

Chapter 140. Licenses and Permits

Article I. Entertainment Licenses

[Adopted STM 5-19-1970, Art. 7]

§ 140-1. Authority of Board of Selectmen.

The Selectmen may grant, upon such terms and conditions as they deem reasonable, a license for theatrical exhibitions, public shows, public amusements, exhibitions of every description to be held on weekdays and Sundays, to which admission is obtained upon payment of money or upon the delivery of any valuable thing or by ticket or voucher obtained for money or valuable thing, or if after free admission, funds or contributions are solicited or collections made.

Article II. Suspension and Revocation

[Adopted ATM 4-6-1987, Art. 42; amended in its entirety AFTM 11-15-1994, Art. 36]

§ 140-2. Suspension or revocation authorized.

[Amended AFTM 11-18-1996, Art. 60, approved 4-30-1997]

Any board, officer, committee or department may, in accordance with the following, deny any application for or revoke or suspend any local license or permit, including a building permit, and any renewals and transfers of the same, of any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any municipal charges including fines assessed under the provisions of Chapter 1, Article I, § 1-2 of the Code of Falmouth.

§ 140-3. Furnishing of list by Tax Collector.

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges (hereinafter referred to as the "Tax Collector") shall annually furnish to each department, board, commission or division (hereinafter referred to as the "licensing authority") that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise (hereinafter referred to as the "party") that has neglected or refused to pay any local taxes, fees, assessments, betterment or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

§ 140-4. Procedure.

- A. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which in the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.

- B. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.
- C. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceedings and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.
- D. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the municipality as of the date of issuance of said certificate.

§ 140-5. Payment agreement.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ 140-6. Waiver.

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL C. 268A, § 1, in the business or activity conducted in or on said property.

§ 140-7. Nonapplicability.

This section shall not apply to the following licenses and permits:

- A. Open burning (MGL C. 48, § 13).
- B. Bicycle permits.
- C. Sale of articles for charitable purposes (MGL C. 101, § 33).
- D. Children's work permits (MGL C. 140, § 69).
- E. Clubs, associations dispensing food or beverage licenses (MGL C. 140, § 31E).
- F. Dog licenses (MGL C. 140, § 137).
- G. Fishing, hunting or trapping licenses (MGL C. 207, § 28).
- H. Theatrical events and public exhibition permits (MGL C. 140, § 181).
- I. Home improvement and/or weatherization projects for homeowners when the project is funded in whole or in part by grants from utility companies or state or federal agencies.
[Added AFTM 11-12-2015, Art. 15, approved 1-26-2016]