

**Town of Berkley**

**Liquor Rules and Regulations**

**Effective: 01/01/2018**

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**General References**

**Public consumption of alcoholic beverages – See Ch. 7.**

**Common Victualler license restrictions – See Ch. 193.**

**ARTICLE I**  
**General On-Premises**

**17-1. Definition:**

The word “Board” as used in this code shall be the Board of Selectmen/Licensing Authority.

**17-2. Uniform liquor violation penalties.**

Penalties for service to minors shall be as follows:

- A. First Offense: written warning or up to one-day license suspension.
  - A-1. First Offense: serving a minor – a written warning or up to 3-day license suspension.
- B. Second Offense: one to five-day license suspension.
  - B-1. Second Offense: serving a minor – 3 to 14-day license suspension.
- C. Third Offense: five to seven-day license suspension.
  - C-1. Third Offense: serving a minor – 14 to 30 days license suspension.
- D. Fourth Offense: total revocation of license.
  - D-1. Fourth Offense: serving a minor – total revocation of license.

Penalties for all other violations shall be on a case by case basis

**17-3. Suspension of licenses.**

- A. Any application for transfer of the license in question shall not be granted by the Board during any period of license suspension or revocation.
- B. Suspension days to be consecutive in all instances.

**17-4. Record of violations.**

A permanent record of all violations shall be kept in the Board of Selectmen’s office. This record shall be considered in all subsequent liquor related hearings and/or discussions. A statement of each violation shall be sent from the Board of Selectmen to the Commonwealth of Massachusetts Alcoholic Beverages Control Commission.

**17-5. Notice of closing.**

Any licensee intending to close the licensed establishment must notify the Board in writing before such closing, and the Licensee shall state in the notice the reason and length of time of such closing.

**17-6. Use of corporate name; change in corporate managers.**

- A. No licensee shall conduct business for the licensed premises under any corporate or trade name other than that under which the licensee is licensed.
- B. Corporation managers in licensed establishments must not be changed without prior Board approval.

**17-7. Assignment of stock.**

Assignment of stock for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct business of the licensee; therefore, licensees must notify the Board immediately if the assignee forecloses under such assignment of stock.

**17-8. Notification of court proceedings.**

- A. Licensees shall immediately notify the Board of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.
- B. Licensees shall immediately notify the Board of any court proceedings which may affect the status of this license.

**17-9. Disorder, indecency and illegal activities prohibited.**

No disorder, indecency, prostitution, lewdness or illegal gambling shall be permitted in or around the licensed establishment.

**17-10. On-premises consumption required.**

All alcoholic beverages sold must be opened and consumed on the premises, except to the extent legally permissible for closed wine bottles in accordance with Chapter 33 of the Acts of 2006.

**17-11. After-hours sale.**

No member, guest or employee shall be served alcoholic beverages after the legal hour for sale of same.

**17-12. Prices.**

No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited toward the purchase price of any alcoholic beverage.

**17-13. Use of licensed premises only.**

No licensee shall keep for sale or sell alcoholic beverages in any part of the premises not specified on this license.

**17-14. Inspection of premises.**

The licensed premises shall be subject to inspection by the Berkley police, local building, wiring or plumbing inspectors, health officers, fire prevention staff, or code enforcement, as duly authorized agents of the Licensing Board, or the state or federal law enforcement agents.



**17-15. Plan required prior to renovations.**

No physical renovations shall be made unless a plan is submitted and approved by the Board.

**17-16. List of employees and members.**

A current list of employees and members shall be available upon request of authorized agents of the Board.

**17-17. Solicitation to purchase beverages prohibited.**

No employee and/or entertainer shall solicit, induce or request a patron purchase any alcoholic or nonalcoholic beverage for them or any other person, except where related by blood or marriage.

**17-18. Entertainment.**

There shall be no indecent or immoral entertainment, including but not limited to employees who are unclothed or in such attire as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals, except as expressly permitted through licensure for adult entertainment, on the licensed premises.

**17-19. Discrimination prohibited.**

No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to admission or treatment of any person.

**17-20. Display of licenses and permits.**

All licenses and building certificates shall be posted in a conspicuous place and available at all times to the proper authorities.

**17-21. Continuation of complaints or reports.**

Any police complaints and/or reports, presently on file, shall remain in file continue in in force until disposed of by this Board.

**17-22. Signaling devices prohibited.**

No devices or electronic equipment shall be utilized by any licensed premises for the purpose of signaling employees that agents of licensing authorities are present.

**17-23. Closing hours and regulations.**

- A. No member, guest or employee shall be served alcoholic beverages after the closing hour.
- B. All glasses, bottles or other containers used to serve alcoholic beverages, or containing the residue thereof, must be cleared off the bar, tables or any other place where they may be consumed by any person present no later than 15 minutes after the closing hour.
- C. No person, including employees and management personnel, on any licensed premises shall be in possession of a glass and/or bottle container with alcoholic

beverages contained therein for the purpose of consuming the same 15 minutes after the closing hour.

**D.** All licensed premises must have all patrons off the premises ½ hour after closing time for example: if licensed until 2:00 a.m., by 2:30 a.m.

**E.** Employees and/or management personnel must be off the licensed premises as follows: if licensed until 2:00 a.m., by 2:30 a.m. Management and/or employee personnel may stay on licensed premises beyond the above time limits under the following conditions:

A-1. If engaged in cleaning of the establishment.

A-2. If making emergency repairs.

A-3. If providing security (guarding) for the premises.

A-4. If preparing food for the next day's business or opening or closing the business in an orderly manner.

A-5. Police Department must be notified if establishment is remaining open after hours.

**17-24. Lighting.**

Those establishments which operate under subdued lighting conditions, or those that do not meet the below required conditions, must provide normal and/or bright light as follows:

A. For every one-hundred- or fraction-of-one-hundred-person capacity, as set by the Building Department, the licensee must provide a minimum of three hundred (300) watts of white lighting, not colored or shaded. (i.e., if the licensed premises capacity, as set by the Building Department, is two hundred (200) people, a minimum of six hundred (600) watts of lighting would be required. If the licensed premises capacity, as set by the Building Department, is two hundred fifty (250) people, a minimum of seven hundred fifty (750) watts of lighting would be required.)

B. The above-mentioned required lighting must be placed so that the entire area of the licensed premises where patrons may be found will be lighted by said lighting.

C. This lighting must be used when patrons are leaving the establishment at the end of its period of operation or in a medical or other emergency situation.

D. Battery-operated, power-failure emergency lights now found in some establishments are not acceptable.

E. This regulation will be enforced by the Building Inspector or any enforcement officer named by the Board of Selectmen.

**17-25. Right of Licensing Board to amend regulations.**

The Licensing Board reserves the right to change or add the foregoing terms and conditions after notice to the licensee.

**17.26. Violations of Law.**

Failure to comply with federal, state or local law can result in the modification, suspension, revocation or cancellation of such license.

**17.27. Notification of Police.**

The Berkley Police Department shall be notified of any occurrence of violence or illegal activity at the licensed establishment as soon as practicable to ensure patron and staff safety.

**17-28. Authority; failure to comply.**

These rules and regulations are promulgated under the provisions of Massachusetts General Laws Chapter 138, Section 23, and any failure to comply with these rules and regulations can result in the modification, suspension, revocation or cancellation of such license.

**17-29. Posting of regulations.**

All liquor-licensed establishments must post a copy of these regulations in a conspicuous place within their licensed premises.

**17-30. Police details**

Any function conducted by the licensee on the licensed premises must be covered by a uniformed off-duty police detail to be assigned at the discretion of the Chief of Police. One (1) Police detail officer shall be required for every one hundred (100) patrons. Additional police details may also be required if the event or circumstances jeopardize officer or public safety. If upon inspection by the Berkley Police Department, the licensee is found to have not hired the required number of detail officers, the licensee will be given the option to immediately hire additional officers or immediately terminate the function. The expense of said private details shall be the responsibility of the licensee. No police details will be authorized if the licensee is found to be in arrears for past police details. The police detail shall remain on the licensed premises until the function is closed.

**ARTICLE II**  
**Restaurants**

**17-31. Definition:**

The word “Board” as used in this code shall be the Board of Selectmen/Licensing Authority.

**17-32. Uniform liquor violation penalties.**

Penalties for service to minors shall be as follows:

- E. First Offense: written warning or up to one-day license suspension.
  - A-1. First Offense: serving a minor – a written warning or up to 3-day license suspension.
- F. Second Offense: one to five-day license suspension.
  - B-1. Second Offense: serving a minor – 3 to 14-day license suspension.
- G. Third Offense: five to seven-day license suspension.
  - C-1. Third Offense: serving a minor – 14 to 30 days license suspension.
- H. Fourth Offense: total revocation of license.
  - D-1. Fourth Offense: serving a minor – total revocation of license.

Penalties for all other violations shall be on a case by case basis

**17-33. Suspension of licenses.**

- C. Any application for transfer of the license in question shall not be granted by the Board during any period of license suspension or revocation.
- D. Suspension days to be consecutive in all instances.

**17-34. Record of violations.**

A permanent record of all violations shall be kept in the Board of Selectmen’s office. This record shall be considered in all subsequent liquor related hearings and/or discussions. A statement of each violation shall be sent from the Board of Selectmen to the Commonwealth of Massachusetts Alcoholic Beverages Control Commission.

**17-35. Notice of closing.**

Any licensee intending to close the licensed establishment must notify the Board in writing before such closing, and the Licensee shall state in the notice the reason and length of time of such closing.

**17-36. Use of corporate name; change in corporate managers.**

- C. No licensee shall conduct business for the licensed premises under any corporate or trade name other than that under which the licensee is licensed.

- D. Corporation managers in licensed establishments must not be changed without prior Board approval.

**17-37. Assignment of stock.**

Assignment of stock for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct business of the licensee; therefore, licensees must notify the Board immediately if the assignee forecloses under such assignment of stock.

**17-38. Notification of court proceedings.**

- C. Licensees shall immediately notify the Board of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.
- D. Licensees shall immediately notify the Board of any court proceedings which may affect the status of this license.

**17-39. Disorder, indecency and illegal activities prohibited.**

No disorder, indecency, prostitution, lewdness or illegal gambling shall be permitted in or around the licensed establishment.

**17-40. On-premises consumption required.**

All alcoholic beverages sold must be opened and consumed on the premises, except to the extent legally permissible for closed wine bottles in accordance with Chapter 33 of the Acts of 2006.

**17-41. After-hours sale.**

No member, guest or employee shall be served alcoholic beverages after the legal hour for sale of same.

**17-42. Prices.**

No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited toward the purchase price of any alcoholic beverage.

**17-43. Use of licensed premises only.**

No licensee shall keep for sale or sell alcoholic beverages in any part of the premises not specified on this license.

**17-44. Inspection of premises.**

The licensed premises shall be subject to inspection by the Berkley police, local building, wiring or plumbing inspectors, health officers, fire prevention staff, or code enforcement ,as duly authorized agents of the Licensing Board, or the state or federal law enforcement agents.

**17-45. Plan required prior to renovations.**

No physical renovations shall be made unless a plan is submitted and approved by the Board.

**17-46. List of employees and members.**

A current list of employees and members shall be available upon request of authorized agents of the Board.

**17-47. Solicitation to purchase beverages prohibited.**

No employee and/or entertainer shall solicit, induce or request a patron purchase any alcoholic or nonalcoholic beverage for them or any other person, except where related by blood or marriage.

**17-48. Entertainment.**

There shall be no indecent or immoral entertainment, including but not limited to employees who are unclothed or in such attire as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals, except as expressly permitted through licensure for adult entertainment, on the licensed premises.

**17-49. Discrimination prohibited.**

No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to admission or treatment of any person.

**17-50. Display of licenses and permits.**

All licenses and building certificates shall be posted in a conspicuous place and available at all times to the proper authorities.

**17-51. Continuation of complaints or reports.**

Any police complaints and/or reports, presently on file, shall remain in file continue in in force until disposed of by this Board.

**17-52. Signaling devices prohibited.**

No devices or electronic equipment shall be utilized by any licensed premises for the purpose of signaling employees that agents of licensing authorities are present.

**17-53. Closing hours and regulations.**

- F. No member, guest or employee shall be served alcoholic beverages after the closing hour.
- G. All glasses, bottles or other containers used to serve alcoholic beverages, or containing the residue thereof, must be cleared off the bar, tables or any other place where they may be consumed by any person present no later than 15 minutes after the closing hour.
- H. No person, including employees and management personnel, on any licensed premises shall be in possession of a glass and/or bottle container with alcoholic beverages contained therein for the purpose of consuming the same 15 minutes after the closing hour.
- I. All licensed premises must have all patrons off the premises ½ hour after closing time for example: if licensed until 2:00 a.m., by 2:30 a.m.

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A-2. If making emergency repairs.

A-3. If providing security (guarding) for the premises.

A-4. If preparing food for the next day's business or opening or closing the business in an orderly manner.

A-5. Police Department must be notified if establishment is remaining open after hours.

**17-54. Lighting.**

Those establishments which operate under subdued lighting conditions, or those that do not meet the below required conditions, must provide normal and/or bright light as follows:

F. For every one-hundred- or fraction-of-one-hundred-person capacity, as set by the Building Department, the licensee must provide a minimum of three hundred (300) watts of white lighting, not colored or shaded. (i.e., if the licensed premises capacity, as set by the Building Department, is two hundred (200) people, a minimum of six hundred (600) watts of lighting would be required. If the licensed premises capacity, as set by the Building Department, is two hundred fifty (250) people, a minimum of seven hundred fifty (750) watts of lighting would be required.)

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I. Battery-operated, power-failure emergency lights now found in some establishments are not acceptable.

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## **ARTICLE III**

### **Clubs**

**17-61. Definition:**

The word “Board” as used in this code shall be the Board of Selectmen/Licensing Authority.

**17-62. Uniform liquor violation penalties.**

Penalties for service to minors shall be as follows:

- I. First Offense: written warning or up to one-day license suspension.
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- J. Second Offense: one to five-day license suspension.
  - B-1. Second Offense: serving a minor – 3 to 14-day license suspension.
- K. Third Offense: five to seven-day license suspension.
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- E. Licensees shall immediately notify the Board of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.
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**17-71. After-hours sale.**

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**17-72. Prices.**

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**17-73. Use of licensed premises only.**

No licensee shall keep for sale or sell alcoholic beverages in any part of the premises not specified on this license.

**17-74. Inspection of premises.**

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**17-75. Plan required prior to renovations.**

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All licenses and building certificates shall be posted in a conspicuous place and available at all times to the proper authorities.

**17-81. Continuation of complaints or reports.**

Any police complaints and/or reports, presently on file, shall remain in file continue in force until disposed of by this Board.

**17-82. Signaling devices prohibited.**

No devices or electronic equipment shall be utilized by any licensed premises for the purpose of signaling employees that agents of licensing authorities are present.

**17-83. Closing hours and regulations.**

- K.** No member, guest or employee shall be served alcoholic beverages after the closing hour.
- L.** All glasses, bottles or other containers used to serve alcoholic beverages, or containing the residue thereof, must be cleared off the bar, tables or any other place where they may be consumed by any person present no later than 15 minutes after the closing hour.
- M.** No person, including employees and management personnel, on any licensed premises shall be in possession of a glass and/or bottle container with alcoholic

beverages contained therein for the purpose of consuming the same 15 minutes after the closing hour.

N. All licensed premises must have all patrons off the premises ½ hour after closing time for example: if licensed until 2:00 a.m., by 2:30 a.m.

O. Employees and/or management personnel must be off the licensed premises as follows: if licensed until 2:00 a.m., by 2:30 a.m. Management and/or employee personnel may stay on licensed premises beyond the above time limits under the following conditions:

A-1. If engaged in cleaning of the establishment.

A-2. If making emergency repairs.

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A-4. If preparing food for the next day's business or opening or closing the business in an orderly manner.

A-5. Police Department must be notified if establishment is remaining open after hours.

**17-84. Lighting.**

Those establishments which operate under subdued lighting conditions, or those that do not meet the below required conditions, must provide normal and/or bright light as follows:

K. For every one-hundred- or fraction-of-one-hundred-person capacity, as set by the Building Department, the licensee must provide a minimum of three hundred (300) watts of white lighting, not colored or shaded. (i.e., if the licensed premises capacity, as set by the Building Department, is two hundred (200) people, a minimum of six hundred (600) watts of lighting would be required. If the licensed premises capacity, as set by the Building Department, is two hundred fifty (250) people, a minimum of seven hundred fifty (750) watts of lighting would be required.)

L. The above-mentioned required lighting must be placed so that the entire area of the licensed premises where patrons may be found will be lighted by said lighting.

M. This lighting must be used when patrons are leaving the establishment at the end of its period of operation or in a medical or other emergency situation.

N. Battery-operated, power-failure emergency lights now found in some establishments are not acceptable.

O. This regulation will be enforced by the Building Inspector or any enforcement officer named by the Board of Selectmen.

**17-85. Right of Licensing Board to amend regulations.**

The Licensing Board reserves the right to change or add the foregoing terms and conditions after notice to the licensee.

**17-86. Violations of Law.**

Failure to comply with federal, state or local law can result in the modification, suspension, revocation or cancellation of such license.

**17-7. Notification of Police.**

The Berkley Police Department shall be notified of any occurrence of violence or illegal activity at the licensed establishment as soon as practicable to ensure patron and staff safety.

**17-88. Authority; failure to comply.**

These rules and regulations are promulgated under the provisions of Massachusetts General Laws Chapter 138, Section 23, and any failure to comply with these rules and regulations can result in the modification, suspension, revocation or cancellation of such license.

**17-89. Posting of regulations.**

All liquor-licensed establishments must post a copy of these regulations in a conspicuous place within their licensed premises.

**17-90. Police details**

Any function conducted by the licensee on the licensed premises must be covered by a uniformed off-duty police detail to be assigned at the discretion of the Chief of Police. One (1) Police detail officer shall be required for every one hundred (100) patrons. Additional police details may also be required if the event or circumstances jeopardize officer or public safety. If upon inspection by the Berkley Police Department, the licensee is found to have not hired the required number of detail officers, the licensee will be given the option to immediately hire additional officers or immediately terminate the function. The expense of said private details shall be the responsibility of the licensee. No police details will be authorized if the licensee is found to be in arrears for past police details. The police detail shall remain on the licensed premises until the function is closed.

**17-91. Guest Register – Club License Holders Only.**

A Guest Sign-In Register must be kept on the premises at all times. Upon entering the Club's premises, all guests must sign said register and indicate name of sponsoring member.

## **ARTICLE IV**

### **Hotels**

**17-92. Definition:**

The word “Board” as used in this code shall be the Board of Selectmen/Licensing Authority.

**17-93. Uniform liquor violation penalties.**

Penalties for service to minors shall be as follows:

M. First Offense: written warning or up to one-day license suspension.

A-1. First Offense: serving a minor – a written warning or up to 3-day license suspension.

N. Second Offense: one to five-day license suspension.

B-1. Second Offense: serving a minor – 3 to 14-day license suspension.

O. Third Offense: five to seven-day license suspension.

C-1. Third Offense: serving a minor – 14 to 30 days license suspension.

P. Fourth Offense: total revocation of license.

D-1. Fourth Offense: serving a minor – total revocation of license.

Penalties for all other violations shall be on a case by case basis

**17-94. Suspension of licenses.**

G. Any application for transfer of the license in question shall not be granted by the Board during any period of license suspension or revocation.

H. Suspension days to be consecutive in all instances.

**17-95. Record of violations.**

A permanent record of all violations shall be kept in the Board of Selectmen’s office. This record shall be considered in all subsequent liquor related hearings and/or discussions. A statement of each violation shall be sent from the Board of Selectmen to the Commonwealth of Massachusetts Alcoholic Beverages Control Commission.

**17-96. Notice of closing.**

Any licensee intending to close the licensed establishment must notify the Board in writing before such closing, and the Licensee shall state in the notice the reason and length of time of such closing.

**17-97. Use of corporate name; change in corporate managers.**

- G. No licensee shall conduct business for the licensed premises under any corporate or trade name other than that under which the licensee is licensed.
- H. Corporation managers in licensed establishments must not be changed without prior Board approval.

**17-98. Assignment of stock.**

Assignment of stock for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct business of the licensee; therefore, licensees must notify the Board immediately if the assignee forecloses under such assignment of stock.

**17-99. Notification of court proceedings.**

- G. Licensees shall immediately notify the Board of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.
- H. Licensees shall immediately notify the Board of any court proceedings which may affect the status of this license.

**17-100. Disorder, indecency and illegal activities prohibited.**

No disorder, indecency, prostitution, lewdness or illegal gambling shall be permitted in or around the licensed establishment.

**17-101. On-premises consumption required.**

All alcoholic beverages sold must be opened and consumed on the premises, except to the extent legally permissible for closed wine bottles in accordance with Chapter 33 of the Acts of 2006.

**17-102. After-hours sale.**

No member, guest or employee shall be served alcoholic beverages after the legal hour for sale of same.

**17-11032. Prices.**

No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited toward the purchase price of any alcoholic beverage.

**17-104. Use of licensed premises only.**

No licensee shall keep for sale or sell alcoholic beverages in any part of the premises not specified on this license.

**17-105. Inspection of premises.**

The licensed premises shall be subject to inspection by the Berkley police, local building, wiring or plumbing inspectors, health officers, fire prevention staff, or code enforcement, as duly authorized agents of the Licensing Board, or the state or federal law enforcement agents.

**17-106. Plan required prior to renovations.**

No physical renovations shall be made unless a plan is submitted and approved by the Board.

**17-107. List of employees and members.**

A current list of employees and members shall be available upon request of authorized agents of the Board.

**17-108. Solicitation to purchase beverages prohibited.**

No employee and/or entertainer shall solicit, induce or request a patron purchase any alcoholic or nonalcoholic beverage for them or any other person, except where related by blood or marriage.

**17-109. Entertainment.**

There shall be no indecent or immoral entertainment, including but not limited to employees who are unclothed or in such attire as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals, except as expressly permitted through licensure for adult entertainment, on the licensed premises.

**17-110. Discrimination prohibited.**

No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to admission or treatment of any person.

**17-111. Display of licenses and permits.**

All licenses and building certificates shall be posted in a conspicuous place and available at all times to the proper authorities.

**17-112. Continuation of complaints or reports.**

Any police complaints and/or reports, presently on file, shall remain in file continue in force until disposed of by this Board.

**17-113. Signaling devices prohibited.**

No devices or electronic equipment shall be utilized by any licensed premises for the purpose of signaling employees that agents of licensing authorities are present.

**17-114. Closing hours and regulations.**

- P. No member, guest or employee shall be served alcoholic beverages after the closing hour.
- Q. All glasses, bottles or other containers used to serve alcoholic beverages, or containing the residue thereof, must be cleared off the bar, tables or any other place where they may be consumed by any person present no later than 15 minutes after the closing hour.
- R. No person, including employees and management personnel, on any licensed premises shall be in possession of a glass and/or bottle container with alcoholic



beverages contained therein for the purpose of consuming the same 15 minutes after the closing hour.

S. All licensed premises must have all patrons off the premises ½ hour after closing time for example: if licensed until 2:00 a.m., by 2:30 a.m.

T. Employees and/or management personnel must be off the licensed premises as follows: if licensed until 2:00 a.m., by 2:30 a.m. Management and/or employee personnel may stay on licensed premises beyond the above time limits under the following conditions:

A-1. If engaged in cleaning of the establishment.

A-2. If making emergency repairs.

A-3. If providing security (guarding) for the premises.

A-4. If preparing food for the next day's business or opening or closing the business in an orderly manner.

A-5. Police Department must be notified if establishment is remaining open after hours.

**17-115. Lighting.**

Those establishments which operate under subdued lighting conditions, or those that do not meet the below required conditions, must provide normal and/or bright light as follows:

P. For every one-hundred- or fraction-of-one-hundred-person capacity, as set by the Building Department, the licensee must provide a minimum of three hundred (300) watts of white lighting, not colored or shaded. (i.e., if the licensed premises capacity, as set by the Building Department, is two hundred (200) people, a minimum of six hundred (600) watts of lighting would be required. If the licensed premises capacity, as set by the Building Department, is two hundred fifty (250) people, a minimum of seven hundred fifty (750) watts of lighting would be required.)

Q. The above-mentioned required lighting must be placed so that the entire area of the licensed premises where patrons may be found will be lighted by said lighting.

R. This lighting must be used when patrons are leaving the establishment at the end of its period of operation or in a medical or other emergency situation.

S. Battery-operated, power-failure emergency lights now found in some establishments are not acceptable.

T. This regulation will be enforced by the Building Inspector or any enforcement officer named by the Board of Selectmen.

**17-116. Right of Licensing Board to amend regulations.**

The Licensing Board reserves the right to change or add the foregoing terms and conditions after notice to the licensee.

**17-117. Violations of Law.**

Failure to comply with federal, state or local law can result in the modification, suspension, revocation or cancellation of such license.

**17-118. Notification of Police.**

The Berkley Police Department shall be notified of any occurrence of violence or illegal activity at the licensed establishment as soon as practicable to ensure patron and staff safety.

**17-119. Authority; failure to comply.**

These rules and regulations are promulgated under the provisions of Massachusetts General Laws Chapter 138, Section 23, and any failure to comply with these rules and regulations can result in the modification, suspension, revocation or cancellation of such license.

**17-120. Posting of regulations.**

All liquor-licensed establishments must post a copy of these regulations in a conspicuous place within their licensed premises.

**17-121. Police details**

Any function conducted by the licensee on the licensed premises must be covered by a uniformed off-duty police detail to be assigned at the discretion of the Chief of Police. One (1) Police detail officer shall be required for every one hundred (100) patrons. Additional police details may also be required if the event or circumstances jeopardize officer or public safety. If upon inspection by the Berkley Police Department, the licensee is found to have not hired the required number of detail officers, the licensee will be given the option to immediately hire additional officers or immediately terminate the function. The expense of said private details shall be the responsibility of the licensee. No police details will be authorized if the licensee is found to be in arrears for past police details. The police detail shall remain on the licensed premises until the function is closed.

**Article V**  
**Retail Package Store Licenses**

**17-122. Notice of closing.**

Any licensee intending to close his place of business must notify the Board in writing before such closing, and he shall state in his notice the reason and length of such closing.

**17-123. Use of corporate name; change in corporation managers.**

- A. No licensee shall contract bills for his licensed place under any corporate or Trade name other than that under which he is licensed.
- B. Corporation managers in licensed places must not be changed until the Board has approved such change.

**17-124. Assignment of stock.**

Assignment of stock in corporation-licensed places for the purpose of safeguarding the assignee on loans, etc., gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Board immediately when the assignee forecloses under such assignment of stock.

**17-125. Notification of court proceedings.**

- A. Licensee shall immediately notify the Board of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.
- B. Licensees shall immediately notify the Board of any court proceedings which May affect the status of this license.

**17-126. Posting of price list.**

Every licensee shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages. Sales by such licensees shall be made only in the original manufacturer's or wholesaler's and importer's package and at prices stated on the current posted price list.

**17-127. Inspection of premises.**

The licensed premises shall be subject to inspection by the Berkley police, local building, wiring or plumbing inspectors, health officers, fire prevention staff, or code enforcement ,as duly authorized agents of the Licensing Board, or the state or federal law enforcement agents.

**17-128. On-premises consumption prohibited.**

No alcoholic beverages shall be sold to be drunk on the premises, except as may be permitted during a Wine or Malt Beverage Tasting held in accordance with Regulation 17-39.

**17-129. Wine or Malt Beverage Tasting.**

A Wine or Malt Beverage Tasting may be conducted on the premises provided that the following terms are strictly adhered to:

- A. There shall be no charge or fee of any kind to a participant in a Wine or Malt Beverage Tasting.
- B. A Wine or Malt Beverage Tasting shall consist of a participant's sampling at one time of up to five varieties of wine or malt beverage available for sale on such premises.
- C. The individual serving wine may not server in excess of one ounce of wine.
- D. The individual serving a malt beverage may not server in excess of two ounces of malt beverage.
- E. Each Wine or Malt Beverage Tasting shall be conducted under the supervision of either a representative of the wine or malt beverage wholesaler or distributor or an employee of the licensed premises designated by the manager for that purpose; if a licensee chooses to offer Wine or Malt Beverage Tastings under the supervision of a representative of the wine or malt beverage wholesaler or distributor only, he shall be responsible for any violation of this regulation to the same extent as he would be had he designated an employee to supervise.
- F. The Wine or Malt Beverage Tasting shall take place in a designated area of the licensed premises and this area shall not be left unattended at any time during the period when Wine or Malt Beverage Tastings are being offered.
- G. Individual servings of wine or malt beverages shall not be poured except during an individual Wine or Malt Beverage Tasting; any serving(s) not consumed during that time shall be promptly disposed of at the conclusion of that Wine or Malt Beverage Tasting.
- H. The Wine or Malt Beverage Tastings shall be permitted only between the hours of 1:00 p.m. and 8:00 p.m.
- I. All other statutes and regulations shall apply.

**17-130. Use of licensed premises only.**

No licensee shall keep for sale, store or sell alcoholic beverages in any part of the premises not specified on this license.

**17-131. Delivery hours.**

No delivery of alcoholic beverages shall be made except during the legal hours of sale.

**17-132. Sunday sales prohibited.**

Sale of alcoholic beverages shall be prohibited on the licensed premises on Sunday except on any Sundays allowed by the State with the approval of the Board of Selectmen.

**17-133. List of employees.**

A current list of employees shall be available upon request of authorized agents of the Board.

**17-134. Display of licenses and certificates.**

All licenses and building certificates shall be kept in an accessible place on the premises, available at all times to the proper authorities.

**17-135. Continuation of complaints and reports.**

Any police complaints and/or reports, presently on file, shall continue in force until disposed of by this Board.

**17-136. Discrimination prohibited.**

No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to admission or treatment of any person.

**17-137. Right of Licensing Board to amend regulations.**

The Licensing Board reserves the right to change or add to the foregoing terms and conditions after notice to the licensee.

**17-138. Authority; failure to comply.**

These rules and regulations are promulgated under the provisions of Massachusetts General Laws Chapter 138, Section 23, and any failure to comply with these rules and regulations can result in the modification, suspension, revocation or cancellation of such license.

**17-139. Posting of regulations.**

All liquor-licensed establishments must post a copy of these regulations in a conspicuous place within their licensed premises.