

Town of Shirley

Select Board

7 Keady Way, Shirley, Massachusetts 01464

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APPLICATION FOR LICENSE COMMON VICTUALLER

New Application _____

Renewal _____

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Common Victualler's License, in accordance with the provisions of Chapter 140 of the General Laws.

Applicant's Full Legal Name: _____

Applicant's Legal Home Address: _____

Applicant's Mailing Address (if different): _____

Applicant's Home Telephone Number: _____ Cell Phone: _____ Fax No. _____

Applicant's E-Mail Addresses: Primary _____ Secondary _____

Full Legal Name of the Business Concern: _____

Full Street Address of the Business Concern: _____

Give a complete description of all the premises to be used for the purpose of carrying on the business (e.g. number of dining rooms, cooking facilities, etc.): _____

Have you ever applied for or held a Common Victualler's license? _____
(Yes or No)

If so, in what Town? _____

Did you receive a license? _____ For what year? _____
(Yes or No)

Has any Common Victualler's license issued to you in Massachusetts or any other state ever been suspended or revoked? _____

(If yes, please explain in detail)

The applicant certifies that all state tax returns have been filed and all state and local taxes have been paid as required by law and further agrees to comply with the terms of the License and applicable law, and all rules and regulations promulgated thereto. The Applicant further certifies that the information contained in this application is true and accurate and also authorized the Licensing Authority or its agents to conduct whatever investigation is necessary to certify the information contained in this application.

Signature of Applicant

Date

License Fee must be submitted with this form. Make checks payable to the Town of Shirley. Mail Application for Common Victualler, Workers' Compensation Affidavit and all required documents, along with a check to: Select Board, 7 Keady Way, Shirley, MA 01464.

NOTICE: The filing of this application confers no rights on the part of the Applicant to undertake any activities until the license has been granted. The issuance of a license under this section or sections is subject to the Applicant's compliance with all other applicable Federal, State or local statutes, ordinances, bylaws, rules or regulations. The Licensing Authority reserves the right to request any additional information it reasonably deems appropriate for the purpose of determining the terms and conditions of the License and its decision to issue a License. The provisions of G.L. c.152 may require the filing of a Workers' Compensation Insurance Affidavit with this application. Failure to file the Affidavit, along with any other required information and/or documentation, shall be sufficient cause for the denial of the License application.

**MASSACHUSETTS GENERAL LAWS ANNOTATED
PART I. ADMINISTRATION OF THE GOVERNMENT
TITLE XX. PUBLIC SAFETY AND GOOD ORDER
CHAPTER 140. LICENSES
DEFINITION**

Current through Ch. 11 of the 2003 1st Annual Sess.

§ 1. "Licensing authorities" defined

"Licensing authorities", as used in this chapter, unless a contrary meaning is required by the context, shall mean the boards in Boston and other cities which by special statutes or city charters have the power to issue licenses for innholders or common victuallers, licensing boards appointed under section four of chapter one hundred and thirty-eight in cities which at the municipal election next preceding the first day of January, nineteen hundred and twenty-five, voted to authorize the granting of licenses for the sale of certain non-intoxicating beverages and also in cities wherein by special statutes said boards are vested with all the powers and duties exercised by licensing boards in cities that vote to grant such licenses, the aldermen in all other cities and the selectmen in towns.

§ 2. Issuance of license; signing; refusal; fee; record; penalty

Licensing authorities may grant licenses to persons to be innholders or common victuallers. Such license shall not be issued or be valid until it has been signed by a majority of the aldermen in cities where the license is to be granted by the aldermen, by a majority of the licensing board in other cities or by the selectmen in towns. An alderman, any member of the licensing board or a selectman may refuse to sign a license for a person who, in his opinion, has not complied with this chapter. This section shall not require the licensing authorities to grant either of said licenses if, in their opinion, the public good does not require it. Unless otherwise established in a town by town meeting action and in a city by city council action, and in a town with no town meeting by town council action, by adoption of appropriate by-laws and ordinances to set such fees, a fee of not more than twenty-five dollars may be charged for either of said licenses, but in no event shall any such fee be greater than fifty dollars. The licenses shall be recorded in the office of the licensing authorities. An alderman, member of a licensing board or selectman who signs a license granted contrary to this chapter shall be punished by a fine of not more than fifty dollars.

§ 3. Content of innholders' licenses; governing statutes

All innholders' licenses shall be expressed to be subject to sections twenty-two to thirty-two, inclusive, of this chapter and sections twenty-five to twenty-seven, inclusive, of chapter two hundred and seventy-two.

§ 4. Contents generally; coverage; term

Every license of an innholder or common victualler shall specify the street and number, if any, of the building where the business is to be carried on or give some other particular description thereof, and the license shall not protect a licensee who carries on his business in any other place. Such licenses shall expire on December thirty-first of each year; but they may be granted during December, to take effect on January first following.

§ 5. Food and accommodations; availability

Every innholder and every common victualler shall at all times be provided with suitable food for strangers and travelers. Every innholder shall also have upon his premises suitable rooms, with beds and bedding, for the lodging of his guests.

§ 6. Conditions precedent; proposed plans; cost estimates; license as victualler or innholder

A common victualler's or innholder's license may be issued to an applicant therefor if at the time of his application he has upon his premises the necessary implements and facilities for cooking, preparing and serving food for strangers and travelers, and, in the case of an applicant for an innholder's license, also has the rooms, beds and bedding required by law. An applicant for a license as a common victualler or as an innholder, proposed to be exercised upon premises which have not been equipped with fixtures or supplied with necessary implements and facilities for cooking, preparing and serving food and upon which, in the case of an applicant for an innholder's license, there are not also provided suitable rooms, beds and bedding for the lodging of his guests, shall file with the licensing authorities a plan showing the location of counters, tables, ranges, toilets and in general the proposed set-up of the premises, which shall include, in the case of an applicant for an innholder's license, a plan of the proposed suitable rooms for the lodging of his guests and a list of the beds and bedding, which he proposes to have upon said premises if and when the license may issue, together with an

itemized estimate of the cost of said proposed set-up and of such fixtures, and of the implements and facilities necessary for cooking, preparing and serving food and of such beds and bedding; and thereupon the licensing authorities may grant a common victualler's or an innholder's license, as the case may be, upon the condition that such license shall issue upon the completion of the premises according to the plans and estimate submitted, and the decision of the licensing authorities as to whether or not said premises are so completed shall be final. For the purposes of section twelve of chapter one hundred and thirty-eight, a person to whom a license has been granted under this section shall be deemed to be a common victualler duly licensed under this chapter to conduct a restaurant or an innholder duly licensed thereunder to conduct a hotel, at the case may be.

§ 9. Suspension; revocation; forfeiture

If, in the opinion of the licensing authorities, a licensee as an innholder or a common victualler ceases to be engaged in the business he is licensed to pursue, or fails to maintain upon his premises the implements and facilities required by this chapter, they shall immediately revoke his license. If a licensee at any time conducts his licensed business in an improper manner, the licensing authorities, after notice to the licensee and reasonable opportunity for a hearing, may upon satisfactory proof thereof suspend or revoke his license. An innholder who violates section seven shall forfeit his license. A licensee who is convicted a second time of the violation of any of the provisions of sections six to eighteen, inclusive, shall forfeit his license.

§ 9A. Keeping of premises open throughout year

Nothing in sections two to nine, inclusive, shall be construed to require a common victualler to keep his premises open for business throughout the entire year.