

# Town of Provincetown LICENSING BOARD minutes

## SPECIAL MEETING

**Tuesday, March 4, 1999 in the Judge Welsh Meeting Room**

The following minutes are available on-line as a service and are not the official record due to changes in formatting for the Internet. The minutes may have attachments that are not included here in this format. The official, complete paper copy can be viewed during regular office hours, Monday - Friday: 8 a.m. to 5 p.m. in the Office of the Town Clerk, 260 Commercial St. Provincetown, MA 02657.

CALLED TO ORDER: 12:05 p.m. ADJOURNED: 12:20 p.m.

PRESENT: Adam Erenberg, Jane Hee, Hunter O'Hanian, Jack Kelly

EXCUSED: Brian Shea, Keith Brickel

### I. Public Statements

### II. Agenda Item – to review/vote on recommended changes to the General By-Laws as follows

#### Delete the entire following section:

**8-6. Possession of licenses, permits, and approvals.** When a license, permit or approval has been granted or renewed, the grantee must take possession of the license, permit or approval documentation and pay for same within two weeks Failure to do so will subject the grantee to a fine of \$50.00.

*Reasoning: This by-law requires that a licensee must get the license within two weeks – this is often an impractical requirement for annual licensees that renew their licenses and go away for extended periods of time. This By-law is currently not enforced. It is recommended that the By-law be eliminated and that the Licensing Board Rules and Regulations incorporate any such requirements.*

**Motion to delete the above indicated by-law (General By-Law 8-6): Jack Kelly; seconded by: Jane Hee Passed: 4-0**

### III. Other Business – any other business which shall properly come before the board

Adam Erenberg stepped down from the following votes since he was not present for the original discussions and votes.

- A. VOTE TO RESCIND THE FOLLOWING RECOMMENDATION WHICH WAS PASSED BY THE LICENSING BOARD AT THE FEBRUARY 23, 1999 MEETING. (TOWN COUNSEL RECOMMENDATION)

Article \_\_\_\_\_. Licenses and permits of delinquent taxpayers. To see if the Town will vote to amend

the General By-laws by amending Articles 8-5-1 and 8-5-2 to provide for a clearer mechanism to ensure that all applicants for licenses are not tax delinquents, to read as follows:

- 1. List of delinquent taxpayers.** The tax collector or other municipal official responsible for the records of all Provincetown taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall ~~annually furnish~~ verify in writing to each department, board, committee, commission or division, hereinafter referred to as the licensing authority, which issues licenses or permits including renewals and transfers, ~~a list~~ the status of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

**8-5-2. Denial of licence.** The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name ~~appears on said list~~ has been verified in writing and furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of the law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said ~~list~~ verification shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to Provincetown as the date of issuance of said certificate.

**Motion to rescind the previously approved recommendation as stated above:  
Jack Kelly; seconded by: Jane Hee Passed: 3-0**

- A. VOTE TO MODIFY THE FOLLOWING RECOMMENDATION WHICH WAS PASSED BY THE LICENSING BOARD AT THE FEBRUARY 23, 1999 MEETING. (TOWN COUNSEL RECOMMENDATION)

**Article 30. Hours of Entertainment and Amusement Operation.** To see if the Town will vote to amend the General By-laws by amending Article 8-15 Hours of Entertainment and Amusement Operation to add language to clarify the penalties for non-compliance, to read as follows

**8-15. Hours of Entertainment and Amusement Operation.** Unless otherwise restricted, no holder of an entertainment license issued by the Town of Provincetown pursuant to Massachusetts General Laws, Chapter 140, Sections, 177A, 181, 183A, shall permit activity licensed thereunder to be conducted between the hours of 1:00 a.m. and 8:00 a.m. A non-criminal disposition penalty will be assessed on any ~~establishment/premises licensed by the Licensing Board or any establishment required to be licensed by the Licensing Board, or any establishment required to be registered.~~ **[holder of an entertainment license found to be]** operating between the hours of 1:00 a.m. and 8:00 a.m. in the amount of one hundred dollars (\$100) for the first offense, two hundred dollars (\$200) for the second offense and three hundred dollars (\$300) for the third offense. Each violation of the hours of ~~retail business~~ **[entertainment or amusement]** operation shall be deemed to be a separate offense.

**SCHEDULE A**

And, further by amending the fine schedule in Schedule A of said General By-laws to read as follows:

8-15. Entertainment and Amusement Hours.

1<sup>st</sup> offense 100.00

2<sup>nd</sup> offense 200.00

3<sup>rd</sup> and subsequent offenses 300.00

**Motion to modify the above recommendation as stated above: Jack Kelly;  
seconded by: Jane Hee Passed: 3-0**

**B. VOTE TO MODIFY THE FOLLOWING RECOMMENDATION WHICH WAS PASSED BY THE LICENSING BOARD AT THE FEBRUARY 23, 1999 MEETING. (TOWN COUNSEL RECOMMENDATION)**

**Article \_\_\_\_ . Food vendors license. To see if the Town will vote to amend the General By-laws by modifying Article 9-1 Food vendors license as follows:**

**~~9-1 Food vendors license for Sale. No person shall offer food for sale to the public in a food service establishment as hereinafter defined, unless licensed as a common victualer or an innholder under the provisions of Chapter 140 of the General Laws or for retail licensed sales (either as a transient vendor or as defined in Provincetown General By-Laws 8-2) along with the appropriate Board of Health Food Service Permit(s). without first obtaining a Food Vendor's License under the provisions of this By Law. Any persons who violate this section shall be liable to the maximum fine allowed under these By Laws. A food service establishment shall include any retail establishment offering for sale any food, beverage, comestibles or other edible items for consumption on or off the premises. Each applicant for such license shall submit on forms to be provided by the Licensing Board the following information: Name and address of applicant, name and address of business, and such other information as the Licensing Board, acting as the licensing board shall require. The Licensing Board may require applicants to submit a plan showing, if any, the location of fixtures and facilities, and the general arrangement of the premises including, in the case of applications of premises not yet completed, estimates of the cost of the proposed arrangement and of facilities on the plan. Such license shall not be issued or be valid until it has been signed by a majority of the Licensing Board. The Licensing Board may refuse to grant such a license if, in their opinion, the public good does not require it. Food vendors licenses shall be valid for a term of one year from the first day of January until the thirty first day of December. A non refundable fee of \$25.00 shall be submitted with the application for such license. The Licensing Board may in their discretion suspend the requirement of the fee for hospitals. If, in the opinion of the Licensing Board, a licensee ceases to be engaged in the activity hereunder, or fails to maintain upon the premises on which such activity is licensed the implements and facilities for cooking, preparing and furnishing food to the public, the Licensing Board shall, after notice and a hearing, revoke the license. If the licensee at any time conducts his licensed business in a improper manner, the Licensing Board, after a notice to the licensee and a public hearing, may, upon satisfactory proof thereof, suspend or revoke his license.~~**

Motion to amend the above General By-Law as stated above: Jack Kelly; seconded by: Jane Hee Passed:  
3-0