

**Town of Andover
Town Clerk's Office, 36 Bartlet Street
Andover, Massachusetts 01810**



**Board of Selectmen / Liquor Licensing Authority
Alcoholic Beverage Policy (excerpt)
Includes October 2011 amendments**

EVENTS WITH ALCOHOL

18. (a) EVENTS WITH ALCOHOL IN GENERAL

One Day Special Licenses are issued by the Board of Selectmen pursuant to MGL Ch. 138 Section 14. The Town Clerk, as licensing agent of the Board, is authorized to issue One Day Special Licenses without prior approval of the Board.

Alcohol served at events held outside of a private residence are presumed to result in a sale of alcohol. As such, a One-Day Special License under Chapter 138 Section 14 shall be required for such events, unless such event falls within an exception stated in this policy.

PRIVATE PARTIES – EXCEPTIONS TO ONE-DAY SPECIAL LICENSE

In the case of events held by private residents, outside of their private residence, the Town shall not require a special license where: 1) the event is by invitation only, 2) money is not exchanged for alcohol, 3) tickets are not sold, 4) a donation is not required or solicited, or 5) an entrance fee is not charged.

BUSINESSES AND CHARITIES

Businesses or charities who hold events where liquor is served are required to obtain a One-Day Special License from the Board of Selectmen unless evidence is provided to the Licensing Agent which rebuts the presumption of a sale. The Licensing Agent shall determine whether a Special License is required under Chapter 138 Section 14, and applicable rules and regulations. In making such a determination, the Licensing Agent shall consider such evidence as the location of the event, the purpose of the event, who is invited to the event, what fees are charged for the event, and other relevant information.

Charities who have wine donated must apply for a Charitable Wine Pouring or Charitable Wine Auction.

18. (b) EVENTS AT THE TOWN HOUSE

SPECIAL LICENSE REQUIREMENT

All businesses or organizations holding events at the Town House must file an application for a One-Day Special License with the Town Clerk. The Town Clerk's Office will determine if a License from the Board of Selectmen is necessary.

Private individuals holding events at the Town House where alcohol is sold, tickets are sold, or an entrance fee is charged, must obtain a One-Day Special License. These events are only eligible for a Beer and Wine License.

PURCHASE FROM A WHOLESALER

For events that are required to obtain a One-Day Special License, all alcohol must be purchased by the license holder from a licensed Massachusetts wholesaler, in compliance with M.G.L. Chapter 138, Section 14. Alcohol may not be purchased out of state, from a caterer, or from a Section 15 Package Store.

A list of wholesalers is available at the Town Clerk's Office or through the State Alcoholic Beverages Control Commission.

EVENTS THAT DO NOT REQUIRE A SPECIAL LICENSE

Private individuals holding private parties or events at the Town House are not required to obtain a One-Day Special License where: 1) the event is invitation only and 2) alcohol is not sold, tickets are not sold, a donation is not required or solicited, or an entrance fee is not charged.

GENERAL REQUIREMENTS

In all cases, where alcohol is served, it must be served by a caterer or bar service who has presented evidence of liquor liability insurance to the Town. The Town has the right to reject any requests to serve alcohol at the Town House regardless of whether a Special License is required.

18. (c) SPECIAL LICENSES IN GENERAL

Special licenses may be issued only to a natural person or a natural person in conjunction with a business, organization, or charity. The person named on the Special License *must* sign the application for the license. The person named on the license is responsible for management of the license and shall be on the premises for the entire event. The person named on the license shall be a United States citizen.

All Alcoholic Special Licenses shall only be issued to a non-profit organization. Proof of an organization's non-profit status may be required.

A person or entity may only be issued a maximum of 30 One-Day Special Licenses in any calendar year.

WHOLESALERS

Individuals / Organizations that are required to obtain a One-Day Special License are required to purchase all alcohol directly from a Massachusetts licensed wholesaler. Alcohol may not be purchased out of state, from a caterer, or from a Section 15 Package Store.

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

SERVICE

For events required to obtain a One-Day Special License, alcohol shall be served by a caterer or bar service.

STORAGE OF ALCOHOL

No alcohol may be stored on any unlicensed premise. For special events covered under a One-Day Special License, alcohol must be delivered the day of the event and removed from the premises after the event at the expiration of the Special License. Under State Alcoholic Beverages Control Law, M.G.L. Chapter 138, Section 22, holders of a One-day Special License may not transport alcohol without a permit. A caterer may transport alcohol on behalf of a Special License holder only if that caterer has a current transport permit issued by the Alcoholic Beverages Control Commission.

POSTING

The licensee is required to post the Special License in a conspicuous location during the event.

HOURS

No special licensee may sell or deliver any alcoholic beverages between the hours of 2:00 a.m. and 8:00 a.m.

Special licensees may sell or serve alcoholic beverages between the hours of 11:00 a.m. to 1:00 a.m., Monday through Saturday, and 12:00 p.m. to 1:00 a.m. on Sundays. The Board of Selectmen has the authority to dictate the specific hours and terms of sale and service of alcohol.

ISSUANCE, SUSPENSION, CANCELLATION, OR REVOCATION

The Board of Selectmen has the authority to refuse to issue or reissue a special license, if the licensee fails to comply with state or local regulations or any reasonable requirements of the local licensing authority.

The Board of Selectmen has the authority to suspend, cancel or revoke a special license, after a hearing, if the licensee fails to comply with state or local regulations or any reasonable requirements of the local licensing authority.

18. (d) SPECIAL LICENSE: FARMER-WINERY

Pursuant to MGL Chapter 138 Section 15F the Licensing Board may issue to an applicant authorized to operate a farmer-winery under Section 19B of Chapter 138, or any other state, a special license for the sale of wine produced by or for the licensee for off-premises consumption at an indoor or outdoor agricultural event.

All sales shall be conducted by an agent, representative, or solicitor of the licensee to customers who are at least 21 years of age.

A licensee under this section may provide, without charge, samples of wine to prospective customers at an indoor or outdoor agricultural event in conformity with said Section 15F as the same may be from time to time amended.

The term “agricultural event” shall be limited to those events certified by the Department of Agricultural Resources as set forth in said Section 15F. A copy of the certification, with all supporting documentation submitted to the Department, shall be submitted to the Town Clerk with the license application.

A license may be granted for an indoor or outdoor agricultural event which takes place on multiple dates and/or times during a single calendar year but no special license shall be granted for an agricultural event that will not take place within one calendar year.

The license application form shall be prepared by the Town Clerk and shall be made available on request. The application shall be signed on behalf of the applicant by a natural person duly authorized by the applicant and by the agent, representative or solicitor (as those terms are used in section 15F) on his or her own behalf. The authorized signer for the applicant and the agent, representative or solicitor may be the same person.