

# **Amherst Board of License Commissioners**

## **Regulations for Special Short-Term Alcohol Serving Licenses**

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

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### **FEES**

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\$100 per day of alcohol service.

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### **Section 1: Purpose**

To regulate the sale and service of alcohol by Special Short-Term Alcohol Serving Licensees within the Town of Amherst.

### **Section 2: Authority**

Massachusetts General Laws (MGL) c. 138 and Amherst Home Rule Charter 6.3.

### **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 term will have the following meaning:

**“Board”** – The Town of Amherst Board of License Commissioners, which serves as the local licensing authority described in MGL c. 138 Section 14.

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

### **Section 4: Applicability**

These regulations shall apply to Special Short-Term Alcohol Serving Licenses and associated applications.

These regulations are promulgated in addition to ABCC regulations and all other Town regulations.

### **Section 5: Application Procedure**

Application for a Special Short-Term Alcohol Serving License shall be made no less than 21 days before the event.

Applications will be submitted on a form approved and promulgated by the Board.

In addition to the application requirements defined by the ABCC, an applicant for a Special Short-Term License must provide the following along with the application:

- 1) A floor plan, diagram, or sketch showing the exact location within the event area where alcoholic beverages will be dispensed.
- 2) If the location of the event is not owned by the applicant or the sponsoring organization of the event, written confirmation from the owner of the property stating approval is given for the sale & service of alcohol must be provided. This letter should include the occupancy number for the space, if applicable.
- 3) If an All Alcohol Permit is sought, proof of nonprofit status is required (501(c)(3) or equivalent).

Applications shall designate an On-Site Manager Responsible for Alcohol Service. This person does not need to be the same as the applicant. The Board reserves the right to require the On-Site Manager Responsible for Alcohol Service to appear at the hearing.

Rain dates for events must be noted on the application prior to approval. If none is listed on the application at time of approval, the event cannot be held other than on the date specified.

The application fee is not refundable once the application has been put on the agenda for a public meeting of the Board.

## **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 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 Chief may require a police detail at the event to ensure public safety. The cost for this detail shall be paid by the applicant. It is the applicant's responsibility to set up these details.

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

## **Section 7: Operational Regulations**

### **Section 7.00 General Regulations**

- 7.01** Short-Term license holders must prevent any outside alcohol from being brought to the event.
- 7.02** All servers serving alcohol must have an active certification from a Mass. Alcoholic Beverages Server Training Program (e.g. TIPS) Certifications must be available for review by the Board or enforcement agents at the event.
- 7.03** The area where the alcoholic beverages are being sold and consumed must be controlled, confined, and properly policed.
- 7.04** Alcoholic beverages may not be carried outside the area approved for consumption. This may constitute a violation of the Amherst Open Container Bylaw.

- 7.05** The temporary license must be posted in a conspicuous place at the location where alcohol is being served.
- 7.06** The licensee must allow inspection by members of the Amherst Police Department or other agents of the Board 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.
- 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 8: 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 9: Validity**

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

## **Section 10: 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.