RULES AND REGULATIONS FOR HOLDERS OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWN OF FOXBOROUGH

I. Definitions

1. "Alcoholic Beverage", as used herein shall mean any liquid intended for human consumption as a beverage and containing one half or one percent or more of alcohol by volume at sixty degrees Fahrenheit, and for the purposes of these Regulations including without limitation wine and malt beverages.

2. "Licensee" means any person, club, partnership, corporation or other entity licensed under the provisions of M.G.L. c. 138 to sell alcoholic beverages to be served and drunk on or off the licensed premises and for the purposes of these Regulations shall include without limitation employees and agents of the Licensee.

3. "Local Licensing Authority" means the Board of Selectmen.

4. "Official Closing Hour" means the time stated in a License when a Licensee must cease serving Alcoholic Beverages.

5. "Official Opening Hour" means the time stated in a License when a Licensee may begin serving Alcoholic Beverages.

6. "Shot" means a maximum of 1.5 fluid ounces of undiluted distilled alcohol spirits.

7. "Beer" means a maximum of 22 fluid ounces of beer in a container, unless otherwise authorized by the Chief of Police.

8. "Glass of Wine" means a maximum of 6 fluid ounces of wine as defined in G.L. c. 138, § 1, unless otherwise authorized by the Chief of Police.

II. General Provisions

1. The Board of Selectmen of the Town of Foxborough, sitting as the Local Licensing Authority in and for the Town, has sole responsibility, in the first instance, for the issuance of all alcoholic beverage licenses within the Town. No license can be issued, surrendered, transferred, sold, or amended without the specific, prior approval of the Authority; subject to the provisions of applicable law in the Commonwealth.

2. No licensee shall dispense or sell alcoholic beverages to any person under twenty-one (21) years of age.

3. No Licensee shall store or sell any alcoholic beverage at any location or in any part of the premises at a given location not specified in the description of premises stated on the license.

4. The license to sell or store must be posted in a conspicuous location, clearly visible and accessible to the public, upon the licensed premises and a copy of these Rules and Regulations must be available on request.

5. No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license (i.e., that results in any increase or decrease in the size,

change in the character of the licensed premises or changes in the entrance/exit locations), shall be made without the prior written approval of the Authority.

6. The licensed premises shall be subject to inspection at any time by the Police Department of the Town of Foxborough, by the Local Licensing Authority, by the Alcoholic Beverage Control Commission, or by the duly authorized agent(s) of any of them.

7. The kitchen and premises of any licensed establishment must be kept clean, neat and sanitary, to the satisfaction of the Local Licensing Authority and the Board of Health of the Town of Foxborough, or to the duly authorized agent(s) of either of them.

8. The Licensee shall take efforts to prevent any disorder, disturbance, or illegality of any kind to take place in, or upon the licensed premises including without limitation the parking lot in direct control of the Licensee. Where such activity has come to the attention of the Licensee, it is the Licensee's responsibility to take immediate steps to attempt to cease any such disorder or disturbance and, if necessary, notify the police. In such circumstances, where the Licensee has failed to act, the licensee may be held in violation of its license, subject to a hearing by the Local Licensing Authority.

9. Each corporate Licensee shall appoint a manager who shall have complete and unqualified authority and control over the licensed premises, whether he or she may be present upon said premises at any given moment in time. Such manager shall be duly appointed and authorized by legally established corporate vote or permission of the owner, and must be acceptable to the Licensing Authority, who shall have power of approval over same. Any individual, appointed manager of an establishment by the owner/corporation and approved by the Licensing Authority must be a citizen of the United States and must take an active role in the management of the subject establishment. NO ABSENTEE MANAGERS WILL BE ALLOWED.

10. The Licensee shall, in all cases, be responsible for acquiring all permits, licenses, or certifications necessary to the conduct of his business; the Licensee, moreover, shall be responsible for prompt notification to the Local Licensing Authority of any projected change or amendment needed or contemplated for licenses and permits previously issued.

11. The Licensee shall be responsible for the enforcement of all Rules and Regulations of the Local Licensing Authority, all Rules and Regulations of the Alcoholic Beverages Control Commission, and all Massachusetts General Laws pertaining to the operation of an establishment possessing an alcoholic beverage license.

12. The Chief of Police shall have the right and authority to order any Licensee to engage as many detail police officers from the Foxborough Police Department as shall, in the Chief's judgment, be necessary to maintain law and order upon the premises of the Licensee (including without limitation the parking lot).

    A Licensee shall notify the Chief of Police of any special events or circumstances whereby the licensee may reasonably anticipate hosting either; i) a single gathering of more than 400 patrons at one time, or ii) multiple gatherings collectively amounting to more than 750 patrons simultaneously, when said event occurs after 6PM on a weeknight or 4PM on a weekend or holiday, or after a major stadium event, within those areas of the Licensee's premises where alcohol is to be served.

    The purpose of this notification requirement is to provide advance information, to the extent possible, to the Chief of Police about expected large groups where alcohol is to be served within the premises, so that an evaluation of the event(s) can be made as to the need of a police detail

assignment, taking into account various relevant factors, and if not needed, to notify Police Shift Commanders as may be necessary, of the occurrence of such likely event.

As may be practicable and reasonably foreseeable, the Licensee shall provide advance notice to the Chief of Police of such event or circumstances, in order to evaluate the necessity of police supervision. The grant of a license to the Licensee of such an event by the Board of Selectmen shall be deemed notice of such event(s).

Following any such notice, the Chief of Police's evaluation may include a review of security practices with the Licensee, including requesting of the Licensee the assignment of any police detail within the licensed premises for such and event and/or circumstances. If the Licensee disagrees with any such request, the Licensee and Chief of Police shall meet prior to the event to discuss/review appropriate security procedures. Should the Chief of Police assign a police detail under the provisions of Section 12 of these regulations, and the Licensee disagrees, the Licensee may appear before the Board of Selectmen, the License granting Authority, who shall review and establish appropriate public safety measures for such events. Nothing in these liquor regulations shall supersede conditions imposed by the Board of Selectmen as part of conditions for a Liquor License.

13. No Licensee shall make any distinction, discrimination, or restriction of service, access, or treatment on account of race, color, religious creed, national origin, sex, or ancestry.

14. As of May 1st, 2011, no person other than a trainee under direct supervision may sell, serve or offer alcoholic beverages at the licensed premises that has not been trained and certified on Responsible Beverage Service (TIPS, TEAM, SAFE SERVICE or other Chief of Police approved programs within forty-five (45) days of the date of the employee's commencement of employment). All Staff so trained and certified shall be re-certified every three years or prior to expiration of such certification. The Manager shall maintain a roster of certified employees and copies of said certifications readily available for inspection by the Chief of Police.

15. The Licensee shall be responsible for any violations or infractions of the license, these Rules and Regulations, and alcohol related disorders or disturbances of any kind which take place on the licensed premises without limitation including the actions of employees whether or not the Licensee is present.

16. Last call shall be at least twenty (20) minutes before the "Official Closing Hour". Any alcoholic beverage served prior to the Official Closing Hour must be consumed no later than 5 minutes of the established closing hour. All bottles, glasses, etc., shall be cleared from all tables and bar within 5 minutes of the established closing hour. All patrons shall be off the licensed premises within 15 minutes of the established closing hour except where a cinema and/or hotel Licensee has received authorization from the Local Licensing Authority to allow patrons and/or employees to remain on the licensed premises.

17. Bona fide employees of the licensed establishment may remain upon or enter upon the licensed premises, outside of the regular hours of operation while actually engaged in cleaning, opening, closing, or preparing for the next day's business, but they may not dispense or consume any alcoholic beverage on the licensed premises during such non-public hours; nor may they remain upon the premises outside of the regular hours of operation any longer than necessary to complete their work.

18. All customers must be off the premises by 15 minutes after the Official Closing Hour. Licensees are not permitted to allow any patron or any guest to enter the premises after the Official Closing

Hour or prior to the Official Opening Hour stated on the license, except where a cinema and/or hotel Licensee has received authorization from the Local Licensing Authority to allow patrons and/or employees to remain on the licensed premises; and except where required to address an emergency.

19. No on duty manager or on duty employee of a Licensee shall consume any alcoholic beverage during working hours except de minimus sampling, from time to time, by an employee with specific responsibilities that include the preparation of menus, wine lists, food and beverage pairings, or in connection with beverage tasting/trainings authorized by the Manager of Record.

20. No alcoholic beverage may be served or consumed in any area outside the licensed premises such as without limitation a patio, roof garden, or sidewalk unless such area is approved by the Local Licensing Authority and is contained in the description of said licensed premises.

21. No pitcher of any alcoholic beverage may be served later than one (1) hour before the "Official Closing Hour". No "shot" of any alcoholic beverage other than an after dinner cordial or cocktail shall be sold within the last one (1) hour before the "Official Closing Hour".

22. No pitcher of any alcoholic beverage, may contain more than sixty (60) ounces and must be served to at least two (2) or more persons.

23. A Licensee which sells alcoholic beverages to be consumed on the premises must have a kitchen and offer food for purchase by patrons.

24. No Licensee or employee shall:

    A. offer or deliver any free drink to any person or group of persons;
    B. deliver more than two (2) drinks to one person at one time;
    C. 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;
    D. offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two (2) or more persons;
    E. increase the volume of alcoholic beverages contained in a drink without increasing proportionally the price regularly charged for such drink during the same calendar week;
    increase the volume of alcoholic beverages contained in a drink without increasing proportionally the price regularly charged for such drink during the same calendar week;
    F. allow any drinking game or contest that involves drinking or the awarding of drinks as prizes.

25. A Licensee shall not make a sale or delivery of an alcoholic beverage to an intoxicated person.

26. A Licensee shall ensure that patrons or employees do not leave the premises with alcoholic beverages other than a capped wine bottle as allowed pursuant to Massachusetts law

27. With the exception of establishments licensed, as package stores, no licensee shall sell any alcoholic beverage intended for off-premises consumption with the exception of establishments licensed as package stores, no licensee shall allow the sale of alcoholic beverages in containers designed to be carried from the licensed premises. (Massachusetts law allows wine bottles purchased from restaurants to be capped and brought home.)

28. A Licensee shall instruct their employees and security personnel that they are not to make unwanted bodily contact with any patron unless to protect other patrons or themselves from being subjected to unwanted bodily contact or other harm from another patron. In all other circumstances employees and security personnel of the Licensee shall call the police to have a patron removed from the premises when such a patron is being disruptive.

29. A Licensee shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the Licensee.

30. The alcoholic beverages license is subject to suspension, revocation, forfeiture or further conditions for breach of its conditions or of any applicable regulation or law of the Commonwealth.

31. No Licensee shall knowingly allow any agent or independent contractor of the Licensee to carry a firearm on the licensed premises while said premises are open to the public. However, this provision shall not apply to a Foxborough Police Officer on privately paid detail nor to any Licensee who has received written permission from the Foxborough Police Chief to allow specified agents or contractors of the Licensee to carry firearms while the licensed premises is open to the public.

32. Licensees who permit persons to wait in line for a table, a seat, or entrance to the premises must enforce the following rules:

    A. Persons who wait inside the premises must be kept in an orderly line and must not be permitted to block fire aisles or exits;
    B. An employee of the Licensee must supervise persons who are permitted to wait in line outside the premises. The employee must stand outside with the line at all times. Persons waiting outside must not block the public way or ramps for accessibility;
    C. Persons in line shall be denied admission if they are being loud or disorderly or causing noise or other problems for residents of the area.

33. Noise from licensed premises, including without limitation music from inside a licensed premises, shall not be audible inside a residential premises after 10:00 p.m, except as may be permitted pursuant to a duly authorized event license issued by the Town.

34. Licensees must ensure that their patrons leave the premises in an orderly manner.

35. These Regulations shall supplement and be subject to any particular License issued to a particular Licensee. In the case of a conflict between a License and these Regulations, the License shall control.

36. The Licensing Authority reserves the right to modify or amend the above Rules and Regulations, or to adopt such other, additional Rules and Regulations as the said Authority may deem necessary.

37. Notwithstanding these Regulations, the Local Licensing Authority may impose different and/or more stringent requirements, conditions and/or penalties upon a particular licensee and/or licensed premises where necessary to assure public safety.

SANCTIONS FOR VIOLATIONS

If the Board of Selectmen, after a hearing conducted pursuant to M.G.L.. c. 138 $64 determines that holder of a license to sell alcoholic beverages has violated or permitted a violation of the license or any law of the Commonwealth of Massachusetts; the Board may modify, suspend, revoke or cancel such license. In carrying out its responsibility, the Board may consider the following Guidelines:

1st Violation – Letter of reprimand and/or suspension up 3 days or both
Optional: With liquor closing hours of 23:00 (11:00 PM) for ten (10) days

2nd Violation - Suspension of license from 3 to 10 days
With liquor closing hours of 23:00 (11:00 PM) for thirty (30) days

3rd Violation - Suspension of license from 10 to 30 days
With liquor closing hours of 23:00 (11:00 PM) for thirty (30) days

4th Violation - Revocation of license

For the purpose of counting Violations, prior actions on other occasions by the Alcoholic Beverage Control Commission taken against the license holder will be counted as Violation(s) that will be applied to the guidelines above.

For the purpose of counting a Violation: if it is found that multiple violations occurred within a single business day (opening time until after 2 hours of closing) such will be counted as a single Violation when determining the number Violations to be counted and applied to the guidelines above.

If the Board finds at its hearing that the license holder's actions were grievous the Board may add an additional Violation to the number of Violations being applied to these guidelines.

Only violations that have occurred within the past **3** years (counted from date of last violation) will be counted

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