

THE COMMONWEALTH OF MASSACHUSETTS

WORCESTER SS.

**TO EITHER OF THE CONSTABLES OF THE TOWN OF MENDON
IN THE COUNTY OF WORCESTER GREETING.**

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS YOU are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the **Miscoe Hill School** in said MENDON on the **Seventh** day of **October** next, at 7:00 o'clock in the afternoon, then and there to act on the following articles:

ARTICLE 1 - (By Citizen Petition)

To see if the Town will vote to amend the Town Zoning By-Laws by the addition of the following section, **Adult Entertainment By-Law Amendment** or act or do anything in relation thereto.

Adult Entertainment By-Law Amendment

The following provisions apply to all Adult Entertainment or Use establishments as defined by M.G.L. Ch. 40a, Section 9A located within the Town of Mendon:

1. No Adult Entertainment or Use facility shall exceed 2,000 square feet in footprint in keeping with the historically rural atmosphere of the town and in consideration of traffic safety.
2. No Adult Entertainment or Use facility shall exceed one story in height. Basements areas shall not be accessed by patrons for any purpose and shall not be furnished for retail or entertainment purposes.
3. Any pre-existing Adult Entertainment or Use facility exceeding 2,000 square feet must comply with Items #1 and #2, above, upon re-issuance of the annual adult entertainment license to operate in accordance with Section 5(G) of the Town of Mendon Regulations Governing Adult Entertainment Establishments Pursuant to M.G.L. Chapter 140, Section 183A. In order to comply, the pre-existing Adult Entertainment or Use facility shall either erect fully opaque interior partitioning walls to reduce the size of the Adult Entertainment or Use facility (including ancillary supporting areas such as storage, kitchens, restrooms, meeting rooms, office rooms, and dressing rooms) to an area measuring below 2,000 square feet or shall demolish any portion of the facility exceeding 2,000 square feet in area. In determining compliance, the Building Department of the Town of Mendon shall conduct an inspection of the premises to determine that the Adult Entertainment and Use area does not exceed 2,000 square feet prior to the re-issuance of the adult entertainment license.
4. Tipping of any kind shall not be permitted in any Adult Entertainment or Use facility.
5. No Adult Entertainment or Use facility shall engage the services of any contractors, contract employees, or outside agencies or services for any activity which is adult in nature as defined by M.G.L Ch. 40a, Section 9A. All performers, entertainers, hosts, hostesses, serving staff, cashiers, stock supply personal, managers, and/or directors shall be either full-time or part-time employees of the Adult Entertainment or Use facility.
6. No Adult Entertainment or Use facility shall open for business prior to 4:30pm in order to provide an opportunity for all elementary school buses to finish student bus routes.
7. All employees of Adult Entertainment or Use facilities located within the Overlay District must submit to Criminal Offender Record Investigation (CORI) background checks. The employer shall provide CORI background checks for all employees, at the expense of the employer, to the Mendon Police Department for review prior to engaging that employee at the premises. The employer may engage the employee for work at the premises immediately upon the furnishing of the CORI background check to the Town. Employees convicted of any of the following offenses shall not be allowed to interact in any manner with patrons of the establishment:
 - a. assault, assault and battery, assault and battery with a dangerous weapon, mayhem;
 - b. manslaughter or murder;
 - c. robbery or other crimes of violence against a person;
 - d. stalking, civil rights violations;

- e. enticement, prostitution, engaging in sexual acts for a fee, common nightwalker, support from or sharing in earnings from prostitution, procuring a person to practice or enter into prostitution;
- f. sexual assault, rape or other sex related offenses;
- g. drugging persons for sexual intercourse or other unlawful means or purposes;
- h. open and gross lewdness, unnatural and lascivious acts, accosting;
- i. pornography, child pornography;
- j. possession or carrying a dangerous weapon;
- k. violation of the firearms or dangerous weapons control laws;
- l. violation of the controlled substances laws;
- m. larceny, fraudulent use of credit cards, or the unlawful taking or receiving of money or other goods or services;
- n. buying, receiving or concealing stolen goods;
- o. arson, burglary;
- p. gambling;
- q. racketeering or extortion;
- r. violation of the alcoholic beverages control laws; or
- s. filing a false police report.

ARTICLE 2 - (By Citizen Petition)

To see if the Town will vote to amend the Town of Mendon By-Laws by the addition of the following section, **No Liquor License to be Held Where Adult Entertainment or Uses are Permitted** or act or do anything in relation thereto.

No Liquor License to be Held Where Adult Entertainment or Uses are Permitted

The following provisions apply to all Adult Entertainment or Use establishments as defined by M.G.L. Ch. 40a, Section 9A located within the layout lines of the Adult Entertainment Overlay District created by the voters of the Town of Mendon on May 2nd, 2008 and defined by the Town of Mendon Regulations Governing Adult Entertainment Establishments pursuant to M.G.L. Chapter 140, Section 183A:

- 8. The Town of Mendon shall not grant any license for the sale of alcohol for consumption in accordance with the provisions of M.G.L. Ch. 138 Section 12 to any Adult Entertainment or Use establishment, as defined by M.G.L. Ch. 40a, Section 9A.
- 9. The Town of Mendon shall not grant any special licenses for the sale of alcohol for consumption in accordance with M.G.L. Ch. 138, Section 14 to any establishment as defined as an Adult Entertainment or Use per Chapter 40a, Section 9A.
- 10. The Town of Mendon shall not allow patrons of Adult Entertainment or Use establishments to consume alcoholic beverages within any Adult Entertainment or Use establishment, even if such beverages are brought to the premises by the patrons.
- 11. In the event that an establishment already in possession of a license in accordance with M.G.L. Ch. 138, Section 12 or Section 14 receives a license to operate an Adult Entertainment or Use, such establishment shall immediately have its M.G.L. Ch. 183, Section 12 and/or Section 14 license(s) revoked.

Should an establishment licensed under the provisions of M.G.L. Ch. 40a, Section 9A and defined as an Adult Entertainment Establishment or Use be permitted to operate outside of the Adult Entertainment Zoning Overlay, then the following provisions apply:

- 1. The Town of Mendon shall not grant any license for the sale of alcohol for consumption in accordance with the provisions of M.G.L. Ch. 138 Section 12 to any establishment as defined as an Adult Entertainment Establishment or Use.
- 2. The Town of Mendon shall not grant any special licenses for the sale of alcohol for consumption in accordance with M.G.L. Ch. 138, Section 14 to any establishment defined as an Adult Entertainment or Use.
- 3. The Town of Mendon shall not allow patrons of Adult Entertainment or Use establishments to consume alcoholic beverages within any Adult Entertainment or Use establishment, even if such beverages are brought to the premises by the patrons.
- 4. In the event that an establishment already in possession of a license in accordance with M.G.L. Ch. 138, Section 12 or Section 14 receives a license to operate an Adult Entertainment or Use, such establishment shall immediately have its M.G.L. Ch. 183, Section 12 and/or Section 14 license(s) revoked.
- 5. No Adult Entertainment or Use establishment situated outside of the Adult Entertainment Overlay District may be located within seven hundred fifty (750) feet of a lot line of any parcel containing an establishment licensed under the provisions of M.G.L. Ch. 138 Section 12 or Section 14.