



**TOWN OF ANDOVER  
ALCOHOLIC BEVERAGE LICENSE POLICY  
EXCERPT**

**F. EVENTS WITH ALCOHOL IN GENERAL – SPECIAL LICENSES**

1. One Day Special Licenses are issued pursuant to MGL Ch. 138 Section 14.
2. 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. 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.
3. Businesses or charities which hold events where liquor is served are required to obtain a One-Day Special License 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.
4. Charities which have wine donated must apply for a Charitable Wine Pouring or Charitable Wine Auction.
5. Events at the Town House – Special Requirements
  - (a). 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 is necessary.
  - (b). 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.
  - (c). 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.

(d). 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.

6. For events that require a One-Day Special License, all alcohol must be purchased from a licensed Massachusetts wholesaler, in compliance with M.G.L. Chapter 138, Section 14, or a Caterer licensed under M.G.L. Chapter 138, Section 12C. Alcohol may not be purchased from any other source. A list of wholesalers is available at the Town Clerk's Office or through the State Alcoholic Beverages Control Commission.
7. 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.
8. All Alcoholic Special Licenses shall only be issued to a non-profit organization. Proof of an organization's non-profit status may be required.
9. A person or entity may only be issued a maximum of 30 One-Day Special Licenses in any calendar year.
10. 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.
11. 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.
12. The licensee shall post the Special License in a conspicuous location during the event.
13. 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. Notwithstanding the foregoing, the Board of Selectmen may alter the specific hours and terms of sale and service of alcohol.

14. The Board of Selectmen may 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 may 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.