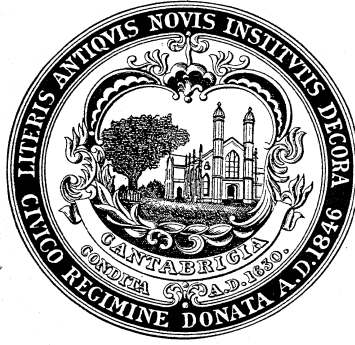




*RULES AND REGULATIONS OF THE
CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS
RELATING TO ALL HOLDERS OF
COMMON VICTUALLER,
INNHOLDERS, ALCOHOLIC BEVERAGES
AND/OR ENTERTAINMENT LICENSES
("Board's Rule(s)")*

Approved by the City of Cambridge Board of License Commissioners by vote of November 9, 1979. Amended by vote in 1997, 2006, 2008, 2016, and 2026.

MESSAGE FROM THE BOARD OF LICENSE COMMISSIONERS

The following contains the general rules that all establishments which hold a common victualler, innholders, alcoholic beverages or entertainment license are expected to follow. Licensees must ensure that all personnel are trained in these rules and given a copy. In addition to these rules, licensees, their employees and agents are expected to abide by all applicable policies of the License Commission, rules of other City of Cambridge agencies, the laws of the Commonwealth of Massachusetts, Cambridge Municipal Code, and when applicable, the Rules and Regulations of the Alcoholic Beverages Control Commission.

Although we have tried to ensure that all topics are covered herein, these are not all encompassing or exhaustive; in addition, from time to time these may be amended and portions of the amendments may be issued in separate Board vote notices. We trust that all businesses licensed by the Board of License Commissioners will operate safe, rule and law-abiding businesses, and will take all reasonable measures to ensure the safety of the public and their employees.

We thank you for your service to our community.

Board of License Commissioners

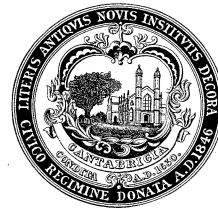


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APPLICABLE STATUTES, ORDINANCES & RELEVANT AUTHORITY:

The following identify the main applicable state statutes (Massachusetts General Laws) and municipal ordinances (City of Cambridge Code of Ordinances) that are relevant for the operation of the businesses. This list is not all encompassing but provides a good overview of the applicable laws with which they must comply in order to properly run a business in the Commonwealth of Massachusetts and the City of Cambridge.

- Common Victualler, Entertainment, Innholder and Lodging House Licenses:
 - M.G.L. c. 140
(<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter140>)
 - CCO 5,
https://library.municode.com/ma/cambridge/codes/code_of_ordinances?nodeId=TIT5BULIRE
- Alcoholic Beverage Licenses (all types):
 - M.G.L. c. 138,
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter138>
 - 204 CMR 2.00, <https://www.mass.gov/doc/204-cmr-2-regulations-of-the-alcoholic-beverages-control-commission/download>
 - Note that if your alcoholic beverages license includes any other type of license, the statutes for those also apply.
- All Businesses:
 - G. L. c. 93A – Consumer Protection – Business Practices,
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93A>
 - City of Cambridge Ordinances,
https://library.municode.com/ma/cambridge/codes/code_of_ordinances

Additional Sources:

- License Commission website, <https://www.cambridgema.gov/departments/licensecommission>, provides access to the applications required to be submitted for all types of licenses issued by the Board of License Commissioners. It also provides information as to upcoming and past meetings, and any important announcements or advisories. You can also use it to gain access to other City Departments.
- Alcoholic Beverages Control Commission website, <https://www.mass.gov/orgs/alcoholic-beverages-control-commission>, provides access to the state applications that must be filed in conjunction with your City of Cambridge annual alcohol application. It also provides access to the relevant laws, past decisions and advisories that are relevant to the operation of an alcoholic beverages license.
- Inspectional Services Department website, <https://www.cambridgema.gov/departments/inspectionalservices>, provides information as to what permits are issued by it, i.e. Certificate of Inspection, Health Permit, and Building Permits, and the process to follow to obtain them.
- Fire Department, Fire Prevention Bureau, <https://www.cambridgema.gov/cfd/firedeptdivisions/firepreventionbureau>, provides contact and permitting information with regard to Certificates of Inspections, open flames, hood

- systems, and other fire prevention matters.
- Department of Public Works, <https://www.cambridgema.gov/departments/publicworks>, provides information on applications and processes for outdoor seating or vending in the public way, sidewalk obstruction permits, and recycling.
- Community Development Department, <https://www.cambridgema.gov/departments/communitydevelopment>, may have information as to available grants and opportunities for businesses in Cambridge.
- OpenGov online application portal, <https://cambridgema.portal.opengov.com/>, provides access to all applications that need to be filed with the corresponding City Departments to operate a business.

RULE 1 – DEFINITIONS:

- 1.1** All definitions contained in Chapter 138 and 140 are incorporated herein by reference and made a part hereof.
- 1.2** “Alcoholic Beverages,” “alcoholic drinks,” or “liquor,” as used herein, shall mean any type of alcoholic beverages, including wines, malt, spirits, cordials and liqueurs beverages.
- 1.3** “Licensee(s)” shall mean any holder of a license issued by this Commission pursuant to General Laws Chapters 138 and/or 140.
- (a) “Liquor licensee(s)” shall refer to all those licensed pursuant to M.G.L. c. 138.
 - (b) “§12 licensee(s)” shall specifically refer to those licensed pursuant to M.G.L. c. 138, § 12, which includes all establishments that sell/serve alcohol to be consumed on the licensed premises.
 - (c) “Package store licensee(s)” shall specifically refer to those licensed pursuant to M.G.L. c. 138, § 15, which includes all package stores/establishments that sell alcohol not to be consumed on the licensed premises.
- 1.4** “Board of License Commissioners,” “Board,” or “License Commission” refers to three Commissioner Board established by the Special Acts of 1919, as amended.
- 1.5** “Official Closing Hour” is the time specified on the common victualler, alcoholic beverage, or entertainment license. The Official Closing Hour refers to the time the business must close to the public to provide the particular service allowed by the license.
- 1.6** “Official Opening Hour” is the time specified on the common victualler, alcoholic beverage, or entertainment license. The Official Opening Hour refers to the time the business may open its premises to the public to provide the particular service for which it is licensed.
- 1.7** “Private Function,” as it relates to the Happy Hour Regulation (204 C.M.R. 4.00 and Rule 12B.4) is an event held at a licensed premises that:

- (a) has a host,
- (b) is restricted to invited guests only,
- (c) invited guests are not charged indirectly or directly,
- (d) the host is the only individual responsible for payment to the licensee,
- (e) the event is not publicly advertised or on social media, and
- (f) written records containing the guest list exist and are available for inspection by the License Commission or its agents upon request.

1.8 “Cover charge” means all admission fees or admission charges.

RULE 2 – APPLICABILITY:

2.1 The following rules, except those which specifically state otherwise, shall apply to all licensees who hold a common victualler, innholders/lodging house, liquor, or entertainment license.

2.2 All licensees are expected to comply with the Rules and Regulations herein and any rules, guidelines, notices or advisories that the License Commission may publish separately hereto.

2.3 All licensees are expected to comply with all the laws of the Commonwealth of Massachusetts, the City of Cambridge Municipal Code, and all rules and regulations of the other City of Cambridge Departments which regulate the licensee.

2.4 All liquor licensees must comply with the Alcoholic Beverages Control Commission Regulations, which are incorporated herein by reference and made a part hereof.

2.5 Violation(s) of any law, ordinance, policy, or rules and regulations may result in the suspension, cancellation, revocation, forfeiture, or modification of a license.

2.6 Except for when exclusively stated, all licensees must comply with all Rules and Regulations herein.

2.7 Nothing herein shall expressly or implicitly limit the License Commission’s authority under the laws of the Commonwealth of Massachusetts, the Cambridge Municipal Code, or Special Acts, to promulgate or implement additional rules, regulations or policies.

2.8 Each Rule and subsection thereof shall be deemed independent of all others herein, and if any Rule or subsection thereof is declared by a Court of Law to be invalid, all other Rules and subsections thereof shall remain valid and enforceable.

RULE 3 – AVAILABILITY OF RULES:

3.1 All licensees shall ensure that a copy of these Rules and Regulations is kept on the premises at all times and is available for inspection upon request by a member of the public or an agent of the License Commission. An electronic version of the Rules is sufficient so

long as it is accessible. A paper copy can be obtained from the License Commission.

3.3 The licensee must:

- (a)** Have read, be familiar with, and comply with these Rules and Regulations; and
- (b)** Ensure all employees are familiar with, and comply with these Rules and Regulations.

RULE 4 – POSTINGS AND SIGNS:

4.1 Licenses and one-day permits/amendments issued by the License Commission must be conspicuously posted on the premises in an area that is easily accessible, viewable, and readable to the public without the assistance of employees.

For annual licensees, the license posted must be the one corresponding to that year. All previous/expired licenses must be removed when expired/when the new license issues.

4.3 Any additional certificates, permits, or postings provided to the licensee by the License Commission must also be posted conspicuously on the premises and in the manner specified by the License Commission.

Postings may include educational or informational material, or signage regarding an order of the Board, including but not limited to a suspension order.

4.4 Signage provided by the License Commission specifying the licensed capacity must be conspicuously posted.

The capacity sign posted must be the one for the corresponding year; expired capacity signs must be removed upon the issuance of a new one.

Only the capacity sign issued by the License Commission is the one that should be posted; self-made capacity signs are not valid.

4.5 Liquor licensees must post conspicuously informational signs provided by the Alcoholic Beverages Control Commission.

RULE 5 – GENERAL PROVISIONS AS TO ALL LICENSEES:

5.1 No licensee shall permit any disorder, disturbance, or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefor, whether present or not.

5.2 The License Commission expects the Manager of Record to be the person in control of the premises on any given day or time and who is there to ensure compliance with all applicable laws and Rules and Regulations.

When a manager of record is not on premises, the licensee must designate an employee

on duty as the responsible person/person in charge and inform all staff on duty of the designation.

5.3 When any misconduct occurs in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, that is not reasonably addressed and ameliorated by the licensee, the licensee may be held in violation of the conditions of its license(s) and may be subject to disciplinary action.

Any time a licensee calls the police or emergency medical services for an incident on the premises or in front of or adjacent to the licensed premises, the licensee must create a written internal report describing the incident. The report must be kept for a minimum of thirty (30) days and be available for inspection upon request by the License Commission, its agents and/or the Cambridge Police. If the licensee has video surveillance, all reasonable efforts must be made to maintain the footage for a minimum of thirty (30) days.

No adverse inference will be made against a Licensee at any disciplinary hearing for calling the police or emergency medical services for any incident on the premises or in front or adjacent to the licensed premises.

5.4 No food, or alcoholic/non-alcoholic beverages may be served outside the licensed premises (such as a patio, roof garden, or sidewalk) unless such an area is approved as part of the licensed premises.

No entertainment can be offered unless individually approved for an area. Indoor and outdoor entertainment must be explicitly approved.

5.5 Licensees may not transfer a license, change managers, change corporate officers, transfer stock, pledge the stock, pledge the license, reduce or extend the area of the licensed premises, expand hours or materially change the physical layout of the premises without first obtaining the approval of the License Commission, and in the case of those licensed under Chapter 138, also the approval of the Alcoholic Beverages Control Commission.

5.6 No person may have a direct or indirect beneficial interest in any type of license without first obtaining the approval of the License Commission, and in the case of those licensed under Chapter 138, also the approval of the Alcoholic Beverages Control Commission.

It is the responsibility of the licensee to inform the Board of any future or prospective changes before they happen and to submit the proper application for approval.

If a licensee fails to obtain approval for a change prior to implementing it, the license may be suspended or revoked.

5.7 All licensees must maintain an updated employee roster or list that shall be available upon request to the License Commission and its agents, and Cambridge Police, Fire, and Inspectional Service Departments' agents.

- (a) The roster/list should have all employees, specify which employee is on duty on a particular date and time, and, when applicable, who was the crowd manager on a particular date and time.
- (b) The roster/list for any given day should be kept a minimum of sixty (60) days.

When a request for information, documents, video, or reports is made to the licensee by the Board or License Commission, Cambridge Police, Cambridge Fire, Inspectional Services Departments and/or its agents or assignees, the licensee must make all reasonable efforts to provide it at the time of the request. However, the licensee will be granted a total of seventy-two (72) hours to produce what was requested of it. Extensions to this period may be granted upon request and show of good cause.

The licensee is expected to take all reasonable steps to preserve any materials requested if they are not produced upon request.

Prices for all items served must be displayed, available for review, or disclosed in whatever form the menu is printed/available, and in a manner which is ADA compliant. A licensee should have menus or price lists readily available to the public at all times.

Any business practice or policy that affects the consumer-business relationship should be conspicuously posted (i.e. refund, exchanges, tips, dress code, access to an area, etc.).

If a point of sale system is being used which provides suggested calculations of tips, it cannot include the tax in its suggested tips calculation.

If a licensed premises is to be closed, or is caused to closed, for more than seven (7) consecutive days or become inactive, the licensee or its representative must inform the Board of the closure. The notice of closure should state when the closure started, the reason for the closure, and the expected date of reopening. At any time, the Board retains the right to call the licensee in for a hearing to discuss the closure or non-use of the license.

RULE 5A – GENERAL PROVISIONS AS TO INNOLDERS AND COMMON VICTUALLERS LICENSEES ONLY:

5A.1 Each holder of a common victualler and innholder license shall at all times be provided with suitable food for strangers and travelers. In addition, prior to being granted such types of licenses, the applicant must show that the premises have the necessary implements and facilities for cooking, preparing and serving food for strangers and travelers.

5A.2 Innholders must have upon the premises suitable beds and bedding for the lodging of its guests.

5A.3 Innholders, lodging houses and motels shall keep, or cause to be kept, in permanent form, a register of the name and residential address of each guest within its premises, the room assigned to each guest and the time in which the room was assigned. Such registers must be kept at least one (1) year after the last entry made and must be available for inspection by License

Commission, its agents, or the Cambridge Police.

5A.4 All innholders, lodging houses and motels must post in a conspicuous place the requirements under the law, G. L. c. 140, §§ 27, 29, to keep and maintain guest registers in addition to the penalties for failure to do so.

RULE 5B – GENERAL PROVISIONS AS TO ALCOHOL LICENSEES ONLY:

5B.1 No application by the same applicant for the same type of license to be exercised on the same premises may be filed within one (1) year of the date of their last prior application. The Commission cannot, and will not, receive more than two applications for a license under M.G.L. c. 138, §§ 12 or 15, to be exercised on the same premises during the same license year.

5B.2 A licensee's obligation to comply with the Rules and Regulations herein cannot be circumvented by using a third party or promoter. Allowing a third party to sell tickets or use other methods of admission (where the price of admission includes any alcoholic beverages), results in the licensee transferring the privilege of its license or transferring a direct or indirect beneficial interest in its license to a third party. Transferring the privilege of the license, or any interest in it, prior to obtaining approval is a violation of the law and the License Commission's Rules and Regulations.

Any issue or violation arising out of the conduct, advertisement or action of a third party or promoter, will be attributable to the licensee.

5B.3 No owner or employee shall consume any alcoholic beverages while on duty, unless such action is within the regular course of business and the duties of the job.

- (a) The licensee should ensure that any employee that is allowed to consume alcoholic beverages as part of the regular course of business or duties of the job does not become impaired during their shift. If so, the employee should be relieved of any duty to serve alcohol to others during that shift.

No owner, employee or agent of the licensee may consume alcoholic beverages on the licensed premises during hours outside the Official Opening and Closing Hours on the license.

5B.6 Licensees are responsible for ensuring that no persons under twenty-one (21) years of age are served, sold, in possession of or drinking alcoholic beverages on the licensed premises, whether served to them by an employee or handed to them by another patron.

Licensees may reasonably rely on the following forms of identification:

- Massachusetts Driver's License
- Massachusetts Liquor Identification Card
- Massachusetts Identification Card
- Passport issued by the United States or a government that is officially recognized by the United States

- Passport Card for a Passport issued by the United States
- Valid United States Military Identification Card
- Valid Driver's License issued by another state
- Global Entry Card issued by United States Customs and Border Protection.

5B.7 Employees directly handling, mixing, serving or selling alcoholic beverages, must be a minimum of eighteen (18) years old.

5B.8 Any holder of a liquor license who fails to pay the license fee within fourteen (14) days after written notice that a license has been authorized to be issued to the licensee, shall forfeit any right to that license as determined by the Board at a hearing scheduled for that purpose.

5B.9 Licensees shall immediately notify the License Commission of any legal proceedings brought against them or any proceedings brought by them under the Bankruptcy Laws and/or which may affect the status of the license.

5B.10 All owners, who have a direct interest in the license, are responsible for the day-to-day operations and are responsible for making business decisions, managers of record, and any employee who is in the direct handling, serving or selling of an alcoholic beverage must be trained in the safe service, sale and handling of alcohol.

- (a) The training program must be a certified nationally-recognized program, which results in a certificate of completion with an expiration date of no more than three (3) years after completion.
- (b) Individualized/private programs may be used.
 - a. The program must result in a certificate of completion with an expiration date of no more than three (3) years after completion.
- (c) All persons required to be trained pursuant to this Rule must have a valid, non-expired certificate while working. The certificate must be available for inspections/review by authorities, including but not limited to License Commission personnel.

The Board may require recertification/retraining of any person, even if their current certificate is not expired.

RULE 5C – SPECIAL PROVISIONS AS TO CERTAIN TYPES OF LIQUOR LICENSEES:

5C.1 Holders of a Club License and War Veterans Club License must keep a roster of their members and guests of members. This list shall be available for inspection upon request by the License Commission or its agents, and the Cambridge Police.

5C.2 Only members of a Club License and War Veterans Club License and their guests, can be allowed into the premises.

- (a) Guests of members may only be allowed inside the premises with a member.
- (b) Guests have rights to be inside the premises and be served only while in the company of the sponsoring member.
- (c) When the sponsoring member leaves the premises, their guest(s) must leave simultaneously therewith.

Every time a Club License's or War Veterans Club License's officers or directors change, they must apply to change their approved officers and directors with the License Commission and the Alcoholic Beverages Control Commission. Failure to do so within sixty (60) days of any change may, after due notice and hearing, result in the indefinite suspension of their license.

5C.4 Package goods store licensees shall not extend credit to any customer unless the customer has an established credit account. Use of credit cards is permitted.

RULES 6 – HOURS OF OPERATION:

6.1 The Official Opening and Closing Hours ("hours of operation") are those that are designated on the license issued by the Board. Licenses are granted to serve the public, and therefore, licensees are expected to operate in accordance with the terms and hours of each of the issued license(s).

- (a) A licensee is allowed to modify (reduce) its hours of operation to meet the business and public needs so long as the hours are within the approved time frame of the Official Opening and Closing Hours.
- (b) If a licensee decides to permanently reduce its hours, the hours of operation should be conspicuously posted on the premises, website and/or any material distributed by the licensee which indicates its hours of operation.
- (c) A licensee cannot increase or operate beyond its approved hours of operation until such time as an application is made to the Board, approved by it and an amended license with the new hours of operation is issued.
- (d) For licensees who sell, serve or deliver alcohol, the hours of operation may be affected during holidays due to statutory requirements and limitations. Licensees should refer and comply with the limitations as published in the Alcoholic Beverages Control Commission's yearly calendar.
- (e) There are no prohibitions as to sale or deliver of alcohol for establishments licensed under § 15 (package store) or §§ 29 or 30A (registered pharmacists) during polling hours, or a state or municipal election day.

6.2 All tables and bars must be cleared of all glasses, alcoholic and non-alcoholic drinks, plates, food, bottles and containers/bottles of alcoholic beverages, within thirty (30) minutes after the Official Closing Hour and all customers and persons who are not employees on duty must be off the premises by that time.

6.3 Licensees are not permitted to allow any member of the public to enter the premises after the Official Closing Hour or prior to the Official Opening Hour. No employee or owner shall serve any food before the Official Opening Hour or after the Official Closing Hour, except as required in any prep work. No employee or owner shall serve any alcoholic beverage before the Official Opening Hour or after the Official Closing Hour.

6.4 Owners and employees cannot be on the premises outside the hours of operation except for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next day's business or opening or closing the business in an orderly manner.

6.5 Contractors or subcontractors shall not be prohibited from being on the premises at any time for the purpose of cleaning, making renovations, making emergency repairs to or providing security for, such premises or preparing food for the upcoming service or opening or closing in an orderly manner.

Hours for repairs or renovations that are not an emergency are subject to the City's Noise Ordinance Construction hours.

When a license is suspended by order of the Board, the premises must remain vacant, even of owners, employees, contractors and subcontractors, unless explicit permission was previously obtained by the licensee from the Chair or the Board.

6A.3 Any alcoholic beverage served prior to the Official Closing Hour must be consumed no later than thirty (30) minutes after the Official Closing Hour.

If the alcoholic beverage is not consumed, it must be removed and discarded by an employee.

The exception would be a bottle of wine which can be recorked and sealed and provided to the patron to take with them in accordance with the law.

RULE 7 – ADMISSION TO THE PREMISES:

7.1 No licensee may require any person to pay a minimum or cover charge unless a sign is conspicuously posted at every entrance. The sign must be written with letters no less than one inch in height and clearly state:

- (a) That a minimum or cover charge will be imposed;
- (b) The amount of charge to be imposed;
- (c) There is no minimum charge for alcoholic beverages; and
- (d) The admission charge will not be credited towards the purchase price of any alcoholic beverage.

7.2 **Rule 7.1** does not prohibit advance ticket sales that include a limited number of drinks associated with the admission's price.

7.3 No innholder, common victualler café, restaurant, or eating/drinking (non-alcoholic beverages) establishment may impose a cover or minimum charge on any person less than thirteen (13) years old.

7.4 No licensee may have customer dress requirements unless a sign is posted at the entrance stating the specific dress requirements or restrictions (i.e. "no jeans," "no shorts," "ties and jackets required," "no sneakers"). Signs which only state "Proper dress required" are insufficient to comply with the requirements of this Rule.

7.5 No licensee shall make any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, ancestry, sexual orientation, deafness, hearing impairment, blindness, physical disability, mental disability or any other protected category as listed in G. L. c. 272, §§ 92, 92A, 98, and 98A.

7.6 Licensees must comply with Cambridge Municipal Code Chapter 2.76 and cannot discriminate on the basis of race, color, sex, age, religious creed, disability, national origin or ancestry, sexual orientation, gender, marital status, family status, identity, military status or source of income.

RULE 8 – SAFETY:

8.1 Licensees shall instruct their employees and security personnel that they are not to make bodily contact with any individual unless as to protect patrons, employees or themselves from being subjected to bodily blows or other harm.

- (a) If the employee determines that he/she must make bodily contact, the employee shall use the least amount of force which would constitute reasonable force under the circumstances.

- (b) In all possible circumstances, rather than employees/security personnel ejecting disruptive persons themselves, the employees/security personnel should call the Cambridge police to have disruptive persons removed from the premises.

8.2 Licensees and employees shall call 911 and take all other reasonable steps to assist patrons and persons who are injured, become ill, or incapacitated in any way, in or on the licensed premises or whose injuries have occurred outside the licensed premises but have been brought to the attention of the licensee.

Emergency services are to be called regardless of whether the involved person(s) or patron(s) requests or supports it.

No later than what would be considered safe, the licensee must report to the Cambridge Police Department any crime that happened in, on or outside the licensed premises and which was witnessed by it, its employees, or was brought to their attention by any person.

The duty to assist or report an issue/crime to a public safety department extends to matters involving the licensee's employees. If the employee's alleged crime involves an issue which does not involve any other person or employee (i.e. theft of money from the business), the licensee is encouraged to report the crime.

8.3 All exit doors shall be clearly marked "Fire Exit- Do Not Block" in red letters, no less than one inch in height, on a white background. At no time may exit doors, pathways, or any other form of ingress or egress be blocked or locked during operating hours.

8.5 A license cannot be issued or renewed without a valid Certificate of Inspection ("CI"), signed by the Building Commissioner and Chief of the Fire Department and issued by Inspectional Services Department ("ISD").

- (a) This provision shall not apply to common victualler licensees with less than fifty seats.
- (b) For licensees that hold multiple licenses for the same premises, the submission of one certificate shall suffice unless they are issued multiple CIs for the premises by ISD..
- (c) No licensee, which is required to have a CI, can operate without a valid or non-expired CI.

8.6 Any licensee who desires to maintain any closed-in booth or any other booth with a pull curtain shall first secure the permission of the Fire Department.

Any licensee who intends to have open flames in public areas, not including birthday candles, should first contact the Cambridge Fire Prevention Unit to confirm the proper safety mechanism are in place prior to having the open flames.

Sparklers, including but not limited to those added as novelty to cakes and champagne bottles,

pyrotechnic devices, including but not limited to “cold spark” pyrotechnic devices, are not permitted to be kept, stored or used at any licensed premises.

RULE 9 – CAPACITY:

9.1 Licensees shall not permit more persons on the premises than the capacity number approved by the Board.

- (a) The capacity, as listed on the license issued by the Board, is controlling.
- (b) The capacity listed on the Certificate of Inspection (“CI”) issued by Inspectional Services Department (“ISD”) and the license should be the same. However, if the capacities do not match, the capacity as listed on the license is controlling so long as it is not greater than the one listed on the CI.

Approvals for increase in capacity received from ISD are not automatically effective or valid. The increase in capacity must be approved by the Board.

- (c) Operating beyond the capacity established by the Board is a violation of the terms of the license and these Rules and Regulations.
- (d) Employees who are in the same area as the public/patrons shall count towards the number of persons in the premises at any given time. Employees behind the bar, kitchen or any other area not accessible to the public/patrons, shall not be counted towards the capacity of the premises at any given time except as detailed on the CI.

9.2 The licensed premises must comply with the floor plan approved by the Board. Any material and substantial changes in the floor plan or any renovations of any kind are not allowed without notification to and prior written approval of the Board. This includes the dance floor area, tables affixed to the floor or to any wall, chairs affixed to the floor or any wall, and barstools affixed to the floor or any wall.

9.3 Licensees who permit persons to wait for a table, a seat, or entrance to the premises must ensure that:

- (a) Persons who wait inside the premises are in an orderly line and not blocking fire aisles, or any egresses;
- (b) If persons are permitted to wait inside, the total number of persons inside the premises does not exceed the approved capacity as set by the Board;
- (c) Persons who are waiting outside are being supervised at all times by an employee who must ensure the persons are not blocking the public way, sidewalks or ramps for accessibility and are not being disorderly; and
- (d) Persons who are being loud or disorderly and causing noise or other problems for residents of the area are not allowed inside the premises and are asked to leave the area.

9.4 Crowd managers are required in any facility with a legal occupant limit of 100 or more persons as indicated on the license issued by the Board, and designated under the State Building Code by the building official as an Assembly Use, which is principally designed or used as a

nightclub, dance hall, discotheque or bar, or features entertainment by a live band or recorded music generating above normal sounds levels and which has a specific area designated for dancing.

- (a) Those with an occupant load of 100 or more, shall be provided with a minimum of one trained crowd manager, pursuant to 527 CMR 1.00, § 20.1.5.6.1.
- (b) Where the occupant load exceeds 250, additional trained crowd managers or crowd manager supervisors shall be provided at a ratio of one crowd manager for every 250 occupants.
- (c) Crowd manager reports must be kept a minimum of sixty (60) days.
- (d) All crowd manager documents, including certificates, must be available for inspections/review by authorities, including but not limited to License Commission personnel.

RULE 10 – ENTERTAINMENT:

10.1 All types of entertainment, including background music, must be licensed as required by Massachusetts law.

- (a) Each licensee must obtain the proper entertainment license from the Board prior to allowing or providing entertainment at the licensed premises.
Each area of the premises (i.e. indoor and outdoor) must be individually approved for the entertainment categories and devices.
- (b) Providing entertainment without a license subjects the licensee to disciplinary procedures as to all other licenses held and may also result in the denial of an entertainment license.

10.2 No gambling machines are allowed on the premises, and no gambling or games of chance are permitted, except those games of chance authorized by the Legislature or License Commission. Any use of coin operated amusement devices for gambling or games of chance purposes may result in suspension and/or revocation of all licenses issued by the License Commission to be operated at the premises.

10.5 Video Jukeboxes:

- (a) No person under eighteen (18) years old may be restricted from viewing the video exhibitions without prior written approval from the License Commission.
- (b) Each video jukebox must have the inherent ability to have its sound level set so as not to exceed a level determined by the License Commission or its representatives, or the Cambridge Police Commissioner, or his/her representative.

10.6 The Commission may decide to issue one license for one coin-operated trivia quiz game at a licensed premises after a hearing where notice was given forty-eight (48) hours prior to the hearing in accordance with the Open Meeting Law.

RULE 11 – NOISE:

11.1 Licensees and its employees must ensure that they are operating in compliance with Cambridge Municipal Code Chapter 8.16 (Noise Ordinance).

Licensees must also be in compliance with any applicable state laws and provisions relating to noise disturbances.

11.2 Licensees must not willfully, negligently, or through failure, permit the establishment to create a noise disturbance or continue a condition of noise disturbance.

11.3 Previously licensed entertainment that is deemed to be a nuisance to the surrounding area (businesses or residents) may be revoked after due notice and hearing before the Board.

11.4 The manner in which amplifiers and speakers should be set in the manner least disruptive to the neighborhood and abutters. Noise mitigating measures should always be taken.

11.5 Licensees must ensure their patrons leave the premises in an orderly manner.

11.6 When any noise disturbance occurs in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, that is not reasonably addressed and ameliorated by the licensee, the licensee may be held in violation of the conditions of its license(s) and may be subject to disciplinary action.

RULE 12 – PROHIBITED PRACTICES AS TO ALL LICENSEES:

12.1 No licensee, its employees or agents shall sell drugs or narcotics on the licensed premises, unless lawfully authorized, licensed and permitted to do so.

12.2 No employees or agents of the licensee shall use or allow the use of drugs, narcotics, or other controlled substances at the licensed premises, except as may be authorized, licensed and permitted by the laws of the Commonwealth of Massachusetts and the City of Cambridge.

12.3 Patrons and employees are not permitted to bring alcoholic beverages on the premises for their own consumption. This Rule shall not be construed so as to prohibit a guest/patron of an innholder to bring alcoholic beverages to the room in which they are registered for their own private consumption so long as the innholder does not have an internal policy prohibiting it.

12.4 No licensee may allow any employee, agent or independent contractor to carry a firearm on the licensed premises while said premises are open to the public. This shall not apply to:

- (a) A Cambridge Police Officer on privately paid detail; or
- (b) Any licensee who has received written permission from the License Commission to allow specified employees, agents or contractors to carry firearms while the licensed premises are open to the public.

12.5 Licensees and/or their employees/agents are prohibited from using, storing or carrying any mace, OC spray or pepper spray deployment system which looks like or resembles a firearm, unless written approval is first obtained from the License Commission.

RULE 12A – PROHIBITED PRACTICES AS TO NON-LIQUOR LICENSEES:

12A.1 Non-alcoholic common victualler licensees are not permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain specialty foods.

12A.2 Nothing in this section shall prohibit a non-alcoholic common victualler licensee to apply for, and obtain if the Board so approves, a one-day liquor license (or approval to hire for one day/event a liquor licensed caterer to serve alcohol) at the licensed premises.

RULE 12B – ADDITIONAL PROHIBITED PRACTICES AS TO LIQUOR LICENSEES:

12B.1 It is prohibited to have a minimum charge for the purchase of alcoholic beverages. A licensee cannot set a minimum amount of alcohol to be purchased or consumed by a patron.

12B.3 Licensee cannot impose a minimum charge for food and/or non-alcoholic beverages upon any customer who incurs charges for alcoholic beverages equal to or greater than the posted minimum charge for food and/or non-alcoholic beverages.

12B.4 Licensees and their employees or agents, are prohibited from engaging in, permitting, promoting or advertising any of the following:

- (a) Offering or delivering any free alcoholic drinks to any person or group of persons;
- (b) Selling or delivering more than two (2) drinks to one person at any one time;
- (c) Allowing a patron to possess or have in front of him/her more than two (2) drinks at any time;
- (d) Selling, offering to sell or delivering to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the public;
- (e) Selling, offering to sell, or delivering to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;
- (f) Selling, offering to sell or delivering to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
- (g) Selling, offering to sell, or delivering malt beverages or mixed drinks by the pitcher, except to two (2) or more persons at any one time;
- (h) Increasing the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week; or
- (i) Encouraging or permitting, on the licensed premises, any game or contest, which involves drinking or the awarding of drinks as prizes.

12B.5 Nothing in **Rule 12B.4** shall be construed to prohibit licensees from offering free food or entertainment at any time; or to prohibit licensees from including a drink as part of a meal

package; or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals to more than one person; or to prohibit those licensed under G. L. c. 138, § 15, from offering free wine tastings; or to prohibit those licensed under G. L. c. 138, § 12, from offering room services to registered guests.

12B.6 Licensees and their employees shall not make a sale or delivery of an alcoholic beverage to someone who appears to be impaired, intoxicated or under the influence of any substance.

12B.7 No licensee, or its employees or agents, shall allow any delivery of alcoholic beverages by any patron or other person in the premises to a person who is or appears to be impaired, intoxicated, or under the influence of any substance.

12B.8 Licensees that have a license issued under Chapter 138, § 12 shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages except as allowed to by G. L. c. 138, §§ 12 or 12 1/2, and 204 C.M.R. 2.18 (re-corking of wine).

RULE 13 – INSPECTIONS AND VIOLATIONS:

13.1 Licenses issued by the Commission are subject to suspension, revocation, modification or cancellation, or further conditions for breach of its conditions or regulations or any law of the Commonwealth of which the licensee has or should have notice.

13.2 Licensees may also be subject to civil fines for violations.

13.3 Any licensed premises shall be subject to inspection by members, agents or representatives of the Cambridge Police, Inspectional Services, Cambridge Fire, and License Commission Departments and their duly authorized agents. Premises licensed under Chapter 138, shall also be subject to inspection by the Alcoholic Beverages Control Commission and its agents.

13.4 At no time may the licensee, its employees or agents use any device to signal other employees or agents that an inspection is ongoing or that agents of the Cambridge Police, Inspectional Services, Fire, and License Commission Departments are present.

13.5 Any licensee, its agents or employees who refuse to cooperate with the License Commission or its agents, hinders an investigation, or fails to respond to a request for documents or information from the License Commission or its agents, may have its license suspended and/or revoked.

When a license is suspended by order of the Board of License Commissioners, the licensee must comply with the suspension order, including but not limited to the day(s) and manner in which the suspension is ordered to be served. Failure to abide by a suspension order will result in the original suspension being extended by at least the same number of days as the original suspension.

- (a) A licensee can ask the Board to reconsider a suspension, or request alternate suspension date(s) or term(s) by submitting a written request to the Board.

- (b) If a licensee submits an appeal of the Board's decisions to the Court or the Alcoholic Beverages Control Commission, the suspension/decision is not automatically stayed, unless there is a Court order stating otherwise.
- (c) To stay a suspension, the licensee must submit a request to the Board and have it granted by the Board.

RULE 14 – CATCH ALL:

14.1 These Rules and Regulations may be updated from time to time due to changes in procedures, policies or laws. In addition, they may be supplemented by Advisories and Notices issued by the Commission.

14.2 It is the sole responsibility of the licensee and its employees to be aware and up to date with the Rules and Regulations, and policies of the License Commission, the laws of the Commonwealth and the Cambridge Municipal Code.

14.3 Ignorance of a law, Rule and Regulation, Policy, Notice or Advisory is not a defense.