TOWN OF RANDOLPH
LIQUOR POLICY

Introduction:

Consistent with the requirements of state law and the Randolph Town Charter, the Town Council is the Town of Randolph Local Licensing Authority ("LLA") for the purpose of granting Liquor Licenses. The LLA has the authority to grant, renew, restrict, suspend, revoke, deny or take any other action concerning any and all such licenses, consistent with the requirements of law and in the best interests of the Town of Randolph and its inhabitants.

The LLA also has the authority to issue regulations governing Liquor Licenses and Licensees in the Town of Randolph. The LLA has adopted this Town of Randolph Liquor Policy (the "Policy") as regulations governing all such licenses and licensees.

This Policy supplements the requirements of M.G.L. Chapter 138, as amended. It is further understood that the rules and regulations contained herein are in compliance with and subject to the Rules and Regulations of the Alcoholic Beverages Control Commission.

This Policy is intended to apply to all Liquor Licenses issued by the Town of Randolph. A copy of this document shall be provided to all applicants for a Liquor License at the time of application.

Definitions:

1. "Section 12 License": A license granted by the LLA pursuant to M.G.L. c.138, §12 and in accordance with any and all applicable rules and regulations, for the sale of all-alcoholic beverages or wine and malt beverages for consumption on the Licensed Premises, including licenses issued to clubs.

2. "Section 14 License": Commonly referred to as a "One-Day License," a license granted by the LLA pursuant to M.G.L. c.138, §14 and in accordance with any and all applicable rules and regulations for the

sale of all alcoholic beverages or wine and malt beverages for a single day or a single event.

3. "Section 15 License": A license granted by the LLA pursuant to M.G.L. c.138, §15 and in accordance with any and all applicable rules and regulations for the sale of all alcoholic beverages or wine and malt beverages for consumption off-premises.

4. "Liquor License": Generally the collective reference to or description of a Section 12 License, a Section 14 License and a Section 15 License.

5. "Licensee": The holder of a Liquor License issued by the LLA.

6. "Licensed Premises": In the case of a Section 12 License, that specific area located in the Premises on which the Licensee is licensed to sell alcoholic beverages for service and consumption on the Premises and no sale, service and consumption of alcoholic beverages is permitted outside of the Licensed Premises. In the case of a Section 15 License, that specific area located in the Premises on which the Licensee is licensed to sell, display and store alcoholic beverages for consumption off-premises. In the case of a Section 14 License, that specific area that is approved for sale and consumption of alcohol for a specific day or event.

7. "Premises": The property owned, leased or otherwise controlled by the Licensee of which the Licensed Premises are a part.

8. "Singles": Containers of alcoholic beverages that are sold individually and that contain 16 ounces of liquid or less.

   And

   Containers of alcoholic beverages that are sold individually and that are packaged for consumption in a single-serving package.

Policy Statement:

The issuance and use of a Section 12 License is an accommodating and incidental part of a Licensee's primary and principal business purpose of serving food to the public. It is intended that the issuance of a Section 12 License allow for the economic viability of an eating establishment to succeed in creating an attractive environment for patrons to gather together in a hospitable setting to eat, converse, exchange ideas, and otherwise promote both individual welfare and a sense of community in a convenient, clean and safe environment.

The issuance and use of a Section 14 License (a one-day license) is an accommodating and incidental part of a Licensee's primary and principal business purpose of providing an event or activity for the public and/or of enjoying a specific event or occasion for the Licensee. It is intended that the issuance of a Section 14 License facilitate such events in a way that promotes both individual welfare and a sense of community in a convenient, clean and safe environment.

The issuance and use of a Section 15 License is intended to encourage general economic growth and business success, as well as to provide an attractive, convenient, clean and safe environment for members of the public to purchase alcohol for off-site consumption.

The issuance of Section 12 and Section 15 Licenses is designed to enhance the dining and retail shopping experience of individuals patronizing Town restaurants, convenience stores and package stores, to foster economic development of appropriate business areas in the Town, to strengthen the commercial tax base by encouraging and promoting foot traffic, shopping and stops in Town by commuters, and to support the development of collateral businesses in those areas where Licensees are located.

When determining whether to approve an application for a Liquor License, the LLA shall consider the foregoing factors and any other matters relating to the appropriateness and convenience to the public of issuing a license including, by way of description but not limitation: proximity to residential neighborhoods, proximity to other business, proximity to houses of worship and other non-profit organizations, proximity to schools, playgrounds, and other locales where children gather, proximity to other licensed

establishments, traffic, parking, noise factors, night lighting factors, appropriateness of menu, and aesthetic considerations, including but not limited to the physical layout of the interior of the proposed Licensed Premises.

License Applications, Fees:

All applications for Liquor Licenses must be filed with the Clerk to the Town Council.

Applications for Section 12 and Section 15 Licenses shall be submitted on the forms provided by the Town Council and shall include all requested information. They shall also be accompanied by the proper fee, as indicated on the application form for each type of License.

Applications for Section 14 Licenses shall be submitted to the Clerk of the Town Council but may take the form of a letter or memorandum to the LLA requesting a one-day license. The letter shall include the date, location and duration of the event for which the license is requested, the name and contact information of the proposed one-day Licensee, and information on the type of alcohol to be served and how and by whom it will be provided. No fee shall be required for a Section 14 License Application. Unless specifically requested by the LLA in a particular circumstance, applications for Section 14 Licenses may be granted without a public hearing.

An application shall be considered "complete" and therefore accepted by the Town when it has been filed in accordance with any and all procedural instructions, all forms required have been fully completed and executed under such conditions and rules determined by the LLA, including these Policies, and any and all filing fees have been submitted simultaneously with and as part of the application.

All Section 12 and Section 15 License applications shall be made under the penalties of perjury, and any false statement contained in any application shall be grounds for refusing to grant the Liquor License or for suspending, canceling or revoking of a Liquor License already granted.

It shall be the responsibility of the applicant to notify all abutters, as required by law, and to publish notice of the application and public hearing on the

application, as required by law. The applicant shall provide the Town with proof of compliance with such requirements.

A public hearing on the application shall be scheduled within 30 days of acceptance by the Clerk to the Town Council of the completed application.

All applications for a transfer of a Liquor License to a new Licensee shall be deemed an original application and subject to consideration by the LLA pursuant to these Policies and processed as such.

The transfer of any ownership interest in the Licensed Premises to trustees in bankruptcy, court appointed receivers or assignees for the benefit of the creditors and those taking title or possession of the Licensed Premises by, through or under them, without notice to the LLA, shall not be deemed to transfer or convey any rights to the Liquor License.

Bona fide mortgagees-in-possession who are listed in the application as holding such interest shall be treated in the same manner as the original majority ownership Licensee and a transfer of the License shall not be deemed to have taken place.

License Duration and Renewal:

1. All Section 14 Licenses are valid for the specific period of time indicated on the License.

2. All Section 12 Licenses and Section 15 Licenses, once issued, are valid through December 31st of each year. A complete application to renew the Liquor License must be duly executed and submitted to the LLA by November 30th of each year in order to receive a renewed Liquor License for the ensuing year. It is the sole responsibility of the Licensee to ensure that a complete renewal application is filed in a timely manner.

3. At the time of filing, renewal applications must include any and all annual license renewal fees as indicated on the renewal application.

4. Failure to file a timely renewal by November 30th of the then current year shall result in the automatic revocation of the Liquor License for the following year, by operation of law. Any subsequent request or application for a Liquor License shall be deemed a new application and subject to the consideration of the LLA pursuant to these Policies and processed as such.

5. If a Liquor License is cancelled, revoked, or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the LLA which may grant the Liquor License to a new applicant at the same or other appropriate location.

Requirements:

All Licensees shall be required to comply with each of the following provisions throughout the time period when they hold a Liquor License, unless specifically stated otherwise, below:

Section 1.

To the extent permitted by applicable law, before receiving a Section 12 License or a Section 15 License all license applicants shall provide certification to the LLA documenting that their employees who:

1) will sell or serve alcohol in the Town of Randolph (package store cashiers, restaurant or tavern bartenders, waiters, waitresses, etc.); or
2) will be responsible for reviewing patron identification relating to alcohol sales in the Town of Randolph,

(all, collectively, "Alcohol-Related Employees")

have completed or will complete an LLA-approved program designed to train Alcohol-Related Employees in methods of observation and detection to avoid selling to or serving intoxicated or underage persons.

Once a Section 12 or Section 15 Liquor License has been issued, licensees must ensure on an ongoing basis that any newly hired Alcohol-Related

Employee completes such a program within thirty (30) days from the date of hire. Listed below are programs that are currently available, which have been pre-approved by the LLA and which meet the requirements of this Policy:

a) Techniques of Alcohol Management (T.A.M.) sponsored by the Massachusetts Package Store Association.

b) Training for Intervention Procedures by Servers of Alcohol (TIPS) offered by Health Communications.

Any other program, including any Insurance Industry approved and qualified program offered by a certified trainer (Alcohol Intervention Methods A.I.M.), must be pre-approved by the LLA in order to meet the requirements of this Section.

All Alcohol-Related Employees must be regularly re-certified, as required by the applicable training organization.

As part of the annual license renewal requirements, each Licensee shall be required to certify that s/he is in compliance with the requirements of this section.

Section 2.

All Section 12 and Section 15 Licensees shall maintain on-premises in all licensed establishments in Randolph a roster of all personnel trained pursuant to Section 1 of this Liquor Policy. As part of the annual license renewal requirements, a current roster of such personnel must be submitted to the LLA. All employees must be re-certified whenever a certification reaches the expiration date established by the program issuing such certification. For each such employee, the employee roster shall include:

A) Employee Name.

B) Employee Date of Birth.

C) Employee Work Location
(if licensee maintains more than one location).

D) Name of Training Program.

E) Date of Training.

F) Date of Hire.

G) Expiration Date of Current Training Certification.

Section 3.

The applicant for any Liquor License shall set forth its proposed hours of operation in the application. The proposed hours encompassing the sale of alcoholic beverages may be varied by the LLA if, after a public hearing, the LLA determines that the circumstances warrant alteration of the hours of operation in order to ensure the preservation of order and to ensure that the Licensed Premises shall be operated responsibly in a manner that does not detract from the quality of life in Town as a whole and the neighborhood in which the Licensed Premises is located specifically.

The hours of operation, as specified on the Liquor License, shall be strictly adhered to.

Section 4.

No person shall be permitted on the Licensed Premises after closing except:

1. The Licensee or his/her designee as manager; and
2. Employees, contractors and sub-contractors of the Licensee for the limited purposes of cleaning, maintenance, repairs, renovations or food preparation, or as otherwise permitted by M.G.L. chapter 138.

Section 5.

The Town Council, as LLA, will not tolerate the dispensing of alcohol to minors.

Licensees are expected to implement restrictive policies to discourage underage alcohol consumption. These policies may include:

- Carding all customers.
- Requiring multiple means of identification.
- Posting highly visible notices that purchase and/or consumption of alcohol by minors, and aiding or abetting such activities, will result in the maximum penalties provided by law.

In enforcing this section of the Liquor Policy, the LLA will review the Licensee's policies to determine whether, when the Licensee's policies are taken as a whole, the Licensee has adopted a reasonable set of policies to discourage consumption of alcohol by underage drinkers. Failure to adopt reasonable policies will be a violation of this section.

Any underage person who is found to have purchased and/or consumed alcohol in violation of law will be subject to prosecution by the Randolph Police Department.

Sale or service of alcohol to an underage person in violation of law is a violation of this Policy and a violation of the terms of each Town Liquor License. Any Licensee who is found to have sold or served alcohol to an underage person in violation of law shall be subject to a license violation hearing under this Policy and may be subject to separate prosecution by the Randolph Police Department.

Should the Randolph Police Department bring charges against any underage person or Licensee as the result of the sale or service of alcohol to an underage person, the Police shall ask the court to require any such person or entity that is found guilty to reimburse the Town for all costs of any hearings, disciplinary actions or other expenses incurred by the LLA associated with the illegal sale or service.

Section 6.

The Licensee shall ensure that the Police Department has immediate access to the Licensed Premises at all times and under all circumstances. The Licensed Premises shall be available, at all reasonable times, to inspection by members of the LLA, the Town Manager, the Police Chief, the Fire

Chief, the Health Commissioner and members of their respective departments or any other department or official of the Town as directed by the LLA.

Section 7.

Changes in the terms or conditions of the Liquor License must be approved by the LLA and the ABCC as required by law.

In particular, an application for an amendment of the description of the Licensed Premises shall be filed with the LLA prior to any proposed change in the physical layout of the Licensed Premises (including but not limited to additions, removals, relocations or reconfigurations), which application shall include an amended plan detailing the proposed changes. A public hearing and ABCC approval shall be required prior to any proposed change in the description of the Licensed Premises in compliance with these Policies and the laws of the Commonwealth of Massachusetts including but not limited to M.G.L. c. 138.

Section 8.

The Premises must be kept clean, neat and sanitary at all times. Outside areas of the Premises shall likewise be kept in an orderly and neat condition.

Section 9.

No manager or employee of the Licensee shall consume any alcoholic beverages during work hours that the employee is working for the Licensee.

Section 10.

In addition to all other requirements established by law, as a condition to receive a Liquor License, applicants for both new and renewal Liquor Licenses must provide proof of insurance coverage under a liquor legal liability insurance policy for:

- bodily injury or death for a minimum amount of $250,000 on account of injury to or death of 1 person; and

- $500,000 on account of any 1 accident resulting in injury to or death of more than 1 person.

The insurer shall notify the Town no less than ten (10) days prior to the cancellation or material change of such coverage. Prior to the issuance of the Liquor License, the Licensee shall provide to the Town (i) a Certificate of Insurance indicating the insurance carrier, type of coverage, policy limits, notification period and notification requirement, and (ii) an affidavit of Workmen's Compensation Insurance Coverage.

License Violation Hearings:

When the LLA has reason to believe that a Licensee is operating in violation of law, in violation of his/her Liquor License or in violation of these Policies, the LLA will hold a public hearing to investigate such possible violation. Pursuant to applicable law, a Licensee shall be entitled to notice of a hearing to determine possible action by the LLA. Said notice shall specify the nature of the alleged violation, and specify the date, time and place of the hearing. The Licensee is entitled to attend the hearing, to have an attorney or representative attend the hearing with the Licensee and to speak and/or present evidence at the hearing.

Violations and Penalties:

If a Licensee shall be found by the LLA to be in violation of law, in violation of the terms of the Liquor License or in violation of a policy, rule or regulation of the LLA, the following are the guidelines for imposition of penalties:

FIRST OFFENSE:	Generally, a minimum of a written reprimand and a maximum of a 3-day suspension, depending on the seriousness and circumstances of the violation.
SECOND OFFENSE:	Generally, a minimum of a 1-day suspension and a maximum of a 5-day suspension, depending on the seriousness and circumstances of the violation.
THIRD OFFENSE:	Generally, a minimum of a 5-day suspension and a maximum of a 15-day suspension, depending on the seriousness and circumstances of the violation.

FOURTH OFFENSE:	Generally, a minimum of a 15-day suspension and a maximum of a 30-day suspension, depending on the seriousness and circumstances of the violation.
FIFTH OFFENSE:	Revocation of the license.

For the purpose of counting offenses for application of the above penalty guidelines, a violation will be removed from a Licensee's record after twenty-four (24) months have expired from the date of the violation, unless an additional violation has occurred during that 24 month period.

The LLA reserves the right to increase the penalty if any particular offense is of an extremely grievous nature and reserves the right to reduce the penalty when mitigating circumstances are present.

In addition to the penalties outlined above, whenever a violation is found to have occurred, the LLA may amend the terms of the license, including amending the permitted hours of operation, as the LLA deems appropriate and consistent with all requirements of state law, taking into account the nature of the violation and the seriousness and circumstances of the violation.

These Policies shall take effect on January 1, 1999 (Amended on December 20, 1999 and effective at 12:00 a.m. on December 21, 1999; Amended on October 5, 2015 and effective on January 1, 2016). All Licensees will start with a record of no pre-existing violations for the purpose of applying this new policy as of January 1, 1999.

Decisions:

Decisions of the LLA may be appealed to the Alcoholic Beverages Control Commission.

All decisions, findings and/or actions of the LLA shall be effective as of 12:01 A.M. on the same day of the week that the offense occurred, at the discretion of the LLA, subject to the following:

a) this provision shall not apply if the Licensee agrees to an earlier commencement date, which is approved by the LLA, in which

event the decision/finding and action shall take effect on such earlier date;

b) this provision shall not apply if the LLA is in receipt of a copy of an appeal filed by the Licensee with the Alcoholic Beverages Control Commission (ABCC), in which event the decision/finding and action shall commence, as amended by the ABCC or a court of competent jurisdiction, upon the date the LLA is notified of the conclusion of any appeals to the ABCC or the courts.

General Information:

This Liquor Policy shall be reviewed annually by the Town Council with input from Licensees, the Town Manager and the Police Chief, prior to December 1st of each year.

Adopted, Amended and Voted on By:

The Board of Selectmen, as LLA, on 12-20-99 – Regulations Effective as of 12-21-99 @ 12:00 a.m. Regulations state that they apply starting January 1, 1999.

Effective 1-4-10 - Randolph's form of government changed to a Town Council/Town Manager form of government.

The Town Council, as LLA, on 10-5-2015 – Regulations Effective as of 1-1-2016.