



TOWN OF HANOVER
BOARD OF SELECTMEN
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**RULES AND REGULATIONS FOR
HOLDERS OF ALCOHOLIC BEVERAGE LICENSES**

POLICY 17-03

I. DEFINITIONS

1. "ABCC", means the "Alcoholic Beverages Control Commission" established under M.G.L. c. 10, § 70.
2. "Alcoholic Beverage", means any liquid intended for human consumption as a beverage and containing one half of one per cent or more of alcohol by volume at sixty degrees (60°) Fahrenheit pursuant to M.G.L. c. 138, §1.
3. "Last Call", shall be announced at least fifteen (15) minutes before the Official Closing Hour.
4. "LLA", as used herein shall mean the Hanover Board of Selectmen who serve as the "Local Licensing Authority".
5. "Malt Beverage", means all alcoholic beverages manufactured or produced by the process of brewing or fermentation of malt, with or without cereal grains or fermentable sugars, or of hops, and containing not more than twelve percent (12%) of alcohol by weight pursuant to M.G.L. c. 138, §1.
6. "M.G.L.", means "Massachusetts General Law".
7. "Official Closing Hour", means the time stated in a License when a Licensee must cease serving Alcoholic Beverages.
8. "Official Opening Hour", means the time stated in a License when a Licensee may begin serving Alcoholic Beverages.
9. "Wine", means all fermented alcoholic beverages made from fruits, flowers, herbs or vegetables and containing not more than twenty-four (24%) percent of alcohol by volume at sixty degrees (60°) Fahrenheit, except cider containing not more than three (3%) percent, or containing more than six (6%) percent, of alcohol by weight at sixty (60°) degrees Fahrenheit pursuant to M.G.L. c. 138, §1.

II. GENERAL

1. The Board of Selectmen of the Town of Hanover, sitting as the LLA in and for the Town, has sole responsibility, in the first instance, for the issuance of all alcoholic beverage licenses within the Town. No license can be issued, transferred, sold, amended or altered without the prior written approval of the LLA and ABCC who have power of approval of same.

2. No Licensee shall dispense or sell alcoholic beverages to any person less than twenty-one (21) years of age pursuant to M.G.L. c. 138, §64.
3. No Licensee shall store or sell any alcoholic beverages at any location or in any part of the premises at a given location not specified in the description of premises stated on the License.
4. The License to sell or store alcoholic beverages must be posted in a conspicuous location, clearly visible and accessible to the public, upon the licensed premises.
5. No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license (i.e., that results in any increase or decrease in the size, change in the character of the licensed premises or changes in the entrance/exit locations), shall be made without prior written approval of the LLA and ABCC who have power of approval of same.
6. The licensed premises shall be subject to inspection at any time by the Hanover Police Department, LLA, ABCC, or by their duly authorized agent(s).
7. A Licensee who sells alcoholic beverages to be consumed on the premises must have a kitchen and offer food for purchase by patrons unless otherwise approved by the LLA and ABCC. The kitchen and premises must be kept clean, neat, and sanitary, to the satisfaction of the LLA, the Hanover Board of Health, or their duly authorized agent(s).
8. The Licensee shall take efforts to prevent any disorder, disturbance, or illegality of any kind to take place in or upon the licensed premises including without limitation the parking lot in direct control of the Licensee. Where such activity has come to the attention of the Licensee, it is the Licensee's responsibility to take immediate steps to attempt to cease any such disorder or disturbance and, if necessary, notify the Hanover Police Department. In such circumstances where the Licensee has failed to act, the Licensee may be held in violation of its License and subject to a hearing by the LLA.
9. Each Licensee shall have an appointed Manager who shall have complete and unqualified authority and control over the licensed premises, whether he/she may be present upon said premises at any given moment in time. Such Manager shall be duly appointed and authorized by legally established corporate vote or permission of the owner, and must be acceptable to the LLA and ABCC, who shall have power of approval of same.
10. Any individual appointed Manager of an establishment by the owner/corporation and approved by LLA and ABCC must be a citizen of the United States and must take an active role in the management of the premises.
11. **NO ABSENTEE MANAGERS SHALL BE ALLOWED.**
12. No on duty Manager or employee of a Licensee shall consume any alcoholic beverage during working hours except *de minimus* sampling, from time to time, by an employee with specific responsibilities that include the preparation of menus, wine lists, food and beverage pairings, or in connection with beverage tasting/trainings authorized by the Manager of Record.

13. The Licensee shall, in all cases, be responsible for acquiring all permits, licenses, or certifications necessary to the conduct of his/her business.
14. The Licensee shall be responsible for the enforcement of all Rules and Regulations of the LLA, ABCC, and M.G.L.'s pertaining to the operation of an establishment possessing an alcoholic beverages license and shall be responsible for any violations, infractions, and alcohol related disorders or disturbances of any kind which take place on the licensed premises, without limitation, including the actions of employees whether or not the Licensee is present.
15. No Licensee shall make any distinction, discrimination, or restriction of service, access, or treatment on account of race, color, religious creed, national origin, sex, sexual orientation, or ancestry.
16. Bona fide employees of the licensed establishment may remain or enter upon the licensed premises, outside of regular hours of operation, if engaged in cleaning, opening, closing, preparing for next day's business, or for the purpose of renovations, remodeling, or emergency repairs. However, they may not dispense or consume any alcoholic beverage on the licensed premises during such non-public hours, nor may they remain upon the premises outside of the regular hours of operation any longer than necessary to complete their work pursuant to M.G.L. c. 138, §12.
17. No alcoholic beverage may be served or consumed in any area outside the licensed premises such as, without limitation, a patio, roof garden, or sidewalk, unless such area is contained in the description of said licensed premises, approved by the LLA and ABCC who have power of approval of same.
18. A Licensee shall ensure that patrons or employees do not leave the premises with alcoholic beverages other than a resealed wine bottle as allowed pursuant to M.G.L. c. 138, §12.
19. No Licensee shall knowingly allow any agent or independent contractor of the Licensee to carry a firearm on the licensed premises while said premises is open to the public. However, this provision shall not apply to a Hanover Police Officer on privately paid detail nor to any Licensee who has received written permission from the Hanover Police Chief to allow specified agents or contractors of the Licensee to carry firearms while the licensed premises is open to the public.
20. All illuminated advertising signs shall be extinguished at the Licensee's Official Closing Hour.
21. All patrons shall be off the licensed premises within (15) fifteen minutes of the Licensee's Official Closing Hour.
22. Each new employee who handles alcohol shall obtain server training within thirty (30) days of commencing employment.
23. This policy is in conjunction with the Board of Selectmen "Special License Policy – Policy 11-02".

24. No Licensee or employee shall:

- a. Offer or deliver any free drink to any person or group of persons;
- b. Deliver more than two (2) 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;
- d. Offer to sell or deliver malt beverages or mixed drinks by the pitcher containing more than sixty (60) ounces except to two (2) or more persons;
- e. Increase the volume of alcoholic beverages contained in a drink without increasing proportionally the price regularly charged for such drink during the same calendar week;
- f. Allow any drinking game or contest that involves drinking or the awarding of drinks as prizes;
- g. Make sale or delivery of any alcoholic beverage to an intoxicated person.

III. SANCTIONS FOR LICENSE VIOLATIONS

If the LLA, after a hearing conducted pursuant to M.G.L. c. 138, §64, determines that a Licensee has violated or permitted a violation of the License or any law of the Commonwealth of Massachusetts, the LLA may modify, suspend, revoke or cancel such License. In carrying out its responsibility, the LLA may consider the following guidelines:

1st Violation: Letter of reprimand and/or suspension of up to three (3) days or both.
Optional: With the hours for serving alcoholic beverages ending at 11:00 pm for ten (10) days.

2nd Violation: Suspension of License from three (3) to ten (10) days.
Optional: With the hours for serving alcoholic beverages ending at 11:00 pm for thirty (30) days.

3rd Violation: Suspension of License from ten (10) to thirty (30) days.
Optional: With the hours for serving alcoholic beverages ending at 11:00 pm for thirty (30) days.

4th Violation: Revocation of Alcoholic Beverages Licenses.

Licensees shall post notices on the front door and on the cooler doors (where applicable) that states their liquor license has been suspended and the purpose for which it was suspended. The doors to the cooler also have to be locked and the premises shall be checked by the Hanover Police Department during the day(s) of suspension to confirm the doors are locked and notices posted.

For the purpose of calculating Violations, prior actions on other occasions taken by the LLA and/or ABCC taken against the Licensee will be counted as Violation(s) that will be applied to the guidelines above.

For the purpose of calculating a Violation, if it is found that multiple violations occurred within a single business day (opening time until after two (2) hours of closing time), such may be counted

as a single Violation when determining the number of violations to be counted and applied to the guidelines above.

Only violations that have occurred within the past three (3) years (counted from the date of the last violation) will be counted.

IV. OPERATING HOURS FOR ALCOHOLIC BEVERAGE LICENSES

To Holders of Section 12 licenses: (restaurants, taverns, general on premise, hotels, clubs, veterans clubs & continuing care facilities)

Unless the Licensee is requesting later opening or earlier closing hours, the following rules and regulations govern the opening and closing hours throughout the Town of Hanover:

HOURS: Monday – Saturday 8:00 a.m. until no later than 1:00 a.m. the following day
Sunday 10:00 a.m. until no later than 1:00 a.m. the following day

To Holders of Section 15 licenses: (package stores)

Unless the Licensee is requesting later opening or earlier closing hours, the following rules and regulations govern the opening and closing hours throughout the Town of Hanover:

HOURS: Monday – Saturday 8:00 a.m. until 11:00 p.m.
Sunday 10:00 a.m. until 11:00 p.m.

EFFECTIVE DATE: This policy was approved by the Board of Selectmen on July 10, 2017 and is effective immediately.

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