

ARTICLE 3 - LICENSES

Section 3.1 – General Procedures and Conditions for Issuance of Licenses

3.1.1 – Application Procedures

Applicants for initial issuance or renewal of licenses issued by the Board of Selectmen shall submit an application on a standard form as provided by the Town. The applicant shall have the responsibility to complete all information on the form completely and accurately, and under oath, and shall provide with the application all necessary information in order for the Town to determine whether all requirement(s) of the license in accordance with Town or State regulations or bylaws are complied with. These requirements may include but not be limited to:

- ◆ A sworn statement that the applicant has paid all taxes and fees and other moneys owed to the Town of Reading for any services;
- ◆ All required performance bonds, if any, are on file;
- ◆ A certificate of Workers Compensation is on file.

The Board of Selectmen may request information from any other Department, Board, Committee or Commission in considering the granting and/or renewal of a license. The Board may review the record of any complaints or problems regarding the licensee and/or the licensed premises, and shall take such complaints into account in considering whether or not to issue or renew the license.

3.1.2 – License Period

Unless otherwise provided, licenses shall be issued for a 12 month calendar year, beginning on January 1st. An application for a new license shall be issued for the remainder of the calendar year. Fees shall be charged for the entire calendar year even if the license is effective for only a portion of the calendar year.

3.1.3 – License Restricted to the Premises for which it is Issued

Except for Taxi and Livery vehicle licenses, an application for a license shall be specific as to the location, including street number and address, for which the license is issued. The licensed activity may not be moved to any other location without approval of the Licensing Authority.

3.1.4 – Requirement that Licensees maintain their Properties and Businesses in accordance with all Conditions, Bylaws, Rules and Regulations of the Town of Reading during the Term of the License

Every business licensed by the Town of Reading, whether listed below or not, shall at all times during the term of their license, maintain the property and conduct their business in accordance with all conditions of the license, as well as in conformity with all policies, rules, regulations and bylaws of the Town of Reading. All licensees shall maintain their premises in a clean and business-like condition that is conducive to public health and safety.

3.1.5 – Conditions on Licenses

The Town may place reasonable conditions on the issuance of any license issued pursuant to these policies to provide for public safety, health, welfare and the promotion of public order.

3.1.6 - Delegation to the Town Manager the Authority to issue Certain Licenses

The Board of Selectmen may, annually, delegate to the Town Manager the authority to issue and renew any or all licenses covered by this policy, except for the issuance and annual renewal of liquor licenses. When the Board of Selectmen chooses to delegate this authority, the Board of Selectmen will be notified of the granting and/or renewal of such licenses at their next regular meeting following the issuance or renewal.

Prior to approving a renewal, the Town Manager will make certain that all conditions of the license have been met, and that all other appropriate measures are complied with to ensure that the licensee is in compliance with all bylaws, rules, regulations and practices of the Town of Reading.

If an issue has been raised by the Board of Selectmen regarding the issuance or renewal of a license, the Town Manager shall not issue or renew the license but it shall be referred back to the Board of Selectmen for their review and action.

3.1.7 – Suspension, Modification or Revocation of Licenses

The Town may suspend, modify or revoke any license issued under these policies for failure to meet any of the requirements of these policies, or failure to meet any conditions placed on the license. The licensee is entitled to due process as provided by law, which may include written notice of any violation and a hearing.

Adopted 10-27-86, Revised 12-13-94, Revised 12-5-95, Revised 5-25-04

Section 3.2 – Liquor License Policy

This policy shall apply to all premises licensed for the sale and/or consumption of alcoholic beverages and the issuance of all Special Licenses by the Licensing Authority (Board of Selectmen) pursuant to its authority as the Licensing Authority of the Town of Reading as determined by the Reading Home Rule Charter, Town of Reading Bylaws, and the laws, rules and regulations of the Commonwealth of Massachusetts.

The following chart indicates which portion of these regulations applies to which type of license:

<u>Category</u>	<u>3.2.1</u>	<u>3.2.2</u>	<u>3.2.3</u>	<u>3.2.4</u>	<u>3.2.5</u>	<u>3.2.6</u>	<u>3.2.7</u>
Retail Package Goods Store License for All Kinds of Alcoholic Beverages not to be Drunk on the Premises	X						X
Restaurant License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises	X	X	X				X

Restaurant License to Expose, Keep for Sale, and to Sell Wine and Malt Beverages to be Drunk on the Premises (less than 100 seats)	X	X		X			X
Club License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises	X				X		X
Special Licenses						X	

Amendments - Changes to this policy may be made by majority vote of the Board of Selectmen and shall be discussed at a public meeting. Notice of any change in policy shall be made to all licensees in a timely manner.

3.2.1 – General Requirements for All Licensed Establishments

3.2.1.1 – Plan Required

A plan of the building and a detailed floor plan of the licensed premises including the capacity of a restaurant and parking facilities shall be on file with the Licensing Authority. No alterations shall be permitted to the premises without approval in advance from the Licensing Authority.

3.2.1.2 – Deliveries

Deliveries to licensed establishments shall be made only during business hours and shall be made in a manner so as not to disrupt neighbors or interfere with traffic or parking.

3.2.1.3 – Inspection

The licensed premises shall be subject to inspection by the Police, the Licensing Authority, and other duly authorized agents of the Licensing Authority. Any hindrance or delay of such inspection caused by an employee of the licensee shall be cause for action against the license.

3.2.1.4 – Advertisements

No advertising matter, screen, curtain or other obstruction, which prevents a clear view of the interior of the premises, shall be maintained in or on any window or door.

3.2.1.5 – Automatic Amusement Devices

No establishment licensed for the on-premises or off-premises sale or consumption of alcohol shall permit the use of any automatic amusement device or electronic game as defined by M.G.L. Chapter 140, Section 177A unless specifically licensed to do so by the Board of Selectmen.

3.2.1.6 – Duty to Perform

An applicant for a license to sell liquor on or off premises shall within 45 days of the issuance of such license commence construction of the licensed premises which shall be fully operational within 120 days of the issuance of such license, unless otherwise approved by the

Licensing Authority. Thereafter, the licensee will continuously operate the premises in accordance with the terms and conditions of the license. The closing of the licensed establishment for seven consecutive calendar days or for more than 20 regular business calendar days during a calendar year shall be deemed to be abandonment of the license and sufficient grounds for revocation, unless prior approval is granted by the Licensing Authority. Such revocation shall only be done following a public hearing. Upon application by the licensee, the Licensing Authority may waive this abandonment provision in the event of major renovation, destruction by fire or flood or other similar circumstance.

3.2.1.7 - Establishment of Written Policies

Licensees shall establish written policies regarding the sale or service of alcoholic beverages based upon the requirements of the regulations of the Alcoholic Beverages Control Commission, these regulations, and any other conditions placed on the license.

3.2.1.8 - Alcohol Policy for Staff While Serving

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

No Manager, Alternate Manager or employee shall consume any alcoholic beverages on the premises after the official closing hour per MGL, Chapter 138, Section 12. and Section 15.

3.2.1.9 - Alcohol Management or Server Training

Licensees, Managers and principal representatives of licensed establishments are required to successfully complete an alcohol management or server training course (depending on the type of license) approved by the Liquor Liability Joint Underwriting Association of Massachusetts at the time of issuance of the license.

Servers of alcoholic beverages shall be required to successfully complete a server training course approved by the Hospitality Mutual Insurance Company (or any training course reviewed by and approved by the Licensing Authority) within three (3) months of becoming employed in a position where they are serving alcohol to customers. There must be a certified employee on the premises at all times.

All persons required to successfully complete an alcohol management or server training course must be successfully retrained prior to the end of the certification period. The licensee shall certify annually to the Licensing Authority at the time of renewal of the license that the licensee, Manager, and all employees meet this requirement. Certificates shall be kept on file and available for inspection upon request

3.2.1.10 - Liquor Liability Insurance Requirement

Licensees are required to have, or otherwise provide, liquor liability insurance in the minimum amount determined from time to time by the Licensing Authority. This requirement is applicable regardless of whether the licensee rents, or otherwise provides the licensed premises to a third party. Limited exceptions to this requirement may be granted by the Licensing Authority for reasons of hardship or upon adequate proof of inability to obtain the required insurance. There is no right to an exception, and the Licensing Authority is not required to grant

such an exception. Licensees shall provide the Board of Selectmen with a copy of the Certificate of Insurance upon the issuance or renewal of a license.

3.2.1.11 – Staffing

Licensees shall maintain an adequate ratio of staff to patrons in order to properly monitor beverage sales and consumption.

3.2.1.12 - Supervision – Presence

The licensee, a Manager or principal representative of the licensee shall be present in the licensed premises at all times during which alcoholic beverages are being sold pursuant to the license, and shall be available to the licensing authorities and its agents during all such times unless some other person, similarly qualified, authorized and satisfactory to the Licensing Authority, and of whose authority to act in place of such Manager or principal representative shall first have been approved by the Licensing Authority in the manner aforesaid is present in the premises, and is acting in the place of such Manager or principal representative.

3.2.1.13 – Duty to Keep Order

No licensee for sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefore whether present or not. There shall be no indecent or immoral entertainment on the licensed premises.

3.2.1.14 – Proof of Age

The Licensee, Manager, principal representative, bartender and waitress/waiter shall refuse to serve any patron under the age of twenty-one (21). When in doubt of age, they shall require the showing of an identification card or license in accordance with Chapter 138, Section 34B of the General Laws.

3.2.1.15 – Minimum Age of Employee or Server

No employee of any licensed establishment who is serving, clearing or otherwise handling alcoholic beverages shall be under the age of 18.

3.2.1.16 – Prohibition of Bringing Alcoholic Beverages onto the Premises

There shall be no alcoholic beverages brought onto the premises of a licensed establishment except for deliveries for the operation of the business as controlled by the laws, rules and regulations of the Commonwealth of Massachusetts.

3.2.1.17 - Information Regarding the Alleged Service of Alcohol Prior to Violation for Driving Under the Influence of Intoxicating Liquors

Upon the receipt of a letter from the Office of the Attorney General or the Middlesex District Attorney's Office pursuant to G.L. c. 90, Sec. 24J or any other statute, or any other notice regarding the alleged service or sale of alcohol to an individual who is subsequently convicted or pleads guilty to a violation of driving under the influence of intoxicating liquors, or enters a disposition under Section 24D of Chapter 90, the Licensing Authority:

- ◆ Shall forward a copy of the letter to the licensee cited, along with a copy of these rules and regulations.

- ◆ May request that the licensee appear before the Licensing Authority to respond to the allegation.

Upon the receipt of two or more letters in a two-year period, the licensee shall be required to appear before the Licensing Authority to respond to the allegations.

Any disciplinary action taken by the Licensing Authority shall be taken in accordance with the provisions of the Reading Liquor Policy, the Massachusetts General Laws, and Rules and Regulations of the Alcoholic Beverages Control Commission. Neither a letter from the Office of the Attorney General or the Middlesex District Attorney's Office, nor the original letter from the court to these law enforcement agencies shall, by itself, constitute sufficient evidence so as to allow for a finding that a licensee has committed a violation.

3.2.1.18 – Duty to Report an Attempt to Purchase by a Minor

The licensee shall be required to report to the Reading Police Department any time a person attempts to purchase alcohol while being underage, or attempts to use an altered or forged identification for the purpose of purchasing alcohol. Furthermore, the licensee shall immediately report to the Reading Police Department any time they suspect an adult is purchasing alcohol for a minor. These infractions must be reported even when the incident takes place off premises, such as for home deliveries.

Licensees shall make all reasonable and diligent efforts to report any illegality on the licensed premises.

3.2.1.19 – Liquor License Fees

The following fees are established for each calendar year for the categories of license available in the Town of Reading:

<u>Category</u>	<u>Fee</u>
Retail Package Goods Store License for All Kinds of Alcoholic Beverages not to be Drunk on the Premises	\$2500
Restaurant License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises	\$3700
Restaurant License to Expose, Keep for Sale, and to Sell Wine and Malt Beverages to be Drunk on the Premises	\$2700
Club License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises	\$1300

3.2.1.20 – Hours of Operation

The following shall be the hours of operation for premises licensed for sale and/or service of alcoholic beverages by the Town of Reading:

<u>Category</u>	<u>Hours of Operation</u>	<u>Exceptions</u>
Retail Package Goods Store License for All Kinds of Alcoholic Beverages not to be Drunk on the Premises	8:00 a.m. to 11:00 p.m., except 8:00 a.m. to 11:30 p.m. the day before a holiday	See Sunday Sales in Section 3.2.1.21 below
Restaurant License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises	11:00 a.m. to 12:00 midnight Monday through Saturday, and 12:00 noon to 12:00 midnight on Sundays	
Restaurant License to Expose, Keep for Sale, and to Sell Wine and Malt Beverages to be Drunk on the Premises (less than 100 seats)	11:00 a.m. to 12:00 midnight Monday through Saturday, and 12:00 noon to 12:00 midnight on Sundays	
Club License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises	8:00 a.m. to 2:00 a.m. except on Sundays and legal holidays when the hours are 12:00 noon to 1:00 a.m.	

3.2.1.21 – Sunday Sales for Package Stores

Sunday sales for Package Stores are permitted, pursuant to M.G.L. c. 138, §15, subject to the following conditions:

- ◆ No sales may be made prior to noon on Sunday;
- ◆ No sales may be made after 11:00 p.m. on Sunday, except that no sales may be made after 11:30 p.m. on a Sunday that immediately precedes a legal holiday;
- ◆ Employees must be paid for working on Sunday at a rate not less than 1½ of the employees' regular rate;
- ◆ No employee may be required to work on a Sunday; refusal to work on a Sunday is not grounds for discrimination, dismissal, discharge, deduction of hours or any other penalty;
- ◆ If a Section 15 licensee intends to close one day per week except Sundays, such licensee must notify the Licensing Authority of such licensee's intended hours of operation.

3.2.1.22 – Breach of Policy or Conditions

For breach of any of the requirements, restrictions or conditions of this policy of license, the Licensing Authority reserves the power and right to modify, suspend, revoke or cancel the license in accordance with the law.

3.2.2 – Requirements for All:

- ◆ **Restaurant License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises**
- ◆ **Restaurant License to Expose, Keep for Sale, and to Sell Wine and Malt Beverages to be Drunk on the Premises (less than 100 seats)**

All licensees for the service of alcohol, whether the holder of

- ◆ Restaurant License - All Kinds of Alcoholic Beverages
- ◆ Restaurant License - Wine and Malt Beverages (less than 100 seats)

shall, in addition to Section 3.2.1 of this policy, adhere to the following policies:

3.2.2.1 – Advertisement

No premises shall be licensed that contain any advertisement or sign upon which appears the brand name of any product sold in the establishment including wine or beer, except that signs or advertisements inside of the premises that cannot be seen from the exterior of the premises are permitted

3.2.2.2 – Requirements for Service of Food and Drink

In licensed premises, all food and drink service shall conform to the following:

- ◆ Food shall be served on china, pottery or other solid dinnerware and shall use metal silverware. No plastic or paper dinnerware or silverware is permitted.
- ◆ An establishment that has a separate and distinct take-out area may be licensed for the sale of beer and wine on the premises.
- ◆ Alcohol must be served in glass or pottery containers only. No paper, plastic or other containers will be used for service. Pitchers or carafes of beer or wine with a capacity of 750 ml or less will be permitted.

3.2.2.3 – Toilet Facilities Required

No premises shall be licensed unless toilet facilities meeting all requirements of the current edition of the State Building Code and State Sanitary Code are available to the customers of the license premises.

3.2.2.4 - List of Alternative Transportation

Licensees shall maintain a written list of the telephone numbers of local taxicab companies next to the public telephone. If there is no public telephone, the list should be available for patrons when requested.

3.2.2.5 - Orderly Closing

Licensees shall ensure that patrons leave the premises in an orderly manner within the time limits established below

- There shall be no sale of alcoholic beverages or food after the closing hour established in the table in Section 3.2.1.20. Sale shall be defined as delivery of alcoholic beverages or food to the customer.

- All tables and service locations shall be cleared of alcoholic beverages within ½ hour after the closing hour as established in the table in Section 3.2.1.20.
- All customers shall be off the premises within 1 hour of the closing time as established in Section 3.2.1.20.

3.2.2.6 – Prohibition of taking Alcoholic Beverages from the Premises - Exceptions

There shall be no alcoholic beverages taken from the premises of an establishment licensed under M.G.L. c.138, §12 except for deliveries for the operation of the business as controlled by the laws, rules and regulations of the Commonwealth of Massachusetts, and with the exception of partially consumed bottles of wine which are purchased with a meal and resealed in accordance with 204 CMR 2.18 of the Regulations of the Alcoholic Beverages Control Commission.

3.2.2.7 – Refusal of Service

The Manager of any premises licensed under this policy shall refuse to serve any patron who is approaching a condition of “Under the Influence.”

3.2.2.8 – Service of Alcoholic Beverages Limited to Hours that Food Services is Provided

The hours during which sales of alcoholic beverages may be made in a licensed premise is further limited to the times when a full menu of food service is available. No alcoholic beverages may be sold or served in a licensed premise before food service is available, nor after the food service has been suspended.

3.2.2.9 - Service Bar

In the event that an area is designed as a “service bar,” which is distinct from what is commonly referred to as a “bar,” no liquor is to be served directly to the public at such service bar, and no stools or chairs are to be placed at said service bar.

3.2.3 – Requirements for All: Restaurant License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises

All Restaurants licensed for the service of “All Kinds of Alcoholic Beverages” shall adhere to the following policies in addition to the provisions of Sections 3.3.1 and 3.3.2 of this policy:

3.2.3.1 - Minimum Seating Requirement

A Home Rule petition by the Town of Reading, approved by the General Court of the Commonwealth of Massachusetts authorized the Town of Reading to allow for All Alcoholic service in restaurants with fewer than 100 seats. This legislative action was confirmed by the voters of the Town in the Election of April 7, 2009. At its sole discretion, the Licensing Authority may allow all alcoholic service to any or all restaurants with less than 100 seats. No more than 15% of the seats shall be at a bar.

3.2.4 – Requirements for:

Restaurant License to Expose, Keep for Sale, and to Sell Wine and Malt Beverages to be Drunk on the Premises (less than 100 seats)

All Restaurants Licensed to Expose, Keep for Sale, and to Sell Wine and Malt Beverages to be Drunk on the Premises (less than 100 seats) shall adhere to the following policies in addition to the provisions of Sections 3.2.1 and 3.2.2 of this policy:

3.2.4.1 – Purpose and Intent

A Home Rule petition by the Town of Reading, approved by the General Court of the Commonwealth of Massachusetts authorized the Town of Reading to issue a limited number (currently 5) of Beer and Wine licenses to restaurant establishments with fewer than 100 seats. This legislative action was confirmed by the voters of the Town in the Election of March 24, 1998. This policy is established pursuant to that vote.

The intent of this policy is to encourage the development and retention of smaller specialty restaurants in the Downtown area of Reading in order to enhance the economic vitality of the Downtown area. It is recognized that the serving of beer and wine in a restaurant is part of the customers' dining experience.

3.2.4.2 – Maximum Seats

A restaurant holding a "Wine and Malt Beverage" license shall have seating for less than 100 customers. All seats shall be at tables -- there shall be no seating at a bar.

3.2.4.3 – Service Bar

Only a service bar is permitted. Its function is to serve to restaurant employees who serve the customers and can be used to serve drinks to those customers waiting to dine. There will be no seats at this bar.

3.2.4.4 - Seating Requirement

There shall be no service of alcohol to anyone unless they are seated at a table.

3.2.5 – Requirements for Club License to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises

All Clubs licensed for the service of "All kinds of Alcoholic Beverages to be Drunk on the Premises" shall adhere to the following policies in addition to the provisions of Section 3.2.1 of this policy:

3.2.5.1 - Minimum Seating Requirement

There shall be no minimum seating for a club license. No more than 15% of the seats shall be at a bar.

3.2.5.2 – Advertisements

No premises shall be licensed that contain any advertisement or sign upon which appears the brand name of any product sold in the establishment including wine or beer, except that signs or advertisements inside of the premises that cannot be seen from the exterior of the premises are permitted.

3.2.5.3 – Requirements for Service of Food and Drink

In licensed premises, all food and drink service shall conform to the following:

- ◆ There is no requirement for service of food in clubs.
- ◆ Plastic glasses are permitted. Service will be by the glass or bottle, or glass or pottery pitchers or carafes of beer or wine with a capacity of 750 ml or less will be permitted.

3.2.5.4 – Toilet Facilities Required

No premises shall be licensed unless toilet facilities meeting all requirements of the current edition of the State Building Code and State Sanitary Code are available to the customers of the license premises.

3.2.5.5 - List of Alternative Transportation

Licensees shall maintain a written list of the telephone numbers of local taxicab companies next to the public telephone. If there is no public telephone, the list should be available for patrons when requested.

3.2.5.6 - Orderly Closing

Licensees shall ensure that patrons leave the premises in an orderly manner within the time limits established below

- There shall be no sale of alcoholic beverages or food after the closing hour established in section 3.2.1.20. Sale shall be defined as delivery of alcoholic beverages or food to the customer.
- All tables and service locations shall be cleared of alcoholic beverages not later than 30 minutes after the closing hour established in Section 3.2.1.20.
- All customers shall be off the premises not later than one hour after the closing hour established in Section 3.2.1.20.

3.2.5.7 – Prohibition of taking Alcoholic Beverages from the Premises

There shall be no alcoholic beverages taken from the premises of a licensed establishment.

3.2.5.8 – Refusal of Service

The Manager of any premises licensed under this policy shall refuse to serve any patron who is approaching a condition of “Under the Influence.”

3.2.5.9 - Service Bar

In the event that an area is designed as a “service bar,” which is distinct from what is commonly referred to as a “bar,” no liquor is to be served to the public at such service bar, and no stools or chairs are to be placed at said service bar.

3.2.6 – Requirements for Special Licenses under Section 14

3.2.6.1

Special liquor licenses may be issued by the Town for commercial establishments or for non-profit organizations.

3.2.6.2

Holders of special licenses shall provide the liquor to the attendees of any event -- “bring your own liquor (or beer or wine)” will not be permitted. The license holder is required to comply with 204 CMR 4.00 (the prohibited practices requirements). License holders must purchase their alcohol from a licensed Massachusetts wholesaler, in compliance with M.G.L. Chapter 138, Section 14. Alcohol may not be purchased out of state, from a caterer, or from a Section 15 package store. The Town will provide to licensees a list of licensed Massachusetts wholesalers, or the method by which a licensee may obtain such a list.

3.2.6.3

Holders of special licenses shall provide a bartender and/or servers who are trained and authorized to make decisions regarding continued service of alcoholic beverages to attendees (reference 3.2.1.9). There shall be no self service of any alcoholic beverage at an event approved as a special license.

3.2.6.4

Applicants for special licenses shall provide proof of insurance to the Licensing Authority with the application for the one day license.

3.2.6.5 – Limitations

A person or entity may only be issued a maximum of 30 Special Licenses in any calendar year.

3.2.6.6 - Exceptions:

In the case of events held by private residents, outside of their private residence, the Licensing Authority shall not require a special license where: (1) the event is by invitation only, (2) money is not exchanged for alcohol, (3) tickets are not sold, (4) a donation is not required or solicited, or (5) an entrance fee is not charged.

3.2.7 – Enforcement

3.2.7.1

Licensees violating applicable laws of the Commonwealth of Massachusetts, rules or regulations of the Alcoholic Beverage Control Commission, and/or of the Town of Reading Liquor Policies shall be subject to the following range of penalties:

<u>Offense</u>	<u>Penalty</u>
1 st Offense	Warning to three days suspension
2 nd Offense	Three days to six days suspension
3 rd Offense	Six days to 12 days suspension
4 th Offense	Show cause hearing for license revocation

The term "Offense" is defined as one violation of Massachusetts General Law, Chapter 138, and/or one violation of the Massachusetts Alcoholic Beverage Control Commission Rules and Regulations 204CMR, and/or Town of Reading local licensing regulations and any other law or regulation of the Town of Reading.

Examples of criteria to invoke penalties are based on the following:

- Severity and type of offense
- Number of prior offenses

The penalties are only a guide. The Licensing Authority may use its discretion in determining whether the facts surrounding a violation warrant a penalty which is more lenient or severe than that suggested by the guidelines.

The penalties shall not be construed as to limit the Licensing Authority's ability to consider alternative dispositions or further conditions on a license, or even alternative penalties (e.g. rolling back of the licensee's operating hours, suspension of the licensee's Common Victualers license, and/or suspending the licensee's entertainment license.)

3.2.7.2 - Access to Premises by Police and Agents

It shall be the responsibility of the licensee to ensure that procedures are in place, by posting a doorman or otherwise, to allow Police and authorized agents of the licensing Authority immediate entrance into the premises at any time employees are on the premises. Any delay in providing such access shall be cause for action against the license.

3.2.7.3 - Posting of Notice

Whenever the Licensing Authority warns a licensee or suspends the license or licenses of any licensee, the Licensing Authority shall provide the licensee with a sign containing the words "Closed by order of the Licensing Authority for the Town of Reading," or "warning issued by the Licensing Authority of the Town of Reading" and stating the reason for the warning or suspension. This sign shall be attached by the licensee on the inside of a window in a location designated by the Licensing Authority which location shall be visible from the outside of the licensed premises in a conspicuous place during the entire period of such warning or suspension.

3.2.7.4 - Agents of the Licensing Authority

The Licensing Authority hereby appoints the Chief of Police and the Police Department Lieutenants and Sergeants as agents of the Licensing Authority to insure that the policies of the Licensing Authority and the Massachusetts State Laws regarding Alcoholic Beverage Licensing are adhered to by all licensees.

3.2.7.5 - Compliance Operations

The Licensing Authority shall from time to time review with the Police Chief guidelines for compliance operations by the Police Department.

The Licensing Authority hereby assigns the responsibility of conducting annual inspections of liquor license holders to the Town Manager. These inspections will serve the purpose of reviewing and checking compliance with the Licensing Authority's liquor policies.

Revised 2-10-09; Revised 9-22-09