

ENTERTAINMENT POLICY

I. PURPOSE

The purpose of this policy is to provide regulations for indoor and outdoor entertainment in the Town of Wellesley. The Select Board will consider these guiding objectives for the granting of entertainment licenses:

- Create public spaces that contribute to people’s health, happiness, and enjoyment of Wellesley and with each other.
- Support businesses and other entities in creating vibrancy and engagement in our business districts while ensuring that the level of noise in a particular area is not unreasonably increased.
- Balance the needs and desires of various business district activities and neighboring residents.

II. GENERAL PROVISIONS

A. **Licensing Authority.** These regulations are adopted and may be amended from time to time by the Select Board serving as the Local Licensing Authority.

B. **General License Conditions.** All licenses issued in accordance with these regulations are subject to the following conditions:

1. The entertainment must be conducted in such a manner as to protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, from criminal activity, and from health, safety, or fire hazards.
2. The entertainment shall be conducted in such a manner as to 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. To the maximum extent possible, the licensee shall keep amplified sound limited to the licensed premises. For outdoor amplified sound, the volume shall not exceed 70 dBA, unless otherwise approved.
3. The entertainment shall be conducted in a manner designed to 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.
4. The space provided for entertainment shall be confined to areas described on the license application and approved by the Select Board.
5. The licensed premises shall be maintained in a clean and sanitary condition.

The Select Board may place additional reasonable conditions on the issuance of a license in order to preserve and protect the public health, safety and order, to guard against the

creation of a nuisance, or to ensure adequate safety and security for patrons or the affected public.

- C. **Site Visits.** The Executive Director, or their designee, or the Chair of the Select Board, or their designee, may require a site visit to be performed, as part of the application review process for all licenses issued under this policy.
- D. **Inspections.** Licensed premises shall be available at all times for inspection by the Building Inspector, Police Chief, Fire Chief, the Select Board, or Board of Health, or any of their designees.
- E. **Enforcement.**
 - 1. The Select Board may modify, suspend or revoke a license for any violation of these rules and regulations, or any other bylaw, rule, or regulation of the Town of Wellesley, or for any violation of state or federal law, after a hearing held pursuant to this Section.
 - 2. The Chair of the Select Board may call a hearing to modify, suspend, or revoke a license issued under this policy. At the request of the Wellesley Police Department, the Select Board shall meet to determine whether to hold a hearing to modify, suspend, or revoke a license.
 - 3. The Select Board shall provide ten (10) calendar days written notice of a hearing to modify, suspend, or revoke a licensee.
 - 4. Any decision of the Select Board to modify, suspend, or revoke a license shall be in writing and shall be deemed final.
 - 5. The Select Board may petition the Superior Court to enjoin any violation of this policy, if necessary.

III. ENTERTAINMENT LICENSES

- A. **Applicability.** This Section applies to licenses issued pursuant to M.G.L. c. 140, § 181; M.G.L. c. 140, § 183A; or M.G.L. c. 136, § 4. Specifically, this Section applies to:
 - 1. The holder of a Common Victualler's License under M.G.L. c. 140, § 2 or an On-Premises Alcohol License under M.G.L. c. 138, § 12 providing Live Entertainment and Non-Live Entertainment, including, but not limited to, indoor and outdoor recorded background music and televisions.
 - 2. The operators of a theatrical exhibition, public show, public amusement or exhibition of any description where an admission fee is charged or, after free admission, such amusement or exhibition is furnished upon payment of a fee,

providing Live Entertainment and Non-Live Entertainment, including, but not limited to, indoor and outdoor recorded background music and televisions.

B. Application.

1. General Application. Any establishment seeking an Entertainment License under this Section must complete and submit an application form prescribed by the Select Board. The Board may request that the applicant submit additional information in writing relating to the condition of the premises and any actions to be taken to prevent danger to the public safety, health, or order.
2. Sunday License. If applicable, the applicant shall also submit the Division of Occupational Licensure's Sunday Entertainment License Form, and the fee prescribed by the Division to the Select Board along with the application materials required.

C. Determination.

1. Within thirty (30) calendar days of receiving a fully completed application, the Executive Director, or their designee, may either grant the license or schedule, with the consent of the Select Board Chair, a Select Board hearing to act on the application, preceded by at least ten (10) calendar days written notice to the applicant; provided, however, that a hearing in front of the Select Board shall be held on:
 - i. Any application involving (1) outdoor entertainment, or (2) indoor Live Entertainment; or
 - ii. Where the Select Board would be precluded from issuing the license, as specified in Section III.C.2.

A copy of such notice shall also be provided by certified mail to all real property owners within a 300 foot radius of the licensed premises measured from the edge of the license premises. In the case of a hearing, the Select Board shall act on the application within thirty (30) calendar days of the hearing.

2. The Select Board shall grant a license unless it finds that the license, taken alone or in combination with other licensed activities on the premises, would:
 - i. Adversely affect the public health, safety or order; and
 - ii. Cannot be conducted in a manner 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.

3. Upon denial of an application, the Select Board shall provide the applicant with a written decision accompanied by a statement of reasons for the denial. No applicant who has been denied a license may submit the same or similar application within one year of denial without including in the application facts that show substantial changes to the circumstances upon which the original denial was based.

D. Conditions. A licensee under this Section is subject to all terms and conditions set forth in M.G.L. c. 140, § 181; M.G.L. c. 140, § 183A; or M.G.L. c. 136, § 4, as applicable, as well as Section II of this Policy and any additional terms and conditions imposed by the Select Board. Licenses issued for events taking place on property in the care, custody and control of the Town, including real property of Wellesley Public Library, Natural Resources Commission, or the School Committee, shall be subject to any additional terms or policies applicable to the use of such property.

E. Hours of Operation. The Select Board shall establish the hours during which the licensed activities may occur. The Select Board may limit the hours for certain activities or specific areas of the licensed premises. The allowed hours, as well as any limitations, shall be reflected in the license.

F. Filing Deadline and License Duration.

1. Annual: All annual Entertainment Licenses shall expire on December 31 of each year. Applications for renewal shall be filed by November 30 of each year.
2. Single Event: Applications shall be filed at least forty-five (45) calendar days prior to the day on which the applicant proposes to offer the public entertainment; provided, however, that the Select Board may waive this requirement upon a showing of good cause.

G. Fees. The following fees shall be paid when the Entertainment License is issued.

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|-------------------|-------------------------------------------------------|
| 1. Annual | \$100.00 |
| 2. Single event | \$20.00 |
| 3. Sunday license | As required by the Division of Occupational Licensure |

IV. SECTION 177 LICENSES

A. Applicability. This Section of the regulations applies to licenses that authorizes the keeping of a billiard, pool or sippio table or a bowling alley for hire, gain or reward, issued pursuant to M.G.L. c. 140, § 177.

B. Application. Any establishment seeking a license under this Section must complete and submit an application form to the Select Board. The Board may request in writing

additional information relating to the condition of the premises and the actions to be taken to prevent danger to the public safety, health, or order.

- C. **Determination.** Granting of licenses under this Section is up to the discretion of the Select Board. Upon receipt of a fully completed application, the Select Board shall hold a hearing. Notice of this hearing will be given not less than seven (7) calendar days prior to the hearing. Notice of this hearing will be posted in a local newspaper, or as otherwise allowed by law, as well as sent by certified mail to the applicant and all owners of real estate abutting or directly across the street from the premises for which the license is sought, as such owners appear on the most recent local tax list.
- D. **Conditions.** A licensee under this Section shall be subject to those terms and conditions set forth in M.G.L. c. 140, § 177, as well as Section II of this Policy and additional terms and conditions imposed by the Select Board.
- E. **Filing Deadline and License Duration.** Licenses issued pursuant to this section shall expire on December 31 of each year. Applications for renewal shall be filed by November 30 of each year.
- F. **Fees.** Upon filing an application, the Applicant shall pay a fee of \$100.00.

V. SECTION 177A LICENSES

- A. **Applicability.** This Section of the regulations applies to the operation of an Automatic Amusement Device, issued pursuant to M.G.L. c. 140, § 177.
- B. **Application.** Any establishment seeking a license under this Section must complete and submit an application form to the Select Board. The Board may request in writing additional information relating to the condition of the premises and the actions to be taken to prevent danger to the public safety, health, or order. The application must include the following:
 - 1. Address of premise for which the license is sought;
 - 2. Type of automatic amusement device to which the license relates;
 - 3. Number and description of all automatic amusement devices, including serial number, name, and Massachusetts Identification number; and
 - 4. A drawing to scale showing the exact layout of the facility including tables, chairs, furniture, etc.
- C. **Determination.** Granting of licenses under this Section is up to the discretion of the Select Board. When considering an application, the Select Board shall be guided by the following considerations, among others:
 - 1. Whether the location is suitable;
 - 2. Whether the applicant is a suitable person;
 - 3. Whether the license should be limited in hours of operation;

4. Whether the license should be limited in the number of machines licensed at any one location;
 5. Whether the license would unreasonably increase the pedestrian traffic in the area in which the premises are located;
 6. Whether the license would unreasonably increase the incidence of disruptive conduct in the area in which the premises are located;
 7. Whether the license would unreasonably increase the level of noise in the area in which the premises are located; or
 8. Whether the proposed location will be a place of “public amusement” (e.g. an “arcade”).
- D. **Conditions.** A licensee under this Section shall be subject to those terms and conditions set forth in M.G.L. c. 140, § 177A, as well as Section II of this Policy and any additional terms and conditions imposed by the Select Board.
- E. **Scope of License.** A license issued under this Section shall cover any automatic amusement device of the same type. The license does not cover other types of automatic amusement device, or more than one premises at one time. All devices must be in open view at all times while in operation. Devices may not be used for the purposes of gambling.
- F. **Filing Deadline and License Duration.** Licenses issued pursuant to this Section shall expire on December 31 of each year. Applications for renewal shall be filed by November 30 of each year.
- G. **Fees.** Upon filing an application, the Applicant shall pay a fee of \$100.00.

VI. **DEFINITIONS**

- A. Amplified sound is defined as voice, music or any sound extended above and beyond its normal range by an electronic device or secondary means such as a radio or non-electric equipment.
- B. Automatic Amusement Device shall mean any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including such devices as are commonly known as pinball machines including free play pinball machines, but not including slot machines as defined in Chapter 23K of the Massachusetts General Laws.
- C. Entertainment License shall mean a single event or annual Section 181 License, Section 183A License, or Sunday License.

- D. Live Entertainment shall mean entertainment that is performed by individuals located on the premises, including theatrical, instrumental, vocal, or disc jockey performances, or the playing of karaoke machines.
- E. Non-Live Entertainment shall include entertainment that does not involve Live Entertainment, including projected televisions, radios, recorded music, and jukeboxes.
- F. Section 177 License shall mean a license, issued pursuant to M.G.L. c. 140, § 177, that authorizes the keeping of a billiard, pool or sippio table or the keeping of a bowling alley for hire, gain or reward.
- G. Section 177A License shall mean a License issued pursuant to M.G.L. c. 140, § 177A, for the operation of an Automatic Amusement Device.
- H. Section 181 License shall mean a single event or annual license, issued pursuant to M.G.L. c. 140, § 181, that authorizes the operation of a theatrical exhibition, public show, public amusement or exhibition of any description where an admission fee is charged or, after free admission, such amusement or exhibition is furnished upon payment of a fee.
- I. Section 183A License shall mean a single event or annual license, issued pursuant to M.G.L. c. 140, § 183A, that authorizes the holder of a Common Victualler's License under M.G.L. c. 140, § 2 or an On-Premises Alcohol License under M.G.L. c. 138, § 12 to offer any kind of concert, dance exhibition, cabaret, or public show of any description, including dancing by patrons or performers, recorded or live music, use of an amplification system, a theatrical play or exhibition, a film, a floor show or light show of any description, Karaoke, or any other kind of dynamic audio or visual show, whether live or recorded.
- J. Sunday License shall mean a single event or annual license, issued pursuant to M.G.L. c. 136, § 4 that authorizes entertainment on Sundays.

APPROVED BY THE SELECT BOARD

Original date: September 11, 2006

Amended: February 25, 2025.

The Select Board reserves the right to amend this policy at will.