

CITY OF SOMERVILLE LICENSING COMMISSION
2:00 A.M. CLOSING LICENSE GUIDELINES

Policy Statement on Issuing 2 AM Closing Licenses

It is the policy of the Licensing Commission of the City of Somerville that the issuance of 2 AM Closing Licenses will be utilized so as to enhance the dining and entertainment experience of individuals patronizing Somerville restaurants, and to foster the economic development of business areas where restaurants are located. The Somerville Licensing Commission will consider when deciding upon a license application the foregoing factors and any other matter thought appropriate by the Commission including by way of description but not limitation, proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment.

Guidelines for 2 AM Closing Licenses

- 1) The Licensing Commission may grant All Forms Alcoholic Beverages 7 Day Restaurant Licensees permission to close at 2 AM (hereinafter referred to as 2 AM Closing Licenses). Applicants must be operating for no less than 12 months before being eligible to apply. No private clubs or function halls that hold an All Forms Alcoholic Beverages 7 Day Restaurant License will be granted 2 AM Closing Licenses.
- 2) Licensees with an All Forms Alcoholic Beverages 7 Day Restaurant License who are applying for a 2 AM Closing License shall be required to meet the following conditions:
 - a. Offer full meals (appetizers, entrée, dessert) from a menu.
 - b. Have table service by wait staff.
 - c. Have a full service kitchen open until at least 10 PM.
 - d. Cease all live entertainment at or before 1:30 AM.
 - e. Perform “Last call” for service at 1:30 AM.
 - f. Supervise the leave-taking of customers at the closing of business which may include private security or police detail.
 - g. Any and all other conditions set forth by the Commission.
- 3) Licensees who have violated any statute, rule, regulation or ordinance of the Commonwealth of Massachusetts and/or the City of Somerville shall not be eligible to apply for a 2 AM Closing License until no less than 180 days after the disposition of the violation, service of any sanction or payment of any fine, whichever occurs last.
- 4) 2 AM Closing Licensees may only extend operating hours to 2AM on two days each week, Friday evening/Saturday morning and Saturday evening/Sunday morning.
- 5) A 2 AM Closing License is not transferable. Upon the transfer of an All Forms Alcoholic Beverages 7 Day Restaurant License permitted to close at 2 AM, the closing time shall revert to the time established and approved by the Licensing Commission prior to granting of the 2 AM closing.

- 6) Public hearings as to applications from licensees requesting a 2 AM Closing License shall be advertised in a designated local weekly newspaper at least three times not less than 7 days and not more than 30 days before scheduled date of the hearing. The Licensing Commission office will prepare the notice and transmit it to the newspaper. The applicant will be billed for the cost of the notice.
- 7) Applicants shall provide written notice not less than 14 days and not more than 30 days to all owners and occupants of abutting properties within 300 feet of the licensed premises. Written notice is to inform the abutters of the licensee's application for a 2 AM Closing License and shall include the time, date and location of the public hearing. The applicant must complete and submit an affidavit listing the name and address of each abutting owner and occupant notified and the date of notification.
- 8) Applicants shall contact the Ward Alderman and any neighborhood groups to discuss the application and any questions or concerns.
- 9) If the Mayor or any member of the Board of Aldermen requests a reasonable continuance of the public hearing on an application for a 2 AM Closing License in order that they may hold a neighborhood meeting, said continuance may be granted for good cause shown.
- 10) The Licensing Commission in its discretion may allow an applicant to withdraw their application for a 2 AM Closing License without prejudice. Any subsequent request for a 2 AM Closing License will require a new application, notification to the abutters as outlined, and advertisement as outlined and may not be submitted within 180 days of the withdrawn application.
- 11) In determining whether to issue a 2 AM Closing License the Licensing Commission may consider the following factors: public want, the appropriateness of a 2 AM Closing License at a particular location, the number of existing 2 AM Closing Licenses in a particular locality, the views of the inhabitants of the locality in which the 2 AM Closing License is sought, public convenience and how such a license will otherwise impact the public good, as well as the policy considerations set forth herein. Applications shall be considered on an individual basis.
- 12) The nonrefundable Application Fee for a 2 AM Closing License shall be \$100, and the nonrefundable License Fee shall be \$1,000.
- 13) Licensees granted a 2 AM Closing License will be required to appear annually before the Licensing Commission at the October meeting in order to determine if the licensee shall be allowed to renew the 2 AM Closing License for the following year, and shall be charged the nonrefundable License Fee of \$1,000.

APPLICATION FOR 2 AM CLOSING LICENSE

Application Fee \$100 License Fee \$1,000

Date _____

FOR LICENSING COMMISSION ONLY
Date Recorded _____
Amount Paid _____

Business (DBA) Name: _____ Phone: _____

Location in Somerville (with Zip Code): _____

Current hours of operation: _____

Seating capacity: _____

Years of operation at this location: _____

Proposed hour at which full service kitchen service will end: _____

Proposed hour at which wait staff table service will end: _____

Proposed hour at which any live entertainment will end: _____

Have you ever had a common victualler or 2am license denied, revoked or suspended? Y ___ N ___

If yes, explain: _____

CONDITIONS

- This license is not transferrable.
- This license is valid for up to one year only, and expires on December 31.
- The applicant is responsible for the leave-taking of customers at the close of business.
- The applicant may be required to hire a police detail for the duration of the license.
- Last Call for service shall be at 1:30 AM and any live entertainment shall end by 1:30 AM.

I agree to adhere to these and any other conditions that the Licensing Commission may impose.

Signature of Applicant: _____ Date: _____

ACKNOWLEDGEMENT

I hereby state that all information provided on this application is true and accurate, and I understand that any information that is found to be false or misleading may result in the forfeiture of this license. This license will be subject to all of the terms, conditions, and limitations set forth in the Somerville Code of Ordinances, any applicable State and Federal laws, and any conditions prescribed by the City of Somerville Licensing Commission.

Signature of Applicant: _____ Date: _____

Print Name: _____ Phone: _____

AFFIDAVIT OF WRITTEN NOTICE TO OWNERS AND OCCUPANTS ABUTTING PROPERTIES WITHIN 300 FEET OF AN APPLICANT FOR A 2 AM CLOSING LICENSE

To the Somerville Licensing Commission:

I, _____, of _____,
Name Name of business
located at _____, hereby certify that the following is a true
Address of business

list of the owners and occupants located within 300 feet of my premises who have been given written notice of my application for a 2 AM Closing License, and have been notified of the date, time and place of a public hearing to be held by the Somerville Licensing Commission on said application:

Signed _____ Date _____

NOTARIZATION

On this ____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on this document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Notary Public _____

My Commission Expires _____