

# RULES AND REGULATIONS OF THE NORTHAMPTON LICENSE COMMISSION

## 1-1: Responsible Liquor Service Certification

Beginning with the 1994 renewal of liquor licenses of all types, all owners of an individually owned liquor license, all partners in a partnership owning a liquor license, or named managers on corporate-owned liquor licenses, shall present to the License Commission a **current** certificate of completion of training in an established responsible liquor service training program accepted by the Commission. The Programs that are currently accepted are:

1. TIPS (Training for Intervention Procedures) On-Premise and Off-Premise (10/5/92)
2. TAM (Techniques of Alcohol Management) (10/5/92)
3. ServSafe Alcohol Server Training Program (10/5/92)
4. Beverage Alcohol Training (BAT) (Sponsored by the Massachusetts Package Store Association)

ADOPTED: October 5, 1992

AMENDED: February 28, 1995 (Added A.I.M.)

October 6, 1999 (Added "Come of Age")

September 5, 2018 (Deleted A.I.M., "Come of Age")

(Added Off-Premise to TIPS & Beverage Alcohol Training (BAT))

## 2-1: Short Term Liquor Licenses - Liability Insurance

In the case of Short Term Liquor Licenses issued by the Commission, a certificate of insurance must be presented showing liquor liability coverage with a minimum cap of **\$250,000 per occurrence** prior to the issuance of any license.

ADOPTED: October 27, 1992

AMENDED: May 3, 2006

## 2-2: Short Term License Restriction

RESCINDED: June 6, 2018

## 3-1: Hours of Operation - Extension

Effective January 1, 1996, each licensed establishment may be granted one extension of hours to 2:00 a.m. per year in addition to the annual New Year's Eve extension. The request must be in writing to the Commission and state the requested date and purpose of the extension. A representative of the establishment must attend the Commission meeting at which the item will be discussed.

ADOPTED: April 18, 1995

### 3-2: Rules for Extended Hours in the City of Northampton

1. Upon a request by a licensee extended closing hours from 1:00 a.m. to 2:00 a.m. may be granted to said licensee by the License Commission.
2. No admittance of patrons shall be permitted by a licensee after 1:00 a.m. No patron present on the premises on or before 1:00 a.m. who leaves the premises for any reason shall be readmitted to the premises after 1:00 a.m. on that day.
3. All licensees granted extended closing hours must display signs, in a form approved by the License Commission, at each entrance to the licensed premises stating that no admission will be allowed after 1:00 a.m., and at each exit stating no patron leaving the premises will be readmitted after 1:00 a.m.
4. No alcoholic beverages shall be served to patrons after 1:40 a.m.
5. All patrons must vacate the premises no later than 2:00 a.m. No agent or employee of a licensee present for clean-up shall remain on the premises after 2:45 a.m. In the event that it becomes absolutely necessary to be on the premises after 2:45 a.m., notification must be made to the Northampton Police Department.
6. All licensees granted extended closing hours must have an agent or employee present at each entrance and exit during extended hours to monitor compliance with the foregoing rules. Each agent or employee shall be easily identifiable as an agent or employee of the licensee. Licensees shall maintain a log containing the name and date of service of each such agent or employee. The log shall be produced by the licensee immediately upon request by the License Commission or the Northampton Police Department and shall be admissible in any proceeding before the License Commission relative to an alleged violation of these rules regarding extended hours.
7. It is anticipated that licensees granted extended closing hours will develop a training program for agents or employees during the trial period designed to promote public safety and order.
8. In the event the License Commission determines that a licensee has violated the foregoing rules extended hours for said licensee will be immediately suspended.
9. The Northampton Police Department may seek the immediate termination of extended hours for individual licensees or for all licensees based upon credible evidence of an increased threat to public safety or order resulting from extended hours.
10. All licensees granted extended closing hours must provide the License Commission with a signed written statement acknowledging the foregoing rules for extended hours prior to commencing extended hours.

ADOPTED: (Trial Period for extended hours Thursday through Monday, to begin 3-3-05) February 16, 2005

ADOPTED: (amended to 7 (seven) days per week) September 7, 2005

EXISTING POLICY RATIFIED: October 7, 2015

AMENDED: Language to #5: September 5, 2018

#### **4-1: Renewal of License - Tax Delinquency**

The License Commission will hold, after notice, a public hearing in November of each year to determine whether or not to grant or to renew the license of each license holder identified by the Notice from the City Tax Collector, all as provided in the Code of City Ordinances No. 14-21. Such hearing will not be held if the License Commission receives in writing a statement from the Collector that the license holder is not delinquent as stated in said notice, or that the license holder has made a satisfactory arrangement with the City for payment of taxes.

ADOPTED: May 23, 1995

#### **4-2: Grant or Renewal of License – Wage Compliance**

The Northampton License Commission, when issuing a new license or a renewal, shall require certification of compliance with wage and hour laws on a form provided by the Commission. Each licensee or prospective licensee shall certify that within the preceding three years such licensee or prospective licensee has not been subject to a federal or state criminal or civil judgment, administrative citation or final administrative determination resulting from a violation of MGL Ch. 149, Ch. 151, or the Fair Labor Standards Act (“judgment for wage law violation”). Any licensee or prospective licensee who does not certify to the above shall provide such information regarding the judgment for wage law violation as the Commission shall request. Prior to the issuance of a license, such licensee or prospective licensee will be required to provide a wage bond. Wage bonds shall be fixed as follows:

- a. For the first year that a licensee is subject to a wage bond, the licensee shall obtain a bond in the amount of three times the amount imposed upon the judgment for wage law violation; for the second year that a licensee is subject to a wage bond, the licensee shall obtain a bond in the amount of two times the amount imposed upon the judgment for wage law violation; for the third year that a licensee is subject to a wage bond, the licensee shall obtain a bond in the amount imposed upon the judgment for wage law violation. No bond shall be required after the third year provided that the licensee is not subject to further judgment for wage law violation. Any new violation shall cause the three-year clock to reset, and the bond shall be imposed as provided in this subsection.
- b. Prospective licensees that disclose a judgment for wage law violation within the preceding three years, shall comply with the provisions of subsection (a), above, based upon the year in which the judgment was imposed. By way of example: a prospective licensee with a judgment for wage law violation imposed more than one year but less than two years prior to the application (i.e., in the second year) shall obtain a wage bond in the amount of two times the amount of the judgment for wage law violation.

ADOPTED: October 9, 2019

#### **5-1: Application Fees**

Effective July 1, 2006, the License Commission will impose a \$25.00 application fee, made payable to the City of Northampton, for all Liquor License transactions that require a fee to the A.B.C.C.

ADOPTED: June 7, 2006

## **6-1: No Alcohol/Early Hours Food Service**

Restaurants, clubs, hotels and general-on-premises establishments licensed to sell alcoholic beverages and subject to a 1 A.M. closing, with the approval of the Northampton License Commission, may remain open for the service of food and non-alcoholic beverages only until 3 A.M. Sale and service of alcoholic beverages shall still cease at 1 A.M., with all alcoholic beverages consumed or removed by 1:15 A.M.

ADOPTED: April 11, 2012

AMENDED: September 5, 2018

## **7-1: Public Comment**

In accordance with Section 1.05 of the Administrative Code, the Commission shall allow a Public Comment Period before the commencement of each regular meeting of the Commission. No person shall address the Commission unless recognized by the Chair, and the Commissioners shall not respond to any comment made during the Public Comment period. Comments shall be limited to matters within the jurisdiction of the Commission. Each person shall be limited to three (3) minutes to make their comment and the Public Comment period shall be limited to no more than one (1) hour.

ADOPTED: September 1, 2021

UPDATED: September 2, 2021