

BOARD OF SELECTMEN REGULATION

ALCOHOLIC BEVERAGES – ENFORCEMENT

Date Approved by BOS:

Signature of Chair:

March 15, 2010

Norman P. Cohen

I. PURPOSE AND SCOPE

The Board of Selectmen is duly authorized by statute to issue and to regulate alcoholic beverage licenses. As a result, the Board of Selectmen is the primary enforcement agency for compliance with ABCC, and town regulations governing alcohol. The Police Department also conducts compliance checks on all establishments that hold alcohol beverage licenses. The purpose of enforcement is not punitive, but for education and to ensure these regulations are consistently followed and applied. It is in the community's best interest for all to understand the benefits of complying with the laws governing alcohol.

II. APPLICATION

1. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.
2. Violations may include, but not be limited to, service to an underage person, sale or delivery to intoxicated persons, use of narcotics on the premises, gambling, failure to meet any of the terms of the regulations of the Board of Selectmen.
3. Periodically, the police conduct stings and checks at licensed locations for compliance. When checks take place, the police shall use the guidelines from the ABCC for compliance checks.
4. The following course of action will be taken upon violations occurring within 3 years: 1st offense – written warning placed in the licensing file and required training for personnel involved; 2nd offense – hearing before the Board of Selectmen to determine action including suspension and revocation of license. Circumstances may necessitate more serious consequences on any violations.
5. Violations of other rules and regulations will be brought to the attention of the Board of Selectmen who shall determine whether or not a hearing is necessary. In most cases, a hearing will be held to determine what, if any, action should be taken.
6. All violations and complaints received about licensed establishments shall be in writing and placed in the file of the licensee.

7. At the time of license renewal and/or changes to the license, the Board of Selectmen will be made aware of any violations or complaints in the last three years and may use that as a basis for action on the license renewal or change.
8. Upon notice of violations or complaints, the license holder shall provide to the Board of Selectmen evidence of steps taken to address the violation or of mitigating circumstances. Failure to respond could result in revocation or suspension of liquor license. Information provided to the Board shall be placed in the licensee's file and may be considered as a basis for action on the license renewal or change.
9. The license holder has the right to appeal any decision of the Board of Selectmen within five (5) days of the decision to ABCC.

III. BACKGROUND

When violations occur to the rules and regulations regarding alcohol license, it is the Board of Selectmen who is ultimately responsible for enforcing the regulations in conjunction with the Police Department. This enforcement policy is intended to provide guidance to all licensees of their obligations and the consequences for not following applicable laws and regulations.

IV. REFERENCE

Adopted by the Board of Selectmen October 4, 2004.

This regulation was amended by the Board of Selectmen on March 15, 2010.

MGL Chapter 138

ABCC Guide to Liquor Laws of the Commonwealth