



**TOWN OF TOWNSEND**  
**ALCOHOLIC BEVERAGES LICENSE POLICY**

Approved by the Licensing Board/Board of Selectmen

Sue Lisie  
Chairman

8/12/14  
Date

Colin McMahon  
Vice-Chairman

Carly Smart  
Clerk

Approved by the Licensing Agent/Police Chief

[Signature]  
Police Chief

8/20/14  
Date

## **Town of Townsend Alcoholic Beverage License Policy**

Whereas, it is desirable to adopt a uniform policy regarding the administration of liquor licenses and matters to be considered in determining action to be taken upon a finding that liquor laws have been violated;

Therefore, the Board of Selectmen hereby adopts this policy:

### **I. Administration of Liquor Licenses**

The Board of Selectmen is the Licensing Board for the Town of Townsend. The Police Chief and/or appointed designee is the Licensing Agent for the Licensing Board. The Licensing Agent(s) in conjunction with the Licensing Board has the authority to accept and reject applications that do not meet the minimum requirements of the Alcohol Beverages Control Commission (ABCC) and the Town of Townsend.

Approvals of applications by the Licensing Board are valid for six (6) months from the date of approval by the ABCC. If such time expires before the license is issued, due to the applicant's failure to meet all of the conditions imposed by the Licensing Board, the license will not be issued and the applicant must reapply and a new hearing will be conducted.

### **II. Types of Licenses/Procedure**

The Town of Townsend issues licenses in accordance with the regulations and conditions set forth by the ABCC and Chapter 138 of the Massachusetts General Laws (MGL). Any license transaction must be complete in accordance with the documentation requirements for each type of license issued.

All form(s) required for license transactions with the exception of a one-day special license are available on the ABCC website at [www.mass.gov/ABCC](http://www.mass.gov/ABCC).

The Manager of record as listed on the application must agree to a Criminal Offender Record Information (CORI) check and sign an authorization form at the time the application is submitted to the Licensing Board.

All applications will be reviewed and approved by the following Town Officials prior to the scheduled hearing:

- Building Commissioner to ensure compliance with zoning bylaws and building codes and regulations.

- Fire Chief to ensure compliance with fire codes and regulations.
- Police Chief/Licensing Agent to investigate application and make recommendation to the Licensing Board.
- Tax Collector to ensure there are no outstanding tax liabilities.
- Land Use Coordinator to review any land use issues regarding the location of the premises.

A public hearing to review the application will be scheduled with the Licensing Board. The applicant or their representative should be present to answer any questions.

The applicant is responsible for paying the actual costs associated with the hearing, such as the legal advertisement and abutter notification if necessary. All license approvals will be subject to all costs associated having been paid in full.

When the application has been signed and approved, the Licensing Board will forward the documentation to the ABCC.

In the event the Licensing Board does not approve the license request, a written notification outlining the reason(s) for such action will be sent within ten (10) days of the public hearing to the ABCC and the applicant.

When the Licensing Board is notified by the ABCC that the application has been approved and Form 43 issued by the ABCC is received, the applicant will be notified. All new licenses and transfers of licenses are required to pay the following fee(s) to the Town of Townsend.

Section 12 All Alcoholic Restaurant	\$ 1,500.00
Section 15 All Alcoholic Retail Package Store	\$ 1,050.00
Section 12 Wine & Malt Restaurant	\$ 750.00
Section 15 Wine & Malt Retail Package Store	\$ 1,000.00

In the case of a license transfer, the full amount of the fee is charged; the Licensing Board does not pro-rate the license cost or annual fee.

Hours of operation may vary as a result of the public hearing along with and any other conditions set forth by the Licensing Board. The maximum hours of operation for Section 12 and Section 15 establishments are as follows:

Section 12 – Restaurants, Hotels, Clubs, and General on Premises

Monday – Saturday	11:00A.M. to 1:00A.M.
Sunday	12:00P.M. to 1:00A.M.

Section 15 – Package Stores

Monday – Saturday	9:00A.M. to 11:00P.M.
Sunday	12:00P.M. to 11:00P.M.

**III. Renewal of Existing Liquor License**

In accordance with ABCC regulations, renewal applications of existing license(s) shall be received no later than November 30<sup>th</sup>. Renewal applications will be mailed to the establishment’s mailing address on record unless previous arrangements have been made by the licensee. Upon receipt of the renewal package, the licensee must complete all forms including the workers’ compensation affidavit and the tax attestation form. In accordance with MGL Chapter 138, Section 16A, this application must be signed in the month of November and returned to the Office of the Board of Selectmen, 272 Main Street, Townsend, MA by November 30<sup>th</sup>. Any renewal application not signed during the month of November will be treated as a new license and would be subject to all the procedures set forth under MGL Chapter 138, Section 15A.

All Section 12 license renewals are contingent upon receipt of a valid certificate of inspection issued by the Building Commissioner and signed by the Chief of the Fire Department, and proof of the required liquor liability insurance coverage.

**IV. Findings of violation**

Reports of liquor law infractions will be fully investigated by the Licensing Agent. Upon receipt of a report from the Licensing Agent, the ABCC or other law enforcement entity that an infraction has occurred, the Licensing Board will forthwith conduct a public hearing in accordance with the Massachusetts Open Meeting Law.

The License holder will be notified in writing of the allegations and/or infractions. The License holder will be notified in writing of the date and time the Licensing Board will conduct a hearing to review the matter. The Licensing Agent and/or their designee will present a report of their findings to the Licensing Board. The license holder should attend the hearing and be available

for questioning. The Licensing Board will act upon the infractions on a case by case basis. Disciplinary action may range from a warning letter to revocation of the liquor license.

**V. One-day Special Liquor Licenses**

One day Special Licenses are issued by the Licensing Board pursuant to Massachusetts General Law Chapter 138, Section 14.

Businesses or charities that hold events where liquor is served are required to obtain a One-day Special Liquor License from the Licensing Board. The Licensing Agent will be the determining authority whether a One-day Special Liquor License is required under MGL Chapter 138, Section 14.

No more than one license can be issued per premises at one time.

Applications shall be filed with the Licensing Board at least 30 days prior to the event. It is recommended that applications be filed 60 days in advance.

All alcohol must be purchased by the One-day Special Liquor License holder from a licensed Massachusetts wholesaler, in compliance with MGL Chapter 138, Section 14. Alcohol may not be purchased out of state, from a caterer, or from a Section 15 Package Store. A list of approved wholesalers is located on the ABCC website at [www.mass.gov.abcc](http://www.mass.gov.abcc) or you may contact the Office of the Licensing Board to receive a copy.

No alcohol may be stored on unlicensed premises. For special events covered under a One-day Special Liquor License, alcohol maybe delivered the day of the event and removed from the premises after the event at the expiration of the special license. Under State Law, Chapter 138, Section 22, holders of a One-day Special Liquor License may not transport alcohol without a permit. In the event the license holder is unable to schedule the delivery of alcohol on the same day as the event, this will be reflected upon the license. It will be necessary for the license holder to inform the Licensing Agent if delivery cannot be made on the day of the event. Any additional time allowed on the One-day Special Liquor License for delivery will only be done at the Licensing Agent's recommendation.

The Licensee is required to post the One-day Special Liquor License in a conspicuous location during the event.

The license fee of \$20.00 is required at the time of the application submittal.

No One-day Special Liquor License holders may have alcoholic beverages delivered between the hours of 2:00A.M. and 8:00A.M. All One-day Special Liquor Licenses will expire at midnight (12:00A.M.) and last call must occur at least ½ hour prior to expiration. One-day Special Liquor Licenses will not be approved for any sale hours before noon (12:00P.M.) on Sunday.

The license holder should be present at all times during which alcoholic beverages are being sold at the event. License holders are responsible for ensuring that minors are not served alcoholic beverages and are not drinking alcoholic beverages on the licensed premises. All servers must be 21 years of age. The license holder is responsible for ensuring that no disturbance, disorder, or illegality takes place in or on the licensed premises.

No license holder may be granted a One-day Special Liquor License for more than a total of 30 days per calendar year and no special license will be granted to any person while his application for an annual license under section 12 is pending.

The Licensing Board has the authority to refuse to issue or reissue a One-day Special Liquor License if the licensee fails to comply with state or local regulations.

The Licensing Agent may impose other regulations and conditions upon the license holder such as requiring a police detail or evidence of insurance depending upon the event. The Board of Selectmen shall consider each application on its individual merits. A decision on one request shall not be binding on any other request.

An event held by a private resident does not require a special license if it meets the following conditions:

- The event is invitation only
- An entrance fee is not charged
- Tickets are not sold
- A donation is not required or solicited
- Money is not exchanged for alcohol



**TOWN OF TOWNSEND**  
One-day Special License Application Form  
(M.G.L. Chapter 138, Section 1)

\_\_\_\_\_  
Name of Responsible Person/License Holder

\_\_\_\_\_  
Name/ Address of Event Premises

\_\_\_\_\_  
Date of Event

\_\_\_\_\_  
Hours of Event

\_\_\_\_\_  
Type of Event/Sponsors

Number of people expected at event: \_\_\_\_\_

Police Detail Required: YES [ ] NO [ ] (Please consult with Licensing Agent)

Type of Beverages to be served: All Alcoholic [ ] Wine & Malt only [ ]

\_\_\_\_\_  
Name of licensed wholesaler

Servers trained in serving and handling alcohol: YES [ ] NO [ ]

*By signing below I certify that I am in receipt of the Town of Townsend Alcohol Beverages Policy and agree to the terms and conditions set forth under section V. - One-day Special Liquor Licenses.*

\_\_\_\_\_  
Signature of License Holder

\_\_\_\_\_  
Date

Date Application Received: \_\_\_\_\_

Date sent to licensing Agent for review: \_\_\_\_\_

