

TOWN OF LUDLOW, VERMONT

ORDINANCE REGULATING ENTERTAINMENT PERMITS

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ARTICLE 1. GENERAL

- 1.01 In addition to all applicable provisions of this ordinance the laws of the State of Vermont shall apply as to the issuance, enforcement and/or suspension of all entertainment permits granted within the Town of Ludlow.

ARTICLE 2. DEFINITIONS

As used in this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is to be construed as mandatory and not merely directory.

- 2.01 "Dancehall" is any room, hall, eating place, building, structure or place, which is open to the general public and club, whether or not admission is charged, and where dancing is conducted or permitted therein.
- 2.02 "Entertainment" shall mean any live band (regardless of the number of musicians), any mechanical amusement devise that procures or reproduces music or singing.
- 2.03 The term "mechanical amusement device" is hereby defined to be and shall include each machine vending recorded music or a period of radio or television entertainment in return for the insertion or deposit therein of a coin, or of trade-tokens or slugs; provided, however, that this does not include coin-operated radios or television sets in private quarters.
- 2.04 "Nuisances" - no permittee shall so conduct or operate a business which causes a nuisance, i.e. noise, created by music or other amusement devices. (nuisance to mean an annoying, unpleasant or obnoxious thing or practice.)
- 2.05 "Hours of Entertainment" shall mean hours allowed to have entertainment according to the permit. hours of entertainment shall be requested on application but no entertainment shall be allowed after 2:00 A.M. Monday through Friday and 1:00 A.M. on Sunday. Hours provided in this regulation shall be extended one hour for New Year's Day. Sunday entertainment shall be listed as a special permit condition.

- 2.06 "Police Officer" shall mean any state police, county sheriff, deputy sheriff, municipal police officer, or constable empowered by the State of Vermont to make arrests and furthermore has been certified by the Vermont Criminal Justice Training Council as a law enforcement officer.

ARTICLE 3. LICENSING

- 3.01 A person, partnership, association or corporation, shall not operate a dance hall, with entertainment, unless a license to do so has been obtained from the Ludlow Board of Selectmen.
- 3.02 All applications for entertainment permits shall be made to the Ludlow Board of Selectmen through the office of the Town Manager, stating the name of the applicant, the location to be used and type of entertainment that will be engaged therein.
- 3.03 All entertainment permits shall expire midnight April 30, of each year and, upon the payment of a new fee, may be renewed by the Board of Selectmen, after they review the permit or the renewal. The fee for the initial application for an entertainment permit and also for any subsequent reapplication thereafter shall be \$100.00 (One-Hundred Dollars) and this fee shall be paid at the time of application.
- 3.04 It shall be the duty of any person conducting a licensed business in the Town of Ludlow to keep his permit posted in a prominent place on the premises used for such business at all times.
- 3.05 The Board of Selectmen of the Town of Ludlow shall reserve the right to attach any special restrictions or requirements to such entertainment permit at the time of application, renewal, or at any time during the fiscal year when the Board deems such restrictions to be necessary in order to protect the public. This shall include a requirement that all taxes and fees due the Town/Village of Ludlow are current. The Selectmen may further require the presence of police officers on the permittee's premises during such hours as the Board of Selectmen shall decide. Such officers shall be paid for their services by the permittee. The number of such officers and the persons so acting shall be approved by the Selectmen, Town Manager, or the Chief of Police.

ARTICLE 4. ENFORCEMENT AND REVOCATION

- 4.01 The Ludlow Selectmen, Town Manager, Chief of Police, or designate shall reserve the right of inspecting from time to time during normal business hours, any and all establishments granted entertainment permits to determine compliance, or to detect violations thereof, with all regulations, restrictions, or requirements of such permit.

- 4.02 The entertainment permit may be revoked for a limited time or permanently for any violation of this ordinance or the, permit and such revocation may be in addition to any fine imposed. Said revocation shall be preceded by a public hearing in front of the Ludlow board of Selectmen to determine if a violation has occurred.

ARTICLE 5. MISCELLANEOUS

- 5.01 Civil Violation: A violation of this ordinance shall be a civil matter enforced in accordance with the provision of 24 V.S.A. § 1974 and 1977 et seq.
- 5.02 Penalty: A permittee who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one-hundred dollars (\$100.00), for each day such violation continues.
- 5.03 Violations: In any complaint or information, and in any action or proceeding brought for the enforcement of any provision or this ordinance, it shall not be necessary to negate any exception, excuse or provision, or exemption contained in this ordinance, and the burden of proof of any such exception, excuse, provision, or exemption shall be on the defendant.

ARTICLE 6. SEVERABILITY

- 6.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not effect the validity or effectiveness of the remaining portions hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

ARTICLE 7. PUBLICATION AND EFFECTIVE DATE

- 7.01 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 7.02 This ordinance shall be entered in the minutes of the Select Board meeting, and posted in at least five conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 7.03 This ordinance shall become effective on August 7, 1982, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed within the Town Clerk by July 21, 1982, forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should

ask for a special meeting to be called on the question of disapproving the ordinance.

Questions about the ordinance may be directed to the Municipal Manager, Ludlow, Vermont or by calling telephone number (802)228-2841.

The foregoing ordinance is hereby adopted by the Select Board of the Town of Ludlow, Vermont this 7th day of June 1982.

TOWN OF LUDLOW, VERMONT
SELECT BOARD

Herbert B. Van Guilder, Chairman
James M. Patch
Mary Ann Neal
Martin Nitka

ARTICLE 7 above is amended to read:

- 7.01 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 7.02 This ordinance shall be entered in the minutes of the Select Board meeting, and posted in at least five conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 7.03 This ordinance shall become effective on April 4, 2008, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed within the Town Clerk by March 19, 2008, forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

The foregoing ordinance is hereby re-adopted by the Select Board of the Town of Ludlow, Vermont on this fourth day of February, 2008.

TOWN OF LUDLOW, VERMONT
SELECT BOARD

Howard Barton, Jr., Chair
John Neal, Vice Chair
Brett Sanderson
Bruce Schmidt
Earl Washburn