

## **TOWN OF TOPSFIELD**

### **Rules and Regulations To Special or “One Day” License to Serve Wine and Malt Beverages**

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The Responsible Manager and the Non-Profit Sponsor (collectively the “Licensee”) shall abide by the following rules and regulations to the License issued by the Town of Topsfield.

#### Mandatory Rules

1. Compliance with Laws. This License is conditioned upon and subject to the strict compliance by the Licensee with all applicable laws, regulations, rules and codes of the Commonwealth of Massachusetts and the Town of Topsfield relating to the sale of alcoholic beverages, including Chapter 51 of the Acts of 2003, Chapter 138 of the General Laws and Chapter 204 of the Code of Massachusetts Regulations.

2. Maximum Attendance. The number of persons present during the activity or enterprise for which this License is used shall at all times be less than 500. The Licensee shall not permit entrance to the gathering by 500 persons or more (or such lesser maximum occupancy limit as may be established by the Town of Topsfield for the location or building where the gathering will be held).

3. Posting of License. This License must be posted at the gathering in a conspicuous place in plain sight.

4. Intoxicated or Unruly Persons; No Service to Minors. The Licensee shall refuse entrance to the gathering and decline to serve any person who appears to be intoxicated or unruly. No minor shall be served alcoholic beverages. The Licensee shall be responsible for

ensuring that minors are not serving or drinking alcoholic beverages at the gathering, whether served by an agent of the Non-Profit Sponsor or handed to them by another person.

5. Hours for Gathering. No wine or malt beverages shall be dispensed pursuant to this License outside the time period stated on the face of this License. In no event shall the Licensee serve wine or malt beverages before 12:00 p.m. and after 11:00 p.m. or during any time period when the public schools in the Town of Topsfield are in session.

6. Removal of Debris. The Licensee shall keep the location of the gathering for which this License applies in clean and sanitary condition and, upon conclusion of the event, promptly collect and remove any accumulated debris or trash from the location and the surrounding area.

7. No Use of Outdoor Areas. No outdoor area shall be used for the consumption or the service of wine or malt beverage at the gathering subject to this License unless explicitly permitted by the express terms of this License. All wine or malt beverages sold shall be consumed on premises at the place of the gathering for this License.

8. Exclusive Benefit and Use. This License is granted for the exclusive benefit and use of the Non-Profit Sponsor. No other person or entity shall share in or have the right to receive any revenue from the proceeds of any sales of wine or malt beverages. The Non-Profit Sponsor may not directly or indirectly transfer, assign, sublicense or delegate the privileges granted by this License. Only the Non-Profit Sponsor may supply wine and malt beverages for the gathering. No other alcoholic beverages of any kind may be brought to the gathering by attendees of the gathering.

9. Location; Inclement Weather. This License is issued for the sale of wines and/or malt beverages for the gathering to be held at the date and time and place specified on the License. The Licenses may not use or transfer the privileges granted by this License to another location.

If the gathering for which this License is issued is postponed by the Licensee due to inclement weather or other circumstances beyond its control, the Licensee may, with the approval of the Police Chief of the Town of Topsfield, postpone the gathering to another date (but same time and place) within fifteen (15) days of the date originally scheduled for the gathering. Any request by the Licensee to postpone the gathering must be received by the Police Chief prior to the date and time originally authorized in this License.

10. Excessive Noise and Disturbance. The Licensee shall be responsible to ensure that the gathering does not create excessive levels of noise or otherwise adversely disrupt or disturb the protection, health, welfare, safety or repose of the residents of the area in which the gathering is held.

11. Revocation or Suspension. This License may be modified, suspended, cancelled or revoked by the Board of Selectmen or suspended by the Chief of Police for the following reasons: (1) in the event of fraud or misrepresentation by the Licensee, (2) the failure by the Licensee to honor or abide by the terms and conditions of this or any previous License, (3) the failure to comply with the rules and regulations in paragraphs 1-10 herein or any requirements of law.

#### Optional Rules

Experienced Servers. The Licensee shall dispense all wine and malt beverages authorized by this License only with the benefit of experienced persons over 21 years of age who have attended industry training programs on the proper procedure for verifying that a person is at least 21 years of age and not intoxicated.

Maximum Occupancy. The maximum number of persons permitted at the location for the gathering shall not exceed \_\_\_\_\_.

Insurance – Town Property. The Licensee shall, at least 72 hours prior to the gathering, procure so-called “liquor liability” coverage to its liability insurance in an amount of \$1,000,000 and deliver to the Town Clerk a certificate of insurance naming the “Town of Topsfield and its inhabitants, employees and agents” as additional insureds on its liability policy for any gathering to be held on public property.

Restrooms. The Licensee shall provide a suitable number of portable toilets for the gathering.

No Advertising. The Licensee shall not advertise the availability of beer and wine at the gathering permitted by this License to the general public. The Licensee may, however, send notices of the gathering to its members and any individuals identified by it as having an affinity with the purposes of the Non-Profit Sponsor.

Public Safety. The Licensee shall hire and provide an approved police detail for the gathering at which the wine and malt beverages allowed by this License are to be sold. The Chief of Police of the Town of Topsfield shall determine the appropriate size and other requirements for any police detail needed to protect the public safety.