

Town of Falmouth
Entertainment Regulation
Voted by Select Board on July 15, 2024

1. Any holder of a common victualler license or license to sell alcohol is prohibited from providing entertainment without a license in accordance with M.G.L. c. 140 §§ 181 and 183A and c. 136 § 4.
2. For purposes of this section, entertainment shall mean any theatrical exhibition, public show, public amusement or exhibition of any kind including, but not limited to, the following:
 - Concert
 - Cabaret
 - Dancing by patrons
 - Dancing by performers
 - Recorded or live music
 - Use of an amplification system for any purpose
 - Theater production or play
 - Movie
 - Floor show
 - Light show
3. The Select Board may impose reasonable limitations and conditions on the license to ensure public safety and welfare, including restricted hours for use of the license, noise abatement measures, additional security requirements, and occupancy limitations, among others, in order to further the following goals:
 - Protect employees, patrons and members of the public from disruptive conduct, criminal activity, and from health, safety or fire hazards
 - Prevent an unreasonable increase in pedestrian or vehicular traffic in the area of the licensed premises attributable to the entertainment
4. All licenses issued under these regulations are subject to the occupancy limits established by the building commissioner, unless the Select Board places further, more restrictive occupancy limitations as a condition upon the license.
5. Noise shall be confined to the building unless the Select Board makes specific findings and creates conditions to allow for outdoor entertainment. Unless the Select Board allows such outdoor entertainment, any noise originating from inside the building that is audible outside of the building will be considered a violation of these regulations.
6. No entertainment license is required for televisions, radios, satellite or internet music and other background, ambient entertainment, except when the Select Board allows such entertainment outdoors. In the event that the Select Board allows televisions, radios, satellite or internet music and other background, ambient entertainment outdoors, the Select Board shall make specific findings and create conditions upon such outdoor entertainment.

7. Any license for entertainment to take place outdoors, including any area of the licensed premises or building that is exposed to the open air, as in an alcove or under an overhang, for example, may be allowed under these regulations, subject to the following restrictions, unless explicitly permitted otherwise by the Select Board:
 - a. Any speakers or amplification systems must be directed towards the interior of the property.
 - b. There shall be no outdoor entertainment of any kind, including televisions, radios, satellite or internet music and other background, ambient entertainment, after 10pm.
 - c. Noise from outdoor entertainment shall not be audible to a reasonable person beyond the property line of the licensed premises.
8. If noise from outdoor entertainment cannot be contained within the property lines, the Select Board may place suitable conditions on the license.
9. Within 45 days of receipt of a complete application as determined by the licensing administration, the Select Board will either grant the entertainment license, with any conditions, or order that a hearing on the application take place. The applicant will be given at least 10 days notice prior to the date of the hearing if one is required. The applicant, at their expense, shall be required to publish notice of the hearing in a local paper and provide notification of the hearing to abutters via first class mail. The applicant shall provide proof of publication and notice to the Select Board in advance of the hearing.
10. Determination of whether a public hearing is required shall be made by the Town Manager's office pursuant to the criteria set forth in the Select Board Special Events Use and Entertainment License Policy.
11. Entertainment licenses are not transferable.
12. No gambling or games played for money, other prizes or alcoholic drinks are permitted, except that raffles or casino nights may be conducted by non-profit organizations if otherwise properly licensed.
13. Violations of the terms and conditions of the license may result in modification, suspension or revocation of the license after reasonable notice and a hearing before the Select Board. The licensee will be provided an opportunity to be heard.