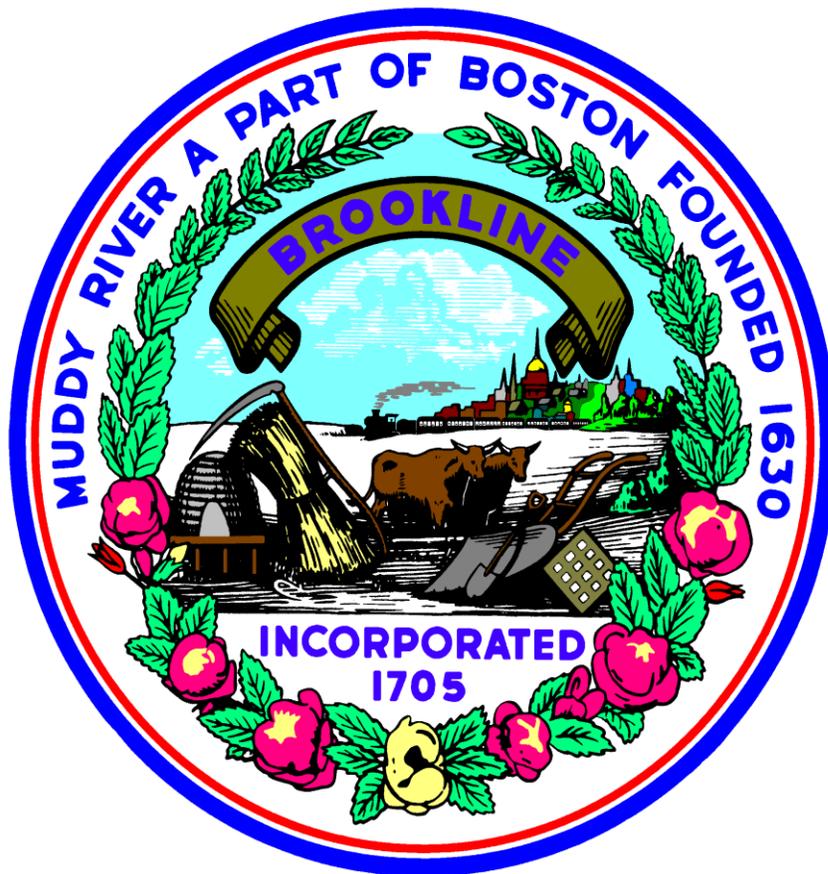


**T O W N O F B R O O K L I N E**  
**Massachusetts**  
**BOARD OF SELECTMEN**

**PREPARED FOOD SALES REGULATIONS**  
**(Common Victuallers, Innholders, and Food Vendors)**



(Voted: October 29, 2013; Amended: April 24, 2014)

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**Section A. GENERAL – APPLIES TO ALL COMMON VICTUALLER,  
INNHOLDER, AND FOOD VENDOR LICENSES**

**A.1.) Applicability of Section A**

All licenses and permits issued pursuant to Sections B, C, and D of these regulations are subject to and conditioned on compliance with the regulations contained in this Section A.

**A.2.) Legislative Authority / Compliance with Laws, Regulations, By-Laws and Conditions**

These regulations are adopted by the Brookline Board of Selectmen (“Board”) pursuant to the provisions of the Massachusetts General Laws (“M.G.L.”), Chapter 140. Any and all licenses issued by the Board shall be governed by, and subject to the licensee’s compliance with, all applicable federal, state and local laws, regulations and by-laws, including, but not limited to, the M.G.L., these regulations, the Town of Brookline’s By-Laws, all applicable building, fire prevention, zoning, health and sanitary codes, and any conditions the Board imposes on specific licenses. Where there is conflict between these regulations and a condition on a license, the condition shall govern unless it is inconsistent with law. The Board reserves the right to modify and supplement these regulations and the conditions on any license after due notice and hearing.

**A.3) “Prepared Food” Defined; License to Sell Required**

“Prepared food” shall include meals, hors d’oeuvres, sandwiches, soups, salads, frozen desserts, and coffee and tea as a beverage, and shall exclude packaged foods that require no preparation for consumption.

No person or business may offer prepared food for sale to the public unless duly licensed to do so pursuant to these regulations and M.G.L. c. 140. This requirement shall not apply to vendors selling prepared food on a one-day basis or for special events (for which separate approval may be required), including charitable and non-profit fundraisers. In addition, this requirement does not apply to vendors associated with the Brookline Farmer’s Market (however, such vendors must register with the Brookline Health Department).

**A.4.) Application for a License**

All applications must contain complete and truthful information. Submission of an application containing false information shall be cause for refusing the application or for suspending, canceling or revoking a license already granted. No application will be accepted for filing by the Board until it is fully complete. Filing fees shall be payable prior to processing of an application. Annual license fees shall be payable immediately upon approval of the license by the Board. All filing fees and license fees shall be paid by certified check. Filing fees are non-returnable once an application has been accepted by the Board. License fees shall not be prorated and are not refundable.

No person or entity shall obtain or renew a license unless the applicant can demonstrate proof of a legal right to the licensed premises for the term of the license, such as ownership papers, tenancy documents, or a management contract.

Applications for a license shall be accompanied by a food and beverages menu and a general description of the operations. The description of the operations shall include operations related to any delivery service provided, including the delivery hours, mode of transportation used, and parking arrangements for any vehicle used. Applications for renewal of such licenses shall be accompanied by a description of any significant change in operations (such as changes to hours of food and alcoholic beverages service, and significant changes to the food and beverages menu and entertainment offerings).

Applications shall be accompanied by a description of a plan for the control and elimination of litter that complies with Section A.16.

Application and license fees shall be in an amount established by the Board pursuant to M.G.L. c. 40, s. 22F.

The Board shall consider the public good and the general welfare and convenience of the community in determining whether or not to grant a request for a new license. In considering whether the public good would be served, the Board may consider the number and location of existing licenses, the sort of operation proposed, whether the premises are equipped with the necessary implements and facilities for cooking, preparing and furnishing the proposed menu to the public, the qualifications of the applicant, the method of operations of the applicant including methods related to cleanliness and proper sanitation, any impact on the community with respect to matters such as noise, traffic, congestion, odors, sanitary and/or nuisance conditions, waste disposal requirements and facilities, parking, dust and fumes, the impact on the character of the neighborhood and the Town, and whether any articulable harm would follow from the granting of the license. Prior to issuing a license, the Board shall seek advisory reports from the Police Department, Fire Department, Treasurer/Collector, Health Department, Building Department, and Planning Department, as appropriate, and shall hold a hearing on the application.

The Board may deny an application for renewal of a license where there is cause for doing so. Prior to issuing a renewed license, the Board shall seek advisory reports from the Police Department, Fire Department, Treasurer/Collector, Health Department, and Building Department, as appropriate.

The licensee's failure to comply with any federal, state or local law, regulation, or by-law shall be cause for denial of the application.

(See M.G.L. c. 140, §§ 2, 5, 6; Articles 5.7 and 8.10 of the Town of Brookline By-Laws; *Liggett Drug Co. v. Board of License Commrs. of City of N. Adams*, 296 Mass. 41 (1936); *McDonald's Corp. v. Town of E. Longmeadow*, 24 Mass. App. Ct. 904 (1987); *Ballarin v. Licensing Bd. of Boston*, 49 Mass. App. Ct. 506 (2000).)

#### **A.5.) Transfers / Sales of Licenses**

No licensee may transfer to another person or entity any license issued pursuant to these regulations, except upon application to and approval by the Board of the transfer. Any such transfer shall be subject to the terms and conditions of the original license, unless otherwise stipulated by the Board.

#### **A.6.) Taxes and Charges**

All taxes and charges owed to the Town must be paid on a current basis. The Town may place a lien on the property of any person who has an outstanding balance due the town from any fee, charge or tax, which balance is at least six months past due.

(See M.G.L. c. 40, § 57 (adopted by the Town in November 1995); Article 4.7 of the Town of Brookline By-Laws; 1986 Mass. Acts ch. 316.)

#### **A.7.) Corporate and Trade Names**

No licensee shall assume obligations for a licensed premise or conduct business under any corporate or trade name (DBA) other than that stated on the license. Any change in corporate name or status or any change in trade name (DBA) from that the Board previously approved shall require the prior approval of the Board.

#### **A.8.) Cessation of Operations / Failure to Maintain Implements and Facilities Required by Law**

If, in the opinion of the Board, a licensee ceases to be engaged in the business it is licensed to pursue, or fails to maintain upon his premises the necessary implements and facilities for cooking, preparing and serving food to the public (in the case of common victuallers and innholders) or the rooms, beds and bedding required by law (in the case of innholders), the Board shall immediately revoke its license.

(See M.G.L. c. 140, §§ 6, 9.)

**A.9.) Foreclosure on Loans**

Assignment of stock in incorporated licensed places for the purpose of safeguarding the assignee on loans gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Board immediately when the assignee forecloses under such assignment of stock.

**A.10.) Access to Premises, Inspections, and Requests for Information by the Board and its Agents**

The licensed premises shall be subject to inspection by the Board or its agent, including the Police and other inspectional departments. Annual inspections shall be made on week-days during normal Town business hours. In addition, inspections may be made at other times (including but not limited to evenings and weekends) to investigate complaints or non-compliance issues. Inspections shall be conducted in conformity with applicable federal, state and local law. Facilities requiring re-inspection are subject to applicable re-inspection fees.

(See M.G.L. c. 140, §§ 3, 25.)

**A.11.) Display of Licenses and Permits**

All licenses and permits issued by the Town pursuant to these regulations shall be displayed on the premises in a conspicuous place where they can be easily read.

**A.12.) Occupancy**

No licensee shall vary the occupancy of the licensed premises as certified by the Building Department.

**A.13.) Hours of Operation**

The hours of operation (including of any food delivery service provided) shall be restricted to those set by the Board. No patrons shall be on the premises except during the hours permitted by the Board. No food shall be sold between the hours of 2:00 a.m. and 5:30 a.m. except by special permit by the Board, which shall remain in effect for a period of one year. Application for such special permit shall be made on forms supplied by the Board and shall be accompanied by a non-refundable fee set by the Board.

(See Article 8.7 of the Town of Brookline By-Laws.)

**A.14.) No Disorder, Disturbance, or Illegality on Licensed Premises**

No licensee shall permit any disorder, disturbance, or illegality of any kind on the licensed premises.

**A.15.) BYOB (Applicable ONLY to Businesses WITHOUT a Liquor License)<sup>1</sup>**

This Section A.15 of these regulations applies only to businesses that do NOT have a liquor license to sell alcoholic beverages.

All licensees that choose to permit patrons to bring their own alcoholic beverages onto the premises (a practice known as “bring your own bottle,” or “BYOB”) shall be subject to the following regulations:

- a) Licensees shall not permit consumption of alcoholic beverages by a person who is intoxicated. Licensees shall not permit consumption of alcoholic beverages by a person who is under 21 years of age. Any licensee who reasonably relies on the following forms of identification for proof of age shall not thereby subject its license to modification,

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<sup>1</sup> **Businesses WITH a liquor license may NOT permit patrons to bring their own alcoholic beverages onto the premises pursuant to the Town of Brookline’s Sale of Alcoholic Beverages Regulations.**

suspension, revocation or cancelation: i) a valid Massachusetts motor vehicle driver's license with photograph; ii) a valid Massachusetts Liquor Purchase Identification Card, iii) a valid Massachusetts identification card issued by the Registry of Motor vehicles pursuant to M.G.L. c. 90, § 8E, iv) a valid passport or passport card issued by the United States government, or a valid passport issued by a government of a foreign country recognized by the United States government, or v) a valid United States-issued military identification card. Additionally, a licensee who sells alcohol to an under-aged person may be subject to sanction against the license in the event the licensee relied on proof of age other than one of the forms of identification enumerated in this Section.

- b) The Manager, any Alternate Manager(s), and all servers must participate in a safe-service-of-alcohol training program designed for restaurants to train persons in methods of observation and detection of intoxicated persons and the prevention of consumption of alcoholic beverages by intoxicated persons and/or minors. Only insurance industry-approved and qualified training programs will satisfy this training requirement. All Managers and Alternate Managers must receive in-person training in order to be employed as a Manager or Alternate Manager. Non-Managerial employees must be trained within fourteen (14) days of employment by the licensee, and may satisfy this training requirement through on-line training. All persons subject to this training requirement must be retrained every three years in the manner specified by this Section for that position. The licensee shall maintain on the licensed premises and make available for inspection at all times a copy of the certification card and other proof showing that each person subject to this training requirement has been trained in the manner specified by this Section within the prior three (3) years.
- c) Licensees shall not permit their managers or employees to consume alcoholic beverages while on duty.
- d) Licensees shall not permit consumption of alcoholic beverages from a pitcher or carafe or in any container or glass the capacity of which is in excess of sixteen fluid ounces.
- e) Licensees shall not permit drinking games.
- f) Licensees shall post conspicuously a copy of the penalties set forth in Massachusetts General Laws chapter 90, § 24(1) for operating a motor vehicle under the influence of alcohol in the form that such posting is distributed by the Massachusetts Alcoholic Beverages Control Commission (ABCC).
- g) Licensees shall post conspicuously a copy of the penalties set forth in Massachusetts General Laws Chapter 90, Section 24I, for operating a motor vehicle while drinking from an open container in the form that such posting is distributed by the Massachusetts Alcoholic Beverages Commission (ABCC).
- h) Licensees shall not pour or otherwise handle the alcoholic beverages a customer brings onto the licensed premises. Nothing in this Section shall prohibit a licensee from discarding an empty or abandoned alcoholic beverages container or its contents.
- i) Licensees shall not charge a "corkage fee" or any other fee or surcharge for permitting BYOB or providing any service or amenities relative to BYOB.
- j) Licensees shall notify the Board of Selectmen's Office of their policy permitting BYOB no later than thirty (30) days before implementing such policy, except that licensees permitting BYOB as of the date of the adoption of this regulation shall notify the Board of Selectmen's Office within thirty (30) days of this regulation's adoption.

#### **A.16.) Cleanliness / Refuse Removal**

All licensed premises shall be maintained in a clean and sanitary condition.

All licensees that prepare food for sale or service to the public shall provide and maintain a sufficient number of closed receptacles, such as dumpsters, for the storage of all refuse on the premises, and

shall maintain them in accordance with the regulations and conditions of the Brookline Health Department, the Department of Public Works, and the Board of Selectmen. All refuse generated by such licensees on the licensed premises shall be stored in such covered receptacles. The covered receptacles shall be constructed and maintained so that refuse is kept within the receptacle and is not blown or otherwise removed from it by wind, animals or other cause, other than for removal by authorized persons.

All licensees that prepare food for consumption on or off the premises shall provide for the removal of all refuse from the premises during each day of operation, and shall not permit refuse to remain on the premises for more than twenty-four hours. All other licensees shall remove refuse a minimum of twice each week, and more often if necessary to prevent any nuisance conditions.

(See Article 8.8 of the Town of Brookline By-Laws.)

**A.17.) Restriction on Trans Fat**

All licensees shall comply with the provisions of the Town's By-Law regarding restrictions on the use of trans fat. (See Article 8.28 of the Town of Brookline By-Laws.)

**A.18.) Noise**

All licensees shall comply with all provisions of the Town of Brookline's Noise By-Law, including, but not limited to, with respect to entertainment, outdoor seating areas, exterior fans, vents and equipment, and delivery and loading areas and activity. (See Article 8.15 of the Town of Brookline By-Laws.)

**A.19) Outdoor Seating Offered By Common Victuallers and Innholders<sup>2</sup>**

The Board may, upon written application and after notice and hearing, grant, upon such terms and conditions as it determines to be necessary and desirable, the right to use the outdoor portion of the licensed premises (such as patios and other outdoor areas), and/or a portion of a town sidewalk, that is contiguous to the licensed premises for outside seating for patrons during such periods of time as may be permitted by Town By-Law and as the Board may approve. Licensees may not make outdoor seating available to patrons after 11 p.m. unless and except as may be specifically approved by the Board. In considering requests for outdoor service areas, the Board shall evaluate whether or not the proposed outdoor dining is safe and sanitary, whether or not it would create a public nuisance and how the viewing and monitoring of the outside portion from the inside of the premises will be achieved. In these regards, the Board may consider factors including, but not limited to, the type of neighborhood at issue, the potential for noise in the environs, any impact on the flow of pedestrian traffic on the public sidewalk, and the handling of waste and spills. Prior to issuing such a grant, the Board shall seek advisory reports from the Planning Department, Building Commissioner, Police Department, Health Department, Fire Department, and Commissioner of Public Works, as applicable. No such grant shall extend beyond the term of the license. The Board may revoke any such grant if the exercise of the grant interferes with the public safety and convenience. In the event the licensed premises extends to a portion of the Town sidewalk, the licensee agrees to absolve the Town from any liability, and to indemnify the Town for any expenses or damages, relating to the licensee's use of the Town sidewalk, and to maintain a general liability policy naming the Town as an additional insured in an amount specified by the Board. All outdoor seating areas are required to be posted "No Smoking" as required by Town By-Laws.

Town-licensed establishments that have outdoor seating in the City of Boston must comply with all Town by-laws, regulations, rules and conditions. Establishments that are considering offering outdoor seating in the City of Boston must so inform the Board in writing.

An application to extend the licensed premises outside of the licensed establishment shall describe the area in detail, including the dimensions, the number of tables and chairs, any bar(s) area, any cooking and food preparation and/or storage area, and the occupancy figures for inside and outside

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<sup>2</sup> See Section C.4, "Outdoor Seating Limited," for outdoor seating requirements applicable to food vendors.

service areas. Adequate exits to the public way from the outdoor area must be maintained at all times; in no case shall patrons be required to re-enter the building in order to exit in an emergency situation. The outdoor area must not impede egress from the facility. Existing restroom facilities must be adequate to not only service the existing facility but the additional patrons in the outside seating area as well.

No licensee may offer outdoor seating except as the Town may permit pursuant to the above, unless otherwise stated on the license.

(See Article 8.10.8 of the Town of Brookline By-Laws.)

**A.20.) Discrimination Prohibited**

No licensee shall engage in unlawful discrimination on the basis of race, color, national origin, creed, disability, sex, sexual orientation, or ancestry.

(See M.G.L. c. 272, §§ 92A, 98.)

**A.21.) Sanctions**

In the event that the Board finds, after hearing or reasonable opportunity therefor, that a licensee has failed to comply with any federal, state or local law, regulation or by-law, or with any condition imposed on the license, the Board shall take such action as it deems appropriate and as conforms with applicable law, including, but not limited to, the imposition of additional conditions on the license and/or on any of the licensee's other licenses (such as an entertainment license), a reduction in hours (subject to any applicable legal restrictions), a modification of any license, a suspension of any license of from one (1) to ninety (90) days, a non-renewal of any license, or revocation, forfeiture, or cancellation of any license.

In determining the appropriate sanction to be imposed on the licensee, the Board shall consider all factors it deems relevant, which may include, but are not limited to: the past history of findings of violation(s); the severity of the offense and egregiousness of the facts alleged; the culpability of the licensee and/or its manager(s), employee(s) and agent(s) (including the extent to which it had established and followed procedures to prevent such violations); the extent of any threat to public safety and to the public good; any steps by the licensee to remedy the violation and to prevent any reoccurrence; and any other additional factors deemed relevant by the Board.

Upon the Board's suspension, revocation, cancellation, forfeiture, or refusal to renew a license, the holder shall physically surrender the license to the Office of the Board at a date and time determined by the Board.

In addition, a violation of these regulations may be subject to non-criminal disposition under Article 10.3 of the Town's By-Laws. After providing the licensee with a hearing or reasonable opportunity therefor and the opportunity to cure the violation, the Police Department is authorized to implement and enforce Article 10.3 without further action by the Board with respect to Section A.15 (BYOB) of these regulations. The Police Department's enforcement of Section A.15 through imposition of a penalty pursuant to Article 10.3 shall not prevent or estop the Board from taking other or additional action against the licensee for the same charged violation.

(See M.G.L. c. 140, §§ 9, 30; Articles 8.10 and 10.3 of the Town of Brookline By-Laws.)

**Section B. APPLIES TO BUSINESSES SELLING PREPARED FOOD FOR ON-  
PREMISES CONSUMPTION (COMMON VICTUALLERS AND INNOLDERS)**

**B.1.) Applicability of Section B**

This Section B applies to common victuallers and innholders offering for sale to the public prepared food for on-premises consumption, except as otherwise provided by Section A. Innholders must also comply with Section D below.

All licenses issued by the Board under this Section B are subject to and conditioned on the licensee's compliance with the regulations contained in this Section B and in Section A.

**B.2.) Common Victualler or Innholder License Required**

No person or business shall offer for sale to the public prepared food for on-premises consumption except as may be permitted by a common victualler license (in the case of restaurants) or an innholder license (in the case of hotels) issued by the Board.

**B.3.) Required Food Preparation and Service Facilities**

Common victualler and innholder licenses may be issued only to persons and businesses offering for sale to the public prepared foods for on-premises consumption that have adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for strangers, travelers and other patrons. Common victuallers and innholders must provide indoor seating for on-premises consumption of food year around. The Board shall not grant any license until after it or its authorized agent has conducted an examination of the premises and determined that the business satisfies the requirements for a restaurant or innholder. No license shall be renewed unless the licensee has satisfied the Board that it is in good faith operating a restaurant or hotel and has the proper equipment for the service of food.

(See M.G.L. c. 140, §§ 2, 6)

**B.4.) Premises' Description / Required Signage**

Every license issued under this Section B shall specify the street and number, if any, of the building where the business is to be carried on or give some other particular description of it, and the license shall not protect a license who carries on his business in any other place. Every licensee shall affix a board to or near the exterior of its premises in a conspicuous place with its name inscribed thereon in large letters. Applicants must comply with the provisions of the Town of Brookline's Sign By-Law.

No new license shall issue until an applicant has submitted to the Board and obtained the Board's approval of a description, illustration, and/or detailed plan of the premises (drawn to scale as may be necessary) describing the placement of waiting areas, tables, chairs, stools, fixed seating, booths, service counters or bars, standing only areas, entertainment areas, dance floors, kitchen facilities, bathrooms, hallways, rooms, railing partitions and other barriers, entrances and exits, and interior doors, and describing the premises' signage and any other exterior decorations or features. Innholders shall also obtain the Board's approval of a plan showing the proposed suitable rooms for the lodging of guests.

Where there are no premises actually in existence at the time of an application, the applicant shall submit with its application a detailed description as described above, describing the premises proposed to be constructed.

A licensee must apply for and obtain the Board's approval prior to making any a) structural change to the premises, b) physical change that results in an increase in seating capacity, and c) physical change to the premises pertaining to the placement of tables, chairs, stools, fixed seating, booths, service counters or bars, entertainment areas, dance floors, kitchen facilities, bathrooms, hallways, rooms, railing partitions and other barriers, entrances and exits, interior doors, and signage and any other exterior decorations or features. An application for any such physical change shall be

accompanied by a description, illustration and/or detailed plan (drawn to scale as may be necessary) describing the premises with such proposed changes.

Prior to their approval by the Board, the Building Commissioner shall approve all plans contemplated by this Section B.5.

The Board may suspend, cancel or revoke a license in the event it determines that the licensee constructed or made changes to the premises in violation of this Section B.5.

(See M.G.L. c. 140, §§ 4, 6, 18; Article 5.8 of the Town of Brookline By-Laws.)

**B.5.) Entertainment**

No forms of entertainment, including but not limited to radio, television, recorded or live music, dancing, or video or electronic games, shall be allowed without first obtaining an entertainment license from the Board. Entertainment shall not be conducted on the premises outside of the hours specified by the entertainment license.

**B.6.) Cover Charge**

No licensee shall require any person to pay a minimum charge or cover charge unless a sign is conspicuously posted at every entrance to any dining room or rooms where such charge is required, in letters no less than one inch in height, stating that a minimum charge or cover charge shall be charged and also stating the amount of charge; provided that no licensee shall require a person under thirteen years of age to pay a minimum charge or cover charge.

(See M.G.L. c. 140, § 183D.)

**B.7.) Interior Lighting/Clear View of Premises Interior**

All licensees shall keep the licensed premises lighted in a manner sufficient for the safety of the patrons and in a manner sufficient for the Board or its agents to make observations at the premises without the need to identify themselves or seek assistance. Unless otherwise approved by the Board, no licensee shall maintain any curtain, screen, booth, stall or other device such that persons within cannot be plainly seen by other persons within the licensed premises.

(See M.G.L. c. 272, § 25.)

**B.8.) Valet Parking**

Unless a licensee wishes to operate a valet service exclusively on private property, licensees are required to obtain a Valet Permit from the Transportation Board in order to offer any valet service that utilizes the public way.

(See Article V, Section VII of the Brookline Transportation Board Rules and Regulations.)

**SECTION C. APPLIES TO BUSINESSES SELLING PREPARED FOOD FOR  
OFF-PREMISES CONSUMPTION**

**C.1.) Applicability**

All licenses issued by the Board under this Section C are subject to and conditioned on the licensee's compliance with the regulations contained in this Section C and in Section A. This Section C does not apply to businesses to which the Town's Mobile Food Vendor Regulations apply. Businesses selling prepared food to the public that offer indoor seating for on-premises consumption are subject to Section B of these regulations, and not to this Section C.

**C.2.) Food Vendor License Required for Prepared Food Sales for Off-Premises Consumption**

No person or business shall offer for sale to the public prepared food for off-premises consumption except as may be permitted by a food vendor license issued by the Board.

Food vendors must have on their premises the necessary implements and facilities for cooking, preparing and furnishing food to the public.

(See Articles 5.7 and 8.10 of the Town of Brookline By-Laws.)

**C.3.) Required Food Preparation and Service Facilities**

Food vendor licenses may be issued only to persons and businesses offering for sale to the public prepared foods for off-premises consumption that have adequate and sanitary kitchen equipment and capacity for preparing, cooking and serving suitable food for strangers, travelers and other patrons. The Board shall not grant any license until after it or its authorized agent has conducted an examination of the premises and determined that the business satisfies the requirements for a food vendor. No license shall be renewed unless the licensee has satisfied the Board that it is in good faith operating as a food vendor and has the proper equipment for the service of food.

(See Article 8.10 of the Town of Brookline By-Laws.)

**C.4.) Outdoor Seating Limited**

Food vendors may not offer dedicated outdoor seating unless they have bathroom facilities available to patrons, or a waiver from the State Plumbing Board excusing the food vendor from this bathroom requirement. Food vendors with bathroom facilities for patrons or a State Plumbing Board waiver may apply to the Town for permission to offer outdoor seating. The procedures and requirements of Section A.19 of these regulations apply to outdoor seating offered by food vendors.

## **Section D. ADDITIONAL RULES APPLICABLE TO INNOLDERS**

### **D.1.) Applicability**

This Section D applies to persons and businesses offering for sale to the public provision for the lodging of guests at their request who offer for sale to the public prepared food for on-premises consumption. All licenses issued by the Board under this Section D are subject to and conditioned on compliance with the regulations contained in this Section D and in Section A.

### **D.2.) Innholder License Required**

No person or business offering for sale to the public food for on-premises consumption shall offer for sale to the public lodging except as may be permitted by an innholder license granted by the Board.

(See M.G.L. c. 140, § 2.)

### **D.3.) Suitable Provision for Lodging of Guests**

Every innholder shall have upon its premises suitable rooms, with beds and bedding, for the lodging of guests.

(See M.G.L. c. 140, § 5.)

### **D.4.) Register**

Every innholder shall keep, in permanent form, a register in which shall be recorded the name and residence of every person engaging or occupying a private room for any period of the day or night, together with a record of the room assigned to such person and of the day and hour when such room is assigned. Such register shall be retained by the innholder for a period of at least one year after the date of the last entry and shall be open to inspection by the Board and its agents.

(See M.G.L. c. 140, § 27.)