

TOWN OF LYMAN
SPECIAL AMUSEMENT ORDINANCE

1. TITLE

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

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 and is adopted pursuant to Title 28-A M.R.S.A. Section 1054.

3. DEFINITIONS

As used in this Ordinance, the following terms shall have the following meanings:

A) Compliance Report: The source document prepared by the inspection officer after receiving a complaint detailing an incident. The report when duly signed by the officer shall become a matter of record. The report shall remain on file until the cessation of the use for which the special amusement permit was issued, regardless of any change in ownership or control of the use. Each complaint shall be investigated by the responding officer and attested to as to the validity of said complaint.

B) 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 coincident to any music, dancing or live acts.

C) Inspection Officer: The Law or Code Enforcement Officer acting on behalf of the Town to ensure proper enforcement of the provisions of this Ordinance.

D) Licensee: For the purpose of this Section, “licensee” shall include the holder of a license issued under Title 28-A of the Maine Revised Statutes, or any person, individual, partnership, firm, association, corporation or other legal entity, or any agent, or employee of any such licensee acting on behalf of such licensee.

4. PERMIT REQUIRED

No licensee for the sale of liquor to be consumed on the 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 Town a Special Amusement Permit approved by a majority of the Board of Selectmen.

Application(s) for all Special Amusement Permits shall be obtained from the Town Clerk. Applications for all Special Amusement Permits shall be made in writing to the Board of Selectmen and shall state:

The name of the applicant.

Applicant’s residential address.

Name of the business to be conducted.

Business address.

Nature of the business.

Location address to be used.

All places of residence of the applicant during the past five years>

Hours during which the business shall be in operation>

Whether the applicant has ever had a license to conduct business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically.

Any additional information as may be needed by the Board of Selectmen in issuing the permit including but not limited to, a copy of the applicant's liquor license and expiration date>

No permit shall be issued for any thing, or act, or premises, if the premise or building to be used for such purpose do not fully comply with this Ordinance, or any other applicable ordinances, articles, by-laws or rules and regulations of the Town and the laws of the State of Maine.

The fee for a Special Amusement Permit shall be \$50 (plus advertising costs).

The Board of Selectmen shall, prior to granting a permit and after reasonable notice to the public and the applicant, hold a public hearing within thirty (30) days of the date when the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

A permit shall be valid only for the licensee year of the applicant's existing liquor license.

Any licensee requesting a Special Amusement Permit from the Board of Selectmen shall be notified in writing of the Board's decision no later than sixty (60) days from the date the request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for denial in writing. The licensee may not reapply for a permit until thirty (30) days after an application for a permit has been denied. Any licensee who has requested a permit and has been denied may, within thirty (30) days of the denial, appeal the decision to the Zoning Board of Appeals.

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, it shall be the duty of the licensee, or the 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 Board of Selectmen shall require an initial inspection of the premises and licensee for overall ability to comply with the provisions of this Ordinance. Thereafter, at least one inspection annually shall take place. The Inspection Officer shall record the findings by completing a Compliance Report.

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 Town who refuses to permit any such officer, official or authorized employee of the Town to make an inspection, or who interferes with such officer, official or employee while in performance of his duties; provided, that no Special Amusement Permit shall be revoked unless written demand for the inspection is made upon the licensee or person in charge of the premises, at the time the inspection is sought.

6. SUSPENSION OR REVOCATION OF A PERMIT

The Board of Selectmen may, after a public hearing preceded by public 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 nuisance as set forth in Section 7 of this Ordinance or violates this or any other Town ordinances, articles, by-laws or rules and regulations.

Any licensee whose permit has been revoked or suspended, may within thirty (30) days of the suspension or revocation, appeal the decision to the Zoning Board of Appeals.

7. NUISANCE

The licensee or his authorized representative shall not permit the use of the premises to result in any continued, 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. The sound levels must comply with the provisions Zoning Ordinance of the Town regulating the maximum permissible sound pressure levels produced by any activity on a lot.

8. 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.

9. SEPARABILITY

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

TOWN OF LYMAN
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

1. Applicant's Name: _____

Resident Address: _____ Home phone _____

If less than 5 years list former addresses

2. Name of Business: _____ Bus. Phone _____

Business Address: _____ Tax Map. _____ Lot _____

3. Nature of Business: _____

4. Describe in detail the kind and nature of entertainment/ers proposed and hours/days of operation:

5. Describe the location or rooms to be used under this permit:

6. Has the applicant ever had a license to conduct business herein described, either denied or revoked?

YES ___ NO ___. If yes, describe circumstances _____

7. Has applicant including any partner or corporate officers ever been convicted of a felony?

YES ___ NO ___. If yes, please describe the circumstances _____

8. Attached a copy of applicant's current liquor license. Expiration date of current liquor license: _____

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 Lyman, 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 this permit. I am aware that there are significant penalties for submitting false information, including the possibility of fines, imprisonment and revocation of license.

FEE OF \$50.00 (plus advertising) MUST ACCOMPANY THIS APPLICATION.

DATE: _____

(Place Corporate Seal)

Signature of Authorized Agent

Name of Corporation

(If Corporation, Authorized officer)

APPLICATION MUST BE SIGNED BY A MAJORITY OF THE MUNICIPAL OFFICERS

_____, _____

_____. DATE: _____

Town of Lyman, 11 South Waterboro Road, Lyman, ME 04002

