



# **TOWN OF NEEDHAM**

## **REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES**

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**Licensing Authority: Board of Selectmen**

*Revision Date: 11/9/2016*

The Needham Board of Selectmen, acting as local licensing authority pursuant to the provisions of Massachusetts General Laws Chapters 138 and 140 and other relevant legal authority, promulgates these regulations applicable to the sale and distribution of alcoholic beverages in the Town of Needham. These regulations are in addition and supplemental to all other legal requirements, including but not limited to applicable State and Federal law and regulations.

## **I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM**

The Town of Needham issues the types of alcoholic beverages licenses listed below. All licenses shall comply with Chapter 138 of the Massachusetts General Laws, and Chapter 204 of the Code of Massachusetts Regulations, as they relate to the specific type of license.

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Board of Selectmen. (M.G.L. c.138, s.11, D; 11/7/72 election)
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)
- 1.5 One Day Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for profit status to sell wine and malt beverages only under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all

conditions stipulated for the specific license. (M.G.L. c.138, s.14)

- 1.6 Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.7 Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)

## **II. COMPLIANCE**

- 2.1 The issuance of a license by the Board of Selectmen for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.
- 2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission or the Town's bylaws may result in the revocation, suspension or cancellation of the license.

## **III. SPECIAL LICENSE PROVISIONS (applicable to Restaurants only)**

- 3.1 Service Bars / Waiting Areas (with or without stools/chairs), as defined for the purposes of these regulations as a counter, tabletop or other mechanism which is used for the purpose of providing alcoholic beverages to patrons who are waiting to dine, are permitted only in locations expressly approved and authorized by the Board of Selectmen. The sale or service of alcoholic beverages for consumption at any unapproved service bar / waiting area bar is prohibited.

An applicant or licensee may request from the Board of Selectmen, on an annual basis, an addendum to allow for the premises to have designated waiting areas for the service of alcoholic or wine and malt beverages only to those patrons who are waiting to dine, including stools / chairs located at the service bar area. This addendum shall be for one year and shall lapse unless renewed. In each instance, such addendum shall not be granted or renewed except under the following conditions:

- a) the Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the designated waiting areas;
- b) no more than a total of fifteen (15) seats or ten percent (10%) of the total seats in the premises, whichever is less, shall be allowed in the designated waiting area, including any seats at service bar(s);
- c) when calculating the number of seats in the premises, the seats where food is served in the designated waiting areas and service bars shall be included;
- d) all food and beverages on the menu served in the public dining room shall be available for service to the patrons in the designated waiting areas, including service bars. This requirement may be waived by the Board of Selectmen in waiting areas that do not have a service bar, but in such event no alcoholic or wine and malt beverages shall be served except to patrons who have asked to be seated in the dining area for a meal;
- e) no patron shall be served more than two (2) drinks or two (2) servings of wine or malt beverage until such time as a meal is served to that patron. For the purposes of this provision, a drink shall not contain more than one ounce of (pure) alcohol;
- f) any violation of the conditions set forth in this section, or any violation of any of the laws of the United States of America, the Commonwealth of Massachusetts or the Town of Needham shall be a basis for denying the granting or renewal of the allowance or for the revoking of the addendum;
- g) the applicant for a renewal of an addendum shall provide the Board of Selectmen with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic or wine and malt beverages. If the percentage exceeds twenty-five (25%), the Board of Selectmen may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may deny the granting or renewal of the addendum or suspend or revoke the addendum;
- h) any application for the original granting of an addendum shall be acted on only after notice as set forth in M.G.L. Chapter 138, Section 15A and a hearing by the Board of Selectmen. The annual renewal of the addendum shall be in a manner to be determined from time to time by the Board of Selectmen; and
- i) upon approval of such application for an addendum, the licensee shall pay an additional fee determined by the Board.

#### **IV. GENERAL RULES AND REGULATIONS APPLICABLE TO HOLDERS OF LICENSES TO SELL ALCOHOLIC BEVERAGES WITHIN THE TOWN**

This section shall apply to any and all alcoholic beverages licenses issued by the Board to eligible restaurants, clubs, veterans' organizations, innholders licensees, package stores and, with noted exceptions, one-day special event licensees. The Licensing Board reserves the right to add to, amend, modify or revoke these rules and regulations at such time or times as the Licensing Board deems appropriate.

Subject to further limitations fixed or from time to time modified by the Board of Selectmen with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

4.1 Fire Safety Inspections (applicable to Restaurants, Innholders & Clubs only)

Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety In the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license “a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located.” No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.

4.2 Hours of Operation

The hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public. The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any licensee shall be from 11:00 a.m. to 12:00 midnight on secular days and from 12:00 noon to 12:00 midnight on Sundays unless otherwise determined by the Board of Selectmen. The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any licensee shall be from 9:00 a.m. to 10:00 p.m., Monday through Saturday, including legal holidays, and 12:00 noon to 6:00 p.m. on Sundays, unless otherwise determined by the Board of Selectmen. Holiday sales hours are further limited to the holiday schedule set by the ABCC. The hours when sales may be made will be established by the Board of Selectmen with each individual application.

4.2.1 The Board may adjust hours for individual and/or classifications of licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.

4.2.2 No patron shall be served or sold alcoholic beverages within the licensed premises before or after the hours stated in the license.

4.2.3 No alcoholic beverages shall be served within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.

4.2.4 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.

4.2.5 With the exception of the licensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license. Bona fide employees of the licensed establishment may remain upon or enter upon

the licensed premises outside of the regular hours of operation while actually engaged in cleaning, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a licensee will have employees working on the licensed premises in excess of sixty (60) minutes before or after the serving times, the licensee shall cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises.

4.3 Payment of Charges and Taxes

Applicants and licensees must pay in full all taxes and charges owed to the Town on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.

4.4 Filing and Application Requirements (excludes One Day Special Event Licenses)

4.4.1 Abutter Notification

When conducting a public hearing to consider the issuance of a license to sell or serve wine, malt and/or alcoholic beverages, the Board will endeavor to ask applicant to notify all owners of property within a 300 foot radius of the premises to be licensed. This will be in addition to any notification which is required by law.

4.4.2 Insurance

No license shall be issued for the sale of alcoholic beverages (one day special licenses excluded) in the Town until such time as the applicant shall present to the Board of Selectmen a certificate of insurance showing that the applicant carries the following policies of insurance from an insurance company licensed by the Department of Insurance of the Commonwealth of Massachusetts as follows: workers' compensation insurance as required by M.G.L. Chapter 152; and liquor liability insurance in the minimum amount of \$100,000 per person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage.

4.4.3 Fees

All license fees of the Board are incorporated in these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable.

4.4.3.1 Filing Fees All required filing fees shall be paid in full at such time as the application is filed. The Board's filing fee shall be paid by check, made payable to the "Town of Needham". Filing fees required by the Commission must be by certified check or bank treasurers check made payable to the "Commonwealth of Massachusetts" and/or the "Alcoholic Beverages Control Commission". Filing fees shall not be pro-rated for any reason.

4.4.3.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. The payment of the license fee shall be by cash, certified check or bank treasurer's check payable to "Town of Needham". The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

4.4.4 Floorplans – On Premises Licenses (M.G.L. Ch 138 s.12)

4.4.4.1 With the exception of applicants for package store licenses and a one-day special events license and without limiting the application of Chapter 6 of the State Building Code, applicants or licensees shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

- a. the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;
- b. the location of any proposed bars/waiting areas and cocktail lounges (for innkeepers license only);
- c. areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
- d. entrances and exits;
- e. kitchens and/or food preparation areas;
- f. take out areas;
- g. storage areas;
- h. restrooms;
- i. all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;
- j. total occupant load; and
- k. other spaces, or in relevant cases, exterior premises for which approval of the Board for the sale of alcoholic beverages is requested. Approval of the use of exterior space will only be allowed if there is a physical barrier and signage restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

- 4.4.4.2 The number and location of all seats, chairs, and stools upon or within the licensed premises must be approved in writing by the Board. In no event shall the total number of seats, chairs, and stools upon the licensed premises exceed the maximum seating capacity nor the maximum occupancy capacity of the licensed premises.
- 4.4.4.3 No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without prior written approval of the Board.
- 4.4.4.4 Outdoor seating shall be excluded from the seating capacity used to determine the type of license granted to applicant.

#### 4.5.5 Floor Plans – Off Premise Licenses (M.G.L. Ch 138 s. 15)

- 4.5.5.1 Applicants for a package store license shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked
  - a. the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed;
  - b. gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages;
  - c. entrances and exits;
  - d. storage areas;
  - e. restrooms;
  - f. cash register areas.
- 4.5.5.2 Applicants shall submit a plan for signage including window display signs.

#### 4.6 General and Miscellaneous Provisions

- 4.6.1 No alcoholic beverages shall be taken from the building so approved in the licenses, with exception of approved exterior seating noted on floorplan, as noted in section 4.4.4.1 (k). This does not apply to package stores.
- 4.6.2 No licensee shall sell alcoholic beverages in any part of the premises not specified on this license. No change of such area or location shall be made without prior written approval of the Board of Selectmen. The licensed



premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.

- 4.6.3 The licensed premises must be well lighted at all times.
- 4.6.4 There shall be no indecent or immoral entertainment on the licensed premises.
- 4.6.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.
- 4.6.6 The licensed premises shall be subject, at all times, to inspection by members of the Board of Selectmen, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Selectmen.
- 4.6.7 Service of food is required in all areas where alcoholic beverages are to be served for consumption on premises.
- 4.6.8 Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted. Alcoholic beverages may be consumed only from glassware. Package stores and one day licenses are excluded from this provision.
- 4.6.9 No pitchers of beer may be served (applicable to on premises licenses only).
- 4.6.10 No licensed restaurant or package store may permit the use of any amusement service such as electronic games on the premises.
- 4.6.11 Service of alcoholic beverages shall be by a server/wait person (applicable to on premise licensees only).
- 4.6.12 At all times that the licensed premises are open for the sale or service of alcoholic beverages, the licensee shall have on the premises a manager or assistant manager who has successfully completed an alcoholic beverage server training program satisfactory to the Board of Selectmen. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant manager shall have full authority to make decisions concerning the operation of the establishment.
  - a. A current employee roster shall be available upon request to the Town for all licensed establishments. It is the obligation of the licensee to inform all employees about the rules and regulations of the Needham

Board of Selectmen, the Alcoholic Beverages Control Commission, and any and all applicable Massachusetts laws.

- b. Any employees engaged in the sale and handling of alcoholic beverages must complete Board of Selectmen approved courses in alcohol safety training and have on file with the licensee and available for inspection by the Town a copy of current training certification and proof of age. Licensee will provide an approved training program certificate of completion for the manager to the Town with the application.
- c. All employees shall be required to be recertified every three years by a Town- approved program. Newly hired employees shall complete a Town-approved training program within 30 days of their employment, or provide proof of training certification at a Town-approved course within the last three years. In addition, all employees who are engaged with the direct handling, selling, storing or the preparation for the display of any alcoholic beverages are required to watch annually a Town-approved training video as part of the license renewal process.
- d. No licensee shall allow any employee to sell alcohol until such employee reads the rules and regulations of the Needham Board of Selectmen, the Alcoholic Beverages Control Commission, and any and all applicable Massachusetts laws regarding the sale of alcohol, and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read and understands the regulation and applicable state laws.

4.6.13 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.

## **V. RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES BY INNOLDERS**

Subject to further limitations fixed or from time to time modified by the Board of Selectmen with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

- 5.1 No application for an alcoholic beverage license shall be accepted except from qualified owners of a hotel having a dining room capacity of not less than ninety-nine [99] persons and living capacity of not less than fifty [50] rooms.
- 5.2 Each applicant shall submit to the Board of Selectmen with each application for a license a floor plan of the building or that portion of the building on which is clearly marked and designated the location of the proposed seating arrangement, service bars, dining rooms, function rooms or other rooms in which approval of the Board of Selectmen for the sale of alcoholic beverages is requested.

- 5.3 Cocktail lounges are permitted with the approval of the Board of Selectmen but limited to approved areas by the Board of Selectmen with appropriate identification of the specific location documented by the Inspector of Buildings.
- 5.4 The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Board of Selectmen.

## **VI. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS AND FUNCTION ROOMS**

Subject to further limitations fixed or from time to time modified or amended by the Board of Selectmen acting as the duly constituted Licensing Board of the Town of Needham with respect to this class of license, the General Laws of Massachusetts and the Regulations of the Alcoholic Beverages Commission, the following rules and regulations shall be in full force and effect:

- 6.1 It is the policy and purpose of the Board of Selectmen acting as the Licensing Board of the Town of Needham to limit the issuance of alcoholic licenses as an accommodating and incidental part of a Common Victualler's primary and principal business endeavor of preparing and serving food to the public in a restaurant and function room.
- 6.2 The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.
- 6.3 No function room may be separately licensed.
- 6.4 No alcohol license will be issued to any applicant unless such applicant is the licensee named in a common victualler's license and has operated a restaurant and function rooms for the twelve month period immediately preceding the filing of an application. When deemed appropriate by the Board of Selectmen this provision may be waived.
- 6.5 Service of food is required in all areas in which alcoholic beverages are to be served. Where a function room is available, the service of alcoholic beverages is permitted as authorized herein and may be closed to the general public.

## **VII. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS SEEKING AND ISSUED ALCOHOLIC BEVERAGE**

## **LICENSES WITHIN THE TOWN AUTHORIZED BY SPECIAL ACT OF THE GENERAL COURT (CHAPTER 3 OF THE ACTS OF 1977)**

Licenses issued by the Needham Licensing Board shall be subject to the minimum requirements of G.L. Chapter 138, Regulations of the Alcoholic Beverage Commission and the following regulations of the local Licensing Board and any amendments thereto hereinafter adopted:

- 7.1 Every club applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the Licensing Board.
- 7.2 Every Veterans organization to be eligible to be licensed to sell any and all alcoholic beverages within the Town of Needham must be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.
- 7.3 Each applicant shall furnish the Licensing Board with a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the Licensing Board.
- 7.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.
- 7.5 Each licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.

### **VIII. RULES AND REGULATIONS APPLICABLE TO ONE-DAY SPECIAL EVENT LICENSES**

The Board will review requests for One-Day Special Event Licenses in accordance with section 14 of Chapter 138 of the General Laws after receipt of the following documentation. A public hearing is not required for the issuance of a One-Day Special Event License.

- 8.1 Request for the sale of alcohol under a Special License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on secular days and 12:00 p.m. and 12:00 a.m. on Sundays.
- 8.2 One-Day licenses are exempt from the legal notice and publication requirements.

- 8.3 No special event license will be granted to a licensed premise of any person whose application for a license is pending before the licensing authorities.
- 8.4 No person shall be granted a special license for more than 30 days in a calendar year.
- 8.5 Forms and documentation required for One-Day Special License:
- a) ABCC Notice of Approval of Special License (completed by the Town)
  - b) Town of Needham Board of Selectmen Event Information Sheet
  - c) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
  - d) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
  - e) Written evidence of the owner's permission to use the proposed licensed premises.
  - f) Proof of Non-profit Status (if request is for all alcoholic beverages).
  - g) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
  - h) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.
  - i) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)
- 8.6 The One-Day Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The One-Day Special Event Manager shall display such special One-Day License where sale of alcoholic beverages is taking place.

## **IX. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES (M.G.L. CH 138, SEC. 15)**

### 9.1 General Provisions

- 9.1.1 Employees at the licensed premises on which a Section 15 license is exercised, must be 21 years of age except that such licensees may employ a person under the age of 21 who does not directly handle, sell,

store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display and may sell alcohol provided that the onsite designated manager, aged 21 or over, approves and authorizes the transaction for sale.

- 9.1.2 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.
- 9.1.3 Where the liquor licenses are granted to serve the public, licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Board of Selectmen may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.
- 9.1.4 No consumption of alcoholic beverages shall be permitted on the premises outside of the licensed hours of operation.
- 9.1.5 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The licensee may be held responsible for such activity, whether present or not.
- 9.1.6 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 9.1.7 The licensing of liquor establishments, and what constitutes the public convenience in Needham, will be subject to the informed discretion of the Board of Selectmen. In determining suitability for licenses, the Board of Selectmen will consider the proximity of the proposed premises to neighborhoods, especially residential neighborhoods, and other sensitive areas as determined by the Board.
- 9.1.8 Section 15 licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 9.1.9 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the licensee will comply with the

Town of Needham Sign By-law, as from time to time amended.

- 9.1.10 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.
- 9.1.11 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

## 9.2 Hours Of Operation

- 9.2.1 For all deliveries conducted off the licensed premises, the licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.
  - a. Deliveries must be made during the operating hours of the store.
  - b. Deliveries shall be made by persons no less than 21 years of age.
  - c. A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.
- 9.2.2 All transactions for the sale of alcoholic beverages must be completed on or before the closing hour set out in this section.
- 9.2.3 Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

## 9.3 Consumption On Premises Prohibited Except Sample Tastings

- 9.3.1 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.

## 9.4 Limitations On Transferability Of Off-Premises Section 15 Licenses

- 9.4.1 An application for a transfer of ownership at the same location or transfer of location may be granted by the Board after a public hearing in compliance with these regulations and state law.

## 9.5 Food Store Alcohol License Requirements

- 9.5.1 A food store is defined as a grocery store or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal, family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Board of Selectmen shall determine whether an applicant is a food store as set out herein and in compliance with any and all requirements.
- 9.5.2 A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Board of Selectmen reserves the right to consider each of these factors when determining if an applicant will be considered a convenience store.
- 9.5.3 Any applicant for a Section 15 License (whether for an original application, change of ownership or change of location) must provide with the application materials, a floor plan evidencing the gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages. The licensee may not materially change the portions of its premises dedicated to sale, storage or display of alcoholic beverages without the approval of the Board of Selectmen. The licensee may not be open for business except during its licensed hours for sale of alcoholic beverages unless it has applied for and received approval by the Board of Selectmen of plan to properly secure all alcoholic beverages on the premises from public access during that time.
- 9.5.4 Regular sales and operation of the food store must continue during all times when the sales of wine and malt beverages are permitted.



9.5.5 Package store licenses issued to food stores shall be limited to wine and malt beverages only.

APPROVED:	6/14/77
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Revised fee schedule:	12/7/99
Revised fee schedule:	12/5/00
Revised and approved:	8/20/02
Fee changes	12/21/04
Addition of Liquor	
Liability Insurance:	1/25/05
Addition of One-Day License:	1/25/05
Amended and revised:	11/14/06
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**BOARD OF SELECTMEN  
ACTING AS  
NEEDHAM LICENSING BOARD**