TOWN OF LINCOLN

LIQUOR LICENSE

REGULATIONS

I. General Provisions

A. Licensing Authority

1. The Town of Lincoln Board of Selectmen (the "Board") is the designated licensing authority for the Town of Lincoln (the "Town"), and is authorized, pursuant to Chapter 349 of the Acts of 2006 to issue one single license for the sale of wines and malt beverages, to be drunk on the premises.

2. Any and all alcoholic beverages licenses issued by the Board shall be governed by the Town of Lincoln Liquor License Regulations, and by the provisions of MGL c.138 as well as the rules and regulations of the Massachusetts Alcoholic Beverages Control Commission (the "ABCC").

3. Each license applicant and license holder ("Licensee") is expected to be familiar with and comply with the Town of Lincoln Liquor License Regulations, MGL c.138 and the Rules and Regulations promulgated by the ABCC.

4. The Board has the right to amend or adopt further rules and regulations which shall apply to existing license holders from the date of adoption. The Board may issue a license with conditions described therein to ensure full compliance with all laws and regulations.

B. Policy Statement

1. The issuance and use of a Wine and Malt Beverage License (hereinafter referred to as "liquor license" or "license") is an accommodating and incidental part of a Common Victualler's primary and principal business endeavor of serving food to the public in a restaurant. It is intended that the issuance of a liquor license will allow for the economic viability of a quality restaurant to succeed in creating an attractive environment for patrons to gather together in a socially responsible manner and setting.

II. Liquor License Applications

A. Original Applications

1. Applicants for a new liquor license shall submit to the Board all forms, documents, and payments as outlined in the Liquor License Application Guidelines, a copy of which is available in the office of the Board of Selectmen.

2. At the time of submission of the application, the applicant must submit all necessary filing to fulfill town and state filing requirements.

B. Annual Renewal

1. It shall be the responsibility of the Licensee to file a renewal application for each succeeding year with the Board by November 30 of each year.

2. Failure to renew prior to the expiration date of the license shall result in a loss of the license, and any subsequent license request shall be treated as a new license application.

3. The Licensee shall update all previously filed statements and plans, where appropriate, as part of the annual renewal process.

4. All renewal filing fee to Town and state are due at the time of filing the renewal application. If the renewal application is approved by the ABCC, the Licensee shall pay the Board a license fee prior to the issuance of the license.

C. Transfers

1. No license shall be transferred to a new location and/or to a new majority ownership without prior approval of the Board.

2. All Town and state filing fees are due at the time of filing the transfer application. If the transfer is approved by the ABCC, the Licensee shall pay the Board a license fee of prior to the transfer of the license. See page 10.

III. Liquor License Operational Conditions

A. Appointment of Managers and Alternate Managers

1. No business shall be approved for a license unless it has appointed a Manager who is a United States citizen, at least 21 years of age, and who has been fully vested with authority and control of the premises and the business to be licensed.

2. A business may appoint up to two (2) Alternate Managers to be in charge in the absence of the Manager, however, the Manager must be on the premises at least 50 % of the time the premises are open. At no time shall the premises be open without a duly appointed and approved Manager or Alternate Manager in charge.

3. It shall be the responsibility of the Manager to ensure the proper operation of the licensed premises, whether present or not.

4. No appointment or change of a Manager or Alternate Manager shall be effective until approved by the Board.

B. Operation of Establishment

1. Licensees shall maintain their premises and operations in compliance with all applicable state and local building and sanitary codes, state and local laws and regulations. Failure to comply with any of these laws and regulations may be sufficient cause for revocation, suspension, non-renewal, or modification of the license.

2. No Licensee shall make any distinction, discrimination, or restriction of race, color, creed, sex, sexual orientation, ancestry or other protected class relative to admission or treatment of any person.

3. No forms of entertainment, including but not limited to radio, television, live music, or dancing, shall be allowed without first obtaining the necessary entertainment license from the Board.

4. An up-to-date list of all employees must be available on the premises at all times and available for review by the authorized agents of the Board.

5. All licenses and permits issued by the Board shall be displayed on the premises in a conspicuous place where the public has access and may read.

C. Hours of Operation and Area of Service

1. Unless otherwise provided by the Board and specified in the license, no alcoholic beverages shall be sold or served prior to 11:30 a.m. Monday – Saturday, and 12:00 p.m. (Noon) on Sundays, Christmas Day and Memorial Day. No alcoholic beverages shall be sold after 11:00 p.m. on any day. The restaurant may stay open for one half-hour beyond the 11:00 p.m. "last call" for alcoholic beverages.
2. Food and liquor service shall be allowed only in the designated interior and exterior spaces approved by the Board. Food and liquor service approved for an outdoor seating area(s) shall be allowed during the hours designated in C.1. above, unless noise or other related complaints are received by the Board of Selectmen; said complaints shall be cause for the Board to give reconsideration to the conditions under which an outdoor seating area might be allowed.

D. Server Training

1. The Manager and all Alternate Managers shall have successfully completed an alcoholic beverage server training program such as the Training for Intervention Procedures Program (TIPS), or its equivalent, prior to appointment.

2. TIPS, or equivalent training, shall be required for all bartenders at the establishment.

3. All other employees engaged in serving of alcohol shall receive, at a minimum, in-house training similar to that received under the TIPS program.

4. Verification of the training referred to in the previous section shall be maintained for each employee and shall be available for inspection on the premises at all times.

E. Service of Alcoholic Beverages

1. Alcohol shall be served only to individuals within the approved designated areas.

2. Bar seats and stools shall be limited to one for every four indoor dining table seats.

3. Full-menu food service shall be available at all times that alcohol is served; however a limited menu of hot and cold food items (i.e. bar menu) may be allowed from 9:00 p.m. to closing.

4. Licensees shall furnish to the Board, by March 1 of each year, a copy of the full menu that is available during the hours alcohol is served on the premises.

5. No alcoholic beverages shall be sold for a fee less than actual cost of the beverage to the Licensee.

6. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.

7. The price charged for alcoholic beverages shall not be discounted for any particular hour(s) of the day or week.

8. No minimum charge shall be made for alcoholic beverages.

9. All alcoholic beverages must be consumed on the premises in the designated areas.

10. No alcoholic beverage, with the exception of wine, shall be served in any container or glass with a capacity exceeding sixteen fluid ounces.

11. No more than one alcoholic beverage shall be served to a patron at one time.

12. No patron shall be served a fourth alcoholic beverage without prior approval of the Manager.

13. No alcohol shall be sold or served to anyone under twenty-one (21) years of age.

14. Only an original driver's license with photograph or a Massachusetts Liquor Purchase Identification card shall be accepted as proof of age.

15. No Manager, Alternate Manager, or employee shall consume any alcoholic beverages while on duty.

F. Handling of the Property

1. No Licensee, employees, or agent of the Licensee shall be on the premises between the hours of 12:30 a.m. and 5:30 a.m. unless their quiet presence is required for purposes of cleaning, making emergency repairs, providing security, preparing food for the next day of business or opening and closing the business in an orderly manner.

2. Should the Licensee, employees, or agent of the Licensee be on the premises for any purpose during the hours of 12:30 a.m. and 5:30a.m., they shall notify the Lincoln Police Department and state the reason for their presence.

3. No Licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on the license or not listed under the property description.

4. The Manager or Alternate Manager shall ensure that there is no disorder, disturbance, or illegality of any kind at any time in or on the licensed premises.

5. The main entrance to the premises shall remain unlocked until all patrons have left the premises after closing hours.

G. Changes to the Premises or Operation

1. The Building Commissioner shall, upon receipt of any permit application for work on a licensed property, immediately forward a copy of such application to the Town Administrator. If the

Town Administrator determines that such work requires pre-approval of the Board, he or she shall so notify the Building Commissioner and licensee within ten (10) days of receipt, and no permit shall be issued until the Board has approved the proposed work.

2. Any applicant whose establishment is under construction, or in the design phase, and who anticipates opening the establishment within the calendar year period, shall submit all reasonable documentation requested by the Town (including but not limited to the business plan, general layout plans and statement of intent to open the establishment within the calendar year) signed by the applicant.

3. Any significant proposed change to the hours of operation, physical aspects of the licensed property (i.e. renovation work, changes to the number of seating areas) or significant reduction in the nature of the menu requires prior approval of the Board.

4. Any Licensee intending to close a place of business, whether on a temporary or permanent basis, must notify the Board in writing before such closure stating the reason and length of such closing.

5. No Licensee shall assume obligations for a licensed premise under any corporate or trade name other that that which they are licensed. Any change in corporate name or status (including DBAs) shall require prior approval of the Board following the requirements as described in the ABCC manual.

6. The Licensee shall immediately notify the Board, in writing, of any proceedings brought against the Licensee under bankruptcy laws or any other court proceedings which may affect the status of the license.

7. Assignment of stock in incorporated licensed places for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct the business of the Licensee; therefore, the Licensee must notify the Board immediately when such assignees forecloses under such assignment of stock.

IV. ENFORCEMENT

1. The Lincoln Police Department shall be the authorized agents of the Board charged with the enforcement of local and state regulations and laws associated with the liquor license.

2. The licensed premises shall be subject, at all times, to inspection by the agents of the Board of Selectmen – to include the Police and Fire Departments, or the Board of Health, or their representatives; either scheduled or unscheduled. It shall be the responsibility of the Licensee to ensure that procedures are in place to allow inspectors to gain immediate entrance to the premises at any time employees are on the premises.

3. All licenses are subject to suspension, revocation, non-renewal or modification after action by the Board for violation of any terms of the license, regulations or laws of the Town or the State.

4. Whenever the Board suspends the license, the Board shall provide the Licensee with a sign containing the words “Closed by order of the Licensing Board for the Town of Lincoln,” which

sign shall be attached on the inside but visible from the outside of the licensed premises in a conspicuous place during the period of such license suspension.

Matrix of License Transactions

<Insert the ABCC matrix here>

Fees

1. Liquor License Application Fee	$100
2. Annual Liquor License Fee	$1500 /year
3. Annual Liquor License Renewal Fee	$100
4. License Transfer Application Fee	$100

Notes:

a) The annual license fee for applications received after July 1 may be prorated at the discretion of the Board of Selectmen.
b) Additional license fees must be paid to the state. See www.state.ma.us/abcc for more details.