

**ENTERTAINMENT ORDINANCE  
COUNTY OF PENOBSCOT**

**ARTICLE 100:**

**TITLE**

This ordinance shall be known and may be cited as the “Entertainment Ordinance” of the County of Penobscot.

**ARTICLE 200:**

**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 under 28-A M.R.S.A. §1054.

**ARTICLE 300:**

**DEFINITIONS**

The following definitions shall apply unless the context clearly indicates another meaning:

ENTERTAINMENT- Includes 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.

LICENSEE-Includes 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, acting on behalf of any such licensee or left in charge of or in control of such licensee’s premises.

**ARTICLE 400:**

**SPECIAL AMUSEMENT PERMIT REQUIRED**

No licensee for the sale of liquor to be consumed on his/her licensed premises shall permit, on such licensed premises located in the Unorganized Territory of the County of Penobscot, any music, except radio or mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the Penobscot County Commissioners a special amusement permit.

- A. Application Form. Applications for special amusement permits and annual renewals thereof shall be made in writing on forms provided by the Director of Unorganized Territory Administration and signed by the licensee. Each application shall state the name and address of the applicant; the name, address and nature of the proposed amusement; and whether the applicant has ever had a State Liquor license or special amusement permit denied or revoked or if any partner or corporate officer has ever been convicted of a felony crime and if so, an explanation thereof. A copy of the current liquor license shall be submitted with the application form.

B. Live Entertainment Regulated. No licensee shall permit entertainment on the licensed premises, whether provided by professional entertainer(s) employees of the licensed premises, or any person, when the entertainment involves:

1. the performance of acts of sexual intercourse, or any special acts which are prohibited by law;
2. the actual or simulated touching, caressing, or fondling of the buttocks, anus, or genitals, by the entertainer, employee, or patron;
3. the actual or simulated displaying of the genitals, pubic hair, or anus;
4. 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.
5. for the purpose of this subsection, the terms “displaying” or “expose” shall mean unclothed or un-costumed and not covered by a fully opaque material.

C. Outdoor Entertainment. No outdoor entertainment shall be allowed on the grounds of any business establishment in the Unorganized Territories of Penobscot County unless a special event permit has been approved by the County Commissioners.

**ARTICLE 500:**

**PERMIT CLASSES**

Special amusement permits granted by the Penobscot County Commissioners shall be limited to the following classes:

Class A – Any one or more Instrumentalist and/or Vocalist without mechanical amplification.

Class B – Any one of the above, with or without dancing accompanied by amplified music, to include Disc Jockeys.

Class C – Exotic dancing and/or performances by entertainers.

Class D – Special Event – Outdoor entertainment.

Any permit granted shall be for one of the above notes classes. A licensee shall not permit on the licensed premises, any music, dancing or entertainment which exceeds that permitted by the class of the permit, during the period for which the permit is valid as otherwise determined by this ordinance.

**ARTICLE 600**

**PERMIT FEES**

The fee for each class of permit shall be as follows::

CLASS A - \$50.00

CLASS B - \$100.00

CLASS C - \$200.00

CLASS D- \$50.00

In addition to the permit fee, the applicant shall pay the cost of advertising the public hearing under Article 700.

**ARTICLE 700:**

**PUBLIC HEARING**

Prior to granting a special amusement permit, the Penobscot County Commissioners shall hold a public hearing after reasonable notice of the same has been given to the applicant and has been advertised, at the applicant's expense, in a newspaper of general circulation in the Unorganized Territory, at least seven (7) days in advance. At the public hearing the testimony of any interested parties shall be heard.

**ARTICLE 800:**

**ISSUANCE OF PERMIT**

After the public hearing, the Penobscot County Commissioners shall grant the special amusement permit requested unless the issuance of the permit would be detrimental to the public health, safety or welfare or would violate any applicable State law or County ordinance.

- A. In approving such a permit, the County Commissioners may impose reasonable restrictions to protect property owners in the vicinity of the licensed premises from any nuisance aspects of the proposed amusement.
- B. Any licensee requesting a special amusement permit shall be notified in writing of the County Commissioner's decision no later than fifteen (15) days from the date of their decision. In the event that a licensee is denied a permit, or restrictions are imposed upon the permit, the licensee shall be provided in writing with the reasons for the denial or a list of the restrictions. A licensee may not reapply for the same permit within thirty (30) days.
- C. A special amusement permit shall be valid only for the license year of the existing liquor license.
- D. The County Commissioners may, after a public hearing, preceded by notice to interested parties, suspend or revoke any special amusement permit on the grounds that the music, dancing or entertainment so permitted is detrimental to the public health, safety or welfare, or violates any applicable State law or County ordinance. If the County Commissioners revoke or suspend a licensee's special amusement

permit, he/she shall be notified in writing within fifteen (15) days of the reasons for such action.

**ARTICLE 900: PENALTY**

Whoever violates any provision of this Ordinance shall be fined not less than \$100.00 nor more than \$500.00 to be recovered, on complaint, to the use of Penobscot County. Each day's violation shall constitute a separate offense.

ADOPTED BY PENOBSCOT COUNTY COMMISSIONERS, \_\_\_\_\_

Date

EFFECTIVE , \_\_\_\_\_

Date

**PENOBSCOT COUNTY COMMISSIONERS**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Peter K. Baldacci, Chairman

\_\_\_\_\_  
Thomas J. Davis, Jr.

\_\_\_\_\_  
Laura Sanborn