



**ADAMS BOARD OF SELECTMEN**  
**LIQUOR LICENSE POLICY AND REGULATIONS**  
**Adopted December 21, 2016**

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## INTRODUCTION

In issuing regulations, the Board of Selectmen, as the Local Liquor Licensing Authority (LLA) of the Town of Adams, is setting forth the expectations of the citizens of Adams as to the conduct of the Town's liquor license holders. A significant objective of the regulations is the prevention of violations. In familiarizing themselves with these regulations, license holders will realize that much is expected of them. The Board of Selectmen believes that violations will be prevented because these regulations will at last require liquor license holders to operate in accordance with a clearly defined, higher standard.

### 1. Identification of the Town of Adams Local Licensing Authority

- a. The LLA for the Town of Adams shall consist of the Board of Selectmen. This authority is granted to the Board of Selectmen pursuant to M.G.L. c.138.

### 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. c.138. 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 Beverages Control Commission.

### 3. Definitions

- a. Whenever the word "**Applicant**" is used herein it shall mean an individual applicant; each member of a partnership applicant; each officer, director, manager, and stockholder of a corporate applicant; and any agent of an applicant.
- b. Whenever the word "**Licensee**" is used herein it shall mean an individual licensee and each member of a partnership licensee 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.
- c. Whenever the word "**License**" is used herein it shall mean a revocable privilege granted by a LLA.
- d. Whenever the words "**Local Licensing Authority**" (LLA) are used herein it shall mean those groups having legal authority to grant licenses and/or regulate the operation of the licensed premises. The specific LLA for the Town of Adams shall be the Board of Selectmen.
- e. Whenever the word "**Patron**" is used herein it shall mean a customer who is legally on the licensed premises.
- f. Whenever the word "**Premises**" is used herein it shall mean the portion of all land and buildings associated with the operation of the license used to serve and store alcohol.
- g. Whenever the word "**Rules and Regulations**" is used herein it shall mean a compilation of regulations and laws set up by a LLA to regulate the manner in which businesses under its authority shall operate.

## **GENERAL LICENSING RULES FOR LICENSEES**

### **1. Applicability of Rules and Regulations**

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

### **2. Availability of Rules and Regulations**

- a. All licensees of the LLA for the Town of Adams shall ensure that a copy of the Rules and Regulations of the LLA 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 LLA. 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 read the Rules and Regulations of the LLA and comply with all rules and laws.

### **3. Liquor License Filing Procedures and Responsibility of Applicant**

- a. Applicant must file completed Application for Alcoholic Beverage License for Retail Sale with the LLA
- b. All other license modifications shall be submitted in accordance with all requirements by the Alcoholic Beverages Control Commission.
- c. The LLA will require at least forty-eight (48) hours to review an application to determine whether the filing is complete. Once it is determined that the application is complete as presented, the LLA will place the Advertisement, notify abutters as required, and distribute copies of the filing to each member of the LLA for review.
- d. The LLA may require additional information from the applicant prior to the public hearing (i.e. lease agreements, financing information, and/or additional background information).
- e. Once the application is determined to be complete, the hearing shall be scheduled, at least ten (10) days after advertising.
- f. The LLA may, with the consent of the applicant, continue the hearing to a future date in order to allow the applicant to provide additional information, or the LLA to investigate and consider whether the application is in the best interest of the Town.
- g. The LLA reserves the right to obtain updated information about a renewal applicant/manager/owner at the time of renewal.

### **4. Hours of Operation**

- a. The hours of operation are only those approved by the LLA and printed on the face of the license. No patrons shall be on the premises before the official opening hours nor fifteen (15) minutes after the official closing hours. Customers must be up and on the way out once the closing hour of the licensed premises has been reached. No drink consumption time.
- b. The rules for employees on premises after closing hours are as follows: employees must be off the premises no later than sixty (60) 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 or closing the business on an orderly manner. No other persons, friends or relatives may be on the

premises with the owners, managers or employees of the licensed premises during the hours when the public is excluded from the premises.

- 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 hire security personnel to police the leave-taking of the patrons at closing time.

## **5. Alcoholic Beverages 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 drunk 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 or a licensee shall:
  - 1. offer or deliver any free drinks to any person or group of persons;
  - 2. deliver more than two (2) 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 (2) or more persons at any one time;
  - 7. increase the volume of alcoholic beverages contained in a drink without increasing proportionately 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 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 G.L. c.138, §15 from offering free wine tastings; or to prohibit those licensed under G.L. c.138, §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 on the premises shall be accountable if minors are found to be drinking alcoholic beverages on the premises, whether or not the LLA'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 G.L. c.90, §24. Establishments licensed to sell alcoholic beverages not to be drunk on the premises shall post a copy of the penalties for operating a motor vehicle while drinking from an open container. Said copies shall be posted conspicuously in said establishments. Said copies are available from the Alcoholic Beverages Control Commission.

## **6. Environs 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. 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 against the licensee for allowing a public nuisance. Action to be taken by the licensee shall include: (1) maintaining the front door in a closed position; (2) asking loiterers to disperse; (3) promptly notifying the police if loiterers refuse to disperse; (4) hiring a security guard or stationing a security employee at the front door to disperse loiterers; (5) refusing to allow patrons to walk in and out of the premises at short intervals; (6) maintaining order in lines of patrons waiting outside to get in; (7) announcing that no further patrons will be allowed into the premises if lines become too long or disorderly or loud.
- c. Licensees shall take such steps as are 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 the premises with beer bottles, beer cans, or cups or glasses filled with liquids that smell like alcoholic beverages to the LLA's agents, it shall be presumed that the vessels contain alcoholic beverages.
- d. When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area 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 judgment of the LLA 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.

## **7. Inspections and Investigations**

- a. The licensed premises shall be subject to inspection by the members of the LLA 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 licensee. 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 LLA 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. Any person who hinders or delays any authorized investigator of the Alcoholic Beverages Control Commission or any investigator, inspector or any other authorized agent of the LLA in the performance of his duties, or who refuses to admit to or locks out any such investigator, inspector or agent from any place which such investigator, inspector or agent is authorized to inspect, or who refuses to give to such investigator, inspector or agent such information as may be required for the proper enforcement of G.L. c.138, shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) or by imprisonment for not more than two (2) months, or both. (G.L. c.138, §63A).
- c. 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 LLA. 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.
- d. No device or electronic equipment shall be utilized by a licensed premises for the purpose of signaling employees that agents of the LLA are present.
- e. All complaints and reports shall continue in force until they have been reviewed and disposed of by the LLA.

## **8. 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, caress, or fondle the breasts, buttocks or genitals of any other person.
- c. No alcoholic beverages shall be sold to anyone under twenty-one (21) years of age. No service of alcoholic, wine/malt beverages shall be made to anyone under twenty-one (21) years of age.
- d. No manager or employee shall consume any alcoholic beverages while on the licensed premises while on duty or after the official closing hour.

## **9. 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 nonpublic 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 drug dealers or prostitutes or others who are known to have been convicted of crimes which may be conducted at a licensed premises;
  3. Monitoring of activities of persons who talk about weapons or who appear to be hiding a weapon;
  4. Calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;
  5. Hiring security personnel to deal with chronic unlawful activity at the premises such as prostitution or gambling or larceny from patrons or assaults and batteries or other problems associated with the premises.
- b. There shall be no disorder, prostitution, illegal gambling, illegal drug use or sales or possession, or other illegal activity on the licensed premises or any premises connected therewith by an interior communication.

#### **10. Injuries to Persons at the Premises**

- a. Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows from an unruly patron. In all other circumstances, employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.
- 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 whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

#### **11. Other Causes for Revocation, Suspension, and Modification**

- a. Any license issued pursuant to G.L. c.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 regulations of the Alcoholic Beverages Control Commission or of the regulations of the LLA;
  2. Fraud, misrepresentation, false material statement, concealment or suppression of 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 LLA 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 LLA;
  4. Failure or refusal of the licensee to furnish or disclose any information required by any provision of the General Laws, or by any rule or regulation of the Alcoholic Beverages Control Commission, or by any rule or regulation of the LLA;

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 LLA 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 LLA or upon which any application or petition relating to the premises was granted by the LLA. It shall be the duty of the licensee to ensure that all appropriate personnel at the licensed premises are familiar with the rules and regulations of the LLA and with any conditions on the license.
7. A license may be suspended or modified or revoked 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 LLA 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.

## **12. Violations; Hearing Procedure**

- a. Upon written notice from the Chief of Police or other source that an illegality has allegedly occurred at a licensed establishment or other matters that the Chief of Police deems should be brought to the attention of the LLA, the LLA will consider in open session whether or not a public hearing should be held.
- b. If it is determined that a public hearing will be held by vote of the LLA, the LLA shall send written notice to the licensee by Certified Mail, Return Receipt Requested.
- c. At the hearing the LLA will first hear evidence from the Police Chief and his agents and/or witnesses or from other complaining parties, as may be appropriate. Then the licensee and the licensee's counsel will have an opportunity to present their response and evidence.
- d. After all testimony has been given, the LLA reserves the right to question all witnesses and parties and, if necessary, take under advisement all facts and vote either to render their decision or continue the hearing to a subsequent meeting of the LLA.

## **13. Disciplinary Guidelines**

- a. Licensees in violation of the applicable laws of the Commonwealth, regulations of the Alcoholic Beverage Control Commission and/or these regulations may be subject to the following range of discipline:
  1. First offense: warning to seven day suspension.
  2. Second offense: warning to thirty day suspension.
  3. Third offense: warning to revocation.
- b. Only offenses which have occurred within the three (3) years preceding the date of violation shall be used in calculating the number of offenses for purposes of the disciplinary guidelines.
- c. The disciplinary guidelines are only a guide. The LLA 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.



- d. The disciplinary guidelines shall not be construed so as to limit the LLA's authority to consider alternative dispositions, or further conditions on a license, or even alternate penalties (e.g. roll back of operating hours).

#### **14. Service of Suspension Orders**

- a. When the LLA 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 Board of Selectmen for the Town of Adams." 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 LLA, 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 renovations at the licensed premises unless such renovations have previously been approved by the LLA.
- d. No members of the public may be on the premises at any time during suspension periods, with the exception that restaurants may be able to continue to service patrons without serving alcohol, with the approval of the LLA.

#### **15. Permission to Close Premises Required; Non-use of Licenses**

- a. Licenses are granted to serve the public need and, to that end, licensees are expected to operate the license for a substantial number of hours on all days when the premises are permitted to be open under the terms of the license. In the case of alcoholic beverages licenses, the number of which are limited according to statute, no licensee may close its place of business for any reason other than the following:
  - 1. Upon approval of a request to the LLA for closing in order to do renovations for a reasonable time;
  - 2. For all holidays and religious days;
  - 3. A closing of one (1) or more days per week upon approval of a request to the LLA and a showing by the licensee that it does not have adequate business upon such days.
  - 4. A closing due to an act of God, natural disaster, illness or some other business problem for which request has been made to the LLA and approval granted.
- b. Any licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the LLA in writing before such closing stating the reason and length of such closing and obtain approval. Failure to provide such notice may result in the suspension or revocation of the license; if the LLA becomes aware of a license not being exercised, it may conduct a hearing to obtain a status update.

- c. The LLA reserves the right to require that the licensee appear before the LLA every month from the date of the hearing until the business has commenced or resumed operations or the license has been transferred or turned back to the Town.
- d. The LLA reserves the right to revoke the license at any time if it deems that the public good is not being served.

## **16. Management**

- a. Each corporate licensee must appoint a manager by a properly authorized and executed delegation.
- 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 LLA;
  - 2. To promptly notify the police of any disturbances or illegal activity on the licensee 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 LLA, including but not necessarily limited to, any police officer, in their investigation or inspection of the licensee premises.
- c. Any such notice sent to the manager as named in the records of the LLA 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 LLA. No person may have a direct or indirect beneficial interest in a license without first obtaining the approval of the LLA.

## **17. 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 LLA 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 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 LLA, 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 LLA of a violation of the laws or regulations 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 1.22 shall be pursuant to a training program approved by the LLA (e.g. TIPS or equivalent).
- f. Licensees shall attend an annual meeting with the Police Chief and other meetings at the discretion of the Local Licensing Authority.