

**TEMPORARY ORDER
OF THE NEWTON BOARD OF LICENSING COMMISSIONERS
RELATED TO COMMON VICTUALLER LICENCED PREMISES**

WHEREAS, on March 15, 2020, the Governor of the Commonwealth of Massachusetts announced emergency actions to respond to the evolving COVID-19 public health emergency impacting the Commonwealth, as amended. These emergency actions included the closure of restaurants except for the purpose of providing takeout food to the public;

WHEREAS, on March 17, 2020, the Mayor of the City of Newton and the Commissioner of Health and Human Services declared a State of Emergency related to the COVID-19 outbreak;

WHEREAS, on May 29, 2020, the Governor announced the intention to allow restaurants throughout the Commonwealth to begin the service of food to patrons in outdoor seating areas **only**, as early as June 8, 2020 as part of the phased Reopening Massachusetts plans;

WHEREAS, the Newton Board of License Commissioners is charged with the administration of common victualler licenses in the City of Newton under the authority granted to it pursuant to M.G.L. c. 140 section 2, and such licenses are issued in accordance with the public good;

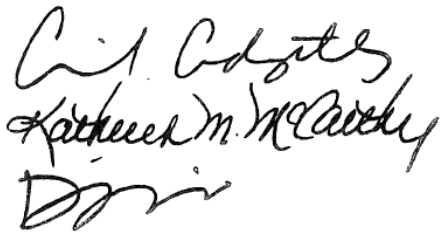
WHEREAS, the Newton Board of License Commissioners, for the limited purpose of facilitating the reopening of restaurants in Newton in accordance with the Governor's orders and guidance, and for purposes of compliance with M.G.L. c. 140 section 4, hereby orders as follows:

1. Any common victualler license holder in the City of Newton may exercise said license on abutting property it owns leases, or licenses for the purpose of outdoor seating and service of food and non-alcoholic beverages, which may include private parking areas, subject to any rights or restrictions in the lease or license of the property.
2. Any common victualler license holder in the City of Newton may exercise said license on the abutting City sidewalk area directly adjacent and contiguous to the licensed property for the purpose of outdoor seating and service of food and non-alcoholic beverages. Prior to placing seating on a sidewalk, the license holder must execute a release and waiver in favor of the City and provide proof of insurance.
3. Nothing in this Temporary Order shall adversely change or alter any rights for those license holders who have previously sought and obtained an extension of premises to serve alcohol outdoors or who have an existing permit to place seating on the sidewalk.

4. Any outdoor seating shall otherwise conform to all COVID-19 related guidance issued by the Commonwealth of Massachusetts or by the City of Newton.
5. Any outdoor seating shall otherwise comply with all other state and federal laws.
6. This Temporary Order does not pertain to the service of alcohol. The service of alcohol outdoors requires the license holder to seek and obtain an extension of premises from the Licensing Commission.
7. This Temporary Order shall take effect as of the date to be determined by the Governor allowing outdoor restaurant seating and shall terminate on November 1, 2020, in accordance with the Governor's Order No. 35.

Executed this 3rd day of June, 2020.

Newton Board of License Commissioners



Carl Adyates
Katherine M. McCarley
Devin