

# Town of Auburn, Massachusetts

Julie A. Jacobson  
Town Manager



## Board of Selectmen

Scott C. Wrenn, Chairman  
Sara Rufli, Vice Chairman  
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Section 300

## BOARD OF SELECTMEN POLICY

### Policy on Issuance of Outdoor Entertainment Licenses

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

*Purpose:* This policy is adopted to protect, preserve, and promote the health, safety, peace and order of the citizens of Auburn through the control of excessive noise detrimental to the enjoyment of life and property. This policy acknowledges and emphasizes that regulation is necessary to balance the ability of licensed establishments to have outdoor entertainment and music with the rights of those living in the area to be undisturbed by excess noise.

*Authority:* This policy is adopted under authority of Chapter 3 of the Town Charter, as well as MGL Chapter 140, Section 183A. Pursuant to said authority, the Board of Selectmen, as Licensing Authority, is authorized to issue, condition, suspend and revoke Entertainment Licenses as appropriate.

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 Outdoor Entertainment Licenses.

1. If possible, 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 place the application on the next scheduled agenda for a hearing. The applicant, or his/her designee, needs to be present for the hearing. Abutters shall be notified by the applicant.
2. Applicants shall submit all forms and additional documentation as required to the Board along with the annual fee as set by the Board of Selectmen.
3. Once the application has been filed, the applicant or his/her designee shall meet with the Development Coordinating Group (DCG) prior to the Board of Selectmen hearing. Applicants 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. Applicants shall provide a copy of Certificate of Insurance for liability.

4. 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.
  - Parking must be provided on-site. If overflow parking is anticipated, it must prevent an unreasonable level of pedestrian or vehicular traffic in the area of the event and on the premises. Police details may be required by the Board of Selectmen.
5. The hours of the Entertainment License shall not extend beyond the hours approved by the Board of Selectmen.
6. 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.

#### **Compliance with State and Local Laws and Regulations:**

1. All licensees must conform to the provisions of any and all relevant state or local laws, permits, codes or other requirements. Under M.G.L. Chapter 136, §4, any entertainment held on a Sunday requires the approval of the Department of Public Safety, in addition to the Town of Auburn. If approval for entertainment on a Sunday has been granted by the Town of Auburn, the Town Manager, or the Town Manager's designee, shall forward to the Department of Public Safety three (3) copies of each of the completed application and license, along with the additional state fee.

#### **Massachusetts Department of Public Safety:**

(NOTE: These are additional State fees for Sunday Entertainment Licenses)

Fees per occurrence (Individual Sunday(s))

- Regular Hours (Sunday 1:00 P.M. – Midnight): \$2.00
- Special Hours (Sunday 12:00 A.M. - Midnight): \$5.00

Annual Fee (For operation on every Sunday in a calendar year)

- Regular Hours (Sunday 1:00 P.M. – Midnight): \$50.00
- Special Hours (Sunday 12:00 A.M. - Midnight): \$100.00

2. The Board of Selectmen 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.
3. 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.

## **Enforcement and Revocation**

In order to preserve and protect public health, safety, and order as aforesaid, the Board of Selectmen may place conditions upon an Outdoor Entertainment License. The Board of Selectmen may also modify, suspend or revoke a license issued pursuant to M.G.L. Chapter 140, §183A and this policy for any violation of the conditions imposed on such license, violation of law, or violation of any rule or regulation promulgated by the Board of Selectmen pursuant to the authority of M.G.L. Chapter 140, §183A, provided that the Board of Selectmen concludes that the license, taken alone or in combination Policy - Outdoor Entertainment Licenses 102 Central Street Auburn, MA 01501 Telephone (508) 832-7720 Fax (508) 832-6145 with other licensed activities on the premises, has adversely affected the public health, safety or order as stated in the preceding paragraph. Prior to taking such action, the Board of Selectmen must provide the licensee with the opportunity for a hearing, preceded by written notice at least 10 days prior to the hearing date.

If the Board receives complaints regarding excessive detrimental noise created by a licensee, the Board of Selectmen reserves the right to hold a hearing pursuant to M. G. L. Chapter 140, §183A and take such action as is appropriate, including issuance of a warning, suspension, modification and/or revocation of the Outdoor Entertainment License. The authority of the Board of Selectmen under M.G.L. Chapter 140, §183A and this policy in no way prevents other agencies or officers of the Town from taking appropriate action under state or local law.

Approved as submitted – September 12, 2016