

Town of Needham Board of Selectmen

Policy Number: BOS-LIC-004

Policy: Policies and Regulations for Common Victuallers

Date Approved: August 20, 2002

Date Revised: October 14, 2003; June 24, 2008; December 21, 2010

Approved:



Chairman, Board of Selectman

Policy:

It is the policy of the Board of Selectmen, as the Town's licensing authority, to issue a Common Victuallers License to those establishments which comply with all State laws regarding Common Victuallers (MGL Chapter 140) and which meet all Board of Health Regulations and the regulations established by the Board as listed below. Any restaurant or public eating establishment selling food served at a table with seating within their premises shall obtain a Common Victuallers License from the Board of Selectmen prior to the opening of the business.

Regulations:

1.0 Applications for Common Victuallers License

- 1.1 All applicants shall submit to the licensing authority an application for a Common Victuallers License prior to opening for business.
- 1.2 As part of the application process, applicants must sign a certification of payment of state taxes pursuant to MGL Ch 62c, Sec. 49A.
- 1.3 Applicants who have paid employees must produce a Certificate of Insurance showing evidence of workers compensation insurance.
- 1.4 Applicants must provide a copy of the Business Certificate as filed with the Town Clerk or a copy of its Corporation papers.

2.0 Compliance with State and Local Laws and Regulations

- 2.1 All holders of a Common Victuallers License must conform to the provision of the relevant Special Permit, if any, the Building Code, Conservation Commission Regulations, Fire Codes, Health Department – Food Service Specifications, Planning Board requirements, zoning requirements, and any local or state laws governing serving of food to the public.
- 2.2 All licensees must comply with the provisions of MGL Chapter 140 and amendments thereto.

2.3 The holder of a Common Victuallers License who is not licensed to sell or serve alcoholic beverages under the provisions of MGL Chapter 138 must not allow the possession or consumption of any wine, malt beverage, or other alcoholic beverage as defined by MGL Chapter 138 on the licensed premises unless issued a special permit by the licensing authority. This shall not prohibit the use of alcoholic beverages in the preparation of food to be sold or served on the premises.

2.3.1 Any licensee who observes any person possessing or consuming alcoholic beverages on the premises, in violation of Section 2.3 of this policy, shall remove the beverage from the licensed premises.

2.4 All holders of a Common Victuallers License are subject to further limitations fixed or from time to time or modified by the Needham Board of Selectmen with respect to Common Victuallers licenses and MGL Chapter 140.

3.0 Revocation of Common Victuallers License

3.1 If, in the opinion of the licensing authority, a licensee ceases to be engaged in the business it is licensed to pursue, or fails to maintain upon its premises the implements of facilities required by MGL Chapter 140, it shall have its license revoked immediately.

3.2 If any licensee conducts the licensed business in an improper manner, the licensing authority may, after notice to the licensee and reasonable opportunity for a hearing, suspend or revoke the license upon satisfactory proof thereof.

4.0 Fee

The license fee, or any renewal thereof, shall be \$100.00 per calendar year.