

TOWN OF BRADLEY
SPECIAL AMUSEMENT ORDINANCE

Approved by the Bradley Town council at a duly called meeting on May 19, 2015

Sally Strout
Sally Strout, Chairperson

Mark A. Ketch
Mark Ketch

Duane Lugdon
Duane Lugdon

Diane Walter
Diane Walter

Amanda Lankist

A True Copy Attest:

Melissa L. Doane
Melissa L. Doane Bradley Town Clerk

**TOWN OF BRADLEY
SPECIAL AMUSEMENT ORDINANCE**

The Town of Bradley hereby ordains that an ordinance entitled "Special Amusement Permit Ordinance of the Town of Bradley" be hereby adopted as follows:

ARTICLE 1: TITLE and PURPOSE

This Ordinance shall be known and may be cited as the "Special Amusement Ordinance" of the Town of Bradley, Maine and will be referred to herein as the "Ordinance". The purpose of this Ordinance is to control as required in Title 28A MRSA § 1054, as amended, the issuance of Special Permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor in the Town of Bradley.

ARTICLE 2: DEFINITIONS

- A. ENTERTAINMENT-Any amusement, performance or 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.
- B. LICENSEE-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 acting as agent or employees of the holder of such a license.
- C. NUISANCE-excessive, or unreasonably loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety of individuals; or which results in disturbing the peace and tranquility of the neighborhood.

ARTICLE 3: PERMIT

No licensee 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 Bradley any music, except a radio or mechanical device, and dancing or entertainment of any sort unless the licensee shall have first obtained a special amusement permit approved by the Town of Bradley Town Council.

- A. APPLICATION FORM-Applications for special amusement permits and annual renewals thereof shall be made in writing on forms provided by the Town Clerk and signed by the licensee at least 20 days in advance of the next regularly scheduled Town Council meeting. Each application shall state the name and address of the applicant; the name, address, and nature of the proposed amusement; whether admission will be charged under Subsection B and if so the area so designated and whether the applicant has ever had a State liquor license or special amusement permit denied or revoked and if so, and explanation thereof.
- B. ADMISSION CHARGES-The licensee of a licensed hotel, Class A restaurant, Class A Tavern or restaurant or malt liquor licensee, as defined in MRSA title 28A, who has been issued a special amusement permit may charge admission in designated areas; provided however, that such area must be so designated in the application and approved by the Town Council.
- C. PERMIT FEE-The permit fee shall be subject to a fee as approved by the Town Council and set forth in the fee schedule.

ARTICLE 5: 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 person in charge of the premises to be inspected, to admit any officer, official or employee of the town authorized to make inspection at any reasonable time that admission is required

The Town Council may require an initial inspection of the premises and licensee for overall ability to comply with the provisions of this Ordinance. Thereafter, annually inspections may take place. The officer, official or employee of the Town authorized to make inspection will record the findings.

In addition to any other penalty which may be provided, the Town Council may revoke the Special Amusement Permit of any licensee in the Town who refuses to permit any such officer, official or employee of the Town to make an inspection, or who interferes with such officer, official or employee while in the performance of their duties.

ARTICLE 4: PUBLIC HEARING

Prior to granting a new special amusement permit and after reasonable notice has been given to the applicant a public hearing will be held. The public hearing shall be advertised at the applicant's expense in a newspaper of general circulation in the town at least seven days in advance. At the public hearing, the testimony of any interested parties shall be heard.

ARTICLE 4: ISSUANCE OF PERMIT

After the public hearing, the Town Council 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. No permit shall be issued under this Ordinance, if the premises and building to be used for the purposes do not fully comply with all Town of Bradley Ordinances, Articles, By-laws, appropriate fire codes and State of Maine Statues.

Town Council may impose reasonable restrictions to protect property owners in the vicinity of the licensed premises from any nuisance aspects of the proposed amusement, including the location and size of the premises, the facilities that may be required for the permitted activities on those premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities will be amused.

ARTICLE 5: NOTICE OF DECISION

Any licensee requesting a special amusement permit shall be notified in writing of the Town Council's decision no later than 15 days from the date of the 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 the reasons for the denial or a list of restrictions. A licensee may not reapply for the same permit within 30 days.

ARTICLE 6: DURATION OF PERMIT

A Special Amusement Permit shall be valid for only the license year of the existing liquor license.

ARTICLE 7: SUSPENSION OR REVOCATION OF PERMIT

The Town Council may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permit on the grounds 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 Town Council revoke or suspend a licensee's Special Amusement Permit, he or she shall be notified in writing within 15 days of the reasons for such action.

ARTICLE 8: APPEALS

A Licensee whose request for a Special Amusement Permit has been denied, approved with restrictions, or revoked or suspended may, within 30 days of such action, appeal the decision to the Board of Appeals. The Board of Appeals may grant or reinstate the permit only if it finds that the denial, imposition of restrictions or revocation, or suspension was arbitrary or capricious.

ARTICLE 9: ENFORCMENT, VIOLATION AND PENALTIES

This Ordinance and the terms of the Special Amusement Permit issued shall be enforced by any Town employee or Town official appointed by the Town Council to hold such authority. Whoever violates any provision of this article shall be fined not less than \$100 not more than \$500 to be recovered on complaint to the use of the Town of Bradley. Each day that such violation continues shall constitute a separate offense.

ARTICLE 10: SEVERABILITY

The invalidity of any provision of this ordinance shall no invalidate any other provisions.

**TOWN OF BRADLEY
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

| | |
|-----------------------|--------|
| Applicant's Name: | |
| Mailing Address | |
| Contact Phone Number: | Email: |

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|----------------------------|-----------------|
| Name of Business: | |
| Business Physical Address: | |
| Business Mailing Address: | |
| Business Phone Number: | Business Email: |

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|---------------------|
| Nature of Business: |
|---------------------|

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|---|
| Describe the kind and nature of entertainment proposed: |
| Hours and days of Operation: |

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|---|
| Has the applicant ever had a license to conduct business herein described, either denied or revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe circumstances: |
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| Has the applicant including any partner or corporate officers ever been convicted of a felony? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe circumstances: |
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| Attach a copy of applicant's current liquor license. Expiration date of current liquor license: |
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I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments thereto and that all the information is true and complete. I authorize the Town of Bradley, through its designated officials, to enter the property (including buildings and accessory structures) that is the subject of this application, at reasonable hours, to determine the accuracy of any information provided herein and to determine the state of compliance with conditions of the permit. I am aware that there are significant penalties for submitting false information, including the possibility of fines, imprisonment and revocation of license.

Date: _____

Signature of Authorized Applicant

Fee Collected: _____

Name of Business/Corporation

APPLICATION MUST BE SIGNED BY A MAJORITY OF THE MUNICIPAL OFFICERS

| | |
|----|-------|
| 1. | 2. |
| 3. | 4. |
| 5. | DATE: |