

# **Amherst Board of License Commissioners**

## **Regulations for the Consumption of Alcoholic Beverages on Public Property**

Voted by the Board of License Commissioners on April 29, 2021.

### **Section 1: Purpose**

To regulate the sale and service of alcohol during short-term special events on Public Property in a manner that is respectful of that property and town services, protects the health and safety of both visitors and inhabitants, and provides inclusive and family-friendly cultural and economic enhancement to the town.

### **Section 2: Authority**

Massachusetts General Laws (MGL) c. 138, Amherst Home Rule Charter 6.3, and the General Bylaws of the Town of Amherst 3.17 - Open Containers of Alcohol.

### **Section 3: Definitions**

As used throughout these regulations, the terms contained within MGL c. 138 and MGL c. 140 will have the meaning as defined by statute. In addition, and to the extent not inconsistent with MGL c. 138 and c. 140, the following terms will have the following meanings:

**“Board”** – The Town of Amherst Board of License Commissioners.

**“Public Property”** – any public way, public park, town-owned building, or other town-owned property within the Town of Amherst. For the purposes of these regulations, “Public Property” does not include any property owned by the state or federal government or agencies or institutions thereof.

**“Public Way”** – Any property in the Town of Amherst as defined under MGL c. 90 Sec. 1, or under the General Bylaws of the Town of Amherst 3.17.

**“Schedule A”** – The list locations on Public Property designated by the Board as generally recognized as appropriate for events involving alcohol service.

**“Special Short-Term Alcohol Serving License”** – any special license issued under MGL c. 138 Section 14.

### **Section 4: Applicability**

These regulations shall apply Special Short-Term Alcohol Serving Licenses and associated applications made for locations on Public Property.

These regulations are promulgated in addition to ABCC regulations and all other Town regulations, including those instituted by the Board regarding Special Short-Term Alcohol Serving Licenses, and Town Council Policy Regarding the Control and Regulation of the Public Ways.

## **Section 5: Application Procedure**

Application for a Special Short-Term Alcohol Serving License on Public Property shall be made no less than 30 days before the event.

Before applying for a Special Short-Term Alcohol Serving License on Public Property, the applicant must first secure a reservation for the proposed location of alcohol service from the appropriate authority. For public ways, this is the Town Council, or their designee according to the Town Council Policy Regarding the Control and Regulation of the Public Ways; for Town-owned property outside of a public way, this is the Town Manager. Written confirmation of this space reservation must accompany the application for the Special Short-Term Alcohol Serving License on Public Property.

The Board will maintain a list, known as Schedule A, of areas of Public Property generally recognized as appropriate for events involving alcohol service. This does not mean that every event is appropriate in these spaces, and the Board reserves the right to make case-by-case determinations of the appropriateness of each event. Applications for areas not listed on Schedule A are subject to a case-by-case review by the Town Manager, who may deny the application for any reason.

In addition to the requirements for the Special Short-Term Alcohol Serving License to be granted by the Board under MGL c. 138, an applicant for a Short-Term license on Public Property must provide the Board prior to the public meeting:

- 1) Written confirmation of the reservation of the space proposed to be licensed.
- 2) A Management Plan detailing how the licensee will verify the age of patrons consuming alcohol, monitor patrons for safety and compliance with these regulations, and manage trash and recycling.
- 3) A Site Plan detailing the area proposed for alcohol service, including barriers or other methods of delineation of the area proposed for alcohol service, signage, alcohol points of sale, seating, any permanent or temporary structures in the area, and any food vendors.
- 4) Indemnification Form
- 5) Copy of TIPS certification for the designated onsite manager.
- 6) If an All Alcohol Permit is sought, proof of nonprofit status is required (501(c)(3) or equivalent).

After the application for a license is approved by the Board, but before the license is issued, the applicant shall provide proof of liquor liability insurance covering the date(s) of the license in the amount of \$1,000,000. The Town of Amherst must be listed as an additional insured in the insurance policy. This proof of insurance shall be provided no less than 5 days before the event. If proof of insurance is not received by this time, the license shall be void and forfeit.

## **Section 6: Review Procedure**

An application for a Special Short-Term Alcohol Serving License on Public Property will be reviewed by, and must receive approval from, the Police Chief, Fire Chief, and Town Manager before it is reviewed by the Board at a public meeting.

The Board or Town officials may, at their discretion, require additional information from applicants to determine the suitability of the applicant and the applicant's plan to manage alcohol service.

The Police or Fire Chief may require a police or fire detail at the event to ensure public safety. The cost for this detail shall be paid by the applicant.

Review will happen at a regular public meeting of the Board.

## **Section 7: Operational Regulations**

### **Section 7.00 General Regulations**

- 7.01** The hours of alcohol service shall be as determined by the Board.
- 7.02** Patrons consuming alcohol must remain within the designated alcohol service area. Any unfinished open containers must be disposed of by staff immediately.
- 7.03** The perimeter of the designated alcohol service area must be clearly delineated by a physical barrier such as a rope or ribbon, or in another manner described in the Management Plan and approved by the Board at the public meeting. Exits from the designated alcohol service area shall feature signage stating "No Alcohol Allowed Beyond This Point".
- 7.04** The licensee is responsible for training staff to conform to these regulations.
- 7.05** Any wait staff or bus staff in the designated alcohol service area must be 18 years of age or older.
- 7.06** The licensee must allow inspection by members of the Amherst Police Department or other agents of the Board of License Commissioners before and during the licensed hours of alcohol service.
- 7.07** The licensee must post a copy of the Special Short-Term Alcohol Serving License in a conspicuous place in the designated alcohol service area. It is additionally recommended to have a copy of these regulations available for staff to review on-site during the event.
- 7.08** The licensee and staff shall not encourage or allow patrons to rapidly consume any alcoholic beverages to avoid disposing of the beverages.
- 7.09** BYOB is not permitted within areas licensed under these regulations.
- 7.010** No licensee shall make any distinction, discrimination or restriction based on the categories listed in the Town of Amherst General Bylaws 3.3 B with the exception of refusing service to those under 21 years of age.

### **Section 7.10 Age Verification**

It shall be the responsibility of the licensee to ensure each patron purchasing, receiving, or consuming alcoholic beverages in the designated alcohol service area is 21 years of age or older.

The age of each patron intending to consume, purchase, or receive alcoholic beverages shall be verified by staff of the licensee before those patrons enter the designated alcohol service area, and the licensee shall provide some means of identifying patrons in the designated alcohol service area who have passed age verification (e.g., hand stamp or bracelet).

The age of each patron intending to consume, purchase, or receive an alcoholic beverage shall be re-verified via an ID check by the staff of the licensee each time an alcohol sale is made or alcohol service is provided.

### **Section 7.20 Revocation or Suspension of License for Public Safety**

The Amherst Police Chief, or his designee, may order alcohol service to be temporarily halted or may immediately revoke any Special Short-Term Alcohol Serving License for reasons of public safety.

### **Section 8: Validity**

These regulations shall take effect upon their approval by the Board of License Commissioners.

### **Section 9: Severability**

If any section, paragraph, subdivision, clause, or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of these regulations shall be deemed valid and in effect.