

# Boothbay Harbor Selectmen Rules and Procedures

Administration of Special Amusement Licenses under Chapter 74 of the Codes of Boothbay Harbor

## Preamble:

Maine courts have held that municipal boards have inherent authority to adopt reasonable rules of procedure<sup>1</sup> and MMA further states it is advisable for all boards to adopt written rules of procedure.

The specific goal of this document is to develop consistent written procedures for administering special amusement licenses granted under Chapter 74 of the Boothbay Harbor Code . These written procedures seek to improve the consistency of our response to recurring situations and to provide a fair and balanced approach to the potentially conflicting desires of our community.

To help meet these goals we adopt the following. Please note, however, that nothing in these procedures is to be construed as contrary or in conflict with the normal procedures and operating guidelines established by the Boothbay Harbor police.

## Rules and Procedures

1. The Selectboard recommends:
  - a. that upon receiving a complaint of excessive noise, officials of the town make their best efforts to respond to the complainant, listen to the offending noise at the complainants location, and, if possible, measure or estimate the "A" weighted sound pressure level, and
  - b. If the noise level exceeds maximum allowed under our codes, or is found to be a detriment to the public health, safety or welfare (even though it may not exceed the maximum allowed under our codes), that the responding official record this as a credible complaint, and proceed with his or her normal procedures.
2. Multiple Credible Complaints
  - a. Should a particular establishment cause a significant number of credible complaints or cause a recurring pattern of complaints during a single calendar year, the Selectboard will inform the establishment that it has received multiple credible complaints; that further credible complaints will place its special amusement license in jeopardy; and urge the establishment to attend the next BOS meeting to discuss ways to reduce the noise impact on the town, and
  - b. If that same establishment continues to cause credible complaints, the Selectboard will then begin proceedings as authorized under section 74-10 (B) to hold a public hearing to determine if the special amusement license should be revoked or suspended for a period of time.

1) "Municipal Officers Manual", May 2000, page 27, MMA publishers