

TOWN OF SKOWHEGAN
SPECIAL AMUSEMENT ORDINANCE

Adopted: Town Meeting March 8, 1999
Amended: Town Meeting August 10, 2004
Amended: Town Meeting June 11, 2018
Amended: Town Meeting, June 10, 2019

Section 1. Title

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

Section 2. Purpose

The purpose of this ordinance is to control the dancing, or entertainment in facilities licensed by the State of Maine to sell liquor as required by Title 28-A M.R.S.A.1054 with the exception of a radio or other mechanical musical device.

Section 3. Repeal

All ordinances or parts thereof, inconsistent with the terms and provisions of this Ordinance are hereby replaced.

Section 4. Severability

In the event that any section or any portion of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such declaration shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

Section 5. Authority

This Ordinance is enacted pursuant to Title 28-A, M.R.S.A., Section 1054 and Title 30-A, M.R.S.A., Section 3001.

Section 6. Enforcement

This Ordinance shall be enforced by the Skowhegan Police Department.

Section 7. Definitions

The following words, terms or phrases, when used in this Ordinance, shall have the same meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Available to the public means that the matter or performance or act may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance or act, or available merely by being a patron of or present in an establishment that is licensed to sell liquor.

Dancer: means a person, other than a patron, under the licensee's control and dancing on the licensee's premises to entertain patrons.

Disseminate means to transfer possession of, with or without consideration.

Entertainment shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional or amateur entertainers, by patrons, or by full-time or part-time employees of the licensed premises, whose incidental duties may include activities with an entertainment value.

Exotic Dancing shall mean the appearance of a person or persons, on the licensed premises, in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals or any simulation thereof, or when any female appears on a licensee's premises in such a manner or attire as to expose to view any portion of the breast referred to as the aureole, nipple, or simulation thereof. "Expose to view" shall be interpreted to mean, without limitation, clear, see-through or clothing which is otherwise non-opaque.

Licensee shall include any person, individual, partnership, firm, association, corporation or other legal entity which is the holder of a license for sale of liquor to be consumed on premises owned by said licensee, or any agent or employee of any such license.

Material means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines.

Nudity or a ***State Of Nudity*** means the appearance of a human anus, pubic area, male genitals, or female genitals with less than a fully opaque covering; or a female breast with less than a fully opaque covering of any part of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Obscene shall mean to the average person applying contemporary community standards the predominant appeal of the matter or act taken as a whole, is to prurient interest, and the matter or act depicts or describes in a patently offensive manner sexual conduct or lewd exhibition of the genitals or other body parts mentioned in this Section above, and the manner or act or

performance considered as a whole lacks serious literary, artistic, political or scientific value; or any matter or acts or performance which are prohibited by the statutes of the State of Maine.

Performance means any preview, play, show, skit, film, dance, or other exhibition, or entertainment performed before an audience.

Performer means an entertainer who performs a dramatic or musical work for an audience.

Promote shall mean to cause, permit, procure, counsel or assist.

Service to patron means the provision of services to customers, patrons, or any other persons present in establishments providing food and beverages, including but not limited to hostessing, hat-checking, cooking, bartending, serving, table setting and clearing, waiter and waitressing, and entertainment.

Section 8. Penalty

Except as otherwise provided by state law, anyone found guilty of violating any provision of this ordinance shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) to be recovered for the use of the Town of Skowhegan and shall be subject to such other legal and equitable remedies as may be available to the Town. Each day such violation occurs shall constitute a new and separate offense.

Section 9. General Requirements

- a) A licensed hotel, Class A restaurant, Class A tavern, or restaurant malt liquor licensee, as defined in the Maine Revised Statutes, may charge admission.
- b) With the exception of New Year’s eve festivities, all music, dancing and/or entertainment subject to regulation under this ordinance, shall end no later than 01.00 A.M. Music, entertainment and dancing on January 1 shall end no later than 02.00 A.M.
- c) For any outdoor events, the Licensee of the premises shall contact the Chief of Police to determine what arrangements, if any, are needed for hiring a law enforcement officer or officers for the purpose of maintaining order and insuring the safety of the general public. The cost of hiring an officer or officers shall be incurred by the Licensee.

Section 10. Conduct Constituting Offenses by Licensee

- a) The Licensee shall not allow to remain on the premises any person or persons who are visibly intoxicated, or any person or persons exhibiting confrontational behavior; or to permit or gather a crowd, or audience, or patrons to witness any entertainment, amusement or show so as to create a dangerous condition because of fire or other risks in derogation of the public health, safety or welfare.

- b) The Licensee shall not allow on any licensed premise the making, creation, or maintenance of excessive, unusually loud noise, which disturbs or endangers the peace, health or safety of an individual or individuals. This is to be judged on a case by case basis at the discretion of the Police Officer that responds to any complaint(s).
- c) The Licensee shall not knowingly allow any licensed premises to be so conducted or operated so as to be in violation of any ordinances, rules or regulations of the municipality, or any statutes of the State of Maine.
- d) The Licensee shall not allow on any licensed premises the use or occupancy thereof for gambling or games of chances as prohibited by the statutes of the State of Maine (Title 8, Chapter 31).
- e) The Licensee, on any licensed premises, shall not:
 - 1) Knowingly disseminate, distribute or make available to the public any obscene material; or
 - 2) Knowingly make available to the public any obscene performance; or
 - 3) Knowingly engage in commerce and/or for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or excretion utilizing displays, circulars, advertisements, or any public sales efforts that promote such commerce primarily on the basis of the prurient appeal; or
 - 4) Provide service to patrons in such a manner as to expose to public view:
 - i) The Licensee's or any of his agent's or employee's genitals, pubic hair, perineum, anal region, or pubic hair region; or
 - ii) Any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, perineum, anal region or pubic hair region.
 - 5) Knowingly promotes the commission of any of the above listed acts of this section.

Section 11. Regulations for Entertainment.

The following regulations apply to the activities of performers hired by the Licensee to provide entertainment in establishments holding a license to sell liquor:

- a) No dancer shall dance in the establishment except within a designated area that is clearly defined and separated from patrons.
- b) No dancer shall dance closer than ten (10) feet from any patron.
- c) There shall be no fondling, mingling, or caressing in the establishment between any patron and any dancer with the intent to sexually arouse or excite a person's sexual desire.

d) For establishments that have fewer than six (6) performances of adult entertainment in a calendar year: The Licensee shall provide on the premises a separate dressing area for use by dancers only.

For establishments that have six (6) or more performances of adult entertainment in a calendar year: The Licensee shall provide on the premises a separate dressing area and toilet facilities for use by dancers only.

e) Any licensed premises allowing exotic dancing shall be located at least seven hundred and fifty (750) feet from any church, public or private school, library or any municipally owned or state-owned park, athletic field or recreational facility that is open to the public where children are the primary users.

For the purpose of this Ordinance, measurements shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises for exotic dancing to the nearest property line of a church, school, library or to the nearest boundary of a park, athletic field or recreational facility.

f) There shall be no graphic evidence on the exterior of any facility licensed under this Ordinance of the dancers, either live or simulated, requiring the licensee, if necessary, to black out windows or install curtains to prevent viewing of the dancers from the outside; provided, nothing in this paragraph shall prohibit the establishment from advertising, by words, the nature of the entertainment.

Section 12. Inspections of Businesses

Whenever inspections of the licensed premises is required by ordinance, state law or is reasonably necessary to secure compliance with any town ordinance, code, regulation 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 law enforcement officer, official or employee of the town authorized to make the inspection at any reasonable time that admission is requested.