

**APRIL 11, 2010 DRAFT**

**MOUNT VERNON ORDINANCE REVIEW COMMITTEE**

Proposed Warrant Articles

**Article \_\_:** To see if the Town will adopt the proposed amendment to the Mount Vernon Land Use Map:

**Article \_\_:** To see if the Town will adopt the following amendments to the Mount Vernon Land Use Ordinance:

**Amend Section 5(C)(1) of the Mount Vernon Land Use Ordinance by adding to the Minimum Lot Standards Shoreland and Village District:**

**Public or private recreational facility            2 (acres)            40,000 (sq. ft)**

**Article \_\_:** To see if the Town will adopt the following amendments to the Mount Vernon Land use Ordinance:

**Amend the definitions of "Accessory structure," "Shore frontage," and add the definition of Substantial Start in Section 3 of the Mount Vernon Land Use Ordinance as follows:**

**Accessory Structure or use** - a use or structure (100 square feet or greater, **except in the shoreland zone, where there is no minimum size**), which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered an attachment to the principal structure. Attachments to the principal structure require separate permits unless included in the original building permit application.

**Shore frontage** - the length of a lot bordering on a water body **or wetland** measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation **or the upland edge of a wetland**.

**Substantial start: - completion of thirty (30) percent of a permitted structure or use measured as a percentage of the estimated total cost.**

**Article \_\_:** To see if the Town will adopt the following amendments to the Mount Vernon Land use Ordinance:

**Amend Table 4-1, Line 4.A. (Commercial Timber Harvesting) under RP (Resource Protection) as follows**

**Article \_\_:** To see if the Town will adopt the following amendments to the Mount Vernon Land use Ordinance:

**Amend Section 5-C(3) of the Mount Vernon Land Use Ordinance by adding sub-section (i) as follows:**

**i. Only one dock per lot in single or joint ownership. Docks will be located at the end of the footpath path allowed in Section 18-B(i).**

**Article \_\_:** To see if the Town will adopt the Mount Vernon Special Amusement Ordinance:

**TOWN OF MOUNT VERNON**  
**SPECIAL AMUSEMENT ORDINANCE**

**ARTICLE I. TITLE, PURPOSE AND DEFINITION**

**Section 101. TITLE**

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

**Section 102. 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 Maine to sell liquor. This section is adopted pursuant to 28-A M.R.S.A. § 1054 and 30-A M.R.S.A. § 3001.

**Section 103. DEFINITIONS**

103.1 Entertainment – For the purposes of this Ordinance, “entertainment” shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided

- a. by professional entertainers;
- b. by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value; or
- c. by patrons induced by prizes or otherwise to engage in activities with an entertainment value.

103.2 Licensee – For the purpose of this Section, “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 201. 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 of any sort unless the licensee shall have first obtained from the Board of Selectmen a special amusement permit.

1. Applications for all special amusement permits shall be made in writing to the Board of Selectmen and shall state the name of the applicant; his residence address; the name

of the business to be conducted; his business address; the nature of his business, including a specific description of any entertainment to be offered; 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 Board of Selectmen in the issuing of the permit, including but not limited to a copy of the applicant's (current) liquor license.

2. A special amusement permit shall not be issued for a premises that will offer entertainment which includes;

a. Exposing to view the genitals, pubic hair, anus, vulva or any portion of the female breasts at or below areola area thereof. "Exposing to view" includes, without limitation, appearing without an opaque covering or appearing with only an opaque covering which adheres to the skin, such as body paint; or

b. The actual or simulated touching, caressing or fondling of the breasts, buttocks or genitals.

3. No permit shall be issued for anything, 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.

4. The fee for the special amusement permit shall be \$25.00.

5. 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 30 days of the date the requires was received, at which the testimony of the applicant and that of any interested member of the public shall be taken.

6. The Board of Selectmen 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, or rules and regulations, articles or bylaws. A permit shall be valid only for the license year of the applicant's existing liquor license.

## **Section 202. INSPECTIONS**

Whenever inspections of the premises used for or in connection with the operation of a licenses 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, 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. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

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 municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis 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 revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

### **Section 203. SUSPENSION OR REVOCATION OF A PERMIT**

The Board of Selectmen may, after public hearing preceded by notice to the permit holder and public, suspend or revoke any special amusement permit which has been issued under this Ordinance on grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, welfare, or violates the terms of the permit or this Ordinance or any other municipal ordinance, articles, bylaws, or rules and regulations.

No permit holder shall allow on the permitted premises any activity described in paragraphs (2)(a) or (b) of section 201, without regard to whether such activity is carried on by professional entertainers, employees or any other person and without regard to whether any compensation is paid by the permit holder.

### **Section 204. RULES AND REGULATIONS**

The Board of Selectmen is 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 and 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. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

### **Section 205. PERMIT AND APPEAL PROCEDURES**

205.1 Any licensee requesting a special amusement permit from the Board of Selectmen shall be notified in writing of their decision no later than thirty (30) days 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 after an application for a permit is denied.

205.2. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may appeal the decision to the Bridgton Board of Appeals within thirty (30) days of the denial, suspension, or revocation. The Board of Appeals may grant or reinstate the permit if it finds that:

A. The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate the Town's Ordinances or regulations; or

B. The denial, revocations or suspension was arbitrary or capricious.

Appeals from decisions of the Board of Appeals shall be taken within thirty (30) days to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

### **Section 206. ADMISSION**

A licensed motel, 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.

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

#### **Section 301. PENALTY**

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than One Hundred Dollars (\$100.00) for the first offense, and up to Five Hundred Dollars (\$500.00) for each subsequent offense, to be recovered on complaint, to the use of the Town of Mount Vernon.

#### **Section 302. SEPARABILITY**

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

#### **Section 303. EFFECTIVE DATE**

The effective date of this Ordinance shall be immediately upon passage of this Ordinance.