

TOWN OF WELLESLEY
COMMONWEALTH OF MASSACHUSETTS



RULES AND REGULATIONS GOVERNING
ALCOHOLIC BEVERAGES

Revised: January 18, 2022

These Policies are adopted and may be amended from time to time, by the Select Board, serving as the Local Licensing Board, pursuant to M.G.L. c.138.

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I. DEFINITIONS

- 1.1 ABCC: Alcoholic Beverages Control Commission.
- 1.2 Abutter: Direct abutters and any owner of a property located within a 300-foot radius of the nearest point of the Licensed premises.
- 1.3 Assistant Manager: Any person charged by the Licensee to operate, manage, and control the Licensed premises in the absence of the Manager.
- 1.4 Bar: A counter, window, or area other than a table or booth where patrons may be served. Bars shall have stools, but patrons are not required to sit to be served.
- 1.5 Convenience Store: An establishment that sells at retail a limited range of food and non-durable items that are purchased frequently for immediate use, including but not limited to staple foods, household goods, snacks (including confectionery), health and beauty aids, beverages, periodicals, newspapers and tobacco products. Convenience Stores are frequently open with only one staff member on duty at a time, are often open later than 10:00 pm and may or may not sell gasoline. The Select Board reserves the right to consider these and other appropriate factors when determining whether an applicant is a Convenience Store.
- 1.6 Craft Beer: A malt beverage that is made by small, independent and traditional brewer that produces fewer than 6,000,000 barrels annually.
- 1.7 Exterior Licensed Premise: Any outdoor location under the control of the Licensee, such as a patio, deck, porch, or other area outside of and contiguous to the main building and open to the elements, which has been licensed for the sale and consumption of alcoholic beverages.
- 1.8 Food Store: Grocery store or supermarket with a gross floor area of 2,000 square feet or more which sells at retail food for consumption on or off the premises either alone or in combination with grocery items or nondurable items sold to individuals for personal, family or household use. A Food Store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. A convenience store, pharmacy, or a store which sells gasoline shall not be considered a Food Store for purposes of these regulations.
- 1.9 Function Room: An area within a Licensed Premises, including an outdoor dining area,

that may be closed off or otherwise separated from the other parts of the licensed premises and rented out to individuals for private events. Each and every Function Room must be approved by the Select Board.

- 1.10 Manager: The person charged by the Licensee to operate, manage and control the licensed premises. The name of the Manager shall appear on the license.
- 1.11 Off-Premises License: A license issued in accordance with Chapter 14 of the Acts of 2014 and *M.G.L. c.138, §15* and which, except for limited tastings conducted in accordance with the law, only permits the consumption of alcohol off the licensed premises.
- 1.12 On-Premises License: A license issued in accordance with Chapter 635 of the Acts of 1982, Chapter 25 of the Acts of 2012, Chapter 113 of the Acts of 2021, or *M.G.L. c.138, §12* and which permits the consumption of alcohol on the licensed premises.
- 1.13 Pharmacy: An establishment substantially devoted only to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.
- 1.14 Retail Space: The area of a retail store in which merchandise is displayed and sales are made, which is visible to the public and to which the public has access, including checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer services areas, and internal lobbies in which goods are displayed; but not including customer toilets and storage areas.
- 1.15 Restaurant: A business that sells food to the public, intended to be consumed inside the premises, and holds a Common Victualler License under the provisions of *MGL c.140, §6*.
- 1.16 Service Bar: A counter or window where employees receive alcoholic beverages to be served to patrons. Patrons shall not be permitted to receive alcoholic beverages at a service bar.
- 1.17 Specialty Food Store: A retail establishment that sells, primarily for consumption off the premises, specialized types or classes of food items especially where such foods are distinguished by a focus on such foods being of a particular origin, of a particular method of agriculture such as “organic”, of a specific ethnicity, or otherwise of a premium or distinctive character. A convenience store, pharmacy, or a store which sells gasoline shall not be considered a Specialty Food Store for purposes of these regulations. Any store which sells primarily baked goods, coffee or other brewed

beverages, or frozen desserts, including ice cream and frozen yogurt, shall not be a Specialty Food Store for purposes of these regulations.

- 1.18 Waiting Area: A designated area within the licensed premises where patrons wait to be seated at a table, booth, or Bar. Seats are not required in the Waiting Area.

II. TYPES OF LICENSES TO BE GRANTED IN WELLESLEY

The Town of Wellesley, acting by and through its Select Board, issues the types of alcoholic beverages licenses listed below. All such licenses issued by the Board shall be governed by the provisions of these Policies, M.G.L. c.138, and the rules, regulations, and policies of the Alcoholic Beverages Control Commission, regardless of whether the relevant statute or policy is referenced herein.

- 2.1 Innholder All Alcoholic Beverages License: Permits the sale of all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms.
- 2.2 Restaurant All Alcoholic Beverages License: Permits the sale of all alcoholic beverages in restaurants and function rooms.
- 2.3 Restaurant Wine and Malt Only Beverages License: Permits the sale of wine and malt only beverages in restaurants and function rooms.
- 2.4 Club and Veterans' Organizations All Alcoholic Beverages License: Permits the sale of all alcoholic beverages in clubs that are not organized for commercial purpose and as defined in *M.G.L. c.138, §1*. This license is also issued to certain clubs specifically enumerated in Chapter 635 of the Acts of 1982.
- 2.5 Educational Wine and Malt Only Beverages License: Permits the sale of wine and malt only beverages in dining halls maintained by incorporated educational institutions authorized to grant degrees. This license is also issued to certain educational institutions specifically enumerated in Chapter 635 of the Acts of 1982.
- 2.6 Package Store Wine and Malt Only Beverages License: Permits the sale of beverages not to be drunk on the premises. This license shall only be available to Food Stores and Special Food Store.
- 2.7 Special Temporary (aka One Day) License: Permits the sale of all alcoholic beverages or wine and malt beverages only to the responsible manager of a non-profit enterprise conducting an indoor or outdoor activity or enterprise pursuant.

III. GENERAL REQUIREMENTS

- 3.1 Application of Policy to Special Temporary Licensees: Only Sections I, II, III, IV, VI, and XI shall apply to Special Temporary Licenses.
- 3.2 Standard of Review: In reviewing a license Application, the Select Board shall determine whether the public need and the common good will be served by granting the Application. In doing so, the Board may consider:
- a. The number and location of premises for which licenses are currently in effect;
 - b. The nature and character of the operation proposed;
 - c. The suitability and fitness of the Applicant;
 - d. The qualifications of the proposed Manager of the premises to be licensed;
 - e. Any anticipated impacts of licensed activity on the community, including, but not limited to traffic and noise;
 - f. Any anticipated impacts of licensed activity on the character of the Town or the neighborhood;
 - g. Any potential harms resulting from licensed activity;
 - h. The Application's compliance with state and local requirements and these Policies; and
 - i. Any advisory reports received by the Board from the Police Department, the Fire Department, the Building Inspector, Planning Director, the Board of Health or the Treasurer/Collector.
- 3.3 Conditions: The Select Board may place reasonable conditions on any license issued pursuant to these Policies, Chapter 138 of the General Laws, or any Special Act of the Legislature related to the sale and distribution of alcoholic beverages, to provide for public safety, health, welfare, and the promotion of the public order.
- 3.4 Access and Inspections: The licensed premises shall be available at all times for inspection by members of the Select Board, the Police Department, the Fire Department, the Board of Health, and any other department or official of the Town of Wellesley so directed by the Select Board.
- 3.5 Common Victuallers, Entertainment, and Inn Holder Licenses: Submission of a liquor license application does not relieve the applicant from applying for a Common Victualler, Entertainment License, or Inn Holder License, if needed.

- 3.6 Legal Age: No alcoholic beverages shall be sold to anyone under the age of 21 years.
- 3.7 Intoxicated Individual: No alcoholic beverages shall be sold or delivered to an intoxicated person.
- 3.8 Age of Employees: Employees under 18 years of age may not sell, directly handle, store, or prepare for display any alcoholic beverages.

IV. FEES

- 4.1 Application Fee: In addition to any fee required by the ABCC, the following fees shall be paid at the time of filing of any license Application listed below. The Application Fee is not refundable if the Application is denied.

Type of Application	Fee
New On-Premises/Off-Premises License	\$ 300
On-Premises/Off-Premises Renewal	\$ 300
On-Premises/Off-Premises Transfer	\$300
Special Temporary License	\$25
Change of Hours and Change of D/B/A	No charge
All other applications, including, but not limited to Change of Manager and Alteration of Licensed Premises.	\$100; provided, however, to the extent that an application under this section is filed in conjunction with a license transfer application, the fee shall be waived.

- 4.2 Issuance/Renewal Fee: The Issuance fee shall be submitted to the Board before the license is issued. In contrast, Renewal Fee shall be submitted with the Application for Renewal and shall be refunded if the Application is denied. There shall be no pro-ration of the Issuance and Renewal Fee.

License Type	Fee
Restaurant with Function Rooms – All Alcohol	\$5,000
Restaurant without Function Rooms – All Alcohol	\$4,000
Restaurant without Function Rooms – Wine and Malt Beverages Only	\$2,000
Innholder	\$5,000
Dining Halls/Educational Institutions	\$2,000
Clubs/Veterans' Clubs	\$1,800
Wine and Malt in Food Specialty Stores	\$1,200
Wine and Malt in Food Stores	\$2,000
Special Temporary One Day	\$50

- 4.3 Payment. All fees shall be submitted in the form of a bank check or as otherwise directed by Town staff.

V. APPLICATION

5.1 New or Transfer of License: In addition to the ABCC Application package, Applicants shall provide the following, where applicable:

- a. Applicable fees (Section 4.1)
- b. Proof of insurance (Section 8.8 or Section 9.7);
- c. Proof of worker's compensation insurance;
- d. Plan documents (Section 5.4);
- e. Pre- and Post-Sale policies (Section 5.5);
- f. Server training certificate for the proposed Manager (Section 7.5);
- g. Off-Premises Transportation Permit (Section 8.2 or Section 9.6); and
- h. Any additional information the Select Board may request.

5.2 License Renewal: Applicants shall provide the following information prior to November 30:

- a. ABCC Renewal Application;
- b. Renewal license fee (Section 4.2);
- c. Manager CORI check form (Section 5.7);
- d. Proof of insurance (Section 8.8 or Section 9.7);
- e. Proof of worker's compensation insurance;
- f. Copies of up-to-date server training certificate for all Managers, Assistant Managers, bartenders and employees handling, serving, and selling alcoholic beverages (Section 7.5 and Section 7.7);
- g. Any additional information the Select Board may request.

Prior to renewal, the Licensee shall permit the Police Chief, the Fire Chief, the Building Commissioner, the Select Board, and the Board of Health, or their designee, to conduct a safety inspection of the premises. Refusal to permit such inspection shall be grounds for revocation of the license.

5.3 License Amendment: Applicants shall submit the ABCC Application package and any such additional information that the Select Board may request. Applicants for an alteration of a licensed premises must file plan documents in accordance with Section 5.4 and, where applicable, Section 5.5.

5.4 Plan Documents: Each Applicant shall submit a plan drawn to scale on which shall be shown the following information:

- a. The net interior floor area, exclusive of stairways and hallways, and dimensions of the existing room or rooms requested to be licensed including dining rooms, Function

- Rooms, the Retail Space, storage rooms, and Waiting Areas;
 - b. The occupancy of each room;
 - c. All entrances and exits;
 - d. All rooms not being requested to be licensed; and
 - e. Where applicable:
 - 1. The location of any proposed Bar or Service Bar;
 - 2. The area in which seats or benches are to be securely fastened to the floor forming booths;
 - 3. The area in which there is to be movable or unsecured seats and tables; and
 - 4. Documentation that outdoor seating and service comports with the requirements of Section 8.1.
- 5.5 Pre- and Post-Sale Hours: Applicants for an Off-Premises License shall provide procedures for securing the area dedicated to the sale or display of wines and malt beverages to prevent public access to said area during times when sales of wines and malt beverages are prohibited.
- 5.6 Abutter and Newspaper Notice: Notification to Abutters shall be the responsibility of the Applicant and shall be by certified mail with returned receipts. The Town shall post notice of the hearing in the newspaper and may post in an online periodical directed towards the residents of Wellesley, but any costs for such postings shall be covered by the Applicant. The Town may also upload the hearing notice to an online platform.
- 5.7 Background Checks: The Board may deny an application where an individual with a financial interest in the license or the proposed Manager has a criminal record or a reputation that indicates theft, unlawful drug use or distribution, association with known felons or individuals involved in organized crime, a propensity for violence, or other behavior that, in the opinion of the Select Board, might put the public at risk.

VI. HOURS OF PERMITTED SALE

- 6.1 Hours of Sale: No Licensee shall be permitted to sell alcohol outside the hours established herein, unless otherwise approved by the Board:

<u>Category</u>	<u>Hours of Permitted Sale</u>
On-Premises License	<u>Monday through Saturday</u> : 11 am – 12 am <u>Sunday</u> : 12 pm – 11 pm <u>Exceptions</u> : No sale shall occur prior to 12pm on Christmas Day or the last Monday in May, or such other day that the law may prescribe. <u>Outdoors</u> : All outdoor consumption must cease at 9 pm.
Off-Premises License	<u>Monday through Saturday</u> : 8 am – 11 pm, or 11:30 pm on days preceding legal holidays. <u>Sunday</u> : 10 am – 11 pm, or 11:30 pm on days preceding legal holidays. <u>Exceptions</u> : No sales may be made on: (1) Christmas Day, (2) Thanksgiving Day, and (3) the last Monday in May prior to 12 pm, or such other day that the law may prescribe.

- 6.2 Food Service: For Licensees holding a Restaurant License, the hours during which sales of alcoholic beverages may be made are further limited to the times when food service is available. Food service shall be available at all seats, tables, booths, and Bars. For purposes of these regulations, the term “food service” shall mean the preparing, sale, service, dispensing, distribution, or delivery of “food.” “Food” shall include meals, hors d’oeuvres, sandwiches, soups, prepared foods, and salads, and shall exclude chips, nuts, pretzels, popcorn, candy, and other snack-like foods or packaged foods that require no preparation for consumption. This provision shall not apply to service of alcohol during a private event held in a licensed Function Room.
- 6.3 Closing: No alcoholic beverages shall be sold within the licensed premises during the 15 minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

VII. MANAGEMENT AND CONTROL

- 7.1 Appointment: The Manager shall have complete responsibility for the proper operation, management and control of the licensed premises. Any change in Manager must be approved by the Select Board prior to the appointment of the new Manager by the Licensee.
- 7.2 Responsibilities of Manager and Assistant Manager: No licensed establishment shall be open for business unless a Manager or Assistant Manager is on duty and physically located on the licensed premises. In the case of an On-Premises Licensee, the Manager shall be on the licensed premises at least fifty percent of the time the licensed premises is open for business. The Manager will continue to be responsible for the operation of the business whether or not he or she is on the licensed premises. Failure of the Manager to comply with these Policies or to otherwise properly discharge the duties of Manager may result in removal of the Manager or suspension or revocation of the license by the Select Board, as it may deem appropriate under the circumstances. The Manager and Assistant Manager shall at all times maintain order and decorum in the licensed premises, and shall cooperate in every respect with Town officials in ensuring public safety.
- 7.3 Duty to Keep Order: The licensed premises and areas under the Licensee's control that abut the licensed premises must be kept clean, neat, and sanitary at all times. No Licensee shall permit any disorder, disturbance or illegality of any kind to take place in or on such property. This shall include, but not be limited to, ensuring that there shall be no unlawful use or sale of drugs, indecency, assaults, lewdness or gambling on or about such property.
- 7.4 Consumption: While on the licensed premises, employees of the licensed establishment shall not consume any alcoholic beverages or illegal drugs while on duty or after the official closing hour of the licensed establishment. Nothing in this section shall prohibit a Manager, Assistant Manager, or an Employee twenty-one years of age or older and acting with a Manager or Assistant Manager's permission from tasting wine intended to be served to patrons.
- 7.5 Server Training: The Manager, and each and every Assistant Manager and bartender shall successfully complete an alcoholic beverage training program satisfactory to the Town prior to their appointment, as follows:
- A. Training for Intervention Procedures by Servers of Alcohol (TIPS) offered by Health Communications, Inc.;
 - B. Techniques of Alcohol Management (T.A.M.) approved by the Massachusetts Package Store Association (for off-premises sale license only); and
 - C. Any insurance industry approved and qualified program offered by a certified trainer and approved by the Select Board.

Any employee engaged in the sale and handling of alcoholic beverages must likewise complete one of the above listed Board-approved courses in alcohol safety training within 30 days of their employment or provide proof of training certification at a Board-approved course within the last three years.

The Licensee shall have on file and available for inspection by the Town a copy of current certification for each Manager, Assistant Manager, bartender, and employee required to be certified under this section. Individuals must be recertified once every three years.

It is the obligation of the Manager to inform all employees about the rules and regulations of the Select Board, the Alcoholic Beverages Control Commission, and any and all applicable Massachusetts laws.

- 7.6 Posting of License and Manager Information: The license shall be posted in public view, and a plaque bearing the name of the Manager or on duty Assistant Manager and their title, in letters no smaller than one inch, shall be posted within one foot of the license at all times when the licensed premises is open for business.
- 7.7 Employee List: An employee roster and a list of Managers and Assistant Managers shall be available upon request.
- 7.8 Continued Operation: The closing of the licensed premises for any reason for a period of thirty (30) consecutive days or more, or for any sixty (60) days during the calendar year, without prior approval of the Select Board, shall be deemed to be an abandonment of the license and grounds for revocation.

VIII. SPECIFIC REQUIREMENTS FOR ON-PREMISES LICENSEES

8.1 Outdoor Seating and Service:

- a. Conditions: The following conditions shall apply to all outdoor service of alcohol, except outdoor service on a golf course green, which shall comply with Section 8.2:
 1. The Exterior Licensed Premises shall be enclosed by a physical barrier, which defines the licensed area and controls access and egress of the public through identifiable entries;
 2. The Exterior Licensed Premises shall be staffed at all times during all hours of operation;
 3. The Exterior Licensed Premises shall be contiguous to the licensed premises with a clear view of the outdoor area from inside the premises, or, alternatively, the licensee may commit to providing management personnel dedicated to the area.
 4. A sign shall be posted in the Exterior Licensed Premises that alcoholic beverages are not permitted outside of the Exterior Licensed Premises;
 5. Provisions shall be made and maintained for the passing of the public through any contiguous public area, to the extent necessary;
 6. The Exterior Licensed Premises shall be kept in a state of cleanliness and upkeep;
 7. The Licensee shall comply with the ABCC's Guidelines for Extension of Premises to Patio and Outdoor Area; provided, however, that to the extent this Section imposes stricter requirements on the Licensee than the ABCC's Guidelines, this Section shall prevail; and
 8. The regulations applicable to interior licensed premises, including Section 8.6, shall apply to Exterior Licensed Premises, unless the context makes such regulations inapplicable on their face.
- b. Standard of Review: The Board shall not grant a license for outdoor service without making a finding that the public necessity and convenience shall be served by such a license. In making said determination, the Select Board shall consider, among other factors, the following:
 1. The impact that the proposed Exterior Licensed Premises will have on the area in which it is located;
 2. The public necessity and/or convenience to be served by licensing the Exterior Licensed Premises;
 3. The degree to which the Exterior Licensed Premises is restricted from view by passers-by;
 4. The type and number of businesses in the immediate neighborhood;
 5. The anticipated noise level and its effect on abutting and neighboring

properties; and

6. The number of seats to be placed within the Exterior Licensed Premises.

- 8.2 Golf Course: Service of alcohol along a golf course fairway shall be in compliance with the ABCC's Guidelines for Golf Courses. Where necessary, an Off-Premises Transportation Permit, pursuant to *M.G.L. c.138, §22*, shall be obtained.
- 8.3 Lighting: The interior of the premises shall be well lighted at all times, such lighting to be not less than one foot candle, measured 30 feet from the floor, except those portions of the room under furniture.
- 8.4 Service Bar: Licensees may provide a service bar for use by the wait staff. Service bars shall not have stools. No changes shall be made to the service bar without the Board's approval.
- 8.5 Service and Consumption: Section 8.5 shall only apply to Restaurant licensees, provided, however, that this Section shall not apply to the service of alcohol during a private event that is held within a Select Board approved Function Room.
- a. Food service shall be available at all Bars, tables, booths, and seats within the licensed premises, except those located within the Waiting Areas, when alcohol is being served.
- b. No alcoholic beverages, with the exception of wine, shall be served in any container, the capacity of which is in excess of 16 fluid ounces. No pitchers of malt beverages may be served.
- 8.6 Bar Seating: The ratio of counter seats to table seats permitted in any restaurant shall be subject to the review and approval of the Board. The Board shall approval all seating plans as detailed in Section 5.4. No changes shall be made to the bar seating without the Board's approval.
- 8.7 Prices: If an admission charge to the licensed premises is required, such charge shall not be credited by the Licensee toward the purchase price of any alcoholic beverage, and the Licensee must provide a written receipt to each patron paying a cover charge. No minimum charge shall be made for the sale of alcoholic beverages.
- 8.8 Insurance: Each Licensee shall have liquor liability insurance coverage in at least the amounts of \$1,000,000 single occurrence/\$2,000,000 aggregate. A certificate of insurance that at least these amounts are in place shall be filed with the Select Board. The Licensee shall notify the town no less than ten days prior to the cancellation or material change of said coverage. The Board may increase insurance amounts as permitted under *M.G.L. c.138, §64A*.

- 8.9 After Hours: Consumption of alcohol on the licensed premises after the close of business is prohibited.

IX. SPECIFIC REQUIREMENTS FOR OFF-PREMISES LICENSEES

9.1 Eligible Applicants:

- a. The Select Board shall only issue Off-Premises Licenses to Food Stores or Specialty Food Stores. In determining whether an Applicant is a Food Store or a Specialty Food Store, the Select Board shall consider such factors as the extent and range of merchandise offered for sale, the placement of merchandise within the store, the advertising conducted, both outside and within the store, and the volume of sales, actual or proposed, of wines and malt beverages relative to food and other merchandise sold at the store.
- b. Applicant must be properly licensed by the Board of Health prior to the issuance of such License.
- c. Any sales of wines and malt beverages shall be incidental to the sale of food or other non-alcoholic products, but the Licensee may sell wines and malt beverages alone or in combination with any other items offered for sale. Regular sales and operation of the Food Store or Specialty Food Store must continue during all times when sales of wines and malt beverages are permitted.
- d. The Retail Space used to display wines or malt beverages shall not exceed the lesser of (1) twenty-five percent (25%) of the total Retail Space in a Food Store or Specialty Food Store or (2) 2,000 square feet.

9.2 Pre- and Post- Sale Hours: Any area dedicated to the sale or display of wines and malt beverages shall be properly secured by clear signage or divider to prevent public access during those times when the sale of wines and malt beverages is prohibited. Dividers will not be necessary if the general hours of operation are consistent with the hours during which sales of alcoholic beverages may occur.

9.3 Single Cans and Kegs: Except for Craft Beer, a Licensee shall not sell single bottles or cans of malt beverages. No Licensee shall sell malt beverages at retail in a container having a capacity by volume of more than two gallons of liquid, or in a keg.

9.4 On-Premises Consumption: A Licensee that also has a Common Victualler's license may not allow consumption of alcohol on premises whether or not brought in or purchased by patrons, unless conducted as part of a free tasting for prospective customers. All wine and malt beverages offered as part of a tasting must be available for purchase on site. Tasting of wine and malt beverages shall not exceed one ounce and two ounces, respectfully.

9.5 Deliveries to Licensed Premises: Pick-up of bottle returns shall be arranged so that activities

do not interfere with the quiet enjoyment of the neighborhood.

9.6 Deliveries to Consumers:

- a. All deliveries shall be made in accordance with an Off-Premises Transportation Permit issued pursuant to *M.G.L. c.138, §22*.
- b. Deliveries of alcoholic beverages must be made during the operating hours of the Food Store or Specialty Food Store.

9.7 Insurance: Each Licensee shall have liquor liability insurance coverage in at least the amounts of \$1,000,000 single occurrence/\$3,000,000 aggregate. A certificate of insurance that at least these amounts are in place shall be filed with the Select Board. The Licensee shall notify the Town no less than ten days prior to the cancellation or material change of said coverage.

X. VIOLATIONS

10.1 Suspension, Revocation, Cancellation or Modification: Licenses issued under this Policy are subject to suspension, revocation, cancellation or modification for breach of any conditions, regulations, laws, bylaws, or policies of the Commonwealth of Massachusetts, the Town or the Select Board.

10.2 Guidelines: Licensees violating applicable laws of the Commonwealth, rules or regulations of the ABCC, these policies, or the terms of its license, may be subject to the following range of enforcement actions:

- i. First Offense: One to three day suspension.
- ii. Second Offense: Three to seven day suspension.
- iii. Third Offense: Seven to twelve day suspension.
- iv. Fourth Offense: Revocation.

Offense shall mean a violation of M.G.L. c.138, the ABCC Rules and Regulations, these regulations, or any other law or regulation of the Town. Each instance of a violation shall be considered a separate offense.

The enforcement actions listed above shall be a guide for the Select Board. However, the Board, in its discretion, may impose an enforcement action that is more lenient or more severe than suggested by the guidelines when the facts surrounding the violation so warrant. The penalties listed above shall not be construed to limit the Board's ability to impose alternative dispositions, further conditions on a license, or alternative penalties (e.g., rolling back service hours). The Board may also increase the insurance policy minimums as provided in M.G.L. c.138, §§64A, 64B, or 67.

10.3 Public Hearing: The Select Board shall hold a public hearing prior to suspending, modifying, revoking, or cancelling any license.

10.4 Fees: In the event of the suspension, modification, revocation, or cancellation of any license, the Licensee shall not be entitled to reimbursement for any licensing fee or any portion thereof

10.5 Notice: Whenever the Select Board suspends a license, the Board shall provide the Licensee with a sign stating the reasons for suspension. During the entire period of the suspension, the sign shall be attached to the premises in a conspicuous location so that it is visible from the outside of the premises or such other location as the Select Board shall deem reasonable and appropriate.

XI. SPECIAL TEMPORARY LICENSES

- 11.1 Types of License: The Board may issue a Temporary License for the sale of All Alcoholic Beverages or Wine and Malt Beverages only to the responsible manager of any non-profit organization.
- 11.2 Standard of Review: In addition to the considerations listed in Section 3.2, the Select Board may consider whether the Applicant has historically complied with *M.G.L. c.138*, and these Policies in the past in issuing a license under this section.
- 11.3 Application: In addition to the Application Fee, the Application shall be made on a form approved by the Select Board and shall include the following:
- a. Description of the event;
 - b. Documentation of control over the licensed area (lease or deed);
 - c. Written indication of the manner by which service, sale, delivery, and dispensing of alcoholic beverages are to be controlled;
 - d. Proof of non profit status;
 - e. A floor plan or diagram (8½" x 11" sketch) showing the exact location within the event area where alcoholic beverages will be dispensed;
 - f. Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages;
 - g. Server Training Certificates, if available (Section 11.7); and
 - h. Other such information that the Board may request.
- 11.4 Filing Deadline: Applications for a Special Temporary License shall be submitted at least 30 days prior to the event.
- 11.5 Duration: Any Special Temporary License shall identify the date on which the licensee is permitted to distribute the alcohol (the event date). However, the license shall be for a three-day period surrounding the event in order to allow delivery and dispose of all alcohol purchased for the event, unless the Licensee can demonstrate the any such additional days are not necessary for acquisition or disposal of alcoholic beverages.
- 11.6 Acquisition of Alcohol: The Select Board shall provide to all Licensees a list of licensed Massachusetts wholesalers, or the method by which a licensee may obtain such a list, upon request. Alcohol must be purchased or donated in accordance with *M.G.L. c.138*, §14 and the Alcoholic Beverage Control Commission's regulations
- 11.7 Alcohol Training: All individuals serving or selling alcoholic beverages or viewing identification cards shall be trained in accordance with Section 7.5 above. A certificate of

completion shall be provided to the Select Board at least 10 days prior to the event. There shall be no self-service of any alcoholic beverages.

- 11.8 Insurance: Applicants for special licenses shall provide proof of insurance in commercially reasonable amounts to the Select Board with the Application.
- 11.9 Police Detail. Notice of the application shall be sent to the Police Department. If deemed advisable by the Chief of Police or the Board, the applicant shall agree to and be responsible for arranging for a police detail for the event as well as for any applicable fees associated with a detail. In these situations, evidence that a police detail has been secured must be supplied before a license will be issued.
- 11.10 Violations: The Select Board may refuse to issue a Special Temporary License if, in its opinion, an Applicant fails to establish compliance with the requirements of M.G.L. c.138, or any state or local regulation, or any reasonable requirements of the Board. Whenever any a Special Temporary License holder fails to maintain compliance with such requirements, the Board may, after an opportunity for hearing, modify, suspend, cancel or revoke such license.

XII. LICENSE TO USE TOWN BUILDINGS FOR THE DISPENSING OF ALCOHOL

- 12.1 Qualifications. As provided in Article 49.19 of the Town Bylaws, the service and consumption of alcohol in or upon any Wellesley Public School building or grounds, as well as all Town-owned grounds including public ways is prohibited.
- 12.2 Application. Applicants for a Town Building Special License shall submit the following to the Select Board at least 30 days prior to the event:
- a. Documentation that all alcoholic beverages will be served by a Caterer licensed pursuant to MGL c.138, §12C, or a written statement that the Applicant has filed an application for a Temporary Special License pursuant to MGL c.138, §14 and Section XI of this Policy.
 - b. If alcohol will be on the premises but not supplied by the applicant for consumption, documentation that the alcohol is to be used in a class or program to occur at the Town Building or is supplied by the participants of the class or program for their personal consumption.
 - c. Written approval from the elected Town board with the care, custody and control of the Town building that is the subject of the application.
 - d. A written certification to comply with all rules and regulations pertaining to the rental and/or use of Town building, including any specific requirements related to the service of alcohol in said building. Those using Town property must comply with all Town laws, regulation and guidelines.
 - e. If the applicant is not a Department of the Town and will be providing the alcohol, documentation of the applicant's status as a charitable non-profit organization.
 - f. Identification and relevant information about the responsible manager who will be on-site for the duration of the event supervising the service and consumption of alcohol. The name and relevant information of a back-up manager may also be provided.
 - g. A description of the event, including the following:
 - 1. Purpose and theme of the event;
 - 2. Number of attendees;
 - 3. Hours of operation;
 - 4. Event layout and staffing;

5. Plan to ensure use of alcohol is restricted to the interior of the authorized Town building;
 6. Fees/pricing; and
 7. Other relevant information necessary to assist the Select Board in its review of the application.
- h. Relevant documentation including, but not be limited to, a copy of the event invitation, flyer, or letter of explanation regarding the event.
- 12.3 Duration. Any license issued pursuant to this section, shall only allow its holder to use the premises for the sale and service of alcoholic beverages on the date or dates specifically listed in the license.
- 12.4 Insurance. Within three business days of the event, the non-profit charitable organization shall provide a certificate of insurance for liquor liability coverage in the amount of \$1,000,000 single occurrence/ \$2,000,000 aggregate or more. The certificate of insurance shall include coverage naming the Town of Wellesley as additionally insured.
- 12.5 Service of Alcohol. All service of alcoholic beverages must comply with the terms of the Caterer's ABCC liquor license or its Special Temporary License. Additionally, all individuals serving alcohol must have successfully completed one of the alcoholic beverage training program identified in Section 7.5, or any other insurance industry approved and qualified program offered by a certified trainer and approved by the Select Board to prevent sales to minors or intoxicated persons, within the last three years. Documentation of such compliance must be provided to the Select Board at least three (3) days prior to the event.

APPROVED BY:

Select Board, Chair: Thomas H. Ulfelder

Thomas H. Ulfelder

Select Board, Vice Chair: Lise M. Olney

Lise M. Olney

Select Board: Elizabeth Sullivan Woods

Elizabeth Sullivan Woods

Select Board: Colette E. Aufranc

Colette E. Aufranc

Select Board: Ann-Mara S. Lanza

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