

TOWN OF MILFORD BOARD OF SELECTMEN

GENERAL RULES APPLICABLE TO ALL PREMISES LICENSED FOR THE SALE OF ALCOHOL BEVERAGES TO BE CONSUMED ON THE PREMISES

1.01 ENVIRONS OF LICENSED PREMISES

- a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.
- b. Licensees shall maintain compliance with all health and safety laws for the areas outside and contiguous to the licensed premises.
- c. Licensees shall act reasonably and diligently to disperse loiterers or patrons who attempt to congregate in front of or at the licensed premises. Failure of the licensee to keep persons from congregating at the licensed premises may lead to disciplinary action against the licensee for allowing a public nuisance. Reasonable steps to be taken by the licensee may include: (1) maintaining the front door in a closed position; (2) asking loiterers to disperse; (3) calling the police if loiterers refuse to disperse; (4) hiring a security guard or stationing a security employee at the front door to disperse loiterers; (5) refusing to allow the same patrons to walk in and out of the premises at short intervals; (6) maintaining order in lines of patrons waiting outside to get in; (7) announcing that no further patrons will be allowed into the premises if lines become too long or disorderly or loud.
- d. Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages. Such steps may include: (1) having an employee stationed at the door to watch patrons as they leave; (2) refusing to serve beer in bottles; (3) refusing to serve alcoholic beverages in disposable cups. When patrons are observed leaving the premises with beer bottles, beer cans, or cups or glasses filled with liquids that smell like alcoholic beverages to the Board's agents, it shall be presumed that the vessels contain alcoholic beverages.
- e. When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Board adversely affects the protection, health, welfare, safety, or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation, or modification of the license.

1.02 STANDARDS OF CONDUCT ON THE PREMISES

- a. Premises licensed for the consumption of food or beverages at the premises are public places where members of the public are invited and expect to be treated in the same manner as in other public places with regard to the provision of a decent and non-offensive environment. Food and beverage licensees are not permitted to have, create, produce, or tolerate any environment at the premises which is intended to hold any person or any group of people up to ridicule or derision such that said person or said group of persons would not feel comfortable at the premises.
- b. It is forbidden to permit any employee or persons in or on the licensed premises to promise, offer, suggest, or accept sexual acts or favors in exchange for money or for the purchase of any alcoholic beverages or other commodities.
- c. It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress, or fondle the breasts, buttocks, or genitals of any other person.
- d. It is forbidden to employ or to permit any person to wear or use any device or covering exposed to view which simulates the breasts, buttocks, pubic hair or genitals or any portion thereof.
- e. It is forbidden to employ or permit any person in or on the licensed premises to perform any act or to simulate any act or acts of: sexual intercourse, masturbation, sodomy, flagellation, or any sexual acts prohibited by law, or touching, caressing, or fondling of breasts, buttocks, or genitals of another or of himself or herself.
- f. No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or non-alcoholic beverage or any food for them or for any other person. Nothing shall prohibit the above activity in connection with any contact, which such person may have with a patron to whom they are related by blood or marriage.

1.03 ILLEGAL ACTIVITY ON THE LICENSED PREMISES

- a. Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include:
 1. Frequent monitoring of restrooms and other non-public areas of the premises for signs of drug activity or other illegalities;
 2. Paying attention to activities on the premises of known drug users or drug dealers or prostitutes or others who are known to have been convicted of crimes which may be conducted at a licensed premises;
 3. Diligence in observing and taking action against persons who make unusually frequent trips in and out of the premises or in and out of the

restrooms and/or persons who are visited at the premises by an unusually large number of people or by one or more people at frequent intervals and/or persons who appear to be making exchanges of small packages (matchbooks, cigarette packs, bags, paper squares, plastic or foil containers, or other containers) or payments of money;

4. Monitoring of activities of persons who talk about weapons or who appear to be hiding a weapon;
 5. Calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;
 6. Hiring security personnel to deal with chronic unlawful activity at the premises such as prostitution or gambling or larceny from patrons or assaults and batteries or other problems associated with the premises
- b. There shall be no disorder, indecency, prostitution, illegal gambling, illegal drug use or sales or possession, or other illegal activity on the licensed premises or any premises connected therewith by an interior communication.

1.04 INJURIES TO PERSONS AT THE PREMISES

- a. Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows from an unruly patron. In all other circumstances, employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.
- b. Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons or persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises, but have been brought to the attention of the licensee.

1.05 OTHER CAUSES FOR REVOCATION, SUSPENSION AND MODIFICATION

- a. Any license issued pursuant to General Laws Chapter 138 and Chapter 140 for the service of food or beverages to the public may be modified, suspended or revoked for any of the following causes:
 1. Violation by the licensee of any provision of the relevant General Laws of the Commonwealth or the relevant By-Laws of the Town of Milford or any rule or regulation of any Town of Milford agency or of the Alcoholic Beverages Control Commission or of any rule or regulation of the Licensing Board, or any lawful occupancy loads.

2. Fraud, misrepresentation, false material statement, concealment or suppression of facts by the licensee in connection with an application for a license or permit or for renewal thereof or in connection with an application for the removal of the licensed premises or the alteration of the premises or in connection with any other petition affecting the rights of the licensee or in any interview or hearing held by the Board in connection with such petition, request, or application affecting the rights of the licensee.
3. Failure to operate the premises covered by the license.
4. Failure or refusal of the licensee to furnish or disclose any information required by any provision of the General Laws or by any rule or regulation of the Alcoholic Beverages Control Commission or any rule or regulation of the Licensing Board.
5. Conviction of the licensee of any crime which is a felony under the laws of the Commonwealth of Massachusetts or the United States of America.
6. Licensees may not give or offer any money or any article of value or pay for or reimburse or forgive the debt for services provided to any employee or agent of the Board either as a gratuity or for any service.
7. Licensees may not fail to comply with any condition, stipulation, or agreement upon which any license was issued or renewed by the Board or upon which any application or petition relating to the premises was granted by the Board. It shall be the duty of the licensee to ensure that all appropriate personnel at the licensed premises are familiar with the rules and regulations of the Board and with any conditions on the license.
8. A license may be suspended or modified or revoked for the refusal by any licensee and, if a corporation, by a manager, officer, or director thereof to appear and to testify under oath at an inquiry or hearing held by the Board with respect to any application or matter bearing upon the conduct of the licensed business or bearing upon the character and fitness of such person to continue to hold a license.
9. Licensees must properly serve suspension and modification orders.

(Section 1.01 through 1.05 were adopted by the Board of Selectmen on November 23, 1992 and became effective upon filing with the Town Clerk on November 24, 1992.)

1.06 LIQUOR LICENSE EMPLOYEE TRAINING

- a. As a condition of issuance, renewal or transfer of any kind or type, whether pouring or to be drunk on the premises; and/or over-the-counter retail sales or liquor store sales, the licensee shall produce written evidence satisfactory to the Board of Selectmen that each of their employees who serves, pours,

dispenses, sells or otherwise provides alcoholic beverages of any kind has satisfactorily completed a training course in conformance with the following standards:

1. The training shall be provided at the expense of the licensee. The licensee may, at their discretion, require the individual employee to pay the cost for this training or to have the training prior to being hired as a precondition of employment.
 2. The training course shall include training concerned with the legal and social responsibilities of serving alcoholic beverages, to include but not to be limited to, the methods of observation and detection to avoid selling or serving to intoxicated people and/or the sale of alcoholic beverages to minors.
 3. Said training shall be sponsored, authorized or supported by the Massachusetts Chiefs of Police Association – Municipal Police Institute, or programs determined to be equivalent, and must in any event be approved by the Board of Selectmen prior to presentment to the employees. In requesting approval, the licensee must provide to the Board of Selectmen supporting material or documentation detailing the content, format, standards and hours of such training program. Thereafter, approval or denial shall be at the sole discretion of the Board of Selectmen.
- b. All Personnel shall be required to be re-certified every three years.
- c. The licensee shall maintain a current listing of all personnel in an assessable place during operation hours, and either the original or a copy of the training certificate for each employee. Said listing and certificates shall be made available for examination by the Board of Selectmen, the Chief of Police or other police officers of the Town of Milford, or agents of the Alcoholic Beverages Control Commission. Said listing shall include:
1. Employee's Names
 2. Dates of Birth
 3. Social Security Numbers
 4. Date Hired
 5. Position
 6. Type of Training (Name of Trainer and/or Company)
 7. Date of Training
 8. Date of Training Expiration (no more than 3 years)
- d. Failure to comply with these regulations may be grounds for modification, suspension, revocation or cancellation of a license, after such notice and hearing as may be required by applicable law.
- e. After the effective date of this regulation, and for the license year 2005, current licenses shall have sixty (60) days from the date of hire of any new employee to comply with the requirements of sub-section (a) (1) through (3)

and (c), above as to such employee(s). In the license year 2006 and thereafter, all licensees shall fully comply with the requirements of this regulation for all employees subject thereto prior to the commencement of such employee's service with the licensee.

1.07 EMPLOYMENT VERIFICATION REQUIREMENTS

- a. It shall be a condition of any license issued for the sale of alcoholic beverages that the licensee shall not knowingly use undocumented workers in connection with the performance of any work relating to the licensed premises and that, pursuant to requirements of Federal law, the licensee shall verify the immigration status of all employees employed in connection with the licensed business without engaging in unlawful discrimination, and that the licensee shall not knowingly or recklessly alter, falsify, or knowingly or recklessly accept altered or falsified documents of any worker. All licensees are required to comply with Federal Department of Homeland Security requirements in hiring any and all "employees" to be employed on the licensed premises. Without limitation, such requirements shall include the good faith completion of the Federal Department of Homeland Security I-9 process by the licensee for each of its employees. Violation of this section shall constitute a violation of a condition of the license subjecting the licensee to disciplinary action up to and including possible revocation of said license after notice and hearing in accordance with applicable law.

1.08 COMPLIANCE CHECK PENALTY – FIRST OFFENSE

- a. Upon a first offense of a sale to a minor by a licensee under G.L. c. 138, Sections 12 or 15 during the course of an enforcement authority compliance check, the penalty to be imposed upon the licensee shall be not less than a one (1) day suspension.
- b. The penalty to be imposed upon a second or further sale to a minor by a licensee during the course of an enforcement authority compliance check shall be imposed by the Board on a case by case basis with consideration of all of the surrounding circumstances, including but not limited to, past history of the licensee.
- c. For the purpose of this regulation and a determination of whether or not a "licensee" is the same as was previously the subject of disciplinary action, a "licensee" shall be deemed to mean the same legal entity, or a legal entity under the same operational control as the entity previously subject to disciplinary sanction.

These Regulations shall take effect as of the date of filing with the Town Clerk.