

Ordinance Number Assigned: **2025-100**

SPECIAL AMUSEMENT PERMITS ORDINANCE

2-101 Authority

This Ordinance is enacted pursuant to Title 28-A, M.R.S.A., Section 1054 and Title 30-A, M.R.S.A., Section 3001.

2-102 Purpose

The purpose of this Ordinance is to control the issuance of special amusement permits as required by 28-A M.R.S.A., Section 1054, for music, dancing or entertainment at facilities licensed by the state to sell liquor.

2-103 Definitions

2-103 (a) **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 by professional entertainers, amateurs, or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

2-103 (b) **Licensee:** For the purposes of this ordinance, “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 entity, or any agent, or employee of any such licensee.

2-104 Permit Required

No licensee for the sale of liquor to be consumed on his/her licensed premises, shall permit on the 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 municipality in which the licensed premises are situated, a special amusement permit signed by at least a majority of the City Council.

2-105 Code Compliance

No special amusement permit shall be issued for any form of entertainment, or act, or premises, if the premises and buildings to be used do not fully comply with all ordinances, codes, and regulations of the City of Calais.

2-106 Permit Classes and Limitations

All special amusement permits issued by the City of Calais shall be of a single class permitting live music, dancing, and any allowable form of entertainment with the following exception:

No special amusement permit shall be issued for a premise that will offer entertainment which includes:

1. Exposing to view the genitals, pubic hair, anus, vulva, or any portion of the female breasts at or below the 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
2. The actual or simulated touching, caressing or fondling of the breasts, buttocks or genitals by the performer; or
3. The actual or simulated touching, caressing or fondling of the performer by members of the viewing audience.

2-106 Application Procedure

Application for a special amusement permit must be made utilizing an application form provided by the city and available from the city clerk. A copy of the applicant's current liquor license must be submitted along with the completed application.

The fee for a special amusement permit must be paid at the time of application and is nonrefundable. The amount of the fee is set by the City Council and is in accordance with the city's current fee schedule. The fee is the same whether for a first-time application or for a renewal application.

Unless a later date is requested by the applicant, submitted applications will be considered at the next regularly scheduled City Council meeting provided that the application is complete and received in time to be included on the meeting's agenda.

The City Council shall grant the special amusement permit requested unless the issuance of the permit would violate any prohibition in this ordinance or any state law or other municipal ordinance or is otherwise contrary to the public health, safety and welfare. In granting a permit, the City Council may impose reasonable restrictions to protect property owners in the vicinity of the licensed premises from any nuisance aspects of the proposed amusements including, without limitation, noise, noise levels, days and hours of operation. If the application is denied, written notice will be provided to the applicant stating the reason for denial.

2-107 Term and Transferability

Special amusement permits shall be issued for up to one (1) year with the expiration date of the permit coinciding with the expiration date of the applicant’s existing liquor license. Special amusement permits are non-transferable.

2-108 Suspension or Revocation

The City Council may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permit which has been issued under this ordinance on the grounds that the music, dancing, or entertainment permitted constitutes a detriment to the public health, safety or welfare or violates any city regulations, ordinances, or rules or determines that the permit application was false or misleading in a fashion material to the approval.

2-109 Penalty

Violation of any provision of this ordinance shall be punished by a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the city may enjoin or abate any violation of this ordinance by appropriate court action. In the event that the city shall prevail in any court action to enforce this ordinance, the city shall recover its costs of suit including reasonable attorney fees.

2-110 Repealing Provision

All previous Special Amusement Ordinances in conflict with this ordinance are hereby repealed.

2-111 Severability

Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected but shall remain in full force and effect.

Adopted: _____

Attest: _____
Brad D. Phillips, Clerk