

HOUSE No. 4994

By Mr. Cabral of New Bedford, petition of Antonio F. D. Cabral and others (with the approval of the mayor and city council) that the city of New Bedford be authorized to grant additional licenses for the sale of wine and malt beverages to be drunk on the premises. Consumer Protection and Professional Licensure. [Local Approval Received.]

The Commonwealth of Massachusetts

PETITION OF:

Antonio F. D. Cabral
Stephen R. Canessa

John F. Quinn
Robert M. Koczera

In the Year Two Thousand and Eight.

AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO GRANT 18
ADDITIONAL LICENSES FOR THE SALE OF WINE 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. (a) Notwithstanding the provisions of Section 12
2 and 17 of Chapter 138 of the General Laws, or any other general or
3 special law or rule or regulation to the contrary, the local alcohol
4 licensing authority of the City of New Bedford may grant 18 addi-
5 tional licenses for the sale of Wine & Malt beverages to be drunk on
6 the premises, subject to the conditions set forth in this act.

7 (b) The local alcohol licensing authority shall reserve the alco-
8 holic beverages licenses issued pursuant to this act to the areas des-
9 ignated as those for the purpose of revitalization and to promote
10 economic vitality.

11 (c) The local alcohol licensing authority shall restrict the granting
12 of the (18) licenses authorized pursuant to this act within the
13 following ‘Districts’ and with the following limitations; 6 licenses
14 shall be granted at a location within the North End ‘District’ (Wards
15 1 & 2), each such license may be re-issued at the original location or
16 may be transferred to a new location for use only by the existing
17 license holder; or be granted to another location within the North

18 End District, provided, however, they shall not be granted or trans-
19 ferred to another 'District'. 6 licenses shall be granted at a location
20 within the Downtown/West End 'District' (Wards 3 & 4), each such
21 license may be re-issued at the original location or may be trans-
22 ferred to a new location for use only by the existing license holder;
23 or be granted to another location within the Downtown/West End
24 'District' (Wards 3 & 4), provided, however, they shall not be
25 granted or transferred to another 'District'; and 6 licenses shall be
26 granted at a location within the South End 'District' (Wards 5 & 6);
27 each such license may be re-issued at the original location or may be
28 transferred to a new location for use only by the existing license
29 holder; or be granted to another location within the South End 'Dis-
30 trict', provided, however, they shall not be granted or transferred to
31 another 'District'.

32 (d) Notwithstanding said Section 12 of said Chapter 138, these
33 additional licenses shall be subject to a one-time fee of \$2,500.00
34 (Each New Applicant) more than the annual fee for existing Wine &
35 Malt beverages licenses in the City of New Bedford. The additional
36 \$2,500.00 fee shall be deposited into an economic development
37 account in the City of New Bedford and expended consistent with
38 the purpose of such account.

39 (e) Notwithstanding said Sections 12 and 77 of said Chapter 138,
40 the local licensing authority shall restrict the licenses issued pursuant
41 to this act to restaurants providing direct bar service only to patrons
42 eating a meal and the license holder shall maintain a direct manage-
43 ment role in the daily operation of the restaurant. Any such restau-
44 rant shall be determined to be a bona fide restaurant if it operates a
45 full kitchen for a minimum of 8 hours per day or, if it is open for less
46 than 8 hours per day, it operates a full kitchen for the entire period it
47 is open.

48 (f) The Local Alcohol Licensing Authority and the Alcoholic
49 Beverages Control Commission of the Commonwealth shall deter-
50 mine reasonably whether an applicant or licensee meets the criteria
51 set forth in this action.

52 (g) Any license authorized by this act is a personal privilege and
53 is not sellable by the licensee or otherwise transferable from the
54 licensee. If a licensee ceases operation for any reason, the said
55 license shall revert back to the City for re-issuance at the City's dis-

56 cretion, based on but not limited to size, type of operation, and repu-
57 tation of the applicant.

58 (h) Notwithstanding any General or special law or any rule or reg-
59 ulation to the contrary, the local alcohol licensing authority shall not
60 approve the transfer of said license within said district or at the same
61 location or to any other location that is not within the district to
62 which it has been assigned. Said license may be granted by the local
63 alcohol licensing authority at the same location if an applicant for
64 said license files with said authority a letter in writing from the
65 Department of Revenue indicating that said license is in good
66 standing with said department and that any and all applicable taxes
67 have been paid. If a license granted under this act is cancelled,
68 revoked, or no longer in use, such license shall be returned physi-
69 cally, with all of the legal rights, privileges, and restrictions per-
70 taining thereto, to the local alcohol licensing authority.

71 Notwithstanding section 17 of Chapter 138 of the General Laws,
72 or any other general or special law to the contrary, the local alcohol
73 licensing authority may then grant said license to a new applicant at
74 the same location OR at any new location under the same condi-
75 tions, as specified in this section.

76 (i) Licenses shall be granted only to those applicants who by
77 agreement with the New Bedford Licensing Board have accepted the
78 provisions of this section, as a condition of the licensee's alcoholic
79 beverage license.

80 (j) Licensing Board approval of a loan by another to the licensee
81 with the designation of the license as collateral shall not be deemed
82 an express or implied modification of any of the provisions in this
83 section.

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