

## ALCOHOLIC BEVERAGE LICENSING

### **C-1 RULES AND REGULATIONS ADOPTED.**

The following rules and regulations have been adopted by the licensing board of the town and apply to all licensees licensed by this board and are in addition to all applicable laws of the Commonwealth of Massachusetts.

### **C-2 HOURS.**

C-2.1 *RESTAURANTS, HOTELS, CLUBS AND TAVERNS.* The hours for the sale, serving and dispensing of alcoholic beverages, except as otherwise provided shall be:

- a. Weekdays, 8:00 a.m. to 12:45 a.m.
- b. Sunday, except taverns, 10:00 a.m. to 12:45 a.m.
- c. Memorial Day and Christmas, 11:00 a.m. to 12:45 a.m.
- d. All other holidays, 8:00 a.m. to 12:45 a.m.

C-2.2 *PACKAGE STORES.* The hours for the sale of alcoholic beverages except as otherwise provided shall be:

- a. Weekdays only, 8:00 a.m. to 11:00 p.m.
- b. Memorial Day, Thanksgiving Day and Christmas Day, closed.
- c. All other holidays, 12 noon to 11:00 p.m.
- d. Day preceding holiday, except Sunday, 8:00 a.m. to 11:00 p.m.
- e. Sundays, 12 noon to 11:00 p.m.
- f. Optional early opening on Sunday: **An establishment must notify the Licensing Board and the ABCC if it elects to be open from 10:00 a.m. to 11:00 p.m. and may not commence operation at these hours unless and until the ABCC provides the establishment and the Licensing Board with an approved Form 43.**

C-2.3 *CLOSING.*

Restaurants, clubs, taverns and the bars and dining facilities of hotels shall be closed and all customers shall be off the premises and the premises locked and all principal lights extinguished within 15 minutes after the hours designated above for the ending of sale, serving and dispensing of alcoholic beverages, and shall remain so closed until 5:00 a.m. or later, but no alcoholic beverage shall be sold, served or dispensed until the next authorized hour.

Package stores shall remain closed with principal lights extinguished during the hours not authorized for the sale of alcoholic beverages.

### **C-3 REGULATIONS.**

C-3.1 *LICENSED PREMISES.* Alcoholic beverage licensees shall abide by the following regulations:

- a. The business owner and the existing or proposed manager (if different from the business owner) associated with any new application or with the revision of any aspect of any existing license must submit to the Town's processing of a Criminal Offender Records Information (CORI) Check through the Massachusetts Department of Criminal Justice Information Systems (DCJIS) as part of the application intake and review process. This local requirement is in addition to any CORI Check that the Massachusetts Alcoholic Beverages Control Commission (ABCC) runs as part of its own review of the application for licensure or revision of license. The Town will use its standard CORI check permission form to obtain permission from individuals to run the CORI Check and all protocols will be as prescribed in the Town's CORI Policy.
- b. Alcoholic beverage licensees or managers who may be incapacitated by illness or who may desire to be absent from the usual places of business for a period exceeding five days shall provide a suitable replacement who must be approved by the licensing board.
- c. No licensee shall permit any disorder, disturbance or illegality of any kind in the licensed premises.
- d. Card playing shall be prohibited in any room where alcoholic beverages are sold or served.
- e. No booth, stalls or enclosures of any description shall be permitted which prevent the persons therein from being plainly observed by other persons on the premises.
- f. Premises shall at all times be kept clean, neat and sanitary.
- g. All licenses issued by the board shall be conspicuously posted on the premises so as to be easily seen and read.
- h. Applicants for automatic amusement devices shall furnish proof of approval by the State Division of Public Safety with applications for each device.
- i. Card playing may be allowed under the following conditions as determined by the Essex Licensing Board, upon written application by an establishment giving all pertinent information, dates, and times. Approval or disapproval will be at the discretion of the Board.
  1. Issuance to be limited to 1 permit per application period per establishment. No more than 3 permits per year per establishment shall be allowed.
  2. The duration of the event shall be established when making application.
  3. Only 1 day/night per week of card playing per license holding establishment.
  4. The hours which the event shall take place must be established when making application.
  5. Other conditions may be imposed by the Licensing Board.

C-3.2 *UNLICENSED PREMISES.* Restaurants and hotels or any other establishment not licensed to sell alcoholic beverages are forbidden to furnish so-called "set-ups" to customers or to encourage customers to supply their own alcoholic beverages to be consumed on the premises.

### **C-3.3 ONE-DAY LICENSES.**

- a. Application Form - All requests for one-day alcohol licenses must be submitted on an official form provided by the Board.
- b. Security Plan – All one-day applications must be accompanied by a security plan for the Board's review and approval. The security plan shall, at a minimum, detail how the applicant will ensure that any alcoholic beverages served within the confines of the specially-licensed area are completely consumed in that area and are not brought beyond said confines or off-site.
- c. Management Plan - All one-day applications must be accompanied by a management plan for the Board's review and approval. The management plan shall, at a minimum, detail how the applicant will responsibly serve only eligible patrons and how the applicant will prevent ineligible (underage) patrons from consuming alcohol served to eligible patrons within the confines of the specially-licensed area.
- d. Sketch of to-be Licensed Area – All one-day applications must be accompanied by a sketch depicting specifically where on the premises the to-be licensed area is located.
- e. Purchase of Alcohol to be Served – pursuant to State law, all licensed retail establishments, including holders of Special Licenses (so-called "one-day" Licenses), must purchase their alcoholic beverages from a licensed Massachusetts wholesaler and/or manufacturer. In the event that a one-day license holder also holds any type of permanent alcohol license, the specially-licensed, one-day area cannot overlap with any portion of the permanently-licensed premises; orders of alcohol from the licensed wholesaler must be placed separately for the one-day event versus the regular stock of the permanently-licensed establishment; and said orders must be invoiced by the wholesaler separately and be kept physically separate from each other (stock for one purpose cannot be replenished by stock for the other purpose).

### **C-4 INSPECTIONS.**

All premises licensed by the board shall be subject at all times to inspection by the members of the licensing board and its authorized agents, to ascertain the manner in which the licensee conducts his business. The licensing board shall authorize the chief of police, his patrolmen, any member of the board or its authorizing agent, to enter the premises licensed by the board to ascertain the manner in which the licensee conducts his business.

All authorized federal, state or town officials shall be permitted to enter the premises licensed by the board to perform any function within the scope of their authority.

### **C-5 SUSPENSION OR REVOCATION OF LICENSES.**

All licenses are subject to suspension, revocation, non-renewal or modification, after a public hearing held in accordance with G.L. c. 138, §64, for any violation of any applicable laws of the Commonwealth, the Town of Essex, regulations of the Alcoholic Beverage Control Commission, these regulations, and/or any condition of the license.

Upon a finding of such violation, licensees may be subject to the following range of discipline:

a.

	<b>Violation of Operating Hours</b>	<b>Overserving a Patron</b>	<b>Serving to a Minor</b>	<b>Any other Offense</b>
<b>1<sup>st</sup> Offense</b>	1-Day Suspension	1-Day Suspension	1-Day Suspension	1-Day Suspension
<b>2<sup>nd</sup> Offense</b>	1-Day Suspension	2-Day Suspension	3-Day Suspension	1-Day Suspension
<b>3<sup>rd</sup> Offense</b>	7-Day Suspension	7-Day Suspension	7-Day Suspension	7-Day Suspension
<b>4<sup>th</sup> Offense or Subsequent</b>	Revocation of License	Revocation of License	Revocation of License	Revocation of License

- b. Only offenses which have occurred within the two years preceding the date of violation shall be used in calculating the number of offenses for purposes of the sentencing guidelines.
- c. The sentencing guidelines are only a guide. The 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.
- d. The sentencing guidelines shall not be construed so as to limit the Licensing Board's authority to consider alternative dispositions, or further conditions on a license, or even alternate penalties (e.g. roll back of operating hours).

## C-6 TRAINING

Effective with the re-licensure cycle that begins in November of 2012, each licensee shall provide in its application package, as a condition of re-licensure, a certificate of training certifying that the manager of record has successfully completed either the ServeSafe® Alcohol Server Training course or the Training for Intervention ProcedureS (otherwise known as TIPS Training) course within the past twelve months. This training was required to be completed in-person (as opposed to on-line) for the 2011 license application re-licensure cycle. In-person training shall also be required for any new manager (i.e. a manager not listed on the preceding annual license renewal application) during his or her first year. For all continuing managers, training may be taken on-line each year for the next four years. In-person training is therefore required every fifth year for all continuing managers or at every change in manager, whichever occurs first. Training must have a minimum duration of four hours.

## C-7 MASS. FIRE SAFETY ACT – CERTIFICATE OF INSPECTION

In accordance with Massachusetts General Laws, Chapter 10, Section 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 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.

*Revised 11/15/10 – Training Requirements Instituted*

*Revised 12/19/11 – Training Requirements, 5-year cycle*

*Revised 11/03/14 – Election by Package Stores for early Sunday Hours*

*Revised 01/26/15 – Opening Sunday Hours for restaurants changed from 11:00 a.m. to 10:00 a.m.*

*Revised 12/07/15 – Training Requirements, broadened*

*Revised 10/16/17 – Progressive Discipline Policy added*

*Revised 05/02/22 – CORI Checks for New and Revised Licenses*

***Revised 04/24/23 – Requirement for security and management plans for one-day licenses***