HOUSE . . . . . No. 3851

By Ms. Provost of Somerville and Senator Jehlen, a joint petition (accompanied by bill, House, No. 3851) of Denise Provost and others (with the approval of the mayor and city council) relative to the sale of alcoholic beverages in the city of Somerville. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the sale of alcoholic beverages in the City of Somerville.

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

SECTION 1. As provided in this act, the grant of additional licenses shall be utilized to enhance the dining and entertainment experience of individuals patronizing Somerville businesses, to advance diversity in ownership and cuisine, and to foster the economic development of business areas where licensees are located. The grant of additional licenses is intended to allow the city of Somerville to apply it's economic development goals by way of established criteria, including but not limited to, the location of licenses in economic development focus areas to facilitate development in key areas; the location of licenses outside of economic development focus areas where a licensee will provide a unique service or product; and level of concentration of licenses in business districts to serve the public need and in such a manner as to protect the common good.

SECTION 2. Chapter 258 of the acts of 1980 is hereby repealed.

SECTION 3. Chapter 135 of the acts of 1983 is hereby repealed.

SECTION 4. Chapter 463 of the acts of 1991 is hereby repealed.

SECTION 5. Chapter 5 of the acts of 2000 is hereby repealed.

SECTION 6. Notwithstanding section 17 of chapter 138 of the General Laws, chapter 449 of the acts of 2008, or any other general or special law to the contrary, the licensing commission of the city of Somerville shall be authorized to grant additional licenses, in addition to and irrespective of any limitation of number of licenses, for the sale of all alcoholic beverages and for the sale of wines and malt beverages to be drunk on the premises under section 12 of said

20 chapter 138. Said licenses shall be subject to all other provisions of said chapter 138, except said
21 section 17. Said licenses shall be subject to city of Somerville ordinances and rules and
22 regulations of the licensing commission of the city of Somerville.

23 (a) Notwithstanding said sections 12 and 77 of said chapter 138, the licensing
24 commission may restrict all alcoholic beverages licenses to bona fide restaurants having a
25 primary mission of providing restaurant goods and services in the city of Somerville. Any such
26 restaurant shall be determined to be a bona fide restaurant if it operates a full kitchen for a
27 minimum of 8 hours per day or, if it is open for less than 8 hours per day, it operates a full
28 kitchen for the entire period it is open.

29 (b) Notwithstanding said sections 12 and 77 of said chapter 138, the licensing
30 commission may restrict the wines and malt beverages licenses to licensees with an on-premises
31 kitchen open for a minimum of 8 hours per day or an on-premises kitchen open for the entire
32 period it is open.

33 (c) The licensing commission of the city of Somerville and the alcoholic beverages
34 control commission shall determine reasonably whether an applicant or licensee meets the
35 criteria set forth in this act.

36 (d) The licenses shall not be transferable. Said license may be re-issued by the licensing
37 commission at the same location if an applicant for said license files with said commission a
38 letter in writing from the Department of Revenue indicating that said license is in good standing
39 with said Department and that any and all applicable taxes have been paid.

40 (e) The licenses, if revoked, cancelled, terminated, not renewed or no longer in use, shall
41 be returned physically, with all of the legal rights and privileges pertaining thereto, to the
42 licensing commission.

43 SECTION 7. The licensing commission of the city of Somerville is authorized to grant
44 not more than 20 licenses for the sale of all alcoholic beverages to be drunk off the premises as
45 provided in section 15 of said chapter 138. The licensing commission of the city of Somerville is
46 authorized to grant not more than 9 licenses for the sale of wines and malts as provided in section
47 15 of said chapter 138.

48 SECTION 8. Existing licenses shall retain all of the legal rights and privileges, and be
49 subject to all conditions and restrictions, pertaining thereto in accordance with any general or
50 special law providing for the issuance of each such license. The transfer of existing licenses or
51 the transfer of stock in a corporation which holds a license shall be subject to a public hearing
52 and notice of such public hearing shall be advertised as provided in said chapter 138 and held at
53 an appropriate time to afford interested citizens an opportunity to be present.

54 SECTION 9. This act shall take effect upon its passage.