

LICENSING REGULATIONS
COMMON VICTUALLERS AND INNOLDERS

2.00 The grant and issuance of licenses to common victuallers and innholders in the Town shall be governed by the provisions of Massachusetts General Laws Ch. 140 and these regulations.

2.01 No person shall operate a restaurant or other public eating place or facility or a hotel, as they are defined in Massachusetts General Laws, Ch. 138, Section 1, without first having been issued a license to do so by the Selectmen; and whoever so operates such a restaurant, other public eating place, or facility or hotel without a license shall be penalized as provided by law.

2.02 Whether any common victualler or innholder licenses shall be granted and, if any, the number to be granted, shall rest in the sound judgment of the Selectmen as to the demands of the public welfare in the Town.

2.03 The Selectmen may grant licenses to persons to be common victuallers or innholders who have complied with requirements of applicable law and these regulations. The Selectmen are not required to grant such a license if, in their opinion, the public good does not require it. In forming their opinion the Selectmen shall consider, without limitation, the number and character of places in the Town devoted to that business and whether the applicant has met all requirements of the Building Department and the Board of Health.

2.04 No common victualler or innholder license may be issued to any person unless and until he has paid in full the fee therefor duly established by the Selectmen.

2.05 Whenever in the opinion of the Selectmen a licensed common victualler or innholder ceases to be engaged in the business he is licensed to pursue or fails to maintain upon his premises the implements and facilities required by law, the Selectmen shall immediately revoke his license.

2.06 If a licensed common victualler or innholder at any time conducts the licensed business in an improper manner, the Selectmen, after notice to the licensee and reasonable opportunity for a hearing, may upon satisfactory proof thereof, suspend or revoke the license. For purposes of this regulation, conducting such a licensed business in an improper manner shall include but not be limited to: (a) a manner not consistent with public health or safety or in violation of Statutory or regulatory provisions; (b) performing or permitting illegal acts to be performed on the licensed premises; (c) providing "set-ups", so-called, for patrons to consume alcoholic beverages on the premises; (d) permitting patrons to otherwise consume alcoholic beverages on the premises, other than in accordance with a valid alcoholic beverage license issued by the Selectmen.

2.07 Failure by any licensee to pay Town real estate and/or personal property taxes or State meals and/or sales taxes will be considered by the Selectmen in deciding whether a common victualler, innholder license shall be granted, reissued, or transferred.

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

LICENSING REGULATIONS
SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK ON PREMISES

3.00 The grant and issuance of all licenses to sell alcoholic beverages to be served and drunk on the premises 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, 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 Selectmen; 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 therefor, as duly established by the Selectmen, 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.

3.04 Subject to the prior approval of the ABCC, the Selectmen 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 years of age, such beverages to be served and drunk only on the licensed premises.

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

3.08 The Selectmen 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 Selectmen in deciding whether to grant, reissue or transfer a common victualler or innholder license to sell any alcoholic beverage to be served and drunk on the premises.

3.10 Whenever, in the opinion of the Selectmen, 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 Selectmen may refuse to grant any such license and shall mail notice of their action to the applicant stating their reasons therefor.

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 12 noon 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 Selectmen 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.

3.12 The Selectmen 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.

3.13 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 law unless the same is declared by the Selectmen 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 Selectmen upon payment of the established fee therefor, to the responsible manager of any non-profit organization conducting any indoor or outdoor activity or enterprise.

3.15 The Selectmen may annually renew license applications and approve the same providing that less than three (3) instances of non-conformance with statutes, regulations, restrictions, or policy as verified by license agents, public safety officials or other authorized officials were noted.

3.15.1 Applicants for renewal of a license for an establishment which has three (3) or more incidents as defined above would be required to appear before the board by November in the case of annual license holders, to show cause why the renewal should not be revoked, rescinded, or modified.

3.15.2 "Incident" shall include, without limitation, and of the following: overcrowding; blocked exit or aisle for safe passage; any fire code violations; excessive noise; health violations; violation of license restriction; violation of any town by-law.

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 Selectmen 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 years of age, written notice of said allegations shall be sent by the licensing authorities to the parent or guardian of such person. The Selectmen 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.

3.20 No license to sell any alcoholic beverage to be served and drunk on the premises shall be granted to any person whose premises is located within 500 feet of a church, school, public beach, or playground.

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 Selectmen such transfer is in the public interest. However, should the Selectmen deny an application for any such transfer, they shall mail a notice of their decision to the applicant stating the reasons therefor.

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 Selectmen 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 sixty (60) days and provided written request is made prior to October 1.
- d) Closing periods may be approved by the board 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.

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