



**Town of Tisbury**  
**Office of the Town Administrator**  
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**TOWN ADMINISTRATOR REPORT**

**December 21, 2022**

Public Hearing December 21, 2022, ELIMINATION OF FOOD REQUIREMENT

The Town Attorney has reviewed the proposed amendment and recommends the following.

Amend the following sections of the Tisbury All Alcohol Regulations by inserting the underlined words and deleting the crossed-out words as follows.

**STATEMENT OF PURPOSE AND FINDINGS**

As authorized by Chapter 187 of the Acts of 2009, Chapter 360 of the Acts of 2016, Chapter 196 of the Acts of 2022, and the applicable provisions of State law, the Town may issue licenses to sell alcoholic beverages to qualified individuals or businesses that have an acceptable plan of operation. In addition to demonstrated character, successful applicants must satisfy all zoning, septic, and other public health and safety requirements as a precondition to the issuance of a license to sell alcohol.

- As approved by the voters at the Annual Town Election of 2008, ~~and the Annual Town Election of 2017, and the state election in November of 2022,~~ the Board of Selectmen is authorized to grant annual and seasonal licenses for the sale of all alcoholic beverages to be consumed on the premises of restaurants, including those within inns and hotels, with a seating capacity of not less than 30 persons, ~~to be consumed with meals only and only by patrons who are seated at dining tables.~~
- Prior to the issuance of a license or a renewal of a license, an applicant must submit certificates of inspection from the Building Inspector, Fire Department and Board of Health.
- These rules and regulations are supplementary to any statutory requirements of the Commonwealth of Massachusetts and to the rules of the Commonwealth's Alcoholic Beverages Control Commission.

**RESTAURANT DINING AREAS - SERVICE OF ALCOHOL~~MEAL~~**

~~No patron shall be served an alcoholic beverage until such time as the patron is seated for a meal. The Board reserves the right to approve a licensee's menu and further define what constitutes a meal consistent with these policies, rules, and regulations, in particular that the service of alcoholic beverages shall be secondary to the primary purpose of service of food. Single servings of soups, side salads, other side dishes, or desserts shall not be considered a meal, except that this requirement~~

~~shall not preclude multiple servings to a patron from the above list or like items from constituting a meal. A meal shall not consist of items such as potato chips, corn chips, nuts, pretzels or other so-called "snack foods" customarily served with alcoholic beverages in a bar or cocktail lounge or any other edibles that are served gratuitously with alcoholic beverages. Menus shall reflect the requirement that alcoholic beverages may only be ordered in conjunction with the consumption of a meal. Meals must be served on solid dinnerware with flatware. No disposable plates or plastic cutlery are permitted, except where State law requires. In all cases, however, alcoholic beverages must be delivered to the patrontable by a waitperson.~~

There is another section of the regulations the Town Attorney identified that references food service.

p. 16, Private Functions – numbered paragraph 1.

1. Food service is required at a private function where alcoholic beverages are to be served. For the purpose of this regulation, the term "food service" shall be the preparing, sale, service, dispensing, distribution, and/or delivery of food which shall include hors d'oeuvres, sandwiches, soups, prepared foods, salads or desserts. (Related Amendment – delete first sentence)

**NOTE:** While the sentence in question relates to the food requirement, The Town Attorney is not recommending deletion, since that would allow for private functions at which only alcohol is served.

Respectfully Submitted  
John W. Grande  
Town Administrator