



# Issuance of Entertainment Licenses

SELECT Board

Town of Boxborough, MA

## Intent and Purpose

This policy establishes and standardizes the procedure relating to the application for Entertainment Licenses in the Town of Boxborough (“the Town”). This policy is applicable only to **publicly held events**.

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## Policy

Chapter 140, Section 183A of the Laws of the Commonwealth, provides for the licensing of certain **publicly held** events, including but not limited to “Theatrical Exhibitions, Public Amusements, etc.” The statute is not applicable to privately held events. The Select Board (“the Board”), as the Local Licensing Authority (LLA), is charged with the responsibility of issuing these licenses, determining that the licensee is a proper person to engage in the business, that a suitable place of business exists for the activities being licensed and that such provisions as may be required for public order and safety are ensured.

No establishment holding an alcoholic beverage license or a Common Victualler License, issued by the Board, shall offer entertainment without being licensed in accordance with these regulations. For purposes of this policy, entertainment is defined, as stated in Chapter 140, §183A, as any live or recorded music, the use of an amplification system, dancing by patrons, dancing by entertainers or performers, a theatrical exhibition, play or moving picture show, a floor show of any description, a light show of any description, or any other dynamic audio or visual show, whether live or recorded, and automatic amusement devices as defined in Chapter 140, §177A.

## Rules and Regulations

The following rules and regulations are intended to enable the Board to determine the appropriate parameters for limiting impacts to the neighbors of the establishment and to the community at large due to the establishment and the entertainment provided therein. These rules and regulations are hereby adopted to guide the Board in reviewing and ruling upon applications for Entertainment Licenses.

- All applicants shall submit to the Board the Entertainment License Application covering any given calendar year, and incorporating therein a brief description of the **public** entertainment events planned for that year. Upon receipt of a fully completed application, the Board will, within forty-five (45) days, either grant a license or provide to the applicant an opportunity for a hearing on the application. The applicant shall be informed of the opportunity for the hearing by written notification with at least seven (7) days' notice. The license shall be either granted or denied within thirty (30) days following the hearing. If said license is denied, the reasons for denial shall be stated in writing.
- As part of the application process, applicants must sign a certification of payment of state taxes pursuant to Chapter 62c, §57.
- Applicants shall submit all forms and additional documentation as required to the Board along with the annual fee of One Hundred Dollars (\$100) in cash, or certified, treasurer's or cashier's check issued by a responsible bank or trust company and payable to "Town of Boxborough."
- In the case of entertainment events at which One Hundred Fifty (150) or more attendees are expected, the licensee shall inform the Board at least 30 days prior to such event of the particulars of the event so that appropriate measures ensuring the public order and safety may be formulated and imposed upon the licensee as conditions on the event. Within 21 days of such notification of entertainment event parameters, the Board will communicate to the licensee any and all conditions required for the safe and orderly conduct of the event.
- For those events requiring notification to the Board, as outlined above, the licensee shall furnish information about the event that is being proposed, including expected attendance, type of sporting event, concert, exhibition, dance, or public show; as well as the specific location and condition of the premises; and the actions, procedures, and other measures proposed by the licensee to preserve the public order, the public health and safety.
- Individual entertainment events conducted under a license granted as described herein shall be conducted in such a manner so as to:
  - Protect employees, patrons, and members of the public, both on and off the premises, from disruptive conduct, criminal activity, and from health, safety and fire hazards.
  - Prevent an unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises.
  - Prevent an unreasonable level of pedestrian or vehicular traffic in the area of the event, and to prevent an unreasonable level of increased parking in the area of the premises.
- Licenses may be issued by the Board with conditions to be imposed upon particular events as is determined appropriate and necessary. The decision to place further conditions on events shall be solely at the discretion of the Board.

- The hours of the Entertainment License shall not extend beyond the hours of operation as stated on the establishment's alcoholic beverage license or Common Victualler License, and may be further limited for individual events at the discretion of the Select Board.
- Prior to the issuance of an Entertainment License for live entertainment, the Board may require a review by the Board of Health, Fire Department, Police Department, and the Building Department, as well as proof that all necessary approvals, permits, and other licenses needed to operate have been issued.
- Entertainment licenses shall be issued on an annual basis for a period ending on December 31<sup>st</sup>.
- The license holder may seek to amend the license during the year to add a new type of event.

### Compliance with State and Local Laws and Regulations

All licensees must conform to the provisions of any and all relevant state or local laws, copyright laws, permits, codes or other requirements.

The Board reserves the right to establish further limitations or modifications to the conditions of the license for individual events with prior notice to the license holder.

A licensee who fails to maintain the premises, implements or facilities, or who fails to conduct the business in a proper manner as required shall have the license revoked

### Revocation of License

If any licensee conducts the licensed business in an improper manner, or, if in the opinion of the Board, a license holder ceases to be engaged in the business it is licensed to pursue, or fails to maintain on the premises the implements or facilities required by law, the Board may, after notice to the license holder and with reasonable opportunity for a hearing, suspend or revoke the license upon satisfactory proof thereof.

*This policy revokes and replaces all previous policies on this topic including the Policy on Issuance of Entertainment Licenses dated October 2008.*