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:

Category	**3.2.1**	**3.2.2**	**3.2.3**	**3.2.4**	**3.2.5**	**3.2.6**	**3.2.7**	**3.2.8**
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		
General On-Premises Licenses							**X**	**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:

Category	**Fee**
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
General on Premise to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises	$3700
General on Premise to Sell Wine and Malt Beverages to be Drunk on the Premises	$2700

General on Premise for Instructional Classes to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises	$700
General on Premise for Instructional Classes to Sell Wine and Malt Beverages to be Drunk on the Premises	$500

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:

Category	**Hours of Operation**	**Exceptions**
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.	
General On Premise License	11:00 a.m. to 11:00 p.m. Monday through Saturday and 12:00 noon to 11:00 p.m. on Sundays	

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 unless they notify the Licensing Authority that sales will begin at 10:00 a.m.
- 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 – Breech 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.

Section 3.2.7 – General On-Premises Licenses

3.2.7 – Requirements for General On-Premises Licenses

The Board may issue a General On-Premises License to an establishment within the Town. Such establishment is not required to obtain a common victualler's license. All General On-Premises Licensees shall comply with Section 3.2.2 of this Policy, except for Sections 3.2.2.2, 3.2.2.8 and 3.2.2.9. The Board, in its discretion, may impose additional requirements to protect public health.

3.2.7.1 – Commercial Establishments

For commercial establishments that provide instructional classes, alcohol service shall be restricted to classes that are not more than three hours in duration. Only class members shall be allowed to purchase alcohol.

3.2.8 – Enforcement

3.2.8.1

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:

Offense	**Penalty**
1st Offense	Warning to three days suspension
2nd Offense	Three days to six days suspension
3rd Offense	Six days to 12 days suspension
4th 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 licensees operating hours, suspension of the licensee's Common Victualers license, and/or suspending the licensee's entertainment license.)

3.2.8.2 - 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.

3.2.8.3 - 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.

3.2.8.4 - 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.

3.2.8.5 - 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

Section 3.3 - Issuance of Peddler’s Licenses

Chapter 101, Sections 12a through 33 of the Laws of the Commonwealth, provide for regulations of peddlers. Part of the State law allows the Board of Selectmen to establish local rules and regulations for the granting of such licenses.

The following rules and regulations are hereby adopted to guide the Board of Selectmen in reviewing and ruling upon applications for Peddler’s Licenses:

Each application will be dealt with on a case by case basis. The following guidelines are not intended to be a full list of issues to be dealt with by the Board but are merely guidelines to the applicant.

1. Approval will be granted within a commercial or industrial zoning district only.
2. No peddlers will be permitted to operate within the public right of way including a roadway or sidewalk area.
3. Written approval of the property owner and any tenants on the property will be required prior to the Board hearing an application for a license. This will need to be renewed annually.
4. If the proposed use, in the opinion of the Board of Selectmen, will generate traffic other than traffic that is routine to the premises, then designated parking spaces will be required that will not be detrimental to the principle use on the premises.
5. The Board will require evidence that the peddler’s use will have minimal effect on the neighborhood adjacent to the site.
6. The peddler’s use will not take away existing parking spaces from those required on the site.

7. The peddler's use may have no negative impact on retail or commercial activities within the Town of Reading.
8. Peddler's uses will only be permitted where there is another principal use on the site and the peddler's use is related to the principal use of the property. No peddler's uses will be permitted on vacant or unused land.
9. The applicant must show that adequate controls are in place and insure public safety and cleanliness, and a condition of approval of any peddler's license will be that all of the required licenses will be received.
10. Prior to the issuance of a Peddler's License, the Board may require a review by the Health Division and the Building/Zoning Inspection Division and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

Adopted 10-18-88, Revised 12-13-94, Revised 5-25-04

Section 3.4 - Issuance of Class I, II and III Motor Vehicle Licenses

Chapter 140, Sections 57-69 of the Laws of the Commonwealth, provide for the regulation of Class I, II and III licenses for the sale of motor vehicles. The Board of Selectmen as Licensing Authority is charged with the responsibility of issuing these licenses, determining that the licensee is a proper person to engage in the business and that there is a suitable place of business.

The following rules and regulations are hereby adopted to guide the Board of Selectmen in reviewing and ruling upon applications for Class I, II and III Motor Vehicle Licenses:

1. Each application will be dealt with on a case by case basis. These guidelines are not intended to be a full list of issues to be dealt with by the Board but are guidelines to the applicant.
2. Class I, II and III Motor Vehicle Licenses will be issued only within a commercial or industrial zoning district within the Town.
3. Pursuant to State law (Chapter 140, Section 59), the applicant must show that the business to be licensed is the principal business of the licensee.
4. The applicant shall provide to the Board of Selectmen a lease or written approval of the property owner (if other than the applicant) for the use of the premises for the license period.
5. The applicant will provide, pursuant to Chapter 140, Section 58, proof that the applicant maintains or has access to a repair facility sufficient to enable him to satisfy the warranty repair obligations imposed by State statute.
6. For Class I and II Licenses, all the requirements of Chapter 90, Section 7N ¼ and Section 7N 1/2 must be complied with.
7. The applicant must show through plans or other means that there is adequate space on the premises for the vehicles to be sold and for customers and employees to park.
8. The licensed activity must not create an adverse traffic impact and access to the site must be adequate.
9. The licensee must conform with the Zoning By-Laws including the sign portions of the Zoning By-Laws.
10 The Board may require information to assure itself that the facility does not and will not cause any environmental problems relative to spills or other release of harmful substances to the environment or to neighboring properties.
11. The applicant shall provide proof of a bond as required by State Statute.
12. Prior to the issuance of a Class I, II or III Motor Vehicle License, the Board may require a review by the Building/Zoning Inspection Division, and proof that all necessary approvals, permits and other licenses needed to operate have been issued. The Board will require a review by the Chief of Police to assist them in determining that the applicant is a proper person to engage in the business to be licensed.

The following will be standard conditions for Class I, II or III Motor Vehicle Licenses unless the Board of Selectmen shall modify any of these conditions, and the Board may make any additional conditions on the license as it deems fit:

- The maximum number of vehicles offered to be sold at any one time shall be established.
- The location of vehicle(s) to be sold will be specifically stated.

- The location of the repair facility will be specifically stated.
- There will be no pennants, banners, windshield signs or other information other than the principal sign unless required by law. The Board may require pricing and other consumer information to be attached to the vehicle in a manner so as not to detract from the general appearance of the site.

Adopted 12-13-94, Revised 5-25-04

Section 3.5 - Issuance of Taxi and Vehicle for Hire Licenses

This Section shall be known as the "Town of Reading Rules and Orders for the Regulation of Carriages and Vehicles Used in the Town of Reading, promulgated pursuant to G.L.C. 40, Sec. 22".

3.5.1 - Applicability of Rules and Orders

Vehicles for hire including taxicabs and liveries (hereinafter referred to as "vehicles") operating or caused to be operated by non-governmental entities for the transportation of persons from place to place within the Town, or from a point in the Town to another location outside the Town, other than over regular routes or between fixed termini, shall be subject to these rules and orders to the extent provided below.

3.5.1.2 - Definition of Livery

Livery shall mean a private vehicle licensed as such, including but not limited to, limousines which are used for pre-arranged trips for particular occasions such as weddings, funerals, celebrations or school transportation.

3.5.2 - License

3.5.2.1 - License Required

No vehicle shall be driven, operated or caused to be operated as a vehicle for hire without a license first having been obtained for that vehicle from the Board of Selectmen. Each vehicle shall require a separate license.

3.5.2.2 - Application

Applications for a license shall be made in writing to the Board of Selectmen and shall provide the following information:

1. The name and address of the applicant, if an individual; or if a corporation, the name, date of incorporation, address of its principal place of business and the name and address of its officers; or if a partnership, association or unincorporated company, the names and addresses of the partners or associates and the address of its principal place of business.
2. The intended place of business within the Town of Reading.
3. The name of the manager or principal representative.
4. Proposed hours of operation, description of proposed vehicle including the make, model, Vehicle Identification Number and age of the vehicle.

3.5.2.3 - Review by Chief of Police

No license shall be granted by the Board of Selectmen until the application has been reviewed by the Chief of Police. Ten (10) working days to be allowed for such review. As a

condition of issuance and retention of the license, the owner and all employees of the licenses shall make available to the Police Chief or his designees, the manifest used by the taxi company. "Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

3.5.2.4 - Grant or Denial

The Board of Selectmen may upon receipt of an application, issue a license under such terms and conditions as they deem appropriate and in the public interest. The Board, in determining whether to issue a license, may consider the public demand or the proposed service, the effect of the proposed service upon relevant traffic and safety conditions, the character and financial responsibility of the applicant the condition of the proposed vehicle(s), and any and all other relevant facts or circumstances.

3.5.2.5 - Term and Fee

Any license issued hereunder shall expire on the last day of December next ensuing**,** unless sooner revoked or surrendered. Any licensee who permanently ceases to operate the vehicle for which a license was issued shall forthwith surrender the license to the Board of Selectmen. The fee for each license issued shall be fifty dollars ($50.00) per license. This fee shall not be prorated.

3.5.2.6 - Notification as to Vehicle

If issued a license, the licensee shall, prior to the operation of the vehicle as a vehicle for hire, provide the following information, in writing, to the Board of Selectmen:

1. The make, model, Vehicle Identification Number and age of the vehicle.
2. A copy of the vehicle's certificate of registration with the Registrar of Motor Vehicles.
3. A copy of the certificate of insurance coverage page for the vehicle.

3.5.2.7 - Insurance

A vehicle issued a license hereunder shall be insured. Coverage for "Bodily Injury to Others" shall be no less than $100,000 per person/$300,000 per accident.

3.5.2.8 - Liability

The licensee is at all times responsible for his vehicle and shall be liable for all penalties and/or damage resulting from his operation of the vehicle or the operation of the vehicle by an employee or agent.

3.5.2.9 - Suspension or Revocation

The Board of Selectmen may suspend or revoke a license issued under the provisions of this article for good cause. Before suspension or revocation of a license, the licensee shall be entitled to a hearing thereon before the Board of Selectmen. Written notice of the hearing shall be forwarded to the licensee at least seven (7) calendar days prior to the date of the hearing. Such notification shall state the grounds of complaint and the date, time and place of the hearing. The Town Manager may temporarily suspend a license without a hearing for a period of no greater then ten (10) days or until a hearing is held, whichever is sooner, if there is sufficient

evidence to indicate that the public safety would be endangered by continued operation of the vehicle.

3.5.2.10 - Assignment or Transfer Prohibited

No license shall be assigned or transferred.

3.5.3 - Permit

3.5.3.1 - Required

No person shall operate a vehicle, and no licensee shall employ or allow a person to operate a vehicle, unless the operator first obtains a permit from the Board of Selectmen.

3.5.3.2 - Minors

No permit shall be issued to a person under eighteen (18) years of age.

3.5.3.3 - Application

Applications for a permit shall be made, in writing, to the Board of Selectmen and shall provide the following information:

1. Full name and address.
2. Copy of a valid operator's license issued by the Registrar of Motor Vehicles.
3. All previous experience operating a vehicle for hire.
4. Convictions or pleas of guilty to a criminal offense, except as outlined below. If any, state the offense(s), court(s) in which convicted or guilty plea occurred and when the conviction(s) or plea(s) occurred. The following criminal information is not and shall not be requested, examined or considered by the Board of Selectmen:
   - Arrests, detentions or dispositions in which no conviction or guilty plea resulted;
   - Convictions which have been reversed or vacated but not pardoned;
   - Misdemeanor convictions or guilty pleas when the date of conviction or plea was greater than ten (10) years prior to the date of application for the permit;
   - Traffic violations for which there was a finding of responsibility for a period of two (2) years prior to the date of application for the permit or for such period of time as the Board of Selectmen shall request.

Failure to give accurate and complete information as required above may be grounds for denial, suspension or revocation of a permit.

3.5.3.4 - Review by Chief of Police

No permit shall be issued by the Board of Selectmen until the application has been reviewed by the Chief of Police or his designee. Ten (10) working days to be allowed for such review.

3.5.3.5 - Issuance or Denial

An applicant shall be granted a permit only if the Board of Selectmen determines that granting a permit to the applicant is in the best interest of the public. Criminal convictions or pleas of guilty shall not result in an automatic denial of an application but shall be given significant consideration and weight by the Board of Selectmen, taking into account all factors

including the nature and gravity of the offense, the time that has passed since the conviction or plea, and the sensitive nature of serving the public as a driver of a vehicle for hire.

3.5.3.6 - Term and Fee

Any permit granted hereunder shall expire on the last day of December next ensuing, unless sooner revoked or surrendered. A permit holder who ceases to operate vehicles shall forthwith surrender his permit to the Board of Selectmen. The fee for a permit shall be fifty dollars ($50.00). This fee shall not be prorated.

3.5.3.7 - Picture Identification Card

A picture identification card shall be issued by the Board of Selectmen, or its designee, to each permit holder, and shall be displayed prominently in the vehicle when being driven by the permit holder.

3.5.3.8 - Liability

A permit holder is at all times responsible for the vehicle he is operating and shall be liable for all penalties and/or damage resulting from his operation of the vehicle.

3.5.3.9 - Suspension or Revocation

The Board of Selectmen may suspend or revoke a permit granted under the provisions of this article for good cause. Before suspension or revocation of a permit, the permit holder shall be entitled to a hearing thereon before the Board of Selectmen.

Notice of the hearing shall be in writing and forwarded to the permit holder at least seven (7) calendar day prior to the date of the hearing.

Such notification shall state the grounds of complaint and the date, time and place of the hearing. The Town Manager may temporarily suspend a permit until a hearing can be held in accordance with the procedures set out above, if there is sufficient evidence to indicate that the public safety would be endangered by the continued operation by the permit holder. In no event shall a temporary suspension be for a period greater than ten (10) calendar days.

3.5.4 - Operation

3.5.4.1 - Duty to Transport

A permit holder shall not unreasonably refuse to transport a passenger.

3.5.4.2 - Sharing a Ride

No permit holder shall accept a passenger when the vehicle is occupied or engaged without the consent of the passenger(s) already in the vehicle. No person shall be obliged to pay any extra fare or fee for refusing such consent. Separate fares shall not be charged to members of the same party. A party shall be considered any number of individuals (not exceeding the passenger capacity of the taxi) with the same origin and destination.

3.5.4.3 - Taxi Stands - Parking – Standing

The Board of Selectmen may assign a taxi stand or stands to one or more taxicabs. The Board of Selectmen may also designate specific areas, streets or ways where vehicles may not park of stand. Standing and/or parking on public ways or public property of vehicles not licensed in the Town of Reading is prohibited except while waiting to return a party whose

original point of hire was from outside of Reading, when operating in accordance with a Massachusetts Department of Public Utilities license, or when being used for personal (non-vehicle for hire) purposes.

3.5.4.4 - Maintenance of Vehicles

Every vehicle shall be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The interior and exterior of the vehicle shall be safe, clean and sanitary at all times.

3.5.4.5 - Inspection

The Reading Police Department or its designee shall have the right to inspect any vehicle for purposes of these regulations or as public safety requires.

3.5.4.6 - Smoking

Smoking in a vehicle is prohibited.

3.5.4.7 - Appearance of Operator

Every driver having charge of a licensed vehicle shall be suitably dressed (sleeved shirt), neat and clean in appearance.

3.5.4.8 - Display of License, Picture Identification Card and Rates of Fare

Every vehicle when in operation shall display the following cards in a suitable frame so that they are secure and immobile and plainly visible to passengers riding in the rear of the vehicle:

1. License
2. Picture identification card of driver
3. Fares (taxicabs only)

3.5.4.9 - Lettering on Taxicabs

Every taxicab operating under the authority of these rules and orders shall have the name or trade name of the licensee and the name "Town of Reading" or "Reading" painted on both sides of the taxicab in letters four inches high and one-half inch wide, painted in two conspicuous places on the taxicab.

3.5.4.10 - Copy of Regulations

Every vehicle shall, when in operation, contain a copy of these regulations, which shall be exhibited to any passenger or Police Officer on request. The licensee and permit holder shall be responsible for the implementation of this requirement.

3.5.5 - Fares

3.5.5.1 - Taxicabs

The Selectmen shall establish the rates of fare for the conveyance of passengers and baggage, and may revise such when they so determine. The rate of fare shall be governed by fare zones and shall be on file at the Office of the Town Clerk.

3.5.5.2 - Separate Fares

Separate fares shall not be charged to members of the same party.

3.5.5. 3 - Senior Citizen Discount

Fares for all persons sixty (60) years of age and older shall be discounted in accordance with a schedule approved by the Board of Selectmen. When discounted rates are offered, they must be offered to all senior citizens using a taxicab pursuant to the licensing established in this policy. There shall be displayed a sign informing the passengers of the discount.

3.5.5.4 - No Fares in Excess of Established Rates

No taxicab permit holder shall demand or receive as a fare more than the fare established by the Board of Selectmen under the authority granted by these regulations.

3.5.5.5 - Livery Rates

Charges by liveries shall be subject to mutual agreement between the livery operator and the passenger(s).

3.5.6 - Information Update and Penalties

3.5.6.1 - Information Update

When any information provided in an application for a license or permit changes or is updated, the respective licensee or permit holder shall give notice thereof, in writing, to the Board of Selectmen.

3.5.6.2 - Penalties

The penalty for a violation of any of these rules and orders shall be a fine equal to the fine for a violation of Town Bylaws as set forth in Article 1.5 of the Town Bylaws. Violation of any of the rules and orders herein shall be just cause for suspension or revocation of a license and/or permit.

Adopted 7-18-89, Revised 12-13-94, Revised 5-25-04

Section 3.6 – Innholders and Common Victualler's Licenses

Chapter 140, Sections 2 of the Laws of the Commonwealth, provide for the licensing of Innholders and Common Victuallers. The Board of Selectmen as Licensing Authority is charged with the responsibility of issuing these licenses, determining that the licensee is a proper person to engage in the business and that there is a suitable place of business.

The following rules and regulations are hereby adopted to guide the Board of Selectmen in reviewing and ruling upon applications for Innholders and Common Victualler's Licenses:

1. Each application will be dealt with on a case by case basis. These guidelines are not intended to be a full list of issues to be dealt with by the Board but are guidelines to the applicant.
2. Innholders and Common Victualler's Licenses will be issued only within a commercial or industrial zoning district within the Town, unless such a business shall exist and has pre-dated zoning, or has been granted a variance to do business in a location that is not in a business or industrial zoning district.

3. The applicant shall provide to the Board of Selectmen proof of ownership, a lease, or written approval of the property owner (if other than the applicant) for the use of the premises for the license period.
4. The applicant shall provide to the Town a plan of the premises to be licensed, including an accurate count of the number of seats available. If outdoor seating is to be required, this shall also be included on the plans.
5. The applicant must show through plans or other means that there is adequate space on the premises for all aspects of the proposed operation, including employee and customer parking, in accordance with the Zoning By-Laws of the Town of Reading.
6. The licensee must conform with the Zoning By-Laws including the sign portions of the Zoning By-Laws.
7. Prior to the issuance of an Innholders and Common Victualler's License, the Board may require a review by the Health Division and the Building/Zoning Inspection Division and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

For establishments licensed as Innholders and Common Victualler's, patrons are not permitted to bring alcoholic beverages onto the premises for their own consumption.

Licensees are not permitted to keep alcoholic beverages on the premises except for a small quantity that is used in the preparation of certain specialty-cooked foods. The Board of Selectmen as Licensing Authority will at its discretion determine what is reasonable for this purpose, and whether or not it is customary in the preparation of such specialty foods. This policy shall not apply to establishments that hold valid liquor licenses.
Adopted 3-12-96, Revised 5-25-04

Section 3.7 – Entertainment Licenses

Chapter 140, Sections 183A of the Laws of the Commonwealth, provides for the licensing of "Theatrical Exhibitions, Public Amusements, etc." The Board of Selectmen as Licensing Authority is charged with the responsibility of issuing these licenses, determining that the licensee is a proper person to engage in the business and that there is a suitable place of business.

The following rules and regulations are hereby adopted to guide the Board of Selectmen in reviewing and ruling upon applications for Entertainment Licenses:
1. Each application will be dealt with on a case by case basis.
2. Each entertainment device shall be separately licensed, and licenses shall be issued only for premises located in a commercial or industrial zone, or where the premises is otherwise suitable for such a license.
3. A site may be licensed for live entertainment for a full calendar year, or for each event, as the Town may determine. If each event is separately licensed, a separate application shall be made and a separate fee shall be charged for each event.
4. For each live entertainment event, the applicant shall furnish complete information as to the type of concert, exhibition, dance, or public show that is requested; the condition of the premises; and the actions proposed to prevent danger to the public health, safety or order.

5. For each live entertainment event, the licensee shall be required to protect employees, patrons, and members of the public, both on and off the premises, from disruptive conduct, criminal activity, and from health, safety and fire hazards.
6. For each live entertainment event, the licensee shall be required to prevent the unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises.
7. For each live entertainment event, the licensee shall be required to prevent an unreasonable level of pedestrian or vehicular traffic in the area of the event, and to prevent the unreasonable level of increased parking in the area of the premises.
8. The Town may require a Police or other detail at live entertainment venues, depending upon the anticipated attendance at the event, and also depending upon the nature of the event. The decision as to require a Police or other detail shall be solely at the discretion of the Town.
9. Prior to the issuance of an Entertainment License for live entertainment, the Board may require a review by the Health Division, Fire Department, Police Department, and the Building/Zoning Inspection Division, and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

Revised 5-25-04

Section 3.8 – Licenses for Automatic Amusement Devices

Chapter 140, Sections 177A of the Laws of the Commonwealth, provide for the licensing of "Automatic Amusement Devices." The Board of Selectmen as Licensing Authority is charged with the responsibility of issuing these licenses, determining that the licensee is a proper person to engage in the business and that there is a suitable place of business.

The following rules and regulations are hereby adopted to guide the Board of Selectmen in reviewing and ruling upon applications for Licenses for Automatic Amusement Devices. Automatic Amusement Devices include those that are coin or otherwise operated, as well as those that are free for play:

1. Each application will be dealt with on a case by case basis.
2. Licenses for Amusement Devices other than clubs will be subject to a hearing by the Board of Selectmen.
3. Automatic Amusement Devices licensed under this policy shall be so installed on the premises so as to be in open view at all times while in operation, and shall at all times be available for inspection.
4. No person keeping or offering for operation or allowing to be kept for operation any automatic amusement device licensed under these policies shall permit the automatic amusement device to be used for gambling. A device that rewards the player with free play on that machine shall not be considered to be gambling.
5. Prior to the issuance of a License for Automatic Amusement Devices, the Board may require a review by the Police Department and the Building/Zoning Inspection Division, and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

Revised 5-25-04

Section 3.9 Waiver of Retail Sales before 6 a.m.

Section 5.10 of the General Bylaws of the Town of Reading prohibits retail sales prior to 6:00 a.m. It also provides for a process by which the Board of Selectmen may consider allowing retail sales between the hours of midnight and 6:00 a.m. when the Board determines that permitting retail sales during those hours is in the interest of public health safety and welfare, or is in the interest of public necessity or public convenience.

These regulations are adopted by the Board of Selectmen to provide guidance to the Board of Selectmen, applicants, and the public regarding how applications for waivers from the restriction on hours of retail sales will be handled.

Each application will be dealt with on a case by case basis. An initial application for a waiver or hours of retail sales prior to 6 a.m. shall require a public hearing noticed to all property owners within 300', and by publication in a local newspaper and/or publication on the Town's web site. Renewal of a waiver shall be required on an annual basis with each waiver expiring on December 31. The Board of Selectmen shall determine on a case by case basis whether a public hearing is required for each renewal.

The Board of Selectmen may revoke approval upon receipt of complaints that the operation is taking place contrary to the approval granted by the Board. Revocation shall be made only after a public hearing, unless emergency circumstances require an administrative revocation pending hearing.

The following guidelines are not intended to be a full list of issues to be dealt with by the Board but are merely guidelines to the applicant:

1. Approval will be granted for businesses within a commercial or industrial zoning district only.
2. In general, approval shall be for the entire business. For example, if a business dispenses gasoline, sells coffee, and has a convenience store, all within the same business, then the approval shall be for all parts of the business.
3. The retail use for which approval of a change in retail hours is permitted will be the principal use on the property.
4. Written approval of the property owner will be required prior to the Board hearing an application for a license. This will need to be renewed annually.
5. The Board may require evidence that the change in permitted hours of retail operation will have minimal effect on the neighborhood adjacent to the site.
6. The applicant must show that adequate controls are in place to ensure public safety and follow food code sanitation protocols.
7. No waiver of the hours of retail sales will be considered for prior to 5 am Monday through Friday. No waivers shall be considered for Saturdays, Sundays, or State Designated legal holidays.
8. The Board may limit the use of outdoor speakers, drive-thru's, and/or restrict parking in certain areas in order to limit the impact of the waiver on neighboring properties. In order to address these issues, the Board may require a site plan from applicants, drawn to scale, and showing locations of these features and their relation to abutting residential buildings.
9. Prior to the issuance of a waiver on the hours of retail sales, the Board may request a review by the Health Division, Police Department, and the Building/Zoning Inspection Division and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

10. A waiver to allow retail uses prior to 6 a.m. is not a waiver of any other bylaw or regulation of the Town of Reading or other agency having jurisdiction.
11. Parking lot cleaning, and other maintenance operations (excluding emergency work), and deliveries shall not take place between the hours of 9:00 PM and 7:00 am. Rubbish collection and recycling shall not take place between 9:00 PM and 6:30 am.

Adopted 6/26/07

Section 3.10 –Licenses for Utilizing Public Sidewalks for Outdoor Dining

The Board of Selectmen desires to encourage restaurants to provide outdoor dining on public sidewalks in the downtown area of Reading in a safe and orderly manner. These regulations are adopted pursuant to Section 5.2.1 of the General Bylaws of the Town of Reading, which provides in part that "No person shall place or cause to be placed any obstruction in any street, public place or private way in the Town without permission of the Board of Selectmen…."

Outdoor dining on private property may be permitted in addition to or in lieu of outdoor dining on a public sidewalk, upon site plan approval by the Community Planning and Development Commission. This policy addresses only outdoor dining on public sidewalks.

The following regulations shall apply for licenses for utilizing public sidewalks for outdoor dining, or "Outdoor Dining Licenses":

Application

1. Each application will be dealt with on a case by case basis. These guidelines are not intended to be a full list of issues to be dealt with by the Board but are guidelines to the Applicant.
2. Applications for Outdoor Dining Licenses utilizing public sidewalks shall be made to the Board of Selectmen by submission of an Application Form. The application will include the name, address, email address, and telephone number of the owner of the building within which the restaurant is located, proof of ownership, a lease, or written approval of the property owner within which the restaurant is located (if other than the applicant) for the use of the premises for the license period. The application shall be signed by the owner of the restaurant and shall be accompanied by a copy of the current Permit to Operate a Food Establishment issued by the Board of Health.
3. The application shall also include 10 copies of a professionally drawn plan and all supporting documents containing the information required in order to be able to make a decision as to the license, and shall also include a plan for outdoor lighting if any is proposed.
4. The License is revocable at will by the Town for any reason whatsoever upon written notice to the Licensee from the Town. The License Agreement shall stipulate that in the event of such revocation, the Licensee shall have no recourse or claim against the Town for such revocation whether by way of monetary charges, a suit in equity or otherwise.
5. Outdoor Dining Licenses shall be issued only to Inn-holders and Common Victualers for portions of public sidewalks directly abutting their business, and will be issued only within a commercial or industrial zoning district within the Town, unless such a business shall exist and has pre-dated zoning, or has been granted a variance to do business in a location that is not in a business or industrial zoning district.

6. Prior to the issuance of a license for outdoor dining on public sidewalks, the Board may require a review by the Community Services Director, Health Services Administrator, Police Chief, Fire Chief, Town Engineer, and the Building/Zoning Inspector and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

Sale and Service of Alcoholic Beverages

7. Pursuant to section 5.5.6 of the General Bylaws of the Town of Reading, the Board of Selectmen may permit service and consumption of alcohol while on a public way. Therefore, the Board of Selectmen may approve the modification of a plan of the "licensed premises" pursuant to Section 3.2 of the Board of Selectmen policies, for:
   - Restaurant Licenses to Expose, Keep for Sale, and to Sell All Kinds of Alcoholic Beverages to be Drunk on the Premises; and
   - Restaurant Licenses to Expose, Keep for Sale, and to Sell Wine and Malt Beverages to be Drunk on the Premises (less than 100 seats)

   to allow alcohol service and consumption on a sidewalk area as part of a "Licenses for Utilizing Public Sidewalks for Outdoor Dining."
8. Applicants who hold an alcoholic beverages license and who elect to apply for an Outdoor Dining License which would include sale and service of alcoholic beverages shall provide a detailed alcohol control plan/strategy as part of their Outdoor Dining License application packet. The alcohol control plan shall include what steps the manager shall take to ensure that alcohol remains only on the licensed premises (including the sidewalk area). Such a plan/strategy may include signage, staff instructions, monitoring of the outdoor dining area, etc. The applicant shall also submit as part of the application packet the alcohol server training certificates for all managers and servers of the restaurant which is licensed to sell alcoholic beverages.
9. There shall be no service of alcohol in an outdoor dining area unless the customer also orders food from the menu.

Standards for Operation

10. The area licensed for outdoor dining shall be limited to the sidewalk area immediately abutting an establishment otherwise licensed as a "Common Victualer", and the licensee shall limit the placement of seating and other outdoor furnishings to the sidewalk immediately in front of the licensed establishment.
11. There shall be no bar or service bar located on the public sidewalk. All alcohol service shall be limited to customers who are seated at a table.
12. Due to the seasonal and temporary nature of an outdoor dining area, the seating within an outdoor dining area will not be considered an increase in the number of seats serving a restaurant or eating establishment and will not be counted toward any off-street parking requirement
13. Outdoor dining areas shall be considered as part of the restaurant and shall comply with Board of Health Regulations. In addition to any other requirements, smoking is prohibited in seasonal outdoor dining areas per Board of Health regulations.
14. The Board of Selectmen may require outdoor dining areas to be separated from their surroundings by a temporary removable perimeter barrier. No such barriers may damage the public sidewalk.

15. Perimeter treatments, umbrellas, furniture and trash receptacles shall be supplied by the applicant and shall be maintained in a safe and sanitary manner by the applicant. All perimeter treatments, umbrellas, furniture and trash receptacles must be removed at the end of each season.
16. The licensee shall provide, maintain, and empty as needed, outdoor trash receptacles during the times that the licensed premises are open for business. All trash receptacles shall be covered and trash removed nightly.
17. The licensee shall be responsible for keeping the portion of the sidewalk subject to an Outdoor Dining License clean and free of dirt, dust, and other debris from April 15 through October 31 of each year. In addition, the Outdoor Dining Licensee shall be responsible for preventing and/or cleaning up litter from the licensed establishment in areas abutting the licensed premises.
18. In no event shall the placement of outdoor dining furniture, umbrellas, or perimeter barriers create a pedestrian or wheelchair passage along the public sidewalk of less than four feet in width. Restaurants shall have an accessible path of travel at least 36 inches wide from the traveled portion of the public sidewalk to the doorway(s) of the establishment through the outdoor dining area.
19. Outdoor food preparation shall not be allowed unless approved by the Board of Health in accordance with their procedures and regulations.
20. The Outdoor Dining License shall be considered annually and every license shall expire on December 31 of each year, subject to renewal. No facilities or furniture shall be placed on the sidewalk as part of the license except for the period between April 15 and October 31 of each year.
21. Within the period from April 15 to October 31, upon notification from the Department of Public Works or from Public Safety personnel that weather conditions or work to be performed on the property of the Town requires removal of the outdoor dining furniture, the applicant shall immediately remove all of its property associated with the Outdoor Dining License from the public property.

Administrative Requirements

22. If the license is approved by the Board of Selectmen the owner and operator of the restaurant shall sign a License Agreement and shall provide a required Certificate of Insurance before issuance of the License and before commencement of any activities under the License.
23. The Licensee shall provide evidence of insurance as required by the Town Manager and by State Statute. Such insurance shall cover the use of all equipment related to the premises related to the Outdoor Dining License. The Comprehensive General Liability Policy shall insure against all claims and demands for bodily injury and property damage with respect to the sidewalk dining facilities and services, and the Town shall be named as an "additional insured" in all policies of such insurance. If alcohol sale and service is to be part of the outdoor dining license, a liquor liability insurance policy shall also be required. The Licensee (and their heirs, successors and assigns in interest) shall hold harmless, defend and indemnify the Town of Reading and its employees and agents from any responsibility, liability and claims arising out of or related to the operations under the Outdoor Dining License.

24. The Licensee shall comply with all applicable laws (including the sign portions of the Zoning by-laws), rules, regulations, and conditions of other licenses and permits.
25. The license fee for the use of the public sidewalk shall be $100 per year and shall be payable upon initial application for an Outdoor Dining License, and for annual renewal of the license.

In granting a License, the Board of Selectmen may impose such additional conditions as it determines to be appropriate.

Adopted 7-14-09 amended 5/11/10

Section 3.11 – Permit/License for Portable A-Frame/Sandwich Board Signs

At the 2010 Annual Town Meeting, Section 6.2. "Signs" of the Zoning By-Law was amended to permit the use of Portable A-Frame or Sandwich Board signs in the Business B Zone. Prior to this zone change, Portable A-Frame signs were prohibited by zoning.

The amended sign by-law stipulates that Portable A-Frame signs fall under the regulatory control of the Board of Selectmen. Applicants will be required to apply to the Board of Selectmen for an annual permit.

The following policies regulate the use and installation of A-Frame and Sandwich Board signs.

3.11.1 - Purpose and Intent

This policy is developed in order to promote a pedestrian friendly community that supports businesses. The regulation of Portable A-Frame/Sandwich Board Signs is intended to balance the aesthetic, safety, and economic development needs of the community. By regulating this use, sidewalk access will be preserved for pedestrians, particularly those with disabilities; and required ongoing maintenance of sidewalks including snow and ice control can be accomplished.

3.11.2 - Requirements and Rules – Portable A-Frame/Sandwich Board signs

General:

1. A license and annual permit from the Board of Selectmen is required prior to the placement of any Portable A-Frame/Sandwich Board sign.
2. Permits are valid for one calendar year (January 1 – December 31st) or remainder thereof, and must be renewed annually. The license to utilize the public way will continue as long as a permit is issued and renewed for consecutive years.
3. Portable A-Frame/Sandwich Board signs are permitted in the **Business-B zoning district only**.
4. The Board of Selectmen will generally issue licenses and permits only for retail business uses and consumer services, excluding banks, realtors, attorneys, medical practitioners, and other similar business uses for which a portable/sandwich board sign is not usual and customary.

Size and Location:

5. The maximum height of a Sign shall be 4 feet;
6. The maximum sign area shall not exceed 6 square feet per side, with no more than 2 sides;
7. Portable A-Frame/Sandwich Board signs:
   - May be on public or private property;
   - Shall be located within 15 feet of the business entrance (unless granted a visibility hardship);
   - Must be located so as to leave a minimum of 4 feet (48 inches) of an unobstructed walk-way for safe pedestrian passage and shall not obstruct pedestrian movement;
   - Shall be subject to all requirements for handicapped accessibility
   - Must be located in a manner that does not obstruct site lines or vehicular traffic;
   - Must be located at least 20 feet from the intersection on corner lots;
   - Shall be located at least 20 feet from another Portable A-Frame/Sandwich Board sign;
   - May be placed in a permitted location only during business hours of operation, and must be removed at the end of the business day.
   - May not be located on landscaped islands or other planted areas;
   - Must be freestanding and not attached to any public appurtenance such as a bus shelter, sign post,, light fixture, trash barrel, bench or other similar item;
   - May not include attachments like balloons, flags, banners, lights, reflectors, or other items;
   - Must be sufficiently weighted to prevent it from blowing over.

7. Visibility Hardship - Businesses may apply for a hardship for placement of signs on the major access roads due to their location in an alleyway or other area that restricts visibility of the business from major roads. Applicants shall demonstrate this hardship with photos or other supporting documentation. If a hardship approval is granted, signs shall be located on the street closest to the business. All of the other requirements for Portable A-Frame/Sandwich Board signs shall apply.

Other

8. The sign shall be maintained in good condition;
9. Only one portable A-frame sign per businesses is allowed;
10. The sign material shall be weather resistant, shall not be reflective, and shall not include any type of illumination;
11. Portable signs shall be removed during a declared snow emergency.
12. The sign permit is non-transferable and application for such permit must be from the business owner (not the sign installer/maker).
13. The permit is not valid for any other business or location other than what was approved by the original permit, and the advertising on the sign shall only apply to the business for which the permit was granted.
14. Political statements or messages are prohibited.
15. Applicant shall indemnify the Town of Reading or its agents from damage to signs resulting from plowing or other public works maintenance.
16. Applicants must be current on all taxes or fees owed to the Town prior to the application for a permit.

Application

17. The application fee for a license and permit for a Portable A-Frame/Sandwich Board sign shall be $50.00 for the first year or part thereof, and $25 per year for annual renewals.
18. Each application will be considered on a case by case basis.
19. Two copies of the completed application form and all the required attachments and supporting material shall be submitted.
20. The application shall include:
    - business name and address;
    - business owner contact information with email address and telephone number;
    - ownership status of the business as a property owner or tenant, demonstrated by proof of ownership or lease; if a tenant, written permission from the property owner is also required.
    - color drawing of the proposed sign and a site/plot plan (to scale) showing the proposed sign location and dimensions of the sidewalk, distance to the business entrance, and relationship to adjacent buildings, roads, driveways, and other street amenities such as trash receptacles, fire hydrants, utility fixtures, etc.
    - type of sign message. There is nothing to preclude the business owner from changing the specific message during the year, and if the business owner's intent is to change the message frequently – i.e. restaurant's special of the day – then they should specify that in their application.
    - photographs of the area where the proposed sign is to be located, showing the storefront, building(s), the existing signs, abutting properties and the streetscape surrounding the proposed sign.
    - materials and colors of the sign shall be described in the application and on the drawings.
21. The sign shall not be installed until the owner has received the sign permit and license authorization from the Board of Selectmen.
22. Signs placed in violation of this policy may be removed immediately by the Town at the sign owner's expense.
23. The permit fee for a Portable A-frame / Sandwich Board Sign installed without a sign permit will be double the regular sign permit fee

Permit Renewal

24. For renewals of permits and licenses, a simple submittal of the completed application without attachments will be sufficient if none of the parameters of the initial license and permit have changed.
25. The Board of Selectmen reserves the right to renew or not renew the license and permit in its sole discretion.
26. The Board of Selectmen may delegate the process of renewal of licenses and permits.

Administrative Requirements

27. The approval of a permit and license or the renewal of a permit and license shall be subject to the execution of a License Agreement and submission of proof of Liability Insurance naming the Town of Reading as an additional insured.
28. The Authority to initially approve and license, and to approve renewals and re-license A-Frame signs is hereby delegated to the Community Services Director/Town Planner. Any

decision by the Community Services Director/Town Planner regarding A-Frame signs may be appealed to the Town Manager, and the Town Manager's decision is subject to further appeal to the Board of Selectmen. The Board of Selectmen decision in such cases shall be final.

Approved 10/5/10 *Amended 1-4-11*