



## TOWN OF PLYMOUTH

**POLICY: LIQUOR REGULATIONS**

**LAC/98/01/R00**

**Approved: September 15, 1998**

**Effective: September 29, 1998**

**Amended: June 23, 2009**

### **1.0 PURPOSE**

To adopt reasonable rules and regulations governing alcoholic beverages within a community which are not in conflict with any section of the Massachusetts General Laws. Upon adoption of these rules and regulations, Licensees are still responsible for adhering to all Massachusetts General Laws regarding the service of alcohol regardless of whether the section of the General Laws is referenced in these rules and regulations.

### **2.0 POLICY GUIDELINES**

#### **2.1 Availability of Rules and Regulations**

- (A) The Rules and Regulations need not be posted but must be readily available to a requested party.
- (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.
- (C) No business requiring a license from the Licensing Authority shall operate without a valid license posted as required in Section 2.

#### **2.2 Posting and Signs**

- (A) Licenses issued by the Licensing Authority must be posted in a conspicuous place easily seen by the public where they can be read without difficulty and without recourse or the assistance of employees at the premises.
- (B) All other licenses, permits, and certificates affecting the licensed premises must be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover any part of the license issued by the Licensing Authority.

## **2.3 Hours of Operation and Extension of Hours**

### **(A) Hours of Operation:**

1. The licensee shall have "last call" for the sale of alcoholic beverages no later than 11:30 p.m.
2. The licensee shall clear from the bar, tables and all other areas of liquor service to customers, all glasses, bottles and cans containing alcoholic beverages no later than midnight.
3. The licensed premises shall be closed and operations ceased no later than 12:15 a.m.
4. The licensee shall strictly conform to conditions 1, 2 and 3 above unless specifically granted an official extension of hours of operation by the BOARD OF SELECTMEN.

### **(B) Extension of Hours:**

1. The licensee shall have "last call" for the sale of alcoholic beverages no later than 12:30 a.m.
2. The licensee shall clear from the bar, tables and all other areas of liquor service to customers, all glasses, bottles and cans containing alcoholic beverages no later than 1:00 a.m.
3. The licensed premises shall be closed and operations ceased no later than 1:15 a.m.

## **2.4 Physical Premises**

- (A) No licenses shall issue or shall be considered in good standing unless the licensed premises comply with all applicable building codes, fire, health, and safety regulations and laws.
- (B) The licenses premises shall conform to the floor plan approved by the Licensing Authority with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, barstools, dance floors or areas, railing partitions, and other barriers at the premises. Any permanent changes in the floor plan or any significant renovations may not be made without notification to and approval of the Licensing Authority.
- (C) All premises covered by the license shall be kept in a clean and sanitary condition.
- (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 and/or members of the Licensing Authority to make observations at the premises without the need to identify themselves or the need to seek assistance.

## **2.5 Business Arrangements of Licensees**

- (A) The licensee must provide the Licensing Authority with the following information:
  - 1. Name(s) of Manager(s);
  - 2. Name(s) of any individuals who the licensee anticipates will be in a position of authority and/or will be responsible for closing the establishment at night;
  - 3. Name of landlord(s) and/or owners of building.
- (B) No licensee shall lease out any part of the premises or any part of the business without first notifying the Licensing Authority in writing via the Town Manager's Office.
- (C) No licensee shall lease out any part of the beverage service without the approval of the Licensing Authority.

## **2.6 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 premises 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.

## **2.7 Certain Practices Prohibited**

- (A) No licensee or employee or agent of a license 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 public;
  - 4. Sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the 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

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;
  7. 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;
  8. Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.
- (B) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under Section (A) above.
- (C) Nothing contained in Section (A) 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 person; or to prohibit those licensed under Chapter 138, section 15, from offering free wine tasting or to prohibit those licensed under Chapter 138, section 12, from offering room service to registered guests.
- (D) Patrons of common victualers are not permitted to bring alcoholic beverages on the premises of such common victualers for their own consumption.
- (E) Licensees are 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.
- (F) Licensees should refuse entrance to the premises to a person who appears intoxicated or unruly.
- (G) The consumption of alcoholic beverages is prohibited upon any Town owned public park or playground.

## 2.8 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 will be held accountable for all violations that are related to the licensed premises.

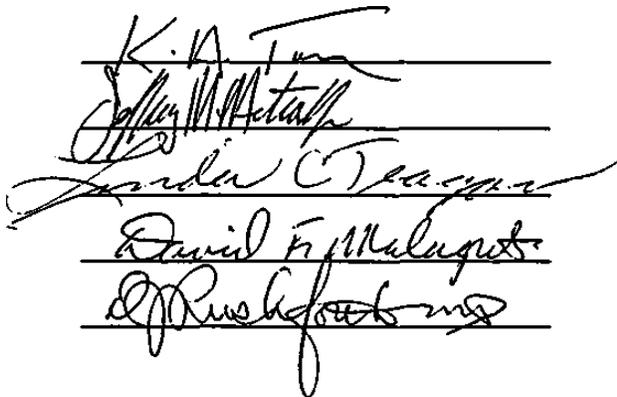
## 2.9 Penalties

- (A) In case of a licensee's violation of any condition of an alcoholic beverage license issued pursuant to Massachusetts General Laws, Chapter 138 or any regulation issued by the Town of Plymouth or pursuant to any alcoholic beverage statute, the Board of Selectmen, in their capacity as the local licensing authority, may hold a hearing pursuant to Chapter 138, section 64 in order to determine whether to modify, suspend or revoke the license, or take any other action allowed by applicable law or regulation. Without limiting the foregoing, the board shall have the express power to reduce the closing hours of any licensee on a temporary or permanent basis. The Board's consideration and/or examination at such hearing may include, but not be limited to, the severity of the violation, the licensee's history, if any, of other violations, the licensee's fiscal condition and any insurance coverage relating to the business. The licensee shall, in a timely manner, supply the Board with all documentation reasonably requested in order to enable the Board to properly determine the fiscal condition of the licensee.

## 3.0 APPLICABILITY

This policy is applicable to every alcoholic beverage licensee in the Town of Plymouth.

Approved by the Board of Selectmen

  
K. A. Tuma  
J. M. Matar  
Linda C. Treacy  
David F. Malagutti  
D. Ruskofsky