

**CHICOPEE LICENSE
COMMISSION
REGULATIONS,
POLICIES AND
PROCEDURES
MANUAL**

Amended December 18,2014

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CHICOPEE LICENSE COMMISSION REGULATIONS

INTRODUCTION

In issuing regulations, the **Chicopee License Commission** as the liquor licensing authority of the City of Chicopee, is setting forth the expectations of the citizens of Chicopee as to the conduct of the city's liquor license holders. A significant objective of the regulations is the prevention of violations. In familiarizing themselves with these regulations, license holders will realize that much is expected of them. The Chicopee License Commission believes that violations will be prevented because these regulations will at last require liquor license holders to operate in accordance with a clearly defined, higher standard.

1. Identification of the Chicopee License Commission

1. The Local Licensing Authority (LLA) for the Chicopee License Commission shall consist of the Chicopee License Commission

2. Scope of and Statutory Basis for Promulgation of Rules

1. The statutory basis for the promulgation of these rules is set forth within the applicable sections of M.G.L. c.138. Each reference to a statute shall include any amendment thereto.
2. These rules are supplementary to any statutory requirements and to the rules of the Alcoholic Beverages Control Commission ("**ABCC**").

3. Definitions

1. Whenever the word "**Licensee**" is used herein it shall mean an individual licensee and each member of a partnership licensee and each officer, director, manager, and stockholder of a corporate licensee and any agent of a licensee including those employees who work in the public areas of the premises.
2. Whenever the word "**License**" is used herein it shall mean a revocable privilege granted by a licensing authority.
 - A. The Chicopee License Commission grants the following **Section 12** (On-Premise) types of All Alcohol licenses under **M.G.L. c.138**:

I. **Club License**. This license is issued to a non-profit corporation or association for sales of alcoholic beverages to members and subject to regulations of the Chicopee License Commission, to the guests of the members.

II. **General On Premise License**. This license authorizes the sale of alcoholic beverages without food.

III **Hotel License**. This license is issued to an establishment that is licensed as an innholder and has the equipment and has the capacity for serving food. A hotel licensee that sells food must first be issued a Common Victualler license under the provisions on M.G.L. chapter 140. In addition a hotel licensee that rents rooms to the public must also be issued an Innholder's license under provisions of M.G.L. chapter 140.

IV. **Restaurant License**. This license authorizes the sale of alcoholic beverages by an establishment licensed as a common victualler that has the equipment and capacity for serving food. A Restaurant licensee that sells food must first be issued a Common Victualler license under the provisions on M.G.L. chapter 140.

V. **Tavern License**. This license is issued to an establishment where alcoholic beverages may be sold, and must be served to and drunk by patrons in plain view of other patrons, all entrances to which shall open directly from a public way. A Tavern licensee may sell alcoholic beverages with or without food. A Tavern licensee **MAY NOT** sell alcoholic beverages on Sundays.

VI. **Veterans Club** (see Club Licenses). The Chicopee License Commission may grant a license, outside the quota system, subject to ABCC approval, to any corporation whose members are war veterans which owns, hires or leases a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell to members of that post only, and, subject to local licensing authorities, to guests introduced by such members and to no others.

VII. **Cordials and Liqueurs Permit**. The Chicopee License Commission may grant a Cordials and Liqueurs Permit to any common victualler who holds a wine and malt beverages license (that is, only a holder of a Restaurant or Hotel type license and in certain instances a Tavern license).

VIII. **Farmer-Brewer Pouring Permits/Farmer Winery Pouring Permits**. These two types of specialized “pouring permits” may be granted by the Chicopee License Commission. A Farmer-Brewer Pouring Permit may be granted to the holder of a Farmer-Brewer license (issued by the ABCC). A Farmer Wine Pouring Permit may be granted to a holder of a Farmer-Winery license (issued by the ABCC). Both pouring permits allow only produce made by the farmers to be poured and sold.

IX. **Seasonal Section 12 (on premise) License** can be issued effective from April 1 to January 15 or any portion thereof and to the number that the Chicopee License Commission deems to be in the public interest. Franklin and Berkshire counties may issue winter seasonal licenses and estimate before October 15 the temporary increased resident population as of the following February 10. Such licenses are effective from December 1 to April 1.

B. The Chicopee License Commission also grants Section 14 Special Licenses under M.G.L. c.138. Such Special Licenses (commonly referred to as “**One Day Licenses**”) shall not be issued to any person(s), association, partnership or corporation already issued or in the process of being issued a license to sell alcoholic beverages as approved by the Chicopee License Commission. Special licenses cannot cover any portion of a currently licensed premise.

C. The Chicopee License Commission also grants Section 15 licenses under M.G.L. c.138, commonly referred to as a “**Package Store License.**” In accordance with M.G.L. c.138, §15, “no person, firm, corporation, association, or other combination of persons, directly, or indirectly, or through any agent, employee stockholder, officer or other person or any subsidiary whatsoever, shall be granted more than one such license in a town or two in a city.” In addition, the Chicopee License Commission may also grant:

I. A **Seasonal Section 15 (off-premises) License** based on a quota set by the estimate provided by the Chicopee License Commission before March 1 of the temporary increased resident population as of the following July 10. That estimate must be submitted to the Alcoholic Beverages Control Commission prior to April 1. Off-premise seasonal licenses are issued based on that estimate at the rate of one license for each 5,000 population (or fraction thereof) and can be issued effective from April 1 to November 30 and also until January 15, or any portion thereof, as set by the Chicopee License Commission.

3. Whenever the words “Licensing Authority” or “Authority” are used herein it shall mean those groups having legal authority to grant licenses and/or regulate the operation of the licensed premises.
4. Whenever the word “**Patron**” is used herein it shall mean a customer who is legally on the licensed premises.
5. Whenever the word “**Premises**” is used herein it shall mean all land and buildings associated with the operation of the license.
6. Whenever the word “**Rules and Regulations**” is used herein it shall mean a compilation of regulations, ordinances and laws set up to regulate the manner in which businesses under it shall operate.

7. Whenever the word “**Dormant License**” is used herein it shall mean any license holder who “ceases to conduct the licensed business” that is, any license holder who closes the business or stops doing business for thirty (30) days.

SECTION ONE: GENERAL LICENSING RULES FOR LICENSEES

1.00 Applicability of Rules and Regulations

- a. This section shall apply to all City licensees, unless specifically provided otherwise.

1.01 Availability of Rules and Regulations

- a. All licensees of the Chicopee License Commission shall ensure that a copy of the Regulations, Policies and Procedures Manual of the Chicopee License Commission is kept on the premises at all times and is available for inspection upon request by a member of the public or an agent of the Chicopee License Commission. These Regulations, Policies and Procedures are to be kept in the office of the Manager or at the main cash register.
- b. The licensee is responsible for ensuring that all employees who work in the public areas of the premises read the Regulations, Policies and Procedures of the Chicopee License Commission and comply with all rules and laws.

1.02 Posting and Signs

- a. **Licenses issued by the Chicopee License Commission shall be posted in a conspicuous place easily seen by the public where they can read without difficulty and without the assistance of employees at the premises.**
- b. All other licenses, permits, and certificates affecting the licensed premises shall be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover over any part of the license issued by the Chicopee License Commission.
- c. No dress code or preferred customer program or cover charge or other admissions policy shall be put into effect at the premises except upon proper posting pursuant to section 1.03 (“Admissions”), below.

1.03 Admissions to the Premises

- a. No licensee shall permit any rule, policy, or action, express or implied, which makes any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, or ancestry, physical or mental disability, relative to the

admission or treatment of persons from the general public or employees at the licensed premises; provided, however, that premises licensed pursuant to M.G.L. c.138, §12, may make rules regulating the admission of minors to the premises when such rules are not inconsistent with other rules and regulations stated herein; provided further that private club licensees shall not discriminate, as aforesaid, with regard to guests at the licensed premises or with regard to who may be invited to the premises as a guest.

- b. No licensee shall institute dress requirements of any kind except according to the following rules:
 1. A sign shall be posted at the entrance stating dress requirements or dress restrictions with specificity which may also include restrictions as to footwear. (Examples: “Jackets required,” “Ties and jackets required,” “Shirts with collars required, no sneakers”).
 2. No signs shall be posted which state that, “Proper dress required” or which otherwise announce a dress policy without stating specifically, item by item, what dress is required or what dress is prohibited.
- c. No licensee shall institute privileged entrance requirements of any kind except according to the following rules:
 1. A licensee may issue special passes.
 2. The special passes shall state the calendar year on the face of the pass.
 3. The special pass shall not entitle the passholder to free drinks or to a discount on drinks.
 4. The licensee shall keep a list of the names and addresses of all passholders and must have such list available if requested by the Chicopee License Commission.
 5. The licensee is responsible for ensuring that persons are picked to be passholders on a rational basis and not on any basis that is discriminatory in violation of law or these regulations.
- d. No licensee shall require any person(s) (men and women) to pay a minimum charge or cover charge unless a sign is conspicuously posted at every entrance to any dining room or rooms where such charge is required, in letters no less than one inch in height, stating that a minimum charge or cover charge shall be charged and also stating the amount of charge; provided, however, that no such licensee shall require a person under thirteen years of age to pay a minimum charge

or cover charge. Such cover charge shall not be collected in advance of gaining entrance to the licensed premises, and can only be charged upon a written or printed receipt, permanently recorded and numbered seriatim, presented to each individual customer or group of customers. Records of such receipts shall be kept by the licensee for a period not less than two years. Cover charge shall mean all admission fees or admission charges. Such charges must also be posted on the outside of the licensed premises. Nothing in this regulation shall be construed to prohibit advance ticket sales.

- e. No minimum charge for the purpose of alcoholic beverages or minimum alcoholic beverage drinking requirement shall be imposed upon any customer of a M.G.L. c.138, §12 licensee.
- f. A licensee who charges a minimum charge for the purchase of food and/or non-alcoholic beverages shall include a specific statement in a posting stating that there is no minimum charge for alcoholic beverages. Such minimum charge for food and/or non-alcoholic beverages shall not be collected in advance of gaining entrance to the premises. No licensee shall impose a minimum charge for food and/or non-alcoholic beverages upon any customer who incurs charges for alcoholic beverages equal to or greater than the posted minimum charge for food and/or non-alcoholic beverages.
- g. Licensees shall refuse entrance to the premises to a person who appears to be intoxicated or unruly; and shall evict such a patron, except that in such a case the licensee should call the police and should offer assistance to an intoxicated person when possible.
- h. Licensees shall not permit entrance to the premises by more persons than the maximum occupancy limit established by the Building Department. Certificate of Inspections should be posted next to liquor licenses.
- i. Licensees who permit persons to wait in line for a table or a seat or for entrance to the premises shall obey the following rules:
 - 1. Persons who wait inside the premises shall be kept in an orderly line and must not be permitted to block fire aisles or exits. The number of such persons waiting inside the premises shall not exceed the number of persons allowed as standees.
 - 2. Persons who are permitted to wait in line outside the premises shall be supervised by an employee of the licensed premises. Such employee shall stand outside with the line during all times when the line exceeds ten persons and shall announce no further admissions to the premises if persons in the line are being loud or disorderly or if the line is blocking the sidewalk or is of a size that could reasonably be expected to cause noise or other problems for residents of the area or for passersby. To the

extent that lines in front of a licensed premise become the subject of public complaints the licensee shall have been deemed to be inviting a public nuisance and shall be subject to disciplinary proceedings for same. It is recommended that licensees in residential areas discourage lines of more than ten persons.

- j. Licensees shall not lock the front door of the premises until the last patron has exited from the premises.
- k. Licensees shall not allow any patron or any guest or any employee who is not working that shift to enter the premises after the closing hour posted on the license or prior to the opening hour posted on the license.

1.04 Hours of Operation

- a. The hours of operation shall be restricted to those set by the Chicopee License Commission and stated on the face of the license. No patrons shall be on the premises before the official opening hours. All beverages must be served by 1:30 AM. All beverages must be cleared from serving and bar areas by 1:45 AM. All patrons must exit the premises by 2:00 AM. This section does not apply to holders of an Innkeeper's license. Customers must be up and on the way out once the closing hour of the licensed premises has been reached. No drink consumption time.
- b. The rules for employees on premises after closing hours are as follows: employees must be off the premises no later than sixty (60) minutes after the "Official Closing Hour," provided however, that such employees or other hired personnel may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for the premises, or preparing food for the next day's business or opening or closing the business in an orderly manner.
- c. Licensees shall ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner should hire security personnel to police the leave-taking of the patrons at closing time.

1.05 Physical Premises

- a. The licensed premises shall conform to the floor plan approved by the Chicopee License Commission with regard to the structures and the walls at the premises, any changes in the floor plan or any renovations of any kind shall not be made without notification to the Chicopee License Commission and the approval of the Chicopee License Commission.
- b. All premises covered by the license shall be kept in a clean and sanitary condition.

- c. No outside area shall be used for consumption of alcoholic beverages by patrons unless approved by the Chicopee License Commission.
- d. The premises shall be lighted in all public areas in a manner sufficient for the safety of the patrons and in a manner sufficient for the agents of the Chicopee License Commission to make observations at the premises without the need to identify themselves or the need to seek assistance.
- e. The capacity set for the premises by the Building Commissioner shall be the maximum potential capacity for the premises.
- f. Licensees shall not invite the members of the general public to private areas of the premises which are approved by the Chicopee License Commission for storage or for an office or for a kitchen or for a music or video projection room or for any similar non-public use. Only owners, employees, and vendors who service the licensed premises shall be in these areas.
- g. No advertising matter, screen, curtain or other obstruction which in the opinion of the Chicopee License Commission, or their Agents (Chicopee Police Department), prevents a clear view of the interior of the premises shall be maintained in or on any window or door thereof after the Chicopee License Commission has ordered the removal of such obstruction.
- h. The interior of the premises shall be sufficiently lighted at all times and all exits shall be properly designated by lighted signs, "Exit" as same may be mandated by the Building Commissioner or by the Fire Department.

1.06 Business Arrangements of Licensees

- a. No person or entity shall obtain or renew a license unless the applicant for such license or for renewal of such license can demonstrate proof of a legal right to the licensed premises for the term of the license. Such proof shall include ownership papers or a tenancy document or a management contract; provided, however, that all parties to such ownership or leasehold interest or management contract shall be known to the Chicopee License Commission and the terms of such agreements or contracts shall be made known to the Chicopee License Commission.
- b. No licensee shall hire any employee or contract for goods or services in any name other than that of the licensee, nor shall the licensee pay for any such employment, goods, or services by any means other than its own cash or bank accounts in its own name. Cash transactions shall be recorded in a manner suitable for review by the

Chicopee License Commission. Such records shall be kept for a period of three years.

- c. No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the persons properly approved of by the Chicopee License Commission and the salaried employees of such persons.
- d. No licensee shall permit any person to work at the licensed premises or to hold themselves out as a person in a position of at the premises except for those persons who are owners and officers or who are salaried employees for whom payroll records are available. No licensee shall pay an employee any percentage of the profits of the business or pay an employee in any manner other than by salary or hourly rate except upon approval of the Chicopee License Commission.
- e. No licensee shall pay a landlord or creditor of any kind a percentage of the profits of the business except upon complete disclosure to the Chicopee License Commission and the receipt of the Chicopee License Commission's approval.
- f. No licensee shall lease out any part of the premises or any part of the business without the approval of the Chicopee License Commission. No licensee shall lease out the food or beverage service without the approval of the Chicopee License Commission.
- g. No licensee shall enter into an agreement with an independent contractor to provide beverages or food or entertainment or management at the premises without the approval of the Chicopee License Commission.
- h. No licensee shall pledge the stock in the licensed business or the license itself without the approval of the Chicopee License Commission pursuant to M.G.L. c.138 §15A. No licensee shall pledge a license without obtaining the approval of the Chicopee License Commission pursuant to M.G.L. c.138, §15A.
- i. No licensee shall take a loan secured by any equipment at the premises or secured by any direct or indirect interest in the licensed business without the approval of the Chicopee License Commission. This includes kitchen equipment, video or audio equipment, lighting equipment, furniture, or any other type of equipment.
- j. No licensee shall contract bills for its licensed premises under any corporation or trade name other than that under which it is licensed.

- k. Managers in licensed premises shall not be changed until the Chicopee License Commission and the Alcoholic Beverages Control Commission have approved such change.
- l. Any licensee intending to close its place of business shall notify the Chicopee License Commission in writing before such closing and state the reason for such closing.
- m. Assignment of the stock of corporate licensees for purposes of collateralizing loans or notes, etc., gives no right to the assignee to conduct the business of the licensee. Licensees shall immediately notify the Chicopee License Commission when the assignee forecloses under such assignment of stock or when other proceedings are brought which affect the economic and financial rights and abilities of the licensee.
- n. Licensees shall enter into no agreement or understanding which sets a minimum requirement for gross sales of food and beverages at the premises.
- o. Licensees shall not use any trade name, assumed name, or abbreviated name in connection with the licensed business unless the same appears on the license certificate issued by the Chicopee License Commission or unless written permission is first obtained from the Chicopee License Commission. The use of any unauthorized name on the books, records, stationery, or interior or exterior of the licensed premises or for advertising purposes or telephone listing is prohibited unless permission is first obtained from the Chicopee License Commission.
- p. Licensees are responsible for maintaining a legal right to access to and control of the premises which is covered by the license. Failure to have a legal right to the named licensed premises shall result in the revocation or non-renewal of the license.

1.07 Alcoholic Beverages Sales and Laws

- a. No alcoholic beverages shall be sold for less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.
- b. All licensees shall maintain a schedule of the prices charged for all drinks to be served and consumed on the licensed premises or in any room or part thereof. Such prices shall be effective for not less than one calendar week.
- b. No licensee or employee or agent of a licensee shall:
 - 1. Offer or deliver any free drinks to any person or group of persons;

Deliver more than two drinks to one person at one time;

2. sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the general public;
 3. sell, offer to sell, or deliver to any person an unlimited number of drinks during a set period of time for a fixed price, except at private functions not open to the general public;
 4. sell, offer to sell or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 5. Sell, offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time;
 6. Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;
 7. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes;
 8. Advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under this section.
- b. Nothing contained in the preceding section shall be construed to prohibit licensees from offering free food or entertainment at any time; or to prohibit licensees from including a drink as part of a meal package; or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one persons; or to prohibit those licensed under M.G.L. c.138, §15, from offering free wine tastings; or to prohibit those licensed under M.G.L. c.138, §12, from offering room services to registered guests.
- c. Licensees shall not permit alcoholic beverages to be brought on the licensed premises by patrons or employees.
- d. Licensees shall be responsible for ensuring that minors are not served alcoholic beverages and are not drinking alcoholic beverages on the licensed premises, whether served to them by an employee or handed to them by another patron. Licensees who do not have the ability to keep track of the drinking activity of minors at the premises shall exclude minors from coming onto the premises in order to meet

the burden of ensuring that there is no underage drinking at the premises. Licensees who choose to permit minors on the premises, whether pursuant to an "I.D. bracelet" program or otherwise, shall be accountable if minors are found to be drinking alcoholic beverages on the premises, whether or not the Chicopee License Commission's agents are able to prove that the licensee actually served the drink directly to the minor. Sufficient security personnel shall be employed to monitor the premises to ensure that patrons do not pass alcoholic beverages to minors.

- e. Any establishment licensed to sell alcoholic beverages to be drunk on the premises shall post a copy of the penalties for driving under the influence set forth in M.G.L. c.90, §24. Establishments licensed to sell alcoholic beverages not to be drunk on the premises shall post a copy of the penalties for operating a motor vehicle while drinking from an open container. Said copies shall be posted conspicuously in said establishments. Said copies are available at the Alcoholic Beverages Control Commission.
- f. Food service shall be available in all areas of the licensed premises where alcoholic beverages are served, this to include dining areas and lounge areas. This does not include any area approved as a waiting area by the Chicopee License Commission.
- g. A Restaurant License or a Hotel License allows the holder of a restaurant or hotel license to sell and serve liquor solely for consumption on the premises of an establishment. All license holders will comply with M.G.L. c.138, §12A. A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of liquor, until at least 9:00 p.m. daily, if any spirituous liquor is to be sold and served up to 1:00 a.m.

1.08 Environs of Licensed Premises

- a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee shall be accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.
- b. No licensee may have upon the premises any automatic amusement machine unless same has been approved and separately licensed by the Chicopee License Commission. Types of machines and location of machines upon the premises must be approved. The licensee must make application, not the distributor.
- c. Licensees shall act reasonably and diligently to disperse loiterers or patrons who attempt to congregate in front of or at the licensed premises. Failure of the licensee to keep persons from congregating at the licensed premises may lead to disciplinary action against the licensee for allowing a public nuisance. Action to be taken by the

licensee shall include: (1) maintaining the front door in a closed position; (2) asking loiterers to disperse; (3) promptly notifying the police if loiterers refuse to disperse; (4) hiring a security guard or stationing a security employee at the front door to disperse loiterers; (5) refusing to allow patrons to walk in and out of the premises at short intervals; (6) maintaining order in lines of patrons waiting outside to get in; (7) announcing that no further patrons will be allowed into the premises if lines become too long or disorderly or loud.

- d. Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages. Such steps shall include having an employee stationed at the door to watch patrons as they leave. When patrons are observed leaving the premises with beer bottles, beer cans, or cups or glasses filled with liquids that smell like alcoholic beverages to the Chicopee License Commission's agents, it shall be presumed that the vessels contain alcoholic beverages.
- e. When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Chicopee License Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, the licensee shall be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

1.09 Inspections and Investigations

- a. The licensed premises shall be subject to inspection by the members of the Chicopee License Commission, their duly authorized agents, the Chicopee Police Department. Any hindrance or delay of such inspection caused by an employee of the licensee shall be cause for action against the license. It shall be the responsibility of the licensee to ensure that procedures are in place, be it posting a doorman or otherwise, to allow Police and authorized agents of the Chicopee License Commission immediate entrance into the premises at anytime employees are on the premises. Any delay in providing such access shall be cause for action against the license.
- b. Licensees shall maintain a current list of all of their employees and shall have it available at all times for inspection upon the request of an authorized agent of the Chicopee License Commission. Licensees who contract with entertainment entities to provide entertainers must maintain a current list of the names of such entertainers and said entertainers shall be held to the same rules as other employees at the premises.

- c. No device or electronic equipment shall be utilized by a licensed premise for the purpose of signaling employees that agents of the Chicopee License Commission are present.
- d. All complaints and reports shall continue in force until they have been reviewed and disposed of by the Chicopee License Commission.

1.10 Standards of Conduct on the Premises

- a. 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 beverages or other commodities.
- b. 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 person.
- c. No alcoholic beverages shall be sold to anyone under twenty-one (21) years of age. No service of alcoholic, wine/malt beverages shall be made to anyone under twenty-one (21) years of age.
- d. No manager or employee shall consume any alcoholic beverages while on the licensed premises while on duty or after the official closing hour.

1.11 Illegal Activity on the Licensed Premises

- a. Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts shall include:
 - 1. Frequent monitoring of restrooms and other nonpublic areas of the premises for signs of drug activity or other illegalities;
 - 2. Paying attention to activities on the premises of known drug users or drug dealers or prostitutes or others who are known to have been convicted of crimes which may be conducted at a licensed premise;
 - 3. Monitoring of activities of persons who talk about weapons or who appear to be hiding a weapon;
 - 4. Calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information; and

5. Hiring security personnel to deal with chronic unlawful activity at the premises such as prostitution or gambling or larceny from patrons or assaults and batteries or other problems associated with the premises.
- b. There shall be no disorder, prostitution, illegal gambling, illegal drug use or sales or possession, or other illegal activity on the licensed premises or any premises connected therewith by an interior communication.

1.12 Injuries to Persons at the Premises

- a. Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.
- b. Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons or persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

1.13 Other Causes for Revocation, Suspension, and Modification

- a. Any license issued pursuant to M.G.L. c.138 may be modified, suspended, or revoked for any of the following causes:
 1. Violation by the licensee of any provision of the relevant General Laws of the Commonwealth, of the regulations of the Alcoholic Beverages Control Commission or of the regulations of the Chicopee License Commission.
 2. Fraud, misrepresentation, false material statement, concealment or suppression of facts by the licensee in connection with an application for a license or permit or for renewal thereof or in connection with an application for the removal of the licensed premises or the alteration of the premises or in connection with any other petition affecting the rights of the licensee or in any interview or hearing held by the Chicopee License Commission in connection with such petition, request, or application affecting the rights of the licensee;
 3. Failure to operate the premises covered by the license without prior approval of the Chicopee License Commission;

4. Failure or refusal of the licensee to furnish or disclose any information required by any provision of the General Laws or by any rule or regulation of the Alcoholic Beverages Control Commission or any rule or regulation of the Chicopee License Commission;
5. Licensees shall not give or offer any money or any article of value or pay for or reimburse or forgive the debt for services provided to any employee or agent of the Chicopee License Commission either as a gratuity or for any service;
6. Licensees may not fail to comply with any condition, stipulation or agreement upon which any license was issued or renewed by the Chicopee License Commission or upon which any application or petition relating to the premises was granted by the Chicopee License Commission. It shall be the duty of the licensee to ensure that all appropriate personnel at the licensed premises are familiar with the rules and regulations of the Chicopee License Commission and with any conditions on the license.
7. A license may be suspended or modified or revoked for the refusal by any licensee and, if a corporation, by a manager, officer, or director thereof to appear at an inquiry or hearing held by the Chicopee License Commission with respect to any application or matter bearing upon the conduct of the licensed business or bearing upon the character and fitness of such person to continue to hold a license.
8. Licensees shall properly serve suspension and modification orders.
9. A license may be suspended or modified or revoked for ceasing to conduct the licensed business, that is any license holder who closes or stops doing business (Dormant License). Licensees who suspend or cease operation must notify the Chicopee License Commission within 10 days with a schedule in writing for reopening to be approved by the Chicopee License Commission. The schedule submitted by the licensee, must include a date certain for the reopening of the business.

1.14 Disciplinary Guidelines

- a. Licensees in violation of the applicable laws of the Commonwealth, regulations of the Alcoholic Beverage Control Commission and/or these regulations **may be** subject to the following guideline range of discipline.
 1. First offense: warning to seven day suspension.
 2. Second offense: warning to thirty day suspension.

3. Third offense: warning to revocation/cancellation.
- b. Only offenses which have occurred within the two years preceding the date of violation shall be used in calculating the number of offenses for purposes of the sentencing guidelines.
- c. The disciplinary guidelines are only a guide. The Chicopee License Commission may use its discretion in determining whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested by the guidelines.
- d. The sentencing guidelines shall not be construed so as to limit the Chicopee License Commission to consider alternative dispositions, or further conditions on a license or even alternate penalties (e.g. roll back of operating hours).

1.15 Service of Suspension Orders

- a. When the Chicopee License Commission suspends the license or licenses of any licensee, it shall provide the licensee with an order of suspension for public display that must contain the words, "No alcohol served per order of the Chicopee License Commission." Such order shall be publicly displayed by the licensee in the following manner. If there is a door opening from the street into the licensed premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may readily be seen from the street. If the licensed premises are otherwise located, such order shall be affixed to the door of the entrance to the premises and displayed in such a way that it may be readily seen from the street.
- b. Suspension orders of the Chicopee License Commission, as above, shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, or obliteration of the order of suspension or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the licensee and shall be cause for further suspension, modification or revocation of the license.
- c. Suspension periods shall not be used as a time to perform major renovations at the licensed premises unless such renovations have previously been approved by the Chicopee License Commission.

1.16 Permission to Close Premises Required

- a. Any licensee intending to close a place of business, being a “**Dormant License**” used herein shall mean any license holder who “ceases to conduct the licensed business” that is, any license holder who closes the business or stops doing business for thirty (30) days whether on a temporary or permanent basis, must notify the Chicopee License Commission in writing before such closing stating the reason and length of such closing and obtain approval. Failure to provide such notice may result in the suspension or revocation/cancellation of the license.
- b. The restriction in (a) shall not apply to a closing due to an act of God, natural disaster, illness or some other business problem for which request had been made to the Chicopee License Commission and approval granted.

1.17 Bankruptcy and Court Proceedings

- a. The licensee shall immediately notify, in writing, the Chicopee License Commission of any legal (civil or criminal) proceedings brought by or against the licensee under the bankruptcy laws or of any other court proceedings which may affect the status of the license.

1.18 Management

- a. Each corporate licensee must appoint a manager by a properly authorized and executed delegation.
- b. The responsibilities of every license holder and any manager shall be as follows:
 - 1. To obey all statutes of the Commonwealth, rules of the Alcoholic Beverages Control Commission, Rules and Regulations of the Chicopee License Commission;
 - 2. To promptly notify the police of any disturbances or illegal activity on the licenses premises of which he becomes aware;
 - 3. As to corporate licensees, to sign the annual application for renewal of license, unless unavailable; and
 - 4. To cooperate with authorized agents of the Chicopee License Commission, including but not necessarily limited to, any police officer, in their investigation or inspection of the licenses premises.
- c. Any such notice sent to the manager as named in the records of the Chicopee License Commission or the owner at the address of the licensed premises shall constitute valid legal notice to the licensee.

- d. The licensee shall not change managers, change corporate officers, sell or transfer corporate stock, pledge corporate stock or liquor license as security, or accept a loan or credit from another licensee, without first obtaining the approval of the Chicopee License Commission. No person may have a direct or indirect beneficial interest in a license without first obtaining the approval of the Chicopee License Commission.

1.19 Service Training Required for All Liquor Licenses

1.0 Purpose

To require all liquor license holders, managers and servers to complete an approved alcohol training program.

ALL NEW EMPLOYEES MUST ATTEND A CLASSROOM COURSE.

RENEWAL OF TIP'S CERTIFICATION MUST BE A CLASSROOM COURSE.

ALL EMPLOYEES MUST HAVE TIP'S CARD ON THEIR PERSON WHILE WORKING.

2.0 Policy

A. Mandatory Training Requirement

All liquor license holders, including but not limited to on and off premises, licensee holding all –alcohol, including seasonal or one-day license, beer and wine license, private club license or retail package store license shall participate in a program approved by the Liquor Liability Joint Underwriting Association(LLJUA) and/or of the Chicopee License Commission, designed to train management and bartenders/employees in methods of observation and detection to avoid selling or serving to intoxicated persons and or minors. All managers shall have successfully completed such program prior to his/her appointments and such training and successful completion shall also be required for all bartenders, wait staff, sales clerks and employees serving or selling any alcohol at all establishments with an alcoholic beverage license.

B. Programs Available

Listed below are programs that are currently available which meet the requirements of this policy.

**RESPONSIBLE ALCOHOL SERVER TRAINING TRAINER SOURCE
GUIDE TELEPHONE NUMBERS AND WEB SITES**

NAME	TRAINING FOR:	PROGRAM	TELEPHONE NUMBER
James Staples	All Alcohol Licenses	SAFE ID CHECK	1-617-539-0118
Joe Giarusso	All Alcohol Licenses	SSA-FRAS	413-584-6711/413-374-6329
Frank Anzalotti	Package Stores Only	T.A.M.	1-800-322-1383
Louise Hague	Rest/Bars and Package Stores	T.I.P.S	1-508-888-2855
Mike Marcantonio	Rest/Bars and Package Stores	T.I.P.S	1-800-286-7659
Edward McCann	Rest/Bars and Package Stores	T.I.P.S	1-781-545-6214
Mass. Rest. Assoc	Rest/Bar only	BAR CODE	1-800-852-3042
Bernard Milton	Rest/Bar and Package Stores	T.I.P.S	1-617-734-6411
Robert Stefanik	Rest/Bar Only	BAR CODE	1-888-673-5566
Dan Trent	Rest/Bar Only	A.I. M	1-508-756-8542
Dan Zunitch	Rest/Bar and Package Stores	T.I.P.S	413-553-3187
Rick Grise	Rest/Bar and Package Stores	T.I.P.S	413-592-7236
Bill Courchesne	Rest/Bar and Package Stores	T.I.P.S	413-427-2225
Business Point Systems			tips@BusinessPointSystems.com
Tips Training Information		WWW.GETTIPS.COM	1-800-438-8477 EXT.705

C. Verification of Server Training

All establishments must maintain during operating hours, in an accessible place, a roster or certificate of trained personnel, which shall be maintained for each employee and shall be available for inspection by the licensing authority, or any authorized agent thereof, upon demand at all times. An updated roster shall be submitted with the annual application for the renewal of the license. The roster shall include: (1) employee name ;(2) employee date

of birth;(3) date of hire;(4) type of training;(5) training certificate; and (6) date of expiration.

D.Re-Certification

All management and bar personnel shall be required to be re-certified prior to the expiration of the certification granted by an approved program listed in paragraph 2.

(You must be re-certified every three years with a classroom course)

Implementation

All employees required to receive training hereunder must complete such training within ninety (90) days from the date of employment, except that managers shall be trained prior to appointment as set forth in Paragraph 1. **Every establishment must have all employees who handle alcohol trained and certified on or before May 1, 2011.** In the event any such license holder is unable to meet these requirements, such license holder must request an extension in writing from the Board of License Commission on or before April 30, 2011 and for good cause, the Board may grant a further extension not to exceed sixty (60) days in order to allow the license holder to comply with the provisions hereof. Any violation of this paragraph may result in suspension of the license or such other action deemed appropriate by the Licensing Authority until such license holder complies with the provisions hereof.

F. Penalty Guidelines

Licensees in violation of the training requirements set forth hereunder shall be subject to the following range of discipline:

First Offense-Warning to seven (7) days suspension

Second Offense-Warning to thirty (30) days suspension

Third or Subsequent Offense-Warning to Revocation

The penalty guidelines are only a guide. The Licensing authority may use its discretion in determining whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested by the guidelines. The penalty guidelines shall not be construed so as to limit the Licensing Authorities' power to consider alternative dispositions, or further conditions on a license or even alternate penalties including but not limited to, reduction and/or rolling back of operating hours.

3.0 APPLICABILITY

Refer to "A" under 2.0 Policy Guidelines

4.0 QUESTIONS

Please contact the Board of License Commission Office at 413-594-1530 if you have any questions regarding this policy.

1.20 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 Secs181 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 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.

4. 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.

5. 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.

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.