

***RULES AND REGULATIONS
OF THE
CAMBRIDGE LICENSE COMMISSION***

***RELATING TO
ALCOHOLIC BEVERAGES
AND
ENTERTAINMENT***

- 2) ***ADDENDA: dated April 11, 1986 to November 13, 1990***
- 3) ***POLICIES: dated July 28, 1987 to September 28, 2006***

Approved by Commission vote of November 9, 1979 and as amended 1997, and 2006.
Reprinted 2007.

Richard V. Scali, Chairman
Fire Chief Gerald R. Reardon, Commissioner
Police Commissioner Robert V. Haas

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“Alcoholic Beverages”, as used herein, shall mean any type of alcoholic beverages, including wines and malt beverages.

1. The owner and/or Manager of Record shall be totally responsible for any violations or infractions of the law, these rules and regulations, and disorders or disturbances of any kind which take place on the licensed premises whether or not they are present, including the actions of employees and/or entertainers.
2. The “Official Opening and Closing Hours” are those that are designated on the licensee’s liquor license. Therefore, licensees must be open to the public during these times. Licenses are granted to serve the public. Licensees are expected to operate on all days and hours in accordance with the terms of the issued liquor license.
3. Last call shall be at least fifteen (15) minutes before the “Official Closing Hour”. Any alcoholic beverage served prior to the Official Closing Hour must be consumed no later than one-half hour after the Official Closing Hour.
4. All tables and bars must be cleared of all glasses, bottles and containers of alcoholic beverages, within one-half hour after the “Official Closing Hour” and all customers must be off the premises by that time. Effective April 15, 1981. Licensees are not permitted to allow any patron or any guest or any 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 alcoholic beverages before the official Opening Hour or after the Official Closing Hour.
5. Owners and employees must be off the premises no later than sixty (60) minutes 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. No employee or owner shall serve any alcoholic beverages before the “Official Closing Hour” or after the “Official Closing Hour”. No owner or employee shall consume any alcoholic beverages during working hours. Provided, further, that any such licensee or his manager shall not be prohibited from being upon such premises at any time; provided further, that the employees, contractors, 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 fashion. Effective 1987.
6. If it is necessary, for any reason, to have workmen or their employees on the premises after the time allowed for owners and employees as set forth in Rule 5, you must first obtain the approval of the Board of License Commissioners. Your request must contain the reason, the number of people, their names and the hours they will be on the premises.

7. In the event of any emergency that requires other than the owner and the employees on the premises after hours, you must call the Cambridge Police Department, Commanding Officer, (617) 349-3300, and explain the nature of the emergency and supply said Officer with the number and names of all persons on the premises.
8. No alcoholic beverages may be served outside the licensed premises such as a patio, roof garden, or sidewalk unless such area is approved by the License Commission and is contained in the description of said licensed premises.
9. If the licensed premises are to be closed for any reason or become inactive, the owner must notify the License Commission in advance, and state in said notice the reason and length of such closing. A hearing must be held for permission to be closed. No alcoholic beverage establishment licensee may close for any reason other than the following:
 - After a request to the License Commission for closing in order to do renovations/or other special circumstances
 - On holidays in accordance with the calendar issued by the Alcoholic Beverage Control Commission
 - Due to an act of nature
10. No pitchers of malt beverages may be served later than one (1) hour before the "Official Closing Hour". No pitchers of malt beverages may contain more than sixty (60) ounces and must be served to at least two or more persons.
11. No more than (2) glasses of alcoholic beverages may be sold to or in front of a patron at one time.
12. Sales to persons under twenty-one are punishable by fine or by imprisonment or both. Effective 1984. Licensees are responsible for ensuring that minors are not served alcoholic beverages and are not drinking alcoholic beverages on the licensed premises, whether served to them by an employee or handed to them by another patron. A minor (under 18 years of age), may not serve or handle glasses or bottles that are used for alcoholic beverages. Licensees are required to submit a security procedure to the License Commission and Police Department to ensure minors are not being served alcoholic beverages if the Licensee has any "all ages shows," "18 plus shows," or "19 plus shows"
13. Any grocery and/or convenience store which is the holder of a package goods store license and which is open on a Sunday and is not approved for Sunday sales must, by means of a drop curtain, a wire mesh divider, or a gate at least five (5) feet in height, close off from the rest of the premises that section in which the alcoholic premises are displayed. No patrons shall be permitted to enter that area of the premises containing such beverages. The covering of displays of such beverages by means of cloths are no longer sufficient.

14. The holder of an alcoholic beverages license may not change managers, change corporate officers, transfer stock, pledge the stock or the liquor license as security, reduce or extend the area of the licensed premise, or change the physical layout of the premises without first obtaining the approval of the License Commission and the Alcoholic Beverages Control Commission.
15. No person may have a direct or indirect beneficial interest in any type of liquor license without first obtaining the approval of the License Commission and the Alcoholic Beverages Control Commission.
16. Private Clubs must keep a roster of their members, and membership cards must be shown when entering the licensed premises.
17. A licensed establishment which sells alcoholic beverages to be consumed on the premises must have a kitchen and provide food for patrons.
18. Alcohol and beer and wine restaurants shall be required to adhere to revenue sales of majority of food to alcohol by at least 51% or more food revenues. Documentation shall be available for inspection by the License Commission.
19. All licensed liquor establishments must maintain an updated employee roster that shall be available upon request to authorized agents of the License Commission.
20. No licensee may require any person to pay a minimum charge or cover charge unless a sign is conspicuously posted at every entrance stating that a minimum charge or cover charge shall be charged and also stating the amount of charge. Cover charge means all admission fees or admission charges. This does not prohibit advance ticket sales.
21. No minimum charge for the purchase of alcoholic beverages is allowable. A licensee may not set a minimum amount of alcohol to be purchased or consumed by a patron. All licensees shall maintain a schedule of the prices charged for all drinks to be served.

No licensee or employee shall:

- Offer or deliver any free drinks to any person or group of persons;
- Deliver more than two drinks to one person at one time;
- Sell, offer to sell or deliver to any person or groups of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week;
- Offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two or more persons;

- Increase the volume of alcoholic beverages contained in a drink without increasing proportionally the price regularly charged for such drink during the same calendar week;
 - Allow any game or contest that involves drinking or the awarding of drinks as prizes.
22. Any licensee who charges a cover or minimum charge shall post a sign that there is no minimum charge for alcoholic beverages. An admission charge shall not be credited towards the purchase price of any alcoholic beverage.
 23. No licensee shall 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 that posted minimum charge for food and/or non-alcoholic beverages.
 24. Employees at an establishment that sells or serves alcoholic beverages for on-premises consumption must be a minimum of eighteen years of age.
 25. Licensees and their employees shall not make a sale or delivery of an alcoholic beverage to an intoxicated person.
 26. Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages.
 27. Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows or other harm from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive.
 28. Licensees and employees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.
 29. All licenses and building certificates shall be posted in an accessible place on the premises, easily seen by the patrons where they can be read without difficulty and without the assistance of employees. No document shall be posted in a way that will cover any part of the license issued by the Commission.
 30. All exit doors shall be clearly marked "Fire Exit- Do Not Block" in red letters on a white background.
 31. No licensee shall make any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person. (Massachusetts Commission Against Discrimination, Chapter 273, Sec. 92, 98, 98A.)

32. The alcoholic beverages license is subject to suspension, revocation, forfeiture or further conditions for breach of its conditions or regulations or any law of the Commonwealth of which the licensee has notice.
33. Licensees shall immediately notify the Board of any proceedings brought against them or any proceedings brought by them under the Bankruptcy Laws. Licensees shall immediately notify the Board of any court proceedings that may affect the status of the license and file all documents related to the bankruptcy with the Board. Licensees shall then apply for a hearing before the License Commission.
34. The licensed premises shall be subject to inspection by the police, the Alcoholic Beverages Control Commission, the License Commission, and duly authorized agents of the License Commission.
35. Any applicant for an alcoholic beverages license shall submit 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.
36. Any holder of an alcoholic beverages license must annually submit to the License Commission a valid certificate of inspection, issued by the building commissioner and signed by the head of the fire department.
37. No gambling machines are allowed on the premises and no gambling or games of chance is permitted. Any use of coin operated amusement devices for gambling or gambling or games of chance purposes shall result in suspension and/or revocation of both the alcoholic beverages license as well as the amusement devices license. No one under the age of 20 shall be permitted to use any coin operated amusement device in any part of the premises in which alcoholic beverages are sold. No Las Vegas Nights are allowed. (See Gaming Policy, Page 27 and the Attorney General's Regulation 940 CMR 13).
38. No licensee or employee shall sell or use drugs or narcotics.
39. 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 Mastercharge, VISA, etc., is permitted.
40. Any licensee who desires to store extra chairs on the licensed premises shall secure the permission of the License Commission before storing any extra chairs. Extra Chairs" means that number of chairs above the maximum number of occupants lawfully allowed to be seated on the premises. Passed December 31, 1990.
41. Any licensee who desires to maintain any closed-in booth or any other booth with a pull curtain shall secure the permission of the License Commission before maintaining any such booth. Passed December 31, 1990.

42. Patrons are not permitted to bring alcoholic beverages on the premises for their own consumption. Non-alcoholic Common Victualer 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. Passed November 30, 1976.
43. No person licensed by the Cambridge License Commission to sell alcoholic beverages may allow any agent or independent contractor to carry a firearm on the licensed premises while said premises are open to the public. However, this provision shall apply neither to a Cambridge Police Officer on privately paid detail nor to any licensee who has received written permission from the Cambridge Police Commissioner to allow specified agents or contractors to carry firearms while the licensed premises is open to the public.
44. No licensee may have customer dress requirements of any kind except according to the following rules: A sign posted at the entrance stating dress requirements or dress restrictions that are specific (examples: “no jeans”, “no shorts”, “ties and jackets required”, “no sneakers”). No signs may be posted which only state “Proper dress required.”
45. Licensees shall not permit more persons on the premises than the capacity number approved by the License Commission. The License Commission 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. If the Inspectional Services Department’s occupancy number is larger, the licensee may apply to the License Commission for an increase in the capacity number, subject to Cap and Zoning issues. All licensees shall post their occupancy load in the entryway of the licensed establishment on a form provided by the License Commission.
46. The licensed premises must comply with the floor plan approved by the Cambridge License Commission. Any changes in the floor plan or any renovations of any kind are not allowed without notification to and prior written approval of the License Commission. This includes tables, chairs, booths, counters, bars, barstools, dance floors or other areas.
47. Licensees who permit persons to wait in line for a table, a seat, or entrance to the premises must enforce the following rules:
 - Persons who wait inside the premises must be kept in an orderly line and must not be permitted to block fire aisles or exits;
 - An employee of the licensed premises must supervise persons who are permitted to wait in line outside the premises. The employee must stand outside with the line during all times. Persons waiting outside must not block the public way or ramps for accessibility;

- Admissions to the premises should be denied if persons in the line are being loud or disorderly and causing noise or other problems for residents of the area.

48. Relative to Package Goods Stores. The board of license commissioners may decrease the hours of sales of alcoholic beverages of a packaged goods licensee if they find a public need for such a decrease. The board may do this after holding a public hearing for which the licensee was given two weeks advanced notice and provided further that no licensee authorized to make sales of alcoholic beverages not to be drunk on the premises shall be prohibited from making such sales after 10 o'clock ante meridian and before 11 o'clock post meridian. A licensee whose hours are decreased pursuant to the provision of this act may not be barred from opening the premises between the hours of 8 o'clock ante meridian and 10 o'clock post meridian provided that no sales of alcoholic beverages shall be made during the hours when such sales are prohibited by the board. Subject to the provisions of this act, said board shall have discretion to affect the hours of (i) and individual licensee authorized to sell alcoholic beverages not to be drunk on the premises; or (ii) all licensees authorized to sell alcoholic beverages not to be drunk on the premises. A licensee aggrieved by any such decrease in hours may bring a civil action in the nature of certiorari against said board pursuant to section 4 of chapter 249 of the General Laws. Chapter 31 of the Acts of 1998. Signed February 20, 1998 by Acting Governor Cellucci.

NOISE RULE FOR LIQUOR LICENSEES, ENTERTAINMENT LICENSEES, COMMON VICTUALER LICENSEES AND LODGING HOUSE LICENSEES.

1. Noise from persons leaving licensed premises, and music from inside a licensed premises, shall not be audible on residential premises after 6:00 p.m. Such noise or music shall be considered audible if more than ten percent of the time the sound level meter reading of the noise or music registers at least 5 dB(A) above the background noise level of the area. Such noise or music shall be considered "clearly audible" if more than ten percent of the time the sound level meter reading of the patron noise or music registers at least 10 dB(A) above the background noise level of the area. Background noise level is here defined as the noise level for an area that is exceeded 90% of the time, as measured without the presence of the noise or music. The number of readings used for measurements must be at least 100. All measurements shall be taken on a "fast" time weighting. Passed December 18, 1990.

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

3. When any noise disturbance or 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, the licensee may be held in violation and be responsible for such disturbance, and subject to a hearing in front of the License Commission Board.

No device or electronic equipment shall be utilized by a licensed premise for the purpose of signaling employees that agents of the Licensing Commission are present.

ENTERTAINMENT

1. Hotels, Restaurants and Clubs may have entertainment in categories as listed on their application upon application hearing before and approval by the License Commission.
2. All entertainment shall be so conducted that no noise shall be audible, under any circumstances, upon the sidewalk adjoining the licensed premise or upon any abutting premises. All amplifiers shall face the licensed premises and not the street. The operation of any radio, phonograph, musical instruments, machine or device between the hours of 11:00 p.m. and 7:00 a.m. on weeknights and 12:00 p.m. and 7:00 a.m. on weekend nights in such manner as to be plainly audible at a distance of 50 feet from the licensed premises shall be prima facie evidence of a violation of Ordinance Chapter 8.16, Regulations for the Control of Noise, City of Cambridge.
3. Dancing is permitted in restaurants. A hearing must be held and a separate license must be obtained for dancing.
4. Hotels, Restaurants and Clubs may have music machines and amusement machines; however, a hearing must be held and a separate license must be obtained for each.
5. All other types of entertainment require a Special License issued by the License Commission.

ADDENDUM A

**To the Rules and Regulations of the
Cambridge Board of License Commissioners
Relating to Alcoholic Beverages**

Passed April 11, 1986

This addendum is only applicable to a licensee who by agreement with the Cambridge Board of License Commissioners ("Commission") has accepted the provisions of Addendum A as a condition of the licensee's alcoholic beverage license ("license"). Commission approval of a loan by another to the license with the designation of the license as loan collateral shall not be deemed an express or implied modification of any of the provisions in this regulation.

I. RELATIVE TO LICENSED CORPORATIONS

A licensee which is a licensed corporation and which agrees to accept the provisions of Addendum A thereby agrees to the following license conditions irrevocably binding on all professed and actual successors-in-interest to the licensee.

- A. The license is a personal privilege and is not subject to separation from the licensees in the absence of a written order issued by the Commission.
- B. The license is not sellable by the licensee or otherwise transferable from the license.
- C. The licensee shall not apply to add or replace shareholders of the licensed corporation without prior written permission of the Commission.
- D. No renewal affidavits relative to the license shall be submitted to the Commission if a creditor, trustee, receiver, or other person succeeds to the interest of the licensee or if a creditor, trustee, receiver, guardian, executor, administrator, or other person who is not a shareholder when the provisions of Addendum A are accepted succeeds to the interest of a shareholder in the licensed corporation. If any such person succeeds to the interest of a licensed corporation or a shareholder in a licensed corporation in a calendar year after a renewal affidavit has been filed by the licensed corporation with the Commission, then the interest of said person or shareholder shall permanently terminate not later than December 31st of the subsequent calendar year. Otherwise, the interest of said person succeeding to the interest of said corporations or shareholders shall permanently terminate not later than December 31st of the same calendar year in which said person succeeds to said interest.

II. RELATIVE TO LICENSED INDIVIDUALS

A licensee who is an individual person and who agrees to Addendum A thereby agrees to the following license conditions, irrevocably binding on all professed and actual successors-in-interest to the license:

- A. This license is a personal privilege and is not subject to separation from the licensee in the absence of a written order issued by the Commission.
- B. This license is a personal privilege and is not sellable by the licensee or otherwise transferable from the licensee.

- C. The licensee shall not apply to convert the licensed individual proprietorship into a partnership, corporation, or trust, without prior written approval of the Commission.
- D. No renewal affidavit relative to this license shall be submitted to the Commission if a creditor, trustee, receiver, guardian, executor, administrator, or other person succeeds to the interest of the licensed individual. If such a person succeeds to the interest of a licensed individual in a calendar year after a renewal affidavit has been filed by the licensed individual with the Commission, then the interest of such person succeeding to the interest of a licensed individual shall terminate permanently not later than December 31st of the same calendar year in which said person succeeds to said interest.

III. RELATIVE TO LICENSED PARTNERSHIP

A licensee which is a partnership and which agrees to Addendum A thereby agrees to the following license conditions, irrevocably binding on all actual and professed successors-in-interest to the licensee:

- A. This license is a person privilege and is not subject to separation from the licensee in the absence of a written order issued by the Commission.
- B. This license is a personal privilege and is not sellable by the licensee or otherwise transferable from the licensee.
- C. The licensee shall not apply to add or replace partners in the licensed partnership without prior written permission of the Commission.
- D. No renewal affidavit relative to this license shall be submitted to the Commission if a creditor, trustee, receiver, guardian, executor, administrator, or other person who is not a partnership when the original licensee application is granted succeeds to the interest of any partner in the licensed partnership in a calendar year after a renewal affidavit has been filed by the licensed partnership with the Commission, then the interest of such person succeeding to the interest of a partner in the licensed partnership shall terminate not later than December 31st of the same calendar year in which such persons succeeds to said interest.

IV. RELATIVE TO LICENSED TRUSTS

A licensee which is a trust and which agrees to accept Addendum A thereby agrees to the following license conditions, irrevocably binding on all actual and professed successors-in-interest to the licensee.

- E. The license is a personal privilege and is not subject to separation from the licensee in the absence of a written order issued by the Commission.
- F. The license is a personal privilege and is not sellable by the licensee or otherwise transferable from the licensee.
- G. The licensee shall not apply to add or replace trustees or beneficiaries without the prior written approval of the Commission.
- H. No renewal affidavit relative to this license shall be submitted to the Commission if a creditor, trustee, receiver, or other person who is not a beneficiary when the original license application is granted succeeds to the interest of any beneficiary of the licensed trust. If such person succeeds to the interest of any trustee or beneficiary in a calendar year after a renewal affidavit has been filed by the licensed trust with the Commission, then the interest of such person succeeding to the interest of a trustee or beneficiary shall terminate not later than December 31st of the same calendar year in which such person succeeds to said interest.

ADDENDUM B**To the Alcoholic Beverages Rules and Regulations****WRITTEN POLICY ON NEW BEER AND WINE LICENSES
NEW ALL ALCOHOLIC BEVERAGES LICENSES,
AND NEW COMMON VICTUALER LICENSES**

Passed April 11, 1986

1. Prior to a Commission hearing on an application for a new Common Victualer's license, a new beer and wine license, or a new all alcoholic beverage license, to be granted outright and not by way of transfer, the Commission Chair shall send a conspicuous notice concerning the application and hearing to the local civic groups and the local business associations for the area wherein the premises to be licensed are located.

The Commission Chair shall determine the names and addresses of the appropriate civic groups and appropriate business associations to the extent such are in existence and known. Prior to a Commission vote on such an application, the Commission shall wait at least two days after the hearing so as to allow the civic groups and business association to advise the Commission of their respective positions.

2. Any such Common victualer's license, if granted, shall be non-transferable and inseparable from the licensee in the absence of a written order from the Commission.
3. No such alcoholic beverage license shall be granted unless the licensee agrees to accept Addendum A to the Rules and Regulations of the Cambridge Board of License Commissioners Relative to Alcoholic Beverages.
4. This policy shall be known as Addendum B to the Alcoholic Beverages Rules and Regulations.

ADDENDUM C

To the Alcoholic Beverages Rules and Regulations

WRITTEN POLICY ON LIQUOR, RESTAURANT AND ENTERTAINMENT APPLICATIONS SEEKING A NEW LICENSE, TRANSFER OF LICENSE, CHANGE OF STOCKHOLDERS, AN EXTENSION OF PREMISES, A CHANGE IN THE PREMISES DESCRIPTION, OR A CHANGE IN CAPACITY

Passed April 11, 1986

1. Any liquor enterprises, restaurant enterprise, or entertainment enterprise submitting an application seeking a new license, transfer of a license, a change in the premises description, an extension of the premises, or a change in the maximum capacity must, prior to a vote by the Commission, supply the Commission with the following:
 - A. A blueprint or diagram showing total square footage, capacity and the location of all stages, tables, chairs, bars, exits, entrances, show areas, amplifiers, phonographs, dance floors, games machines and rooms. Once approved by the Commission, the premises description must continue to conform to the blueprint or diagram unless the Commission formally approves a change.
 - B. A statement showing the actual or estimated cost to build or renovate the premises to be licensed.
 - C. A list of actual or expected categories of employees to the licensee or license applicant, showing the number of employees in each category and the average number of hours per week such employees work or are expected to work.
2. Any licensed liquor enterprise, restaurant enterprise or entertainment enterprise required to obtain Commission approval (a) to change stockholders or (b) to transfer a license, must disclose the amount of money, valuable property, or other consideration given in exchange for the transfer of the license. Such disclosure shall be a condition of the effectiveness of any Commission vote approving the change or transfer.

ADDENDUM D**To the Alcoholic Beverages Rules and Regulations****WRITTEN POLICY ON LIQUOR AND ENTERTAINMENT LICENSES
IN HARVARD SQUARE, CENTRAL SQUARE, AND
MASSACHUSETTS AVENUE BETWEEN SAID SQUARES**

Passed April 11, 1986

The License Commission hereby affirms the following policy:

1. The Commission is creating three (3) areas where neither new annual all alcoholic beverages restaurant licenses, nor new annual all alcoholic beverage package store licenses, nor new annual beer and wine restaurant licenses, nor new annual beer and wine package store licenses will be granted. The geographic boundaries of each area are marked on the map attached.
2. Exceptions to the policy outlined in Paragraph I., above will be as follows:
 - A. If the new license to be granted is by way of a transfer of the same kind of license from within the same bounded area, or
 - B. If the license application, after a rigorous, searching and detailed examination, passes scrutiny by the Commission and if there is a consensus among local residents, local businesses, and the Commission that the new license to be granted fulfills an extraordinary public need for the particular kind of enterprise to be licensed, that the license applicant has made adequate provisions to verify that unreasonable noise from within the premises to be licensed or by the license applicant's patrons outside will not be audible from residential premises; and generally, that the new license to be granted significantly furthers the common good of the City of Cambridge. No license will be granted under this section II (B) unless the license applicant agrees to accept Addendum A to the Rules and Regulations of the Cambridge Board of License Commissions Relating to Alcoholic Beverages.
3. To facilitate the determination whether there is such a consensus as described in II (B), the Commission Chair shall send a conspicuous notice concerning an application subject to this policy to the appropriate civic groups and business association, to the extent such are in existence and known.

4. The following kinds of applications by existing liquor licensees in the three (3) bounded areas shall be the subject of an advertised public hearing and shall be denied unless an exception is warranted under section II (B) above.

- C. For a year-round extension of premises;
- D. For an upgrading from a beer and wine license to an all-alcoholic beverages license.
- E. For an extension of hours to operate beyond 1:00 a.m., or for an extension of days to operate seven (7) days a week;
- F. For an increase in capacity;
- G. For an annual entertainment license allowing dancing by patrons or, on premises which are not soundproofed and vibration-proofed, amplified sound equipment.

5. Applications for one-day licenses and warm-weather, outdoor extensions of premises shall generally be reviewed in an ordinary fashion and not with rigorous, searching and detailed examination. The Commission acknowledges that one day liquor and entertainment licenses and seasonal outdoor extensions of premises generally fulfill an extraordinary public need not otherwise fulfilled.

6. The basis for the Commission's policy is its public hearings on licensing policy and findings:

- H. That there are in each bounded area an adequate number of ordinary places at which the public may buy alcoholic beverages.
- I. That ordinary public need is therefore not served by the addition of further liquor license in the three (3) bounded areas; and
- J. That the additional liquor licenses in the three (3) bounded areas would ordinarily not protect the common good due to an increase in illegal parking and due to an increase in the number of unreasonably noisy patrons in residential areas and due to an increase in music-noise and vibrations emanating from licensed premises and perceptible on residential premises.

7. The Commission hereby publicly states that it presently is not in possession of sufficient evidence whether in any or all of the three (3) bounded areas there should be a licensing cap on non-alcoholic beverage restaurants or so-called "juice bars" or on entertainment facilities where alcoholic beverages are not served.

The Commission will further investigate and will keep under advisement for a period not to exceed one year the question whether a licensing cap is warranted in any or all of the three (3) bounded areas relative to non-alcoholic beverage facilities providing food, soft drinks, or entertainment.

8. As announced orally at the Commission hearing on September 10, 1995, the policy contained in this Addendum D is applicable in the three (3) designated areas to all liquor license applications received after said September 10, 1985 and to all entertainment license applications received after the date of this Addendum for dancing by patrons or for amplified sound equipment to be allowed on the premises where alcoholic beverages are served.

CAP AREAS

Value of Licenses Under Cap Policy. Passed January 31, 1986.

The License Commission may determine, as part of the cap policy, that any new beer and wine or all alcoholic restaurant license will have no fair market value and may not be transferred for consideration but may be transferred as allowed under the regular application and hearing procedures. The rationale for such policy is to allow issuance under the cap policy where all steps to override the cap are met under Addendum D and to allow so called “mom and pop operations” or those catering to food oriented, non-bar and non-entertainment operations, to afford such licenses. Such no value licenses may also replace existing licenses that have been turned in, revoked, or canceled.

Note: Map in the License Commission office gives exact locations and overrules any discrepancies in the descriptions below.

CAP AREA 1.

Passed April 11, 1986. Harvard Square. Quincy Street to Cambridge Common to Waterhouse Street to Radcliffe College to Brattle Street to Story Street to Mt. Auburn Street to John F. Kennedy Street to Dunster Street to Massachusetts Avenue to Prescott Street.

CAP AREA 2.

Passed April 11, 1986. Massachusetts Avenue from Prescott Street. Putnam Square to Bigelow Street.

CAP AREA 3.

Passed April 11, 1986. Central Square. Massachusetts Avenue from Bigelow Street including Bishop Allen Drive, Green Street to Sidney Street (W), Franklin Street to Brookline Street, Massachusetts Avenue to Main Street at Windsor Street to State Street.

CAP AREA 4.

Passed July 22, 1986. Harvard Square at Harvard Law School at Follen and Waterhouse Streets, Massachusetts Avenue to edge of Porter Square to Frost Terrace and Arlington Street.

CAP AREA 5.

Passed October 14, 1987. Porter Square including Massachusetts Avenue to Regent Street to Davenport Street, White Street and White Street Place.

CAP AREA 6.

Passed March 25, 1986. North Cambridge. Massachusetts Avenue at Regent Street all the way to the Arlington town line.

CAP AREA 7.

Passed September 30, 1986. Inman Square. Hampshire Street from 258 Beacon Street to Elm Street. Elm Street to Somerville city line. 1079 Cambridge Street to Somerville city line.

CAP AREA 8.

Passed April 25, 1990. East Cambridge. On Cambridge Street, from Railroad tracks to First Street to Monsignor O'Brien Highway to Somerville city line.

CAP AREA 9.

Passed April 25, 1990. East Cambridge. From Railroad tracks up Binney Street to west side of First Street to Otis Street to Railroad tracks.

CAP AREA 10.

Passed April 25, 1990. Huron Avenue from Concord Avenue to Belmont Cemetery.

CAP AREA 11.

Passed April 25, 1990. Concord Avenue from Follen Street to Bay State Road to Garden Street to Sherman Street to Garden Street to Follen Street.

CAP AREA 12.

Passed April 25, 1990. West Cambridge. West side of Alewife Brook Parkway to Railroad tracks to Fawcett Street to Mooney Street to Blanchard Road to Concord Avenue to Alewife Brook Parkway.

CAP AREA 13.

Passed November 13, 1990. The boundary line goes down the middle of Harvard Street, the Railroad tracks, and York Street. The boundary line goes down the parcels on the west side of Windsor Street so as to include parcels on both sides of that street.

CAP AREA 14.

Passed April 25, 1990. Concord Avenue to Fresh Pond Parkway to Huron Avenue.

CAP AREA 15.

Passed April 25, 1990. East side of Alewife Brook Parkway to Railroad tracks to Sherman Street to New Street to Fresh Pond Parkway to Concord Lane.

AMENDMENT TO CAMBRIDGE CAP POLICY ADDENDA. Passed September 28, 2006.

CAP to CAP license transfers will be considered when there are available licenses in other CAP areas.

Increases in capacity within a CAP area are allowed, in accordance with the rules and regulations already in place.

An applicant may apply to break the CAP as a LAST RESORT, after every effort to purchase an existing license is exhausted.

The proposal to charge for new license has been tabled for further investigation.

An applicant must meet the CAP criteria in order to be approved to have closing hours extended to 2 A.M.

If the holder of a Common Victualer's License or an applicant for a Common Victualer's License is also applying for a new wine and malt or all alcoholic license, they must have been in business for six (6) months before making application.

These amendments shall be reviewed in one year.

CAPPED BUILDINGS:

Porter Exchange Building, 1815 Massachusetts Avenue.

Alcohol seats:

Rustic Kitchen – inactive	200 seats
Blue Fin Restaurant	<u>60</u>
	260

100 Non-alcoholic seats:

Café Mami	12
Ittyo	15
Juicy Jack Patrick's	14
Kotobukiya	32
Sapporo Ramen	18
Cho Cho's	28
Tampopo	13
Porter Exchange Student Center	66*

*26 seats from non-alcoholic seats and 40 seats from liquor seats

Porter Arcade: One Porter Square

Pizzeria Uno 160 interior/30 outdoor café**

**not to exceed more than a total of 172 seats at any one time.

One Kendall Square

The Blue Room	176 (158 seats; 18 standing; 82 outside seasonal)
Shine	70 (70 outside seasonal)
Flat Top Johnny's	174 (85 seats; 65 standing; 24 outside seasonal)
Cambridge Brewing Co.	140 (and 36 outside seasonal)
Tommy Doyle's	200 (128 seats 45 standing and 47 café)
Anise	150

Charles Square Hotel, University Road and Bennett Street

Charles Square Hotel	
Legal's Sea Foods	68
Legal's Sea Foods	233

Cambridgeside Galleria Mall, 27 and a portion of 43 Commercial Avenue, 58-120 First Street

	Seating	Occupancy
Cheesecake Factory	213	314
Papa Razzi	219	325
California Pizza Kitchen	179	180

ADDENDUM E

To the Alcoholic Beverages Rules and Regulations

SUPPLEMENTAL REGULATIONS ON COIN-OPERATED DEVICES

Passed January 31, 1986

1. Video Jukeboxes

- A. No minor may be restricted from viewing the video exhibitions without prior written approval from the 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 Commission, a Cambridge Police Officer designated by the Cambridge Police Commissioner, or an agent of the Commission.

2. Trivia Quiz Games

The Chairman of the Commission is authorized to issue one license for one coin-operated trivia quiz game to premises where alcoholic beverages are served for on-premises consumption, without an advertised public hearing. Such locations must not be the subject of recent complaints. Notice of such licenses so issued shall be put on the agenda for the next following Commission hearing for ratification.

POLICY

Part One.

License Commission Rules on Unexercised “Pocket” Liquor Licenses. Passed July 28, 1987.

1. Each liquor license issued by the License Commission shall, unless otherwise provided by said Commission in writing, be exercised during the days and hours specified in the license.
2. Any liquor licensee seeking to retain a license while not exercising it must first, for good cause shown, secure the written permission of the License Commission.
3. If the License Commission should give written permission to a licensee to retain an unexercised liquor license, such permission shall not extend for more than (48) months; provided that the Commission may extend said (48) month period to the November 30th following the end of said (48) month period. (Note: Under state law, liquor license renewal applications for an upcoming calendar year must be filed by November 30th; November 30th and not December 31st is, therefore, the key date for renewal).
4. Unless otherwise provided by law, a “pocket” licensee shall pay the full fee for the liquor license.
5. These Rules shall be construed so as to represent a balanced approach in promoting the following two goals:
 - A. Since liquor licenses are issued to fulfill a public need, liquor licensees have a duty to exercise their licenses; and
 - B. Undue hardship would result if a liquor licensee were forced to surrender the license where the licensed premises:
 - i. are taken by eminent domain;
 - ii. are destroyed by fire;
 - iii. are being extensively renovated, or;
 - iv. are lost due to termination of a lease.

Part Two.

Pocket licenses. Alcoholic Beverages Control Commission Policy. Passed June 28, 1989.

Please be advised that all pocket licenses cannot be renewed unless the licensee owns or controls the premises to which the license will apply.

If you do not own or control a premise for your pocket license, we will be unable to renew your liquor license.

Result of Special meeting of Cambridge License Commission held September 10, 1991, 6:00 p.m.

SUBJECTS:

- A. 2:00 a.m. Licenses**
- B. 1:30 a.m. Licenses**
- C. Increase in Occupancy Levels**
- D. Off-Street Parking Requirements**
- E. Beer and Wine Restaurant Licenses in Cap Areas**

The following are the votes taken of the License Commission on Thursday, September 26, 1991 with regard to the above subjects heard on September 10, 1991.

1. The Commission voted 3-0 to continue the same policy as currently stands which allows no new 2:00 a.m. licenses.

The information received did not show a change in circumstances with regard to a need for 2:00 a.m. licenses. In fact, evidence submitted showed a problem with existing 2:00 a.m. licenses whereby noise by patrons, music noise and parking problems still plague the neighborhoods.

Existing 2:00 a.m. licensees may still be transferred to another establishment in the same cap area or to any non-capped area following the standard hearing procedure.

2. The Commission also voted 3-0 to not allow any more new 1:30 a.m. licenses. Although only one such license currently exists in the city, no additional licenses will be granted.

The reason for this policy is very similar to the reason for the denial of any new 2:00 a.m. licenses and that the current problems of patron noise, music noise and parking

problems still plague the neighborhoods. By extending the time of establishments, these problems are continued into the night at a later hour thereby disturbing residents.

The existing 1:30 a.m. license may be transferred to any non-capped area in the city as the existing license is in a non-capped area, following standard hearing process.

Both (A) and (B) above are pursuant to Addendum D of the Liquor Rules and Regulations and in particular, clarify Section IV of said Addendum.

3. The Commission has voted 3-0 to maintain the current policy of the Commission with regard to occupancy increases for liquor establishments.

This means that unless and until some legislative change is made with regard to M.C.L.c.138, s.12 as amended July 1988, the License Commission will hear applications for increase of occupancy and follow the capacity set by the Building Department for the City of Cambridge.

However, the Commission does not completely relinquish its power in these matters. As clarified by the Alcoholic Beverages Control Commission, the License Commission may still either affirm or deny such application for occupancy increase if there is evidence to show that such occupancy increase will harm the public good by either adding additional noise from patrons, cause additional parking problems for the area and any other reasonable evidence proven as allowed by M.G.L.c. 138, or the public nuisance laws.

4. The Commission voted 3-0 to maintain the current policy of requiring proof of sufficient off-street parking by requiring a sign-off from the City of Cambridge Zoning Department before an application is heard. The applicant must also consult with and receive approval from the Traffic and Parking Department of the City of Cambridge before a license may be issued.

This Commission does not possess the expertise to analyze the parking sufficiency of an applicant if it pertains to zoning and traffic and parking laws. The Commission may, however, look at the effect to the neighborhoods if such license is granted. The Commission may not lower or increase the number of spaces required by the Zoning Department or by the Traffic and Parking Department. The Commission again, as with C., may look at the public good effect and analyze in that matter.

5. The Commission has voted 3-0 to allow additional beer and wine restaurant licenses to those existing restaurant that wrote letters to this Commission before September 26, 1991 requesting that they have an opportunity to apply for a beer and wine license. This means that the 16 existing restaurants that wrote letters may apply in the usual manner and still must comply with all other relevant laws, as would any other applicant.

The Commission feels that due to the current economic climate, evidence was heard which demonstrates a need for existing restaurants to be able to service a glass of wine or mug of beer with a meal, in order to keep the customers they currently serve. Due to the competition in these hard economic times, this Commission feels the need to protect existing establishments from going out of business. So long as the existing restaurant is food oriented and non-entertainment oriented, this Commission does not see any harm to the neighborhood areas in allowing these applications to be heard. Each neighborhood will also have an opportunity to be heard on each individual application, as is our usual procedure.

The Commission also voted to review this policy again one year from the date of passage, namely, September 26, 1991, or as soon thereafter or before as is possible.

The above policies are not to be construed as deviate from any other current policies of this Commission, but merely to amend or clarify the existing rules.

POLICY ON SALES OF LIQUOR LICENSES. Passed March 23, 1993.

If a liquor license is revoked by this Commission for vice-related issues, i.e., drug sales, possession, etc., this Commission will not approve a sale of that license instead of the license being revoked or suspended.

The reasoning behind this policy is that licensees who have committed or were somehow involved in a vice offense, should not profit from the sale of the license where vice activity occurred.

CRIMINAL RECORD CHECKS. Passed January 16, 1996.

The License Commission voted 3-0 to institute a \$10.00 fee for each criminal record check required by law for all alcohol, vendor and peddler licensees. All record checks will be submitted through our office. This License Commission is a certified agency to receive criminal records. Passed January 9, 1996.

TIME LIMIT ON APPROVAL. Passed December 18, 1990.

1. It is hereby passed that all approvals of applications by the License Commission are valid for (6) six months from the date of approval. If such time expires before the license is issued, the applicant must reapply and be reheard before the License Commission.

2. All applicants who are denied a license must wait one year before reapplying unless there is a change of circumstances, i.e., change of location, name of applicant, or new evidence not previously submitted.

ENTERTAINMENT/GAMING POLICY. Passed March 23, 2006.

No gaming activity or appearance of casino type games are to be held in any licensed premises without applying for an exemption to the Attorney General's prohibition against casino nights, appearing at a hearing before the License Commission, and obtaining sign off from the Cambridge Police Commissioner.

BANKED SEAT POLICY. Passed May 25, 2006.

1. Any liquor licensee seeking to retain seats while not in use must first, for good cause shown, secure the written permission of the License Commission;
2. If the License Commission should give written permission to a licensee to retain unused seats, such permission shall not extend for more than (48) months;
3. Unless otherwise provided by law, a licensee holding unused (banked) seats shall pay the full fee for the liquor license;
4. If a licensee does not use or sell their banked seats within the first 48-month period, the License Commission shall consider taking back the seats, after a full hearing process. (The Commission shall consider the banked seats on a case by case basis);
5. These rules shall be construed so as to represent a balanced approach in promoting the following three goals:
 - A. Since liquor licenses are issued to fulfill a public need, liquor licensees have a duty to use their seats;
 - B. Undue hardship would result if a liquor licensee were forced to surrender the seats;
 - C. Providing those who are in need of additional seats an opportunity to obtain them.

The License Commission shall send notice to all banked seat holders to appear before the Board of License Commissioners every six months to notify the Board of the status of the seats.

AMENDMENT TO CURRENT CAMBRIDGE KEG POLICY. Passed March 23, 2006.

1. Any retail licensee making the sale of a keg must notify the Cambridge Police Department within a reasonable time of the date of sale, via email, fax or telephone. Notification shall include the name, address and date of birth of the purchaser and all information required on the attached form.
2. For purposes of this Rule, a keg is defined as any container requiring a tap.

The approval to amend the Keg policy will take effect on April 1, 2006.

AMENDMENT TO CAMBRIDGE CAP POLICY ADDENDA. Passed September 28, 2006. Please reference Page 22.

PATIO POLICY. Passed by City Council January, 2006.

The City has agreed to allow the service of alcohol on outdoor public sidewalk areas, in conjunction with food service only. If you are interested in having alcohol service on the outdoor sidewalk area adjacent to your restaurant, it will be necessary to do the following:

1. Come to the License Commission for a change of premise description application and procedure, including a detailed plan showing sidewalk area to be used in metes and bounds and an accompanying written description of the sidewalk area's metes and bounds in relation to the restaurant;
2. Obtain zoning approval and sign offs from the Inspectional Services Department for the sidewalk seats;
3. Apply to the City Council for a sidewalk use permit;
4. Obtain DPW sidewalk obstruction permit (\$25);
5. Appear at a License Commission hearing for approval;
6. Sign a Sidewalk Use License Agreement with the City Manager for use of the sidewalk area, the fee for which is currently \$750.00 per year. The Sidewalk Use License Agreement will be renewable annually so long as there are no changes to the premises, problems or disciplinary hearings, upon payment of the Annual Sidewalk Use License fee and provision of all required certificates of insurance to the License Commission; and
7. Receive ABCC approval for change of premise description.

If approved by the License Commission the application will be forwarded to the City Manager for signature on the Sidewalk Use License Agreement. It will then be sent to the ABCC. After approval by the ABCC, you will have to pay the \$750.00 annual Sidewalk Use License fee (separate and apart from any other fees that may be due) to the License Commission.

The Commission reserves the right to change or add to the foregoing rules and regulations after notice to all licensees.