

HOUSE No. 5094

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 4, 2024.

The committee on Consumer Protection and Professional Licensure, to whom was referred the joint petition (accompanied by bill, House, No. 4907) of Colleen M. Garry and Edward J. Kennedy (by vote of the town) that the town of Tyngsborough be authorized to grant up to three additional licenses for the sale of all alcoholic beverages to be drunk on the premises of a restaurant in said town, reports recommending that the accompanying bill (House, No. 5094) ought to pass [Local Approval Received].

For the committee,

TACKEY CHAN.

HOUSE No. 5094

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the town of Tyngsborough 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 section 17 of chapter 138 of the General Laws, the
2 licensing authority of the town of Tyngsborough may grant up to 3 additional licenses for the
3 sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter
4 138 to establishments located within the Business 3 General Shopping (B-3) District, as defined
5 in subsection (b), upon approval of and under conditions set by the licensing authority of the
6 town of Tyngsborough. Any license granted pursuant to this act shall be clearly marked on its
7 face “Business 3 General Shopping District” and shall be subject to all of said chapter 138 except
8 section 17.

9 (b) The licensing authority of the town of Tyngsborough shall restrict the licenses granted
10 pursuant to this act to establishments within the Business 3 General Shopping (B-3) District,
11 which for the purposes of this act shall include only such designated B-3 zone located north of
12 the Tyngsborough Bridge along Middlesex Road as shown on the map. For the purposes of this
13 subsection, “map” shall mean the map entitled “Town of Tyngsborough Massachusetts Zoning

14 Districts” dated January 9, 2020, a copy of which is on file in the office of the town clerk of the
15 town of Tyngsborough.

16 (c) A license granted pursuant to this act shall only be exercised in the dining room of a
17 common victualler and in such other rooms and areas as deemed reasonable and appropriate by
18 the licensing authority as certified in writing.

19 (d) The licensing authority of the town of Tyngsborough shall not approve the transfer of
20 a license granted under this act to any location outside of the Business 3 General Shopping (B-3)
21 District but it may grant a license to a new applicant within said district if the applicant files with
22 the licensing authority a letter from the department of unemployment assistance and a letter from
23 the department of revenue indicating that the license is in good standing with those departments
24 and that all applicable taxes, fees, and contributions have been paid.

25 (e) A license granted under this act shall not be sold or transferred by the licensee. If a
26 licensee terminates or fails to renew a license granted pursuant to this act or if a license granted
27 under this section is cancelled, revoked or no longer in use, it shall be returned physically, with
28 all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority
29 which may then grant the license to a new applicant within the Business 3 General Shopping (B-
30 3) District under the same conditions as specified in this act.

31 (f) A license granted pursuant to this act shall be issued within 3 years after the effective
32 date of this act; provided, however, that if the license is originally granted within that time
33 period, the license may be granted to a new applicant pursuant to subsections (d) and (e) any
34 time thereafter.

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