

Entertainment License Policies and Procedures

Adopted by the Board of Selectmen

3/4/2008

Last revised 4/17/2012

Entertainment Licenses: (MGL Chapter 140 § 181) (MGL Chapter 136 § 4)

Under Massachusetts General Law the Board of Selectmen is responsible for the issuance of licenses for public entertainment as explained in the MGL chapters referenced above. The Selectmen shall issue a license within thirty days of the application or may order a Public Hearing. The Selectmen may impose conditions upon a license that directly relate to compliance with applicable State or Local laws, public safety, public health, public order, to guard against the creation of a public nuisance, or to insure adequate safety for patrons and the public. These conditions can change from one applicant to another except the board makes every effort to be consistent in their application of conditions with similar type entities and similar type functions. Applicants for said license should be aware that State law, in Section 181 of Chapter 140, does not require a license to be granted and there are specific reasons for denial outlined in the law.

Depending on the function or event, this license may be an annual license for recurring events or an individual license for a specific event. If the license issued was an annual one, then the license is to be renewed in December for the following calendar year. The Selectmen have the ability to suspend or revoke said license after issuance.

The following are the steps required to be taken by applicants who seek an Entertainment License under Chapter 140 or Chapter 136:

- The applicant must fill out the attached application and provide a detailed description of the function for which they need this license.
- The applicant is required to pay the application fee at the time of submitting the application.
- Upon the receipt of a complete application and prior to any determination of said license, the Board of Selectmen shall require a written report of the Harvard Police Department as to whether there have been any complaints or violations of law regarding the applicant in the previous twelve months or since the last renewal, whichever is longer. If upon reviewing this report and other relevant information, the Board of Selectmen find that there is sufficient “cause” to hold a Public Hearing, then they shall notify the applicant.
- At the next regularly scheduled meeting, the Board of Selectmen shall determine if they will review the application at a regularly scheduled meeting or order a Public Hearing. If the BOS do not order a public hearing,

the applicant's intent to secure an entertainment license will be announced by the Town Administrator and noted on a Selectmen's agenda at least one regularly-scheduled BOS meeting prior to the Board's vote to approve or reject said application.

- If the Board of Selectmen determine that a Public Hearing is required, the applicant will be notified and is responsible for publishing a legal notice in a newspaper serving the Town of Harvard (Such as: The Harvard Press, The Harvard Post or the Harvard Hillside) once at least two weeks prior to the Public Hearing, at which time the Board of Selectmen will review the application, hear from the applicant, as well as any citizens who will be able to voice their concerns or praise for anyone who holds an Entertainment license.
- If an annual license is being renewed and there have been any violations of law regarding the applicant in the previous twelve months or since the last renewal, then the Selectmen must require that the application be reviewed at a Public Hearing
- A Public Hearing will be required of all applicants should the premises for which the License pertains to be located in an Agricultural Residential (A/R) zoning district and any of the following conditions occur: (1) the initial time that the application is filed after January 1, 2008; (2) at the annual renewal of this license if there are any changes at all from the prior year issued license use(s); (3). there have been any violations of law regarding the applicant in the previous twelve months or since the last renewal; and in conjunction with publishing a legal notice the applicant will also be required to send certified copies of a Notice of Public Hearing to all abutters within 300 feet of the property at which the Entertainment License will be used.
- Any conditions the Selectmen impose on the license will be the responsibility of the Zoning Enforcement Officer and/or Police Department to enforce and any violation of these conditions will require a hearing before the Selectmen at which they can suspend or revoke the license. Continued infractions would result in loss of license.
- It is the Board of Selectmen's intent to act within all applicable laws and to insure public safety and peace when dealing with these licenses.