# TOWN OF OAK BLUFFS
# BOARD OF SELECTMEN
# OAK BLUFFS, MA 02557

# POLICY STATEMENT

# ALCOHOLIC BEVERAGES CONTROL

**The Board of Selectmen as the licensing authority for the sale of alcoholic beverages within the Town of Oak Bluffs hereby establishes the following as rules and regulations for all licensees:**

**1.00: Licenses and Permits**

**(1)** **Every applicant for a license or permit, either individually or as a member of a partnership or corporate officers or association, shall furnish proof of his citizenship by production of a certificate of birth, naturalization or as a registered voter.**

**(2)** **Every application for a license or permit made by an individual shall be signed by the applicant therefore, who shall give his or her full name and home address.**

**(3)** **Every application for a license or permit made by a partnership shall state the full names and home addresses of all the members of the partnership and shall be signed by a majority thereof.**

**(4)** **Every application for a license or permit made by an association shall be signed by a majority of the members of the governing body thereof, who shall state their full names and home addresses.**

**(5)** **Every applicant for a license or permit required by the provisions of Section 5, Chapter 110, General Laws, to file a certificate stating the real name of a person conducting a business, shall file with his application a certified copy thereof.**

**(6)** **Every application for a license or permit made by a corporation shall state the full names and home addresses of the president, treasurer, clerk and secretary, directors and manager or other principal representative of the corporation. It shall be signed by some officer duly authorized by a vote of its board of directors or other similar board. A copy of such vote certified by the clerk or secretary of the corporation, together with a copy of the certificate of its organization, shall accompany the application. A copy of the vote appointing its manager or other principal representative shall also accompany the application.**

**(7)** **All applications for licenses and permits shall be made upon blanks furnished by the Town of Oak Bluffs. The applications shall be fully answered in detail and shall be typewritten or legibly written in ink. Applications written in pencil, in whole or in part, will not be accepted.**

**(8)** **All applications shall be made under the penalties of perjury and any false statement contained in any application shall be a cause or ground for refusing to grant the license or permit or for suspending, canceling or revoking a license or permit already granted.**

**(9)** **Every application made to the Town of Oak Bluffs which in any way has to do with a license for the sale of alcoholic beverages, other than an application for the straight renewal of such license, shall be filed in duplicate.**

(10) **Every license shall be displayed on the premises covered by the license or permit, in a conspicuous place where it can easily be read.**

**2.00: Price Lists**

(1) **Hotels, restaurants, taverns and clubs may keep posted in each room where any alcoholic beverages are sold a price list of such beverages. Wherever a price list is posted all sales of alcoholic beverages shall be made at the prices stated on current posted price list.**

(2) **No licensee shall print, post, publish or use any false or fictitious price list; nor shall any invoice given or accepted by any licensee contain any statement which falsely indicates prices, discounts, or terms of sale; nor shall there by inserted in any invoice given or accepted by any licensee any statement which makes the invoice a false record, wholly or in part, of the transaction represented therein; nor shall there be withheld from any invoice given or accepted by any licensee any statements which properly should be included therein, so that in the absence of such statements the invoice does not truly reflect the transaction involved.**

**3.00: Advertising**

(1) **The use of any advertising matter of an improper or objectionable nature is prohibited. The use of recipe books or pamphlets for mixed drinks, which contain obscene or suggestive toasts or other offensive matter, is prohibited.**

(2) **No licensee shall use, or permit to be used, any advertising matter which is false or untrue in any particular. Any advertising matter which directly, or by ambiguity or omission tends to deceive or to create a misleading impression shall be deemed to be false or untrue.**

(3) **No signs or other printed matter advertising any brand or kind of alcoholic beverages shall be displayed on the exterior or interior of any licensed premises wherein such beverages are not regularly and usually kept for sale.**

(4) **No licensee shall make or permit to be made by his agent or employee, any false or misleading statement concerning any other licensee, his products, or the conduct of his business.**

(5) **The use of vehicles equipped with either radio or loud speakers for the advertising of alcoholic beverages is prohibited. The use of radio or loud speaker equipment in any licensed premises for the purpose of attracting attention to the sale of alcoholic beverages therein is also prohibited.**

**4.00: Sales**

(1) **No holder of a license issued by the Town of Oak Bluffs shall sell or offer to sell any alcoholic beverages at a price less than invoiced cost. Cost is defined as net cost appearing on the invoice for said alcoholic beverages. The use of any device, promotion or scheme which results in the sale of alcoholic beverages at less than invoiced cost is prohibited.**

(2) **Donations of alcoholic beverages by licensees for the purpose of having the same used as prizes in any game of chance are prohibited.**

(3) **No licensee shall buy or sell, or offer or contract to buy or sell, any alcoholic beverages on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a sale or purchase in good faith. This regulation shall not prohibit the return, or acceptance of the return, of alcoholic beverages for ordinary and usual commercial reasons arising after the merchandise has been sold.**

(4) **No hotel, restaurant, club, tavern or "package goods" store shall buy, or contract to buy, any alcoholic beverages from any manufacturer or wholesaler and importer on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a sale in good faith;**

**provided, that this regulation shall not prohibit the return of alcoholic beverages for ordinary and usual commercial reasons arising after the alcoholic beverages have been purchased.**

**5.00: Licensed Premises**

**(1)** **Slot machines or any other devices which furnish anything besides merchandise of a quantity and quality commensurate with the price deposited therein are prohibited on licensed premises. Gambling of any sort, except those games of chance authorized by the Legislature and/or the Town of Oak Bluffs, shall not be permitted on any licensed premises.**

**(2)** **No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.**

**(3)** **The person in charge of any vehicle used for the delivery of alcoholic beverages or alcohol shall carry an invoice or sales slip, stating the names and addresses of the purchaser and seller, the date and the amount of the purchase, and also itemizing the number of the various kinds of containers and the kinds, quantities and brands of alcoholic beverages or alcohol.**

**(4)** **Manufacturers and wholesalers and importers, may sell and deliver alcoholic beverages to other licensees on any day except Sunday, the last Monday in May, Thanksgiving day or Christmas day or on the day following when Christmas day occurs on a Sunday.**

**(5)** **"Package goods" store licensees shall not sell alcoholic beverages to be consumed on their licensed premises.**

**(6)** **"Package goods" store licensees shall not sell alcoholic beverages, other than wines and malt beverages, in individual containers of over one gallon capacity.**

**(7)** **No club licensed to sell alcoholic beverages shall use any signs, printed matter or other means publicly or on outside of building to advertise the sale of alcoholic beverages. This shall not prohibit the use of reasonable and proper signs relating to alcoholic beverages within the licensed premises.**

**(8)** **All premises covered by a license or storage permit shall be kept in a clean and sanitary condition at all times.**

**No service of alcoholic beverages shall be made to any person in a hotel, restaurant, tavern or club in a glass or any other container which has not been thoroughly cleansed and properly sterilized prior to such service.**

**Hotels, restaurants, taverns and clubs, licensed to sell alcoholic beverages, shall be provided with an adequate supply of running hot and cold water and soap and towels, at all times readily accessible, to thoroughly cleanse the hands of persons employed in such licensed premises.**

**All glasses, dishes, silverware and other utensils used in such licensed places for service of food or alcoholic beverages shall be thoroughly cleansed after use.**

**(9)** **Noise: The licensing authority recognizes the right of neighboring property owners to the quiet enjoyment of their homes or businesses. Each license holder shall be responsible for limiting the noise generated inside their establishment or on outside property that is under their control. A violation punishable by Section 11.00 shall be deemed to occur if noise is clearly audible at a distance of 100 feet away from the inside or outside source at any time of day or night. Noise shall be definition include, but not be limited to, sound produced by guests or employees through human outcry or disturbance, music produced or reproduced whether or not amplified, operation of machinery, equipment or cleanup associated with the sale of alcohol or operation of the establishment.**