



Liquor License Policies, Procedures and Regulations

Adopted by the Board of Selectmen March 3, 2010

The Town of Harvard has voted affirmatively to allow liquor licenses for the sale therein of alcoholic beverages On Premise and Off Premise (M.G.L. Ch. 138 Ch. 12).

In issuing regulations, the Board of Selectmen, as the liquor licensing authority of the Town of Harvard, is setting forth the expectations of the citizens of Harvard as to the conduct of the Town's liquor license holders.

Under Massachusetts General Law, the LLA acts on behalf of the State (the Alcohol Beverage Control Commission (ABCC) which authorizes the issuance of a liquor license. As the LLA, the Selectmen both follow the regulations set forth in the law and may add or amend requirements as long as it is within their powers to do so. The ultimate authority to issue the licenses resides with the ABCC. However, the LLA has a broad range of conditions that they can impose on a license holder, ranging from hours of operation, outdoor seating, trash, parking, signage and other items as appropriate. The board makes every effort to be consistent in their application of conditions with entities of a similar type.

The Town Administrator is the designated Licensing Agent of the Board of Selectmen (the LLA). The Licensing Agent has the authority to accept and reject applications that do not meet the minimum requirements of the ABCC and/or the Town of Harvard.

Applications regarding premises not actually in existence at the time of application will not be approved unless and until a building permit has been issued by the Town of Harvard and the applicant has filed with the application a plan showing the actual dimensions of the premises which are to be constructed on which the licensee is to be exercised. If construction of the premises is not completed at the time the license is approved, the license may be approved on the condition that construction shall be completed and as-built plans shall be filed prior to the issuance of the license.

Approvals of applications by the Licensing Board are valid for six months from the date of approval by the ABCC. If such time expires before the license is issued, due to the applicant's failure to meet all of the conditions imposed by the Local Licensing Board, the license will be declared invalid and not be issued, and the license fee will not be refunded. Applicants who wish to re-apply shall be considered "new applicants" and not as a renewal and be reheard by the Licensing Board.

General License Types and Definitions

- a) **Types of Alcohol Licenses that can be granted by the Harvard Board of Selectmen via the ABCC:**
 - a. On premise pouring license.
 - b. Off premise license which is defined as a “package store license.”

 - b) **Additional licenses** that can be granted exclusively by the Harvard Board of Selectmen:
 - a. A “Carry In” license. The Commonwealth allows licensed food establishments, through local control, the ability to have patrons carry in alcoholic beverages for their consumption on premises.
 - b. A Special License (One Day). A special license may be issued for the sale of wines and/or malt beverages to any enterprise however, special licenses for the sale of all alcoholic beverages may be issued to non-profit organizations only.
 - c. A Farmer's Market License. A Farmer’s Market license may be issued for the sale of wine manufactured by a licensed Farmer-Winery at approved agricultural events in Massachusetts.
-
- i. **Knowledge of Rules and Regulations:** The licensee is responsible for ensuring that all employees who work in the public areas of the premises read the Rules and Regulations of the LLA, and comply with all rules and law.
 - ii. **Filing of Application:** All license applications must be accompanied by payment of the required filing fee and must be deemed complete by the Town Administrator, in order to be processed by the LLA.
 - iii. **Filing fees:** Annual license fees must be paid prior to the issuance of any new or existing license. The licensee must also be up to date on taxes (MGL c.40, §57) and all appropriate permits must be current.
 - iv. **Posting and Signs of License:** Licenses issued by the LLA shall be posted in a conspicuous place easily viewed by the public where they can read without difficulty and without the assistance of employees at the premise.
 - v. **Cessation of Operation:** Any licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the LLA.
 - vi. **Change of Manager:** Any licensee intending to change managers, whether on a temporary or permanent basis, must notify the LLA and follow the ABCC process.
 - vii. **Employees:** No manager or employees shall consume any alcoholic beverages while on duty.
 - viii. **Hours of Operation:** The hours of operation shall be restricted to those set by the LLA and stated on the face of the license.
 - ix. **Inspection of the Premise:** The licensed premise shall be subject to inspection by the members of the LLA and its duly authorized agents, the Zoning Enforcement Officer, and Public Safety officers. It is the responsibility of the licensee to ensure that procedures are in place.
 - x. **Illegal activity:** Licensees shall make all reasonable and diligent efforts to ensure that illegal activities not occur at the licensed premise.
 - xi. **Carry-In:** The Town of Harvard, the local licensing authority, requires that any establishment wishing to have patrons bring in *only* beer and wine fill out the application form, and pay the filing fee.
 - xii. **One-Day License:** (Special License): The Town of Harvard, the local licensing authority, is permitted to issue a license to the responsible manager of any indoor or outdoor activity or enterprise. This type of license may be issued only to a natural person, although this natural person may be a

person acting on behalf of a corporation, partnership, or other entity. No person may be granted such licenses permitting sales on an aggregate of more than 30 days in any calendar year.

- i. Special License for Sale of All Alcoholic Beverages (including wine and/or malt) may be issued only to a person acting on behalf of a non-profit organization.
- ii. Special License for Sale of Wine and/or Malt Beverages, or both, may be issued to any person who is conducting an activity or enterprise for profit.
- iii. Municipal entities requesting a Special License will not be assessed a fee or required to hold a hearing.

Licensing Process

Step I

1. All forms required by the town and/or the ABCC
 2. Workers Compensation Affidavit and Insurance Certificate
 3. Liquor Liability Insurance Certificate
 4. Checks made payable to the Town of Harvard (see fee schedule) and ABCC.
 5. For on-premises license *only*: All employees serving alcohol go through a TIPS training and provide proof of TIPS training.
 6. For off-premises license *only*: All employees selling alcoholic beverages shall be trained to the satisfaction of the Chief of Police on requirements for age verification and proper age-verification methods.
-

Step II

1. Once the required application materials and forms are deemed complete by the Town Administrator, the applicant must submit all completed forms and other required documentation to office of the Board of Selectmen.
 2. A hearing will be scheduled at a regular or special meeting of the Board. The applicant is required to provide proof that all abutters have been properly notified of the proceedings. Hearings typically address such issues as noise, trash, parking, traffic, overall operations of the facility and character of the applicant and manager. (Renewals will not need a public hearing but will need selectmen approval at a regular meeting.)
 3. One-Day Liquor License requests will require a hearing. If an event is held annually with no issues subsequent hearings will not be required. Recurring events will require selectmen approval at a regular meeting.
 4. At the hearing, the Board of Selectmen will approve or disapprove the application.
 5. If approved, the Board of Selectmen will forward the application to the ABCC for final approval.
 6. If disapproved, the Board of Selectmen will notify the applicant in writing within five days of the denial including the reasons for the denial.
 7. The ABCC is a state agency that issues final approval or disapproval. Upon reaching a decision, the application is forwarded back to the Board of Selectmen.
 8. Upon ABCC approval, the Board of Selectmen will issue an approval letter explaining remaining fees, inspection approvals, and required certificates due before a license is issued.
-

Step III

1. The Building Commissioner will then inspect the premises for compliance with all zoning, and building, and, if approved, will provide copies of all required permits to the Board of Selectmen via the Town Administrator.

2. The Board of Health will likewise inspect the premises, forward a copy of the Title V Certificate of Compliance, and all public health related permits along with a letter indicating their final approval.
-

Step IV

1. The Fire Department and Police Department will inspect the site, if approved, and will submit a letter confirming compliance with any conditions or regulations that apply to the premise to the Board of Selectmen, via the Town Administrator.
-

Step V

1. The liquor license will be issued.
-

Enforcement

Any conditions the Selectmen impose on the license, once issued, will be the responsibility of the Zoning Enforcement Officer and/or Public safety officers to enforce any violation of these conditions. Upon report of an violation, a hearing is required before the Selectmen can vote to suspend or revoke the license. Continued infractions will result in loss of license.

The LLA and any enforcement designees (the Police Department) may at any time make investigation on its own initiative as to the compliance with license requirements.

Disciplinary Remedies

In general, in matters of the first offense, the Board shall consider the issuance of a letter of reprimand to the owner and his representative (if there is one), a copy of which shall be placed on file in the license record of the office of the Town Administrator.

In matters of a second offense within the period of 12 calendar months, the Board shall consider the issuance of a suspension for a period of 1-14 calendar days and shall state the period of suspension.

In matters of a third or subsequent offense within 12 months, the board shall consider a second suspension for a period of 1-30 calendar days and/or revocation of the license.

All of the above considerations shall serve as *guidelines* to the Board of Selectmen in their deliberations regarding charges brought against the establishment, owner, proprietor, or other operators concerning infractions of the liquor laws of the Commonwealth and the Town of Harvard. Each case shall be considered upon its individual merits.