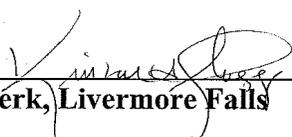


**BOTTLE CLUB ORDINANCE
TOWN OF LIVERMORE FALLS**

ATTEST: A True Copy of an ordinance entitled "Bottle Club Ordinance of the Town of Livermore Falls" as certified to me by the Municipal Officers of the Town of Livermore Falls on the 27th day of February, 1981.



Town Clerk, Livermore Falls

**TOWN OF LIVERMORE FALLS
BOTTLE CLUB ORDINANCE**

Section 1. TITLE

This ordinance shall be known and may be cited as “The Bottle Club Ordinance” of the Town of Livermore Falls, Maine.

Section 2. PURPOSE

The purpose of this ordinance is to establish procedures for the issuance of licenses for the operation of Bottle Clubs and establish controls over the operation of said clubs.

Section 3. AUTHORITY

A. This ordinance is adopted and hereafter amended pursuant to and consistent with Article VIII-A of the State of Maine Constitution, Title 30 MRSA, Section 1917, “Ordinance Power Limited” (Home Rule).

B. This ordinance is enacted in accordance with Title 30 MRSA, Section 2153 “Enactment Procedure”, (Enactment of Ordinance).

Section 4. LICENSE REQUIRED

No person shall keep, maintain, operate, lease or otherwise furnish, either to its members and guests or to the general public, any premises, building, apartments or place, or portion thereof, for use as a Bottle Club, without first having obtained a license and paying the fee therefore.

Notwithstanding any other provisions of this ordinance, a bonafide non-profit, charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization, organized under the provisions of 13 MRSA 901 and followed or recognized as such by 501 (c) (7) of the Internal Revenue Code, shall not be subject to the provisions of this ordinance provided:

a. They only occasionally allow activities or events at which their members, guests, or members of the public, provide their own alcoholic

beverages, paying a fee for consideration for admission, setups, or for any other reason.

b. Any revenues derived from such activities or events are solely for the use of, or benefit of, the organization.

c. They notify the Municipal Officers at least 20 days in advance of the activity or event and obtain a permit from the Municipal Officers for each activity or event.

d. They otherwise comply with the ordinances and rules and regulations of the Town of Livermore Falls, and the Statutes and rules and regulations of the State of Maine.

Section 5. Licensing Authority

Licenses shall be issued by the Municipal Officers. The Municipal Officers shall grant a license only when they find that the applicant is in strict compliance with the requirements of this ordinance and other ordinances and rules and regulations of the Town of Livermore Falls, and with statutes and rules and regulations of the State of Maine.

Section 6. Definitions

A. Bottle Club. A "Bottle Club" is an establishment where no alcoholic beverages are sold, but where members, the guests, or members of the public, provide their own alcoholic beverages, paying a fee or other consideration for admission to the Bottle Club, setups, or any other reason.

B. Person. "Person" shall mean any natural person, corporation, association, or partnership.

C. Principal Officers. "Principal Officers" shall mean the applicant and any officer, director, stockholder, owner, manager, or person who either has a financial interest of any nature in a Bottle Club or directs any policy of a Bottle Club.

Section 7. Fees

Fees for a license for a Bottle Club shall be paid annually:

Bottle Club\$375.00

Section 8. Application and Information

Every applicant for a Bottle Club license shall:

A. Complete and file an application on a form prescribed by the Municipal Officers.

B. Deposit the prescribed license fee in advance with the Town Clerk.

C. Submit the completed application to the Town Clerk, together with attested copy of the Articles of Incorporation and Bylaws, if the applicant is a corporation; or Articles of Association and Bylaws, if the applicant is an association; or partnership documents, if the applicant is a partnership; as well as a list of all civil officers of the Bottle Club.

D. File an affidavit which will identify all principal officers, their places of residency at the present time and for the immediately preceding three years. Submission of false information in an application shall be a violation of this ordinance and such act shall be grounds for the denial of the application. There shall be a continuing obligation to, by affidavit, inform the Municipal Officers of any changes in the principal officers within 15 days after such changes occur.

Section 9. Eligibility

No person shall be licensed to keep, maintain, operate, lease, or otherwise furnish a Bottle Club unless the eligibility requirements found in Title 28, 201, are met by said person in its principal officers.

Section 10. Description of the Premises

Every applicant for a Bottle Club license shall include in the application a description of the premises for which a license is desired and shall set forth such other material information, description, or plan of that part of the

premises where it is proposed to consume or keep liquor, as desired by the Municipal Officers.

Section 11. Membership Rules

Membership in a Bottle Club shall be determined by written membership rules, which shall be promulgated by the principal officers of the Bottle Club.

Section 12. Investigation of the Applicant

The Municipal Officers or their designated agent shall fully investigate the principal officers of the Bottle Club for compliance with Title 28, 201 and shall fully investigate the premises of the Bottle Club for compliance with Town of Livermore Falls ordinances and rules and regulations, and with State of Maine statutes and rules and regulations, which are applicable. In doing so they may consult with the appropriate officials of the Town or of the State of Maine.

Section 13. Hearing

Upon receipt of each application for a Bottle Club license, and after the investigation provided for in Section 12, the Municipal Officers shall schedule a public hearing. The public hearing shall be conducted in a method consistent with the requirements of Title 28, 252.

Section 14. License not to be Transferable

A separate license must be obtained for each branch or separate establishment of the Bottle Club. Each license shall authorize the operation of such an establishment only at the location described in such license and in conformity with all applicable ordinances and laws. No license shall be transferred to another person or to any other location, except that licensed Bottle Club may change its name upon approval of the Municipal Officers, if its location remains the same.

Section 15. Display of License

Every Bottle Clubs shall exhibit its license at all times in a conspicuous place on its premises.

Section 16. Expiration

All licenses issued pursuant to this ordinance shall expire one year after the date of issuance.

Section 17. Proximity to Schools and Churches

No Bottle Club license shall be granted under this ordinance to premises situated within 300 foot of a public or private school, school dormitory, church, chapel or parish house, in existence as such as the time such license is applied for. The 300 foot distance shall be measured from the main entrance from the school, school dormitory, church, chapel, or parish house by the ordinary course of travel.

Section 18. Minors Not Permitted on Bottle Club Premises

No person under the age of 20 years shall be permitted in or on that part of the premises subject to the control of any Bottle Club.

Section 19. Entertainment

For the purposes of the Town of Livermore Falls Special Amusement Ordinance and Rules and Regulations, the applicant for a Bottle Club license shall be considered a licensee, and shall be subject to all provisions set forth in said ordinance, rules and regulations.

Section 20. Hours

The principal officers and employees of Bottle Clubs shall not permit the consumption of alcohol beverages on its premises between the hours of 2:00 a.m. and 6:00 a.m. on January 1st, and 1:00 a.m. and 6:00 a.m. on other days.

Section 21. Entrance

The entrance to every Bottle Club shall be plainly marked "Bottle Club, Members and Guests Only".

Section 22. Illegal Activities

The principal officers and employees of Bottle Clubs shall not knowingly permit any illegal activities to take place on the licensed premises. Law Enforcement Officers of the Town of Livermore Falls, the State and the County shall have the same access to the premises of a Bottle Club that they would have if the Bottle Club were an establishment licensed by the State for on-premises consumption of alcohol.

Section 23. Suspension or Revocation

A license to operate a Bottle Club, as provided for in this ordinance, may be denied, suspended or revoked by the Municipal Officers for either violation of or failure to comply with any of the provisions of this ordinance, or with the provisions of any other ordinances or rules and regulations of the Town of Livermore Falls, or Statutes or rules and regulations of the State of Maine. A license may be suspended or revoked by the Municipal Officers, only after Notice and Hearing.

Section 24. Rules and Regulations

The Municipal Officers are hereby authorized after public notice and hearing, to establish written rules and regulations governing the operation of the establishment and the issuance, suspension and revocation of Bottle Club permits.

Such rules and regulations shall be in addition to and consistent with all sections of this ordinance.

Section 25. Appeals

Appeals from any final decision of the Municipal Officers shall be taken by any party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedures.

Section 26. Penalty

In addition to any action which the Municipal Officers may take, violation of any provision of this ordinance shall be a civil violation and a fine not exceeding \$495.00 may be imposed, which shall accrue to the benefit of the

Town of Livermore Falls. Each day that a violation continues will be treated as a separate offense. The Municipal Officers may also seek injunctive relief, where appropriate.

Section 27. Severability

If any section or provision of this ordinance shall be found to be invalid, no other section or provision shall be invalidated thereby.

Section 28.

This ordinance shall be effective when adopted by the legislative body of the Town of Livermore Falls.

Adopted February 27, 1981