



Carry in Liquor (BYOB) Policy and Regulations

SELECT BOARD

Town of Boxborough, MA

Intent and Purpose

To set forth the policy and regulations by which persons and entities with Common Victualler Licenses, but not liquor Licenses, can allow patrons to bring their own alcoholic beverages into the premises ("BYOB"). This policy was created to adhere to Massachusetts General Law (MGL). Any future changes to MGL will require changes to this policy.

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Definitions

The Boxborough Select Board is the **Local Licensing Authority (LLA)** for the Town of Boxborough.

Carry-in Alcoholic beverages are beer and wine in previously unopened containers.

Policy on Licenses

No person or entity Licensed as a Common Victualler shall allow the consumption of alcoholic beverages on the Licensed premises, unless (1) it also holds a License to sell alcoholic beverages issued by the LLA pursuant to G.L. c. 138, or (2) it is expressly permitted by the LLA to allow patrons to bring and consume their own alcoholic beverages into the Licensed premises ("BYOB"). Such permission may only be granted by the Select Board as an express condition on the Common Victualler License.

It shall be the policy of the Town of Boxborough, through its LLA, to allow the possession and/or consumption of carry-in alcoholic beverages by a person of lawful age at those commercial food service establishments which have a Common Victualler License and have been issued a License by the LLA. The issuance of a License is at the sole discretion of the LLA. A License for carry-in alcoholic beverages shall

be issued for no more than one year and must be reapplied for annually at the time of renewal of the Common Victualler's License. The hours during which the consumption of carry-in of alcoholic beverages is allowed shall be at the discretion of the LLA and shall be specified on the License. A License for carry-in alcoholic beverages shall be issued in the name of the manager and shall not be transferred to a new manager without the prior approval of the LLA.

Carry-in Alcoholic Beverages License Requirements

Any establishment which has been issued a Common Victualler's License and which applies for a Carry-in Alcoholic Beverages License allowing for the consumption of Carry-in Alcoholic Beverages on premises shall comply with all of the following regulations unless otherwise waived by the LLA.

- The establishment shall have a valid Common Victualler's License that has been in good standing for at least one year in conformance with the LLA's licensing policy.
- The establishment may not hold an alcoholic beverages License issued under the provisions of G.L. c. 138. (An establishment with a pouring liquor License and/or a package License is not permitted by law to also have a Carry-In Alcoholic License).
- Patrons are allowed to carry in only wine and beer, and only for personal consumption. All patrons wishing to carry-in wine or beer and all persons consuming wine or beer must be 21 years of age or older. The maximum amounts of wine or beer that may be carried in by any given patron in the course of any given calendar day are: (a) one 750 milliliter (ML) container of wine, or (b) two containers of beer (not to exceed 24 ounces (OZ) in total) per patron. The manager of the establishment shall be responsible for ensuring compliance with these consumption limits.
- Patrons bringing in alcoholic beverages for their personal consumption must order food from the menu and consume some or all of the food on the premises.
- The staff assisting a patron with carry-in alcoholic beverages must be 18 years of age or older. Bus staff under the age of 18 shall not be allowed to clear from the tables containers from which carry-in alcoholic beverages were poured or consumed.
- Alcoholic beverages are to be consumed inside the area licensed for consumption.
- No alcoholic beverages may be served or handled by employees. This includes opening, pouring, storing, refrigerating or resealing. Employees may provide bottle openers, resealers and beer/wine "doggie-bags" for use by patrons. The establishment may provide patrons with empty glasses or cups, but shall not assess any additional cost to the patrons for doing so.
- No alcoholic beverages may be removed from the premises unless resealed, and the resealed container is placed in a transparent, sealable plastic wine "doggie-bags" in the manner provided for in the Alcoholic Beverages Control Commission's regulations at 204 CMR 2.18(4). The resealed bottle shall be placed in a one- time-use tamper-proof transparent bag that ensures that the patron cannot gain access to the bottle while in transit after the bag is sealed. The bag shall be securely sealed before the patron leaves the establishment.
- The onsite shift manager of the food service establishment with carry-in alcoholic beverages must verify the age of any individual consuming the alcoholic beverage who appears to be under the age of 30. Pursuant to G.L. Ch. 138, Section 34, patrons under the age of 21 shall not be allowed to consume carry-in alcoholic beverages.

- Each onsite shift manager must be trained in alcohol management (BAT) or server training course (TIPS) and shall provide proof of such training to the LLA.
- The onsite shift manager shall be responsible for ensuring that no patron becomes a disturbance to others and shall request assistance from the Boxborough Police Department as needed to ensure the same.

Nothing in this policy shall preclude a food service establishment from imposing additional limits or restrictions on patrons with carry-in alcoholic beverages.

If the business is not operated in a manner that is consistent with these regulations, the LLA may, after notice to the Carry-In License holder and reasonable opportunity for a hearing, suspend or revoke the Carry-In License.

Once the Carry-in Alcoholic Beverages License Application is issued it must be visibly displayed at the establishment.

Enforcement

These regulations may be monitored, with and without notice, by agents of the LLA and the Town of Boxborough Police Department.

Any violation of the provisions of this section shall constitute grounds for suspension or revocation of the Common Victualler's License. If the establishment is not operated in a manner that is consistent with these regulations, the LLA may, after written notice to the Carry-in Alcoholic Beverages License Holder and reasonable opportunity for a hearing, suspend or revoke the Carry-in Alcoholic Beverages License.

License Application Procedures

The Applicant shall complete a Town of Boxborough Carry-in Alcoholic Beverages License Application Form.

Upon receipt of a request from a Common Victualler's Licensee to allow patrons to bring and consume alcohol on the Licensed premises, the LLA shall conduct a **public hearing** on said request, notice of said hearing to be published in the manner set forth at G.L. c. 138, § 15A at the Licensee's expense. At least ten days prior to such hearing, notice shall be advertised in a local newspaper with and shall be provided by certified mail to the direct abutters. **Renewal** of a Carry-in Alcoholic Beverages License shall not require a public hearing.

A copy of the Application shall be forwarded for comment to the Town of Boxborough Police Chief, Fire Chief, Inspector of Buildings and Tax Collector. The LLA may not act on the Application without having first received sign-offs from these departments.

The Applicant shall be responsible for the following fees and costs:

- All costs of advertising and mailing for public hearing notice purposes.
- An Initial License fee of \$50.
- A Renewal fee of \$50.

The LLA may consider factors including, but not limited to, the public need or convenience, traffic, noise, size, type of business and the reputation of the applicant. Upon complete review of the material presented and all facts relevant to the application, the LLA may in its sole discretion issue a License hereunder including any appropriate conditions applicable thereto.

Term

A License issued hereunder shall be valid for a period of one (1) year or until December 31 of the year issued whichever is the first to occur.

This policy revokes and replaces all previous policies on this topic including the Carry-in Liquor Policy (BYOB) dated October 19, 2015.