

**CITY OF TAUNTON**

**RULES AND REGULATIONS RELATIVE TO**

**ALCOHOLIC BEVERAGE LICENSES AND**

**ENTERTAINMENT**



***City of Taunton License Commission***  
***City Hall***  
***15 Summer Street***  
***Taunton, Massachusetts 02780***

*These regulations are adopted, and may be amended from time to time, by the local licensing authority, the City of Taunton License Commissioners (“the Commission”), pursuant to the provisions of Massachusetts General Laws (M.G.L.), Chapter (c.) 138 and Chapter 140. Any and all alcoholic beverages, and entertainment licenses and permits issued by the Commission shall be governed by these regulations, M.G.L. c. 138 and M.G.L. c. 140, and the rules and regulations of The Alcoholic Beverages Control Commission of the Commonwealth of Massachusetts under 204 CMR, as the same may be amended from time to time.*

## Contents

1.01 Definitions .....	5
2.01 Filing of Applications .....	9
2.02 License Fee Schedule .....	9
2.03 Compliance with Laws, Regulations and Conditions .....	10
2.04 Multiple Applicants.....	10
2.05 Standard for Evaluation of Applications.....	10
2.06 Licenses for Premises Near a School or Church .....	11
2.07 Proof of Citizenship.....	11
2.08 Application Formats .....	11
2.09 Certificate of Real Name of Person Conducting Business.....	11
2.10 Appointment of Manager/Appointment of Responsible Individual for One-Day Temporary Alcohol Permit - (M.G.L. c. 138, § 26; 204 CMR 7.00 et seq.) .....	12
2.11 List of Other Alcoholic Beverage Licenses.....	13
2.12 Submission of Financial Records and Statements .....	13
2.13 Legal Notice and Publication - (M.G.L. c. 138, §15A) .....	13
2.14 Plan of Operation .....	14
2.15 Precise Plans Required – New Licenses, Transfer of Licenses, and Alterations of Existing Licensed Premises	15
2.16. Insurance Requirements.....	18
2.17 Description of Food Served and/or Sold .....	19
2.18 Preparation of Application Forms .....	19
2.19 Applicants for a one-day temporary alcohol permit under M.G.L. c. 138, §14 .....	19
2.20 Penalties for False Statements on Applications.....	20
2.21 Filing of Forms in Quadruplicate .....	20
3.01 Availability of Rules and Regulations .....	21
3.02 Posting of Signs .....	21
3.03 Admission to Premises.....	22
3.04 Physical Premises .....	24
3.05 Hours of Operation.....	25
3.06 Permission to Close Premises Required .....	26
3.07 Business Arrangements of Licensees – All Licenses .....	26

3.08 Refuse Removal .....	28
3.09 Common Practices .....	29
3.10 Vicinity of Licensed Premises – Public Safety and Order .....	30
3.11 Standards of Conduct on the Premises.....	31
3.12 Injuries to Persons at the Premises.....	32
3.13 Service Training .....	32
3.14 Crowd control - use of occupancy counters.....	33
3.15 Management.....	33
3.16 Bankruptcy and Court Proceedings .....	33
3.17 Automatic Amusement Devices.....	34
3.18 Entertainment License.....	34
3.19 Entertainment at Premises with In-house Food or Beverage Service.....	35
3.20 Seats, Chairs, Stools, bar Stools and Bar Rails.....	35
3.21 sale, Service, Dispensing, Distribution and Consumption of Alcohol Limited to Approved Areas – (M.G.L. c. 138, §30H) .....	36
3.22 Consumption on the Premises (204 CMR 4.03) .....	37
3.23 Serving in Containers (204 CMR 4.03) .....	37
3.24 Service of Alcoholic Beverages Limited (204 CMR 4.01).....	38
3.25 Police Details .....	38
3.26 Waiver of Police Details Requirement .....	39
3.27 Texas Hold'em .....	40
4.01 Hours and Days of Operation - (M.G.L.c. 136, § 6 (52); c. 138, §§ 15, 33 (ac)) .....	40
4.01 Consumption on Premises Prohibited Except for small tastings – (204 CMR 2.05 (5); M.G.L. c. 138, § 15)....	41
4.03 Seating, Chairs, Stools and Tables Prohibited .....	42
5.01 List of Officers.....	42
5.02 Only Club Members and Guests to be Served.....	43
6.01 Other Causes for Revocation, Suspension, and Modification.....	43
6.02 Penalty Guidelines .....	44
6.03 Service of Suspension Orders.....	45
6.04 Appeals – (M.G.L. c. 138, § 67).....	45
6.05 Inspections.....	45
6.06 Sting Guidelines.....	45
Appendix A - Waiver of Police Details Requirement Request Form .....	48

# SECTION ONE: DEFINITIONS

## 1.01 Definitions

As used throughout these regulations in their entirety, the terms contained within M.G.L. c. 138, §1 and M.G.L. c. 140, § 1, and § 12A shall have the meaning as defined thereunder. In addition, the following terms shall have the following meanings:

*“ABCC” – The Alcoholic Beverages Control Commission;*

*“Abutters” – persons or entities listed on the City of Taunton Assessor’s most recent valuation list who are owners of record of real property which physically touches the real estate of the proposed Licensed Premises excluding record owners of real property located across a public way;*

*“Agent” means a member of the Taunton Police Department or any other authorized licensing agent of the City of Taunton.*

*“Alcohol” (M.G.L. c. 138, §1) – all alcohol other than denatured alcohol, methyl alcohol, or wood alcohol, so called;*

*“Alcohol beverages” (M.G.L. c. 138, §1) –any liquid intended for human consumption as a beverage and containing one half of one per cent or more of alcohol by volume at sixty degrees Fahrenheit.*

*“Automatic amusement machine” (M.G.L. c. 140, § 177A) – any mechanism whereby, upon deposit therein of cash, credit card or token, any apparatus is released or set in motion or put in position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines including free play pinball machines and video games;*

*“Bar” – a platform, counter, table, tabletop, surface, devise, or mechanism which may be used, designed, arranged, or constructed for the purpose of selling, serving, dispensing, distributing, delivering, and/or furnishing alcoholic beverages in open containers or glasses for consumption on Licensed Premises;*

*“Bartender” – a person who sells, serves, dispenses, distributes, delivers, or furnishes alcoholic beverages at a bar;*

*“Bar rail” – a platform, counter, shelf, surface, devise, or mechanism which may be used, designed, arranged, or constructed for the purpose of holding alcoholic beverages which is less than eighteen (18) inches in width;*

*“Bar stool” – a chair or seating device which is located adjacent to a bar;*

*“Beer” / “Malt” (M.G.L. c. 138, §1) – all alcoholic beverages manufactured or produced by the process of brewing or fermentation of malt, with or without cereal grains or fermentable sugars, or of hops, and containing not more than twelve per cent of alcohol by weight;*

*“Billiards” (M.G.L. c. 140, §177) – Billiard or pool table to be used for amusement only and not for the purpose of gaming for money or for property;*

*“Class One” is a license issued under MGL c. 138 § 12 with a closing time of 1:00 A.M.;*

*“Class Two” is a license issued under MGL c. 138 § 12 with a closing time of 2:00 A.M.;*

*“Closing Time” is the time fixed by the Commission for the daily secession of the service, sale, delivery, and/or consumption of alcohol which may appear on the face of the license. At closing time the Licensed Premise must be closed, with the door locked and no patrons present on the Licensed Premises.*

*“Club” - holder of an alcohol license issued under M.G.L. c. 138, § 12, who has been granted written permission by the Commission to restrict admission to the Licensed Premises to its members and to guests introduced by members, and to no other persons.*

*“Commission” means the License Commission of the City of Taunton.*

*“Common Victualler - the keeper of a restaurant or public eating house where the food sold is eaten on the Licensed Premises and the keeper of a food service business where food is sold, served, dispensed, distributed, or delivered to the public irrespective of whether or not the food is eaten on the Licensed Premises.*

*“Entertainment license” – a grant of authority from the Commission to the Licensee for a specific period of time to provide a specific form of amusement, fun, merriment, sport, frolic, pleasure, and/or enjoyment.*

*“General On-Premises All-Alcohol license” (M.G.L. c. 138, §12) – a special grant of authority from the Commission, subject to the ABCC’s approval, to an entity or person authorizing him to sell alcoholic beverages without food service to patrons and customers to be sold and drunk in such rooms as the Commission may approve in writing.*

*“Food service” - the preparing, sale, service, dispensing, distribution, and/or delivery of food which shall include meals, hot hors d’oerves, sandwiches, soups, hot*

*prepared food and salads, but shall exclude chips, nuts, pretzels, popcorn, candy, and other snack-like foods;*

*“Innholder” – an innkeeper or person who holds him/herself out to the public as ready to entertain travelers, strangers, and transient guests;*

*“Keg” (204 C.M.R. 9.01) – any container for malt beverages having a capacity by volume of more than two gallons of liquid;*

*“Last Call” – The verbal announcement by a responsible individual/manager that no more alcoholic beverages will be served;*

*“License” – any and all grant(s) of authority from the Commission to the Licensee;*

*“Licensed Premises” or “Premises”– Any and all real estate, real property, personal property, building(s), space(s), ground(s), place(s), location(s), parking lot(s), walkway(s), sidewalk(s), driveway(s), way(s), fixture(s), motor vehicle(s), delivery vehicle(s), trailer(s), shed(s), storage container(s), and area(s) under the direction and control of the Licensee which relates in any manner to the conduct of the Licensee’s business or Licensee’s event;*

*“Licensee” – any person, business, firm, corporation, partnership, association, society, organization, entity, club, or combination of persons presently holding or possessing a valid and current license or interest in a license granted by the Commission, or as the case may be, any person, business, firm, corporation, partnership, association, society, organization, entity, club, or combination of persons presently holding or possessing a valid and current permit or interest in a permit granted by the licensing authority;*

*“Licensing Authority” – either the Taunton License Commission or the ABCC;*

*“Live entertainment” – any concert, dance, exhibition, cabaret or public show of any description*

*“Malt beverage” (M.G.L. c. 138, §1) – all alcoholic beverages manufactured or produced by the process of brewing or fermentation of malt, with or without cereal grains or fermentable sugars, or of hops, and containing not more than twelve per cent of alcohol by weight.*

*“Manager” (M.G.L. c. 138, §26) - a responsible person designated by the Licensee vested with full authority and control of the Licensed Premises and of the conduct of all business therein relative to alcoholic beverages who directs and controls the day to day operation of the business of the Licensee;*

*“Maximum occupancy capacity” (M.G.L. c. 138, §12) - the highest number of persons permitted within or upon the Licensed Premises as certified by any person*



*or state or local agency charged with the administration or enforcement of the state building code or any of its rules or regulations.*

*“Maximum seating capacity” – the highest number of seats, including but not limited to chairs, stools, bar stools, and any other device used for the purpose of sitting, permitted by the Commission within or upon a Licensed Premises;*

*“Official opening hour” - the time fixed by the Commission for the daily commencement of the service, sale, delivery, and/or consumption of alcohol which may appear on the face of the license.*

*“Patron” means a customer who is legally on the Licensed Premises.*

*“Permit” (M.G.L. c. 138, §14) – a special grant of authority for up to a maximum of one day from the Commission to the Licensee for the sale of either All-Alcohol or Wine/Malt beverages to the responsible manager of any nonprofit organization conducting any indoor or outdoor activity or enterprise issued under M.G.L. c. 138, §14;*

*“Responsible individual” – a person who is responsible for the orderly and safe conduct of an event and responsible for the proper sale, service, delivery, dispensing, and consumption of alcoholic beverages under a one-day temporary alcohol permit issued under M.G.L. c. 138, §14.*

*“Restaurant” (M.G.L. c. 138, §1) – space, in a suitable building, leased or rented or owned by a person holding a duly issued and valid license as a common victualler under the provisions of M.G.L. c. 140, and provided with adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for strangers, travelers and other patrons and customers, and in addition meeting and complying with all the requirements imposed upon common victuallers under M.G.L. c. 140;*

*“Retail Package Store” (M.G.L. c.138, §15) – a business or location that offers for sale at retail of such alcoholic beverages or wines, as the case may be, not to be drunk on the Licensed Premises;*

*“Rules and Regulations” means these Rules and Regulations and compilation of regulations, ordinances and laws set up by a licensing authority to regulate the manner in which businesses under its authority shall operate.*

*“Servers” – any and all persons who serve, sell, dispense, distribute, furnish, or deliver alcoholic beverages to a consumer, including but not limited to bartenders, waitresses, waiters and persons under a retail package store license;*

*“Tavern” (M.G.L. c. 138, §1) – an establishment where alcoholic beverages may be sold, as authorized by this chapter, with or without food, to be served to and drunk*



*by patrons in plain view of other patrons, all entrances to which shall open directly from a public way.*

*“Video Poker Machine” – for the purposes of these rules, shall mean any machine or electronic device that requires a fee to play, that allows a player to play a game of poker, or any other card game, against the machine regardless of prize or payout.*

*“Wine” (M.G.L. c. 138, §1) – all fermented alcoholic beverage made from fruits, flowers, herbs or vegetables and containing not more than twenty four per cent of alcohol by volume at sixty degrees Fahrenheit, except cider containing not more than three percent, or containing more than six percent, of alcohol by weight at sixty degrees Fahrenheit.*

## **SECTION TWO: APPLICATION PROCESS**

### **2.01 Filing of Applications**

*All license applications must be “complete” to be considered by the Commission. An application shall be considered “complete,” and eligible for consideration, when it has been filed in accordance with the Commission’s procedural instructions, all forms required have been fully completed and executed and the plan of operation and all required supporting documentation have been filed. Application filing fees must be paid prior to processing of the application by the Commission. Annual license fees shall be payable immediately upon approval of the license by the Commission. All filing fees shall be paid by check or money order. Filing fees are not refundable once the Commission has accepted an application. License fees shall not be prorated and are not refundable.*

### **2.02 License Fee Schedule**

*All required filing fees charged by the Commission and the Alcoholic Beverages Control Commission pertaining to all licenses and permits issued by the Commission shall be paid in full at such time as an application is filed at the Office of the Commission. The type and amount of filing fees vary depending upon the type of application submitted. Current filing fees charged by the Commission and by the Alcoholic Beverages Control Commission may be obtained from the Office of the Commission upon request. The Commission’s filing fees, if paid for by check, must be made payable to: “City of Taunton”. Filing fees required by the Alcoholic Beverages Control Commission must be made payable to: “Commonwealth of Massachusetts” and must be by certified check or bank treasurer's check. Upon filing an application with the*

*Office of the Commission, all filing fees shall be non-refundable and shall not be pro-rated for any reason.*

*All license and permit fees for the initial issuance of a new license or permit, or for the transfer of an existing license, shall be paid in full prior to the issuance of the license or permit. Licensees must pay in full all taxes and charges owed to the City of Taunton on a current basis prior to the Commission's issuance of the license or permit or transfer of the license where applicable. All license and permit fees shall be non-refundable and shall not be prorated for any reason.*

*License fees for the annual renewal of all licenses must be paid in full prior to the Commission's issuance of any renewal license. Licensees must pay in full all taxes and charges owed to the City of Taunton on a current basis prior to the license's annual renewal. All license fees shall be non-refundable and shall not be pro-rated for any reason.*

### ***2.03 Compliance with Laws, Regulations and Conditions***

*Licensees shall maintain their Licensed Premises and operations in compliance with all applicable State and local building and sanitary codes, laws and regulations and all conditions attached to any license granted pursuant to these Regulations. All taxes and charges owed the City of Taunton must be paid in accordance with applicable law. Failure to comply with any of these laws, regulations and conditions shall be deemed an illegality or disorder and may result in disciplinary action.*

### ***2.04 Multiple Applicants***

*If more than one applicant seeks an available License, prior to the initial issuance of those Licenses, the Commission shall consider all such applications for those Licenses in an open, competitive process. As part of such process, every applicant shall be given an opportunity to comment upon the strengths of its application vis a vis other applications.*

### ***2.05 Standard for Evaluation of Applications***

*The Commission shall not approve any application for a License unless they determine that such application and its accompanying plan of operation and other documentation present clear and convincing evidence that it is in the public interest of the citizens of the City of Taunton and its issuance will promote the public welfare, result in net new benefits (independent of the sale of wine and malt beverages) and otherwise significantly improve the quality of life in the City. Applications failing to meet this*

standard will be rejected. The Commission may impose such conditions as they determine to be appropriate in connection with the grant of any License.

### **2.06 Licenses for Premises Near a School or Church**

*In accordance with M.G.L. c. 138, §16C, no License shall be issued for premises located within five hundred (500) feet of a school or church unless the Commission determines, in writing and after a public hearing, that the operation of the licensed business on the premises will not be detrimental to the education or spiritual activities of said school or church. The Commission may impose conditions on the grant of a License to ensure that the operation of a licensed business at the premises will not be so detrimental.*

### **2.07 Proof of Citizenship**

*Every applicant for a license either individually or as a member of a partnership, association, or business shall furnish proof of U.S. citizenship by production of a certificate of birth, naturalization or passport.*

### **2.08 Application Formats**

**Individual.** *Every application for a License made by an individual shall be signed by the applicant, who shall give his or her full name and home address.*

**Partnership.** *Every application for a License made by a partnership shall state the full names and home addresses of all the members of the partnership and shall be signed by a majority thereof.*

**Corporation/LLC.** *Every application for a license made by a corporation or limited liability company shall state the full names and home addresses of the president, treasurer, clerk, manager, and/or members and be signed by an officer or manager duly authorized by a vote of its board of directors or members. A copy of such vote certified by the clerk or secretary of the corporation or limited liability company, together with a copy of the certificate of its organization, shall accompany the application.*

### **2.09 Certificate of Real Name of Person Conducting Business**

*Every applicant for a license required by the provisions of M.G.L. c. 110, §5 to file a certificate stating the real name of a person conducting a business, shall file with its application a certified copy thereof.*

**2.10 Appointment of Manager/Appointment of Responsible Individual for One-Day Temporary Alcohol Permit - (M.G.L. c. 138, § 26; 204 CMR 7.00 et seq.)**

- A. Approved manager required for all alcohol licenses** - All Licensees, shall appoint and maintain a responsible person as Manager at all times who has been approved by both the Commission and Alcoholic Beverages Control Commission, and whose identity shall appear on the face of the license, with the exception of one-day temporary alcohol permits issued under M.G.L. c. 138, §14 who shall instead comply with Section B below. At minimum, in order to gain Commission approval, the Manager must be at least 21 years of age, a United States citizen, vested with full authority and control of the Licensed Premises and of the conduct of all business therein, and be of high moral character acceptable to the Commission which may include the Commission's review of a criminal record background check as conducted by the Alcoholic Beverages Control Commission. The Manager must be present upon or within the Licensed Premises at least fifty (50) percent of the time the Licensed Premises is open for business. Whether present or not, the Manager shall have total responsibility for the proper operation of the Licensed Premises, for the safe and orderly conduct of the licensed business, for any area(s) under the direction and control of the Licensee relating to the conduct of the Licensee's business, and for the proper sale, service, delivery, dispensing, distribution, and consumption of alcoholic beverages within or upon the Licensed Premises including any area(s) under the direction and control of the Licensee relating to the conduct of the Licensee's business. No appointment of a Manager or successive Manager shall be effective unless and until first obtaining the written approvals of both the Commission and the Alcoholic Beverages Control Commission.
- B. Approved "responsible individual" required in lieu of manager for temporary alcohol permit issued under M.G.L. c. 138, §14** – The requirements of Section A above as to appointment and retention of a manager shall not apply to a one-day temporary alcohol permit issued under M.G.L. c. 138, §14 but instead the one-day temporary alcohol Licensee shall provide an individual responsible for the orderly and safe conduct of the event and who shall be responsible for the proper sale, service, delivery, dispensing, and consumption of alcoholic beverages (hereinafter "responsible individual") who shall be physically present during the duration of the entire event, and who shall sign the application. The responsible individual must be acceptable to the Commission as to his/her character and be approved by the Commission in writing prior to issuance of any one-day temporary alcohol permit. The responsible individual shall have total responsibility for the proper operation of the Licensed Premises, for the safe and orderly conduct of the licensed event, for any area(s) under the direction and control of the Licensee relating to the conduct of the Licensee's event, and for the proper sale, service, delivery, dispensing, distribution, and consumption of alcoholic beverages within or upon

*the Licensed Premises including any and all area(s) under the direction and control of the Licensee relating to the conduct of the Licensee's event.*

- C. *Every applicant for a License made by a partnership, limited liability company or corporation shall include the name, home address and telephone number, and all previous relevant experience, if any, of a duly qualified manager or other principal representative who is a citizen of the United States and resident of the Commonwealth of Massachusetts and who is of character satisfactory to the Commission. A copy of the vote appointing its manager or other principal representative, and vesting in such person as full authority and control of the proposed Licensed Premises and of the conduct of all business therein relative to alcoholic beverages, shall also accompany the application.*

### ***2.11 List of Other Alcoholic Beverage Licenses***

*An applicant for a License shall disclose all other alcoholic beverage licenses presently or formerly held in any capacity, individually or as part of a corporate or other entity. An applicant shall also disclose any previous denials of an application for a license.*

### ***2.12 Submission of Financial Records and Statements***

*The Commission may require an applicant for a license to supply complete financial records and statements relating to the proposed licensed business and/or the applicant's ability to operate the proposed licensed business.*

### ***2.13 Legal Notice and Publication - (M.G.L. c. 138, §15A)***

*All applicants for an original alcohol license, for an alcohol license transfer, and/or for a change in description of an alcohol Licensed Premises, with the exception of applicants for a one-day temporary alcohol permit issued under M.G.L. c. 138, §14, shall provide for proper and timely legal notice and publication which must occur at least ten (10) days prior to public hearing conducted before the Commission. Legal notice shall include the applicant's full name, the kind of license applied for, a complete description of the applicant's intended action, and the full address where the license is to be used. The applicant shall provide and pay for legal notice for publication directly to a newspaper of the City of Taunton, or, if there is no local newspaper, then to the newspaper that provides general circulation in the City of Taunton. The applicant's legal notice and newspaper publication must occur at least ten (10) days prior to public hearing conducted before the Commission. The applicant shall send a current and accurate copy of its legal notice by certified mail return receipt requested (green card), within three (3) days of its newspaper publication, to all abutters (owners of property*



*directly touching the proposed Licensed Premises as shown on the City of Taunton Assessor's most recent valuation list), and to all public or private elementary, middle, or secondary schools, churches, synagogues, religious institutions of worship, or hospitals within 500 feet from the proposed Licensed Premises whereupon the legal notice shall include a statement reciting the necessity of a written objection to prevent the issuance or transfer of such license. In such an event, whether the application for a license is protested or not, the applicant shall affirmatively demonstrate to the Commission at public hearing that the proposed Licensed Premises is not detrimental to the educational and spiritual activities of such school, church, synagogue, or hospital, and the Commission shall make written findings of such prior to the issuance of the license, if so approved by the Commission.*

*Once the applicant has in fact provided proper and timely legal notice and publication as herein described, the applicant shall file with the Office of the Commission the following: (a) an affidavit under pains and penalties of perjury attesting to said service of notice; (b) all return receipts of said notice (green cards); and, (c) one or two original(s) of said notice as required.*

*The Commission shall take no action on any application for an original alcohol license, alcohol license transfer, and/or a change in description of an alcohol Licensed Premises until proper and timely legal notice and publication as herein described have been rendered by the applicant at least ten (10) days prior to public hearing.*

#### **2.14 Plan of Operation**

*Every applicant for a License shall file as part of its application a plan of operation setting forth in detail:*

- A. A description of the type of restaurant or food store the applicant proposes to operate and the applicant's experience or qualifications to operate such a business;*
- B. The capital investment and other financial commitments and resources the applicant is willing to commit to the licensed restaurant or food store;*
- C. Any net new benefits which the restaurant or food store proposed by it will bring to the City of Taunton;*
- D. The location where the applicant proposes to operate the licensed business and satisfactory evidence of site control for the proposed location;*
- E. A proposed opening date;*

- F. Any zoning, parking, traffic or public health or safety issues presented by the application or raised by the Commission or other City agencies or boards and the applicant's plans to address or mitigate such issues; and
- (1) The reasons why the applicant believes its application presents compelling evidence that its issuance will be in the public interest of the citizens of the City of Taunton,
  - (2) promote the public welfare, result in any net new benefits (independent of the sale of wine or malt beverages) to Taunton,
  - (3) and otherwise significantly improve the quality of life in Taunton.

### **2.15 Precise Plans Required – New Licenses, Transfer of Licenses, and Alterations of Existing Licensed Premises**

- A. **Precise Plans Required** - In addition to all other requirements, any applicant for a new license, transfer of an existing license, change in the structural composition of a Licensed Premises, change in Commission approved area(s) for the sale, service, dispensing, distribution, or consumption of alcohol, or increase in the seating capacity upon or within a Licensed Premises, shall submit to the Commission written drawings, blueprints, and/or accurate plans of a reasonably precise nature acceptable to the Commission (hereinafter "plans") for the Commission's consideration, with the exception of applicants for a one-day temporary alcohol permit issued by the Commission under M.G.L. c. 138, §14 who shall instead comply with Section E below.
- B. **Renovations and modifications to existing Licensed Premises - Change in structural composition, Change in Commission approved alcohol areas, or Increase in seating capacity** - In the event that the renovation, physical change, modification, extension, expansion, or alteration constitutes a change to the structural composition of a Licensed Premises, or to any area under the direction and control of the Licensee (including but not limited to buildings, kitchens, walls, floors, ceilings, patios, decks, sidewalks, roofs, and/or any exterior extension), the applicant or Licensee must submit new plans for the Commission's consideration as required in Section A above and comply with Sections C, D, and E below.

*In the event that the renovation, physical change, modification, extension, expansion, or alteration relates to those areas upon or within the Licensed Premises, or to any area under the direction and control of the Licensee, previously approved by the Commission for the sale, service, dispensing, distribution, and/or consumption of alcohol (including but not limited to any increase in the maximum seating capacity), the applicant or Licensee must submit new plans for the Commission's consideration as required in Section A above and comply with Sections C, D, and E below.*



*There shall be no increase in maximum seating capacity within or upon the Licensed Premises, or to any area under the direction and control of the Licensee, without the prior written approval of the Commission based upon new plans submitted by the applicant or Licensee as required in Section A above and Sections C, D, and E below.*

*In the event that any Licensed Premises is issued or granted a change in its maximum occupancy capacity, the Licensee shall, within ten (10) days, notify in writing the Commission of said change and provide to the Commission a copy of the new maximum occupancy capacity certificate.*

**C. Minimum Information the Plans Must Contain** - *The applicant's or Licensee's plans shall, at a minimum, specify the following information: maximum occupancy capacity, maximum seating capacity, total square footage, square footage by floor, square footage by room, and the location, numbers, and dimensions of each of the following: all stages, tables, counters, seats, chairs, stools, bars, bar stools, exits, entrances, means of egress, exterior and interior doors, exterior and interior stairs, show areas, entertainment areas, amplifiers, phonographs, dance floors, automatic amusement machines, billiards, pool tables, kitchens, bathrooms, hallways, vestibules, closets, waiting areas, and rooms. In addition, the plans shall specify any other additional information as the Commission may require or direct. No license shall issue without the Commission's receipt of said plans and until written approval is granted and recorded by the Commission upon the applicant's or Licensee's submitted plans.*

**D. Commission's Approval Process of Plans and Commission's Recording of Approval Upon the Plans** – *If so approved, upon approval by the Commission of the submitted plans, the Commission shall cause to be made a written notation of the date and the fact of the Commission's approval upon the face of the approved plans. All plans submitted by the applicant or Licensee, approved in writing by the Commission and recorded as such, shall be kept on file by the Office of the Commission. Once the plans are approved in writing by the Commission and recorded as such, the Licensed Premises shall continue to conform to the written plans as so approved and recorded by the Commission kept on file at the Office of the Commission, including the Licensed Premises' maximum seating capacity. Any renovation, physical change, modification, extension, expansion, or alteration made within, to, or upon the Licensed Premises, and/or in any area under the direction and control of the Licensee, which constitutes a change to the structural composition of a Licensed Premises or results in a change of areas approved by the Commission for the sale, service, dispensing, distribution, and/or consumption of alcohol (including but not limited to any increase in the maximum seating capacity), shall require the Commission's written approval based upon new plans submitted by the applicant or Licensee. Any violation of this requirement shall be cause for sanctions against the license and, in the case of an application for a transfer of an existing license, as against the current Licensee.*

*No license shall issue until the Commission's independent approval and all approvals of all applicable City departments has issued in writing. The applicant or Licensee shall provide the Commission with copies of approvals of all applicable City departments. Approval of plans and/or the issuing of permits by the City's Board of Health, Fire Department, or City Council does not constitute approval by the Commission. The Commission must grant separate and independent written approval before any work is commenced, with the sole exception of emergency repairs.*

*No Licensee, manager, agent, or employee shall keep for sale, store, dispense, deliver, serve, or sell alcoholic beverages upon or within any part of the Licensed Premises not specified on the plans approved in writing and recorded by the Commission, including but not limited to patios, decks, sidewalks, roofs, and/or any exterior extension.*

**E. Certification letter or as-built plans required upon completion of construction or modifications** - *Upon completion of the new construction, build-out, renovations, physical changes, modifications, extensions, expansions, or alterations, which constitute a change in the structural composition of the Licensed Premises or change in Commission approved areas for the sale, service, dispensing, distribution, or consumption of alcohol, as the case may be, the applicant or Licensee shall submit to the Office of the Commission a letter certifying under pains and penalties of perjury that the premises as constructed accurately and completely conform to the plans as previously submitted and approved by the Commission. Said certification letter shall act in lieu of the requirement for "as built" drawings. No license shall issue until receipt of said certification letter by the Commission. Said certification letter shall be kept on file by the Office of the Commission along with the plans recorded approved by the Commission. Should the premises in fact fail to conform in any manner to the applicant's or Licensee's representation of conformity contained within said certification letter, the Commission may take sanctions against the license, or in the case of an application for the transfer of an existing license, as against the current Licensee.*

*In the event that the premises after construction do not conform to the plans as previously submitted and recorded approved by the Commission, the applicant or Licensee shall submit an additional set of drawings, blueprints, and/or accurate plans of a reasonably precise nature acceptable to the Commission which accurately depict the premises as constructed (so-called and hereinafter "as-built plans"), which as-built plans shall also be subject to written recorded approval by the Commission. The as-built plans shall contain the same information as required in Section C above. Should the Commission, in the exercise of its discretion, approve the as-built plans, the fact of said Commission approval shall be recorded upon the as-built plans and the as-built plans shall be kept on file by the Office of the Commission, as Section D above recites. Should the*

*Commission, in the exercise of its discretion, fail to approve of the applicant's or Licensee's as-built plans, the Licensee shall alter and modify the Licensed Premises to conform to the Commission's direction within a reasonable time thereafter, not to exceed sixty (60) days. After completion of said alteration and modification to the Licensed Premises to comply with the Commission's direction, the applicant or Licensee shall then modify in writing the as-built plans and resubmit said as-built plans for the Commission's reconsideration.*

*Should the Commission, in the exercise of its discretion, approve of the resubmitted as-built plans, the fact of said Commission approval shall be recorded upon the as-built plans and the as built plans shall be kept on file by the Office of the Commission, as Section D above recites. In the event that the Commission fails to approve of the resubmitted as-built plans, or in the event that a reasonable time not to exceed sixty (60) days expires and the Licensed Premises continues to fail to conform to the Commission's direction, the Commission may take sanctions against the license, or in the case of an application for the transfer of an existing license, as against the current Licensee.*

- F. Sketch required in lieu of plans for one-day temporary alcohol permit issued under M.G.L. c. 138, §14** - *The requirement for precise plans as recited in Sections A–E above shall not apply to applicants for a one-day temporary alcohol permit issued by the Commission under M.G.L. c. 138, §14 but instead an 8 and ½ inch by 11 inch sketch submitted by the applicant and approved in writing by the Commission (hereinafter "sketch") shall be. Said sketch of the proposed Licensed Premises must be of a reasonably precise nature acceptable to the Commission which clearly delineates the location and manner alcoholic beverages will be served, sold, delivered, and/or dispensed. Said sketch must clearly and accurately designate the confined physical area within the proposed Licensed Premises where alcoholic beverages will be served, sold, delivered, dispensed, and/or consumed, and otherwise contained, and any other information on the sketch as the Commission may require. No one-day temporary alcohol permit shall issue without the Commission's receipt and written approval of the sketch.*

## **2.16. Insurance Requirements**

*All licenses and permits issued by the Commission are subject to any and all insurance requirements the Commission may impose and those arising under state law including but not limited to general liability coverage, workers compensation coverage, and alcohol liability coverage. No license or permit shall be issued or renewed until the applicant or Licensee demonstrates compliance with insurance requirements of the Commission and under state law by submission of written evidence acceptable to the Commission. At all times the Licensee shall maintain said insurance coverages current and at minimum levels required under state law.*

*A current and accurate copy of said insurance coverages shall be maintained upon or within the Licensed Premises and shall be made readily available for inspection by authorized agents of the Commission. A current and accurate copy of said insurance coverages shall be forwarded by the Licensee to the Office of the Commission upon request.*

### ***2.17 Description of Food Served and/or Sold***

*Common Victualler. Every applicant for the Common Victualler License shall file with its plan of operation, a summary of its proposed menu, description of food to be served and the manner in which such food shall be served and a floor plan of the premises where the restaurant will operate.*

### ***2.18 Preparation of Application Forms***

*All applications for licenses shall be made upon forms approved by the Commission, shall be fully answered in detail and shall be typewritten or legibly printed in ink. Applications which are not complete will not be accepted.*

### ***2.19 Applicants for a one-day temporary alcohol permit under M.G.L. c. 138, §14***

*In addition to all other requirements, all applicants for a one-day temporary alcohol permit only under M.G.L. c. 138, §14 shall legibly, completely, and timely complete and submit to the Office of the Commission at least 48 hours before public hearing the following:*

- A. The Commission's Application for One Day Temporary Alcohol Permit;*
- B. An 8 and ½ inch by 11 inch sketch of the proposed permitted premises of a reasonably precise nature acceptable to the Commission (hereinafter "sketch") which clearly delineates the location and manner alcoholic beverages will be served, sold, delivered, and/or dispensed. Said sketch must clearly and accurately designate the confined physical area within the proposed Licensed Premises where alcoholic beverages will be served, sold, delivered, dispensed, and/or consumed, and otherwise contained, and any other information on the sketch as the Commission may require;*
- C. Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages is to be controlled;*
- D. Written indication of existence and number of police detail(s) and/or security as determined by the Commission;*

- E. *Written evidence of owner's permission to utilize the proposed Licensed Premises in a form acceptable to the Commission;*
- F. *Written evidence of the maximum occupancy capacity of the proposed Licensed Premises in a form acceptable to the Commission;*
- G. *Designation and identification in writing by the applicant of an individual responsible for the orderly and safe conduct of the event and responsible for the sale, service, delivery, dispensing, and consumption of alcoholic beverages (hereinafter "responsible individual"), who shall be physically present during the duration of the entire event and who must sign the application;*
- H. *Designation and identification in writing by the applicant of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverage server training program of a type approved by the Commission; and,*
- I. *Any other additional forms, documents, writings, reports, statements, sketches, plans, or information the Commission may require.*

*However, all applicants for a one-day temporary alcohol permit under M.G.L. c. 138, §14, shall be exempted from the application requirements of publication and legal notice under Section 2.13 of these Rules and Regulations.*

*This regulation does not limit or restrict the legal effect of all other regulations contained herein which are applicable to a one-day temporary alcohol permit under M.G.L. c. 138, §14, to which the Licensee or applicant must comply.*

## **2.20 Penalties for False Statements on Applications**

*All applications shall be made under the penalties of perjury. Any false statement contained in any application, including but not limited to the true names of those with a beneficial interest in the application for a license, shall be cause for refusing to grant the license or for suspending, canceling, modifying or revoking a license already granted.*

## **2.21 Filing of Forms in Quadruplicate**

*Every application for a License other than an application for the renewal of such License, shall be filed with the Commission in quadruplicate (original and three copies).*



## *SECTION THREE: GENERAL RULES FOR ALCOHOLIC BEVERAGE LICENSES, COMMON VICTUALLERS, INNHOLDERS AND ENTERTAINMENT LICENSEES*

### *3.01 Availability of Rules and Regulations*

- A. All Licensees of the License Commission of the City of Taunton shall ensure that a copy of the Rules and Regulations of the Commission are kept on the Licensed Premises at all times as a reference for employees, agents of the Commission, and the public on request.*
- B. The Rules and Regulations need not be posted but shall be immediately accessible within several minutes of a request. A copy of the Rules and Regulations should be kept at the front door area where patrons pay their entrance fees or their checks, or at the main cash register. In establishments where patrons pay their checks at their tables, the Rules and Regulations may be kept in the dining room of the Licensed Premises.*
- C. The Licensee is responsible for ensuring that all employees read, understand, and comply with the Rules and Regulations of License Commission.*

### *3.02 Posting of Signs*

- A. Licenses issued by the Commission shall be posted under glass in a conspicuous place easily seen by the public where they can be read without difficulty or assistance of employees.*
- 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 any part of the license issued by the Commission.*

### **3.03 Admission to Premises**

- A. *No Licensee may 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, physical or mental disability, or ancestry, or on account of any other classification relative to the admission or treatment of persons from the general public or employees at the Licensed Premises; provided, however, that Premises licensed pursuant to M.G.L. c. 138, §12, 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 may 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. *No Licensee may institute dress requirements of any kind except according to the following rules:*
- (1) A sign must be posted at the entrance stating dress requirements or dress restrictions with specificity. (Examples: "Jackets required." "Ties and jackets required." "Shirts with collars required." "No sneakers.")*
  - (2) No signs may be posted which state "Proper dress required" or which otherwise announce a dress policy without stating specifically, item by item, what dress is required or what dress is prohibited.*
  - (3) No requirement may be made as to the type of shoes or the height of heels which may be worn; provided, however, that reference may be made to the admissibility or non-admissibility of sneakers or other soft athletic shoes or open shoes such as sandals.*
- C. *No Licensee may issue special admissions passes or "VIP" cards except according to the following rules:*
- (1) The special passes must state the calendar year on the face of the pass.*
  - (2) The special pass may not entitle the passholder to free drinks or to a discount on drinks.*
  - (3) The Licensee must keep a list of the names and addresses of all passholders and must have such list available if requested by the Commission.*
  - (4) The Licensee is responsible for ensuring that persons are picked to be passholders on a rational basis and not on any basis that invidiously discriminates.*
- D. *No Licensee may require any person to pay a minimum charge or cover charge unless a sign is conspicuously posted at every entrance to any dining room or rooms where such charge is required, in letters no less than one inch in height, stating that a minimum charge or cover charge shall be charged and also stating the amount of charge; provided, however, that no such Licensee shall require a person under thirteen (13) years of age to pay a minimum charge or cover charge. Such cover charge shall not be collected in advance of gaining entrance*



*to the Licensed Premises, and can only be charged upon a written or printed receipt, permanently recorded and numbered seriatim, presented to each individual customer or group of customers. Records of such receipts shall be kept by the Licensee for a period not less than two years. "Cover charge" shall mean all admission fees or admission charges. Such charges must also be posted on the outside of the Licensed Premises. Nothing in this regulation shall be construed to prohibit advance ticket sales.*

- E. No minimum charge for the purpose of alcoholic beverages or minimum alcoholic beverage drinking requirement shall be imposed upon any customer of a M.G.L. c. 138, §12 Licensee.*
- F. A Licensee who charges a minimum charge for the purchase of food and/or nonalcoholic beverages shall include a specific statement in the posting (as per Subsection D above) stating that there is no minimum charge for alcoholic beverages. Such minimum charge for food and/or nonalcoholic beverages shall not be collected in advance of gaining entrance to the premises. No Licensee shall impose a minimum charge for food and/or nonalcoholic beverages upon any customer who incurs charges for alcoholic beverages equal to or greater than the posted minimum charge for food and/or nonalcoholic beverages. (204 CMR 2:16)*
- G. Licensees may refuse entrance to the premises to a person who appears to be intoxicated or unruly; and may 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.*
- H. Licensees shall not permit entrance to the premises by more persons than the number approved by the Building Commissioner for the capacity of the Licensed Premises minus the number of employees working in the public areas at the time. Every room licensed for public occupancy shall be conspicuously posted at each entrance, clearly visible to patrons as they enter, with a statement of maximum occupancy. The statement must be clearly printed on permanent stock with white letters and numbers, no less than one inch high, printed on a dark contrasting background. Handwritten statements or statements on paper or cardboard are not permitted. The statement shall be permanently affixed and secured and maintained in a clearly visible state. The statement shall contain the language "MAXIMUM CAPACITY OF THIS ROOM \_\_\_\_\_ PERSONS." The number of allowable persons included in the statement shall be that number approved by the City of Taunton Building Department. Whenever a section of a room is separated by an attached or secured wall, railing, divider, drink rail, or other partition, it shall be considered a separate room and all such sections shall be posted as separate rooms.*
- I. Licensees who permit persons to wait in line for a table or a seat or for entrance to the Licensed Premises must obey the following rules.*

- (1) Persons who wait inside the Licensed Premises must be kept in an orderly line and must not be permitted to block fire aisles or exits. The number of such persons waiting inside the r Licensed Premises may not exceed the number of persons allowed as standees.*
- (2) Persons who are permitted to wait in line outside the Licensed Premises must be supervised by an employee of the Licensed Premises. Such employee must stand outside with the line during all times when the line exceeds 10 persons and shall announce no further admissions to the Licensed Premises if persons in the line are being loud or disorderly or if the line is blocking the sidewalk or is of a size that could reasonably be expected to cause noise or other problems for residents of the area or for passersby. To the extent that lines in front of a Licensed Premises become the subject of public complaints the Licensee will have been deemed to be inviting a public nuisance and will be subject to disciplinary proceedings for same. Licensees in residential zoning districts or within 150 feet of a residential zoning district are not permitted to allow patrons to wait in line outside the Licensed Premises.*
  
- J. Licensees are not permitted to lock the front door of the Licensed Premises until the last patron has exited from the Licensed Premises.*
  
- K. Licensees are not permitted to allow any patron or any guest or any employee who is not working that shift to enter the Licensed Premises after the closing hour posted on the license or prior to the opening hour posted on the license.*

### **3.04 Physical Premises**

- A. The Licensed Premises shall conform to the floor plan approved by the Commission with regard to the structures and the walls at the Licensed Premises. Any changes in the floor plan or any renovations of any kind shall not be made without notification to the Commission and the approval of the Commission.*
  
- B. All premises covered by the License shall be kept in a clean and sanitary condition.*
  
- C. No outside area shall be used as a gathering place for patrons unless approved by the Commission.*
  
- D. The capacity set for the Licensed Premises by the Building Inspector shall be the maximum potential capacity for the premises.*
  
- E. Certificate of Inspection, governed by Chapter 304 of the Acts of 2004, Section 2, states that the Commission shall require all applicants for section 12 alcoholic beverages licenses to submit a valid certificate of inspection, as provided in the*

state building code, issued by a local inspector, as defined in chapter 143, and signed by the head of the fire department, as defined in chapter 148, for the city, town or district in which the applicant intends to sell alcoholic beverages to be consumed on the premises. The law also states that the Commission shall require every section 12 license holder submit annually, a valid certificate of inspection, as provided in the state building code, 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 and from which alcoholic beverages intended to be consumed on the premises are to be sold. The issuance of such certificate shall be a precondition for the issuance or renewal of such a license and the commission may summarily revoke any license upon notice of noncompliance or expiration of such certificate, by operation of law and without a hearing.

- F. *The interior of the Licensed 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 and/or by the Fire Chief.*

### **3.05 Hours of Operation**

- A. *Hours Restricted. The hours of operation shall be restricted to those set by the Commission and stated on the face of the License. No patron shall be on the Licensed Premises before the official opening hour nor after the official closing hour.*
1. *For Licensed Premises licensed under MGL c. 138 §12 (on-premise consumption) the Commission has established two standard classifications of closing times, Class One and Class Two, as defined in section 1.01.*
- B. *Employee Access. Employees must be off the Licensed 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 in opening or closing the business on an orderly manner.*
- C. *No patrons may be admitted into the Premises during the one hour period before preceding the designated closing time. Upon the official closing hour, the Licensee, manager, bartenders, servers, agents, employees, and/or the individual responsible for the orderly and safe conduct of an event under a one-day temporary permit issued under M.G.L. c. 138, §14 (hereinafter "responsible individual") shall cause all patrons to promptly exit the Licensed Premises without delay, and all tables, counters, and bars shall be immediately cleared of all glasses, bottles, and containers of alcohol beverages. There shall be no drink consumption time permitted after the official closing hour. Last call shall be one-*

*half hour before the official closing hour of the Licensed Premises as specified upon the face of the license. All patrons must be out of the license establishment and the door locked at the designated closing time.*

### **3.06 Permission to Close Premises Required**

- A. *License are granted to serve the public needs 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. No license under these Rules and Regulations may close its place of business for any reason other than the following:*
- (1) Upon approval of a request to the Commission for closing in order to do renovations for a reasonable time;*
  - (2) For all holidays and religious days;*
  - (3) A closing of one or more days per week upon approval of a request to the Commission and a showing by the Licensee that it does not have adequate business upon such days;*
  - (4) Emergencies. The restriction in the preceding paragraph shall not apply to a closing due to an act of God, natural disaster, illness or some other business problem for which request had been made to the Authority and approval granted.*
- B. *Failure to provide such notice or obtain approval for such closing or cessation for more than fifteen (15) days may result in the suspension or revocation of the License.*

### **3.07 Business Arrangements of Licensees - All Licenses**

- A. *Site Control. An applicant shall not obtain or renew a License unless it can demonstrate proof of a legal right to use the Premises proposed for the restaurant or food store for the term of the License. Such proof may include evidence of fee ownership, a lease, a management contract or a binding commitment for purchase or lease; provided, however, that all parties participating in such ownership, leasehold interest or management contract shall be known to the commission and the terms of such agreements or contracts shall be fully disclosed to the Commission. Failure to have the legal right to use and control the Premises may result, after public hearing, in the revocation or non-renewal of the License.*
- B. *Contracts. A Licensee shall not hire any employee or contract for goods or services in any name other than its own, nor shall the Licensee pay for any such employment, goods, or services by any means other than its own bank accounts standing in its own name. Cash transactions shall be recorded in a manner*

*suitable for review by the Commission. Such records shall be kept for a period of three years.*

- C. No Undisclosed Statements. A Licensee shall not 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 Commission and the salaried employees of such persons.*
- D. No Undisclosed Principals. A Licensee shall not permit any person to work at the Premises or to hold himself or herself out as being in a position of authority unless such person is an owner, officer or salaried employee for whom payroll records are available. A Licensee shall not 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 Commission.*
- E. No Percentage Arrangements. A Licensee shall not pay any landlord or creditor a percentage of the profits of the business unless complete disclosure has been made to the Commission and the Commission's approval received.*
- F. No Subleases. A Licensee shall not lease out or otherwise license any part of the Premises or its food or beverage service without the prior approval of the Commission.*
- G. No Concessions. A Licensee shall not enter into an agreement with an independent contractor to provide beverages or food or management at the Premises without the prior approval of the Commission.*
- H. No Security Interest. A Licensee or owner thereof shall not pledge any stock*
  - I. in the Licensee, or grant any security interest in its License or the assets of the Licensee without the approval of the Authority pursuant to G.L. c.138, §15A. This includes kitchen equipment, furniture, or any other type of equipment.*
- J. Change in Manager. A Licensee shall not change its manager until the Authority and the Alcoholic Beverages Control Commission have both approved such change.*
- K. Opening Required. A Licensee may not close its place of business or cease selling wine and malt beverages without first notifying the Commission in writing before such closing or cessation and stating the reason therefor.*
- L. Any change in corporate name or any change in trade name (DBA) shall require prior written approval of the Commission.*
- M. No Assignee Rights. An assignee or creditor who succeeds to the interest of a Licensee may not conduct the business of Licensee at the Premises without the*



*approval of the Commission. A Licensee shall immediately notify the Commission when an assignee or creditor succeeds to its rights or when foreclosure or other legal proceedings are brought which affect the economic and financial rights and abilities of the Licensee.*

- N. No Minimum Sales. A Licensee shall not enter into an agreement or understanding which sets a minimum requirement for gross sales of food and beverages at the Premises.*
- O. Trade Name. A Licensee shall not use any trade name, assumed name, or abbreviated name in connection with the licensed business unless the same appears on the License issued by the Commission or unless written permission is first obtained from the Commission. A Licensee shall not use an unauthorized name on the books, records, stationery, or interior or exterior of the Premises or for advertising purposes or telephone listing without written permission from the Commission.*
- P. Common Victualler's License. The Licensee shall also be required to be licensed as a common victualler under G.L. c. 140 as a prerequisite and concurrent condition of the License.*
- Q. Annual Statement. A Licensee shall furnish an annual financial statement indicating the gross sales for food and gross sales for alcoholic beverages for the preceding calendar year with any renewal application.*
- R. Games of Chance. A Licensee shall not operate nor permit any other person to operate a Keno or similar game at the Licensed Premises.*
- S. Entertainment. A Licensee shall not permit any form of entertainment at the Licensed Premises including live entertainment, or recorded or live music without first obtaining an entertainment license from the Authority.*

### **3.08 Refuse Removal**

*No Licensee shall allow refuse generated at the Premises to be collected by any contractor between the hours of 11:00 P.M. and 7:00 A.M. On Sundays and legal holidays no such collection shall be allowed prior to 10:00 A.M. nor after 10:00 P.M. Refuse shall be periodically removed to prevent any unsanitary or nuisance conditions or at such frequency as determined by the Commission or any other appropriate City department. All refuse shall be stored in a dumpster or in such other manner as approved by the Taunton Board of Health, and shall be maintained in accordance with the regulations and conditions of the Taunton Board of Health. This regulation shall operate in conjunction with rules and regulations of the Taunton Board of Health and to the extent this regulation may conflict with any rule or regulation of the Taunton Board of Health, this section shall be superseded.*

### 3.09 Common Practices

- A. No Below Cost Sales.** *A Licensee shall not sell wine or malt beverages for less than its actual cost.*
- B. Prices.** *A Licensee shall maintain a schedule of the prices charged for all drinks to be served and drunk on the Premises. Such prices shall be effective for not less than one calendar week.*
- C. Prohibited Practices.** *A Licensee or employee or agent shall not:*
- (1) offer or deliver any free drinks to any person or group of persons;*
  - (2) deliver more than two drinks to one person at one time;*
  - (3) deliver more than four drinks to one person on any one day without the approval of the Manager;*
  - (4) 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;*
  - (5) 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;*
  - (6) 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;*
  - (7) sell, offer to sell or deliver malt beverages or wine by the pitcher except to two or more persons at any one time;*
  - (8) encourage or permit, on the Licensed Premises, any game or contest which involves drinking or the awarding of drinks as prizes; or*
  - (9) advertise or promote in any way, whether within or without the Licensed Premises, any of the practices prohibited under this section.*
- D. Authorized Practices.** *Nothing in the preceding paragraph shall be construed to prohibit a Licensee from offering free food at any time or 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 person; or to prohibit free wine tastings.*
- E. No Other Alcohol.** *A Licensee shall not permit alcoholic beverages to be brought onto the Premises by patrons or employees under “bring your own bottle” arrangements or otherwise.*
- F. Service to Minors Prohibited.** *A Licensee shall be responsible for ensuring that minors are not served wine or malt beverages and are not drinking alcoholic*



*beverages on the Premises, whether served to them by an employee or handed to them by another patron.*

*G. Posting of Penalties. A Licensee shall conspicuously post at the Premises a current copy of the penalties for driving under the influence set forth in section 24 of General Laws Chapter 90.*

*H. No Removal of Alcoholic Beverages. A Licensee shall not allow patrons or employees to leave the Premises with alcoholic beverages.*

### **3.10 Vicinity of Licensed Premises – Public Safety and Order**

*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.*

*C. Licensees shall take steps to protect employees, patrons, and members of the public inside and outside the Premises from disruptive conduct, from criminal activity, and from health, safety or fire hazard.*

*D. Licensees shall prevent unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the Premises.*

*E. Licensees shall prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the Premises or an unreasonable increase in the number of vehicles to be parked in the area of the Premises.*

*F. Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the Premises with alcoholic beverages.*

*G. Whenever any noise, disturbance, misconduct, disorder, act or activity occurs in the license Premise, the area adjacent to the Licensed Premise, or in any parking lot provided by the Licensee for the use of its patrons which in the judgment of the commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the license Premises are located, or results in the Licensed Premises becoming the focal point for police attention, or is*

*offensive to public decency, the Licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.*

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

- A. *No alcoholic beverage shall be sold to anyone less than twenty-one (21) years of age. No service of alcoholic, wine/malt beverages shall be made to anyone less than twenty-one (21) years of age.*
- B. *No manager or employee shall consume any alcoholic beverages while on the Licensed Premises while on duty or after the official closing hours.*
- C. *Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the Licensed Premises. Such efforts may include:*
  - (1) *Frequent monitoring of rest rooms 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) *Diligence in observing and taking action against persons who make unusually frequent trips in and out of the Premises or in and out of the rest rooms and/or persons who are visited at the Premises by an unusually large number of people or by one or more people at frequent intervals and/or persons who appear to be making exchanges of small packages (matchbooks, cigarette packs, bags, paper squares, plastic or foil containers, or other containers) or payments of money;*
  - (4) *Monitoring of activities of persons who talk about weapons or who appear to be hiding a weapon;*
  - (5) *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;*
  - (6) *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.*
- D. *There shall be no disorder, indecency, prostitution, illegal activity on the Licensed Premises or any Premises connected therewith by an interior communication.*
- E. *No Licensee, manager, server, bartender, agent, employee, or responsible individual shall carry or possess a firearm within or upon the Licensed Premises, and/or in any area under the direction and control of the Licensee relating to the conduct of the Licensee's business or event while said Licensed Premises is open for business, with the exception of a Police Officer on privately paid detail, and with the exception of any other person who has previously received written*

permission from the Commission based upon an affirmative showing of just cause and who has complied with state law as to firearms licensing. This paragraph shall not apply to a retail package store license issued under M.G.L. c. 138, § 15.

### **3.12 Injuries to Persons at the Premises**

- A. *Disruptive Patrons.* The Licensee shall instruct employees not to make bodily contact with an unruly patron except to protect other patrons or themselves from being subjected to body blows from that unruly patron. In all circumstances, employees are to call the police to have such patrons removed from the Premises when being disruptive and refusing to leave voluntarily.
- B. *Injuries.* Licensee shall call the police or 911 and take all other reasonable steps to assist patrons or persons who are injured in or on the Premises or whose injuries have occurred outside the Premises but have been brought to the attention of the Licensee.

### **3.13 Service Training**

- A. *Training Program.* The Licensee shall provide an employee training program on the proper procedures for verifying that patrons are at least twenty-one (21) years of age and not intoxicated. 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 Commission as part of the original or renewal application materials and maintained on the Premises at all times.
- B. *Certification.* 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 Commission, or any authorized agent thereof, upon demand.
- C. *Training Requirement.* Each new employee who handles alcohol shall obtain server training within thirty (30) days of commencing employment.
- D. *Approval Program.* The training and certification referenced in Section A shall be pursuant to a training program approved by the Commission. (e.g. TIPS or equivalent).

### **3.14 Crowd control - use of occupancy counters**

*The Commission highly recommends that liquor establishments use an occupancy counter during busy events to prevent exceeding their maximum total occupancy.*

### **3.15 Management**

- A. *Each corporate and LLC Licensee must appoint a manager by a properly authorized and executed delegation, which thereafter is approved by the Commission and the Alcoholic Beverages Control Commission.*
- 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, and the Rules and Regulations of the Commission;*
  - 2) *To promptly notify the police of any disturbances or illegal activity on the Licensed Premises of which he becomes aware;*
  - 3) *To cooperate with authorized agents of the Commission, including but not necessarily limited to any police officer in their investigation or inspection of the Licensed Premises.*
- C. *Any such notice sent to the manager as named in the records of the Commission 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 Commission. No person may have a direct or indirect beneficial interest in a license without first obtaining the approval of the Commission.*

### **3.16 Bankruptcy and Court Proceedings**

*The Licensee shall immediately notify, in writing, the Commission 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.*

### **3.17 Automatic Amusement Devices**

- A. *No automatic amusement devices which may reasonably be considered to present a risk of misuse as a gaming device shall be authorized.*
- B. *No video poker machines as defined by this regulation may be used, kept or stored on the Premises of any licensed establishment.*
- C. *No Licensee may have upon the Premises or in operation, any automatic amusement machine unless same has been approved and separately licensed by the City of Taunton. The Licensee must make application, not the distributor/vendor.*
- D. *The Taunton Police Department will inspect each automatic amusement machine. Approved amusement devices will be issued device stickers.*
- E. *Unauthorized automatic amusement devices found on a Licensed Premise shall be found to be in violation and may result in the suspension, or revocation of the Licensee's entertainment and/or alcoholic beverage License.*
- F. *The Taunton Police Department will conduct two unannounced inspections per year.*

### **3.18 Entertainment License**

- A. *Licensees shall make application for all forms of entertainment offered on the Premises.*
- B. *Only the types of entertainment approved by the Commission shall be allowed on the license Premises.*
- C. *Any changes or additions to an existing entertainment license must receive approval from the Commission before such entertainment can be offered.*
- D. *Unauthorized entertainment on a Licensed Premise shall be found to be in violation and may result in the suspension, or revocation of the Licensee's entertainment and/or alcoholic beverage License.*
- E. *Licensees that offer disc jockey, dancing by patrons, or live instrumental/vocal music to the public, or offer automatic amusement devices, and also feature the service of alcoholic beverages, must restrict admission so that persons under the age of twenty-one (21) are not allowed on the Premises, unless (1) a separate and distinct alcohol-free area is maintained for persons under twenty-one (21) or*

*(2) the Licensee provides advance notification of at least seventy-two (72) hours to the Commission of the event at which persons under the age of twenty-one (21) may attend, along with written information approved by the Commission outlining how the Licensee will seek to prevent persons under the age of twenty-one (21) from consuming alcoholic beverages.*

### ***3.19 Entertainment at Premises with In-house Food or Beverage Service***

*No Licensee may provide entertainment of any kind unless the Licensee holds an entertainment license issued pursuant to M.G.L. c. 140, §183A. Such license must be held in the same name, by the same owners, and with the same manager as the food or beverage license; provided, however, that in the cases where entertainment on the Licensed Premises is to be conducted by a person or entity who is an independent contractor at the Licensed Premises, the alcoholic beverages Licensee may seek approval of the Commission for an exemption from this rule based upon a written contract with the independent contractor which gives control of the Licensed Premises to the alcoholic beverages Licensee while allowing the independent contractor to book and/or to produce entertainment.*

*The alcoholic beverages Licensee shall be responsible for actions of any independent contractor on the Licensed Premises providing entertainment in addition to the responsibility held by the independent contractor pursuant to the entertainment license.*

*No entertainment at the Licensed Premises may be conducted in a manner such that the noise from the entertainment can be heard outside the boundaries of the Licensed Premises.*

*No dancing by patrons is permitted except upon a proper licensing pursuant to M.G.L. c. 140, § 183A, and confined to a particular dance floor area which has been approved by the Commission and which is not inconstant with the entertainment license.*

*Entertainment shall not be conducted on the Licensed Premises prior to the opening or subsequent to the closing hour set by the Commission for the alcohol license and during any period that the alcohol license has been suspended.*

### ***3.20 Seats, Chairs, Stools, bar Stools and Bar Rails***

- A. The number and location of all seats, chairs, stools, and bar stools upon or within a Licensed Premises must be approved in writing by the Commission. Any change, alteration, increase, or modification in the number and location of any*



seats, chairs, stools, or bar stools upon or within a Licensed Premises must also be approved in writing by the Commission.

- B. The storage of extra seats, chairs, stools, or bar stools upon or within a Licensed Premises is not permitted without the Commission's prior written approval. In no event shall the total number of seats, chairs, stools, and bar stools upon or within the Licensed Premises exceed the maximum seating capacity nor the maximum occupancy capacity of the Licensed Premises.
- C. Bar rails shall be prohibited within or upon any and all alcohol Licensed Premises. For the purpose of this regulation, the term "bar rails" shall be any platform, counter, shelf, surface, devise, or mechanism which may be used, designed, arranged, or constructed for the purpose of holding alcoholic beverages which is less than eighteen (18) inches in width.

**3.21 sale, Service, Dispensing, Distribution and Consumption of Alcohol Limited to Approved Areas - (M.G.L. c. 138, §30H)**

- A. **Alcohol limited to Commission approved areas appearing in Commission approved plans** - The sale, service, dispensing, distribution, and/or consumption of alcoholic beverages upon or within all Licensed Premises shall be strictly limited to those areas of the Licensed Premises which appear clearly delineated on the written drawings, blueprints, and/or accurate plans of a reasonably precise nature acceptable to the Commission (hereinafter "plans") submitted by the Licensee and specifically approved in writing by the Commission, including but not limited to patios, decks, sidewalks, roofs, and/or any exterior extension, for the sale, service and/or consumption of alcohol upon or within the Licensed Premises. The sale, service, dispensing, distribution, and/or consumption of any alcoholic beverage in any area upon or within the Licensed Premises not specified within the plans submitted by the Licensee, and thus lacking the Commission's written approval, is strictly prohibited. In addition, possession of an unauthorized alcoholic beverage by a Licensee upon or within a Licensed Premises shall be prima facie evidence that said alcoholic beverage is kept for sale and is strictly prohibited.

Any change, renovation, modification, extension, addition, expansion, or alteration to those areas upon or within the Licensed Premises previously approved by the Commission for the sale, service, dispensing, distribution, and/or consumption of alcohol, including but not limited to any increase in the maximum seating capacity, shall also require written approval by the Commission for the sale, service, dispensing, distribution, and/or consumption of alcohol based upon new plans submitted by the Licensee.



**B. Alcohol limited to Commission approved areas appearing in Commission approved sketch for one-day temporary alcohol permit issued under M.G.L. c. 138, §14** - The requirements of Section A above as they relate to plans shall not apply to a one-day temporary alcohol permit issued under M.G.L. c. 138, §14 but instead the sale, service, dispensing, distribution, and/or consumption of alcoholic beverages upon or within a one-day temporary Licensed Premises shall be strictly limited to those areas of the Licensed Premises which appear clearly delineated on the 8 and ½ inch by 11 inch sketch submitted by the Licensee and approved in writing by the Commission (hereinafter “sketch”). The Commission approved location, manner of service, control of, and confined physical area for the service, sale, delivery, dispensing, and consumption of alcoholic beverages shall be strictly enforced. The sale, service, dispensing, distribution, and/or consumption of any alcoholic beverage in any area(s) outside the area designated for such by the Licensee contained in the sketch and approved in writing by the Commission is strictly prohibited.

### **3.22 Consumption on the Premises (204 CMR 4.03)**

All alcoholic beverages served, sold, dispensed, distributed, and/or consumed within or upon the Licensed Premises shall be in open containers. No patron shall remove any alcoholic beverage from the Licensed Premises and no Licensee, manager, server, bartender, agent, employee or individual responsible for the orderly and safe conduct of an event under a one-day temporary alcohol permit issued under M.G.L. c. 138, §14 (hereinafter “responsible individual”) shall knowingly permit such removal. No person shall be in possession of more than 2 (two) glasses of an alcoholic beverage at any one time and no Licensee, manager, server, bartender, agent, employee, or responsible individual shall knowingly permit such possession over the maximum permissible number. No person shall carry, transport, possess, or deliver alcoholic or wine/malt beverages into or upon the Licensed Premises except as permitted under M.G.L. c. 138 and no Licensee, manager, server, bartender, agent, employee or responsible individual shall knowingly permit any person to carry, transport, possess, or deliver alcoholic or wine/malt beverages into or upon the Licensed Premises. This paragraph shall not apply to a retail package store license issued under M.G.L. c. 138, § 15.

### **3.23 Serving in Containers (204 CMR 4.03)**

No alcoholic beverages, with the exception of wine and specialty drinks, shall be sold, served, dispensed, or distributed in any container or glass, the capacity of which exceeds sixteen (16) fluid ounces. The sale, service, dispensing, or distributing of malt beverages, beer or ale in pitchers shall be to 2 (two) or more persons at any one time.

*This paragraph shall not apply to a retail package store license issued under M.G.L. c. 138, § 15.*

### **3.24 Service of Alcoholic Beverages Limited (204 CMR 4.01)**

- A. *No more than 2 (two) alcoholic or wine/malt beverage drinks shall be sold, delivered, dispensed, distributed, or served to any person within or upon a Licensed Premises at any one time. This paragraph shall not apply to a retail package store license issued under M.G.L. c. 138, § 15. In all instances of the sale, delivery, dispensing, distribution, furnishing, or service of alcoholic beverages, a one on one, direct face to face encounter between server and consumer is required. For purposes of this regulation, the term “server” shall be any and all persons who serve, sell, dispense, distribute, furnish, or deliver alcoholic beverages to a consumer, including but not limited to bartenders, waitresses, waiters and persons under a retail package store license. Bartenders shall serve only persons seated in bar stools at the Commission approved bar(s), or persons standing between Commission approved bar stools who are facing and physically touching the Commission approved bar(s), except that Bartenders may serve patrons seated at tables during off-peak hours only. For purposes of this regulation, the term “off-peak hours” shall be Monday through Friday from 8:00 a.m. to 3:00 p.m. only, legal holidays excepted. All other persons standing due to the lack of available seats or otherwise, or persons seated at tables within or upon the Licensed Premises, must be served by a waitress or by a waiter who are to be provided in sufficient numbers by the Licensee and Manager.*
- B. *In addition to the above, as to one-day temporary alcohol permits issued under M.G.L. c. 138 §14, the one-day temporary alcohol Licensee is strictly limited to the utilization of those persons to serve, sell, deliver, and/or dispense alcoholic beverages who have been designated and identified in writing as part of the Licensee’s application and who have been approved by the Commission to serve, sell, deliver, and/or dispense alcoholic beverages, and to no one else.*

### **3.25 Police Details**

*The Commission may determine that a police detail is required at an establishment when it finds that public safety requires such. Police details will be hired by the Licensee at their own expense. At a minimum, the following guidelines will be applicable to all licensed establishment with a designated closing after 1 A.M. on those nights that the establishment will be open past 1A.M. If the establishment does not hire a police detail, or is unable to hire a police detail, the designated closing time for that establishment automatically rolls back to 1 A.M. for that night.*

*The following guidelines shall apply to all Licensed establishment with a closing time past 1 A.M., independent of entertainment on those nights they are open past 1 A.M*

<i>Maximum Occupancy of the Facility</i>	<i>Number of Officers Required</i>
1-100	1
101-200	2
201-300	3
301-400	4
401+	1 officer per 100 or fraction thereof

*Any establishment with an entertainment license is required to have a police detail under the following circumstances:*

- 1) The maximum occupancy of the Licensed Premises is over 175 people.*
- 2) Alcoholic Beverages are being served.*
- 3) Live Entertainment, as defined by these Rules and Regulations, is being provided.*

*Any establishment providing entertainment required to have a police detail under these rules shall use the following guidelines:*

<i>Maximum Occupancy</i>	<i>Number of Officers</i>
175-200	2
201-300	3
301-400	4
401+	1 officer per 100 or fraction thereof

### ***3.26 Waiver of Police Details Requirement***

*Licensees may be granted a waiver on the applicability of Section 3.25 – Police Details, upon petition to the License Commission. Such waivers may be granted only for this section, based upon those considerations as presented to the License Commission by*

the Licensee. Licensees shall be deemed responsible for the conduct and applicability of each waiver and waivers must be readily available to law enforcement officers upon request. Waivers may be issued on an annual basis and such waiver shall apply to the standard hours stated on the license. Such annual waiver shall expire with the license and licensees may apply for renewal as part of the annual renewal process. Any special event or change in closing hours shall require an event specific waiver from the Commission. Such event specific waiver shall be applied for no later than forty-five (45) days prior to the event. Any waiver issued under this section may be revoked for cause by the Commission. Licensees may apply for renewal of their waivers as part of the annual renewal process. A sample waiver is located in Appendix A.

### **3.27 Texas Hold'em**

- A. Under MGL c. 271 §7A, only certain qualifying organization can hold special events such as Texas Hold'em. A qualified organization is defined as a non-profit organization that holds a raffle & bazaar permit. Therefore, only non-profit alcoholic beverages license clubs can hold Texas Hold'em events.
- B. Profit alcoholic beverages Licensees may host a Texas Hold'em event for a non-profit organization, but the following regulations must be follows:
  - 1) The non-profit organization must run the event, not the alcoholic beverages Licensee or a promotional company.
  - 2) The alcoholic beverages Licensee can only profit from food and beverage sales, no proceeds from the Texas Hold'em event.
  - 3) Employees of the alcoholic beverages Licensee cannot be part of the Texas Hold'em event, i.e. no sales of poker chips, no part of awarding prices.
- C. Alcoholic Beverages Licensee should know the Attorney General's Texas Hold'em regulations and make sure that the non-profit organization runs the event legally.

## **SECTION FOUR: SPECIAL RULES FOR RETAIL PACKAGE STORES**

### **4.01 Hours and Days of Operation - (M.G.L.c. 136, § 6 (52); c. 138, §§ 15, 33 (ac))**

- A. **Monday through Saturday** - The hours of operation of a retail package store Licensed Premises shall be restricted to those approved by the Commission and

specified upon the face of the license which shall constitute the official opening and official closing hours of the Licensed Premises. In addition, a retail package store Licensee is permitted to make sales of alcoholic beverages between 8:00 A.M. and 11:00 P.M. Monday through Saturday, and between 8:00 A.M. and 11:30 P.M. on the day before a legal holiday if the holiday does not occur on a Sunday. However, no retail package store Licensee may sell or deliver any alcoholic beverages on Memorial Day, Thanksgiving Day, or Christmas Day (or the Monday following when Christmas occurs on a Sunday), except and to the extent permitted under State Law.

**B. Sunday Permits** - In addition to the hours of operation permitted in paragraph A above, for those retail package store Licensees which have been granted a Sunday permit by the Commission, a Sunday permit retail package store Licensee is allowed to make sales of alcoholic beverages between noon and 11:00 P.M. Sundays. However, no Sunday permit retail package store Licensee may sell or deliver any alcohol beverages on Sunday Christmas Day (if Christmas Day falls on a Sunday).

#### **4.02 Consumption on Premises Prohibited Except for small tastings - (204 CMR 2.05 (5); M.G.L. c. 138, § 15)**

Consumption of alcoholic beverages within or upon the retail package store Licensed Premises, or upon any area under the direction and control of the Licensee, by any person is strictly prohibited except for “sample tasting” as herein described. No Licensee, manager, server, agent, or employee shall knowingly permit such consumption of alcoholic beverages within or upon the retail package store Licensed Premises, or upon any area under the direction and control of the Licensee, except for “sample tasting” as herein described.

Retail Package Store Licensees may provide customers, free of charge, “sample tastings” of wines (1 ounce maximum single serving restricted to 9 liters per 30 day period), malt beverages (2 ounce maximum single serving restricted to 18 liters per 30 day period), liqueurs and cordials (1/4 ounce maximum single serving restricted to 1 liter per 30 day period), and all other kinds of alcoholic beverages (1/4 ounce maximum single serving restricted to 1 liter per 30 day period), and further restricted to those alcoholic beverages which are lawfully available for sale on the Licensed Premises, and further provided that food service shall be made at the same time available. Sample tastings of any alcoholic beverages other than as herein described, or in an amount which exceeds the limits herein described, within or upon the retail package store Licensed Premises shall be strictly prohibited.

#### **4.03 TAG-A-KEG /Deliveries Off Premises - (204 CMR 9.00)**

*The Licensee shall keep written records in the Licensed Premises of each keg sale which must include the date of sale, size of the keg, keg identification number, amount of container fee and registration fee, and name and address of the purchaser. For all deliveries conducted off the Licensed Premises, such written record shall also include, in addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, and the signature of the person receiving the delivery. Such written records shall be maintained by the Licensee within or upon the Licensed Premises for a period of not less than one year and must be readily available for inspection by authorized agents of the Commission at all times. A current and accurate copy of same shall be forwarded by the Licensee to the Office of the Commission upon request.*

#### ***4.04 Seating, Chairs, Stools and Tables Prohibited***

*No seating, chairs, stools, or tables for use by customers or patrons shall be placed or permitted by a retail package store Licensee upon or within the Licensed Premises, or upon any area under the direction and control of the Licensee.*

## ***SECTION FIVE: SPECIAL RULES FOR ALL CLUB LICENSES***

*Clubs are holders of an alcohol license issued under M.G.L. c. 138, § 12, who has been granted written permission by the Commission and the alcoholic Beverages Control Commission to restrict admission to the Licensed Premises to its members and to guests introduced by members, and to no others.*

#### ***5.01 List of Officers***

*All Club Licensees must file annually with the Commission and the alcoholic Beverages Control Commission, within three months after January 1st in each year, a written list of the names and addresses of the Club's officers, together with the amount of salary or compensation received by each employee engaged in the handling, dispensing, distribution, service, or selling of alcoholic beverages. Such written list shall be maintained current during the year, be kept upon or within the Licensed Premises, and shall be readily available for inspection on the Licensed Premises by authorized agents of the Commission at all times. A current and accurate copy of same shall be forwarded by the Licensee to the Office of the Commission upon request.*



### **5.02 Only Club Members and Guests to be Served**

*The service, sale, delivery, distribution, dispensing, and consumption of alcoholic beverages within or upon the Club's Licensed Premises shall be strictly limited to Club members and guests of Club members only, and to no other persons. Club door(s) shall be kept closed and secured in a manner which will restrict access to members only, but shall be in proper working order at all times to provide for immediate emergency egress. Entrance(s) to the Club's Licensed Premises shall be by key, card or ringing of bell by Club member. Admittance to the Club's Licensed Premises shall be restricted to Club members and to guests introduced by such Club member and to no other persons. The Club Licensee shall keep an accurate and current written list of its members (including name, address, dates of membership, & position held within or upon the Licensed Premises which list shall be readily available for inspection by authorized agents of the Commission at all times. A current and accurate copy of same shall be forwarded by the Licensee to the Office of the Commission upon request.*

## **SECTION SIX: ENFORCEMENT AND DISCIPLINE**

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

*A License may be modified, suspended, or revoked for any of the following causes:*

- A. Violations of Law. 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 Commission;*
- B. Misrepresentation. Fraud, misrepresentation, false material statement, concealment or suppression of facts by the Licensee in connection with an application for a License or other permit or for renewal thereof or in connection with an application for the renovation or alteration of the Licensed Premises or in connection with any other petition affecting the rights of the Licensee or in any interview or hearing held by the Commission in connection with such petition, request, or application affecting the rights of the Licensee;*
- C. Failure to Operate. Failure to operate or cessation of the sale of alcoholic beverages at the Licensed Premises covered by the License for more than fifteen (15) days without approval of the Authority;*
- D. Failure to Furnish Information. 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 any rule or regulation of the Commission;*

- E. Bribery. Extension of a bribe, gift or offer of any money or anything of value or payment for or reimbursement or forgiveness of a debt for services provided to any employee or agent of the Commission either as a gratuity or for any service;*
- F. Non-compliance. Failure by the Licensee to comply with any condition, stipulation or agreement upon which any license was issued or renewed by the Commission or upon which any application or petition relating to the Licensed Premises was granted by the Commission. It shall be the duty of the Licensee to ensure that all appropriate personnel at the Licensed Premises are familiar with these Rules and Regulations and with any conditions on the License;*
- G. Failure to Appear. Failure or refusal by any Licensee or any manager, officer, or director thereof to appear at an inquiry or hearing held by the Commission with respect to any application or matter bearing upon the conduct of the licensed business or bearing upon the character and fitness of such Licensee to continue to hold a License; or*
- H. Non-adherence. Failure by the Licensee to properly serve final suspension and modification orders.*

## **6.02 Penalty Guidelines**

- A. Penalties. A Licensee who violates 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: seven-day suspension to revocation.**
- B. Prior Violations. Offenses which occurred more than two years prior to the date of violation shall not be used in calculating the number of offenses for purposes of these guidelines.*
- C. Commission Discretion. The Commission 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. Alternative Dispositions. These guidelines shall not be construed so as to limit the Commission's power to consider alternative dispositions, impose further conditions on a License, or even assess alternate penalties (e.g., roll back of operating hours).*

### **6.03 Service of Suspension Orders**

- A. *Posting of Suspensions. When the Commission suspends the License 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 License Commission of the City of Taunton." Such order shall be publicly displayed by the Licensee on all public entrances to the establishment.*
- B. *Defacement of Orders. Suspension orders of the Commission, as above, shall remain affixed throughout the entire period of suspension.*
- C. *No Renovations. 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 Commission.*

### **6.04 Appeals - (M.G.L. c. 138, § 67)**

*Any applicant for an alcohol license, applicant for an alcohol license transfer, and any alcohol Licensee may appeal a decision of the Commission to the Alcoholic Beverages Control Commission. Any alcohol Licensee whose license has been suspended, revoked, modified, cancelled, or declared forfeited by the Commission may appeal a decision of the Commission to the Commission to the Alcoholic Beverages Control Commission. The appeal must be made in writing within five (5) days following receipt of written notice of the action of the Commission. Pending a decision on any appeal to the Commission to the Alcoholic Beverages Control Commission, the action of the Commission shall have the same force and effect as if the appeal had not been taken.*

### **6.05 Inspections**

*The Licensed Premises shall be subject to inspection by the Commission or its duly authorized agents. It shall be the responsibility of the Licensee to ensure that procedures are in place to allow police and authorized agents of the Commission immediate entrance into the Licensed Premises at anytime employees are on the Licensed Premises.*

### **6.06 Sting Guidelines**

- A. *These guidelines are intended to provide the basic framework which will be used when conducting "stings" against retail Licensees (both pouring licenses and*

*package stores) to address the problem of sales to persons under the legal age of twenty-one years old.*

- B. Notification that a sting will be taking place will be made in local media prior to the start date.*
- C. The underage person taking part in the sting should reasonably look their age. Efforts to make them appear older should be avoided.*
- D. A photo of the underage person should be taken and attached to the information requested in paragraph G below.*
- E. The underage person will only carry their own identification when taking part in the sting.*
- F. The underage person should not carry any money with them other than that given by the law enforcement personnel supervising them.*
- G. The underage person shall sign a release form prior to starting participation in this program. The underage person and police officer should also sign and date a copy of these guidelines.*
- H. The underage person shall be given a BAC test at the conclusion of the investigation. They should be informed of this prior to beginning the investigation.*
- I. The underage person shall enter the Licensed Premises under observation by law enforcement personnel.*
- J. The underage person shall attempt to purchase an alcoholic beverage. They should attempt to purchase the same thing at each location to avoid confusion.*
- K. At no time shall the underage person attempt to misrepresent their age.*
- L. If asked for identification, the underage person will show their own identification.*
- M. If served, the underage person shall remain on the Licensed Premises for a period of time as instructed by the law enforcement. They should then exit the Licensed Premises leaving the alcoholic beverage.*
- N. At no time, under any circumstance, shall the underage person consume any alcoholic beverages.*
- O. The safety and welfare of all underage participants will be of utmost importance to the law enforcement personnel. Underage persons shall not be exposed to any unusual, unnecessary or unreasonable risk.*

- P. The underage person will not wear, exhibit or carry any law enforcement identification or falsely represent themselves as employees of any law enforcement unit while participating in this program. They shall not under any circumstances carry a weapon.*
- Q. Law enforcement personnel should only enter the Licensed Premises to observe on an as needed basis when circumstances warrant.*
- R. Law enforcement personnel should not enter the Licensed Premises after the underage patron has exited. Notification of the results of the sting will be mailed to the Licensee.*

*City of Taunton  
License Commission*

*15 Summer Street  
Taunton, MA 02780*

*Request for Waiver of Police Detail Requirement under section 3.26 of the Rules and Regulations of the License Commission*

*Date: \_\_\_\_\_*

*Licensees may be granted a waiver on the applicability of Section 3.25 – Police Details, upon petition to the License Commission. Such waivers may be granted only for this section, based upon those considerations as presented to the License Commission by the Licensee. Licensees shall be deemed responsible for the conduct and applicability of each waiver and waivers must be readily available to law enforcement officers upon request.*

*Name of Establishment: \_\_\_\_\_*

*Address: \_\_\_\_\_*

*Name of Person Making Request: \_\_\_\_\_*

*Telephone Number: \_\_\_\_\_*

*Specifics of Waiver Request: \_\_\_\_\_*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(Attached addition sheets if necessary)*

*Waivers may be issued on an annual basis only, which shall apply to the regular hours stated on the license, and shall expire upon the annual expiration of the license. Special events or change in closing hours require an event specific waiver, which must be submitted forty five (45) days prior to the event.*