

**TOWN OF MEXICO
SPECIAL AMUSEMENT ORDINANCE**

**ARTICLE I
TITLE, PURPOSE & DEFINITIONS**

SECTION 1.1 TITLE

THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS TOWN OF MEXICO, SPECIAL AMUSEMENT ORDINANCE.

SECTION 1.2 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 AS REQUIRED BY 28-A M.R.S.A., SECTION 1054.

SECTION 1.3 DEFINITIONS

A. ENTERTAINMENT. FOR THE PURPOSES OF THIS ORDINANCE, ENTERTAINMENT SHALL INCLUDE ANY AMUSEMENT, PERFORMANCE, EXHIBITION, OR DIVERSION, FOR THE 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. 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 LEGAL ENTITY, OR ANY AGENT, OR EMPLOYEE OF ANY SUCH LICENSEE.

**ARTICLE II
GENERAL**

SECTION 2.1 PERMIT REQUIRED

NO LICENSEE FOR THE SALE OF LIQUOR TO BE CONSUMED ON HIS LICENSED PREMISES SHALL PERMIT, ON HIS LICENSED PREMISES, ANY MUSIC, EXCEPT RADIO OR OTHER MECHANICAL DEVICE, ANY DANCING OR ENTERTAINMENT OR 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 MUNICIPAL OFFICERS.

APPLICATIONS FOR ALL SPECIAL FOR ALL SPECIAL AMUSEMENT PERMITS SHALL BE MADE IN WRITING TO THE MUNICIPAL OFFICERS AND SHALL STATE THE NAME OF THE APPLICANT; HIS/HER RESIDENCE; HIS/HER ADDRESS; THE NAME OF THE BUSINESS TO BE CONDUCTED; HIS/HER BUSINESS ADDRESS; THE NATURE OF HIS/HER BUSINESS; THE LOCATION TO BE USED; WHETHER THE APPLICANT HAS EVER HAD A LICENSE TO CONDUCT THE BUSINESS THEREIN DESCRIBED EITHER DENIED OR REVOKED AND, IF SO, THE APPLICANT SHALL DESCRIBE THOSE CIRCUMSTANCES SPECIFICALLY; WHETHER THE APPLICANT, INCLUDING ALL PARTNERS OR CORPORATE OFFICERS, HAS EVER BEEN CONVICTED OF A FELONY AND, IF SO, THE APPLICANT SHALL DESCRIBE SPECIFICALLY THOSE CIRCUMSTANCES; AND ANY ADDITIONAL INFORMATION AS MAY BE NEEDED BY THE MUNICIPAL OFFICERS IN THE ISSUING OF THE PERMIT, INCLUDING BUT NOT LIMITED TO A COPY OF THE APPLICANT'S CURRENT LIQUOR LICENSE.

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 ORDINANCES, ARTICLES, BYLAWS, RULES AND REGULATIONS, OF THE MUNICIPALITY, AND STATE LAW.

(SPECIAL AMUSEMENT ORDINANCE)

THE FEE FOR A SPECIAL AMUSEMENT PERMIT SHALL BE TEN (\$10.00) DOLLARS. THE MUNICIPAL OFFICERS SHALL, PRIOR TO GRANTING A PERMIT AND AFTER REASONABLE NOTICE TO THE MUNICIPALITY AND THE APPLICANT, HOLD A PUBLIC HEARING WITHIN FIFTEEN (15) DAYS, OR SUCH OTHER NUMBER OF DAYS AS THE LEGISLATURE MAY SPECIFY, FROM THE DATE THE REQUEST WAS RECEIVED, AT WHICH THE TESTIMONY OF THE APPLICANT AND THAT OF ANY INTERESTED MEMBERS OF THE PUBLIC SHALL BE TAKEN.

THE MUNICIPAL OFFICERS SHALL GRANT A PERMIT UNLESS THEY FIND THAT ISSUANCE OF THE PERMIT WILL BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY OR WELFARE, OR WOULD VIOLATE MUNICIPAL ORDINANCES , ARTICLES, BYLAWS, RULES AND REGULATIONS, OR STATE LAW.

A PERMIT SHALL BE VALID ONLY FOR THE LICENSE YEAR OF THE APPLICANT'S EXISTING LIQUOR LICENSE.

SECTION 2.2 INSPECTIONS

WHENEVER INSPECTIONS OF THE PREMISES USED FOR OR IN CONNECTION WITH THE OPERATION OF THE LICENSED BUSINESS WHICH HAS OBTAINED A SPECIAL AMUSEMENT PERMIT ARE PROVIDED FOR OR REQUIRED BY MUNICIPAL ORDINANCE, ARTICLES, BYLAWS, RULES AND REGULATIONS, OR STATE LAW, OR ARE REASONABLY NECESSARY TO SECURE COMPLIANCE WITH ANY OF THE ABOVE, IT SHALL BE THE DUTY OF THE LICENSEE, HIS EMPLOYEE, OR THE PERSON IN CHARGE OF THE PREMISES TO BE INSPECTED, TO ADMIT ANY OFFICER, OFFICIAL, OR EMPLOYEE, OF THE MUNICIPALITY AUTHORIZED TO MAKE THE INSPECTION AT ANY REASONABLE TIME THAT ADMISSION IS REQUESTED.

THE INSPECTION SHALL BE PROCEEDED BY A WRITTEN DEMAND FOR INSPECTION, WHICH SHALL SPECIFY THE DATE AND TIME INSPECTION IS SOUGHT. THE WRITTEN DEMAND SHALL BE DELIVERED TO THE LICENSEE, HIS EMPLOYEE, OR THE PERSON IN CHARGE OF THE PREMISES TO BE INSPECTED.

IN ADDITION TO ANY OTHER PENALTY WHICH MAY BE PROVIDED, THE MUNICIPAL OFFICERS MAY REVOKE, AFTER NOTICE AND HEARING, THE SPECIAL AMUSEMENT PERMIT OF ANY LICENSEE IN THE MUNICIPALITY WHO REFUSES TO PERMIT ANY SUCH OFFICER, OFFICIAL, OR EMPLOYEE, TO MAKE AN INSPECTION, OR WHO INTERFERES WITH SUCH OFFICER, OFFICIAL, OR EMPLOYEE, WHILE IN THE PERFORMANCE OF THEIR DUTY.

SECTION 2.3 SUSPENSION OR REVOCATION OF PERMIT

THE MUNICIPAL OFFICERS MAY, AFTER NOTICE AND HEARING, SUSPEND, OR REVOKE, ANY SPECIAL AMUSEMENT PERMIT WHICH HAS BEEN ISSUED UNDER THIS ORDINANCE ON THE GROUNDS THAT THE MUSIC, DANCING, OR ENTERTAINMENT, SO PERMITTED, OR ACTIVITIES RELATED THERETO, CONSTITUTE A DETRIMENT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR VIOLATES ANY MUNICIPAL ORDINANCES, ARTICLES, BYLAWS, RULES AND REGULATIONS, OR STATE LAWS.

SECTION 2.4 RULES AND REGULATIONS

THE MUNICIPAL OFFICERS ARE HEREBY AUTHORIZED, AFTER PUBLIC NOTICE AND HEARING, TO ESTABLISH WRITTEN RULES AND REGULATIONS GOVERNING THE ISSUANCE, SUSPENSION, AND REVOCATION, OF SPECIAL AMUSEMENT PERMITS, THE CLASSES OF PERMITS, THE MUSIC, DANCING, OR ENTERTAINMENT PERMITTED UNDER EACH CLASS, AND OTHER LIMITATIONS ON THESE ACTIVITIES REQUIRED TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE. THESE RULES AND REGULATIONS MAY SPECIFICALLY DETERMINE THE LOCATION AND SIZE OF PERMITTED PREMISES, THE FACILITIES THAT MAY BE REQUIRED FOR THE PERMITTED ACTIVITIES ON THOSE PREMISES, AND THE HOURS DURING WHICH THE PERMITTED ACTIVITIES ARE PERMITTED.

SECTION 2.5 PERMIT AND APPEAL PROCEDURES

A. ANY LICENSEE REQUESTING A SPECIAL AMUSEMENT PERMIT FROM THE MUNICIPAL OFFICERS SHALL BE NOTIFIED IN WRITING OF THEIR DECISION NO LATER THAN FIFTEEN (15) DAYS, OR SUCH OTHER NUMBER OF DAYS AS THE LEGISLATURE MAY SPECIFY, FROM THE DATE HIS REQUEST WAS RECEIVED. IN THE EVENT THAT A LICENSEE IS DENIED A PERMIT, THE LICENSEE SHALL BE PROVIDED WITH THE REASONS FOR THE DENIAL IN WRITING. THE LICENSEE MAY NOT REAPPLY FOR A PERMIT WITHIN THIRTY (30) DAYS, OR SUCH OTHER NUMBER OF DAYS AS THE LEGISLATURE MAY SPECIFY, AFTER AN APPLICATION FOR A PERMIT WHICH HAS BEEN DENIED.

B. ANY LICENSEE WHO HAS REQUESTED A 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 MUNICIPAL BOARD OF APPEALS AS DEFINED IN 30 MRSA, SECTION 2691. THE MUNICIPAL BOARD OF APPEALS MAY 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 ARBITRARY OR CAPRICIOUS, OR THAT THE DENIAL, REVOCATION, OR SUSPENSION, WAS NOT BASED ON A VIOLATION OF ANY MUNICIPAL ORDINANCE, ARTICLE, BYLAW, RULE OR REGULATION, OR STATE LAW.

SECTION 2.6 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 MUNICIPAL SPECIAL AMUSEMENT PERMIT.

SECTION 2.7 LIVE ENTERTAINMENT REGULATION

THE PURPOSE OF THIS SECTION IS TO REGULATE NUDITY AS A FORM OF LIVE ENTERTAINMENT IN THOSE ESTABLISHMENTS AT WHICH ALCOHOLIC BEVERAGES ARE SERVED OR CONSUMED, AND WHICH ARE LICENSEES UNDER THIS ORDINANCE.

NO LICENSEE SHALL PERMIT ENTERTAINMENT ON THE LICENSED PREMISES WHETHER PROVIDED BY PROFESSIONAL ENTERTAINER(S), EMPLOYEES OF THE LICENSED PREMISES, OR ANY OTHER PERSON, WHEN THE ENTERTAINMENT INVOLVES:

A. THE PERFORMANCE OF ACTS, OR SIMULATED ACTS, OF SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR ANY SEXUAL ACTS WHICH ARE PROHIBITED BY LAW;

B. THE ACTUAL OR SIMULATED TOUCHING, CARESSING, OR FONDLING OF THE BREASTS, BUTTOCKS, ANUS, OR GENITALS;

C. THE ACTUAL OR SIMULATED DISPLAYING OF THE GENITALS, PUBIC HAIR, BUTTOCKS, ANUS, OR ANY PORTION OF THE FEMALE BREASTS AT OR BELOW THE AREOLA AREA THEREOF;

D. 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 GENITALS OR ANUS OR FEMALE BREASTS BELOW THE AREOLA AREA THEREOF.

FOR THE PURPOSE OF THIS SECTION, DISPLAY OR DISPLAYING AND EXPOSE OR EXPOSING SHALL MEAN UNCLOTHED OR UN-COSTUMED OR NOT COVERED BY A FULLY OPAQUE CLOTH OR TEXTILE MATERIAL OR TO EMPLOY ANY DEVICE OR COVERING WHICH IS INTENDED TO GIVE THE APPEARANCE OF OR TO SIMULATE THE GENITALS, PUBIC HAIR, BUTTOCKS, ANUS OR THE PORTIONS OF THE FEMALE BREASTS AT OR BELOW THE AREOLA AREA THEREOF.

**ARTICLE III
PENALTY, SEPARABILITY & EFFECTIVE DATE**

SECTION 3.1 PENALTY

WHOEVER VIOLATES ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE. EACH DAY THAT A VIOLATION OCCURRED SHALL BE CONSIDERED A SEPARATE OFFENSE.

SECTION 3.2. SEPARABILITY

THE INVALIDITY OF ANY PROVISION OF THIS ORDINANCE SHALL NOT INVALIDATE ANY OTHER PROVISION.

SECTION 3.3 EFFECTIVE DATE

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE WHEN ENACTED.

ADOPTED: 6/7/99

Arthur Bordeau
ARTHUR BORDEAU, CHAIRMAN

ROLAND ARSENAULT

Louise Waterhouse
LOUISE WATERHOUSE

Robert Lyons
ROBERT LYONS

BRIAN ELLIOTT
SELECTMEN, TOWN OF MEXICO