

# City of Waltham

*Jeannette A. McCarthy*  
*Mayor*

CITY OF WALTHAM  
CITY CLERK'S OFFICE

2017 SEP -7 A 11:41

RECORDED

September 7, 2017

TO: The City Council  
RE: City Council Request – License and Franchise Committee

Dear Councillors:

As you know, I personally appeared before the City Council on this matter years ago.

I will review any petition that the City Council passes.

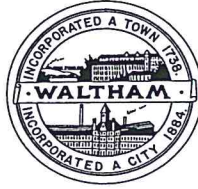
Thank you.

Sincerely,

Jeannette A. McCarthy

JAM/ccb

Enclosure



Rosario "Russ" Malone  
City Clerk

City Clerk's Office  
610 Main Street  
Waltham, MA 02452  
781-314-3120

August 14, 2017

Jeannette A. McCarthy, Mayor  
City of Waltham  
610 Main Street  
Waltham MA, 02452

Dear Mayor McCarthy,

At the July 31, 2017 meeting of the Licenses and Franchises Committee, the Committee approved the attached request.

Sincerely,

Joseph W. Vizard  
Assistant City Clerk

RECEIVED  
AUG 15 2017  
MAYOR'S OFFICE

CITY OF WALTHAM  
WALTHAM CITY COUNCIL

*Request....*

That Mayor McCarthy, Senator Barrett, Representative Stanley and Representative Lawn attend the September 18, 2017 meeting of the Waltham City Council's Licenses and Franchises Committee at 7:00 pm to discuss a home rule petition for Waltham to grant additional liquor licenses. Draft legislation is attached to this request.

Respectfully submitted:

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Paul J. Brasco  
Councilor At-Large

**HOME RULE PETITION TO RETURN  
AUTHORITY OF THE LIQUOR LICENSE  
PROCESS TO THE CITY OF WALTHAM**

*WHEREAS, A 1933 law apportioned a limited number of liquor licenses to Massachusetts cities and towns requiring them to seek legislative approval to exceed those limits; and*

*WHEREAS, State control over liquor licenses was a result of Prohibition-era frenzy about alcohol and a power struggle between Yankee legislators and Irish-dominated local governments; and*

*WHEREAS, Those conditions no longer apply, yet these restrictions are still in effect in Waltham; and*

*WHEREAS, The lack of flexibility for Waltham to locally control the liquor license distribution process makes acquiring a liquor license lengthy, burdensome and costly for businesses; and*

*WHEREAS, The cap on the number of available liquor licenses in Waltham drives up the price of licenses and the cost of doing business; and*

*WHEREAS, The unnecessarily high cost of doing business makes it difficult for entrepreneurs - particularly small/local business enterprises - to bring innovation to the cultural, arts, and culinary arenas; and*

*WHEREAS, In certain communities the high cost of liquor licenses also makes it more difficult to develop the range of neighborhood entertainment and dining offerings necessary to attract and retain young professionals and families; and*

*WHEREAS, These outdated restrictions impede the ability of Waltham to spur economic development*

THEREFORE BE IT

*ORDERED*, That a petition to the General Court, accompanied by a bill for a special law relating to the City of Waltham to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

**AN ACT AUTHORIZING THE CITY OF WALTHAM TO GRANT ADDITIONAL LIQUOR LICENSES TO BE CONSUMED ON THE PREMISES**

*BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL COURT ASSEMBLED, AND BY THE AUTHORITY OF THE SAME AS FOLLOWS:*

Section 1. Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the city of Waltham may grant 8 additional licenses for the sale of all alcoholic beverages, 8 additional licenses for the sale of only wines and malt beverages, all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138, and two package store licenses. The licenses shall be subject to all of said chapter 138, except said section 17.

Section 2. The licensing authority of the city of Waltham shall issue no more than 2 all alcohol and 2 only wines and malt beverages licenses that are allowed for in this act in any calendar year.

Section 3. The licensing authority of the city of Waltham shall not approve the transfer of the license granted pursuant to this act to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

Section 4. Prior to issuing any license pursuant to this act, the Clerk of the Board of License Commissioners shall inform any applicant whether an existing license is available for purchase from a current license holder.

Section 5. If the license granted pursuant to this act is cancelled, revoked or no longer in use at the location of original issuance, the license shall be returned physically, with all legal rights, privileges and restrictions pertaining thereto.

Section 6. This act shall take effect upon its passage.