

## NOTICE TO LICENSEES/PUBLIC

Relative to the circulated proposed changes to the annual Rules and Regulations, and as a follow up to the communications sent to licensees relative to that on 5/1/2026 and 6/15/2026, to some questions and concerns, please see the below and attached (note the below and attached is was sent to licensees via email on 6/17/2026):

**Timing** – the current rules have not been reviewed or updated in 10 years. During that time, there have been significant changes to provisions in the state law and regulations that affect some of our current rules. There have also been changes to the industry, public need, Board, and concerns raised as to negligent alcohol service. As a result, we made reviewing and updating the rules a priority this year.

- a. During our regular meeting on April 15, 2025, The Board discussed the rules needed to be updated as some laws had changed and there were some that needed clarification based on feedback received. Staff provided suggestions and they were incorporated into a single document. The Board discussed publishing and circulating the draft to licensees to solicit preliminary feedback, and then the Board would regroup and discuss in the summer. The Board voted to post and revisit in summer, while taking input from the public in writing and at future meetings.
- b. On May 1, 2026, licensees were sent an email with a **preliminary working draft** and a request for feedback. While there was preliminary feedback, we wanted to provide more opportunities for licensees to share their perspectives prior to the Board taking up the matter again in August. Our Executive Officer, Kris Foster, divided the licensees into groups and we scheduled a series of listening sessions, so that licensees' feedback could be collected and relayed back to the Board. Preliminary listening sessions with groups were held on June 8 and June 15. Additional listening sessions will be scheduled for July.

**Draft** – the current draft is preliminary, has not been discussed line by line by the Board, and it is not the Board's final suggested draft. I apologize if that was not explicit or fully understood beforehand.

- a. Within the working draft, we have incorporated a summary of the feedback, suggestions or questions received to date, as well as indications of where changes are based on modifications to state laws or regulations. (Please see the attached).
- b. Thus far, we have received valued input from licensees, patrons, and employees within the industry. We have received a lot of comments as to Rules 6A.1 and C12B.6(a), with a general consensus that they are too restrictive on the industry and the patrons.

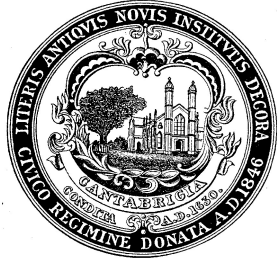
- i. The proposals were based on cases of service of alcohol where patrons end up needing medical assistance because of negligent service.
  - ii. Avoiding over service of alcohol is one of the most important aspects of the alcohol service industry. This will be one of the most discussed items and we will work with the industry to attempt to define what would be reasonable standards without creating unintended roadblocks to service or business flexibility.
- c. We are seeking input as to all the rules, not just the current proposals. It would be helpful to hear whether any current rules need clarification or modification.
  - d. We ask that any additional feedback, suggestions or questions be provided via email to [license@cambridgema.gov](mailto:license@cambridgema.gov).

**Timeline** – although it is our priority to update the rules, and we hope to have updated rules by the end of the calendar year, there is no interest in rushing the process.

- a. We will continue to host listening sessions with our Executive Officer through the month of July. The sessions will be done through Microsoft Teams and will be posted on the License Commission’s website. We will also send out email notifications to licensees with the dates and times once scheduled. The Board will have a dedicated meeting in August where it will discuss the line items and where we will have input from the public. You will all receive an email with the date, time and Zoom link for this August meeting (I foresee the date being set by 7/27/26, and notice sent thereafter).
- b. The August meeting will not be the only meeting where the rules are discussed or suggestions are solicited. From experience, we know this process is layered and will take time. We are ready to dedicate as much time as necessary.

We hope if you have any further questions or concerns, that you reach out to us. We are committed to making this a collaborative process that is focused on balancing the industry’s needs with that of the public’s -- all while protecting the common good. We intend to honor our commitment to you and our public.

License Commission ([license@cambridgema.gov](mailto:license@cambridgema.gov))



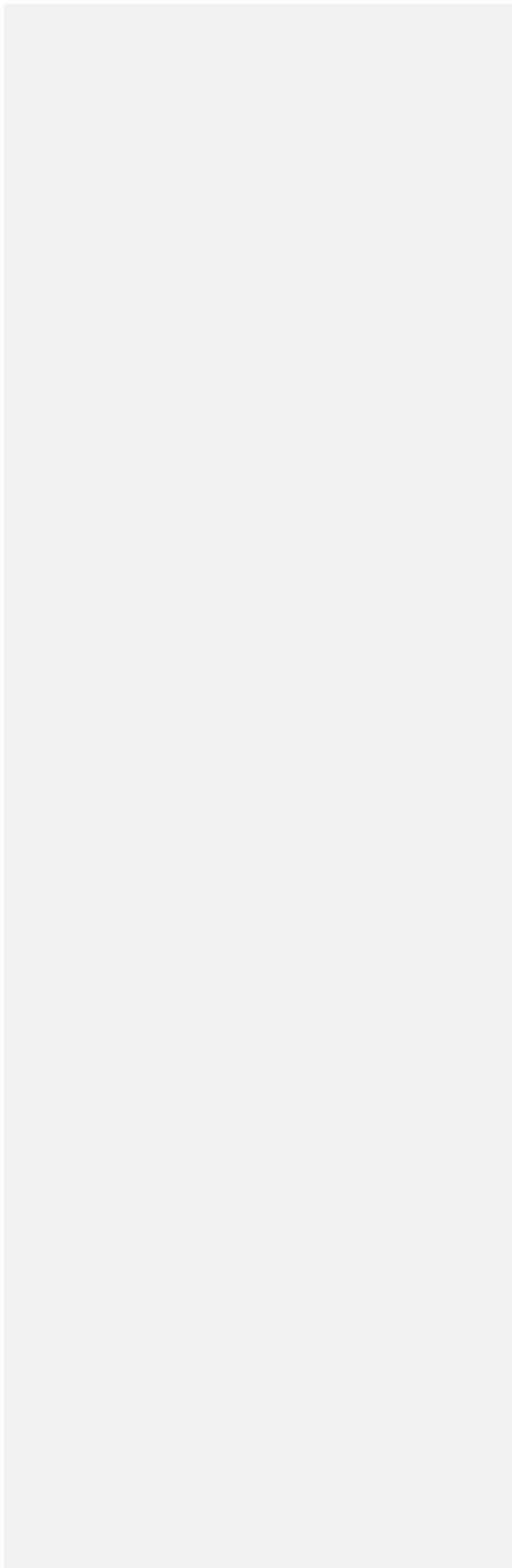
*RULES AND REGULATIONS OF THE  
CITY OF CAMBRIDGE  
BOARD OF LICENSE COMMISSIONERS  
RELATING TO ALL HOLDERS OF  
COMMON VICTUALLER,  
INNHOLDERS, ALCOHOLIC BEVERAGES  
AND/OR ENTERTAINMENT LICENSES  
("Board's Rule(s)")*

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

Nicole Murati Ferrer, Esq., Chair  
Acting Fire Chief Gerald R. Reardon Thomas Cahill, Jr., Commissioner

Acting Police Commissioner Christopher J. Burke Christine A. Elow, Commissioner

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**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 ~~should~~must ensure that all personnel are trained in these rules and given a copy~~aware~~of such rules. 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. It is incumbent on each business to stay up to date with all changes in the rules, laws, and policies. We trust that all businesses ~~which are~~ licensed by the Board of License Commissioners will operate safe, rule and ~~law abiding~~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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**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.

**Commented [FS1]:** Reflects statutory definitions.

**1.4** “Board of License Commissioners,” “Board,” or “License Commission” refers to three Commissioner Board established by the Special Acts of 1919, as amended.

~~of Cambridge’s three Commissioner Board established by the Special Acts of 1919, as amended.~~

¶

**1.65** “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 the particular service allowed by the license.

**1.76** “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 provide the particular service for which it is licensed.

**1.87** “Private Function” is an event held at a licensed premises ~~which 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.

**1.98** “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.

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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 of~~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 ~~Code of Ordinances~~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~~times and is available ~~to its employees or~~for inspection upon request by a member of the public or an agent of the License Commission.

~~3.2 The Rules and Regulations do not need to be posted on the licensed premises.~~

3.3 The licensee ~~and manager of record~~ must:

- (a) Have read, be familiar with, and comply with these Rules and Regulations; and
- (b) Provide a copy of these Rules to all its employees upon being hired, and ensure the employees have read and are adequately trained on them and all other applicable laws, rules and regulations prior to their first shift. Ensure all employees have read, are familiar with, and comply with these Rules and Regulations.

The licensee must have written proof of the date and time when each employee was provided a

copy of the Rules and Regulations and when they were trained. The information should be readily available upon request by the License Commission or its agents.

**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.

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4.2 All permits, licenses, and certificates issued by other City of Cambridge entities ~~which~~ that affect the licensed premises must also be posted conspicuously, but not in a manner as to cover any of the licenses/permits issued by the License Commission.

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 capacity of each room must be conspicuously posted at the entrance of each room.

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.

Commented [FS2]: State Building Code 780 CMR and Fire Code 527 CMR

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. Approved Managers of Record will be held accountable by the License Commission, whether or not present at the premises at the time of a disorder, disturbance, or illegality of any kind.

When a manager of record is not on premises, the licensee must designate an employee on duty as manager 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 one (1) year and be available for inspection upon request by the License Commission, its agents and/or the Cambridge Police.

Licensees who have video or ~~and any and all steps taken, and~~ surveillance system must make it available for inspection by the License Commission, its agents, and/or the Cambridge Police upon request.

If an incident has occurred or License, Police, Fire, Medical or Emergency Services have responded to the premises, the licensee must conserve any video/surveillance footage that may exist of the entire day/night of the incident. Such footage ~~preserve all security video footage of the incident~~ must be preserved and kept for a minimum of three one (13) yearmonths and must be available for inspection by the License Commission, its agents, and the Cambridge Police.

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 revoked or indefinitely suspended.

**Commented [FS3]:** Needs clarification -

Does this mean all video must be kept, or only when emergency services respond?

Do all licensees need to have video?

This may not be practicable - how/where to keep all? How to track?

**Commented [FS4]:** MGL c. 140 ss. 177A, 183A, 181

**Commented [FS5]:** MGL c 138 s. 15A; 204 CMR 2.01

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 the role/task of the employee, 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.

Any order received by a licensee from the Chair of the Board, a representative of the Board, and/or an agent or employee of the License Commission, should be considered as coming from the Board and complied with accordingly.

Any doubt as to the contents or veracity of an order or directive received from a person other than a member of the Board, can be confirmed through the Chair of the Board.

All prices and business practices or policies that affect the services provided, must be conspicuously posted and disclosed to the public without the need for a request to be made by anyone.

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.

**Commented [FS6]:** Comment received - providing pricing information all the time seems unduly burdensome.

Feedback - required by state law. 204 CMR 2.02 & 4.02

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

5A.1 Each holder of a common victualler and innholders 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 the agents of the 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 his/hers/its/their last prior application. The Commission cannot, and will not, receive more than two applications for a license under section twelve or fifteen 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.

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**5B.3** No owner or employee shall consume any alcoholic beverages while on duty.

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.4** If a premises licensed under Chapter 138 is to be closed for more than seven (7) consecutive days or become inactive, the licensee or its representative must request permission from the Board in advance, and state in said request the reason and length of such closing. A hearing may be held for permission to be closed. 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, and in such cases, the licenses may be subject to cancellation for non-use.

**5B.5** A ~~Chapter 138~~ licensee may only close:

- (a) After a request to the Board for closing in order to do renovations/or other special circumstances.
- (b) After obtaining approval from the Board to conduct an event that is closed to the public.
- (c) On holidays in accordance with the calendar issued by the Alcoholic Beverage Control Commission or any holiday observed by the State, Municipal or Federal Government, or any observed religious holiday.
- (d) Due to an act of nature or declared state of emergency.

~~If a liquor licensee seeks to remove an outdoor area from the licensed premises, the licensee must submit the request either through the renewal application or through a change to existing license application.~~

**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](#)
- [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

**Commented [FS7]:** Comment received - How about Permanent Resident Cards?  
Feedback - listed as on state law. MGL c. 138 s. 34B

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 and all employee other front of the house employees 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 by a nationally-recognized alcoholic beverages server training 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, at the discretion and approval of the Board through the Chair.

a. The program must result in a certificate of completion with an expiration date of no more than three (3) years after completion.

b. Internal, company-run programs do not qualify.

-successfully complete the 21 Proof Training and/or any other training the Commission orders to be completed.-

(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, upon request.

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

It is the responsibility of the licensee to ensure that new employees come into compliance with this order prior to their first shift.

All licensees that sell, serve, and deliver alcohol for on-premises consumption must offer for sale or at no charge, drug testing devices -- test strips, stickers, straws, and other devices -- designed to detect the presence of controlled substances in a drink -- at a patron's request.

The licensee must clearly post the availability of such devices on premises free of charge.

The devices must be provided to any patron upon request.

If the licensee has run out of devices, they are to inform the patron and offer to change the drink suspected of being spiked at no charge to the patron.

**Commented [FS8]:** Needs clarification - Does this mean all front staff? Back of the house staff?

Seems overly burdensome for employees.

Would appreciate guidance on what training programs are acceptable.

**Commented [FS9]:** Question - will the City pay for this?

Great suggestion.

**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** Members of a Club License and War Veterans Club License must show membership cards to enter 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, his/her 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.3** Each holder of a restaurant type license must prove that it is actually operating food service as a substantial part of its licensed business.

- (a) Proof that the licensee's revenue is derived at least fifty-one percent (51%) from food sales, shall be presumed to:
  - (i) Be operating a restaurant; and
  - (ii) That it has proper equipment for the service of food as required by Chapter 138, § 12A.
- (b) Documentation shall be available for inspection by the License Commission and its authorized agents upon request.

**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, such as Mastercard, VISA, American Express, is permitted.

**5C.5** With regard to any package good store licensee, the License Commission may, after due notice and public hearing, decrease the hours during which sale of alcoholic beverages may be sold. However, at no time can sales be prohibited from 10:00 a.m. to 11:00 p.m. In addition, the business may not be prohibited from opening at 8:00 a.m. but may be prohibited from selling alcoholic beverages from 8:00 a.m. to 10:00 a.m.

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.

**Commented [FS10]:** Comment received - Seems arbitrary.

State law provides hours of operation - may need clarification as to whether the state law requires sales to be 8:00 a.m. - 11:00 p.m. or just that hours be set within that time frame. MGL c. 138 s. 15 and c. 136 s.6(52)

~~Caterers licensed under M.G.L. c. 138, § 12C, may only sell alcoholic beverages at private events and for no more than five hours per event. At least 48 hours before any private event, the Caterer must provide in writing to the Police Chief and License Commission:~~

- ~~— Notice that the Caterer will be serving alcoholic beverages in Cambridge;~~
- ~~— A copy of the Caterer's license;~~
- ~~— Proof of insurance; and~~

~~An emergency contact phone number for the license manager.~~

#### **RULES 6 – HOURS OF OPERATION:**

**6.1** The Official Opening and Closing Hours 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).

**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

**Commented [FS11]:** Does deleting this mean that alcohol caterers can serve at a public event?

Feedback - state law does not allow alcohol caterers to serve at public events under the caterer's license. Caterer's licenses are issued by the state, the local board would not have authority to regulate.

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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 patron, guest, or employee to enter the premises after the Official Closing Hour or prior to the Official Opening Hour posted on the license. No employee or owner shall serve any food or alcoholic beverage before the Official Opening Hour or after the Official Closing Hour.

**6.4** Owners and employees must be off the premises no later than two (2) hours after the Official Closing Hour, provided however, that such owners and employees may be on the premises at any time 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 day's business 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.

**6.6** When the licensee previously knows that it will be necessary to have persons on the premises during non-business operating hours and not for the reasons stated in **Rules 6.4** or **6.5**, the licensee or its representative must first notify the License Commission in writing. The written notice must contain the reason, the number of people, their names and the hours they will be on the premises.

**6.7** In the event of any emergency that requires someone other than the owner and employees on the premises after hours, the licensee or its representative must call the Cambridge Police Department's Commanding Officer at (617) 349-3300, and explain the nature of the emergency and supply the names of all persons on the premises.

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.

**RULE 6A – HOURS OF OPERATION AS TO § 12 LIQUOR LICENSEES ONLY:**

**6A.1** Last call for:

-Alcoholic beverages, except shots as defined below, -not including pitchers, shall be at least twenty fifteen (1520) minutes before prior to the Official Closing Hour.

Shots, not including an after-dinner cordial or liqueur at a premises licensed as a restaurant, shall be at least sixty (60) minutes prior to the Official Closing Hour.

**6A.2** No pPitchers of malt or mixed beverages, or shots other than an after-dinner cordial or cocktail, shall be at least sixty (60) minutes prior to the Official Closing Hour.

- ~~(a) Pitchers cannot be more than forty-eight (48) ounces.~~
- ~~(b) Pitchers must be served to at least two or more persons.~~

~~Bottles of wine, shall be at least sixty (60) minutes prior to the Official Closing Hour.  
may be served later than sixty (60) minutes before the Official Closing Hour.~~

- ~~(a) Pitchers cannot be more than sixty (60) ounces.~~
- ~~(b) Pitchers must be served to at least two or more persons.~~

**6A.3** Any alcoholic beverage served prior to the Official Closing Hour must be consumed no later than ~~thirty-fifteen (3015)~~ 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.~~

DRAFT

**Commented [FS12]:** Too restrictive for the business and consumer.  
What are after dinner drinks? There is no one size fits all.  
Hard to implement or enforce - intent to "protect" is obvious but not practicable as written.  
Recommendations to reject changes.  
Question as to why the window of consumption post closing hour was narrowed - 6A.3.

**Commented [FS13]:** 204 CMR 2.18

**6A.4** ~~The Board, after a public hearing, may decrease the hours of operation based on public need.~~

**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.

**Commented [FS14]:** Does that mean that 7.1 does not apply to 7.3?

**7.3** No licensee may impose a cover or minimum charge on any person less than thirteen (13) years old.

**Commented [FS15]:** Would this apply to walk-up sales?

**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, the Police Department, Emergency Medical Services, or the Fire Department, 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.

**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 or any other form of egress be blocked or locked during operating hours.

**8.4** Any applicant for a license shall submit, upon request by the Board and always before a license is issued, a valid Certificate of Inspection, signed by the head of the Fire Department, attesting to the safety of the building, and that the building meets or exceeds the state building code.

**8.5** Any holder of a license must annually submit to the License Commission, upon request and always with their renewal application, 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 ~~twenty-five~~ seats.
- (b) For licensees ~~which 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, this requirement.
- (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 and License Commission.

(b) In all possible circumstances, rather than employees/security personnel ejecting

No open flames in the public access areas are allowed, except if expressly approved by the Fire Department and the Board.

Commented [FS16]: Is this necessary?

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.

Commented [FS17]: Based off Massachusetts State Fire Marshall advisory and State Law and Fire Code.

**RULE 9 – CAPACITY:**

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

- ~~(a)~~ ~~(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.
- ~~(a)~~—~~’s capacity is the authorized number of patrons permitted to be on premises and should not be confused with the occupancy number issued by the Inspectional Services Department.~~
- ~~(b)~~—~~If the Inspectional Services Department’s occupancy number is larger, the licensee may apply to the Board for an increase in the capacity number, subject to zoning and these Rules and Regulations. 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, upon request.

#### **RULE 10 – ENTERTAINMENT:**

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

- ~~(a)~~ (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. Entertainment includes, but is not limited to: background music; dancing (performers and patrons); recorded music; DJ; live music; application systems; theatrical exhibitions including films and plays; floor show; light show; dynamic audio/visual show; karaoke; comedy show; acrobatic show; beauty contest; wrestling; talk show.

- (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.

~~10.3 Dancing is permitted at a licensed premise as authorized by Massachusetts law, License Commission procedures, and any required license.~~

~~10.4 Licensees may have music machines and amusement machines after receiving approval from the Board.~~

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 ~~the business at all times~~ 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.

~~All entertainment shall be conducted so that no noise shall be plainly audible, under any circumstances, from a distance of fifty (50) feet from the licensed premise. 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.~~

~~All amplifiers shall face the licensed premises and not the street. The manner in which amplifiers and speakers are set should be in the manner least disruptive to the neighborhood and abutters. Noise mitigating measures should always be taken.~~

**Commented [FS18]:** Question as to why deletion - does it mean no longer allowed?

Feedback - duplicative. Dancing and all forms of entertainment allowed per law, and current and proposed rules.

**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 innholders to bring alcoholic beverages to the room in which they are registered for their own private consumption so long as the innholders 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. The Board will, in its discretion, determine what is reasonable for this purpose and whether ~~or not~~ it is customary in the preparation of such 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 – 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.2** All liquor licensees shall maintain a schedule of the prices charged for all drinks to be served and consumed on the premises. The schedule of prices charged must be conspicuously displayed on the premises and/or provided to each person entering the premises regardless of whether they request it.

**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.

**Commented [FS19]:** Comment - Overly onerous.

Feedback - this is a state law requirement and to address unfair and deceptive business practices. 204 CMR 2.02 and 4.02

**Commented [FS20]:** 204 CMR 4.00

- (a) Regardless of whether a patron is exhibiting signs of intoxication, impairment or under the influence of any substance, they cannot be served any combination of alcoholic drinks a/k/a rounds within less than thirty (30) minutes from each other.
- (b) Any business which chooses to have multiple servers, bartenders or employees serve a single patron must have a system in place to ensure that the patron is not served in contradiction to 12B.6 or 12B.6(a).
- (c) Although the law allows the sale and delivery of two alcoholic drinks at the same time to a single patron, licensees are required to determine whether at the time of sale or delivery the person should be provided two alcoholic beverages. There is no presumption of due care when a licensee delivers or sells more than one drink at a time to a patron.

**Commented [FS21]:** Too restrictive on consumer and business.

Not feasible to implement or enforce.

Recommendations to reject.

**12B.7** No licensee, or its employees or agents, shall allow any ~~sale or~~ 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 ~~of certain Ordinances of the Cambridge Municipal Code.~~

**13.3** Any licensed premises shall be subject to inspection by members, agents or representatives of the Cambridge Police, Inspectional Services, ~~Cambridge~~ 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.

### **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.