

Town of Tyngsborough
Outdoor Patio Alcoholic Beverages/Food Service Policy

The Town of Tyngsborough through its licensing authority, has determined to allow for outdoor patio expansion of properly licensed businesses including outdoor alcohol patio service for persons of lawful age at those commercial food establishments which hold a valid a Common Victualler License and §12 on-premises Alcohol Licenses as defined by Massachusetts General Law (M.G.L.) c. 138 and approved by The Commonwealth of Massachusetts Alcoholic Beverages Control Commission and the Local Licensing Authority of the Town of Tyngsborough. No outdoor patio dining shall occur without the prior approval of the of the Local Licensing Authority (LLA)

SECTION 1: DEFINITIONS

- 1.1:** Local Licensing Authority – Town of Tyngsborough, Select Board.
- 1.2:** ABCC – The Commonwealth of Massachusetts Alcoholic Beverages Control Commission
- 1.3:** Outdoor Patio – Any outdoor food/alcohol service area on the licensed premises

SECTION 2: PATIO SERVICE EXPANSION REQUIREMENTS

- 2.1:** The establishment must have a §12 on-premises Alcohol Licenses and/or a Common Victualler License in good standing
- 2.2:** Seated food/alcohol service shall be provided within the outdoor food/alcoholic beverage service areas
- 2.3:** Outdoor food/beverage service areas shall be contiguous to the licensed building premises with a clear and direct view of the outdoor area from inside the licensed building premises. Further, the Licensee must actively supervise the outside service area.
- 2.4:** All outdoor service areas must be enclosed by a barrier, fence or partition, sufficient for the licensee to maintain control of access to the area and to provide a safe environment for patrons.
- 2.5:** All applications for outdoor patio dining must include documentation demonstrating the right of the Licensee to occupy or permission to use the outdoor service area, a written description of the outdoor service area, and a floor plan noting seating, fixtures and barriers. Any parking spaces eliminated by the establishment of outdoor seating shall be noted.
- 2.6:** Nothing in these regulations shall preclude an establishment from imposing additional limits or restrictions on patrons
- 2.7:** Outdoor service will be available Monday through Saturday until 10:00 PM and Sunday until 9:00 PM. The Select Board may, at their discretion, restrict the outdoor service further at any individual location if the circumstances warrant.

SECTION 3: ENFORCEMENT

- 3.1: These regulations may be monitored, with and without notice, by agents of the LLA and the Town of Tyngsborough, Police Department.
- 3.2: If the establishment is not operated in a manner that is consistent with these regulations, the LLA may, after written notice to the licensee and reasonable opportunity for a hearing, suspend or revoke the outdoor patio service.

SECTION 4: LICENSE APPLICATION PROCEDURES

- 4.1: The Applicant shall complete a Town of Tyngsborough **Permanent Modification of Local License Application** form.
- 4.2: The LLA shall conduct a public hearing on the Application, notifying by certified mail the direct abutters at least 10 days prior to the public hearing.
- 4.3: A copy of the Application shall be forwarded to the Town of Tyngsborough, Police Department, Fire Department, Building Inspector and Board of Health for comment. The Select Board may choose not to act without having first received comment from these departments.
- 4.4: The Applicant shall be responsible for the following fees and costs:
 - A. Obtaining list of abutters from the Assessor's Office
 - B. All cost of mailing of the certified abutters notices stating hearing date, time and reason for hearing
- 4.5: Upon complete review of the material presented and all facts relevant to the Application, the LLA may in its sole discretion issue a License hereunder including any appropriate conditions applicable thereto.

SECTION 5: TERM

Upon approval, the Select Board (LLA) will file a Licensing Authority Certification with the ABCC who will modify the licensee's Description of Premises on their §12 on-premises Alcohol License.

This modification of the descriptions of premises will be valid through the term of the currently issued §12 on-premises Alcohol License of December 31st of the year issued. Licensees will be required to renew licenses annually. No new hearing is required unless modifications are made.

Approved: June 24, 2024