

# **Town of Ipswich**

## **Special (“One-Day”) Liquor License Regulations**

Adopted on: May 2, 2016 Adopted By: Board of Selectmen

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### **Purpose:**

A Local Licensing Authority (LLA), in Ipswich, the Board of Selectmen, may issue Special One Day Liquor license to the responsible manager of an indoor or outdoor activity or enterprise, per M.G.L. c.138 §14. This policy outlines the regulations for the issuance of such a license and the application process.

### **General:**

1. Special licenses (M.G.L c.138 §14) for the sale of wine and malt beverages, may be issued by the local licensing authorities, to the responsible manager of any indoor or outdoor activity or enterprise. Special licenses for the sale of all alcoholic beverages (which can included wine and malt beverages), may be issued by the local licensing authorities to the responsible manager of any nonprofit organization conducting any indoor or outdoor activity or enterprise.
2. Special One-Day License may only be issued to by the LLA to a natural person, although the licensee may be a responsible manage acting on behalf of a corporation, partnership, or other entity. The applicant is an individual person, not the non-profit organization.
3. No person may be granted special licenses for more than a total of thirty (30) days per calendar year.
4. A Special license cannot be granted for a premise licensed under section 12 or 15 of M.G.L. c.138.
5. A license under this section shall not be granted to any person while his application for a license under section twelve (12) is pending before the licensing authorities.
6. Charities which have wine donated must apply for a Charitable Wine Pouring Permit or Charitable Wine Auction Permit (M.G. L c.138 §12). Both applications require at least 60 days and require approval from the LLA and the ABCC.
7. The LLA may refuse to issue or reissue a Special One-Day license, if the licensee fails to comply with state of local regulations or any reasonable requirements of the local licensing authority. The LLA may suspend, cancel or revoke a special license, if the licensee fails to comply with state of local regulations or any reasonable requirements of the local licensing authority.

### **Non-Profit Organization**

Non-profit organizations may apply for either a Special One-Day All Alcoholic Beverage License or a Special One-Day Wine and Malt Beverage License. An organization is “non-profit” if it is organized pursuant to M.G.L. c.180. Proof of an organizations non-profit status must be included as part of the application.

### **Profit Making Organizations**

Profit making organizations may apply for a Special One-Day Wine and Malt Beverage License only.

### **Alcohol Must be Purchased from a Wholesaler**

Alcohol, wine and malt must be purchased from an approved licensed wholesaler (M.G. L c.138 §18 and 204 CMR 7.05). A list of licensed wholesaler is available from the Board of Selectmen’s office and on the ABCC website ([www.mass.gov/abcc](http://www.mass.gov/abcc) - found on the right side under News & Updates). Within five (5) business days after the event, a paid receipt from the ABCC authorized wholesaler must be provided to the Board of Selectmen’s office.

Holders of Section 12 of Section 15 licenses, that are not Massachusetts licensed wholesalers, are subject to disciplinary action by the LLA if such a license is found to have illegally sold alcohol to Section 14 license holders.

Alcohol cannot be donated for Special One-Day Events (M.G. L c.138 §18 and 204 CMR 7.05).

### **Application Process**

The applicant must fully complete the application for a Special One-Day Liquor License. The application and fee must be submitted at least sixty (60) days prior to an event if it is the first time the particular event has occurred or forty-five (45) days prior if the event is a repeat event and there are no changes. A site plan of the area to be licensed must be included with the application.

All applications are reviewed by the Board of Selectmen's office, Police Department, Fire Department and Board of Health. Other Town departments may be required to review the application depending on the location. Once reviewed applications are submitted to the Board of Selectmen for approval.

### **Requirements**

1. Alcohol, wine and malt must be purchased from an approved licensed wholesaler (M.G. L c.138 §18 and 204 CMR 7.05). A list of licensed wholesaler is available from the Board of Selectmen's office and on the ABCC website ([www.mass.gov/abcc](http://www.mass.gov/abcc) - found on the right side under News & Updates). Within five (5) business days after the event, a paid receipt from the ABCC authorized wholesaler must be provided to the Board of Selectmen's office.
2. A copy of the licenses shall be prominently posted adjacent to where the alcoholic beverages are dispensed and shall be available for inspection during the hours and at the location for which it is being issued.
3. Special One-Day Licensees may only serve alcoholic beverage between the hours of 10:00 a.m. and 11:30 p.m. All applications shall detail the requested hours for the event. Notwithstanding the foregoing, the LLA may alter the specific hours and terms of sale and service of alcohol.
4. The last drink must be served thirty minutes before the closing hours as stated on the approved license. All glass and bottles must be cleared from the licensed area within fifteen (15) minutes after the closing hour.
5. All servers shall have successfully completed an approved alcoholic beverage server training program and shall provide evidence of the same with the application.
6. Any licensee and his/her employees, agents, and/or volunteers may not drink any alcoholic beverage during the event or after the closing hour at the licensed premise.
7. No alcoholic beverage shall be sold or given to anyone under twenty-one years of age, under the influence of drugs or to an intoxicated person.
8. Pursuant to ABCC regulations, no licensee, his/her employees, agents, and/or volunteers of a licensee shall deliver more than two (2) drinks to any one person at one time [204 CMR 4.3(1)(b)].
9. The Ipswich Police Department and the LLA or its agents shall have the right to review the special one-day license at the event to ensure that its provisions are adequately completed. The Licensee shall cooperate fully at such inspection.
10. No alcohol may be stored on any unlicensed premise. For special events covered under the Special One-Day License, alcohol must be delivered the day of the event and removed from the premises after the event at the expiration of the license. Under State Alcoholic Beverage Control Law, M.G.L. c.138 §22, holders of a Special One-Day license may not transport alcohol without a permit.

### **Licensed Premises**

1. The applicant for the special license must obtain permission to use the proposed license location prior to filing the application. The applicant may be required to submit written proof of permission to use proposed location.
2. The area for the service and consumption of alcohol must be delineated according to the approved site plan and monitored periodically through the event by the licensee.
3. The premise to be licensed shall be in compliance with the Fire Department's seating capacity limit.
4. If the premise to be licensed is an indoor venue, said premise must have a valid certificate of occupancy.
5. The LLA or Police Department may require a police detail for an event.

### **Outside Events – Not on Town Property**

The LLA may require a site visit prior to approval of outside events and may require additional security. It is essential that the licensee have control of the area in order to preclude service of underage persons, to intoxicated persons and other violations. The premises must have a durable means of boundary to prevent patrons or members of the public from wandering in and out. The licensees should have a view of the outside of the premises at all times. The area should have

adequate means of entrance and exits in case of emergency. Applicants shall consider the type of neighborhood and the potential for noise in the environment. If a tent will be used during the event the licensee is responsible for obtaining a tent permit.

### **Events on Town Property**

The LLA authority may issue Special One-Day license for Town property (Town Bylaws, Chapter XV, Section 1C). All organizations interested in serving alcohol on or in Town property must obtain a Special One-Day license. This includes, but is not limited to, the use of Town owned buildings, greens, streets and common ways. Special One-Day License will not be granted for events on/at official Town parklands (Town Bylaws, Chapter XIII, Section 1C) which include: the North Green. The Town has the right to reject any requests to serve alcohol on Town property. Attendance at the Board of Selectmen's meeting when the request is going to be discussed is required.

**Requirements for Events on Town Property:** In addition to the requirements listed above the following additional requirements must be completed:

1. Applicant must provide proof of General Liability Insurance and Liquor Liability Insurance, both of which name the Town as an additional insured prior to the event. If proof of both insurances with the Town named as an additional insured is not provided prior to the event, the one day special liquor license will be void.
2. Special One-Day Licensees for events on Town property may only serve alcoholic beverage between the hours of 10:00 a.m. and 9:00 p.m. All applications shall detail the requested hours for the event. Notwithstanding the foregoing, the LLA may alter the specific hours and terms of sale and service of alcohol.
3. A detailed map of the defined area where alcohol will be served and/or consumed must be included in the application. The map must include points of access, emergency vehicles access points and details about what will be used to mark the area (ropes, walls, barricades, etc.).
4. Any request for the Department of Public Works to provide barricades must be coordinated with said department. If the request entails overtime of employees, the cost of the overtime is to be paid by the applicant.
5. Events in/on Town property may require a custodian to be present. If the request entails overtime of custodians, the cost of the overtime is to be paid by the applicant.
6. Events on Town properties may require additional police details at the discretion of the Chief of Police. All costs of police details are the responsibility of the applicant.
7. Only one drink per person may be served on Town property and drinks served must be under, eight (8) ounces (mixed drinks and wine); one (1) ounce for distilled spirits; and twelve (12) ounces for beer
8. For outdoor events, all alcohol must be served in plastic cups/glasses.
9. If there are additional licenses and/or permits needed for the event (i.e. entertainment license, tent permit, food permits), they must be obtained prior to the license being issued.