

**Amendment  
Town of New Shoreham  
Amendment to the Revised Ordinances  
Chapter 8, Licenses and Business Regulations**

It is ordained by the Town Council of the Town of New Shoreham to amend Chapter 8 by adding a new Article X: Outdoor Entertainment as follows:

**ARTICLE X. OUTDOOR ENTERTAINMENT**

**Sec. 8-250. Purpose**

The purpose of this chapter is to establish standards to provide limited recurring outdoor entertainment which is traditional in a summer resort and at the same time provide an opportunity for the Town of New Shoreham to know in advance about outdoor entertainment and to take precautions for orderliness, safety, pedestrian traffic in and around an establishment, and noise levels.

**Sec. 8-251. Definitions**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) Outdoor entertainment includes but is not limited to singing, playing of musical instruments, recitations, drama productions, or playing recorded music, whether amplified or not, beyond the exterior walls of any building or structure.

**Sec. 8-252.**

(a) All outdoor entertainment will be strictly limited to performances on porches, patios or decks physically attached to the licensed premises, or within 25 feet of the principal structure.

(b) Such entertainment or amplification will strictly be limited to a precise area on the premises as described in the application and as expanded or contracted by the Town Council at the hearing on the license.

(c) To limit projection of sound, any amplification or projection of any sounds shall be inward towards the building space and not towards other properties.

**Sec. 8-253. Exceptions**

This chapter shall not apply to:

- (1) Religious events sponsored by a religious organization, and
- (2) An event authorized by a license for a Special Event

**Sec. 8-254 License Required**

(a) Any establishment offering or holding outdoor entertainment shall apply for a License for Outdoor Entertainment in the office of the Town Clerk.

(b) Only the owner of the property to be licensed or the authorized agent of the owner may apply for and hold a License for Outdoor Entertainment.

(c) The fee for such license shall be on file in the Town Clerk's office.

(d) All licenses are issued for a period of no more than one year and shall be renewable on December 1<sup>st</sup> of each year.

(e) The holder of a license is entitled to have the license renewed, provided the license renewal application is complete and timely and submitted by October 1<sup>st</sup>.

(f) The Board of License Commissioners must advertise the hearing once a week for two weeks in a newspaper of local circulation with the cost paid by the applicant, as per Rhode Island General Law §3-5-17. The initial advertisement must appear 14 days or more before the scheduled hearing date.

(g) Prior to the Board of License Commissioners hearing to consider issuing any new Outdoor Entertainment License, notice of the application must be given by regular mail to all owners of property within two hundred (200) feet of the premises seeking the application. The notice is to be given by the Town Clerk's Office and the cost paid by the applicant. The notice must state that remonstrants have a right to be heard and specify the time and place of the hearing.

Sec. 8-255. To provide hours of respite from outdoor sound, outdoor entertainment shall be strictly limited to the hours of 12:00 p.m. through 9:00 p.m.

Sec. 8-256. The holder of a License for Outdoor Entertainment shall comply with all provisions in any ordinance of the Town of New Shoreham.

Sec. 8-257. To limit the projection of sound beyond the property line, any amplification equipment or projection of sound shall be directed away from abutting properties. The holder of a license shall cooperate with any official of the Town of New Shoreham in the collection of accurate noise data.

Sec. 8-258.

(a) Any license holder who violates the terms of the license, or any ordinance of the Town of New Shoreham, shall be subject to a fine. The amount of such fine shall be on file in the Town Clerk's Office.

(b) In addition, the Town Council may revoke a license for the calendar year, or suspend it, or reissue it conditionally, or deny an application for a subsequent calendar year, after notification has been given and a duly advertised Show Cause Hearing has been convened by the Town Council acting as Board of License Commissioners.

Attest:

Fiona Fitzpatrick, CMC  
Town Clerk

Posted: February, 28, 2005 (paragraph numbering revised March 16, 2005)

Hearing: March 21, 2005

Hearing Continued: March 30, 2005

Adopted: April 6, 2005

Posted: April 7, 2005

Effective: April 13, 2005