

Town of Salisbury
Board of Selectmen
5 Beach Road
Salisbury MA 01952
www.salisburyma.gov
978-462-8232



Alcoholic Beverage Rules & Regulations

As adopted by the Board of Selectmen on December 14, 2020

Revised by the Board of Selectmen on October 18, 2021

Donna Abdulla, Chairman
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TOWN OF SALISBURY, MASSACHUSETTS

ALCOHOLIC BEVERAGE RULES AND REGULATIONS:

Effective Date: January 1, 2021

1. POLICY STATEMENT

In issuing regulations, the Board of Selectmen, as the Liquor Licensing Authority (LLA) of the Town of Salisbury, is setting forth the expectations of the citizens of Salisbury as to the conduct of the Town's liquor license holders. When considering approval of a liquor license application, the Board of Selectmen will consider any and all factors deemed appropriate including, without limitation, proximity to residential neighborhoods, proximity to schools, playgrounds and other locales where children gather, proximity to other licensed establishments, traffic, parking, noise factors, lighting and aesthetic considerations, including the physical layout and appearance of both the interior and exterior of the establishment.

2. DEFINITIONS

Whenever the word "**Applicant**" is used herein it shall mean an individual applicant; each member of a partnership applicant; each officer, director, manager, and stockholder of a corporate applicant; and any agent of an applicant.

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

Whenever the word "**License**" is used herein it shall mean a revocable privilege granted by the Licensing Authority.

Whenever the words "**Licensing Authority**", "**LLA**" or "**Authority**" are used herein it shall mean those entities having legal authority to grant licenses and/or regulate the operation of the licensed premises. The specific Licensing Authority for the Town of Salisbury shall be the Board of Selectmen.

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

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

Whenever the term "**Rules and Regulations**" is used herein, it shall mean a compilation of rules and regulations set up by the Licensing Authority to regulate the manner in which businesses under its authority shall operate.

3. GENERAL RULES AND REGULATIONS

Subject to further limitations fixed, modified, or amended by the Board of Selectmen acting as the duly constituted Local Licensing Authority (LLA) of the Town of Salisbury with respect to alcohol beverage licenses, the General and Special Laws of Massachusetts and the Regulations of the Alcoholic Beverage Control Commission (ABCC) and all other applicable laws, the following rules and regulations will be in full force and effect for Alcohol Licenses:

Any Alcohol License issued by the Salisbury Board of Selectmen shall be processed in accordance with the procedures and shall be subject to the rules and regulations for such licenses described herein. The Board of Selectmen may adopt further rules and regulations and all such changes shall apply to existing license holders from the date of the adoption. The Board of Selectmen may attach such additional conditions and restrictions, other than those stated herein, to each such license as it deems to be in the public interest.

All such licenses shall also be issued contingent upon the continued compliance by the licensee with all appropriate Federal, State and Municipal laws, regulations, licenses and permits which may pertain to the operation of premises, including but not limited to State Building and Fire Codes and Common Victualer License requirements.

Property occupied by the licensee, whether owned or leased by the licensee, shall conform with all Town bylaws and codes. No licensee shall be allowed to discriminate service to patrons on the basis of race, color, creed, disability, place of national origin, sex, religion, sexual orientation or on any other basis prohibited by state law.

Any license issued for the sale in any manner of any alcoholic beverages shall be issued on the condition that there shall be strict compliance with all rules and regulations of the Board of Selectmen as described herein. Failure to comply with these rules and regulations and Town bylaws and codes shall be a sufficient cause or grounds for refusing to grant the license or permit, or for suspending, canceling or revoking a license or permit already granted.

All alcohol licenses granted by the Licensing Authority shall be conspicuously displayed on the Premises at all times.

The licensed premises shall be subject, at all times, to inspection by members of the Board of Selectmen, the Town Manager, Police and Fire Departments, Board of Health, or their representatives, or any other department or official of the Town so directed by the Board of Selectmen.

4. TYPES OF LICENSES and ANNUAL LICENSE FEE

Payment must be made by certified or bank check at the time the license or renewal license is issued.

ANNUAL ON PREMISES ALL ALCOHOL POURING	\$3000
ANNUAL ON PREMISES WINE & MALT BEVERAGE	\$1500
SEASONAL ON PREMISES ALL ALCOHOL	\$2500 *
SEASONAL ON PREMISES WINE & MALT BEVERAGE	\$1250 *
ANNUAL OFF PREMISE ALL ALCOHOL	\$3000
ANNUAL OFF PREMISE WINE & MALT BEVERAGE	\$1250
SPECIAL EVENT/ONE DAY LICENSE	
NON-PROFIT (limited to 4 per year)	NO FEE
Business/commercial (limited to 4 per year)	\$100 PER EVENT
Town Sponsored Events (limited to 4 per year)	NO FEE
<i>Special requests may be taken under consideration by the Licensing Authority</i>	

*Holders of seasonal licenses are allowed to operate from April 1st until November 30th (MGL Chapter 138, Section 17). The Local Licensing Authority may extend a seasonal license until January 15th of the following year upon request of the applicant. Seasonal licensees **may not** operate from January 16th through March 31st.

5. SPECIAL LICENSES FOR THE SALE OF ALCOHOL (Chapter 138, Section 14)

The Licensing Authority may grant a special ("one day") license for the sale of alcoholic beverages, with consideration of the following conditions:

- a. The request for a special license must be submitted at least 30 days prior to the scheduled activity or enterprise.
- b. Special licenses for the sale of all alcoholic beverages, wine, or malt beverages, or any of these beverages, may be issued by the Local Licensing Authority only to a person at least 21 years of age acting on behalf of a not-for-profit organization registered as such with the Commonwealth of Massachusetts. No other person may be issued a special license to sell all alcoholic beverages.
- c. Special Licenses under Section 14 for Wine and/or Malt Beverages for the sale of wine, malt beverages, or both, may be issued by the Local Licensing Authority to any person. This type of special license may be issued to a person at least 21 years of age who is conducting an activity or enterprise for profit. Issuance of a special license may include reasonable conditions, including, but not limited to, the hours of operation and the presence of a police detail. In addition, the licensee must comply with the requirements and conditions specified by the Local Licensing Authority.
- d. Each special license shall cover a single activity or enterprise.
- e. A special license shall not be granted if it is to be exercised on the premises of an establishment already licensed by the Licensing Authority under provisions of Mass. General Laws Chapter 138, nor shall such a license be granted to any person whose application for a license under Section 12 of Chapter 138 is pending before the LLA or the Alcoholic Beverages Control Commission.

6. FILING OF APPLICATION

All license application forms, including but not limited to: the Alcoholic Beverage Control Commission general application, Form C for Financing, Form A, Criminal Record Release Form, and the Department of Revenue Release Form, must be complete before being processed by the Board of Selectmen. Complete application material must be provided for each individual whose name appears on the application. An application shall be considered "complete" and accepted by the Town when it has been filed in accord with these procedural instructions and all forms required have been fully completed and executed under such conditions and rules as determined by the Board of Selectmen.

No license application shall be considered complete until written documentation has been provided by the Town Treasurer stating that all outstanding local, state and federal taxes including, without limiting the foregoing, the remission to the proper taxing authorities of sales taxes, excise taxes and withheld federal and state income taxes, as well as all other fees and payments due to the Town.

7. OWNERSHIP AND INTEREST

The licensee shall disclose in its application the true corporate name of the applicant, its state of incorporation and the names and addresses of its current corporate officers and directors if a corporation, its current managers if a limited liability company, its current partners if a partnership, or its current trustees if a trust. The licensee shall indicate the true names and residential addresses of any owners holding five percent or more of the outstanding corporate stock or the true names of the owners of five percent or more of the beneficial equity in the applicant if the stock is held by trustees or straws for the benefit of others, or if the applicant entity has no stock. If the licensed corporation is owned or controlled by another

corporation, the true names and addresses of the owners of five percent or more of this holding corporation shall also be listed. The failure of a licensee or applicant to notify the Board of Selectmen of any changes in the corporate ownerships within seven days of the occurrence of such change shall be deemed a violation of the license and be sufficient cause for its revocation or suspension.

No corporation organized under the laws of the Commonwealth, or of any other state or foreign country, shall be given a license to sell, in any manner, any alcoholic beverages unless such corporation shall notify the Board of Selectmen that it has appointed, by vote of its Board of Directors or other similar governing persons or board, as manager of the licensed establishment, a qualified person legally permitted to hold that role, by properly authorized and executed written delegation the full authority and control of the premises described in the license application of such corporation and control of all business therein relative to alcoholic beverages as the licensee itself could, in any way, have or exercise if the licensee were a natural person resident in the Commonwealth; nor unless such manager is, with respect to character, satisfactory to the Board of Selectmen. The appointment of such a manager of a licensed establishment and/or any change in such manager, must be approved by the Board of Selectmen and the ABCC.

8. FINANCIAL INFORMATION

As part of any license application, the applicant must supply complete financial statements and disclosures concerning the corporations and/or persons having an interest in the proposed license for the purpose of determining the financial responsibility, financial interest and financial capability of the applicant to operate the licensed establishment. This shall include bank or other statements of such persons from a financial institution showing the origin of the funds being used to purchase and/or operate the establishment, and bank statements from such persons for the three (3) months prior to the filing of the application, a Certificate of Good Standing from the Massachusetts Department of Revenue, a Certificate of Good Standing from the Corporations Division of the Massachusetts Secretary of State, the purchase and sale agreement and lease (if applicable) regarding the establishment, any and all documents evidencing any loans being obtained to finance the establishment, and any other requirements as the Board of Selectmen may require. Such financial information shall be kept confidential to the extent allowed by Massachusetts law.

9. BANKRUPTCY AND COURT PROCEEDINGS

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

10. BUILDING AND SITE PLANS

In addition to the above forms, each application must contain the following information shown on a plan or plans drawn to scale by an architect or an engineer. The Board of Selectmen may request Town departments and agencies to informally review the plans and advise the Board as to any concerns or issues involving the jurisdiction of the department or agency.

10.1 Building Plans

- a. The net floor area of all areas within the building to be licensed, which shall include the area of the room or rooms measured between the interior walls exclusive of stairways, service counters and hallways
- b. The prospective location and dimensions of each room or rooms requested to be licensed, for restaurants include dining room, function rooms and rooms in which alcoholic beverages are to be

stored

- c. The total number and arrangement of seats
- d. Entrances and exits
- e. All rooms not being requested to be licensed shall be labeled as to their function, such as kitchens, coat rooms, toilets, rest rooms, lobby, etc. The actual use of these ancillary areas shall be strictly limited to the uses indicated on said plans.

10.2 **Site Plans**

Site plans shall include but not be limited to showing all curb cuts, egresses, parking areas, exterior lighting and signage, and landscaping, as have been required if necessary and approved by the Planning Board, Zoning Board of Appeals, or other Town permitting authority.

11. **TRANSFERS**

License holders must be in compliance with the provisions of Mass. General Laws Ch. 138, Section 23.

12. **NOTIFICATION OF ABUTTERS AND HEARING**

Upon acceptance of any application for approval or transfer of an Alcohol License and a preliminary determination having been made that the tendered documents are sufficiently complete so as to warrant consideration of the merits of the applications, the Board of Selectmen will hold at least one public hearing. The public hearing shall be conducted within thirty (30) days of acceptance of a complete application subject to the initial application filing period described herein. The applicant will be required to comply with the appropriate provisions of M.G.L. c. 138 including, but not limited to, sections 15A and 16C relative to notification of abutters, hospitals, churches and schools within a (500) foot radius of the furthest points of the property sought to be licensed. In addition to the requirements of the above statute, the applicant or transferee shall be required to notify all residents who have not otherwise been notified as abutters within a five hundred (500) foot radius of the furthest points of the property sought to be licensed. Said notification requirement shall be satisfied by either hand delivery of said notice or by certified mail, return receipt requested, to each abutter, hospital, church, school, residence or place of business within the designated area on or before three (3) days prior to first public hearing regarding the license application at the Board of Selectmen. Strict compliance with the notification provision of these laws shall be adhered to, and shall be the sole responsibility of the applicant. Notices to hospitals, churches and schools shall comply with section 15A of MGL Ch. 138.

Within ten days after the filing of any such application, the applicant shall cause a notice thereof to be published one (1) time at the expense of the applicant. Such notice shall be published in the Newburyport Daily News or, if no newspaper is published in Salisbury, then in a newspaper published within the Commonwealth of Massachusetts providing general circulation in Salisbury or if there is no newspaper providing general circulation in Salisbury, then in a daily newspaper published in Essex County. After such publication, the name of the newspaper publishing such notice shall be noted by the Board of Selectmen on the application for a license. The notice shall set forth the name of the applicant in full, the kind of license applied for, a description of the location and area where the license is intended to be exercised, designating, if practicable, the street and number, and the date, time and location of the public hearing. Prior to the said first public hearing, the applicant shall present compliance with this notification requirement in the form of a certified mail receipt or a written statement the properties required to be notified, the properties which were so notified, the method of notification, the name and address of all persons who made notice by hand delivery and all proofs of mailing stamped by the United States Postal Service and all

return receipts for certified mail notices.

13. EXERCISE OF LICENSE

Construction or alteration of any newly licensed premises shall commence within 45 days and be in full operation within four months from the date of the final license approval unless a longer period is authorized by the Board of Selectmen. Thereafter said licensee shall continuously operate the licensed premises in accordance with the terms and conditions of this license.

Closing of the licensed premises for any reason for a period of 10 (ten) consecutive days or more without providing notification to the Board of Selectmen may be considered a violation of the terms of the license.

14. RENEWALS

It shall be the responsibility of the licensee to file a renewal application for the following year during the **30-day period prior to December 1st of each year**. Renewal applications can be obtained from the Selectmen's Office. Renewal applications **must update** all previously filed statements, contact information (including e-mail address) and plans where appropriate. Unless the applicant is requested by the Licensing Authority to appear at a Selectmen's meeting, applicants **must** appear in person at the Selectmen's office to sign renewal applications on dates designated by the Board of Selectmen, unless alternative signature procedures have been authorized by the ABCC. Failure to apply for renewal prior to November 30 shall result in any subsequent license request to be treated as a completely new application, pursuant to Mass. General Laws Chapter 138, Section 15A.

15. DURATION OF LICENSE

Alcohol Licenses once issued are valid until December 31 of each year. Licensees must apply for license renewal each succeeding year.

16. HOURS OF OPERATION

Annually at its discretion, the Local Licensing Authority may vote to allow Licensees additional hours of operation before a holiday. All licensees should ensure that they are in compliance with the laws of the Commonwealth of Massachusetts, M.G.L. c, 138, Section 64, and that sales of alcoholic beverages take place only on the days and hours approved by the Local Licensing Authority.

- a. Pouring (On-premise) Licenses: The hours during which sales of alcoholic beverages may be made by any pouring licensee for consumption of alcoholic beverages on the premises shall be limited to the hours of operation as designated on the license issued to the licensed premises, provided that in no event shall sales of alcoholic beverages be allowed outside of the hours of 8:00 A.M. to 1:00 AM. Monday through Saturday and from 12:00 noon to 1:00 AM. on Sundays. Pouring licensees may open as early as 10 A.M. on Sunday with permission of the LLA, the Salisbury Board of Selectmen. (Reference: MGL Chapter 138, Section 33B)
- b. With respect to the sale and consumption of alcoholic beverages, all beverage/glasses/bottles or other containers must be removed from tables and counters one-half hour after closing time. Patrons must be off premises one-half hour after closing time. Licensed operators and employees may only be on the premises after closing for the purposes of cleaning, making renovations, making emergency repairs to, or providing security for, such premises, or preparing food for the day's business, or opening or closing the business in an orderly manner.

On-Premise license holders MAY NOT sell alcoholic beverages until noon on the following holidays: Memorial

Day, Christmas Day.

- C. Retail (Off-premise) Licenses: The hours during which sales of alcoholic beverages may be made by a licensee for consumption of alcoholic beverages off the premises shall be from 8:00 A.M. to 11:00 P.M. Monday through Saturday and from noon to 11:00 P.M. on Sundays. Off-premise licensees may remain open until 11:30 PM on the day before ALL holidays.

Retail liquor stores must be closed on Thanksgiving Day and Christmas Day. Liquor stores may not open prior to noon on Memorial Day.

17. **PERMISSION TO CLOSE PREMISES REQUIRED; NON-USE OF LICENSES**

- a. Licenses are granted to serve the public need and, to that end, licensees are expected to operate the license for a substantial number of hours on all days when the premises are permitted to be open under the terms of the license. In the case of alcoholic beverages licenses, the number of which are limited according to statute, no licensee may close its place of business for any reason other than the following:
1. Upon approval of a request to the Licensing Authority for closing in order to do renovations for a reasonable time
 2. For all holidays, religious days and vacation purposes
 3. A closing of one (1) or more days per week upon approval of a request to the Licensing Authority citing the reason(s) for such closing
 4. A closing due to an act of God, natural disaster, illness or some other business problem for which notification has been provided to the Licensing Authority

Closing due to an emergency health order issued by the Commonwealth does not need notification to the Board of Selectman prior to closing.

- b. Any licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the Licensing Authority in writing before such closing stating the reason and length of such closing and obtain approval. Failure to provide such notice may result in the suspension or revocation of the license.
- c. If the Licensing Authority becomes aware of a license not being exercised, it may conduct a hearing to obtain a status update.
- d. The Authority reserves the right to require that the licensee appear before the Authority every three (3) months from that point until the business has commenced or resumed operations or the license has been transferred or turned back to the Town.
- e. The Authority reserves the right to revoke the license at any time if it deems that the public good is not being served.

18. **INSURANCE**

All licensees shall be required to provide to the town a certificate of insurance providing coverage for fire, premises liability, and liquor liability with reasonable limits of coverage, except that liquor liability shall have

minimum coverage of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, whereas the policy shall carry an endorsement that the Town of Salisbury shall be notified by the insurer no less than ten days prior to the cancellation of said coverage.

19. SERVICE OF ALCOHOLIC BEVERAGES

- a. Service of alcoholic beverages shall be by a waitperson or bartender, and patrons must consume all alcohol while seated at a counter or table.
- b. No pitchers of beer may be served to fewer than two patrons of legal age.
- c. No alcoholic beverages served on the premises shall be allowed to be removed from the premises, unless resealed in the manner required by state law.
- d. No alcoholic beverages served on the premises of a restaurant with a liquor license shall be allowed to be removed from the premises, except for a bottle of wine permitted to be so removed pursuant to state law and which has been resealed in the manner required by state law.

SERVICE AREA REQUIREMENTS

- a. The service and consumption of alcoholic beverages shall be limited to those dining rooms, patios, sidewalks or other public areas pertaining to the premises that are approved by the Board.
- b. Any liquor licensee applying for approval of outdoor seating must comply with the Town of Salisbury's Outdoor Service Area Requirements. No person shall drink, or have in his or her possession an opened container of any alcoholic beverage as defined in M.G.L. c. 138 while upon any public way or upon any way to which the public has a right of access as invitees or licensees, or any park or playground or private land or place without consent of the owner or person in control thereof.
- c. No food or alcoholic beverages may be served at a counter in a licensed restaurant which does not include seating. The location of counters, including counters used by waitstaff solely to obtain alcoholic beverages for service to patrons shall not be changed unless approved by the Board of Selectmen and unless an amended plan is submitted to the Board showing the proposed change.
- d. The sale or service of alcoholic beverages is prohibited in any area not licensed by the Board of Selectmen and no change in such area or location shall be made without prior approval of the Board of Selectmen and the ABCC and unless an amended plan is presented to said Board.

OUTDOOR SERVICE AREA REQUIREMENTS

- a. No drinks may be served outdoors in any sort of glassware, whether in a bottle or otherwise.
- b. Alcoholic beverages cannot be served outside of a licensed establishment unless and until an application to extend the licensed premises has been approved. An application to extend the premises must describe the area in detail, including dimensions, seating capacity and maximum occupancy.
- c. The premises must be enclosed by a fence, rope, or other means to prevent access from a public walkway. This outdoor area must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises or alternatively (b) the licensee may commit to providing management personnel dedicated to the outside area.

- d. All licensees must commit to employing adequate security at point of entry and take any and all measures to ensure that all alcohol is consumed on the premises only.
- e. All licensees utilizing umbrellas or other devices for providing shade for patrons must remove or close such umbrellas or devices no later than the end of each business day. This restriction applies to licensees utilizing Town-owned property for outside seating.
- f. All licensees whose outdoor seating areas includes property owned by the Town, such as a sidewalk or public way, must provide written proof that the Town is listed on the licensee's insurance policy as additionally insured, in an amount no less than \$1 million.
- g. All licensees whose outdoor seating areas include a step down from curbing to a public way must visibly display a "watch your step" or other suitable warning sign for patrons.
- h. All licensees which lease the premises where alcohol is served must provide written documentation to the Liquor Licensing Authority that they have permission from the property owner to utilize the space where they intend to serve alcohol outdoors.
- i. The licensing authority will consider the type of neighborhood and the potential for noise and the environs.
- j. All licensees must follow State orders, regulations and guidance during public health crises and other states of emergency declared by the Governor.

20. PRIVATE FUNCTIONS

Private functions may be held in a portion of licensed premises whose area is in addition to the space required for the seats available to the general public.

Such area for the private function must be made unavailable to the general public while the private function is taking place and no alcohol may be served to any member of the general public.

The Caterer's License is an annual license issued by the ABCC pursuant to M.G.L. c. 138, § 12C. The Caterer's License is an on-premises license which allows a caterer to sell alcoholic beverages at private events. Prior to 48 hours before the start of a catered event where alcoholic beverages shall be served, a caterer licensed under this section shall provide written notice of the event to the police chief and the local licensing authority of the city or town wherein the event will be held. The notice shall include the following information:

- (1) a copy of the caterer's license;
- (2) proof of liquor liability insurance; and
- (3) emergency contact information of the manager of the catering company.

21. SUPERVISION-PRESENCE

The approved manager of the licensee shall, at all times during which alcoholic beverages are being sold pursuant to the license, be present in the licensed premises and shall be available to the Licensing Authority during all such times unless some other person similarly qualified, authorized and satisfactory to the Board of Selectmen is present in the premises and is acting in the place of such manager. The full name, residential address, business and home telephone numbers of said manager must be on file in the Board of Selectmen's office. Failure to have such information on file and current shall alone be sufficient cause for revocation or suspension of such license.

All managers must have successfully completed a certified server training program for alcoholic beverages (TIPS or comparable program) approved by the Board of Selectmen prior to licensing or approval of any change of management, and any other training or certification which the Board of Selectmen require. All individuals taking orders or serving alcoholic beverages shall be required to have completed an approved certified server training program or programs prior to working, except that servers shall be allowed thirty days to complete the program when first working as a waitperson. All managers and persons taking orders or serving alcoholic beverages shall also be required to complete and maintain an approved certification training program or programs. 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 any other patron.

Management

- a. Each corporate licensee must appoint a manager by a properly authorized and executed delegation.
- b. The responsibilities of every license holder and any manager shall be as follows:
 - 1. To obey all statutes of the Commonwealth, rules of the Alcoholic Beverages Control Commission, Rules and Regulations of the Licensing Authority;
 - 2. To promptly notify the police of any disturbances or illegal activity on the licenses premises of which he becomes aware;
 - 3. As to corporate licensees, to sign the annual application for renewal of license, unless unavailable;
 - 4. To cooperate with authorized agents of the Licensing Authority, including but not necessarily limited to, any police officer, in their investigation or inspection of the licensed premises.
- c. Any notice sent to the manager as named in the records of the Licensing Authority or the owner at the address of the licensed premises shall constitute valid legal notice to the licensee.
- d. The licensee shall not change managers, change corporate officers, sell or transfer corporate stock, pledge corporate stock or liquor license as security, or accept a loan or credit from another licensee, without first obtaining the approval of the Local Licensing Authority and the ABCC.

Service Training

- a. An employee training program on the proper procedures for verifying that patrons are at least twenty-one (21) years of age and not intoxicated shall be provided by the licensee. A written description of such program, along with a written policy outlining the employees' responsibilities and the disciplinary measures which will be taken against any employee for violating said policy, shall be provided to the Licensing Authority as part of the original or renewal application materials and maintained on the premises at all times.
- b. A signed certification of each employee who handles alcohol, indicating that the employee has received the described training and has reviewed and understands the written policy describing his or her responsibilities and the disciplinary action which will be taken for violations, shall be maintained on the premises at all times. Copies of all such documents and certifications shall be available to the licensing authority, or any authorized agent thereof, upon demand.

- c. Each new employee who handles alcohol shall obtain server training within thirty (30) days of commencing employment.
- d. Upon a finding by the Licensing Authority of a violation of the laws or regulations concerning service of alcohol to a minor or intoxicated person, the employees involved in the violation who continue to be employed by the licensee shall be retrained forthwith and receive a new server training certification.
- e. The training and certification referenced above shall be pursuant to a training program approved by the Licensing Authority (e.g. TIPS or equivalent).
- f. No alcoholic beverages shall be sold to anyone under twenty-one (21) years of age. No service of alcoholic, wine/malt beverages shall be made to anyone under twenty-one (21) years of age.
- g. No owner, manager or employee shall consume any alcoholic beverages while on the licensed premises while on duty or after the official closing hour.
- h. All other acts defined as criminal behavior by the Massachusetts General Laws are also prohibited on the premises.

22. VIOLATION OF RULES AND REGULATIONS

Any license issued under these rules and regulations may be suspended or revoked by the Board of Selectmen if any of the rules or regulations are violated, for other reasonable cause related to the public good, or for matters regarding the licensee's fitness to hold a license. Suspension or revocation shall be initiated by the Board of Selectmen by written notification of such intent to suspend or revoke, sent to the license holder. The Board of Selectmen shall hold a Public Hearing upon such suspension or revocation. The hearing shall be commenced within two (2) weeks of the notice of intent to suspend or revoke said license. If a license is so revoked, then said license shall revert back to the Town, such that the Town may re-issue said license following the procedures stated herein for the issuance of a new license.

Enforcement: At the discretion of the Local Licensing Authority or upon receipt of a complaint, investigations and inspections of licensed premises shall be conducted by the Salisbury Police Department. All violations, investigations and inspections shall be reported in writing forthwith to the Local Licensing Authority.

Disciplinary Guidelines

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

- 1. **First offense: warning to seven-day suspension.**
- 2. **Second offense: warning to thirty-day suspension.**
- 3. **Third offense: warning to revocation.**
 - a. Only offenses which have occurred within the two (2) years preceding the date of violation shall be used in calculating the number of offenses for purposes of the disciplinary guidelines.
 - b. These disciplinary 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.

- c. The disciplinary guidelines shall not be construed so as to limit the Licensing Authority's authority to consider alternative dispositions, or to place further conditions on a license, or even alternate penalties (e.g. roll back of operating hours).

Service of Suspension Orders

With the suspension of any license, the licensee must turn in the physical license to the Office of the Board of Selectman for the duration of the suspension.

When the Licensing Authority suspends the license or licenses of any licensee, it shall provide the licensee with an order of suspension for public display that must contain the words, "No alcohol served per order of the Board of Selectmen of the Town of Salisbury".

Such order shall be publicly displayed by the licensee in the following manner: If there is a door opening from the street into the licensed premises and a window facing the street upon which such door opens, such order shall be displayed in such window so that it may readily be seen from the street. If the licensed premises are otherwise located, such order shall be affixed to the door of the entrance to the premises and displayed in such a way that it may be readily seen from the street.

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

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

No members of the public may be on the premises at any time during suspension periods, with the exception that restaurants or other businesses that sell food may be able to continue to service patrons without serving alcohol, with the approval of the Licensing Authority.

RESOURCES

Alcoholic Beverages Control Commission

95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

[Alcoholic Beverages Control Commission | Mass.gov](#)

www.mass.gov/orgs/alcoholic-beverages-control

MAIN PHONE NUMBER: (617) 727-3040

ADMINISTRATION FAX: (617) 727-1510

LICENSING FAX: (617) 727-1258

Salisbury Board of Selectman (Local Licensing Authority)

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Application for Multiple Amendments attached here as Appendix

