


**WESTON BOARD OF SELECTMEN  
LIQUOR LICENSE REGULATIONS**

  
Chair, Board of Selectmen

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# WESTON BOARD OF SELECTMEN LIQUOR LICENSE REGULATIONS

## INTRODUCTION

In issuing regulations, the Board of Selectmen, as the liquor licensing authority of the Town of Weston, is setting forth the expectations of the citizens of Weston 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 require liquor license holders to operate in accordance with a clearly defined, higher standard.

### 1. Identification of the Town of Weston Licensing Authority

The Licensing Authority for the Town of Weston shall be the Board of Selectmen.

### 2. Scope of and Statutory Basis for Promulgation of Rules

- a. The statutory basis for the promulgation of these rules is set forth within the applicable sections of Chapter 37 of the Acts of 2008, Chapter 27 of the Acts of 2012, and G.L. c.138. Each reference to a statute or special act shall include any amendment thereto.
  - i Sales of Wines and Malt Beverates at a Food Store: may be issued to qualified applicants to sell wines and malt beverages at a food store, under the applicable regulations of Massachusetts General Laws, these Regulations, and any and all conditions stipulated for the specific license. (Authorized by Chapter 37 of the Acts of 2008 amended by Chapter 82 of the Acts of 2013)
  - ii Club License for Sale of All Alcoholic Beverages: may be issued to Weston Golf Club, 275 Meadowbrook Road, Pine Brook Country Club, Inc., 42 Newton Street, and Hazel Hotchkiss Wightman Tennis Center, Inc., 100 Brown Street, to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, these Regulations, and any and all conditions stipulated for the specific license. (Authorized by Chapter 27 of the Acts of 2012)
  - iii One Day Special Event: may be issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for profit status to sell wine and malt beverages only under the applicable regulations of Massachusetts General Laws, these Regulations, and any and all conditions stipulated for the specific license. (Authorized by Chapter 27 of the Acts of 2012)

- 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 licensing authority.
- d. Whenever the words “**Licensing Authority**” or “**Authority**” 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 licensing authority for the Town of Weston 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 all land and buildings associated with the operation of the license.
- g. Whenever the word “**Rules and Regulations**” is used herein it shall mean a compilation of regulations and laws set up by a licensing authority to regulate the manner in which businesses under its authority shall operate.

## SECTION ONE: GENERAL LICENSING RULES FOR LICENSEES

### 1.00 Applicability of Rules and Regulations

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

### 1.01 Availability of Rules and Regulations

- a. All licensees of the Licensing Authority for the Town of Weston shall ensure that a copy of these Rules and Regulations is kept on the premises at all times and is available for inspection upon request by a member of the public or an agent of the

Authority. These Rules and Regulations are to be kept in the office of the Manager or at the main cash register.

- b. The licensee is responsible for ensuring that all employees who work in the public areas of the premises read the Rules and Regulations of the Licensing Authority and comply with all rules and laws.

### **1.02 Liquor License Filing Procedures and Responsibility of Applicant**

- a. Applicant must file a completed Application for Alcoholic Beverage License for Retail Sale with the Town Manager together with:
  - 1. Form A – Licensee Personal Information Sheet (for Manager)
  - 2. CORI Application (for Manager)
  - 3. Copy of Articles of Organization
  - 4. Vote of Corporate Board authorizing submission of Application
  - 5. Floor Plans
  - 6. \$200 payable to the Commonwealth of Massachusetts
  - 7. Local filing fee (when applicable)
  - 8. Applicant responsible for advertising costs and postage for abutter notification (when applicable)
  - 9. Certificate of insurance from an insurance company licensed by the Division of Insurance, Commonwealth of MA showing evidence of workers' compensation and liquor liability insurance
  - 10. Valid certificate of fire safety inspection
- b. All other license modifications shall be submitted in accordance with the matrix provided by the Alcoholic Beverages Control Commission.
- c. The Town Manager 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 Town Manager will place the Advertisement and at the same time distribute copies of the filing to each member of the Authority for review.
- d. The Authority may require additional information from the applicant prior to the public hearing (i.e. lease agreements, financing information, and/or additional background information).
- e. The hearing shall not be held sooner than ten (10) days after advertising.
- f. The Authority 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 Authority to investigate and consider whether the application is in the best interest of the Town.

g. The Authority reserves the right to obtain updated information about a renewal applicant/manager/owner at the time of renewal.

h. Floor Plans

Applicants or licensees shall submit to the Authority, along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

1. The net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;
2. Areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
3. Entrances and exits;
4. Kitchens and/or food preparation areas;
5. Storage areas;
6. Restrooms;
7. All rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;
8. Total occupant load; and
9. Other spaces, or in relevant cases, exterior premises for which approval of the Board for the sale of alcoholic beverages is requested. Approval of the use of exterior space will only be allowed if there is a physical barrier and signage restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

### **1.03 Posting and Signs**

- a. Licenses issued by the Authority shall be posted in a conspicuous place easily seen by patrons where they can read without difficulty and without the assistance of employees at the premises.
- b. All other licenses, permits, and certificates affecting the licensed premises shall be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover over any part of the license issued by the Authority.
- c. The posting or presentation of any photographs, signs, posters, drawings or other matter that is of an improper or objectionable nature in the public areas of the licensed premises is prohibited. The material presented must be suitable for view by patrons in the same manner as if it were located in other public areas such as

public ways, public parks, common carrier stations, other government offices, and business offices.

#### **1.04 Admissions to the Premises**

- a. No licensee shall permit any rule, policy, or action, express or implied, which makes any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, or ancestry, physical or mental disability, relative to the admission or treatment of persons from the general public or employees at the licensed premises; provided, however, that premises licensed for on-premises consumption may make rules regulating the admission of minors to the premises when such rules are not inconsistent with other rules and regulations stated herein; provided further that private club licensees shall not discriminate, as aforesaid, with regard to guests at the licensed premises or with regard to who may be invited to the premises as a guest.
- b. Licensees shall refuse entrance to the premises to a person who appears to be intoxicated or unruly; and shall evict such a patron, except that in such a case the licensee should call the police and should offer assistance to an intoxicated person when possible.
- c. Licensees shall not permit entrance to the premises by more persons than the maximum occupancy limit established by the Building Department.
- d. Licensees shall not lock the front door of the premises until the last patron has exited from the premises, unless all exit doors can be opened from the inside of the premises when they are locked.

#### **1.05 Hours of Operation**

##### **A. Premises Licensed for Consumption of Alcohol On-Premises**

- a. The hours of operation shall be restricted to those set by the Licensing Authority and stated on the face of the license. No patrons shall be on the premises 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 drinks may be consumed after the official closing hour.
- b. The rules for employees on premises after closing hours are as follows: employees must be off the restaurant and kitchen areas of the premises no later than sixty (60) minutes after the "Official Closing Hour," provided however, that such employees or other hired personnel may be in these areas 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 in

these areas with the owners, managers or employees of the licensed premises during the hours when patrons or the public are excluded from the premises. The limitations set forth herein shall not apply to any residential quarters provided for employees of the licensee.

- 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.
- d. Licensees shall not allow any patron or any guest or any employee who is not working to enter the premises after the closing hour posted on the license.

**B. Premises Licensed for Consumption of Alcohol Off-Premises**

- a. The hours for alcohol sales shall be restricted to those set by the Licensing Authority and stated on the face of the license.
- 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, stocking shelves, 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 patrons or the public are excluded from the premises.

**1.06 Physical Premises**

- a. No license shall be issued or shall be considered in good standing unless the licensed premises comply with all statutory requirements, including all applicable building codes and fire, health, safety, trash and other government regulations and laws.
- b. The licensed premises shall conform to the floor plan approved by the Authority with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, bar stools, dance floors or areas, railing partitions, and other barriers at the premises. Any changes in the floor plan or any renovations of any kind shall not be made without notification to the Authority and the approval of the Authority. This includes substantial changes in the arrangement of moveable furniture.
- c.. All premises covered by the license shall be kept in a clean and sanitary condition, with specific reference to fruit flies contaminating open liquor bottles.

- d. No outside area shall be used as a gathering place for patrons unless approved by the Authority and the Alcoholic Beverages Control Commission if alcohol is consumed.
- e. The premises shall be lighted in all public areas in a manner sufficient for the safety of the patrons and in a manner sufficient for the agents of the Authority to make observations at the premises without the need to identify themselves or the need to seek assistance.
- f. The capacity set for the premises by the Building Inspector constitutes the maximum potential capacity for the premises, but the actual capacity of the premises may not exceed the amount approved by the Authority and stated on the license.
- g. Licensees shall not invite patrons or members of the general public to private areas of the premises which are approved by the Authority for storage or for an office or for a kitchen or for any similar non-public use. Only owners and employees of the licensed premises shall be in these areas.
- h. No advertising matter, screen, curtain or other obstruction, which in the opinion of the Licensing Authority or its Agents, prevents a clear view of the interior of the premises shall be maintained in or on any window or door thereof after the Authority has ordered the removal of such obstruction.
- i. The interior of the premises shall be sufficiently lighted at all times and all exits shall be properly designated by lighted signs, "Exit," as same may be mandated by the Building Inspector of the Town of Weston or by the Fire Department of the Town of Weston.

**1.07 Business Arrangements of Licensees**

- a. No person or entity shall obtain or renew a license unless the applicant for such license or for renewal of such license can demonstrate proof of a legal right to the licensed premises for the term of the license. Such proof shall include ownership papers or a tenancy document or a management contract; provided, however, that all parties to such ownership or leasehold interest or management contract shall be known to the Authority and the terms of such agreements or contracts shall be made known to the Authority.
- b. No licensee shall hire any employee or contract for goods or services in any name other than that of the licensee, nor shall the licensee pay for any such employment, goods, or services by any means other than its own cash or bank accounts in its own name. Cash transactions shall be recorded in a manner suitable for review by the Authority. Such records shall be kept for a period of three (3) years.



- c. No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the persons properly approved of by the Authority and the salaried employees of such persons.
- d. No licensee shall permit any person to work at the licensed premises or to hold themselves out as a person in a position of authority at the premises except for those persons who are owners and officers or who are salaried employees for whom payroll records are available. No licensee shall pay an employee any percentage of the profits of the business or pay an employee in any manner other than by salary or hourly rate except upon approval of the Authority.
- e. No licensee shall pay a landlord or creditor of any kind a percentage of the profits of the business except upon complete disclosure to the Authority and the receipt of the Authority's approval.
- f. No licensee shall lease out any part of the premises or any part of the business without the approval of the Authority. No licensee shall lease out the food or beverage service without the approval of the Authority.
- g. No licensee shall enter into an agreement with an independent contractor to provide alcoholic beverage service or alcohol management services at the premises without the approval of the Authority.
- h. No licensee shall pledge the stock in the licensed business or the license itself without the approval of the Authority pursuant to G.L. c.138 §15A. No licensee shall pledge a license without obtaining the approval of the Authority pursuant to G.L. c.138, §15A.
- i. No licensee shall take a loan secured by any equipment at the premises or secured by any direct or indirect interest in the licensed business without the approval of the Authority. This includes kitchen equipment, video or audio equipment, lighting equipment, furniture, or any other type of equipment.
- j. No licensee shall contract bills for its licensed premises under any corporation or trade name other than that under which it is licensed.
- k. Managers in licensed premises shall not be changed until the Authority and the Alcoholic Beverages Control Commission have approved such change.
- l. Any licensee intending to close its place of business shall notify the Authority in writing before such closing and state the reason for such closing.

- m. Assignment of the stock of corporate licensees for purposes of collateralizing loans or notes, etc., gives no right to the assignee to conduct the business of the licensee. Licensees shall immediately notify the Authority when the assignee forecloses under such assignment of stock or when other proceedings are brought which affect the economic and financial rights and abilities of the licensee.
- n. Licensees shall not use any trade name, assumed name, or abbreviated name in connection with the licensed business unless the same appears on the license certificate issued by the Authority or unless written permission is first obtained from the Authority. The use of any unauthorized name on the books, records, stationery, or interior or exterior of the licensed premises or for advertising purposes or telephone listing is prohibited unless permission is first obtained from the Authority.
- o. Licensees are responsible for maintaining a legal right to access to and control of the premises which is covered by the license. Failure to have a legal right to the named licensed premises shall result in the revocation or non-renewal of the license.

#### **1.08 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. 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;
  - 3. 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;
  - 4. 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;

5. 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;
  6. 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;
  7. encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes;
  8. advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under this section.
- b. 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.
  - c. Licensees shall not permit alcoholic beverages to be brought on the licensed premises by patrons or employees.
  - d. 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 Authority's agents are able to prove that the licensee actually served the drink directly to the minor. Sufficient security personnel shall be employed to monitor the premises to ensure that patrons do not pass alcoholic beverages to minors.
  - e. 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.

- f. Food service shall be available in all areas of the licensed premises where alcoholic beverages are served, this to include dining areas and lounge areas. This does not include any area approved as a waiting area by the Licensing Authority.

### **1.09 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 take such steps as are necessary to ensure that patrons or employees of premises licensed under G.L. c.138, §12 do not leave the premises with alcoholic beverages. 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 Authority's agents, it shall be presumed that the vessels contain alcoholic beverages.
- c. 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 Authority adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, the licensee shall be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

### **1.10 Inspections and Investigations**

- a. The licensed premises shall be subject to inspection by the members of the Licensing Authority and its duly authorized agents. Any hindrance or delay of such inspection caused by an employee of the licensee shall be cause for action against the 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 Authority immediate entrance into the premises at any time employees are on the premises. Any delay in providing such access shall be cause for action against the license.
- b. 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 Licensing Authority in the performance of his or her 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 Authority.
- d. No device or electronic equipment shall be utilized by a licensed premises for the purpose of signaling employees that agents of the Licensing Authority are present.
- e. All complaints and reports shall continue in force until they have been reviewed and disposed of by the Licensing Authority.
- f. Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety in the Commonwealth, requires that every license holder under M.G.L. Chapter 138, Section 12 must submit as a precondition of licensing or renewal of the license “a valid certificate of inspection ... issued by a local inspector and signed by the head of the fire department for the city, town, or district in which the premises is located.” No license shall be issued for the sale of alcoholic beverages until such time as a copy of the valid certificate of inspection has been filed with the application.

### **1.11 Standards of Conduct on the Premises**

- a. It is forbidden to permit any employee or person in or on the licensed premises to promise, offer, suggest, or accept sexual acts or favors in exchange for money or for the purchase of any alcoholic beverages or other commodities.
- b. 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.
- c. No manager or employee shall consume any alcoholic beverages while on the licensed premises while on duty or after the official closing hour.

### **1.12 Illegal Activity on the Licensed Premises**

- a. Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts shall include:
  - 1. Frequent monitoring of restrooms and other non-public areas of the premises for signs of drug activity or other illegalities;

2. Monitoring of activities of persons who talk about weapons or who appear to be hiding a weapon;
  3. 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;
- 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.

### **1.13 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.

### **1.14 Other Causes for Revocation, Suspension, and Modification**

- a. Any license issued by the Authority 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 Licensing Authority;
  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 Authority in connection with such petition, request, or application affecting the rights of the licensee;

3. Failure to operate the premises covered by the license without prior approval of the Licensing Authority;
4. Failure 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 Licensing Authority;
5. Licensees shall not give or offer any money or any article of value or pay for or reimburse or forgive the debt for services provided to any employee or agent of the Authority either as a gratuity or for any service;
6. Licensees may not fail to comply with any condition, stipulation or agreement upon which any license was issued or renewed by the Authority or upon which any application or petition relating to the premises was granted by the Authority. It shall be the duty of the licensee to ensure that all appropriate personnel at the licensed premises are familiar with the rules and regulations of the Authority 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 Authority with respect to any application or matter bearing upon the conduct of the licensed business or bearing upon the character and fitness of such person to continue to hold a license.
8. Licensees shall properly serve suspension and modification orders.

### **1.15 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 Licensing Authority, the Authority 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 Authority, the Town Manager shall send written notice to the licensee by Certified Mail, Return Receipt Requested.
- c. At the hearing the Authority will first hear evidence from the Police Chief and his or her 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 Authority 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 Authority.

### **1.16 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 two (2) 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 Licensing Authority may use its discretion in determining whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested by the guidelines.
- d. The disciplinary guidelines shall not be construed so as to limit the Licensing Authority's authority to consider alternative dispositions, or further conditions on a license, or even alternate penalties (e.g. roll back of operating hours).

### **1.17 Service of Suspension Orders**

- a. When the Authority suspends the license or licenses of any licensee, it shall provide the licensee with an order of suspension for public display that must contain the words, "No alcohol served per order of the Board of Selectmen for the Town of Weston." Such order shall be publicly displayed by the licensee in the following manner. If there is a door opening from the street into the licensed premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may readily be seen from the street. If the licensed premises are otherwise located, such order shall be affixed to the door of the entrance to the premises and displayed in such a way that it may be readily seen from the street.



- b. Suspension orders of the Authority, as above, shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, or obliteration of the order of suspension or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the licensee and shall be cause for further suspension, modification or revocation of the license.
- c. Suspension periods shall not be used as a time to do renovations at the licensed premises unless such renovations have previously been approved by the Authority.
- d. No members of the public may be on the premises at any time during suspension periods, with the exception that food service establishments and food stores may be able to continue to service patrons without serving or selling alcohol, with the approval of the Licensing Authority.

**1.18 Permission to Close Premises Required; Non-use of Licenses**

- a. Any licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the Licensing Authority in writing before such closing stating the reason and length of such closing and obtain approval. Failure to provide such notice may result in the suspension or revocation of the license.
- b. If the Licensing Authority becomes aware of a license not being exercised, it may conduct a hearing to obtain a status update.
- c. The Authority reserves the right to require that the licensee appear before the Authority every three (3) months from that point until the business has commenced or resumed operations or the license has been transferred or turned back to the Town.
- d. The Authority reserves the right to revoke the license at any time if it deems that the public good is not being served.

**1.19 Bankruptcy and Court Proceedings**

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

**1.20 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 Licensing Authority;
  2. To promptly notify the police of any disturbances or illegal activity on the licensed premises of which s/he becomes aware;
  3. As to corporate licensees, to sign the annual application for renewal of license, unless unavailable;
  4. To cooperate with authorized agents of the Licensing Authority, including but not necessarily limited to, any police officer, in their investigation or inspection of the licenses premises.
- c. Any such notice sent to the manager as named in the records of the Licensing Authority or the owner at the address of the licensed premises shall constitute valid legal notice to the licensee.
- d. The licensee shall not change managers, change corporate officers, sell or transfer corporate stock, pledge corporate stock or liquor license as security, or accept a loan or credit from another licensee, without first obtaining the approval of the Authority. No person may have a direct or indirect beneficial interest in a license without first obtaining the approval of the Authority.

### **1.21 Service Training**

- a. An employee training program on the proper procedures for verifying that patrons are at least twenty-one (21) years of age and not intoxicated shall be provided by the licensee. A written description of such program, along with a written policy outlining the employees' responsibilities and the disciplinary measures which will be taken against any employee for violating said policy, shall be provided to the Authority as part of the original or renewal application materials and maintained on the premises at all times.
- b. A signed certification of each employee who handles alcohol, indicating that the employee has received the described training and has reviewed and understands the written policy describing his or her responsibilities and the disciplinary action 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.
- c. Each new employee who handles alcohol shall obtain server training within thirty (30) days of commencing employment.

- d. Upon a finding by the Authority of a violation of the laws or 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 Authority (e.g. TIPS or equivalent).

## **1.22 One Day Licenses**

- a. Special or one day licenses may be granted by the Authority pursuant to Chapter 27 of the Acts of 2012 and G.L. c.138, §14.
- b. A 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 activity or enterprise.
- c. A special license for the sale of wine and malt beverages only may be granted to the responsible manager of any indoor or outdoor activity or enterprise.
- d. A public hearing is not required for the issuance of a special license, and special licenses are exempt from the legal notice and publication requirements of G.L. c.138.
- e. The sale of alcohol under a special license is limited to between the hours of 11:00 a.m. and 12:00 a.m. Monday through Saturday and 12:00 p.m. and 12:00 a.m. on Sunday.
- f. No person shall be granted special licenses for more than thirty (30) days in a calendar year.
- g. No special event license will be granted to a licensed premise of any person whose application for a license is pending before the licensing authorities.
- h. The manager to whom a special license is issued must be at least 21 years of age.
- i. The Authority may impose reasonable conditions and limitations on any special license that is granted, including the requirement that the licensee maintain a police detail.
- j. A special license shall not be granted if it is to be exercised on the premises in an establishment already licensed by this Board for the service of alcohol, nor shall such a license be granted to any person whose application for a license under G.L. c.138, §12 is pending before the Board.

- k. The manager is responsible for the orderly and safe conduct of the event, the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, and shall be physically present for the duration of the entire event.
- l. In addition to the documentation required under Section 1.02, the applicant for a special license must submit the following with its application at least 30 days prior to the event:
  - a) ABCC Notice of Approval of Special License (completed by the Town)
  - b) Town of Weston Board of Selectmen Event Information Sheet
  - c) Descriptive information about the event (invitation, flyer, letter of explanation, etc.), including any rain date
  - d) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
  - e) Written evidence of the owner's permission to use the proposed licensed premises.
  - f) Proof of Non-profit Status (if request is for all alcoholic beverages service).
  - g) Sketch/floorplan of the proposed licensed premises of a reasonably precise nature that clearly delineates the location and manner alcoholic beverages will be served, sold, delivered, and/or dispensed.
  - h) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed an appropriate Massachusetts alcoholic beverages server training program.
  - i) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (G.L. c. 138, §§14 and 23; 204 CMR 7.04).
  - j) Local filing fee, which shall not be refunded after a special license has been issued.

NOTE: These regulations replace Wine Sales – Regulations dated July 9, 2008.