

TOWN OF WINCHENDON
LOCAL LIQUOR LICENSING AUTHORITY
109 FRONT STREET, DEPT. 1, WINCHENDON, MASSACHUSETTS 01475-1758
Telephone: (978) 297-0085 Facsimile: (978) 297-1616

BYOB (Bring Your Own Bottle) POLICY

A. Policy Statement

It shall be the policy of the Town of Winchendon to allow a patron, customer, or other person to bring alcoholic beverages on to the premises of a restaurant establishment operating with a Common Victualler License or to a location having sought and received a Town of Winchendon Entertainment Permit or Amusement License, solely for the purpose of personal consumption thereon, provided that the establishment has been issued a “BYOB Permit” in accordance with this policy. The principle goal of this policy is to promote responsible alcohol consumption at “BYOB” establishments.

The Town recognizes that an establishment operating under a BYOB Permit issued by the Board of Selectmen, acting as the Local Liquor Licensing Authority, differs from establishments serving alcoholic beverages pursuant to a license issued under Chapter 138 of the Massachusetts General Laws. Establishments licensed under Chapter 138 are subject to specific statutory requirements, and are further subject to the rules and regulations of the Alcoholic Beverages Control Commission (ABCC). Establishments operating under a “BYOB Permit” are not subject to Chapter 138. The intent of this policy is to ensure that “BYOB” establishments that do not operate under the rules and regulations of the ABCC will be subject to the same level of responsibility as licensed establishments with respect to the consumption of alcohol by their patrons.

The issuance of a BYOB Permit is permissive and shall be at the sole discretion of the Board of Selectmen.

B. General Provisions

1. An establishment that wishes to apply for a BYOB Permit must have a Common Victualler License or an Entertainment Permit or Amusement License in good standing. Action on permit applications shall be taken at an open meeting held by the Board of Selectmen, following submission of a complete application.
2. All establishments that allow BYOB consumption are subject to this policy and must have an active BYOB Permit in order to allow consumption of alcoholic beverages on the premises. An establishment holding a permit shall post a sign at the entry area indicating that it is a BYOB establishment and is subject to all applicable Town and State laws and regulations.
3. Alcoholic beverages consumed on site shall be limited to those alcoholic beverages allowed under an alcohol License for establishments issued under Chapter 138 of the Massachusetts General Laws.

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4. The hours in which alcoholic beverages may be consumed by patrons shall follow the ABCC rules and regulations and may be further reduced by the Board of Selectmen. The Board may take into consideration recommendations from the Fire and Police Departments.
5. In accordance with Massachusetts General Laws, Chapter 138, Section 34, no BYOB beverages shall be consumed by any person under the age of 21. It will be the responsibility of the appointed manager to ensure that patrons who consume alcoholic beverages on the premises are 21 years of age or older.
6. BYOB beverages shall not be consumed by intoxicated persons. The establishment shall immediately report to the Winchendon Police Department any situation in which patrons consuming alcohol in the restaurant appear to present a danger to themselves or others, either in the restaurant or on the public ways, by virtue of the consumption of alcoholic beverages.
7. In the case of establishments with a Common Victualler license, only patrons who are seated in a designated supervised area and who have ordered food for consumption on the premises shall be allowed to consume alcoholic beverages. No alcoholic beverages shall be consumed by patrons in a waiting area.
8. No alcoholic beverages may be served or handled by employees. This includes opening, pouring, storing or refrigerating BYOB beverages. The establishment's employees may provide bottle openers and glassware.
9. Patrons may take with them from the establishment bottles of alcohol which have not been totally consumed on the premises, provided that the bottle(s) have been properly sealed and bagged in accordance with the method designated in the regulations of the ABCC at 204 CMR 2.18 or successor regulation. Partially consumed malt beverage bottles or cans may not be taken from the premises by patrons. Remaining unused wine and malt beverages not removed by patrons must be disposed of by the establishment's staff in an acceptable manner that meets all applicable state laws and regulations. Unused alcoholic beverages may not be consumed by any other party, including the establishment's staff.
10. All BYOB establishments shall comply with Winchendon's inspection process for *"Alcoholic, Beer, Wine, Common Victualler, Entertainment and Amusement Licenses"*.
11. Managers of establishments shall participate in a program designed to train in methods of observation and detection to avoid underage drinking and

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patrons of legal age becoming intoxicated and provide the Board of Selectmen a copy of their Certificate within three months of receiving their permit.

12. BYOB Permits shall not be transferable between persons, establishments or locations, except with the approval of the Board of Selectmen given at a public meeting; and then only if consistent with the public interest.
13. BYOB Permits shall expire on December thirty-first of the year of issue, and may, upon written request of the permit holder, be renewed for the following calendar year by vote of the Board of Selectmen. Without exception, all annual BYOB Permit holders are required to request renewal of their permits by November 30th of each year.

C. Enforcement

1. Establishments operating with a BYOB Permit may be monitored for compliance with this policy, with and without notice, by agents of the Town of Winchendon.
2. If an establishment operating with a BYOB Permit is not doing so in a manner consistent with this policy, the Board of Selectmen may, after written notice to the permit holder and reasonable opportunity for a hearing, suspend, revoke, or refuse to renew a BYOB Permit.
3. The Board of Selectmen may suspend, revoke, or refuse to renew a BYOB Permit and/or the Common Victualler, Entertainment or Amusement Licenses held by the permit holder in the event the permit holder has committed multiple, willful, or repeated violations of this policy or any regulation promulgated by the Board of Selectmen pursuant to this policy.
4. In case of suspension, revocation, or refusal to renew a BYOB Permit, no abatement or refund of any part of the fee paid therefore shall be made.
5. If an establishment with a Common Victualler, Entertainment or Amusement License allows patrons to carry in alcoholic beverages without a permit, allowing such activity will be considered to be a violation of their licenses.

D. Application Procedure

1. The applicant shall complete a Town of Winchendon BYOB Permit Application Form.

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2. The application must include the name and qualifications of the person who will be the on-site manager of the establishment. The appointed manager must be at least 21 years of age.
3. A copy of the BYOB Permit Application shall be forwarded to the Town of Winchendon various Departments including Police, Fire and Building for review and recommendation.
4. The Board of Selectmen will conduct a public hearing on the application, after advertising the hearing in a local newspaper and notifying by certified mail the direct abutters, as well as churches and schools within 500 feet of the premises, at least 10 days prior to the date of the hearing.
5. At the public hearing, the Board of Selectmen will consider the input of any interested members of the public, as well as the recommendations of the Police, Fire and Building Departments. The Board of Selectmen may continue the public hearing if it determines that additional information is necessary to act on the application.
6. The applicant shall be responsible for the payment of all mailed notices to abutters as well as the Public Hearing Notice in a local paper prior to the scheduled hearing. An annual fee of \$50.00 will be due upon issuance of the license. Annual permits shall be issued for the period January 1 – December 31.