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Outdoor means beyond the exterior walls of any durable building, including without limitation, tents, gazebos and covered pavilions.

**Section 6-158. – License required.**

It shall be unlawful for any person to conduct or operate any Public Event/Entertainment or Amusement within the Town which is open to the public and for admittance, without having first secured a license therefor from the Town Council. Only the owner of the property to be licensed or an authorized agent of the owner may apply for and hold an entertainment event license.

**Section 6-159. - Application for license.**

Any person for such an entertainment license shall file application in a form approved by the Town Council. Such form shall be filed with the Town Clerk’s Office. Upon receipt of an application for license under this article, the Town Clerk shall transmit the application to the Chief of Police, Fire Chief, DPW Director, Tax Collector & Building Official for review. Applications found incomplete or erroneous may be denied by the Town Council.

**Section 6-160. – Compliance with other laws.**

Every applicant for a license or licensee under this article shall comply with all state, federal and local laws relative to health, safety and welfare of the public. The application fee for a license under this division shall be as set in Sec. 6-166.

**Section 6-161 – Date of filing application.**

Application for an entertainment license shall be filed at least fourteen (14) days prior to the Town Council meeting at which it will be considered in public hearing.

**Section 6-162. - Hearing on application, notice.**

Upon receipt of an application for a license under this article, the Town Clerk shall assign it for hearing before the Town Council and shall cause notice of such hearing to be published in a newspaper of general circulation at least once, one (1) week prior to the hearing date. Such notice shall state the name and address of the applicant, the nature and date of the proposed entertainment, and a description of the particular location for which the license is requested. Such notice shall also state that remonstrants are entitled to be heard before the granting of such license and shall name the time and place of the hearing. Furthermore, the Town Clerk shall give similar notice by regular mail at least one (1) week prior to the hearing to the owners of all property within three hundred (300) feet of the perimeter of the premises in or on which the entertainment is sought to be located. The applicant shall bear the cost of the mailing.

92 **Section 6-163. – Objection by neighbors.**

93  
94 Any owner or occupant of premises within one-fourth of a mile of the location of the  
95 proposed entertainment shall be entitled to object and to be heard.

96  
97 **Section 6-164. – Recommendation of chief of police and fire chief.**

98  
99 (a) The chief of police and the fire chief shall submit a written recommendation to the  
100 Town Council regarding issuance of a license for the date or dates specified in such  
101 application, including any restrictions deemed necessary.

102  
103 (b) Licensees holding three-month and yearly licenses shall notify the police & fire  
104 departments in writing not later than the 25th day of the month of all dates in the ensuing  
105 month on which entertainment is to be offered. The notice shall include the type of  
106 entertainment to be offered.

107  
108 (c) The chief of police and fire chief shall determine whether and to what extent  
109 additional police/fire protection reasonably necessary for the fire protection, purposes of  
110 traffic, crowd control and security will be required for the event or entertainment. Payment  
111 of all police details assigned or provided by the Town shall be paid by the applicant.

112  
113 **Section 6-165. – Safety, health, and welfare requirements.**

114  
115 In accepting a license for a special entertainment, the licensee shall accept responsibility  
116 for meeting the following safety, health, and welfare requirements.

- 117  
118 A. The applicant shall provide an off-street parking area, with an adequate number of  
119 attendants to supervise orderly handling of traffic and with a number of police  
120 officers or Constables as determined necessary by the Chief of Police.  
121 B. The applicant shall supply portable toilets at both the site of the entertainment and  
122 the site of the parking area to meet the requirements of the Building Official.  
123 C. All trash and recycling shall be collected and removed from both the entertainment  
124 area and the parking area within twenty-four (24) hours after the conclusion of the  
125 entertainment.  
126 D. In addition, the applicant shall be responsible for compliance with all state, federal  
127 and local laws relating to health, safety and welfare of the public at public  
128 gatherings.

129  
130 **Section 6-166. – License fee.**

131  
132 Each applicant for a public event and/or entertainment license shall pay to the Town Clerk,  
133 upon filing his application, a license fee in an amount set by the Town Council as set out  
134 below and shall also pay the expenses of the notice to be given by the Town Clerk as above  
135 specified. In the event that, after hearing, any application for an entertainment license is  
136 denied, the Town Clerk shall refund the applicant the filing fee.

| <u>License</u>              | <u>Fee Amount</u> |
|-----------------------------|-------------------|
| <u>Special Event</u>        | \$100.00          |
| <u>Annual Entertainment</u> | \$250.00          |

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**Section 6-167. - Conditions for issuance.**

The Town Council shall conduct a hearing upon each application for an entertainment license. The Town Council may grant such a license only if it shall find that the proposed entertainment would not constitute a public nuisance and if it shall find that the applicant has made adequate provisions for medical assistance, fire protection, police protection, parking facilities, protection of neighboring property, crowd control, sanitary facilities, sufficient food and water, and the like. In no event shall any entertainment license be issued without a certificate from the zoning inspector that such entertainment is a permitted use on the premises either pursuant to the zoning ordinance of the Town or by a final decision of the zoning board of review of the Town with respect to an application for a variance or special exception. All entertainment and ancillary uses associated with the event shall be limited to the area specified by the license.

**Section 6-168. – Special event expenses incurred.**

The licensee shall also be required to pay for all other special expenses incurred as a result of the granting of the license. The agreement by the licensee to pay the expenses hereinabove set forth shall be a condition to the granting of the license by the Town Council.

**Section 6-169. – Issuance restricted.**

No entertainment license shall be issued to any applicant currently in arrears in any tax or assessment levied by the Town, or for use upon any premises for which any such taxes or assessments are unpaid at the time of the filing of the application. The applicant seeking such license shall submit a certificate from the tax collector that all such taxes and assessments have been paid at the time the application is filed.

**Section 6-170. – Waivers. –**

The Town Council may, in its discretion, waive the FEE ONLY for any special entertainment that is being conducted by a charitable, civic or fraternal organization.

**Section 6-171. – Penalty for violation.**

Any person violating any of the provisions of this article shall be fined in accordance with Chapter 1 General Provisions; continuing violations - Section 1-4. Each day of the existence of a violation shall be deemed a separate offense. In addition, any violation of this article shall be grounds for revocation of the entertainment license.

- 181 A. Any license holder who violates the terms of the license or any ordinance of the  
182 Town of Scituate shall be subject to a fine of up to \$500 for each violation;  
183 (pursuant to Section 1-4. – General penalty; continuing violations.)  
184 B. In addition, the Town Council may revoke a license for the calendar year, or  
185 suspend it, or reissue it conditionally, or deny any application for a subsequent  
186 calendar year, after notification has been given to the license holder and a duly  
187 advertised Show Cause Hearing has been convened by the Town Council acting in  
188 its capacity as the local licensing and regulatory authority for alcoholic beverages  
189

190 **Section 6-172. – Recurring events.**

191  
192 Special entertainment licenses may be issued as single event licenses or as a recurring  
193 event, the duration and frequency of which shall be approved by the Town Council for a  
194 period of no more than one year.

- 195  
196 A. Recurring licenses may be renewed provided the license renewal application is  
197 complete and timely and submitted at least three months prior to the expiration of  
198 the license.  
199

200 **Section 6-173. – Outdoor Special Events**

201 All outdoor special events must comply with the provisions of this ordinance as well as the  
202 following requirements.

- 203  
204 A. Outdoor entertainment shall be strictly limited to the hours of 7 a.m. through 7 p.m.  
205 unless a waiver is approved by the Town Council.  
206 B. To limit the projection of sound beyond the property lines, any amplification  
207 equipment or projection of sound shall be directed away from abutting properties  
208 to the extent practicable. The holder of an outdoor entertainment license shall  
209 cooperate with any officials of the Town of Scituate in the collection of accurate  
210 noise data.  
211

212 **Section 6-174. – Exceptions.**

213 This chapter shall not apply to:

- 214  
215 A. Events sponsored by the Town of Scituate or the School Committee;  
216 B. Traditional Town of Scituate sanctioned events such as the Scituate Rotary Farmers  
217 Market, VFW Memorial Day Parade, Hope-Jackson Fire Dept. Fourth of July  
218 fireworks display, Scituate Art Festival, Lions/Police Halloween Parade, VFW  
219 Veterans Day Parade; Funerals and funeral processions.  
220

221 **Section 6-175. – Nudity on premises where alcoholic beverages are offered for sale.**

222  
223 (a) Pursuant to R.I.G.L. § 3-7-7.3 and with reference with any and all Class B license  
224 holders:  
225

226 (1) It shall be unlawful for any holder of any Class B license maintaining,  
227 owning, or operating a commercial establishment located within the town, to suffer or  
228 permit any:

- 229 i. Person, while on the of such commercial establishment, to expose to the  
230 public view that area of the human breast at or below the areola thereof.
- 231 ii. Person, while on the premises of such commercial establishment, to employ  
232 any device or covering which is intended to give the appearance of or  
233 simulate such portions of the human breast as described in subsection (1)a.
- 234 iii. Person, while on the premises of such commercial establishment, to expose  
235 to public view his or her genitals, pubic area, buttocks, anus or anal cleft or  
236 cleavage.
- 237 iv. Person, while on the premises of such commercial establishment, to employ  
238 any device or covering which is intended to give the appearance of or  
239 simulate the genitals, pubic area, buttocks, anus, anal cleft and cleavage.

240  
241 (2) It shall be unlawful for any person while on the premises of any Class B  
242 license holder located within the town, to expose to public view that area of the human  
243 breast at or below the areola thereof or to employ any device or covering which is intended  
244 to give the appearance or simulate such areas of the breast as described herein.

245  
246 (3) It shall be unlawful for any person while on the premises of any Class B  
247 license holder located within the town, to expose to public view his or her genitals, pubic  
248 area, buttocks, anus, or anal cleft or cleavage, or to employ any device or covering which  
249 is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus,  
250 or anal cleft or cleavage.

251  
252 (b) With reference to any and all other license holders;

253  
254 (1) It shall be unlawful for any person maintaining, owning, or operating a  
255 commercial establishment located within the town at which alcoholic beverages are offered  
256 for sale for consumption on the premises, to suffer or permit any:

- 257  
258 i. Person, while on the premises of such commercial establishment, to expose  
259 to the public view that area of the human breast at or below the areola  
260 thereof.
- 261 ii. Person, while on the premises of such commercial establishment, to employ  
262 any device or covering which is intended to give the appearance of or  
263 simulate such portions of the human breast as described in subsection (1)a.
- 264 iii. Person, while on the premises of such commercial establishment to expose  
265 to public view his or her genitals, pubic area, buttocks, anus or anal cleft or  
266 cleavage.
- 267 iv. Person, while on the premises of such commercial establishment, to employ  
268 any device or covering which is intended to give the appearance of or  
269 simulate the genitals, pubic area, buttocks, anus, anal cleft and cleavage.

270

271           (2)     It shall be unlawful for any person, while on the premises of a commercial  
272 establishment located within the town at which alcoholic beverages are offered for sale for  
273 consumption on the premises, to expose to public view that area of the human breast at or  
274 below the areola thereof or to employ any device or covering which is intended to give the  
275 appearance or simulate such areas of the breast as described herein.

276  
277           (3)     It shall be unlawful for any person, while on the premises of a commercial  
278 establishment located within the town at which alcoholic beverages are offered for sale for  
279 consumption on the premises, to expose to public view his or her genitals, pubic area,  
280 buttocks, anus, or anal cleft or cleavage, or to employ any device or covering which is  
281 intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, or  
282 anal cleft or cleavage.

283  
284           (c)     Any person who shall violate any provision of this section shall be guilty of an  
285 offense against the town punishable as provided in Section 6-171

286  
287           (d)     If any provision of this section, or its application to any person or circumstances,  
288 shall be held invalid, the remainder of the section, or the application of the provision to  
289 other persons or circumstances shall not be affected.

290  
291           (e)     If the owner, operator, licensee, lessor, lessee, manager, employee or any other  
292 person participating in the operation of the establishment located within the town at which  
293 alcoholic beverages are offered for sale for consumption on the premises shall violate or  
294 be in violation of any of the provisions of this section, the town council shall revoke the  
295 license for such establishment after giving reasonable notice thereof to the holder of such  
296 license and affording the holder an opportunity to be heard as to why the revocation shall  
297 not be issued.

298  
299     **[Sections 6-176 – 6-180: Reserved]**

300  
301     **SECTION 2.** The Town Clerk is hereby authorized to cause said changes to be made to the  
302 Town of Scituate’s Code of Ordinances.

303  
304     **SECTION 3.** This ordinance shall take effect immediately upon passage.

305  
306     Attested To By:

Passed By Town Council On:

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308  
309     \_\_\_\_\_  
Margaret M. Long, Town Clerk

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