



Rules & Regulations

of The New Bedford
Licensing Board
for those licensed to sell
alcoholic beverages
both on and off
the premises

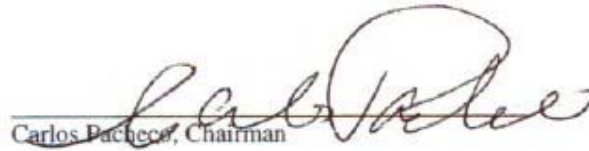
Effective
March 16, 1998



**CITY OF NEW BEDFORD
MASSACHUSETTS**
LICENSING BOARD

SET OF THE RULES AND REGULATIONS OF THE NEW BEDFORD
LICENSING BOARD
EFFECTIVE MARCH 16, 1998.

VOTED ON AND APPROVED BY THE
NEW BEDFORD LICENSING COMMISSIONERS ON MARCH 16, 1998.


Carlos Pacheco, Chairman


Bradley N. Castello, Commissioner


Steven A. Beauregard, Commissioner

HOLIDAY CLOSINGS

The following holidays are the only ones
that are now observed:

Hotels, Restaurants, Taverns & Clubs **CLOSED** until **11:00** am

Memorial Day
Christmas Day

OPEN ALL DAY

Thanksgiving Day

Package Goods Stores

CLOSED All day

Memorial Day
Thanksgiving Day
Christmas Day

(All other holidays in the year are considered as regular hours.)

LICENSING BOARD OF THE CITY OF NEW BEDFORD

GENERAL RULES AND REGULATIONS

(FOR THOSE LICENSED TO SELL ALCOHOLIC BEVERAGES
BOTH ON AND OFF THE PREMISES)

THE SALE OF ALCOHOLIC, WINE AND MALT BEVERAGES
IS GOVERNED BY THE PROVISIONS OF CHAPTER 138 OF
THE GENERAL LAWS, ANY AMENDMENTS, AND ALL
RULES AND REGULATIONS PROMULGATED BY THIS
BOARD NOW AND HEREAFTER.

1. LICENSES may not be transferred or surrendered without the approval of the BOARD.
2. LICENSES may not be issued to persons who are not citizens of the United States.
3. LICENSES shall be posted on the premises so that the same may be easily observed by the public.
4. SALES RECORDS of liquor and beverages shall be maintained and kept available for inspection by the BOARD.
5. SALE of alcoholic, wine and malt beverages to persons under twenty-one years of age is prohibited.
6. EACH CORPORATE LICENSEE shall appoint a manager (by a properly authorized and executed written delegation) who shall have full authority and control of the premises and who shall be satisfactory to the BOARD, and who shall be a United States citizen. Immediate notice of the appointment must be made to the BOARD in writing.
7. LICENSED PREMISES shall be subject to inspection at any time by the Police, Health and Safety Inspectors, the Alcoholic Beverages Control Commission, the Licensing Board and their authorized agents.
8. NO PERSON SHALL STORE, OR KEEP FOR SALE, alcoholic beverages in any area of the building NOT specified on the license.
9. BOOTHS, STALLS or ENCLOSURES which prevent persons therein from being plainly observed by other persons on the premises are prohibited.
10. ALCOHOLIC BEVERAGES SHALL NOT BE served to a person who is or appears to be intoxicated.
11. EXCESSIVE HILARITY, NOISE, CROWDS and OBJECTIONABLE PERSONS shall not be permitted on or about the premises. It is the responsibility of the Licensee to enforce this rule.
12. PREMISES MUST AT ALL TIMES be kept safe, clean, neat and sanitary.
13. SIGNS and ADVERTISEMENTS shall be neat and dignified.
14. SALES of beverages to be taken OFF the premises are prohibited, unless the premises are licensed as a package store.
15. LICENSED CLUBS shall keep door closed and locked. Entrance must be made by use of key or ringing of bell.

16. ALL Licensed liquor establishments shall have their doors and exits closed at all times during business hours, namely from opening time to closing time.

17. ILLEGAL GAMBLING is prohibited on the licensed premises.

18. GLASSES, DISHES, SILVERWARE AND ALL UTENSILS shall be handled and cleansed in accordance with Health Department regulations.

19. WITHIN FIFTEEN MINUTES AFTER CLOSING, all glasses, bottles or containers used for drinking purposes shall be cleared off the tables and bar, and no alcoholic beverage shall be consumed at the expiration of fifteen minutes after closing. All customers must leave the premises no later than 30 minutes after closing.

20. Any licensee intending to close his place of business for any period of time exceeding 7 days must notify the Licensing Board in writing before closing and shall give reason and length of time. On the first day of closing the licensee shall deliver his license to the Licensing Board.

21. NO licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed. Corporate managers of licensed places must not be changed until the BOARD has approved such change.

22. Assignment of corporate stock for licensed places for the purposes of securing loans, etc.; gives no right to assignees to conduct the business of the licensee; therefore, licensees shall notify the BOARD immediately if such assignment is planned and/or if the secured party exercises any act under such assignment or security.

23. Licensee shall immediately notify the BOARD of any proceeding brought against it or undertaken by it under the Bankruptcy laws. All court proceedings must be reported to the BOARD.

24. There shall be no disorder, indecency, prostitution or lewdness on the premises or areas connected therewith.

25. Other than goods sold in PACKAGE STORES, all alcoholic beverages sold must be opened by the licensee or his employee. Such beverages must be consumed on the premises.

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

27. At all times the interior of the premises must be continuously illuminated to the degree of not less than one (1) foot candle except in those portions of the room under furniture, Chapter 802, Section 416, Pt. 83, Acts 1972.

28. A current list of employees shall be submitted to authorized agents of the Licensing Board, upon request.

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

30. All Licenses and Building certificates shall be posted in a conspicuous place and made available to licensing agents.

31. No devices or electronic equipment shall be utilized in any licensed premises for the purpose of signaling employees that agents of licensing authorities are on the premises. "Holdup" warning devices are not to be used to summons the police for any reason other than an actual robbery.

32. The licensed premises shall be subject to inspection by the Police, Fire, Health, Safety Inspectors and the duly authorized agents of the Licensing Board.

33. No employee and/or entertainer shall solicit, induce or request a patron to purchase any beverage for them or any other person.
34. The Licensing Board reserves the right to change or add to these regulations after notice to the licensee.
35. All licenses shall be posted on the premises in a conspicuous location, viewable to the public so as to be easily read.
36. Licenses are subject to suspension, revocation on forfeiture after hearing for breach of any of the listed regulations or any law of the Commonwealth.
37. Licensee must obtain all necessary licenses from all departments including City Clerk, City Council, and Police Department in connection with live entertainment.
38. All entertainment shall be so conducted that no noise shall be audible upon any abutting premises.
39. Entertainment or dancing must be confined to some space provided for the purpose.
40. All areas where dancers perform shall be separated by a passageway of at least four (4) feet in width between any stage, platform or area where drinks are served or consumed. Patrons shall not be permitted in area where performances are taking place.
41. The type and hours of entertainment shall be subject to reasonable regulations by the Licensing Board.
42. It is forbidden for a licensee to permit or encourage any performer to obscenely expose, touch, caress or fondle the breasts, buttocks or genitals of his or her person or any other person.
43. It is forbidden for a licensee to employ or permit any person to obscenely wear or use any device or covering exposed to view which simulates the breasts, buttocks, pubic hair, or genitals or any parts thereof.
44. It is forbidden for a licensee to employ or permit any person in or on the premises to obscenely perform any act or acts of :

Masturbation, sexual intercourse actual or simulated, normal or otherwise, or any touching of the genital, pubic areas or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals, any depiction or representation of the genitals, flagellation or torture in the context of a sexual relationship.
45. VISUAL DISPLAYS - It is forbidden for a licensee to employ or permit any person in or on the premises to show motion pictures, television type cassettes, still pictures or other photographic reproductions depicting any of the acts described in Regulation No. 42, 43 and 44.
46. Patrons or customers shall not be permitted to mingle with, or participate in entertainment acts with, dancing entertainers while performing.
47. All licensed establishments except for private clubs shall remain open to the public during normal business hours, and "private parties" shall not be permitted.



City of New Bedford
MASSACHUSETTES
OFFICE OF THE LICENSING BOARD
CITY HALL, ROOM 206

PLEASE POST & ISSUE TO ALL EMPLOYEES

ACCEPTABLE FORMS OF IDENTIFICATION:

To have a defense to the charge of delivering or selling alcoholic beverages to an underage person, licensee must reasonably rely **on one of four types of identification ONLY:**

- (1) Massachusetts driver's license:
- (2) Massachusetts Registry of Motor Vehicles liquor identification card:
- (3) Passport issued by the United States or a country recognized by the United States:
- (4) Valid military identification card (interpreted by the ABCC to be the green, active service card).

Identification must be checked on the day of service, even if the licensee has checked an individual's identification on previous occasions.

SALE of alcoholic, wine and malt beverages to persons under twenty-one years of age is prohibited.

HAPPY HOUR RESTRICTIONS: ABCC 204 CMR 4.03:

(1) No licensee or employee or agent of a licensee shall:

- Offer or deliver any free drinks to any person or group of persons;
- Deliver more than two drinks to one person at one time;
- Sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
- Sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
- Sell, offer to sell or deliver drinks to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
- Sell, offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time;
- Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;
- Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes.

(2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03.

*******See Next Section Regarding Bottle Service Restrictions*******

(VIP) BOTTLE SERVICE —*Approved & Adopted by Licensing Board Vote February 22, 2010*

Be Advised, any type of (VIP) Bottle Service is a violation of the Happy Hour Restrictions (ABCC 204 CMR 4.03, inclusive). Therefore, no licensee nor any agent for the licensee or person on behalf of the licensee shall advertise, promote, or offer in any way, whether within or without the licensed premises, any of the practices prohibited under ABCC 204 CMR 4.03; **it's solely the responsibility of the licensee to ensure that no violation of this provision occurs within** the premises, or is offered in any in promotional ads whether in print or electronically.

Exceptions ABCC 204 CMR 4.04:

Nothing contained in 204 CMR 4.03 shall be construed to prohibit licensees from offering free food or entertainment (if licensed) at any time; or to prohibit licensees from including a drink as part of a meal package; or to prohibit the sale or delivery of **wine by the bottle or carafe only**, when sold with meals or to more **than** one person.

"UNDER 21 EVENTS"

- **No Licensee shall permit any "Under 21 Night" in any liquor licensed establishment Refer to:** New Bedford Code of Ordinances Sec. 15-96, Sec. 15-97 (exceptions)
- **No "Under 21 Club" or "Under-21 Party/Dance" shall be permitted whether or not the premises licensed for the sale of alcoholic beverages. (06/03/96)**
- **Subject: 'Under 21 Club' / 'Under 21 Night'**
Please be advised of the following New Bedford Code of Ordinances and Licensing Board Regulation with respect to minors:

Section 1596. Exclusion of minors from liquor establishments during entertainment

No person under the age provided in Massachusetts General Laws shall be present or go upon premises licensed for the sale of alcoholic beverages, if the premises are, or should be, licensed for entertainment, while entertainment is being offered thereon.

Section 1597. Same Exceptions

The provisions of section 15-96 shall not apply to a minor when accompanied by such minors parent or legal guardian, or by a spouse the age provided in Massachusetts General Laws, Chapter 138, section 34, while performing as a bona fide professional or amateur entertainer, while calling for a "take-out" order and without loitering on the premises, or while at a wedding.

Licensing Board Regulations June 3 1996

Regulation bans any 'Under 21 Club' in the City of New Bedford and any 'Under 21 Night' in any liquor licensed establishment in the City of New Bedford.

COVER CHARGE REGULATIONS: ABCC204CMR2.16: M.G.L. Ch.140, sec.183D

- **A "cover charge" shall not be collected in advance** of gaining entrance to a licensed premises and **a written or printed receipt permanently recorded and numbered** must be presented to each individual customer or group of customers.
 - **A sign stating the cover charge** must be posted **outside the** premises.
 - **Licensees cannot charge a minimum charge** for the purchase of alcoholic beverages or place **a minimum drinking requirement** upon any customer.
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TAGAKEG: ABCC204CMR9.00

- All package store licensees **must abide by ALL special requirements** enacted by the Alcoholic Beverages Control Commission regarding the **sale of keg beer**.
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City of New Bedford
MASSACHUSETTES
OFFICE OF THE LICENSING BOARD
CITY HALL, ROOM 206

PLEASE REVIEW & KEEP ON FILE

- **Corporate Changes Affecting Liquor Licenses**

Ref: M.G.L. Ch. 138, Sec. 12, 15, 15A, 23

All license holders **must file an application** with this office for approval from the New Bedford Licensing Board and the ABCC when making any of the following changes:

- **Transfer of license**
- **Transfer or Issuance of stock**
- **Pledge of license or stock**
- **Changing or Adding of new officers, directors and/or stockholders**
- **Change of Description - alteration of premise and/or location**
- **Change of license type, corporate name, d/b/a, or manager**

Failure by the licensee to maintain compliance of the requirements of Chapter 138 may be just cause for a hearing to **modify, suspend, revoke or cancel any such license.**

Please Check Your Records and File Any Changes With This Office To Be Filed With The ABCC Immediately

***All Corporations Must File Their 'Massachusetts Corporation Annual Report' With the Secretary of the Commonwealth by September 1.**

Closure or Cessation of Licensed

Business New Bedford Licensing Board Rules & Regulations (#20)

Any licensee intending to close their place of business for any period of time **exceeding seven days** must notify the licensing Board in writing before closing and shall give a reason and the estimated time for closure. On the day of closure, the licensee shall deliver said license to the office of the Licensing Board.

ABCC Notice - Dated 10/01/04

NOTICE TO ALL RETAIL LICENSEES

The Alcoholic Beverages Control Commission announces that **on October 1, 2004 it will launch a compliance initiative** to identify all existing retail licenses issued pursuant to M.G.L. c. 138, § 12 and § 15 that are not being actually operated. Any licensee that does not comply with its obligations to conduct the licensed business and holds a so-called "pocket license" will be subject to enforcement action by the Commission.

Licensees are reminded that M. G. L. c. 138, § 77 provides that the Commission may cancel the license of any license holder who ceases to conduct the licensed business.

Licensees should be conducting the licensed business on all days and hours as authorized by the license. Any licensee not conducting the business as of the date of this notice, **should immediately comply with its**

Please Feel Free To Call This Office With Any Questions Regarding Any Of The Enclosed Information **508-979-1457**



City of New Bedford
MASSACHUSETTES
OFFICE OF THE LICENSING BOARD
CITY HALL, ROOM 206

PLEASE REVIEW & KEEP ON FILE

**SECTION 12 LICENSE HOLDERS (ON PREMISE)
SECTION 15 LICENSE HOLDERS (OFF PREMISE)**

Please Be Advised that it has come to the Boards attention through complaints and discovery that there may be **Retail Package Stores (Section 15 License Holders)** who are **selling and/or supplying alcohol** to **On Premise Establishments (Section 12 License Holders)** as well as unlicensed clubs **which is illegal** under M.G. L. Ch. 138, sec. 22, 23 & 30H.

A Retail Package Store License Holder (Section 15) **cannot sell or deliver alcoholic beverages** to any On Premise License Holder or to any On Premise location that is not licensed by the ABCC and the New Bedford Licensing Board.

Conversely, **it is illegal for any On Premise (Section 12)** license holder to purchase, store or offer for sale any alcoholic beverages, including beer & wine, other than those purchased from a licensee under Ch. 138, Sec. 18 (Wholesaler or Importer), Sec. 19 (Manufacturer), Sec. 19B (Farmer — Winery), or Sec. 19C (Farmer — Brewery). All Section 12 license holders **must have proof of purchase on file** for inspection by the ABCC or the local licensing authorities and/or their agents.

Any violation of the above regulation may result in the **modification, suspension, revocation or cancellation of license** under M.G.L. Ch.138, Sec. 64.

Any complaints or reports of violations regarding this issue may be forwarded directly to the ABCC for investigation by their office.

NEW BEDFORD LICENSING BOARD