

TOWN OF NATICK
RULES AND REGULATIONS

for

**THE SALE OF WINE AND MALT BEVERAGES AND LIQUEURS AND CORDIALS
IN RESTAURANTS WITH A SEATING CAPACITY OF NOT LESS THAN 50
PERSONS AND NOT MORE THAN 99 PERSONS**

Subject to further limitations fixed or from time to time modified or amended by the Board of Selectmen acting as the duly constituted licensing authority of the Town of Natick with respect to this class of license (License) and to each license within said class, as provided in the General Laws of Massachusetts and the Regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

I. GENERAL POLICY

1. It is the policy and purpose of the Board of Selectmen to limit the issuance of Licenses as provided in Chapter 19, of the Acts and Resolves of 2002, and Chapter 138 of the Massachusetts General Laws as an accommodating and incidental part of a common victualler's primary and principal business endeavor of serving food to the public in a restaurant and function room.

To further enforce this policy, any common victualler which holds a license for the sale of alcoholic beverages shall provide to the Board of Selectmen each year as part of its application for renewal of said license a statement regarding the gross receipts for the restaurant and the percentage of gross receipts derived from the sale of alcoholic beverages. Such statement shall be certified by a Certified Public Accountant. The figure of 35 percent of gross receipts to be derived from the sale of alcoholic beverages shall be considered as a reasonable standard for the sale of alcoholic beverages incidental to the service of food. If from its review of such financial statements and/or other relevant factors, it is the determination of the Board of Selectmen that the service of alcohol has become other than incidental to the service of food in a restaurant, the Board may deny the renewal of the license or take any other action permitted by law. The provisions of this paragraph shall not abridge any other powers conferred upon the Board of Selectmen with respect to the sale of an alcoholic beverage.

2. The Board of Selectmen reserves to itself the right to consider the experience of the applicant in the area of serving food to the public and in the area of serving alcoholic beverages to the public. While this will not be the determinative factor in the issuance of the License, it will be one factor that the Board may consider. If the applicant has had no experience, this alone will not disqualify said applicant from being considered and having a License issued.

3. The location of the premises to be licensed shall be in accordance with the Zoning By-law of the Town. The interior of said premises shall be strictly in accordance with the applicable provisions of the State Building Code and the respective rules and regulations of the Natick Board of Health, Natick Fire Chief, and all other applicable agencies of the Town of Natick and Commonwealth of Massachusetts.
4. To ensure compliance with their respective rules, regulations, and laws for which they are responsible to enforce, all agencies referred to in Section 3, above, shall be afforded reasonable access to the licensed premises.
5. The Board of Selectmen or any Selectmen, as well as the Chief of Police or his designee, shall be afforded access to the licensed premises during all hours of operation, including times when alcoholic beverages are being served.
6. The requirements of the Chief of Police relative to security precautions at the licensed premises, and the control of rowdiness, loitering and similar behavior shall be adhered to by the licensee, and failure to do so shall be just cause for revocation of the License.
7. The owner or, in the case of a corporation, the Manager of the licensed premises, or his designee shall be present on the premises at all times during which alcoholic beverages are sold. The names and addresses of each individual referred to in the preceding sentence shall be submitted to the Board of Selectmen and Chief of Police, respectively.
8. The service of food is required in all areas of the licensed premises where alcoholic beverages are served. The service of food shall be available in sushi bars permitted under Section III.7 of these Regulations
9. In determining whether a facility meets the minimum seating capacity as set forth in Chapter 19 of the Acts and Resolves of 2002, the Board of Selectmen shall apply the standards set forth in the State Building Code.

II. PROCEDURES

1. Each applicant shall submit to the Board of Selectmen, along with an application for a license, a plan drawn to scale by a registered architect or engineer, on which shall be shown the following information:
 - a. The net floor area and dimensions of the existing room or rooms, function rooms, and rooms in which alcoholic beverages are to be stored. Net floor area shall be the area of the room or rooms measured between the interior walls exclusive of stairways, service bars, hallways, lobbies, kitchens, waiting areas, etc.
 - b. The location of any proposed service bars.

- c. The area to which seats or benches are to be securely fastened to the floor forming what are commonly called booths.
 - d. The area in which there is to be moveable or unsecured seats and tables.
 - e. Entrances and exits.
 - f. All rooms not being requested to be licensed, if said rooms are on the same floor as those rooms to be licensed; those rooms shall be labeled as to their function such as kitchens, coatrooms, lobbies, etc.
2. The Board of Selectmen shall not act on any application, except to deny the issuance of the License applied for, in instances where the restaurant or function room in question requires additional construction in order to comply with the minimum seating capacity requirements as set forth in Chapter 19 of the Acts and Resolves of 2002.
 3. The Board of Selectmen shall not act on any application for a license, or for renewal of a license, unless the applicant submits to the Board of Selectmen a written plan for compliance with laws of the Commonwealth of Massachusetts regarding obligations and liabilities of holders of licenses for the sale of alcoholic beverages, including, without limitation, obligations and liabilities regarding the sale of alcoholic beverages to minors and regarding conduct resulting from the consumption of alcoholic beverages sold by a license holder. No such license or renewal of a license shall be granted unless the Board of Selectmen approves, in writing, the written plan submitted by an applicant.

III. PROHIBITIONS

1. Stools or benches at any service bar are prohibited.
2. The sale or service of alcoholic beverages at service bars is prohibited, subject to the provisions of Section VI.
3. Service bars are prohibited in locations not expressly approved and authorized by the Board of Selectmen in writing.
4. The location of service bars shall not be changed unless approved by the Board of Selectmen and unless an amended plan, as described in 11.1.a, is submitted to the Board showing the proposed changes.
5. Cocktail lounges are prohibited.
6. The sale and/or service of alcoholic beverages is prohibited in any area not licensed by the Board of Selectmen, and no change in such area or location shall

be made without approval of the Board of Selectmen and unless an amended plan, as described in 11.1.a, is presented to said Board.

7. "No alcoholic beverages shall be sold and/or served at counters, lobbies or any similar type location notwithstanding the fact that meals or other food service may be available at such locations, nor shall the areas comprising such locations and related seating be used in computing whether or not the facility complies with the minimum seating capacity as set forth in Chapter 19 of the Acts and Resolves of 2002. Alcoholic beverages may be sold and/or served at sushi bars, namely bars, counters or similar facilities within a licensed establishment where seating for patrons is provided and nothing other than sushi is prepared and assembled by a sushi chef and served to and consumed by patrons, or from where nothing other than sushi is served to and consumed by patrons in other licensed areas of the licensed premises.
8. No alcoholic beverages shall be sold and/or served from the premises to be consumed outside the premises, i.e., curb service, window service, take-out service, etc.
9. No individual, partnership or corporation shall be issued more than one License.
10. No more than one alcoholic beverages license may be exercised on the same premises at any time.
11. The sale of alcoholic beverages at reduced or discounted prices during specified times, including, without limitation, "happy hours" and "two for the price of one" specials, is expressly prohibited.
12. The sale or service of alcoholic beverages in pitchers is prohibited.

IV. HOURS OF SALE AND SERVICE

1. The hours during which the sale and service of alcoholic beverages may be authorized for any licensee shall be from 11:00 A.M. to 12:00 midnight on Mondays through Saturdays, and from 10:00 a.m. to 12:00 midnight on Sundays.
2. The hours during which the sale and service of all alcoholic beverages may be made in a public dining area are further limited to the hours during which the dining room is open and food service is available. In no event shall the sale and service of alcoholic beverages be permitted outside the hours set forth in IV - 1, above.

Notwithstanding the previous sentence, alcoholic beverages may be sold and served to patrons in a public dining area, to whom a meal has been served, for up to one hour after the kitchen closes.

3. Notwithstanding any other provision of these Regulations, no orders for service of alcoholic beverages may be taken and no alcoholic beverages may be served after last call. In this context "last call" shall mean thirty (30) minutes prior to the licensed establishment's closing time. In this context "closing time" shall mean the latest time set forth in the License at which alcoholic beverages may be sold on a given day. At last call no licensed establishment shall serve more than one (1) alcoholic beverage to a patron. All patrons shall vacate a licensed establishment no later than thirty (30) minutes after the licensed establishment's closing time.

V. POLICY REGARDING TRAINING FOR DISPENSERS AND SELLERS OF ALCOHOLIC BEVERAGES

- A. Any licensee holding a Beer and Wine license and any licensee holding a Beer and Wine license who has received written approval from the Board of Selectmen to also sell liqueurs and cordials pursuant to said license, shall participate in a program designed to train its employees in methods of observation and detection to avoid serving or selling alcohol to intoxicated persons and/or minors. In this context liqueurs and cordials means all alcoholic beverages manufactured or produced by mixing or redistilling neutral spirits, brandy, gin, or other distilled spirits with or over fruits, flowers, plants or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolations or maceration of such materials and containing no less than two and one-half percent of sugar by weight, as set forth in Chapter 138, Section 1 of the Massachusetts General Laws.
- B. All employees, whether full-time, part-time or occasional who engage in the sale, pouring or service of alcohol shall, within thirty (30) days of their date of employment, be required to participate in and receive certification by one of the training programs listed below, or by an in-house trainer certified as a trainer.
- C. Programs that are currently available and meet the requirements of this policy are:
 - Training for Intervention Procedures by Servers of Alcohol (T.I.P.S.)
 - Alcohol Intervention Methods (A.I.M.)
 - Any Insurance Industry approved and qualified program offered by a certified trainer and previously approved by the Board of Selectmen
- D. Employees shall be re-certified by an approved training program or in-house trainer at intervals of no more than three (3) years.

E. Applications for new or renewal of Beer and Wine licenses shall include a roster of employees with the following information for each employee:

Name

Affirmation that employee is at least 18 years of age

Date of hire

Type of training (e.g., T.I.P.S.) received

How training provided (outside class attendance or in-house certified trainer)

Date employee last certified as trained

Expiration date of employee's training

Note: Applications lacking this information will be rejected.

F. Licensees shall maintain a file containing copies of the current certification records for all employees engaged in the sale, pouring or service of alcohol. The file shall be available for examination upon request of the Natick Board of Selectmen or the Natick Police Department.

G. Failure to comply with the requirements of this policy, including but not limited to the sale or service of alcohol by an uncertified employee with more than 30 days of service, may result in a public hearing to determine whether the licensee's license should be suspended or revoked.

VI. BARS AND COUNTERS

Alcoholic beverages may be sold and/or served at bars and counters, provided that:

- a. Stools or benches shall be permitted at such a bar or counter;
- b. the total number of stools or benches at a bar or counter shall not exceed ten (10%) percent of the seating capacity of the restaurant;
- c. the service of food from the restaurant's printed food menu(s) shall be available, but shall not be required, at all such bars and counters;
- d. the hours during which the sale and service of all alcoholic beverages may be made at a bar or counter are further limited to the hours during which the restaurant is open and food service is available. In no event shall the sale and service of alcoholic beverages be permitted outside the hours set forth in IV above.

Notwithstanding the previous sentence, alcoholic beverages may be sold and served to patrons at a bar or counter, who have ordered a meal, for up to one (1) hour after the kitchen closes.

- e. Seating at licensed bars and counters shall be used in computing whether or not the facility complies with the minimum seating capacity as set forth in Chapter 138, Section 1, Sub-division E; and
- f. no such bar or counter shall constitute a tavern within the meaning of Chapter 138 of the Massachusetts General Laws.

Section VI is a new section.

NATICK BOARD OF SELECTMEN

Charles M. Hughes, Chair

Carol A. Gloff, Vice-Chair

Paul R. Joseph, Clerk

Joshua Ostroff

Nicholas S. Mabardy

Adopted: August 29, 2011

EFFECTIVE: January 1, 2012