

HOUSE No. 4006

By Mr. Rice of Gardner, petition of Robert L. Rice, Jr., and Robert A. Antonioni (with the approval of the mayor and city council) that the city of Gardner be authorized to issue three additional licenses for the sale of alcoholic 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 Seven.

AN ACT AUTHORIZING THE CITY OF GARDNER TO GRANT 3 ADDITIONAL
LICENSES FOR THE SALE OF ALL ALCOHOLIC 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. (a) Notwithstanding Sections 12 and 17 of Chapter
2 138 of the General Laws or any other general or special law to the
3 contrary, the Gardner licensing board shall grant 3 additional
4 licenses for the sale of all alcoholic beverages to be drunk on the
5 premises, subject to the conditions set forth in this act.

6 (b) The licensing board may reserve the alcoholic beverages
7 licenses issued pursuant to this act to the area designated as an
8 Urban Renewal Area for the purpose of downtown revitalization and
9 to promote economic vitality. The area is more particularly shown
10 on a plan entitled "Urban Renewal Area", which is on file with the
11 City of Gardner licensing board and attached hereto.

12 (c) Notwithstanding said Section 12 of said Chapter 138, these
13 additional licenses shall be subject to an annual fee of \$2,500 more
14 than the annual fee for all existing alcoholic beverages licenses in
15 the City of Gardner. The additional \$2,500 fee shall be deposited
16 into an economic development account in the City of Gardner and
17 expended consistently with the purpose of such account.

18 (d) Notwithstanding said Sections 12 and 77 of said Chapter 138,
19 the licensing board may restrict the licenses issued pursuant to this
20 act to restaurants providing direct bar service only to patrons eating
21 a meal at the bar or waiting to be seated for a meal and the license

22 holder shall maintain a direct management role in the daily operation
23 of the restaurant Any such restaurant shall be determined to be a
24 bona fide restaurant if it operates a full kitchen for a minimum of 8
25 hours per day or, if it is open for less than 8 hours per day, it oper-
26 ates a full kitchen for the entire period it is open.

27 (e) The licensing board and the alcoholic beverages control com-
28 mission shall determine reasonably whether an applicant or licensee
29 meets the criteria set forth in this act.

30 (f) The licenses shall not be transferable.

31 (g) The licenses, if revoked or not longer in use, shall be returned
32 physically, with all of the legal rights and privileges pertaining
33 thereto, to the licensing board. The licensing board may grant the
34 returned license to a new applicant who meets the criteria of this act;
35 provided however, that no such license shall be re-issued to the same
36 location within 6 months from the date said license terminated
37 unless the applicant files a letter in writing from the department of
38 Revenue with the local licensing authority indicating the prior
39 licensee's good standing with said Department

1 SECTION 2. This act shall take effect upon its passage.