



**NORTHAMPTON LICENSE  
COMMISSION  
May 5, 2010  
Minutes**

*Commission Chairman Brad Shimel, Commissioner William Rosen,  
Commissioner Stephanie Levin*

Commissioners Shimel and Levin were present; Commissioner Rosen was absent. Commissioner Shimel opened the meeting at 3:58 P.M., in City Council Chambers, 212 Main Street, Northampton, on the following:

- 1. APPLICATION FOR SHORT TERM WINE & MALT LICENSE TWIST**  
DATE & TIME OF EVENT: Friday, May 7, 2010, 4:00 pm – 9:00 pm  
EVENT: TWIST Craft Fair  
LOCATION: Northampton Center for the Arts, 17 New South Street  
Contact: Amy Hill  
Insurance binder will be provided.  
**Server's Certification has been provided**✓

No one was present for Item #1 on the agenda for a Short Term application from TWIST. The Commission will come back to this item. See Item #7 below.

- 2. APPLICATION FOR SHORT TERM WINE & MALT LICENSE**  
Sy's Fund, Org., 60 Freeman Drive, Apt 5, Greenfield, MA  
DATE & TIME OF EVENT: Friday, May 21, 2010, 8:00 pm – 11:00 pm  
EVENT: Dance Benefit  
LOCATION: Northampton Center for the Arts, 17 New South Street  
Contact: Lorraine Kerz  
Insurance binder will be provided.  
**Servers' Certifications have been provided**✓

Lorraine Kerz and Diane Heiser were present for the application. Ms. Kerz explained that the organization is for young adults with cancer.

Commissioner Shimel asked what method would be used to ID people? Ms. Kerz replied that the server would ask for ID from all patrons. Commissioner Levin asked if food would be served with the liquor? Ms. Kerz replied that there will be food, and the liquor will be served in a side room with an art auction. There will be floaters and volunteers monitoring the liquor, with two volunteers at the door.

**Commissioner Levin moved approval of the application, contingent upon insurance liability is provided; Commissioner Shimel seconded. The vote passed unanimously (2-0).**

**3. APPLICATION FOR SHORT TERM WINE & MALT LICENSE**

Hampshire County Bar Association

DATE & TIME OF EVENT: Friday, May 21, 2010, 4:00 pm – 7:00 pm

EVENT: Wine & Beer Tasting at Historic Northampton

LOCATION: Bridge Street

Contact: Rebecca Ryan

Insurance binder will be provided.

**Servers' Certifications have been provided✓**

No one was present for the application. The Commission will come back to this item. See Item #11 below.

**4. APPLICATION FOR LODGING HOUSE LICENSE**

Owner: David W. Biddle

Location of Premises: 184 Main Street, 2<sup>nd</sup> and 3<sup>rd</sup> Floors

Mr. David Biddle was present for the application. He explained that he has owned the property for 32 years, and is presently working with the Board of Health and Building Commission to bring up to codes. There are three apartments on the second floor and four apartments on the third floor. Each is an SRO with full kitchen. There is a shared bathroom on the second floor, and a shared bathroom on the third floor. Mr. Biddle cleans the bathrooms, and has installed new appliances.

**Commissioner Shimel moved to approve the application, contingent upon approval by the Board of Health, Building Commissioner, Fire Safety Inspector, and contingent upon payment of unpaid taxes and water/sewer bills; Commissioner Levin seconded. The vote passed unanimously (2-0).**

**5. PUBLIC HEARING FOR CONSIDERATION OF REVOCATION OF LICENSE #090000065 WINE & MALT PACKAGE STORE**

Smith Store, Inc. d/b/a The Village General Store

311 Riverside Drive, Florence, MA 01062

**Commissioner Shimel opened the public hearing on the above matter.**

Commissioner Shimel stated that the License Commission realizes a liquor license is a valuable asset, but the Alcoholic Beverages Control Commission has guidelines for a "reasonable period" for the licensee to put the business and/or license on the market if they do not intend to re-open the business.

Ms. Judith Jones-Rys stated that they had no buyer yet, and would like to lease or sell the business outright. Ms. Rys stated that it is not fair to revoke their license to meet quotas, and they should not be punished for closing their business. Ms. Rys stated the license is a very valuable asset for sale.

Mr. Rys stated that there is a possibility of re-opening, and they need more time to try to sell or otherwise decide their next steps.

Commissioner Levin stated that the revocation is only being considered because the business closed in February 2010, and the A.B.C.C. requires the License Commission to do so. There is no reason to revoke an active license in good standing.

The licensees asked the Commission to give them until December 2010, as the license is paid through December 31, 2010. Commissioner Levin suggested the Commission ask the licensees to come back to the September 2010 meeting to report on their progress, if any, to sell or transfer the license, before the renewal season on liquor licenses begins again.

Teri Anderson, Director of Community and Economic Development, spoke in support of the Rys family. She has been trying to help them for some time until the closing of the business, and she suggested it would be a significant move of the City to support this.

**Commissioner Levin moved to close the public hearing and asked the licensees to return to the September 1, 2010 meeting with an update on their progress; Commissioner Shimel seconded. The vote passed unanimously (2-0).** The Commission wished the licensees success in their efforts to re-open or sell/transfer the license.

**6. APPLICATION FOR NEW COMMON VICTUALLER LICENSE AND  
NEW ANNUAL WINE & MALT RESTAURANT LICENSE**

Rias Baixas LLC d/b/a Ibiza Tapas

Premise Address: 5-7 Strong Avenue, Northampton, MA 01060

Contact: Attorney Mikal M. Weiss, 413-586-3700

Attorney Mikal Weiss, owner, Juan Suarez, proposed manager, Sonia Blanco, and the chef, Mr. Blanco, were present for the application. Mr. Blanco has been owner or head chef of nine restaurants. Attorney Weiss explained that there are no Tapas restaurants anywhere in western Massachusetts at this time. Extensive renovations are in progress. Proposed Manager Sonia Blanco was a wine buyer for vineyards for thirty years. She has completed TIPS training, and her certificate is forthcoming. The restaurant would be offering only dinner, at this time.

Commissioner Levin asked "Why Northampton?" Mr. Suarez replied that a friend in Connecticut suggested he drive through Northampton, he liked what he saw, and now would like to open a restaurant here!

**Commissioner Shimel moved approval of a 16C finding of this application; Commissioner Levin seconded. The vote passed unanimously (2-0). Commissioner Shimel moved approval of the Common Victualler application and of the Annual Wine & Malt Restaurant application, contingent upon receipt of the TIPS training certification; Commissioner Levin seconded. The vote passed unanimously (2-0). The Commission wished the applicants a successful venture!**

**7. APPLICATION FOR SHORT TERM WINE & MALT LICENSE  
TWIST**

DATE & TIME OF EVENT: Friday, May 7, 2010, 4:00 pm – 9:00 pm

EVENT: TWIST Craft Fair

LOCATION: Northampton Center for the Arts, 17 New South Street

Contact: Amy Hill

Insurance binder will be provided.

**Server's Certification has been provided✓**

Lexie Barnes and Amy Hill were now present for the application. This is the annual TWIST Craft Fair. Insurance has now been provided. When asked, Ms. Barnes stated that the bartenders would ID all patrons.

**Commissioner Levin moved approval of the application; Commissioner Shimel seconded. The vote passed unanimously (2-0).**

**8. NEW BUSINESS**

- **Request to Set Violation Hearing for June 2, 2010 for Tully O'Reilly's and The Elevens**

The Clerk explained that the date of June 2, 2010 is convenient for the Police Department.

**The Commission moved to set the Violation Hearing for One Pearl Street, Inc. d/b/a Tully O'Reilly's and The Elevens.**

- **APPLICATION FOR NEW COMMON VICTUALLER LICENSE**  
GoBerry, LLC d/b/a GoBerry  
80 Main Street, Northampton

Owner, Alex Feinstein, and Manager, Molly Goettsche, were present for the application. The restaurant at 80 Main Street will be offering Tart Frozen Yogurts. This is not a franchise, but would hope to rely on local buys for fresh fruit and products.

**Commissioner Shimel moved approval of the application; Commissioner Levin seconded. The vote passed unanimously (2-0). The Commission wished the applicants a successful venture!**

**9. APPROVAL OF MINUTES OF APRIL 7, 2010**

**Commissioner Levin moved approval of the April 7, 2010 minutes; Commissioner Shimel seconded. The vote passed unanimously (2-0).**

**10. MEMO TO COMMISSIONERS (ATTACHED)**

The clerk discussed the memo with the Commissioners. At this time, there are five licensees advertising Sunday entertainment, but have not yet paid annual fees for this. The clerk will update the Commission at the next meeting on this issue.

**11. APPLICATION FOR SHORT TERM WINE & MALT LICENSE**

Hampshire County Bar Association

DATE & TIME OF EVENT: Friday, May 21, 2010, 4:00 pm – 7:00 pm

EVENT: Wine & Beer Tasting at Historic Northampton

LOCATION: Bridge Street

Contact: Rebecca Ryan

Insurance binder will be provided.

**Servers' Certifications have been provided✓**

Before adjournment of the meeting, the Clerk brought up the application – someone from the Bar Association was planning to attend this meeting. The Commission recognized that this applicant is well known to the Commission and should be fine to be approved.

**Commissioner Levin moved approval of the application, contingent upon insurance liability is provided; Commissioner Shimel seconded. The vote passed unanimously (2-0).**

**At 4:40 p.m., Commissioner Levin moved to adjourn, and was seconded by Commissioner Shimel. The vote passed unanimously (2-0).**

**The next meeting of the Northampton License Commission is June 2, 2010.**

*Respectfully submitted,  
Mary L. Midura  
Executive Secretary*



**NORTHAMPTON LICENSE  
COMMISSION  
May 5, 2010  
MEMO TO COMMISSIONERS**

*Commission Chairman Brad Shimel, Commissioner William Rosen,  
Commissioner Stephanie Levin*

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1. **Update on Bishop's Lounge** – Please see attached email from Chief Sienkiewicz.
2. **Request from Rich Czyżewski** – Please see attached email.
3. **Request from Miss Florence Diner** – Owner has asked whether he can apply for a liquor license. I have asked the question of the ABCC, awaiting an answer.
4. **Update regarding Sunday Entertainment licenses-**

**From March 3, 2010 Minutes:**

“The Clerk explained that City Solicitor Elaine Reall has given an opinion regarding the Weekday Entertainment licenses (Attached). It is advised that the License Commission sponsor a change in the Ordinance 174-3 to clarify that Weekday Entertainment license of Monday – Saturday is \$80 annually, and that Weekday Entertainment license of Sunday – Saturday is \$100 annually. It is also advised that the Clerk notify all holders of such licenses of this clarification.

The Commissioners agreed, and instructed the Clerk to notify all holders of Weekday Entertainment licenses of this clarification.”

Commissioners – I was preparing to do as instructed above, and I sent an email to Police Chief Sienkiewicz and Captain Joseph Koncas about our intentions. Captain Koncas disagreed with the memo (attached) regarding the need for Police approval on future applications. This refers to MGL Chapter 136, Section 4 for Sunday License @ \$100.

The office of the City Solicitor is reconsidering their recommendations based on the concerns brought up by Captain Koncas. Specifically, Captain Koncas pointed out Chapter 140, § 183 A, last paragraph “*The provisions of this section shall be applicable seven days per week; provided, however, that no license under this section shall be granted to permit such activities, except an athletic game or sport, on Sundays or before 1 o'clock in the afternoon, without the written approval of the commissioner of public safety, made in accordance with the provisions of this section, upon written application to said commissioner accompanied by a fee of not more than \$5, or in the case of an*

*annual license by a fee of not more than \$100.*” Captain Koncas clarified to me that the “commissioner of public safety” is in the Boston office of Public Safety.

I also provided information from Wendy Mazza, City Clerk, to the City Solicitor for reconsideration. (Attached email) The City Solicitor is reviewing all information at this time.

I will keep you informed when I have more information.

*Respectfully submitted,  
Mary L. Midura  
Executive Secretary*

**Mary Midura**

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**From:** Russell Sienkiewicz  
**Sent:** Tuesday, May 04, 2010 2:52 PM  
**To:** Mary Midura  
**Subject:** RE: Bishops

Day shift bike officer says the majority of it is up, but still some panels to go. No-one working on it today, so it seems like it's near

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**From:** Mary Midura  
**Sent:** Tuesday, May 04, 2010 2:03 PM  
**To:** Russell Sienkiewicz  
**Subject:** RE: Bishops

Chief Sienkiewicz - Has the work on Bishop's been done? I will inform the License Commission of your answer at the meeting tomorrow.

Thanks very much!

Mary L. Midura  
Executive Secretary  
City Council and License Commission  
413-587-1210

-----Original Message-----

**From:** Russell Sienkiewicz  
**Sent:** Thursday, April 22, 2010 5:08 PM  
**To:** Mary Midura  
**Cc:** Scott Savino; Joseph Koncas  
**Subject:** Bishops

Mary- What was the time line for the balcony work? Officers did one of their scheduled checks last night and no sign of any work. They asked the manager, who had no knowledge of any fencing...

**Chief Russell P Sienkiewicz**  
Northampton Police Department  
29 Center St  
Northampton, MA 01060

413-587-1100

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**Mary Midura**

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**From:** Teri Anderson  
**Sent:** Thursday, May 06, 2010 12:11 PM  
**To:** Mary Midura; 'rsuperski@aol.com'  
**Subject:** RE: License Commission agenda of May 5, 2010

Hi Rich,

As we discussed a while back, the Economic Development, Housing, and Land Use Committee decided not to pursue a home rule petition at that time. If you still wish to pursue this option, our suggestion is to work through your ward councilor, Marianne LaBarge. Her contact information is below. Sorry we could not be more helpful on this. Let me know if you have any questions.

584-7937  
Mlabargeward6@aol.com

Best,

Teri Anderson, Director  
Community and Economic Development Office  
City Hall, 210 Main Street  
Northampton, MA 01060  
413-587-1253 direct #  
413-587-1275 (fax)  
tanderson@northamptonma.gov  
www.northamptonma.gov

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**From:** Mary Midura  
**Sent:** Thursday, May 06, 2010 8:46 AM  
**To:** 'rsuperski@aol.com'  
**Cc:** Teri Anderson; Brad Shimel (E-mail); David Narkewicz, External; David Narkewicz (E-mail); Mayor of Northampton  
**Subject:** RE: License Commission agenda of May 5, 2010

Rich - As promised, I brought your concerns and inquiry to the Northampton License Commission last night. Unfortunately, as I stated previously, we are under strict quotas from the Alcoholic Beverages Control Commission. The only way to allow you to convert to a full alcoholic package store license would be through legislation passed by City Council and submitted to the State. You are welcome to contact Teri Anderson, Director of Economic and Community Development, or you may contact your City Councilor or any Councilors with your request for consideration. Presently, you are one of seven licensees who hold Wine and Malt Package Store licenses, so if such legislation were considered by the City Council, we would notify all seven licensees of this offer. If such legislation were passed, there would still be an application process with needed approval from the Northampton License Commission and the ABCC.

I am sorry I cannot assist you further at this time.

Mary L. Midura  
Executive Secretary  
City Council and License Commission  
413-587-1210

-----Original Message-----

**From:** rsuperski@aol.com [mailto:rsuperski@aol.com]  
**Sent:** Tuesday, May 04, 2010 9:48 AM  
**To:** Mary Midura  
**Subject:** Re: License Commission agenda of May 5, 2010

No worries and I am sorry to hear about your loss. I really appreciate you getting back to me and assisting me on this matter.

I think our business is in a unique geographical location with many requests pertaining to this issue. It would extremely help our business stay alive and accommodate the community. Any assistance during the meeting and speaking up for us would be greatly appreciated. Please let us know what transpires. Thanks again!

Rich Czyzewski  
(413) 537-1595

-----Original Message-----

**From:** Mary Midura <mmidura@northamptonma.gov>  
**To:** 'rsuperski@aol.com' <rsuperski@aol.com>  
**Sent:** Tue, May 4, 2010 8:35 am  
**Subject:** RE: License Commission agenda of May 5, 2010

Rich - If you cannot be there, that is fine. I will give Commissioners a copy of your previous email to me for their consideration. It is unlikely any action would be decided tomorrow at the meeting. One Commissioner must be absent, and as I told you previously, we are over quota on all licenses, including package stores. One other thing I can do is ask your questions directly of the ABCC director to seek his opinion. I will do that today.

I apologize for not answering sooner, I was out for a death in the family.

Mary L. Midura  
Executive Secretary  
City Council and License Commission  
413-587-1210

-----Original Message-----

**From:** rsuperski@aol.com [mailto:rsuperski@aol.com]  
**Sent:** Monday, May 03, 2010 12:35 PM  
**To:** Mary Midura  
**Subject:** Re: License Commission agenda of May 5, 2010

Thanks for the information. If you will be representing my cause at the meeting, is it necessary for me to be there this first time? I am having difficulty with staffing this week at the store and may not be able to make it. If my presence is necessary and it will have a big impact on the outcome, I would like to make it happen. Because of our geographical location and the state of the economy, having a full liquor license (as opposed to our current beer & wine) would greatly improve our sales and keep us in business. Thanks again.

Rich  
(413) 537-1595

-----Original Message-----

**From:** Mary Midura <mmidura@northamptonma.gov>

**Mary Midura**

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**From:** Mary Midura  
**Sent:** Wednesday, May 05, 2010 9:46 AM  
**To:** Ralph Sacramone (E-mail)  
**Subject:** FW: Interesting question

Ralph - I have been out of the office due to a death in my family, but I wonder if you have a moment to answer the email below that I sent to you on April 28?

Thank you very much!

Mary L. Midura  
Executive Secretary  
City Council and License Commission  
413-587-1210

-----Original Message-----

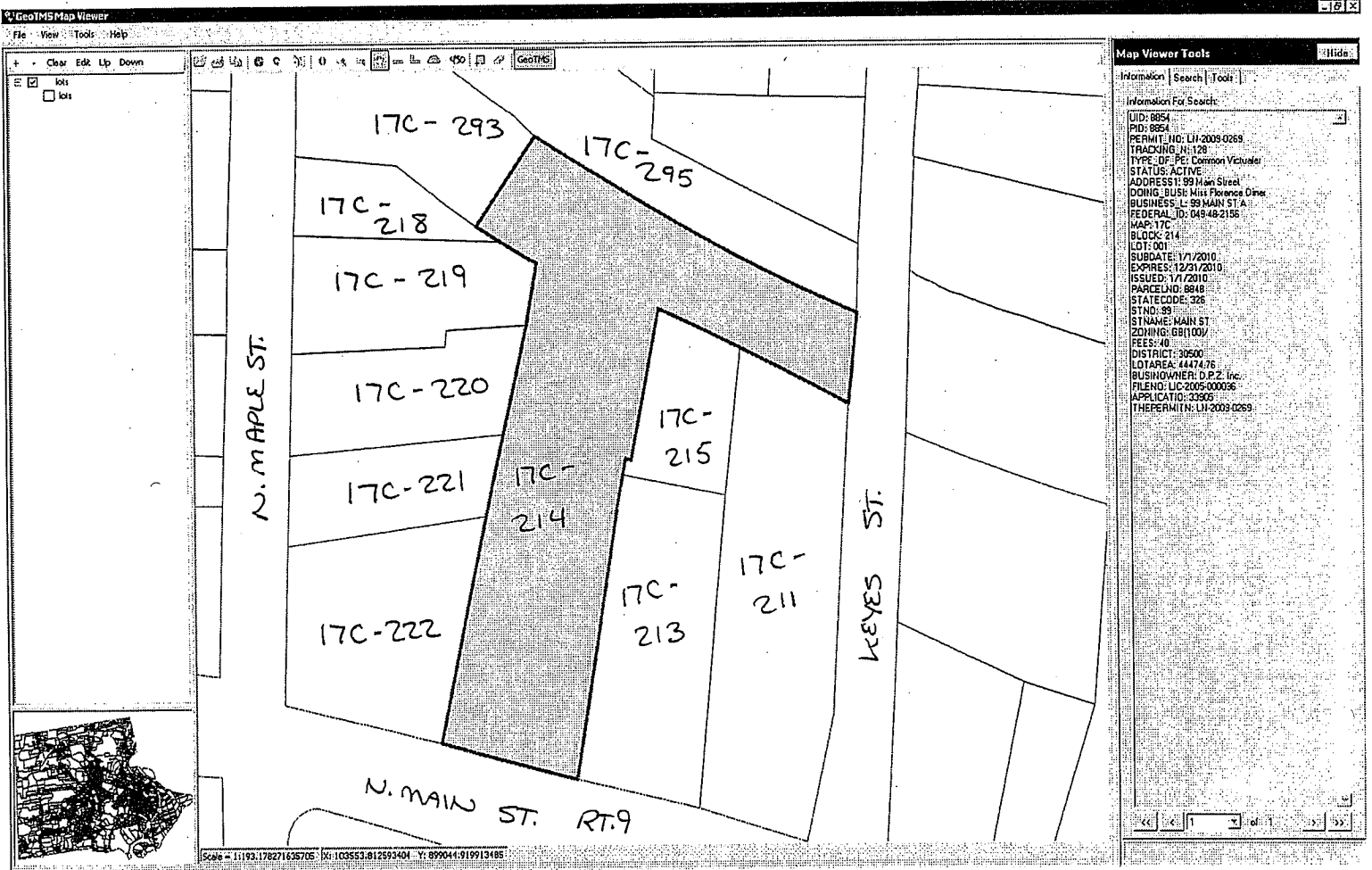
**From:** Mary Midura  
**Sent:** Wednesday, April 28, 2010 2:29 PM  
**To:** Ralph Sacramone (E-mail)  
**Subject:** Interesting question

Ralph - I have an interesting question to ask you. There are two established restaurants on one parcel, same address is 99 Main Street, Florence. One is Silk City Tap Room with a General On Premise All Alcohol License #090000024. The other business is the Miss Florence Diner, with no liquor license. The establishments are both rented from the same building owner, with a wall between them.

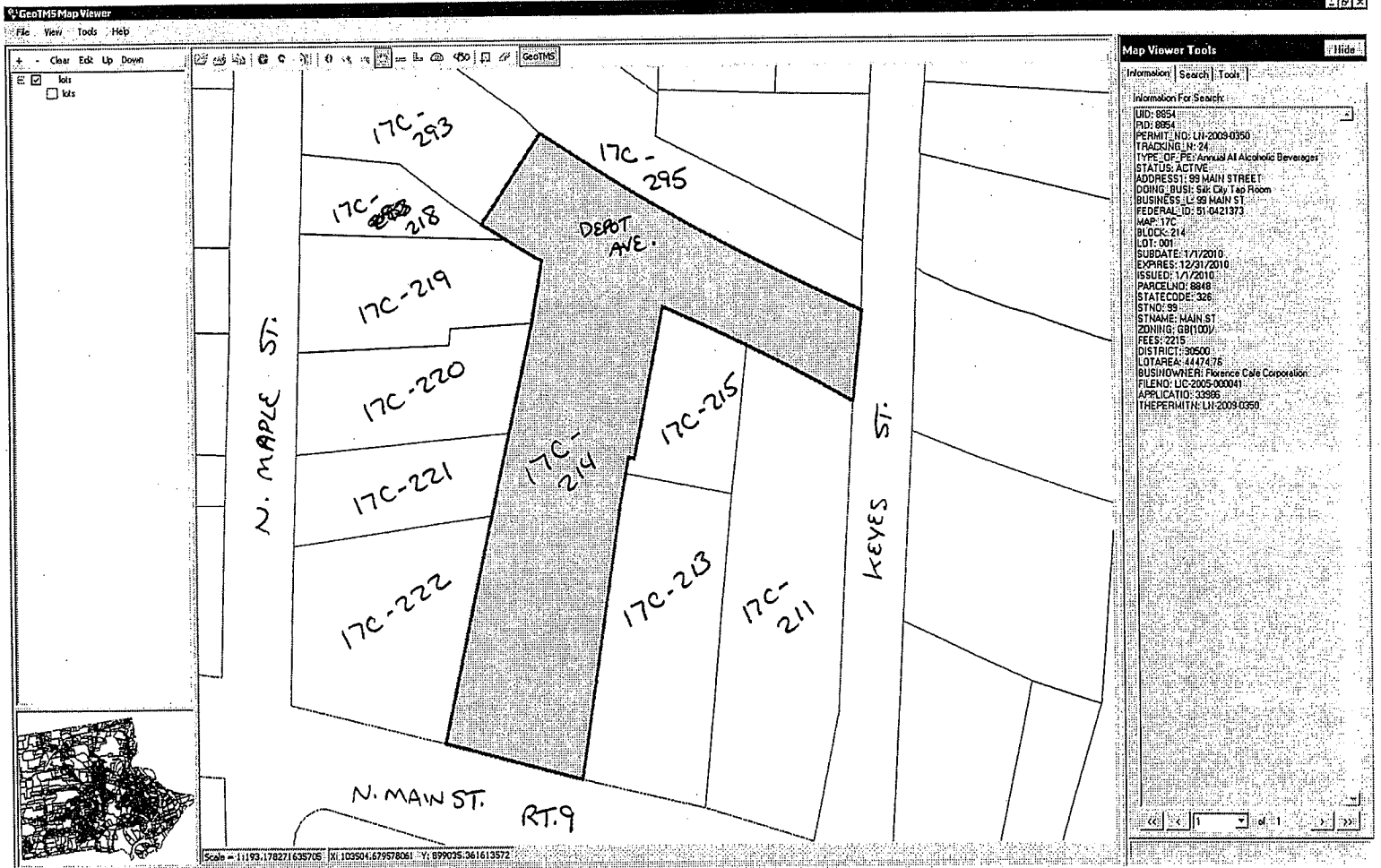
The owner of the Miss Florence Diner would like to know if he is allowed to apply for a Seasonal Wine and Malt license?

Mary L. Midura  
Executive Secretary  
City Council and License Commission  
413-587-1210

YES - RALPH SACRAMONE  
CONFIRMS 5/5/2010 ✓



MISS FLORENCE DINER



SILK CITY TAP ROOM

## MEMORANDUM

TO: Mary Midura  
Executive Secretary to the Northampton City Licensing Commission

FROM: Andrew Bruce McAmis, Esq.

DATE: March 2, 2010

RE: Sunday Entertainment Licensing

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Elaine Reall asked me to respond to your email, dated February 2<sup>nd</sup>, regarding Sunday entertainment licensing.

Our review of Massachusetts law and City ordinances lead us to conclude that the proper fee for an annual, 7 day per week, entertainment license is \$100. This conclusion is based upon our reading of M.G.L. Chap. 140, § 183A and City Ordinance §§ 124-1 and 174-3.

We recommend that you contact all entertainment license holders and inform that they can either:

1. remain bound by the terms of their Weekday Entertainment License (which includes Saturdays) and cannot therefore offer live entertainment on Sundays, or
2. become 7 day, Sunday included, license holders for a fee of \$100 as required by Ordinance § 174-3.

Any license holder electing to become a Weekday and Sunday licensee who has paid the \$80 annual Weekday License fee should pay the \$20 difference between the two license fees.

We also want to call the Commission's attention to two other related issues. First, the Northampton City Ordinances do not seem to provide a basis for Weekday Entertainment Licences and the \$80 fee charged for such a license. Section 124-1 provides for Sunday entertainment licensing and Section 174-3 details the fee schedule for such licensing. The Ordinances and fee schedule do not expressly provide for a Weekday Entertainment License. We suggest that the Commission initiate discussions with the City Council on a proposal to amend the Ordinances to expressly provide for the Weekday License.

Second, M.G.L. Ch. 140, § 183A requires any licensee offering Sunday entertainment to obtain the written approval of the police chief. In the future, all applicants for Sunday licenses should be required to submit the written approval of the police chief along with their license applications.

## The General Laws of Massachusetts

Search the Laws

## PART I. ADMINISTRATION OF THE GOVERNMENT

## TITLE XX. PUBLIC SAFETY AND GOOD ORDER

## CHAPTER 140. LICENSES

## EMPLOYMENT AGENCIES

## THEATRICAL EXHIBITIONS, PUBLIC AMUSEMENTS, ETC.

**Chapter 140: Section 183A. Concerts, dances, exhibitions, public shows, etc.; license; application; suspension or revocation; rules and regulations**

Section 183A. No inn holder, common victualler, keeper of a tavern, or person owning, managing, or controlling any club, restaurant or other establishment required to be licensed under section twelve of chapter one hundred and thirty-eight or under section two, twenty-one A or twenty-one E of chapter one hundred and forty, and no person owning, managing, or controlling any concert, dance, exhibition, cabaret or public show of any description to be conducted on any premises required to be licensed under the sections described above, shall, as a part of its usual business, offer to view, set up, set on foot, maintain or carry on a concert, dance exhibition, cabaret or public show of any description, unless and until a license therefor has been issued by the licensing authorities.

The application for such license shall be in writing and shall state the type of concert, dance, exhibition, cabaret or public show sought to be licensed and shall state whether such public show will include: (a) dancing by patrons, (b) dancing by entertainers or performers, (c) recorded or live music, (d) the use of an amplification system, (e) a theatrical exhibition, play, or moving picture show, (f) a floor show of any description, (g) a light show of any description, or (h) any other dynamic audio or visual show, whether live or recorded.

The application shall also state whether as part of the concert, dance exhibition, cabaret or public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

Upon request of the licensing authorities, the applicant shall furnish further additional information concerning the type of concert, dance exhibition, cabaret, or public show sought to be licensed, the conditions of the premises, and the actions to be taken in order to prevent danger to the public safety, health or order. Once a license has been granted to an applicant, the licensee shall continue to provide such information to the licensing authorities upon their request with regard to any particular concert, dance, exhibition, cabaret, or public show or with regard to the conduct of the premises in general.

Within forty-five days following receipt of an application for a license under this section, the licensing authorities may (a) grant a license or, (b) shall provide the opportunity for a hearing on the application by written notice to the applicant given seven days prior to the hearing date.

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<a href="#">Mass.gov</a>

Within thirty days next following the final date of such opportunity for a hearing the licensing authorities shall, (a) grant the license or, (b) deliver to the applicant a written notice denying the license and stating in writing the reasons for such denial. No application having been denied as aforesaid and no similar application thereto may be filed within one year of said denial except in the discretion of the licensing authorities.

The licensing authorities shall grant a license under this section unless they find that the license, 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: (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.

The licensing authorities may modify, suspend or revoke a license granted pursuant to the provisions of this section after providing an opportunity for a hearing preceded by a written notice to the licensee ten days prior to the hearing date. The licensing authorities may not modify, suspend or revoke such license unless they find that the license, taken alone or in combination with other licensed activities on the premises, has adversely affected the public health, safety or order as stated in the preceding paragraph. In any case in which the licensing authorities modify, suspend or revoke a license, they shall notify the licensee in writing of such action and said written notice shall be accompanied by a statement of reasons.

In order to preserve and protect the public health, safety, and order as aforesaid, the licensing authorities may place conditions upon the license and promulgate rules and regulations for such licenses. The licensing authorities may modify, suspend or revoke a license pursuant to this section for any violation of their rules and regulations or for any violation of law and may petition the superior court department of the trial court to enjoin any violation of this section.

The licensing authorities of any city or town may adopt a rule requiring licensees under this section to prohibit minors from attending any concert, dance, exhibition, cabaret or public show of any description in which or at which any person appears in a manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or in which or at which any female person appears in a manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

A license issued under this section, unless sooner revoked, shall expire on December thirty-first of each year. The fee for any such license or for any renewal thereof shall not exceed one hundred dollars.

The provisions of this section shall be applicable seven days per week; provided, however, that no license under this section shall be granted to permit such activities, except an athletic game or sport, on Sundays or before 1 o'clock in the afternoon, without the written approval of the commissioner of public safety, made in accordance with the provisions of this section, upon written application to said commissioner accompanied by a fee of not more than \$5, or in the case of an annual license by a fee of not more than \$100.



## Public Safety

Home > Consumer Protection & Business Licensing > License Type by Business Area > Amusements >

### Sunday Licensing (FAQs)

Q: What is a Sunday license?

A: A Sunday license is a license required for entertainment occurring on a Sunday that the public must pay a fee to attend and is part of the so-called "Blue laws.". Historically, activities that require a Sunday license include dancing or any game, sport, fair, exposition, play, entertainment or public diversion. G.L. c. 136, §4.

Q: What types of Sunday Licenses are available?

A: Sunday Licenses are either issued per event or annually. You may apply for either.. G.L. c. 136, §4.

Q: When must I apply for a Sunday license?

A: If you intend to hold an event on Sunday, you must notify the City or Town where the event will be held.

Q: What happens if I run an event (that is not otherwise exempted) without a license?

A: You may be fined for an amount up to \$2,000.

Q: What must I do to file for a license?

A:

1. First, please read through a copy of the License for Public Entertainment on Sunday. This is a two-sided form requiring information about the activity you would like to have licensed.
2. Bring the form to the office of your Town or City Chairman, Mayor, or Board of Selectman. They will complete the rest of the license and, at their discretion, will approve your event.
3. Send your application to the appropriate Town or City clerk with a check for one of the following amounts:
  - a. If you are applying to license a single event - \$5.00
  - b. If you are applying for an annual license - \$100.00G.L. c. 136, §4
4. Pay your Town or City filing fee. This fee is determined by the Town or City.

Q: May I fax my application for a Sunday license to the Department?

A: No. The Department requires original documents unless specifically provided otherwise.

Q: May I drop off applications or other paperwork in person?

A: Yes. However, materials that are submitted in person are not processed the same day. They are not processed any faster than materials submitted by mail. Therefore, you are advised to submit applications and other paperwork by mail.

Q: If the entertainment I plan to run is taking place on State owned property, do I still need to file with my Town or City?

A: Yes.

Q: If I am denied a license, can I appeal the decision?

A: Yes, under G.L. c. 136, §7A, if your Town or City has denied you the Sunday License, you may appeal to the Selectmen of your Town, or Mayor of your City. Once the license is approved at the local level, the Department is required by law to approve the application. G.L. c. 136, §4.

Q: May I renew a Sunday License if it is for the same event at the same location?

A: A Sunday License cannot be renewed. You must apply for a single event or an annual license with the City or Town where the event is to be held.

Q: Is it necessary to obtain a Sunday license for the operation of coin-operated amusement devices, such as video arcade games?

A: No, the license requirement does not apply to venues that host coin-operated "automatic amusement devices", as

### NEWS & UPDATES

NEW! Memo to Challenge Course/Climbing Wall Facility Owners on CORI Certification [PDF](#)

Reminder: All Certificates to act as a CMM expire on December 31, 2007 [PDF](#)

Amusement Guidelines for Parents

Inflatable Guidelines for Parents

NE Ride Safety Seminar / NAARSO [Website](#)

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that term is defined in M.G.L. c. 140, §177A, accessible at [www.mass.gov/legis](http://www.mass.gov/legis). Automatic amusement devices exempt from the Sunday license requirement include video games, pin ball machines, and coin-operated billiard or pool tables. Juke boxes still require licensure as they do not fall within the definition of "automatic amusement devices" included in the statute.

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## Mary Midura

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**From:** Mary Midura  
**Sent:** Wednesday, April 28, 2010 4:07 PM  
**To:** andrew bruce McAmis (E-mail)  
**Cc:** Elaine Reall; Karen Marino (E-mail); Mayor of Northampton  
**Subject:** Sunday licenses

Bruce -

I just talked with Wendy Mazza, City Clerk. The example attached here of Pool Table licenses are renewed annually with the City Clerk because they are not coin-operated. My office handles licenses for pool tables that are coin-operated.

Wendy said that, traditionally, all licensees who wanted to hold Sunday entertainment applied for this license with the Mayor's office and pay a \$100 fee (per Ordinance 124-1 and 174-3) to the City and another \$100 fee to the State. An example is attached. Wendy stated that this is a cleaner way to handle this and to keep it separated from the Weekday Entertainment licenses that this office issues for Monday-Saturday.

I would be glad to keep a copy on hand and notify the five licensees who have entertainment advertised that they need to pay these fees, and I would be happy to ask for the Mayor's approval and signature, and mail these licenses in to the State. The whole reason this discussion began is because I noticed that five licensees who have liquor licenses with this office were advertising Sunday entertainment, but as yet did not pay any fees for that Sunday entertainment.

Also, by following this procedure, the City gains more revenue over the proposed idea of charging only \$100 for Sunday-Saturday and \$80 for Monday-Saturday. The State also gets their fees. At present, no one has paid these fees to the City or State for Sunday Entertainment.

Mary L. Midura  
Executive Secretary  
City Council and License Commission  
413-587-1210



Pool Table



Example



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