

	Town of Plymouth	
	<b>Entertainment Licenses/Amplified Music Policy for Public Establishments</b>	
Effective Date	Immediately	
Expiration Date	None	
Date Last Revised	January 16, 2007	
Town Manager	Signed – January 23, 2007	
Selectmen Vote	Adopted – January 23, 2007	

Originally Written: January 16, 2007

Intent: This policy is adopted to protect, preserve, and promote the health, safety, peace and order of the citizens of Plymouth 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 excessive 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.

**CONTENT:** Radios, Bands, Entertainment, etc.

The using, operating, or permitting to be played, used or operated, of any amplified radio, television, band, musical instrument, or other machine or device for the producing or reproducing of sounds outside in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or in violation of the conditions of an Entertainment License is strictly prohibited, subject to fines as outlined in the Noise Bylaw, and will subject the licensee to further regulation as outlined in this policy.

**AMPLIFIED MUSIC at PUBLIC ESTABLISHMENTS:** Any person managing, owning, or controlling an establishment required to obtain and hold a liquor license or other license issued pursuant to G.L. c.138, §12 or G.L. c.140, §§2. 21A, or 21E, who wishes to use, operate, permit to be played, used or operated any radio, television, band, or music that is amplified and/or played outside, must apply for and obtain an Entertainment License from the Board of Selectmen through the Town Manager's Office.

**APPROVAL PROCESS:** The Board of Selectmen as licensing authority shall grant a license under this policy in accordance with the requirements of G.L. c.140, §138A, unless the Board finds that the license, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety or order, in that the concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to: (a) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct; from criminal activity, or from health,

safety or fire hazards; (b) 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; or (c) prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises or an unreasonable increase in the number of vehicles to be parked in the area of the premises.

In order to preserve and protect the public health, safety, and order as aforesaid, the Board of Selectmen may place conditions upon an Entertainment License. The Board of Selectmen may also modify, suspend or revoke a license issued pursuant to G.L. c.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 G.L. c.140, §183A, provided that the Board of Selectmen concludes that the license, taken alone or in combination 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.

**ENFORCEMENT:** 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 G.L. c.140, §183A and take such action as is appropriate, including issuance of a warning, suspension, modification and/or revocation of the Entertainment License. The authority of the Board of Selectmen under G.L. c.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.