

MILTON SELECT BOARD
"BRING YOUR OWN BOTTLE" (BYOB) REGULATIONS
(applicable only to businesses without a liquor license)

Date Approved:

Michael F. Zullas, Chair
Select Board

Businesses with a liquor license may not permit patrons to bring their own alcoholic beverages onto the premises pursuant to the ABCC regulations. The following regulations apply only to businesses that do not have an on premises or one day liquor license with the Town of Milton to sell alcoholic beverages and who hold a Common Victualler's license, as authorized by M.G.L. Chapter 140, or operate as a private club with or without service food service provided by catering service (Private Club) issued by the Select Board.

All Common Victualler's or Private Club BYOB Permittees that choose to allow patrons to bring their own alcoholic beverages onto the premises (a practice known as "bring your own bottle" or "BYOB") shall be subject to the following regulations:

- a) A BYOB permit may be issued to a holder of a valid Common Victualler's license or Private Club for a term not to exceed 12 months, subject to review and renewal by the Milton Select Board. Notice of application and hearing shall be provided to the Milton Police and to abutters consistent with the provisions of M.G.L. c.138 for on premises consumption of alcohol at the applicant's expense, and granted for good cause shown based upon public convenience and public good.
- b) BYOB Permittees shall permit only beer and wine products onto their premises. No alcohol spirits shall be permitted. If a patron brings any alcohol spirits, the manager must refuse service until the alcohol spirits are removed from the premises.
- c) BYOB Permittees shall not permit consumption of alcoholic beverages by a person who is intoxicated. BYOB Permittees shall not permit consumption of alcoholic beverages by a person who is under 21 years of age. Any BYOB Permittee who reasonably relies on the following forms of identification for proof of age shall not thereby subject its Common Victualler's or Private Club or Caterer's license to modification, suspension, revocation, or cancellation of BYOB permit:
 - i. a valid Massachusetts motor vehicle driver's license with photograph;
 - ii. a valid Massachusetts Liquor Purchase Identification Card;
 - iii. a valid Massachusetts identification card issued by the Registry of Motor Vehicles pursuant to M.G.L. c. 90, § 8E;
 - iv. a valid passport or passport card issued by the United States government, or a valid passport issued by a government of a foreign country recognized by the United States government; or
 - v. a valid United States-issued military identification card.

Additionally, a Common Victualler or Private Club who permits consumption of alcohol to an under-aged person may be subject to sanction against the BYOB permit in the event the

licensee relied on proof of age other than one of the forms of identification enumerated in this Section.

- d) The Manager, any Alternate Manager(s), and all servers must participate in a safe service of alcohol training program designed for restaurants to train persons in methods of observation and detection of intoxicated persons and the prevention of consumption of alcoholic beverages by intoxicated persons and/or minors. Only insurance industry approved and qualified training programs will satisfy this training requirement. All Managers and Alternate Managers must receive in-person training in order to be employed as a Manager or Alternate Manager. Non-Manual employees must be trained within fourteen (14) days of employment by the BYOB Permittee, and may satisfy this training requirement through online training. All persons subject to this training requirement must be retrained every three (3) years in the manner specified by these Regulations for that position. The BYOB Permittee shall maintain on the licensed premises and make available for inspection at all times a copy of the certification card and other proof showing that each person subject to this training requirement has been trained in the manner specified by this Section within the prior three (3) years.
- e) BYOB Permittees shall not permit their managers or employees to consume alcoholic beverages while on duty.
- f) BYOB Permittees shall not permit consumption of alcoholic beverages from a pitcher or carafe or in any container or glass the capacity of which is in excess of sixteen fluid ounces.
- g) BYOB Permittees shall not permit drinking games.
- h) BYOB Permittees shall post conspicuously a copy of the penalties set forth in Massachusetts General Laws chapter 90, § 24(1) for operating a motor vehicle under the influence of alcohol in the form that such posting is distributed by the Massachusetts Alcoholic Beverages Control Commission (ABCC).
- i) BYOB Permittees shall post conspicuously a copy of the penalties set forth in Massachusetts General Laws Chapter 90, Section 241, for operating a motor vehicle while drinking from an open container in the form that such posting is distributed by the Massachusetts Alcoholic Beverages Commission (ABCC).
- j) BYOB Permittees shall not open, pour, or otherwise handle the alcoholic beverages a customer brings onto the licensed premises. Nothing in these Regulations shall prohibit a BYOB Permittee from discarding in the trash or recycling an empty or abandoned alcoholic beverages container or its contents.
- k) If the BYOB Permittee chooses to charge a "corkage fee" or any other fee or surcharge for permitting BYOB or providing any service or amenities relative to BYOB, the Licensing Authority of the Town of Milton encourages the BYOB Permittee to discuss the implications of charging such fees with the BYOB Permittee's insurance company and/or lawyer as these fees and/or surcharges indicate more liability for the BYOB Permittee.
- l) BYOB Permittees shall notify the Select Board's Office and Milton Police Department of their plan to allow BYOB no later than thirty (30) days before implementing the plan, except that

BYOB Permittees permitting BYOB as of the date of the adoption of these regulations shall notify the Select Board's Office within thirty (30) days of the adoption of these regulations.

- m) Any violation of the above terms may result in the removal of the establishment's Common Victualler's or Private Club license.
- n) It is the assumption of the Local Licensing Authority that the establishment has permission from its landlord to allow BYOB.
- o) The BYOB Permittee shall carry liability insurance that covers alcohol consumption and shall provide evidence of such coverage to the Select Board.
- p) By exercising the privilege of allowing patrons to BYOB, the BYOB Permittee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Acceptance and exercise of BYOB will be deemed to be acknowledgment of awareness of this potential liability. BYOB Permittees are encouraged to discuss the risks associated with exercising the privileges of BYOB and the appropriate precautions to avoid injuries, damage and liability to others with his/her legal advisor. The Town of Milton and the Select Board acting as the Local License Authority shall not be liable to the BYOB Permittee or to others if injury or damage shall result from the exercise of BYOB practice. By allowing BYOB on the licensed premises, the BYOB Permittee acknowledges that he/she understands and will comply with all applicable liquor regulations set forth by the Alcoholic Beverages Control Commission and the Licensing Authority of the Town of Milton.