

ORDINANCE NO. 23-03

TOWN OF SCITUATE

AN ORDINANCE AMENDING CHAPTER 6, LICENSES AND  
MISCELLANEOUS BUSINESS REGULATIONS

SECTION 1. The Town Council of the Town of Scituate hereby ordains that Chapter 6 ("Licenses and Miscellaneous Business Regulations"), of the Code of Ordinances, Town of Scituate is hereby amended as follows:

**Article VII – Public Entertainment and Article XII – Outdoor Entertainment are deleted in their entirety and replaced as shown below in a new Article VII – Public Events & Entertainment**

Note: Words set as ~~strikeover~~ are to be **deleted** from the ordinance; words set in underline are to be **added** to the ordinance.

**ARTICLE VII – PUBLIC EVENTS & ENTERTAINMENT**

**Section 6-156. – Purpose.**

The purpose of this chapter is to establish standards to provide one-time and limited recurring public events & entertainment (both indoor and outdoor) and to provide notice to the Town of Scituate so precautions for orderliness, safety, pedestrian and vehicular traffic, noise levels, and other issues may be enforced. This chapter is also intended to protect and promote the peaceful enjoyment of property by neighboring residents. This chapter is not intended to prohibit uses that are otherwise allowed by right or special use permit as regulated under the Town of Scituate Zoning Ordinance.

**Section 6-157. – Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Special Event means any outdoor parade, concert, carnival, festival, fair, farmers market, car shows, winery events or other event as may be designated by the Town Council.

Public Entertainment means an event or series of events or activities, to which the public is invited to watch, listen or participate, or is conducted for the purposes of holding the attention of, getting the attention of or diverting or amusing guests or patrons, including but not limited to singing, live music, playing of musical instruments or recorded music, whether amplified or not.

Indoor means within the exterior walls of any durable building, with doors and windows closed.

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

Applicant means an owner, or authorized agent of the owner, submitting an application under this chapter.

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

It shall be unlawful for any person to conduct or operate any Special Event or Public Entertainment 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 give notice by regular mail at least one (1) week prior to the hearing to the owners of all property within two hundred (200) feet of the perimeter of the premises in or on which the entertainment is sought to be located and cause a notice to be sent by email or electronic means that residents may subscribe to for general Town notices. 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 two hundred (200) feet 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 event and public entertainment, the licensee shall accept  
116 responsibility 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 a sanitation facility(ies) plan to be approved by the  
122 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 special event and/or public entertainment license shall pay to the Town  
133 Clerk, upon filing his application, a license fee in an amount set by the Town Council as  
134 set out below and shall also pay the expenses of the notice to be given by the Town Clerk  
135 as above specified. In the event that, after hearing, any application for an entertainment  
136 license is denied, the Town Clerk shall refund the applicant the filing fee.  
137



<u>License</u>	<u>Fee Amount</u>
<u>Non-Recurring Event</u>	<u>\$100.00</u>
<u>Recurring Event</u>	<u>\$250.00</u>

**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 for properties 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. – [Reserved]**

**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.

- A. Any license holder who violates the terms of the license or any ordinance of the Town of Scituate shall be subject to a fine of up to \$500 for each violation; (pursuant to Section 1-4. – General penalty; continuing violations.)

- 181 B. In addition, the Town Council may revoke a license for the calendar year, or  
182 suspend it, or reissue it conditionally, or deny any application for a subsequent  
183 calendar year, after notification has been given to the license holder and a duly  
184 advertised Show Cause Hearing has been convened by the Town Council acting in  
185 its capacity as the local licensing and regulatory authority for alcoholic beverages  
186

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

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

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

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

198 All outdoor special events must comply with the provisions of this ordinance as well as the  
199 following requirements.  
200

- 201 A. Outdoor entertainment shall be strictly limited to the hours of 7 a.m. through 9:30  
202 p.m. unless a waiver is approved by the Town Council.  
203 B. To limit the projection of sound beyond the property lines, any amplification  
204 equipment or projection of sound shall be directed away from abutting properties  
205 to the extent practicable. The holder of an outdoor entertainment license shall  
206 cooperate with any officials of the Town of Scituate in the collection of accurate  
207 noise data.  
208

209 **Section 6-174. – Exceptions.**

210 This chapter shall not apply to:  
211

- 212 A. Events sponsored by the Town of Scituate or the School Committee;  
213 B. Traditional Town of Scituate sanctioned events such as the Scituate Rotary Farmers  
214 Market, VFW Memorial Day Parade, Hope-Jackson Fire Dept. Fourth of July  
215 fireworks display, Scituate Art Festival, Lions/Police Halloween Parade, VFW  
216 Veterans Day Parade; Funerals and funeral processions.  
217 C. Any Special Event or Public Entertainment that is being sponsored by or for a  
218 charitable organization (as proven by the appropriate certificate), civic or fraternal  
219 organization shall be exempt from the provisions of this chapter, provided however  
220 that the applicant shall: 1) provide an application for license in accordance with  
221 Section 6-159 and 2) be bound by the provisions in Section 6-165, Section 6-171  
222 and Section 6-173.  
223



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

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

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

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

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

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

255  
256 (b) With reference to any and all other license holders:

257  
258 (1) It shall be unlawful for any person maintaining, owning, or operating a  
259 commercial establishment located within the town at which alcoholic beverages are offered  
260 for sale for consumption on the premises, to suffer or permit any:

- 261  
262 i. Person, while on the premises of such commercial establishment, to expose  
263 to the public view that area of the human breast at or below the areola  
264 thereof.
- 265 ii. Person, while on the premises of such commercial establishment, to employ  
266 any device or covering which is intended to give the appearance of or  
267 simulate such portions of the human breast as described in subsection (1)(i).



- iii. Person, while on the premises of such commercial establishment to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage.
- iv. Person, while on the premises of such commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft and cleavage.

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

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

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

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

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

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

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

**SECTION 3.** This ordinance shall take effect July 1, 2024.

Attested To By:

Margaret M Long  
Margaret M. Long, Town Clerk

Passed By Town Council On:

May 23, 2024

