

LICENSE
ALCOHOLIC BEVERAGE

PURPOSE:	To sell alcoholic beverages to the public.
ZONING:	Allowed in whatever zone the business holding the license is allowed to operate.
LICENSE NUMBER:	This number is assigned by the ABCC and remains with the license for the duration of the license.
FEES:	Town License Fee.....Differs by type – see schedule of fees. ABCC Application Fee = \$200.00
EXPIRATION:	December 31 st (Annually)

All license applications must be approved by the Board of Selectmen and the Alcoholic Beverages Control Commission in Boston.

APPLICANT INFORMATION SHEET:

The list varies in accordance with the application (i.e. new license, transfer, alter of premises, etc.) and can be found in the computer under:

The applicant must go on line at www.mass.gov/abcc/locallicensing.htm, fill out all necessary forms, and bring the completed application into the Selectmen's office.

APPLICATION TIMETABLE:

The following timelines are required under State Statute:

HEARING AD	MUST BE PUBLISHED IN THE LUDLOW REGISTER WITHIN 10 DAYS AFTER RECEIPT OF THE APPLICATION AND AT LEAST 10 DAYS PRIOR TO THE HEARING DATE
PROOF OF ABUTTER NOTIFICATION BY CERTIFIED MAIL	APPLICANT MUST PROVIDE THE BOARD WITH THE WHITE MAILING SLIPS AND RETURNED GREEN CARDS NO LATER THAN THE HEARING (ALL WHITE SLIPS MUST BE SUBMITTED AND ANY SIGNED GREEN CARDS RETURNED)
SELECTMEN MUST TAKE ACTION	WITHIN 30 DAYS FROM THE DATE OF THE APPLICATION

IF APPROVED, FORWARD TO ABCC

NO LATER THAN 3 DAYS FROM DATE OF
APPROVAL

ISSUE LICENSE

WITHIN SEVEN DAYS OF ABCC APPROVAL
NOTIFICATION.

HEARING AD:

The ad varies in accordance with the application. The Selectmen places the ad. The applicant pays Turley Publications (Ludlow Register) directly for the ad and will be given a copy of the invoice at the time of the hearing.

ABUTTER NOTIFICATION:

The applicant must notify all abutters by certified mail.

The Selectmen's office requests a list of abutters from the Assessor's office. Once the list is received, this list, a copy of the advertisement as well as the letter with the details of the public hearing will be sent to the applicant in order for them to send the notifications.

The Selectmen have a policy to notify the abutters by Certified Mail regardless of the type of license that is being requested.

FORMS:

The applicant must go on-line at www.mass.gov/abcc/localicensing.htm to fill out all necessary forms, and bring the completed application into the Selectmen's office.

OPERATING HOURS:

The following hours are in accordance with ABCC regulations:

Package Store Operating Hours:

By right:	8:00 a.m. to 11:00 p.m.	Monday – Saturday
	12:00 noon to 11:00 p.m.	Sunday with restrictions

Restaurant Operating Hours:

By right:	11:00 a.m. to 11:00 p.m.	Monday – Saturday
	12:00 noon to 11:00 p.m.	Sunday

By permission:	1:00 a.m. closing	
	10:00 a.m. opening	Weekdays and Sunday

SAFETY INSPECTION CERTIFICATE:

A "Certificate of Inspection" from the Building Inspector and Fire Chief must be submitted to the Selectmen prior to the approval or renewal of any Alcoholic Beverage Restaurant license – a new

license can be approved by the Board contingent upon issuance of the certificate if the applicant is looking for approval prior to beginning construction, etc. – such stipulation would be noted on the LLA (Licensing Authority Certificate) and the license will not be released until it is provided.

INSURANCE:

Worker's Compensation Insurance is required for all license holders.

All **on-premise licensees** must have **liquor liability insurance** in the amount of \$250,000 for injury to or death of one person and \$500,000 for any one accident resulting in injury to or death of more than one person.

Proof of such insurance is required for both new and renewed licenses **prior** to license being issued.

TIPS TRAINING:

TIPS (Training for Intervention Procedures by Servers) certification is required as follows:

Package Store.....Manager

Restaurant.....Manager and all supervisory staff

Proof of certification must be on file with the Selectmen's Office. New license holders are given a "grace" period but must be so certified before the end of the current license period (i.e. license is issued in September; TIPS certification would have to be completed before the license is renewed in December).

LICENSES:

The license must show the full description of the premise as shown on the LLA (Licensing Authority Certificate) submitted to the ABCC.

ONCE ALL PAPERWORK IS COMPLETED – RETURN TO THE SELECTMEN'S OFFICE

**MASSACHUSETTS DEPARTMENT OF REVENUE
REVENUE ENFORCEMENT AND PROTECTION (REAP) ATTESTATION**

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

*Signature of Individual or Corporate Name (Mandatory)

By: Corporate Officer (Mandatory, If Applicable)

**Social Security Number or Federal Identification Number

*This license will not be issued unless this certification clause is signed by the applicant

**Will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Laws Chapter 62C Section 49A.

Part I

ADMINISTRATION OF THE GOVERNMENT

Title IX

TAXATION

Chapter 62C

ADMINISTRATIVE PROVISIONS RELATIVE TO STATE TAXATION

Section 49A

CERTIFICATION OF COMPLIANCE WITH TAX LAWS AS PREREQUISITE TO OBTAINING LICENSE OR GOVERNMENTAL CONTRACT; CONFIRMATION OF GOOD TAX STANDING; IMPROPER REGISTRATION OF MOTOR VEHICLE IN ANOTHER STATE; MISREPRESENTATION ON DOCUMENTS FOR PURPOSE OF EVADING PAYMENT OF TAX; APPEAL AND HEARING

Section 49A. (a) A person applying to any department, board, commission, division, authority, district or other agency of the commonwealth or a subdivision of the commonwealth, including a city, town or district, for a right or license to conduct a profession, trade or business or for the renewal of the right or license, shall certify upon application, under penalties of perjury, that he has complied with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

(b) Upon receipt of the application, and once the commissioner has promulgated applicable regulations and implemented to his satisfaction the manner and method, including electronic data matching, by which verification may be obtained, the department or other entity charged with issuing the right or license shall confirm that the applicant is in good standing with respect to all returns due and taxes payable to the commissioner as of the date of issuance of the confirmation. An applicant shall be considered to have consented to the commissioner's release of tax and child support data to the department or other entity to the extent necessary to confirm the applicant's adherence to the tax and child support laws of the commonwealth. A right or license shall not be issued or renewed unless the issuer has confirmed the tax or child support status of the applicant as required herein; but, the commissioner may issue waivers of the requirements of this subsection for reasonable cause, and the existence of a non-frivolous appeal of a tax or child support assessment, or of a payment agreement with which the taxpayer is fully compliant shall not prevent issuance of the license.

No contract or other agreement for the purposes of providing goods, services or real estate space to any of the foregoing agencies shall be entered into, renewed or extended with any person unless the person certifies in writing, under penalties of perjury, that he has complied with all laws of the commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support and, subject to the conditions stated above, the contracting agency confirms with the commissioner that the person is in good standing with respect to all returns due and taxes payable to the commissioner as of the date of confirmation.

(c) Any such agency, which has been notified by the commissioner pursuant to section forty-seven A that a person who holds a license or certificate of authority issued by such agency or who has agreed to furnish goods, services or real estate space to such agency has neglected or refused to file any returns or to pay any tax required under this chapter and that such person has not filed in good faith a pending application for abatement of such tax or a pending petition before the appellate tax board contesting such tax or has been penalized pursuant to section 9 of chapter 62E for failure to comply with the provisions under said chapter 62E relating to reporting of employees and contractors, or has been penalized pursuant to paragraph (3) of subsection (f) of section 12 of chapter 119A for failure to comply with the provisions under said chapter 119A relating to withholding and remitting child support, shall refuse to reissue, renew or extend such license, certificate of authority, contract or agreement until the agency receives a certificate issued by the commissioner that the person is in good standing with respect to any and all returns due and taxes payable to the commissioner as of the date of issuance of said certificate, including all returns and taxes referenced in the initial notification or, if the licensee has been penalized for failure to comply with the provisions relating to reporting of employees and contractors under chapter 62E or withholding and remitting child support under chapter 119A, a certificate issued by the commissioner that the licensee is in compliance with said provisions.

(d) Any person who owns or leases a motor vehicle or trailer that is required to be registered in the commonwealth under chapter 90 and improperly registers the motor vehicle or trailer in another state or misrepresents the place of garaging of the motor vehicle or trailer in another city or town, shall be considered in violation of laws of the commonwealth relating to taxes under chapter 60A, chapter 64H or chapter 64I. The right, license or contract provided for in subsections (a) and (b) shall not be issued or renewed until the person or business entity has paid all taxes due at the time of application for such right, license or contract.

(e) Any person who, for the purpose of evading payment of a tax pursuant to chapters 59 to 64J, inclusive, willfully makes and subscribes any return, form, statement or other document pursuant to subsection (a), (b) or (d) that contains or is verified by a written declaration that is made under the penalties of perjury, and that contains information that he does not believe to be true and correct as to every matter material to his compliance with all laws of the commonwealth relating to taxes, shall be subject to section 73.

(f) Where the revocation, suspension or nonrenewal of a license, permit, right to operate or certificate of motor vehicle registration is based upon nonpayment of an assessed tax administered under this chapter, the sole right of appeal and to a hearing shall be pursuant to and within the time limitations of this chapter. The commissioner shall give the taxpayer not less than 30 days notice of any proposed action, during which the taxpayer may enter into a payment agreement with the commissioner or file a good faith abatement application within the time periods determined under section 37. The filing of an abatement application shall stay the proposed revocation, suspension or nonrenewal of a license, permit, right to operate or certificate of motor vehicle registration until the amount of disputed tax due is finally determined. The taxpayer subject to a proposed revocation, suspension or nonrenewal of a license, permit, right to operate or certificate of motor vehicle registration, who is beyond the time limitations in said section 37 but who disputes that he is liable for the assessment and is unable to resolve that issue with the commissioner during the 30-day period, may appeal the proposed revocation, suspension or nonrenewal by filing a civil action as provided in section 14 of chapter 30A. The scope of the appeal shall be limited to assertions of mistake or verification of payments made and shall not include determination or redetermination of the proper amount of tax assessed or any other issues appropriately raised through a timely-filed abatement under said section 37. Any stay of the proposed revocation, suspension or nonrenewal pending resolution of this appeal shall be within the discretion of the court.