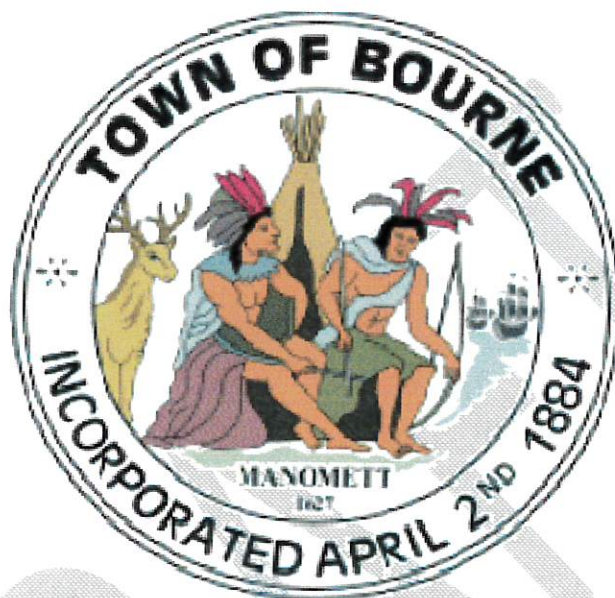


Bourne Board of Selectmen



Liquor License Regulations Policy #20-02

Date
June 16, 2020

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Introduction

In issuing regulations, the Board of Selectmen, as the liquor licensing authority in the Town of Bourne, is setting forth the expectations of the citizens of the Town, as to the conduct of the Town's liquor license holders. A significant objective of these regulations is the prevention of license violations.

1. Identification of the Town Liquor Licensing Authority

- A. The Liquor Licensing Authority in the Town of Bourne is the Board of Selectmen

2. Scope of and Statutory Basis for Promulgation of Rules

- A. The Statutory basis for the promulgation of these rules is set forth within the applicable sections of M.G.L. c138. Each reference to a statute shall include any amendment thereto.
- B. These rules are supplementary to any statutory requirements and to the rules of the Alcoholic Beverage Control Commission (ABCC).

3. Definitions

Licensee: shall mean an individual license and each member of a partnership license, and each officer, director, manager, and stockholder of a corporate licensee, and any agent of a licensee including those employees who work in the public areas of the premises.

License: shall mean a revocable privilege granted by a licensing authority

Licensing Authority / Authority : shall mean those groups having legal authority to grant licenses and/or regulate the operation of the licensed premises.

Patron: shall mean a customer who is legally on the licensed premises.

Premises: shall mean all land and buildings associated with the operation of the license.

Rules and Regulations: shall mean a compilation of regulations, ordinances, and laws set up by a licensing authority to regulate the manner in which businesses, under its authority, shall operate.

General Licensing Rules for Licensees

1.00 Applicability of Rules and Regulations

A. This section shall apply to all Town licensees, unless specifically provided otherwise.

1.01 Forms and Fees

- A. Forms: Application for a license to sell alcoholic beverages for consumption on the premises requires submission of the following forms, in addition to any other information required by Chapter 138 of the General Laws or the rules, regulations, or policies of the Alcoholic Beverages Control Commission:
- (1) Alcoholic Beverages Control Commission application form;
 - (2) Town of Bourne application form;
 - (3) Criminal Offender Record Information ("CORI") release form; and
 - (4) Department of Revenue release form.
- B. The Licensing Authority reserves the right to decline to process incomplete applications and to supplement or substitute required application materials at any time. Complete application information must be provided for each individual appearing on the application.
- C. License Duration: Renewals Once issued, licenses are valid until December 31. The licensee is responsible for filing a renewal application at least 45 days before December 31. At the time of renewal, all previously submitted materials must be updated as appropriate and the required fee must be paid. The Authority or its designee shall inspect the licensed premises prior to renewal and the complete inspection report must be filed with every renewal application. A renewal application that fails to meet any of these requirements will be treated as an original license application.
- D. Fees:
- (1) filing fee: A non-refundable filing fee of \$100 must be submitted with each application;
 - (2) license fees: If a license is granted, the following annual license fee shall be due at the time the license is issued and upon each renewal, and the amount and category can be found on the application.
- E. The Licensing Authority reserves the right to adjust any of the fees listed above from year to year.
- F. Form of payment: All payments must be made by certified or personal check

1.02 Availability of Rules and Regulations

- A. All licensees of the Licensing Authority shall ensure that a copy of the Rules and Regulations is kept on the premises at all times, and is available for inspection upon request by a member of the public or an agent of the Authority. These Rules and Regulations are to be kept in the office of the Manager or at the main cash register.
- B. The licensee is responsible for ensuring that all employees who work in the public areas of the premises are familiar with the Rules and Regulations of the Licensing Authority and comply with all rules and laws.

1.03 Posting and Signs

- A. Licenses issued by the Authority shall be posted in a conspicuous place easily seen by the public where they can read, without difficulty, and without the assistance of employees at the premises.
- B. All other licenses, permits, and certificates affecting the licensed premises shall be posted conspicuously, provided however, that no such document shall be posted in such a way as to cover over any part of the license issued by the Authority.
- C. No dress code or preferred customer program, or cover charge, or other admissions policy shall be put into effect at the premises except upon proper posting, pursuant to section 1.03 'Admissions' below.

1.04 Admissions to the Premises

- A. No licensee shall permit any rule, policy, or action, express or implied, which makes any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, or ancestry, physical or mental disability, relative to the admission or treatment of persons from the general public or employees at the licensed premises; provided however, that premises licensed pursuant to M.G.L. Chapter 138, may make rules regulating the admission of minors to the premises when such rules are not inconsistent with other rules and regulations stated herein. Further, that the private club licensees shall not discriminate, as aforementioned, with regard to guests at the licensed premises or with regard to who may be invited to the premises as a guest.
- B. No licensee shall institute dress requirements of any kind except according to the following rules:
 - 1. A sign shall be posted at the entrance stating dress requirements or dress restrictions with specificity, which may also include restrictions as to footwear. (Examples: 'Jackets Required', 'Ties and Jackets Required', 'Shirts with Collars Required, No Sneakers').

2. No signs shall be posted which state that "Proper Dress Required" or which otherwise announce a dress policy without station specifically what item(s) are prohibited or required.
- C. No licensee shall institute privileged entrance requirements of any kind except according to the following rules:
1. A licensee may issue special passes.
 2. The special passes shall state the calendar year on the face of the pass.
 3. The pass shall not entitle the holder to free drinks or to a discount on drinks.
 4. The licensee shall keep a list of the names and addresses of all passholders and must have the list available, if requested by the Authority or its agent.
 5. The licensee is responsible for ensuring that persons are picked to be passholders on a rational basis and not on any basis that is discriminatory in violation of law or these regulations.
- D. No licensee shall required 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, and with lettering no less than 2" in height, stating that a minimum charge is required, and the amount. No licensee shall require a person younger than 13 years of age to pay a minimum charge or cover charge. Such cover charge shall not be collected in advance of gaining entrance to the licensed premises, and can only be charged upon a written or printed receipt, permanently recorded and numbered. Records or such receipts shall be kept by the licensee for a period of not less than 2 years. Cover charge shall mean all admission fees or admission charges. Such charges must also be posted on the outside of the licensed premises. Nothing in this regulation shall be construed to prohibit advance ticket sales.
- E. No minimum charge for the purpose of alcoholic beverages or minimum alcoholic beverage drinking requirement shall be imposed upon any customer of a M.G.L. Chapter 138 license.
- F. A licensee who charges a minimum charge for the purchase of food and/or non-alcoholic beverages shall include a specific statement in a posting stating that there is no minimum charge for alcoholic beverages. Such minimum charges for food and/or non-alcoholic beverages shall not be collected in advance of gaining entrance to the premises. No licensee shall imposes a minimum charge for food and/or non-alcoholic beverages upon any customer who incurs charges for alcoholic beverages equal to, or greater than the posted minimum charge for food and/or non-alcoholic beverages.
- G. Licensees shall refuse entrance to the premises to a person who appears to be intoxicated or unruly, and shall evict such a patron, except that in such a case the

licensee should call the police and should offer assistance to an intoxicated person when possible.

- H. Licensee shall not permit entrance to the premises by more persons than the maximum occupancy limit, established by the Building Department and Fire Department.
- I. Licensees who permit persons to wait in line for a table or a seat, or for entrance to the premises shall obey the following rules:
 - 1. Persons who wait inside the premises shall be kept in an orderly line and must not be permitted to block egress aisles or exits. The number of such persons waiting inside the premises shall not exceed the number of persons allowed as standing persons.
 - 2. Persons who are permitted to wait in line outside the premises shall be supervised by an employee of the licensed premises. Such employee shall stand outside with the line during all times when the line exceeds ten persons and shall announce no further admissions to the premises if persons in the line are disorderly, or if the line is blocking the sidewalk. To the extent that lines in front of a licensed premises become the subject of public complaints, the licensee shall be subject to disciplinary proceedings for any public nuisance associated. It is recommended that licensees in residential areas discourage lines of more than ten persons.
- J. Licensees shall not lock the front door of the premises until the last patron has exited from the premises.
- K. Licensees shall not allow any patron or any guest, or any employee who is not working that shift, to enter the premises after the closing hour posted on the license, or prior to the opening hour posted on the license.

1.05 Hours of Operation

- A. The hours of operation shall be restricted to those set by the Licensing Authority and stated on the face of the license. A licensee may, upon prior telephone notification to the Bourne Police Department recorded line and call to the Selectmens' Office, close up to three hours earlier than the hour of closing posted on the license. No patrons shall be on the premises before the official opening hours, nor fifteen minutes after the official closing hours. Customers must be up and on their way out, once the closing hour of the licensed premises has been reached. No drink consumption time is permitted beyond the licensed hours of operation.
- B. The rules for employees on premises after closing hours are as follows:

1. Employees must be off the premises no later than sixty minutes after the official closing hour, provided however, that such employees or other hired personnel may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for the premises, or preparing food for the next day's business, or opening/closing the business in an orderly manner.
- C. Licensees shall ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner should make staffing accommodations to prevent recurrences, or shall be subject to disciplinary proceedings by the Licensing Authority.

1.06 Physical Premises

- A. The licensed premises shall conform to the floor plan approved by the Authority with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, bar stools, dance floors or areas, railing, partitions, and other barriers at the premises. Any changes in the floor plan or any renovation of any kind shall not be made without notification to the Authority and the approval of the Authority. This includes substantial changes in the arrangement of movable furniture. Abutters must be notified by certified mail, as well as Churches, Synagogues, hospitals, public or private secondary schools located within 500 feet of the premises.
- B. All premises covered by the license shall be kept in a clean and sanitary condition.
- C. No outside area shall be used as a gathering place for patrons unless approved by the Authority.
- D. The premises shall be lighted in all public areas in a manner sufficient for the safety of the patrons and in a manner sufficient for the agents of the Authority to make observations at the premises without the need to identify themselves or the need to seek assistance.
- E. The capacity set for the premises under the permits and licenses issues shall be the maximum potential capacity for the premises.

- F. Licensees shall not invite the members of the general public to private areas of the premises which are approved by the Authority for storage, an office, or kitchen, or for a video projection room, or for any similar non-public use. Only owners and employees of the licensed premises shall be in these areas.
- G. No advertising matter, screen, curtain or other obstruction which in the opinion of the License Authority, Liquor Officer or its Agents, prevents a clear view of the interior of the premises, shall be maintained in or on any window or door after the Authority has ordered the removal of such obstruction.
- H. The interior of the premises shall be sufficiently lighted at all times and all exits shall be properly designated by lighted signs 'Exit', as same may be mandated by the Building and Fire Departments.

1.07 Business Arrangement of Licensees

- A. No person or entity shall obtain or renew a license unless the applicant for such license or for renewal of such license, can demonstrate proof of a legal right to the licenses premises for the term of the license. Such proof shall include ownership papers or a tenancy document, or a management contract, provided however, that all parties to such ownership or leasehold interest or management contract shall be known to the Authority. The terms of such agreements or contracts shall be made known to the Authority.
- B. No licensee shall hire any employee or contract for goods or services in any name other than that of the licensee, nor shall the licensee pay for any such employment, goods or services by any means other than its own cash or bank accounts in its own name. Cash transactions shall be recorded in a manner suitable for review by the Authority. Such records shall be kept for a period of three years.
- C. No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the persons properly approved of, by the Authority, and the salaried employees of such persons.
- D. No licensee shall permit any person to work at the licensed premises or to hold themselves out as a person in a position of authority at the premises, except for those persons who are owners and officers, or who are salaried employees for whom payroll records are available. No licensee shall pay an employee any

percentage of the profits of the business or pay an employee in any manner other than by salary or hourly rate, except upon approval of the Authority.

- E. No licensee shall pay a landlord or creditor of any kind a percentage of the profits of the business, except upon complete disclosure to the Authority, and with receipt of the Authority's approval.
- F. No licensee shall lease out any part of the premises or any part of the business without approval of the Authority. No licensee shall lease out the food or beverage service without the approval of the Authority.
- G. No licensee shall enter into an agreement with an independent contractor to provide beverages or food or entertainment, or management at the premises, without the approval of the Authority.
- H. No licensee shall pledge the stock in the licensed business or the license itself without the approval of the Authority, pursuant to M.G.L. Chapter 138. No licensee shall pledge a license without obtaining the approval of the Authority, pursuant to M.G.L. Chapter 138.
- I. No licensee shall take a loan secured by any equipment at the premises or secured by any direct or indirect interest in the licensed business without the approval of the Authority. This includes kitchen equipment, video or audio equipment, lighting equipment, furniture, or any other type of equipment.
- J. No licensee shall contract bills for its licensed premises under any corporation or trade name other than that under which it is licensed.
- K. Managers in licensed premises shall not be changed until the Authority and the Alcoholic Beverages Control Commission have approved such change.
- L. Any licensee intending to close its place of business shall seek permission of the Authority in writing before such closing, stating the reason for such closing and by providing documentation in support of such request.
- M. Assignment of the stock of the corporate licensees for purposes of collateralizing loans or notes, etc, gives no right to the assignee to conduct the business of the licensee. Licensees shall immediately notify the Authority when the assignee forecloses under such assignment of stock or when other proceedings are brought which affect the economic and financial rights and abilities of the licensee.

- N. Licensees shall enter into no agreement or understanding which sets a minimum requirement for gross sales of food and beverages at the premises.
- O. Licensees shall not use any trade name, assumed name, or abbreviated name in connection with the licensed business unless the same appears on the license certificate issued by the Authority or unless written permission is first obtained from the Authority. The use of any unauthorized name on the books, records, stationary, or interior or exterior of the licensed premises or for advertising purposes or telephone listing, is prohibited unless permission is first obtained from the Authority.
- P. Licensees are responsible for maintaining a legal right to, access and control of, the premises, which is covered by the license. Failure to have a legal right to the named license premises shall result in the revocation of non-renewal of the license, as determined by the Authority.

1.08 Alcoholic Beverage Sales and Laws

- A. No alcoholic beverages shall be sold for less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.
- B. All licensees shall maintain a schedule of the prices charged for all drinks to be served and consumed on the licensed premises or in any room, or part thereof. Such prices shall be effective for not less than one calendar week.
- C. No licensee, or employee, or agent of a licensee, shall:
 - 1. Offer or deliver any free drinks to any person or group of persons
 - 2. Deliver more than two drinks to one person at one time
 - 3. Sell, offer to sell, or deliver to any person or group of persons, any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the general public.
 - 4. Sell, offer to sell, or deliver to any person an unlimited number of drinks during a set period of time for a fixed price, except at private functions not open to the general public.
 - 5. Sell, offer to sell, or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public.
 - 6. Sell, offer to sell, or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time
 - 7. Increase the volume of alcoholic beverages contained in a drink without proportionately increasing the price regularly charged for such drink during the same calendar week.

8. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.
 9. Advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under this section.
- D. Nothing contained in the preceding section shall be construed to prohibit licensees from offering free food or entertainment at any time, or to prohibit licensees from including a drink as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one persons, or to prohibit those licensed under Chapter 138, Section 15, from offering free wine tastings, or to prohibit those licensed under Chapter 138, Section 12, from offering room services to registered guests.
- E. Licensees shall not permit alcoholic beverages to be brought on the licensed premises by patrons or employees.
- F. Licensees shall be responsible for ensuring that minors are not served alcoholic beverages and are not drinking alcoholic beverages on the licensed premises, whether served to them by an employee or handed to them by another patron. Licensees who do not have the ability to keep track of the drinking activity of minors at the premises shall exclude minors from coming onto the premises in order to meet the burden of ensuring that there is no underage drinking at the premises. Licensees who choose to permit minors at the premises, whether pursuant to an 'I.D. bracelet' program or otherwise, shall be accountable if minors are found to be drinking alcoholic beverages on the premises, whether or not the Authority's agents are able to prove that the licensee actually served the drink directly to the minor. Sufficient security personnel shall be employed to monitor the premises to ensure that patrons do not pass alcoholic beverages to minors.
- G. Any establishment licensed to sell alcoholic beverages to be drunk on the premises shall post a copy of the penalties for driving under the influence set forth in Section 24 of M.G.L., Chapter 90. Establishments licensed to sell alcoholic beverages not to be drunk on the premises shall post a copy of the penalties for operating a vehicle while drinking from an open container. Said copies shall be posted conspicuously in said establishments. Said copies are available at the Alcoholic Beverages Control Commission.
- H. Food service shall be available in all areas of the licensed premises where alcoholic beverages are served, this to include dining areas and lounge areas. This does not include any area approved as a waiting area by the Licensing Authority.

1.09 Environment of Licensed Premises

- A. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee shall be accountable for all violations

that are related to the licensed premises, to determine whether or not the licensee acted properly in the given circumstances.

- B. No Licensee may have upon the premises any automatic amusement machine unless same has been approved and separately licensed by the Town. Types of machines and location of machines at the premises must be approved. The licensee must make the application, not the distributor.
- C. Licensees shall act reasonably and diligently to disperse loiterers or patrons who attempt to congregate in front of, or at, the licensed premises. Failure of the licensee to keep persons from congregating at the licensed premises may lead to disciplinary action for allowing a public nuisance. Action taken by the licensee shall include maintaining the front door in a closed position, asking loiterers to disperse, promptly notifying police if loiterers refuse to disperse, hiring security to disperse loiterers, refusing to allow patrons to walk in and out of the premises at short intervals, maintaining order in the lines of patrons waiting to enter, announcing that no further patrons will be allowed into the premises if lines become too long or disorderly.
- D. Licensees shall take such steps as necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages. Such steps shall include having an employee stationed at the door to watch patrons as they leave. When patrons are observed leaving with beer bottles, beer cans, or cups or glasses filled with liquids that smell like alcoholic beverages to the Authority's agents, it shall be presumed that the vessels contain alcoholic beverages.
- E. When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgement of the Authority adversely affects the protection, health, welfare, safety, or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, the licensee shall be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

1.10 Inspections and Investigations

- A. The licensed premises shall be subject to inspection by the members of the Licensing Authority and its duly authorized agents. Any hindrance or delay of such inspection caused by an employee of the licensee shall be cause for action against the license. It shall be the responsibility of the licensee to ensure that procedures are in place, be it posting a doorman or otherwise, to allow Police and authorized agents of the Authority, immediate entrance into the premises at any time employees are on the premises. Any delay in providing such access shall be cause for action against the license.
- B. Licensees shall maintain a current list of all of their employees and shall have it available at all times for inspection upon the request of an authorized agent of the Authority. Licensees who contract with

entertainment entities to provide entertainers must maintain a current list of the names of such entertainers and said entertainers shall be held to the same rules as other employees at the premises.

- C. No device or electronic equipment shall be utilized by a licensed premises for the purpose of signaling employees that agents of the Licensing Authority are present.
- D. All complaints and reports shall continue in force until they have been reviewed and disposed of, by the Licensing Authority.

1.11 Standards of Conduct on the Premises

- A. It is forbidden to permit any employee or person in, or on, the licensed premises to promise, offer, suggest, or accept sexual acts or favors in exchange for money or for the purchase of any alcoholic beverages or other commodities.
- B. It is forbidden to encourage or permit any person in, or on, the licensed premises to touch or pursue any sexual misconduct.
- C. No alcoholic beverages shall be sold to anyone under twenty-one years of age (21). No service of alcoholic, wine/malt beverages shall be made to anyone under twenty-one years of age (21).
- D. No manager or employee shall consume any alcoholic beverages while on the licensed premises, while on duty or after the official closing hour.

1.12 Illegal Activity on the Licensed Premises

- A. Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts shall include:
 - 1. Frequent monitoring of restrooms and other non-public areas of the premises for signs of drug activity or other illegalities
 - 2. Paying attention to activities on the premises of known drug users or dealers
 - 3. Monitoring of activities of persons who talk about weapons or who appear to be hiding a weapon.
 - 4. Calling police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct, or to give medical assistance.
 - 5. Hiring security personnel to deal with chronic unlawful activity at the premises
- B. There shall be no disorder, illegal drugs, illegal gambling, or other illegal activity on the licensed premises or any premises connected therewith by an interior communication.

1.13 Injuries to Persons at the Premises

- A. Licensees shall instruct their employees and security personnel that they are not advised to make bodily contact with a patron unless to protect other patrons or themselves from an unruly patron. In all other circumstances, employees and security shall call the police to have the patron removed from the premises.
- B. Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons or persons who are injured in, or on, the licensed premises, or who injuries have occurred outside the premises but have been brought to the attention of the licensee.

1.14 Other Causes for License Revocation, Suspension, and Modifications

- A. Any license issued pursuant to M.G.L. Chapter 138 may be modified, suspended, or revoked for any of the following causes:
 - 1. Violation by the licensee of any provision of the relevant General Laws of the Commonwealth, of the regulation of the Alcoholic Beverages Control Commission, or of the regulations of the Licensing Authority
 - 2. Fraud, misrepresentation, false material statement, concealment or suppression of the facts by the licensee in connection with an application for a license or permit, or for renewal thereof, or in connection with an application for the removal of the licensed premises or the alteration of the premises, or in connection with any other petition affecting the rights of the licensee or in any interview or hearing held by the Authority in connection with such petition, request, or application affecting the rights of the licensee.
 - 3. Failure to operate the premises covered by the license without prior approval of the Licensing Authority.
 - 4. Failure of refusal of the licensee to furnish or disclose any information required by an provision of the General Law or by any rule of regulation of the Alcoholic Beverages Control Commission, or any rule or regulation of the Licensing Authority.
 - 5. Licensees shall not give or offer any money or any article of value or pay for, or reimburse or forgive the debt for services provided to any employee or agent of the Authority, either as a gratuity or for any service.

6. Licensees may not fail to comply with any condition, stipulation, or agreement upon which any license was issued or renewed by the Authority, or upon which any application or petition relating to the premises was granted by the Authority. It shall be the duty of the licensee to ensure that all appropriate personnel at the licensed premises are familiar with the rules and regulation of the Authority, and with any conditions on the license.
7. A license may be suspended, revoked, or modified for the refusal by any licensee and, if a corporation, by a manager, officer, or director thereof to appear at an inquiry or hearing held by the Authority with respect to any application or matter bearing upon the conduct of the licensed business, or bearing upon the character and fitness of such person to continue to hold a license.
8. Licensees shall properly serve suspension and modification orders.

1.15 Sentencing Guidelines

- A. Licensees in violation of the applicable laws of the Commonwealth, regulations of the Alcoholic Beverages Control Commission and/or these regulations may be subject to the following range of discipline:
 1. First Offense – warning up to three day (3) suspension
 2. Second Offense – three day (3) up to ten day (10) suspension
 3. Third Offense – ten day (10) up to twenty day (20) suspension
 4. Fourth Offense – warning up to revocation of license
- B. Only offenses which have occurred within the two years preceding the date of violation shall be used in calculating the number of offenses for purposes of the sentencing guidelines.
- C. The sentencing guidelines are only a guide. The Licensing Authority may use its discretion in determining whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested by the guidelines. The Licensing Authority may consider the following factors:
 - (1) licensee's policies and procedures, and application of those policies and procedures, to guard against service to underage individuals;
 - (2) severity and type of offense;
 - (3) efforts made to identify purchasers of alcohol;
 - (4) appearance of the underage purchaser of alcohol;
 - (5) quality of the evidence of a violation;
 - (6) circumstances of the case; and
 - (7) number and nature of licensee's previous violations.
- D. The sentencing guidelines shall not be construed so as to limit the Licensing Authority's ability to consider alternative dispositions, or further conditions on a license, or even alternate penalties permitted by law.

1.16 Service of Suspension Orders

- A. When the Authority suspends the license or licenses of any licensee, it shall provide the licensee with an order of suspension for public display that must contain the words, "No alcohol served per order of the Liquor Licensing Board". Such order shall be publicly displayed by the licensee in the following manner. If there is a door opening from the street into the licensed premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may readily be seen from the street. If the licensed premises are otherwise located, such order shall be affixed to the door of the entrance to the premises and displayed in such a way that it may be readily seen from the street.
- B. Suspension Orders of the Authority, as above, shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, or obliteration of the order of suspension or the failure to maintain the order of suspension in the manner and place required, prior to the expiration of the suspension period, shall be deemed the act of the licensee and shall be cause for further suspension, modification, or revocation of the license.
- C. Suspension periods shall not be used as a time to do renovation at the licensed premises unless such renovations have previously been approved by the Authority.

1.17 Permission to Close Premises Required

- A. Any licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the Licensing Authority in writing before such closing, stating the reason and length of such closing, and obtain approval. Failure to provide such notice may result in disciplinary action against the license holder.
- B. The restriction in (A) above shall not apply to a closing due to an act of God, natural disaster, illness, or some other business problem for which request had been made to the Authority and approval granted.

1.18 Bankruptcy and Court Proceedings

- A. The licensee shall immediately notify, in writing, the Licensing Authority of any proceedings brought by or against the licensee under the bankruptcy laws or of any other court proceedings which may affect the status of the license.

1.19 Management

- A. Each corporate licensee must appoint a manager by a properly authorized and executed delegation. A Section 12 license may not be granted to anyone convicted of a violation of Federal or State narcotics drug laws. A Section 15 license may not be granted to anyone convicted of a felony. In all cases, the liquor license applicant must be at least twenty-one (21) years of age.
- B. The responsibilities of every license holder and any manager shall be as follows:
 - 1. To obey all statutes of the Commonwealth, rules of the Alcoholic Beverages Control Commission, Rules and Regulations of the Licensing Authority
 - 2. To promptly notify the police of any disturbance or illegal activity on the licensee's premises of which he becomes aware.
 - 3. As to corporate licensees, to sign the annual application for renewal of license, unless unavailable.
 - 4. To cooperate with authorized agents of the Licensing Authority, including but not necessarily limited to, any police officer, in their investigation or inspection of the licensed premises.
- C. Any such notice sent to the Manager as named in the records of the Licensing Authority or the owner at the address of the licensed premises shall constitute valid legal notice to the licensee.
- D. The licensee shall not change managers, change corporate officers, sell or transfer corporate stock, pledge corporate stock or liquor license as security, or accept a loan or credit from another licensee, without first obtaining the approval of the Authority. No person may have a direct or indirect beneficial interest in a license without first obtaining the approval of the Authority.

1.20 Service Training

- A. An employee training program on the proper procedures for verifying that patrons are at least twenty-one (21) years of age and not intoxicated shall be provided by the licensee. A written description of such program, along with a written policy outlining the employees' responsibilities and the disciplinary measures which will be taken against any employee for violating said policy, shall be provided to the Authority as part of the original or renewal application materials and maintained on the premises at all times.
- B. A signed certification of each employee who handles alcohol, indicating that the employee has received the described training and has reviewed and understands the written policy describing his or her responsibilities and the disciplinary action that will be taken for violations, shall be maintained on

the premises at all times. Copies of all such documentation and certifications shall be available to the licensing authority, or any authorized agent thereof, upon demand.

- C. Each new employee who handles alcohol shall obtain server training within thirty (30) days of commencing employment.
- D. Upon a finding by the Authority of a violation of the laws or regulation concerning service of alcohol to a minor or intoxicated person, the employees involved in the violation who continue to be employed by the licensee shall be retrained forthwith and receive a new server training certification.
- E. The training and certification referenced in Section 1.19 shall be pursuant to a training program approved by the Authority (e.g. TIPS or equivalent).

1.21 (1) One-Day Licenses

- A. Section 14 (Special Licenses) are commonly referred to as 'One-Day Licenses', and are issued by the Licensing Authority. They shall not be issued to any person(s), association, partnership, or corporation already issued or in the process of being issued a license to sell alcoholic beverages as approved by the Authority. Special licenses cannot cover any portion of a currently licensed premise.
- B. A one-day "special" license for the sale of wine & malt only beverages may be granted to the responsible manager of any indoor or outdoor activity or enterprise. A one-day "special" license for the sale of all alcoholic beverages may be granted to the responsible manager of any non-profit organization conducting any indoor or outdoor (see #2) activity or enterprise.
- C. Sale and consumption are limited to inside of the premises. If allowed by Board vote, outdoor sale and consumption may occur only in a defined outside area away from public ways.
- D. Consistent with Section 14 of Massachusetts General Laws Chapter 138, a responsible manager and alternate should be named by the organization, one of whom shall be on the premises at all times during the day(s) in question. The responsible manager must be at least 21 years of age. The name(s) and 24-hour contact information shall be on file with the Office of the Board of Select Board and Police Services Division.
- E. The Local Licensing Authority (Select Board) may impose reasonable conditions and limitations on any special license that is granted, including but not limited to the hours of operation and the presence of a police detail(s).

F. Security. The applicant must present a security plan in their license application. This security plan must include provisions for:

1. crowd control,
2. dealing with unruly patrons,
3. emergency evacuations,
4. traffic/parking considerations, and
5. controlling access to alcohol by underaged persons.

Unless circumstances warrant otherwise, the security plan may require police details. Moreover, applicants must demonstrate that people who will be serving alcoholic beverages are at least 21 years of age and that at least one person who will be staffing each point of service of alcoholic beverages has certification in TIPS or comparable safety training.

- G. Unless otherwise voted by the Licensing Authority, each special license shall cover a single activity or enterprise.
- H. A special license generally is granted for a single day only. The special license may be granted for more than one day at a time only if the activity or enterprise spans more than one day. b. The fee for a special license shall be charged on a per-day basis.
- I. The Board reserves the right to decline to consider any application filed later than 21 days before the proposed event. The Board may require the filing of references by the applicant at its discretion.
- J. Organizers of any event requiring a one-day "special" liquor license must comply with state statutory and regulatory requirements.

1.22 Sale of Wine at Farmer's Markets

- A. In 2010, the state authorized the sale of sealed bottles of wine by licensed farmer-wineries for consumption off the premises at "agricultural events" designated by the state Department of Agricultural Resources through Chapter 138 Section 15F.

Section 15F. Notwithstanding any other provision of chapter 138, in any city or town wherein the granting of licenses to sell wine is authorized under this chapter, the local licensing authority may issue to an applicant authorized to operate a farmer-winery under section 19B or in any other state, a special license for the sale of wine produced by or for the licensee in sealed containers for off-premise consumption at an indoor or outdoor agricultural event. All sales of wine shall be conducted by an agent, representative, or solicitor of the licensee to customers who are at least 21 years of age. A licensee under this section may provide, without charge, samples of wine to prospective customers at an indoor or outdoor agricultural event. All samples of wine shall be served by an agent, representative, or solicitor of the licensee to individuals who are at least 21 years of age and all samples shall be consumed in the presence of such agent, representative, or solicitor of the licensee; provided, however, that no sample shall exceed one (1) ounce of wine and no more than 5 samples shall be served to an

individual prospective customer. For the purposes of this section, the term "agricultural event" shall be limited to those events certified by the department of agricultural resources as set forth in this section.

An applicant for a special license under this section shall first submit a plan to the department of agricultural resources that shall demonstrate that the event is an agricultural event. The plan shall include a description of the event, the date, time and location of the event, a copy of the operational guidelines or rules for the event, written approval that the prospective licensee has been approved as a vendor at the event, including the name and contact information of the on-site manager, and a plan depicting the premises and the specific location where the license will be exercised.

Upon review of the plan, the department may certify that the event is an agricultural event; provided, however, that in making that determination, the department shall consider the following factors: (i) operation as a farmers' market or agricultural fair approved or inspected by the department; (ii) frequency and regularity of the event, including dates, times and locations; (iii) number of vendors; (iv) terms of vendor agreements; (v) presence of an on-site manager; (vi) training of the on-site manager; (vii) operational guidelines or rules, which shall include vendor eligibility and produce source; (viii) focus of event on local agricultural products grown or produced within the market area; (ix) types of shows or exhibits, including those which are described in clause (f) of the first paragraph of section 2 of chapter 128; and (xi) sponsorship or operation by an agricultural or horticultural society organized under the laws of the commonwealth, or by a local grange organization and/or association whose primary purpose is the promotion of agriculture and its allied industries. The department of agricultural resources may promulgate rules and regulations necessary for the operation, oversight, approval, and inspection of agricultural events under this section.

An applicant for a license under this section shall file with the local licensing authority along with its application proof of certification from the department of agricultural resources that the event is an agricultural event. A special license under this section shall designate the specific premises, and dates and times covered. A special license may be granted for an indoor or outdoor agricultural event which takes place on multiple dates and/or times during a single calendar year but no special license shall be granted for an agricultural event that will not take place within 1 calendar year. The special license shall be displayed conspicuously by the licensee at the licensed premises. A copy of a special license granted by the local licensing authority shall be submitted by the authority to the commission at least 7 days prior to the date the agricultural event is first scheduled to begin. The local licensing authority may charge a fee for each special license granted, but such fee shall not exceed fifty \$50. A special license granted under this section shall be nontransferable to any other person, corporation, or organization and shall be clearly marked nontransferable on its face.

- B. The Licensing Authority may promulgate rules and regulations it deems appropriate to effectuate the purposes of this section.

This policy shall take effect immediately.

Board of Selectmen

Approved on _____, 2020

Judith Froman, Chairman

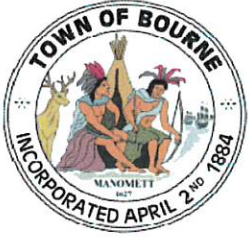
James Potter, Vice Chairman

George Slade, Clerk

Peter Meier

Jared MacDonald

DRAFT



Board of Selectmen



Date

June 16, 2020

Liquor License Compliance Check Policy Policy #20-03

Introduction

This intent of this policy is to provide officers and the underage purchasers with general guidelines for conducting Liquor License Compliance Checks.

1. Notice of intent to conduct an underage sting operation will be announced in the local media before commencing the operation.
2. The underage operative should have no prior criminal involvement with ANY police department and should not be a family member of the officer conducting the operation.
3. The underage person taking part in the operation should reasonably look their age. Efforts to make them look older should be avoided. The underage operative shall be given a breathalyzer test before and subsequent to the operation.
4. The underage purchaser shall not carry any identification on their person when taking part in the operation.
5. The purchaser shall not carry any money on their person other than that given to them by the supervising officer.
6. The purchaser shall enter the licensed premises under the observation of the supervising officer and attempt to purchase an alcoholic beverage. If asked for identification, the underage person shall reply that they do not have any. If no purchase is made, the purchaser shall leave the establishment.
7. The purchaser shall not attempt to coerce or encourage the license holder or employee to make a sale through conversation or any other deceptive method.

8. If a purchase is made at a package store, the purchaser shall exit the store and immediately turn the alcoholic beverage over to the supervising officer.
9. If the purchase is made at a pouring establishment, once the alcoholic beverage is served, the purchaser shall pay for the purchase and immediately leave the establishment. Under no circumstances, shall the underage person consume any alcoholic beverage.
10. An Alcoholic Compliance Check Buyer Report shall be completed for each establishment immediately following the check.
11. The retail package goods stores and pouring license operations, shall be checked twice during the pendency of the compliance operation.

This policy shall take effect immediately.

Board of Selectmen

Approved on _____, 2020

Judith Froman, Chairman

James Potter, Vice Chairman

George Slade, Clerk

Peter Meier

Jared MacDonald