



TOWN OF WAREHAM

54 Marion Road

Wareham, Massachusetts 02571

(508) 291-3100

No. 88-14A

POLICY STATEMENT

TOWN OF WAREHAM BOARD OF SELECTMEN

ALCOHOLIC BEVERAGES CONTROL

The Board of Selectmen as the licensing authority for the sale of alcoholic beverages within the Town of Wareham hereby establishes the following as rules and regulations for all licensees:

1.00: Licenses and Permits

- (1) Every applicant for a license or permit, either individually or as a member of a partnership or corporate officers or association, shall furnish proof of his citizenship by production of a certificate of birth, naturalization or as a registered voter.
- (2) Every application for a license or permit made by an individual shall be signed by the applicant therefor, who shall give his or her full name and home address.
- (3) Every application for a license or permit made by a partnership shall state the full names and home addresses of all the members of the partnership and shall be signed by a majority thereof.
- (4) Every application for a license or permit made by an association shall be signed by a majority of the members of the governing body thereof, who shall state their full names and home addresses.
- (5) Every applicant for a license or permit required by the provisions of Section 5, Chapter 110, General Laws, to file a certificate stating the real name of a person conducting a business, shall file with his application a certified copy thereof.

Alcoholic Beverages Control - Policy No. 88-14A (Cont'd.)

- (6) Every application for a license or permit made by a corporation shall state the full names and home addresses of the president, treasurer, clerk and secretary, directors and manager or other principal representative of the corporation. It shall be signed by some officer duly authorized by a vote of its board of directors or other similar board. A copy of such vote certified by the clerk or secretary of the corporation, together with a copy of the certificate of its organization, shall accompany the application. A copy of the vote appointing its manager or other principal representative shall also accompany the application.
- (7) All applications for licenses and permits shall be made upon blanks furnished by the Town of Wareham. The applications shall be fully answered in detail and shall be typewritten or legibly written in ink. Applications written in pencil, in whole or in part, will not be accepted.
- (8) All applications shall be made under the penalties of perjury and any false statement contained in any application shall be a cause or ground for refusing to grant the license or permit or for suspending, canceling or revoking a license or permit already granted.
- (9) Every application made to the Town of Wareham which in any way has to do with a license for the sale of alcoholic beverages, other than an application for the straight renewal of such license, shall be filed in duplicate.
- (10) Every license shall be displayed on the premises covered by the license or permit, in a conspicuous place where it can easily be read.

2.00: Price Lists

- (1) Hotels, restaurants, taverns and clubs may keep posted in each room where any alcoholic beverages are sold a price list of such beverages. Wherever a price list is posted all sales of alcoholic beverages shall be made at the prices stated on the current posted price list.
- (2) No licensee shall print, post, publish or use any false or fictitious price list; nor shall any invoice given or accepted by any licensee contain any statement which falsely indicates prices, discounts, or terms of sale; nor shall there be inserted in any invoice given or accepted by any licensee any statement which makes the invoice a false record, wholly or in part, of the transaction represented therein; nor shall there be withheld from any invoice given or accepted by any licensee any statements which properly should be included therein, so that in the absence of such statements the invoice does not truly reflect the transaction involved.

3.00: Advertising

- (1) The use of any advertising matter of an improper or objectionable nature is prohibited. The use of recipe books or pamphlets for mixed drinks, which contain

Alcoholic Beverages Control - Policy No. 88-14A (Cont'd.)

obscene or suggestive toasts or other offensive matter, is prohibited.

- (2) No licensee shall use, or permit to be used, any advertising matter which is false or untrue in any particular. Any advertising matter which directly, or by ambiguity or omission tends to deceive or to create a misleading impression shall be deemed to be false or untrue.
- (3) No signs or other printed matter advertising any brand or kind of alcoholic beverages shall be displayed on the exterior or interior of any licensed premises wherein such beverages are not regularly and usually kept for sale.
- (4) No licensee shall make or permit to be made by his agent or employee, any false or misleading statement concerning any other licensee, his products, or the conduct of his business.
- (5) The use of vehicles equipped with either radio or loud speakers for the advertising of alcoholic beverages is prohibited. The use of radio or loud speaker equipment in any licensed premises for the purpose of attracting attention to the sale of alcoholic beverages therein is also prohibited.

4.00: Sales

- (1) No holder of a license issued by the Town of Wareham shall sell or offer to sell any alcoholic beverages at a price less than invoiced cost. Cost is defined as net cost appearing on the invoice for said alcoholic beverages. The use of any device, promotion or scheme which results in the sale of alcoholic beverages at less than invoiced cost is prohibited.
- (2) Donations of alcoholic beverages by licensees for the purpose of having the same used as prizes in any game of chance are prohibited.
- (3) No licensee shall buy or sell, or offer or contract to buy or sell, any alcoholic beverages on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a sale or purchase in good faith. This regulation shall not prohibit the return, or acceptance of the return, of alcoholic beverages for ordinary and usual commercial reasons arising after the merchandise has been sold.
- (4) No hotel, restaurant, club, tavern or "package goods" store shall buy, or contract to buy, any alcoholic beverages from any manufacturer or wholesaler and importer on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a sale in good faith; provided, that this regulation shall not prohibit the return of alcoholic beverages for ordinary and usual commercial reasons arising after the alcoholic beverages have been purchased.

5.00: Licensed Premises

Alcoholic Beverages Control - Policy No. 88-14A (Cont'd.)

- (1) Slot machines or any other devices which furnish anything besides merchandise of a quantity and quality commensurate with the price deposited therein are prohibited on licensed premises. Gambling of any sort, except those games of chance authorized by the Legislature and/or the Town of Wareham, shall not be permitted on any licensed premises.
- (2) No licensee for the 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 therefor, whether present or not.
- (3) The person in charge of any vehicle used for the delivery of alcoholic beverages or alcohol shall carry an invoice or sales slip, stating the names and addresses of the purchaser and seller, the date and the amount of the purchase, and also itemizing the number of the various kinds of containers and the kinds, quantities and brands of alcoholic beverages or alcohol.
- (4) Manufacturers and wholesalers and importers, may sell and deliver alcoholic beverages to other licensees on any day except Sunday, the last Monday in May, Thanksgiving day or Christmas day or on the day following when Christmas day occurs on a Sunday.
- (5) "Package goods" store licensees shall not sell alcoholic beverages to be consumed on their licensed premises.
- (6) "Package goods" store licensees shall not sell alcoholic beverages, other than wines and malt beverages, in individual containers of over one gallon capacity.
- (7) No club licensed to sell alcoholic beverages shall use any signs, printed matter or other means publicly to advertise the sale of alcoholic beverages. This shall not prohibit the use of reasonable and proper signs relating to alcoholic beverages within the licensed premises.
- (8) All premises covered by a license or storage permit shall be kept in a clean and sanitary condition at all times. No service of alcoholic beverages shall be made to any person in a hotel, restaurant, tavern or club in a glass or any other container which has not been thoroughly cleansed and properly sterilized prior to such service.

Hotels, restaurants, taverns and clubs, licensed to sell alcoholic beverages, shall be provided with an adequate supply of running hot and cold water and soap and towels, at all times readily accessible, to thoroughly cleanse the hands of persons employed in such licensed premises.

All glasses, dishes, silverware and other utensils used in such licensed places for service of food or alcoholic beverages shall be thoroughly cleansed after use.

- (9) No pouring liquor licensee shall allow the consumption of alcoholic beverages on

Alcoholic Beverages Control - Policy No. 88-14A (Cont'd.)

licensed premises by patrons who purchase alcohol off premises.

6.00: Hours of Operation

- (1) Every applicant for a license or permit shall state the desired hours of operation upon the application form.
- (2) All applicants shall be open for business during all hours authorized by their license, except in emergency or as authorized by the licensing authority.

7.00: Required Records

- (1) All licensees shall maintain a schedule of the prices charged for all drinks to be served and drunk on the licensed premises or in any room or part thereof. Such prices shall be effective for not less than one calendar week.
- (2) The Wareham Police Department shall endeavor to ascertain the establishment in which any individual arrested for liquor related incidents was last served. A report of any such incident shall be placed in the licensee's file with the Board of Selectmen's office.

8.00: Certain Practices Prohibited

- (1) No licensee or employee or agent of a licensee shall:
 - (a) offer or deliver any free drinks to any person or group of persons;
 - (b) deliver more than two drinks to one person at a time;
 - (c) sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
 - (d) sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
 - (e) sell, offer to sell or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 - (f) sell, offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time;
 - (g) increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;
 - (h) encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes; or
 - (i) serve intoxicated individuals.

Alcoholic Beverages Control - Policy No. 88-14A (Cont'd.)

- (2) No licensee shall advertise or promote in any way or act in any other way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR.

9.00: Exceptions

Nothing contained in Section 8.00 shall be construed to prohibit licensees from offering free food or entertainment at any time; or to prohibit licensees from including a drink as part of a meal package; or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person; or to prohibit those licensed under M.G.L. c.138, s.15, from offering free wine tastings; or to prohibit those licensed under M.G.L. c.138, s.12, from offering room services to registered guests.

10.00: Application

The provisions of 204 CMR 4.00 shall be deemed to be a condition of every license issued under M.G.L. c. 138 to sell alcoholic beverages to be drunk on the premises, and said provisions may be enforced by the local licensing authorities or their agents and by the Alcoholic Beverages Control Commission or its investigators.

11.00: Violations

This policy is intended to be used primarily as a guideline by the Board of Selectmen. Individual circumstances should be the primary consideration in arriving at a fair and equitable determination in any alleged violation proceeding. The Board of Selectmen acting as the local licensing authority may increase the following dependent upon the individual circumstances.

1st Violation - Letter of reprimand and/or suspension of license up to 3 days, or both.

2nd Violation - Suspension of license from 1 to 10 days.

3rd Violation - Suspension of license from 1 to 20 days, or possible revocation of the license.

4th Violation - Revocation of license.

11.10: Suspension

It is the policy of the Board of Selectmen that a suspension of license shall be on or start on the same day of the week as the violation occurred.

For Example:

A violation which occurred on a Saturday and a one day suspension is given, the day suspended shall be a Saturday.

Alcoholic Beverages Control - Policy No. 88-14A (Cont'd.)

-or-

A violation which occurred on a Thursday and a three day suspension is given, the suspension would be for a Thursday, Friday, and Saturday in sequence.

11.20: Policy Time Frame for Violations

It is the intent of this policy that the Board of Selectmen take such action within the above recommended guidelines on all such violations that occur within three calendar years after the effective date of enforcement for said violations.

11.30: Responsibilities of License Holders

It is the responsibility of the license holder to properly train and inform all of his/her employees in the disbursement of liquor to customers to insure that all possible safeguards are taken to insure this policy and all State laws and regulations are adhered to.

This policy shall take effect immediately.

TOWN OF WAREHAM
Board of Selectmen

Date Signed: January 29, 2002

Dennis A. Damata, Chairman

Susan Williams Gifford, Clerk

Mary Jane Pillsbury

R. Renee Fernandes-Abbott

Cynthia K. Chamberlain

BoS:es