

By Mr. Nuciforo, a petition (accompanied by bill, Senate, No. 2020) of Andrea F. Nuciforo, Jr., James M. Roberto, Mayor, Jody L. Phillips, City Clerk and Gerald M. Lee, City Council President (with the approval of the mayor and the city council) for legislation to authorize the city of Pittsfield to grant five additional licenses for the sale of all alcoholic beverages and an additional four special liquor licenses for the sale of wines and malt beverages to be drunk on the premises. Consumer Protection and Professional Licensure. [Local approval received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Five. . .

AN ACT AUTHORIZING THE CITY OF PITTSFIELD TO GRANT FIVE ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES AND AN ADDITIONAL FOUR SPECIAL LIQUOR LICENSES FOR THE SALE OF WINES AND MALT BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding the provisions of Section 12 or
2 17 of Chapter 138 of the General Laws, or any other general or
3 special law to the contrary, the Pittsfield Licensing Board is
4 hereby authorized to issue five additional all alcohol liquor
5 licenses and four additional wine and malt licenses for the sale of
6 all alcoholic beverages to be drunk on the premises, subject to the
7 following conditions.

1 SECTION 2. The Pittsfield Licensing Board is authorized to
2 reserve, until December 1, 2006, one of the special all alcohol
3 licenses for a downtown business to be located in the same
4 building as the Downtown movie theatre project and to reserve
5 one of the special all alcohol licenses for the Colonial Theatre
6 Association upon its application for the same within 90 days of
7 the first planned performance at the Colonial Theatre.

1 SECTION 3. The Pittsfield Licensing Board is authorized to
2 restrict the remaining licenses to business entities that locate in
3 the designated Downtown Economic Development Zone. Said
4 zone is more particularly shown on a plan entitled “Amended
5 Downtown Pittsfield EOA,”, which is on file with the city of
6 Pittsfield Licensing Board and attached hereto.

1 SECTION 4. These additional Special Liquor Licenses shall be
2 subject to an annual fee of \$1,500 more than the annual fee of
3 existing all alcohol or wine and malt beverage liquor licenses, as
4 applicable, in the City of Pittsfield.

1 SECTION 5. The Pittsfield Licensing Board is authorized to
2 restrict the non-reserved all alcohol licenses to bona fide down-
3 town restaurants having a primary mission of providing restaurant
4 goods and services in the Downtown Development Zone. Such
5 restaurants may not provide direct bar service to patrons except
6 those waiting to be seated for a meal and the license holder must
7 maintain a direct management role in the daily operation of the
8 restaurant. Such restaurant shall be determined to be a bona fide
9 restaurant if it operates a full kitchen for a minimum of 8 hours
10 per day or it is open for fewer than 8 hours, it operates a full
11 kitchen for the entire period it is open.

1 SECTION 6. The Pittsfield Licensing Board is authorized to
2 restrict the wine and malt beverage licenses to licensees with an
3 on-premises kitchen open for a minimum of 8 hours per day or an
4 on-premises kitchen open for the entire period it is open.

1 SECTION 7. The Pittsfield Licensing Board shall determine
2 reasonably whether an applicant or licensee meets the aforemen-
3 tioned criterion.

1 SECTION 8. These Special Liquor Licenses shall not be trans-
2 ferable, nor shall they be marketed for sale, pledged, not encum-
3 bered, except for governmental encumbrances.

1 SECTION 9. These Special Liquor Licenses, if revoked or no
2 longer in use, shall be returned physically, with all of the legal

3 rights and privileges pertaining thereto, to the City of Pittsfield
4 Licensing Board.

1 SECTION 10. This Act shall take effect upon enactment.

