

Town of Brimfield

Special and One Day Liquor License Regulations



Brimfield Board of Selectmen Licensing Authority

SPECIAL & ONE DAY LIQUOR LICENSE REGULATIONS BRIMFIELD BOARD OF SELECTMEN

INTRODUCTION

In issuing regulations, the Board of Selectmen, as the liquor Licensing Authority of the Town of Brimfield, is setting forth the expectations of the citizens of Brimfield as to the conduct of the Town's special and one day liquor license holders. MGL c.138, §14 grants the Licensing Authority the authority to issue or refuse special liquor licenses for the sale of beer and/or wine to managers of events; the statute also grants the Licensing Authority the authority to issue or refuse special liquor licenses for the sale of beer and/or wine or all alcoholic beverages to managers of nonprofit organizations who conduct events.

SECTION 1: GENERAL

- 1.01. A special or one day license for the sale of alcoholic beverages or beer and wine may be granted by the Local Licensing Authority to "the responsible manager of any organization, conducting any indoor or outdoor activity or entertainment."
- 1.02. Applicant(s) for special or one day licenses must first make arrangements for permission to use the proposed license location, prior to the completion of the license application at the office of the Board of Selectmen, the Local Licensing Authority.
- 1.03. Applicant(s) must submit their application(s) to the Board of Selectmen, the Local Licensing Authority, at least sixty **(60) days prior** to the planned event to allow sufficient time to rectify any issues with application(s) prior to the event.
- 1.04. The applicant must pay the appropriate fee as currently approved by the Board of Selectmen, the Local Licensing Authority, at the time of filing the application and must be present at the Selectmen's meeting to respond to any questions.
- 1.05. Applicant(s) for a "One Day License" are required to purchase alcohol for their event from an authorized source which is a licensed wholesaler in Massachusetts. A list of such sources is attached to this document.
(Full supplier list available on the ABCC website)
<http://www.mass.gov/abcc/onedayauthorized.htm>

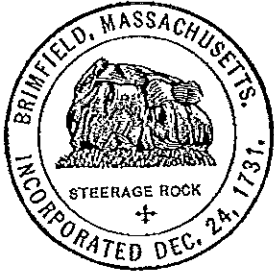
A "One Day License" will be granted for three days to allow for proper delivery, storage and disposal of all alcoholic beverages purchased. This extension ensures that One Day Licensees comply with all storage requirements under M.G.L. c.138. Licensee will only pour one day, the day of the actual event. A Special and One day license may be granted for more than one day at a time **only** if the activity or enterprise spans more than one day. Hours of pouring/consumption are from 11:00 a.m. to 7:00 p.m. unless otherwise determined by vote of the Board of Selectmen on a case by case basis.

- 10.7. No outdoor sales or outdoor consumption is allowed. Pouring and consumption must be confined within a pre-existing building upon the premises. Any/all pour station can be no closer than 75 (seventy five) feet from the centerline of any road or public way. Any pouring of consumption area must contain a minimum seating capacity for 40 persons. The pour station cannot be connected to food sales or other non-alcoholic beverage sales, the station must be a "stand alone" design. This will discourage person under 21 yoa from confusing the station's purpose. The Board of Selectmen, the Local Licensing Authority, may consider, on a case by case basis, whether to allow, or not allow, pouring and consumption within an outdoor tent or defined area.

SECTION 2: REQUIREMENTS

- 2.01. Any use of an outdoor tent or defined area upon the event premises for the sale and consumption of alcoholic beverages must be separated and secure from the general public at large. Said separation of the outdoor tent or defined area from the event activities must be clearly and well defined and made obvious by a temporary fence or other dividing device barricade, ropes, etc., **and must display signage restricting/prohibiting the exit of any alcoholic beverage. Letters on sign must be no smaller than 2" tall.** A written plan must be submitted to and approved by the Building Commissioner, Fire Inspector and Chief of Police prior to consideration of the application by the Board of Selectmen. The Chief of Police may require a police officer, hired by the licensee, to be on duty at the entrance of the outdoor tent, defined area or building for the entire duration of the event.
- 2.02. Security: Prior to the submission of the license application to the Licensing Authority, the licensee must present a security plan to the Brimfield Police Department, Fire Inspector and Building Commissioner before filing this application. This security plan must include provisions for crowd control, dealing with unruly patrons, emergency evacuations, traffic/parking considerations, and controlling access to alcohol by under aged person. Unless circumstances warrant otherwise, the security plan will require one police officer for an event that 150 people are expected to attend. The Chief of Police, or their designee must sign off on this application as to the security plan for the event before the application is filed with the Board of Selectmen. Moreover, applicants must demonstrate that people who will be serving alcoholic beverages are at least 21 years of age and that at least one person who will be staffing each point of service of alcoholic beverages has certification in TIPS or comparable safety training.
- 2.03. A police officer or officers shall be hired by the licensee if in the opinion of the Board of Selectmen or the Chief of Police such officer is necessary to maintain order within, and to direct or control vehicular and foot traffic in the areas of the activity or entertainment and to enforce all applicable statutes, local by-laws and regulations.
- 2.04. Objectionable noise from amplifying systems of any kind and/or disorderly conduct is not permitted. Lack of cooperation will be grounds for Police Department termination of activities at any time and will have a bearing on any future permits.

- 2.05. The Police Department, Licensing Authority or its agents shall have the right to check the license at every Special and one day function in order to make certain that its provisions are being adequately enforced.
- 2.06. A copy of the license shall be prominently posted and available for inspection during the hours and at the location for which it is issued. All licensees shall cooperate fully with the Licensing Authority and their agents when they are on the premises investigating complaints or making routine inspections.
- 2.07. The last drink must be served before the closing hour as stated on the approved license. All containers must be cleared from the licensed area by fifteen (15) minutes after the closing hour. All patrons must have left the premises by thirty (30) minutes after the closing hour. Any licensee and his/her employees and/or volunteers may NOT drink after the closing hour.
- 2.08. The licensee shall have successfully completed an alcoholic beverage server training program such as Training for Intervention Procedures by Servers (TIPS) for restaurants and lounges. Licensee must become re-certified every three years and provide the Town with an updated certificate. All other persons or employees of the licensed establishment who sell or serve alcoholic beverages shall receive, at minimum, in-house training similar to that received under TIPS prior to selling or serving alcoholic beverages. The training program shall include proper procedures for verifying that patrons are at least 21 years of age and not intoxicated.
- 2.09. No licensee nor person responsible for selling or serving alcoholic beverages at an event shall consume any alcoholic beverages on the day(s) for which a one day liquor license is granted. Consistent with Section 14 of Massachusetts General Laws Chapter 138, a responsible manager and alternate shall be named by the organization, one of whom shall be on the premises at all times while alcohol is being served. The responsible manager and alternate must be at least 21 years of age. The name(s) and 24-hour contact information shall be on file with the Office of the Board of Selectmen and Police Department.
- 2.10. No alcoholic beverages shall be sold or given to anyone under twenty-one (21) years of age, under the influence of drugs or to an intoxicated person.
- 2.11. Failure to comply with any of the above regulations may result in termination of license privileges and will have a bearing on future one day liquor license applications.



TOWN OF BRIMFIELD

Board of Selectmen

23 Main Street

Brimfield, MA 01010

Phone: 413-245-4100 x4 Fax: 413-245-4107

selectmen@brimfieldma.org

Special and One Day License – Application Form

(M.G.L. Ch. 138 S. 14)

Application must be submitted at least **sixty (60) days prior to event**. Persons holding a special license must purchase alcoholic beverages from a licensed wholesaler/importer, manufacture, farmer-winery, farmer brewery or special permit holder. A person holding a Section 14 license cannot purchase alcoholic beverages from a package store. Application for the purpose of selling or dispensing the following beverages as permitted by law.

Events held on Sunday with music or other entertainment will require a "Public Entertainment on Sunday" license.

Failure to provide complete information may delay the processing of your application.

The fee for a Special License shall be charged on a per day basis of
\$50.00 per day, no more than \$500.00 per year.

For office use only:

DATE SUBMITTED: _____ PAID: _____ CHECK #: _____

CHECK ONE:

- Application by a manager/person in charge for one day special license for the sale of BEER & WINE to be drunk on the premises.

- Application by the manager/person in charge of a nonprofit organization for one day special license for the sale of ALL ALCOHOLIC BEVERAGES (nonprofit only) OR BEER & WINE to be drunk on the premises.

1. DATE OF EVENT BEING APPLIED FOR:

2. TIME OF EVENT: FROM _____ o'clock AM/PM TO _____ o'clock _____ AM/PM

3. REQUESTED TIME FOR LIQUOR LICENSE:
FROM _____ o'clock AM/PM TO _____ o'clock _____ AM/PM

4. EVENT MANAGER/APPLICANT: _____ TELEPHONE #: _____

(To appear on License)

BUSINESS NAME

5. EVENT MANAGER/APPLICANT ADDRESS: CITY, STATE, ZIP

6. EVENT MANAGER/APPLICANT EMAIL ADDRESS:

7. EVENT ALTERNATE MANAGER/APPLICANT NAME: TELEPHONE #:

(To appear on License)

8. EVENT ALTERNATE MANAGER/APPLICANT ADDRESS: CITY, STATE, ZIP

9. EVENT ALTERNATE MANAGER/APPLICANT EMAIL ADDRESS:

10. STATE CLEARLY TYPE OF EVENT:

11. EXPECTED NUMBER OF ATTENDEES: _____

12. ADDRESS/LOCATION OF EVENT: CITY, STATE, ZIP

13. HAS APPROVAL FROM PROPERTY OWNER BEEN OBTAINED? YES _____ NO _____

14. IS ORGANIZATION YOU ARE REPRESENTING NON PROFIT?: YES _____ NO _____
FORM OF PROOF ATTACHED? _____

15. IS THE APPLICANT A NON-PROFIT ORGANIZATION DULY REGISTERED WITH THE
SECRETARY OF STATE? YES _____ NO _____
IF YES, PLEASE ATTACH APPROPRIATE DOCUMENTATION.

16. HAS THE APPLICANT BEEN ISSUED SIMILAR LICENSES BEFORE IN THE
TOWN OF BRIMFIELD? YES _____ NO _____ IF SO WHEN? _____

17. IS AN ADMISSION FEE BEING CHARGED FOR THIS EVENT? YES _____ NO _____

18. ARE TICKETS BEING SOLD IN ADVANCE FOR THIS EVENT? YES _____ NO _____

19. HOW WILL ALCOHOLIC BEVERAGES BE DISPENSED OR SERVED? *(Check all that apply)*
- Waiter/Waitress
 - Bar with Bartender
 - Beer by the cup No more than 12oz
 - Wine by the cup No more than 8 oz
 - Other

20. IS THE APPLICANT REQUESTING THE LICENSE TIPS CERTIFIED? IF YES, PLEASE ATTACH APPROPRIATE DOCUMENTATION. YES _____ NO _____
APPLICATION WILL NOT BE APPROVED UNTIL THIS IS RECEIVED.

21. PLEASE LIST THE NAMES AND DATES OF BIRTH FOR ALL PEOPLE WHO WILL BE RESPONSIBLE FOR SERVING ALCOHOLIC BEVERAGES AT THIS EVENT.
Anyone serving alcoholic beverages must be at least 21 years of age.

_____	_____
(Name)	(DOB)
_____	_____
(Name)	(DOB)
_____	_____
(Name)	(DOB)

22. NAME OF THE MASSACHUSETTS WHOLESALER WHO WILL DELIVER TO SITE?
(Full supplier list available on the ABCC website) <http://www.mass.gov/abcc/onedayauthorized.htm>

23. I HAVE INCLUDED A PLAN OF ALL AREAS TO BE SECURED AS REFERENCED ABOVE IN REQUIREMENTS 2.01 GIVEN TO BUILDING COMMISSIONER, POLICE CHIEF AND FIRE INSPECTOR OF PARKING AREA AND ACCESS ROUTE FOR EMERGENCY VEHICLES.
YES _____ NO _____

24. IS YOUR POUR STATION 75 (SEVENTY FIVE FEET) FROM THE CENTERLINE OF ANY ROAD OR PUBLIC WAY? YES _____ NO _____

25. WILL A POLICE DETAIL OR OTHER SECURITY BE PROVIDED: YES _____ NO _____
IF YES, NAME AND ADDRESS OF PROVIDER AND HOW MANY?

26. WILL FOOD BE SOLD OR PROVIDED? YES _____ NO _____
IF SO A TEMPORARY FOOD APPLICATION MUST BE OBTAINED THROUGH THE BOARD OF HEALTH.

The applicant hereby states that the applicant has received a copy of the Licensing Authority's regulations pertaining to Special and One Day Liquor Licenses and is aware of and shall comply with all applicable statues, by-laws and regulations.

Authorized Event Manager / Applicant signature and Title

Date:

Print Name

SS # (Voluntary) _____ or FEDERAL ID # (Mandatory): _____

Authorized Event *Alternate* Manager / Applicant signature and Title

Date:
Print Name

SS # (Voluntary) _____ or FEDERAL ID # (Mandatory): _____

APPROVALS: (Required before submitting application to the Board of Selectmen)

POLICE CHIEF: _____ Date: _____

FIRE INSPECTOR: _____ Date: _____

BUILDING COMMISSIONER: _____ Date: _____

BOARD OF HEALTH: _____ Date: _____

TAX COLLECTOR: _____ Date: _____

The local Licensing Authority (Board of Selectmen) may impose reasonable conditions and limitations on any Special License that is granted, including but not limited to the hours of operation and the presence of a police detail(s).

DATE AND LOCATION OF PUBLIC HEARING:

(For office use only)

COMMENTS/LICENSE RESTRICTIONS (If any):

APPROVED BY BOARD OF SELECTMEN ON: _____

LICENSE # _____ NOTICE TO ABCC (Within 10 days of issuance) _____

DENIED BY BOARD OF SELECTMEN ON: _____

REASON(S) FOR DENIAL:

DOCUMENT CHECKLIST:

- APPLICATION (Completed and signed by Municipal Departments on page 9)
- FEE (Made payable to the Town of Brimfield)
- WORKERS COMP AFFIDAVIT
- TIPS CERTIFICATION
- PROOF OF NON PROFIT (If applicable)
- PROOF OF NON PROFIT REGISTERED WITH STATE
- PLAN OF AREA LOCATION REFERENCED IN 2.01
Please indicate entire area where alcohol will be served, indicate where bar will be located, note tables & chairs, bathrooms, emergency exits.
- PROOF OF IDENTIFICATION (Driver's License)

POST IN A VISABLE PLACE

1. Any / all pour stations can be no closer than 75 (seventy five) feet from the centerline of any road or public way.
2. Unless otherwise decided by the Board of Selectmen, on a case by case basis, the allowable hours of pouring/consumption are 11:00 a.m. to 7:00 p.m.
3. Any pouring / consumption area must contain a minimum seating capacity for 40 persons.
4. The area of consumption must be clearly and well defined by barricade, ropes, etc., and must display signage restricting/prohibiting the exit of any alcoholic beverage.
5. The pour station cannot be connected to food sales or other non-alcoholic beverage sales, the station must be a “stand alone” design. This will discourage persons under 21 years of age from confusing the station’s purpose.
6. All beer and malt beverages are restricted to a maximum 12oz container and all wines are restricted to a maximum 8oz container. Plastic or paper are the only approved container material.

Town of Brimfield

