

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending "Code of Ordinances, City of Lowell, Massachusetts," with respect to Chapter 222, Article 2 by adding a new section § 222-18 entitled Pub Crawls.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code for the City of Lowell," hereinafter called the "Code", adopted by the City Council on August __, 2017, is hereby amended with respect to Chapter 222 Article 2 by adding a new section:-

§222-18 Pub Crawls

A. Purpose.

1. Unregulated pub crawl events pose a risk to public health and safety and increase the likelihood of underage drinking and drunk and disorderly conduct.

2. Rules and regulations mitigate these risks and provide a safe environment and maintain the public safety.

3. The City of Lowell, by regulating pub crawl events, maintains a legitimate and compelling state interest to ensure public safety and welfare of persons who participate in pub crawl events as well as the general public.

B. Definition. The following words and phrases, when used in this section, shall have the following meanings:

"Establishment" An establishment in the City of Lowell licensed to serve alcoholic beverages pursuant to M.G.L. c. 138 and all other applicable state and local laws and regulations.

"Pub Crawl Event" A group of establishments participating in the promotion of an event featuring the sale or service of alcoholic beverages at a more than one licensed establishment during a specified time period.

“Organizer” Anyone who contracts or is designated by one or more alcohol establishments for the purpose of organizing, controlling, and advertising increasing notoriety and popularity of a Pub Crawl Event.

“Coordinator” A person over the age of 21 stationed at a particular licensed establishment participating in a pub crawl event.

C. Pub Crawl License

1. In order to hold a pub crawl event, all participating Establishments must hire or designate one person to serve as Organizer of the event and each establishment must designate one or more coordinators to be on their premises for the entire duration of the event.

2. At least 30 days prior to holding any pub crawl event, an Organizer must obtain a pub crawl license from the License Commission. The Organizer must provide to the Commission:

- a. The names and addresses of all licensed establishments expected to participate;
- b. The location(s) and/or geographic area(s) where the event will take place;
- c. The actual hours of the event;
- d. The operational plan and security plan, which shall include:
 - i. the name and number of security personnel contracted for the event;
 - ii. a plan for controlling underage drinking; and,
 - iii. The method to be used for checking participants’ identification;
- e. The location of the designated registration area(s);
- f. The number of tickets they intend to sell or anticipated number of participants.

3. No establishment whose license has been suspended for one day or more for a violation of the License Commission Rules and Regulations and/or Alcoholic Beverages Control Commission (ABCC) Regulations within the previous year may participate in a Pub Crawl Event.

4. Establishments that serve food are required to have food available either for purchase or as part of the event during the hours of the pub crawl event.

5. All advertising and promotional materials for pub crawl events shall include the statement “You must be twenty-one (21) or older to participate in this event.”

6. The issuance of a Pub Crawl License shall be solely at the discretion of the License Commission. The License Commission may place restrictions upon the hours, participating licensed establishments, and the nature and size of the pub crawl events held under the license in order to protect the public safety.

7. The License Commission may fine, suspend, or revoke the pub crawl license and any participating licensed establishments if the Organizer:

- a. Fails to control the environment;

- b. Has sustained community complaints or police action;
- c. Fails to comply with the terms of its pub crawl license;
- d. Otherwise violates the Rules and Regulations of the License Commission or Alcohol Beverage Control Commission.

8. A licensed establishment shall not be permitted to participate in more than one pub crawl event at any one time.

9. No pub crawl events shall be permitted to occur on July 4, October 31, or December 31.

D. Penalties.

1. Violations of this section shall be punishable by a fine of \$300.00 for each offense.

2. Any violation of this section shall be adjudicated and disposed of by the License Commission pursuant to state law.

3. Nothing in this section shall preclude the imposition of other civil and/or criminal penalties for other violations as permitted under state and/or local law, including the suspension and/or revocation of a license after a hearing by the License Commission.

E. Severability. If any section or application of this section shall be adjudged by any court of competent jurisdiction to be unconstitutional, the validity, legality and enforceability of the remaining sections or applications shall not in any way be affected or impaired thereby.

APPROVED AS TO FORM:

/s/James F. Wellock

James F. Wellock

Assistant City Solicitor



City of Lowell - Law Department

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August 18, 2017

City Manager Kevin J. Murphy
Mayor Edward J. Kennedy, Jr.
Members of the City Council

Re: Ordinance to Amend and add New Section on Pub Crawls

Dear Mr. Manager, Mayor Kennedy and Members of the City Council:

I write in response to a motion made May 9, 2017 by Councilor Dan Rourke to request the City Manager have the Law Department draft an ordinance to regulate local "Pub Crawls" which would include public safety measures.

The attached Ordinance amends the Code of Ordinances, City of Lowell, Massachusetts, with respect to Chapter 222, Article 2 by adding a new section § 222-18 entitled Pub Crawls.

Passage of this ordinance will serve to further protect the public by enacting rules and regulations relative to "pub crawls," to further maintain public safety.

Yours very truly,

Christine P. O'Connor
City Solicitor

V:ordinance/pubcrawl

cc: William Taylor – Superintendent of Police
James F. Wellock – Assistant City Solicitor