

**SOUTHBRIDGE MASSACHUSETTS
LIQUOR LICENSING BOARD
LICENSE REGULATIONS
April 1, 2005**

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INTRODUCTION

In issuing regulations, the **Southbridge Liquor Licensing Board (SLLB)**, as the liquor licensing authority of the Town of Southbridge, is setting forth the expectations of the citizens of Southbridge 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 SLLB believes that violations will be prevented because these regulations will at last require liquor license holders to operate in accordance with a clearly defined, higher standard.

1. Identification of the Town of Southbridge

- a. The Local Licensing Authority (LLA) for the Town of Southbridge shall consist of the Southbridge Liquor Licensing Board (SLLB).

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 M.G.L. c. 138. Each reference to a statute shall include any amendments thereto.
- b. These rules are supplementary to any statutory requirements and to the rules of the Alcoholic Beverages control Commission ("ABCC").

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 a licensing authority.

I. The SLLB grants the following **Section 12 (On-Premise) types of All Alcohol licenses under **M.G.L. c.138**:**

- A. **Club License.** This license is issued to a non-profit corporation or association for sales of alcoholic beverages to members and subject to regulations of the **SLLB**, to the guests of the members.
- B. **General On Premise License.** This license authorizes the sale of alcoholic beverages without food.

- C. **Hotel License.** This license is issued to an establishment that is licensed as an inn holder and has the equipment and has the capacity for serving food. A hotel licensee that sells food must first be issued a Common Victualler license under the provisions on M.G.L. Chapter 140. In addition, a hotel licensee that rents rooms to the public must also be issued an Inn holder's license under provisions of M.G.L. chapter 140.
- D. **Restaurant License.** This license authorizes the sale of alcoholic beverages by an establishment licensed as a common victualler that has the equipment and capacity for serving food. A Restaurant licensee that sells food must first be issued a Common Victualler license under the provisions on M.G.L. chapter 140.
- E. **Tavern License.** This license is issued to an establishment where alcoholic beverages may be sold, and must be served to and drunk by patrons in plain view of other patrons, all entrances to which shall open directly from a public way. A Tavern licensee may sell alcoholic beverages with or without food. A Tavern licensee **MAY NOT** sell alcoholic beverages on Sundays.
- F. **Veterans Club (see Club Licenses).** The SLLB may grant a license, outside the quota system, subject to ABCC approval, to any corporation whose members are war veterans which owns, hires or leases a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell to members of that post only, and, subject to local licensing authorities, to guests introduced by such members and to no others.
- G. **Cordials and Liqueurs Permit.** The SLLB may grant a Cordials and Liqueurs Permit to any common victualler who holds a wine and malt beverages license (that is, only a holder of a Restaurant or Hotel type license and in certain instances a Tavern license).
- H. **Farmer-Brewer Pouring Permits / Farmer Winery Pouring Permits.** These two types of specialized "pouring permits" may be granted by the SLLB. A Farmer-Brewer Pouring Permit may be granted to the holder of a Farmer-Brewer license (issued by the ABCC). A Farmer Wine Pouring Permit may be granted to a holder of a Farmer-Winery license (issued by the ABCC). Both pouring permits allow only produce made by the farmers to be poured and sold.
- I. **Seasonal Section 12 (on premise) License** can be issued effective from April 1 to January 15 or any portion thereof and to the number that the SLLB deems to be in the public interest. Franklin

and Berkshire counties may issue winter seasonal licenses and estimate before October 15 the temporary increased resident population as of the following February 10. Such licenses are effective from December 1 to April 1.

II. The SLLB also grants Section 14 Special Licenses under M.G.L. c.138. Such Special Licenses (commonly referred to as "**One Day Licenses**") shall not be issued to any person(s), association, partnership or corporation already issued or in the process of being issued a license to sell alcoholic beverages as approved by the SLLB. Special licenses cannot cover any portion of a currently licensed premise.

III. The SLLB also grants Section 15 licenses under M.G.L. c.138, commonly referred to as a "**Package Store License.**" In accordance with M.G.L. c.138, §15, "no person, firm, corporation, association, or other combination of persons, directly, or indirectly, or through any agent, employee stockholder, officer or other person or any subsidiary whatsoever, shall be granted more than one such license in a town or in a city." In addition, the SLLB may also grant:

I. A **Seasonal Section 15 (off-premises) License** based on a quota set by the estimate provided by the SLLB before March 1 of the temporary increased resident population as of the following July 10. That estimate must be submitted to the Alcoholic Beverages Control Commission prior to April 1. Off-premise seasonal licenses are issued based on that estimate at the rate of one license for each 5,000 population (or fraction thereof) and can be issued effective from April 1 to November 30 and also until January 15, or any portion thereof, as set by the SLLB.

- c. Whenever the words "**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.
- 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 word "**Rules and Regulations**" is used herein it shall mean a compilation of regulations, ordinances and laws set up to regulate the manner in which businesses under it shall operate.
- g. Whenever the word "**Dormant License**" is used herein, it shall mean any license holder who "ceases to conduct the licensed business"; that is, any license holder who closes the business or stops doing business.

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 SLLB shall ensure that a copy of the Rules and Regulations of the SLLB 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 SLLB. These Rules and Regulations are to be kept in the office of the Manager or at the main cash register.
- 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 SLLB and comply with all rules and laws.

1.02 Posting and Signs

- a. Licenses issued by the SLLB shall be posted in a conspicuous place easily seen by the public where they can 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 SLLB.
- 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.
- d. Licensee shall post a sign indicating the maximum occupancy clearly visible at the entrance of the establishment. (Added 9/8/11)

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, sex, 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 M.G.L. c.138, §12, 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 a guest.

- b. No licensee shall institute dress requirements of any kind except according to the following rules:
- I. A sign shall be posted at the entrance stating dress requirements or dress restrictions with specificity which may also include restrictions as 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 pass holder to free drinks or to a discount on drinks.
 4. The licensee shall keep a list of the names and addresses of all pass holders and must have such list available if requested by the SLLB.
 5. The licensee is responsible for ensuring that persons are picked to be pass holders on a rational basis and not on any basis that is discriminator 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 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 a 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 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 requirement shall be imposed upon any customer of a M.G.L. c. 138, §12 licensee.

- f. A licensee who charges a minimum charge for the purchase of food and/or non-alcoholic 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 Fire Department.
- 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 employee 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 or 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 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. All entertainment events that are open to the public must have a Certified Crowd Control Manager. . (Added 4/21/11)

1.04 Hours of Operation

- a. The hours of operation shall be restricted to those set by the SLLB and stated on the face of the license. No patrons shall be on the premises before the official opening hours or fifteen minutes after the official closing hours. This section does not apply to holders of an Innkeeper's license. Customers must be up and on the way out once the official closing hour of the licensed premises has been reached. (Hours of operation do not change with Daylight savings time as Daylight savings time changes begin at 2 a.m. which is after the licensed closing time. Violations will be issued for non-compliance. Added 12/5/14)
- b. The rules for employees on premises after closing hours are as follows: employees must be off the premises no later than sixty (60) minutes after the "Official Closing Hour," provided however, that such 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 on 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.
- d. Section 15 licenses as under Massachusetts General Law Chapter 138 §12 with the stipulation to close at 8:00 p.m. on Sundays. (Added 1/26/12)

1.05 Physical Premises

- a. The licensed premises shall conform to the floor plan approved by the SLLB with regard to the structures and the walls at the premises, any changes in the floor plan or any renovations of any kind shall not be made without notification to the SLLB and the approval of the SLLB.
- b. All premises covered by the license shall be kept in a clean and sanitary condition.
- c. No outside area shall be used as a gathering place for patrons (with alcohol) unless approved by the SLLB. (Amended 9/8/11)
- d. 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 SLLB to make observations at the premises without the need to identify themselves or the need to seek assistance.
- e. The capacity set for the premises by the Building Commissioner shall be the maximum potential capacity for the premises.
- f. Licensees shall not invite the members of the general public to private areas of the

premises which are approved by the SLLB 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, employees, and vendors who service the licensed premises shall be in these areas.

- g. No advertising matter, screen, curtain or other obstruction which in the opinion of the SLLB, the Liquor Officer, or their Agents, prevents a clear view of the interior of the premises shall be maintained in or on any window or door thereof after the SLLB has ordered the removal of such obstruction.
- h. The interior of the premises shall be sufficiently lighted at all times and all exits shall be properly designated by lighted signs, "Exit" as same may be mandated by the Building Commissioner or by the Fire Department.

1.06 Business Arrangements of Licensees

- a. No person or entity shall obtain or renew a license unless the applicant for such license or for renewal of such license can demonstrate proof of a legal right to the licensed premises for the 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 known to the SLLB and the terms of such agreements or contracts shall be made known to the SLLB.
- 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 SLLB. 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 SLLB 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 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 SLLB.
- 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 SLLB and the receipt of the SLLB's approval.

- f. No licensee shall lease out any part of the premises or any part of the business without the approval of the SLLB. No licensee shall lease out the food or beverage service without the approval of the SLLB.
- 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 SLLB.
- h. No licensee shall pledge the stock in the licensed business or the license itself without the approval of the SLLB pursuant to M.G.L. c.138, §15A. No licensee shall pledge a license without obtaining the approval of the SLLB pursuant to M.G.L. c.138, §15A.
- i. No licensee shall take a loan secured by any equipment at the premises or secured by any direct or indirect interest in the licensed business without the approval of the SLLB. This includes kitchen equipment, video or audio equipment, lighting equipment, furniture, or any other type of equipment.
- 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. Managers in licensed premises shall not be changed until the SLLB and the Alcoholic Beverages Control Commission have approved such change.
- l. Any licensee intending to close its place of business shall notify the SLLB in writing before such closing and state the reason for such 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 SLLB 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 SLLB or unless written permission is first obtained from the SLLB. The use of any unauthorized name on the books, records, stationery, or interior or exterior of the licensed premises or for advertising purposes or telephone listing is prohibited unless permission is first obtained from the SLLB.
- 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.

1.07 Alcoholic Beverages 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 consumed 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; deliver more than two drinks to one person at one time;
 - 2. 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;
 - 3. 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;
 - 4. sell, offer to sell or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 - 5. sell, offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time;
 - 6. 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 awarding 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 M.G.L. c.138, §15, from offering free wine tastings; or to prohibit those licensed under M.G.L. c.138, §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. Licensees who choose to permit minors on the premises, whether pursuant to an "I.D. bracelet" program or otherwise, shall be accountable if minors are found to be drinking alcoholic beverages on the premises, whether or not the SLLB's agents are able to prove that the licensee actually served the drink directly to the minor. 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 M.G.L. c.90, §24. 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 SLLB.
- i. A Restaurant License or a Hotel License allows the holder of a restaurant or hotel license to sell and serve liquor solely for consumption on the premises of an establishment. All license holders will comply with M.G.L. c.138, §12A. A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of liquor, until at least 9:00 p.m. daily, if any spirituous liquor is to be sold and served up to 1:00 a.m.

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. Types of machines and location of machines upon the premises must be approved. The licensee must 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 having an employee stationed at the door to watch patrons as they leave. 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 SLLB's agents, it shall be presumed that the vessels contain alcoholic beverages. Subject to a Massachusetts "re-corking" rule. (Amended 9/8/11)
- 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 SLLB 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.

1.09 Inspections and Investigations

- a. The licensed premises shall be subject to inspection by the members of the SLLB, the Licensing Officer, and their 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 SLLB 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 of their employees (name, address, date of employment, DOB) and shall have it available at all times for inspection upon the request of an authorized agent of the SLLB. 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. (Amended 9/8/11)

- c. No device or electronic equipment shall be utilized by a licensed premise for the purpose of signaling employees that agents of the SLLB are present.
- d. All complaints and reports shall continue in force until they have been reviewed and disposed of by the SLLB.

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.

1.11 Illegal Activity on the Licensed Premise

- 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 or drug dealers or 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 persons who talk about weapons or who appear to be a 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; and
 - 5. Hiring security personnel to deal with chronic unlawful activity at the premises such as prostitution or gambling or larceny from patrons or assaults and batteries or other problems associated with the premises.
- b. There shall be no disorder, prostitution, illegal gambling, illegal drug use or sales or possession, or other illegal activity on the licensed premises or any premises connected therewith by an interior communication.

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 M.G.L. c. 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 SLLB.
 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 SLLB 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 SLLB.
 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 SLLB.
 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 SLLB 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 SLLB or upon which any application or petition relating to the premises was

granted by the SLLB. 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 SLLB 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 SLLB 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.
9. A license may be suspended or modified or revoked for ceasing to conduct the licensed business, that is any license holder who closes or stops doing business (Dormant License). Licensees who suspend or cease operation must notify the SLLB within 10 days with a schedule in writing for reopening to be approved by the SLLB. The schedule submitted by the licensee, must include a date certain for the reopening of the business.
10. A licensee shall provide a current certificate of good standing to obtain a license or license renewal. (Added 9/8/11)
11. The licensee shall be in compliance with all local taxes and fees. (Added 9/8/11)

1.14 Disciplinary Guidelines

- a. Licensees in violation of the applicable laws of the Commonwealth, regulations of the Alcoholic Beverage Control Commission and/or these regulations shall be responsible for the payment of all reasonable direct costs and may be subject to the following range of discipline: (Updated 08/26/21)
 1. First offense: warning to seven day suspension.
 2. Second offense: warning to thirty day suspension.
 3. 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 disciplinary guidelines are only a guide. The SLLB 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 SLLB's 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 Suspension Orders

- a. When the SLLB 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 Southbridge Liquor Licensing Board." 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 SLLB, 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 SLLB.

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 SLLB 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) will 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 SLLB and approval granted.

1.17 Bankruptcy and Court Proceedings

- a. The licensee will immediately notify, in writing, the SLLB 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 SLLB;
 - 2. To promptly notify the police of any disturbances or illegal activity on the licensed premises of which he/she or they becomes aware;
 - 3. As to corporate licensees, to sign the annual application for renewal of license, unless unavailable; and
 - 4. To cooperate with authorized agents of the SLLB, including but not necessarily 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 SLLB 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 liquor license as security, or accept a loan or credit from another licensee, without first obtaining the approval of the SLLB. No person may have a direct or indirect beneficial interest in a license without first obtaining the approval of the SLLB.

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 SLLB as part of the original or renewal application materials and maintained on the premises at all times.
- b. A signed certification 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 SLLB, or any authorized agent thereof, upon demand.

- c. Each new employee who handles alcohol shall obtain server training within ninety (90) Days of commencing employment.
- d. Upon a finding by the SLLB of a violation of the laws or regulations concerning service of alcohol to a minor or intoxicated person, the employees involved in the violations 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 SLLB (e.g. TIPS or equivalent).
- f. The licensee is required to have a trained crowd control manager pursuant to Massachusetts General Law Chapter 304 § 12 licenses. (Added 4/21/11)