TOWN OF BEDFORD RULES AND REGULATIONS
GOVERNING ALCOHOLIC BEVERAGES
(*As of October 19, 2009)*

By virtue of the authority contained in Chapter 138 of the Massachusetts General Laws, as amended ("Chapter 138"), and Article 5, Section 1 of the Town of Bedford General Bylaws ("the Bylaw"), the Selectmen of the Town of Bedford, serving as the Town's Liquor Licensing Authority hereby promulgate these Rules and Regulations Governing Alcoholic Beverages ("Regulations"). The Regulations shall supersede all previous regulations or policies issued by the Town of Bedford ("the Town"). The Selectmen have the power to amend these Regulations from time to time.

All licenses issued for the sale in any manner of any alcoholic beverages shall be issued on the condition of full compliance with these Regulations. The failure to comply with these Regulations and other bylaws or rules issued by the Town shall constitute sufficient cause or grounds for refusing to grant the license, or for suspending, canceling, or revoking a license or permit already granted, in accordance with Article XIX herein.

These regulations shall apply to all licensees except as otherwise specified. For purposes of clarification references to "serving" or "servers" shall not apply to retail package store establishments.

I. Alcoholic Beverages

No person shall drink or possess an unsealed container of any alcoholic beverage as defined in M.G.L. Ch 138, §1

(a) while in or upon any public place or public building without permit of the Selectmen, or

(b) while in or upon private parking lots and private ways to which the public has access unless prior consent has been obtained from the owner or authorized person in control.

All alcoholic beverages in possession of a person or persons in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

II. General Provisions Regarding the Administration of Licensed Premises

1. The licensing of liquor establishments and vendors and what constitutes the public convenience and overall well being in Bedford will be subject to the informed discretion of the Selectmen.

2. The applicant for any type of liquor license must meet the requirements of Chapter 138, these Regulations, and any other applicable town or state law including but not limited to the State Building Code, State Sanitary Code and Common Victualer License requirements. Failure to comply with said Regulations or codes shall be sufficient cause for revocation or suspension of said license by the Board.

3. All employees serving alcohol to the public are required to successfully complete an accredited alcoholic beverage server-training program that has been approved by the Bedford Police Department. The requirement set forth in the preceding sentence shall include and apply to the manager, assistant manager, and persons responsible for viewing identification cards to determine the age of patrons for service of alcohol. All employees engaged in serving alcohol and/or viewing of identification cards shall be certified within thirty (30) days of employment. To the extent an employee serves alcohol or views identification cards within the first thirty days of his or her employment, the Manager will be personally responsible for that employee, and any violation of these regulations committed by the employee will be treated as if the Manager had committed the violation. Managers and Assistant Managers shall be certified prior to assuming the duties of Manager or Assistant Manager. All alcohol servers are required to attend periodic retraining programs bi-annually that reinforce the certification training. Records of retraining shall be submitted to the Bedford Police Department. The retraining programs underscore the importance of proper server training on the dangers associated with alcohol abuse on licensed premises. On-line training programs shall not be accepted as fulfillment of this requirement or any retraining requirement.

4. Town of Bedford Alcohol Server Identification Cards shall be required for **all** certified servers that are employed in the direct sale and service of alcoholic beverages. The list of all certified servers shall include, but not be limited to, manager, assistant manager, and persons responsible for viewing identification cards to determine age of patron for service of alcohol. All servers shall be registered with the police department within thirty (30) days after employment. The Manager and Assistant Manager shall be registered prior to assuming the duties as Manager or Assistant Manager. The Town of Bedford Alcohol Server identification cards shall be carried on the server's person or otherwise be available for inspection on the premises. The licensee shall keep on file at the premises photocopies of the server identification cards of all those employees to whom server identification cards have been issued. Any server who allegedly violates any provision of Chapter 138, or these Regulations is required to attend the Board hearing conducted in accordance with Article XIX herein. Failure to attend said hearing may result in the revocation of the server's Alcohol Server Identification Card by the Bedford Police

Department. Violation of this section shall further subject licensees and servers to penalties under Article XIX as may be imposed by the Board.

5. Wrist-Bands, stickers or any other kind of markings/marking devices are prohibited as a method of identifying persons to be served alcoholic beverages.

6. "Happy Hours" are prohibited.

7. Cover charges are not permitted except in compliance with MA General Laws Chapter 140, Section 183D and 204 CMR 2.16.

8. The licensed premises shall be subject, at all times, to inspection by the Town Manager or his/her designee(s), the Board of Health or its designee, the Town Health Agent, the Department of Public Works, Police, Fire, Code or any other department or official of the Town of Bedford.

The Police Department shall have the authority to investigate potential violations of Chapter 138, these Regulations, and any other state or local law on or about the licensed premises on behalf of the licensing authority, and to conduct other such enforcement as the Chief of Police deems appropriate, including the use of plainclothes police officers for the purposes of ensuring compliance with Chapter 138, these Regulations, and other state and local laws.

9. The Town Police Department shall conduct an annual Alcohol Education Seminar. Notice of said seminar will be provided to each Licensee no less than ten (10) days prior to the date of said seminar, and shall be posted at Town Hall at least (10) days prior to the date of the seminar. While attendance at the seminar is not mandatory, each licensee is recommended to attend. Failure to attend the seminar shall not constitute a defense to any alleged violation of state law, or these Regulations. Each licensee is required to have knowledge of the requirements of Chapter 138, these Regulations, and other pertinent state and local laws, and such knowledge will be imputed to licensees regardless of their attendance or non-attendance at the annual Alcohol Education Seminar sponsored by the Town.

III. Hours of Operation

In accordance with Massachusetts General Laws Ch. 138, §12, the "Official Opening and Closing Hours" are those which are designated on the licensee's liquor license. For restaurants, clubs and approved lounges last call shall be at least fifteen (15) minutes before the "Official Closing Hour." No alcoholic beverages may be served after the "Official Closing Hour." All tables and bars must be cleared of all glasses, bottles and containers of alcoholic beverages within one-half hour after the "Official Closing

Hour" and all customers must be off the premises one hour after "Official Closing Hour". Owners and employees must be off the premises no later than one hour after the "Official Closing Hour," provided that owners and their employees and contractors may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next day's business or opening or closing the business in an orderly manner. No employee or owner shall consume alcohol on the premises nor serve any alcoholic beverages before the "Official Opening Hour" or after the "Official Closing Hour." Patrons are not permitted to bring alcoholic beverages on the premises for their own consumption. Non-Alcoholic Common Victualer Licensees are not permitted to keep alcoholic beverages on the premises except for a reasonable small quantity that is used in preparation of certain specialty foods. The hours during which the sales of alcoholic beverages may be made are further limited to the hours when the dining room is open and full food service is available.

New Year's Eve- Restaurants may serve alcoholic beverages past 12:00 midnight on New Year's Eve and up to 1:00 a.m. on January 1. The licensed operator shall close the premises to customers no later than 1:30 a.m. Such extension of hours may only occur upon a written request to and the prior approval in writing from the Selectmen. In determining whether to approve such request, the Selectmen shall take into consideration any objections or complaints concerning operations of the licensee that may have been received by the Town or the Town Police. On New Year's Day, service may continue in accordance with hours that are allowed on the license.

A violation of any of the afore-mentioned restrictions regarding the hours of operation shall constitute a violation of these regulations and shall subject the licensee to possible discipline and/or penalties in accordance with the procedure set forth in Article XIX.

IV. Change of Manager

1. An application for change of manager must be filed with the Selectmen 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 that case, the licensee must notify the Selectmen of the name of the person who will discharge the duties of manager pending selection and approval of a new manager by the close of the next business day following the manager's termination of employment. If the employment of the approved manager is terminated by the licensee, or if the approved 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 weeks before the action is taken by the licensee and must obtain approval of the application before changing the manager. If circumstances other than those stated above require a licensee to make a change in manager without timely filing the required application, the licensee shall file the application no later than two business days after the new manager has been appointed, and must include a detailed statement of the circumstances. If the Selectmen find that the circumstances justify the noncompliance, no penalty will be imposed. If the circumstances are not found to be sufficient, the Selectmen may impose a penalty or suspension that may be up to one day of suspension

for each day of unjustified non-compliance, or such other penalty permitted by Article XIX. When submitting an application for change of manager or assistant manager, the manager or assistant manager shall be certified as an alcohol server or seller and registered with the police department prior to submitting the application. Further, approval of a change in manager may be conditioned upon proof of payment of all outstanding local, state and federal taxes and fees by the licensee.

2. Upon receipt of an application for an original license, or in the case of a new manager or assistant manager, upon being advised of the new manager or assistant manager's identity, the Bedford Police Department will conduct a background check of any proposed licensee, manager or assistant manager, and such check will include a review of any existing criminal record. The licensing authority may reject any application where the licensee's, manager's or assistant manager's criminal record or reputation indicates theft, unlawful drug use or distribution, alcohol-related offenses, association with known felons or individuals involved in organized crime, a propensity for violence, or other behavior, that, in the opinion of the licensing authority, might put the public at risk.

3. A violation of any of the aforementioned restrictions regarding change of manager shall constitute a violation of these Regulations and shall subject the licensee to possible discipline and/or penalties in accordance with this section or with Article XIX.

V. Responsibilities of Manager:

1. The Selectmen regard the Manager of licensed premises as the principal representative of the licensee and as having full authority and control of the licensed premises and of the conduct of all business therein relative to alcoholic beverages, all as provided in Chapter 138, § 26 and these Regulations. In addition, the Licensee must list an Assistant Manager or other suitable managerial employee capable of fulfilling the duties of Manager on the license. This will allow for continuity of the Manager position, should either the Manager or Assistant Manager positions become vacant during the course of the year.

2. Without limiting the scope of the previous subsection, the Selectmen will hold the Manager responsible for the following:

a. Careful selection of qualified employees of the licensed business, including servers, clerks and persons who are engaged with the public in any capacity;

b. Training of employees in all matters relating to the sale or service of alcoholic beverages;

c. Assuring that employees serving or selling alcohol to the public have successfully completed an alcoholic beverage training program for serving or selling alcohol responsibly, possess a valid

Town of Bedford Alcohol Identification Card referred to in Article II, Section 3 and Article XVII of these Regulations, and provide for continual training of employees engaged in serving and selling alcoholic beverages;

d. Ensuring that no criminal activity, including the sale and distribution of narcotic drugs, takes place on the licenses premises, including within any parking area on the licensed premises;

e. Promptly reporting to the Police Department all instances of attempted purchases or procurement of service of alcoholic beverages by minors, including attempts to gain access to premises upon which alcoholic beverages are served and from which minors are excluded, and appropriate action taken by the licensee in response thereto. Such appropriate action shall include (1) Reporting to the Registry of Motor Vehicles instances involving possession or use of a false, forged or counterfeit license to operate motor vehicles or identification card issued by the Registry of Motor Vehicles; (2) confiscation of liquor identification cards or motor vehicle operator's license presented by the minor; and (3) if a purchase was made or service was procured, the name of the licensee's employee participating therein.

f. Enforcement of state law and these Regulations with respect to the operation of the licensed business.

g. Ensuring that the licensee's premises, including the exterior, are kept clean, neat and sanitary at all times;

h. The Selectmen strongly encourage the Manager and/or Assistant Manager to attend the recommended Annual Alcohol Education Seminar. Failure to attend such seminar shall not constitute a defense to any violation of Chapter 138, other state laws-and these Regulations.

3. Except as provided herein, the Manager must be a full time employee or a corporate officer of the licensee, must be engaged exclusively in the management of the licensed business, and must be a qualified seller or server of alcoholic beverages registered with the Bedford Police Department. The Manager must be on the licensed premises at least forty (40) hours per week in the course of business, consistent with the permitted hours of operation. When the Manager is not upon the premises, the person actually in charge of the business must be a qualified seller or server of alcoholic beverages registered with the Bedford Police Department and designated by the approved Manager to have charge of the business in the Manager's absence. The Manager will continue to be responsible for the operation of the business whether or not on the premises. When the Manager is not upon the premises a method of contacting the

Manager promptly must be arranged so that the Manager can be reached at all times by the person designated to be actually in charge of the premises. The provisions of the first sentence of this subsection shall not apply to any licensee holding a license issued under Massachusetts General Laws Chapter 138, Section 12 to a veterans organization or to a licensee holding a license issued to a club under Massachusetts General. Laws Chapter 138, Section 17.

4. Failure of the Manager to comply with these regulations or to properly discharge the duties of manager may result in removal as manager or suspension or revocation of the license as may be appropriate to the circumstances.

VI. Procedure for Obtaining Liquor Licenses

The applicant for a liquor license of any type should submit a letter to the Selectmen outlining the proposal and include a request for a hearing with the Selectmen. The applicant should request to be placed on the agenda and publish a public notice of the date selected for the hearing in accordance with Chapter 138. At the public hearing the Selectmen will consider the application for a liquor license and the input of any interested members of the public. The Selectmen will then consider the application and respond in a timely manner to the applicant. The Town is to provide a copy of these regulations to each Licensee at the time when they pick up their annual license. Licensee shall sign a receipt to be maintained at the town offices evidencing their receipt of a copy of the Regulations.

VII. Considerations for Approval of New License or Transfer:

Any license issued by the Selectmen shall be processed in accord with the procedures listed herein. The Selectmen may adopt further rules and regulations and all such changes shall apply to existing license holders from the date of the adoption. The Selectmen may attach such conditions and restrictions to each such license as it deems to be in the public interest.

The Selectmen will consider any or all of the following that can be reasonably offered in support of a particular license application:

1. The applicant is a qualified veteran's organization and seeks a club license.
2. The applicant proposes an establishment that offers a regular forum for music and musicians to play and obtain exposure for their work.
3. The applicant offers variety, or uniqueness, in its proposed establishment or shop, in contrast to what exists in Bedford at the time of the application.
4. The applicant proposes an establishment that offers an economic benefit to the Town of Bedford
5. Proposals for establishments to be located in shopping malls, densely populated residential areas or high density retail areas, either as new licenses or transfers, are discouraged, if the proposed location duplicates what is presently located in the area.

VIII. Modifications to Licensed Premises

1. Once a liquor license is issued, no substantial physical changes to the licensed premises shall be made without the prior approval of the licensing authority. For the purpose of this regulation, a substantial physical change is a change sufficient to require a building permit.

IX. Transfers

Licensees may request that their liquor licenses be transferred to a third party. An application fee as referenced in Article XIII shall accompany each application for ownership or transfer of location. Applications for transfer of ownership or location shall be considered an original application and processed as such. Current holders of liquor licenses hold no property rights in said license and the Selectmen are not required to grant such transfer requests. To the extent permissible under law, the Selectmen reserve the right to impose penalties pursuant to Article XIX upon existing licensees who attempt to transfer their licenses for compensation. Approval of a transfer of majority ownership further may be conditioned upon the proof of payment by the licensee of all outstanding local, state and federal taxes including, without limiting, the following: the remission to the proper taxing authorities of sales taxes, excise taxes and withheld federal and state income taxes. Transfers of ownership 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 will not be deemed to transfer or convey any rights to the license or the renewal or transfer of such license, unless provided by contrary superior law. 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 license. A public hearing shall be required for any transfers of ownership or location, including, but not limited to transfers to mortgagees.

X. One Day or Special Licenses:

The following types of organizations and individuals are eligible for one-day alcoholic beverage licenses under this policy. Other organizations or individuals may submit applications for consideration:

- Civic or municipal organizations
- Commercial establishments
- Fraternal organizations
- Non-profit organizations
- Non-profit unincorporated associations
- Individuals holding social events
- Unincorporated groups or organizations not engaged in the sale of alcoholic beverages for profit.
- Service clubs
- Veteran’s organizations

The process of applying for a one day liquor license and the conditions that will attach to such license are fully outlined in these Regulations Section XVIII.

XI. Distribution of Regulations

These Regulations, in their most updated form, shall be mailed to all licensees with their annual renewal application and with each application for change of the licensed manager. These Regulations shall be appended to each annual license issued by the Selectmen. The licensee may not pick up his/her annual license until the licensee has signed a receipt acknowledging that a copy of these Regulations has been received. A copy of the most updated Regulations shall be maintained on the licensed premises at all times, and shall be available for inspection upon request. Prior to the effective date of these Regulations, the Police Department shall deliver a copy of said Regulations to each licensee in the Town and obtain a signed receipt acknowledging receipt of the same.

XII. Filing of Applications

All applications shall be made under the penalties of perjury and any false statement contained in any application whether discovered before or after issuance of a license shall be a cause or ground for refusing to grant the license or permit or for suspending, canceling or revoking a license or permit already granted.

All license application forms, including but not limited to: the Alcohol Beverage Control Commission general application, Form A, Criminal Record Release Form and the Department of Revenue Release Form must be complete before being processed by the Selectmen. Complete application material must be provided for each individual whose name appears on the application. An application shall be considered "complete" and therefore accepted by the Town when it has been filed in accord with these procedural instructions and all forms required have been fully completed and executed. Incomplete applications are deemed not to have been accepted for filing.

Fees for Filing
A filing fee as indicated in Article XIII payable to the "Town of Bedford" must be paid prior to acceptance of the application by the Town.
This filing fee is not refundable, regardless of the outcome of the application process.

Building and Site Plan
In addition to the above forms, in order to be complete, each application requesting a change to the building, the site or the floor plan must include the following information shown on a plan drawn to scale and stamped by an architect or a registered, professional engineer in order to be reviewed by the Code Enforcement Director.

> The net floor area and dimensions of the existing room or rooms requested to be licensed including dining rooms, function rooms and rooms in which alcoholic beverages are to be stored or other rooms in which the sale of alcoholic beverages is requested. Sales and service of alcoholic beverages are prohibited in any areas

or locations not expressly approved by the Selectmen, and no change in such area or location may be made without prior approval of the Selectmen.

Number of seats.

The location of any proposed service bars.

The area in which seats or booths are to be securely fastened to the floor.

The area in which there is to be moveable or unsecured seats and tables.

Entrances, windows, stairs and exits.

All rooms not being requested to be licensed if said rooms are on the same floor as those rooms to be licensed shall be identified as to their function such as a kitchen, coatroom, lobby, etc.

Notification of Abutters

The applicant will be required to comply with the appropriate provision of Massachusetts General Laws Chapter138 including, but not limited to Sections l5A and l6c relative to notification of abutters (from the assessors most recent valuation list of owners of property abutting on the premises where the license is intended to be exercised) and to churches, and schools within 500 feet of the proposed premises as prescribed by law. Strict compliance with the notification provision of these laws shall be adhered to, and shall be the sole responsibility of the applicant. The Selectmen reserve the right to require further notice to abutters of a continued public hearing.

Ownership and interest

Every application for a license or permit made by a corporation shall state the full names and home addresses of the President, Treasurer, Clerk and Secretary, Directors, lnvestors, Developers, Managers or any other person or corporation with a financial interest. The license application shall be signed by an officer duly authorized by a vote of its 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 organization shall accompany the application. A copy of the vote appointing its Manager(s) or other principal representative shall also accompany the application.

No corporation, organized under the laws of the Commonwealth or of any other State or foreign country shall be given a license to sell in any manner any alcoholic beverage 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, and shall have vested in him or her by properly authorized and executed written delegation as full authority and control of the premises described in the license of such corporation and of the conduct of all business therein relative to alcoholic beverages as the licensee itself could in any way have and exercise if it were a natural person resident

in the Commonwealth, nor unless such manager or representative is, with respect to his character, satisfactory to the licensing authorities.

No change in the stock ownership of a corporation shall be made after the license has been granted or renewed without the approval of the Licensing Board. The license is not transferable or assignable without approval of the Selectmen under Massachusetts General Laws Chapter 138 Section 15A.

Duration of License
All licenses, whenever issued, are valid until the next December 31 and must annually be renewed prior to that date for the succeeding calendar year. It shall be the responsibility of the licensee to file a renewal application during the month of November. Failure to renew prior to expiration shall result in a loss of license and any subsequent license request must then be treated as a completely new application.

Exercise of License
The applicant agrees that if granted a license hereunder, he or she shall commence any necessary construction or alteration of the licensed premises within 60 days after approval by the ABCC, and be in full operation within six months from the date of the license unless a longer period is authorized by the Selectmen. Thereafter said licensee shall continuously operate the licensed premises in accordance with the terms and conditions of this license. The closing of the licensed premises for any reason for a period of seven consecutive days or more, or for any l0 days during the calendar year without prior approval of the Selectmen shall be deemed to be an abandonment of the license and sufficient grounds for revocation.
Licensees anticipating a period of non operation as indicated above must make a request in writing to the Selectmen for continuation of their license. The letter must state dates of closing operations and anticipated re-opening, whether the premises will remain the same, be altered or at a different location, and any and all additional information connected with the reasons for non-operation. The annual license fee and renewal procedures will remain in effect throughout the period of non-operation that is granted. Failure to provide such notice may result in the cancellation of the license.

Renewals Submittals
Renewals applications shall require updating of all previously filed statements and plans where such statements or plans are no longer accurate and/or complete.

XIII. Filing Fees and Annual Licensing Fees

1. Annual Licensing Fees
The payment for Annual License fees must be made by certified check at the time the license is issued. The license fee may be prorated for application filed after January 1, by vote of the Selectmen, but in no event will the same be less than one half the annual fee. The Selectmen reserve the right to adjust the license fee from year to year.

LIQUOR LICENSE FEES	
All Alcohol Restaurant	**$3,500**
Innholder's All Alcohol License	**$4,000**
All Alcohol Retail	**$2,250**
All Alcohol Retail Sunday	**$325**
All Alcohol Club	**na**
All Alcohol Veteran's Club	**$600**
Wine & Malt Restaurant	**$3000**
Wine & Malt Retail	**na**
Wine & Malt Retail Sunday	**$325**
Wine & Malt Club	**na**
Wine & Malt General	**na**
Special One Day Alcohol	**$35 per day**

2. Filing Fees

Initial Application Fee applies to the following: $250

New License	Transfer of License	Transfer/Issuance of Stock
New Officers/Directors	New Stockholders	Change of Location
Alter Premises	Pledge of License	Pledge of Stock
Change of Corporate Name	Change of License Type	

Filing Fee at time of Annual Renewal: $100
Filing Fee for Change of Manager or Assistant Manager: $250

XIV. Miscellaneous Operating Provisions

1. The licensee shall ensure that the Bedford Police Department, the Bedford Fire Department, and authorized agents of the licensing authority shall have immediate access to the licensed premises at all times and under all circumstances.
2. No alcoholic beverages shall be sold to anyone under the age of 21 years. It shall be a defense to any alleged claim of sale of alcohol to a minor if the licensee can show that the patron produced a valid Massachusetts driver's license, a valid Massachusetts Liquor Identification Card, a valid Passport issued by the United States or by a government of a foreign country recognized by the United State government, or a valid U.S. issued Military ID card. Licensees may accept out of state licenses as proof of age but licensees shall bear the risk that such licenses are real and valid.
3. The licensee shall ensure that all business within the licensed premises, and within areas under the licensee's control that abut the licensed premises, is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the

neighborhood in which the licensed premises is located. This shall include, but not be limited to, ensuring that there shall be no disorder, unlawful use or sale of drugs, indecency, prostitution, assaults, lewdness or gambling on or about the premises.

4. No alcoholic beverages shall be sold or delivered to an intoxicated person.
5. With the exception of pitchers of beer, bottles of wine, carafes of wine and bottles of beer not in excess of twenty three (23) ounces from the manufacturer, no alcoholic beverages shall be served in any container, the capacity of which is in excess of 16 fluid ounces. With the exception of pitchers of beer, bottles of wine, or carafes of wine, no alcoholic beverages may be shared by more than one person. For pitchers of beer, carafes of wine, and bottles of beer not in excess of twenty three (23) ounces from the manufacturer, these beverages must be consumed from a vessel or container not in excess of 16 fluid ounces.
6. No licensee shall provide or allow entertainment unless an entertainment license has been obtained from the Selectmen.
7. **Service Bars for Alcohol Preparation Only:** Service bars exclusively for alcohol preparation are permitted only in locations expressly approved and authorized by the Selectmen. The location of service bars shall not be changed unless approved by the Selectmen and unless an amended plan is submitted to the Selectmen showing the proposed change. No stools or chairs are permitted at any service bar, and no alcoholic beverages are to be sold or served to be drunk at such bar. No cocktail lounges are permitted in the Town of Bedford unless as part of a licensed hotel.
8. **Service Bars for Alcohol Preparation and Dining:** Service Bars with seating for full menu dining service in addition to Alcohol preparation are permitted only in locations on a floor plan expressly approved by the Selectmen. The location of such service bars shall not be changed unless approved by the Selectmen and unless an amended plan is submitted to the Selectmen showing the proposed change. Alcoholic beverages may be served at Service Bars for Full Menu Food Service only by a waitperson and only with a full meal ordered from the menu of the licensed premises.
9. **Suitable Appliances**: All establishments shall have suitable appliances, devices or machines which shall be capable of maintaining water temperature at 180 degrees at all times, so that cups, glasses or other utensils shall be thoroughly and properly cleansed and sterilized, and shall otherwise be in compliance with all requirements of the Bedford Board of Health. There are other provisions in the 1999 FDA Food Code / State Sanitary Code 105 CMR 590.000 whereby Sanitization is accomplished. Using any of 3 approved chemicals (Chlorine, Iodine and Quarternary Ammonium Compounds) at a lower temp range (75…140 degrees) is as acceptable for ware washing either manually or by ware washing (dish machine.)

10. **Automatic Amusement Devices:** No licensed restaurant may permit use of Amusement Devices such as electronic games on the premises. 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.

11. **Purchase and Consumption on Premises:** No patron will be permitted to bring into the licensed restaurants any alcoholic beverage for consumption on the premises. There shall be no serving of alcoholic beverages including beer and wine at tables outside of the confines of the inside of any restaurant unless specifically approved in writing by the Selectmen.

12. **Restroom Facilities:** No premises may be licensed unless adequate and sanitary toilet facilities are generally available to the patrons of the restaurants. The Selectmen reserve the right to determine if toilet facilities meet the definition of generally available.

13. No licensee shall make any distinction, discrimination or restriction on account of race, color, creed, sex, sexual orientation or ancestry relative to the admission or treatment of any person.

XV. All Alcohol Restaurant Licenses

The following rules and regulations apply to All Alcohol Restaurant Licenses. They do not apply to Wine and Malt Beverage Licenses.

License Fee

The annual license fee for an All Alcohol Restaurant License shall be established periodically by the Selectmen. The payment must be made by certified check at the time the license is issued. The license fee may be prorated for applications filed after January 1, by vote of the Selectmen, but in no event will the same be less than one half the annual fee. The Selectmen reserve the right to adjust the license fee from year to year.

Service Areas

Service of food is required in all areas where alcoholic beverages are to be served, however, notwithstanding the foregoing, alcoholic beverages may be served in a designated seating area for those waiting to be seated for dining. No individual shall be served alcoholic beverages in this area until he or she has given his or her name (or the name of their party) to that individual designated by the owner of the premises charged with the task of establishing an order of seating in the dining area. The owner of the premises shall take appropriate measures to ensure that no one is served in the waiting area whose intention it is not to dine.

XVI. Wine and Malt Beverage Only Licenses

The following rules and regulations apply to Wine and Malt Beverage Only Licenses. They do not apply to All Alcohol Restaurant Licenses.

Wine and Malt Beverage Only Licensees must comply with all of the following rules and regulations, in addition to all general regulations:

License Fee
The annual license fee for a Wine and Malt Beverage Only Restaurant License shall be established periodically by the Selectmen as indicated in Article XIII.

Service Areas
Service of food is required in all areas where wine and malt beverages are to be served, and wine and malt beverages may only be served by a waitperson and with a full meal ordered from the menu of the licensed premises. In no event may a patron be served an alcohol beverage prior to having been seated and having ordered a full meal.

Service Limitations
No pitchers of beer may be served. Applicants' attention is invited to the provision of Section 4.03 of the Alcohol Beverage Control Commission Regulations a copy of which is attached hereto.

Cordials and Liqueurs may not be served unless and until the 13th paragraph of MGL Ch. 138 Section 12 is accepted by the Town and written approval of the same is granted by the Selectmen consistent with said law.

XVII Retail Package Store Licenses

Consumption on Premises
No licensee, manager, server, agent, or employee shall knowingly permit such consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any are under the direction and control of the licensee, except as permitted by statute.

Employees
An up -to -date list of all employees shall be available on the premises at all times for review by authorized agents of the Selectmen. Any employee making a sale of alcoholic beverages must be at least eighteen (18) years of age.

Employee Training
.
All employees selling alcohol to the public are required to successfully complete an accredited alcoholic beverage seller-training program on the proper procedures for verifying that patrons are at least 21 years of age and not intoxicated that has been approved by the Bedford Police Department. The requirement set forth in the preceding sentence shall include and apply to the manager, assistant manager, and persons responsible for viewing identification cards to determine the age of

patrons for selling of alcohol. All employees engaged in selling alcohol and/or viewing of identification cards shall be certified within thirty (30) days of employment. To the extent an employee sells alcohol or views identifications cards within the first thirty days of his or her employment, the Manager will be personally responsible for that employee, and any violation of these regulations committed by the employee will be treated as if the Manager had committed the violation. Managers and Assistant Managers shall be certified prior to assuming the duties of Manager or Assistant Manager. All alcohol sellers are required to attend periodic retraining programs bi-annually that reinforce the certification training. Records of retraining shall be submitted to the Bedford Police Department. On-line training programs shall not be accepted as fulfillment of this requirement or any retraining requirement.

Town of Bedford Alcohol Seller Identification Card

Town of Bedford Alcohol Seller Identification Cards shall be required for **all** certified sellers that are employed in the direct sale of alcoholic beverages. The list of all certified sellers shall include, but not be limited to, manager, assistant manager, and persons responsible for viewing identification cards to determine age of patron for sell of alcohol. All sellers shall be registered with the police department within thirty (30) days after employment. The Manager and Assistant Manager shall be registered prior to assuming the duties as Manager or Assistant Manager. The Town of Bedford Alcohol Seller identification cards shall be carried on the seller's person or otherwise be available for inspection on the premises. The licensee shall keep on file at the premises photocopies of the seller identification cards of all those employees to whom seller identification cards have been issued. Any seller who allegedly violates any provision of Chapter 138, or these Regulations is required to attend the Selectmen's hearing conducted in accordance with Article XIX herein. Failure to attend said hearing may result in the revocation of the seller's Alcohol Seller Identification Card by the Bedford Police Department. Violation of this section shall further subject licensees and sellers to penalties under Article XIX as may be imposed by the Selectmen.

Service Prohibited To Certain Individuals

No alcoholic beverages shall be sold to anyone under twenty-one (21) years of age or any intoxicated person. Signage indicating, "If you look under 30 years of age, you will be carded." shall be conspicuously displayed.

Deliveries Off Premises

A written record shall be maintained listing the name and address of every person to whom a delivery of alcoholic beverages is made outside of the premises. Such record shall include the amount of alcoholic beverages that were delivered, the date and time of delivery, and the signature of the person receiving the delivery. Said person must be at least 21 years of age and not intoxicated. Such records shall be maintained for a period of not less than one year and must be available for inspection by the Selectmen and their agents at all times.

Display of Licenses and Permits
All licenses and permits issued by the Town shall be displayed on the premises in a conspicuous place where the public has access and may read.

XVIII. Criteria for Approval for One Day or Special Licenses:

A. The following matters will be taken into account in approving one-day licenses:

1. ADMISSION AGE: The Selectmen will not deny a one-day license for a function at which individuals to whom alcoholic beverages may not be supplied are present, but will require that sufficient trained servers are present to assure compliance with the laws governing the sale or furnishing of alcoholic beverages to such persons.

2. FREQUENCY: One day licenses are to be issued primarily to applicants sponsoring functions that are not held more than once annually. Except for applicants that are in the business of catering or accommodating individual functions, one-day licenses are not intended as an alternative to an annual license.

B. Acceptance of Conditions.
Acceptance of a one-day license under this policy will be deemed to be an acceptance of the following conditions of the license and an agreement with the Town of Bedford to be bound thereby:

1. Certification of Servers:

All persons engaged in furnishing alcoholic beverages at a licensed function, whether by sale or without charge, are required to be certified servers. All servers must be certified as having completed an approved alcoholic beverage training program and have evidence of such valid certification in their possession. Commercial caterers and accommodators must be registered with the Bedford Police Department.

2. Number of Service Providers:

The number of bartenders and servers shall be recommended to the Selectmen by the officer of the Bedford Police Department designated to review applications for one day licenses and shall be determined by them as appropriate for the number of persons estimated to be in attendance and the nature of the event. For functions at which attendance is by invitation only, the number of persons included in the invitations shall be used.

3. Hours of Service of Alcoholic Beverages:

The hours of sale and or service shall for all one day licenses be no later than1:00 a.m. The "last call" for all such licenses shall be no later than 12:30 a.m. The function shall conclude at 1:00 a.m., at the same hour as the license. Entertainment licenses shall state that the function shall conclude at 1:00 a.m.

4. Number of Persons on Premises:

The number of persons may not exceed the occupancy limits allowed by law for the premises on which the license will be exercised.

5. Police Detail:

The number of officers, if any, and the hours during which a police detail will be required within the licensed premises and, if required, for orderly parking and traffic control will be recommended by the Police Department. Generally those hours will include the entire duration of the function, including after service hours. The factors to be considered include the location of the premises, availability of on-site parking, the number of persons estimated to be in attendance and the time and duration of the function.

C. Additional Provisions. The following additional provisions shall apply to one day licenses:

1. Departmental Approvals:

The Board of Health and the Building Inspection Department must approve the licensed premises, including, where applicable, food service equipment. For any function to which the general public will be admitted, the Building Inspection Department must approve the licensed premises as meeting handicap accessibility requirements.

2. Neighborhood Impact:

The applicant or such other person designated by name, address and local telephone number in the application will be responsible for the orderly conduct of the function for which the license is issued. Consumption of alcoholic beverage outside of the structure within which the licensed function is to be held will not be permitted. Music, noise, or other function-related activities must not create an undue imposition upon any adjacent residences. Police detail officers will be instructed to respond appropriately to complaints. Such response may include an order to terminate the event or otherwise limit the offending activity.

3. Submission of Applications:

Applications must be complete with all necessary endorsements when submitted to the Selectmen's Office and shall be submitted sufficiently in advance of the

day upon which the licensed function is to begin so that it can be reviewed and approved.

When submitted each application must be endorsed with the approval of the Board of Health, the Building Inspection Department (including issues of handicap accessibility if required) and the Police Department (as to police detail required and number recommended of bar tenders and servers). The office of the Selectmen must receive such requests for Selectmen's approval well in advance of the intended license date. Since there are frequently two or three weeks between Selectmen's meetings, it is strongly recommended that an application for a one-Day license be filed at least a month prior to the requested license date.

4. License Application Fee:

a. No fee will be charged for one day licenses for charitable fund raisers, etc., whether or not the application is submitted by the real party in interest or by a caterer or accommodator or other commercial provider.
b. One day licenses for events associated with commercial activities such as business promotional activities, business meetings, conventions, trade association events, etc., will be charged a fee as indicated in Article XIII.

5. Food Service:
Food service will be available for the duration of alcohol service.

6. Old Town Hall One Day Licenses
Additional requirements and exceptions apply to Old Town Hall, 16 South Road, for One Day Licenses. Please refer to Old Town Hall Rules and Regulations attached hereto.

XIX Penalty Structure for Violations of the Bylaw and These Regulations

A. Purpose

The purpose of this penalty structure is to improve the ability of the Selectmen to prevent alcohol abuse and violation of the liquor laws of theCommonwealth and the requirements of these Regulations. This Article XIX will help to achieve reasonable uniformity in the imposition of penalties and to avoid confusion in the minds of the public, patrons and licensees due to a lack of understanding of the consequences of violating the liquor laws and the terms of liquor licenses. This Article is intended to empower the Selectmen to consider the circumstances of each case and provide a mechanism for which licensees can improve their compliance with these Regulations in the future.

B. General Provisions

1. No licensee shall permit any illegality to occur on the licensed premises. The manager shall at all times maintain order and decorum on the premises and in the immediately surrounding area of the premises and shall cooperate with Town officials in ensuring safe and orderly facilities.

2. All violations of the liquor laws and the terms of liquor licenses are to be reported to the Selectmen by the Police Department or by any licensee or manager that becomes aware of an offense involving the licensed premises within two weeks of said violation. Failure to report a violation involving the licensed premises constitutes a violation of these Regulations and will subject the licensee to discipline and/or fines in accordance with the procedure set forth herein.

3. Penalties for offenses shall be in line with the Town's general goals of protecting public safety and the general welfare. Penalties will also be imposed with the goal of preventing future offenses. A violation of these Regulations alone (rather than state law) may give rise to the issuance of penalties pursuant to this Article to the extent permitted under law.

4. The nature and severity of the penalties imposed will be decided according to the nature of the offense and the presence of mitigating or aggravating circumstances as further described herein.

5. All offenses by licensees will result in the imposition of a penalty of some degree. This will impress upon licensees, managers, and servers their responsibility for ensuring compliance with these Regulations, for prevention of offenses and for compliance with the terms of licenses and the liquor laws of the Commonwealth.

6. Penalties may consist of any one or more of the following as appropriate: revocation of license; suspension of license; criminal prosecution of offenders, including customers and patrons as deemed appropriate by the Police Chief. Reimbursement for cost of investigation may be imposed.

7. The Police Department is authorized to negotiate with any person the terms upon which the Police Department will recommend to the Selectmen that an offense be resolved. Any such negotiated recommended resolution must be in writing, signed by the manager or license holder charged with the offense and approved by the Police Chief. The recommendation must include a statement detailing the facts determined in the Police Department investigation. The recommended

resolution is not binding upon the Town unless and until approved by the Selectmen.

8. If the Police Department and the manager and/or license holder charged cannot agree on a recommended resolution, the Police Department will make any additional investigation it deems necessary for a complete presentation of the facts and will file a written report with the Selectmen.

9. Notice is to be provided to a licensee of an alleged violation of Chapter 138, and these Regulations. The notice provided to licensee will contain the Police Department's recommendation to the Selectmen concerning the punishment for the alleged violation. The notice will include the date of the event giving rise to the possible disciplinary action, a description of the event, and a clear identification of the statute(s), bylaws or Regulations that are alleged to have been violated as a result of the event. Said notice will also provide licensee with the date upon which the Selectmen will hold a hearing concerning the licensee's alleged violation. A notice containing the above-mentioned information shall be sent to Licensee via certified mail return receipt requested no less than ten (10) days prior to the date of the hearing before the Selectmen. Licensees are entitled to retain counsel to represent them at the hearing if they so desire.

10. The penalty guidelines stated in these Regulations are intended to provide indication of the range of penalties the Selectmen will impose if a hearing is held on any offense. The Selectmen will refer to these guidelines by deciding whether to approve a negotiated recommended resolution.

11. The Selectmen may consider but are not required to accept a negotiated resolution recommended by the Police Department. The Selectmen are empowered to consider alternative penalties consistent with this Article XIX, these Regulations, and state law.

12. The Police Department and the Selectmen will maintain a public record of offenses and their disposition that will be indexed according to the licensee/manager, server and purchaser involved.

13. In the event that the Selectmen decide to take disciplinary action against the Licensee for a violation of the Town's bylaw, the Selectmen will provide the Licensee with a statement of reasons why disciplinary action was taken against Licensee. The above-mentioned statement of reasons will be included with the notice of the Selectmen’s disciplinary action.

C. Determination of Penalties

Penalties will be determined according to the following procedure.

1. The base level offense(s) will be determined from those offenses described in Article XIX, Section D.

2. Adjustments according to the presence of factors that warrant an increase in the penalty described in Article XIX, Section E ("aggravating factors") or decrease described in Article XIX, Section F ("mitigating factors") will be considered.

3. Adjustments according to the number of violations involved in the particular offense will be considered.

4. Adjustments according to the offender's acceptance of responsibility described in Article XIX, Section F will be considered.

5. Increases according to the number and circumstances of prior violations and penalties previously imposed upon the offender described in Article XIX, Section G will be considered. The Selectmen are entitled to consider fines or suspensions issued by the Alcoholic Beverages Control Commission in evaluating said prior violations and penalties.

6. Increases based on any previous written warnings given by the Town to the licensee will be considered. Such increases will consider the date(s) of the written warning(s), the reasons therefore, and the similarity of the incident resulting in the warning with the incident at issue.

7. Adjustments according to the consequential misconduct described in Article XIX, Section H that are related to the base level violation will be considered.

D. Base level offenses

1. Sale outside of permitted hours (Massachusetts General Laws Chapter 138 Sec. 12) (All references in this subsection are to sections of Chapter 138 unless otherwise noted);

2. Purchase by person under age 21 (Sec.34A);

3. Employment by licensee of person under age 18 for direct handling or selling of alcohol;

4. Sale or delivery to a person under age 21 for own use or for use of another (Sec. 34);

5. Sale to an intoxicated person (Sec. 69);

6. Hindering or delaying investigation (Sec. 63A);

7. Failure to post notice of penalty for driving under the influence and driving while drinking from open container of alcoholic beverage (Sec. 34D);

8. Failure to comply with section 204 CMR 4.03 of the ABCC regulations, which provide as follows in pertinent part:

(a) No licensee or employee shall offer or deliver any free drinks to any person or group of persons;

(b) deliver more than two drinks to one person at one time;

(c) sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;

(d) sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;

(e) sell, offer to sell or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;

(f) sell, offer to sell or deliver malt beverages, wine or mixed drinks by the pitcher or in other community type containers such as a "scorpion bowl" (Nothing in this subsection shall be construed to prohibit the sale of pitchers of beer);

(g) increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; and/or

(h) encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

E. Aggravating Factors

1. Failure to request identification card, operator's license or passport;

2. Juvenile appearance of purchaser;

3. Use of altered identification;

4. Refusal to cooperate in investigation;

5. Multiple sales on same occasion;

6. Quantity of beverage sold;

7. Staff not suitably trained;

8. Unregistered server;

9. Server unable to provide Server ID card upon request;

10. Underage server;

11. Violations of other laws such as: prostitution, solicitation, drugs gambling, disorderly conduct, cigarette sales to minor;

12. Concealing violation(s);

13. Furnishing false information to investigator;

14. Exceeding lawful capacity of premises;

15. Intimidating or coercing witnesses or attempting to do so;

16. Offense occurring while under suspension of penalty;

17. Sale occurring while license suspended; and/or

18. The occurrence of any personal injuries or fatalities related to the underlying violation.

F. Mitigating Factors

1. Reasonable reliance upon an identification card or operator's license for proof of identity or age. (Sec. 34B);

2. Acceptance of responsibility as shown by:

- Substantial and voluntary assistance offered in investigation.
- Public acknowledgment of responsibility
- Agreement to participate in training program by licensee, manager, and servers
- Prompt notice of decision not to contest charge and agreement to proposed recommended resolution.
- Agreement to participate in an effective program to detect and prevent future offenses.

3. Attendance at the Town's Annual Alcohol Education Seminar.

G. Previous Violations

1. Same offense.
2. Different offense.
3. Recent prior offense.
4. Same manager.
5. Same server.
6. Severity of prior penalty.
7. Offense while under suspension of prior penalty.

H. Consequential Misconduct Related to an Underlying Violation

1. Operating under the influence.
2. Causing personal injury or death.
3. Causing property damage.
4. Disturbance of the peace.
5. Domestic violence.

I. Imposition of Penalties or Other Outcomes

The Selectmen will impose penalties for offenses consistent with this policy. Offenders may expect one or more of the following consequences as appropriate in the judgment of the Selectmen.

1. Suspension of license for a stated number of days and specified dates. Licensees are advised that the following chart only represents guidelines for use by the Chief of Police and the Selectmen when making their respective recommendation and decision in response to a liquor license violation. The Selectmen, in accordance with the mitigating and aggravating factors presented above, retain the authority to deviate from these penalty guidelines when the Selectmen deem the circumstances appropriate.

First violation: 1-3 day suspension, regardless of amount of penalty suspended, if any;

Second violation: 4-6 day suspension, regardless of amount of penalty suspended, if any;

Third violation: 7-15 day suspension, regardless of amount of penalty suspended, if any;

Fourth violation: 16-30 day suspension, regardless of amount of penalty suspended, if any;

Fifth violation: 31 days to one year suspension, or revocation, regardless of amount of penalty suspended, if any:

Sixth violation: Revocation of license for remaining period of current license and one year beyond.

2. Suspension of license for a stated number of days and specified dates with a portion of the suspension deferred upon condition that no further offenses occur within a specified period of time and that licensee waives right to hearing upon such further offense.

3. Revocation of liquor license or suspension of registration of server for a specified period of time after a due process hearing for cause, and thereby limiting or preventing the employment of a server by a licensee within the Town.

4. Mandatory participation in prevention programs by licensee/manager and server as appropriate.

5. Appropriate publicity of offense and disposition.

While the Selectmen will endeavor to impose penalties upon licensees in a manner consistent with these Regulations and this Article XIX, where exigent or special circumstances warrant, such as a violation of these regulations resulting in serious personal injury or death, the Selectmen retain the authority in such circumstances to immediately order a full hearing, provide a licensee an opportunity to present evidence, and to revoke a license where the evidence so warrants a revocation.

J. Reporting of Violations and Penalties Imposed

The Selectmen shall receive annual reports from the Police Department detailing violations of these Regulations from the date of the previous reporting period, and the penalties imposed by the Selectmen for said violations. Reports shall be submitted to the Selectmen no later than November 1 of each year. The Selectmen will use these reports to analyze the factors commonly associated with violations, such as over serving, underage

serving, failure of serving training or registration, etc. This process will allow the Selectmen to periodically review this policy and recommend any areas of the policy that need to be amended, and/or updated.