

TOWN OF WATERBORO BOTTLE CLUB ORDINANCE

Adopted July 7, 1981

Section 1. License Required. No person shall keep, maintain, operate, lease, or otherwise furnish, either to its members and guests 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 s901, and following, or 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 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 15 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 ordinance and rules and regulations of the Town of Waterboro, and the statues and rules and regulations of the State of Maine.

Section 2. 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 Waterboro, and with statues and rules and regulations of the State of Maine.

Section 3. Definitions.

(a) Bottle Club. A "bottle club" is an establishment where no alcoholic beverages are sold, but where members, guests, or members of the public, provide their own alcoholic beverages, paying a fee 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 4. Fees. Fees for a License for a bottle club shall be paid annually:
Bottle Club.....\$375.00

Section 5. 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 Associations, 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 (3) years. Submission of false information in an application shall be a violation of this ordinance and such act shall be ground 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 fifteen (15) days after such change occurs.

Section 6. Eligibility. No license shall be issued to any natural person unless such person is at least 18 years of age and is a citizen of the United States and of this State. No license shall be issued to a partnership or to an association unless all are citizens of the United States and of this State. No license shall be issued to any corporation unless it shall be incorporated under the laws of this State or authorized to transact business in this State. No license shall be issued to any person who would not be eligible for a State of Maine Liquor license, No license shall be issued to any corporation, association or partnership of which any principal officers would not personally be eligible for a State of Maine liquor license. No license shall be issued in which any law enforcement official benefits financially either directly or indirectly.

Section 14. Proximity to Schools and Churches. No bottle club license shall be granted under this ordinance to premises situated within 300 feet 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 form the main entrance from the school, school dormitory, church, chapel, or parish house by the ordinary course of travel.

Section 15. 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 16. 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 p.m. on January 1st, and 1:00 a.m. and 6:00 p.m. on other days.

Section 17. Entrance. The entrance to every bottle club shall be plainly marked "Bottle Club, Members and Guests Only".

Section 18. Illegal Activities. The principal officers and employees of bottle clubs shall not knowingly permit any illegal activities to take place on the Licenses premises. Law Enforcement Officers of the Town of Waterboro, the State, and the County shall have the same access to the promises of a Bottle Club, that they would have if the Bottle Club were an establishment licensed by the State for on premise consumption of alcoholic beverages.

Section 19. 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 Waterboro, 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 20. 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 Procedure.

Section 7. 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 8. Membership Rules. Membership in a bottle club shall be determined by written rules, which shall be promulgated by the principal officers of the bottle club.

Section 9 Investigation of the Applicant. The Municipal Officers shall fully investigate the principal officers of the bottle club for compliance with Title 28, Section 201, and shall fully investigate the premises of the bottle club for compliance with the Town of Waterboro ordinances and rules and regulations, and with the 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 10. Hearing. Upon receipt of each application for a bottle club license, and after the investigation provided for in Section 9, the Municipal Officers shall schedule a public hearing. The public hearing shall be conducted in a method consistent with the requirements of Title 28 Section 252.

Section 11. 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 a licensed bottle club may change its name upon approval of the Municipal Officers, if its location remains the same.

Section 12. Display of License. Every bottle club shall exhibit its license at all times in a conspicuous place on its premises.

Section 13. Expiration. All license issued pursuant of this ordinance shall expire one year after the date of issuance.

Section 21. Penalty. In addition to any action which the Municipal Officers may take, violation of any provision of this ordinance shall be a civil 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 Waterboro. Each day that a violation continues will be treated as a separate offense. The Municipal Officers may also seek injunctive relief, where appropriate.

Section 22. 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 23. Effective Date. This ordinance shall be effective when passed by the legislative body of the Town of Waterboro.

Enacted Special Town Meeting July 7, 1981.