

Order 165-06/07
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Public Hearing, Amended & Passed 4-4-07 7-2
(Cloutier, Suslovic)

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CITY OF PORTLAND
IN THE CITY COUNCIL

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**AMENDMENTS TO PORTLAND CITY CODE CHAPTER 4 (AMUSEMENTS) SECTIONS
4-1, 4-28, 4-41, 4-42, 4-51, 4-55, and 4-56**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN THE CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Section 4-1 is hereby amended to read:

Sec. 4-1. Chapter 15 Provisions to Apply.

Except to the extent that this Chapter contains a contrary provision, all provisions of Chapter 15 shall apply to and be additional to the provisions of this Chapter.
(Code 1968, § 904.6; Ord. No. 231-80, 12-22-80)

2. That Section 4-28 is hereby amended to read as follows:

Sec. 4-28. Reserved. (Relocated to new Section 4-1).

3. That Section 4-41 (Purpose) is hereby amended as follows:

Sec. 4-41. Purpose.

The purpose of this article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the state to sell liquor as provided by state law, entertainment in bottle clubs, and permits for after hours entertainment and to control the operation of dance halls, concert halls, single dances and single concerts.
(Code 1968, § 907.1; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95)

4. That Section 4-42 (Definitions) is amended as follows:

Sec. 4-42. Definitions.

Terms used in this article shall have their common meaning except that the definitions set forth in chapter 15 and/or in this section shall apply unless the context clearly indicates that a different meaning is intended.

After hours entertainment shall mean music, dancing, or entertainment provided between the hours of 1:00 A.M. and 7:00 A.M.

Concert shall mean the presentation of live or amplified music for the entertainment of a live audience gathered specifically for that entertainment.

Concert hall shall mean any building, room or hall which is kept or used for concerts open to the public.

Dance shall mean every dance not held in a private residence; other than a class in which instruction in dancing is given for hire, or any dance held in a school hall under direct supervision of school authorities, or any dance conducted by and exclusively for the benefit of any bona fide charitable organization.

Dance hall shall mean any building, room, hall, or other public place which is kept or used for public dancing, or which for compensation paid directly or indirectly to the owner, manager, or operator thereof, men, women or children are permitted to engage in dancing.

Entertainment shall mean and include any amusement, performance, or 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.

(Code 1968, § 907.3; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

5. That Section 4-51 (Required) is amended as follows:

Sec. 4-51. Required.

(a) No person licensed by the state to sell liquor to be consumed on the premises, and no bottle club licensed by the city, shall permit on the premises any music except that produced by radio or mechanical device, any dancing, or entertainment of any sort without an entertainment license from the city. The license required by this subsection and state law authorizes entertainment only during the hours when state law permits the sale of alcohol for consumption on the premises.

(b) After hours entertainment shall require a separate license as provided in this division. Operations under such separate license shall end at 3:00 a.m. Establishments that have a liquor license shall limit attendance to individuals who are at least 21 years old. Establishments that do not have a liquor license shall limit attendance to individuals who are at least 18 years old.

(c) No person shall conduct, maintain or operate a dance hall, a single dance, a concert hall or a single concert, as defined in section 4-42 of this Code, without a license.
(Code 1968, § 907.2; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Substitute Ord. No. 310-A-01, § 1, 8-20-01)

6. That Section 4-55 (Duration) is amended as follows:

Sec. 4-55. Duration.

Licenses shall be granted, denied, suspended, revoked or granted with a condition or conditions in accordance with chapter 15, but in the case of a special entertainment license, it shall be deemed terminated upon expiration or revocation of the respective state license to sell alcoholic beverages or the municipal bottle club license, as the case may be, prior to the expiration of the one-year period. Chapter 15 notwithstanding, the city council may also grant temporary entertainment licenses for a period of less than one (1) year when, in its sole discretion, it determines that one (1) or more trial periods is necessary to evaluate the impact of the entertainment on the peace and quiet of the neighborhood and on the public health, safety and welfare.

(Code 1968, § 907.7; Ord No. 231-80, 12-22-80; Ord. No. 92-95, 10-16-95; Ord. No. 186-02/03, 4-7-03)

7. That Section 4-56 (General provisions to apply) is amended as follows:

Sec. 4-56. General provisions to apply.

(Relocated to new Section 4-1).
(Code 1968, § 907.8; Ord. No. 231-80, 12-22-80)