

Cohasset Liquor Regulations – Adopted October 14, 2014

COHASSET RULES AND REGULATIONS GOVERNING ALCOHOLIC BEVERAGES

1. Pursuant to the authority contained in Chapter 138 of the Massachusetts General Laws, the Board of Selectmen of the Town of Cohasset ("the Board"), serving as the Liquor Licensing Authority for the Town, hereby promulgates these Rules and Regulations Governing Alcoholic Beverages in the Town of Cohasset ("the Regulations"). The Board reserves the right to modify or amend the Regulations, or to adopt additional Regulations, as it may deem necessary.
2. All licenses issued for the sale or service in any manner of any alcoholic beverages shall be issued on the condition of full compliance with these Regulations, the Regulations of the Massachusetts Alcoholic Beverage Control Commission ("the ABCC") and the provisions of any applicable provision of the Massachusetts General Laws ("the General Laws"). Failure to comply with these provisions shall constitute sufficient cause or grounds for refusing to grant the license, or for suspending, canceling, or revoking a license or permit already granted, pursuant to Section 17 herein.
3. The license must be posted in a conspicuous location within the licensed premises, clearly visible and accessible to the public. A copy of these Regulations must be on file at the licensed premises and readily available to both staff and members of the public.
4. No person, firm, corporation, partnership, association, entity, or combination of persons shall obtain any interest in a liquor license without the prior approval of the Board. The actual or attempted transfer of any interest in a liquor license, or in any corporation, partnership, limited partnership, or other entity having an interest in a liquor license, except a transfer of 10% or less of the stock in a publicly traded corporation, may result in the suspension, modification, revocation or non-renewal of the license. The Board may at any time require a licensee to produce satisfactory evidence to establish that no such interest has been sold or transferred and/or that no person(s) other than those disclosed on the original license application or any renewal application have any direct or indirect financial or other beneficial interest in the License.
5. The submission of any false or materially misleading information to the Board by any licensee or person acting on behalf of the licensee in connection with any application for an original license, license renewal, special license, change of manager, transfer of location, transfer of ownership or other application, or any false or materially misleading statements made in any proceeding before the Board in connection with the liquor license, shall be a cause or ground for refusing to grant or renew the license or permit or for suspending, canceling or revoking a license or permit already granted.
6. No licensee shall operate a licensed business under any corporate or trade name other than the name under which the license was originally issued unless such change is first approved by the Board and the ABCC.

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7. The licensee shall appoint and maintain a full time Manager who shall at all times have full control and authority over the licensed premises. The Manager must be appointed and authorized by valid corporate vote or other action by the licensed person or entity sufficient to grant the Manager the necessary authority and control over the premises. The Manager must be a citizen of the United States at least twenty one years old and must be of good moral character and otherwise be acceptable to the Board.
8. The Manager of the licensed premises shall be the principal representative of the licensee and have full control of the licensed premises and of the conduct of all business therein, including but not limited to the following and such other provisions as may be contained with these Regulations, the Regulations of the ABCC, and applicable provisions of the General Laws:
 - a. The active management of day-to-day operations of the licensed premises;
 - b. The careful selection of qualified employees, including servers, clerks and all persons engaged with the public in any capacity;
 - c. Training of employees in all matters relating to the sale or service of alcoholic beverages;
 - d. Ensuring that no criminal activity takes place on the licensed premises, including within any parking area of the licensed premises;
 - e. Promptly reporting to the Police Department all instances of attempted purchases or procurement of service of alcoholic beverages by minors;
 - f. Enforcement of these Regulations, the Regulations of the ABCC, and any applicable provisions of the General Laws;
 - g. Ensuring that the licensed premises is kept clean, neat and sanitary at all times.
9. The licensee shall also appoint one or more Assistant Managers capable of fulfilling the duties of Manager during any hours when the Manager is not at the licensed premises. This person or persons must possess the same qualifications as required by the Regulations, the Regulations of the ABCC, or any applicable provision of the General Laws for the position of Manager. The licensee shall provide to the Board in writing the name and contact information for all Assistant Managers and shall notify the Board in writing within twenty-four (24) hours of any change of the licensee's Assistant Managers or their contact information.
10. The Manager of a restaurant, tavern, general on-premises* or hotel type license must be at the licensed premises at least 40 hours per week during hours when alcohol service is available. Either the Manager or an Assistant Manager must be on the licensed premises during all hours when alcohol service is available. A schedule of the Manager's and all Assistant Managers' regular work hours shall be provided to the Board in writing and notice of any change in the scheduled hours must be made in writing within five (5) business days. A copy of the schedule shall either be posted in the premises or immediately made available upon request of the Board or its Authorized Agents.

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11. The Manager shall not be changed without the prior approval of the Board and the ABCC. Where circumstances beyond the licensee's reasonable control prevent the licensee from obtaining approval of a new Manager in advance of the departure of the Manager whose name appears on the license, the licensee must: notify the Board in writing of the departure within twenty-four (24) hours; provide a detailed statement of the circumstances; provide the name of the person who will discharge the duties of Manager pending the approval of a new Manager; and within fifteen (15) days of the Manager of record's last day of work, file with the Board and the ABCC a complete application for a Change of Manager.
12. The licensee shall keep a current and accurate list of the names of all employees, including name, address, date of birth, date of hire, and position and shall make such list available for inspection upon request by the Board or its Authorized Agents.
13. An individual licensee or principal representative of the licensee, the Manager of record, and the Assistant Manager(s) are required to successfully complete alcohol management and server training courses, and any person who regularly serves alcoholic beverages to the public are required to successfully complete an alcohol management or server training course appropriate to the specific position. Such training must take place within three (3) months after beginning in their respective position, must be repeated as required to maintain an active certification, and must be from a course list approved by the Board. The licensee shall, with each annual renewal application and at any time upon request of the Board or its Authorized Agents, provide the names, addresses, dates of hire and copies of training certificates of all persons subject to this section, said certificates to be available on the premises at all times.
14. Licenses are issued to serve the public convenience, and, therefore, a licensee shall conduct the licensed business on all days authorized by the licensing authority. Any licensee who ceases to conduct the licensed business shall immediately surrender its license and physically deliver the license to the Board. If the licensee intends to suspend business operations for a temporary period, it shall first provide the Board with notice at least ten (10) days prior to the anticipated closing date stating the reason(s) for the closing and the estimated length of the closing. If the temporary closing is the result of unforeseen circumstances such as fire, flood, or similar casualty, notice shall be given by the licensee to the Board within ten (10) days after the date of the casualty.
15. The licensed premises shall at all times be subject to inspection by the Board, the ABCC, and their Authorized Agents. The Licensee and Manager shall fully cooperate with such Agents and shall not in any way hinder or delay access to the licensed premises or otherwise interfere with any Agent in the conduct of any inspection or investigation. The Licensee must maintain and promptly make available to the Board and its authorized Agents for inspection and copying records of all transactions involving the sale or purchase of alcoholic beverages, including without limitation cash sales and purchases. If such records are maintained at a location other than the licensed premises, the Licensee shall provide written notice to the Board specifying the location.

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16. No Licensee or Manager shall permit any part of the licensed premises to exceed its maximum capacity as stated on the Certificate of Occupancy. All establishments licensed for the on premises consumption of alcohol shall have a reliable method for determining when the maximum capacity of the licensed premises or any part of the licensed premises is reached.
17. Any violation of these Regulations, the Regulations of the ABCC, General Laws Chapter 138, Town by-law, permit or license, shall be grounds for enforcement action by the Board including, without limitation, the modification, suspension, revocation, non-renewal or cancellation of a license. In determining the appropriate action in any given case, the Board will consider all relevant factors including the licensee's prior record, the nature of the offense, and other aggravating or mitigating circumstances. The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Board might impose for certain violations. The Board is not limited by these guidelines and may impose greater or less discipline as it sees fit in the particular circumstances. A second offense must be committed within one year of the first. A third offense must be committed within two years of the second.

OFFENSE	OCCURRENCE	DISCIPLINE GUIDELINE
Serving a minor	1 st Offense	1-6 day suspension
	2 nd Offense	6-15 day suspension to revocation
Serving an intoxicated person	1 st Offense	1-6 day suspension
	2 nd Offense	6-15 day suspension
	3 rd Offense	15 day suspension to revocation
Operating after hours	1 st Offense	1-6 day suspension
	2 nd Offense	6-15 day suspension
	3 rd Offense	15 day suspension to revocation
Lack of Notice of Managerial Change	1 st Offense	1-6 day suspension
	2 nd Offense	6-15 day suspension
	3 rd Offense	15 day suspension to revocation
Fail to notify PD of employees working/remaining on premises after hours	1 st Offense	1-6 day suspension
	2 nd Offense	6-15 day suspension
	3 rd Offense	15 day suspension to revocation

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Hindering an investigation/Failure to notify PD of disturbance	1 st Offense	5-10 day suspension
	2 nd Offense	10-21 day suspension
	3 rd Offense	Revocation of license
Illegality on Premises	1 st Offense	5-10 day suspension
	2 nd Offense	10-21 day suspension
	3 rd Offense	Revocation of license
Violation of Town By-law, Permit, or Permit Condition	1 st Offense	1-6 day suspension
	2 nd Offense	6-15 day suspension
	3 rd Offense	15 day suspension to revocation

18. The sale, storage, service, dispensing, distribution, delivery, and/or consumption of alcoholic beverages is strictly limited to those areas of the premises which are specified in the description of the premises as shown on the license. Unless specifically approved by the Board, areas such as patios, decks, outside seating areas, roofs, courtyards, and/or other exterior extensions of a building are not part of the licensed premises.
19. No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without the prior written approval of the Board. This includes, without limitation, any alterations involving the installation, removal or relocation of any interior walls, doorways, stairways, or other structural components within the licensed premises or any modification that increases the maximum seating capacity.
20. The kitchen and premises of any licensed establishment must be kept clean, neat and sanitary, to the satisfaction of the Board and the Cohasset Board of Health, or to the duly Authorized Agent(s) of either of them.
21. The Licensee and the Manager shall at all times maintain order and decorum within the licensed premises and shall not permit any disorder, disturbance, lewdness, prostitution, illegal gaming, unlicensed entertainment, the sale or use of illegal drugs or controlled substances as defined by G.L. c. 94C, or illegality of any kind to take place in, upon, or around the licensed premises (including, without limitation, the parking lot). The Licensee shall be responsible for such conduct, whether present at the time of the conduct or not. The Manager shall immediately notify the Police Department when a disturbance resulting in the physical injury to any person occurs on the licensed premises or in the parking lot or other exterior area immediately adjacent to licensed premises including, without limitation, sidewalks and driveways.

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22. With the exception of establishments licensed as package stores, no Licensee shall sell any alcoholic beverage intended for off-premises consumption or allow any person to transport any alcoholic beverage from the licensed premises. This regulation shall not prevent the holder of a restaurant or hotel type license from permitting a patron to remove a partially consumed bottle of wine from the premises provided such Licensee conforms to Regulation # 23 herein and ABCC regulations.

23. The holder of a restaurant or hotel type alcoholic beverages license may permit a patron who purchases a bottle of wine with a meal to take from the licensed premises the unconsumed portion of one bottle of wine, provided that:
 - a. The licensee securely reseals the bottle;
 - b. The bottle is placed in a one-time use tamper-proof transparent bag that insures that the patrons cannot gain access to the bottle while in transit after the bag is sealed;
 - c. The bag is securely sealed; and
 - d. A receipt showing the purchase of the meal and the bottle of wine is provided to the patron and affixed to the bag.

24. No alcoholic beverage shall be sold or delivered to an intoxicated person on any licensed premises.

25. No alcoholic beverage shall be sold or delivered to a person under the age of twenty one years on any licensed premises.

26. The Licensee shall maintain and keep current all licenses, permits, certificates, and approvals required for the operation of the licensed business. If any such license, permit, certificate, or approval issued by a state or local authority is revoked, suspended, or not renewed for any reason, the Licensee must notify the Board in writing.

27. The Licensee shall engage at the expense of the Licensee as many private detail police officers from the Police Department as are, in the Board's judgment, necessary to maintain law and order upon the licensed premises and in the areas immediately adjacent to or serving the licensed premises, including, without limitation, the parking lots.

28. No Licensee shall make any distinction, discrimination, or restriction of service, access, or treatment on account of race, color, religious creed, national origin, sex, gender identity, sexual orientation, not including persons whose sexual orientation involves minor children as the sex object, or ancestry.

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29. The service, sale, delivery and consumption of alcohol on the licensed premises is strictly limited to the established hours for the service of alcoholic beverages as stated on the license. No Licensee, Manager, bartender, or server may solicit or accept any order for alcoholic beverages within fifteen minutes prior to the hour stated on the license for cessation of liquor service. ("the Closing Hour"). All bottles, glasses, beverage cans, and other beverage containers must be cleared from the tables and bars within thirty (30) minutes of the Closing Hour. No persons other than the Licensee, the Manager and/or the employees may be in the licensed premises more than sixty (60) minutes after the Closing Hour.

30. Employees of the licensed establishment may remain or enter upon the licensed premises outside of the established hours of operation while actually engaged in cleaning, opening, closing, or preparing for the next day's business, but they may not remain upon the licensed premises any longer than necessary to complete their work. No Licensee, Manager, server, bartender, or other person employed by the Licensee, shall consume any alcoholic beverage on the licensed premises either while on duty or at any time before or after the established hours of operation as stated on the license.

31. In any instance when it is necessary for the Licensee's employees to remain on the licensed premises for more than sixty (60) minutes after the established closing hour, the Licensee or Manager shall notify the Police Department. Notice must be given not later than sixty (60) minutes after the established closing hour and shall include the names of the employee(s), the reason(s) why the employee(s) will be on the premises, and an estimate as to how long the employee(s) will be on the licensed premises.

32. Licensees utilizing any video surveillance systems, including digital video recorders, closed circuit cameras, or other types of video recording equipment, shall keep the systems in working order, and archive recordings for at least fourteen (14) days. If the video equipment becomes inoperable, the licensee shall notify the Cohasset Police Department in writing within twenty-four (24) hours that the equipment is not working.