

**ENTERTAINMENT ORDINANCE
OF THE
TOWN OF PALMYRA**

SECTION 1: TITLE

This ordinance shall be known and may be cited as the “Entertainment Ordinance” of the Town of Palmyra.

SECTION 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 under 29-A M.R.S.A. # 1054.

SECTION 3: DEFINITIONS

The following definitions shall apply unless the context clearly indicates another meaning:

ENTERTAINMENT – Includes any amusement, performance, exhibition, or diversion for patrons or customers at 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.

LICENSEE – Includes 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 license or left in charge of or in control of such licensee’s premises.

SECTION 4: SPECIAL AMUSEMENT PERMIT REQUIRED

No license for the sale of liquor to be consumed on his or her licensed premises shall permit, on such licensed premises located in the Town of Palmyra, any music, except radio or mechanical device, any dancing or entertainment of any sort unless the license shall have first been obtained from the Planning Board a Special Amusement Permit.

- A. Application Form. Applications for special amusement permits and annual renewals thereof shall be made in writing on forms provided by the Planning Board and signed by the licensee. Each application shall state the name and address of the applicant; the name, address, and nature of the proposed amusement; and whether the applicant has ever had a State Liquor License or Special Amusement Permit denied or revoked, and if so, an explanation thereof.
- B. Live Entertainment Regulated. No license shall permit entertainment on the licensed premises, whether provided by professional entertainer(s), employees of the licensed premises, or any person, when the entertainment involves:
1. The performing of acts, or simulated acts, or sexual intercourse, or any sexual acts, which are prohibited by law;
 2. The actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals by the entertainer, employee, or patron;
 3. The actual or simulated displaying of the breasts, the genitals, pubic hair, buttocks, or anus;

4. The permitting by any licensee of any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her breasts, genitals or anus;
5. For the purpose of this subsection the terms “displaying” or “expose” shall mean unclothed or uncostumed and not covered by a fully opaque material.

SECTION 5: PERMIT FEE

The permit fee for a special amusement permit shall be “See Fee Schedule” plus the cost of advertising for a public hearing under Section 6.

SECTION 6: PUBLIC HEARING

Prior to granting a special amusement permit, the Planning Board shall hold a public hearing after reasonable notice of the same has been given to the applicant and has been advertised, at the applicant’s expense, in a newspaper of general circulation in the area, at least seven (7) days in advance. At the public hearing, the testimony of any interested parties shall be heard.

SECTION 7: ISSUANCE OF PERMIT

After public hearing, the Planning Board shall grant the Special Amusement Permit requested unless the issuance of the permit would be detrimental to the public health, safety or welfare, or would violate any applicable State Law or Town Ordinance.

- A. In approving such a permit, the Planning Board may impose reasonable restrictions to protect property owners in the vicinity of the licensed premises from any nuisance aspects of the proposed amusement.
- B. Any licensee requesting a Special Amusement Permit shall be notified in writing of the Planning Board’s decision no later than fifteen (15) days from the date of their decision. In the event that a licensee is denied a permit or restrictions are imposed upon the permit, the licensee shall be provided in writing with the reasons for the denial or a list of restriction. A licensee may not reapply for the same permit within thirty (30) days.
- C. A special amusement permit shall be valid only for the license year of the existing license.
- D. The Planning Board may, after a public hearing, preceded by a notice to interested parties, suspend or revoke any Special Amusement Permit on the ground that the music, dancing, or entertainment so permitted is detrimental to the public health, safety or welfare, or violates any applicable State Law or Town Ordinance. If the Planning Board revokes or suspends a licensee’s Special Amusement Permit, he/she shall be notified in writing within fifteen (15) days of the reasons for such action.

SECTION 8: PENALTY

Whoever violates any provision of this Ordinance shall be fined not less than \$10 nor more than \$100 to be recovered, on complaint, to the use of Town of Palmyra. Each day’s violation shall constitute a separate offense.

This Ordinance shall become effective as of the date of adoption.

I certify that the foregoing ordinance was adopted at Town Meeting held in the Town of Palmyra on May 13, 1998.

Joan R. Bradley, Town Clerk