



THE CITY OF
SPRINGFIELD, MASSACHUSETTS

LICENSE COMMISSION GUIDANCE FOR APPLICATION FOR TEMPORARY EXTENSION OF LICENSED PREMISES ONTO OUTDOOR SPACE

Pursuant to the Governor's Executive Order, applicable guidance from the Commonwealth of Massachusetts, input from various municipal Departments and in accordance with the Mayor's approval, the Springfield Board of License Commissioners hereby provides the following information to all persons seeking a temporary extension of licensed premises to outdoor space pursuant to the guidelines and orders of the Governor's COVID-19 State of Emergency and guidance issued by the ABCC:

- Applications for temporary modifications of Liquor Licenses do not need to be submitted to the State's Alcoholic Beverages Control Commission (ABCC). Review and approval of a modified permit from the ABCC will be made at the local level and notification to the State will be made by the City of Springfield.
- Applications can be submitted via email to License@SpringfieldCityhall.com. If applicant does not have access to email an appointment can be made at (413) 787-6140 to drop off the application to the Licensing Department located at 36 Court Street Room 305.
- Hours of operation will be at the request of the business / property owner but at a maximum shall reflect the current operating hours of applicant's business. Based upon the location of the business and surrounding zoning, the City may reduce the hours of operation. Businesses with existing approvals for outdoor dining / alcohol sales will need to complete the temporary permit application and abide by the approved hours of operation. No alcohol sales will be allowed between 2:00 a.m. and 8:00 a.m. or to anyone under the age of twenty-one (21) years.
- **ALL LICENSES MUST BE DISPLAYED IN A CONSPICUOUS PLACE AT ALL TIMES. ALL ALCOHOL MUST BE REMOVED FROM THE SITE IMMEDIATELY UPON EXPIRATION OF THE TEMPORARY LICENSE.**
- All businesses must meet the following requirements before reopening: **COVID-19 control plan template** – Template that satisfies the written control plan requirement for self-certification.
 - All businesses in the state of MA must develop a written control plan outlining how its workplace will comply with the mandatory safety standards for operation in the COVID-19 reopening period. This template may be filled out to meet that requirement. Control plans **do not** need to be submitted for approval but must be kept on premise and made available in the case of an inspection or outbreak. All individually listed businesses must complete a control plan, even if the business is part of a larger corporation or entity. Here is a link to the template:
 - <https://www.mass.gov/doc/covid-19-reopening-control-plan-template/download>
- **Compliance attestation poster** – Poster that customer facing businesses are required to print, sign, and post in an area within the business premises that is visible to workers and visitors. The

following link to the poster that should be displayed in an area within the business premises that is visible to employees and visitors.

<https://www.mass.gov/doc/compliance-attestation-poster-english/download>

- **Employer and Worker posters** – Posters that businesses can print and display within the business premises to describe the rules for maintaining social distancing, hygiene protocols, and cleaning and disinfecting.

Link to Employer Poster: <https://www.mass.gov/doc/employer-reopening-poster-english/download>

Link to Employee Poster: <https://www.mass.gov/doc/worker-reopening-poster-english/download>

- Restaurants will be required to comply with sector-specific COVID-19 workplace safety rules for restaurants. Those standards and the COVID -19 Checklist are incorporated as required obligations under the temporary license.
- **A Temporary extension license may be granted to any person who has a license under M.G.L. c. 138.** This 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)).
- **All licensees for alcohol served under a temporary extension** 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. All questions should be directed to Deputy Solicitor and Licensing Director Attorney Alesia Days at (413) 787-6140 adays@springfieldcityhall.com.

GUIDELINES FOR EXTENSION OF PREMISES TO PATIO AND OUTDOOR AREAS

1. Alcoholic beverages cannot be served outside of a licensed establishment unless and until a temporary application to extend the licensed premises has been approved.
2. An application to extend the premises must describe the area in detail, including dimensions, seating capacity, and maximum occupancy. A sketch plan of the proposed expansion area must be submitted with the application.
3. The premises must be enclosed by a fence, rope, or other means to prevent access from a public walkway. The premises must also be compliant with all ADA (Americans with Disabilities Act) and building code standards with regards to access, egress and code compliance. Proposed areas that are adjacent to or with parking areas, must be fully protected (jersey barriers, planters, etc.) from any circulating traffic. There must be a minimum of 25' clear area around the proposed area from circulating traffic.
4. The outdoor area must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises, or, alternatively, (b) the licensee may commit to providing management personnel dedicated to the area.
5. The applicant must be the owner of the proposed area or have a lease or documents for the right to occupy the proposed area.

6. No live entertainment or outdoor speakers will be allowed as part of the outdoor seating permit unless an existing permit is in place.
7. No outdoor cooking, no outdoor Bar setup and no indoor seating will be allowed as a part of the outdoor seating permit.
8. If food is proposed to be served, an approved license to operate a food establishment within the City of Springfield must be in place with the existing business.
9. The licensing authorities should consider the type of neighborhood and the potential for noise in the environs.
10. Preferred are outdoor areas where alcohol is served to patrons who are seated at the tables and where food is also available.
11. The applicant is responsible for all maintenance (sweeping, washing, etc.) of the permitted area through the length of the permit regardless of the business operating schedule. Proper trash receptacles must be provided, and trash must be removed from the proposed area and disposed of properly. No trash shall remain in the proposed area during non-operational hours.
12. Restaurants may not provide any service beyond carry-out or delivery until specifically authorized to do so by the Local Licensing Authority in Phase 2 of the Commonwealth's Workplace Re-Opening Plan.
13. The Governor will initiate Phase 2 of the Re-Opening Plan by formal Executive Order and only following a careful review of public health data.
14. Restaurants may provide outdoor table service at the commencement of Phase 2 of the Commonwealth's Reopening Plan.
15. Restaurants will be authorized at a later date and by a subsequent Phase 2 Order to commence indoor table service if the public health data reflects continued positive progression.
16. The application may take ten (10) business days to process and the following City Departments will be involved:
 - Building Department Approval
 - Planning Department (Administrative Review Only)
 - Health and Human Services
 - Fire Department / Police Department
 - Springfield Parking Authority (if applicable for Downtown Area)
 - Licensing Commission
17. Additional Requirements:
 - a. Insurance. Proof of insurance must be submitted with the application package that shows that the proposed outdoor seating area is properly insured. Any and all other standard insurance requirements for the business must be expanded to include the proposed outdoor space (workman's compensation, liquor liability, property damage, etc.).
 - b. Layout. A sketch plan to scale must be submitted with the application that shows the full proposed use of the space. The plan must include table / chair locations and service

stations. The table locations must be in compliance with guidelines established by the State of Massachusetts complying with necessary social distancing requirements.

- c. Lighting. Additional proposed lighting must be included on the layout plan with the application.
- d. Storage. Proposed layout plan must also indicate what is being proposed with outdoor seating equipment during non-operating periods.
- e. Utilities. The proposed layout must also indicate any utilities (lighting, portable heaters, extension cords, trash receptacles, etc.) that will be required for the operation of the proposed space. No public utilities or services will be allowed for use by the business (use of City owned trash receptacles, electricity from adjacent utility poles, etc.).
- f. Separation. The proposed space for outdoor seating must provide for formal separation (landscape, fencing, barriers, etc.) from the public pedestrian routes as required by the Department of Public Works. Separation should be clearly identified in layout plan.
- g. Passage. The applicant must show how patrons utilizing adjacent sidewalk sections (if applicable), will be able to traverse through / around the proposed seating area while maintaining all required ADA / AAB (Americans with Disabilities Act / Massachusetts Architectural Access Board) standards.
- h. Zoning Compliance. Facilities that will be using private parking / drive areas for outdoor seating area, must submit plans / narrative as to how the reduction in parking areas (if applicable) will impact the required minimum parking requirements as identified in the City's Zoning Regulations.
- i. Signage. Approval of additional signage of any kind within or adjacent to the proposed area will be reviewed as part of the application submitted to the Department of Public Works.

18. 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.

19. 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.

I acknowledge receipt of a copy of the foregoing document.

Dated: _____

SIGNATURE OF AUTHORIZED AGENT OF APPLICANT