TOWN OF ARLINGTON

Massachusetts

OFFICE OF THE SELECT BOARD

ALCOHOL LICENSES AND REGULATIONS

CERTIFICATION OF LICENSE APPLICANTS

All license applicants must sign a certification attesting that they have read and understood the Town policies, rules, and regulations relevant to their license.

The certification form is available at the Office of the Select Board, and should be filed concurrently with any and all alcohol license applications.

TYPES OF LICENSES TO BE GRANTED IN ARLINGTON

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Policies, Rules, and Regulations of Alcohol Licenses for Restaurants

Approved: 9/21/09
Revised: 9/10/12
Revised 1/12/15
Revised 1/10/22

I. Introduction

A. General Statement of Policy

The Town of Arlington is home to a wide array of high-quality eating establishments. As the local licensing authority for all sales of alcoholic beverages in the Town of Arlington, the Select Board ("Board") wishes to support the existing restaurant culture and to stimulate its further growth through the issuance of liquor licenses to restaurants as appropriate. The Board also intends that all service and consumption of alcohol in the Town of Arlington be done responsibly and in conformance with all legal requirements. In service of these goals, licenses will be issued under these Policies, Rules, and Regulations only to holders of Common Victualler Licenses and/or Commonwealth of Massachusetts Brewery Licenses and with the consistent expectation that licensees will conduct their establishments to the highest standards.

The Board intends that the issuance of liquor licenses will contribute to the Town's development in the following respects:

(1) Bring to the Town quality restaurants and function rooms that provide fine dining opportunities in attractive surroundings;

(2) Improve the variety of shops in Arlington;

(3) Promote increased foot traffic; and

(4) Strengthen the Town's commercial tax base.

Consequently, the Board's consideration of license applications will include location, proximity of proposed premises to residential neighborhoods or business areas, traffic impact, parking availability, content of proposed menu and other aesthetic considerations, including design and layout of the proposed establishment's interior. All required notification of applications for new licenses, amended licenses, or license transfers must be provided to abutters and other affected parties in accordance with state law.

B. Conditions of Licensure: Compliance with Legal Requirements

Liquor licenses are subject to these Policies, Rules, and Regulations as well as relevant provisions of state law (Chapter 138 of the Massachusetts General Laws) and the rules, regulations, and other guidance of the Alcoholic Beverages Control Commission, as they may be from time to time amended. Further, the Board may attach such conditions and restrictions to each license it issues as it deems to be in the public interest. All licensees must be familiar with all requirements that apply to their licenses and must abide by those requirements in the operation of their establishments. In addition to legal provisions governing liquor licenses, licensees must also maintain compliance with all other requirements that apply to the operation of

licensed premises, including but not limited to the State Building Code, Fire Code, Common Victualler License, and Brewery license requirements as well as all applicable Town Bylaws and codes. Failure to comply with these or any other applicable provisions may lead to further conditions being placed upon the license or to licensesuspension or revocation.

II. Licensing

A. Types of Licenses, Seating Capacity

The Board is authorized to issue two types of licenses for the sale of alcohol to be consumed on the premises: (1) All-Alcohol; and (2) Wine and Malt Beverages. All-Alcohol Licenses may be issued for restaurants having a minimum seating capacity of 50. Wine and Malt Beverage Licenses may be issued for restaurants having a minimum seating capacity of 19. Holders of licenses to sell wine and malt beverages for consumption on the premises may not sell cordials or liqueurs unless and until the Town adopts local-option legislation to allow such sales. Seating capacity will be determined in accordance with the applicable provisions of the Massachusetts State Building Code. Unless specified otherwise, these Policies, Rules, and Regulations apply to both All-Alcohol and Wine and Malt Beverages licenses.

B. Application Process

1. 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:

(a) Alcoholic Beverages Control Commission application form;

(b) Town of Arlington application form;

(c) Criminal Offender Record Information ("CORI") release form; and

(d) Department of Revenue release form.

The Board 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.

2. Fees:

(a) filing fee: A non-refundable filing fee of $100 must be submitted with each application;

(b) 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:

(i) All Alcohol License: $3,000. By vote of the Board, this annual fee may be prorated for licenses granted after January 1, but in no event shall it be less than $1,500.

(ii) Wine and Malt Beverage License: $1,750. By vote of the Board, this annual fee may be prorated for licenses granted after January 1, but in no eventshall it be less than $600.

(iii) Reductions: The Board may choose to reduce the annual license fee by $400 for All-Alcohol Licenses and by $200 for Wine and Malt Beverages Licenses for applicants who demonstrate successful completion of a certified server-training program.

(c) the Board reserves the right to adjust any of the fees listed above from year to year.

(d) form of payment: All payments must be made by certified or personal check.

3. Building and Site Plan: Every application must include the following information for the proposed licensed premises on a clear and accurate scale drawing;

(a) The net floor area and dimensions of the existing room or rooms requested to be licensed, including dining rooms, function rooms, and storage rooms;

(b) The location of any proposed service bars;

(c) Moveable or secured seats and tables;

(d) Entrance and exit doors, windows, and stairs; and

(e) All rooms that are not requested to be licensed, but are on the same floor as the room or rooms that are requested to be licensed, identified as to function (e.g., kitchen, coatroom, lobby).

4. Corporate Ownership and Interest:

(a) application materials: Every application made by a corporate entity shall state the full name and home address of the entity's president, treasurer, clerk, secretary, directors, investors, developers, managers, or any other person with a financial interest in the entity. The application shall be signed by a corporate officer duly authorized by a vote of the entity's board of directors or equivalent governing board. Copies of the following documents shall be filed with the application: the entity's certificate of incorporation, the vote authorizing the application, and the vote appointing the manager or other principal representative with respect to the license being requested.

(b) manager or principal representative: No corporate entity may receive a license to sell alcoholic beverages for consumption on the premises unless such entity shall have first appointed, by a vote of its board of directors or equivalent governing board, a manager or principal representative who is (1) a citizen of the United States;
(2) vested with properly voted authority (evidenced by written delegation) over the premises to be licensed and the conduct of all business to be conducted thereon to the same extent that the licensee itself would be if a natural person resident in the Commonwealth; and (3) satisfactory to the Board.

(c) change in interest: Except as otherwise provided by law, no change in the stock ownership of a corporate entity shall be made after the license has been granted or renewed without the express written approval of the Board.

5. Advertising & Notification: The applicant is responsible for complying with state-law requirements for advertising and written notification, including but not limited to

requirements set forth in Sections 15A and 16C of Chapter 138 of the General Laws. The Board reserves the right to order additional notification.

6. Statements in Application Materials: Any false statement made in connection with an application shall be cause for denial of the license or for suspension, cancellation, or revocation of a license already granted.

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 Board 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.

III. Operation of Licensed Premises

A. Hours

Unless otherwise fixed for a particular license, licensees may sell alcoholic beverages for consumption on the premises between the hours of 11:00 a.m. and 12:00 midnight daily, provided that food service is available during all hours in which alcoholic beverages are offered for sale. All alcoholic beverages and containers must be removed from tables and service bars one-half hour after closing time. Patrons must be off the licensed premises one hour after closing time. The licensee, the licensee's manager or principal representative, and employees or subcontractors of the licensee may be on the licensed premises after closing only in accordance with Chapter 138 of the General Laws.

B. Supervision, Order, and Decorum

The licensee or licensee's manager or principal representative shall be present at the licensed premises at all times during which alcoholic beverages are offered for sale. The licensee may designate and authorize some other person to act as the responsible manager and be present at the licensed premiseswhile alcoholic beverages are offered for sale, provided that this person shall first have been identified to, and approved by, the Board. The designated manager or representative described in this section shall be available to the Board or its designee at all times during which alcoholic beverages may be sold on the licensed premises. The full name, current residential address, and current business and home telephone numbers of all designated managers or representatives described in this section shall be on file with the Board. Failure to provide this information and keep it current shall alone be sufficient cause for suspension or revocation of the license.

The manager or representative on site shall at all times maintain order and decorum on the premises and in the area immediately surrounding the premises. These areas must be kept clean, neat, and sanitary at all times. The manager or representative on site shall cooperate in all ways with Town officials, including but not limited to representatives of the Board, the Police Department, the Fire Department, Inspectional Services, and the Board of Health.

C. Inspections

At any time, licensed premises are subject to inspection by the Board or its designee, including but not limited to the Police Department, the Fire Department, Inspectional Services, and the Board of Health.

D. Physical Plant

The location of service bars shall not be changed without the submission of an amended floor plan to the Board and the Board's written approval. No premises will be licensed unless adequate and appropriate toilet facilities are available to patrons. No amusement devices such as electronic games shall be permitted on any licensed premises. All licensed establishments shall have suitable appliances to maintain water temperature consistently at 180° so that eating, drinking, cooking, and serving utensils are thoroughly cleaned and sanitized. In the interest of discouraging the marketing of alcoholic beverages to minors, licensed premises shall be limited tothe posting of advertisements or signs carrying the name of the owner/operator and all signage is subject to Section 6.2 of the Arlington Zoning Bylaw. Signage on the inside of licensed premises is subject to Board approval.

E. Service and Consumption of Alcoholic Beverages and Food

1. Service of Alcoholic Beverages: Alcoholic beverages may be served only by staff of the licensed establishment. No pitchers of beer may be served. Alcoholic beverages served over a counter can only be served at the point of sale after direct verification of a valid drivers' license to confirm that the customer is of legal drinking age and that customer is the sole recipient of the beverage.

2. Service of Food: Food service must be available in all areas in which alcoholic beverages are served. No more than two alcoholic beverages per person may be served without food. After two alcoholic beverages have been served and consumed, a third such beverage may be served only with the delivery of food. Food must be served on solid, reusable, recyclable, or compostable dinnerware

3. Consumption of Alcoholic Beverages on the Premises: Only alcoholic beverages sold on the licensed premises shall be consumed on the premises: no patron shall be permitted to bring alcoholic beverages purchased off-site onto any licensed premises for consumption. All alcoholic beverages purchased on the premises shall be consumed on the premises, except unfinished bottles of wine re-sealed in accordance with Chapter 138, Section 12, of the General Laws and regulations of the Alcohol Beverages Control Commission. Even if the licensee's Common Victualler permit allows for outdoor seating, alcoholic beverages may be served in an outdoor space only if: (1) the description of the licensed premises expressly includes such outdoor space; (2) the outdoor space is surrounded by a suitable barrier or other physical element that maintains separation between the licensed premises and the general public; (3) the outdoor space is privately owned, or the outdoor space is on a public way and the owner of the licensed premises: a) obtains permission for such use from the Board, b) agrees to indemnify and hold harmless the Town of Arlington and all of its officers, officials, and assigns from any and all claims connected with their use ofpublic ways areas described in the licensed premises, c) presents proof of insurance for its use of same, and
d) complies with all other town, state, and federal laws including maintaining Americans with Disabilities Act (ADA) compliance; and (4) the Board is satisfied that neither the safety, nor the enjoyment of public ways shall be unreasonably compromised by issuance of a license permitting outdoor service of alcohol on a publicway. All outdoor food and alcohol service shall conclude before 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday, unless otherwise affixed on a particular license as approved by the Board.

IV. Status of License

A. Exercise of License: Once a license is granted under these Policies, Rules, and Regulations, the licensee shall commence construction or alteration of the licensed premises within forty-five days and shall be in full operation within four months, unless a longer period is authorized by the Board. Thereafter, the licensee shall operate the licensed premises continuously in accordance with the terms of the license.

Closing of the licensed premises for seven consecutive days or for any ten days during the calendar year (other than outside the establishment's normal business hours) without prior written approval of the Board shall be considered abandonment of the license and sufficient grounds for revocation.

B. Violations

1. Generally: Any violation of Chapter 138 of the General Laws pertaining to licenses for the sale of alcoholic beverages to be consumed on the premises; any violation of the rules, regulations, or policies of the Alcoholic Beverages Control Commission relative to the sale of alcoholicbeverages to be consumed on the premises; any violation of these Policies, Rules, and Regulations; orany violation of the conditions attached to any license granted under these Policies, Rules, and Regulations may result in additional conditions being placed on the license or in the cancellation, suspension, or revocation of the license following a hearing before the Board. Any action taken under this section shall be commenced by written notification to the licensee at the address on file with the Board. A hearing held under this section shall commence within two weeks or as soon as reasonably practicable thereafter following written notification. The Board or its agents may seize a license immediately if, in the Board's discretion, public health or safety warrants such a seizure and the penalty must begin on the same day of the week as the violation occurred. If a license is seized immediately, a hearing will be commenced within two weeks of the seizure, unless the licensee assents in writing to a longer time.

2. Service to Underage Individuals: If, after notice and a hearing, the Board or its designee concludes that an under-aged person was served alcohol at a licensed establishment, the Board shall suspend the license as provided below, or for such other time as the Board in itsdiscretion shall choose.

First offense:	3-5 days suspension
Second offense:	6-10 days suspension
Third offense:	10-15 days suspension or revocation

This section shall not impair the Board's discretion to impose some other type of penalty in place of license suspension if the Board concludes that another penalty is appropriate. Such other penalties may include (but are not limited to) rolling back hours of operation, fixing other conditions on the license, or suspending or fixing conditions on the licensee's other licenses, such as Common Victualler or entertainment.

In fixing the penalty for sales to underaged individuals, the Board may consider the following factors:

(a) licensee's policies and procedures and application of those policies and procedures to guard against service to underaged individuals;

(b) severity and type of offense;

(c) efforts made to identify purchasers of alcohol;

(d) appearance of the underaged purchaser of alcohol;

(e) quality of the evidence of a violation;

(f) circumstances of the case; and

(g) number and nature of licensee's previous violations.

C. Transfers

Licenses granted under these Policies, Rules, and Regulations may not be transferred or assigned except with the approval of the Board and in accordance with Chapter 138 of the General Laws and rules, regulations, and policies of the Alcoholic Beverages Control Commission.

Policies, Rules, and Regulations for All Alcohol Package Store Licenses

Approved: 1/12/15

I. Introduction

A. General Statement of Policy

The Town of Arlington is home to a wide array of retail establishments. As the local licensing authority for all sales of alcoholic beverages in the Town of Arlington, the Select Board ("Board") wishes to support the existing business climate and to stimulate its further growth through the issuance of Package Store Licenses as appropriate. The Board also intends that all service and consumption of alcohol in the Town of Arlington be done responsibly and in conformance with all legal requirements. In service of these goals, licenses will be issued under these Policies, Rules, and Regulations only to holders of package store licenses with the consistent expectation that licensees will conduct their establishments to the highest standards.

The Board intends that the issuance of package store licenses will contribute to the Town's development in the following respects:

(1) Bring to the Town quality shops that provide retail alcohol products in attractive surroundings;

(2) Provide convenient and attractive parking options;

(3) Improve the variety of shops in Arlington;

(4) Promote increased foot traffic; and

(5) Strengthen the Town's commercial tax base.

Consequently, the Board's consideration of license applications will include number of existing dispensaries in the community, views of the inhabitants, traffic, noise, size of business operation intended, type of business operation intended, and reputation of applicant. All required notification of applications for new licenses, amended licenses, or license transfers must be provided to abutters and other affected parties in accordance with state law.

B. Conditions of Licensure: Compliance with Legal Requirements

Package store licenses are subject to these Policies, Rules, and Regulations as well as relevant provisions of state law (Chapter 138 of the Massachusetts General Laws) and the rules, regulations, and other guidance of the Alcoholic Beverages Control Commission, as they may be from time to time amended. Further, the Board may attach such conditions and restrictions to each license it issues as it deems to be in the public interest. All licensees must be familiar with all requirements that apply to their licenses and must abide by those requirements in the operation of their establishments. In addition to legal provisions governing liquor licenses, licensees must also maintain compliance with all other requirements that apply to the operation of licensed premises, including but not limited to the State Building Code, Fire Code, and

Sanitary Code requirements as well as all applicable Town Bylaws and codes. Failure to comply with these or any other applicable provisions may lead to further conditions being placed upon the license or to license suspension or revocation. *All taxes and charges owed the Town must be paid on a current basis. Failure to comply with any of these laws and regulations shall be sufficient cause for revocation, suspension, or modification of license.*

II. Licensing

A. Application Process

1. Forms: Application for a license for the sale at retail of alcoholic beverages not to be drunk on the premise where sold 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:

(a) Alcoholic Beverages Control Commission application form;

(b) Town of Arlington application form;

(c) Criminal Offender Record Information ("CORI") release form; and

(d) Department of Revenue release form.

The Board 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. *Once denied, applications may not be submitted for (12) months.*

2. Fees:

(a) filing fee: A non-refundable filing fee of $250 must be submitted with each application;

(b) license fees: If a license is granted, the following annual license fee of $2,500 shall be due at the time the license is issued and upon each renewal.

(c) The Board reserves the right to adjust any of the fees listed above from year to year.

(d) form of payment: All payments must be made by certified or personal check.

3. Building and Site Plan: Every application must include the following information for the proposed licensed premises on a clear and accurate scale drawing;

(a) The net floor area and dimensions of the existing room or rooms requested to be licensed, including storage rooms; and

(b) Entrance and exit doors, windows, and stairs.

4. Corporate Ownership and Interest:

(a) application materials: Every application made by a corporate entity shall state the full name and home address of the entity's president, treasurer, clerk, secretary, directors, investors, developers, managers, or any other person with a financial

interest in the entity. The application shall be signed by a corporate officer duly authorized by a vote of the entity's board of directors or equivalent governing board. Copies of the following documents shall be filed with the application: the entity's certificate of incorporation, the vote authorizing the application, and the vote appointing the manager or other principal representative with respect to the license being requested. *Any change in corporate name or status or any change in trade name (DBA) shall require the prior approval of the Board.*

(b) manager or principal representative: No corporate entity may receive a license to sell alcoholic beverages for consumption on the premises unless such entity shall have first appointed, by a vote of its board of directors or equivalent governing board, a manager or principal representative who is (1) a citizen of the United States;
(2) vested with properly voted authority (evidenced by written delegation) over the premises to be licensed and the conduct of all business to be conducted thereon to the same extent that the licensee itself would be if a natural person resident in the Commonwealth; and (3) satisfactory to the Board. *The licensee shall not change managers, change corporate officers without first obtaining the approval of the Board. No person may have a direct or indirect beneficial interest in a license withoutfirst obtaining the approval of the Board.*

(c) change in interest: Except as otherwise provided by law, no change in the stock ownership of a corporate entity shall be made after the license has been granted or renewed without the express written approval of the Board.

5. Advertising & Notification: The applicant is responsible for complying with state-law requirements for advertising and written notification, including but not limited to requirements set forth in Sections 15A and 16C of Chapter 138 of the General Laws. The Board reserves the right to order additional notification.

6. Statements in Application Materials: Any false statement made in connection with an application shall be cause for denial of the license or for suspension, cancellation, or revocation of a license already granted.

B. 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 Board 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.

Any licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the Board in writing before such closing stating the reason and length of such closing. Failure to provide such notice may result in the revocation of the license.

The licensee shall immediately notify, in writing, the Board 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.

III. Operation of Licensed Premises

A. Hours

Unless otherwise fixed for a particular license, licensees may sell alcoholic beverages not for consumption on the premises between the hours of 8:00 a.m. and 12:00/midnight Monday through Saturday and between the hours of 10:00 A.M. and 12:00 midnight Sunday. The licensee, the licensee's manager or principal representative, and employees or subcontractors of the licensee may be on the licensed premises after closing only in accordance with Chapter 138 of the General Laws.

No sale or delivery of alcoholic beverages shall be made except during the legal hours of sale. Alcoholic beverages shall be transported or delivered for sale only upon orders actually received at the licensed business prior to the shipment thereof and must comply with the following. Package store licensees are required to keep a written record of the name and address of every person to whom a delivery is made outside of the premises. Additionally, the record must include the information as to the amount of alcoholic beverages that were delivered,the date and time of delivery, and the signature of the person receiving the delivery. If such signature is illegible, the licensee is required to have the patron print his or her name under said signature. Such records must be maintained for a period of not less than one year from the last entry therein and must be available to the Licensing Board and its agents for inspection at any time in a form suitable for easy inspection.

B. Supervision, Order, and Decorum

The licensee or licensee's manager or principal representative shall be present at the licensed premises at all times during which the sale of alcoholic beverages not for consumption on premise are sold. The licensee may designate and authorize some other person to act as the responsible manager and be present at the licensed premises while alcoholic beverages are offered for sale, provided that this personshall first have been identified to, and approved by, the Board. The designated manager or representative described in this section shall be available to the Board or its designee at all times during which alcoholic beverages may be sold on the licensed premises. The full name, current residential address, and current business and home telephone numbers of all designated managers or representatives described in this section shall be on file with the Board. Failure to provide this information and keep it current shall alone be sufficient cause for suspension or revocation of the license.

The manager or representative on site shall at all times maintain order and decorum on the premises and in the area immediately surrounding the premises. These areas must be kept clean, neat, and sanitary at all times. The manager or representative on site shall cooperate in all ways with Town officials, including but not limited to representatives of the Board, the Police Department, the Fire Department, Inspectional Services, and the Board of Health.

C. Inspections

At any time, licensed premises are subject to inspection by the Board or its designee, including but not limited to the Police Department, the Fire Department, Inspectional Services, and the Board of Health.

D. Physical Plant

The store layout shall not be changed without the submission of an amended floor plan to the Board and the Board's written approval. No amusement devices such as electronic games shall be permitted on any licensed premises. Licensed premises shall not allow in more than one-third of windows or on outside walls the posting of advertisements or signs carrying the brand name of any alcoholic beverages. Signage on the inside of licensed premises is subject to Board approval.

E. Service and Employee Training

An up-to-date list of all employees shall be available on the premises at all times for review by authorized agents of the Board. Any employee making a sale of alcoholic beverages must be at least twenty-one (21) years of age and provide a C.O.R.I. report. The Board in its sole discretion shall make judgments as to whether any violation warrants disapproval.

An employee education and training program on the proper procedures for verifying thatpatrons are at least 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 filed with the Board and bemaintained on the premises at all times. A signed certification of each employee, 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 which will be taken for violations, shall be maintained on the premises at all times. Copies of all such documents and certifications shall be available to the licensing authority, or any authorized agent thereof, upon demand.

No alcoholic beverages shall be sold to anyone under twenty-one (21) years of age or any intoxicated person. Signage indicating, "If you look under 30 years of age, you will be carded" shall be conspicuously displayed. Only an original driver's license with photograph or a Massachusetts Liquor Purchase identification Card shall be accepted as proof of age.

F. Sampling

No licensee, manager, server, agent, or employee shall knowingly permit such consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any area under the direction and control of the licensee, except for "sample tasting" as set forth in G.L. c. 138 sec. 15, including limitations on samples set forth therein.

IV. Status of License

A. Exercise of License

Once a license is granted under these Policies, Rules, and Regulations, the licensee shall commence construction or alteration of the licensed premises within forty-five days and shall be in full operation within four months, unless a longer period is authorized by the Board. Thereafter, the licensee shall operate the licensed premises continuously in accordance with the terms of the license. Closing of the licensed premises for seven consecutive days or for any ten days during the calendar year (other than outside the establishment's normal business hours) without prior written approval of the Board shall be considered abandonment of the license and sufficient grounds for revocation.

All licenses and permits issued by the Town shall be displayed on the premises in a conspicuous place where the public has access and may read.

B. Violations

1. Generally: Any violation of Chapter 138 of the General Laws pertaining to licenses for the sale of alcoholic beverages to be consumed on the premises; any violation of the rules, regulations, or policies of the Alcoholic Beverages Control Commission relative to the sale of alcoholic beverages not to be consumed on the premises; any violation of these Policies, Rules, and Regulations; or any violation of the conditions attached to any license granted under these Policies, Rules, and Regulations may result in

additional conditions being placed on the license or in the cancellation, suspension, or revocation of the license following a hearing before the Board. Any action taken under this section shall be commenced by written notification to the licensee at the address on file with the Board. A hearing held under this section shall commence within two weeks or as soon as reasonably practicable thereafter following written notification. The Board or its agents may seize a license immediately if, in the Board's discretion, public health or safety warrants such a seizure and the penalty must begin on the same day of the week as the violation occurred. If a license is seized immediately, a hearing will be commenced within two weeks of the seizure, unless the licensee assents in writing to a longer time.

2. Service to Underage Individuals: If, after notice and a hearing, the Board or its designee concludes that an under-aged person was sold alcohol at a licensed establishment, the Board shall suspend the license as provided below, or for such other time as the Board in its discretion shall choose.

First offense:	3-5 days suspension
Second offense:	6-10 days suspension
Third offense:	10-15 days suspension or revocation

This section shall not impair the Board's discretion to impose some other type of penalty in place of license suspension if the Board concludes that another penalty is appropriate. Such other penalties may include (but are not limited to) rolling back hours of operation, fixing other conditions on the license.

In fixing the penalty for sales to underage individuals, the Board may consider the following factors:

(a) licensee's policies and procedures and application of those policies and procedures to guard against service to underage individuals;

(b) severity and type of offense;

(c) efforts made to identify purchasers of alcohol;

(d) appearance of the underage purchaser of alcohol;

(e) quality of the evidence of a violation;

(f) circumstances of the case; and

(g) number and nature of licensee's previous violations.

B. Transfers

Licenses granted under these Policies, Rules, and Regulations may not be transferred or assigned except with the approval of the Board and in accordance with Chapter 138 of the General Laws and rules, regulations, and policies of the Alcoholic Beverages Control Commission. *Assignment of stock in incorporated licensed places for the purpose of safeguarding the assignee on loans, etc., 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.*

Special (One-Day) Liquor License Policy

Approved: 6/7/10
Revised: 4/12/12
Revised: 1/12/15

1. 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 (see #2) 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.

2. Sale and consumption are limited to inside of the premises, with the exception of Town Hall and Whittemore Robbins House events, which shall permit sale and consumption in designated areas of the Town Hall Garden and Whittemore Robbins Gardens respectively. If allowed by Board vote, outdoor sale and consumption may occur only in a defined outside area away from public ways.

3. 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.

4. 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).

5. **Security.** The applicant must present a security plan to the Arlington Police Department before filing this application. This security plan must include provisions for:
   - crowd control,
   - dealing with unruly patrons,
   - emergency evacuations,
   - traffic/parking considerations, and
   - controlling access to alcohol by underaged persons.

   Unless circumstances warrant otherwise, the security plan will require one police officer for an event that 150 people are expected to attend and two officers for an event that 300 or more people are expected to attend. *The Chief of Police, Operations Commander, or their designee (see attached Town Hall Events-Bar Requirements Sheet) must sign off on this application as to the security plan for the event **before** the application is filed with the Select Board.* 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.

6. Unless otherwise voted by the Select Board, each special license shall cover a single activity or enterprise.

a. 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.

7. 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.

8. Organizers of any event requiring a one-day "special" liquor license must comply with state statutory and regulatory requirements, which can be found on the website of the Alcoholic Beverages Control Commission: WWW.MASS.GOV/ABCC. See Chapter 138, Section 14, of the Massachusetts General Laws and 204 C.M.R. 7.00. If necessary, organizers should consult private counsel to ensure compliance with these legal requirements.

Rules and Regulations for Licenses for the Sale of Wine and Malt Beverages to be Consumed on the Premises in the Theaters

Approved: 5/21/12
Revised: 1/12/15

I. GENERAL CONDITIONS

A. Conditions of Licensure: Compliance with Legal Requirements

Licenses for the sale of wine and malt beverages are subject to these Rules and Regulations as well as relevant provisions of state law (Chapter 138 of the Massachusetts General Laws) and the rules, regulations, and other guidance of the Alcoholic Beverages Control Commission, as they may be from time to time amended. Further, the Board may attach such conditions and restrictions to each license it issues as it deems to be in the public interest. All licensees must be familiar with all requirements that apply to their licenses and must abide by those requirements in the operation of their establishments. In addition to legal provisions governing liquor licenses, licensees must also maintain compliance with all other requirements that apply to the operation of licensed premises, including but not limited to the State Building Code, Fire Code, and Common Victualler and/or Food Vendor License requirements as well as all applicable TownBylaws and codes. Failure to comply with these or any other applicable provisions may lead to further conditions being placed upon the license or to license suspension or revocation.

B. Application Process

1. 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:

(a) Alcoholic Beverages Control Commission application form;

(b) Town of Arlington application form;

(c) Criminal Offender Record Information ("CORI") release form; and

(d) Department of Revenue release form.

The Board 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.

2. Fees:

(a) filing fee: A non-refundable filing fee of $100 must be submitted with each application;

(b) license fees: The amount of annual license fees shall be tiered based on the number of days per year that the applicant expects to be open, as follows:

up to 50 days	$ 750.00
50-99 days	$1,250.00
100 days or more	$1,750.00

For purposes of calculating the applicable annual license fee, any portion of a day or evening during which the applicant's establishment is open to the public for a movie showing, live performance, or other entertainment will be counted as one day.

By vote of the Board, this annual fee may be prorated for licenses granted after January 1.

The Board will reduce the annual license fee by $200 for applicants who demonstrate successful completion of a certified server-training program.

(c) The Board reserves the right to adjust any of the fees listed above from year to year.

(d) form of payment: All payments must be made by certified or personal check.

3. Building and Site Plan: Every application must include the following information for the proposed licensed premises on a clear and accurate scale drawing;

(a) The net floor area and dimensions of the existing room or rooms requested to be licensed, including dining rooms, function rooms, and storage rooms;

(b) The location of any proposed service bars;

(c) Moveable or secured seats and tables;

(d) Entrance and exit doors, windows, and stairs; and

(e) All rooms that are not requested to be licensed, but are on the same floor as the room or rooms that are requested to be licensed, identified as to function (e.g., kitchen, coatroom, lobby).

4. Corporate Ownership and Interest:

(a) application materials: Every application made by a corporate entity shall state the full name and home address of the entity's president, treasurer, clerk, secretary, directors, investors, developers, managers, or any other person with a financial interest in the entity. The application shall be signed by a corporate officer duly authorized by a vote of the entity's board of directors or equivalent governing board.Copies of the following documents shall be filed with the application: the entity's certificate of incorporation, the vote authorizing the application, and the vote

appointing the manager or other principal representative with respect to the license being requested.

(b) manager or principal representative: No corporate entity may receive a license to sell alcoholic beverages for consumption on the premises unless such entity shall have first appointed, by a vote of its board of directors or equivalent governing board, a manager or principal representative who is (1) a citizen of the United States;
(2) vested with properly voted authority (evidenced by written delegation) over the premises to be licensed and the conduct of all business to be conducted thereon to the same extent that the licensee itself would be if a natural person resident in the Commonwealth; and (3) satisfactory to the Board.

(c) change in interest: Except as otherwise provided by law, no change in the stock ownership of a corporate entity shall be made after the license has been granted or renewed without the express written approval of the Board.

5. Advertising & Notification: The applicant is responsible for complying with state-law requirements for advertising and written notification, including but not limited to requirements set forth in Sections 15A and 16C of Chapter 138 of the General Laws. The Board reserves the right to order additional notification.

6. Statements in Application Materials: Any false statement made in connection with an application shall be cause for denial of the license or for suspension, cancellation, or revocation of a license already granted.

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 Board 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. Supervision, Order, and Decorum

The licensee or licensee's manager or principal representative shall be present at the licensed premises at all times during which alcoholic beverages are offered for sale. The licensee may designate and authorize some other person to act as the responsible manager and be present at the licensed premiseswhile alcoholic beverages are offered for sale, provided that this person shall first have been identified to, and approved by, the Board. The designated manager or representative described in this section shall be available to the Board or its designee at all times during which alcoholic beverages may be sold on the licensed premises. The full name, current residential address, and current business and home telephone numbers of all designated managers or representatives described in this section shall be on file with the Board. Failure to provide this information and keep it current shall alone be sufficient cause for suspension or revocation of the license.

The manager or representative on site shall at all times maintain order and decorum on the premises and in the area immediately surrounding the premises. These areas must be kept clean, neat, and sanitary at

all times. The manager or representative on site shall cooperate in all ways with Town officials, including but not limited to representatives of the Board, the Police Department, the Fire Department, Inspectional Services, and the Board of Health.

E. Inspections

At any time, licensed premises are subject to inspection by the Board or its designee, including but not limited to the Police Department, the Fire Department, Inspectional Services, and the Board of Health.

F. Physical Plant

The location of service bars shall not be changed without the submission of an amended floor plan to the Board and the Board's written approval. No premises will be licensed unless adequate and appropriate toilet facilities are available to patrons. All licensed establishments shall have suitable appliances to maintain water temperature consistently at 180° so that eating, drinking, cooking, and serving utensils are thoroughly cleaned and sanitized. Licensed premises shall not allow in windows or on outside walls the posting of advertisements or signs carrying the brand name of any alcoholic beverages. Signage on the inside of licensed premises is subject to Board approval.

G. Violations

1. Generally: Any violation of Chapter 138 of the General Laws pertaining to licenses for the sale of alcoholic beverages to be consumed on the premises; any violation of the rules, regulations, or policies of the Alcoholic Beverages Control Commission relative to the sale of alcoholic beverages to be consumed on the premises; any violation of these Rules, and Regulations; or any violation of the conditions attached to any license granted under these Rules and Regulations may result in additional conditions being placed on the license or in the cancellation, suspension, or revocation of the license following a hearing before the Board. Any action taken under this section shall be commenced by written notification to the licensee at the address on file with the Board. A hearing held under this section shall commence within two weeks or as soon as reasonably practicable thereafter following written notification. The Board or its agents may seize a license immediately if, in the Board's discretion, public health or safety warrants such a seizure and the penalty must begin on the same day of the week as the violation occurred. If a license is seized immediately, a hearing will be commenced within two weeks of the seizure, unless the licensee assents in writing to a longer time.

2. Service to Underage Individuals: If, after notice and a hearing, the Board or its designee concludes that an under-aged person was served alcohol at a licensed establishment, the Board shall suspend the license as provided below, or for such other time as the Board in its discretion shall choose.

First offense:	3-5 days suspension
Second offense:	6-10 days suspension
Third offense:	10-15 days suspension or revocation

This section shall not impair the Board's discretion to impose some other type of penalty in place of license suspension if the Board concludes that another penalty is appropriate. Such other penalties may include (but are not limited to) rolling back hours of operation, fixing other conditions on the license, or suspending or fixing conditions on the licensee's other licenses, such as Common Victualler or entertainment.

In fixing the penalty for sales to underaged individuals, the Board may consider the following factors:

(a) licensee's policies and procedures and application of those policies and procedures to guard against service to underaged individuals;

(b) severity and type of offense;

(c) efforts made to identify purchasers of alcohol;

(d) appearance of the underaged purchaser of alcohol;

(e) quality of the evidence of a violation;

(f) circumstances of the case; and

(g) number and nature of licensee's previous violations.

3. Compliance Checks: Theaters holding licenses for the sale of wine and malt beverages shall be subject to alcohol compliance checks to the extent permitted by law and to the same extent asany other licensee for the sale of alcoholic beverages to be consumed on or off the premises within the Town.

H. Transfers

Licenses granted under these Rules and Regulations may not be transferred or assigned except with the approval of the Board and in accordance with Chapter 138 of the General Laws and rules, regulations, and policies of the Alcoholic Beverages Control Commission.

II. SPECIAL CONDITIONS FOR THEATERS

A. Theater Venues Eligible for License to Sell Wine and Malt Beverages

A license for the sale of wine and malt beverages to be consumed on the premises may be granted to any privately operated enclosed entertainment facility with a minimum seating capacity of 100 that is used primarily for the presentation of motion pictures or dramatic, comedic, or musical performances.

B. Hours of Sale

Sales of wine and malt beverages shall be permitted during regular hours of operation of the theater.

C. Who May Purchase

Wine and malt beverages may be sold only to patrons holding tickets for a movie, performance, or other entertainment to be presented in the licensed establishment on the date and at the approximate time of the sale.

D. Limit on Sales

No patron may be served more than two wine or malt beverages per day. No more than two wine or malt beverages may be purchased by a patron at one time. No pitchers of beer or bottles or carafes of wine shall be served. Only alcoholic beverages sold on the licensed premises shall be consumed on the premises: no patron shall be permitted to bring alcoholic beverages purchased off-site onto any licensed premises for consumption. All alcoholic beverages purchased on the premises shall be consumed on the premises.

E. Place of Sales, Consumption

Wine and malt beverages may be sold only from one dedicated counter area. Once purchased, wine and malt beverages may be brought into any area of the theater in which food and non-alcoholic beverages are allowed to be consumed. Alcoholic beverages may not be served outside the licensed premises.

Sale of Wine at Farmers' Markets

Approved: 1/12/15

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.

The commission may promulgate rules and regulations it deems appropriate to effectuate the purposes of this section.

Rules and Regulations for Caterer's Licenses

Approved: 1/12/15

Effective October 31, 2012, the legislature authorized a new type of annual, all alcoholic beverages license called the "Caterer's License." On August 1, 2012, the Governor approved Chapter 190 of the Acts of 2012 that created a new license Caterer's License pursuant to M.G.L. c.138, §12C. The Alcoholic Beverages Control Commission (ABCC) is responsible for issuing the license directly to a catering business for an annual fee of $1500.00. There is no local involvement. A caterer's license authorizes the licensee to store, transport, sell and deliver alcoholic beverages in the ordinary course of the licensee's business. Alcoholic beverages may be stored only on the premises owned by the licensee or that the licensee has the exclusive rightto occupy. An applicant who seeks a Caterer's License must also apply for a Transportation Permit, which the ABCC also issues directly for a fee of $150.00.

The Caterer's License is an on-premises license, which allows a caterer to sell alcoholic beverages at private events (never at the caterer's principal place of business) for no more than five hours in a city or town that allows on-premises licensees under M.G.L. c. 138, §12. Licensed Caterer's cannot sell or deliver alcoholic beverages at events which occur in a licensed premises, i.e. a restaurant, hotel, club, etc.

In addition, the licensed caterer must:

- Purchase its inventory of alcoholic beverages from licensed wholesalers
- Maintain liquor liability insurance in a minimum amount of $250,000.00/$500,000.00
- Only permit individuals who have been certified by a nationally recognized alcoholic beverages server training program to serve alcoholic beverages
- At least 48 hours before any private event:

  (a) notify the police chief and the local licensing authority that the licensed caterer will be serving alcoholic beverages in the city/town;
  (b) provide a copy of the caterer's license to the police chief and the local licensing authority; (c) provide proof of insurance to the police chief and the locallicensing authority; and
  (d) provide an emergency contact number for the license manager to the police chief and the local licensing authority.

Rules and Regulations for Club Licenses

Approved: 1/12/15

Application Procedures

1. Club license applications to be filed in duplicate with the Select Board. (Information therein to be typed or printed in ink.) Application to indicate whether veterans' organization or club.

2. Following to be submitted with application:

   (a) License fee - $100.00 (check made payable Town of Arlington).
   (b) Copy of Club Charter, also a copy of current membership list as of January 1.
   (c) Copy of House Rules.
   (d) The full names and residence addresses of the President, Treasurer, Clerk, Secretary, Directors and Manager, or other Principal Representatives of the organization.
   (e) A copy of the vote, of the Board of Directors, or other similar body certified by the Clerk or Secretary of the organization, specifically authorizing the officer, who shall be identified by name and residence address, to sign the application for the license on behalf of the organization.
   (f) A certified copy of the vote of the Board of Directors or other similar body, appointing a person who shall be identified by name and residence address to act as Manager or other Principal Representative.
   (g) Certified copy of minutes of the last meeting of the membership of the organization prior to the date of application.

3. The Select Board shall cause a notice thereof to be published, at the expense of the application, within ten (10) days of receipt of application.

4. Applicant shall, within three (3) days after publication, cause a copy of the notice, attached to club stationery, to be sent by registered mail, return receipt requested, to each abutting property owner, and to any school, church or hospital located within a radius of five hundred (500) feet. Town Engineer to supply names and addresses of abutters and any school, church or hospital within five hundred (500) feet. Following statements to appear onnotice sent to any school, church or hospital "As required by Chapter 138, Section 15A ofthe General Laws your attention is directed to the necessity of written objection to prevent the issuance of the license referred to in the above-captioned legal notice."

5. "An affidavit of the applicant or of the person mailing such notice on his or her behalf, together with an attested copy of the notice mailed, shall be filed in the office of the licensing authority." Affidavit to be made on appropriate place on application form. Registered mail return receipts are to be filed with the Select Board.

6. The Select Board shall cause an examination to be made of the premises. (Section 12 of Chapters 138 G.L.)

7. The Select Board shall schedule a public hearing ten days after the publication of such notice.

8. Application shall be granted or dismissed by the Select Board not later than thirty (30) days after filing; and if favorably acted upon by the Select Board it shall be submitted for approval by the Commission not later than three days following such favorable action. Licenses shall be issued not later than seven (7) days following receipt of notice of approval from Commission (Section 16B of Chapters 138 G.L.)

Club Operation & Service Regulations

1. THE LICENSE IS SUBJECT TO GENERAL LAW 138 AND THE REGULATIONS OF THE ALCOHOLIC BEVERAGES CONTROL COMMISSION AS WELL AS REGULATIONS, GENERAL OR SPECIFIC,MADE AT ANY TIME BY THE BOARD OR SELECT BOARD.

2. Unless otherwise fixed for a particular license, club licensees may sell alcoholic beveragesfor consumption on the premises between the hours of 11:00 a.m. and 1:00 a.m. daily.

3. The licensee shall furnish the name and address of the club, also the Manager's name, address and telephone number, to the Board of Select Board, Chief of Police and Chief ofthe Fire Department. Any change in location or of manager must be reported without delay to the Board of Select Board, the Chief of Police and the Chief of the Fire Department.

4. Club licensee shall have a bartender or manager in charge during open hours who is of good moral character and a responsible type of person. He/She shall be held accountable for keeping order.

5. The bartender or manager shall be responsible for the conduct of its members and guests in the licensed premises. He/She shall prevent undue noise and disturbance to the neighborhood.

6. The bartender or manager shall refuse to serve a member or guest who is approaching a condition of "under the influence."

7. The bartender or manager shall make an effort to prevent a member or guest from operating a motor vehicle if said member or guest appears to be "under the influence."

8. The bartender or manager shall refuse to serve any member or guest under the legal age. When in doubt of age, the bartender shall require the showing of identification cards in accordance with Chapter 138, Section 34B of the General Laws.

9. No member, guest or employee shall be served alcoholic beverages after legal hour of sale of same.

10. No person is allowed in that area of the building where alcoholic beverages are served between the hours of 1:00 A.M. and 6:00 A.M, except persons whose names have been posted with the Chief of Police who may be present for custodial purposes.

11. No alcoholic beverages shall be taken from the building.

12. No licensee shall sell alcohol beverages in any part of the premises not specified on this license.

13. The licensed premises must be well lighted at all times.

14. There shall be no indecent or immoral entertainment on the licensed premises.

15. Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.

16A. REGULATION ON LICENSING OF AUTOMATIC AMUSEMENT DEVICES

The Application for a license of an Automatic Amusement Device or Devices at any Club or Non-Profit Organization shall not be considered by the Select Board until a vote of the membership is taken.

Prior to the vote being taken, all members of the Club or Organization shall be notified in writing. The notice shall specify "the type of machine and the name of the machine being considered". The notice shall also state that "According to the Rules and Regulations of the Board of Select Board, no gambling or payoff on any type of automatic amusement device is allowed. If any Club or Non-Profit Organization is found to be making payoffs which are illegal and constitute illegal gambling, after a Public Hearing, at which it is substantiated that illegal gambling did take place, the Club or Organization may be subject to temporary or permanent loss of their All Alcoholic Beverage License". (Adopted 7/28/86)

16. Membership. (i.e. Associate Membership or equivalent type) in licensed clubs, other than regular membership, shall be subject to the approval of the Select Board.

17. The licensed premises shall be subject, at all times, to inspection by members of the Select Board, their Executive Secretary, Town Manager, Board of Health or their representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Select Board.

18. Violations

    a. Generally: Any violation of Chapter 138 of the General Laws pertaining to licenses for the sale of alcoholic beverages to be consumed on club premises; any violationof the rules, regulations, or policies of the Alcoholic Beverages Control Commission relative to the sale of alcoholic beverages to be consumed on the club premises; any violation of these Policies, Rules, and Regulations; or any violation of the conditions attached to any license granted under these Policies, Rules, and Regulations may

result in additional conditions being placed on the license or in the cancellation, suspension, or revocation of the license following a hearing before the Board. Any action taken under this section shall be commenced by written notification to the licensee at the address on file with the Board. A hearing held under this section shall commence within two weeks or as soon as reasonably practicable thereafter following written notification. The Board or its agents may seize a license immediately if, in the Board's discretion, public health or safety warrants such a seizure and the penalty must begin on the same day of the week as the violation occurred. If a license is seized immediately, a hearing will be commenced within two weeks of the seizure, unless the licensee assents in writing to a longer time.

b. Service to Underage Individuals: If, after notice and a hearing, the Board or its designee concludes that an under-aged person was served alcohol at a licensed establishment, the Board shall suspend the license as provided below, or for such other time as the Board in its discretion shall choose.

First offense:	3-5 days suspension
Second offense:	6-10 days suspension
Third offense:	10-15 days suspension or revocation

c. This section shall not impair the Board's discretion to impose some other type of penalty in place of license suspension if the Board concludes that another penalty is appropriate. Such other penalties may include (but are not limited to) rolling back hours of operation, fixing other conditions on the license, or suspending or fixing conditions on the licensee's other licenses, such as Common Victualler or entertainment.

d. In fixing the penalty for sales to underaged individuals, the Board may consider the following factors:

(i) licensee's policies and procedures and application of those policies and procedures to guard against service to underaged individuals;

(ii) severity and type of offense;

(iii) efforts made to identify purchasers of alcohol;

(iv) appearance of the underaged purchaser of alcohol;

(v) quality of the evidence of a violation;

(vi) circumstances of the case; and

(vii) number and nature of licensee's previous violations.

19. The Board of Select Board reserves the right to amend these rules and regulations any time without prior notice.