

SELECT BOARD REGULATION

Restaurant, Event Space & Craft Beverage Establishment Alcoholic Beverage License Regulations

Date Approved by Select Board:

Signature of Chair

June 24, 2024

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I. PURPOSE

The Select Board is duly authorized by statute to issue alcoholic beverage licenses in the Town of Lexington and to regulate alcoholic beverage licensees. In addition to licenses for off-premises consumption (e.g., liquor and package stores), these licenses cover the service of alcoholic beverages at restaurants whose principal business is the sale of foods for consumption on premises, event spaces, and craft beverage establishments. The Select Board will review applications for (1) All Alcohol licenses, and (2) Wine and Malt Beverage only licenses according to the standards set forth herein.

II. GENERAL REQUIREMENTS

The Select Board issues alcoholic beverage licenses to three types of applicants: (1) restaurants whose principal business is the sale of food, (2) event spaces, (3) craft beverage establishments. The following requirements apply to all Alcoholic Beverage Licensees and Applicants, regardless of type of license or establishment.

a. THE APPLICATION

- i. Alcoholic beverage licenses are issued for one year only, subject to annual review and renewal by the Board.
- ii. No action shall be taken by the Select Board on an application until the information requested on the application form is complete and all license fees are paid.
- iii. All applicants must submit a floor plan of the building and plan of any outdoor area in which alcohol is to be served (the “premises”). The floor plan of the premises must have clearly marked and designated the location of (1) service bars (2) dining rooms, (3) function rooms, (4) restrooms, and (5) all other rooms in which the Applicant intends to serve alcohol. Sales and service of alcoholic beverages are prohibited in any areas or locations not expressly approved by the

Select Board, and no change in such area or location may be made without prior approval of the Select Board.

- iv. Every application for an alcoholic beverage license 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. The application shall be signed by a corporate officer duly authorized by a vote of the corporation's 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 be submitted with the application. A copy of the vote appointing the corporation's manager or other principal representative shall also be submitted with the application.
- v. All applications for licenses shall be made upon blanks furnished by the licensing authorities or on electronic forms available through the Massachusetts Alcoholic Beverages Control Commission (ABCC), shall be fully answered in detail, and shall be typewritten.
- vi. Statements and information provided in all applications shall be made under the pains and penalties of perjury and any false statement contained in any application shall be cause for refusing to grant or renew the alcoholic beverage license or for suspending, canceling, or revoking an alcoholic beverage license already granted.
- vii. The annual license fee is due at the time of applying for or renewing an alcoholic beverage license. Annual fees are as follows: (a) All Alcohol - \$3,500, and (b) Wine and Malt Only - \$2,500.
- viii. For a new license or change of license, a \$100 administrative fee is due at the time of application.
- ix. If an applicant is denied a license, the applicant may not submit another application for one year from the time of denial unless: (a) a Select Board member, who previously voted against the application, moves to allow resubmission and such motion prevails; or (2) the conditions on the basis of which a license was denied have been remedied.

b. GENERAL CONDITIONS

- i. All alcoholic beverage licenses are conditioned on compliance with all applicable state and local laws, including but not limited to M.G.L. Chapters 138 and 140, the state building code, ABCC Regulations, 105 CMR 590 (food code), and Lexington's bylaws and regulations.
- ii. Pursuant to state law, No corporation, organized under the laws of the Commonwealth or any other state or foreign country shall be issued a license to sell in any manner any alcoholic beverages unless such corporation shall have first appointed, by vote of its Board of Directors or other similar board, as

manager or other principal representative, a citizen of the United States, and shall have vested in them by properly authorized and executed written delegation full authority and control of the premises described in the license of such corporation and of the conduct of all business therein relative to alcoholic beverages nor unless such manager or representative is, with respect to their character, satisfactory to the licensing authorities.

- iii. Such manager or representative shall be present in the licensed premises and shall be available to the licensing authorities at all times during which alcoholic beverages are being sold pursuant to the license of such corporation, unless some other person, similarly qualified, authorized and satisfactory to the licensing authorities, and whose authority to act in place of such manager or principal representative shall first have been certified to the licensing authorities as set forth in paragraph iv, is present in the premises and acting in the place of such manager or principal representative.
- iv. All managers listed on the license must provide the Board with proof of successful completion of an accredited alcoholic beverage server training program (such as Training for Intervention Procedures by Servers (TIPS)). All other employees must complete similar in-house training within 30 days of hire.
- v. The manager or representative is responsible for the order and decorum kept in the premises and in the immediate surrounding exterior area and must cooperate with Town Officials in maintaining such order and decorum. The property is subject to inspection at any time by appropriate Town Officials.
- vi. The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.
- vii. Unless the Select Board elects to reduce such hours as a condition of a license, the hours for serving alcoholic beverages shall not exceed the hours of 11:00 a.m. to 12:00 midnight seven days a week. Alcoholic beverage licensees may serve alcoholic beverages past 12:00 midnight on New Year's Eve (December 31st) until 1:00 a.m. on January 1, subject to a written request to and prior approval in writing from the Town Manager. In determining whether to approve such a request, the Town Manager shall take into consideration any objections or complaints concerning the requesting entity's operations that may have been received by the Town or the Town police.
- viii. All alcoholic beverages must be bought, served and consumed on the licensee's premises. No person shall be allowed to take or consume alcoholic beverages on the sidewalks of any licensed establishment or on the public sidewalks, unless an application to extend the licensed premises has been approved by the Select Board or Town Manager. Such extension must meet guidelines for extension of premises to patio and outdoor areas established by the ABCC.

- ix. No license shall be sold, transferred or surrendered without the prior approval of the Select Board.
- x. If a licensed establishment is closed for more than 7 consecutive days or 10 days in a calendar year without prior approval, its shall be considered to have abandoned its alcoholic beverage license and said license is subject to suspension or revocation by the Select Board.
- xi. Automatic amusement devices in compliance with Massachusetts General Laws Chapter 140, § 177A may be kept in licensed premises, provided that each such device is properly licensed by the Town of Lexington as an automatic amusement device and is installed on the premises so as to be kept in open view at all times while in operation, and shall at all times be available for inspection. The term “automatic amusement device” shall mean any mechanism whereby, upon the deposit therein of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including but not limited to such devices commonly known as pinball machines and video or electronic games. No device designed or intended for gambling, gaming or betting for money or property shall be permitted in a licensed premise, nor shall any other automatic amusement device be permitted to be used for such purpose.
- xii. Alcoholic licenses issued shall be conditioned on strict compliance with these regulations, and any failure to comply may be cause for refusing to grant or renew a license or for suspending, canceling, or revoking a license already granted, at the discretion of the Select Board after consideration of all relevant circumstances.
- xiii. No alcoholic beverage license shall be granted unless toilet facilities are generally available to patrons.

IV. CONDITIONS APPLICABLE TO RESTAURANTS, INCLUDING CRAFT BEVERAGE ESTABLISHMENTS (AS DEFINED IN THE ZONING BYLAW).

- a. A restaurant, whose principal business is the sale of food for consumption on premises, and craft beverage establishments must have a seating capacity of at least 18 people in order to receive an alcoholic license.
- b. The hours during which sales of alcoholic beverages may be made are further limited to the times when the restaurant dining room is open and food service is available for consumption on premises. No alcoholic beverages shall be sold or served in a restaurant before it is open and food service is available, nor after the restaurant has been closed or food service has ended. Food service is defined as the service of any food, including appetizers, desserts and snacks.

V. CONDITIONS APPLICABLE TO EVENT SPACES AND CRAFT BEVERAGE ESTABLISHMENTS THAT DO NOT QUALIFY AS RESTAURANTS UNDER THE ZONING BYLAW.

- a. Non-restaurant license applicants that do not have food service for consumption on premises shall demonstrate how the alcohol license enhances their business and shall meet all other requirements of this policy *except* food service requirements. For businesses other than craft beverage establishments, “enhancement of business” as used in this policy means adding to the primary, non-alcohol service purpose of the business as an ancillary activity. Such applicants must comply with all other state laws and regulations regarding the operation of their businesses.
- b. A non-restaurant applicant that does not provide food service for consumption on premises is only eligible for a Wine and Malt Beverage license and shall not be granted an All-Alcohol license.

VI. REFERENCES

- Adopted by the Board of Selectmen June 13, 1967.
- Amended rules adopted May 24, 1971
- Amended rules adopted May 10, 1977
- Amended rules adopted December 18, 1978
- Vote of citizens of 3/2/04 (no minimum seating required)
- Amended rules adopted by the Board of Selectmen on September 13, 2004.
- Amended rules adopted February 15, 2005.
- Amended rules adopted by the Board of Selectmen on March 15, 2010.
- MGL Chapter 138
- Amended rules adopted by the Select Board on June 24, 2024