

TOWN OF HAMPDEN, MAINE
PRIVATE EVENT VENUE LICENSING ORDINANCE

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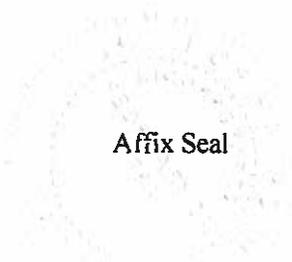
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ADOPTED: Hampden Town Council: Nov. 4, 2019
Effective: Dec. 4, 2019

CERTIFIED BY: Paula A. Scott
Paula Scott, Town Clerk



Affix Seal

Section 1. Purpose. The purpose of this ordinance is to license Private Event Venues as defined in the Zoning Ordinance to ensure compliance with local approvals and to provide an opportunity for the public to provide comments on the operation of such venues.

Section 2. Applicability. All Private Event Venues in the Town of Hampden are required to comply with the provisions of this Ordinance.

Section 3. License Required. In order to operate within the Town, the owner of a Private Event Venue must obtain a license from the Town Council on an annual basis.

Section 4. Relationship to Other Ordinances and Regulations.

- A. *Zoning Ordinance.* All Private Event Venues must be approved in accordance with the provisions of the Zoning Ordinance prior to applying for a license under this Ordinance.
- B. *Victualers Ordinance.* A Private Event Venue which provides food or drink to attendees which is prepared at the venue or by the owner/operator of the venue is required to obtain a Victualers License on an annual basis. A Private Event Venue that only provides food or drink via a duly licensed caterer is not required to obtain a Victualers license.
- C. *Liquor License.* A Private Event Venue which provides alcoholic beverages to attendees must possess a valid Liquor license from the state of Maine, which requires approval of the Town Council. A Private Event Venue that only provides alcoholic beverages via a duly licensed caterer is not required to obtain a Liquor license.
- D. *Concourse Gathering Ordinance and Special Amusement Ordinance.* Events, except as provided below, held at approved and licensed Private Event Venues are exempt from the Concourse Gathering Ordinance and from the Special Amusement Ordinance, however no event may exceed the maximum number of attendees or other limits as approved by the Planning Board. Outdoor concerts or events open to the general public for which an admission charge (monetary or otherwise) is imposed are limited to daylight hours unless a permit has been obtained under the Concourse Gathering Ordinance or the Special Amusement Ordinance, as applicable.

Section 5. New Year's Eve Events.

- A. If the owner of a Private Event Venue desires to hold events on New Year's Eve, The Town Council has the authority to permit a later closing time for that event provided the following criteria are met:
 - 1. A written request must be submitted to the Town Council at least 3 months in advance of the event (September 30th) which states the time upon which all attendees will vacate the property;
 - 2. There are no residences within 500 feet of the building in which the event is to take place;
 - 3. There must not be any outdoor activity associated with the event; and

4. Notification must be mailed to all property owners which directly abut the Private Event Venue parcel as well as to anyone who has requested notification under §4.26.2 of the Zoning Ordinance.
- B. The Town Council has the authority to approve the request as submitted, approve it with a different closing time, approve it with other conditions, or deny it.

Section 6. Application and Process.

- A. Application for a Private Event Venue license or license renewal shall be made on a form available from the Town Clerk. Each application must be accompanied by payment of an application fee pursuant to the Fees Ordinance. Incomplete applications will not be processed.
- B. Applications will be heard by the Town Council at a public hearing held at a regularly scheduled meeting. A notice of the hearing will be published in a local newspaper at least seven days prior to the meeting. Such notice will be mailed to all property owners of parcels within 300 feet of the subject property, plus any other property owners who request such notification.
- C. All Private Event Venues must be inspected prior to the issuance of a license or license renewal by the Code Enforcement Officer and the Fire Inspector to determine if they are in compliance with all local and state regulations and ordinances.
- D. The Treasurer and Tax Collector must certify that all sewer user fees and applicable taxes are current as of the date of the application.
- E. Reports on the operation of the venue may be submitted by other Town staff, including but not limited to the Director of Public Safety, the Director of DPW, and the Town Planner, and are to be considered by the Town Council in their deliberations on the application.
- F. Town Council shall make a decision on the application within 30 days of the close of the public hearing. The application may be denied if the Town Council finds cause based on the results of the required inspections, failure to pay sewer fees or personal property taxes, the reports of any Town staff, or testimony from abutters and others within the neighborhood where the venue is located. Town Council may issue a license or license renewal with conditions that must be complied with during the license period (e.g. reduced hours of operation from that approved by the Planning Board in the case of repeated violations or neighborhood complaints).
- G. A new license, when granted, is valid for one year and must be renewed annually in the month in which it was first issued.
- H. The current license must be displayed at the Private Event Venue in a location where it can readily be viewed by any attendee.
- I. In cases where multiple local licenses are required, they can be applied for concurrently and Town Council may grant them with a single public hearing.

Section 7. Penalty. Violations of this ordinance shall be prosecuted pursuant to 30-A M.R.S. § 4552. Any violation of this ordinance constitutes a nuisance. Any person found guilty of operating a Private Event Venue without a valid license to do so shall be subject to a fine of \$2,500.00 per day for each day of operation without the required license. If the Town prevails in an enforcement action pursuant to 30-A M.R.S. § 4552, it shall be awarded reasonable attorneys' fees and costs associated with bringing the enforcement action. The Town Council may also seek preliminary and permanent injunctive relief.

Section 8. Suspension or Revocation of License. The Town Council, upon notice and hearing, for cause, may at any time suspend or revoke a Private Event Venue license issued pursuant to this ordinance. Cause shall mean the violation of any license provision or any provision of this ordinance, or any condition constituting a threat to the public health, safety, or welfare, including but not necessarily limited to neighborhood disruption, disorderly attendees, or excessively loud or unnecessary noise that initiates complaints to or requires a response from police, fire, or other town regulatory bodies or employees.

Section 9. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.