



Town of Stockbridge
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Board of Selectmen

**STOCKBRIDGE
ENTERTAINMENT AND AMUSEMENT
LICENSE POLICY**

I. PURPOSES

The purposes of this Policy are:

- A. To ensure that establishments licensed to provide entertainment are operated responsibly and so as to protect the public safety, health or order; and
- B. To maintain strong and consistent enforcement of all laws and regulations.

II. DEFINITION

- A. Automatic Amusement Device shall mean any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines including free play pinball machines, but not including slot machines as defined in Chapter 23K of the *Massachusetts General Laws*.
- B. Entertainment License shall mean a single event or annual Section 181 License, Section 183A License, or Sunday License.
- C. Live Entertainment shall mean entertainment that is performed by individuals located on the premises, including, but not limited to, instrumental, vocal, or disc jockey performances, or the playing of karaoke machines.
- D. Non-Live Entertainment shall include entertainment that does not involve Live Entertainment, including, but not limited to, projected televisions, radios, and jukeboxes.
- E. Section 177 License shall mean a license, issued pursuant to *M.G.L. c.140, §177*, that authorizes the keeping of a billiard, pool or sippio table or a bowling alley for hire, gain or reward.
- F. Section 177A License shall mean a license issued pursuant to *M.G.L. c.140, §177A*, for the operation of an Automatic Amusement Device.

- G. Section 181 License shall mean a single event or annual license, issued pursuant to *M.G.L. c.140, §181*, that authorizes the operation of a theatrical exhibition, public show, public amusement or exhibition of any description where an admission fee is charged or, after free admission, such amusement or exhibition is furnished upon payment of a fee.
- H. Section 183A License shall mean a single event or annual license, issued pursuant to *M.G.L. c.140, §183A*, that authorizes the holder of a Common Victualler's License under *M.G.L. c.140, §2* or an On-Premises Alcohol License under *M.G.L. c.138, §12* to offer any kind of concert, dance exhibition, cabaret, or public show of any description, including, but not limited to dancing by patrons or performers, recorded or live music, use of an amplification system, a theatrical play or exhibition, a film, a floor show or light show of any description, Karaoke, or any other kind of dynamic audio or visual show, whether live or recorded.
- I. Sunday License shall mean a single event or annual license, issued pursuant to *M.G.L. c.136, §4* that authorizes entertainment on Sundays.

III. GENERAL GUIDELINES

- A. **Licensing Authority.** These regulations are adopted and may be amended from time to time by the Select Board serving as the Local Licensing Authority, pursuant to the provisions of *M.G.L. c.136, §4* and *M.G.L. c.140*. Any and all licenses issued by the Select Board shall be governed by this Policy and by said statutes.
- B. **Amplified Music and Televisions.** No Entertainment License shall be required for indoor amplified non-live music (i.e., radio or jukebox) or the displaying of less than 10 televisions, provided that all noise is contained within the premise. An Entertainment License shall be required for outdoor amplified music and televisions.
- C. **Conditions.** The Select Board may place reasonable conditions on the issuance of a license in order to preserve and protect the public health, safety and order, to guard against the creation of a nuisance, or to insure adequate safety and security for patrons or the affected public.
- J. **Inspections.** Licensed premises shall be available at all times for inspection by the Building Inspector, Police Chief, Fire Chief, or any of their designees or of the Select Board or the Tri-County Health Department.
- K. **Board of Health.** All licensed premises shall be maintained in a clean and sanitary condition.

L. **Alcohol.** Service of alcohol shall comply with *M.G.L. c.138*, the Alcoholic Beverages Control Commission’s regulations, and the Town of Stockbridge Liquor License Policy.

M. **Fee.** In addition to any fee required by the Division of Professional Licensure, the following fee shall be paid when the license is issued. Fees under this section shall not be prorated.

Application Type	Example	Capacity	Fee
Entertainment License: Annual Live-Entertainment	Instrumental, vocal, or disc jockey performances, or the playing of karaoke machines.	250 & Under	\$75
		250-500	\$100
		500 & Over	\$250
Entertainment License: Single Event Live-Entertainment	Instrumental, vocal, or disc jockey performances, or the playing of karaoke machines.	250 & Under	\$25
		250-500	\$50
		500 and Over	\$75
Entertainment License: Annual Non-Live Entertainment	Outdoor: radio, jukebox, or television. Inside: more than 10 televisions.		\$30
Entertainment License: Single Event Non-Live Entertainment	Outside: radio, jukebox, or television. Inside: more than 10 televisions.		\$15
Section 177 License	Billiard, pool or sippio table or a bowling alley		\$10 per pool, billiard, or sippio table, or bowling alley lane.
Section 177A License	Automatic Amusement Device		\$20 per device.

- **Payment.** Applicants shall confer with the Town Administrator’s Office to ensure that the appropriate fee is submitted with the Application. All local fees must be paid in the form of a personal or bank check.

IV. ENTERTAINMENT LICENSES

A. Application.

1. Application. All applications for a single event or annual Entertainment License, or renewal thereof, shall be on the form prescribed by the Select Board, which shall contain the following information:

- i. Date(s) of the proposed entertainment;
 - ii. Description of the conditions of the proposed concert, dance, exhibition, show, or amusement, including a statement whether such show shall include:
 - a. Dancing by patrons;
 - b. Dancing by entertainers or performers;
 - c. Recorded or live music;
 - d. The use of 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;
 - h. Any other dynamic audio or visual show, whether live or recorded; or
 - i. Nudity.
 - iii. Description of the premises on which the proposed exhibition, show, or amusement shall take place;
 - iv. A floor plan or other plan depicting the area to be licensed; and
 - v. Explanation of the extent to which the conditions or premises would affect public safety, health, or order, and actions taken in order to prevent danger to public safety, health or order.
2. Additional Information. The Select Board may request such additional information from any applicant, as it deems appropriate.
 3. Approval from Division of Public Licensure. Events that require permission from the Division of Public Licensure pursuant to *M.G.L. c.136, §4*, shall submit such Application in the form prescribed by the Division of Public Licensure, and the fee associated with such Application (\$5.00 for a single event license, or \$100 for an annual license), with an Application taking the form provided in Section IV.A.1 of this Policy.
 4. Filing Deadline for Single Event Entertainment Licenses. Applications shall be filed at least thirty (30) days prior to the day on which it proposes to offer the public amusement; provided, however, that the Select Board may waive this requirement upon a showing of good cause.

B. Duration and Renewal of Annual Entertainment Licenses. All annual Entertainment Licenses shall expire on December 31 of each year. Applications for renewal shall be filed by November 30 of each year.

C. Public Hearing. A public hearing may be conducted within thirty (30) days of acceptance of an Application. If the Select Board elects not to hold the hearing within such period, the license shall be deemed to constructively granted. If the Select Board holds a hearing, it shall provide notice to the

Applicant at least ten (10) days before the hearing, and shall issue its decision within thirty (30) days of the close of the hearing.

D. Denial. The Select Board may, after a public hearing as provided in section IV C., deny a license upon a written finding that:

1. Issuance of the license would lead to the creation of a nuisance or would endanger or adversely affect the public health, safety or order by:
 - i. Unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located or the number of vehicles to be parked in the area of the premises; or
 - ii. Increasing the incidence of disruptive conduct in the area in which the premises are located; or
 - iii. Unreasonably increasing the level of noise in the area in which the premises are located; or
2. The show cannot be conducted in a manner so as to protect the 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.

E. Continuing Duty to Inform. Once a License has been granted to an Applicant, the Licensee shall continue to provide such information to the Select Board upon its request with regard to any particular event.

F. Operational Requirements.

1. Parking. Off-street parking shall be provided for the licenses premises' patron capacity at the rate of one parking space per 2.5 patrons; provided, however, that this provision may be waived by the Select Board upon a showing of good cause.
2. Ticket Price. Section 181 Licensees shall cause the price charged for admission to appear on every ticket of admission (*M.G.L. c.140, §182A*).
3. Cover Charge. Section 183A Licensees shall conspicuously post, in letters no less than one inch in height, the minimum charge or cover charge to be imposed per event at the licenses premises (*M.G.L. c.140, §183D*).
4. Duty to Keep Order. No Licensee shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises.
5. Insurance. Unless otherwise specified by *M.G.L. c.138, §12, M.G.L. c.140, §181, or M.G.L. c.140, §183A*, the Licensee shall provide proof of insurance to the Select Board within ten (10) days of the first event in commercially reasonable amounts.

G. Violations.

1. Suspension, Revocation or Modification of License. All Entertainment Licenses are subject to suspension, revocation or modification for breach of any conditions, regulations, laws, bylaws or policies of the Commonwealth of Massachusetts, the Town, or the Select Board or upon a finding that the Licensee has adversely affected the public health, safety or order as stated in Section IV.E.
2. Enforcement.
 - i. Licensees violating applicable laws of the Commonwealth, this Policy, or the terms of its license, may be subject to the following range of suggested orders:
 - a. First Offense: One to three day suspension.
 - b. Second Offense: Three to seven day suspension.
 - c. Third Offense: Seven to twelve day suspension, or revocation.
 - ii. The suggested orders listed above shall be a guide. The Select Board, in its discretion, may impose an order that is more lenient or more severe than suggested by the guidelines when the facts surrounding the violation so warrant.
3. Fines. The Select Board may impose the following fines:
 - i. Section 181 Licensees:
 - a. Operation without a license:
 1. First offense: \$50 for each day in violation;
 2. Second offense: \$100 for each day in violation;
 3. Third offense: \$500 for each day in violation;
 4. Fourth offense: \$1,000 for each day in violation; and
 5. Fifth or subsequent offense: \$5,000 for each day in violation.
 - b. Issuance of a ticket in violation of Section IV.G.2 shall be punished by a fine of \$500.
 - c. Service of alcoholic beverages in violation of *M.G.L. c.138* shall be punished by a fine of \$500 or by imprisonment for not more than two years (*M.G.L. c.140, §184*).
 - ii. Section 183A Licensees:
 - a. Operation without a license shall be punishable by a fine of \$1,000, or by imprisonment for not more than one year, or by both.
 - b. Violation of Section IV.G.3 shall be punished by a charge of \$50.
4. Fee. In the event of a suspension, modification or revocation of any license, the licensee shall not be entitled to reimbursement of any licensing fee or any portion thereof.

V. **SECTION 177 LICENSES**

1. **Application.** Application shall be on the form prescribed by the Select Board.
2. **Public Hearing.** No original license shall be granted, except after a public hearing by the Select Board, notice of which shall be given, at the expense of the Applicant, by publication not less than seven (7) days prior thereto in a local news medium. The Applicant shall also send, by certified mail, not less than seven days prior to the hearing, notice to all owners of real estate abutting the land on which is located the premises for which said license is sought or directly opposite said land on any public or private street, as such owners appear on the most recent local tax list.
3. **Revocations.** The Select Board may, after written notice to the Licensee, suspend or revoke a license issued under this Section.
4. **Duration.** All Section 177 Licenses shall expire on December 31 of each year. Applications for renewal shall be filed by November 30 of each year.

VI. **SECTION 177A LICENSES**

1. **Application.** All applications for an Automatic Amusement Device License, or renewal thereof, shall be on the form prescribed by the Select Board, and shall include:
 - i. The street and number of the premises where the device is to be kept;
 - ii. A description of the premises; and
 - iii. The type of automatic amusement device to which it relates.
2. **Gambling.** Automatic Amusement Devices shall not be used for the purposes of gambling.
3. **Duration and Renewals.** All Automatic Amusement Device Licenses shall expire on December 31 of each year. Applications for renewal shall be filed by November 30 of each year.
4. **Denial.** The Select Board, in its discretion, may deny any for an Automatic Amusement Device License, or renewal thereof.
5. **Suspension or Revocation.** The Select Board may, after written notice to the Licensee, suspend or revoke an Automatic Amusement Device License. Any violation of *M.G.L. c.140, §177A* or *M.G.L. c.136* by any person managing or controlling any premises where an automatic amusement device is located, shall be cause for the revocation of all licenses for automatic amusement devices kept or offered on such premises.