

*David Hall, Chairman*  
*John Hebert, Vice Chairman*  
*Paul A. Maynard, Clerk*  
*Jesse Limanek*  
*Michael Kenney*



*Sutton Town Hall*  
*4 Uxbridge Road*  
*Sutton, Massachusetts 01590*  
*(508) 865-8727*  
*Fax: (508) 865-8721*

James Smith, Town Administrator  
Debbie Jacques, Executive Secretary

## **Town of Sutton Board of Selectmen**

# **LIQUOR LICENSE REGULATIONS**

### **I. OVERVIEW**

The following regulations, issued by the Board of Selectmen as the Town's Local Licensing Authority pursuant to G.L. c.138, are designed to provide Liquor License holders in the Town of Sutton with an understanding of the expectations of the Board of Selectmen as to the conduct of the Town's liquor license holders.

Licenses are required to adhere to the provisions of these regulations, as well as all applicable Federal, State and local laws and regulations. If the Board of Selectmen, also referred to herein as the Local Licensing Authority, or its designated representative determines that there exists sufficient evidence that any violation of any laws or regulations governing any licensed establishment or person has occurred, the Local Licensing Authority may, after notice and public hearing, take disciplinary action, which may include a verbal warning, written warning, suspension of license, modification of license, non-renewal of license and/or revocation, depending upon the seriousness of the offense(s), and the judgment of the Local Licensing Authority.

Any circumstances not expressly covered by these regulations shall be addressed in accordance with the laws of the Commonwealth of Massachusetts and the rules and regulations of the Alcoholic Beverages Control Commission.

The Board of Selectmen, as Local Licensing Authority, reserves the right to follow or deviate from these general guidelines when it determines in its sole discretion that it is in the public interest to do so.

## II. GENERAL CONSIDERATIONS

The Board of Selectmen has designated, in matters of administrative filings, paperwork, and correspondence, the Town Administrator's office as its representative.

The Board of Selectmen also designates the Sutton Police Department, Sutton Fire Department, Sutton Building Commissioner, Health Inspector, and Town Administrator to act as its representatives to enforce compliance with these Regulations and any laws or regulations concerning the sale or service of alcoholic beverages.

Licensees should note that the LLA has directed that the Sutton Police Department will, on regular occasions, and no less than one time a year, conduct "compliance checks" of each establishment to ensure that all rules and regulations regarding the sale and service of alcohol are being observed by license holders. These include postings, licensure, and conduct as a licensee with regard to State and local regulations.

Violations of regulations will be reported to the Local Licensing Authority by the appropriate Town officer and pursued in accordance with these guidelines.

The Local Licensing Authority considers first and foremost the protection of Sutton residents, and in particular Sutton's youth in issues involving license violations and discipline. Violations which relate directly to over-serving, or serving of minors, whether reported through inspection or as a result of a criminal or safety complaint, may be considered with more gravity than those violations that are more administrative in nature.

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.

### 1. VIOLATIONS

- A. Upon written notice from the Chief of Police or other source that an illegality has allegedly occurred at a licensed establishment or other matters that the Chief of Police, or designated representatives of the LLA, deems should be brought to the attention of the Board, the Board will consider in open session whether or not a public hearing should be held.
- B. If it is determined that a public hearing will be held by vote of the Local Licensing Authority, the Town Administrator's office shall send written notice to the applicant by both Certified Mail/Return Receipt Requested and first class mail.
- C. At the hearing, the Local Licensing Authority will first hear evidence from the Police Chief and his agents and/or witnesses or from other complaining party, as may be

appropriate. Then the licensee and the licensee's counsel will have an opportunity to present their response and evidence.

- D. After all testimony has been given, the Board reserves the right to question all witnesses and parties and, if necessary, take under advisement all facts and vote either to render their decision, or continue the hearing to a subsequent meeting of the Local Licensing Authority.

2. DISCIPLINARY GUIDELINES

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

- 1. First offense: warning to seven days suspension.
- 2. Second offense: warning to fourteen days suspension.
- 3. Third offense: warning to revocation.

- B. The Local Licensing Authority may consider deferring any suspension for up to a period of twelve (12) months, provided that during the period of suspension of this penalty, which shall be from the date of said letter until the end of the suspension period, the licensee shall not have engaged in any other conduct prohibited by Chapter 138 or the regulations promulgated thereunder.

- C. If an establishment incurs a violation and then remains violation-free for a period of 24 months, the next following violation may be considered as a First Offense.

- D. These disciplinary guidelines are only a guide. The Local 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.

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

3. Posting and Signs

- A. Licenses issued by the Board shall be posted in a conspicuous place easily seen by the public where they can be read without difficulty or assistance of employees.
- B. All other licenses, permits and certificates affecting the licensed premises shall be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover any part of the license issued by the Board.
- C. No dress code, preferred customer program, cover charge or other admission policy shall be put into effect at the premises except upon proper posting.
- D. The posting or presentation of any photographs, signs, posters, drawings or other matter that is of an improper or objectionable nature in the public areas of the licensed premises is prohibited. The material presented must be suitable for view by members of the general public in the same manner as if it were located in other public areas such as public ways, public parks, common carrier stations, governmental offices, and business offices.

4. Employee Training

- 1) The Manager and all Alternate Managers shall have successfully completed an alcoholic beverage server training program such as the Training for Intervention Procedures Program (TIPS), or its equivalent, prior to appointment.
- 2) TIPS, or equivalent training, shall be required for all bartenders at restaurant establishment.
- 3) All other employees engaged in service or sales of alcohol shall receive, at a minimum, in-house training similar to that received under the TIPS program.
- 4) Verification of the training referred to in the previous section shall be maintained for each employee and shall be available for inspection on the premises at all times.
- 5) Certification and recertification must be current. Employees must be recertified at the end of the certification process. Employers or License holders are responsible for appropriate documentation of current certification, and shall make it immediately available at the request of the LLA or its designees.