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**LICENSE APPLICATION TO CONDUCT RETAIL FOOD BUSINESS
BETWEEN HOURS OF 12:00 A.M. AND 5:00 A.M.
under the provisions of Chapter 9, Article I,
Section 9-8 of the Revised Ordinances of the City of Chelsea**

Name of Establishment _____

Address _____

Business Tele. # _____ Requested Hours of Operation _____

Number of Parking Spaces on Premises for Patrons _____

Type(s) of Food Sold at Retail (Brief Description) _____

Owner of Establishment _____

D/Birth _____ Soc. Sec. # _____ Home Tele. # _____

Home Address _____

Manager of Establishment _____

D/Birth _____ Soc. Sec. # _____ Home Tele. # _____

Home Address _____

Did you or any member of the above establishment/corporation have any criminal convictions.
If so, please describe. _____

**ALL QUESTIONS MUST BE ANSWERED. ANY FALSIFICATION OF THE ABOVE INFORMATION WILL LEAD TO
IMMEDIATE DENIAL/REVOCAION.**

Signature of Applicant

Date

APPLICATION MUST BE SUBMITTED WITH \$50 APPLICATION FEE (non-refundable), PAYABLE TO THE
CITY OF CHELSEA BY CHECK OR MONEY ORDER ONLY, COPY OF CERTIFICATE OF OCCUPANCY AND/OR
APPLICATION FOR CERTIFICATE OF OCCUPANCY, AND COPY OF D/B/A CERTIFICATE (NOT APPLICABLE
FOR RENEWALS). UPON RECEIPT OF APPLICATION, PUBLIC HEARING WILL BE SCHEDULED (NOT
APPLICABLE FOR RENEWALS). UPON APPROVAL OF APPLICATION, THERE WILL BE A \$75 LICENSE FEE
DUE PRIOR TO ISSUANCE OF LICENSE.

(b) No person shall own or operate a taxicab business in the city of Chelsea without the proper licenses required by the licensing commission.

(c) Any police officer witnessing a violation of this ordinance shall be authorized pursuant to chapter 40, section 21 of the General Laws to arrest the violator and to seize the evidence of said violation, including but not limited to meters, whether mechanical or electrical for the computation of fares based upon mileage or pre-determined periods of time, and the vehicle used.

In the event of such a seizure for evidence by a Chelsea police officer incident to such arrest, such evidence shall be inventoried and held by the Chelsea police department or its agents, and shall be fully accounted for in any trial or other court proceeding. Upon final disposition all such property shall be disposed of as the court determines, and may be returned, forfeited, sold or destroyed in the discretion of the court.

(d) Any person who is found guilty of violating any of the provisions of this ordinance shall be liable for a criminal fine of not less than two hundred dollars (\$200.00) and not more than three hundred dollars (\$300.00), and shall in all other respects be subject to the provisions of section 1-7. However, if the city proceeds by non-criminal disposition, and the violator fails to follow the procedures and requirements of chapter 40, section 21D, such outstanding fines shall be recoverable by indictment or on criminal complaint pursuant to chapter 40, section 21 of the General Laws.

Sec. 9-7. Notice of all revocation, modification or suspension hearings.

Notice of any hearing for revocation, modification or suspension of a license granted by the licensing commission shall be in writing and shall specify the grounds of complaint, and the time and place of the hearing. Except as otherwise provided herein or by General Law, notice thereof shall be given by the licensing commission to the holder of the license in person or by certified U.S. mail addressed to his or her resident address, as set forth in the pertinent application. (Added 3-10-97)

Sec. 9-8. Operating hours of retail food establishments.

(a) No establishment engaged in the sale of food at retail shall unless granted permission by the licensing commission remain open for the transaction of regular business between the hours of 12 a.m. and 5 a.m.

(b) As used in this ordinance, the term "food" shall include any article or commodity, however stored or packaged, intended for human consumption off the premises.

(c) The licensing commission may issue a permit for the purpose of allowing an establishment to conduct business at retail between the hours of 12 a.m. and 5 a.m., if in their opinion the public convenience will be served.

(d) A permit may be granted after a public hearing called for that purpose, which has been advertised twice in two consecutive weeks in a newspaper of general circulation in the city.

(e) Any permit granted under the provisions of this ordinance shall contain such terms and conditions as the licensing commission shall specify.

(f) Any permit granted under the provisions of this ordinance shall expire annually on the fifteenth day of May, unless sooner revoked, suspended or renewed.

(g) No permit shall be modified, suspended or revoked until a public hearing has been held upon issue. Such hearing shall be called in a like manner to that pertaining to the original issuance of the permit.

(h) Every establishment currently engaged in the sale of food at retail shall be considered as having been granted special permission by the licensing commission, as provided by this ordinance, until May 15,

1995, unless the licensing commission determines otherwise. The licensing commission may, however, specify terms and conditions under which such permission shall continue.

Secs. 9-9.—9-24. Reserved.

Article II. Transient Vendors

Sec. 9-25. Definitions.

As used in this section the following words and phrases have the meanings ascribed to them in this subsection:

Transient vendor shall mean any person who engages in a "temporary or transient business" selling goods, wares or merchandise, either in one locality or in traveling from place to place.

Temporary or transient business shall mean any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least twelve consecutive months.

Statutory reference-Transient vendors, Mass. Gen. L. c. 101, §§ 1-12A.

Sec. 9-26. License required, fee.

(a) Every transient vendor, before making any sale of goods, wares or merchandise in the city, shall apply to the licensing commission for a license and shall accompany such application with a license fee which shall apply to all applicants.

(b) No license shall be granted under this section until the applicant has compiled with the provisions of Massachusetts General Laws chapter 101, section 3, and has exhibited to the city clerk a license issued by the director of standards of the Commonwealth.

(c) If, after review of said application, it appears that the applicant is a person of good repute as to morals and integrity and he is a person of responsibility and business acumen, the licensing commission may authorize the city clerk to issue a city license to the applicant. Upon order of the licensing commission and proof of payment of all license fees the city clerk shall issue the city license endorsed upon the state license "local license fees paid" and shall affix thereto his official signature and date of such endorsement.

Statutory reference-Mass. Gen. L. c. 101, §§ 5, 8.

Sec. 9-27. Expiration of license.

The city transient vendor license shall remain in force so long as the licensee shall continuously keep and expose for sale such stock of goods, wares and merchandise but not later than the first day of September following its date of issue.

Statutory reference-Term of local license, Mass.Gen.L. c. 101, § 5.

Sec. 9-28. Special license relating to transient sales for charitable purposes.

The licensing commission may, under such conditions as they may deem proper, grant to any organization engaged in charitable work, or to a post of any incorporated organization of veterans who served in