

Town of Dennis
LICENSING REGULATIONS
SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK ON PREMISES

3.00 The granting and issuance of all licenses to sell alcoholic beverages to be served and drunk on the premises in the Town of Dennis shall be governed by the provisions of Massachusetts General Laws, Ch. 138, the regulations of the Alcoholic Beverages Control Commission (ABCC), and regulations of the Town of Dennis; and wherever in these regulations words or phrases appear which are the same as those defined in Section I of said Chapter, they shall be construed to have the same meaning as those so defined.

3.01 No person shall sell any alcoholic beverage to be served and drunk on any premises in the Town without first having been issued a license to do so by the Licensing Board; and, whoever so sells the same without such a license shall be penalized as provided by law.

3.02 No license to sell any alcoholic beverage to be served and drunk on any premises in the Town shall be issued unless and until the fee therefore, as duly established by the Licensing Board, has been paid in full to the Town.

3.03 No license to sell any alcoholic beverages to be served and drunk on the premises shall be granted to a keeper of a tavern or a general on-premise issued under the provisions of M.G.L. Chapter 138.

3.04 Subject to the prior approval of the ABCC, the Licensing Board may grant to a licensed common victualler or innholder a license to sell all alcoholic beverages or wines or malt beverages only, or both, to travelers, strangers and other patrons and customers not under twenty-one years of age, such beverages to be served and drunk only on the licensed premises.

3.05 The Licensing Board will exercise their licensing powers only to serve the public need in such manner as to protect the common good and to provide, in their opinion, an adequate number of places at which the public may obtain, in the manner and for the kind of use indicated, the different sorts of beverages for the sale, service, and consumption of which provision is made. The Licensing Board may refuse to grant a license to sell any alcoholic beverage to be served and drunk on the premises in certain geographical areas of the Town where the character of the neighborhood may warrant such refusal.

3.06 Subject to the prior approval of the ABCC, the Licensing Board may grant to a club located in the Town a license to sell all alcoholic beverages or wines or malt beverages only, or both, to its members, and to guests introduced by its members and to no others, such beverages to be served and drunk only on the licensed premises.

3.07 The Licensing Board may grant to common victuallers, innholders and clubs seasonal licenses to sell all alcoholic beverages or wine and malt, as the case may be, to be served and drunk on the premises, to be effective from April 1, to November 30, with option to be extended to January 15 of the following year or any portion thereof to the amount or number that the Licensing Board deem to be in the public interest.

3.08 The Licensing Board will grant no license to sell any alcoholic beverages to be served and drunk on the premises to any applicant who has been convicted of a violation of a Federal or State narcotic drug law.

3.09 Failure to pay Town real estate and/or personal property taxes or State meals and/or sales taxes will be considered by the Licensing Board in deciding whether to grant, reissue or transfer a common victualler or innholders license to sell any alcoholic beverage to be served and drunk on the premises, as delineated in the Dennis Taxation By-Law 197-5.

3.10 Whenever, in the opinion of the Licensing Board, any applicant for a license to sell any alcoholic beverage to be served and drunk on the premises fails to establish to their satisfaction compliance with the requirement of M.G.L Ch. 138, ABCC or these regulations, the Licensing Board may refuse to grant any such license and shall mail notice of their action to the applicant stating their reasons therefore.

3.11 No licensee under these regulations shall sell or serve to any person whatsoever including employees any such beverages between 1:00 a.m. and 11:00 AM on any Sunday, nor on Christmas Day or the following day when Christmas Day occurs on a Sunday and, except when otherwise permitted by the Licensing Board on New Year's Day, no such licensee shall sell or serve any such beverage on any secular day between the hours of 1:00 a.m. and 8:00 a.m.; nor shall he permit any patron or customer to enter the licensed premises after 1:00 a.m. or remain therein after 1:20 a.m. and as such licenses will remove such beverages from the tables and service areas in the licensed premises not later than 1:00 a.m.

3.12 The Licensing Board may decrease the hours during which sales of any alcoholic beverage may be made by any licensee after a public hearing concerning the public need for such a change, provided that the licensee affected shall be given two weeks' notice of such hearing.

3.13 Common victuallers, club or innholders licensed to sell a alcoholic beverage to be served and drunk on the premises shall not serve or permit the drinking thereof in any room or public area of the licensed premises not specifically designated by law unless the same is declared by the Licensing Board to be reasonable and proper.

3.14 Special licenses for the sale of all alcoholic beverages or wine and malt beverages only, or any of them, to be served and drunk on the premises, may be issued by the Licensing Board upon payment of the established fee therefore, to the responsible

manager of any for profit or non-profit organization conducting any indoor or outdoor activity or enterprise.

3.15 The Licensing Board may annually renew license applications and approve the same providing that not more than three (3) incidents as defined below of non-conformance with statutes, regulations, restrictions or policies as verified by licensing agents, public safety officials or other authorized officials were documented.

3.15.1 Applicants for renewal of a license for an establishment which has more than three (3) incidents as defined below are required to appear before the Licensing Board to show cause why the renewal should not be revoked, rescinded, denied or modified.

3.15.2 "Incident" shall include, without limitation, any of the following: overcrowding; blocked exit or aisle for safe passage; fire code violations; excessive noise; health violations; violation of license restriction; violation of any Town by-law, disorderly conduct, disturbances or serving violations to include over serving or serving to persons under the age of 21.

3.16 No licensee under the provisions of Massachusetts General Laws, Ch. 138, Section 12, and these regulations shall suffer or permit any person to appear on said licensed premises in any manner or attire as to expose to public view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or shall suffer or permit any female to appear on licensed premises in such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof.

3.17 The Licensing Board after notice to the licensee and reasonable opportunity for him to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the Commonwealth or any provision of these regulations. If at any hearing a licensee is charged with serving or selling alcohol or alcoholic beverages to a person under twenty-one years of age, written notice of said allegations shall be sent by the licensing authorities to the parent or guardian of such person. The Licensing Board shall mail notice of their decision to the Licensee, stating the reasons therefore, and shall at the same time mail a copy of such notice to the ABCC. If the license is revoked, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so revoked, and if the licensee is the owner of the premises described in such revoked license, no license shall be issued to be exercised on said premises for the remainder of the term thereof.

3.20 Churches, Synagogues, hospitals and public or private elementary or secondary schools located within 500 feet of the premises of a liquor-serving establishment must be notified by registered mail. In all cases, whether the license is protested or not, the licensing authority must determine in writing after the hearing that the premises is not detrimental to the educational and spiritual activities of such school or church, if approving the application.

3.21 A license to sell any alcoholic beverage to be served and drunk on the premises held by an individual, partnership or corporation may be transferred to any individual, partnership or corporation qualified to receive such license in the first instance, if in the opinion of the Licensing Board such transfer is in the public interest. However, should the Licensing Board deny an application for any such transfer, they shall mail a notice of their decision to the applicant stating the reasons therefore.

3.22 No license issued under these regulations may be pledged by the holder to a third party to secure a loan whenever such action may encumber or interfere with the right of the Licensing Board to demand immediate possession thereof upon the expiration, suspension, revocation, cancellation or forfeiture of such a license.

3.23 Annual alcoholic license holders shall have their establishments open to the public as follows:

- a) At least six (6) days each week from the last Saturday in June to the first Monday in September.
- b) At least four (4) days each week during all other times.
- c) An establishment may close for one (1) extended period per year, provided it is not longer than ninety (90) days and provided written request is made prior to December 31.
- d) Closing periods may be approved by the Licensing Chairman or designee based on the public need in a given area and individual license holder's circumstances.

3.24 Seasonal alcoholic license holders shall have their establishments open to the public at least six (6) days each week from the last Saturday in June to the first Monday in September.

(a) Closing periods may be approved by the Licensing Chairman or their designee based on the public need in a given area and individual license holder's circumstances.

3.25 Annual and Seasonal license holders shall have a Manager or Assistant Manager on the premises during all hours of operations.

3.26 Brown Bagging/BYOB patrons of common victualler license are not permitted to bring alcoholic beverages on the premises of such common victuallers for their own consumption. Persons licensed as common victualler are not permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain specialty-cooked foods. The Licensing Board will, in its discretion, determine what is reasonable for this purpose and whether or not it is customary in the preparation of such specialty food.

3.27 Punitive Action Guidelines

- 1st Offense: Warning or License Suspension up to (3) days
- 2nd Offense: License Suspension (3) to (6) days
- 3rd Offense: License Suspension (6) to (12) days
- 4th Offense: Show cause hearing for license revocation

The Licensing Board has the authority to impose the penalty one year from the date of the violation.

The term “**Offense**” is defined as one (1) violation of Massachusetts General Law, Chapter 138, and/or one (1) violation of the Commonwealth of Massachusetts Regulations.

Some examples of criteria to invoke penalties is based on the following:

- Severity and type of offense
- Number of prior offenses
- General reputation of the licensee, and history of the licensed business.
- Degree of inspection, etc. exhibited by license
- Licensee’s attempt to identify purchaser by using the four ABCC’s forms of identification in cases of illegal sales
- Appearance of purchases in cases of illegal sales
- Quality of evidence, ie. Clear-cut violation versus somewhat questionable violation

The punitive action guidelines are only a guide. The Town of Dennis Licensing Board 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.)

The punitive action guidelines shall not be construed as to limit the Town of Dennis Licensing Board to consider alternative dispositions, or further conditions on a license, or even alternate penalties (e.g.. roll back of operation hours, suspending the licensee’s common victualler license, and/or suspending or restricting the licensee’s entertainment license.

Approved by the Licensing Board at a public hearing held October 20, 1983.

AMENDED OCTOBER 30, 1990

AMENDED OCTOBER 20, 1992