

TOWN OF DENNIS LICENSING BOARD
RULES AND REGULATIONS

The Licensing Board of the Town of Dennis will exert every effort to provide the residents and guests of the Town with establishments offering quality goods and services and will resist issuance of licenses to establishments with a continued operation of poor quality goods and services or where the operation of the establishment consistently violates the rules and regulations adopted herein.

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.

In furtherance of this purpose, the Licensing Board of the Town of Dennis adopt the following rules and regulations.

Section 1. Compliance with Applicable Laws, Rules and Regulations

1.01 COMPLIANCE WITH APPLICABLE LAWS

The granting and issuance of all licenses to sell alcoholic beverages in the Town shall be governed by the provisions of Massachusetts General Laws, Ch 138, the regulations of the Alcoholic Beverages Control Commission (ABCC), and these regulations; and wherever in these regulations words or phrases appear which are the same as those defined in Section 1 of said Chapter 138, they shall be construed to have the same meaning as those so defined.

It shall be a condition of all licenses issued by the Licensing Board that the licensed activity and any licensed premises shall comply at all times with all applicable laws, including but not limited to: all applicable provisions of the Massachusetts General Laws, the Regulations of the Alcoholic Beverages Control Commission, these regulations and other regulations of the Licensing Board, the Bylaws of the Town of Dennis, building codes, fire codes, health and safety regulations, state and local tax obligations and other government regulations and laws, including but not limited to:

Mass. General Laws Chapter 138, Alcoholic Liquors

Mass. General Laws Chapter 140, Licenses

Mass. General Laws Chapter 148, Fire Prevention

Mass. General Laws Chapter 143, Building Code.

References to the General Laws are indicated herein by the letters "Ch" for the chapter and by the letters "Sec" for the Section, i.e., Ch 138/Sec 1.

Where the Town of Dennis Licensing Board Rules and Regulations conflict with Federal, County, or Town By-Laws, Codes, Ordinances, Rules and Regulations in force on or after the effective date of these Rules and Regulations the conflicting portion or portions of these Rules and Regulations shall be reviewed and subsequently revised or deleted by the Board as conditions require.

1.02 MASS. FIRE SAFETY ACT – CERTIFICATE OF INSPECTION

In accordance with Massachusetts General Laws, Ch 10/Sec 74, as added by Chapter 304 of the Acts of 2004 (Fire Safety Act), every establishment licensed to sell alcoholic beverages to be consumed on the premises is required to post a Certificate of Inspection signed by the Building Official and the Fire Official. This Certificate is required to ensure that all establishments have been inspected for general fire and life safety features. Inspections will be made by Fire Department and Building inspectors. Upon satisfactory inspection, the Certificate will be signed by the Dennis Building and Fire Department. The Certificate of Inspection must be framed behind clear glass and/or laminated and posted near the main entrance to your establishment. The Certificate of Inspection is a pre-condition for the issuance or renewal of an Alcoholic Beverage License. The failure to provide a copy of the current signed Certificate of Inspection with your ABCC Renewal Application may result in the denial of your application or non-renewal of your license by operation of law without a hearing.

Outstanding fire or building code violations may prevent the building and fire department from signing the inspection certificate.

1.03 MASS. FIRE SAFETY ACT – MANDATORY CROWD MANAGER AND DAILY FIRE AND BUILDING SAFETY CHECKLIST

In accordance with the March 22, 2011 Advisory of the Alcoholic Beverages Control Commission, which is attached as Addendum 1 to this Regulation and incorporated herein, every establishment licensed to sell alcoholic beverages to be consumed on the premises, with an Occupant Load of 100 or more persons and who are a nightclub, dance hall, discotheque or bar or who feature entertainment by a live band or recorded music generating above normal sound levels and have a specific area designated for dancing must have trained Crowd Managers in the licensed premises at all times that they are open to patrons.

Section 2. General Administration and Operation For All Licensees

2.00 ANNUAL REPORT TO THE ALCOHOLIC BEVERAGES CONTROL COMMISSION ABCC Ch 138/Sec 10A

The Licensing Board shall file an Annual Report of its activities for the previous year on or before February 15 to the ABCC. The report shall contain the number of alcoholic licenses granted, the revenue therefrom, and the schedule of fees for all classes of licenses. The report shall also contain a list of all violations and the disposition of each.

2.01 OMISSIONS AND WAIVERS

The omission of references in part, or in its entirety, to any law, code, ordinance or regulation taking precedence over the Rules and Regulations set forth herein shall not constitute a waiver on the part of the Town to require the applicant to comply with the law, code, ordinance or regulation.

2.02 CLASSES OF LICENSES

The following classes of licenses are indicated under various Sections of Chapter 138 of the General Laws of the Commonwealth of Massachusetts:

SECTION 11A --Taverns: There are no tavern licenses in the Town of Dennis

SECTION 12 -- Licenses for Alcoholic Beverages to be Drunk on the Premises may be issued to Common Victuallers licensed under Chapter 140 to conduct a restaurant, and an innholder, to conduct a hotel.

SECTION 12 -- Club Licenses – 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. Club licenses may be issued to not-for-profit, veterans groups or charitable organizations under the same application process as other Section 12 licenses.

SECTION 14 -- Special Licenses - 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 therefor, to the responsible manager of any non-profit organization conducting any indoor or outdoor activity or enterprise; provided, however, that a special license for the sale of wine and malt beverages only, or any of them, may be issued by the Licensing Board to the responsible manager of any organization conducting any indoor or outdoor activity or enterprise. A Special License may not be issued for more than thirty events per year. If an

event is held over multiple days, each day is considered an “event” for purposes of the 30- day total.

SECTION 15 -- Licenses for Sale of Beverages Not to be Drunk on the Premises (Package Stores) may be issued to applicants who are citizens and residents of the Commonwealth of Massachusetts.

2.03 NUMBER OF LICENSES

Unless otherwise authorized by the ABCC , the current number of Alcoholic Licenses to be issued shall be as follows:

<u>Section</u>	<u>Type</u>	<u>Number</u>
Section 12	Annual All- Alcoholic Common Victualler	Unlimited
Section 12	Seasonal All- Alcoholic Common Victualler	8
Section 12	Club License	NA
Section 15	Annual All Alcoholic Package Store	3
Section 15	Wines and Malt Beverages Package Store	5
Section 15	Seasonal All- Alcoholic	8

The local licensing authority may grant, in addition to and irrespective of any limitation of the number of licenses contained in this section, seasonal licenses under Section 12, to be effective from April the first to November the thirtieth only to the amount or number that such authority deems to be in the public interest.

2.04 TEMPORARY POPULATION INCREASE Ch 138/Sec 17

An estimate may be made prior to April the first in any year of any temporary increase in resident population as of the following July 10. One (1) seasonal license under Section 15 may be granted by the Dennis Licensing Board for each 5,000 increase in population (or fraction thereof). the population increase estimate shall be by the Licensing Board. A copy of the population estimate shall be signed by a majority of the Board and forwarded to the ABCC.

2.05 ISSUANCE OF NEW LICENSES – PACKAGE STORES ONLY

New Section 15 licenses which become available by reason of increase in population in the Town of Dennis, by revocation, or by cancellation shall be advertised and offered publicly to qualified applicants. Awards of licenses shall be determined by the Licensing Board and shall be based upon, but not limited to, the following criteria:

- (1) the moral character of the individual or individuals;
- (2) the background and experience of the individual or individuals as related to the type of license offered;
- (3) the physical plant, existing or proposed;
- (4) source of financing;
- (5) submission of documentation as required by the ABCC.
- (6) location of the place of business proposed by the applicant;
- (7) such other matters as may be deemed relevant to the public interest.

2.06 APPLICANT FOR LICENSE

An owner, or an operator, manager, agent, or any other term used to designate control of an establishment, existing or proposed, who is so authorized may apply for a license. Affidavits indicating authority to control the establishment shall be filed with the application. Applications submitted without the affidavit will not be accepted. Applicants will follow the ABCC application form and checklist which can be found at www.mass.gov/abcc

Applications for a Section 12 license shall include the following:

- 1.) Copy of the proposed menu;
- 2.) Floor plan and seating plan;
- 3.) Current septic inspection;
- 4.) Verification of “TIPS” and “SERVE-SAFE” training; and
- 5.) All appropriate application or licensing fees paid by certified check. Fees are not refundable.
- 6.) Emergency Plan

2.07 LICENSE APPLICATION PERIOD AND ACTION BY THE BOARD Ch 138/Sec 16A

Applications for renewals of annual licenses under Sections 12 and 15 shall be made during the MONTH of NOVEMBER unless the applicant fails to meet the requirements of the Massachusetts General Laws and these regulations, in which case the application will be treated as a new application as outlined above. Action by the Board on renewals of annual licenses shall begin during December of each calendar year.

Applications for Renewals of seasonal licenses under Sections 12 and 15 shall be made automatically during the MONTH of MARCH unless the application fails to meet the

requirements of the Massachusetts General Laws or these regulations.
Action by the Board on renewal of seasonal licenses shall begin after March 1, off the calendar year

Annual and Seasonal license holders wishing to reduce the period of service to meet the public need, i.e. twelve months of the year from January 1 to December 31 and from April 1 to November 30, respectively, shall submit the request in writing to the Licensing Board. Justification for the request shall be submitted therewith. The Licensing Board shall review each request on an individual basis and notify the licensee accordingly in writing.

2.08 TERMS, MODIFICATIONS, RESTRICTIONS, SUSPENSIONS

The following is excerpted from the Massachusetts General Laws, Chapter 138, Section 23 and is inserted here to emphasize a strict policy of the Board.

"Whenever, in the opinion of the local licensing authorities, any applicant for a license under Section 12, 14, 15 or 30A fails to establish to their satisfaction his compliance with the requirements of this chapter said authorities may refuse to issue or reissue to such applicant any such license; and whenever in their opinion any holder of such a license fails to maintain such compliance or whenever it shall appear to them that the nature of the business ... no longer satisfies the definition thereof contained in this chapter, or that alcoholic beverages are being sold, served or drunk therein in violation of any provision of this Chapter, they may, after hearing or opportunity therefore modify, suspend, revoke, or cancel such license ..."

The following is excerpted from the Massachusetts General Laws 138, Section 64, and is inserted here to emphasize a strict policy of the Board.

The licensing authorities after notice to the licensee and reasonable opportunity for him to be heard by the Board, 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 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 revoked, and if he is the owner of the premises no license shall be issued to be exercised on said premises for the residue of the term thereof.

When any noise, disturbance, misconduct, disorder, action or activity occurs on the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Licensing Board adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located or results in the licensed premises becoming the focal point for police attention, or is offensive to public

decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation, or modification of the license.

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 he is the owner of the premises described in such revoked license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

2.09 HOURS OF OPERATION

The closing hour for all on premises liquor establishments is **1:00 A.M.** unless otherwise ordered by the Board. No orders for alcoholic beverages shall be taken after 12:40 A.M., referred to as "Last Call". Tables shall be cleared of all receptacles or containers by 1:00 A.M.. All patrons shall be off the premises by 1:20 A.M. This regulation is promulgated by the Dennis Licensing Board by provision of Chapter 138, Section 12 of the General Laws of the Commonwealth of Massachusetts. The Police Department is required to enforce the closing hour. In those cases where the Board has determined a closing time earlier than 1:00AM, no orders for alcoholic beverages – so called "last Call" will be taken less than 20 minutes before the earlier closing time.

No licensee under these regulations shall sell or serve to any person whatsoever including employees any such beverages between 1:00 a.m. and 10:00 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 such licensee will remove all such beverages from the tables and service areas in the licensed premises not later than 1:00 a.m.

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 have provided a written request is made and approved prior to December 1st.
- d) Closing periods may be approved by the board based on the public need in a given area and individual license holder's circumstances.

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 unless otherwise approved by the Licensing Board.

2.10 ABUTTER NOTIFICATION

Whenever an applicant seeks to open a liquor- serving establishment, the applicant must notify all abutters within 500 feet through a certificate of mailing. The applicant must notify immediate abutters and churches, synagogues, hospitals and public or private elementary or secondary schools within 500 feet by certified 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.

2.11 LICENSE ISSUED BEFORE SERVING

No person shall sell any alcoholic beverage 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.

2.12 APPLICANT WITH RECORD FOR VIOLATION OF DRUG LAWS

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

2.13 FAILURE TO PAY TAXES & FEES

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, suspend, reissue, or transfer a common victualler or innholder license to sell any alcoholic beverage to be served and drunk on the premises in accordance with the procedure set forth in Dennis Town Bylaw Chapter 159 Sections 1 and 2.

No establishment shall receive their liquor license until all fees or debts owed to the Town are paid in full.

2.14 REFUSAL TO GRANT LICENSE

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 requirements of Ch 138 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.

2.15 BOARD MAY INCREASE OR DECREASE HOURS OF OPERATION

The Licensing Board may increase or 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. The notice for a potential reduction of pour hours will be advertised to specifically note that the hearing is for a reduction hours.

2.16 BOARD FINDING OF MULTIPLE "INCIDENTS"

The Licensing Board may annually renew license applications and approve the same providing that the licensee experienced less than three (3) incidents where licensing authorities found non-conformance with statutes, regulations, restrictions, or policy.

Applicants for renewal of an annual license for an establishment which has had incidents as defined below may be required to appear before the Licensing Board in order to show cause why the license renewal should not be denied or modified. Applicants for renewal of a seasonal license for an establishment which has had incidents as defined below may be required to appear before the Licensing Board in order to show cause why the renewal should not be denied or modified

An "Incident" shall include, without limitation, any of the following: overcrowding; blocked exit or aisle for safe passage; any fire code violations; noise violations; health violations; violation of license restriction; fighting, overserving; serving persons under 21; violation of these regulations; and violation of any applicable law.

2.17 TRANSFER OF LICENSE

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.

2.18 PLEDGING LICENSE

Any license granted under the provisions of this section may be pledged by the licensee for a loan, provided approval of such loan and pledge is given by the local licensing authority and the commission. Such pledge shall not be construed so as to affect the right of such local licensing authority or the commission to suspend, revoke, or otherwise regulate such license, as provided in this chapter.

2.19 CORPORATE AND TRADE NAMES

No licensee shall assume obligations for a licensed premises under any corporate or trade name other than that under which the licensee is licensed. Any change in corporate name or status or any change in trade name (DBA) shall require the prior approval of the Board.

2.20 CORPORATE TRANSACTIONS

The licensee shall not change managers, change corporate officers, sell or transfer corporate stock, pledge corporate stock or liquor license as security, or accept a loan or credit from another licensee, without first obtaining the approval of the Board. No person may have a direct or indirect beneficial interest in a license without first obtaining the approval of the Board.

2.21 MANAGER AND ALTERNATE MANAGER

The licensee must identify a Manager at the time of application. No corporation shall be approved for a license unless the corporation has appointed a manager who has been vested with full authority and control of the premises. The Licensee may identify up to two (2) Assistant Managers at the time of application to assist the manager in the overall control of the premises.

License holders shall have a manager on the premises for a period not less than thirty (30) hours per week. No manager or employee shall consume any alcoholic beverages while on duty or after the official closing time. There shall be a manager or assistant manager on duty at all times who shall be responsible to maintain good order and decorum of the premises and the area immediately surrounding the premises. All employees of the establishment will cooperate with town official in ensuring safety and during any inspections of the premises. There shall be no disorder, indecency, prostitution, lewdness or illegal gambling on the licensed premises and all doors must remain shut at all times.

The licensee is responsible for ensuring that all employees read the rules and regulations of the Licensing Board and comply with all rules and laws.

The manager on duty shall make sure that at closing time and prior to leaving that the parking lot of the establishment is clear of all patrons and vehicles. If a patron's vehicle is still located on the premises, the manager shall notify the police.

2.22 CESSATION OF OPERATIONS

Any licensee intending to close a place of business for more than three (3) days, whether on a temporary or permanent basis, must notify the Board in writing before such closing stating the length and reason for such closing.

2.23 BANKRUPTCY AND COURT PROCEEDINGS

The licensee shall immediately notify the Board, in writing, of an proceedings brought by or against the licensee under the bankruptcy laws or any other court proceedings which may affect the status of the license.

2.24 POSTING OF LICENSES AND COOPERATION WITH AUTHORITIES

The licensee shall display all licenses and permits issued by the Town of Dennis in a conspicuous place and make such permits or licenses available to licensing authorities at their request.

All licensees shall ensure that a copy of the rules and regulations of the Licensing Board is kept on the premises at all times and is immediately available for inspection upon request by a member of the public or an agent of the Licensing Board, or any police officer.

The licensee shall maintain an up-to-date list of all employees and their most immediate contact information including current phone number and address. Such list shall be available on the premises at all times and immediately made available to police officers or agents of the Licensing Board when requested. The employee list will identify the manager and any assistant or alternate managers.

It is the responsibility of the licensee to assure that police or other authorized agents of the Board have immediate access to the premises at any time that there are employees in the premises. The licensed premises shall be subject to inspection by the Police, Board or any duly authorized agents of the Board at any time. Any delay in providing access shall be cause for action against the licensee. No device or electronic equipment shall be utilized by a licensed premises for the purpose of signaling employees that police officers or agents of the Licensing Board are present.

2.25 NO PERSON UNDER THE AGE OF 21 TO BE SERVED

No alcoholic beverages may be sold to anyone under twenty- one (21) years of age.

2.26 CONSUMPTION OF ALCOHOL BY EMPLOYEES PROHIBITED

No manager, Alternate Manager or employee shall consume alcoholic beverages while on duty or after the official closing time.

2.27 IDENTIFICATION OF PATRONS

Only an original motor vehicle driver's license with photograph or a Massachusetts Liquor Purchase identification card shall be accepted as proof of age.

2.28 EMPLOYEES ON PREMISES AFTER CLOSING HOURS

Owners and employees must be off the premises no later than 1 hour after the official closing time. Provided, however, that such owners and employees may be on the premises at any time for the purpose of cleaning, making repairs, providing security or preparing food.

2.29 PREMISES DESCRIPTION

No licensee will keep for sale, store or sell alcoholic beverages in any part of the premises not specified on the license, such as a patio or sidewalk. No physical changes to the premises shall be made without the prior approval of the Board.

2.30 POSTING OF SUSPENSION NOTICE

Whenever the Board suspends the license of any licensee, the Board shall provide the licensee with a sign that reads "Closed by Order of the Licensing Board for the Town of Dennis". Such sign shall be attached on the inside of the premises but visible to the outside of the premises in a conspicuous location during the term of the suspension. The licensee must turn all of the licenses in to the office of the Licensing Board for the duration of the suspension.

2.31 GENERAL CONDITIONS

The following general conditions shall be incorporated for all license holders. Additional conditions may be required at the discretion of the Board.

- 1.) The license holder is responsible for the quiet and orderly dispersal of patrons and employees entering and exiting the establishment and the parking area.

- 2.) Noise should not be audible off premises and to a level that would disturb the neighbors.
- 3.) All State and Board of Health requirements are in compliance.

Section 3. Common Victuallers and Innholders

The following regulations are specifically focused on Common Victuallers and Innholders and are in addition to the regulations contained in sections 1 and 2.

3.01 CONSUMING ALCOHOL IN UNDESIGNATED AREAS PROHIBITED

Common victuallers and innholders licensed to sell any 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 the Board unless the same is declared by the Licensing Board to be reasonable and proper.

3.02 LEWD OR LACIVIOUS CONDUCT PROHIBITED

No licensee under the provisions of Massachusetts General Laws, Ch 138, Sec 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.

3.03 FOOD SERVICE REQUIRED

Section 12 Licensees must have adequate sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for strangers, travelers and other patrons as required by Chapter 140. A menu must be provided at the time of application and any changes to the menu other than temporary additions or deletions of special items must be provided to the Board.

Food service shall be available in all areas of the licensed premises in which alcoholic beverages are served. To qualify as food service, the Licensee must offer at least a "light meal", which may consist of hors d'oeuvres, appetizers, deserts, sandwiches, soups, salads, entrees and prepared foods, but shall exclude chips, nuts, pretzels, popcorn and other snack-like foods.

3.04 CLEAR VIEW OF PREMISES INTERIOR

No advertising, screens, curtains or other obstruction which, in the opinion of the Board, prevents a clear view of the interior of the premises shall be maintained. The interior structures of the licensed areas of the premises must not prevent the ability of authorized agents to conduct an inspection of the premises.

3.05 HOURS OF OPERATION LIMITED TO FOOD SERVICE

Notwithstanding Section 2.09, the hours for the service of alcoholic beverages are further restricted to the hours during which food service is available. No alcoholic beverages shall be sold unless food service is available except during the last hour before the official closing time.

3.06 CONSUMPTION ON PREMISES – “BROWNBAGGING” PROHIBITED

All alcoholic beverages shall be served in an open container and no such beverages will be allowed to be removed from the premises except that a patron may leave the premises with a re-corked bottle of wine that has been prepared by the premises in accordance with ABCC regulations. Patrons of Common Victuallers are not permitted to bring alcoholic beverages on the premises of Common Victuallers for their own consumption. Persons licensed as Common Victuallers who are not licensed to sell alcoholic beverages 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 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.

3.07 SERVER TRAINING

The Manager and Alternate Managers, if any, shall have successfully completed an alcoholic beverage server training program such as the “TIP’s” program or its equivalent, prior to their appointment. Such training shall also be required of all bartenders in establishments that have a bar. All other employees who serve alcoholic beverages shall receive, at a minimum, in-house training similar to that received under the TIP’s program. Verification of such training will be maintained for each employee and available for inspection.

3.08 ENTERTAINMENT

No forms of entertainment, including but not limited to recorded or live music shall be allowed without the approval of the Board and obtaining an Entertainment permit if required.

Section 4. Regulations Applicable to Package Stores

The following regulations are specifically focused on Package Store Licensees and are in addition to the regulations contained in sections 1 and 2.

4.01 SERVER TRAINING

All employees shall have successfully completed a training program for determining the proper procedures for verifying that a patron is at least 21 years of age and not intoxicated. Verification of such training will be maintained for each employee and available for inspection.

4.02 HOURS OF OPERATION

No sale or delivery of alcoholic beverages shall be made by an off-premises licensed establishment, or Package Store, except during the legal hours of sale. Hours of operations for Package Stores are 8:00 a.m. – 11:00 p.m. Monday through Saturday, and 10:00 a.m. – 11:00 p.m. on Sundays.

4.03 CONSUMPTION ON PREMISES PROHIBITED

No alcoholic beverages shall be sold for consumption on the premises.

Section 5. Regulations Applicable To Club Licenses

The following regulations are specifically focused on Club Licensees and are in addition to the regulations contained in sections 1 and 2.

5.01 LIST OF OFFICERS AND MEMBERS

At the time of application and at each annual renewal the licensee shall submit a listing of the names and addresses of all officers, members, directors and employees of the club.

5.02 GUEST REGISTER BOOK

A guest register book shall be maintained which indicates the name of the guest and the member accompanying the guest. Guests may not be served at a club unless accompanied by a member. The guest book will be made available for any inspection by authorized agents of the Board.

5.03 ONLY MEMBERS AND GUESTS TO BE SERVED

Only members and their properly registered guests shall be served alcoholic beverages.

5.04 CONSUMING ALCOHOL IN UNDESIGNATED AREAS PROHIBITED

Club licensees shall not serve or permit the drinking thereof in any room or public area of the licensed premises not specifically designated by the Board unless the same is declared by the Licensing Board to be reasonable and proper.

5.05 LEWD OR LACIVIOUS CONDUCT PROHIBITED

No club licensee 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.

5.06 CLEAR VIEW OF PREMISES INTERIOR

No advertising, screens, curtains or other obstruction which, in the opinion of the Board, prevents a clear view of the interior of the premises shall be maintained. The interior structures of the licensed areas of the premises must not prevent the ability of authorized agents to conduct an inspection of the premises.

5.07 CONSUMPTION ON PREMISES – “BROWNBAGGING” PROHIBITED

All alcoholic beverages shall be served in an open container and no such beverages will be allowed to be removed from the premises except that a patron may leave the premises with a re- corked bottle of wine that has been prepared by the premises in accordance with ABCC regulations. Patrons of Club license establishments are not permitted to bring alcoholic beverages on the premises for their own consumption..

5.08 SERVER TRAINING

The Manager and Alternate Managers, if any, shall have successfully completed an alcoholic beverage server training program such as the “TIP’s” program or its equivalent, prior to their appointment. Such training shall also be required of all bartenders in establishments that have a bar. All other employees who serve alcoholic beverages shall receive, at a minimum, in- house training similar to that received under the TIP’s program. Verification of such training will be maintained for each employee and available for inspection.

5.09 ENTERTAINMENT

No forms of entertainment, including but not limited to recorded or live music shall be allowed without the approval of the Board and obtaining an Entertainment permit if required.

5.10 FOOD SERVICE REQUIRED

Club license holders must have adequate sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for patrons as required by Chapter 140. A menu must be provided at the time of application and any changes to the menu other than temporary additions or deletions of special items must be provided to the Board.

Food service shall be available in all areas of the licensed premises in which alcoholic beverages are served. To qualify as food service, the Licensee must offer at least a "light meal", which may consist of hors d'oeuvres, appetizers, deserts, sandwiches, soups, salads, entrees and prepared foods, but shall exclude chips, nuts, pretzels, popcorn and other snack-like foods.

5.11 HOURS OF OPERATION LIMITED TO FOOD SERVICE

Notwithstanding Section 2.09, the hours for the service of alcoholic beverages are further restricted to the hours during which food service is available. No alcoholic beverages shall be sold unless food service is available except during the last hour before the official closing time.