LUNENBURG LICENSE COMMISSION
LICENSE REGULATIONS
ADOPTED APRIL 6, 2010

INTRODUCTION

In issuing the regulations, the License Commission is setting forth the expectations of the citizens of Lunenburg as to the conduct of the Town's liquor license holders. A significant objective of the regulations is the prevention of violations. In familiarizing themselves with these regulations, license holders will realize that much is expected of them. The License Commission believes that violations will be prevented because these regulations will at last require license holders to operate in accordance with a clearly defined, higher standard.

1. Identification of the Town of Lunenburg Licensing Authority

a. The Licensing Authority for the Town of Lunenburg shall consist of the License Commission.

2. Scope of and Statutory Basis for Promulgation of Rules

a. The statutory basis for the promulgation of these rules is set forth within the applicable sections of G.L. c. 138. Each reference to a statute shall include any amendment thereto.

b. These rules are supplementary to any statutory requirements and to the rules of the Alcoholic Beverages Control Commission.

3. Definitions

a. Whenever the word **"Licensee"** is used herein it shall mean an individual licensee and each member of a partnership licensee and each officer, director, manager and stockholder of a corporate licensee and any agent of a licensee including those employees who work in the public areas of the premises.

b. Whenever the word **"License"** is used herein it shall mean a revocable privilege granted by the licensing authority.

c. Whenever the word **"Licensing Authority"** or **"Authority"** are used herein it shall mean those groups having legal authority to grant licenses and/or regulate the operation of the licensed premises. The specific licensing authority for the Town of Lunenburg shall be the Board of Selectmen..

d. Whenever the word **"Patron"** is used herein it shall mean a customer who is legally on the licensed premises.

e. Whenever the word **"Premises"** is used herein it shall mean all land and buildings associated with the operation of the license.

f. Whenever the phrase **"Rules and Regulations"** is used herein it shall mean a compilation of regulations, ordinances and laws set up by a licensing authority to regulate the manner in which businesses under its authority shall operate.

SECTION ONE: GENERAL LICENSING RULES FOR LICENSEES

1.00 Applicability of Rules and Regulations

a. This section shall apply to all Town licensees, unless specifically provided otherwise.

1.01 Availability of Rules and Regulations

a. All licensees of the Licensing Authority for the Town shall ensure that a copy of the Rules and Regulations of the Authority is kept on the premises at all times and is available for inspection upon request by a member of the public or an agent of the Authority.

b. The licensee is responsible for ensuring that all employees who work in the public areas of the premises read the Rules and Regulations of the Licensing Authority and comply with all rules and laws.

1.02 Posting and Signs

a. Licenses issued by the Authority shall be posted in a conspicuous place easily seen by the public where they can be read without difficulty and without the assistance of employees at the premises.

b. All other licenses, permits and certificates affecting the licensed premises shall be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover over any part of the license issued by the Authority.

c. No dress code or preferred customer program or cover charge or other admissions policy shall be put into effect at the premises except upon proper posting pursuant to section 1.03 ("Admissions") below.

1.03 Admissions to the Premises

a. No licensee shall permit any rule, policy or action, express or implied, which makes any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sexual orientation, or ancestry, physical or mental disability, relative to the admission or treatment of persons from the general public or employees at the licensed premises; provided however, that premises licensed. pursuant to section 12 of the General Laws, Chapter 138, may make rules regulating the admission of minors to the premises when such rules are not inconsistent with other rules and regulations stated herein; provided further that private club licensees shall not discriminate, as aforesaid, with regard to guests at the licensed premises or with regard to who may be invited to the premises as guests.

b. No licensee shall institute dress requirements of any kind except according to the following rules:

1. A sign shall be posted at the entrance stating dress requirements or dress restrictions with specificity that may also include restrictions to footwear. (Examples: "Jackets required", "Ties and jackets required", "Shirts with collars required, no sneakers").

2. No signs shall be posted which state that, "Proper dress required" or which otherwise announce a dress policy without stating specifically, item by item, what dress is required or what dress is prohibited.

c. No licensee shall institute privileged entrance requirements of any kind except according to the following rules.

1. A licensee may issue special passes.

2. The special passes shall state the calendar year on the face of the pass.

3. The special pass shall not entitle the passholder to free drinks or to a discount on drinks.

4. The licensee shall keep a list of the names and addresses of all passholders and must have such a list available if requested by the Authority.

5. The licensee is responsible for ensuring that persons are picked to be passholders on a rational basis and not on any basis that is discriminatory in violation of law or these regulations.

d. No licensee shall require any person to pay a minimum charge or cover charge unless a sign is conspicuously posted at every entrance to any dining room or rooms where such charge is required, in letters no less than one inch in height, stating that a minimum charge or cover charge shall be charged and also stating the amount of the charge; provided however, that no such licensee shall require a person under thirteen years of age to pay a minimum charge or cover charge. Such cover charge shall not be collected in advance of gaining entrance to

the licensed premises and can only be charged upon written or printed receipt, permanently recorded and numbered seriatim, presented to each individual customer or group of customers. Records of such receipts shall be kept by the licensee for a period of not less than two years. Cover charge shall mean all admission fees or admission charges. Such charges must also be posted on the outside of the licensed premises. Nothing in this regulation shall be construed to prohibit advance ticket sales.

e. No minimum charge for the purpose of alcoholic beverages or minimum alcoholic beverage drinking requirements shall be imposed upon any customer of a G.L. c. 138 § 12 licensee.

f. A licensee who charges a minimum charge for the purchase of food and/or nonalcoholic beverages shall include a specific statement in a posting stating that there is no minimum charge for alcoholic beverages. Such minimum charge, for food and/or non-alcoholic beverages shall not be collected in advance of gaining entrance to the premises. No licensee shall impose a minimum charge for food and/or non-alcoholic beverages upon any customer who incurs charges for alcoholic beverages equal to, or greater than, the posted minimum charge for food and/or non-alcoholic beverages.

g. Licensees shall refuse entrance to the premises to a person who appears to be intoxicated or unruly; and shall evict such a patron, except that in such a case the licensee should call the police and should offer assistance to an intoxicated person when possible.

h. Licensees shall not permit entrance to the premises by more persons than the maximum occupancy limit established by the Building Department and stated on their Certificate of Occupancy

i. Licensees who permit persons to wait in line for a table or a seat or for entrance to the premises shall obey the following rules:

1. Persons who wait inside the premises shall be kept in an orderly line and must not be permitted to block fire aisles or exits. The number of such persons waiting inside the premises shall not exceed the number of persons allowed as standees.

2. Persons who are permitted to wait in line outside the premises shall be supervised by an employee of the licensed premises. Such employees shall stand outside with the line during all times when the line exceeds ten persons and shall announce no further admissions to the premises if persons in the line are being loud and disorderly or if the line is blocking the sidewalk or is of a size that could reasonably be expected to cause noise or other problems for residents of the area or for passersby. To the extent that lines in front of a licensed premises become the subject of public complaints the licensee shall have been deemed to be inviting a public nuisance and shall be subject to disciplinary proceedings for same. It is recommended that licensees in residential areas discourage lines of more than ten persons.

j. Licensees shall not lock the front door of the premises until the last patron has exited from the premises.

k. Licensees shall not allow any patron or any guest or any employee who is not working that shift to enter the premises after the closing hour posted on the license or prior to the opening hour posted on the license.

l. The bringing of one's own beer, wine, or other alcoholic beverages into an establishment for one's own personal consumption, a practice commonly known as "brown-bagging" and/or B.Y.O.B. (bring your own booze), is prohibited. Establishments holding any license issued under M.G.L. Chapter 138 or M.G.L. Chapter140 §2 are prohibited from allowing "brown bagging".

m. M.G.L. Chapter 138 §12 club license holder will be considered in violation of these regulations for having an "open door" policy or serving non-members. The License Commission Regulations allow the following:
Clubs may serve alcoholic beverages only to members of the Club. However, one (1) guest of a member may be served alcoholic beverages after he/she has been introduced by the member as a guest. This introduction will

be in the form of a guest book noting the member's name, guest's name, date and time of introduction. Should the member at any time leave the premises the guest may no longer be served and the guest must vacate the premises. The guest book must be available at all times for inspection by the License Commission and/or it's agents.

1.04 Hours of Operation

a. The hours of operation shall be restricted to those set by the Licensing Authority and stated on the face of the license. No patrons shall be on the premises before the official opening hours or after the official closing hours. Last call is a minimum of thirty (30) minutes prior to closing time. Customers must be up and out once the closing hour of the licensed premises has been reached. No drinks shall be consumed after closing hours.

b. The rules for employees on premises after closing hours are as follows: owners and employees must be off the premises no later than sixty (60) minutes after the official closing hour, provided however, that such owners and employees or other hired personnel may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for the premises, or preparing food for the next day's business or opening or closing the business in an orderly manner.

c. Licensees shall ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner should hire security personnel to police the leave-taking of the patrons at closing time.

1.05 Physical Premises

a. The licensed premises shall conform to the floor plan approved by the Authority with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, bar stools, dance floors or areas, railing partitions, and other barriers at the premises. Any change in the floor plan or any renovations of any kind shall not be made without notification to the Authority, approval of the Authority and approval by the Alcoholic Beverages Control Commission. This includes substantial changes in the arrangement of moveable furniture.

b. No licensee shall have two occupancies listed on their Certificate of Occupancy (i.e. one occupancy with tables and chairs and one occupancy without tables and chairs). The licensed premises shall conform to the floor plans approved by the Authority as stated above in Section A.

c. All premises covered by the license shall be kept in a clean and sanitary condition.

d. No outside area shall be used as a gathering place for patrons unless approved by the Authority. Any extension of premises for outdoor patio seating must be approved by the Authority and the Alcoholic Beverages Control Commission and must conform to the guidelines established by the Alcoholic Beverages Control Commission.

e. The premises shall be lighted in all public areas in a manner sufficient for the safety of the patrons and in a manner sufficient for the agents of the Authority to make observations at the premises without the need to identify themselves or the need to seek assistance.

f. The capacity set for the premises by the Building Commissioner shall be the maximum potential capacity for the premises.

g. Licensees shall not invite the members of the public to private areas of the premises which are approved by the Authority for storage or for an office or for a kitchen or for a music or video projection room or for any similar non-public use. Only owners and employees of the licensed premises shall be in these areas.

h. No advertising matter, screen, curtain or other obstruction which in the opinion of the License Authority, Liquor Officer or its Agents, prevents a clear view of the interior of the premises shall be maintained in or on any window or door thereof after the Authority has ordered the removal of such obstruction.

i. The interior of the premises shall be sufficiently lighted at all times and all exits shall be properly designated by lighted "Exit" signs, as same may be mandated by the Building Commissioner or by the Fire Department. A copy of the Certificate of Occupancy signed by the Building Commissioner and Fire Department shall be posted in a visible location at all times.

1.06 Business Arrangements of Licensees

a. Person or entities obtaining or renewing a license shall demonstrate proof of a legal right to the licensed premises for term of the license. Such proof shall include ownership papers or a tenancy document or a management contract; provided, however, that all parties to such ownership or leasehold interest or management contract shall be know to the Authority and the terms of such agreements or contracts shall be made known to the Authority.

b. No licensee shall hire any employee or contract for goods or services in any name other than that of the licensee, nor shall the licensee pay for any such employment, goods, or services by any means other than its own cash or bank accounts in its own name. Cash transactions shall be recorded in a manner suitable for review by the Authority. Such records shall be kept for a period of three years.

c. No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the persons properly approved of by the Authority and the salaried employees of such persons.

d. No licensee shall permit any person to work at the licensed premises or to hold themselves out as a person in a position of authority at the premises except for those persons who are owners and officers or who are salaried employees for whom payroll records are available. No licensee shall pay an employee any percentage of the profits of the business or pay an employee in any manner other than by salary or hourly rate except upon approval of the Authority.

e. No licensee shall pay a landlord or creditor of any kind a percentage of the profits of the business except upon complete disclosure to the Authority and the receipt of the Authority's approval.

f. No licensee shall lease out any part of the business without the approval of the Authority. No licensee shall lease out the food or beverage service without the approval of the Authority.

g. No licensee shall enter into an agreement with an independent contractor to provide beverages or food or entertainment or management at the premises without the approval of the Authority.

h. No licensee shall pledge the stock in the licensed business or the license itself without the approval of the Authority pursuant to M.G.L. Chapter 138 §15A. No licensee shall pledge a license without obtaining the approval of the Authority pursuant to M.G.L. Chapter 138, §15A. The approval of a pledge does not give the pledgee the authority to operate the business.

i. No licensee shall take a loan secured by any direct or indirect interest in the licensed business without the approval of the Authority.

j. No licensee shall contract bills for its licensed premises under any corporation or trade name other than that under which it is licensed.

k. The Manager in a licensed premises shall not be changed until the Authority and the Alcoholic Beverages Control Commission have approved such change.

l. Any licensee intending to close its place of business shall notify the Authority in writing and obtain permission before such closing. The request shall state the reason for such closing and identify the length of the closing.

m. Assignment of the stock of corporate licensees for purposes of collateralizing loans or notes, etc., gives no right to the assignee to conduct the business of the licensee. Licensees shall immediately notify the Authority when the assignee forecloses under such assignment of stock or when other proceedings are brought which affect the economic and financial rights and abilities of the licensee.

n. Licensees shall enter into no agreement or understanding which sets a minimum requirement for gross sales of food and beverages at the premises.

o. Licensees shall not use any trade name, assumed name, or abbreviated name in connection with the licensed business unless the same appears on the license certificate issued by the Authority or unless written permission is first obtained from the Authority. The use of any unauthorized name on the books, records, stationary or interior or exterior of the licensed premises or for advertising purposes or telephone listing is prohibited unless permission is first obtained from the Authority.

p. Licensees are responsible for maintaining a legal right to access to, and control of, the premises which is covered by the license. Failure to have a legal right to the named licensed premises shall result in the revocation or non-renewal of the license.

q. Licenses for automatic amusement devices shall be granted only to the licensee on whose premises the machine is to be operated, and not to the distributor and/or vendor. It is, therefore, the responsibility of the licensee to apply for, and obtain, such license and not to accept any delivery of a machine that has not been licensed. If the License Commission determines that there is an unlicensed amusement device on a premises it shall constitute cause to suspend or revoke the license for any other such machine that may be on said premises. It shall also be cause for a hearing to show cause why the establishment's liquor license should not be subject to discipline.

   Acceptance of an unlicensed machine from a distributor and/or vendor is the licensee's responsibility, and every licensee must be certain to apply for and receive a license before accepting delivery of a machine.

r. Annually, at the time of the license renewal, the licensee shall submit to the License Commission a listing of the names and addresses of all its directors, officers and employees as of January first. Each licensee shall also maintain a current list during the year, which shall be available for inspection on the premises at all times.

1.07 Alcoholic Beverage Sales and Laws

a. No alcoholic beverages shall be sold for less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.

b. All licensees shall maintain a schedule of the prices charged for all drinks to be served and drunk on the licensed premises or in any room or part thereof. Such prices shall be effective for not less than one calendar week.

c. No licensee or employee or agent or a licensee shall:

   1. offer or deliver any free drinks to any person or group of persons;

   2. deliver more than two drinks to one person at one time;

   3. sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the general public;

4. sell, offer to sell, or deliver to any person an unlimited number of drinks during a set period of time for a fixed price, except at private functions not open to the general public;

5. sell, offer to sell, or deliver drinks to any person or group of persons on any one day at prices less than those charged to the general public on that day, except at private functions not open to the public;

6. sell, offer to sell, or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time; increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;

7. encourage or permit, on the licensed premises, any game or contest which involves drinking or the award of drinks as prizes;

8. advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under this section.

d. Nothing contained in the preceding section shall be construed to prohibit licensees from offering free food or entertainment at any time; or to prohibit licensees from including a drink as part of a meal package; or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one persons; or to prohibit those licensed under Chapter 138, Section 15, from offering free wine tastings; or to prohibit those licensed under M.G.L. Chapter 38, Section 12 from offering room services to registered guests.

e. Licensees shall not permit alcoholic beverages to be brought on the licensed premises by patrons or employees.

f. Licensees shall be responsible for ensuring that minors are not served alcoholic beverages and are not drinking alcoholic beverages on the licensed premises, whether served to them by an employee or handed to them by another patron. Licensees who do not have the ability to keep track of the drinking activity of minors at the premises shall exclude minors from coming onto the premises in order to meet the burden of ensuring that there is no underage drinking at the premises. Sufficient security personnel shall be employed to monitor the premises to ensure that patrons do not pass alcoholic beverages to minors.

g. Any establishment licensed to sell alcoholic beverages to be drunk on the premises shall post a copy of the penalties for driving under the influence set forth in Section 24 of General Laws Chapter 90. Establishments licensed to sell alcoholic beverages not to be drunk on the premises shall post a copy of the penalties for operating a motor vehicle while drinking from an open container. Said copies shall be posted conspicuously in said establishments. Said copies are available at the Alcoholic Beverages Control Commission.

h. Food service shall be available in all areas of the licensed premises where alcoholic beverages are served, this to include dining areas and lounge areas. This does not include any area approved as a waiting area by the Licensing Authority.

1.08 Environs of Licensed Premises

a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee shall be accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

b. No licensee may have upon the premises any automatic amusement machine unless same has been approved and separately licensed by the Town of Lunenburg. Types of machines and location of machines on the premises must be approved. The Licensee shall make application, not the distributor.

c. Licensees shall act reasonably and diligently to disperse loiterers or patrons who attempt to congregate in front of or at the licensed premises. Failure of the licensee to keep persons from congregating at the licensed

premises may lead to disciplinary action against the licensee for allowing a public nuisance. Action to be taken by the licensee shall include: (1) maintaining the front door in a closed position; (2) asking loiterers to disperse; (3) promptly notifying the police if loiterers refuse to disperse; (4) hiring a security guard or stationing a security employee at the front door to disperse loiterers; (5) refusing to allow patrons to walk in and out of the premises at short intervals; (6) maintaining order in lines of patrons waiting outside to get in; (7) announcing that no further patrons will be allowed into the premises if lines become too long or disorderly or loud.

d. Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages. Such steps shall include: (1) having an employee stationed at the door to watch patrons as they leave; (2) refusing to serve beer in bottles; (3) refusing to serve alcoholic beverages in disposable cups. When patrons are observed leaving the premises with beer bottles, beer cans, or cups or glasses filled with liquids that smell like alcoholic beverages to the Authority's agents, it shall be presumed that the vessels contain alcoholic beverages.

e. When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Authority adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, the licensee shall be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

f. At all times the public areas of the licensed premises must be continuously illuminated to the degree of not less than one foot candle (measured 30 inches from the floor) except those portions of the room under furniture.

g. No physical additions, alterations or renovations shall be made unless a plan is submitted and approved by the Authority and the Alcoholic Beverages Control Commission.

h. No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on this license.

i. Except for package stores, all alcoholic beverages sold must be opened and consumed on the licensed premises.

j. All State and Local Laws and Regulations apply to the licensed premises whether during regular hours, after hours or private functions.

1.09 Inspections and Investigations

a. The licensed premises shall be subject to inspection by the members of the Licensing Authority and its duly authorized agents. Any hindrance or delay of such inspection caused by an employee of the licensee shall be cause for action against the license. It shall be the responsibility of the licensee to ensure that procedures are in place, be it posting a doorman or otherwise, to allow Police and authorized agents of the Authority, immediate entrance into the premises at any time employees are on the premises. Any delay in providing such access shall be cause for action against the license.

b. Licensees shall maintain a current list of all their employees and shall have it available at all times for inspection upon the request of an authorized agent of the Authority. Licensees shall mail this list to the Lunenburg License Commission on June 1st of every year and again as part of the end of year license renewal packet. Licensees who contract with entertainment entities to provide entertainers must maintain a current list of the names of such entertainers and said entertainers shall be held to the same rules as other employees at the premises.

c. No device or electronic equipment shall be utilized by a licensed premise for the purpose of signaling employees that agents of the Licensing Authority are present.

d. All complaints and reports shall continue in force until they have been reviewed and disposed of by the Licensing Authority.

e. All Police Officers, regardless of rank, are hereby designated as authorized agents of the Licensing Authority.

1.10 Standards of Conduct on the Premises

a. It is forbidden to permit any employee or person in or on the licensed premises to promise, offer, suggest, or accept sexual acts or favors in exchange for money or for the purchase of any alcoholic beverages or other commodities.

b. It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress, or fondle the breasts, buttocks or genitals of any other person.

c. No alcoholic beverages shall be sold to anyone under twenty-one (21) years of age. No service of alcoholic, wine/malt beverages shall be made to anyone under twenty-one (21) years of age.

d. No manager or employee shall consume any alcoholic beverages while on the licensed premises while on duty or after the official closing hour.

e. No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverages.

1.11 Illegal Activity on the Licensed Premises

a. Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts shall include:

1. Frequent monitoring of restrooms and other nonpublic areas of the premises for signs of drug activity or other illegalities;

2. Paying attention to activities on the premises of known drug users, drug dealers, prostitutes or others who are known to have been convicted of crimes which may be conducted at a licensed premises;

3. Monitoring of activities of person who talk about weapons or who appear to be hiding a weapon;

4. Calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information.

5. Hiring security personnel to deal with chronic unlawful activity at the premises such as prostitution, gambling or larceny from patrons or assaults and batteries or other problems associated with the premises.

b. There shall be no disorder or other illegal activity on the licensed premises or any premises connected therewith by an interior communication.

c. No licensee shall allow any disturbance, disorder or illegality on the licensed premises. The license holder shall be responsible therefore, whether present or not.

1.12 Injuries to Persons at the Premises

a. Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.

b. Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons or persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee

1.13 Other causes for Revocation, Suspension and Modification

a. Any license issued pursuant to General Laws Chapter 138 may be modified, suspended or revoked for any of the following causes:

1. Violation by the licensee of any provision of the relevant General Laws of the Commonwealth, of the regulations of the Alcoholic Beverages Control Commission or of the regulations of the Licensing Authority.

2. Fraud, misrepresentation, false material statement, concealment or suppression of facts by the licensee in connection with an application for a license or permit or for renewal thereof or in connection with an application for the removal of the licensed premises or the alteration of the premises or in connection with any other petition affecting the rights of the licensee or in any interview or hearing held by the Authority in connection with such petition, request, or application affecting the rights of the licensee;

3. Failure to operate the premises covered by the license without prior approval of the Licensing Authority;

4. Failure or refusal of the licensee to furnish or disclose any information required by any provision of the General Laws or by any rule or regulation of the Alcoholic Beverages Control Commission or any rule or regulation of the Licensing Authority;

5. Licensees shall not give or offer any money or any article of value or pay for or reimburse or forgive the debt for services provided to any employee or agent of the Authority either as a gratuity or for any service;

6. Licensees may not fail to comply with any condition, stipulation or agreement upon which any license was issued or renewed by the Authority or upon which any application or petition relating to the premises was granted by the Authority. It shall be the duty of the licensee to ensure that all appropriate personnel at the licensed premises are familiar with the rules and regulations of the Authority and with any conditions on the license.

7. A license may be suspended or modified or revoked for the refusal by any licensee and, if a corporation, by a manager, officer, or director thereof to appear at an inquiry or hearing held by the Authority with respect to any application or matter bearing upon the conduct of the licensed business or bearing upon the character and fitness of such person to continue to hold a license.

8. Licensees shall properly serve suspension and modification orders.

1.14 Liquor License Sentencing Guidelines

a. Licensees in violation of the applicable laws of the Commonwealth, regulations of the Alcoholic Beverages Control Commission and/or these regulations may be subject to the following range of discipline:

i. First offense; warning to seven day suspension.

ii. Second offense; warning to twenty-one day suspension.

iii. Third offense: warning to revocation.

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 Authority 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 Authority's authority to consider alternative dispositions, or further conditions on a license, or even alternate penalties (e.g. roll back of operating hours).

1.15 Service of Liquor License Suspension Orders

a. When the Authority suspends the license or licenses of any licensee, it shall provide the licensee with an order of suspension for public display that must contain the words, "No alcohol served per order of the License Commission". Such order shall be publicly displayed by the licensee in the following manner. If there is a door opening from the street into the licensed premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may readily be seen from the street. If the licensed premises are otherwise located, such order shall be affixed to the door of the entrance to the premises and displayed in such a way that it may be readily seen from the street.

b. Suspension orders of the Authority, as above, shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, or obliteration of the order of suspension or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the licensee and shall be cause for further suspension, modification or revocation of the license.

c. Suspension periods shall not be used as a time to do renovations at the licensed premises unless such renovations have previously been approved by the Authority.

d. Upon receiving a notice of suspension or revocation, the licensee will hand deliver the license to the Lunenburg Selectmen's Office, 17 Main Street, Town Hall, Lunenburg, MA 01462. The license will be given to the Administrative Assistant no later than 9:00 a.m. on the day of the suspension or revocation. The license may be picked up at 9:00 a.m. the day following the suspension or revocation. (example: XYZ license has been suspended 10/01/09 thru 10/05/09 for violation of XXXX. License will be dropped off by the licensee by 9:00 a.m. on October 1, 2009 and picked up on October 6, 2009 at 9:00 a.m.

1.16 Permission to Close Premises Required

a. Any Licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the Licensing Authority in writing before such closing stating the reason and length of such closing and obtain approval. Failure to provide such notice may result in the suspension or revocation of the license.

b. The restriction in (a) shall not apply to a closing due to an act of God, natural disaster, illness or some other business problem for which request had been made to the Authority and approval granted.

1.17 Bankruptcy and Court Proceedings

a. The licensee shall immediately notify, in writing, the Licensing Authority of any proceedings brought by or against the licensee under the bankruptcy laws or of any other court proceedings which may affect the status of the license.

1.18 Management

a. Each corporate licensee must appoint a manager by a properly authorized and executed delegation.

b. The responsibilities of every license holder and any manager shall be as follows:

1. To obey all statutes of the Commonwealth, rules of the Alcoholic Beverages Control Commission, Rules and Regulations of the Licensing Authority;

2. To promptly notify the police of any disturbance or illegal activity on the licensed premises of which he/she becomes aware;

3. As to corporate licensees, to sign the annual application for renewal of license, unless unavailable;

4. To cooperate with authorized agents of the Licensing Authority, including, but no limited to, any police officer, in their investigation or inspection of the licensed premises.

c. Any such notice sent to the manager as named in the records of the Licensing Authority or the owner at the address of the licensed premises shall constitute valid legal notice to the licensee.

d. The licensee shall not change managers, change corporate officers, sell or transfer corporate stock, pledge corporate stock or the liquor license as security, or accept a loan or credit from another licensee, without first obtaining the approval of the Authority and the Alcoholic Beverages Control Commission. No person may have a direct or indirect beneficial interest in a license without first obtaining the approval of the Authority.

e. The Manager, or their designee, must be on the premises at least fifty (50) percent of the time the premises are open. The Manager shall have total responsibility for the proper operation of the licensed premises, whether present or not. No appointment of a Manager shall be effective unless and until approved the by the License Commission. If a Manager leaves the employ of the license holder, the license holder shall notify the Commission immediately and shall promptly file a Change of Manager application. No change of manager will be effective until approved by the Commission and the Alcoholic Beverages Control Commission.

1.19 Service Training

a. An employee training program on the proper procedures for verifying that patrons are at least 21 years of age and not intoxicated shall be provided by the licensee. A written description of such program, along with a written policy outlining the employees' responsibilities and the disciplinary measures which will be taken against any employee for violating said policy, shall be provided to the Authority as part of the original or renewal application materials and maintained on the premises at all times.

b. A signed certificate of each employee who handles alcohol, indicating that the employee has received the described training and has reviewed and understands the written policy describing his or her responsibilities and the disciplinary action which will be taken for violations, shall be maintained on the premises at all times. Copies of all such documents and certifications shall be available to the licensing authority, or any authorized agent thereof, upon demand.

c. All employees, including bouncers and doormen, shall obtain server training within thirty (30) days of commencing employment. The server training certificate shall be sent to the License Commission within seven (7) days of issuance.

d. Upon a finding by the Authority of a violation of the laws or regulations concerning service of alcohol to a minor or intoxicated person, the employees involved in the violation who continue to be employed by the licensee shall be retrained forthwith and receive a new server training certification.

e. The training and certification referenced in Section 1.19 shall be pursuant to a training program approved by the Authority (e.g. TIPS or equivalent).

1.20 ABCC Compliance

a. Compliance check guidelines are applicable to retail licenses for the sale of alcoholic beverages to be drunk on the premises, called "pouring licenses", fall into five types: hotel, restaurant, tavern, club, and general-on-premise. These are futher divided into four categories based on the category of alcoholic permitted to be served; all-alcoholic, wine only, malt only, or wine and malt and in accordance with the ABCC rules and regulations.

1.21 Applications and Fees

a Whenever a alcoholic beverage license becomes available in a category for which all the licenses allotted the Town had previously been properly assigned, the Licensing Authority shall publish, on one occasion, in a local newspaper, on its public bulletin board and on its website a notice that such license has become available. The Licensing Authority will not accept any new applications for this license until 30 days after such a notification has been made, published and posted.

b. All license applications must be "COMPLETE" in order to be processed by the Office of the License Commission for submission to the License Commissioners for action. While the Office of the Commission will assist any individual with the filing of an application, it is not the responsibility of the office staff to fill out and complete an application and forms required.

b. Filing fees must be paid at such time as an application is filed at the Office of the License Commission. Fees are to be made payable to the Town of Lunenburg. Filing fees are not returnable once an application has been accepted by the Office of the License Commission.

c. Annual license fees must be paid prior to the issuance of any license. License fees may not be prorated and are not refundable.

d. Should a fee payment be non-negotiable (i.e. "bounce"), such event shall be deemed to be a violation of these regulations.

e. At no time will the Authority accept an application for an alcohol beverage license under any circumstances except as prescribed in this section.