

TOWN OF CHARLESTOWN

NOTICE OF CONTINUANCE OF A PUBLIC HEARING

ORDINANCE AMENDMENT

NOTICE IS HEREBY GIVEN that a Public Hearing relative to a proposed amendment to the **Code of the Town of Charlestown, Ordinance No. 385, Amending Chapter 108, Entertainments, Outdoor Public Entertainments** has been continued to December 9, 2019 at 7:00 p.m. at the Charlestown Town Hall, 4540 South County Trail, Charlestown RI 02813, when all interested parties may attend and be heard for or against these amendments.

Reference is made to that full advertisement of November 4, 2019.

Information relative to the above may be obtained at the Town Clerk's Office, 4540 South County Trail, Charlestown, RI 02813 during normal business hours and at www.charlestownri.org.

Proposals shown thereon may be 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 such alteration or amendment must be presented for comment at said hearing.

PER ORDER OF THE CHARLESTOWN TOWN COUNCIL
Amy Rose Weinreich, CMC
Town Clerk

The public is welcome to any meeting of the Town Council. If communication assistance (readers/interpreters/captions) is needed or any other accommodation to ensure equal participation, please call 711-364-1240 at least three (3) business days prior to the meeting.

1
2 **PUBLIC NOTICE**
3 **TOWN OF CHARLESTOWN**
4

5 Notice is hereby given that the Town Council of the Town of Charlestown will conduct a public
6 hearing, open to the public, on November 12, 2019 at 7:00 p.m. at the Charlestown Town Hall,
7 4540 South County Trail on a proposed new ordinance to the Code of Ordinances. Opportunity
8 shall be given to all persons interested to be heard upon the matter of the proposed ordinance.
9 The proposed new ordinance is under consideration and may be adopted and/or altered or
10 amended prior to the close of the public hearing without further advertising, as a result of further
11 study or because of the views expressed at the public hearing. Any alteration or amendment must
12 be presented for comment in the course of the public hearing. The proposed new ordinance is
13 available for review at the Town Clerk’s Office between the hours of 8:30 a.m. and 4:30 p.m.,
14 Monday through Friday, excluding Holidays and on the Town’s website.
15

16 **ORDINANCE NO. 385**
17 **AN ORDINANCE AMENDING CHAPTER 108 – ENTERTAINMENTS**
18

19 Note: Words set as ~~strikeover~~ are to be deleted from the ordinance; words set in underline are
20 proposed to be added to the ordinance.
21

22 **Section 1.** Be it ordained by the Town Council of the Town of Charlestown that Chapter 218 of
23 the Code of Ordinance, Town of Charlestown entitled Zoning is amended as follows:
24

25 See Exhibit A attached hereto and incorporated herein by reference as if set forth in its
26 entirety.
27

28 **Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 128
29 of the Town of Charlestown’s Code of Ordinance.
30

31 **Section 3.** This ordinance shall take effect immediately upon passage.
32

33
34 Attested to by:

33
34 Passed by the Town Council on:

35
36 _____
37 Amy Rose Weinreich, CMC Town Clerk
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1 EXHIBIT A

2
3 Chapter 108. Entertainments

4
5 Article I. ~~Outdoor Public Entertainments~~ Temporary Mass Gatherings

6
7 [HISTORY: Adopted 7-13-1981 as Ch. 123]

8
9 **§ 108-1. Purpose.**

10
11 The purpose of this article is to protect the public health, safety and general welfare through the
12 regulation of temporary mass gatherings in the Town of Charlestown.

13
14 **§ 108-2. Definitions.**

15
16 As used in this article, the following terms shall have the meanings indicated:

17 MOBILE FOOD ESTABLISHMENT EVENT — An event where an individual has ordered
18 or commissioned the operation of one or more mobile food establishments at a private or
19 public gathering.

20 TEMPORARY MASS GATHERING — An actual or reasonably anticipated assembly of 250
21 or more people that continues, or reasonably can be expected to continue, for two or more
22 hours per day, or an event that requires a more extensive review to protect public health and
23 safety because the event's nature or conditions have the potential of generating environmental
24 or health risks. This term shall include, but is not limited to, "special events" as defined in the
25 food code regulations promulgated by RIDOH, and festivals and concerts, but shall not
26 include an assembly of people at a location with permanent facilities designed for that specific
27 assembly.

28
29 **§ ~~108-1.~~ 108-3. License required**

30
31 No person shall hold or conduct a music festival, concert, Mobile Food Establishment Event, or
32 other outdoor public entertainment without first obtaining a ~~special entertainment license~~
33 temporary mass gathering permit from the Town Council of Charlestown.

34
35 **§ ~~108-2.~~ 108-4. Form of application.**

36
37 Any person applying for such a ~~special entertainment license~~ temporary mass gathering permit
38 shall file application in a form approved by the Town Council.

39
40 **§ ~~108-3.~~ 108-5. Payment of due taxes; zoning requirements met.**

41
42 Any person applying for a ~~special entertainment license~~ temporary mass gathering permit shall
43 show that all taxes due to date have been paid and all zoning requirements met for the premises
44 on which the entertainment is to be held and for the property to be used as associated parking
45 facilities.

46
47 **§ ~~108-4.~~ 108-6. Date of filing application.**

48
49 Application for a ~~special entertainment license~~ temporary mass gathering permit shall be filed at
50 least ~~fourteen (14)~~ forty five (45) days prior to the Town Council meeting at which it will be

1 considered in public hearing.

2

3 **§ ~~108-5, 108-7.~~ Notice to abutting owners.**

4

5 [Amended 8-11-1981]

6 The Town Council shall send special notice by certified mail to all owners of abutting property
7 within two hundred (200) feet of the site of the ~~entertainment~~ temporary mass gathering and the
8 parking area of the time and place of the public hearing regarding said ~~special-entertainment~~
9 temporary mass gathering. The applicant shall bear the cost of the certified mail.

10

11 **§ ~~108-6, 108-8.~~ Safety, health and welfare requirements.**

12

13 ~~In accepting a license for special entertainment, the licensee shall accept responsibility for meeting~~
14 ~~the following safety, health and welfare requirements:~~

15 ~~The number of police personnel required to be on duty at any special entertainment shall be two~~
16 ~~(2) Police officers or Constables for the first one hundred fifty (150) persons attending and one (1)~~
17 ~~additional officer or Constable for each additional one hundred fifty (150) persons attending, to~~
18 ~~be stationed by the Chief of Police. All police officers or Constables shall be paid at their~~
19 ~~prevailing hourly rate by the license applicant.~~

20 Prior to the issuance of a temporary mass gathering permit, the applicant shall consult with the Chief
21 of Police regarding the necessity of police officers and/or traffic constables to be present at the
22 event. The Chief of Police shall have the sole discretionary authority to determine the number and
23 assignment of police personnel at any temporary mass gathering. In the event the Chief of Police
24 determines that police personnel are required, a minimum of two (2) police personnel shall be assigned
25 for the first two hundred and fifty (250) people in attendance. The Chief of Police's determination on
26 police staffing shall be based upon, but not limited to, the following criteria: the anticipated number
27 of attendees, type and location of the event, any known or anticipated threats and/or hazards to public
28 safety, the time and duration of the event, and a review of prior events of a similar nature.

29 The applicant shall provide insurance satisfactory to the Council at the time the license is issued
30 for all police officers ~~and Constables~~ assigned to the ~~special-entertainment~~ temporary mass
31 gathering to cover medical care, any future loss of pay due to injury related to the entertainment
32 and protection against any court suit or liability for false arrest or other civil or criminal action
33 related to this ~~special-entertainment~~ temporary mass gathering.

34

35 The applicant shall provide an off-street parking area, with an adequate number of attendants to
36 supervise orderly handling of traffic and with a number of police officers ~~or Constables~~ as
37 determined necessary by the Chief of Police.

38

39 The applicant shall provide litter fences (such as snow fences) around both the ~~entertainment~~
40 temporary mass gathering area and the parking area.

41

42 The applicant shall supply portable toilets at both the site of entertainment and the site of the
43 parking area, the number to meet the requirements of the State Department of Health.

44

45 All trash and rubbish shall be collected and removed from both the ~~entertainment~~ temporary mass
46 gathering area and the parking area within twenty-four (24) hours after the conclusion of the
47 ~~entertainment~~ temporary mass gathering.

48

49 The applicant shall supply a bond satisfactory to the Council at the time the license is issued to

1 provide protection for possible damage to other owner's property in the vicinity of the
2 ~~entertainment temporary mass gathering~~ or the parking area. Said bond shall not be released until
3 ten (10) days after the ~~entertainment temporary mass gathering~~.
4

5 In addition, the applicant shall be responsible for compliance with all state, federal and local laws
6 relating to health, safety and welfare of the public at public gatherings.
7

8 **§ ~~108-7.~~ 108-9. Hours.**
9

10 Any ~~special entertainment temporary mass gathering~~ held outdoors in the Town of Charlestown
11 shall commence no earlier than 12:00 noon and shall conclude no later than ~~7:00 p.m.~~ 9:00 p.m.,
12 of the same day or otherwise approved by the Town Council.
13

14 **§ ~~108-8.~~ 108-10. Closing of premises; sleeping.**
15

16 Both the premises where the ~~special entertainment temporary mass gathering~~ is held and the
17 parking area shall be closed as expeditiously as possible after the conclusion of any ~~special~~
18 ~~entertainment temporary mass gathering~~, and no sleeping will be permitted on the grounds or in
19 vehicles in either area.
20

21 **§ ~~108-9.~~ 108-11. License fee.**
22

23 [Amended 6-12-1989 by Ch. 171]

24 ~~The fee for an approved special entertainment shall be payable upon issuance of the license and set by~~
25 ~~ordinance by the Town Council.~~¹⁺¹

26 ~~[1] — *Editor's Note: Current fees are available and on file in the office of the Town Clerk.*~~
27

28 The fee for a license issued pursuant to this Chapter shall be three hundred dollars (\$300.00).
29

30 **§ ~~108-10.~~ 108-12. Waivers.**
31

32 The Town Council may, in its discretion, waive the requirement of this Article for any ~~special~~
33 ~~entertainment temporary mass gathering~~ that is being conducted on behalf of a charitable, civic or
34 fraternal organization.
35

36 **§ ~~108-11.~~ 108-13. Enforcement; Penalties for offenses.**
37

38 [Added 6-12-1989 by Ch. 171]

39 A. Enforcement responsibility. The Charlestown Police Department shall be responsible for the
40 enforcement of the provisions of this ordinance.
41

42 B. Any person who shall violate any provision of this Article shall, upon conviction thereof,
43 be punished, for each violation, by a fine of not more than five hundred dollars (\$500.00)
44 or by imprisonment for not more than thirty (30) days. The continuation of a violation of
45 any provision of this Article shall constitute, for each day the violation is continued, a
46 separate and distinct violation hereunder.
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49
50 Advertised in the Westerly Sun: November 4, 2019