



CITY OF SPRINGFIELD, MASSACHUSETTS

Mayor Domenic J. Sarno

Office of Planning and Economic Development

GUIDE TO STARTING A RESTAURANT

Revised July 28, 2016



Introduction

The City of Springfield is dedicated to maintaining its competitiveness and desirability as the place to live, work, and do business. Springfield's continual growth and development depend, in part, upon the quality and timeliness of the information and services delivered by the City. This pamphlet has been prepared to assist residents, businesses, and developers in moving through the City's regulatory processes as easily as possible, by removing unnecessary confusion, delays, and costs. This pamphlet is one in a series, and is part of the City's ongoing effort to sustain livable neighborhoods and a positive business climate.

This document explains the steps involved in starting a business in the City of Springfield. It is meant to provide a general overview of the process and regulatory requirements; individual businesses must determine which specific regulatory requirements apply to them. Please read this entire brochure to better understand the different federal, state, and local regulatory requirements in opening a new business.

For Steps to Starting a Business please visit: <http://www.springfield-ma.gov/planning/index.php?id=417>
Contact all City Departments at the City's website at: <http://www.springfield-ma.gov/cos/>

For more resources, guides, events and data please check out the City of Springfield Office of Planning and Economic Development website at <http://www.springfield-ma.gov/planning/index.php?id=business> or, contact the Office of Planning and Economic Development by telephone at 413.787.6020

Steps to Starting a Restaurant | 2016

What is the first step in starting a restaurant in Springfield?

1. Make sure your federal requirements are met?

- *Internal Revenue Service - <http://www.irs.ustreas.gov/businesses/index.html>*
A business must have a taxpayer identification number so that the IRS can process its tax returns. All corporations and partnerships must obtain a federal EIN by completing the IRS Form SS-4. Additionally, regardless of the form of ownership, any new business that has employees has a Keogh plan or files employment, excise information or alcohol, tobacco or firearms returns must obtain an EIN. A business can apply by telephone to get an EIN immediately. If applying by mail, file Form SS-4 at least 4 to 5 weeks before an EIN is needed.
- *Americans with Disabilities Act (ADA) – www.ada.gov*
The ADA is a Federal civil rights law that prohibits discrimination against people with disabilities in everyday activities, such as buying an item at the store, going to the movies, enjoying a meal at a local restaurant, exercising at the health club, or having a car serviced at a local garage. All businesses, even those that do not serve the public, must comply with accessible design standards when constructing or altering facilities. For more information, visit www.ada.gov, or contact the City's Citizens with Disabilities at: <http://www.springfield-ma.gov/cos/index.php?id=disabled>.

2. Make sure your state requirements are met?

- *Massachusetts Executive Office of Labor and Workforce Development- <http://www.detma.org/>*
File an Employer's Status Report (Form 1110) with the Massachusetts Executive Office of Labor and Workforce Development (EOLWD) if one or more persons are employed for 13 weeks or more in one calendar year, or the employee payroll totals \$1,500 or more within one calendar quarter.
- *Massachusetts Department of Revenue - <http://www.dor.state.ma.us/>*
Register to collect "trustee taxes" by filing a Massachusetts Trustee Tax Application for Original Registration (Form TA-1) with the Massachusetts Department of Revenue. Trustee taxes include payroll tax, sales tax, room occupancy excise tax, and withholdings for pension plans, annuities, and retirement distribution. Those collecting a sales or use tax will receive a Sales and Use Tax Registration Certificate (Form ST-1) to be displayed at a conspicuous location on the business premises.
- *Secretary of the Commonwealth's Corporations Division- <http://www.sec.state.ma.us/index.htm>*
Different forms of business ownership require different types of state authorization. A corporation is required to file Articles of Organization with the Secretary of the Commonwealth's Corporation Division. The Secretary of the Commonwealth also issues Certificates of Limited Partnership or Limited Liability Company.
- *Massachusetts Department of Industrial Accidents - <http://www.mass.gov/dia/>*
In accordance with the State's Worker's Compensation Law, if a business has one or more part-time or full-time employees, obtain Worker's Compensation Insurance from any casualty insurance company.
- *Massachusetts Architectural Access Board – www.mass.gov/aab*
The Massachusetts Architectural Access Board (AAB) is a state agency, which has developed regulations designed to make public buildings accessible to, functional and safe for use.

- *Alcohol Beverage Control Commission* - <http://www.state.ma.us/abcc/index.htm>
The Alcoholic Beverages Control Commission is an agency under the Office of the State Treasurer and Receiver. It is our overall objective to provide uniform control over the sale, purchase, transportation, manufacture, and possession of alcoholic beverages in the state.
- *Department of Environmental Protection* - <http://www.state.ma.us/dep/>
Other industry specific requirements: The Alcoholic Beverage Control Commission licenses and regulates manufacturers, distillers, wholesalers, importers, agent brokers, solicitors, and liquor transportation companies. If smoke or air pollution is a component of the new business, an Air Pollution Permit may be required from the Department of Environmental Protection, Division of Air Quality Control.

3. Choose your location!

What must be considered in identifying a business site?

The City's Zoning Ordinance governs land and building uses in Springfield. Depending on the particular zoning district in which the restaurant location is proposed, the use may be: (1) permitted as of right, which requires no zoning relief; (2) permitted with the grant of a Special Permit by the Planning Board (PB) or Board of Zoning Appeal (BZA) after demonstrating that certain specified conditions can be met; or (3) not allowed by the Zoning Ordinance. Where use is not allowed by zoning, a variance from the provisions of the Ordinance may be sought by petitioning the BZA for relief. (It should be noted, however, that there is no certainty that a variance will be granted.)

Restaurant owners seeking to rent, purchase, or renovate an existing commercial space or build a new building should contact the Building Code Enforcement or the Office of Planning and Economic Development.

Further information on the City's Zoning Ordinance can be obtained by contacting Building Code Enforcement or the Office of Planning and Economic Development or visit the Zoning Guide website at:
<http://www.springfield-ma.gov/planning/index.php?id=zoning-ordinances>

Information that the Zoning Specialist will need to know in making a determination if your business is allowed to operate at a specific site includes:

- Address of proposed location;
- Proposed number of seats;
- Number of off-street parking spaces solely for the restaurant's use;
- Details about business operation, including hours, type of food, type of seating, customer interaction (e.g. takeout packaging, provision of non-disposable tableware; provision of menus) and breakdown of projected revenue from alcohol and food sales consumed on premises and off premises.

4. Identify the appropriate permits!

For a full permitting guidebook please visit:

https://www.springfield-ma.gov/planning/fileadmin/Planning_files/forms/SpringfieldPermittingGuideFinal_10-20-091.pdf

□ **City Clerk's Office** - <http://www.springfield-ma.gov/cos/index.php?id=clerk>

36 Court Street, Springfield City Hall, Room 123; Phone: 413.736.3111; TTY: relay to 413.736.3111

- **Business Certificate** - for the establishment of any business in a name other than the owner's. (Fee: \$50.00)
- **Petition to City Council for Use of Public Sidewalk** – to place A-frame and sandwich board signs, street or café furniture in the public sidewalk. This permit is issued by the Department of Public Works, but the process is initiated with the City Clerk's Office.

□ **Springfield Fire Department** - <http://www.springfield-ma.gov/fire/>

605 Worthington Street; Phone 413.787.6411; Fire Prevention, Inspections, and Permits 413.787.6410

- **Fire Protection Permits** - for any work related to the installation, modification or removal of sprinkler, ventilation hood suppression and/or fire alarm system.
- **Commercial Kitchen Ventilation Hood Cleaning Requirements**
- **Occupant Load and Emergency Contact Information Posting Requirements**
- **Permit fees may be viewed at** <http://www.springfield-ma.gov/fire/index.php?id=permits>

□ **Department of Inspectional Services (DIS)**

<http://www.springfieldma.gov/building/index.php?id=inspectional-services>

70 Tapley Street; Phone 413.787.6038; TTY: 413.787.6641

- **Projecting Sign/Banner Permit** - to place signs or hang banners if either the sign or banner projects more than six inches over the public sidewalk or way. This permit is issued by the Department of Inspectional Services (DIS), but the process is initiated with the City Clerk's Office.

□ **Business-Related Permits/Licenses** – visit the DIS's website to view Fee Schedule for the respective permits that may apply to your business.

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| • Bakery (Retail & Wholesale) | • Mobile Food Server | • Manufacturing or Bottling of Beverage |
| • Catering Establishment | • Commissary | • Milk Permit |
| • Dumpster Permit | • Food Establishment (Alcohol or Non-Alcohol) | • Mobile Food Server |
| • Food Establishment (Alcohol or Non-Alcohol) | • Manufacture of Frozen Desserts and/or Ice Cream Mix Permit | • Tobacco Sales Permit |
| • Milk Permit | | • Vending Machines |

□ **Building-Related Permits** – visit the DIS's website to view the permit matrix for all city permits and fee schedule for the respective permits that may apply to your business.

□ **Certificate of Inspection** - to certify that buildings used for purposes of assembly, lodging, and institutional care meet minimum requirements to safeguard the public. (Note: A new certificate is required to increase seating capacity in establishments such as restaurants).

- **Certificate of Occupancy** - to certify that a structure is constructed or altered in accordance with the State Building Code and the City's Zoning Ordinance. Required as part of the building permit process or when there is a change in use of the business establishment.
- **Other Building-Related Permits** - DIS issues permits to licensed persons for work related to gas, mechanical equipment, plumbing, and wiring.
- **License Commission** - <http://www.springfield-ma.gov/law/index.php?id=license-commission>
36 Court Street, City Hall, Room 204; Phone 413.787.6196
Visit the License Commission's website to view Fee Schedule for the respective licenses and permits that may apply to your business.
 - **Alcoholic Beverage License** - allows an establishment to serve liquor, i.e. restaurant or club.
 - **Common Victualer License** - allows food and non-alcoholic beverages to be sold, served, and consumed on premises.
 - **Entertainment License** - to provide automatic amusement machines, automatic music machines, dancing, comedy, and other performances at a business establishment. The License Commission should be contacted directly for a detailed list of entertainment and entertainment devices requiring this license.
- **Department Public Works**- <http://www.springfield-ma.gov/dpw/>
70 Tapley Street; Phone 413.736.3111; TTY relay to 413.736.3111
 - **Sidewalk Obstruction for Business Use Permit** - required for sign installation, facade renovations, exterior demolition, sandwich board or A-frame signs, flower planters, or street furniture. This permit is issued by the Department of Public Works, but the process is initiated with the City Clerk's Office.
- **Springfield Water & Sewer** - <http://waterandsewer.org/>
P.O. Box 995, Springfield, MA 01101; Phone 413.452.1300 x182; Emergencies 413.310.3501
 - **Cross Connection Permit** - applies to new and existing construction projects to protect the public drinking water supply from pollutants and contaminants.
 - **Water Works Construction Permit** – All water works construction on public and private property, including new water lines, demolition sign-offs, repairs and fire protection line service with fire pump and fire flow testing.
- **Food Trucks must obtain the following:**
 - A 90 Day Letter from the Police Department
 - A Mobile Permit from the Health Department
 - A Hawkers and Peddlers Permit from the State

The City of Springfield does not discriminate on the basis of disability. The City will provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to persons with disabilities upon request. The information contained in this document may not be complete or fully up to date and is subject to change. To confirm information regarding this permitting process, contact the appropriate City of Springfield Department. This document may be used strictly for informational purposes. All other uses require the written permission of the City of Springfield.