

## Chapter 4

### AMUSEMENTS\*

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**\*Cross reference**—Zoning regulation of adult business establishments, § 14-373 et seq.  
**State law reference**—Pinball machines, 8 M.R.S.Z. § 441 et seq.

#### ARTICLE I. IN GENERAL

**Secs. 4-1 – 4-15. Reserved.**

#### ARTICLE II. AMUSEMENT DEVICES

##### DIVISION 1. GENERALLY

**Sec. 4-16. Definitions.**

Words used in this article shall have their common meaning, except that the definitions set forth in chapter 15, or in this section shall apply unless the context clearly indicates a different meaning:

*Amusement device* shall mean and include any vending machine, miniature pool and bowling machine, pinball machine, foosball, and any other device mechanical or otherwise which upon payment of a fee or insertion of a coin, disc, or other insertion piece, whether or not also manipulated by the operator, may be used by the public generally as a game, amusement or entertainment, whether or not registering a score and which does not dispense any form of pay-off, prize, or reward, other than an additional free use of the device itself. (Code 1968, § 904.2; Ord. No. 231-80, 12-22-80)

**Cross reference** – Definitions and rules of construction generally, § 1-2.

**Sec. 4-17 -- 4-25. Reserved.**

## **DIVISION 2. LICENSE\***

### **Sec. 4-26. Required.**

No person shall keep for public patronage or permit or allow the operation of any amusement device in or on any premises or location under his or her charge, control or custody, without having a license for each such device from the town.

(Code 1968, § 904.1; Ord. No. 231-80, 12-22-80)

### **Sec. 4-27. Notice and hearing.**

The town clerk shall conduct a public hearing with respect to the grant of any original license issued under this division.

(Code 1968, § 904.5; Ord. No. 231-80, 12-22-80)

### **Sec. 4-28. General provisions to apply.**

Except to the extent that this division contains a contrary provision, all provisions of chapter 15 shall be additional to the provisions of this division.

(Code 1968, § 904.6; Ord. No. 231-80, 12-22-80)

### **Secs. 4-29 – 4-40. Reserved.**

\*Cross reference—Licenses and permits generally, Ch. 15.

## **ARTICLE III. MUSIC, DANCING AND SPECIAL ENTERTAINMENT\***

### **DIVISION 1. GENERALLY**

### **Sec. 4-41. Purpose.**

The purpose of this article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the state to sell liquor as provided by state law, entertainment in bottle clubs, and to control the operation of dance halls. (Code 1968, § 907.1; Ord. No. 231-80, 12-22-80)

**Sec. 4-42. Definitions.**

Terms used in this article shall have their common meaning except that the definitions set forth in chapter 15 and/or in this section shall apply unless the context clearly indicates that a different meaning is intended.

*Dance* shall mean every dance not held in a private residence; other than a class in which instruction in dancing is given for hire, or any dance held in a school hall under direct supervision of school authorities, or any dance conducted by and exclusively for the benefit of any bona fide charitable organization.

*Dance hall* shall mean any building, room, hall, or other public place which is kept or used for public dancing, or which for compensation paid directly or indirectly to the owner, manager, or operator thereof, men, women or children are permitted to engage in dancing.

*Entertainment* shall mean and include 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.

(Code 1968, § 907.3; Ord. No. 231-80, 12-22-80)

**Cross reference** – Definitions and rules of construction generally, § 1-2.

**Secs. 4-43 – 4-50. Reserved.**

**\*State law references**—Dances, 8 M.R.S.A. § 161 et seq.; special permit for music, dancing or entertainment, 28 M.R.S.A. § 702.

DIVISION 2. LICENSE†

**Sec. 4-51. Required.**

(a) No person licensed by the state to sell liquor to be consumed on the premises, and no bottle club licensed by the city, shall permit on the premises any music except that produced by radio or mechanical device, any dancing, or entertainment of any sort without an entertainment license from the city.

(b) No person shall conduct or maintain a dance hall without a dance hall license. (Code 1968, § 907.2; Ord. No. 231-80, 12-22-80)

**Sec. 4-52. Application.**

Application for a license under this division shall in addition to the requirements of chapter 15, contain the name of the owner or person in control of the building, the location of the premises, a plan of the premises, giving in detail the

dimensions and diagram of space to be used for dancing, dressing rooms, check rooms, toilet rooms, entrances, exits, stairways and fire escapes.  
(Code 1968, § 907.5; Ord. No. 231-80, 12-22-80)

**Sec. 4-53. Hearings.**

A public hearing shall be held prior to issuance of any original license under this division other than a single dance license.  
(Code 1968, § 907.5; Ord. No. 231-80, 12-22-80)

**Sec. 4-54. Appeals.**

Appeal from the denial, suspension or revocation of an entertainment license to a person licensed by the state to sell liquor shall be taken to the municipal board of appeals within thirty (30) days of such denial, suspension or revocation. 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 suspension or revocation was arbitrary or capricious. The denial, suspension or revocation of all other licenses or permits required hereunder shall be to the selectman as provided under chapter 15.  
(Code 1968, § 907.6; Ord. No. 231-80, 12-22-80)

**Sec. 4-55. Duration.**

Licenses shall be granted, denied, suspended or revoked in accordance with chapter 15, but in the case of an entertainment license, it shall be deemed terminated upon expiration or revocation of the respective state license to sell alcoholic beverages or the municipal bottle club license, as the case may be, prior to the expiration of the one-year period. (Code 1968, § 907.7; Ord. No. 231-80, 12-22-80)

**Sec. 4-56. General provisions to apply.**

Except to the extent that this division contains a contrary provision, all provisions of chapter 15 shall be additional to the provisions of this division.  
(Code 1968, § 907.8; Ord. No. 231-80, 12-22-80)

**Secs. 4-57 – 4-70. Reserved.**

†**Cross reference**—Licenses and permits generally, Ch. 15.

## ARTICLE IV. GAMING\*

### DIVISION 1. GENERALLY

#### **Sec. 4-71. Legislative findings and purpose.**

It is the sense of the city council, having the power to consent to the operation or conduct of any beano or game of chance within the city, that such consent should be conditioned and exercised in accordance with the standards set forth in chapter 15, as modified by this article. (Code 1968, §909.1; Ord. No. 231-80, 12-22-80)

#### **Sec. 4-72. Definitions.**

Terms used in this article shall have their common meaning, except that definitions set forth in chapter 15 or in this section shall apply unless the context clearly indicates that a different meaning is intended.

*Beano* shall mean and include bingo, any other form of lotto, or any other activity defined as being bingo or beano by the applicable licensing provision of the state for which the consent of the city council is required.

*Game of chance* shall mean and include any game, contest, scheme, or device other than beano where a person stakes or risks something of value and in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestant or participant may be a factor therein, or any game of chance, machine, raffle, or otherwise, defined and licensed as such by the applicable licensing provision of the state for which the consent of the city council is required.

(Code 1968, § 909.2; Ord. No. 231.80, 12-22-80)

**Cross reference** – Definitions and rules of construction generally, § 1-2.

#### **Secs. 4-73 – 4-80. Reserved.**

### DIVISION 2. LICENSE†

#### **Sec. 4-81. Applications and fees.**

Applications for a state license to conduct beano or a game of chance shall be deemed sufficient applications for the purpose of chapter 15 if accompanied by the fees prescribed therein. Upon compliance with this article and chapter 15, the clerk shall signify the consent of the city council to such application.

(Code 1968, § 909.3; Ord. No. 231-80, 12-22-80)

**Sec. 4-82. General provisions to apply.**

Except to the extent that this division contains a contrary provision, all provisions of chapter 15 shall be additional to the provisions of this division.  
(Code 1968, § 909.4; Ord. No. 231-80, 12-22-80)

\***State law reference**—Beano or Bingo, 17 M.R.S.A. § 301 et seq.

†**Cross reference**—Licenses and permits generally, Ch. 15.