

ARTICLE 3 - LICENSES

Section 3.1 – General Procedures and Conditions for Issuance of Licenses

3.1.1 – Application Procedures

Applications for initial issuance or renewal of licenses shall be on a form as prescribed by the Select Board (the “Board”). The applicant shall have the responsibility to complete all information on the form completely and accurately, and under oath. Where applicable, the Board may require submission of the following:

- ◆ A sworn statement that the applicant has paid all taxes and fees and other moneys owed to the Town of Reading for any services;
- ◆ All required performance bonds, if any, are on file; or
- ◆ A certificate of Workers Compensation is on file.

The Board may request information or input from the Police and Fire Chief, and any Department, Board, Committee or Commission in considering the granting or renewal of a license. The Board may review the record of any complaints or problems regarding the applicant or licensee or the licensed premises, and may take such complaints into account in considering whether or not to issue or renew a license.

3.1.2 – License Period and Fees

Unless otherwise provided, licenses shall be issued for a calendar year, beginning on January 1st. An application for a new license shall be issued for the remainder of the calendar year. Fees shall be charged for the entire calendar year even if the license is effective for only a portion of the calendar year. The Town Manager may waive such a fee for no greater than a sixty (60) day period at year-end if there are mitigating circumstances.

3.1.3 – License Restricted to the Premises for which it is Issued

Except for Taxi and Livery vehicle licenses, an application for a license shall be specific as to the location, including street number and address, for which the license is issued. The licensed activity may not be moved to any other location without approval of the Board.

3.1.4 – Requirement that Licensees maintain their Properties and Businesses in accordance with all Conditions, Bylaws, Rules and Regulations of the Town of Reading during the Term of the License

All Licensees, regardless as to whether the type of license held is addressed herein, shall maintain their property and conduct their business in accordance with the terms of the license, these Policies, the rules, regulations and bylaws of the Town of Reading, and all General or Special Laws of the Commonwealth. In addition, all Licensees shall maintain their premises in a clean and business-like condition that is conducive to public health and safety.

3.1.5 – Conditions on Licenses

The Board may place reasonable conditions on the issuance of any license issued pursuant to these policies to provide for public safety, health, welfare and the promotion of public order.

3.1.6 - Delegation to the Town Manager the Authority to issue Certain Licenses

The Board has delegated to the Town Manager the authority to issue and renew any or all licenses covered by this policy, except for the issuance and annual renewal of liquor licenses and licenses for billiards, pool or sippio tables or bowling alleys; provided, however, that the Town Manager may not deny an entertainment license issued pursuant to *M.G.L. c.140, §§181 or 183A*, which may be denied only by the Board after a public hearing.

The Town Manager shall notify the Board at its next regular meeting, of any licenses granted or renewed. If an issue has been raised by the Board regarding the issuance or renewal of a license, the Town Manager shall not issue or renew the license, but it shall be referred back to the Board for their review and action.

The Board has also delegated the authority to issue Licenses for Portable A-Frame/Sandwich Board Signs to the Assistant Town Manager or his or her designee.

An individual who has been denied a license may appeal to the Board. The Board's decision shall be final.

3.1.7 – Suspension, Modification or Revocation of Licenses

The Board may suspend, modify or revoke any license issued under these policies for failure to meet any of the requirements of these policies, or failure to meet any conditions placed on the license. The Licensee is entitled to due process as provided by law, which may include written notice of any violation and a hearing.

Adopted 10-27-86, Revised 12-13-94, Revised 12-5-95, Revised 5-25-04

Section 3.2 – Liquor License Policies

These Policies are adopted and may be amended from time to time, by the Select Board, serving as the Local Licensing Board, pursuant to *M.G.L. c.138*. All alcoholic beverage licenses issued by the Board shall be governed by the provisions of these Policies, *M.G.L. c.138*, and the rules, regulations, and policies of the Alcoholic Beverages Control Commission (ABCC), regardless of whether the relevant statute or policy is referenced herein.

Consumption of alcohol in a public establishment without a license (so called, "Bring Your Own Bottle") is strictly prohibited. Any establishment wishing to permit the consumption of alcohol on its premises shall obtain a license as specified herein.

The following chart indicates which provisions of Section 3.2 shall apply to which types of license. The Board may require compliance with any section of these Policies for license categories not specifically addressed hereunder.

Category	3.2.1	3.2.2	3.2.3	3.2.4	3.2.5	3.2.6
Section 15 Package Store Licenses	X	X		X		
Section 12 Pouring Licenses	X	X	X	X		
Section 19B, 19C, 19E Farmer's Series Pouring Permits	X	X	X	X		
Section 14 Special Temporary Licenses	X				X	
Section 15F Farmer's Market Licenses	X					X

Definitions

1. ABCC shall mean the Alcoholic Beverages Control Commission.
2. Application shall mean any application to the Select Board for authorization to engage in the sale and distribution of alcoholic beverages, including an application for a new license, an application for renewal of a license, an application for an alteration of a licensed premises, an application for a change of Manager and an application to transfer a license.
3. Club License shall mean a license issued to a club pursuant to *M.G.L. c.138, §12*. Club shall be defined as in *M.G.L. c.138, §1*.
4. Continuing Care Retirement Community (CCRC) shall mean a facility providing continuing care to residents as defined by *M.G.L. c.93, §76*; provided, however, that such facility shall include a certified assisted living residence pursuant to Chapter 19D.
5. CCRC License shall mean a license issued pursuant to *M.G.L. c.138, §12* to a CCRC.
6. Farmer's Market License shall mean a license issued pursuant to *M.G.L. c.138, §15F*.
7. Farmer Series License shall mean a license issued by the ABCC to a licensee pursuant to *M.G.L. c.138, §19B, §19C or 19E*.
8. Farmer Series Pouring Permit shall mean a license issued by the Select Board pursuant to *M.G.L. c.138, §19B(n), §19C(n), or §19E(o)*.
9. General On-Premises License shall mean a license issued to an establishment without a common victualler's license pursuant to *M.G.L. c.138, §12*.
10. General On-Premises Instructional Classes License shall mean a General On-Premises License that allows the service of alcoholic beverages only in conjunction with instructional classes.

11. Offense shall mean a violation of *M.G.L. c.138*, the ABCC Rules and Regulations, the Town of Reading's licensing regulations, or any other law or regulation of the Town.
12. Package Store License shall mean a license issued pursuant to *M.G.L. c.138*, §15.
13. Pouring License shall mean a license issued pursuant to *M.G.L. c.138*, §12, including a Restaurant License, CCRC License, Club License, War Veterans' Club License, General On-Premises License, and General On-Premises Instructional Classes License.
14. Restaurant License shall mean a license issued to a common victualler pursuant to *M.G.L. c.138*, §12.
15. Special Temporary License shall mean a license issued pursuant to *M.G.L. c.138*, §14.
16. War Veterans' Club License shall mean a license issued pursuant to *M.G.L. c.138*, §12 to any corporation the members of which are war veterans and which owns, hires or leases a building, or space in a building, for the use and accommodation of a post of any war veterans' organization incorporated by the Congress of the United States, to sell such beverages to the members of such post only and to guests introduced by such members and to no others.

3.2.1 – General Guidelines

3.2.1.1 – Standard of Review

In reviewing a license Application, the Select Board shall determine whether the public need and the common good will be served by granting the Application. In doing so, the Board may consider:

1. The number and location of premises for which licenses are currently in effect;
2. The nature and character of the operation proposed;
3. The suitability and fitness of the Applicant;
4. The qualifications of the proposed Manager of the premises to be licensed;
5. Any anticipated impacts of licensed activity on the community, including, but not limited to traffic and noise;
6. Any anticipated impacts of licensed activity on the character of the Town or the neighborhood;
7. Any potential harms resulting from licensed activity;
8. The Application's compliance with state and local requirements and these Policies; and
9. Any advisory reports received by the Board from the Police Department, the Fire Department, the Director of Land Use Planning and Permitting, the Director of Municipal Inspections, the Board of Health or the Treasurer/Collector.

3.2.1.2. Conditions

The Select Board may place reasonable conditions on any license issued pursuant to these Policies, Chapter 138 of the General Laws, or any Special Act of the Legislature related to the

sale and distribution of alcoholic beverages, to provide for public safety, health, welfare, and the promotion of the public order. The Board may change or add to any license conditions or any regulations after notice to the licensee.

3.2.1.3 – Access and Inspection

Licensed premises shall be available at all times for inspection by the Select Board, Building Inspector, Police Chief, Fire Chief, Health Director or any of their designees. When feasible, the Town Manager, or his or her designee, shall inspect each licensed premises at least once per year.

3.2.1.4 – Common Victuallers and Entertainment

The Select Board strongly encourages Applicants to submit their application for a Common Victualler or Entertainment License with their Liquor License Application. Submission of a Liquor License Application does not relieve the Applicant from applying for a Common Victualler or Entertainment License, if needed.

3.2.1.5 – Liquor License Fees

3.2.1.5.1 – Application and Filing Fee.

In addition to any fee required by the ABCC, the following fees shall be paid at the time of filing of any license Application listed below. The Application Fee is not refundable if the Application is denied.

Application Type	Fee
New Liquor License (except Farmer’s Market License)	\$100
New Section 14 License	\$100
Transfer of Liquor License	\$50
Alternation of Licensed Premises	\$50
Change of Manager	\$50

3.2.1.5.2 – Issuance/Renewal Fee

In addition to any fee required by the ABCC and Section 3.2.1.5.1, all licensees identified below shall pay an Issuance Fee. This fee shall be paid prior to the issuance of the license and, if applicable, for each year thereafter, prior to the issuance of the renewed license. Fees under this section shall not be prorated:

Category	Fee
Section 12 Restaurant – All Alcoholic Beverages	\$3700
Section 12 Restaurant - Wine and Malt Beverages Only	\$2700
Section 12 Club – All Alcoholic Beverages	\$1300
Section 12 Club – Wine and Malt Beverages Only	\$900
Section 12 War Veterans’ Club – All Alcoholic	\$500
Section 12 War Veterans’ Club – Wine and Malt Only	\$250
Section 12 General On-Premises – All Alcoholic Beverages	\$3700

Section 12 General On-Premises – Wine and Malt Beverages Only	\$2700
Section 12 General On-Premises, Instructional Classes – All Alcoholic Beverages	\$700
Section 12 General On-Premises, Instructional Classes – Wine and Malt Beverages Only	\$500
Section 12 CCRC License – All Alcoholic Beverages	\$500
Section 12 CCRC License – Wine and Malt Beverages Only	\$250
Section 15 License – All Alcoholic Beverages	\$2500
Section 14 Special Temporary License	\$50
Section 15F Farmer’s Market License	\$50
Section 19B, 19C, 19E Farmer Series Pouring Permit	\$2700
Other License	\$50

The Select Board reserves the right to adjust these fees from year to year. Applicants shall confer with the Town Manager’s Office to ensure that the appropriate fee is submitted.

3.2.2 – General Requirements for Section 12 and Section 15 Licenses, and Farmer Series Pouring Permits

3.2.2.1 – Applications

3.2.2.1.1 – Applications for New and Transfer of License.

In addition to the ABCC Application package, Applicants shall provide proof of insurance, written policies as provided in Section 3.2.2.3 of these Policies, the local fee, and any additional information the Select Board shall request.

3.2.2.1.2 – Application for Renewed License.

In addition to the ABCC Renewal Application Form, Applicants shall provide proof of insurance (if applicable), certification of completed alcohol awareness training, and any additional information the Select Board shall request.

3.2.2.1.3 – Plan Required

When a floor plan is required, the Applicant shall submit a plan drawn to scale showing:

1. Dimensioned floor area;
2. Occupancy of each room;
3. Proposed location of bars or service area;
4. Seats or bench areas, secured and/or moveable;
5. Entrances and exits; and
6. All rooms not being included in the scope of the licensed area.

No alterations to the premises shall be permitted without approval in advance from the Select Board.

3.2.2.1.4 – Outdoor Service

No license shall be issued for the sale of alcoholic beverages in a patio or outdoor area unless the following conditions are met:

1. The exterior premises are enclosed by a physical barrier, which may be a fence or rope, that defines the licensed area and prevents access from a public walkway;
2. An on-duty employee of the licensed premises is designated as the person responsible for control of the area;
3. The exterior area is adjacent to interior licensed premises and visible from within the interior licensed premises;
4. The licensee posts in the licensed outside area that alcoholic beverages are not permitted outside of the licensed outside area;
5. Provisions are made and maintained for the passing of the public through any contiguous public area; and
6. The licensee complies with the ABCC's Guidelines for Extension of Premises to Patio and Outdoor Area; provided, however, that to the extent Section 3.2.2.1.4 imposes stricter requirements on the licensee than the ABCC's Guidelines, Section 3.2.2.1.4 shall prevail.

3.2.2.1.5 – New Application or New Manager

Upon receipt of an application for an original license, or in the case of a new Manager, upon being advised of the new Manager's identity, the Police Department will conduct a background check of any proposed licensee or Manager, and such check will include a review of any existing criminal record. The Board may reject any application where the licensee's or Manager's criminal record or reputation indicates theft, unlawful drug use or distribution, alcohol-related offenses, association with known felons or individuals involved in organized crime, a propensity for violence, or other behavior, that, in the opinion of the Board, might put the public at risk.

3.2.2.2 – Duty to Perform and Abandonment

Within 120 days of the issuance of such license, the Licensee shall be fully operational, unless otherwise approved by the Select Board. Failure to operate under the license for 60 consecutive business days shall be deemed to be abandonment of the license and sufficient grounds for cancellation or revocation, unless prior approval is granted by the Board. The Board may waive this abandonment provision in the event of major renovation, destruction by fire or flood or other similar circumstance.

3.2.2.3 – Establishment of Written Policies

Licensees shall establish written policies regarding the sale or service of alcoholic beverages based upon the requirements of the regulations of the Alcoholic Beverages Control Commission, Section 3.2.1 of these Policies, and any other conditions placed on the license. Such written policies shall be provided to the Select Board upon request.

3.2.2.4 – Alcohol Policy for Staff While Serving

Employees of the licensed establishment shall not consume any alcoholic beverages while on duty or after the official closing hour of the licensed establishment.

3.2.2.5 – Alcohol Management and Server Training

Prior to a Manager's appointment, he or she shall successfully complete an approved program designed to train such individuals to avoid selling or serving to intoxicated persons and minors. All employees serving or selling alcohol or viewing identifications cards shall complete

such training prior to serving or selling alcohol or viewing identification cards. For purposes of this section, an employee shall include provisional, temporary, part-time, and full-time employees. Employees that have yet to complete the required course may shadow employees that have completed the requisite program, provided, however, that they do not serve or sell alcohol or check identification cards without direct supervision and that they complete the course within seven (7) days of hiring.

The following programs shall meet the requirements of these Policies:

1. Training for Intervention Procedures by Servers of Alcohol (TIPS) offered by Health Communications, Inc.;
2. Techniques of Alcohol Management (T.A.M.) approved by the Massachusetts Package Store Association (for off-premises sale license only); and
3. Any insurance industry approved and qualified program offered by a certified trainer and approved by the Select Board.

All persons required to successfully complete an alcohol management or server training course must be successfully retrained prior to the end of the certification period. There shall be an un-expired certificate of program completion for each person subject to this Section on file with the Select Board at **all times**; provided, however, that for new employees, the Certificate may be provided with the certification required in the next paragraph or within thirty (30) days, whichever is later.

By the seventh of every month, the Manager shall certify to the Select Board, using a form approved and provided by the Town Manager that all persons required to complete the above noted trainings are in compliance with this Section.

3.2.2.6 – Liquor Liability Insurance Requirement

Section 12 Licensees shall have liquor liability insurance coverage in the amounts of \$250,000 on account of death or injury to one person, and \$500,000 on account of any one accident resulting in injury to or death of more than one person. Licensees shall file a certificate of insurance with the Select Board. Licensees shall provide the Board with a copy of the Certificate of Insurance upon the issuance or renewal of a license. Licensees shall notify the Board no later than ten (10) days prior to the cancellation or material change of said coverage. The Board may, pursuant to *M.G.L. c.138, §§64A, 64B, 67* increase the minimum amount of required insurance coverage.

3.2.2.7 – Duty to Keep Order

No Licensee shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. There shall be no disorder, indecency, prostitution, lewdness or illegal gambling on the licensed premises.

3.2.2.8 – Manager

The Select Board deems the Manager of licensed premises to be the principal representative of the licensee with respect to all operations of the licensed business. The Manager shall have full authority and control over the licensed premises and shall be responsible

for the conduct of all business therein relative to alcoholic beverages as provided in *M.G.L. c.138, §26* and these Policies. Should the Manager position become vacant during the course of the year, the licensee must file an application for Change of Manager with the Board, and in the event of an unexpected change in Manager status, notify the Select Board as soon as practicable but no less than one (1) business day after such change while the licensee awaits Board approval.

Without limiting the scope of the previous provisions of this subsection, the Board will hold the Manager responsible for the following:

1. Careful selection of qualified employees of the licensed business, including servers, clerks and persons who are engaged with the public in any capacity.
2. Training of employees in all matters relating to the sale or service of alcoholic beverages.
3. Ensuring that no criminal activity, including the sale and distribution of narcotic drugs, takes place on the licensed premises, including within any parking area on the licensed premises.
4. Reporting any criminal activity that occurs on the licensed premises to the Police Department immediately.
5. Immediately reporting to the Police Department all instances of attempted purchase or procurement of service of alcoholic beverages by minors, including attempts to gain access to premises upon which alcoholic beverages are served and from which minors are excluded, and the nature of the appropriate action taken by the licensee in response thereto. Such appropriate action shall include (1) Reporting to the Registry of Motor Vehicles instances involving possession or use of a false, forged or counterfeit license to operate motor vehicles or identification card issued by the Registry of Motor Vehicles; (2) confirmation of the name and address of any minor presenting a liquor identification card or motor vehicle operator's license; and (3) if a purchase was made or service was procured, the name of the licensee's employee participating therein.
6. Enforcement of all laws, regulations and rules relating to the operation of the licensed business, including these Policies.
7. Ensuring that the licensed premises, including the exterior, are maintained in a safe, clean, neat and sanitary condition at all times.

The Manager will continue to be responsible for the operation of the business whether or not he or she is on the premises. Failure of the Manager to comply with these Policies or to otherwise properly discharge the duties of Manager may result in removal of the Manager or suspension or revocation of the license by the Select Board, as it may deem appropriate under the circumstances.

3.2.2.9 – Proof of Age

The Licensee shall refuse to serve any patron under the age of twenty-one (21). When in doubt of age, the Licensee shall require proof of identification. The failure to request a valid form of identification from a customer or patron shall be deemed an aggravating factor by the Board in the determination of penalties for breach of any statute, regulation, rule or license term/condition relating to the sale or service of alcoholic beverages.

3.2.2.10 – Minimum Age of Employee or Server

No employee of any licensed establishment who is serving, clearing or otherwise handling alcoholic beverages shall be under the age of 18.

3.2.2.11 – Prohibition of Bringing Alcoholic Beverages onto the Premises

There shall be no alcoholic beverages brought onto the premises of a licensed establishment, except as permitted by *M.G.L. c.138*.

3.2.2.12 – Deliveries

Deliveries to licensed establishments shall be made only during business hours and shall be made in a manner so as not to disrupt neighbors or interfere with traffic or parking.

3.2.2.13 - List of Alternative Transportation

Licensees shall maintain a written list of the telephone numbers of local taxicab companies next to the public telephone. If there is no public telephone, the list should be available for patrons when requested.

3.2.2.14 – Hours of Operation

No licensee shall be permitted to sell alcohol outside the hours established herein:

<u>Category</u>	<u>Hours of Permitted Sale</u>
Section 12, Restaurant License	<u>Monday through Saturday</u> : 11:00 a.m. – 12:00 a.m. <u>Sunday</u> : 12:00 p.m. – 12:00 a.m. <u>Exceptions</u> : No sale shall occur on Christmas day or the last Monday in May prior to 12:00 p.m.
Section 12, Club License	<u>Monday through Saturday</u> : 8:00 a.m. – 2:00 a.m. <u>Sunday</u> : 12:00 p.m. – 1:00 a.m. <u>Exceptions</u> : No sale shall occur on Christmas day or the last Monday in May prior to 12:00 p.m.
Section 12, War Veterans’ Club License	<u>Monday through Saturday</u> : 8:00 a.m. – 2:00 a.m. <u>Sunday</u> : 12:00 p.m. – 1:00 a.m. <u>Exceptions</u> : No sale shall occur on Christmas day or the last Monday in May prior to 12:00 p.m.

Section 12, General-On Premises License, including General On-Premises, Instructional Classes License	<p><u>Monday through Saturday:</u> 11:00 a.m. – 11:00 p.m.</p> <p><u>Sunday:</u> 12:00 p.m. – 11:00 p.m.</p> <p><u>Exceptions:</u> No sale shall occur on Christmas day or the last Monday in May prior to 12:00 p.m.</p>
Section 12, CCRC License	<p><u>Monday through Saturday:</u> 11:00 a.m. –12:00 a.m.</p> <p><u>Sunday:</u> 12:00 p.m. – 12:00 a.m.</p> <p><u>Exceptions:</u> No sale shall occur on Christmas day or the last Monday in May prior to 12:00 p.m.</p>
Section 19B, 19C and 19E Farmer Series Pouring Permits	<p><u>Monday through Saturday:</u> 11:00 a.m. –12:00 a.m.</p> <p><u>Sunday:</u> 12:00 p.m. – 12:00 a.m.</p> <p><u>Exceptions:</u> No sale shall occur on Christmas day or the last Monday in May prior to 12:00 p.m.</p>
Section 15 License	<p><u>Monday through Saturday:</u> 8:00 a.m. – 11:00 p.m., or 11:30 p.m. on days preceding legal holidays.</p> <p><u>Sunday:</u> 10:00 am – 11:00 p.m., or 11:30 p.m. on days preceding legal holidays.</p> <p><u>Exceptions:</u> No sales may be made: (1) On Christmas day, (2) On Thanksgiving Day, and (3) On the last Monday in May prior to 12:00 p.m.</p>

3.2.3 – Additional Requirements for Section 12 Restaurant, Club, War Veterans’ Club, General On-Premises, General On-Premises Instructional Classes, and CCRC Licenses, and Farmer Series Pouring Permits

3.2.3.1 – Toilet Facilities Required

No premises shall be licensed unless toilet facilities meeting all requirements of the current edition of the State Building Code and State Sanitary Code are available to the customers of the license premises.

3.2.3.2 - Orderly Closing

Licenseses shall ensure that patrons leave the licensed premises in an orderly manner and do not linger outside the licensed premises for more than 60 minutes after closing. All tables and service locations shall be cleared of alcoholic beverages within 30 minutes after the closing hour.

3.2.3.3 – Prohibition of taking Alcoholic Beverages from the Premises - Exceptions

There shall be no alcoholic beverages taken from the premises of an establishment licensed under *M.G.L. c.138, §12*, except for deliveries for the operation of the business as controlled by *M.G.L. c.138*, and with the exception of partially consumed bottles of wine that are purchased with a meal and resealed in accordance with 204 CMR 2.18.

3.2.3.4 – Food Service

Restaurant Licensees shall provide a food service at all times when alcohol is served. No alcoholic beverages may be sold or served in a licensed premise before food service is available, nor after the food service has been suspended. This provision shall not apply to any other type of Pouring License and Farmer Series Pouring Permits.

3.2.3.5 - Service Bar

Licenseses shall not serve alcoholic beverages directly to the public from a service bar. No stools or chairs are to be placed at a service bar.

3.2.3.6 – Instructional Classes with Alcohol

For General On-Premises Instructional Classes Licensees, alcohol service shall be restricted to classes that are not more than three hours in duration. Only class members shall be allowed to purchase alcohol.

3.2.4 – Violations

3.2.4.1 – Suspension, Revocation, Cancellation or Modification of License

All licenses are subject to suspension, revocation, cancellation or modification for breach of any conditions, regulations, laws, bylaws, or policies of the Commonwealth of Massachusetts, the Town or the Select Board.

3.2.4.2 – Enforcement

Licenseses violating applicable laws of the Commonwealth, rules or regulations of the ABCC, the Town of Reading Liquor Policies, or the terms of its license, shall be subject to the following:

<u>Offense</u>	<u>Suggested Order</u>
1 st Offense	One to five day suspension
2 nd Offense	Six days to ten day suspension
3 rd Offense	Ten days to 30 day suspension
4 th Offense	Show cause hearing for license revocation

The suggested orders listed above shall be a guide for the Select Board. The Board, in its discretion, may impose an order that is more lenient or more severe than suggested by the guidelines when the facts surrounding a violation so warrant.

The suggested order shall not be construed as to limit the Select Board's ability to consider alternative dispositions, further conditions on a license, or alternative sanctions (*e.g.*, rolling back service hours).

3.2.4.3 – Posting of Notice

Whenever the Select Board warns a licensee or suspends the license, the Board shall provide the licensee with a sign stating the reason for the warning or suspension and the length of the warning period or suspension. During the entire period of such warning or suspension, this sign shall be attached by the licensee on the inside of a window in a conspicuous location, designated by the Board, so that it is visible from the outside of the premises.

3.2.4.4 – Compliance Check Operations

The Police Chief, or his designee, is authorized to conduct compliance checks in accordance with the ABCC's compliance check guidelines.

3.2.5 – Requirements for Section 14 Special Temporary Licenses

3.2.5.1 – Type of License

The Select Board may issue the following types of Special Temporary License: (1) Commercial Enterprise Special Temporary License for the sale of Wine and Malt Beverages only; or (2) Non-Profit Enterprise Special Temporary License for the sale of All Alcoholic Beverages or Wine and Malt Beverages only, or any of them.

3.2.5.2 – Standard of Review

In addition to the considerations listed in Section 3.2.1.1, the Select Board may consider whether the Applicant has complied with *M.G.L. c.138*, and these Policies in the past in issuing a license under this section.

3.2.5.3 – Application

3.2.5.3.1 – Form

Application shall be made on a form, available in the Town Manager and Select Board's office, and shall include the following:

1. Town of Reading's General Application Form;
2. Written approval from the owner of the property where the event is being held;
3. Floor plan, as provided in Section 3.2.2.1.3;
4. Outdoor seating plan, if applicable, as provided in Section 3.2.2.1.4; and
5. Local fee (This fee may be waived if the applicant is a non-profit entity).

3.2.5.3.2 – Filing Deadline

Applications for a Special Temporary License shall be submitted at least 14 days prior to the event.

3.2.5.4 – Duration

Any Section 14 license shall identify the date on which the licensee is permitted to distribute the alcohol (the event date). However, the license shall be for a three-day period surrounding the event in order to allow delivery and dispose of all alcohol purchased for the event, unless the Licensee can demonstrate the any such additional days are not necessary for acquisition or disposal of alcoholic beverages.

3.2.5.5 – Acquisition of Alcohol

The Select Board shall provide to Licensees a list of licensed Massachusetts wholesalers, or the method by which a licensee may obtain such a list, upon request. Alcohol must be purchased or donated in accordance with *M.G.L. c.138, §14* and the Alcoholic Beverage Control Commission's regulations.

3.2.5.6 – Alcohol Training

All individuals serving or selling alcoholic beverages or viewing identification cards shall be trained in accordance with Section 3.2.2.5 above. A certificate of completion shall be provided to the Select Board at least 10 days prior to the event. There shall be no self-service of any alcoholic beverage.

3.2.5.7 – Insurance

Applicants for special licenses shall provide proof of insurance in commercially reasonable amounts to the Select Board with the Application.

3.2.5.8 – Limitations

No Special Temporary License shall permit sales on more than 30 days; nor may any person be granted Special Temporary Licenses permitting, in the aggregate, sales on more than 30 days in any calendar year, except as authorized by 204 CMR 7.04.

3.2.5.9 – Exceptions

In the case of events held outside a private residence, the Select Board shall not require a special license where: (1) the event is held at the offices or business address of the event host; (2) the event is by invitation only, (2) money is not exchanged for alcohol, (3) tickets are not sold, (4) a donation is not required or solicited, and (5) an entrance fee is not charged.

3.2.5.10 – Violations

The Select Board may refuse to issue a Special Temporary License if, in its opinion, an Applicant fails to establish compliance with the requirements of *M.G.L. c.138*, or any state or local regulation, or any reasonable requirements of the Board. Whenever any a Special Temporary License holder fails to maintain compliance with such requirements, the Board may, after an opportunity for hearing, modify, suspend, cancel or revoke such license.

3.2.6 – Farmer’s Market Licenses

3.2.6.1 – Authority

In addition to the considerations listed in Section 3.2.1.1, the Board may consider whether the Applicant has complied with *M.G.L. c.138*, and these Policies in the past in issuing a license under this section.

3.2.6.2 – Application

3.2.6.2.1 – Form

In addition to the ABCC Application package, Applicants shall provide the following:

1. Town of Reading General License Application Form;
2. Floor Plan, depicting:
 - a. Layout of agricultural sales;
 - b. Proposed location of service area;
 - c. Entrances and exits; and
 - d. Plan for the control of litter.
3. Certification from the Department of Agriculture that the event is an Agricultural Event as defined in *M.G.L. c.138, §15F*; and
4. Local fee.

3.2.6.2.2 – Filing Deadline

The Application shall be submitted at least 30 days prior to the event.

3.2.6.3 – Licensed Premises

A license granted under this section may be granted for a portion of premises that are licensed under *M.G.L. c.138, §12*, if:

1. The Farmer’s Market licensee documents the legal basis for use of the Section 12 licensed premises;
2. The area in which a Farmer’s Market License is approved shall be physically delineated from the area remaining under the control of the Section 12 license holder;
3. The holder of the Farmer’s Market License shall be solely liable for all activities that arise out of the Farmer’s Market License; and
4. The Farmer’s Market License holder shall not pay any consideration, directly or indirectly, to the Section 12 license holder for the access to or use of the Section 12 licensee's premises.

3.2.6.4 – Alcohol Training

Servers shall be trained in accordance with Section 3.2.2.5 above. A certificate of completion shall be provided to the Board at least seven days prior to the event.

3.2.6.5 – Conditions of Service

All servers shall be at least 21 years of age. No sample shall exceed 1 ounce of wine and no more than five samples shall be served to an individual. All samples shall be consumed in the presence of such server.

3.2.6.6 – Duration

The Select Board may grant a Farmer’s Market License for an indoor or outdoor event that takes place on multiple dates or times during a single calendar year.

3.2.6.7 – Hours

In its discretion, the Select Board may limit the hours of permitted sales.

3.2.6.8 – Signage

The Farmer’s Market License shall be displayed conspicuously by the licensee at the licensed premises.

3.2.6.9 – Transfers

A Farmer’s Market License shall be nontransferable to any other person, corporation, or organization and shall be clearly marked nontransferable on its face.

3.2.6.10 – Violation

Whenever any Farmer’s Market License holder fails to maintain compliance with the requirements of *M.G.L. c.138*, or any state or local regulation, or any reasonable requirements of the Board, the Board may, after an opportunity for hearing, modify, suspend, cancel or revoke such license. The Board may rely upon the suggested orders in Section 3.2.4.2 when issuing its determination.

Revised 3-22-16

Section 3.3 - Issuance of Peddler’s Licenses

Chapter 101, Sections 12A through 33 of the *Massachusetts General Laws* provide for regulations of peddlers. Part of the State law allows the Select Board to establish local rules and regulations for the granting of such licenses.

The following rules and regulations are hereby adopted to guide the Select Board in reviewing and ruling upon applications for Peddler’s Licenses:

1. Each application will be dealt with on a case by case basis. The following guidelines are not intended to be a full list of issues to be dealt with by the Board but are merely guidelines to the applicant.
2. Approval will be granted within a commercial or industrial zoning district only.
3. No peddlers will be permitted to operate within the public right of way including a roadway or sidewalk area.

4. Written approval of the property owner and any tenants on the property will be required prior to the Board hearing an application for a license. This will need to be renewed annually.
5. If the proposed use, in the opinion of the Select Board, will generate traffic other than traffic that is routine to the premises, then designated parking spaces will be required that will not be detrimental to the principle use on the premises.
6. The Board will require evidence that the peddler's use will have minimal effect on the neighborhood adjacent to the site.
7. The peddler's use will not take away existing parking spaces from those required on the site.
8. The peddler's use may have no negative impact on retail or commercial activities within the Town of Reading.
9. Peddler's uses will be permitted only where there is another principal use on the site and the peddler's use is related to the principal use of the property. No peddler's uses will be permitted on vacant or unused land.
10. The applicant must show that adequate controls are in place and insure public safety and cleanliness, and a condition of approval of any peddler's license will be that all of the required licenses will be received.
11. Prior to the issuance of a Peddler's License, the Board may require a review by the Health Division and the Building/Zoning Inspection Division and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

Adopted 10-18-88, Revised 12-13-94, Revised 5-25-04

Section 3.4 - Issuance of Class I, II and III Motor Vehicle Licenses

Chapter 140, Sections 57-69 of the *Massachusetts General Laws* provide for the regulation of Class I, II and III licenses for the sale of motor vehicles. The Select Board as Licensing Authority is charged with the responsibility of issuing these licenses, determining that the licensee is a proper person to engage in the business and that there is a suitable place of business.

The following rules and regulations are hereby adopted to guide the Select Board in reviewing and ruling upon applications for Class I, II and III Motor Vehicle Licenses:

1. Each application will be dealt with on a case by case basis. These guidelines are not intended to be a full list of issues to be dealt with by the Board but are guidelines to the applicant.
2. Class I, II and III Motor Vehicle Licenses will be issued only within a commercial or industrial zoning district within the Town.
3. Pursuant to State law (Chapter 140, Section 59), the applicant must show that the business to be licensed is the principal business of the licensee.
4. The applicant shall provide to the Select Board a lease or written approval of the property owner (if other than the applicant) for the use of the premises for the license period.
5. The applicant will provide, pursuant to Chapter 140, Section 58, proof that the applicant maintains or has access to a repair facility sufficient to enable him to satisfy the warranty repair obligations imposed by State statute.
6. For Class I and II Licenses, all the requirements of Chapter 90, Section 7N ¼ and Section 7N 1/2 must be complied with.

7. The applicant must show through plans or other means that there is adequate space on the premises for the vehicles to be sold and for customers and employees to park.
8. The licensed activity must not create an adverse traffic impact and access to the site must be adequate.
9. The licensee must conform with the Zoning By-Laws including the sign portions of the Zoning By-Laws.
10. The Board may require information to assure itself that the facility does not and will not cause any environmental problems relative to spills or other release of harmful substances to the environment or to neighboring properties.
11. The applicant shall provide proof of a bond as required by State Statute.
12. Prior to the issuance of a Class I, II or III Motor Vehicle License, the Board may require a review by the Building/Zoning Inspection Division, and proof that all necessary approvals, permits and other licenses needed to operate have been issued. The Board will require a review by the Chief of Police to assist them in determining that the applicant is a proper person to engage in the business to be licensed.

The following will be standard conditions for Class I, II or III Motor Vehicle Licenses unless the Select Board shall modify any of these conditions, and the Board may make any additional conditions on the license as it deems fit:

- ◆ The maximum number of vehicles offered to be sold at any one time shall be established.
- ◆ The location of vehicle(s) to be sold will be specifically stated.
- ◆ The location of the repair facility will be specifically stated.
- ◆ There will be no pennants, banners, windshield signs or other information other than the principal sign unless required by law. The Board may require pricing and other consumer information to be attached to the vehicle in a manner so as not to detract from the general appearance of the site.

Adopted 12-13-94, Revised 5-25-04

Section 3.5 - Issuance of Taxi and Vehicle for Hire Licenses

This Section shall be known as the "Town of Reading Rules and Orders for the Regulation of Carriages and Vehicles Used in the Town of Reading, promulgated pursuant to G.L.C. 40, Sec. 22".

3.5.1 - Applicability of Rules and Orders

Vehicles for hire including taxicabs and liveries (hereinafter referred to as "vehicles") operating or caused to be operated by non-governmental entities for the transportation of persons from place to place within the Town, or from a point in the Town to another location outside the Town, other than over regular routes or between fixed termini, shall be subject to these rules and orders to the extent provided below.

3.5.1.2 - Definition of Livery

Livery shall mean a private vehicle licensed as such, including but not limited to, limousines which are used for pre-arranged trips for particular occasions such as weddings, funerals, celebrations or school transportation.

3.5.2 - License

3.5.2.1 - License Required

No vehicle shall be driven, operated or caused to be operated as a vehicle for hire without a license first having been obtained for that vehicle from the Select Board. Each vehicle shall require a separate license.

3.5.2.2 - Application

Applications for a license shall be made in writing to the Select Board and shall provide the following information:

1. The name and address of the applicant, if an individual; or if a corporation, the name, date of incorporation, address of its principal place of business and the name and address of its officers; or if a partnership, association or unincorporated company, the names and addresses of the partners or associates and the address of its principal place of business.
2. The intended place of business within the Town of Reading.
3. The name of the Manager or principal representative, as well as any Assistant Manager(s).
4. Proposed hours of operation, description of proposed vehicle including the make, model, Vehicle Identification Number and age of the vehicle.

3.5.2.3 - Review by Chief of Police

No license shall be granted by the Select Board until the application has been reviewed by the Chief of Police. Ten (10) working days to be allowed for such review. As a condition of issuance and retention of the license, the owner and all employees of the licenses shall make available to the Police Chief or his designees, the manifest used by the taxi company. "Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

3.5.2.4 - Grant or Denial

The Select Board may upon receipt of an application, issue a license under such terms and conditions as they deem appropriate and in the public interest. The Board, in determining whether to issue a license, may consider the public demand or the proposed service, the effect of the proposed service upon relevant traffic and safety conditions, the character and financial responsibility of the applicant the condition of the proposed vehicle(s), and any and all other relevant facts or circumstances.

3.5.2.5 - Term and Fee

Any license issued hereunder shall expire on the last day of December next ensuing, unless sooner revoked or surrendered. Any licensee who permanently ceases to operate the vehicle for which a license was issued shall forthwith surrender the license to the Select Board. The fee for each license issued shall be fifty dollars (\$50.00) per license. This fee shall not be prorated.

3.5.2.6 - Notification as to Vehicle

If issued a license, the licensee shall, prior to the operation of the vehicle as a vehicle for hire, provide the following information, in writing, to the Select Board:

1. The make, model, Vehicle Identification Number and age of the vehicle.
2. A copy of the vehicle's certificate of registration with the Registrar of Motor Vehicles.

3. A copy of the certificate of insurance coverage page for the vehicle.

3.5.2.7 - Insurance

A vehicle issued a license hereunder shall be insured. Coverage for "Bodily Injury to Others" shall be no less than \$100,000 per person/\$300,000 per accident.

3.5.2.8 - Liability

The licensee is at all times responsible for his vehicle and shall be liable for all penalties and/or damage resulting from his operation of the vehicle or the operation of the vehicle by an employee or agent.

3.5.2.9 - Suspension or Revocation

The Select Board may suspend or revoke a license issued under the provisions of this article for good cause. Before suspension or revocation of a license, the licensee shall be entitled to a hearing thereon before the Select Board. Written notice of the hearing shall be forwarded to the licensee at least seven (7) calendar days prior to the date of the hearing. Such notification shall state the grounds of complaint and the date, time and place of the hearing. The Town Manager may temporarily suspend a license without a hearing for a period of no greater than ten (10) days or until a hearing is held, whichever is sooner, if there is sufficient evidence to indicate that the public safety would be endangered by continued operation of the vehicle.

3.5.2.10 - Assignment or Transfer Prohibited

No license shall be assigned or transferred.

3.5.3 - Permit

3.5.3.1 - Required

No person shall operate a vehicle, and no licensee shall employ or allow a person to operate a vehicle, unless the operator first obtains a permit from the Select Board.

3.5.3.2 - Minors

No permit shall be issued to a person under eighteen (18) years of age.

3.5.3.3 - Application

Applications for a permit shall be made, in writing, to the Select Board and shall provide the following information:

1. Full name and address.
2. Copy of a valid operator's license issued by the Registrar of Motor Vehicles.
3. All previous experience operating a vehicle for hire.
4. Convictions or pleas of guilty to a criminal offense, except as outlined below. If any, state the offense(s), court(s) in which convicted or guilty plea occurred and when the conviction(s) or plea(s) occurred. The following criminal information is not and shall not be requested, examined or considered by the Select Board:
 - ◆ Arrests, detentions or dispositions in which no conviction or guilty plea resulted;
 - ◆ Convictions which have been reversed or vacated but not pardoned;

- ◆ Misdemeanor convictions or guilty pleas when the date of conviction or plea was greater than ten (10) years prior to the date of application for the permit;
- ◆ Traffic violations for which there was a finding of responsibility for a period of two (2) years prior to the date of application for the permit or for such period of time as the Select Board shall request.

Failure to give accurate and complete information as required above may be grounds for denial, suspension or revocation of a permit.

3.5.3.4 - Review by Chief of Police

No permit shall be issued by the Select Board until the application has been reviewed by the Chief of Police or designee. Ten (10) working days are to be allowed for such review.

3.5.3.5 - Issuance or Denial

An applicant shall be granted a permit only if the Select Board determines that granting a permit to the applicant is in the best interest of the public. Criminal convictions or pleas of guilty shall not result in an automatic denial of an application but shall be given significant consideration and weight by the Select Board, taking into account all factors including the nature and gravity of the offense, the time that has passed since the conviction or plea, and the sensitive nature of serving the public as a driver of a vehicle for hire.

3.5.3.6 - Term and Fee

Any permit granted hereunder shall expire on the last day of December next ensuing, unless sooner revoked or surrendered. A permit holder who ceases to operate vehicles shall forthwith surrender his permit to the Select Board. The fee for a permit shall be fifty dollars (\$50.00). This fee shall not be prorated.

3.5.3.7 - Picture Identification Card

A picture identification card shall be issued by the Select Board, or its designee, to each permit holder, and shall be displayed prominently in the vehicle when being driven by the permit holder.

3.5.3.8 - Liability

A permit holder is at all times responsible for the vehicle he is operating and shall be liable for all penalties and/or damage resulting from his operation of the vehicle.

3.5.3.9 - Suspension or Revocation

The Select Board may suspend or revoke a permit granted under the provisions of this article for good cause. Before suspension or revocation of a permit, the permit holder shall be entitled to a hearing thereon before the Select Board.

Notice of the hearing shall be in writing and forwarded to the permit holder at least seven (7) calendar day prior to the date of the hearing.

Such notification shall state the grounds of complaint and the date, time and place of the hearing. The Town Manager may temporarily suspend a permit until a hearing can be held in accordance with the procedures set out above, if there is sufficient evidence to indicate that the public safety would be endangered by the continued operation by the permit holder. In no event shall a temporary suspension be for a period greater than ten (10) calendar days.

3.5.4 - Operation

3.5.4.1 - Duty to Transport

A permit holder shall not unreasonably refuse to transport a passenger.

3.5.4.2 - Sharing a Ride

No permit holder shall accept a passenger when the vehicle is occupied or engaged without the consent of the passenger(s) already in the vehicle. No person shall be obliged to pay any extra fare or fee for refusing such consent. Separate fares shall not be charged to members of the same party. A party shall be considered any number of individuals (not exceeding the passenger capacity of the taxi) with the same origin and destination.

3.5.4.3 - Taxi Stands - Parking – Standing

The Select Board may assign a taxi stand or stands to one or more taxicabs. The Select Board may also designate specific areas, streets or ways where vehicles may not park or stand. Standing and/or parking on public ways or public property of vehicles not licensed in the Town of Reading is prohibited except while waiting to return a party whose original point of hire was from outside of Reading, when operating in accordance with a Massachusetts Department of Public Utilities license, or when being used for personal (non-vehicle for hire) purposes.

3.5.4.4 - Maintenance of Vehicles

Every vehicle shall be kept in good condition, suitable for occupancy and mechanically fit for the safety of passengers. The interior and exterior of the vehicle shall be safe, clean and sanitary at all times.

3.5.4.5 - Inspection

The Reading Police Department or its designee shall have the right to inspect any vehicle for purposes of these regulations or as public safety requires.

3.5.4.6 - Smoking

Smoking in a vehicle is prohibited.

3.5.4.7 - Appearance of Operator

Every driver having charge of a licensed vehicle shall be suitably dressed (sleeved shirt), neat and clean in appearance.

3.5.4.8 - Display of License, Picture Identification Card and Rates of Fare

Every vehicle when in operation shall display the following cards in a suitable frame so that they are secure and immobile and plainly visible to passengers riding in the rear of the vehicle:

1. License
2. Picture identification card of driver
3. Fares (taxicabs only)

3.5.4.9 - Lettering on Taxicabs

Every taxicab operating under the authority of these rules and orders shall have the name or trade name of the licensee and the name "Town of Reading" or "Reading" painted on both sides of the taxicab in letters four inches high and one-half inch wide, painted in two conspicuous places on the taxicab.

3.5.4.10 - Copy of Regulations

Every vehicle shall, when in operation, contain a copy of these regulations, which shall be exhibited to any passenger or Police Officer on request. The licensee and permit holder shall be responsible for the implementation of this requirement.

3.5.5 - Fares

3.5.5.1 - Taxicabs

The Select Board shall establish the rates of fare for the conveyance of passengers and baggage, and may revise such when they so determine. The rate of fare shall be governed by fare zones and shall be on file at the Office of the Town Clerk.

3.5.5.2 - Separate Fares

Separate fares shall not be charged to members of the same party.

3.5.5.3 - Senior Citizen Discount

Fares for all persons sixty (60) years of age and older shall be discounted in accordance with a schedule approved by the Select Board. When discounted rates are offered, they must be offered to all senior citizens using a taxicab pursuant to the licensing established in this policy. There shall be displayed a sign informing the passengers of the discount.

3.5.5.4 - No Fares in Excess of Established Rates

No taxicab permit holder shall demand or receive as a fare more than the fare established by the Select Board under the authority granted by these regulations.

3.5.5.5 - Livery Rates

Charges by liveries shall be subject to mutual agreement between the livery operator and the passenger(s).

3.5.6 - Information Update and Penalties

3.5.6.1 - Information Update

When any information provided in an application for a license or permit changes or is updated, the respective licensee or permit holder shall give notice thereof, in writing, to the Select Board.

3.5.6.2 - Penalties

The penalty for a violation of any of these rules and orders shall be a fine equal to the fine for a violation of Town Bylaws as set forth in Article 1.8 of the Town Bylaws. Violation of any of

the rules and orders herein shall be just cause for suspension or revocation of a license and/or permit.

Adopted 7-18-89, Revised 12-13-94, Revised 5-25-04

Section 3.6 – Innholders and Common Victualler’s Licenses

Chapter 140, Section 2 of the *Massachusetts General Laws* provides for the licensing of Innholders and Common Victuallers. The Select Board as Licensing Authority is charged with the responsibility of issuing these licenses, determining that the licensee is a proper person to engage in the business and that there is a suitable place of business.

The following rules and regulations are hereby adopted to guide the Select Board in reviewing and ruling upon applications for Innholders and Common Victualler’s Licenses:

1. Each application will be dealt with on a case by case basis. These guidelines are not intended to be a full list of issues to be dealt with by the Board but are guidelines to the applicant.
2. Innholders and Common Victualler’s Licenses will be issued only within a commercial or industrial zoning district within the Town, unless such a business shall exist and has pre-dated zoning, or has been granted a variance to do business in a location that is not in a business or industrial zoning district.
3. The applicant shall provide to the Select Board proof of ownership, a lease, or written approval of the property owner (if other than the applicant) for the use of the premises for the license period.
4. The applicant shall provide to the Town a plan of the premises to be licensed, including an accurate count of the number of seats available. If outdoor seating is to be required, this shall also be included on the plans.
5. The applicant must show through plans or other means that there is adequate space on the premises for all aspects of the proposed operation, including employee and customer parking, in accordance with the Zoning By-Laws of the Town of Reading.
6. The licensee must conform with the Zoning By-Laws of the Town of Reading.
7. Prior to the issuance of an Innholders and Common Victualler’s License, the Board may require a review by the Health Division and the Building/Zoning Inspection Division and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.

For establishments licensed as Innholders and Common Victualler’s, patrons are not permitted to bring alcoholic beverages onto the premises for their own consumption.

Licenses are not permitted to keep alcoholic beverages on the premises except for a small quantity that is used in the preparation of certain specialty-cooked foods. The Select Board as Licensing Authority will at its discretion determine what is reasonable for this purpose, and whether or not it is customary in the preparation of such specialty foods. This policy shall not apply to establishments that hold valid liquor licenses.

Adopted 3-12-96, Revised 5-25-04

Section 3.7 – Entertainment Licenses and Licenses for Automatic Amusement Devices, Billiard, Pool or Sippio Tables, or Bowling Alley

Chapter 140, Sections 181 and 183A, and Chapter 136, Section 4 of the *Massachusetts General Laws* provide for the licensing of public amusements and other forms of entertainment. Chapter 140, Sections 177 and 177A of the *Massachusetts General Laws* provide for the licensing of “billiard, pool or sippio table or a bowling alley for hire, gain or reward” and “Automatic Amusement Devices for hire, gain or reward,” respectively.

1. Application.
 - a. General. All applications or renewal thereof, shall be on the form prescribed by the Board. The Board may require information as it deems appropriate.
 - b. Sunday License. Where required pursuant to *M.G.L. c.136, §4*, a separate application shall be submitted with the appropriate state fee. Sunday Licenses shall not be issued until the Division of Public Licensure has approved the application.
 - c. Automatic Amusement Device License. The license application shall specify each automatic amusement device proposed for use on the premises.
2. Fees. The license fee is shall be as indicated on the fee schedule, available at the Town Manager’s office.
3. Location. Entertainment Licenses shall be issued only to premises located in a business, industrial or Gateway Smart Growth zoning district, or where the premises is otherwise suitable for such a license, unless the use pre-dated zoning, or has been granted a variance to do business in a location that is not in such districts.
4. Duration and Renewal.
 - a. An Entertainment License may be issued for a full calendar year, or for a single event. If an event is separately licensed, a separate application shall be made and a separate fee shall be charged for each event.
 - b. An Automatic Amusement Devices, Billiard, Pool or Sippio Tables, or Bowling Alley License shall be issued for a full calendar year.
 - c. Applications for renewal shall be filed by November 1 of each year.
5. Conditions. The Board may place reasonable conditions on the issuance of a license in order to preserve and protect the public health, safety and order, to guard against the creation of a nuisance, or to insure adequate safety and security for patrons or the affected public. Unless otherwise specified, the following conditions shall apply:
 - a. Live Entertainment.
 - i. The Licensee shall protect employees, patrons, and members of the public, both on and off the premises, from disruptive conduct, criminal activity, and from health, safety and fire hazards;
 - ii. The Licensee shall prevent the unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises; and

- iii. The Licensee shall prevent an unreasonable level of pedestrian or vehicular traffic in the area of the event, and to prevent the unreasonable level of increased parking in the area of the premises.
 - b. Police Detail. Depending upon the anticipated attendance at an event and the nature of the event, the Board may require a Police or other detail.
 - c. Inspections. All Licensed premises shall be available at all times for inspection by the Board, the Board of Health, the Building Inspector, the Police Chief, or the Fire Chief, or any of their designees.
 - d. Automatic Amusement Device License
 - i. Gambling. Automatic Amusement Devices shall not be used for the purposes of gambling.
 - ii. Sightlines. Automatic Amusement Devices licensed under this policy shall be installed on the premises so as to be in open view at all times while in operation, and shall at all times be available for inspection.
- 6. Suspension or Revocation. All licenses are subject to suspension, revocation or modification for breach of any license condition, or violation of any law, regulation, bylaws, or policy of the Commonwealth, the Town or the Board or upon a finding that the Licensee has adversely affected the public health, safety or order.

Revised 5-25-04

Section 3.8 - Waiver of Retail Sales before 6:00 a.m.

Section 5.10 of the General Bylaws of the Town of Reading prohibits retail sales prior to 6:00 a.m. It also provides for a process by which the Select Board may consider allowing retail sales between the hours of midnight and 6:00 a.m. when the Board determines that permitting retail sales during those hours is in the interest of public health safety and welfare, or is in the interest of public necessity or public convenience.

These regulations are adopted by the Select Board to provide guidance to the Select Board, applicants, and the public regarding how applications for waivers from the restriction on hours of retail sales will be handled.

Each application will be dealt with on a case by case basis. An initial application for a waiver or hours of retail sales prior to 6 a.m. shall require a public hearing noticed to all property owners within 300', and by publication in a local newspaper and/or publication on the Town's web site. Renewal of a waiver shall be required on an annual basis with each waiver expiring on December 31. The Select Board shall determine on a case by case basis whether a public hearing is required for each renewal.

The Select Board may revoke approval upon receipt of complaints that the operation is taking place contrary to the approval granted by the Board. Revocation shall be made only after a public hearing, unless emergency circumstances require an administrative revocation pending hearing.

The following guidelines are not intended to be a full list of issues to be dealt with by the Board but are merely guidelines to the applicant:

1. Approval will be granted for businesses within a commercial or industrial zoning district only.
2. In general, approval shall be for the entire business. For example, if a business dispenses gasoline, sells coffee, and has a convenience store, all within the same business, then the approval shall be for all parts of the business.
3. The retail use for which approval of a change in retail hours is permitted will be the principal use on the property.
4. Written approval of the property owner will be required prior to the Board hearing an application for a license. This will need to be renewed annually.
5. The Board may require evidence that the change in permitted hours of retail operation will have minimal effect on the neighborhood adjacent to the site.
6. The applicant must show that adequate controls are in place to ensure public safety and follow food code sanitation protocols.
7. No waiver of the hours of retail sales will be considered for prior to 5 am Monday through Friday. No waivers shall be considered for Saturdays, Sundays, or State Designated legal holidays.
8. The Board may limit the use of outdoor speakers, drive-thru's, and/or restrict parking in certain areas in order to limit the impact of the waiver on neighboring properties. In order to address these issues, the Board may require a site plan from applicants, drawn to scale, and showing locations of these features and their relation to abutting residential buildings.
9. Prior to the issuance of a waiver on the hours of retail sales, the Board may request a review by the Health Division, Police Department, and the Building/Zoning Inspection Division and proof that all necessary approvals, permits, and other licenses needed to operate have been issued.
10. A waiver to allow retail uses prior to 6 a.m. is not a waiver of any other bylaw or regulation of the Town of Reading or other agency having jurisdiction.
11. Parking lot cleaning, and other maintenance operations (excluding emergency work), and deliveries shall not take place between the hours of 9:00 PM and 7:00 am. Rubbish collection and recycling shall not take place between 9:00 PM and 6:30 am.

Adopted 6/26/07

Section 3.9 - Licenses for Utilizing Public Sidewalks for Outdoor Dining

The Select Board desires to encourage restaurants to provide outdoor dining on public sidewalks in the downtown area of Reading in a safe and orderly manner. *In response to a need to simplify, streamline and expand these regulations to allow Outdoor Dining on Town property (beyond just sidewalk areas) in response to COVID-19, Section 3.9.7, which will remain in effect until December 31, 2020, has been added.*

Upon site plan approval by the Community Planning and Development Commission, outdoor dining on private property may be permitted in addition to or in lieu of outdoor dining on a public sidewalk. This policy addresses only outdoor dining on public sidewalks.

The following regulations shall apply for licenses for utilizing public sidewalks for outdoor dining, or "Outdoor Dining Licenses."

3.9.1 Application

1. Eligibility.
 - a. Only Inn-Holders and Common Victuallers may apply for an Outdoor Dining License.
 - b. Unless otherwise permitted, the licensed outdoor seating area must be abutting the establishment.
 - c. The establishments must be located within a business, industrial or Gateway Smart Growth zoning district, unless the business pre-dated zoning, or has been granted a variance to do business in a location that is not in such districts.

2. Applications. Applications shall be on the form prescribed by the Board, and shall include the following:
 - a. Name, address, email address, and telephone number of the owner of the establishment and the building within which the establishment is located (if different);
 - b. Proof of ownership, or a lease demonstrating authority to use the premises for the license period and written consent of the property owner to submission of the application;
 - c. A copy of the current Permit to Operate a Food Establishment issued by the Board of Health;
 - d. Five (5) copies of a professionally drawn plan depicting the location of all property to be placed on the sidewalk and any related information requested;
 - e. A plan for outdoor lighting if any is proposed; and
 - f. If alcoholic beverage service is proposed:
 - i. A copy of the establishment's liquor license documenting that the public sidewalk is within the premises licensed, or in accordance with Section 3.2 of these Policies, an application to alter the license premises to include the public sidewalk;
 - ii. A detailed alcohol control plan that includes what steps the Manager will take to ensure that alcohol remains within the licensed premises, signage, and staff instructions; and
 - iii. Updated server training certificates for all individuals required to be certified pursuant to Section 3. 2 of this Policy.

3.9.2 Revocable at Will

The Outdoor Dining License is revocable at will by the Board for any reason whatsoever upon written notice to the Licensee from the Board. The License Agreement shall stipulate that in the event of such revocation, the Licensee shall have no recourse or claim against the Town for such revocation whether by way of monetary charges, a suit in equity or otherwise.

3.9.3 License Fee

The initial license fee and the renewal license fee is \$100, and shall be payable upon application for an Outdoor Dining License or renewal thereof.

3.9.4 Duration of License

The Outdoor Dining License is valid for the period between April 1 and November 30 of each year. License renewals must be submitted by November 1 of each year.

3.9.5 License Conditions

In addition to those articulated below, the Board may impose such additional conditions as it determines to be appropriate.

1. Alcohol.
 - a. There shall be no service of alcoholic beverages unless permitted by the Board and the establishment holds a liquor license that includes the public sidewalk as part of the licensed premises.
 - b. There shall be no bar or service bar located on the public sidewalk.
 - c. All alcohol service shall be limited to customers who are seated at a table and who orders food from the menu.
 - d. The Licensee shall comply with Section 3.2 of this Policy, including the provision regarding outdoor service of alcohol.
2. Board of Health. Outdoor dining areas shall be considered as part of the restaurant and shall comply with Board of Health Regulations. In addition to any other requirements, smoking is prohibited in seasonal outdoor dining areas per Board of Health regulations.
3. Barriers. The Board may require outdoor dining areas to be separated from their surroundings by a temporary removable perimeter barrier. No such barriers may damage the public sidewalk.
4. Property on Sidewalk.
 - a. All furniture and other items shall be placed on the sidewalk as depicted in the plans submitted to the Board.
 - b. Perimeter treatments, umbrellas, furniture and trash receptacles shall be supplied by the Licensee and shall be maintained in a safe and sanitary manner.
 - c. All perimeter treatments, umbrellas, furniture and trash receptacles must be removed at the end of the license term.
 - d. The Licensee shall comply with any notice form the Department of Public Works or other public safety personnel that construction, public safety, or whether requires the removal of the Licensee's property from the sidewalk.
5. Cleaning Requirements.
 - a. The Licensee shall provide and regulatory maintain outdoor trash receptacles during the times that the licensed premises are open for business. All trash receptacles shall be covered and trash removed nightly.

- b. The Licensee shall keep the portion of the sidewalk subject to an Outdoor Dining License clean and free of dirt, dust, and other debris. The Licensee shall prevent and clean up litter from the licensed establishment in areas abutting the licensed premise created by the licensee's use of the public sidewalk.
6. Accessibility. In no event shall the placement of outdoor dining furniture, umbrellas, or perimeter barriers create a pedestrian or wheelchair passage along the public sidewalk of less than four feet in width. All establishments must maintain an accessible path of travel at least 36 inches wide from the traveled portion of the public sidewalk to the doorway(s) of the establishment through the outdoor dining area. The dining area must be accessible and meeting the *Americans with Disability Act* and Massachusetts Architectural Access Board's regulations (521 CMR 17.00).
7. Outdoor Food Preparation. Outdoor food preparation shall not be allowed unless approved by the Board of Health in accordance with their procedures and regulations.

3.9.6 License Agreement, Insurance, and Claims

1. License Agreement. The owner and operator of the establishment shall sign a License Agreement.
2. Certificate of Insurance. Prior to issuance of the License, the Licensee shall provide proof of insurance to the Town Manager. The insurance policy shall cover the operations of the establishment within the licensed sidewalk area, list the Town as an additional insured, and conform with the following:
 - a. Comprehensive General Liability Policy: \$1,000,000 each occurrence, \$3,000,000 aggregate.
 - b. Worker's Compensation Coverage (per Massachusetts Law) and Employer's Liability Coverage. Coverage A at statutory limits and coverage B at limits of \$100,000/\$500,000/\$100,000.
 - c. Umbrella Liability Coverage: Following the form of underlying General liability and Employers' liability \$1,000,000 combined single limit.
 - d. Liquor Liability Policy (if alcohol is sold): Coverage for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person.
3. Hold Harmless/Indemnification. The Licensee (and their heirs, successors and assigns in interest) shall hold harmless, defend and indemnify the Town of Reading and its officers, employees and agents from and against any and all damages, liabilities, actions, suits, proceedings, claims, demands, losses, costs and expenses (including reasonable attorneys' fees) that may arise out of or in connection with to Licensee's use of the public sidewalk covered by the Outdoor Dining License by Licensee and any and all of Licensee's operations performed under the Outdoor Dining License.

3.9.7 - TEMPORARY COVID-19 REGULATIONS: LICENSES FOR OUTDOOR DINING ON TOWN PROPERTY

These temporary regulations are adopted by the Select Board on December 8, 2020 in order to allow the Town Manager to expedite, streamline and approve Outdoor Dining licenses on Town property in response to the needs of the business community due to the impacts of the COVID-19 Coronavirus.

1. OUTDOOR DINING

- a. Except as otherwise provided herein, the provisions of Section 3.9 shall apply to outdoor dining on all Town-owned property and **not only to outdoor dining on Town sidewalks**. Applicants shall be responsible for cleaning the Town-owned property and shall leave the property in the same condition as it was before the Outdoor Dining Usage.*
- b. Notwithstanding the provisions of Section 3.9 to the contrary, the Town Manager shall have all of the powers of the Select Board to issue outdoor dining licenses.*
- c. The License Fee of \$100 per Section 3.93. shall be waived.*
- d. The insurance requirements set forth in Section 3.9.6 shall apply to outdoor dining facilities on any Town-owned property, and not only to outdoor dining facilities on Town-owned sidewalks.*
- e. Applicants shall conduct activities in accordance with all COVID-19 public health and safety protocols, including State and local social distancing requirements.*
- f. Applicants must present a Site Plan Sketch outlining the proposed Outdoor Seating plan, but will not be required to submit a professionally draw plan under Section 3.9.1. A security plan shall also accompany the application describing provisions for dealing with unruly patrons, traffic and parking considerations, and controlling access to alcohol by minors. Applicants must demonstrate that persons who will serve alcohol are at least 21 years of age and have certification in TIPS or comparable training.*
- g. The application shall be reviewed and approved by Town staff comprised of the Expedited Approval Team (EAT) including Public Safety, Engineering, Planning, Building, Health and others as is needed. The EAT shall meet on an as-needed basis to expedite reviews. The EAT shall complete its reviews and make recommendations to the Town Manager for final approval.*
- h. Applications will be for Tier 1 – Sidewalk Only License or Tier 2 – Other Town-Owned Property. Tier 2 applicants will be subject to a block plan review that will include notifying other abutting and adjacent businesses that may be directly impacted by the change of use of Town-owned property (e.g., municipal parking areas, handicapped parking areas etc.).*

2. ALCOHOLIC BEVERAGES ON TOWN-OWNED PROPERTY

- i. *If State legislation is enacted allowing the Select Board to grant a temporary approval to existing license holders for a change in the description of licensed premises for the purposes of outdoor alcohol service, an existing license holder may apply to temporarily serve alcohol on Town owned property under this policy and the Town Manager may approve.*
- j. *Contradicting Policies. Any existing policies of the Select Board that are inconsistent with this Section 3.9.7 are hereby waived insofar as they would prohibit the serving and consumption of alcohol within such temporary outdoor seating premises.*

3. DURATION

These Temporary Regulations shall only be effective until December 31,2021.

Section adopted 7/14/09 amended 5/11/10; Covid subsection amended 6/3/20; 6/16/20 and 12/8/20.

Section 3.10 – License for Portable A-Frame/Sandwich Board Signs

3.10.1 - Purpose and Intent

This policy is developed in order to promote a pedestrian friendly community that supports businesses. The regulation of Portable A-Frame and Sandwich Board Signs (collectively “A-Frame Signs”) is intended to balance the aesthetic, safety, and economic development needs of the community. By regulating this use, sidewalk access will be preserved for pedestrians, particularly those with disabilities; and required ongoing maintenance of sidewalks including snow and ice control can be accomplished.

3.10.2 – Delegation

The Board has delegated its authority to issue Licenses for Portable A-Frame/Sandwich Board Signs to the Assistant Town Manager or his or her designee. Denials may be appealed to the Board, whose decision shall be final.

3.10.3 - General

1. Eligibility.
 - a. A-Frame Signs are permitted only in the Business-B zoning district and the Gateway Smart Growth District.
 - b. Licenses may be issued for retail business uses and consumer services, excluding banks, realtors, attorneys, medical practitioners, and other similar business uses for which a portable/sandwich board sign is not usual and customary.
 - c. Only one portable A-Frame Sign per business is allowed.
2. Application. Application shall be by the business owner as opposed to the Sign maker or installer, and shall be made on the form prescribed by the Board. Two copies of the

completed application and required attachments shall be submitted. The application shall include the following information:

- a. Business name and address;
 - b. Business owner contact information with email address and telephone number;
 - c. Proof of ownership or a copy of the lease and written authorization for the placement of an A-Frame Sign from the property owner;
 - d. Color drawing of the proposed A-Frame Sign, documenting the materials and colors, and a site/plot plan (to scale) showing the proposed A-Frame Sign location and dimensions of the sidewalk, distance to the business entrance, and relationship to adjacent buildings, roads, driveways, and other street amenities such as trash receptacles, fire hydrants, utility fixtures, etc.; and
 - e. Photographs of the area where the proposed A-Frame Sign is to be located, showing the storefront, building(s), the existing signs, abutting properties and the streetscape surrounding the proposed A-Frame Sign.
3. Renewal. If there are no changes to the parameters of the A-Frame Sign and its placement in a public way, the license holder may apply for a license renewal without resubmitting the attachments to the original application. The Board reserves the right to renew or deny the annual license in its sole discretion.
 4. Fee. The annual license fee shall be \$50.00 for the first year or part thereof. There shall be no fee for a renewal of the license.
 5. Duration. Licenses are valid for one calendar year or remainder thereof. Applications for renewal must be submitted by November 1 of each year.
 6. Content. Nothing in this policy is intended to regulate the signage based on content or preclude a business owner from changing the message during the year.
 7. Non-Transferable. The license is non-transferable.
 8. Revocable at Will. The A-Frame Sign License is revocable at will by the Board for any reason whatsoever upon written notice to the Licensee from the Board. The License Agreement shall stipulate that in the event of such revocation, the Licensee shall have no recourse or claim against the Town for such revocation whether by way of monetary charges, a suit in equity, or otherwise.

3.10.4 - Conditions

In addition to any other conditions imposed by the Board, the A-Frame Sign shall conform with the following:

1. Size and Weight.
 - a. The maximum height shall be 4 feet;

- b. The maximum sign area shall be 6 square feet per side, with no more than 2 sides; and
 - c. The A-Frame Sign shall be sufficiently weighted to prevent it from blowing over.
2. Location.
- a. Shall be located within 15 feet of the business entrance (unless granted a visibility hardship, see Section 3.11.5);
 - b. Shall be placed so as to maintain a minimum of 4 feet (48 inches) of an unobstructed walk-way for safe pedestrian passage and shall not obstruct pedestrian movement;
 - c. Shall be placed and maintained in compliance with all applicable federal, state, and local regulations for handicapped accessibility;
 - d. Shall be located in a manner that does not obstruct site lines or vehicular traffic;
 - e. Shall be located at least 20 feet from the intersection on corner lots;
 - f. Shall be located at least 20 feet from another A-Frame Sign;
 - g. Shall not be located on landscaped islands or other planted areas;
 - h. Shall be freestanding and not attached to any public appurtenance such as a bus shelter, sign post, light fixture, trash barrel, bench or other similar item; and
 - i. Shall not include attachments like balloons, flags, banners, lights, reflectors, or other items.
3. Materials and Condition.
- a. The sign material shall be weather resistant, shall not be reflective, and shall not include any type of illumination; and
 - b. The A-Frame Sign shall be maintained in good condition.
4. Removal of Signs.
- a. The Licensee must remove the A-Frame Sign at the end of each business day;
 - b. All A-Frame Signs must be removed at the request of public safety personnel, as well as during all snow emergencies; and
 - c. The Town may remove any sign placed in a public way in violation of this policy at the sign owner's expense.
5. License Agreement. As a condition of the issuance of an A-Frame Sign License, all Licensees must sign a License Agreement, as provided in Section 3.10.6.

3.10.5 – Visibility Hardship

Businesses may apply for a waiver of the placement limitations in this policy by applying for a visibility hardship to receive permission to place an A-Frame Sign on the main public sidewalk due to their location in an alleyway or other area that restricts visibility of the business from major roads. Applicants shall demonstrate this hardship with photos or other supporting documentation. If a hardship approval is granted, signs shall be located on the public sidewalk closest to the business. All of the other requirements for A-Frame Signs shall apply.

3.10.6 – License Agreement

4. License Agreement. The owner and operator of the establishment shall sign a License Agreement.
5. Certificate of Insurance. Prior to issuance of the License, the Licensee shall provide proof of insurance to the Town Manager. The insurance policy shall cover the licensed sidewalk area and name the Town as an additional insured. The Town Manager shall establish the amount of insurance necessary, with consultation from the Town’s current insurance provider.
6. Hold Harmless/Indemnification. The Licensee (and their heirs, successors and assigns in interest) shall hold harmless, defend and indemnify the Town of Reading and its officers, employees and agents from and against any and all damages, liabilities, actions, suits, proceedings, claims, demands, losses, costs and expenses (including reasonable attorneys’ fees) that may arise out of or in connection with to Licensee’s use of the public sidewalk covered by the sign license by Licensee and any and all of Licensee’s operations performed under the license. The Licensee also agrees to indemnify the Town of Reading or its agents from damage to signs resulting from plowing or other public works maintenance.

Approved 10/5/10 Amended 1-4-11

3.11 - KENO Licenses

3.11.1 - Purpose.

The purpose of this Policy is to establish the procedures for reviewing Applications for a KENO License in accordance with *M.G.L. c.10, §27A*, and to ensure that KENO operations do not detract from the quality of life within a specific neighborhood and in the Town as a whole, while at the same time promoting a vibrant local economy. This policy shall not apply to KENO-To-Go.

3.11.2 - Definition.

- A. Commission shall mean the Massachusetts State Lottery Commission.
- B. Chair shall mean the Chair of the Reading Select Board.
- C. The Board shall mean the Reading Select Board.
- D. KENO shall mean an on-line lottery game in which a player selects from one to twelve numbers from a field of 80 numbers. The lottery randomly selects 20 numbers from the same field of 80 numbers. Depending on the quantity of numbers matched and validation of the ticket, the player may win a prize. KENO, as used herein, shall not include KENO-

To-Go, where a player views the winning numbers on a device outside the location from which the player purchased the KENO-To-Go ticket.

- E. KENO License shall mean the approval from the Commission to provide KENO in accordance with *M.G.L. c.10, §27A*.

3.11.3 - Application.

At the same time that an Applicant files a KENO License Application with the Commission, a copy shall be submitted to the Select Board. Copies of the KENO License Applications may be submitted electronically to the Town Manager or in hard copy to 16 Lowell St, Reading, MA 01867.

3.11.4 - Review and Hearing Process.

- A. Initial review. Upon receipt of notice from the Commission that it has received a KENO License Application, the Chair or his/her designee, shall review the Application and determine whether the Board will hold a hearing to determine whether to object to the issuance of the KENO License. If the Chair or his/her designee determines that the Board will not object to the issuance, no hearing is required and no further action is necessary. If a hearing is warranted, the Board shall proceed as specified in Sections IV.B through D, below.
- B. Hearing. When required, a hearing shall be held within 20 days of receipt of notice from the Commission that the Application has been filed. Notice of the hearing shall be provided to the Applicant at least 10 days prior to the hearing; provided, however, that this requirement may be waived in writing by the Applicant. During the hearing, the Applicant shall be afforded an opportunity to speak on his/her behalf.
- C. Finding.
 - i. If the Board (a) objects to the issuance of the KENO License, or (b) has no objection to the issuance of the KENO License if certain conditions beyond those specified in Section V of this Policy are met, it shall so inform the Commission in writing within 21 days of receipt of the notice from the Commission. The Board shall also send a copy of its letter to the Applicant.
 - ii. No further action is required if the Board does not object to the issuance of the license.
- D. Commission Hearing. If the Commission elects to hold a hearing, a representative of the Board may elect to attend.

3.11.5 - Basic Conditions.

The Board shall object to the issuance of a license unless each of the following Basic Conditions is satisfied:

- A. The establishment is located more than 500 feet from a place where children typically congregate, such as a school or park;
- B. All KENO television displays face inward and are not visible from outside the establishment; and
- C. The establishment complies with all applicable provisions of the Town's General and Zoning Bylaws, including all applicable Sign Regulations contained in Section 8.0 of the Zoning Bylaw.

These Standard Conditions shall be provided to the Commission in writing upon the adoption of this policy. Nothing in this Policy, however, shall be deemed to prevent the Board from objecting to the issuance of a KENO licenses for an articulable reason not specified herein.