



TOWN OF GILFORD, NEW HAMPSHIRE

ENTERTAINMENT ORDINANCE

(CHAPTER 38)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this ordinance as the regulations by which the Town shall provide written authorization for on-premise liquor licensees to provide entertainment and dancing.

38.1 AUTHORITY

This Ordinance is adopted pursuant to the authority granted under RSA 179:19.

38.2 PURPOSE

The purpose of this Ordinance is to ensure the safety of dancers, entertainers and patrons of such establishments in accordance with the decency standards of the Gilford community, whereby the Town may provide written authorization as otherwise required by law for such activities at premises that sell alcoholic beverages. In addition, this Ordinance is enacted in recognition of the protections afforded to citizens under the First and Fourteenth Amendments of the United States Constitution.

38.3 REPEAL OF PREVIOUS REGULATIONS

This Ordinance shall supersede and replace the Town Ordinance Entertainment Permits as previously adopted on March 8, 2006 and subsequently amended on May 3, 2006.

38.4 ENTERTAINMENT PERMITS

Permits are divided into two (2) categories:

- I. Dancing/Live Entertainment
- II. Exotic Dancing/Unusual Entertainment.

I. Dancing/Live Entertainment Permit

- A. No person, persons, society, fraternal organization, association, corporation or other entity shall hold a public dance or provide live entertainment to the public in any hall, building, tent, business, or in any other location within the Town of Gilford that is licensed by the State of New Hampshire to sell alcoholic beverages without a permit issued by the Gilford Board of Selectmen or its designee.
- B. Any such permit shall be issued to the same person or entity named in the State of New Hampshire license to sell alcoholic beverages. A permit is not transferable to a new location operated by the same permit holder. A permit is not transferable to a new person or entity if ownership of the business or location changes or if the name on the liquor license changes.
- C. Any such permit may be issued for a single day event or for an entire year. Permits may be issued for a twenty-four (24) hour period or for one (1) year from the date of approval by the Board of Selectmen.
- D. The permits shall only be issued for Dancing/Live Entertainment held in locations approved by the Fire Department, Code Enforcement Office, Police Department and Board of Selectmen or its designee. The Town shall inspect the premises for which the permit is sought for fire and building code conformance prior to issuance of the permit. The Town will provide three (3) days notice prior to any pre-issuance inspection.

II. Exotic Dancing/Unusual Entertainment Permit

- A. No person, persons, society, fraternal organization, association, corporation or other entity shall offer or allow exotic/unusual entertainment in any hall, building, tent, business, or in any other location within the Town of Gilford that is licensed by the State of New Hampshire to sell alcoholic beverages without a permit issued by the Gilford Board of Selectmen or its designee.
- B. Any such permit shall be issued to the same person or entity named in the State of New Hampshire license to sell alcoholic beverages. A permit is not transferable to a new location operated by the same permit holder. A permit is not transferable to a new person or entity if ownership of the business or location changes, or if the name on the liquor license changes.
- C. Any such permit may be issued for a single day event or for an entire year. Permits may be issued for a twenty-four (24) hour period or for one (1) year from the date of approval by the Board of Selectmen.
- D. The permits shall only be issued for Exotic Dancing/Unusual Entertainment held in locations approved by the Fire Department, Code Enforcement Office, Police Department and Board of Selectmen or its designee. They shall inspect the

premises for which the permit is sought for fire and building code conformance prior to issuance of the permit. The Town will provide three (3) days notice prior to any pre-issuance inspection.

38.5 FEES

- A. A yearly permit may be issued for an annual fee of \$200.00 per permit type issued. In the event that an applicant files for a dual permit of Dancing/Live Entertainment– Exotic Dancing/Unusual Entertainment, the fee shall be a total of \$300.00 per year. Non-profit or educational organizations shall be subject to a \$50.00 annual permit fee.
- B. A license fee for a single day permit shall be \$25.00. The license fee for a non-profit or educational organization single day permit shall be \$10.00.

38.6 DEFINITIONS

- A. “Dancing” or “public dancing” is dancing by patrons in a space provided by the licensee for that purpose, and includes dancing to recorded or live music of any type. Music for dancing includes, but is not limited to, music produced by coin-operating machines played by customers or by the licensee and live music produced by patrons or other persons regardless of whether they are paid for their services. Exotic dancing is a type of “unusual entertainment;” it is not “dancing” or “public dancing”.
- B. “Entity” means any and all persons, natural and artificial, including any individual, firm, corporation or association serving alcohol to the general public pursuant to a license by the N.H. Liquor Commission.
- C. “Exotic dancing” means a type of unusual entertainment in which the primary content and purpose is to make sexually explicit gestures or movements, to display nude human figures, or to display persons wearing minimal clothing designed to expose female breasts or male or female buttocks or genitalia, and includes, but is not limited to, strip tease routines in which clothing is removed during the course of the performance.
- D. “Live Entertainment” means at least one person employed with or without compensation to entertain guests or patrons on the premises of a licensed establishment and shall include, but not be limited to, musicians, disc jockeys, theater companies and other related performers. Mechanical music, automated recordings of any type, videos or films by themselves shall not be considered live entertainment. Audience participants shall not be considered live entertainment.
- D. “Nude” means the showing of the human male or female genitals or pubic area, with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the

covered male genitals in a discernibly turgid state. Pasties and G-strings shall be considered a minimum adequate level of attire to comply with requirements of this ordinance.

- E. "Unusual Entertainment" means contests involving audience participation, including, but not limited to swimsuit contests, wet tee shirt contests, hot legs contests, best body contests, hard body contests, tattoo contests and toga parties.

38.7 APPLICATION PROCESS

- A. Applicants desiring a permit for Dancing/Live Entertainment or Exotic Dancing/Unusual Entertainment shall file an application supplied by the Town of Gilford with the Selectmen's Office or their designee.
- B. The applicant shall be required to attach a copy of their current and valid NH State Liquor License to the application at the time of its submission.
- C. The applicant shall be required to be in compliance at all times with any requirements of Federal and State Law or Local Ordinances of the Town of Gilford that may be required.
- D. The Town of Gilford shall process the permit application within 21 days of receipt by either accepting or denying the application.
- E. If the application is denied, a written narrative explaining the reasons for denial shall be attached to a copy of the application and returned to the applicant for their review.
- F. The appropriate fee for the requested permit shall be attached at the time the application is filed.

38.8 CONDITIONS OF PERMIT

- A. Employees shall not consume alcoholic beverages while working, consistent with RSA 179:20.
- B. All performers shall wear g-strings at all times and female performers whose breasts are exposed shall wear pasties at all times. No clear latex will be allowed.
- C. Exotic dance performers are to have absolutely no physical contact with customers during public/private performances.
- D. Exotic dance performers receiving tips and gratuities shall receive them only in the hand of the performer or in his or her garter or g-string.

- E. Exotic dance performers are prohibited from taking or accepting tips from customers using any part of their anatomy other than their hands.

38.9 DENIAL OR REVOCATION OF LICENSE – APPEAL PROCESS

- A. The Board of Selectmen or their designee may revoke or suspend an issued permit at any time for any violation of any Town of Gilford Ordinance or Regulation.

The Board of Selectmen or its designee may revoke or suspend an issued permit for any violation under Title XIII: Alcoholic Beverages, Chapters 175 through 180 of NH State Law.

- B. In the event that a permit is denied, suspended or revoked, the applicant shall have the right to appeal such a decision, by filing a written request to the Board of Selectmen within thirty (30) days. Upon receipt of the appeal, the Board of Selectmen shall hold a hearing in accordance with RSA 43:2 (14 days prior notification and posting).
- C. The Selectmen, upon completing the hearing, shall issue a written decision on their findings.

38.10 POSTING OF PERMIT

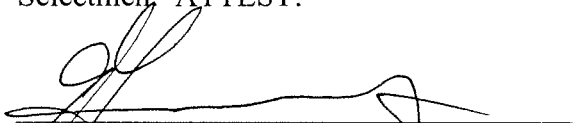
The permit shall be posted in a conspicuous place within the area of the event or business.

38.11 MISCELLANEOUS REGULATIONS

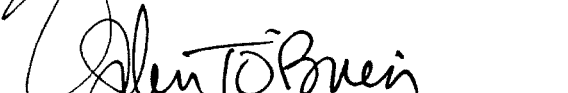
- A. Any establishment with a dancing/live entertainment or an exotic dancing/unusual entertainment permit shall allow representatives of the Police Department, Fire Department, Town Administration, or Code Enforcement Office to inspect the premises of the entertainment facility at any time the facility is open for business. These inspections shall happen no more frequently than every ninety (90) days unless good cause is shown for more frequent inspections. The purpose of such inspections is to ensure compliance with all applicable statute, codes, ordinances, regulations and laws.
- B. Any person, persons, society, fraternal organization, associations, corporation or other entity that fails to comply with the provisions of this Ordinance or is found operating without a permit as required under this Ordinance shall be guilty of a violation and subject to a fine of up to one thousand dollar (\$1,000) per violation as may be determined by the District Court. Each day (or portion thereof) of non-compliance and each different rule infraction shall constitute a separate violation.
- C. The Board of Selectmen or its designee is hereby given authority to enforce the provisions of this ordinance and to take action in any court of competent jurisdiction in law within the State of NH.

- D. The invalidity of any provision of this ordinance shall not affect the validity of any other provisions.
- E. This ordinance shall take effect upon its passage and any ordinance or parts of ordinances inconsistent herewith are hereby repealed.

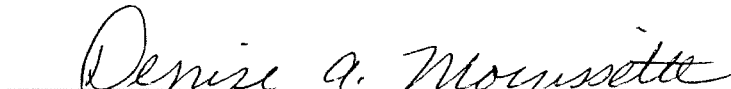
IN WITNESS WHEREOF, this Entertainment Ordinance is hereby amended, adopted and approved on the 7th day of April, 2009 by the Gilford Board of Selectmen, ATTEST:


Gus Benavides, Chair


J. Kevin Hayes, Vice-Chair


John T. O'Brien, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 9th DAY OF April, 2009, BY:


Denise A. Morrissette, Town Clerk

Approved March 8, 2006
Effective May 1, 2006
Amended May 3, 2006
Amended April 8, 2009





**TOWN OF GILFORD, NH
ENTERTAINMENT APPLICATION**

PLEASE PRINT ALL INFORMATION

Applicant:

Business Trade Name _____

Business Address _____

Mailing Address _____

Town/Zip Code _____

Phone Number _____

Contact Person _____

herein applies for a permit for

() Dancing/Live Entertainment

() Exotic Dancing/Unusual Entertainment

() Yearly Permit

() Daily Permit _____
Date

in the Town of Gilford, NH. The applicant agrees to abide by all Town of Gilford Ordinances and Regulations in the conduct of its business in Gilford, including, but not limited to Ordinances and Regulations concerning Building, Health, Fire Prevention, Planning Department, Code Enforcement, Police Department, Public Works Department, Board of Selectmen, Administrative Codes, Enforcement Codes, Zoning Ordinances, as well as all Federal and State Laws.

() Check if non-profit or educational organization. Tax ID # _____

Requirements:

1. Applicant must attach a valid copy of their current State of NH Liquor License.
2. No entertainer or performer will be under the age of 18 years old.
3. Applicant attests they are familiar with Chapter XIII Alcoholic Beverage Laws.

OTHER

Has the applicant's premises received an Occupancy Permit from the Planning Department for this type of use? Y Date of Occupancy Permit _____

Has the applicant's premises received an Assembly Permit from the Fire Department for this type of use? Y Date of Occupancy Permit _____

DEPARTMENT SIGNOFFS

The following section must be completed prior to acceptance of the application for consideration. Departments may attach conditions to the signoffs and/or indicated that approval is tentative or subject to further review:

_____ **Department of Planning and Land Use**
The above application has been reviewed by this department and applicant has met all permitting requirements. The business is consistent with zoning regulations or has been approved through variance.

Department of Planning and Land Use _____

_____ **Police Department**
The above application has been reviewed by this department and applicant has met all permitting requirements and/or other requirements of this department.

Police Department _____

_____ **Fire Department**
The above application has been reviewed by this department and applicant has met all permitting requirements and/or other requirements of this department.

Fire Department _____