

BOARD OF SELECTMEN REGULATION

Alcoholic Beverage License Regulations Applicable to Clubs and Posts of War Veterans Organizations

Date Approved by BOS:

Signature of Chair:

March 15, 2010

Norman P. Cohen

I. PURPOSE

The Board of Selectmen is duly authorized by statute to issue and to regulate alcoholic beverage licenses. These regulations set the standards by which the Selectmen will review requests for All Alcohol licenses by Clubs, including posts of War Veterans Organizations. Unless otherwise specified, "club", when used in these regulations, includes posts of War Veterans Organizations.

II. GENERAL REQUIREMENTS

1. The issuance of an All Alcohol license is an accommodation to a duly licensed club, as defined in Massachusetts General Laws Chapter 138, § 1, and to posts of War Veterans Organizations.
2. Only clubs providing food service are eligible to receive alcoholic beverages licenses. Food service is defined as the service of any food, including appetizers, desserts and snacks.
3. Unless the Board of Selectmen elects to reduce such hours as a condition of a license, the hours for serving alcoholic beverages shall not exceed the following: 11:00 a.m. to 12:00 midnight seven days a week. Holiday hours are to be determined by the Board of Selectmen. Clubs may serve alcoholic beverages past 12:00 midnight on New Year's Eve until 1:00 a.m. on January 1, subject to a written request to and the prior approval in writing from the Town Manager. In determining whether to approve such a request, the Town Manager shall take into consideration any objections or complaints concerning club operations that may have been received by the Town or the Town police.
4. The hours during which sales of alcoholic beverages may be made in a club are further limited to the times when food service is available. No alcoholic beverages shall be sold or served before the club is open and food service is available, nor after food service has ended.
5. No member, guest or employee shall be served alcoholic beverages after the hour when legal sales of alcoholic beverages must be concluded.

6. All tables shall be cleared of alcoholic beverages within one-half hour after the hour when legal sales of alcoholic beverages must be concluded.
7. The club licensee shall have a manager approved by the Board of Selectmen or a supervisor designated by the manager in charge during open hours who is a responsible person of good moral character.
8. No corporation, organized under the laws of the Commonwealth or any other state or foreign country, shall be issued a license to sell in any manner any alcoholic beverages unless such corporation shall have first appointed, by vote of its Board of Directors or other similar board, as manager or other principal representative, a citizen of the United States, and shall have vested in him by properly authorized and executed written delegation full authority and control of the premises described in the license of such corporation and of the conduct of all business therein relative to alcoholic beverages nor unless such manager or representative is, with respect to his character, satisfactory to the licensing authorities.
9. Such manager or other principal representative shall be present in the licensed premises and shall be available to the licensing authorities at all times during which alcoholic beverages are being sold pursuant to the license of such corporation, unless some other person, similarly qualified, authorized and satisfactory to the licensing authorities, and whose authority to act in place of such manager or principal representative shall first have been certified to the licensing authorities as set forth in paragraph 8, is present in the premises and acting in the place of such manager or principal representative.
10. The manager listed on the license, approved by the Board, must provide the Board with proof of successful completion of an accredited alcoholic beverage server training program (such as Training for Intervention Procedures by Servers (TIPS)). Bartenders must complete similar in-house training within 30 days of hire.
11. The manager or supervisor is responsible for the order and decorum kept in the premises and in the immediate surrounding exterior area and must cooperate with Town Officials. The property is subject to inspection by appropriate Town Officials.
12. A current list of members, associate members and guests shall at all times be available to the Board of Selectmen (the Licensing Board) or its representatives.
13. Members in licensed clubs who do not meet standard membership criteria as set forth in the club license application shall be subject to the approval of the licensing authority.
14. Alcoholic beverages may be sold to club members and guests introduced by members, but to no others.

15. The bartender shall refuse to serve any member or guest under the age of twenty-one. A bartender may be held criminally responsible for the sale of any alcoholic beverage to any person under the age of twenty-one years. When in doubt of age, the bartender shall require a Massachusetts Driver's license, official Massachusetts RMV drinking age identification card, United States Passport or Military Identification card as proof of age.
16. The bartender shall refuse to serve a member or guest who is in a condition of intoxication.
17. The bartender and manager shall make an effort to prevent a member or guest from operating a motor vehicle if said member or guest appears to be "under the influence" of alcohol.
18. All alcoholic beverages must be bought, served and drunk inside the building, except as otherwise approved by the Board of Selectmen and the Alcohol Beverage Control Commission.
19. No alcoholic beverage license shall be granted unless toilet facilities are generally available to the patrons of the club.
20. The interior and exterior of the premises must be well lit at all times.
21. There shall be no indecent or immoral entertainment or behavior on or in the licensed premises.
22. No alcoholic beverage shall be served without charge.
23. No sale of alcoholic beverages by the bottle or case shall be made and removed from the premises.
24. No live entertainment or D.J. (disc jockey) is permitted without express approval and authorization of the Board of Selectmen. Every effort must be taken to avoid noise levels exceeding allowable levels as provided in Chapter 80 Noise Control, of The Code of Lexington.
25. These regulations apply to any function or rental conducted on the club premises.
26. Automatic amusement devices in compliance with Massachusetts General Laws Chapter 140, § 177A may be kept in licensed premises, provided that each such device is properly licensed by the Town of Lexington as an automatic amusement device, and is installed on the premises so as to be kept in open view at all times while in operation, and shall at all times be available for inspection. No device designed or intended for gambling, gaming or betting for money or property shall be permitted in a licensed premise, nor shall any other automatic amusement device be permitted to be used for such purpose. The term "automatic amusement device" shall mean any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion or put in a 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 limited to such devices commonly known as pinball machines and video or electronic games.
27. All alcoholic beverage licenses are conditioned on the compliance with all applicable state and local laws, including but not limited to M.G.L. Chapters 138 and 140, the state building code, the ABCC Regulations and Lexington's bylaws and regulations.
 28. The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
 29. Alcoholic licenses issued shall be conditioned on strict compliance with these regulations, and any failure to comply may be cause for refusing to grant or renew a license or for suspending, canceling, or revoking a license already granted, at the discretion of the Board of Selectmen after consideration of all relevant circumstances.
 30. The Board of Selectmen reserves the right to amend these rules and regulations as provided by law and A.B.C.C. regulations.

III. THE APPLICATION

31. Alcoholic beverage licenses are issued for one year only, subject to annual review and renewal by the Board.
32. No action shall be taken by the Board of Selectmen on an application until the information requested on the application form is complete and all license fees are paid.
33. All applicants must submit to the Board of Selectmen with the application a floor plan of the building on which is clearly marked and designated the location of proposed service bars and the dining rooms, function rooms, restrooms, or other rooms in which approval of the Board of Selectmen for the sale of alcoholic beverages is requested. Sales and service of alcoholic beverages are prohibited in any areas or locations not expressly approved by the Board of Selectmen, and no change in such area or location may be made without prior approval of the Board of Selectmen.
34. Every application for an alcoholic beverage license made by a corporation shall state the full names and home addresses of the president, treasurer, clerk and secretary, directors and manager or other principal representative of the corporation. The application shall be signed by a corporate officer duly authorized by a vote of the corporation's board of directors or other similar board. A copy of such vote certified by the clerk or secretary of the corporation, together with a copy of the certificate of its organization, shall be submitted with the application. A copy of the vote appointing the corporation's manager or other principal representative shall also be submitted with the application.

35. All applications for licenses shall be made upon blanks furnished by the licensing authorities, shall be fully answered in detail and shall be typewritten or legibly written in ink. Applications written in pencil, in whole or in part, will not be accepted.
36. All applicants shall submit with their application the criteria for membership and a list of club members, including name, home address, and initial date of membership in club. The Board of Selectmen reserves the right to make further inquiry into how listed members meet the criteria for club membership.
37. Statements and information provided in all applications shall be made under the pains and penalties of perjury and any false statement contained in any application shall be cause for refusing to grant or renew the alcoholic beverage license or for suspending, canceling or revoking an alcoholic beverage license already granted.
38. The annual license fee is due at the time of applying for or renewing an alcoholic beverage license. Annual fees for clubs are: \$400
39. For a new license or change of license, a \$100 administrative fee is due at the time of application.
40. If an applicant is denied a license, a new application shall not be received for 12 months unless a Board of Selectmen member, who previously voted against the application, moves to allow resubmission and such motion prevails.

III. BACKGROUND

Club licenses in Lexington are granted to organizations for the benefit of their members and guests. Clubs shall not be used as a bar or cocktail lounge as they are strictly prohibited in Lexington.

IV. REFERENCES

Adopted by the Board of Selectmen on June 13, 1967.

Amended rules adopted May 24, 1971

Amended rules adopted May 21, 1973

Amended rules adopted May 10, 1977

Amended rules adopted July 27, 1977

Amended rules adopted October 25, 2004.

Amended rules adopted February 15, 2005.

Amended rules adopted by the Board of Selectmen on March 15, 2010.

MGL Chapter 138