



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

The Mayor of the City of Springfield, Domenic J. Sarno, 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 Mayor 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 Mayor, as the license granting authority.
4. The Licensee shall allow any person designated by the Mayor including the Springfield Police Officers 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 Mayor 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 Springfield Zoning Code and State building code, obtaining a Certificate of Occupancy and Certificate of Inspection from the Code Enforcement Department/Building Division and Springfield Fire Department if so required by law.
8. Springfield Police Officers are authorized as agents of the Mayor, 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 Mayor such information as may be relevant to the standards and procedures outlined in this regulation.

## **B. SAFETY**

1. As required by the Springfield Fire Commissioner, 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 of the means and apparatus for extinguishing the fire.
4. 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.
5. No device or electronic equipment shall be utilized by any licensed premises for the purpose of signaling employees that agents of the licensing authority are present.
6. Any police complaints and/or reports presently on file shall continue in force until disposed of by the licensing authority.

## **C. ADMISSION 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 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. c 138 sec 12) license and an entertainment license must provide the entertainment licensing authority at least 2 week notice of its request to offer an "18 & Over Night," "21 & Under Nights" and like event (herein after "special

event”). Licensees must seek a Special Event Permit by submitting a Special Event Application (copy attached as Exhibit A) to the office of the mayor 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 Mayor or his 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 the 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 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. If the Mayor at his discretion requires the licensee to hire a police and/or fire detail(s) during the operation of a special event, the licensee shall be solely responsible for all costs of such detail(s).

4. This section shall not apply to licensees who, as a primary daily business activity, provide entertainment to children or families (e.g. Chuck E Cheese, Civic Center, etc). This section shall not apply to licensees whose income from food is 40% or greater of its gross receipts (e.g. family restaurants).

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

4. Licensee shall immediately notify the Division 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 Springfield contained in Title 7, Chapter 7.20 of the Revised Ordinances of the City of Springfield, 1986, as amended. Under 7.20.010 B "Unreasonable Noise" means any noise plainly audible at a distance of one hundred feet (100'); and in the case of an amplification device, the words "unreasonable noise" means any noise plainly audible at a distance of fifty feet (50').

## **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 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 beverages 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 Springfield 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 of 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 Springfield 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. Likewise, 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 sec 181 and 183A, as subsequently amended.

2. The Mayor 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 Springfield 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 181 and 183A, as subsequently amended, and applicable Rule and Regulations, orders and conditions of the Mayor.
6. Licensee must be in complete compliance with all applicable codes, ordinances, statutes, and rules and regulations of the Mayor.
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 provision or application thereof, and for this purpose the provisions of these Rules and Regulations are severable.



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Domenic J. Sarno, Mayor

Date: April 7, 2009



**EXHIBIT A**

\_\_\_\_\_  
NAME OF BUSINESS/CLUB

\_\_\_\_\_  
ENT LICENSE #

**CITY OF SPRINGFIELD  
MAYOR'S OFFICE  
APPLICATION FOR  
SPECIAL EVENT PERMIT  
(Under 21; 18 & Over; and like events)**

\_\_\_\_\_  
Name Entertainment Licensee

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Name and Telephone number of person responsible  
for Special Event (This must be a person directly  
affiliated with the Entertainment Licensee and not a promoter)

Pursuant to the City of Springfield Rules and Regulations for Entertainment Licenses,  
paragraph D, I hereby request a Special Event Permit for an "Under 21" "18 & Over" or  
like event ("Special Event").

1. Date(s) of Special Event: \_\_\_\_\_

2. Type of entertainment to be offered: \_\_\_\_\_

\_\_\_\_\_  
3. Number of persons expected to attend: \_\_\_\_\_

4. Age range of persons expected to attend: \_\_\_\_\_

\_\_\_\_\_

5. Conditions and setup of the premises: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Measures licensee will take to prevent persons under the age of 21 from consuming alcoholic beverages: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Security measures to be taken in order to prevent danger to the public safety, health or order. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. State whether you plan on hiring extra duty police. If so state the number of detail officers and their shift. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

OFFICE OF THE CITY CLERK  
36 COURT STRET  
SPRINGFIELD, MA 01103  
FEE: \$10.00

SUBJECT TO THE MAYOR'S APPROVAL  
GRANTED DATE \_\_\_\_\_  
CONDITIONS \_\_\_\_\_  
\_\_\_\_\_

DENIED DATE \_\_\_\_\_

See next page.

Please note, after reviewing the documentation submitted by the licensee the Mayor or his 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 the 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 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.

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Special Event Permits shall not be required for licensees who, as a primary daily business activity, provide entertainment to children or families (e.g. Chuck E Cheese, Civic Center, etc), or for restaurant licensees whose income from food is 40% or greater of its gross receipts (e.g. family restaurants).

See City of Springfield Rules and Regulations for Entertainment Licenses, Par D.