

ARTICLE XII COMMON VICTUALLER LICENSE

12.1 General

Any person who engages in the business of cooking, preparing and/or providing food for seated patrons on the premises must obtain a Common Victualler License from the Selectmen. Any Common Victualler License issued shall be in compliance with and pursuant to M.G.L 140.

12.2 Inspection of Licensed Premises

Any person to whom a Common Victualler License is issued shall ensure that order and decorum is maintained in the licensed premises at all times, and shall cooperate in every respect with Town officials including, but not limited to, representatives of the Selectmen, Fire and Police Departments, and the Board of Health. The licensed premises shall be available for inspection by said officials or any other department or official of the Town so directed by the Selectmen.

12.3 Conditions Applicable to All Common Victualler Licenses

All licenses issued shall be subject to the following conditions:

- a. Licensee shall ensure that the licensed premises is kept clean, neat and sanitary at all times.
- b. Unless otherwise authorized pursuant to a license duly issued by the Selectmen, no employee of the licensee shall consume any alcoholic beverage or unlawful controlled substance while on duty, or during the eight-hour period preceding his or her tour of duty.
- c. Deliveries between the hours of 11:00 p.m. and 5:00 a.m. are prohibited without specific permission.
- d. In accordance with the Board of Selectmen's Annual License Process all Common Victualler Licenses expire on December 31st and are automatically renewed unless the Selectmen are notified of a violation of any State law, Town By-law, or Board of Health violation.
- e. All Common Victualler licensees must be in compliance with all Board of Health rules and regulations and have the proper licenses from the Board of Health.
- f. All Common Victualler licensees must be up to date for payment to the Town of all real estate and personal property taxes and water and sewer charges.

12.4 Requirements of Applicants

All applicants for a Common Victualler License are required, as follows:

- a. Complete and sign the application form. (Application is available at the Board of Selectmen's Office or online at www.tewksbury-ma.gov/board-of-selectmen)

- b. Submit a set of floor plans, site plan, and description.
- c. Consult with the Board of Health for the required applications and permits.
- d. Consult with the Department of Public Works.
- e. Obtain a business certificate from the Town Clerk's Office if the applicant is not incorporated or is not an individual.
- f. Pay the annual (calendar year) cost of a Common Victualler License of \$50.00, which is not pro-rated.
- g. If the proposed establishment is not replacing an existing business site, the applicant may require from the special permit granting authorities a special permit to conduct business.
- h. Before obtaining the Common Victualler License, applicants shall have obtained a Food Service License from the Town's Health Department.
- i. When the applicant has obtained all necessary departmental signatures, or will obtain such signatures prior to a Selectmen's meeting, call the Selectmen's secretary at 978-640-4300, to be placed on the Selectmen's meeting agenda

12.5 Floor Plans, Description and Proposed Date of Opening

If the premises is to be constructed or refitted, floor plans showing elevations shall be filed with the application with the following information:

- a. Type of building,
- b. Entrance and exits,
- c. Number of rooms,
- d. Number of tables and chairs,
- e. Bar area: Number of seats,
- f. Storage area (Square Feet),
- g. Kitchen area (Square Feet),
- h. Dance area / Band Area, and
- i. Outside serving area.
- j. Proposed date of opening

12.6 Site Plan

All applicants for a Common Victualler License shall submit to the Selectmen as part of the application a site plan showing the following information:

- a. Layout of parking lot,
- b. Landscaping,
- c. Curb cuts and location of driveways,
- d. Existing utility easements,
- f. Parking lot lighting,
- g. Parking lot drainage, and
- h. List of abutting property owners and their uses within 300 feet of property lines.

The submission of a Site Plan will not be required for annual renewals of the Common Victualler License if current plan is on file and there have been no changes proposed at the time of the annual renewal.

12.7 Procedure for Review by Selectmen for Newly Constructed or Renovated Premises

If an applicant appears before the Selectmen for a Common Victualler License on premises that require construction or renovation, the Selectmen may grant the license subject to the completion of the construction or renovation work in accordance with the approved plans. The license would not, however, be issued to the applicant until the Selectmen receive verification that the construction or renovation has been completed in accordance with those plans.

The applicant will be scheduled to have a public hearing with the Selectmen when the Licensing Office receives notification from the Building Department and the Board of Health that the application is in compliance with their regulations. The Selectmen shall determine whether or not to issue a Common Victualler License after conducting a public hearing. If the application is approved by the Selectmen, a license will be issued after payment of the license fee to the Town of Tewksbury, upon the completion of the premises according to the plans submitted, the payment of all taxes, fees, fines, etc., to the Town, and the receipt of a Business Certificate, if required, from the Town Clerk.