

OAK BLUFFS BOARD OF SELECTMEN
POLICY FOR THE
GRANTING OF ENTERTAINMENT LICENSES
AND NOISE COMPLAINT PROCEDURES

FEBRUARY, 2007

PURPOSE:

The Board of Selectmen recognizes the need to clarify the issuance of entertainment licenses, the circumstances by which they are issued, and the process used to grant or deny them. This policy shall govern the issuance of entertainment licenses by the Board of Selectmen acting as the licensing authority.

MGL REFERENCE:

Massachusetts General Law ch. 140 sec. 181, sec. 183A.

PROCESS:

Process Length: Approximately four to six weeks.

Fee: \$125 hearing and advertising fee. The licensing fee starts at \$110 and is on a sliding scale depending on category of entertainment.

Step 1:

The annual Entertainment License applies to automatic amusement, music machines, live entertainment, as well as other forms of entertainment. The applicant must obtain and complete:

- a. Annual Entertainment License application:
The license application lists categories of entertainment such as live music, video games, jukeboxes, etc., which are to be checked off as applicable.
- b. Licensed Premises Inspection Approval form
- c. Questionnaire attached to application defining parameters of desired license, as well as minutes of the Board of Directors for corporate applications.

The final submission to the Selectmen must also include:

- a. a floor plan designating street and number, entrances and exits, the type of establishment, and the exact location and number of machines to be licensed.
- b. a copy of the Article of Organization if the applicant is a corporation, and/or a copy of the Business Certificate (or DBA) obtainable through the Town Clerk's Office.

Step 2:

The applicant must submit the Licensed Premises Inspection Approvals form along with a floor plan to the Building Inspector's office for zoning approval.

Step 3:

The applicant will then submit all paperwork to the Selectmen and pay a \$125 hearing and newspaper advertising fee. The applicant must notify abutters identified from the Oak Bluffs assessor's list. The Selectmen will schedule a hearing on the second or fourth

Tuesday of the month. The applicant must attend the License hearing. The Selectmen have the option to grant, deny, or grant with restrictions, such as time, amplification, ect.

Step 5:

The Fire Department will inspect the site based on the Selectmen's hearing agenda.

Step 6:

After the first year of this policy in which all entertainment licenses would be subject to a hearing, the Selectmen reserve the right to waive the hearing requirement for only those establishments that have not been the subject of a written complaint to the selectmen's office or the police department.

ENTERTAINMENT LICENSE COMPLAINT PROCESS

June, 2007

1. Noise complaint filed with Police Department either in person or by telephone (508-693-1212).
2. Police Department investigates complaint and files detailed report.
3. Police Chief, or his designee, shall notify the Town Administrator of the complaint.
4. The Board of Selectmen shall decide whether to hold an entertainment licensing hearing based upon the recommendation of the Town Administrator and the Police Chief.
5. If no hearing is held, the Board, Town Administrator or Police Chief may issue an informal warning to the establishment owners.
6. If a hearing is ordered, the license holder will be given at least ten (10) days' written notice to appear at a Board of Selectmen meeting for an entertainment licensing hearing.
7. At the hearing, the Selectmen shall consider the complaint and any testimony from the license holder, the police, complainants, or other witnesses.
8. Upon a finding that conditions existed at the time of the complaint that would have justified denial of the original license, the Board may choose to do the following pursuant to the provisions of MGL Chapter 140, section 181:
 - a. Conditions may be imposed upon the license;
 - b. Revocation of the license, or;
 - c. Suspension of the license for a period of time.