

TOWN OF HAMILTON

POLICY REGARDING ONE DAY LICENSES TO SELL ALCOHOLIC BEVERAGES

AS ADOPTED BY THE SELECT BOARD ON JUNE 6, 2022

Purpose: The Hamilton Select Board serves as the Local Licensing Authority (LLA) for the Town of Hamilton. The purpose of this policy is to set forth the requirements that apply to any event that seeks to offer the sale or service of alcohol within the Town of Hamilton pursuant to M.G.L. c.138 §14 and 204 CMR 7.00. The goals of this policy are to protect the public welfare and safety. Requirements listed herein are not exhaustive and may be amended by the Select Board to include further restrictions or requirements, such as a police detail, as circumstances may warrant.

A. Applicability

This policy applies to any event within the Town of Hamilton requiring a One Day Liquor License in accordance M.G.L. c.138 §14 and 204 CMR 7.00, including any event on public or private property.

B. Application Process

Prior to the event, the Applicant must complete the Application for a One Day License to Serve Alcoholic Beverages with all attached documentation and submit to the Town Manager for review. Applicants may be required to attend a Select Board meeting when their application is under consideration.

i. Required Documentation. In addition to the completed application, the Town requires that the Applicant provide the following:

1. A certificate of insurance (ACORD) indicating that the serving entity maintains liability insurance in accordance with the requirements of G.L. c. 138 and any applicable regulations and in an amount deemed sufficient by the Select Board, and not less than \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate. The Town of Hamilton must be listed as an additional insured on the policy. The insurance shall be in effect and include coverage for set up and clean up dates¹;
2. A sketch plan showing the area where alcohol will be stored, served, and consumed;
3. The proposed hours for alcohol service at an event, which may not exceed five (5) hours, within the time frame of 11AM to 10 PM for indoor events and 11 AM to 9 PM for outdoor events;
4. Documentation confirming the entity's M.G.L. c. 138, sec 12C license issued by the Alcoholic Beverage Control Commission ("ABCC") OR that all servers have completed a Massachusetts alcoholic beverage server training program (i.e., TIPS). (**Note:** All servers must work for an

¹ Certificate of insurance is not required for any event held on private property.

independent, licensed, and insured service company or caterer. For a private event, the server CANNOT be a relative of the party hosting the event);

5. Documentation of nonprofit status pursuant to 501(c)(3) or 501(c)(6), if applicable;

6. An affirmation confirming that the alcohol will be purchased prior to the event from an ABCC approved wholesaler or distributor and documentation confirming that will be provided to the town at least 48 hours prior to the event;

7. A check for \$100 made payable to the Town of Hamilton; and

8. Affirmation that the Hamilton Police Department has been notified if expected number of attendees exceeds 100.

ii. Restrictions and Limitations. The following restrictions and limitations apply:

1. In the case of a nonprofit entity only, for whom a public event is being held, organized pursuant to M.G.L. c. 180 and who is registered with the State division of public charities, that nonprofit entity may accept donated alcoholic beverages from an individual, from an entity licensed to manufacture alcoholic beverages, or from an entity licensed to sell alcoholic beverages at retail or wholesale.

2. Type of alcohol allowed to be served at a public event is governed by M.G.L. c. 138 s. 14 based upon whether the applicant is a for profit (beer and wine only) , nonprofit, or not for profit entity (all alcohol or beer and wine only). Alcohol types will be limited to the types of alcohol allowed under the law and the applicant's license or certification status.

3. Event venues who possess a state issued liquor license are not required to apply for a One Day License. Venues which are in the process of applying for a state liquor license are not eligible for a One Day License. See M.G.L. c. 138 s.14 and regs. for other restrictions.

4. A One Day License is not required for private social events at one's private residence. Examples include a graduation party, wedding or baby shower, or birthday party.

5. Minors are not allowed in the serving area, and individuals may not carry their beverages outside the area approved for consumption; and

6. Failure to abide by the above Town of Hamilton requirements and regulations or Massachusetts laws pertaining to alcoholic beverages shall be grounds to deny, revoke, or suspend any special license issued under M,G.L. c. 138 s. 14 and 204 CMR 7.00.

B. Seasonal (Repeat Event) Applications

Any Applicant for a One Day License that has an established plan for a seasonal or recurring event on public property and has been granted a One Day License from the Town of Hamilton Select Board at least three times in the preceding 12 months, may apply for a seasonal consideration, which would allow a single approval of up to eight (8) One Day Licenses on one application, under the same

requirement and regulations provided above. The Seasonal Application request must include the total number of seasonal events to be held. Application fees shall not exceed \$300 annually.

INDEMNIFICATION AND RELEASE. Permission to serve alcohol on Town-owned land shall only be granted on the condition that the permit holder acknowledges that the possession and consumption of alcoholic beverages will not be supplied, supervised, or controlled by the Town of Hamilton and that any person who chooses to possess and/or consume alcohol does so at their own risk. Applicants are reminded that Massachusetts General Laws, Chapter 138, section 34, prohibits the delivery of alcoholic beverages to any person under the age of 21 years. Said approval shall be subject to the further condition that the applicant shall release, forever discharge and agree to indemnify and hold harmless the Town of Hamilton and its officers, employees and agents from and against any liability for any and all loss, damage, costs, claims, expenses and compensation arising out of any bodily injury or property damage or loss that the Applicant or any member, volunteer, agent or attendee or any other party receives or incurs, in connection with the event.