

Chapter 144
Acts of 2008

AN ACT AUTHORIZING THE CITY OF NORTHAMPTON TO CONVERT 5 SEASONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES TO ANNUAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK 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, the licensing authority of the city of Northampton may convert the 5 currently-issued seasonal licenses for the sale of all alcoholic beverages to be drunk on the premises to annual licenses for the sale of all alcoholic beverages to be drunk on the premises. Any such license shall be subject to all of said chapter 138 except said section 17. An applicant for conversion of a seasonal all alcoholic beverages license for the same premises and location shall not be required to notify abutters as required by section 15A of said chapter 138.

SECTION 2. (a) Notwithstanding any general or special law or rule or regulation to the contrary, the licensing authority may only approve the conversion of a license at the same location as the current seasonal license. Failure to use or operate the license for 6 consecutive months may, after a hearing, cause the license to revert to the city. That license may then be re-issued by the licensing authority at the same location or at a location within the same economic development target zone if the applicant for the license files with the licensing authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(b) If a license converted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location or at a location within the same economic development target zone and under the same conditions as specified in this act.

(c) The economic development target zones shall include the following districts in the Northampton Zoning Ordinance:

- (1) central business;
- (2) general business;
- (3) highway business;
- (4) neighborhood business;
- (5) business park; and
- (6) special industry.

SECTION 3. (a) The fee charged by the city of Northampton for an annual license for the sale of all alcoholic beverages issued pursuant to this act shall be paid by the licensee to the city in full at the time of issuance. The city shall not enter into any arrangement with the recipient of a license in which the city authorizes the fee to be divided into multiple payments or prorated over multiple periods of time.

(b) If the city of Northampton charges a fee for an annual license for the sale of all alcoholic beverages issued pursuant to this act which is greater than the amount of the fee charged for a similar license issued by the city, then the city shall establish an economic development account and deposit the fee which shall be expended by the city in a manner consistent with the purposes of the account.

SECTION 4. This act shall take effect upon its passage.

Approved June 20, 2008