

# TOWN OF LINCOLN, MA

## Common Victualler License

### POLICY

It is the policy of the Board of Selectmen, as the Town of Lincoln licensing authority, to issue a Common Victuallers License to those establishments which comply with all state laws regarding common victuallers, including MGL C140, and which meet all Board of Health regulations and the regulations of the Board of Selectmen as contained herein. Any restaurant or 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

- A. Common Victuallers licenses under MGL C140 may be issued only to common victuallers who have adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for strangers, travelers and other patrons as required by Chapter 140.
- B. Liquor licenses controlled by MGL C138, Section 12, otherwise known as restaurant liquor licenses, may be issued only to establishments with a valid Common Victuallers license holder with adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for strangers, travelers and other patrons as required by Chapter 140.
- C. Common Victuallers License Application
  - 1. All applicants shall submit to the Board an application for a Common Victuallers License prior to opening for business.
  - 2. Licenses shall be issued only to establishments which have the necessary equipment and facilities for cooking, preparing and serving food to the public. For any proposed establishment not yet constructed and in operation, the applicant must submit a plan showing the location of counters, tables, ranges, toilets, and the general proposed set-up of the establishment together with an itemized list estimate of the cost of the proposed layout. The license is then conditionally approved based on the completion of the premises according to the plans and estimates. Any license

issued on the basis of a proposed plan shall be conditional pursuant to MGL C140, s6.

3. As part of the application process, applicants must sign a certification of payment of state taxes pursuant to MGL, C62C, s49A.
4. Applicants with paid employees must produce a Certificate of Insurance showing evidence of workers compensation insurance.
5. Applicants must submit all forms and additional documentation to the Office of the Board of Selectmen along with the annual fee of \$25.00 in the form of a certified check made payable to The Town of Lincoln.
6. The Common Victuallers License shall be valid for the calendar year in which it is issued, and shall expire on Dec 31 of the year issued.
6. An application shall be considered complete, and therefore accepted for review and decision by the Board of Selectmen, when it has been filed in accordance with the procedural instructions herein and when all forms required have been fully completed and executed under such conditions as determined by the Board of Selectmen.
7. Every application properly filed with the Board of Selectmen shall be reviewed by the Lincoln Board of Health for recommendation as to license issuance.

#### D. Compliance With State and Local Laws and Regulations

1. All licensees must conform to the provisions of any relevant state or local laws, permits, codes or other requirements dealing with serving of food to the public.
2. All licensees must comply with the provisions of MGL C140, s2-21.
3. A licensee who offers entertainment shall obtain an entertainment license from the Board pursuant to local regulations.
4. The holder of a Common Victuallers License who is not licensed to sell or serve alcoholic beverages under the provisions of MGL C138, must not allow the possession or consumption of any wine, malt beverage, or other alcoholic beverage as defined by MGL C 138 on the licensed premises unless a special permit is issued by the licensing authority.
5. Any licensee who observes any person possessing or consuming alcoholic beverages on the premises in violation of this policy shall remove the beverage(s) from the licenses premises.
6. This shall not prohibit use of alcoholic beverages used in the preparation of food to be sold or served on the premises.
7. The Board of Selectmen reserves the right to establish further limitations or modifications to the conditions of the license with prior notice to the license holder.

8. A licensee who fails to maintain the premises, implements or facilities, or who fails to conduct the business in a proper manner as required shall have the license revoked.

D. Operational Conditions

1. Hours of Operation/Delivery shall be approved by the Board of Selectmen prior to opening for business.
2. Any change in management of the facility requires prior approval of the Board of Selectmen.
3. Access to the property must be provided to authorized agents of the Board of Selectmen.

E. Revocation of License

1. If, in the opinion of the Board, a license holder ceases to be engaged in the business it is licensed to pursue, or fails to maintain on the premises the implements of facilities required by law, it shall have its license revoked immediately.
2. If any licensee conducts the licensed business in an improper manner, the Board may, after notice to the license holder and with reasonable opportunity for a hearing, suspend or revoke the license upon satisfactory proof thereof.

INSERT APPLICATION FORM HERE