

Posted by
Uxbridge
Town Clerk

JAN 24 '12 AM 10:33

**POLICY OF THE BOARD OF SELECTMEN
TOWN OF UXBRIDGE, MASSACHUSETTS**

**Alcoholic Beverages Rules, Regulations and Enforcement governing establishments
licensed pursuant to Massachusetts General Laws Chapter 138**

SECTION I PURPOSE AND AUTHORITY

Pursuant to the powers conferred on the Uxbridge Board of Selectmen (hereinafter "Board") by the provisions of MGL, C. 138, §§ 12 and 23 and all other powers the Board may have, the Board, as local licensing authority, hereby adopts the following rules and regulations for establishments and individuals holding alcoholic beverage licenses (hereinafter "licensees") within the Town of Uxbridge, for both on-premises consumption and Section 15 sale for off-site consumption. The Board of Selectmen is the primary enforcement agency for compliance with state laws, ABCC regulations, and Town regulations governing alcohol. The police Chief and all other police officers of the Uxbridge Police Department are authorized by law, and hereby appointed as agents of the Board. Agents are also authorized to conduct compliance checks on all aspects of alcoholic beverage licensing in or on establishments that hold alcohol beverage licenses. The purpose of this enforcement policy is not punitive; it is intended to maintain public safety and order, to educate licensees and the public, and to ensure that these regulations are consistently followed and applied. It is in the community's best interest for all to be aware of, and to understand the benefits of, complying with the laws and regulations governing the sale and consumption of alcoholic beverages.

SECTION II APPLICATION

- A. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises. Any licensee who, in the conduct of his/her business, either directly or through his/her agent, causes any violations outlined in section B or other parts of this policy, shall be subject to a hearing as outlined in section E.
- B. License violations may include, but shall not be limited to, service to an underage person, sale or delivery to intoxicated persons, allowing access to the premises before opening or after closing (with the exception of: persons only for the purpose of cleaning, making emergency repairs, making renovations, providing security for such premises, providing food for the day's business, opening or closing the business in an orderly manner) or any other prohibited activity that is identified by the ABCC rules and regulations, Town of Uxbridge bylaws or rules and regulations, or MGL Chapter 138.
- C. Periodically, the police, as agents of the Board, will conduct inspections and compliance checks at licensed premises to assure compliance with applicable law and regulation. When such activities take place, the police will perform such checks in accordance with Uxbridge

Police Department directives and procedures consistent with MGL or ABCC guidelines for compliance checks.

- D. Sellers/servers of alcoholic beverages will present their TIPS, SERVSAFE, or equivalent certificates to the Board or any of its agents, upon request.
- E. Licensees shall conform to all portions of Massachusetts General Law Chapter 138, including, but not limited to, Sections 12 and 15.
SECTION 12 - sale of alcoholic beverages before or after approved hours. Licensees must file with the Board of Selectmen a list of the names and addresses of persons who may be on the premises before and after closing. This list shall be filed within 10 days of the license being issued or renewed or within five days of a new name being added. This list shall be forwarded to the police department for enforcement purposes. Licensees must provide last call and serve no alcohol to customers later than 20 minutes before closing. All alcoholic beverages shall be cleared from the bar and lounge by closing time. All patrons shall be cleared from the licensed premises by 10 minutes after closing time.
SECTION 15 - relative to but not limited to: restricting access to the licensed premises before opening and after closing to the following people for the following reasons – only for the purposes of cleaning, making emergency repairs, making renovations, providing security for the premises, preparing food for the day's business, or opening or closing the business in an orderly manner.
- F. Any request from any licensee for any legitimate variance from regular closing schedules or conditions of the license shall be made in writing to the Board of Selectmen on or before the Tuesday that falls at least three weeks prior to the effective date of the proposed change.
- G. Every licensee shall post notice as required by Chapter 138 section 34A and 34D in a conspicuous place.
- H. If a seller or server is found to have violated any prohibited activity that is identified by the ABCC rules and regulations, Town of Uxbridge bylaws or rules and regulations, or MGL Chapter 138, including, but not limited to, selling/serving alcoholic beverages to an under-aged individual, the Board of Selectmen shall hold a hearing, whereupon the licensee will be summoned before the Board to establish why his/her privilege to sell or serve alcohol within the Town of Uxbridge should not be suspended, modified, or taken away. Further, the seller/server may be subject to a fine or penalty as determined by the Board, in accordance with this policy, or some other penalty as allowed by statute, regulation, or the Liquor Control Act. During or after the hearing, the licensee is encouraged to provide to the Board evidence of steps taken to address the violation and/or of any mitigating circumstances. Information provided to the Board shall be placed in the licensee's file and may be considered as a basis for future action on license renewal or change.
- I. All notices of violations and complaints received by the Board of Selectmen concerning licensed establishments shall be in writing and shall be placed in the file of the licensee and submitted to the Commonwealth's Alcoholic Beverages Control Commission.
- J. No liquor license shall be issued or reissued to an establishment that does not verify that its manager(s) have successfully completed an acceptable or accredited alcoholic beverage server training program (such as Training for Intervention Procedures by Servers (TIPS) or Serve Safe). All establishment employees who serve alcoholic beverages (i.e. bartenders,

drink mixers, etc.) must be server licensed. All other employees of the establishment, such as cashiers and wait staff who sell alcoholic beverages, shall receive, at a minimum, in-house training similar to that received under TIPS within 30 days of commencement of his/her employment. The employee training program will include proper procedures for verifying that patrons are at least 21 years of age and do not appear intoxicated. All trained individuals shall maintain current certifications from the approved server training program or equivalent.

K. The following shall serve as a guideline for minimum penalties/action to be taken by the Licensing Authority for license violations. *These guidelines shall not preclude the Licensing Authority from taking additional action as it may deem reasonable, necessary or appropriate in each situation:*

a. Liquor Stores (Section 15 Sales) and Dining Establishments and Private Clubs - On-premise consumption (Section 12 Sales):

| <u>First Offense</u> | <u>Second Offense</u> | <u>Third Offense</u> | <u>Fourth Offense</u> |
|--------------------------------|--|--|---|
| 1-Day Suspension of License | 3-Day Suspension of License (Consecutive Days) | 5-Day Suspension of License (Consecutive Days) | 10-Day Suspension of License (Consecutive Days) |

b. The above penalties/actions shall commence on the first Monday following adoption of the enforcement order by the Board, unless the Board specifically decides otherwise. Suspension shall apply and relate to usual "business" days of the subject establishment. Licensees subject to suspensions must post notices on the door of the establishment and on all cooler doors stating that their liquor license has been suspended for selling alcohol to under-aged persons. During the term of each suspension, the license holder shall also:

1. Cover all coolers containing alcohol
2. Cover or remove all visible, shelved bottles
3. Lock all cooler doors
4. Place a note on the door of the establishment and on cooler indicating sales cannot be made during suspension. (Must note date(s) of suspension).

c. The Licensing Authority will notify police department of any suspension to ensure establishment is in compliance.

d. If any further violations occur at the establishment during the term of any suspension, the Board shall revoke the suspended license.

e. Second, third and subsequent penalties shall be enforced commencing on the first Monday following the licensee's hearing and adoption of the Board's enforcement order, unless the Board specifically decides otherwise.

f. Nothing in the Section II shall preclude the Board from initiating license revocation proceedings per MGL Chapter 138.

L. If an establishment is violation-free for a period of three years and is then cited for a violation, said violation will be considered a first offense.

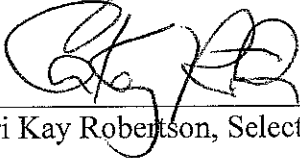
- M. Any disorder, disturbance, or illegality occurring in or on a premise holding a liquor license, shall be the responsibility of the licensee, whether present or not. Any sale/serving of alcoholic beverages to under-aged persons shall be the responsibility of both the licensee and server.
- N. The licensee has the right to appeal any decision of the Board to the ABCC within five (5) days of the Board's decision.
- O. At the time of consideration of a license renewal and/or change to any license, the Board shall be made aware of any violations or complaints occurring within the last three years, and may use or consider such information as it deems appropriate for action on the proposed license renewal or change.

SECTION III REFERENCE


Rules and Regulations Governing Establishments Licensed Pursuant to Mass General Laws,
rules and regulations on Chapter 138, Adopted by the Board of Selectmen on January 13, 1992
Uxbridge Police Department Directive
MGL Chapter 138
ABCC Guide to Liquor Laws of the Commonwealth

This policy was enacted by the Board of Selectmen by vote at its regularly scheduled meeting on January 23, 2012 duly posted and noticed.

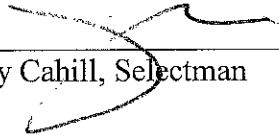
Bruce Desilets, Chair



Cari Kay Robertson, Selectman



Beth A. Pitman, Vice Chair



Jay Cahill, Selectman



Peter A. Petrillo, Clerk