

Rules and Regulations for Holders of Alcoholic Beverage Licenses in the Town of Lynnfield

1. The Board of Selectmen ("the Board") is the Licensing Authority for the Town for all purposes under General Laws Chapter 138 and has sole authority for the issuance and regulation of all alcoholic beverage licenses within the Town. In order to serve the public need and to promote the public welfare by encouraging the responsible sale and service of alcoholic beverages within the Town, the Board has adopted the following Rules and Regulations for Holders of Alcoholic Beverages in the Town of Lynnfield ("the Town's Liquor Regulations"). These regulations are adopted and may be amended from time to time pursuant to the Board's authority under General Laws Chapter 138.
2. The issuance of liquor licenses and the sale of all alcoholic, wine and malt beverages in the Town is governed by the Town's Liquor Regulations, the Rules and Regulations of the Alcoholic Beverages Control Commission ("the ABCC"), and General Laws Chapter 138. The licensee is responsible for enforcing and complying with these laws and regulations. The license must be posted in a conspicuous location within the licensed premises, clearly visible and accessible to the public.
3. The licensed premises shall be subject to inspection at any time by the Lynnfield Police Department ("the Police Department"), the ABCC, or by the duly authorized agent(s) of any of them.
4. No person, firm, corporation, partnership, association, entity, or combination of persons shall obtain any interest in a liquor license without the prior approval of the Board. The actual or attempted transfer of any interest in a liquor license, or in any corporation, partnership, limited partnership, or other entity having an interest in a liquor license, except a transfer of 10% or less of the stock in a publicly traded corporation, may result in the suspension, modification, revocation or non-renewal of the license. The Board may at any time require a licensee to produce satisfactory evidence to establish that no such interest has been sold or transferred and/or that no person(s) other than those disclosed on the original license application or any renewal or amendment application have any direct or indirect financial or other beneficial interest in the license.
5. The submission of any false or materially misleading information to the Board by any licensee or person acting on behalf of the licensee in connection with any application for an original license, license renewal, special license, change of manager, transfer of location, transfer of ownership or other application, or any false or materially misleading statements made in any proceeding before the Board in connection with the liquor license, shall be a cause or ground for refusing to grant or renew the license or permit or for suspending, canceling or revoking a license or permit already granted.
6. No licensee shall operate a licensed business under any corporate or trade name other than the name under which the license was originally issued unless such change is first approved by the Board and the ABCC.
7. The licensee shall appoint and maintain a full time manager who shall at all times have full control and authority over the licensed premises. The manager must be appointed and authorized by valid corporate vote or other action by the licensed person or entity sufficient to grant the manager the necessary authority or control over the premises. The manager must be a citizen of the United States at least twenty one years old and must be of good moral character and otherwise be acceptable to the Board.
8. The manager must be actively involved in the day to day operations of the licensed business and in the case of restaurant, tavern and hotel type licenses, must be on the premises during at least fifty percent (50%) of the hours alcohol service is available. A copy of the schedule shall either be posted in the premises or immediately made available upon request of the Board or its authorized agents.
9. The manager shall not be changed without the prior approval of the Board and the ABCC. Where circumstances beyond the licensee's reasonable control prevent the licensee from obtaining approval of a

new manager in advance of the departure of the manager whose name appears on the license, the licensee must immediately notify the Board in writing of the name and address of the proposed new manager and shall thereafter promptly file an application for Change of Manager within 15 days of the manager of record's last day of work.

10. The licensee shall keep a current and accurate list of the names of all employees, including name, address, date of birth, date of hire, and position and shall make such list available for inspection upon request by the authorized agents of the Police Department and the Board.

11. An individual licensee or principal representative of the licensee, the manager of record and any person who regularly serves alcoholic beverages to the public are required to successfully complete an alcohol management or server training course approved by the Board, within three (3) months after beginning in their respective positions and to maintain a current certification. The licensee shall, at any time upon request of the Board, provide the Board and also the Lynnfield Police Department with the names, addresses, dates of hire and copies of training certificates of all persons subject to this section, said certificates to be available on the premises at all times.

12. Licenses are issued to serve the public convenience, and, therefore, licensees should be conducting the licensed business on all days authorized by the licensing authority. Any licensee who permanently ceases its business operation shall immediately surrender its license and physically deliver the license to the Board. If the licensee intends to suspend business operations for a temporary period, it shall first provide the Board with notice at least ten days prior to the anticipated closing date stating the reason(s) for the closing and the estimated length of the closing. If the temporary closing is the result of unforeseen circumstances such as fire, flood, or similar casualty, notice shall be given within ten (10) days after the date of the casualty.

13. The licensed premises shall at all times be subject to inspection by the Police Department, and their authorized agents. The licensee and manager shall fully cooperate with such agents and shall not in any way hinder or delay access to the licensed premises or otherwise interfere with any agent in the conduct of any inspection or investigation. The licensee must maintain and promptly make available to the Board and its authorized agents for inspection and copying, records of all transactions involving the sale or purchase of alcoholic beverages. If such records are maintained at a location other than the licensed premises, the licensee shall provide written notice to the Board specifying the location and any change thereof.

14. No licensee or manager shall permit any part of the licensed premises to exceed its maximum capacity as stated on the Certificate of Occupancy. All establishments licensed for the on-premises consumption of alcohol shall have a reliable method for determining when the maximum capacity of the licensed premises or any part of the licensed premises is reached.

15. The sale, storage, service, dispensing, distribution, delivery, and/or consumption of alcoholic beverages is strictly limited to those areas of the premises which are specified in the description of the premises as shown on the license. Unless specifically approved by the Board, areas such as patios, decks, outside seating areas, roofs, courtyards, and/or other exterior extensions of a building are not part of the licensed premises.

16. No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without the prior written approval of the Board. This includes any alterations involving the installation, removal or relocation of any interior walls, doorways, stairways, or other structural components within the licensed premises or any modification that increases the maximum seating capacity.

17. The kitchen and premises of any licensed establishment must be kept clean, neat and sanitary, to the satisfaction of the Board and the Lynnfield Board of Health, or to the duly authorized agent(s) of either of them.

18. The licensee and the manager shall at all times maintain order and decorum within the licensed premises and shall not permit any disorder, disturbance, lewdness, prostitution, illegal gaming, unlicensed entertainment, the sale or use of illegal drugs or controlled substances as defined by G.L. c. 94C, or illegality of any kind to take place in, upon, or around the licensed premises (including the parking lot). The licensee shall be responsible for such conduct, whether present at the time of the conduct or not. The manager is required to immediately notify the Police Department when a disturbance resulting in the physical injury to any person occurs on the licensed premises or in the parking lot or other exterior area immediately adjacent to the licensed premises including, sidewalks and driveways.

19. With the exception of establishments licensed as package stores, no licensee shall sell any alcoholic beverage intended for off-premises consumption or allow any person to transport any alcoholic beverage from the licensed premises. This regulation shall not prevent the holder of a restaurant or hotel type license from permitting a patron to remove a partially consumed bottle of wine from the premises provided such licensee conforms to Regulation # 20 below and the regulations promulgated by the ABCC.

20. The holder of a restaurant or hotel type alcoholic beverages license may permit a patron who purchases a bottle of wine with a meal to take from the licensed premises the unconsumed portion of one bottle of wine, provided that

- a. The licensee securely reseals the bottle
- b. The bottle is placed in a one-time use tamper-proof transparent bag that insures that the patrons cannot gain access to the bottle while in transit after the bag is sealed.
- c. The bag is securely sealed
- d. A receipt showing the purchase of the meal and the bottle of wine is provided to the patron and affixed to the bag.

21. The sale or delivery of alcoholic beverages to an intoxicated person is prohibited.

22. The sale or delivery of alcohol to a person under the age of twenty one years is prohibited.

23. The licensee must maintain and keep current all licenses, permits, certificates, and approvals required for the operation of the licensed business. If any such license, permit, certificate, or approval issued by a state or local authority is revoked, suspended, or not renewed for any reason, the licensee must notify the Board in writing.

24. The Board shall have the right and authority to order any licensee to engage as many private detail police officers from the Police Department as in the Board's judgment are necessary to maintain law and order upon the licensed premises and the areas immediately adjacent to or serving the licensed premises, including the parking lots.

25. No licensee shall make any distinction, discrimination, or restriction of service, access, or treatment on account of race, color, religious creed, national origin, sex, sexual orientation or ancestry. The service, sale, delivery and consumption of alcohol on the licensed premises is strictly limited to the established hours for the service of alcoholic beverages as stated on the license. No licensee, manager, bartender, or server may solicit or accept any order for alcoholic beverages within fifteen minutes prior to the hour stated on the license for cessation of liquor service ("the Closing Hour"). All bottles, glasses, beverage cans, and other beverage containers must be cleared from the tables and bars within 30 minutes of the Closing Hour. No persons other than the licensee, the manager and/or the employees may be in the licensed premises 45 minutes after the Closing Hour.

26. Employees of the licensed establishment may remain or enter upon the licensed premises outside of the established hours of operation while actually engaged in cleaning, opening, closing, or preparing for the next day's business, but they may not remain upon the licensed premises any longer than necessary to complete their work. No licensee, manager, server, bartender, or other person employed by the

licensee, shall consume any alcoholic beverage on the licensed premises either while on duty or at any time before or after the established hours of operation as stated on the license.

27. In any instance when it is necessary for the licensee's employees to remain on the licensed premises for more than sixty (60) minutes after the established closing hour, the licensee or manager shall notify the Police Department. Notice must be given not later than sixty (60) minutes after the established closing hour and shall include the names of the employee(s), the reason(s) why the employee(s) will be on the premises, and an estimate as to how long the employee(s) will be on the licensed premises.

28. The Chief of Police shall have the right and authority to order any Licensee to engage as many detail police officers from the Lynnfield Police Department as shall, in the Chief's judgment, be necessary to maintain law and order upon the premises of the Licensee (including, without limitation, the parking lot).

A Licensee shall notify the Chief of Police of any special events or circumstances whereby the licensee may reasonably anticipate hosting either; 1) A single gathering of more than 400 patrons at one time or; 2) multiple gatherings collectively amounting to more than 750 patrons simultaneously, when said event occurs after 6PM on a weeknight or 4pm on a weekend or holiday. Such notification shall be made so that the Chief of Police can evaluate the need of a police detail assignment, taking into account various relevant factors, and if not needed, to notify Police Shift Commanders as may be necessary.

The grant of a license to the licensee of such an event by the Board of Selectman shall be deemed notice of such event(s).

Following any such notice, the Chief of Police's evaluation may include a review of security practices with the licensee, including requesting of the licensee the assignment of any police detail within the licensed premise for such event and/or circumstances. If the licensee disagrees with any such request, the licensee and the Chief of Police shall meet prior to the event to discuss/review appropriate security procedures. Should the Chief of Police assign a police detail under section 28 of these regulations and the Licensee disagrees, the licensee may appear in front of the Board of Selectman, who shall review and establish appropriate public safety measures for such events. Nothing in these liquor regulations shall supersede conditions imposed by the Board of Selectman as part of conditions for a liquor license.

29. Any infraction of the Town's Liquor Regulations, Regulations of the Alcoholic Beverages Control Commission, and/or General Laws Chapter 138 ***with the exception of sale and or service of alcoholic beverages to a minor***, may be grounds for action by the Board including the modification, suspension, revocation, non-renewal or cancellation of a license. In determining the appropriate action in any given case the Board will consider all relevant factors including the licensee's prior record, the nature of the offense, and other aggravating or mitigating circumstances. The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Board might impose for certain violations. The Board is not limited by these guidelines and may impose greater or less discipline as it sees fit.

1st Violation – Letter of reprimand and/or suspension of license up to 3 days
Optional: With liquor closing hours of 11:00pm for 10 days

2nd Violation – Suspension of license from 3 to 10 days
With liquor closing hours of 11:00pm for 30 days

3rd Violation – Suspension of license from 10 to 30 days
With liquor closing hours of 11:00pm for 30 days

4th Violation – Revocation of license

For the purpose of counting violations, prior actions taken by the Alcoholic Beverage Control Commission against the license holder will be counted as violation(s)

For the purpose of counting a violation: if it is found that multiple violations are found in the same business day (opening time until 2 hours after closing) such will be counted as a single violation when determining the number of violations to be counted and applied to the guidelines above.

Only violations that have occurred in the past 3 years will be counted.

30. Sale and/or service of alcoholic beverages to a minor may be grounds for action by the Board including the modification, suspension, revocation, non-renewal or cancellation of a license. In determining the appropriate action in any given case the Board will consider all relevant factors including the licensee's prior record, the nature of the offense, and other aggravating or mitigating circumstances. The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Board might impose for certain violations. The Board is not limited by these guidelines and may impose greater or less discipline as it sees fit.

1st Violation - Suspension of license up to six days on dates to occur on three weekend periods. Each two-day period shall be a Friday and Saturday continuing through 1:00 A.M. on the following Sunday.

2nd Violation – Suspension of license up to 12 days on six weekends in the same manner as outlined in the preceding paragraph.

3rd Violation – Revocation of license.

Each minor involved in a single incident shall be considered a separate violation; i.e. the suspension doubles when two minors are involved, triples when there are three minors involved, etc.

31. The Board reserves the right to modify or amend the above Rules and Regulations, or to adopt such other, additional Rules and Regulations as the Board may deem appropriate.