

**TOWN OF HOPKINTON
ALCOHOLIC BEVERAGE LICENSE POLICIES**

I. PURPOSES

The purposes of these Policies are:

- A. To ensure that establishments licensed to sell alcohol in the Town of Hopkinton are operated responsibly and do not detract from the quality of life in their neighborhoods or in the Town as a whole, while at the same time promoting a vibrant local economy; and
- B. To maintain strong and consistent enforcement of all liquor laws and regulations.

II. DEFINITIONS

- A. ABCC shall mean the Alcoholic Beverages Control Commission.
- B. Application shall mean any application submitted to the Board of Selectmen pertaining to the sale and distribution of alcoholic beverages, including, but not limited to, an application for a new license, an application for renewal of a license, an application for an alteration of a licensed premises, an application for a change of manager, and an application to transfer a license.
- C. Auctioneer's Liquor License shall mean a license issued pursuant to *M.G.L. c.138, §14A*.
- D. BYOB shall mean Bring Your Own Bottle.
- E. BYOB License shall mean a license issued pursuant to Section XI of this Policy, which allows patrons to carry-in wine and beer for on-premises consumption.
- F. Charity Wine License shall mean a Charity Wine Auction License, a Charity Wine Partnership License, and a Charity Wine Pouring License.
- G. Charity Wine Auction License (CWAL) shall mean a license issued pursuant to Chapter 153 of the Acts of 1997, Section 1, as amended by Chapter 398 of the Acts of 2002 and Chapter 405 of the Acts of 2012, for the sale of wine (or all alcohol if authorized by state law) by auction, not to be drunk on the premises, to applicants that are Nonprofit Charitable Corporations.
- H. Charity Wine Pouring License (CWPL) shall mean a license issued pursuant to Chapter 153 of the Acts of 1997, Section 3, as amended by Chapter 450 of the Acts of 1998, Chapter 398 of the Acts of 2002 and Chapter 405 of the Acts of 2012, for the sale of wine to be drunk on the premises (or all alcohol if authorized by state law), to applicants that are Nonprofit Charitable Corporations.

- I. Charity Partnership Wine Pouring License (CPWPL) shall mean a license issued pursuant to Chapter 153 of the Acts of 1997, Section 4, as amended by Chapter 450 of the Acts of 1998, Chapter 398 of the Acts of 2002 and Chapter 405 of the Acts of 2012, for the sale of wine to be drunk on the premises (or all alcohol if authorized by state law), to joint applicants that are at least one Nonprofit Charitable Corporation and at least one licensee under *M.G.L. c.138, §12*.
- J. Continuing Care Retirement Community (CCRC) shall mean a facility providing continuing care to residents as defined by *M.G.L. c.93, §76*; provided, however, that such facility shall include a certified assisted living residence pursuant to Chapter 19D.
- K. CCRC License shall mean a license issued pursuant to *M.G.L. c.138, §12* to a CCRC.
- L. Farmer's Market License shall mean a license issued pursuant to *M.G.L. c.138, §15F*.
- M. Farmer Series License shall mean a license issued by the ABCC to a licensee pursuant to *M.G.L. c.138, §§19B, 19C or 19E*.
- N. Farmer Series Pouring Permit shall mean a license issued by the Selectmen pursuant to *M.G.L. c.138, §§19B(n), 19C(n), or 19E(o)*.
- O. Nonprofit Charitable Corporation shall mean a corporation, organized under *M.G.L. c.180*, that is registered with the Public Charities Division of the Office of the Attorney General.
- P. Offense shall mean a violation of *M.G.L. c.138*, the ABCC Rules and Regulations, or the Town of Hopkinton's licensing regulations, or any other law or regulation of the Town.
- Q. Package Store Auction License shall mean a license issued pursuant to Chapter 153 of the Acts of 1997, Section 2, as amended by Chapter 405 of the Acts of 2012, for the sale of wine at auction (or all alcohol if authorized by state law), not to be drunk on the premises, to applicants that are licensees under *M.G.L. c.138, §15*.
- R. Package Store License shall mean any license issued pursuant to *M.G.L. c.138, §15*, including, but not limited, to those licenses issued to a package store, convenience store, supermarket, or gas station.
- S. Pharmacist License shall mean a license issued pursuant to *M.G.L. c.138, §30A or §30B*.
- T. Pouring License shall mean a license issued pursuant to *M.G.L. c.138, §12*.

- U. Special Temporary License shall mean a license issued pursuant to *M.G.L. c.138, §14*.

III. GENERAL GUIDELINES

- A. **Licensing Authority.** These regulations are adopted and may be amended from time to time, by the Board of Selectmen serving as the Local Licensing Authority, pursuant to the provisions of Chapters 138 and 140 of the *Massachusetts General Laws*. Any and all alcoholic beverage licenses issued by the Selectmen shall be governed by the provisions of these Policies, by *M.G.L. c.138* and *c.140*, and by the rules, regulations, and policies of the ABCC, regardless of whether the relevant statute or policy is referenced herein.
- B. **Standard.** In reviewing a license Application, the Board of Selectmen shall determine whether the public need and the common good will be served by granting the Application. In doing so, the Board may consider:
1. The number and location of premises for which licenses are currently in effect;
 2. The nature and character of the operation proposed;
 3. The suitability and fitness of the Applicant;
 4. The qualifications of the proposed manager of the premises to be licensed;
 5. Any anticipated impacts of licensed activity on the community, including, but not limited to traffic and noise,
 6. Any anticipated impacts of licensed activity on the character of the Town or the neighborhood,
 7. Any potential harms resulting from licensed activity;
 8. The Application's compliance with state and local requirements and these Policies;
 9. Any advisory reports received by the Board from the Police Department, the Fire Department, the Director of Land Use Planning and Permitting, the Director of Municipal Inspections, the Board of Health or the Treasurer/Collector.
- C. **Conditions.** The Board of Selectmen may place reasonable conditions on the issuance of any license issued pursuant to these Policies to provide for public safety, health, welfare, and the promotion of the public order. The Board of Selectmen may change or add to any license conditions or any regulations after notice to the licensee.

D. **Inspections.** Licensed premises shall be available at all times for inspection by the Building Inspector, Police Chief, Fire Chief, Health Director or any of their designees or of the Board of Selectmen.

E. **Board of Health.** All licensed premises must be maintained in a clean and sanitary condition in accordance with Board of Health and applicable ABCC regulations.

F. **Fee.**

1. Application Fee. In addition to any fee required by the ABCC, the following fees shall be paid at the time of filing of any license Application. The Application Fee is not refundable if the Application is denied

Application Type	Fee
Section 12 All Alcohol Licenses, excluding Club Licensees, and Section 15 All Alcohol Licenses: <ul style="list-style-type: none"> • Applications for a new licensee; • Transfer of license; • Alteration of licensed premises; and • Renewal of license 	<u>\$1,000, which fee may be used to offset the Issuance Fee for the first year the license is issued.</u>
Section 12 Club All Alcohol, All Section 12 Wine and Malt Only, Farmer Series Pouring Permit, and BYOB: <ul style="list-style-type: none"> • Applications for a new licensee; • Transfer of license; • Alteration of licensed premises; and • Renewal of license. 	\$300
Application for Temporary Licenses, including: <ul style="list-style-type: none"> • Section 14 Special Temporary Licenses • Section 14A Auctioneer’s Liquor License • Charity Wine Licenses (CWAL, CWPL, CPWPL); and • Package Store Auction License. 	\$75
Application for Farmer’s Market License.	\$50
All other Applications to the Board.	\$75

2. Issuance Fee. In addition to any fee required by the ABCC, all licensees identified below shall pay an Issuance Fee. This fee shall be paid prior to the issuance of the license and, if applicable, for each year thereafter, prior to the issuance of the renewed license. Fees under this section shall not be prorated.

License Type	Fee
Section 12 Restaurant – All Alcoholic Beverages	\$3,000
Section 12 Restaurant – Wine and Malt Only	\$2,000
Section 12 Inn Holder – All Alcoholic Beverages	\$3,000
Section 12 Inn Holder – Wine and Malt Only	\$2,000

Section 12 Continuing Care Retirement Community – All Alcoholic Beverages	\$3,000
Section 12 Continuing Care Retirement Community – Wine and Malt Only	\$2,000
Section 12 General On-Premises – All Alcohol	\$3,000
Section 12 General On-Premises – Wine and Malt Only	\$2,000
Section 12 Club – All Alcoholic Beverages	\$1,000
Section 12 Club – Wine and Malt Only	\$800
Section 15 Package Store – All Alcoholic Beverages	\$3,000
Section 15 Package Store – Wine and Malt Only	\$2,000
Farmer Series Pouring Permits	\$2,000
BYOB License	\$1,000
Section 30A, 30B Pharmacist License	\$100

3. Payment. The Board of Selectmen reserve the right to adjust the Application Fee and the Issuance Fee from year to year. Applicants shall confer with the Town Manager’s Office to ensure that the appropriate fee is submitted with the Application. All local fees must be in the form of a bank check.

IV. POURING LICENSES, PACKAGE STORE LICENSES, AND FARMER SERIES POURING PERMITS

A. Application.

1. Application for a New License and Transfer of License. In addition to the ABCC Application package, Applicants shall provide the following:
 - a. Town of Hopkinton General License Application Form;
 - b. CORI Request Form for all Managers;
 - c. Proof of insurance; and
 - d. Town’s Application Fee.
2. Application for Renewal of License. In addition to the ABCC Renewal Application Form, Applicants shall provide the following:
 - a. Town of Hopkinton General License Application Form;
 - b. Proof of insurance;
 - c. Certification of completed alcohol awareness training; and
 - d. Town’s Application Fee.
3. Abutter Notification. If abutter notification is required, the Applicant shall submit an affidavit stating the date that it provided such notice prior to the hearing on the Application.
4. All other Applications. The Applicant shall submit the ABCC Application package, the Town of Hopkinton’s General License Application Form, and the Town’s Application Fee.

5. Additional Information. The Board of Selectmen may request such additional information, as it deems appropriate.
6. Common Victuallers and Entertainment Licenses. The Town strongly encourages Applicants to submit their application for a Common Victualler or Entertainment License with their Liquor License Application. Submission of a Liquor License Application does not relieve the Applicant from applying for a Common Victualler or Entertainment license, if needed.

B. Hours of Permitted Sale.

1. Section 12 and Farmer's Series Pouring Permits: The hours of permitted sale for each Section 12 Licensee and Farmer's Series Pouring Permittee shall be as set forth below; provided, however, that the Board may establish alternative hours for a particular licensee or permittee where special circumstances warrant.
 - a. Sunday through Saturday: 10:00 a.m. – 1:00 a.m.
 - b. Memorial Day and Christmas Day: 12:00 p.m. – 1:00 a.m.
2. Section 15:
 - a. Monday through Saturday: 8:00 a.m. – 11:00 p.m. or 11:30 p.m. on days preceding legal holidays, unless the day immediately preceding the legal holiday is a Sunday, in which case the Sunday rules shall apply.
 - b. Sunday: 10:00 a.m. – 11:00 p.m. or 11:30 p.m. on days preceding legal holidays.
 - c. Other: No licensee shall sell or deliver any alcoholic beverage on Memorial Day before 12:00 p.m., or on Thanksgiving day or Christmas day.

C. Public Hearing. A public hearing shall be conducted within 30 days of acceptance of an Application. The public hearing shall be advertised in a local paper, if required by *M.G.L. c.138*.

D. Licensed Premises.

1. Floor Plans. When a floor plan is required, the Applicant shall submit a written plan for the control of litter and plan drawn to scale showing:
 - a. Dimensioned floor area;
 - b. Proposed location of bars or service area;
 - c. Seats or bench areas, secured and/or moveable;
 - d. Entrances and exits; and
 - e. All rooms not being included in the scope of the licensed area.

2. Outdoor Service. No license shall be issued for the sale of alcoholic beverages in a patio or outdoor area unless the following conditions are met:
 - a. The exterior premises are enclosed by a physical barrier, including a fence or rope, that defines the licensed area and prevents access from a public walkway;
 - b. An on-duty employee of the licensed premises is designated as the person responsible for control of the area;
 - c. The exterior area is adjunct to interior licensed premises and visible from within the interior licensed premises;
 - d. The licensee posts in the licensed outside area that alcoholic beverages are not permitted outside of the licensed outside area;
 - e. Provisions are made and maintained for the passing of the public through any contiguous public area; and
 - f. Compliance with the ABCC's Guidelines for Extension of Premises to Patio and Outdoor Area.

3. Changes or Modifications to Licensed Premises. No substantial physical changes to the licensed premises shall be made without the prior written approval of the Board of Selectmen of an Application for an Alteration of a Licensed Premises. For the purpose of this paragraph, a substantial change includes reducing or increasing the number of entrances and exits, a change in the occupancy of the licensed premises, and a change in the location of bars and service areas.

E. Management.

1. Application. All Applications for a New License or for a Change in Manager shall include a certified vote of the Corporate Board, if applicable, appointing a Manager vested with full authority, management and control of the licensed premises.

2. Background Check. The Board of Selectmen will conduct a background check of the Applicant's proposed Manager, and of any individual with a financial interest in the Applicant. Such check may include a review of any existing criminal record. The Board of Selectmen may reject any Application where such a background check indicates that, in the opinion of the licensing authority, issuance of the license will not serve the public need.

3. Operation. No licensed establishment shall be open for business unless a Manager or Assistant Manager is on duty and on the premises.

4. Consumption. No employee of the licensed establishment, including any Manager or Assistant Manager, shall consume any alcoholic beverages on the premises while on duty or after the official closing hours.

F. Operation Requirements.

1. Duty to Keep Order. No licensee shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises.
2. Toilet Facilities. Except for premises licensed pursuant to *M.G.L. c.138, §15*, no premises shall be licensed unless toilet facilities meeting all requirements of the State Building Code and State Sanitary Code are available to the customers of the license premises.
3. List of Alternative transportation. Licensees shall maintain a written list of the telephone numbers of local taxicab companies next to the public telephone. If there is no public telephone the list should be available for patrons when requested.
4. Orderly Closing. Licensees shall ensure that patrons leave the premises in an orderly manner and do not linger outside the licensed premises after the close of business.
5. Refusal of Service. The Licensee shall refuse to serve any patron who is intoxicated or under the age of 21.
6. Security Cameras. All Section 15 licensees shall install security cameras that record continuous video footage. Cameras recording still images at various time intervals will not satisfy the requirements of this section. The number and position of such cameras shall be adequate to capture each point of sale from the perspective of both the employee and the customer. Licensee shall keep record of video for thirty (30) calendar days.

G. Alcohol Training

1. Training Program. All Managers, Assistant Managers, bartenders and bouncers of licensed premises shall participate in a program designed to train employees who engage in either package sales or pouring in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. Such training shall be completed prior to a Manager's appointment or within 30 days of hiring of a new Assistant Manager, bartender or bouncer. The program completed shall be appropriate for the type of license issued. All other employees who sell or serve any alcoholic beverage to any patron within the licensed premises shall receive in-house training similar to that completed by the Manager, Assistant Managers, bartenders and bouncers.
2. Approved Programs. The following programs meet the requirements of these Policies:

- a. Training for Intervention Procedures by Servers of Alcohol (TIPS) offered by Health Communications, Inc.
 - b. Techniques of Alcohol Management (T.A.M.) approved by the Massachusetts Package Store Association (for off-premises sale license only)
 - c. Any insurance industry approved and qualified program offered by a certified trainer and approved by the Board of Selectmen.
3. Recertification. All personnel must be recertified once every three (3) years through an approved program.
 4. Proof. Documentation that the appropriate personnel have completed the required training shall be provided to the Town (1) within thirty (30) days of issuance of a new license; (2) immediately upon request of the Board of Selectmen; and (3) with the Application to renew a license.

H. Insurance

1. Policy. Each Section 12 licensee shall have liquor liability insurance coverage in at least the amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person, or any amount required by statute, whichever is greater, and shall file a certificate of insurance with the Board of Selectmen.
 2. Increase. In cases where a Section 12 licensee has sold alcoholic beverages to a person under 21 or to an intoxicated person, the Board may increase the minimum amount of required insurance coverage for Section 12 licensees, pursuant to *M.G.L. c.138, §§64A, 64B, or 67*. Prior to raising the minimum amount of insurance required, the Board shall provide the licensee with notice and an opportunity to be heard.
 3. Proof. Proof of insurance shall be provided at the time of any submitted Application and within 10 days of any change in the licensee's insurer or coverage. The licensee shall notify the Board no later than ten (10) days prior to the cancellation or material change of said coverage.
- I. **Abandonment of License:** The licensee shall notify the Board of Selectmen of any closing of licensed premises for any reason for a period of three months or more or shall be deemed an abandonment of the license and sufficient grounds for cancellation. To cancel a license, the Board must first provide notice to the licensee that it will hold a public hearing to cancel the license no sooner than six months from receipt of the notice, unless the licensee has resumed business or transferred the license to a new licensee.
- J. **Duration:** All licenses are valid through December 31 of each year. Applications to renew shall be signed and filed with the Board of Selectmen by November 30. Failure to file an Application to renew by the deadline shall

result in loss of the license; and any subsequent license request must then be deemed a new Application.

K. Violations

1. Suspension, Revocation or Modification of License. All licenses are subject to suspension, revocation or modification for breach of any conditions, regulations, laws, bylaws or policies of the Commonwealth of Massachusetts, the Town, or the Board of Selectmen.
2. Enforcement.
 - a. Licensees violating applicable laws of the Commonwealth, rules or regulations of the ABCC, the Town of Hopkinton Liquor Polices, or the terms of its license, may be subject to the following range of penalties:
 - i. First Offense: One to three day suspension.
 - ii. Second Offense: Three to seven day suspension.
 - iii. Third Offense: Seven to twelve day suspension, or revocation.
 - b. The penalties listed above shall be a guide for the Board of Selectmen. However, the Board, in its discretion, may impose a penalty that is more lenient or more severe than suggested by the guidelines when the facts surrounding the violation so warrant. The penalties listed above shall not be construed to limit the Board's ability to impose alternative dispositions, further conditions on a license, or alternative penalties (e.g., rolling back service hours).
 - c. The Board may also increase the insurance policy minimums as provided in *M.G.L. c.138, §§64A, 64B, or 67*.
3. Notice. Whenever the Board of Selectmen warns a licensee or suspends a license, the Board shall provide the licensee with a sign stating the reason for the warning or suspension and the length of the warning period or suspension. During the entire period of such warning or suspension, this sign shall be attached by the licensee on the inside of a window in a conspicuous location, designated by the Board, so that it is visible from the outside of the premises.
4. Fee. In the event of a suspension, modification or revocation of any license, the licensee shall not be entitled to reimbursement of any licensing fee or any portion thereof.

V. SPECIAL TEMPORARY LICENSES

A. Authority.

1. Types of Licenses. The Board of Selectmen may issue the following types of Special Temporary Licenses:

- a. Commercial Enterprise. Special Temporary Licenses for the sale of Wine and Malt Beverages only; or
 - b. Non-Profit Enterprise. Special Temporary License for the sale of All Alcoholic Beverages or Wine and Malt Beverages only, or any of them.
2. Current Licensees. A license under this section shall not be granted to any person while his or her application for a Pouring License is pending before the Selectmen.
 3. Issuance. In addition the considerations listed in Section III.B., the Board may consider whether the Applicant has complied with *M.G.L. c.138*, and these Policies in the past in issuing a license under this section.

B. Application.

1. Form. Application shall be made on the Special Temporary Alcohol License form, available in the Town Manager and Board of Selectmen's office, and shall include the following:
 - a. Written approval from the owner of the property where the event is being held;
 - b. Floor plan, depicting:
 - i. Dimensioned area of licensed premises;
 - ii. Proposed location of bars or service area;
 - iii. Seats or bench areas, secured and/or moveable; and
 - iv. Entrances and exits;
 - c. Written plan for the control of litter; and
 - d. Application Fee (In the Board's discretion, this fee may be waived for non-profit organizations undertaking activities for the benefit of the Town of Hopkinton).
2. Filing Deadline. Applications for a Special Temporary License shall be submitted at least 60 days prior to the event. The Board of Selectmen will consider the Application within 30 days of submission of a completed Application at an Open Meeting.
3. Issuance Fee. There shall be no Issuance Fee for Special Temporary Licenses.

C. Limitations: No Special Temporary License shall permit sales on more than 30 days; nor may any person be granted Special Temporary Licenses permitting, in the aggregate, sales on more than 30 days in any calendar year, except as authorized by 204 CMR 7.04.

D. Duration: Any license issued pursuant to this section shall identify the date on which the licensee is permitted to distribute the alcohol (the event date). However, the license shall be for a four-day period surrounding the event in order to allow delivery and dispose of all alcohol purchased for the event,

unless the Applicant can demonstrate such additional days are not necessary to ensure compliance with the law.

- E. **Hours of Service:** No Special Temporary License shall be issued authorizing the sale outside of the hours of 11:00 a.m. and 12:00 a.m. (midnight), except on New Year's Eve, on which day service shall be permitted until 12:30 a.m.
- F. **Insurance:** Applicants for Special Temporary License shall provide proof of insurance to the Selectmen with the Application in commercially reasonable amounts. Proof of insurance shall be provided to the Board at least 10 days prior to the event.
- G. **Distribution:** There shall be no self-service of any alcoholic beverages at an event. Holders of a Special Temporary License shall provide a bartender or servers who are trained and authorized to make decisions regarding continued service of alcoholic beverages to attendees. Event participants are prohibited from bringing their own alcoholic beverages to the event. No more than two drinks may be delivered to one person at a time.
- H. **Alcohol Training:** All bartenders or servers shall be trained in accordance with Section IV.G above. A certificate of completion shall be provided to the Board at least 10 days prior to the event. No alcohol shall be served to individuals younger than 21 years of age.
- I. **Violation:** The Board of Selectmen may refuse to issue a Special Temporary License if, in its opinion, an Applicant fails to establish compliance with the requirements of *M.G.L. c.138*, or any state or local regulation, or any reasonable requirements of the Board. Whenever any a Special Temporary License holder fails to maintain compliance with such requirements, the Board may, after an opportunity for hearing, modify, suspend, cancel or revoke such license.

VI. CHARITY WINE LICENSE

A. Authority.

1. Types of Licenses. The Board of Selectmen may issue the following types of Charity Wine Licenses:
 - a. Charity Wine Auction License. A temporary license for the sale of wines (or all alcohol if authorized by state law) at auction, not to be drunk on the premises, to applicants that are Nonprofit Charitable Corporations.
 - b. Charity Wine Pouring License. A temporary license for the sale of wines (or all alcohol if authorized by state law) to be drunk on the premises, to applicants that are Nonprofit Charitable Corporations.

- c. Charity Partnership Wine Pouring License. A temporary license for the sale of wine (or all alcohol if authorized by state law) to be drunk on the premises, to joint applicants that consist of one or more Nonprofit Charitable Corporations and a licensee under *M.G.L. c.138, §12*.
2. Issuance. In addition the considerations listed in Section III.B., the Board may consider whether the Applicant has complied with *M.G.L. c.138*, and these Policies in the past in issuing a license under this section.

B. Application.

1. Form. In addition to the ABCC Application package, Applicants shall provide the following:
 - a. Town of Hopkinton General License Application Form;
 - b. Statement asserting compliance with Section VI.C;
 - c. Written approval from the owner of the property where the event is being held;
 - d. If the establishment hosting the event is not currently licensed, a floor plan, depicting:
 - i. Dimensioned area of licensed premises;
 - ii. Proposed location of bars or service area;
 - iii. Seats or bench areas, secured and/or moveable; and
 - iv. Entrances and exits;
 - e. Written plan for the control of litter; and
 - f. Application Fee (This fee may be waived if the applicant is a non-profit entity).
2. Filing Deadline. Section V.B.2 of this Policy shall apply to Charity Wine Licenses.
3. Issuance Fee. There shall be no Issuance Fee for Charity Wine Licenses.

C. Location. A CWAL and a CWPL may be granted for premises that are either (1) the principal place of business or headquarters of the applicant, provided that the premises are legally zoned to allow such sales, or (2) the premises of a licensee under *M.G.L. c.138, §12*. A CPWPL may be granted only for the premises of the joint Applicant, which are licensed under *M.G.L. c.138, §12*.

D. Limitation.

1. Charity Wine Auction License. No CWAL shall be for a duration of more than 10 consecutive calendar days. No Applicant shall be granted more than five CWALs in a calendar year.

2. Charity Wine Pouring License. No CWPL shall be for a duration of more than 10 consecutive calendar days. No Applicant shall be granted more than two CWPLs in a calendar year.
3. Charity Partnership Wine Pouring License. No CPWPL shall be for a duration of more than 10 consecutive calendar days. No Applicant shall be granted CPWPLs on an aggregate of more than 20 days in any calendar year.

E. Hours. A holder of a Charity Wine License shall be permitted to sell wine on any day and at any time permitted under *M.G.L. c.138, §12*.

F. Donation.

1. Charity Wine Auction License. All wine sold under a CWAL shall be donated at no charge to the license holder and all proceeds from such sales shall be used for the license holder's charitable purposes.
2. Charity Wine Pouring License. All wine sold under a CWPL shall be donated at no charge to the license holder, and any wine donated may be dispensed only by the employees or agents of the donors of the wine without compensation for the dispensing services provided. All proceeds from such sales shall be used for the license holder's charitable purpose.
3. Charity Partnership Wine Pouring License. Any wine sold under a CPWPL may be donated at no charge to the license holder, and any wine donated may be dispensed only by the employees or agents of the donors of the wine, without compensation for the dispensing services provided. A majority of the proceeds from such sales shall be used for the nonprofit charitable corporation's charitable purpose.

G. Other Conditions. The provisions of Section V.F through Section V.I shall apply to licenses issued under this Section.

VII. AUCTIONEER'S LICENSE

A. Authority. The Board of Selectmen may issue an Auctioneer's Liquor License pursuant to *M.G.L. c.138, §14A*, to an auctioneer to sell wine, malt beverages, and distilled spirits at auction, not to be drunk on the premises.

B. Application.

1. Form. Applicants shall provide the following:
 - a. Town of Hopkinton General License Application Form;
 - b. Statement asserting compliance with Section VII.C and D;
 - c. Written approval from the owner of the property where the event is being held;
 - d. If the establishment hosting the event is not currently licensed, a floor plan, depicting:

- i. Dimensioned area of licensed premises;
- ii. Proposed location of bars or service area;
- iii. Seats or bench areas, secured and/or moveable; and
- iv. Entrances and exits;
- e. Written plan for the control of litter; and
- f. Application Fee (This fee may be waived if the applicant is a non-profit entity).

2. Procedures. Section V.B.2 of this Policy shall apply to Auctioneer's Licenses.

3. Issuance Fee. There shall be no Issuance Fee for Auctioneer's License.

C. Qualification. Applicants must be licensed under *M.G.L. c.100* for not less than 10 years.

D. Location. The license may only be granted for the premises that are either the principal place of business or headquarters of the Applicant and legally zoned to allow such sales, or that are the premises of a licensee under *M.G.L. c.138, §§12 and 15*.

E. Hours. A holder of an Auctioneer's Liquor License shall be permitted to sell on any day and at any time permitted under *M.G.L. c.138, §12*.

F. Samples. A licensee who holds a license under this section may provide, without charge, on-premises sample wine, malt beverages and distilled spirits tastings for prospective customers if such wines, malt beverages and distilled spirits are available for sale at auction on those premises; provided, however, that no single serving of wine shall exceed 1 ounce, no single serving of malt beverages shall exceed 3 ounces, and no single serving of distilled spirits shall exceed $\frac{1}{4}$ of an ounce; and provided further that the licensee shall control the dispensing of the wine, malt beverages and distilled spirits.

G. Other Conditions. The provisions of Section V.I shall apply to licenses issued under this Section.

VIII. PACKAGE STORE AUCTION LICENSE

A. Authority.

1. General Authority. With the approval of the ABCC, the Board of Selectmen may issue a license for the sale of wine at auction, not to be drunk on the premises, to applicants who are licensed under *M.G.L. c.138, §15*.
2. Issuance. In addition to the considerations listed in Section III.B., the Board may consider whether the Applicant has complied with *M.G.L.*

c.138, and these Policies in the past in issuing a license under this section.

B. Application.

1. Form. In addition to any form required by the ABCC, Applicants shall provide the following:
 - a. Town of Hopkinton General License Application Form;
 - b. Statement asserting compliance with Section VIII.C;
 - c. Written approval from the owner of the property where the event is being held;
 - d. If the establishment hosting the event is not currently licensed, a floor plan, depicting:
 - i. Dimensioned area of licensed premises;
 - ii. Proposed location of bars or service area;
 - iii. Seats or bench areas, secured and/or moveable; and
 - iv. Entrances and exits;
 - e. Written plan for the control of litter; and
 - f. Application Fee (This fee may be waived if the applicant is a non-profit entity).
2. Filing Deadline. Section V.B.2 of this Policy shall apply to Package Store Auction Licenses.
3. Issuance Fee. There shall be no Issuance Fee for Package Store Auction Licenses.

C. Location. A Package Store Auction License may be granted to license premises that are either (1) the principal place of business or headquarters of the applicant, provided that such establishment is legally zoned to allow such sales, or (2) the premises of a licensee under *M.G.L. c.138, §12 or §15*.

D. Limitation. No Package Store Auction License shall be for more than 10 consecutive calendar days and no holder of any such license shall be granted more than two such licenses in a calendar year.

E. Hours. A Package Store Auction Licensee shall be permitted to sell on any day and at any time permitted under *M.G.L. c.138, §15*, and as outlined in Section IV.B.2.

F. Other Conditions. The provisions of Section V.F through Section V.I shall apply to licenses issued under this Section.

IX. FARMER'S MARKET LICENSE

A. Application.

1. Form. In addition to the ABCC Application package, Applicants shall provide the following:
 - a. Town of Hopkinton General License Application Form;
 - b. Floor Plan, depicting:
 - i. Layout of agricultural sales;
 - ii. Proposed location of service area; and
 - iii. Entrances and exits;
 - c. Written plan for the control of litter;
 - d. Certification from the Department of Agriculture that the event is an Agricultural Event as defined in *M.G.L. c.138, §15F*; and
 - e. Application Fee.
2. Filing Deadline. Section V.B.2 of this Policy shall apply to Farmer's Market License.

B. Licensed Premises: A license granted under this section may be granted for a portion of premises that are licensed under Section 12, if:

1. The Farmer's Market licensee documents the legal basis for use of the Section 12 licensed premises;
2. The area in which a Farmer's Market License is approved shall be physically delineated from the area remaining under the control of the Section 12 license holder;
3. The holder of the Farmer's Market License shall be solely liable for all activities that arise out of the Farmer's Market License; and
4. The Farmer's Market License holder shall not pay any consideration, directly or indirectly, to the Section 12 license holder for the access to or use of the Section 12 licensee's premises.

C. Alcohol Training: Servers shall be trained in accordance with Section IV.G above. A certificate of completion shall be provided to the Board at least 10 days prior to the event.

D. Conditions of Service.

1. Sales. All sales and distribution of samples shall be conducted by an agent, representative, or solicitor of the licensee to customers who are at least 21 years of age.
2. Consumption. No sample shall exceed 1 ounce of wine and no more than five samples shall be served to an individual. All samples shall be consumed in the presence of such agent, representative, or solicitor of the licensee.

- E. Duration:** The Board of Selectmen may grant a Farmer's Market License for an indoor or outdoor event that takes place on multiple dates or times during a single calendar year.
- F. Hours:** In its discretion, the Board of Selectmen may limit the hours of permitted sales.
- G. Signage:** The Farmer's Market License shall be displayed conspicuously by the licensee at the licensed premises.
- H. Transfers:** A Farmer's Market License shall be nontransferable to any other person, corporation, or organization and shall be clearly marked nontransferable on its face.
- I. Violation.** Whenever any Farmer's Market License holder fails to maintain compliance with the requirements of *M.G.L. c.138*, or any state or local regulation, or any reasonable requirements of the Board, the Board may, after an opportunity for hearing, modify, suspend, cancel or revoke such license.

X. PHARMACIST LICENSE

- A. Authority.** The Board of Selectmen may grant a Pharmacist License to a registered pharmacist to sell alcoholic beverages for medicinal, mechanical or chemical purposes without a physician's prescription.

B. Application.

- 1. Form. Applicants shall provide the following:
 - a. Town of Hopkinton General License Application Form;
 - b. Written permission of the property owner;
 - c. A floor plan, depicting:
 - i. Dimensioned area of licensed premises;
 - ii. Proposed location of bars or service area;
 - iii. Seats or bench areas, secured and/or moveable; and
 - iv. Entrances and exits;
 - d. Written plan for the control of litter;
 - e. Application Fee (This fee may be waived if the applicant is a non-profit entity).

- C. Hours.** Sales shall be made only during hours permitted under *M.G.L. c.138, §15* (and as outlined in Section VI.B.2 of this Policy), provided, however, that no licensee under this Section shall sell alcoholic beverages without a prescription during polling hours on any day on which a state or municipal election, caucus or primary is held in the Town, on Sundays, or on legal holidays.

- D. Bookkeeping and Certificates.** Licensees under this Section shall enter, at the time of every sale, the date thereof, the name of the purchaser, the kind, quantity and price of said beverage, the purpose for which it was sold, and the purchaser's address, if any. Additionally, no alcohol shall be sold except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. Said book and certificate shall be maintained in the format prescribed in *M.G.L. c.138 §30E*.
- E. Sale.** Sales of alcoholic beverages shall be made only in the original sealed packages and such beverages shall not be permitted to be drunk on the premises.
- F. Other Conditions.** The provisions of Section V.F, V.H, and V.I shall apply to licenses issued under this Section.
- G. Termination.** Licenses under this Section shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has been unable to so conduct his business or has died, and his business is continued by his wife, widow, executor or administrator under another registered pharmacist.

XI. BRING YOUR OWN BOTTLE (BYOB) WINE AND BEER ONLY LICENSE

- A. Policy.** The Board of Selectmen has determined that Bring Your Own Bottle (BYOB) may be permitted within the Town of Hopkinton pursuant to a BYOB License. No establishment shall permit BYOB unless it has such a license.

B. Application

1. Applicants. Only establishments that have a Common Victualler's license issued pursuant to *M.G.L. c.140, §2* and that have been in operation for at least one year may apply for a BYOB license. No area licensed under a Package Store License, a Pouring License, or a Farmer Series Pouring Permit may be licensed under a BYOB license. A BYOB Licensee shall be permitted to obtain a Special Temporary License provided that no BYOB consumption occurs in those sections of the licensed premises subject to the Special Temporary License during the service authorized by the Special Temporary License.
2. Issuance. In addition to the conditions listed in Section III.B, the Board may consider whether the Applicant has complied with *M.G.L. c.138*, and these Policies in the past.

3. Form. Applicants shall provide the following:
 - a. Town of Hopkinton General License Application Form;
 - b. Floor Plan drawn to scale showing:
 - i. Dimensioned floor area;
 - ii. Proposed location where BYOB will be permitted;
 - iii. Seats or bench areas, secured and/or moveable; and
 - iv. Entrances and exists;
 - c. Written plan for the control of litter; and
 - d. Application Fee.
4. Outdoor Service. BYOB shall not be permitted in outdoor service areas unless the conditions in Section IV.D.2 are satisfied.
5. Changes or Modifications to Licensed Premises. No substantial physical changes to the licensed premises shall be made without the prior approval of the Board of Selectmen.
6. Public Hearing. A public hearing shall be conducted within 30 days of acceptance of an Application. Notice in the paper or to abutters is not required.

C. Conditions: It is the obligation of the Licensee to ensure compliance with the following conditions:

1. Consumption. Patrons may be allowed to carry-in wine and beer only for personal consumption in the licensed area. The following are the maximum amounts of wine or beer that may be carried-in and consumed by any one patron in the course of any given calendar day:
 - a. One 750 milliliter container of wine; or
 - b. Four containers of beer (not to exceed 48 ounces in total).
2. Hours. No alcoholic beverage shall be consumed outside the hours of permitted sale established in Section IV.B.1.
3. Large Group Functions. Patrons renting out portions of or the whole licensed premises for a private party larger than ten persons shall not be permitted to bring in their own alcoholic beverages for consumption. In such cases, a Special Temporary License shall be required.
4. Operational Requirements. The Licensee shall comply with Section IV.F.
5. Age Requirements. All patrons wishing to carry-in alcoholic beverages and all persons consuming alcoholic beverages must be over the age of 21 year of age. The licensee's on-duty manager must verify the age of any patron consuming alcoholic beverages who appears under the age of 30. This provision shall not preclude patrons under the age of 21 from sitting at a table with patrons over the age of 21 who are consuming alcoholic beverages.

6. Food. All patrons consuming alcoholic beverages must order food from the menu.
7. Handling of Alcoholic Beverages. Employees assisting or clearing the table of patrons consuming alcoholic beverages must be 18 years of age or older.
8. Service. Employees shall not serve alcoholic beverages to patrons. This includes opening, pouring, storing, refrigerating or resealing. Employees may provide bottle openers, re-sealers, and to-go bags for use by patrons.
9. Removal from the Premises. No open alcoholic beverage shall be removed from the premises unless it is resealed, and the resealed container is placed in a bag.
10. Alcohol Training. The Licensed Manager, Assistant Managers, or any Shift Managers, shall comply with Section IV.G, above.
11. Posting License. The BYOB License shall be posted in a visible location.
12. Additional Conditions. Nothing in this Policy shall preclude an establishment with a BYOB license from imposing additional limits or restrictions on patrons consuming alcoholic beverages. The Board may also impose additional reasonable conditions on the issuance of any license issued pursuant to this Section, or change or add to any license conditions or any regulations after notice to the licensee, as provided in Section III.C.

D. Duration: All licenses shall be valid through December 31 of each year. Applications to renew shall be signed and filed with the Board of Selectmen by November 30. Failure to file an Application to renew by the deadline shall result in loss of license; and any subsequent license request must then be deemed a new Application.

E. Conversion to a Pouring License: If a BYOB Licensee submits an Application to sell alcoholic beverages pursuant to *M.G.L. c.138, §12 or §15*, the Licensee shall be permitted to operate under its BYOB license until issuance of the Pouring License or Package Store License. Issuance of a BYOB license, however, shall not be deemed to create a presumption of either the appropriateness of a Pouring License or Package License at that particular location or the fitness of the applicant.

F. Violations

1. Enforcement. Whenever any BYOB licensee fails to maintain compliance with the requirements of any state or local regulation, or any reasonable requirements of the Board, the Board may, after an opportunity for hearing, modify, suspend, cancel or revoke such license. In its discretion,

the Board may rely upon Section IV.K.2 in determining an appropriate penalty.

2. Notice. Notice of a warning or suspension shall be posted as provided in Section IV.K.3.