

# City of Chicopee, Massachusetts

## License Commission

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### **CITY OF CHICOPEE RULES AND REGULATIONS FOR ENTERTAINMENT LICENSES ISSUED PURSUANT TO M.G.L. 140 SECS 181 AND 183A**

The Chicopee Board of License Commissioners (hereinafter, "Commission"), as the entertainment license authority, hereby implements Rules and Regulations for Entertainment licenses issued pursuant to M.G.L. 140 Secs 181 and 183A.

#### **A. GENERAL**

1. The Licensee shall keep the license at the location cited thereon, and shall surrender it to any person designated by the Commission calling therefore, and shall display it to any person requesting to see it.
2. The Licensee, his agents, principles and partners shall be liable to adhere to the terms and conditions of the license.
3. A current list of all employees shall be available upon request of authorized agents of the Commission, as the license granting authority.
4. The Licensee shall allow any person designated by the Commission including Chicopee Police Officers and Chicopee Fire Department personnel to enter, to inspect, to view any exhibition, show, or amusement device.
5. The Licensee shall hire at his own expense a Police and Fire detail as the Commission shall require.
6. The Licensee shall obtain all leases and permits as required to occupy said location lawfully.
7. The Licensee shall conform to the applicable provisions of the Chicopee Zoning Code and State Building Code, obtaining a Certificate of Occupancy and Certificate of Inspection from the Code Enforcement Department/Building Department and Chicopee Fire Department if so required by law.
8. Chicopee Police Officers and Chicopee Fire Department personnel are authorized as agents of the Commission, as license granting authority to inspect places of public entertainment licensed or required to be licensed by said authority. Such officers may report to the Commission such information as may be relevant to the standards and procedures outlined in this regulation.

#### **B. SAFETY**

1. As required by the Chicopee Fire Department, the Licensee shall maintain unobstructed means of egress and means of access, and shall remove combustible materials.

2. The Licensee shall not allow any person to obstruct aisles, passageways, landings, or stairways.
3. The Licensee shall allow members of the Fire Department, in case of fire to exercise exclusive control and direction of his employees and the means and apparatus for extinguishing the fire.
4. No device or electronic equipment shall be utilized by any licensed premise for the purpose of signaling employees that agents of the licensing authority are present.
5. Any police or fire complaints and/or reports presently on file shall continue in force until disposed of by the licensing authority.
6. The licensee and his employee(s) or anyone acting as an agent for the licensee shall comply with Board of Fire Prevention Regulations, 527CMR 10.13(2) Places of Assembly, any and all applicable Mass General Laws, and National Fire Codes.

### **C. ADMISSIONS POLICIES**

1. Any admission fee must be clearly and conspicuously posted. Patrons must be given receipts upon payment of admission fee.
2. No Licensee shall make any distinction, discrimination, or restriction on account of race; color, religious creed, national origin, sex, age, disability, sexual orientation or ancestry relative to the admission or treatment of any person.
3. Licensees may not have a door policy for the admission of patrons consisting of VIP cards or give any special privileges to any particular member of the public unless and until such a plan has been approved by the licensing authority and the plan as approved is posted at a place on the premises where all members of the public may read it.

### **D. "18 & OVER NIGHTS", "21 & UNDER NIGHTS" AND LIKE EVENTS-SPECIAL EVENT PERMITS**

1. Holders of an alcohol pouring license such as a restaurant, tavern, hotel, club and general-on-premises (M.G.L. c138 sec12) license and an entertainment license must provide the entertainment licensing authority at least one month notice of its request to offer an "18 & Over Night", "21 & Under Nights" and like event (herein after "special event"). Licensee must seek a Special Event Permit by submitting a Special Event Application (copy attached as Exhibit A) to the office of the License Commission and provide the following details:
  - a. The type of entertainment to be offered;
  - b. The number of persons expected to attend;
  - c. The age range of persons expected to attend;
  - d. The conditions and setup of the premises;
  - e. Measures Licensee will take to prevent persons under the age of 21 from consuming alcoholic beverages; and
  - f. Security measures to be taken in order to prevent danger to the public safety, health or order.
2. After reviewing the documentation submitted by the Licensee, the Commission or its agent may reject the Licensee's request to offer the special event if he/she finds that the special event, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety, or order, in that concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to: 1) prevent a public nuisance; and/or 2) (a) protect employees, patrons, and members of the public inside or outside the premises from the

disruptive conduct, from criminal activity, or from health, safety or fire hazards; (b) prevent an unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises; or (c) prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises or an unreasonable increase in the number of vehicles to be parked in the area of the premises.

3. The Licensee shall hire a minimum of (3) three Police Officer details during the operation of a special event unless the Commission at its discretion requires more Police Officers to be present, the Licensee shall be solely responsible for all costs of such details.

4. If the Commission at its discretion requires the Licensee to hire a Fire detail(s) during the operation of a special event, the Licensee shall be solely responsible for all costs of such detail(s).

#### **E. BUSINESS OPERATION POLICIES**

1. Licensees shall not engage in any unfair or deceptive act or practices in the course of his business.

2. The Licensee shall conform to all applicable laws, especially the laws prohibiting certain employment of minors.

3. There shall be no disorder, indecency, prostitution, lewdness, assignation or illegal gambling on the licensed premises or any premises connected therein by an interior communication.

4. No Licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed.

5. Licensee shall immediately notify the License Commission of any court proceedings which may affect the status of this license.

#### **F. NOISE**

1. Licensees shall abide by the Noise Control Ordinance of the City of Chicopee contained in Chapter 200 of the City of Chicopee Noise Ordinances, under Section 2 "Unnecessary and Unreasonable Noise Prohibited". "Unnecessary and unreasonable noise" means the creation of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity and duration, as to be detrimental to the life or health of any individual or contrary to the public welfare is prohibited.

#### **G. ENTERTAINMENT PRACTICES**

1. Upon request, the Licensee must make available a seating plan to any potential patron.

2. The entertainment and dancing must be confined to the designated place provided for such purpose and approved by the licensing authority.

3. Unless properly licensed and zoned for adult entertainment, it is forbidden to employ or permit any persons in or on the licensed premises while such a person is unclothed or in such attire as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals, except with specific approval.

4. It is forbidden to permit any employee or person in or on the licensed premises to promise, offer, suggest or accept sexual acts or favors in exchange for money or for the purchase of any alcoholic beverage or other commodities.

5. It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress, or fondle the breasts, buttocks, or genitals of any other persons.
6. It is forbidden to employ or permit any person to wear or use any device or covering exposed to view which simulates the breasts, buttocks, pubic hair, or genitals or any portion thereof.
7. It is forbidden to employ or permit any person in or on the licensed premises to perform any act or acts, or to simulate an act or acts of (i) sexual intercourse, masturbation, sodomy, flagellation or any sexual acts prohibited by law; or (ii) touching, caressing, or fondling of the breasts, buttocks, or genitals of another.
8. Unless properly zoned and licensed for adult entertainment, it is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, television-type cassettes, still pictures, or any simulation of any of the acts described in paragraphs 3 through 7 above.

## **H. DRUG PREVENTION**

1. The Licensee must actively monitor the licensed premises, including a periodic scheduled inspection of the restrooms to prevent the utilization of the restrooms for drug use, sale, or dissemination.
2. The Licensee must actively monitor secluded sections of the licensed premises to prevent illegal activity, particularly drug activity, from occurring.
3. The Licensee must regularly inform all employees of their affirmative duty to report all suspicious activity to management who shall make reports to the Chicopee Police Department. Suspicious activity includes, but is not limited to, the following:
  - a. a frequent pattern of telephone use on the premises by certain patrons;
  - b. a frequent pattern of patrons trafficking to certain secluded areas of the premises, such as an isolated booth, or a back room;
  - c. a frequent pattern particular patrons being approached by other patrons with evidence of money, envelopes, known drug paraphernalia or other suspicious items;
  - d. The presence on the premises of drug residue, or drug paraphernalia (e.g. vials, cellophane packets, cut straws, needles, roach clips, etc.)
4. The Licensee must actively monitor the immediate area outside the licensed premises to prevent illegal drug traffickers from using the premises as a base for their operations. The licensee must report any suspicious activity to the Chicopee Police Department. Suspicious activity includes, but is not limited to, the following:
  - a. certain patron(s) frequently entering and exiting the premises more often than other patrons;
  - b. certain patron(s) frequently being approached inside or outside the premises with evidence of money, envelopes and/or known drug paraphernalia;
  - c. certain patron(s) frequently interacting with individuals in vehicles parked in front of the premises.
5. Like wise, the Licensee should inform all employees that their illegal drug use and any other drug-related activity will not be tolerated, and the Licensee should develop employee disciplinary measures to handle such illegal activity.

**I. APPLICATION AND LICENSE REVIEW**

1. The standards for issuance of an entertainment license and hearing procedures are set forth in M.G.L. c. 140 sec181 and 183A, as subsequently amended.
2. The Commission reserves the right to change or add to the terms and conditions of a license, including times of operation, after notice to the Licensee.
3. The Licensee shall indemnify and hold harmless the City of Chicopee and its employees from any damage it may sustain, or be required to pay, by reason of said entertainment or by reason or any act of neglect of himself or his agents relating to such entertainment, or by reason of any violation of the terms and conditions of its license.
4. The license is subject to suspension, revocation, or forfeiture for breach any of its conditions, and all applicable codes, ordinances, statutes, and Rules and Regulations and orders of this licensing authority.
5. The entertainment license may be conditioned, revoked or suspended pursuant to the provisions, M.G.L. c. 140 secs 180 and 183A, as subsequently amended, and applicable Rule and Regulations, orders and conditions of the Commission.
6. Licensee must be in complete compliance with all applicable codes, ordinances, statutes, and Rules and Regulations of the Commission.
7. An entertainment license is non-transferable. A Licensee shall not sell, trade, gift or in any other fashion transmit a license to any other party.

**J. SEVERABILITY**

If any of the provisions of these Rules and Regulations or their application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of such Rules and Regulations or the application of such other provisions, which can be given effect without the invalid provisions or application thereof, and for this purpose the provisions of these Rules and Regulations are severable.

Chicopee Board of License Commissioners:



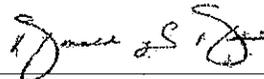
Donald Goulette, Chairman



Robert Borowiec



James Grise



Donald Dérosia