

**City of South Portland  
Office of the City Clerk  
P.O. Box 9422  
South Portland, ME 04116-9422  
207-767-7628**

**Application for Special Amusement Permit for Dancing and Entertainment**

§14-45 to 14-55; 28-A M.R.S.A. §1054

From \_\_\_\_\_ to \_\_\_\_\_

1. Business Name of Applicant: \_\_\_\_\_
2. Business Address: \_\_\_\_\_
3. Mailing Address: \_\_\_\_\_
4. Contact Person: \_\_\_\_\_ Email: \_\_\_\_\_
5. Phone Number: \_\_\_\_\_
6. Days and Hours of Entertainment: \_\_\_\_\_
7. Describe in detail the type and nature of the business and proposed entertainment: \_\_\_\_\_  
\_\_\_\_\_
8. Describe in detail room or rooms to be used under this permit: \_\_\_\_\_  
\_\_\_\_\_
9. Have you ever had a license to conduct the business described in item 5 of this application denied or revoked? \_\_\_\_\_ If yes, please describe the circumstances: \_\_\_\_\_  
\_\_\_\_\_
10. Have you or any of the corporate officers or partners in this business ever been convicted of a felony? \_\_\_\_\_ If yes, please describe specifically the circumstances: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Date

**License Fees**

With Dancing: \$250.00   
Without Dancing: \$100.00   
Processing Fee: \$20.00

Total: \_\_\_\_\_

**For Municipal Use Only**

Date of Application: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_

**Police Chief**      Approved **Yes**  **No**  **Signature** \_\_\_\_\_ **Signed Electronically**

Comment if disapproved \_\_\_\_\_

## ARTICLE II. SPECIAL AMUSEMENT PERMITS

### Sec. 14-45. Title, purpose and definitions.

- (a) This article shall be known and may be cited as the "Special Amusement Ordinance of the City of South Portland, Maine."
- (b) The purpose of this Article 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 in 28 M.R.S.A. § 702.
- (c) The following definitions shall apply for the purposes of this Article:
  - (1) "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.
  - (2) "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.

### Sec. 14-46. Permit required; application procedure and term of permit.

- (a) 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 approved by at least a majority of the City Council. Any such special amusement permit may be renewed by the City Clerk in accordance with Section 14-12.
- (b) Applications for all special amusement permits shall be made in writing, filed with the City Clerk, and shall state the name of the applicant; the applicant's residence address; the name of the business to be conducted; the business address; the nature of the 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 or the City Clerk in the issuing or renewal of the permit, including but not limited to a copy of the applicant's current liquor license on the form provided.

No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.

The fee for a special amusement permit without dancing shall be as specified in the Schedule of License, Permit and Application Fees established by City Council order, and with dancing shall also be as specified in the Schedule of License, Permit and Application Fees established by City Council order.

For an initial permit, the City Council shall, prior to granting the permit and after reasonable notice to the municipality and the applicant, hold a public hearing within fifteen (15) days of 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 licensee shall be notified in

writing of the City Council decision approving or denying the request no later than fifteen (15) days from the date the application was received.

The City Council shall grant an initial permit and the City Clerk shall renew a permit unless the City Council or the City Clerk finds that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws.

- (c) A permit shall be valid only for the license year of the applicant's existing liquor license.

**Sec. 14-47. Rules and regulations; inspections; revocation; admission charges.**

- (a) The City Council is further authorized, after public notice and hearing, to establish further 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 whenever the need arises. 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.

Such rules and regulations shall be additional to and consistent with all sections of this Article.

- (b) 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 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.

In addition to any other penalty which may be provided, the City Clerk may suspend for a period of up to thirty (30) days and the City Council, after notice and public hearing, may revoke 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 his duty. Provided, that no license or special amusement permit shall be suspended or revoked unless written demand for the inspection is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

- (c) The City Clerk may suspend any special amusement permit for a period up to twenty one (21) days where there is an immediate risk to the public health, safety or welfare. The City Council may, after a public hearing preceded by notice to interested parties, suspend or revoke any special amusement permits which have been issued under this Article on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.
- (d) 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.

**Sec. 14-48. Reapplication; appeal; penalty; separability.**

- (a) 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 after an application for a permit has been denied.
- (b) Any licensee who has requested a permit and has been denied by the City Clerk, or whose permit has been revoked or suspended by the City Clerk, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the City Council. Any licensee who has requested a permit and been denied by the City Council, or whose permit has been revoked or suspended by the City Council, or who has appealed a decision of the City Clerk to the City Council, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the Superior Court in accordance with Maine Rules of Civil Procedure, Rule 80B. The hearing before the Superior Court shall be without a jury. Any denial, revocation or suspension shall be in writing and shall include notification of the right to and procedure for appeal.
- (c) Whoever violates any of the provisions of this Article shall be punished by a fine of not more than five hundred dollars (\$500) for the first offense, and up to one thousand dollars (\$1,000) for each subsequent offense, to be recovered, on complaint, to the use of the City of South Portland. Each day in violation or occurrence in violation of this Article shall constitute a separate and distinct offense for the purpose of this section.
- (d) The invalidity of any provision of this Article shall not invalidate any other part.