

TOWN OF HUDSON HUDSON SELECT BOARD ALCOHOLIC BEVERAGE REGULATIONS

On July 18, 2005 the Revised Hudson Alcoholic Beverage Rules and Regulations (the "Regulations") will be in effect, and shall remain in effect until amended.

A. DEFINITIONS

The **following words** and terms used in these Regulations, unless the context otherwise requires, will have the following meanings:

"ABCC" : Alcoholic Beverages Control Commission.

"Alcoholic Beverages": Any liquor intended for human consumption as a beverage and containing one-half of one percent or more of alcohol by volume at 60°F. For purposes of this Regulations, the term "Alcoholic Beverages" included (a) "Malt beverages", that is, all alcoholic beverages manufactured or produced by the process of brewing, or fermentation of malt, with or without cereal by the process of brewing or fermentation of malt, with or without cereal grains or fermentable sugars, or of hops, and containing not more than twelve (12%) percent of alcohol by weight; and (b) "wines", that is, all fermented alcohol beverages made from fruits, flowers, herbs or vegetables and containing not more than twenty-four (24%) percent of alcohol by VOLUME at 60°F (except cider containing not more than three (3%) percent) or containing more than six (6%) percent of alcohol by WEIGHT at 60°F.

"License": The License or permit, issued by the Select Board acting as Licensing Authority and transferable only as provided in Chapter 138 of the Massachusetts General Laws. Such License conveys no property right to the Licensee and, after opportunity for a hearing, is subject to modification, revocation, suspension, or cancellation by the Licensing Authority for any violation of Chapter 138 or Chapter 140 of the Massachusetts General laws, or of these Regulations.

"Licensed Premises": Any hotel, tavern, inn, restaurant, club, package store or other premises licensed by the Licensing Authority to sell Alcoholic Beverages under the provisions of Chapter 138 or Chapter 140 of the Massachusetts General Laws.

"Licensee": The holder of the License issued pursuant to Chapter 138 or Chapter 140 of the Massachusetts General Laws.

"Licensing Authority": Select Board of the Town of Hudson.

"Minor": Any person under the age of twenty-one (21) years of age, or such other applicable age for minors as may be set by the Legislature of the Commonwealth of Massachusetts from time to time.

"Manager": The person who is designated as Manager of the Licensed Premises in any License granted pursuant to the provisions of Chapter 138 or Chapter 140 of the Massachusetts General Laws.

"TIPS": Training for intervention procedures by servers of alcohol.

B. PERTAINING TO THE HOLDERS OF ALL ALCOHOLIC BEVERAGE LICENSES

1. Duties of Management

The Manager must be engaged in the actual management of the Licensed Premises as his or her main occupation and must be present on the Licensed Premises for not less than thirty (30) hours per week during hours when Alcoholic Beverages are sold.

2. Duties at "Closing Hours"

It is the responsibility of the Manager or other person in charge of the Licensed Premises to insure that every License complies with the following "closing hours" requirements applicable to all establishments:

- (a) All outside liquor advertisement signs of the Licensed Premises must be extinguished.
- (b) All Alcoholic Beverages must be removed from tables, booths, bar or other surfaces, all glasses are to be emptied and All Alcoholic Beverage containers are to be secured, to prevent customer access.
- (c) No employee or owner may consume any Alcoholic Beverage in or upon the Licensed Premises before opening or after the "Closing Hours".

3. Server Training

Every holder of a license to pour alcoholic beverages must comply with the following:

- (a) All employees engaged in the serving of alcoholic beverages must have attended and successfully completed a training program within 6 months of initial employment in TIPS (Training for Intervention Procedures by Servers of Alcohol) or a substantially equivalent alcohol server safety program, the content and standards of which have been accepted by the Licensing Authority.
- (b) Each license holder shall maintain a detailed list of all employees engaged in the serving of alcoholic beverages and shall maintain either the original or a copy of the certificate of training for each employee. Such employee list and certificates of training shall be made available for examination during normal business hours by the Chief of Police or his/her designee and any investigator or agent of the Licensing Authority or the Alcoholic Beverages Control Commission.
- (c) Whenever a license holder is not in compliance with the above listed requirements, the license holder shall notify the Licensing Authority immediately, in writing. At the next regular meeting of the Licensing Authority, the license holder must submit a written plan to achieve compliance within ninety (90) days. Acceptance of such a plan by the Licensing Authority is required in order to maintain an active license.
- (d) Any applicant for the issuance of a license shall as part of the application process, submit a detailed plan to achieve compliance with this requirement as a condition for the license. Upon acceptance by the Licensing Authority, compliance with such plan shall be considered a condition of the license.

C. HOURS PERTAINING TO THE SALE OF ALCOHOLIC BEVERAGES TO BE DRUNK ON THE LICENSED PREMISES

1. Hours for Holders of Hotel, Inn, Club and Restaurant Licenses.
 - (a) No Alcoholic Beverage may be sold or served between the hours of 2:00 A.M. and 8:00 A.M. on weekdays or between 2:00 A.M. and 11:00 A.M. on Sundays.
 - (b) On Memorial Day and Christmas Day no alcoholic beverage may be served before 11:00 AM.

D. HOURS PERTAINING TO THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE LICENSED PREMISES

1. Hours for Holders of Licenses for the Sale of Alcoholic Beverages in Package Form.

- (a) No Alcoholic Beverages may be sold or delivered prior to noon on Sundays;
- (b) No sales may be made after 11:00 p.m.: no sales may be made after 11:30 p.m. on a Sunday that immediately precedes a legal holiday;
- (c) No sales by a Section 15 licensee may be permitted on:
 - I. the last Monday in May (Memorial Day);
 - II. Thanksgiving day;
 - III. Christmas day, or on the day following when Christmas day falls on a Sunday;
 - IV. Sunday Christmas Day, if Christmas day falls on a Sunday;
 - V. Employees working on said Sundays must be paid no less than 150% of their regular pay rate;
 - VI. No employee shall be required to work, and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, deduction of hours, or any other penalty;

E. SALES TO MINORS PROHIBITED

1. No Alcoholic Beverage may be sold or delivered to any minor for any reason.
2. No Alcoholic Beverages may be sold or delivered to a patron of any Licensee selling Alcoholic beverages to be consumed on the premises where the Manager of the Licensed Premises or one of the employees or the Licensee, knows or has reason to believe that the patron is procuring such Alcoholic Beverage for a minor.
3. In addition to any other penalties set forth in the Massachusetts General Laws, a violation of Sections 1 or 2 above is punishable by a fine of not more than \$1,000.00 or by imprisonment of not more than six months, or both.
4. Nothing contained in Sections 1 or 2 above prohibits any Licensee from employing any person eighteen (18) years of age or older for the direct handling and selling of Alcoholic Beverages.
5. Any person who has attained the age of majority may apply to the Registry of Motor Vehicles for a liquor purchase identification card. Any Licensee, employee thereof, or Manager who reasonably relies on a valid liquor purchase identification card or a valid motor vehicle license issued pursuant to Chapter 90, Section 8 of the Massachusetts General Laws for proof of a person's identification and

age, will not suffer any modification, suspension, revocation or cancellation of his license nor will he suffer any criminal liability for delivering or selling Alcoholic Beverages to a Minor.

6. At the time that a person selling alcoholic beverages becomes aware that a minor is attempting to purchase liquor he shall:
 - a) Record all identifying information given by the individual including time and date, and when available, name, address, age, and social security number;
 - b) If in doubt of correct identification of person presenting Identification, have the person write the information on paper to match against license or other form of Identification presented.
 - c) Notify the Police Department of any information procured in this manner within twenty-four hours.
 - 1) Upon receipt of this information, the Police Department shall pursue any criminal sanctions which in the discretion of the Chief, shall have a reasonable chance of success, or, in the event that pursuit of a criminal sanction is deemed unlikely to be successful by the chief, he shall notify the parents or guardian of said minor's attempt to purchase liquor and shall further notify the parents or guardian of any liability they may incur because of this action.

F. SALES TO INTOXICATED PERSONS PROHIBITED

No Alcoholic Beverage may be sold or delivered by any Licensee to a person who, in the judgment of the Licensee, is intoxicated.

G. ONE DAY LIQUOR LICENSES

Issuance of one day liquor license by the Licensing Authority, shall be subject to the applicant furnishing proof of sufficient liability insurance being in effect during the term of the license, and naming the Town of Hudson as a co-insured. The amount of such insurance coverage shall be at the discretion of the licensing authority, but not less than \$500,000.00. Said issuance is further subject to any other conditions as determined by the licensing authority.

H. DEADLINE FOR PICK-UP OF ALCOHOL LICENSE

Upon receipt of Alcohol licenses issued by the Licensing Authority and Mass. Alcoholic Beverages Control Commission, the Town Clerk's Office shall notify the licensed establishment to pick up and pay for said license. Licensee shall have 30 days after the date of said notice to pay for and pick-up licenses.

The Town Clerk's Office shall notify the Licensing Authority of any license not picked up within the 30 day period and the Licensing Authority may schedule a hearing to consider action, including revocation.

I. PRO-RATED PAYMENT SCHEDULE

Any new Alcohol license issued between January 1 and June 30 shall be subject to payment of the full fee.

Any new Alcohol licenses issued...

Between July 1 and 31 shall pay 11/12 of the fee.

Between August 1 and 31 shall pay 10/12 of the fee.

Between September 1 and 30 shall pay 9/12 of the fee.

Between October 1 and 31 shall pay 8/12 of the fee.

Between November 1 and 30 shall pay 7 12 of the fee.

Between December 1 and 31 shall pay 6/12 of the fee.

For the purposes of this section, "issued" shall be defined as the date of ABCC approval.

J. MANDATORY USE OF KEG BANDS

It is the responsibility of the Manager or other person in charge of the licensed premises to ensure that this regulation is strictly enforced upon the sale of a keg of any size:

- 1) A deposit of \$50 shall be obtained from the purchaser.
- 2) A numbered tag shall be placed on the handle of the keg.
- 3) Positive identification shall be obtained by the Licensee.
Licensee will record the following information in a log which shall be available for inspection at all times by any police officer:
 - A) Purchaser's Name
 - B) Purchaser's Address
 - C) Purchaser's Date of Birth
 - D) Band Number Issued on Keg
- 4) Licensee shall inform all keg customers that if the keg is returned without the same numbered band in tact, the \$50 deposit will be forfeited.

K. GENERAL PROVISIONS

1. Right to Inspect

- (a) The Police, the Licensing Authority or their duly authorized agents have the right to inspect any Licensed Premises at any time.
- (b) Employees: Licensee shall furnish the Licensing Authority or its, agents, a current written list of employees upon request.

2. Posting of Regulations

A copy of the Regulations shall be posted in a prominent place in all Licensed Premises, along with a copy of the License.

3. Election, Caucus and Primary Days

Alcoholic Beverages may be sold on Election, Caucus and Primary days only in accordance with the hours prescribed herein.

4. Prohibition Against "Brown Bagging"

Unless duly licensed by the Licensing Authority pursuant to Chapter 138 or Chapter 140 of the Massachusetts General Laws, no commercial establishment in the Town of Hudson may serve or permit the un-licensed consumption of an Alcoholic Beverage upon its premises.

5. Prohibition on Service or Consumption of Alcoholic Beverages Outside of Rooms or Areas Designated by the License

No Licensee may permit the serving or consumption of an Alcoholic Beverage outside of the area of the Licensed Premises designated in the License. In particular, but without limitation, Alcoholic Beverages may not be served or consumed on a patio, sidewalk, outdoor garden or similar areas adjoining the Licensed Premises unless such an area has been specifically provided for in the License.

6. Penalties

- (a) Failure to comply with any of the Regulations or any changes, additions or modifications imposed by the Licensing Authority, the Alcoholic Beverage Control Commission or any Law of the Commonwealth, may result in the modification, suspension, revocation or cancellation of the License.
- (b) Any oral or verbal misrepresentation of fact made by the applicant, prospective license transferee, Manager or substitute manager in any application, report or similar communication to the Licensing Authority, may result in modification, suspension, revocation or cancellation of the License.

7. Severability

With respect to the constitutionality of the Regulations, or where a conflict may exist with any other law or regulation, each and every provision of these Regulations are declared to be separable and independently enforceable.

HUDSON SELECT BOARD

Amended BOS March 24, 2008