

**TOWN OF SOUTH HADLEY
LICENSING AUTHORITY**

ENTERTAINMENT LICENSING

The Selectboard approves licenses in their capacity as Licensing Authority. As such, the Board is the entertainment licensing authority for the Town of South Hadley. It issues and regulates all entertainment licenses in South Hadley granted pursuant to Massachusetts General Laws §§177A, 181 and 183A. Sunday Permits are regulated through the Department of Public Safety and Massachusetts General Laws Chapter 136.

Circumstances Requiring an Entertainment License

You will need to obtain an entertainment license if the following applies:

Seven Day Entertainment Licenses under M.G.L. Chapter 140§183A:

You will need this license if you are the holder of a Common Victualler or Alcohol license and feature any kind of “concert, dance exhibition, cabaret, or public show of any description”.

A “public show of any description” would include dancing by patrons or performers, recorded or live music, use of an amplification system, and theatrical play of exhibition, a film, a floor show or light show, whether live or recorded”.

Special Event License – M.G.L. Chapter 140§181:

If you will be holding a one-time event involving any type of carnival, circus, or other one-time event, you will need to apply for a special license. This one time event will need recommendations from and possible permits issued by the Police Department, Fire Department, Building Department, Health Department, and possible permission from the Selectboard.

License for Public Entertainment on Sunday – M.G.L. Chapter 136:

If you do not have an entertainment license for seven day (permanent) entertainment events and the public entertainment will take place on Sunday, a Sunday permit is required. A separate application for such events is needed. The Commonwealth of Massachusetts, Department of Public Safety has an established fee schedule. The Town of South Hadley also imposes a fee equal to that of the Department of Public Safety.

Automatic Amusement License under M.G.L. Chapter 140 177A:

You will need this license if you offer an “automatic amusement device”, which is a coin operated amusement skill game such as a pinball machine or video game. Adult Entertainment Licensing for Sexually Oriented Business – As outlined in Regulations Adopted by the Selectboard pursuant to Massachusetts General Laws Chapter 140 Section 183A. Applicants should contact the Selectboard’s Office at (413) 538-5017 for regulations and necessary procedure.

The Application Process:

It is recommended that you contact the Selectboard’s Office to provide assistance in determining what license is necessary.

Applications for any type of entertainment licenses may be obtained at the Selectboard’s Office located at 116 Main Street. Please call (413) 538-5017 if you have any questions.

**Entertainment License
(Pursuant to MGL Chapter 104, Section 183A)**

1. The South Hadley Selectboard shall act as the Licensing Authority pursuant to M.G.L. Chapter 140, Section 183A (Entertainment Licenses). All provisions of Massachusetts General Laws Chapter 140, Section 183A are included herein by reference.
2. The license shall, unless sooner revoked, expire on December 31st of each year.
3. New Applications will not be acted upon until all required forms, statements and disclosures are returned in a complete and accurate manner to the Licensing Authority.
4. All other licenses, certificates and permits to be issued by the Town of South Hadley for the premises to be licensed must be obtained prior to the issuance of an entertainment license.
5. The premises to be licensed must be inspected and a favorable report made thereon by the following departments or agencies:
 - Building Commissioner
 - Health Department
 - Police Department
 - Fire Department
6. Entertainment Licenses are not transferable.
7. After a hearing upon ten days written notice of the hearing, violations of Mass. General Laws, including, but not limited to General Laws, Chapter 140, Section 183A, Bylaws of the Town of South Hadley or Rules and Regulations of the Alcoholic Beverage Control Commission, or any terms or conditions placed on the license may result in modification, suspension or revocation of said license.
8. Any misstatement on an application or financial disclosure statement shall be considered a violation of the Rules and Regulations of the Licensing Commission.
9. If any bill to the applicant or licensee for a Town of South Hadley police detail is not paid within 30 days of the issuance of the bill, it shall constitute sufficient cause for the Licensing Authority to deny, revoke, suspend, or not renew a license.
10. All entertainment shall be conducted so that there shall be no unreasonable increase in the level of noise upon the sidewalk or street adjoining the premises or upon any abutting premises.
11. The entertainment and dancing must be confined to some space provided for the purpose.
12. At all times the entire area of the licensed premises must be continuously illuminated to the degree of not less than one (1) foot candle (measured 30 inches from the floor) except those portions of the room under furniture.
13. All areas where dancers perform shall be separated by a walk way of at least six (6) feet in width between any stage or platform and areas where drinks are served and consumed.

14. It is forbidden to employ or permit any person in or on the licensed premises to touch, caress or fondle the breast, buttocks, or genital of any other person.
15. It is forbidden to employ or permit any person in or on the licensed premises to perform any act or acts of:
 1. sexual intercourse, masturbation, sodomy, flagellation or any sexual acts prohibited by law; or
 2. touching, caressing, or fondling of the breasts, buttocks, or genitals of another.
16. Visual Displays. It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, television-type cassettes, still pictures, or other photographic reproductions depicting any of the acts, or any simulation of any of the acts, prohibited in these Rules and Regulations.
17. The Licensing Authority reserves the right to change or add to the foregoing terms and conditions after notice to the licensees.
18. All licenses shall be kept in an accessible place on the premises, available at all times to the proper authorities.
19. No entertainment shall take place beyond the operating hours of the business as described in the licensee's Alcoholic Beverage License; provided that no entertainment requiring the written approval of the Commissioners of Public Safety pursuant to M.G.L. Chapter 140, Section 183A shall take place without such written approval.
20. Severability. If any of the provisions of these Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of such Rules and Regulations, or the application of such other provisions, which can be given effect without the invalid provision or application thereof, and for this purpose the provisions of these Rules and Regulations are severable.

**Selectboard
Acting As
Licensing Commission for the
Town of South Hadley**

APPLICATION FOR AN ENTERTAINMENT LICENSE

The undersigned respectfully applies for an entertainment license as follows:

LOCATION OF PREMISES _____ **CLASS OF LICENSE** _____

DESCRIPTION OF PREMISES: _____

HOURS OF OPERATION: Weekly _____ Sunday _____

Please check appropriate item(s):

JUKEBOX _____ **AMPLIFIERS** _____ **PHONO** _____ **CABLE TV** _____

WIDESCREEN TV _____ **CASSETTE OPER. TV** _____ **MOVIES** _____

INSTRUMENTAL MUSIC _____ **NO. OF INSTRUMENTS** _____

 Type of instruments _____ What floors _____

VOCAL MUSIC _____ No. of persons _____

DANCING BY PATRONS _____ Type of Dancing _____

 What floors _____ Size of dance floor _____

Exhibition or Trade Show _____

Describe: _____

Play: _____ **Describe:** _____

Moving Picture Show: _____ **Describe:** _____

Floor Show: _____ **Describe:** _____

Athletic Event: _____ **Describe:** _____

I _____, the applicant or representative, certify to the following:

I have read and understand all the requirements that may be imposed upon the applicant under Chapter 140, Section 183A this license and those policies of the Licensing Commission regarding entertainment.

That the only form of entertainment which may be allowed on the premises, if the application is approved, will be that which the Licensing Commission approves based upon my application.

That all statements provided herein are true and are complete as possible.

That I understand that this license may be suspended or revoked should the Commission find that any items of information sought and given on this application are either untrue or not complete, or that the applicant is found to have conducted the entertainment outside the provision of the above cited laws and regulations and outside of the approval given on such license or permit.

Signature of Applicant

Date: _____