

# ENTERTAINMENT LICENSE CHECKLIST

## Commercial (Indoor Only)

Application \_\_\_\_\_

Agenda Request \_\_\_\_\_

Council Hearing Date \_\_\_\_\_ (provided by Licensing Clerk)  
application must be submitted 14 days before council meets.

\$100 Fee \_\_\_\_\_ Checks made payable to: Town of Tiverton

\$1,000,000 of commercial general liability insurance coverage.

Abutters List (400 ft radius) Provided to the Town Clerks Office \_\_\_\_\_

Postage fees Paid to Town of Tiverton \_\_\_\_\_  
49 cents per abutter

Advertisement Paid to Town of Tiverton \_\_\_\_\_  
after advertisement has been published

**All other applicable Permits/Licenses where needed: \_\_\_\_\_**

Ex. Liquor License, Victualling License, Holiday License

**Applicant must meet with Fire, Building, and Police**

**Following Contacts:**

**Chief of Police ( Thomas Blakey ) 401-624-6717**

**Fire Marshal (Thomas Mello) 401-625-6786**

**Building Official (Neil Hall) 401-625-6715**

**(appointments can be made through Jodi Roy, Building Official Assistant.)**

**See application, agenda request, and ordinance attached below.**

**REQUEST TO BE PLACED ON THE AGENDA  
FOR A MEETING OF THE  
TIVERTON TOWN COUNCIL**

**1. NAME OF PERSON OR ORGANIZATION:**

**2. SUBJECT OF AGENDA REQUEST:**

**3. EXPLAIN NATURE OF REQUEST OR COMPLAINT:**

**SIGNATURE**\_\_\_\_\_ **DATE:**\_\_\_\_\_

**Please Note: Unless otherwise instructed, this request will be a public document. A copy of this request and any attachments will be given to each Councilor prior to the meeting and, if applicable, to any appropriate Department, Board, Commission and/or Officer.**

**Agenda items must be submitted to the Town Clerk's office before 3:00 p.m. on Tuesday prior to the meeting date.**

# TOWN OF TIVERTON, RHODE ISLAND

## TOWN CLERK'S OFFICE

NANCY L MELLO  
TOWN CLERK

### APPLICATION COMMERCIAL ENTERTAINMENT LICENSE (INDOOR ONLY)

Name of Applicant/Responsible Party: \_\_\_\_\_

Residence Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Name of Corporation or Association: \_\_\_\_\_

**License Request Location:** \_\_\_\_\_

Type of Entertainment: \_\_\_\_\_

#### Hours of Operation:

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
AM							
PM							

Average Number of Attendees: \_\_\_\_\_

Musicians or Entertainers Participating: \_\_\_\_\_ Amplified: \_\_\_\_\_

Off Street Parking with Zoning letter approval \_\_\_\_\_

Insurance Provider \_\_\_\_\_ (Commercial General Liability \$1,000,000 coverage)

#### Drawn Plan: Drawn to Scale

Facility Layout including: emergency exits, sanitation facility locations, stage, tables, bar etc. along with exact size and dimensions of entertainment area.

SIGNATURE OF RESPONSIBLE PARTY: \_\_\_\_\_

#### Office Use Only

Date Filed with Town Clerk: \_\_\_\_\_

Fire Approval \_\_\_\_\_ Detail(s) Needed \_\_\_\_\_ Police Approval \_\_\_\_\_ Detail(s) Needed \_\_\_\_\_

Building Approval \_\_\_\_\_ Permits Needed \_\_\_\_\_ Abutters List (400ft radius of premises) \_\_\_\_\_

Mail date: \_\_\_\_\_ Tax Clearance \_\_\_\_\_

(THE APPLICATION MUST BE FILED WITH THE TOWN CLERK NO LESS THAN FOURTEEN DAYS PRIOR TO THE TOWN COUNCIL MEETING)

## Chapter 51 AMUSEMENTS

### Article I. Public Entertainment

#### Division 1. Generally

Sec. 51-1. Definitions.  
Secs. 51-2--51-20. Reserved.

#### Division 2. License

Sec. 51-21. License required.  
Sec. 51-22. License application; information required.  
Sec. 51-23. Fees; contents; terms.  
Sec. 51-24. Approval.  
Sec. 51-25. Prerequisites for obtaining a license.  
Sec. 51-26. Reserved.  
Sec. 51-27. Compliance with other laws.  
Sec. 51-28. Revocation or suspension.  
Sec. 51-29. Operation without a license.  
Sec. 51-30. Waiver.  
Sec. 51-31. Annual license year.

## ARTICLE I. PUBLIC ENTERTAINMENT

### DIVISION 1. GENERALLY

#### Sec. 51-1. Definitions.

*Public entertainment* means any gathering at which music or entertainment is provided by live performances or prerecorded means or a show or exhibition which is held indoors or out of doors to which members of the public are invited or admitted for a charge, or free of charge, by any person (including a corporation or commercial business) or organization residing or doing business in the town. Any license for public entertainment does not include adult entertainment which is otherwise regulated by zoning ordinance and this Code.

*Commercial businesses* means those establishments that desire to provide public entertainment for the primary purpose of increasing the business' profits whether through a cover charge, increased patronage, sales, or any other method.

*Non-commercial entities and individuals* means those individuals or organizations that desire to provide public entertainment on a limited basis, not more than twice per year. Non-commercial entities and individuals seeking a license for more than twice per year shall be deemed commercial businesses for the purpose of this chapter.

(Ord. of 3-9-09)

Secs. 51-2--51-20. Reserved.

### DIVISION 2. LICENSE

#### Sec. 51-21. License required.

No business, organization, or individual shall maintain, operate or conduct any public entertainment within the town without first obtaining a license from the town council or the town clerk as set forth herein.

- (1) Commercial businesses.

a. *Indoor public entertainment.*

1. No person, corporation, or organization doing business in the town, whether or not holding a holiday selling license, victualing license and/or an alcoholic beverage license, shall conduct or operate indoor public entertainment without first obtaining a public entertainment license.
2. The license granted hereunder shall not permit such entertainment to extend beyond the authorized time of such victualing or Sunday selling license. In the case of an alcoholic beverage license, entertainment shall not extend past midnight, unless otherwise determined by the town council.
3. It shall be the duty of the police chief and fire chief to determine whether or not the assignment of a detail police officer or detail fire fighter is needed. All police officers and/or fire fighters shall be paid at the prevailing hourly rate by the license applicant. The chief of police and fire chief may also restrict the number of persons allowed in the entertainment area as deemed necessary for the protection of the public health, welfare and safety.
4. The applicant shall meet the following additional safety, health and welfare requirements:
  - (i) The applicant shall provide the town clerk with evidence of commercial general liability insurance with a minimum of \$1,000,000.00 of coverage.
  - (ii) The applicant shall provide an off-street parking area which at minimum shall meet zoning requirements of the particular zone in which the premises to be licensed is located.
  - (iii) All trash and rubbish shall be collected and removed from both the entertainment area and the parking area within 24 hours after the conclusion of the entertainment.

b. *Outdoor public entertainment.*

1. Outdoor public entertainment as part of a person or organization's regular business functions is prohibited.

(2) *Non-commercial entities and individuals.*

- a. *Indoor public entertainment.* No license is required for indoor public entertainment provided free of charge by non-commercial entities and individuals. However, if holding a public entertainment event that may reasonably include more than 100 persons, or if any fee is charged, whether a cover charge or an admission charge, or a required or even a "suggested" donation, then a license shall be required from the town clerk.
- b. *Outdoor public entertainment.* Non-commercial entities and individuals desiring to provide outdoor public entertainment must obtain a public entertainment license from the town clerk, and if the noise level of such entertainment will exceed that allowed by article IV of chapter 38 of this Code, then a separate sound variance shall also be required from the town council.

- c. The town council, pursuant to title 5, chapter 22, of the General Laws of Rhode Island, and the town clerk as delegated herein, may place reasonable conditions on the issuance of a public entertainment license having due regard for the public convenience, welfare and safety of its residents, and for the prevention of nuisances, excess noise and maintenance of public peace.
- d. The license must be displayed by the applicant at the location where the entertainment has been approved. The license must be easily observed by patrons and town officials.

(Ord. of 3-9-09)

### **Sec. 51-22. License application; information required.**

(a) Any person or organization applying for a public entertainment license shall file an application in a form, approved by the town clerk, at least 14 days prior to the town council meeting at which it shall be considered, and at least 14 days prior to the event if issued by the town clerk. The application shall set forth the following information and such other information as may reasonably be required:

- (1) The name, residence, mailing address and telephone number of the person making the application. Where the person making the application is a partnership, corporation or other association, this information shall be required for all partners, officers, directors or members.
- (2) The days and hours during which the proposed public entertainment is to be conducted.
- (3) The nature and types of activities that will occur.
- (4) The number of musicians or entertainers that will participate in the event.
- (5) Whether or not the proposed show, exhibition or similar entertainment is to be amplified.
- (6) The approximate number of spectators and participants reasonably expected to be present or participate in the event.
- (7) A plan, drawn to scale, depicting the exact location of the event including the exact size and dimensions of the entertainment area and its approximate distance and relative location from the public entrance of the building or other enclosed area where applicable.
- (8) The location and number of health and sanitation facilities.
- (9) Written proof that the applicant is 18 years of age or older.
- (10) Other information as may be required by the town council or town clerk.

(b) For commercial businesses only, upon receipt of an application for a public entertainment license, an advertisement shall be placed in a local newspaper by the town clerk, at the applicant's expense, providing notice to the public of the town council meeting date at which the application will be heard. Notice of the hearing date shall also be mailed, at least two weeks prior to the date of the hearing, by the applicant to the abutters within a 400-foot radius of the premises at which the entertainment is to occur. Certification of such mailing and a list of abutters shall be submitted to the town clerk prior to the town council's consideration of the application.

(Ord. of 3-9-09)

### **Sec. 51-23. Fees; contents; terms.**

The fees shall be set by the town council by resolution from time to time.

The license shall be issued at the time of payment, provided that all conditions and requirements for issuance have been met. Every license issued under this article shall specify the name and address of the person licensed, or if a corporation, the names and addresses of all stockholders and officers, the address where the public entertainment will take place and the hours, and the expiration date of the license. The term for a license under this article shall not exceed one year.

(Ord. of 3-9-09)

#### **Sec. 51-24. Approval.**

Upon receipt of the properly prepared application and fee, the town clerk shall forward copies of the application to the director of public safety, the chief of police, the fire chief, the zoning enforcement officer and the building inspector and other such officials as the director of public safety may deem necessary. Such officials shall review and investigate matters relevant to the application and, within ten days of its receipt, shall make any pertinent reports, comments or recommendations about the application to the town council in writing.

(Ord. of 3-9-09)

#### **Sec. 51-25. Prerequisites for obtaining a license.**

The town council or town clerk shall NOT approve the issuance of a license under this article if the town council or town clerk finds one or more of the following to be true:

- (1) The applicant has not provided all the information requested under section 5-92 or has not complied with all other obligations as set forth in this article.
- (2) The applicant has falsely answered any question or request for information reasonably necessary for issuance of the license.
- (3) The applicant is overdue in payment of any town taxes, fees, fines or penalties as of the date of application.
- (4) The applicant has maintained, operated or conducted any public entertainment within the last 12 months and has demonstrated an inability to operate or manage such public entertainment in a peaceful or law abiding manner, thus necessitating action by police or other law enforcement.
- (5) There is other just cause to conclude that the issuance of a permit would be inconsistent with the purpose of this article.

(Ord. of 3-9-09)

#### **Sec. 51-26. Reserved.**

#### **Sec. 51-27. Compliance with other laws.**

(a) Every applicant for a license under this article shall show that the proposed entertainment and the premises used for the entertainment complies with all applicable federal, state, and local laws relative to health, safety and welfare of the public, including, but not limited to, zoning, traffic, parking, and fire protection before any license is issued or renewed by the town council.

(b) No licenses shall be issued or renewed to any applicant currently in arrears in any tax or assessments levied by the town at the time of the filing of the application. The applicant shall submit proof that all such taxes

and assessments have been paid at the time the application was filed.  
(Ord. of 3-9-09)

**Sec. 51-28. Revocation or suspension.**

All licenses granted under this article may be revoked at the sole discretion of the town council, even if granted by the town clerk. Sufficient cause to refuse further licenses under this article and to suspend or revoke any licenses issued under this article or deny renewal of a license originally issued under this article shall include but is not limited to the failure of the licensee to strictly comply with the provisions of this article and the laws of the state and of any terms and conditions imposed by the town council on the licensee. Upon denial, suspension or revocation of such license, the licensee shall be ineligible to reapply for a license for a period of two years from such denial, suspension or revocation.  
(Ord. of 3-9-09)

**Sec. 51-29. Operation without a license.**

In addition to any action pursuant to section 51-28, any person who maintains, operates or conducts any public entertainment within the town without first obtaining a license, or in any location other than that specified in the license, and any licensee in violation of this article, shall be fined pursuant to section 51-23 for each offense. Each day of operation shall constitute a separate offense under this section.  
(Ord. of 3-9-09)

**Sec. 51-30. Waiver.**

The town council, but not the town clerk, may, upon good cause shown, waive licensing requirements of this chapter consistent with public safety, health and welfare.  
(Ord. of 3-9-09)

**Sec. 51-31. Annual license year.**

The annual public entertainment license year shall be from December 1<sup>st</sup> through November 31<sup>st</sup> of each year. Partial year license fees may be prorated by the clerk.