



## Town of Jamestown

Town Clerk's Office  
Town Hall  
93 Narragansett Avenue  
Jamestown, Rhode Island 02835-1199  
401-423-9800 Fax 401-423-7230  
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**Roberta J. Fagan**  
Town Clerk/Probate Clerk

### **PUBLIC HEARING NOTICE TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on **Monday, May 2, 2022 at 6:30 p.m.** at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding **Chapter 6 -Amusements and Entertainment**. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study, or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review at the Town Clerk's Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays, and at [www.Jamestownri.gov](http://www.Jamestownri.gov).

**Section 1.** The Town Council of the Town of Jamestown does hereby resolve that the Jamestown Code of Ordinances, Chapter 6 - Amusements and Entertainment, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows

#### **The following is a summary description of the proposed amendments:**

These Amendments are proposed to update and modernize the existing Amusements and Entertainment ordinance.

**A copy of the entire amendment as proposed is available for review at the Jamestown Philomenian Library, 26 North Road; Jamestown Town Hall, 93 Narragansett Avenue; Jamestown Police Department, 250 Conanicus Avenue; and online at: [www.jamestownri.gov](http://www.jamestownri.gov) under LATEST NEWS**

**Section 2.** This amendment shall take effect upon its passage.

This meeting location is accessible to the physically challenged. If communications assistance is needed or other accommodations to ensure equal participation, please call 1-800-745-5555, facsimile to 401-423-7230, or email to [rfagan@jamestownri.net](mailto:rfagan@jamestownri.net) not less than three (3) business days prior to the meeting.

**Advertisement in the *Jamestown Press* April 21, 2022 edition**

**PUBLIC HEARING NOTICE**  
**TOWN OF JAMESTOWN**

Notice is hereby given that the Town Council of the Town of Jamestown will conduct a public hearing on the 2<sup>nd</sup> day of May, 2022 at the Jamestown Town Hall, 93 Narragansett Avenue on the following proposed amendment to the Code of Ordinances regarding **Chapter 6 – Amusements and Entertainment**. Opportunity shall be given to all persons interested to be heard upon the matter at the public hearing. The following proposed ordinance amendment is under consideration and may be adopted and/or altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the public hearing. The proposed amendment is available for review at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and at [www.Jamestownri.gov](http://www.Jamestownri.gov).

**Section 1.** The Town Council of the Town of Jamestown does hereby resolve that the Jamestown Code of Ordinances, **Chapter 6 – Amusements and Entertainment**, as the same may have been heretofore amended, is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~strike through~~ are to be deleted from the ordinance; words underlined are to be added to the ordinance.

See Exhibit A, attached hereto and incorporated herein by reference. NOTE: amendments to the terms and conditions set forth in Exhibit A may be made based on comments received during the public hearing.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 6 of the Town of Jamestown’s Code of Ordinances.

**Section 3.** This Ordinance shall take effect upon its passage.

Ad Date(s): April 21, 2022  
Publication Source: Jamestown Press  
Hearing Date: May 2, 2022  
Action: \_\_\_\_\_  
Certified: \_\_\_\_\_

## EXHIBIT A

~~Sec. 6-36. — Required.~~

~~No person shall publicly or for pay or for any profit or advantage to such person exhibit or promote or take part in any theatrical performance or show; or promote any wrestling, boxing or sparring match for exhibition, nor shall any person for pecuniary profit or advantage to such person promote any public roller skating in any rinks or halls, without first obtaining a license from the town council authorizing such performance, show, exhibition, dance or ball.~~

~~(Code 1982, § 3-1; Code 2003, § 6-36)~~

~~**State Law reference** — Authority to license and regulate, G.L. 1956, § 5-22-1.~~

~~Sec. 6-37. — Fee.~~

~~The fee for such license shall be as provided in appendix C for each performance, show or exhibition, to be paid to the finance director for the use of the town.~~

~~(Code 1982, § 3-2; Code 2003, § 6-37)~~

~~**State Law reference** — Maximum license fee, G.L. 1956, § 5-22-12; revocation at the pleasure of the town council, G.L. 1956, § 5-22-12.~~

~~Secs. 6-38 — 6-55. — Reserved.~~

### DIVISION 2. - LICENSE

#### Sec. 6-36.1. - Indoor Entertainment

Purpose. The purpose of this article is to protect the public health, safety and general welfare through the regulation of indoor public entertainment or exhibitions presented in the Town.

#### Sec. 6-36.2. - Definitions.

As used in this article, the following terms shall have the meanings indicated:

#### **INDOOR PUBLIC ENTERTAINMENT**

Any gathering at which music or entertainment is provided by professional or amateur performers or by prerecorded means for commercial purposes which is held within a building or permanently enclosed structure. The term "indoor entertainment" shall also include, but is not limited to, any motion picture, theatrical performance, dance, ceremony, exhibition, show, concert, pageant, rally, contest, any exhibition dancing, demonstrations of physical skills or other public performances and exhibitions, including those encouraging audience participation presented for public entertainment to which members of the public are invited or admitted for a charge or free of charge.

#### Sec. 6-36.3. - License required.

No person shall hold or conduct any indoor entertainment for the public without first obtaining a license from the Town Council.

#### Sec. 6-36.4. - Application information.

In addition to the requisite information, the application for a license shall set forth the following information and such other information as may be reasonably required:

A. The days and hours during which the proposed indoor entertainment is to be conducted.

B. The type of activity that will occur.

C. The approximate number of spectators and participants reasonably expected to be present or participate in the event.

D. The exact location of the event, including the exact size and dimensions of the entertainment area.

E. The location and number of health and sanitation facilities.

Sec. 6-36.5. - Proof of zoning compliance required.

Any person applying for an indoor entertainment license shall show that all zoning requirements have been met for the premises on which the entertainment is to be held for the property to be used as associated parking facilities.

Sec. 6-36.6. - Restrictions made by Chief of Police and Town Council.

A. The Chief of Police may restrict the number of persons allowed in the entertainment area as the Chief deems necessary for the protection of the public health, welfare and safety.

B. In granting a license under this article, the Town Council may make such restrictions as it deems necessary for the protection of public health, welfare and safety, for the prevention of nuisances, excess noise and maintenance of public peace.

Sec. 6-36.7. - Police protection.

1. The Chief of Police shall determine whether and to what extent additional police protection reasonably will be required for the event or entertainment area for purposes of traffic, crowd control and security. In making this determination, the Chief of Police shall consider those factors set out in the application for license. If additional police protection for the event is deemed necessary by the Chief of Police, he shall so inform the applicant for the license. The Chief of Police shall provide the number of police officers determined to be necessary. All police officers so assigned or provided shall be at the sole expense of the applicant.

2. The applicant shall report on a weekly basis to the Chief of Police the days, hours and type of activity that will take place each week.

Approvals.

Sec. 6-36.8. - All licenses granted pursuant to the provisions of this article are subject to approval of proper authorities.

Sec. 6-36.9. - License fee.

The fee for a license for indoor entertainment shall be as specified in Appendix C Fee Schedule.

Expiration of license.

Sec. 6-36.10. - Indoor entertainment licenses shall expire annually on November 30.

Places licensed to sell alcoholic beverages.

If the entertainment being licensed is to be held in a place of business that has a license to serve alcoholic beverages, the licensee shall not permit the entertainment or exhibition to continue beyond the authorized closing time or as otherwise restricted by the Town Council.

Sec. 6-36.11. - Compliance with law.

Every application for a license under this article shall comply with all laws of the state applicable to the aforementioned performance, dance or ball, including all laws and ordinances of the Town.

Sec. 6-36.12. - Revocation of license.

Any license granted under this Article may be revoked, suspended or modified by the Town Council, after public hearing for cause shown.

Sec. 6-36.13. - Violations; penalties; enforcement.

A. Any person or license holder who shall violate any provision of this article shall, upon conviction thereof, be punished the sum of \$200 for the first violation, the sum of \$300 for the second violation, the sum of \$500 for the third and any subsequent violation. The continuation of a violation of any provision of this article shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.

B. All members of the Police Department are authorized to enforce the provisions of this article.

Sec. 6-36.14. - Outdoor Entertainment

Purpose. The purpose of this article is to protect the public health, safety and general welfare through the regulation of outdoor public entertainment presented in the Town.

Sec. 6-36.15. - Definitions.

As used in this article, the following terms shall have the meanings indicated:

**OUTDOOR PUBLIC ENTERTAINMENT**

Any outdoor gathering at which music or entertainment is provided by professionals or amateur performers or by prerecorded means which is held outdoors and not emanating from within a building or permanently enclosed structure, to which members of the public are invited or admitted for a charge or free of charge.

Sec. 6-36.16. - License required.

No person shall hold or conduct any outdoor entertainment for the public without first obtaining a license. No such license shall be granted until a public hearing has been held by the Town Council, notice of which shall be given by advertising at least one time in a newspaper of general circulation in the Town. The notice shall contain the name of the applicant, the location for which the license is required, the date, time, and place of the hearing and shall state that remonstrates are entitled to be heard. The expense of such advertising shall be borne by the applicant.

Application.

In addition to the requisite information, the application for a license shall set forth the following information and such other information as may be reasonably required:

A. The days and hours during which the proposed outdoor entertainment is to be conducted.

B. The type of activity that will occur.

C. The approximate number of spectators and participants reasonably expected to be present or participate in the event.

D. The exact location of the event, including the exact size and dimensions of the entertainment area.

E. The location and number of health and sanitation facilities.

Sec. 6-36.17. - Proof of zoning compliance required.

Any person applying for an outdoor entertainment license shall show that all Town taxes due to date have been paid and all zoning requirements met for the premises on which the entertainment is to be held for the property to be used as associated parking facilities.

Sec. 6-36.18. - Hours and restrictions.

A. The Chief of Police may restrict the number of persons allowed in the entertainment area as the Chief deems necessary for the protection of the public health, welfare and safety.

B. In granting a license under this article, the Town Council may make such restrictions as it deems necessary for the protection of the public health, welfare and safety, for the prevention of nuisances, excess noise and maintenance of public peace.

Police protection.

1. The Chief of Police shall determine whether and to what extent additional police protection reasonably will be required for the event or entertainment area for purposes of traffic, crowd control and security. In making this determination, the Chief of Police shall consider those factors set out in the application for license. If additional police protection for the event is deemed necessary by the Chief of Police, he shall so inform the applicant for the license. The Chief of Police shall provide the number of police officers determined to be necessary. All police officers so assigned or provided shall be at the sole expense of the applicant.

2. The applicant shall report on a weekly basis to the Chief of Police the days, hours and type of activity that will take place each week.

Sec. 6-36.19. - Approvals.

All licenses granted pursuant to the provisions of this article are subject to approval of proper authorities.

Sec. 6-36.20. - License fee and term.

The fee for a license for outdoor entertainment shall as specified in Appendix C, Fee Schedule.

Term and expiration of license. Indoor entertainment licenses shall expire annually on November 30.

Sec. 6-36.21. - Revocation of license.

Any license granted under this Article may be revoked, suspended or modified by the Town Council, after public hearing for cause shown.

Sec. 6-36.22. - Exceptions.

The provisions of this article shall not apply to:

A. Parades or processions for which a parade license has been issued, provided that the conditions of the license are complied with.

B. Private property owners and/or tenants in a residential zone are not required to obtain a special event license for a party or affair or social event at their residence. The property owner and/or

tenant is, however, required to comply with all other local ordinances including but not limited to parking and noise restrictions.

C. Other outdoor activities for which a valid license has been obtained from the Recreation Department.

D. Other activities for which a valid special event license has been issued.

Revocation of license.

Any license granted under this article may be revoked by the Town Council, after public hearing for cause shown.

Sec. 6-36.23. - Violations; penalties; enforcement.

A. Any person or license holder who shall violate any provision of this article shall, upon conviction thereof, be punished the sum of \$200 for the first violation, the sum of \$300 for the second violation, the sum of \$500 for the third and any subsequent violation. The continuation of a violation of any provision of this article shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.

B. All members of the Police Department are authorized to enforce the provisions of this article.

Sec. 6-36.24. - Special One-Time Events

Purpose. The purpose of this chapter is to protect the public health, safety and general welfare through the regulation of special one-time events presented in the Town.

Sec. 6-36.25. - Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

**SPECIAL ONE-TIME EVENT**

Any indoor or outdoor gathering to which members of the public are invited or admitted for a charge or free of charge and for which neither an indoor nor an outdoor public entertainment license has been issued pursuant to Chapter 6, Entertainment. The term "special one-time event" shall also include but is not limited to any live or prerecorded music, theatrical performance, movie, dance, ball, concert, carnival, circus, professional sporting event, show, exhibition, parade or fund-raiser.

**STREET VENDOR**

Any person selling or offering for sale any goods, wares or merchandise, including any food or beverage, from a vehicle, cart or any other conveyance at a location approved by the Chief of Police or his designee during a special one-time event.

B. This chapter shall not apply to those establishments to which a valid indoor/outdoor public entertainment license has been issued pursuant to Chapter 6 of the Code of Ordinances.

Sec. 6-36.26. - License required; conditions.

A. No person or organization shall conduct or operate a special one-time event without first obtaining a special one-time event license.

B. The Town Council may place any conditions or restrictions it deems proper and reasonable on the issuance of a special one-time event license. This may include the limitation of the hours of operation or the conduct of the licensed activity.

Sec. 6-36.27. - Application information.

A. Any person or organization applying for such a license shall file an application on a form provided by the Town Clerk and approved by the Town Council.

B. The application shall set forth the following information and such other information as may be reasonably required:

(1) The true name, date of birth, residence, mailing address and telephone number of the person making the application (where the person making the application is a partnership, corporation or other association, this information shall be required for all partners, officers, directors or members) and any alias or fictitious name under which the activity may be conducted.

(2) The date or dates and hours during which the proposed event is to be conducted.

(3) The nature and types of activities that will occur.

(4) The approximate number of spectators and participants reasonably expected to be present and participate in the event.

(5) The exact location of the event and the exact size and dimensions of area to be used.

(6) The location and number of health and sanitation facilities.

C. For those events being conducted on public roads or on Town property, with the exception of those events sponsored in whole by the Town of Jamestown, proof of insurance naming the Town of Jamestown as additional insured shall accompany the application.

D. The applicant or a representative may be required, at the discretion of the Town Council, to be present at the hearing at which the application will be considered.

Sec. 6-36.28. - Liquor Service.

Any person or organization hosting an event subject to the licensing requirements of this chapter and serving alcohol must possess or obtain an appropriate liquor license. In all cases, open bar as defined in the Rhode Island Liquor Regulations is prohibited. In all cases, bring your own (BYOB) is prohibited.

Sec. 6-36.29. - Sale of goods or services at retail; outside vendors.

A. For those events that include the sale of goods or services at retail, the licensee shall provide the Town Clerk with a list of the general type and nature of the goods and services. The licensee shall also provide a list of all street vendors permitted to operate during the event, which shall include business name, owner name, date of birth, address and items to be sold. Each street vendor may operate only within the described special event area and only at the permission of the sponsoring applicant. Said vendor will not need any other special license. Those vendors selling prepared food are required to submit a certificate of inspection by the Department of Health.

B. Those street vendors who have been permitted to sell their wares at a special one-time event may operate only during the hours of operation of the event.

C. Persons or organizations sponsoring an event must contact the Chief of Police or his designee at least 14 days prior to each event at which said vendors intend on selling their wares in order to be advised of permitted vending areas.



D. Street vendors may remain stationary on private property during the special one-time event with written permission from the property owner.

E. Street vendors may remain stationary on public property, sidewalks or streets with permission of the Chief of Police or his designee.

F. Hawking or shouting is prohibited; however, street vendors may make reasonable announcement of the merchandise which they have for sale, but loud, unnecessary outcries likely to disturb or annoy persons in the vicinity shall not be made at any place or time.

G. The sale of fireworks shall be prohibited.

Sec. 6-36.30. - Restrictions.

A. The Chief of Police may restrict the number of persons allowed in the event area as the Chief deems necessary for the protection of the public health, welfare and safety.

B. In granting a license under this chapter, the Town Council may make such restrictions as it deems necessary for the protection of public health, welfare and safety, for the prevention of nuisances, excess noise and maintenance of public peace.

C. If the event being licensed is to be held in a place of business that has a license to serve alcoholic beverages, the licensee shall not permit the event to continue beyond the authorized closing time.

Sec. 6-36.31. - Police protection.

A. The Chief of Police shall determine whether and to what extent additional police protection reasonably will be required for the event for purposes of traffic, crowd control and security. In making this determination, the Chief of Police shall consider those factors set out in the application for license. If additional police protection for the event is deemed necessary by the Chief of Police, he/she shall so inform the applicant for the license. The Chief of Police shall provide the number of police officers determined to be necessary. All police officers and associated equipment so assigned or provided shall be at the sole expense of the applicant, and such expense shall be prepaid by the applicant before a license may be issued.

B. The Town Council may waive this expense for any event sponsored or funded, in whole or in part, by the Town of Jamestown or by any entity qualifying for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code or for events that are free to the public.

Sec. 6-36.32. - License fee; waiver.

A. The fee for a special one-time event license shall be as specified in Appendix C, Fee Schedule.

B. The Town Council may waive the license fee for any event sponsored or funded, in whole or in part, by the Town of Jamestown or by any entity qualifying for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code or for events that are free to the public.

Sec. 6-36.33. - Term of license.

Any such license approved by the Town Council may be valid for one day or for any period of time not exceeding 14 days.

Sec. 6-36.33. - Exceptions.

Private property owners and/or tenants in a residential zone are not required to obtain a special event license for a party or affair or social event at their residence. The property owner and/or tenant is, however, required to comply with all other local ordinances including but not limited to parking and noise restrictions.

Sec. 6-36.34. - Compliance with law.

Every application for a license hereunder shall be subject to approval of proper authorities.

Sec. 6-36.35. - Violations; penalties; enforcement.

A. Any person or license holder who shall violate any provision of this article shall, upon conviction thereof, be punished the sum of \$200 for the first violation, the sum of \$300 for the second violation, the sum of \$500 for the third and any subsequent violation. The continuation of a violation of any provision of this article shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.

B. All members of the Police Department are authorized to enforce the provisions of this article.

Secs. 6-36 - 6-55. - Reserved.