



WOBURN LICENSE COMMISSION

RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

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I. Rules and Regulations Applicable to All Holders of Alcoholic Beverage Licenses

This section shall apply to any and all alcoholic beverages licenses issued by the License Commission to eligible restaurants, function halls, clubs, and clubs with function halls, veterans' organizations, innholders, package stores, one-day special event licenses, a carry-in licenses. The License Commission reserves the right to supplement, amend, modify or revoke these rules and regulations at such time or times as the License Commission deems appropriate after due notice and hearing. These rules and regulations do not address, amend or supplement the License Commission's Carry-In Regulations which are set forth in a separate document.

A. Definitions

1. All definitions contained in M.G.L. c.138 and c.140 are incorporated herein by reference and made a part hereof.
2. "ABCC" shall mean the Alcoholic Beverage Control Commission.
3. "Carry-In License" shall mean a license permitting a patron or customer to bring in and consume alcoholic beverages on the premises of a restaurant licensed as a Common Victualer under M.G.L. c.140.
4. "Commission" shall mean the Woburn License Commission.
5. "Licensee" as used herein shall mean an individual Licensee and each member of a partnership Licensee and each officer, director, manager and stockholder of a corporate Licensee and any agent of a Licensee including those employees who work on the licensed premises.
6. "Licensed Premises" as used herein shall mean all rooms, enclosures, contiguous areas, or places where alcoholic beverages are sold or consumed under authority of a license issued pursuant to M.G.L. c.138.
7. "M.G.L." refers to the Massachusetts General Laws.

B. Legislative Authority

These Rules and Regulations are adopted by the Commission pursuant to the provisions of the M.G.L. c.138 and c.140. All licenses issued by the Commission shall be governed by, and subject to, the Licensee's compliance with all applicable federal, state and local laws, regulations and ordinances, including, but not limited to, M.G.L. c.138 and c.140, the ABCC's regulations at 204 C.M.R., these rules and regulations, the Woburn Zoning Ordinance and Woburn Municipal Code, as amended, all applicable building, fire prevention, health and sanitary codes, and any conditions the Commission imposes on specific licenses. These Rules and Regulations are subject to and may be superseded by rules and regulations adopted by the ABCC.

C. Availability of Rules and Regulations

1. All Licensees shall ensure that a copy of the Rules and Regulations of the Commission is kept on the premises at all times and is immediately available for inspection upon request by a member of the public or an agent of the Commission.
2. The Licensee is responsible for ensuring that all employees of the organization operating under the license read these Rules and Regulations and comply with all rules and regulations.

D. Posting and Signs

1. Licenses issued by the Commission must be posted in a conspicuous place easily seen by the public where they can be read without difficulty and without recourse to the assistance of employees at the premises.
2. All other licenses, permits, and certificates affecting the Licensed Premises must also be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover over any part of the license issued by the Commission. Alcoholic Beverage Control Commissions informational signs shall also be posted in a conspicuous location within the licensed premise.

E. Hours of Operation

1. Hours for sale of alcoholic beverages:
 - a. Monday through Saturday 10:00AM to 12:30AM the next day
 - b. Sundays 12:00 noon to 12:00AM
 - c. Hours for sale may be extended by making special application to the Commission.
 - d. For one-day licenses, the Commission sets the hours for sale based upon the applicant's request and the nature of the special event to be held.
2. There shall be no sale of alcoholic beverages on Christmas Day before 12:00 noon.
3. §12 licensees are allowed to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, Memorial Day, and on Christmas day or the day after, if Christmas falls on a Sunday (M.G.L. c.138, §33B accepted on April 20, 2023).
4. No alcohol may be consumed on the Licensed Premises by anyone outside of the hours of operation.

F. Last Call

1. Last call shall be at least fifteen (15) minutes before the designated closing hour.

2. Any alcoholic beverage served prior to the designated closing hour must be consumed no later than thirty (30) minutes after the designated closing hour.
3. No employee or owner shall serve any alcoholic beverages before the designated opening hour or after the designated closing hour.
4. All tables and bars must be cleared of all glasses, bottles and containers of alcoholic beverages, within thirty (30) minutes after the designated closing hour and all customers must be off the premises by that time.
5. Licensees are not permitted to allow any patron or any guest or any employee to enter the premises after the designated closing hour or prior to the designated opening hour posted on the license.
6. Owners and employees must be off the premises no later than sixty (60) minutes after the designated closing hour, provided however, that such owners and employees may be on the premises at any time for cleaning, making emergency repairs, providing security for such premise, or preparing food for the next day's business.

G. Fees

All application and license fees for the initial issuance of a new license or permit, or for the transfer of an existing license, and for the annual renewal of a license, shall be paid in full prior to the issuance of the license or permit. Licensees must pay in full all taxes and charges owed to the City of Woburn on a current basis prior to the Commission's issuance of the license or transfer of the license where applicable. All license and permit fees shall be non-refundable and shall not be prorated for any reason.

Annual license fees shall be as follows:

All alcohol license (restaurant):	\$3,000.00
Beer & wine (restaurant):	\$3,000.00
All alcohol license (Innkeeper):	\$3,500.00
Package Store/Off-Premises	\$2,200.00
Club license	\$ 500.00
One-Day License (c.138, §14):	\$ 100.00
Stand Up Drinking Permit	\$ 25.00 (one-time fee)

Application fees – in addition to license fees:

\$150 - processing fee for applications requiring ABCC approval, payable by check or money order to the City of Woburn.

\$110 - fee for applications requiring notice by publication in a newspaper, payable by check or money order to the City of Woburn. The License Commission will arrange for publication of the notice of hearing.

\$100 - fee for applications requiring an abutters list for public hearing notification. Applicants are responsible for notification of abutters via certified mail.

H. General Provisions

1. Applicants and licensees must pay, in full, all taxes and charges owed to the City on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.
2. With the exception of club licensees, seating capacity must be 50 or more persons for all alcohol licensed establishments and 25 or more persons for beer and wine licensed establishments.
3. With the exception of retail package store licenses, each application for a license shall be accompanied by a floor plan of the building or that portion of the building on which is clearly marked and designated the existing capacity of the building, parking facilities, location of the proposed seating arrangement, service bars, dining rooms, function rooms or other rooms in which approval for the sale of alcoholic beverages is requested. A plan of the Licensed Premises shall be posted in a conspicuous location, with a copy of the license.
4. The Licensee shall not keep for sale or sell alcoholic beverages in any part of the Licensed Premises not specified on the license.
5. All Licensees must maintain liability insurance with coverage for liquor liability coverage; and workers' compensation insurance per statute.
6. The Licensed Premises must be well lit at all times. No advertising matter, screen, curtain or other obstruction, which prevents a clear view of the interior of the restaurant, shall be maintained in or on any window or door. This regulation does not apply to a club license issued under M.G.L. c. 138 § 12.
7. Service of food must be available in all areas in which alcoholic beverages are to be served. Where a function room is available, the service of alcoholic beverages is permitted as authorized herein and may be closed to the general public.
8. The manager, bartender, or server shall refuse to serve any patron under the age of twenty-one (21). Valid forms of ID are:
 - i. Massachusetts Liquor Identification Card;
 - ii. Massachusetts Identification Card;
 - iii. Passport Issued by the United States or a government that is officially recognized by the United States;
 - iv. Passport Card for a Passport issued by the United States; and
 - v. Military Identification Card.

9. Licensees are responsible for ensuring that minors are not served alcoholic beverages and are not drinking alcoholic beverages on the Licensed Premises, whether served to them by an employee or handed to them by another patron. Licensees who do not have the ability to keep track of the drinking activity of minors at the premises may exclude minors from coming onto the premises in order to meet the burden of ensuring that there is no underage drinking at the premises.
10. Licensees who choose to permit minors onto the premises during special events/ functions, whether pursuant to an "I. D. bracelet/wristband" program or otherwise, are held accountable if minors are found to be drinking alcoholic beverages on the premises whether or not the Licensee actually served the drink directly to the minor. Sufficient security personnel should be employed to monitor the premises to ensure that patrons do not pass alcoholic beverages to minors.
11. No Licensee may permit any rule, policy, or action, express or implied, which makes any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, physical or mental disability, ancestry, sexual orientation or any other group protected by law relative to the admission or treatment of persons from the general public or employees at the Licensed Premises; provided, however, that premises licensed pursuant to M.G.L. c.138, §12, may make rules regulating the admission of minors to the premises when such rules are not inconsistent with other rules and regulations stated herein; provided further that private club Licensees may not discriminate, as aforesaid, with regard to guests at the Licensed Premises or with regard to who may be invited to the premises as a guest.
12. Licensees shall refuse entrance to the Licensed Premises to a person who appears to be intoxicated or unruly; and may evict such a patron, except that in such a case the Licensee should call the police and should offer assistance to an intoxicated person when possible. The bartender or manager shall refuse service to a member or guest who is intoxicated or approaching a condition of "under the influence."
13. Licensees shall not permit entrance to the Licensed Premises by more persons than the number approved by the Department of Inspectional Services for the capacity of the Licensed Premises, minus the number of employees working in the public areas at the time.
14. No Licensee shall permit any disorder, disturbance, or illegality of any kind to take place in or around the Licensed Premises, including the parking areas thereof. Licensees shall also prevent undue noise or disturbance to the adjacent neighborhood. The Licensee shall be responsible therefore, whether present or not.
15. There shall be no indecent or immoral entertainment on the Licensed Premises.
16. No Licensee, manager, server, bartender, or other employee may consume any alcoholic beverages while on duty, nor after the official closing hour of the Licensed Premises, on the Licensed Premises.

17. No Licensee may provide entertainment of any kind unless the Licensee holds an entertainment license issued pursuant to the M.G.L. c.140, §183A.
18. No Licensee may permit any electronic games to be on the Licensed Premises unless each machine is properly licensed as an amusement device pursuant to M.G.L. c.140, §177A.
19. All Alcoholic beverages sold, served or dispensed must be consumed on the Licensed Premises.
20. No alcoholic beverages may be brought into the Licensed Premises (other than stock).
21. The Licensed Premises shall be subject to inspection by agents of the Commission, Police Department, Fire Department, and the Board of Health during hours of operation.
22. Licensees are not permitted to lock the front door of the premises until the last patron has exited from the premises.
23. Only the server who has received the beverage from the person in charge of making the alcoholic beverages shall serve same.
24. No alcoholic beverages shall be served to, carried by, or consumed by any person who is not seated, except within such areas of the Licensed Premises as shall be specifically designated on a plan approved by the License Commission.
25. The Commission shall have the authority to impose particular specific conditions on any license, which conditions, if more stringent than these Rules and Regulations, shall control.
26. The owner and/or manager of record shall be fully responsible for any violations or infractions of the law, these rules and regulations, and disorders or disturbances of any kind which take place on the Licensed Premises whether or not they are present, including the actions of employees and/or entertainers.
27. All licenses are subject to suspension, revocation or forfeiture for breach on any of its conditions, regulations or any law of the Commonwealth of Massachusetts and/or the City of Woburn.
28. No license shall be pledged and/or transferred to another party or location, without the prior approval of the Commission.

I. Server Training

1. Any employee involved in liquor service at a licensed establishment to sell alcohol, including but not limited to on and off premises Licensees holding all-alcohol, including one-day licenses, beer and wine licenses, private club licenses or retail package store

licenses, shall obtain certification in TIPS, ServSafe, or an equivalent course designed to train management, bartenders, and employees in the methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors.

2. Any employee involved in food service at an establishment with a Common Victualer's license shall obtain certification in ServSafe or an equivalent course designed to train management, bartenders, servers and any other employees in the methods of safe handling of comestibles.
3. Verification for "Server Training" shall be maintained for each employee and shall be available for inspection on the premises at all times.

J. Change of Manager

1. An application for change of manager must be filed with the Commission at least two (2) weeks before the proposed effective date of the change, unless the approved manager has terminated his or her employment without prior notice to the Licensee. In such case, the Licensee must notify the Commission of the name, address and cell phone number of the person who will discharge the duties of manager pending approval of a new manager by the close of the next business day following the manager's termination of employment.
2. If the employment of the manager is terminated by the Licensee, or if the manager is replaced, transferred, or for other reason due to action by the Licensee is no longer serving as manager, the Licensee must file an application for change of manager at least two (2) weeks before the action is taken by the Licensee. Approval must be obtained prior to changing the manager.
3. If circumstances require a Licensee to make a change in manager without timely filing the required application, the Licensee shall file the application at the earliest practicable time, and must include a statement detailing the reasons why the application was not timely filed. If the Commission finds that the circumstances justify the Licensee's failure to file timely, no penalty will be imposed. If the Commission finds that the reasons for the late filing are not sufficient, the Commission may impose a penalty that may be up to one day of suspension for each day of unjustified non-compliance, or such other penalty permitted by the city of Woburn Liquor License Violation Policy.
4. When submitting an application for change of manager, the manager shall be certified as an alcohol server.
5. Further, approval of a change in manager may be conditioned upon proof of payment of all outstanding local, state and federal taxes and fees.

II. Additional Regulations for Common Victualers

1. Common Victualers will require a license issued by the Commission pursuant to M.G.L. c. 140 § 2. Common Victualer licensees must have adequate and sanitary kitchen and

dining room equipment and capacity for preparing, cooking, and serving food on the Licensed Premises.

2. Food service is required during all operating hours when alcohol is being served and in every area of the Licensed Premises where alcohol is being served.

III. Additional Regulations for Clubs, Clubs with Function Halls, and Posts of War Veterans Organizations

1. The issuance of an all alcohol license is an accommodation to a duly licensed Club, as defined in M.G.L. c.138, §1, and to posts of war veterans' organizations.
2. These regulations apply to any function or rental conducted on the Club premises.
3. Club licensees are required to make the annual record of information concerning the officers of the Club available for inspection to authorized agents of the Commission and the Woburn Police Department.
4. The service, sale, delivery, distribution, dispensing, and consumption of alcoholic beverages within or upon the Club's Licensed Premises must be limited to Club members and guests of Club members only, and to no other persons.
5. Club door(s) must be kept closed and secured in a manner which will restrict access to members only but must be in proper working order at all times to provide for immediate emergency egress. Entrance(s) to the Club's Licensed Premises must be by key, card or ringing of bell by Club member.
6. No guest, other than one attending a function, may be on the premises unless introduced by a member immediately upon arrival at the Licensed Premises.
7. No guest shall be on the premises unless the member who introduced him/her is also on the premises.
8. Social Clubs with function halls are able to rent the facility to the public without a sponsoring member.
9. All guests shall be signed in by a member. The bartender or manager shall refuse to serve any person other than a member or a guest in the company of said member. Guests shall have privileges only while in the company of said sponsoring member.
10. A current list of employees and members and, if allowed, guests shall be available upon request of authorized agents of the Commission.
11. No alcoholic beverages shall be sold without charge.

12. No sale of alcoholic beverages by the bottle or case shall be made and removed from the Licensed Premises.

IV. Additional Regulations for One-Day Licenses (M.G.L. c.138, §14)

1. Any alcohol served pursuant to a one-day liquor license must be obtained from an ABCC-approved wholesaler. A list of wholesalers is available on the City's website at <https://www.woburnma.gov/government/license-commission/>
2. One-day licenses cannot be granted for any location where another alcoholic beverage license has already been granted.
3. Applicants for one-day licenses are limited to a total of thirty (30) licenses per year.

V. Additional Requirements for Carry-In Licenses

1. The term "restaurant" shall not include a "fast food establishment" as defined the 1985 Woburn Zoning Ordinance, as amended.
2. A Carry-In License will not be issued to any establishment which has a license issued pursuant to M.G.L. c.138, §12.
3. For Carry-In Licenses, the term "alcoholic beverages" means beer and wine only.
4. Patrons are allowed to carry in alcoholic beverages in unopened containers, for personal use only.
5. Patrons carrying in alcoholic beverages must order and consume food on the premises.
6. No alcoholic beverage may be handled by employees of the Licensee. "Handling" of an alcoholic beverage includes opening, pouring, storing, refrigerating or sealing. Employees may provide bottle openers and glassware.
7. All alcoholic beverages must be removed from the Licensed Premises by the patron who carried them into the Licensed Premises.
8. The on-site shift manager must have taken a serving training course (TIPS) and proof of such training shall be submitted to the Commission.
9. Carry-In Licenses shall not be issued to an applicant whose license under M.G.L. c.138, §12 has been suspended or revoked, or to any person, firm, corporation, association or other combination of persons affiliated, directly or indirectly, with such licensee through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever.

10. A Carry-In License shall not be issued to any applicant who has been convicted of a federal or state narcotic drugs law.

VI. Liquor License Violation Policy

Scope: Pursuant to the provisions of Massachusetts General Laws Chapter 138, § 1 *et seq.*, the Woburn License Commission (hereinafter “the Commission”) shall have the authority to suspend or revoke the alcohol license of a duly authorized licensee (hereinafter “licensee”) after a full and fair opportunity for a hearing. Hearings shall be conducted in accordance with the procedures set forth in Massachusetts General Laws Chapter 30A, §§ 10 & 11.

Every violation will be treated individually, and punitive action will be based on the severity of the incident, ranging from a written reprimand to revocation of liquor license.

Mitigating and/or Aggravating Factors

In the exercise of its discretion, the Commission may also consider the following factors in the imposition of penalties against the licensee. This list is not intended to be exhaustive and the Commission may consider other aggravating or mitigating factors that may be present in any given situation.

1. Actions taken by the licensee to prevent future violations, including, but not limited to the purchase of age verification apparatus;
2. Past history in relation to compliance checks;
3. Deliberateness of the violation;
4. Uniqueness of the violation;
5. Management level of employees involved in the violation.
6. Licensee’s failure to comply with server training requirements.

Additional Requirements/Considerations

Only offenses that have occurred within the last four years preceding the date of the violation shall be used in calculating the number of offenses for the purposes of these sentencing guidelines.

In the event of a suspension issued pursuant to these guidelines, Licensees must post notices on the front door of the establishment as well as on all cooler doors (where applicable) stating clearly that the establishment’s license to sell alcohol has been suspended, the time period of the suspension, and the reasons for the suspension. Internal cooler doors must be locked during the suspension period.

Correspondence between Licensees, local law enforcement and/or the Commission, regarding liquor license violations shall be sent via certified and regular mail.

The preceding guidelines shall not be construed to restrict, in any manner, the powers of the Commission to otherwise modify, suspend or revoke any liquor license as a result of a licensee's failure to comply with the laws of the Commonwealth of Massachusetts.

WOBURN LICENSE COMMISSION

Thomas M. Skeffington, Chairman

David I. Gilgun, Member

William Pappalardo, Member

Approved: August 24, 2023