



SELECT BOARD
Town Offices
50 Billerica Road
Chelmsford, MA 01824-2777

Phone: (978) 250-5202

Alcohol Licensing Process for New or Transfer of License

The Chelmsford Select Board, as the Local Licensing Authority (LLA), issues Alcohol Licenses in accordance with M.G.L. Chapter 138. Unlicensed alcohol sales are strictly prohibited. It is the responsibility of the applicant to be fully versed in all relevant laws, rules, and regulations pertaining to the sale of alcohol.

There are two types of retail alcohol licenses:

1. Section 12 On-Premises consumption (Restaurant / Club / Tavern / General On-Premises)
2. Section 15 Off-Premises consumption (Package Store)

Alcohol licensing is a three-phase process which takes approximately 3 months for approval:

1. Town approval (approx. 4 -5 weeks);
2. State Alcoholic Beverages Control Commission (ABCC) approval (approx. 6-8 weeks); and
3. Town issuance of the license.

PHASE 1: Applicants must complete the following steps:

- Confirm proper zoning of the proposed location with the Building Inspector
- Confirm proper sewer allocation of the proposed location with the DPW
- Obtain a Business Certificate from the Town Clerk's Office if applicable per M.G.L. ch.110 §5 (doing business under any title other than the real name of the person, partners, or registered corporate entity conducting the business) <http://www.townofchelmsford.us/248/Business-Certificates>
- Complete Town General Application for Alcohol License (enclosed)
- Complete the applicant portion of the Town Departmental Review Sheet for Select Board License Applications. (enclosed)
- (FOR SECTION 12 ON-PREMISES LICENSES ONLY) Provide a plan of the property showing the location of counters, tables, ranges, toilets, and in general the set-up of the premises. If this is a proposed plan, also include an itemized cost estimate of said facilities. (Provide this plan to appropriate departments when obtaining signatures) (*M.G.L. ch.140 §6*)
- If your establishment will serve food, you must also complete the Application for Common Victualler License form (enclosed)

- Complete Application for an Entertainment License if applicable (enclosed) (*Town of Chelmsford Liquor & Common Victualler License Regulations §3.09*)

- Go to the state ABCC website at: <https://www.mass.gov/how-to/apply-for-an-alcoholic-beverages-retail-license-new-or-transfer>. Here you will find instructions along with application forms and document requirements.
 - Complete and print the required forms and prepare all required documents.
 - (TRANSFER OF LICENSE ONLY) – The ABCC requires a Certificate of Good Standing from the Massachusetts Department of Revenue (DOR) (<https://www.mass.gov/how-to/request-a-certificate-of-good-standing-tax-compliance-or-a-corporate-tax-lien-waiver>) and a Certificate of Compliance from the Department of Unemployment Assistance (DUA) (<https://www.mass.gov/files/documents/2018/09/06/DUA%20COMPLIANCE%20DIRECTIONS.pdf>) obtained by the seller (not the buyer). Please note that the DOR certificate may take 7 to 14 business days for new accounts or as little as 48 hours for existing accounts.
 - Pay the \$200 ABCC application fee online and print the payment receipt.
- Submit the \$150 filing fee payable to the Town of Chelmsford along with all completed application documents.

Upon completion of the above application requirements, a **Public Hearing before the Select Board will be scheduled**. Due to the regular meeting schedule and advertising requirements, this hearing may be approximately three weeks after application submission.

- A Notice of the Public Hearing must be published in the local newspaper at least 10 days prior to the hearing. This office will place the ad which will be paid for by the applicant.

- Within three days after publication of the ad, the applicant must send a copy of the Public Hearing notice via certified US Mail, return receipt requested to owners of all property abutting on the premises and to any schools, hospitals, and churches within a radius of 500 feet of the premises. A list of abutters and a copy of the notice will be provided to you.
 - No abutter notification required for license transfers**

- Applicant or a representative must attend hearings before the Select Board and if abutter notification is required, white mailing receipts and green return receipt cards from abutter notifications must be presented at this time.

After the Select Board approves the license, your application and LLA Certification will be sent to the ABCC by this office.

PHASE 2: ABCC investigation:

- Cooperate with the ABCC investigator in answering any questions or providing any requested documentation in a timely manner
- The ABCC will notify you of their decision via e-mail

PHASE 3: After ABCC approval, you will be required to submit the following:

- Provide completed Workers Compensation Insurance Affidavit (enclosed) [*M.G.L. ch.152 §25C(6)*]
- If applicable, provide Certificate of Insurance evidencing workers compensation coverage [*M.G.L. ch.152 §25C(6)*]
- Complete Tax Compliance Affidavit (enclosed) (*M.G.L. ch.62C §49A*)
- (FOR SECTION 12 ON-PREMISES LICENCES ONLY) Provide a Certificate of Insurance evidencing Liquor Liability insurance coverage in the following amounts: minimum of \$250,000 for bodily injury or death on account of injury to or death of one person, \$500,000 for bodily injury or death on account of any one accident resulting in injury to or death of more than one person. (*M.G.L. ch.138 §12*)
- Provide proof of TIPS/BAT Certification for the license manager (*Town of Chelmsford Liquor & Common Victualler License Regulations §2.09*)
- Crowd Manager Certification (only applicable to nightclubs, dance halls, discothèques, and bars with an occupancy load of 100 persons or more) <https://www.mass.gov/crowd-manager-regulations-and-training-program>
- Pay Annual License Fee(s) to the Town of Chelmsford (for new licenses only). License fees for newly issued liquor licenses shall be prorated by quarter-year increments.

Once the premises are completed according to the plans submitted and the proper certifications have been obtained from the Board of Health and the Building Department, the license will be issued.

Please contact me if you have any questions regarding this process.

James Geraghty
Operations Assistant
(978) 244-3302
JGeraghty@chelmsfordma.gov



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(978) 250-5202 FAX: (978) 250-5252

APPLICATION FOR LICENSE

INFORMATION TO BE FURNISHED BY APPLICANT – GENERAL

1. Type of License Applied for _____
2. Official Name on License _____
3. D/B/A/ (if applicable) _____
4. Address of Establishment _____
5. On Premises Phone Number _____
6. Manager's Name, Address and Home Phone # _____

7. Hours of Operation Requested:
Weekdays _____
Sundays _____
8. Seating Capacity _____



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DEPARTMENTAL REVIEW SHEET
FOR SELECT BOARD LICENSE APPLICATIONS

Please complete this form and attach the floor or parking plan, if required. Submit this form with your complete application packet to the Select Board office, and departmental comments will be obtained internally. Departments may request additional information as needed.

For planning purposes, you may contact any departments prior to completing your application. For any renovations, alterations, or new buildings, a preliminary review with the Building Commissioner is strongly recommended.

Application Type:

- New License
- Transfer of Existing License

Current Licensee _____

- Amendment to Existing License

Amendment Type(s) _____

License Type _____

Name of Business _____

Premises Address _____

Application Contact: Name: _____ Phone #: _____

E-mail Address: _____

Existing Use of Premises _____ Capacity** _____

Proposed Use of Premises _____ Capacity** _____

** Seating capacity for restaurants and number of cars for sale for auto dealers

Do you plan to make any renovations or physical alterations to the premises?

- No Yes - Proposed Changes _____

A preliminary review with the Building Commissioner is strongly recommended

- Plans Attached **-Floor plans** are required for new/transfer Common Victualler & Alcohol licenses and for amendments involving alterations to the premises.
-Parking plans are required for Auto Dealer licenses

TO BE COMPLETED BY TOWN PERSONNEL ONLY

Please indicate if your department has any concerns with this Select Board license application, citing specific codes if applicable. You may also note any requirements your department will have from this applicant.

Building Department/ADA – Reviewer Name: _____ Date _____
Room LL01 - 8:30 – 10:00 AM or by appointment – 978-250-5225

Notes:

Community Development – Reviewer Name: _____ Date _____
Room LL01 – 978-250-5231

Notes:

Board of Health – Reviewer Name: _____ Date _____
Room 102 – 978-250-5241

Notes:

Tax Collectors Office – Reviewer Name: _____ Date _____
Room 104 – 978-250-5210

Notes:

Fire Prevention Office – Reviewer Name: _____ Date _____
Town Offices – Room LL03 – by appointment only 978-244-3361

Notes:

Only required for applications involving outdoor seating or at the request of other departments:

Police Department – Reviewer Name: _____ Date _____
2 Olde North Rd – by appointment only 978-256-2521 x124

Notes:

Only required at the request of other departments:

Department of Public Works – Reviewer Name: _____ Date _____
9 Alpha Rd – 978-250-5228

Notes:



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APPLICATION FOR COMMON VICTUALLER LICENSE

Licensee Name: _____
(list name of sole proprietor, partners or corporate entity name)

Doing Business As (DBA): _____

Premises Address: _____

Premises Phone #: _____ Business E-mail: _____

Hours of Operation: Mon. – Sat. _____ Sunday _____

Physical Description of Premises *(include square footage, # of stories, # of entrances/exits, # of rooms, & number of seats requested both indoors and outdoors if applicable):*

FLOOR PLAN OF PREMISES IS ATTACHED

Manager: Name: _____

Address: _____

Phone # *(to reach manager when not on premises)*: _____

E-mail Address: _____

Application Contact: Name: _____

Address: _____

Phone #: _____

E-mail Address: _____

Applicant acknowledges receipt of and will abide by the Town of Chelmsford Liquor & Common Victualler License Regulations.

Applicant's Signature: _____ Date: _____

Print Name: _____

The Licensing Board for the

.....
Name of City or Town

APPLICATION FOR AN ENTERTAINMENT LICENSE (SEVEN DAYS)

The undersigned respectfully applies for an entertainment license as follows:

LOCATION OF PREMISES _____ CLASS OF LIC. _____

DESCRIPTION OF PREMISES _____

RADIO ___ TELEVISION ___ JUKEBOX ___ AMPLIFIERS ___ PHONO ___

CABLE TV ___ WIDESCREEN TV ___ CASSETTE OPER. TV ___ MOVIES ___

INSTRUMENTAL MUSIC _____ No. of Instruments _____

Type of Instruments _____ What floors _____

VOCAL MUSIC _____ No. of persons _____

DANCING BY PATRONS _____ Type of dancing _____

What floors? _____ Size of dance floor _____

EXHIBITION OR TRADE SHOW ___ describe _____

PLAY _____ describe _____

MOVING PICTURE SHOW _____ describe _____

FLOOR SHOW _____ describe _____

ATHLETIC EVENT _____ describe _____

As part of the above entertainment, will any entertainer, employee or person on the licensed premises be permitted to be unclothed or in such attire as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals?

NO ___ YES ___ Explain in what manner such person will be presented _____

Did you hold an entertainment license from the Board pursuant to section 183A of Chapter 140? _____. If yes, was it for the exact same entertainment being requested in this petition? _____.

Date _____

Firm or Trade Name _____

Business Name _____

Manager Signature _____



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 Lafayette City Center
 2 Avenue de Lafayette, Boston, MA 02111-1750
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: _____

Address: _____

City/State/Zip: _____ Phone #: _____

Are you an employer? Check the appropriate box:

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

Business Type (required):

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

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

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

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

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

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

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

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

Signature: _____ Date: _____

Phone #: _____

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

City or Town: _____ Permit/License # _____

Issuing Authority (check one):

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

Contact Person: _____ Phone #: _____

Information and Instructions

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

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

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required." Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

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

City or Town Officials

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

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
Lafayette City Center
2 Avenue de Lafayette,
Boston, MA 02111-1750

Tel. (857) 321-7406 or 1-877-MASSAFE

Fax (617) 727-7749

www.mass.gov/dia



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TAX COMPLIANCE AFFIDAVIT

Licensee Name: _____
(Name of corporate entity or name of sole proprietor or partners)

D/B/A: _____

Premises Address: _____

Pursuant to M.G.L. Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Federal Identification Number or Social Security Number
(enter the number used when filing taxes for the business)

Signature

Print Name and Title

Date



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Schedule of Fees

Automatic Amusement (each device)	\$100
Billiards (per table)	\$100 first table \$35 each add'l
Auctioneer (yearly)	\$60
Auctioneer (one-day)	\$40
Fortune-Tellers	\$50
Taxi (each vehicle)	TBD
Taxi (each operator)	TBD
Class I Auto (sale of new vehicles)	\$200
Class II Auto (sale of used vehicles)	\$200
Class III Auto (salvage yard) & \$100 Inspection fee	\$200
License to Store Explosive/Flammable Materials (per Ch.148 s.13):	\$100
Common Victualler	\$100
Entertainment Full 7 day	\$100
Entertainment (Sunday one day)	\$85
Roadside Vendor	\$10
<i>Liquor</i>	
One-Day License (all alcohol)	\$60
One-Day License (beer & wine)	\$50
Farmer's Market Wine License	\$50
Club (all alcohol)	\$1,000
Package Store (all alcohol)	\$2,000
Package Store (beer & wine)	\$1,500
Restaurant (all alcohol)	\$3,000
Restaurant (beer & wine)	\$1,500
Inn Holder (all alcohol)	\$3,500
Carry-In Alcohol (BYOB) 25% of restaurant beer & wine fee	\$300
Alteration to Liquor License Filing Fee	\$100
New License Filing Fee	\$150



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Licensing Excerpt from “*Select Board Policies and Procedures*”

Full document may be seen here:

<http://www.chelmsfordma.gov/DocumentCenter/View/4372/BOSPolicyBook?bidId=>

3 LICENSING

3-1 LICENSE PERMITS VS. TAX DELINQUENCY

It shall be the policy of the Town of Chelmsford to deny the application for any license or permit to any individual, business or corporation that is in tax delinquency with the Town. The Town Manager, their administration and the various licensing boards and agencies in the Town will develop and enforce the necessary procedures to implement this policy within the framework of the prevailing local and state laws.

Furthermore, it shall be the policy of the Town of Chelmsford not to renew any license or permit previously granted to any individual, business or corporation that is in tax delinquency with the Town. Again, the Town Manager, their administration and the various licensing boards and agencies in the Town will develop and enforce the necessary procedures to implement this policy within the framework of the prevailing local and state laws.

3-2 APPROVAL OF NEW OR TRANSFERRED ALCOHOL BEVERAGE LICENSES

The Chelmsford Select Board recognizes that paramount among its responsibilities as the licensing authority for the issuance of alcohol beverage licensing for package stores and restaurants is the preservation of public safety, while at the same time reflecting due concern for the convenience and needs of Town residents. In furtherance of this responsibility, the Board recognizes that after a public hearing on license applications, additional information might be required and/or new information might become available which would necessitate the Board’s consideration prior to any formal vote.

Therefore, with respect to its consideration for approval of any application filed with the Board for the issuance of a new or transfer of ownership of an existing alcohol beverage license, whether for a package store or restaurant, the Select Board shall, as a matter of policy, postpone any final vote on the application until the next meeting of the Board. The Board may waive this policy at its discretion.

This policy shall be attached to the Town of Chelmsford's application forms so as to place all applicants on notice of the Board's policy.

3-3 PETITIONS TO REVIEW CONDITIONS PLACED ON ALCOHOLIC BEVERAGE LICENSES

Prior to amendment of any condition or restriction placed on an alcoholic beverage license, the Petitioner shall notify the abutters, in the same manner as required for an original application for license, of the time and place of the hearing specifying the substance of the petition.

3-4 PACKAGE STORE LICENSE APPROVAL

The Chelmsford Select Board recognizes that paramount among its responsibilities as the licensing authority for the issuance of the licensing of package stores is the preservation of public safety while at the same time reflecting due concern for the convenience and needs of Town residents.

With respect to its consideration of any application filed with the Board for the issuance or transfer of any license for the retail sale of alcohol (package store), the Board shall be required to consider, and make specific findings of fact with respect to, the following factors:

- a. Experience of the prospective licensee and manager in the responsible distribution of alcoholic beverages to the public;
- b. Safeguards that the prospective licensee commits to install in its premises as a condition of licensure to guard against the sale of alcoholic beverages to minors or to persons already under the influence of alcohol;
- c. Whether the specific area of Town in which the prospective licensee seeks to locate its license premises is already served by other licensed premises.

3-4.1 Mixed Use Package Store Licenses

It shall be the policy of the Chelmsford Select Board not to issue any alcohol licenses to establishments which are defined by law as "food stores" including but not limited to retail vendors such as convenience stores, grocery stores, supermarkets, shops, clubs, outlets, or warehouse type sellers, that sell food to consumers to be eaten elsewhere.

3-5 CARRY-IN ALCOHOL CONSUMPTION

Anyone requesting permission to allow patrons to bring their own alcohol on premise must submit an application, and schedule a public hearing in the same manner that a Restaurant Alcohol License requires.

The holder of this license may apply for a One Day Beer and Wine License for special events, in which case the rules for that license take precedence.

License renewal will follow the same rules and schedule as other alcohol license requirements. The annual fee for this license shall be 25% of the fee charged for a Restaurant Beer & Wine License.

3-6 PUB BREWERIES LICENSES

For the purposes of this policy, the definition for a pub brewery shall use that provided in Mass. General Law and/or ABCC Regulations which cover them.

The annual Restaurant alcohol license fee will be waived for the first three years the establishment maintains a license in Chelmsford.

The establishment shall follow all regulations as set out by other departments, and existing policies, including any requirement by the Board of Health regarding the availability of food on-premises during operating hours.

The Select Board will “reserve” two (2) Restaurant alcohol licenses for this type of establishment. However, that does not preclude more than two being licensed.

Town of Chelmsford

Liquor & Common Victualler License Regulations



Chelmsford Select Board Licensing Authority

LIQUOR LICENSE REGULATIONS

INTRODUCTION

In issuing regulations, the Select Board, as the local licensing authority of the Town of Chelmsford, is setting forth the expectations of the residents of Chelmsford as to the conduct of the Town's liquor license holders. A significant objective of the regulations is the prevention of violations. In familiarizing themselves with these regulations, license holders will realize that much is expected of them. The Select Board believes that violations will be prevented because these regulations will require liquor license holders to operate in accordance with a clearly defined standard.

SECTION 1: GENERAL LICENSING RULES FOR LICENSEES

1.01 LICENSING AUTHORITY:

These regulations are adopted, and may be amended from time to time, by the Chelmsford Licensing Authority, pursuant to the provisions of Massachusetts General Laws, Chapter 138 and Chapter 140. Any and all alcoholic beverages and common victualler licenses issued by the Licensing Authority shall be governed by these regulations, Massachusetts General Laws, Chapter 138 and Chapter 140, and the rules and regulations of the Alcoholic Beverages Control Commission (ABCC) of the Commonwealth of Massachusetts, as the same may be amended from time to time. Wherever a statute or ABCC regulation provides a stricter standard than contained in these regulations, the stricter standard shall apply.

1.02 FILING OF APPLICATIONS:

All license applications must be complete, in order to be processed by the Licensing Authority. The office of the Licensing Authority has a complete instruction packet regarding the filing of applications which lists information that will be required as well as the various forms. In many instances a legal notice, paid for by the applicant, will be required and immediate abutters notified of the date of the public hearing. Complete information regarding legal notice and notification to abutters is available at the office of the Licensing Authority. While the office of the Licensing Authority will assist any individual with the filing of an application, it is not the responsibility of the office staff to fill out and complete the application and forms required by the Town and the Commonwealth of Massachusetts. It is the responsibility of the applicant to be fully versed in all relevant laws, rules, and regulations pertaining to the sale of food and/or alcohol. Ignorance of the law may not be used as a defense of procedural mistakes or illegal behavior.

1.03 FILING FEES:

Filing fees must be paid when the application is filed at the office of the Licensing Authority. Fees will vary depending upon the type of application submitted. Town filing fees, if paid for by check, must be payable to the "Town of Chelmsford". Filing fees required by the Alcoholic Beverages Control Commission must be paid directly to the state in the manner prescribed by the ABCC. Filing fees are not returnable once an

application has been accepted by the office of the Licensing Authority. No approved licenses will be issued on any checks returned by the bank or if any outstanding monies of whatever kind are due to the town.

1.04 ANNUAL LICENSE FEES:

Annual license fees must be paid prior to the issuance of any new or existing license. License fees are not refundable. License fees for newly issued liquor licenses shall be prorated by quarter-year increments.

1.05 COMPLIANCE WITH ALL LAWS AND REGULATIONS:

All licensees shall maintain their premises and operations in full compliance with all applicable state and local building codes, all health and sanitary codes, Town bylaws and Zoning bylaws and regulations. All taxes and charges owed to the Town of Chelmsford must be paid on a current basis. Failure to comply with any of these laws and regulations shall be sufficient cause for revocation, suspension or modification of the license.

1.06 CESSATION OF OPERATIONS:

Any licensee intending to close a place of business for more than 30 days, 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.

1.07 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 laws or in any court or any proceedings before any state and/or federal agencies which may affect the status of the license.

1.08 MANAGER'S RESPONSIBILITIES:

The Manager shall at all times maintain order and decorum in the premises and in the immediately surrounding area of their premises and shall cooperate in all ways with town officials in ensuring safe and orderly facilities. There shall be no disorder, indecency, prostitution, lewdness or illegal gambling on the licensed premises. The manager shall ensure that no indecent, obscene, or immoral activity take place on the premises. The manager will ensure that noise does not become disturbing to abutters and/or neighbors.

1.09 DISCRIMINATION PROHIBITED:

No licensee shall make any distinction, discrimination or restriction relative to the admission or treatment of any person.

1.10 SUSPENSION, REVOCATION, OR MODIFICATION OF LICENSE:

All licenses are subject to suspension, revocation or modification for breach of any condition, regulations or laws of the Town or Commonwealth. The Licensing Authority reserves the right to add, modify or amend any license conditions after notice and/or hearing, if required, to the licensee.

1.11 DISPLAY OF LICENSES AND PERMITS:

All licenses and permits issued by the Town shall be displayed on the licensed premises in a conspicuous place to which the public has access and may read.

- 1.12 HOURS OF OPERATION - (SEE HOURS OF OPERATION UPON YOUR LICENSE):
The hours of operation shall be restricted to those set by the Licensing Authority. No patrons shall be on the premises before the official opening hours nor fifteen (15) minutes after the official closing hours. Customers must leave the licensed premises before fifteen (15) minutes after the official closing hour.
- 1.13 ACCESS TO PREMISES BY POLICE AND AGENTS:
The licensee is responsible to ensure that procedures are in place, be it by posting a person or otherwise, to allow police, the Licensing Authority and/or authorized agents of the Licensing Authority, immediate entrance into the licensed premises at anytime employees or agents of the licensee or others are on the premises. Any delay in providing such access may be cause for action against the licensee.
- 1.14 INSPECTION OF PREMISES:
The licensed premises shall be subject to inspection by the members of the Licensing Authority and duly authorized agents of the Licensing Authority. Any hindrance or delay of such inspection caused by an owner or an employee of the licensee may be cause for action against the licensee.
- 1.15 POSTING OF SUSPENSION NOTICE:
Whenever the Licensing Authority suspends the license or licenses of any licensee, the licensing Authority shall provide the licensee with a sign containing the words, "Closed by Order of the Licensing Authority of the Town of Chelmsford", which sign shall be attached on the inside but visible from the outside of the licensed premises in a conspicuous place(s) during the entire period of such suspension.
- 1.16 REFUSE REMOVAL:
All refuse shall be stored in a dumpster or in such other manner as approved by the Chelmsford Board of Health, and shall be maintained in accordance with the regulations and conditions of the Chelmsford Board of Health. Any rules and regulations of state agencies and Mass. General Law which conflict with Chelmsford Board of Health regulations shall supersede this section.
- 1.17 CLEAR VIEW OF PREMISES' INTERIOR:
No advertising matter, screen, curtain or other obstruction which in the opinion of the Licensing Authority, or agent of the Licensing Authority, prevents a clear view of the interior of the premises shall be maintained in or on any window or door thereof after the Licensing Authority has ordered the removal of such obstruction.
- 1.18 INTERIOR/EXTERIOR LIGHTING:
The interior of the premises shall be sufficiently lighted at all times and all exits shall be properly designated by lighted signs, stating "Exit" as required by the Building Department of the Town or by the Fire Prevention Officer of the Town. The off-street

parking area shall have exterior lighting of adequate and sufficient lighting capacity and in conformance with any applicable bylaws of the Town, to ensure the safety of patrons and employees.

1.19 CHANGES TO PREMISES OR OPERATION:

Any internal or external alterations to the physical description and appearance of the licensed premises, including, but not limited to, renovation work, and the nature of and/or general operation of the licensed premises, must receive approval from the Licensing Authority.

No physical changes to the interior or exterior of the licensed premises shall be made without the prior approval of the Licensing Authority. Any changes to the original plans must be approved by the Licensing Authority prior to any work commencing. Changes must be approved by the Licensing Authority and any other Board or Commission having jurisdiction. All plans and documents submitted shall be in form as specified in instructions provided by the Select Board office.

Approval of plans and the issuing of necessary permits by the appropriate departments such as the Health Department, Fire Prevention Office, Building Department or special permit use approved by the Town of Chelmsford, does not constitute approval by the Licensing Authority. Separate approval must be received from the Licensing Authority before any work is started. The only exception to this will be work of an emergency nature. Any work reasonably classified as “emergency work” must be documented and submitted to the licensing authority within five (5) business days of the commencing of the work.

1.20 POLICE COMPLAINTS:

Any police complaints and/or reports presently on file, shall continue in force until dispositive action upon them is taken.

1.21 AESTHETICS:

The licensed premises and property shall be cleaned daily of all trash, litter or debris to ensure a safe clean location.

SECTION 2: GENERAL LICENSING RULES FOR ALCOHOL LICENSEES

2.01 CORPORATE AND TRADE NAMES:

No licensee shall assume obligations for a licensed premises under any corporate or trade name other than that under which he or she is licensed. Any change in corporate name or any change in trade name (DBA) shall require the prior approval of the Licensing Authority. (MGL c.138, s. 15A)

2.02 CORPORATE TRANSACTIONS AND CHANGE OF MANAGERS:

The licensee shall not change managers, change corporate officers/directors/LLC managers, change corporate structure, 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 Licensing Authority. No person may have a direct or indirect beneficial interest in a license without first obtaining the approval of the Licensing Authority, except under Massachusetts General Laws, Chapter 138, section 15A, which states, *“Provisions of this section shall not apply to stockholders of a corporation whose stock is listed for sale to the general public with the Securities and Exchange Commission and who hold less than ten percent of the outstanding stock entitled to vote at the annual meeting of the said corporation.”*

2.03 FORECLOSURE ON LOANS:

The assignment of stock in incorporated licensed premises for the purpose of safeguarding the assignee on loans, or like matters, does not authorize such assignee to conduct the business of the licensee; and therefore, licensees must notify the Licensing Authority immediately when the assignee forecloses under such assignment of stock.

2.04 MANAGER:

No corporation shall be approved for a license unless the corporation, by affirmative vote of a majority of its Board of Directors and duly affirmed by the Clerk of the Corporation, has appointed a Manager who is a United States citizen and who has been vested with full authority and control of the premises and the business to be licensed. The Manager shall have total responsibility for the proper operation of the licensed premises, whether present or not. No appointment of a Manager shall be effective unless and until approved by the Licensing Authority.

2.05 EMPLOYEE CONSUMPTION PROHIBITED:

No Manager or employee except employees hired for the purpose of testing or rating beers, ales, or wines shall consume any alcoholic beverages while on duty or after the official closing hour. The manager shall forward the names of excepted employees to the Licensing Authority.

2.06 SERVICE PROHIBITED TO CERTAIN INDIVIDUALS:

No alcoholic beverages shall be sold or delivered to anyone under twenty-one (21) years of age, under the influence of drugs, or to an intoxicated person. No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or non-alcoholic beverage for him or her or any other person.

2.07 EMPLOYEE LIST TO BE MAINTAINED

A current list of all employees and their description of duties shall be available on the licensed premises at all times for review by authorized agents of the Licensing Authority.

2.08 SERVICE LIMITED TO CERTAIN LOCATIONS:

No licensee shall keep for sale, store, or sell, or permit consumption of alcoholic beverages in any part of the premises not specified on the license, such as a patio, sidewalk or parking lot.

2.09 TRAINING - FOR MANAGERS AND EMPLOYEES:

The manager, and all staff who sell alcoholic beverages, shall have successfully completed an alcoholic beverage server training program such as Training for Intervention Procedures by Servers (TIPS) for restaurants and lounges, or Beverage Alcohol Training (BAT) for package stores. TIPS certification must be completed every three years. Managers must provide the Town with a current valid certificate. All other employees of the licensed establishment such as cashiers and waitresses who sell alcoholic beverages shall complete TIPS certification within 30 days of employment.

2.10 VERIFICATION OF TRAINING:

A copy of the TIPS certificate for each employee, and signed acknowledgement indicating that the employee understands the written policy describing his or her responsibilities and the disciplinary action which will be taken for violations, shall be maintained on the licensed 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. Lack of supporting documentation may be cause for action against the licensee.

SECTION 3: LICENSING RULES FOR SERVING ALCOHOL

3.01 APPLICABILITY

This section shall apply to all establishments serving alcoholic beverages.

3.02 FOOD SERVICE

Licenses issued under Massachusetts General Laws, Chapter 138, section 12, which are restaurant licenses, may be issued only to those who have been granted a common victualler license under Massachusetts General Laws, Chapter 140. This section also applies to holders of innholder licenses. Common victuallers must have adequate and sanitary kitchen and dining room equipment and capacity for preparing cooking and serving suitable food for strangers, travelers and other patrons as required by Massachusetts General Laws, Chapter 140, Sections 5 and 6.

3.03 SERVICE LIMITED TO APPROVED AREAS

The service and consumption of alcoholic beverages shall be limited to those areas of the premises approved by the Licensing Authority. No alcoholic beverages shall be served or consumed in any areas of the premises that are not within the original approved description of the premises. New areas must have plans submitted to the Licensing Authority for approval.

3.04 SERVICE LIMITED TO FOOD SERVICE AREAS OR APPROVED LOUNGE

The licensing authority may require food service to be available in all areas of the licensed premises where alcoholic beverages are served, this to include dining areas and lounge areas. This does not include any area approved as a waiting area by the Licensing Authority. Within approved waiting areas, and by approval of the Licensing Authority, individuals who are waiting to be seated for dining, may be served not more than two standard sized drinks.

3.05 CONSUMPTION ON THE PREMISES

All alcoholic beverages shall be served in open containers. A patron may retain and take off the premises only so much as may remain of a bottled wine purchase by the patron in conjunction with a meal and not totally consumed by the patron during such meal; provided further that the bottle shall be resealed in accordance with Alcoholic Beverages Control Commission regulations. No patron or customer shall be allowed to bring alcoholic or wine or malt beverages on the premises for the purpose of consumption on the premises, except as described in Section 4.

3.06 SERVING CONTAINERS

No alcoholic beverages, with the exception of wine and specialty drinks, shall be served in any container or glass, the capacity of which is in excess of twenty-four (24) fluid ounces. Sale or service of malt beverages, beer or ale in pitchers is allowed only to groupings of two or more patrons.

3.07 CHARGE FOR ALCOHOLIC BEVERAGES

No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverage. The price charged for alcoholic beverage shall not be discounted for any particular hour(s) of the day or day(s) of the week. No minimum charge shall be made for alcoholic beverages.

3.08 SERVICE OF ALCOHOLIC BEVERAGES LIMITED

No more than two alcoholic or wine or malt beverage drinks shall be served to a patron at one time for his or her own consumption. Bartenders may serve only those individuals seated or standing at the bar. All other individuals standing at a bar, due to the lack of available seats, must be served by a waitperson. In cases when no waitpersons are available, bar service will be allowed.

3.09 ENTERTAINMENT

No forms of entertainment, including but not limited to radio, television, recorded or live music, or dancing, shall be allowed without first obtaining an entertainment license. This to include use of amplified music, inside or outside.

3.10 ANNUAL FINANCIAL REPORTS – RESTAURANTS

All holders of restaurant licenses under Chapter 138, Section 12, shall upon request of the Licensing Authority furnish an annual report indicating the percentages of gross sales of food and gross sales of alcoholic beverages for the preceding calendar year.

3.11 CLOSING HOURS

It is the responsibility of the Manager of the licensed premises to ensure that the licensee complies with the following “closing hour” requirements:

- a. Premises must be cleared of all employees other than managerial and cleaning employees not later than sixty (60) minutes after legal closing time.
- b. All outside signs or lights for the licensed premises must be extinguished.
- c. All bottles and glasses containing alcoholic beverages must be removed from tables and bars by fifteen (15) minutes after legal closing.

- d. No employee or owner shall consume alcoholic beverages in or upon the licensed premises before opening or after closing hours.

SECTION 4: RULES FOR CARRY-IN ALCOHOL CONSUMPTION

4.01 APPLICABILITY

This section shall apply to all establishments allowing patrons to bring their own alcohol on premise for consumption, per Select Board policies.

4.02 SERVICE

The patron who bring their own alcohol must be 21 years of age or older, and serve it him/herself. Only those 21years of age or older may consume alcohol on-site. The owner or person in charge of the premises cannot pour any drinks, and cannot charge a fee to patrons for bringing/consuming their alcohol. Open containers cannot be brought into or removed from the premises. The TIPS-certified person on-site shall require a valid form of identification from any person bringing or consuming alcohol on the premises when the legal age of 21 is in question.

4.03 SERVICE LIMITED TO APPROVED AREAS

A TIPS-certified person must be present during the time that alcohol may be consumed. Alcohol can only be consumed in an area where that person is present. Attendance in an area where alcohol may be consumed cannot exceed 20 patrons.

4.04 ALCOHOL AMOUNT

Each patron may bring up to one 750ml bottle of wine or not more that 32 total ounces of beer into the premises. No other alcohol is premitted. The holder of the license cannot consume alcohol.

4.05 LIQUOR LIABILITY INSURANCE

Establishments allowing carry-in alcohol must have liquor liability insurance in the amounts required for licensees under M.G.L.ch. 138 §12.

SECTION 5: LICENSING RULES FOR SELLING ALCOHOL

5.01 APPLICABILITY

This section shall apply to all establishments selling alcoholic beverages for off-premise consumption.

5.02 HOURS OF SALES:

No sale or delivery of alcoholic beverages shall be made except during the legal hours of sale.

5.03 SALE AND DELIVERY - KEGS OF BEER (MALT BEVERAGES):

A written record shall be maintained listing the name and address of every person to whom a delivery of one or more keg(s) or any fraction of a keg of malt beverages is made outside of the premises. Such record shall include the amount of the beverages that were delivered, the date and time of delivery, and the signature of the person receiving the

delivery. Such records shall be maintained for a period of not less than three years and must be available for inspection by the Licensing Authority and its agents at all times.

5.04 **PRICES:**

All prices that can be seen by customers in the store whether on shelves, in circular form, or otherwise, must correspond with the current posted price list.

5.05 **SUPERVISION**

An employee must be present on the floor in the area of alcohol sales at all times that the establishment is open to the public.

SECTION 6: VIOLATIONS

6.01 Any violations of the Town of Chelmsford, the Licensing Authority, or the Commonwealth of Massachusetts regulations regarding the sale or service of alcoholic beverage may result in a warning, suspension, modification or revocation of the issued license. Any complaints and/or reports presently on file shall continue in full force until dispositive action upon them is taken by the Licensing Authority.

SECTION 7: SEVERABILITY

7.01. In respect to their constitutionality or legality as determined by courts of competent jurisdiction, all provisions of these regulations are hereby declared to be severable.