



## THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR DOMENIC J. SARNO

*HOME OF THE BASKETBALL HALL OF FAME*

June 5, 2020

### **NOTICE BY MAYOR DOMENIC J. SARNO TO ALL APPLICANTS FOR TEMPORARY EXTENSION OF LICENSED PREMISES ONTO OUTDOOR SPACE**

Dear applicants:

On June 1, 2020, Governor Charles D. Baker issued an Executive Order that authorized Restaurants to provide outdoor table service at the commencement of Phase II of the Commonwealth's phased re-opening of workplaces.

If the public health data reflects continued positive progression, restaurants will be authorized at a later date and by a subsequent Phase II Order to commence indoor table service. In each case, restaurants will be required to comply with sector-specific COVID-19 workplace safety rules for restaurants. Pursuant to that Executive Order, I am establishing the process for approving requests for expansion of outdoor table service, including in the description of licensed premises, as described in this Notice and the attachments accompanying this Notice. The process was developed with the assistance of various City Departments and will be modified from time to time.

Under this Process, "Outdoor table service" shall mean service that is provided outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space. Outdoor table service may be provided under awnings or table umbrellas or other cover from the elements, provided, however, that at least 50 percent of the perimeter of any covered dining space must remain open and unobstructed by any form of siding barriers at all times.

Under the Governor's Executive Order, requests for expansion of outdoor table service, including in the description of licensed premises as described below, shall go into effect upon filing of this notice with the city clerk, without complying with any otherwise applicable recording or certification requirements.

In order to provide improved opportunities for outdoor table service, for any type of license that permits the sale of alcoholic beverages for on-premises consumption, the License Commission acting as a local licensing authority ("LLA") may grant approval for a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service as the LLA may deem reasonable and proper, and issue an amended license to existing license holders, without further review or approval by the Alcoholic Beverages Control Commission ("ABCC") prior to issuance. Upon approval of an amended license, the LLA shall provide notice of the amended license to the ABCC. Nothing in this Order shall prevent the ABCC from exercising its statutory or regulatory enforcement authority over any such amended license issued.

On November 1, 2020 or the date the Governor's Order is rescinded, whichever is sooner, any approval issued under this Process including any amended license issued by an LLA as a result of this Order, shall automatically revert back to its status prior to the approval of the change for expansion of outdoor table service or in the description of a licensed premises.

Pursuant to the Governor's Order, an application from a licensee that serves alcohol for on-premises consumption, (which includes restaurants, bars, hotels, general-on-premises, clubs, war veterans' clubs, continuing care retirement communities, pub-brewers (M.G.L. c. 138, §§ 12 and 19D), farmer-series pouring permits, and manufacturers' pouring permits (M.G.L. c. 138, §§ 19(b), 19B(n), 19C(n), and 19E(o))), the LLA may alter the description of the licensee's licensed premises to expand for outdoor seating that the LLA deems "reasonable and proper". The LLA does not need to comply with M.G.L. c. 138, § 15A, and therefore does not need to provide advance notice to abutters or hold a public hearing on the application. LLAs must continue to follow the ABCC's guidelines issued in 2015 for the approval of outdoor seating. Upon approval from the LLA, the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law.

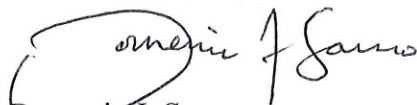
The Board of License Commissioners shall revoke, suspend, cancel, or refuse to issue or re-issue a temporary extension license to any persons that it determines have failed to comply with the requirements set out herein, or of M.G.L. c. 138, of any duly promulgated state or local regulations, or any additional reasonable requirements which the Board may make with respect to the license or to the conduct of business by the holder of the special license.



All applicants are henceforth on notice of their obligations under the laws of the Commonwealth of Massachusetts and the City of Springfield. The Board of License Commissioners reserves the right to deny all special licenses it deems as not in the interest of the public good.

All questions should be directed to Licensing Director for the City of Springfield, Attorney Alesia Days, at (413) 787-6140, or the ABCC Executive Director Ralph Sacramone at (617) 727-3040 x 731.

Respectfully,

A handwritten signature in dark ink, appearing to read "Domenic J. Sarno". The signature is written in a cursive style with a large, looped initial "D".

Domenic J. Sarno  
Mayor

Original: File with City Clerk  
Copy: To all applicants

ATTACHMENTS ACCOMPANYING THIS NOTICE.

1. LICENSE COMMISSION GUIDANCE FOR APPLICATION FOR TEMPORARY EXTENSION OF LICENSED PREMISES ONTO OUTDOOR SPACE.
2. APPLICATION FOR TEMPORARY EXTENSION OF LICENSED PREMISES ONTO OUTDOOR SPACE
3. RESTAURANT MA COVID-19 WORKPLACE SAFETY STANDARDS.
4. RESTAURANT MA COVID-19 CHECK LIST.

I acknowledge receipt of a copy of the foregoing document and all attachments.

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE AUTHORIZED AGENT OF APPLICANT