

Town of Ayer

Carry - In (Bring Your Own/BYOB) Beer, Wine and/or Malt Beverages Policy

Pursuant to Massachusetts Alcoholic Beverages Control Commission, if the establishment has a liquor license, then no one can carry onto the premises their own beer, wine or other alcoholic beverages for their own private consumption (so-called "BYOB" or "brown-bagging"). If the establishment does not have a liquor license, then one must check with the city/ town in which the establishment is located to learn if there is any local law dealing with bringing one's own beer onto an establishment for personal consumption.

It shall be the policy of the Town of Ayer, through the Local Licensing Authority (the Ayer Board of Selectmen) to allow the possession and/or consumption of carry-in alcoholic beverages by a person of lawful age at only those full service restaurants (one which provides meals for consumption at tables served by wait staff) which have a Common Victualler license and have been issued a special permit by this licensing authority.

This issuance of a special permit is permissive and at the sole discretion of the licensing authority. Applicant shall complete a Carry-In Permit application and once generated posted visibly in the establishment.

A special permit for Carry-In alcoholic beverages shall be issued for not more than one year and must be reapplied for annually at the time of renewal of the Common Victualler's license. A special permit for Carry-In alcoholic beverages shall be issued in the name of the manager/owner and shall not be transferred to a new manager without prior approval of the licensing authority.

Definitions

- Carry-In: commonly referred to as BYOB
- Licensing Authority: Ayer Board of Selectmen
- Alcoholic Beverages: strictly limited to beer, wine and malt beverages

Conditions

1. The full service restaurant must have a valid Common Victualler's license that is in good standing and has been for a minimum of six months in conformance with the Board of Selectmen's licensing policy.


2. The full service restaurant may not hold any other type of liquor license.
3. Patrons are only allowed to carry in wine and beer for personal consumption in the full service restaurant. No more than one (1) 750 mL container of wine for every one or two patrons over the age of 21, or two containers of beer containing up to twenty four (24) ounces of beer in total will be permitted for consumption.
4. Patrons bringing in alcoholic beverages for their personal consumption must order food.
5. Carried in alcohol may not be consumed outdoors (patios, sidewalks, decks).
6. Restaurant is subject to compliance inspection by the Ayer Fire Department.
7. The wait staff serving a patron with carry-in alcoholic beverages must be 18 years of age or older. Bus staff under the age of 18 shall not be allowed to clear from tables any containers from which a carry-in alcoholic beverage was poured or consumed.
8. The manager of the restaurant must verify the age of any individual consuming the alcoholic beverages who appear to be under 30 years of age. Patrons under the age of 21, shall not be allowed to consume any carry-in alcoholic beverages.
9. Only one partially consumed bottle of wine per patron may be resealed and removed from the restaurant. A receipt that prominently displays the date of the purchase of the meal must be furnished to the patron. The receipt must show the purchase of the meal with a special notation made that the wine was carried in. Before permitting the carry out of a bottle of wine pursuant to this regulation, the holder of this permit or its designated employees must:
 - 1) Securely reseal the bottle of wine
 - 2) Place the resealed bottle in a one-time-use tamper-proof transparent bag that insures that the patron cannot gain access to the bottle while in transit after the bag is sealed
 - 3) Securely seal the bag
 - 4) Affix the receipt to the sealed bag

The permit holder may not charge a fee for resealing wine.


10. Beer and/or malt beverages may not be resealed and carried out.
11. No permit holder shall charge a corkage, glass or service fee regarding carry-in alcohol.

12. An on-site manager must be trained in an alcohol management or server training course (TIPS) and proof of training must be submitted to the licensing authority with initial application and subsequently with renewal.
13. Nothing in this policy shall preclude a full service restaurant from imposing additional limits or restrictions on patrons with carry-in alcoholic beverages.
14. If the business is not consistent with these regulations the licensing authority may, after notice and with a reasonable opportunity for a hearing, suspend or revoke this special permit. Any such suspension or revocation shall be deemed to be evidence of conducting the business in an improper manner pursuant to General Laws Chapter 140, Section 9.

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Adopted by the Ayer Board of Selectmen on July 14, 2015


Jahnice L. Livingston, Chair


Gary J. Luca, Vice-Chair


Christopher R. Hillman, Clerk

TOWN OF AYER
BOARD OF SELECTMEN

Fee \$100
Cash, Check or Money Order Payable
to the Town of Ayer

OFFICE OF THE BOARD OF SELECTMEN
TOWN OF AYER, MA



APPLICATION FOR CARRY-IN ALCOHOLIC BEVERAGE LICENSE

Beer, Wine and Malt Beverages Only

Application is hereby made for a Carry - In Alcoholic Beverage License

Please provide a copy of Training for Intervention Procedures "Tips" Training for Onsite Manager

Section 1

Manager/Owner of Record: _____

Business Name: _____

Business Address: _____

Business Phone Number: _____

Section 2

Person (attorney if applicable) who can be contacted concerning this application

Name: _____

Mobile Phone: _____

Address: _____

Relationship to Business: _____

Section 3

Description of Premises

Seating Capacity: _____ Total Occupancy: _____

Hours and Days of Operation: _____

APPLICANT'S SIGNATURE: _____ **DATE:** _____

For Office Use Only

Selectmen's Meeting Date: _____ Proof of TIPS: _____

Date Fee Received: _____ Payment Type: _____

TAX COLLECTOR:

I certify that applicant is current on all local taxes, assessments, betterments or any other municipal charges.

Tax Collector

Date