

Order 63-06/07
Given first reading: 10/4/06
Public Hearing & Passage: 10/16/06 7-0
(Leeman, Geraghty gone)

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CITY OF PORTLAND
IN THE CITY COUNCIL

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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 4 (AMUSEMENTS)
ARTICLE III (MUSIC, DANCING AND SPECIAL ENTERTIANMENT)
DIVISION 2 (LICENSES)
SECTIONS §§ 4-61 THROUGH 4-63**

RE: MORATORIUM ON ENTERTAINMENT LICENSES AND LIQUOR LICENSES

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

*That Chapter 4, Article III, Division 2. is hereby amended by
adding new subsections §§4-61 through 4-63 as follows:*

Sec. 4-61. Findings and declaration of emergency.

(a) The City has experienced significant problems with live music evening entertainment in some areas of the city for several years including but not limited to problems arising when restaurants, bars and other facilities that offer live music entertainment as well as alcohol are open in the evening and generate crowds.

(b) The problems experienced by the city from crowds and individuals, include fights, brawls, illegal consumption of alcohol, excessive consumption of alcohol and levels and quantities of noise that regularly disturb residential homeowners and renters.

(d) The city has had a significant increase in dwelling units in recent years on and around both sides of Congress Street and Cumberland Avenue running from High Street to Washington Avenue, along both sides of Washington Avenue running from the intersection of Washington Avenue and Congress Street to the intersection of Washington Avenue and Gould Street, and along both sides of Free Street from Congress Square to Temple Street.

(e) More dwelling units are proposed for construction and occupancy along the streets and in the areas described in paragraph (d) above.

(f) The city has a 100' disbursement requirement on bars and other specific entertainment facilities in the Old Port to discourage the concentration of these activities and thereby discourage the generation of noise and other problems related to crowds in the evening and late-night early morning hours.

(g) Facilities with Class A Lounge and Class XI Restaurant/Lounge liquor licenses generally make most of their money from the sale of alcohol.

(h) There is no disbursement requirement on live entertainment facilities and facilities that have a Class A Lounge or Class XI Restaurant/Lounge license in the areas described in paragraph (d) above.

(i) In order to permit the development and implementation of reasonable controls that will effectively protect the public and nearby residents in the areas described in paragraph (d) from the adverse impact and problems arising from a concentration of live music entertainment facilities and those that serve alcohol in facilities with a Class A Lounge or Class XI Restaurant/Lounge license, particularly into the evening, and early morning hours, it is found and declared that a temporary moratorium is necessary to allow the city to accomplish these goals.

Sec. 4-62. Moratorium on the issuance of entertainment licenses and liquor licenses.

Notwithstanding any other provisions of this code, including but not limited to the provisions of chapter 4 (amusements), no new entertainment license for live music entertainment or a Class A Lounge or Class XI Restaurant/Lounge liquor license shall be issued or granted and no new application shall be accepted by the license administrator for those licenses from and after September 6, 2006 up to and including November 20, 2006 that allows live music entertainment or the service of alcohol after 8:00 p.m. and before 7:00 a.m. for any facility with an occupancy limit greater than 50 people located in the area described in Sec 4-61 (d) unless the main entrance or entrances into or out of the facility are at least 250 feet from the main entrance or entrances of any facility with either or both of the described licenses.

Sec. 4-63 Exceptions.

This moratorium shall not apply to the renewal of an existing license (including existing business facilities sold to a new owner) allowing live music entertainment or the service of alcohol under a Class A Lounge or Class XI Restaurant/Lounge license so long as such license was actually used for that purpose prior to September 6, 2006.

AND BE IT FURTHER ORDERED, that if enacted by the Council, the restrictions in this article shall apply from September 6, 2006.