



THE COMMONWEALTH OF MASSACHUSETTS

CITY OF WALTHAM

**APPLICATION FOR EXTENDED RETAIL HOURS**

**FEE: \$300.00**

The undersigned hereby application for a permit to remain open between the hours of \_\_\_\_\_ under the provisions of Chapter 8, Article XIII of the General Ordinances of the City of Waltham.

Name of Business: \_\_\_\_\_

Address of Business: \_\_\_\_\_

Name of Principal: \_\_\_\_\_

Residence of Principal: \_\_\_\_\_

Owner of Land/Building: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Special Restrictions/Hrs.: \_\_\_\_\_

**The Department of Industrial Accidents form must be completed (Worker's Compensation Insurance). All information will be verified. MGL Chapter 152, Section 25A.**

There will be no second or subsequent reminder notices. Unregistered licenses will be turned over to the proper agency for disposition.

Return this application immediately with a check, in the amount of \$300.00 made out to the "City of Waltham" In order to credit your account properly, please do not combine the amount due with any other bills to be paid to the City of Waltham.

Office of the City Clerk

**Expiration Date is December 31, of each year**

### ARTICLE XIII. HOURS OF OPERATION

Secs. 8-151--8-154. Reserved.

Sec. 8-155. Permit required.

No retail store, restaurant without a liquor license, or fast food establishment shall operate between the hours of 12:00 midnight and 6:00 a.m. unless annually permitted by a two-thirds vote of all members of the City Council. Such permits shall expire on December 31 of each year, but they may be granted in the last quarter of the year to take effect on January 1 of the following year.

(Ord. No. 27852, 12-27-1994)

Sec. 8-156. Application fee.

The annual application fee to be charged for permits required by this article shall be a nonrefundable fee of \$300 to be paid to the City Clerk at the time of application.

(Ord. No. 27852, 12-27-1994)

Sec. 8-157. Application and hearing requirements.

(a) The annual application shall be submitted to the City Clerk for referral to the City Council upon a form supplied by the City Clerk. The City Council shall set a public hearing date for the initial application and the Office of the City Clerk shall cause to be published an official notice of said hearing in a newspaper published in Waltham at least seven days prior to the public hearing.

(b) The applicant is to notify abutters by certified mail not less than seven days prior to the public hearing. Notices are sent to each of the persons appearing upon the assessor's most recent valuation list as the owners of property abutting the premises where the permit is intended to be exercised. Certified receipts shall be submitted by the applicant at the public hearing.

(Ord. No. 27852, 12-27-1994)

Sec. 8-158. Consideration of application.

The City Council may refuse to approve issuance or renewal of a permit for the following reasons:

(a) A false statement as to a material matter made in an application for a permit.

(b) Failure by the applicant and/or owner or any officer or principal of the applicant and/or owner to comply with the provisions of the Zoning Ordinance, Building Code, Fire Code and other pertinent provisions of all city ordinances as far as can be determined.

(c) Determinations by the City Council that the approval of such issuance or renewal of the permit would lead to the creation of a public nuisance or endanger the health, safety, order or welfare of the public by:

- (1) Unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located; or
- (2) Increasing the incidence of illegal or disruptive conduct in the area in which the premises are located; or
- (3) Unreasonably increasing the level of noise in the area in which the premises are located; or
- (4) Otherwise significantly harming the legitimate protectable interests of the affected citizens of the city.

(Ord. No. 27852, 12-27-1994)

Sec. 8-159. Terms and conditions.

The City Council may require, due to special circumstances affecting the application, such terms and conditions as it deems expedient and in the best interests of the health, safety, welfare and peaceful, quiet enjoyment of the residents of the City of Waltham.

(Ord. No. 27852, 12-27-1994)

Sec. 8-160. Display of permit.

The permit herein provided for shall be posted permanently and conspicuously in the premises so permitted.

(Ord. No. 27852, 12-27-1994)

Sec. 8-161. Revocation of permit.

Every permit issued under this article is subject to the right of the City Council, which is hereby expressly reserved, to revoke the same should the provisions of this article, the ordinances of the city or the laws of the commonwealth be violated. Said permit may be revoked by the City Council after written notice to the permit holder of such violations and a public hearing held in accordance with notice requirements of Section 8-157.

(Ord. No. 27852, 12-27-1994)

Sec. 8-162. Penalty.

Any person, firm or corporation violating any of the provisions of this article, in addition to the revocation of the permit, shall be liable to a fine or penalty of not less than \$50 nor more than \$200 for each offense. Every day that the offense continues shall be considered a separate violation.

(Ord. No. 27852, 12-27-1994)

Sec. 8-163. Effective date.

This article shall be in full force and effect 30 days from the date of passage for all premises which currently operate such as to require a permit in accordance with this article. For all other applicants, this article shall take effect on the date of passage.

(Ord. No. 27852, 12-27-1994)

