

HOUSE No. 4769

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 22, 2016.

The committee on Consumer Protection and Professional Licensure to whom was referred the joint petition (accompanied by bill, House, No. 4752) of Paul J. Donato, Patricia D. Jehlen and others (with the approval of the mayor and city council) that the city of Medford be authorized to increase the number of licenses for the sale of wines and malt beverages to be drunk on the premises in the city of Medford from twenty five to forty, reports recommending that the accompanying bill (House, No. 4769) ought to pass [Local Approval Received].

For the committee,

JENNIFER E. BENSON.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act increasing the number of licenses for the sale of wines and malt beverages in the city of Medford from twenty five to forty.

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 11 and 17 of chapter 138 of the General Laws,
2 any vote cast in the city of Medford pursuant to chapter 595 of the acts of 1977 or any other
3 general or special law or any rule or regulation to the contrary, the licensing authority of the city
4 of Medford may, subject to the approval of the alcoholic beverages control commission, grant
5 not more than 40 licenses for the sale of wines and malt beverages to be drunk on the premises
6 under section 12 of said chapter 138 to restaurants with a seating capacity of at least 19 persons.

7 (b) The licensing authority shall restrict the licenses authorized by this section as follows
8 to entities located in the economic development area, the boundaries of which are described as
9 follows in accordance with the 2000 United States census:

10 (i) 2 licenses shall be granted to entities located in the West Medford Area: Census Tracts
11 3393 and 3392;(ii) 2 licenses shall be granted to entities located in the Medford Square Area:
12 Census Tract 3391;(iii) 2 licenses shall be granted to entities in the Hillside Area: Census Tracts
13 3394, 3395, 3399 and 3400; (iv) 2 licenses shall be granted to entities in the South Medford

14 Area: Census Tracts 3396 and 3397; (v) 2 licenses shall be granted to entities in the Wellington
15 Area: Census Tract 3398; and (vi) 5 licenses shall be granted to entities located in any part of the
16 economic development areas:

17 (c) A license granted under this section shall only be exercised in the dining room of a
18 restaurant and in such other public rooms or areas as may be deemed reasonable and proper by
19 the licensing authority as certified in writing. The licensing authority shall not require as a
20 condition to granting of a license under this section that parking be provided for the licensed
21 establishment other than the parking that is required by applicable zoning laws or regulations.
22 Licenses granted under this section shall be subject to all of said chapter 138 except said sections
23 11 and 17.

24 (d) The licenses assigned to the economic development areas shall not be sold or
25 transferred by the licensee. If a licensee terminates or fails to renew its license under this
26 section, the license shall revert to the licensing authority. The licensing authority shall not
27 approve the transfer of a license under this act to any area outside the economic development
28 areas but it may grant a license to a new applicant within the economic development areas if the
29 applicant files with the licensing authority a letter in writing from the department of revenue and
30 a letter in writing from the department of unemployment assistance indicating that the license is
31 in good standing with the department and that all applicable taxes, fees and contributions have
32 been paid. A license granted pursuant to this section shall be clearly marked on its face
33 “Economic Development Areas Only”.

34 (e) If a license granted under this act is cancelled, revoked or no longer in use, it shall be
35 returned physically, with all of the legal rights, privileges and restrictions pertaining thereto to

36 the licensing authority and the licensing authority may then grant the license to a new applicant
37 at the same location and under the same conditions as specified in this act.

38 (f) Notwithstanding any general or special law to the contrary, the licensing authority
39 may grant special licenses for the sale of wines and malt beverages to be drunk on the premises
40 pursuant to section 14 of said chapter 138 and the granting of such special licenses shall be
41 subject to the same conditions for the granting of licenses pursuant to section 12 of said chapter
42 138 as specified in this act.

43 SECTION 2. Chapter 210 of the acts of 2008 is hereby repealed.

44 SECTION 3. This act shall take effect upon its passage.