

BOARD OF SELECTMEN REGULATION

Alcoholic Beverage License Regulations Applicable to Package Stores

Date Approved by BOS:

July 22, 2019

Signature of Chair:

Douglas M. Lucente

I. PURPOSE

The Board of Selectmen is duly authorized by statute to issue and to regulate alcoholic beverage licenses. These regulations set the standards by which the Selectmen will review requests for package store licenses.

II. GENERAL REQUIREMENTS

1. The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
2. All employees must be 18 years of age or older.
3. Package stores may not sell or deliver alcoholic beverages on ~~Memorial Day~~, Thanksgiving and Christmas (or the next day if Christmas occurs on a Sunday).
4. Unless the Board of Selectmen elects to reduce such hours as a condition of a license, the hours for selling alcoholic beverages shall not exceed the following: Monday through Saturday: 8:00 a.m. to 11:00 p.m. or between 8:00 a.m. and 11:30 p.m. on the day immediately before a legal holiday. Sunday: 12:00 ~~a.m.~~ p.m. to 9:00 p.m.
5. No package store license shall be issued to any applicant who has been convicted of a felony.
6. Package store licenses shall be issued only to retail establishments that specialize in the sale of alcoholic beverages. Such licenses shall not be issued to grocery stores or convenience stores. For purposes of this regulation, retail establishments in which alcoholic beverages constitute 50% or more of their annual sales shall be considered eligible for a package store license. Upon request from the Board of Selectmen, applicants and/or license holders shall furnish proof of compliance with this regulation.

7. Automatic amusement devices in compliance with Massachusetts General Laws Chapter 140, § 177A may be kept in licensed premises, provided that each such device is properly licensed by the Town of Lexington as an automatic amusement device, and is installed on the premises so as to be kept in open view at all times while in operation, and shall at all times be available for inspection. No device designed or intended for gambling, gaming or betting for money or property shall be permitted in a licensed premise, nor shall any other automatic amusement device be permitted to be used for such purpose. The term “automatic amusement device” shall mean any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including but not limited to such devices commonly known as pinball machines and video or electronic games.
8. Licenses shall not be issued to establishments located within a residential neighborhood area.
9. Package store licensees must conspicuously post a list of prices for all alcoholic beverages being sold on the premises in each room where alcoholic beverages are displayed or sold.
10. No license shall be sold, transferred or surrendered without the prior approval of the Board of Selectmen.
11. Pursuant to state law, each applicant, whether an individual, partnership or corporation (including its affiliated entities), is eligible to receive no more than one package store license in Lexington.
12. All alcoholic beverage licenses are conditioned on the compliance with all applicable state and local laws, including but not limited to M.G.L. Chapters 138 and 140, the state building code, the ABCC Regulations and Lexington’s bylaws and regulations.
13. No corporation, organized under the laws of the Commonwealth or any other state or foreign country, shall be issued a license to sell in any manner any alcoholic beverages unless such corporation shall have first appointed, by vote of its Board of Directors or other similar board, as manager or other principal representative, a citizen of the United States who is 21 years of age or older, and shall have vested in him by properly authorized and executed written delegation full authority and control over all business relative to alcoholic beverages which takes place on the premise.
14. Such manager or representative shall be present in the licensed premises and shall be available to the licensing authorities at all times during which alcoholic beverages are being sold pursuant to the license of such corporation, unless some other person, similarly qualified, authorized and satisfactory to the licensing authorities, and whose authority to act in place of such manager or principal representative shall first have been certified to the licensing authorities as set forth in paragraph 13, is present in the premises and acting in the place of such manager or principal representative.

15. The licensee shall have a manager or an assistant manager in charge during open hours who is a responsible person of good moral character, satisfactory to the licensing authorities.
16. All managers listed on the license must provide the Board with proof of successful completion of an accredited alcoholic beverage server training program (such as Training for Intervention Procedures by Servers (TIPS)). All other employees must complete similar in-house training within 30 days of hire.
17. The manager or representative is responsible for the order and decorum kept in the premises and in the immediate surrounding exterior area and must cooperate with Town Officials. The property is subject to inspection by appropriate Town Officials.
18. If the licensed establishment is closed for more than 7 consecutive days or 10 days in a calendar year without prior approval, it shall be considered abandonment of the alcoholic beverage license and is cause for the suspension or revocation of the license.
19. All alcoholic beverage licenses shall be conditioned on strict compliance with these regulations, and any failure to comply may be cause for refusing to grant or renew a license or for suspending, canceling, or revoking a license already granted, at the discretion of the Board of Selectmen after consideration of all relevant circumstances.

III. THE APPLICATION

20. Alcoholic beverage licenses are issued for one year only, subject to annual review and renewal by the Board.
21. No action shall be taken by the Board of Selectmen on an application until the information requested on the application form is complete and all license fees are paid.
22. All applicants must submit to the Board of Selectmen with the application a floor plan of the building on which is clearly marked and designated the location of proposed sales area and storage area in which approval of the Board of Selectmen for the sale or storage of alcoholic beverages is requested. Sales and service of alcoholic beverages are prohibited in any areas or locations not expressly approved by the Board of Selectmen, and no change in such area or location may be made without prior approval of the Board of Selectmen.

23. Every application for an alcoholic beverage license made by a corporation shall state the full names and home addresses of the president, treasurer, clerk and secretary, directors and manager or other principal representative of the corporation. The application shall be signed by a corporate officer duly authorized by a vote of the corporation's board of directors or other similar board. A copy of such vote certified by the clerk or secretary of the corporation, together with a copy of the certificate of its organization, shall be submitted with the application. A copy of the vote appointing the corporation's manager or other principal representative shall also be submitted with the application.
24. All applications for licenses shall be made upon blanks furnished by the licensing authorities, shall be fully answered in detail and shall be typewritten or legibly written in ink. Applications written in pencil, in whole or in part, will not be accepted.
25. Statements and information provided in all applications shall be made under the pains and penalties of perjury and any false statement contained in any application shall be cause for refusing to grant or renew the alcoholic beverage license or for suspending, canceling or revoking an alcoholic beverage license already granted.
26. The annual license fee is due at the time of applying for or renewing an alcoholic beverage license. Annual fees are as follows:
 - (a) All Alcohol - \$2,000, and;
 - (b) Wine and Malt Only - \$2,000.
27. For a new license or change of license, a \$100 administrative fee is due at the time of application.
28. If an applicant is denied a license, a new application shall not be received for 12 months unless a Board of Selectmen member, who previously voted against the application, moves to allow resubmission and such motion prevails.

IV. BACKGROUND

V. REFERENCES

Adopted by the Board of Selectmen on November 8, 2004.

Amended by the Board of Selectmen on February 15, 2005.

Amended by the Board of Selectmen on May 14, 2007 (No. 6 – from 75% to 50%)

Amended by the Board of Selectmen on March 15, 2010.

MGL Chapter 138

ABCC Licensing Guidelines