



Special Amusement Ordinance

Adopted Date: May 22, 1996

Certified By: *[Signature]* Date: 08-15-2023



Revision-001

Affix Town Seal:

Article 1

Title, Purpose & Definitions

Section 1.1: Title

This ordinance shall be known and cited as the “Town of Livermore Falls **Special Amusement Ordinance**, and will be referred to herein as “the Ordinance”.

Section 1.2: Purpose: Authority

The purpose of this Ordinance is to control the issuance of Special Amusement Permits pertaining to music, dancing, or entertainment in all public facilities within the boundaries of the Town of Livermore Falls, including those facilities licensed by the State of Maine to sell liquor. This section is adopted pursuant to Title 28-A M.R.S.A. §1054 and Title 30-A M.R.S.A. §3001, as may be amended or recodified.

Section 1.3: Definitions

As used in this Ordinance, unless the context otherwise indicates, the following terms have the following meanings:

Entertainment: For the purposes of this Ordinance, entertainment shall include any amusement, performance, exhibition or diversion, whether live, taped or otherwise, for the patrons or customers of the licensed premises whether provided by professional entertainers, by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value, by patrons induced by prizes or otherwise to act as entertainers, or by any other.

Licensee: For the purposes of this Ordinance, licensee shall include any person, individual, partnership, firm, association, corporation or other legal entity and shall include the holder of a license issued under Title 28-A of the Statutes of the State of Maine or any agent or employee of any such licensee.

Licensed Premises: Licensed Premises includes all parts of the contiguous real estate occupied or controlled by a licensee and used by the licensee in the operation of a business which includes activities covered by this ordinance.

Section 2.1.1: Sound Amplification Permit

No person shall use or maintain any outside sound amplifying equipment except under specific permit from the Code Enforcement Officer, or their designee.

The fee for this permit type shall be as established in the Town of Livermore Falls Fee Schedule, as may be amended from time to time.

The permits are subject to the following conditions:

1. A daytime permit is required for outside sound amplifying equipment used between the hours of 7:00 a.m. and 10:00 p.m. An extended hours permit shall be required for outside sound amplifying equipment used outside of the hours specified in this subsection and may be issued only if:
 - 1.1. Outside sound amplifying equipment is being used as part of a Special Amusement Permit, approved by the municipal officers; or
 - 1.2. Outside sound amplifying equipment is being used on publicly owned and controlled property in the Village District.
2. Amplification shall be limited to twelve (12) hours in any one (1) day, twenty-four (24) hours in any seven (7) day period and thirty-six (36) hours in any twenty-eight (28) day period for the same property. The Code Enforcement Officer, or their designee, may permit amplified sound in excess of these limitations if, and only if, the outside amplified sound equipment is being used on publicly owned and controlled property in the Village District.
3. Sound measured at a distance of fifty (50) feet from the sound amplifying equipment shall not exceed ninety (90) dB (A) for standard and large block event permits.
4. Sound measured at a distance of fifty (50) feet from the sound amplifying equipment shall not exceed 80 dB (A) for small event permits.
5. Sound measured off the property where the sound amplifying equipment is allowed under the permit, more than fifty (50) feet from the source, shall never be more than fifteen (15) dB (A) above the ambient noise level for standard and large block event permits.
6. Sound measured off the property where the sound amplifying equipment is allowed under the permit, more than fifty (50) feet from the source, shall never be more than ten (10) dB A above the ambient noise for small event permits.

employee of the Town of Livermore Falls sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the municipal officers may revoke, after notice and hearing, 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 who interferes with such officer, official or employee, while in the performance of their duty.

Section 2.3: Suspension or Revocation of Permit

The municipal officers may, after notice and hearing, suspend or revoke any special amusement permit which has been issued under this Ordinance on the grounds that the music, dancing or entertainment, so permitted, or activities related thereto, constitute a detriment to the public health, safety or welfare, or violates any municipal ordinances, articles, bylaws, rules and regulations or state laws.

Section 2.4: Officer on Duty

Whenever the licensee shall have on the premises patrons numbering more than five hundred (500) and when entertainment is in progress, the licensee shall provide a uniformed constable, approved by the municipal officers at a regular meeting, on the premises at all such times. Duties of the constable shall include, but are not limited to, enforcement of the general laws of the State of Maine and ordinances of the Town of Livermore Falls, including the provisions of this Ordinance and any rules and regulations adopted by the municipal officers hereunder.

Section 2.5: Rules and Regulations

The municipal officers are 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, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required of the permitted activities on those premises and the hours during which the permitted activities are permitted.

- D. 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 or any portion of the female breasts at or below the areola area thereof.

For the purposes of this section, display or displaying and expose or exposing shall mean unclothed or uncostumed or not covered by a fully opaque material and shall include, without limitation, appearing with only an opaque covering or appearing with only an opaque covering which adheres to the skin, such as body paint.

Section 2.9: Additional Conduct Constituting Offenses by Licensees

- A. The licensee shall not knowingly, intentionally or recklessly allow on his premises, conduct which is in violation of the laws of the State of Maine.
- B. Disorderly Conduct. The licensee shall not knowingly, intentionally or recklessly allow in his licensed premises any person or persons to engage in disorderly conduct, to wit: conduct which intentionally or recklessly causes annoyance to others by making loud and unreasonably noises or knowingly accosting, insulting, taunting or challenging any person with offensive, derisive or annoying words or by gestures or other physical conduct which would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of the person so accosted, insulted, taunted or challenged.
- C. Solicitation of Drinks. The licensee shall not allow on any licensed premises any person not a licensee or an employee who is then and there working, to frequent or loiter with the purpose of soliciting any other person, customer or patron to purchase any drink of any kind.
- D. Gambling. The licensee shall not allow on any licensed premises the use or occupancy thereof for gambling or games of chance as prohibited by the Statute of the State of Maine or ordinances, articles, bylaws or rules and regulations of the municipality; nor shall any licensee have or keep for gambling purposes on or about such licensed premises any dice, cards, bowls, quoits or other implements used in gambling, or allow any person resorting thereto to use or exercise for gambling purposes any of said games or any other unlawful game or sport therein.



Town of Livermore Falls

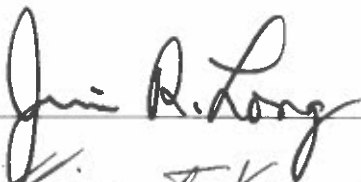

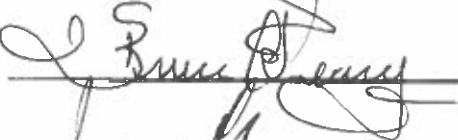
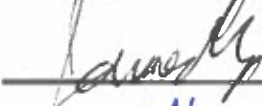

Municipal Officers' Certification of Official Test of a Proposed Ordinance [30-A M.R.S.A. § 3002(2)]

To the Town Clerk of the Town of Livermore Falls:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled "Town of Livermore Falls Maine - Special Amusement Ordinance (Amendment Section 2.1.1: Sound Amplification Permit)" which is to be presented to the voters for their consideration on August 15, 2023.

Pursuant to 30-A M.R.S.A §3002(2), you will retain this copy of the complete test of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting on the day of the vote.

Dated: July 18, 2023

Town of Livermore Falls Board of Selectpersons