



# TOWN OF PLYMOUTH

26 Court Street  
Plymouth, Massachusetts 02360  
(508) 747-1620

## Here Is Your Liquor License Packet:

You must go to the ABCC website to complete the application online. The address is [www.mass.gov/abcc/](http://www.mass.gov/abcc/). Once you get to the site, scroll down to "WHAT WOULD YOU LIKE TO DO?" Pick "ALCOHOLIC BEVERAGES RETAIL LICENSES". Then "APPLY FOR AN ALCOHOLIC RETAIL BEVERAGE LICENSE (NEW OR TRANSFER)". Fill out the paperwork online, print it, then sign it and submit it back to me along with the rest of the paperwork required. The ABCC will not accept handwritten applications or ABCC forms. Once all paperwork is returned to me I will process it. The Workers Comp. Form, Liquor Liability Cert., Fire Cert. and Server Training Cert. can be passed in at a later date. Please contact the police department to arrange an appointment for fingerprint collection required for the background check. There is a fee of \$100.00 (\$70.00 for the Town, \$30.00 for the State). The paperwork for this is included in this packet. If the manager and president are two different people, a police department background check form must be filled out for each one.

Along with the paperwork you should include two checks: One made out to "Town of Plymouth" for \$75.00, this is the processing fee and one made out to the Town of Plymouth for \$55.29 for the newspaper notice. You must also make a payment to the ABCC for \$200.00. You must pay this fee online directly to the ABCC by using their E PAY feature. The ABCC will no longer accept paper checks. Make sure you put the E PAY confirmation number on your application. The rest of the license fees can be paid when you pick up the license(s).

When I receive the background check form back from the police department and the Abutter Affidavit from the Assessor's Office (for new licenses only), we will set up a hearing date.

I will call you to let you know the date of the hearing and when the notice will run in the OCM (I will take care of placing the notice).

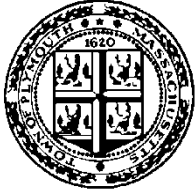
**If you are applying for a new license, NOT a transfer:** You must bring the abutter affidavit to the Assessor's Office. They will forward me your list of abutters which I will supply to you along with a copy of the notice which you can copy and use as your notice to the abutters. They must be notified within 3 days after publication of the notice in the newspaper, by certified mail, return receipt requested. Once you have sent the notices, please bring me the white receipts attached to the signed affidavit stating that you have sent the notices. The affidavit needs to be notarized. This along with the green cards may be turned in the night of your hearing.

After approval by the Board, I will send the documents to the ABCC. It usually takes 4-6 weeks to get approval back from them.

Before I can give you your license(s) I need to get a sign off from the Building and Health Departments. Once you are squared away with them, they will give me the OK to give them to you. I will also need to get the server training certificate for the manager on the liquor license, a copy of the liquor liability certificate (naming the Town as an additional insured) and a copy of your Fire Inspection Certificate (for on premise licenses only) signed off by the Building Department and the Fire Department.

**CALL ME IF YOU HAVE ANY QUESTIONS at (508) 747-1620 x10100. THANKS!**

Lisa Johnson, Town Manager's Office



TOWN OF PLYMOUTH  
**POLICE DEPARTMENT**

**Form GO 112-1**

Application for Civil Fingerprint-Based  
Criminal Background Check

**\*\*To be completed by Applicant and brought to the Plymouth Police Station\*\***

Date of Application \_\_\_\_\_

***Company Information***

Company Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

***Municipal License (check appropriate box)***

- Hawking and Peddling or other Door-to-Door Salespeople
- Manager of Alcoholic Beverage Licensed Establishment
- Dealer of Second-hand Articles (including Junk Dealers, Collectors, and Pawn Dealers)
- Fortune Teller
- Hackney and Livery Drivers and Owners or Operators of other Conveyors of Passengers
- Ice Cream Truck Vendor

***Applicant Information***

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone #: \_\_\_\_\_ Cell/Work Phone #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Applicant signature for consent to submit fingerprints: \_\_\_\_\_

***FOR POLICE USE ONLY – DO NOT WRITE BELOW THIS LINE***

***Documentation Checklist***

PPD Case #: \_\_\_\_\_

- Copy of photo ID (Valid Driver's License, MA ID, Passport, Military ID)
- Check payable to Town of Plymouth for \$70.00
- Check payable to Commonwealth of MA for \$30.00
- Applicant advised that fingerprints will be used to obtain criminal history records
- Fingerprints obtained
- Digital Photo obtained

Officer Signature: \_\_\_\_\_

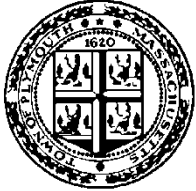
Printed Name of Officer: \_\_\_\_\_ ID#: \_\_\_\_\_

***Administrative Use Only***

- Application Recommended for Approval
- Application **NOT** Recommended for Approval

Signature of Chief of Police: \_\_\_\_\_

**Form GO 112-1 (rev. 6/22).** This form replaces all previous Application for Civil Fingerprint-Based Criminal Background Check, **which may not be used.**



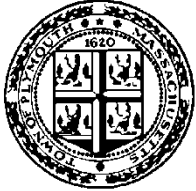
TOWN OF PLYMOUTH  
**POLICE DEPARTMENT**

**Form GO 112-1**

Application for Civil Fingerprint-Based  
Criminal Background Check

**Civil Fingerprinting-Based Criminal History Check Applicant Procedures**

- Applicants seeking a municipal license for which civil fingerprinting is required shall submit a full set of fingerprints to be taken by the Plymouth Police Department in accordance with M.G.L. c. 6, S 172B ½, and Chapter 72-4 of the By-Laws of the Town of Plymouth.
- Licensing Applicants must contact the Plymouth Police Department to arrange an appointment for a Plymouth Police Officer to collect the applicant's fingerprints and photograph. Licensing Applicants should make appointments by contacting:
  - **Detective Sergeant Anthony DiAngelo at (508) 830-4218 x233**  
or (if unavailable)
  - **Detective Lieutenant Michael Glowka at (508) 830-4218 x236**
- Licensing Applicants need to bring the following to the appointment:
  - Valid photo identification (Driver's License, State issued ID card, Passport, Military ID)
  - Statutory and Municipal fees in the form of 2 separate bank checks or money orders:
    - \$30 payable to "Commonwealth of Mass"
    - \$70 payable to "Town of Plymouth"
  - Completed Plymouth Police Department Form GO 112-1 "Application for Civil Fingerprint-Based Criminal Background Check." The Licensing Applicant must sign the form to consent to the collection and submission of his/her fingerprints. This form will be retained for at least 1 year, but for no longer than 3 years.
- The applicant's fingerprints will be submitted to search criminal history records using the Automated Fingerprint Identification System (AFIS) which is maintained by the Massachusetts State Police and the Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System (IAFIS) fingerprint database.
- Upon receipt of the appropriate fees and documentation, the Plymouth Police Department will transmit the fingerprints to the Identification Section of the Mass. State Police, the Mass. Department of Criminal Justice Information Services (CJIS), and/or the Federal Bureau of Investigation (FBI).
- Results of the fingerprint-based criminal record background checks will be sent to a designated secure website managed by the Massachusetts Dept. of Criminal Justice Information Services (DCJIS) and will be only accessed by the Chief of Police and/or the Chief of Police's designee.



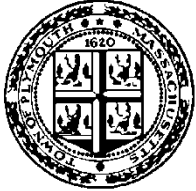
TOWN OF PLYMOUTH  
**POLICE DEPARTMENT**

**Form GO 112-1**

Application for Civil Fingerprint-Based  
Criminal Background Check

**Civil Fingerprinting-Based Criminal History Check Applicant Rights**

- Applicants will be afforded the opportunity to meet with the Police Background Investigator.
- Any Applicant, upon request, will be provided with a copy of the results of his/her fingerprint-based criminal background check.
- Applicants will have the opportunity to provide additional information to, or challenge the accuracy of, the information contained in the background check, including in the FBI identification record prior to rendering a suitability evaluation. (See U.S. Code of Regulations, 28 C.F.R. Part 16.34)
- Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant who wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in U.S. Code of Regulations, Title 28 C.F.R. 16.34.



TOWN OF PLYMOUTH  
**POLICE DEPARTMENT**  
**Form GO 112-1**  
Application for Civil Fingerprint-Based  
Criminal Background Check

**U.S. Code of Regulations, 28 C.F.R. Part 16.34**

**This subpart contains the regulations of the Federal Bureau of Investigation (FBI) concerning procedures to be followed when the subject of an identification record requests production of that record to review it or to obtain a change, correction, or updating of that record.**

§ 16.31 - Definition of identification record.

An FBI identification record, often referred to as a "rap sheet," is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprints submitted in connection with federal employment, naturalization, or military service. The identification record includes the name of the agency or institution that submitted the fingerprints to the FBI. If the fingerprints concern a criminal offense, the identification record includes the date of arrest or the date the individual was received by the agency submitting the fingerprints, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an identification record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities. Therefore, the FBI Criminal Justice Information Services Division is not the source of the arrest data reflected on an identification record.

§ 16.32 - Procedure to obtain an identification record.

The subject of an identification record may obtain a copy thereof by submitting a written request via the U.S. mails directly to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and place of birth and a set of rolled-in-inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies.

§ 16.33 - Fee for production of identification record.

Each written request for production of an identification record must be accompanied by a fee of \$18 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 9701 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each identification record requested as specified in § 16.10. Any request for waiver of the fee shall accompany the original request for the identification record and shall include a claim and proof of indigency. Subject to applicable laws, regulations, and directions of the Attorney General of the United States, the Director of the FBI may from time to time determine and establish a revised fee amount to be assessed under this authority. Notice relating to revised fee amounts shall be published in the Federal Register.

§ 16.34 - Procedure to obtain change, correction or updating of identification records.

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

**Form GO 112-1 (rev. 6/221).** This form replaces all previous Application for Civil Fingerprint-Based Criminal Background Check, **which may not be used.**



# TOWN OF PLYMOUTH

26 Court Street  
Plymouth, Massachusetts 02360  
(508) 747-1620

## AFFIDAVIT OF NOTICE OF MAILING TO ABUTTERS AND OTHERS (REQUIRED ONLY FOR NEW LIQUOR LICENSES)

I, \_\_\_\_\_, hereby certify that the following is a true list of the person(s) shown up on the Assessor's most recent valuation list as the owners of the properties abutting the proposed location for an alcoholic beverages license at: \_\_\_\_\_.

And that the following schools, churches, or hospitals are located within the radius of five-hundred (500) feet from said proposed location:

_____	_____
_____	_____
_____	_____

If there are none, please so state: \_\_\_\_\_

I also certify that the notice of this application/petition concerning an alcoholic beverages license was given to the above by mailing to each of them within three (3) days after publication of same, a copy of the advertisement is attached below. Also attached are the registered receipts/return registered receipts bearing signatures of persons receiving said notice.

Signed and subscribed to under the penalties of perjury:

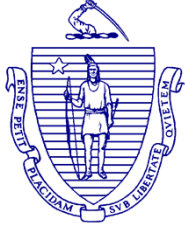
Printed: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Please attach advertisements and receipts



The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 1 Congress Street, Suite 100  
 Boston, MA 02114-2017  
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses.  
 TO BE FILED WITH THE PERMITTING AUTHORITY.

**Applicant Information**

**Please Print Legibly**

Business/Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone #: \_\_\_\_\_

**Are you an employer? Check the appropriate box:**

- 1.  I am a employer with \_\_\_\_\_ employees (full and/ or part-time).\*
- 2.  I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
- 3.  We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]\*\*
- 4.  We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

**Business Type (required):**

- 5.  Retail
- 6.  Restaurant/Bar/Eating Establishment
- 7.  Office and/or Sales (incl. real estate, auto, etc.)
- 8.  Non-profit
- 9.  Entertainment
- 10.  Manufacturing
- 11.  Health Care
- 12.  Other \_\_\_\_\_

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

\*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.**

Insurance Company Name: \_\_\_\_\_

Insurer's Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Policy # or Self-ins. Lic. # \_\_\_\_\_ Expiration Date: \_\_\_\_\_

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone #: \_\_\_\_\_

*Official use only. Do not write in this area, to be completed by city or town official.*

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

**Issuing Authority (circle one):**

- 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
- 6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_



# Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An *employer* is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "**every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required.**"

Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

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## Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

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## City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

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The Department's address, telephone and fax number:

The Commonwealth of Massachusetts  
Department of Industrial Accidents  
1 Congress Street  
Boston, MA 02114-2017  
Tel. # 617-727-4900 ext. 7406 or 1-877-MASSAFE  
Fax # 617-727-7749  
[www.mass.gov/dia](http://www.mass.gov/dia)

## TOWN OF PLYMOUTH

### **POLICY: SERVER TRAINING REQUIREMENTS FOR LIQUOR LICENSE HOLDERS**

**Board of Selectmen/1997/01/00**

**Approved: December 16, 1997**

**Effective: April 1, 1998**

#### **1.0 PURPOSE**

To require all liquor license holders, managers, and servers to complete server training.

#### **2.0 POLICY GUIDELINES**

##### **A) Mandatory Training Requirements**

All liquor license holders, including but not limited to, licensees holding an all-alcohol, including seasonal or one-day license, beer and wine license, private club license or retail package store license shall participate in a program designed to train management and bartender employees in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. The manager shall have successfully completed such program prior to his/her appointment and such training and successful completion shall also be required for all bartenders at all establishments with a bar.

##### **B) Programs Available**

Listed below are programs that are currently available which meet the requirement of this policy:

- 1) Training for Intervention Procedures by Servers of Alcohol (TIPS).
- 2) Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association.
- 3) Any insurance industry-approved or qualified program offered by a certified trainer and approved by the Board of Selectmen.

### **C) Verification of Server Training**

All Establishments must maintain during operating hours, in an accessible place, a roster or certificate of trained personnel, which shall be maintained for each employee and shall be available for inspection by the licensing authority, or any authorized agent thereof, upon demand at all times. An updated roster shall be submitted with the annual application for the renewal of the license. The roster shall include: (1) employee name; (2) employee date of birth; (3) date of hire; (4) type of training; (5) training certificate date; and (6) date of expiration. (See roster sample on back page)

### **D) Re-Certification**

All management and bar personnel shall be required to be re-certified prior to the expiration of the certification granted by an approved program listed in Paragraph 2. (You must be re-certified every three years regardless of the training program).

### **E) Implementation**

All employees required to receive training hereunder must complete such training within thirty (30) days from the date of employment, except that managers shall be trained prior to appointment as set forth in Paragraph 1. With regard to 1998 license renewals only, each establishment must have at least one management person as well as each bartender trained and certified on or before April 1, 1998. In the event any such license holder is unable to meet these requirements, such license holder must request an extension in writing from the Board of Selectmen on or before March 15, 1998 and for good cause, the Board may grant a further extension not to exceed sixty (60) days in order to allow the license holder to comply with the provisions hereof. Any violation of this paragraph may result in a suspension of the license or such other action deemed appropriate by the Licensing Authority until such license holder complies with the provisions hereof.

### **F) Employee in House Training**

All other employees who serve or sell alcoholic beverages shall receive, at a minimum, in-house training similar to that received under the required program set forth in Paragraph 2. A written description of such program, along with a written policy outlining the employee's responsibilities and the disciplinary measures which will be taken against any employee for violating said policy, shall be maintained on the premise at all times. The employee training program shall include the proper procedures for verifying that patrons are

at least 21 years of age and not intoxicated. The policy must include mandatory carding for everyone appearing under 27 years of age. A copy of such policy shall also be appended to each renewal application on an annual basis. A signed certification of each employee indicating that the employee has received the described training and has reviewed and understands the written policy describing his or her responsibilities of 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.

### **G) Penalty Guidelines**

Licenses in violations of the training requirements set forth hereunder shall be subject to the following range of discipline:

First Offense - Warning to seven (7) days suspension.

Second Offense - Warning to thirty (30) days suspension.

Third or Subsequent Offense - Warning to Revocation

The penalty 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. The penalty guidelines shall not be construed so as to limit the Licensing Authorities' power to consider alternative dispositions, or further conditions on a license or even alternate penalties including, but not limited to, reduction and/or rolling back of operating hours.

### **3.0 Applicability**

Refer to "A" under Policy Guidelines

### **3.1 Questions**

Please contact the Selectmen's Office at (830-4000) if you have any questions regarding this policy.

Approved by the Board of Selectmen 12/30/97

**RESPONSIBLE ALCOHOL SERVER TRAINING  
TRAINER SOURCE GUIDE  
TELEPHONE NUMBERS**

<b>Name</b>	<b>Training for:</b>	<b>Program</b>	<b>Telephone Number</b>
Frank Anazalotti	Package Stores Only	B.A.T.	1-800-322-1383
Louise Hague	Rest./Bar and Package Stores	T.I.P.S.	(508) 888-2855
Mike Marcantonio	Rest./Bar and Package Stores	T.I.P.S.	1-800-286-7659
Edward McCann	Rest./Bar and Package Stores	T.I.P.S.	(781) 545-6214
Mass. Rest. Assoc.	Rest./Bar Only	BAR CODE	1-800-852-3042
Bernard Milton	Rest./Bar and Package Stores	T.I.P.S.	(617)734-6411
Robert Stefanik	Rest./Bar Only	BAR CODE	(888)-673-5566
Dan Trent	Rest./Bar and Package Stores	A.I.M.	(508) 756-8542
Paul Souza	Rest./Bar Only	BAR CODE	(508) 746-5155
Pub 99 Alcohol Awareness	Pub 99 Employees Only		(781)932-5171
Brad Weakland	Rest./Bar and Package Stores	T.I.P.S.	(732)533-8150

There are also on line courses offered. <http://www.tipsalcohol.com/> AND <http://www.servsafe.com/alcohol/> are a couple that are offered. There may be more as well.





## 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.

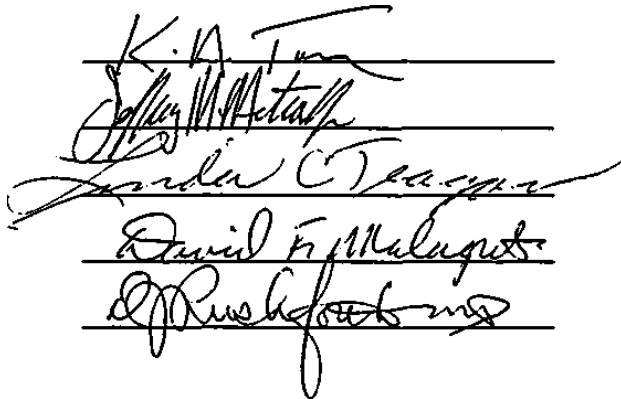
## 2.9 Penalties

- (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. Malaguti  
D. Ruskofsky