**Licensee** shall mean the holder of a license issued in accordance with Maine law relative to alcoholic beverages.

**Premises** shall mean a tract of land including its building(s) where a licensed business exists.

## **SECTION 5: STANDARDS OF ISSUANCE AND REVOCATION**

- A. A Special Amusement Permit is required. A Licensee selling liquor to be consumed at the licensed establishment shall not allow, on the licensed premises, entertainment unless the Licensee shall have first obtained from the Board of Selectmen a Special Amusement Permit. Said Permit shall be signed by the majority of the Board of Selectmen at a meeting duly called.
- B. An application (provided by the Buckfield Town Office), for a Special Amusement Permit shall be made in writing to the Board of Selectmen. The application shall, at a minimum, state the name of the applicant; the physical location of the premises; the nature of the establishment; whether or not the applicant has ever had a similar license and/or permit and if so, indicate if the license and/or permit was ever denied or revoked and if so, a statement specifically describing the circumstances for said denial/revocation; whether or not the applicant, corporate officer(s), and/or business partner(s) have ever been convicted of a felony and if so, a statement describing the circumstances for said conviction.

- C. A Public Hearing to receive public comment on an application for a Special Amusement Permit must be held. The Board of Selectmen shall set a Public Hearing date within fifteen (15) days from the date the Special Amusement Permit application is received by the Buckfield Town Office. The Town's Code Enforcement Officer shall post at least seven (7) days prior to the date of the Public Hearing a notice of the Public Hearing in at least five (5) conspicuous public places within the Town limits; on the Town's web page; on the Town's public access channel; and mail a Notice of Public Hearing to all abutters of the establishment.
- D. Unless the Board of Selectmen determines the issuance of a Special Amusement Permit shall be detrimental to the public health/safety or it proves conditions of previous Permit(s) have been violated, the Board of Selectmen shall grant the Permit at a meeting duly called and shall issue the Permit the next business day following the date of approval.
- E. A Special Amusement Permit shall be valid for the same term as the Licensee's valid liquor license, unless suspended or revoked.
- F. The Board of Selectmen at a duly called Meeting may, after a duly called Public Hearing and written notice to interested parties, suspend or revoke a Special Amusement Permit on the basis that the entertainment conducted at the licensed premises constitutes a detriment to the public health or public safety.

#### **SECTION 6. RULES AND REGULATIONS**

- A. Live entertainment as defined in this Ordinance shall be allowed.
- B. Entertainment which includes nudity or sexual acts shall not be allowed. Any violation of this Section shall be grounds for suspension or revocation of the Licensee's Special Amusement Permit in accordance with Section 5.f of this Ordinance.
- C. All complaints shall be in writing. Written complaints shall be filed with the Buckfield Town Office and presented to the Board of Selectmen within fifteen (15) days from the date the written complaint is received. A copy of the written complaint must be presented to the Licensee prior to notification to the Board of Selectmen. The Board of Selectman, at a duly called meeting, must schedule a Public Hearing within fifteen (15) days from the date of the meeting for the purpose of receiving public comment on the written complaint. The Town Manager shall post at least seven (7) days prior to the date of the Public Hearing a notice of the Public Hearing in at least five (5) conspicuous public places within the Town limits; on the Town's web page; on the Town's public access channel; and mail a Notice of Public Hearing to all abutters of the premises. The author of the written complaint must attend the Public Hearing in order for the public to comment on the written complaint.
- D. If it is determined the licensed premises is in violation of the provisions of this Ordinance or conditions of their Special Amusement Permit and the Board of Selectmen suspend the Licensee's Special Amusement Permit, the Licensee shall be subject to the following fines.
  - a. 1<sup>st</sup> offense: 30 day Permit suspension
  - b. 2<sup>nd</sup> offense: 90 day Permit suspension and up to a \$500.00 fine.
  - c. 3<sup>rd</sup> offense: 1 year Permit suspension and up to a \$1,000.00 fine.

**SECTION 7: APPEAL**

Any licensee who has applied for a Special Amusement 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 Town's Appeals Board. The Appeals Board may, after due process and in accordance with the Town of Buckfield Appeals Board Ordinance, grant or reinstate the Permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the Town of Buckfield and/or State of Maine.

**SECTION 8: VALIDITY**

Each section/provision of this Ordinance shall be deemed independent of all other sections/provisions. If any section/provision of this Ordinance is deemed invalid, all other sections/provisions shall remain valid and enforceable.

**SECTION 9: AMENDMENTS**

Amendments to this Ordinance are valid upon approval of the legislative body at a duly called Town Meeting.

**SECTION 10: ENACTMENT DATE**

This Ordinance shall be effective upon approval of the legislative body at a duly called Town Meeting.

*Note:* This Ordinance was enacted by the legislative body at a duly called Town Meeting on December 8, 2012.