# SENATE . . . . . No. 1874

By Mr. Berry, petition (accompanied by bill, Senate, No. 1874) of Frederick E. Berry and John D. Keenan (with the approval of the mayor and city council) for legislation to authorize the city of Salem to issue licenses for the sale of alcoholic beverages. Consumer Protection and Professional Licensure. [Local Approval Received]

## The Commonwealth of Massachusetts

**In the Year Two Thousand Eleven**

An Act authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages.

*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. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the City of Salem may convert the three currently-issued seasonal licenses for the sale of all alcoholic beverages to be drunk on the premises and the four currently-issued seasonal licenses for wine and malt beverages to be drunk on the premises to three annual licenses for the sale of all alcoholic beverages to be drunk on the premises and four annual licenses for the sale of wine and malt beverages to be drunk on the premises. Any such license shall be subject to all of said chapter 138 except said section 17. An applicant for conversion of a seasonal all alcoholic beverages license for the same premises and location shall not be required to notify abutters as required by section 15A of said chapter 138. An applicant for conversion from a seasonal all alcohol license to be drunk on the premises who also holds an annual wine and malt beverage license to be drunk on the premises shall physically surrender the annual wine and malt beverage license to the local licensing authority upon conversion, with all of the legal rights, privileges and restrictions pertaining thereto, and said local licensing authority may then grant the license to a new applicant within the city's B-5 zoning district.

SECTION 2. (a) Notwithstanding any general or special law or rule or regulation to the contrary, the licensing authority may only approve the conversion of a license at the same location as the current seasonal license. Failure to use or operate the license for six consecutive months may, after a hearing, cause the license to revert to the city. That license may then be re-issued by the licensing authority at the same location or at a location within the City's B-5 Zoning District if the applicant for the license files with the licensing authority a letter in writing

21 from the department of revenue indicating that the license is in good standing with the
22 department and that all applicable taxes have been paid.

23 (b) If a license converted under this act is cancelled, revoked or no longer in use, it shall
24 be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto,
25 to the licensing authority which may then grant the license to a new applicant at the same
26 location or at a location within the city's B5 Zoning District and under the same conditions as
27 specified in this act.

28 SECTION 3. (a) The fee charged by the city of Salem for the issuance of a new license or
29 the conversion to a an annual license for the sale of all alcoholic beverages or wine and malt
30 beverages issued pursuant to this act shall be paid by the licensee to the city in full at the time of
31 issuance, unless the licensing authority agrees to enter into an arrangement with the recipient of a
32 license which would enable the fee to be divided into multiple payments or prorated over
33 multiple periods of time.

34 (b) If the city of Salem charges a fee for any new license or the conversion of a seasonal
35 license to an annual license for the sale of wine and malt beverages or all alcoholic beverages
36 issued pursuant to this act which is greater than the amount of the fee charged for an annual
37 renewal of a similar license issued by the city, then the city shall establish an economic
38 development account and deposit the fee which shall be expended by the city in a manner
39 consistent with the purposes of the account.

40 SECTION 4. This act shall take effect upon its passage.