

Town of Braintree Board of License Commissioners



Policies & Regulations Governing Liquor Licenses

ADOPTED: February 13, 2008

AMENDED: December 23, 2008

June 28, 2011

May 22, 2012

May 10, 2016

December 22, 2017

All Licenses issued under Chapter 138 after this date shall be subject to the following regulations and policies and all licensees are requested to comply with same.

- 1) The opening and closing time of sales for alcoholic beverages as set forth by the Alcoholic Beverages Control Commission will be strictly adhered to.
- 2) The so-called "last call" will be made twenty minutes before the closing time of the bar.
- 3) All glasses and bottles shall be removed from the bar and tables no later than fifteen minutes after the bar closes.
- 4) No person shall be permitted on premises licensed under Chapter 138, Section 12, between one hour after closing time and one hour before opening time authorized under said Section 12, except that the licensee or his manager shall not be prohibited from being on the licensed premises at any time, and further, the employees, contractors or sub-contractors shall not be prohibited from being on such licensed premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for such premises, or preparing for the day's business, or opening or closing the business in an orderly manner.
- 5) There shall be no gambling allowed in any portion of the licensed premises, and implements of gambling shall not be kept or used on the premises; provided, however that this regulation shall not prohibit lotteries or other games of chance, including card games, provided that said lotteries or games of chance are conducted in accordance with a properly issued permit pursuant to General Laws Chapter 271, Section 7A, and provided further that this regulation shall not apply to automatic amusement devices that are governed by the provisions of General Laws Chapter 140, Section 177A.

- 6) There will be no selling of alcoholic beverages and drinks at half-price.
- 7) There will be no dispensing of two or more alcoholic beverages or drinks to patrons when the patron pays for less than the number dispensed to him or her (i.e. no "Two for One" special is permitted).
- 8) There will be no selling of alcoholic beverages or drinks at a price which is less than the maximum price charged by that licensee for that same beverage or drink at other times during the week.
- 9) The dispensing of alcoholic beverages or drinks to patrons free of charge will not be allowed.
- 10) No contests shall be held which involve the practice commonly known as "chug-a-lugging" or other similar methods for consumption of alcoholic beverages and drinks.
- 11) The sale of beer, wine, alcoholic beverages, or non-alcoholic beverages which beer, wine and/or other alcohol product(s) are added cannot be served in a serving container greater than 34 fluid ounces for those establishments having a pouring license.
- 12) All Club Licenses will be governed by the same rules and regulations as common victuallers licensed for the sale of alcoholic beverages.
- 13) Special Licenses
 - (a) All applications for a Special License commonly referred to as a "1-Day License" are required to be submitted to the Board of License Commissioners at least 30-days prior to the event.
 - (b) If an event is to be held on town property, the Town of Braintree must be listed as an additional insured on the liquor liability insurance policy. In addition, a letter from the Mayor must be submitted with the application authorizing the use of Town property for the purpose of serving alcohol at the event.
 - (c) All alcohol servers and the manager responsible for the event are required to have successfully completed an alcohol awareness training program. Proof of training must be provided with the application for each individual who is to serve alcohol.

14) **Alcohol Training Requirements**

- (a) All licensees holding an all alcohol license, including seasonal or beer or wine license, shall participate in a program designed to train employees who engage in either package sales or pouring, in methods of observation and detection to avoid selling or serving alcohol to intoxicated patrons and/or minors. This program will be based on the type of license issued.
- (b) Listed below are recommended programs that are currently available which meet the requirements of this policy:
- Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association.
 - Training for Intervention Procedures by Servers of Alcohol (TIPS) offered by Health Communications, or
 - Any Insurance Industry approved and qualified program offered by a certified trainer, and approved by the Board of License Commissioners.
- (c) All licensed establishments shall be required to participate in a training program approved by the Board of License Commissioners. The licensed manager and all employees that dispense or deliver alcoholic beverages within a licensed establishment must be trained in an approved alcohol awareness program. Licensees must deliver to the Licensing Coordinator copies of the certificates issued to trained personnel.
- (d) All establishments must maintain, during operating hours, in an accessible place, a roster or certificate of trained personnel. An updated roster shall be submitted to the Licensing Coordinator with the annual application for renewal of the license and any amendments to the roster shall be submitted to the Licensing Coordinator during the year. The roster shall include:
- Employee name
 - Type of training (license)
 - Date valid
 - Date of expiration
- (e) All personnel shall be required to be recertified once every three (3) years by an approved program, noted above.
- (f) Failure to comply with this regulation may result in suspension, modification or revocation of this license.

15) **Policy for Liquor License Violations**

The following shall constitute the policy of the Board of License Commissioners for all licensed establishments for violations of Chapter 138, or any regulations or policies promulgated thereunder, with regard to the sale of wine, malt beverages, and all alcoholic beverages in the Town of Braintree.

Nothing contained herein, however, is meant to restrict the authority of the Local Licensing Authority, pursuant to Massachusetts General Laws Chapter 138, Section 64, from imposing different penalties in a specific case, where, in the opinion of the Licensing Authority, the circumstances so warrant.

Section 1 – Penalties:

If a licensed establishment shall be found in violation of the General Laws, as it relates to the licensing, control and sale of alcoholic beverages, the following penalties may be imposed, at the discretion of the Board of License Commissioners as the Local Licensing Authority:

First Offense: from a warning up to a 1 - 3 day suspension to be served on consecutive days

Second Offense: from a warning up to a 4 - 7 day suspension to be served on consecutive days

Third Offense: 30-day suspension to be served on 30 consecutive days

Fourth Offense: Show Cause hearing to revoke license

This Policy shall take effect on February 13, 2008. All liquor establishments will start with no violations for the purpose of establishing this new policy. A violation will be removed from an establishment's record following a vote of approval by the Board of License Commissioners only after forty-eight (48) months have expired from the date of the violation.

Section 2 – Appeals:

In the event of an appeal of the Licensing Board's decision to the State Alcoholic Beverages Control Commission, the penalty imposed by the Local Licensing Authority shall be automatically stayed pending a formal decision by the Alcoholic Beverages Control Commission.

16) **Maintenance of Liquor Licenses**

For the purposes of this section, all liquor license holders shall be defined as those holding any type of license issued pursuant to M.G.L. Chapter 138, Section 12 and 15

- (a) Liquor licenses must be held by an establishment located within the Town of Braintree, which is opened for business and in good standing with all state and local regulatory agencies.
- (b) Any licensed establishment that ceases to do business at the licensed location shall immediately notify the Board of License Commissioners in writing and shall inform the Board of License Commissioners of any proposed future use of the liquor license. Failure to notify the Board of License Commissioners within twenty (20) days of the licensed establishment ceasing to conduct business at the licensed premises shall cause the Board of License Commissioners to schedule a hearing to determine whether the license shall be suspended, modified or revoked.
- (c) Liquor licenses issued for establishments, or licenses held by an Individual, corporation, financial institution or the like, which cease to do business at the licensed location for a period of at least six (6) months shall be deemed to be forfeited by the holder, and shall be immediately returned to the Board of License Commissioners. If the license is not returned to the Board of License Commissioners, the Board of License Commissioners will schedule a hearing to determine whether the license should be suspended, modified or revoked.

Exception: Any licensed establishment closed due to damage to the building in which the establishment is located as a result of fire, flood, wind, earthquake or other natural disaster extensive shall be allowed up to eighteen (18) months from the date of such incident to re-open the establishment for which the liquor license was originally issued. For extensive renovations not due to a natural disaster, the license holder shall be allowed up to twelve (12) months from the date that the licensed premises ceased to do business to re-open the establishment. A condition of this time exception is that the establishment demonstrates a good faith effort to re-establish itself during this time. Notification of the date of the incident along with periodic updates as to the establishment's status and date of intended re-opening shall be provided to the Licensing Commissioners in writing.

- (d) All liquor licenses expire annually on December 31st at 11:59 p.m.
- (e) All renewal applications for a liquor license must be submitted to the Licensing Coordinator for the Board of License Commissioners each year by November 30th.

17) **Farmer Winery Licenses**

- (a) Pursuant to MGL c.138 §15F, a license must be obtained before selling wine at an agricultural event.
- (b) An applicant for a license under this section shall file with the Board of License Commissioners along with its application proof of certification from the department of agricultural resources that the event is an agricultural event. For any agricultural event to take place within the town of Braintree, the applicant must obtain written permission from the agent or agency responsible for the care, custody or control of said property where the event is scheduled to occur. 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 one (1) calendar year. The special license shall be displayed conspicuously by the licensee at the licensed premises. A special license granted under this section shall be nontransferable to any other person, corporation, or organization.
- (c) The Board of License Commissioners shall not issue more than two (2) Special Farmer Winery Licenses to be exercised for the purpose of display and sale at any single indoor or outdoor agricultural event.
- (d) A Farmer Winery License granted by the Board of License Commissioners for an agricultural event scheduled to occur with the Town of Braintree may, upon approval of the Board of License Commissioners, include the distribution of samples at said event with the following conditions:
 - 1. All persons' distributing wine sample shall be required to undertake an alcohol training course and have on file, with the Board of License Commissioners, a copy of their certification certificate.
 - 2. All persons' receiving a sample shall be checked for identification and be of legal age for alcohol consumption prior to receiving a sample.
 - 3. Each Winery vendor shall be limited to dispensing no more than **five (5) samples** per person, per day, with each sample limited to **½ ounce each** and food shall be served in conjunction with any wine tasting.

