

TOWN OF NATICK
RULES AND REGULATIONS

for

THE GENERAL ON-PREMISES SALE OF ALCOHOLIC BEVERAGES

Subject to further limitations fixed or from time to time modified or amended by the Board of Selectmen acting as the duly constituted licensing authority of the Town of Natick with respect to this class of license (License) and to each license within said class, as provided in the General Laws of Massachusetts and the Regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect.

Furthermore, the content of these Rules and Regulations may be amended with consideration for the primary business activity of such licensees as may be considered for initial or renewal licenses, subject to special legislation as may be enacted, and may further be amended should the Town vote to accept General On-Premises Licenses as provided for under the General Laws of Massachusetts.

The Board further reserves the right to amend the terms of a license that is subject to these Rules and Regulations, subject to a hearing.

I. GENERAL POLICY

1. It is the policy and purpose of the Board of Selectmen to limit the issuance of Licenses as provided in Chapter 138, and any special act or legislation pertaining thereto, as an accommodating and incidental part of the licensee's primary and principal business endeavor.

To further enforce this policy, any licensee which holds a license for the sale of alcoholic beverages shall provide to the Board of Selectmen each year, as part of its application for renewal of said license, an accounting statement reporting the gross receipts for all primary services sold at the establishment and the comparative percentage of gross receipts derived from the sale of alcoholic beverages. Such statement shall be certified by a Certified Public Accountant.

If from its review of such financial statements and/or other relevant factors, it is the determination of the Board of Selectmen that the service of alcohol has become other than incidental to the primary services being provided by the establishment, the Board may deny the renewal of the license, or take an other actions permitted by law. The provisions of this paragraph shall not abridge any other powers conferred upon the Board of Selectmen with respect to the sale of alcoholic beverages.

2. The Board of Selectmen reserves to itself the right to consider the experience of the applicant in the area of serving alcoholic beverages to the public. While this will not be the determinative factor in the issuance of the License, it will be one factor that the Board may consider. If the applicant has had no experience, this alone will not disqualify said applicant from being considered and having a License issued.

3. The location of the premises to be licensed shall be in accordance with the Zoning By-law of the Town. The interior of said premises shall be strictly in accordance with the applicable provisions of the State Building Code and the respective rules and regulations of the Natick Board of Health, Natick Fire Chief, and all other applicable agencies of the Town of Natick and Commonwealth of Massachusetts.
4. To ensure compliance with their respective rules, regulations, and laws for which they are responsible to enforce, all agencies referred to in Section 3, above, shall be afforded reasonable access to the licensed premises.
5. The Board of Selectmen or any Selectman or Selectmen, as well as the Chief of Police or his designee, shall be afforded access to the licensed premises during all hours of operation, including times when alcoholic beverages are being served.
6. The requirements of the Chief of Police relative to security precautions at the licensed premises, and the control of rowdiness, loitering and similar behavior shall be adhered to by the licensee, and failure to do so shall be just cause for revocation of the License.
7. The owner or, in the case of a corporation, the Manager of the licensed premises, or his designee shall be present on the premises at all times during which alcoholic beverages are sold. The names and addresses of each individual referred to in the preceding sentence shall be submitted to the Board of Selectmen and Chief of Police.
8. The licensed premises must have food available for purchase at all times when alcohol is served.

II. PROCEDURES

1. Each applicant shall submit to the Board of Selectmen, along with an application for a license, a plan drawn to scale by a registered architect or engineer, on which shall be shown the following information:
 - a. The net floor area and dimensions of the existing room or rooms, function rooms, and rooms in which alcoholic beverages are to be stored or served. Net floor area shall be the area of the room or rooms measured between the interior walls exclusive of stairways, service bars, hallways, lobbies, kitchens, waiting areas, etc.
 - b. The location of any proposed service bars, bars, counters, lounges and waiting areas.
 - c. The area in which seats or benches are to be securely fastened to the floor forming what are commonly called booths.
 - d. The area in which there are to be moveable or unsecured seats and tables.
 - e. Entrances and exits.
 - f. All rooms not being requested to be licensed, if said rooms are on the same floor as those rooms to be licensed; those rooms shall be labeled as to their function such as kitchens, coatrooms, lobbies, etc.

2. Notwithstanding the foregoing provisions, the Board of Selectmen may approve a temporary modification of the licensed premises for special events subject to such terms and conditions as the Board may impose.
3. The Board of Selectmen shall not act on any application for a license, or for renewal of a license, unless the applicant submits to the Board of Selectmen a written plan for compliance with laws of the Commonwealth of Massachusetts regarding obligations and liabilities of holders of licenses for the sale of alcoholic beverages, including, without limitation, obligations and liabilities regarding the sale of alcoholic beverages to minors and regarding conduct resulting from the consumption of alcoholic beverages sold by a license holder. No such license or renewal of a license shall be granted unless the Board of Selectmen approves, in writing, the written plan submitted by an applicant.

III. PROHIBITIONS

1. Stools or benches at any service bar are prohibited, subject to the provisions of Section VII.
2. The sale or service of alcoholic beverages at service bars is prohibited, subject to the provisions of Section VII.
3. Service bars are prohibited in locations not expressly approved and authorized by the Board of Selectmen in writing.
4. The location of service bars shall not be changed unless approved by the Board of Selectmen and unless an amended plan, as described in II.1.a, is submitted to the Board showing the proposed changes.
5. The sale and/or service of alcoholic beverages is prohibited in any area not licensed by the Board of Selectmen, and no change in such area or location shall be made without approval of the Board of Selectmen and unless an amended plan, as described in II.1.a, is presented to said Board; provided, however, that the Board of Selectmen may approve a temporary modification of the licensed premises as described under section II.2.
6. No alcoholic beverages shall be sold and/or served from the premises to be consumed outside the premises, i.e., curb service, window service, take-out service, etc.
7. Subject to the provisions of MGL c. 138, s. 15 (para. 1), no individual, partnership or corporation shall be issued more than one License.
8. Subject to the provisions of MGL c. 138, s. 15 (para. 1), no more than one alcoholic beverages license may be exercised on the same premises at any time.
9. The sale of alcoholic beverages at reduced or discounted prices during specified times, including, without limitation, "happy hours" and "two for the price of one" specials, is expressly prohibited
10. The sale or service of alcoholic beverages in pitchers is prohibited.

IV. HOURS OF SALE AND SERVICE

1. When alcohol is served at a performing arts venue that is granted a license subject to these rules and regulations, alcohol may not be sold later than than 15 minutes following the conclusion of the final performance, inclusive of programs that include the performer(s).

2. For private functions at which alcohol is served at a performing arts venue that is granted a license subject to these rules and regulations, alcohol may not be served after 11:00 PM without the prior approval of the licensing authority.
3. In no event may alcohol be served outside the hours of 11:00 a.m. to 12:00 midnight on Mondays through Saturdays, and from 10:00 a.m. to 12:00 midnight on Sundays.
4. The hours during which the sale and service of all alcoholic beverages may be made in a public area are further limited to the hours during which the area is open.

V. LOUNGES AND WAITING AREAS

1. An establishment may offer service of alcoholic beverages in a lounge or waiting area, provided that:
 - a. The hours during which the sale and service of all alcoholic beverages may be made in a lounge or waiting area are further limited to the hours during which the establishment is open. In no event shall the sale and service of alcoholic beverage be permitted outside the hours set forth in IV.1 above.
 - b. No such lounge or waiting area shall constitute a tavern within the meaning of Chapter 138 of the Massachusetts General Laws.
2. All establishments which seek a license to serve alcoholic beverages in a lounge or waiting area shall submit to the Board of Selectmen, along with an application for such a license, a plan which shows the information required by Section II of these Regulations and the location and number of seats and benches. All establishments which seek to obtain a modification to an existing license to serve alcoholic beverages in such a lounge or waiting area shall submit to the Board of Selectmen with the application a plan pursuant to Section II and Section V of these Regulations which shows changes in existing conditions.

VI. POLICY REGARDING TRAINING FOR DISPENSERS AND SELLERS OF ALCOHOLIC BEVERAGES

1. Any licensee holding a license shall participate in a program designed to train its employees in methods of observation and detection to avoid serving or selling alcohol to intoxicated persons and/or minors.
2. For purposes of this policy, anyone engaged in the sale, pouring or service of alcohol is regarded as an employee. All employees, whether full-time, part-time, occasional or voluntary who engage in the sale, pouring or service of alcohol shall, within 15 days of their date of employment, be required to participate in and receive certification by one of the training programs listed below, or by an in-house trainer certified as a trainer in one of the training programs listed below.

Programs that are currently available and meet the requirements of this policy are:

- Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.)
 - Alcohol Intervention Methods (A.I.M.)
 - Any Insurance Industry approved and qualified program offered by a certified trainer and previously approved by the Board of Selectmen
3. Employees shall be re-certified by an approved training program or in-house trainer at intervals of no more than three (3) years.
 4. Applications for new or renewal of licenses shall include a roster of employees with the following information for each employee:
 - Name
 - Affirmation that employee is at least 18 years of age
 - Date of hire or voluntary service
 - Type of training (e.g., T.I.P.S.) received
 - How training provided (outside class attendance or in-house certified trainer)
 - Date employee last certified as trained
 - Expiration date of employee's training

Note: Applications lacking this information will be rejected.
 5. Licensees shall maintain a file containing copies of the current certification records for all employees engaged in the sale, pouring or service of alcohol. The file shall be available for examination upon request of the Natick Board of Selectmen or the Natick Police Department.
 6. Failure to comply with the requirements of this policy, including but not limited to the sale or service of alcohol by an uncertified employee with more than 15 days of service, may result in a public hearing to determine whether the licensee's license should be suspended, revoked or subject to any other sanction permitted by law.

VII. BARS AND COUNTERS

Alcoholic beverages may be sold and/or served at bars and counters provided that:

1. Stools or benches shall be permitted at such a bar or counter;
2. The service of food from the establishment's posted or printed food menu(s) shall be available, but shall not be required, at all such bars and counters;
3. The hours during which the sale and service of all alcoholic beverages may be made at a bar or counter are further limited to the hours during which the establishment is open. In no event shall the sale and service of alcoholic beverages be permitted outside the hours set forth in IV.1 above.

4. No such bar or counter shall constitute a tavern within the meaning of Chapter 138 of the Massachusetts General Laws.

NATICK BOARD OF SELECTMEN

Jonathan Freedman, Chair

Susan G. Salamoff, Vice-Chair

Richard P. Jennett, Jr., Clerk

Michael J. Hickey, Jr.

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