

City of Boston

Mayor's Office of
Consumer Affairs and Licensing



Rules and Regulations of the Mayor's Licensing Division

*Thomas M. Menino, Mayor
Patricia A. Malone, Esq., Director*

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RULES AND REGULATIONS OF
THE MAYOR'S LICENSING DIVISION

A. GENERAL

1. The licensee shall keep the license at the location cited thereon, and, shall surrender it to any person designated by the Director calling there-fore, and shall display it to any person requesting to see it.
2. The licensee, his agents, principles and partners shall be liable to adhere to the terms and conditions of the license.
3. A current list of all employees shall be available upon request of authorized agents of this Division.
4. The Licensee shall allow any person designated by the Director including the Boston Police to enter, to inspect, to view any exhibition or show, and to participate in any Amusement.
5. The licensee shall hire at his own expense a police and fire detail as the Mayor shall require.
6. The licensee shall obtain all leases and permits as required to occupy said location lawfully.
7. The licensee shall conform to the applicable provisions of the Boston Zoning Code and State Building Code, obtaining a Certificate of Use and Occupancy from the Inspectional Services Commissioner if so required by these codes.
8. No physical renovations shall be made unless a plan is submitted and approved by the Licensing Division.
9. No increase in the capacity of the licensed premises will be valid unless a petition is fully filed by the licensee and approved by this Division.
10. The Licensing Division may, in its discretion and upon proper notice, require a licensee to appear before it for a meeting to address general questions about the licensed operation, including whether the licensee is adhering to representations made during the application process;

details regarding the entertainment; and other issues pertaining to the conduct of the premises in general.

B. SAFETY

1. As required by the Fire Commissioner, the licensee shall maintain unobstructed means of egress and means of access, and shall remove combustible materials.
2. The licensee shall not allow any person to obstruct aisles, passageways, landings, or stairways.
3. The Fire Commissioner shall approve the substances and position of the following decorations: seating and other furnishings, interior finishes, 35 mm or larger film, smoking areas, and easily accessible fire fighting apparatus.
4. The licensee shall allow members of the Fire Department, in case of fire to exercise exclusive control and direction of his employees and of the means and apparatus for extinguishing the fire.
5. There shall be no disorder, indecency, prostitution, lewdness or illegal gambling on the licensed premises or any premises connected therein by an interior communication.
6. No device or electronic equipment shall be utilized by any licensed premises for the purpose of signaling employees that agents of the Licensing Division are present.
7. Any police complaints and/or reports presently on file, shall continue in force until disposed of by this Division.
8. Licensees must provide reasonable cooperation to police officers and other authorized agents of the Licensing Division in the performance of their duties.
9. Licensees are to call for police assistance where necessary to alert police to unlawful activities, to protect patrons and members of the public from disruptive incidents, to clear the premises and the vicinity from unruly persons where needed, to provide assistance to injured persons, and on other occasions where police assistance is needed to

preserve the public safety and order.

10. Licensees must disperse patrons from the establishment and away from the vicinity in a safe, orderly, and timely fashion.
11. Persons waiting outside the licensee's establishment in order to enter must be organized in an orderly line that is supervised and monitored by the licensee.
12. Nightclubs are prohibited from using pyrotechnical displays, as per the Mayor's Executive Order of March 3, 2003. A nightclub is defined as an establishment that is licensed for dancing in combination with either disc jockey or live music. The use of such a display at any other type of establishment may only be featured upon the licensee obtaining all necessary approvals for such from the Fire Commissioner and other applicable authorities. (Appendix A)
13. Establishments which are licensed as nightclubs or licensed for non-live entertainment beyond the hours of 12:00 a.m. are required to adhere to the requirements relative to security staff as set forth by Mayor's Executive Order of March 14, 2007. (Appendix B)

C. ADMISSION POLICIES

1. Any admission fee must be clearly and conspicuously posted. Patrons must be given receipts upon payment of admission fee.
2. No licensee shall make any distinction, discrimination, or restriction on account of race, color, religious creed, national origin, sex, age, disability, sexual orientation or ancestry relative to the admission or treatment of any person. All licensees must be in compliance with all relevant provisions of the Ordinance establishing the Boston Human Rights Commission. (Ordinances of 1984, Ch.16 as amended)(City of Boston Ordinances, Title 12, Chapter 16.).
3. The licensee shall not allow a child under 14 to be admitted or have access to the entertainment between 6:00 P.M. and 6:00 A.M. on any day, or during the child's school hours on school days, unless said child is accompanied by an adult.

4. Licensees may not have a door policy for the admission of patrons consisting of VIP cards or give any special privileges to any particular member of the public unless and until such plan has been approved by the Division and the plan as approved is posted at a place on the premises where all members of the public may read it.
5. No licensee will be permitted to require any particular manner of dress for any members of the public unless and until such dress code has been approved by the Division, and the code, as approved, is posted at a place on the premises where all the members of the public may read it.
6. Licensees that offer disc jockey, dancing by patrons, or live instrumental/vocal music to the public, or offer automatic amusement devices, and also feature the service of alcoholic beverages, must restrict admission so that persons under the age of 21 are not allowed on the premises. (Appendix C)

D. BUSINESS OPERATION POLICIES

1. Licensees shall not engage in any unfair or deceptive act or practices in the course of their business.
2. The Manager of Record of the Licensed Premises must not be changed until the Division has approved such change.
3. The licensee shall conform to all applicable laws, especially the laws prohibiting certain employment of minors.
4. Any licensee intending to close his place of business must notify the Division in writing before such closing and he shall state in his notice the reason and length of such closing.
5. No licensee shall contract bills for his licensed place under any corporate or trade name other than that under which he is licensed.
6. Licensees shall immediately notify the Division of any proceedings brought against them or any proceedings brought by themselves under the Bankruptcy Laws.

7. Licensees shall immediately notify the Division of any court proceedings which may affect the status of this license.
8. Assignment of the licensees' corporate stock, for the purpose of safeguarding the assignee in loans, etc., gives no right to such assignee to conduct the business of the licensee; therefore, licensees must notify the Division immediately when the assignee forecloses under such assignment of stock.

E. ENTERTAINMENT PRACTICES

1. Noise from said entertainment shall be inaudible from any public way or from any abutting premises if maintained within a building, and shall be inaudible at a distance of 100 yards if maintained outside. All amplifiers shall face the licensed premises and not the street.
2. Upon request, the licensee must make available a seating plan to any potential patron.
3. The view of one spectator shall not be unreasonably obstructed by another spectator.
4. The entertainment and dancing must be confined to the designated place provided for the purpose, and approved by the Division pursuant to letter of conditions.
5. At all times the entire area must be continuously illuminated to the degree of not less than (1) one foot candle (measured thirty (30) inches from the floor) except those portions of the room under furniture (Chapter 82 - Section 416 - Pt. 83 - Acts 1972).

F. ADULT ENTERTAINMENT

- 1a. It is forbidden to employ or permit any persons in or on the licensed premises while such person is unclothed or in such attire as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals, except with specific approval of the Division upon a petition seeking nude entertainment (See Amendment No. 38 of Section 3-1 of the Boston Zoning Code).

- 1b. It is forbidden to permit any employee or person in or on the licensed premises to promise, offer, suggest or accept sexual acts or favors in exchange for money or for the purchase of any alcoholic beverages or other commodities.
- 1c. It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress, or fondle the breasts, buttocks, or genitals of any other persons.
- 1d. It is forbidden to employ or permit any person to wear or use any device or covering exposed to view which simulates the breasts, buttocks, pubic hair, or genitals or any portion thereof.
- 1e. It is forbidden to employ or permit any person in or on the licensed premises to perform any act or acts, or to simulate an act or acts of:
 - (i) sexual intercourse, masturbation, sodomy, flagellation or any sexual acts prohibited by law; or
 - (ii) touching, caressing, or fondling of the breasts, buttocks, or genitals of another.
2. It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, television-type cassettes, still pictures, or any simulation of any of the acts, prohibited in Rule 6 of these Rules and Regulations.
3. All areas where dancers perform shall be separated by a walkway of at least two (2) feet in width between any stage or platform and areas where drinks are served and consumed.
4. If you are restricting admission for entertainment to adults as a matter of prevailing practice, the premises must be licensed within the Adult Entertainment District. The only exception allowed is if this premises has been restricted to adults continuously since November 26, 1974 or prior thereof.

G. AMUSEMENT RIDES

1. With respect to any mobile amusement ride described above, the licensee shall obtain such liability insurance as the Director shall prescribe and a separate license from the Commissioner of Public Safety for each ride.

H. AUTOMATIC AMUSEMENT DEVICES/VIDEO GAMES/GAMES

1. Coin or token operated devices shall be approved by the State Director of Standards.
2. No person keeping or offering for operation or allowing to be kept or offering for operation any automatic amusement device licensed under this section shall permit the same to be used for the purpose of gambling.
3. A prize may not be offered at said entertainment if chance predominates over skill in awarding the prize.
4. Automatic Amusement devices licensed by the Division shall be so installed on the premises as to be in open view at all times while in operation and shall at times be available for inspection. The licenses issued by the Division shall be at all times posted in plain view as close to the machine as practicable.
5. If the A.A.D. is not owned by the licensee, said licensee must provide the name and address of the owner.
6. If the owner of the A.A.D. splits the amount of money deposited in the coin controlled device with the licensee of said device, the owner must be listed as a partner and co-applicant.
7. The Licensee must comply with the following information to the Division: (1) Name of Vendor; (2) Manufacturer and manufactures' serial number; and (3) Vendor's name and address.
8. The Automatic Amusement Device must have flippers, paddles or other similar features that permit player control of the game.

9. Automatic Amusement Devices for machines containing any one of the banned features listed below will not be knowingly granted or renewed by the Division due to the unduly difficult burden it would place upon licensees, the Division, the Police Department and the public to ensure that machines with these features are not being used for gambling purposes. Machines presently operating with any of these banned features will be subject to a hearing to determine whether the license should be revoked and whether the fee should be refunded on a pro-rated basis.
 - a. The device may not permit players to accumulate more than twenty-six (26) plays.
 - b. The device must not be equipped with cancellation or “knock-off” buttons.
 - c. The device may not be equipped with any mechanism for adjusting the odds of winning the game.
 - d. Under no such circumstance should there be a remote control button that can reset the device from another location in other than the device itself.
 - e. The device may not be capable of returning money to a player in any event or as result of the application of an element of chance.
 - f. A multiple-coin feature which permits a single player to put into the machines more than the minimum coinage required to start the machine or which permits a player to pay for more than one game at a time is prohibited. Each paid game must cost exactly the same amount for each player and no player may be permitted to change any aspect of the game by paying a different amount than any other player before or during the game.
 - g. Any game in which an apparatus is not released into motion or set in motion-such motion being under the control of the player. This would eliminate from licensing any game in which the player may win free plays based upon a limited number of one-time selections aimed towards producing a winning combination of symbols.

10. No loitering will be permitted in and around the area of the machines or within or around the area of the premises.
11. If public safety hazards (i.e. illegal, disruptive conduct or excessive noise) result from the utilization of machines on or around a given premises, the Licensing Division reserves the right to hold an administrative hearing regarding the status of said license after due notice to the licensee and reasonable opportunity for a hearing.
12. Skill must predominate over chance in the operation of automatic amusement devices.
13. The device must be equipped with a shutoff button to terminate use of the device.

I. DRUG PREVENTION

1. The Licensee must actively monitor the licensed premises, including a periodic scheduled inspection of the restrooms to prevent the utilization of the restrooms for drug use, sale or dissemination.
2. The licensee must actively monitor secluded sections of the licensed premises to prevent illegal activity, particularly drug activity, from occurring.
3. The licensee must regularly inform all employees of their affirmative duty to report all suspicious activity to management who shall make reports to the Boston Police Department's liaisons to the Mayor's Office of Consumer Affairs and Licensing or to the Boston Police Department directly. Suspicious activity includes, but is not limited to, the following:
 - (i) a frequent pattern of public telephone use on the premises by certain patrons or employees
 - (ii) a frequent pattern of patrons trafficking to certain secluded areas of the premises, such as an isolated booth, or a back room
 - (iii) a frequent pattern of particular patrons being approached by other patrons with evidence of money, envelopes, known drug paraphernalia or other suspicious items

- (iv) the presence on the premises of drug residue, or drug paraphernalia (e.g. vials, cellophane packets, cut straws, needles, roach clips, etc.)
4. The Licensee must actively monitor the immediate area outside the licensed premises to prevent illegal drug traffickers from using the premises as a base for their operations. The licensee must report any suspicious activity to the Boston Police Department's Liaisons to the Mayor's Office of Consumer Affairs and Licensing or to the Boston Police Department directly. Suspicious activity includes, but is not limited to, the following:
- (i) certain patron(s) frequently entering and exiting the premises more often than other patrons
 - (ii) certain patron(s) frequently being approached inside or outside the premises with evidence of money, envelopes and/or known drug paraphernalia
 - (iii) certain patron(s) frequently interacting with individuals in vehicles parked in front of the premises.
5. Likewise, the licensee should inform all employees that their illegal drug use and any other drug-related activity will not be tolerated, and the licensee should develop employee disciplinary measures to handle such illegal activity.

J. APPLICATION AND LICENSE REVIEW

1. The Licensing Division reserves the right to change or add to the terms and conditions of a license, including times of operation, after notice to the licensee.
2. The Licensee shall indemnify and hold harmless the City of Boston and its employees from any damage it may sustain, or be required to pay, by reason of said entertainment or by reason or any act of neglect of himself or his agents relating to such entertainment, or by reason of any violation of the terms and conditions of its license.
3. The license is subject to suspension, revocation, or forfeiture for breach any of its conditions or regulations, or any law of the Commonwealth.

4. The license is issued and may be revoked or suspended pursuant to the following provisions, as applicable: C.B.C. Ord. 17 13.1-13.6; M.G.L. c. 4, 43, 136 and 140; St. 1821 c.110s. 14 and st. 1908 c.494 as amended St. 1913 c.280; and applicable regulations and orders of the Director. Licensee must be in complete compliance with all applicable codes, ordinances, statutes, and rules and regulations of this Division.
5. An entertainment license is non-transferable. A licensee shall not sell, trade, gift or in any other fashion transmit a license to any other party.
6. Any applicant who is denied a license may not apply again in the same calendar year unless circumstances can be shown to warrant such reapplication. The Licensing Division, exercising appropriate discretion, may determine whether an application that has been withdrawn is to be considered denied, with or without prejudice.
7. All parties filing applications to the Licensing Division, including new applicants and existing licensees seeking changes to their licensure, are required to follow the procedures for the processing and administration of such applications as set forth by the Licensing Division, including the instructions and requirements provided on the various application forms provided by the Licensing Division for these purposes. Applicants must provide required documentation in support of their application, appear at hearings scheduled to consider applications, satisfy publishing and hearing notification requirements, and otherwise satisfy requirements associated with applications as set forth by the Licensing Division. Failure to comply with such requirements may be grounds for denial of an application by the Licensing Division.

CONCLUSION

SEVERABILITY

If any of the provisions of these rules and regulations or their application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of such Rules and Regulations or the application of such other provisions, which can be given effect without the invalid provision or application thereof, and for this purpose the provisions of these rules and regulations are severable.

OTHER LAWS

Notwithstanding any of the foregoing Rules and Regulations, no person duly licensed by the Mayor's Licensing Division under M.G.L. Ch. 4, 43, 136 and 140, C.B.C. 426-430A; St. 1821 c. 110 s.14; 1908 ch. 94 s1 and 3 as amended; and any other applicable codes, regulations, ordinances and statutes shall employ, use the services of, or permit upon his licensed premises any employee, entertainer, or other person who by his or her attire or conduct violates any General Laws, Special Act or Ordinance of the City of Boston.

Rules of the Mayor's Licensing Division Regarding Applications for One-Time Entertainment Licenses

An establishment not possessing an annual entertainment license issued pursuant to M.G.L. c. 140 §181 or M.G.L. c. 140 §183A, but wishing to offer entertainment as described in said statutes on a one-time, per-event basis, may make application for such to the Mayor's Office of Consumer Affairs and Licensing ("Licensing Division"). Also, current holders of licenses issued pursuant to M.G.L. c. 140 §181 or M.G.L. c. 140 §183A wishing to expand the categories of allowed entertainment on their premises on a one-time, per event basis, may also apply to the Licensing Division for such. The procedures for such applications are as follows:

- (a) The applicant must complete the form "Application for a One-Time Entertainment License", and file it with the Licensing Division no later than two weeks before the contemplated entertainment. All portions of the application must be completed, and the application must include a completed sign-off from the District Police Station.
- (b) The applicant must have a valid Certificate of Use and Occupancy and Certificate of Inspection from the City of Boston Inspectional services Department for the structure in which the license will be exercised, and must have a valid Fire Assembly Permit from the Boston Fire Department for the premises.
- (c) The Licensing Division shall grant one-time applications unless it finds that the license, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety, and order in that the entertainment could not be conducted in a manner so as to protect persons from disruptive conduct, criminal activity, or from health, safety, or fire hazards, prevent an unreasonable increase in noise in the area of the establishment, or cause an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises.
- (d) If the Licensing Division denies the one-time application, and the application was filed in a timely manner, it will inform the applicant of the denial no later than five days before the contemplated entertainment.

- (e) The Licensing Division may impose conditions on one-time licenses in order to preserve and protect the public health, safety, and order as aforesaid.
- (f) The failure of an applicant to comply with these procedures shall be grounds for denial of a one-time application.
- (g) Any one-time licenses granted by the Licensing Division are valid only for the dates for which they had been granted, and shall expire thereafter.
- (h) All one-time licensees must comply with The Rules and Regulations of the Mayor's Licensing Division.
- (i) No annual licensee seeking a one-time expansion of their licensure will be granted more than three (3) such one-time approvals in a calendar year without filing an application to amend their annual license.
- (j) The Division may, in its discretion, and on a limited basis, approve requests to waive one-time license fees for special events sponsored by duly-authorized non-profit groups.
- (k) All one time licensees must produce a Certificate of Inspection and Fire Assembly Permit in conjunction with the signature of the Local District's Police Captain's signature.

**REGULATORY STANDARDS AND PROCEDURES FOR
GRANTING, CONDITIONING, DENYING, SUSPENDING OR
REVOKING ENTERTAINMENT LICENSES**

Pursuant to St. 1821 c. 110 §14; St. 1885 c. 266 §§6 and 12; St. 1908 c. 494 §1, as most recently amended by St. 1936 c. 340 St. 1908 c. 494 §3; St. 1909 c. 486 §§1 and 8; St. 1909c. 486 §5, as most recently amended by St. 1953 c. 473 §1; St. 1913 c.280; St. 1948 c. 452 §17G as appearing in St. 1951 c. 376 §1; St. 1956 c. 665 §7; M.G.L. Chapters 4, 43, 136 and 140; C.B.C. Ord. 17 §13.1-13.6, the Boston Fire Prevention Code; The Boston Zoning Code; the State Building Code; The First and Fourteenth Amendments to the Constitution of the United States: and Article 16 of the Massachusetts Declaration of Rights, as amended by Article 77 to the Constitution of the Commonwealth; the Mayor through the Director of Consumer Affairs and Licensing hereby promulgates the following

§1. In order to deny an entertainment license application the Director must possess substantial evidence that the granting the license application at the premises specified:

- (i) would lead to or cause an offense under any applicable law, code, ordinance or regulation; or

- (ii) would lead to the creation of a nuisance or otherwise endanger the public health safety or order by
 - (a) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises is located; or

 - (b) increasing the incidence of illegal or disruptive conduct in the area in which the premises is located; or

 - (c) unreasonably increasing the level of noise in the area in which the premises is located;

The Director, prior to denying a license application shall ascertain that the anticipated harm is significant and that the likelihood of its occurrence is not remote.

§2. No license application shall be deemed complete and no license hearing shall be scheduled by the Director until the applicant completes a

written application and written questionnaire and provides proof satisfactory to the Director that the maintenance of the entertainment at the premises specified in the license application comports with the applicable provisions of the Boston Zoning Code.

§3. The Director may issue conditional entertainment licenses, and such conditions may relate to:

- (i) compliance with applicable laws or ordinances; or
- (ii) public safety, health, or order; or
- (iii) steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public

Every original entertainment license which is approved by the Director shall include a condition requiring the applicant to secure Certificates of Use and Occupancy and Inspection for the structure in which the license will be exercised, and to secure the approval of the Boston Fire Department as a place of assembly and for the approval of decorations, seating, other furnishings and interior finishes.

The Director may impose conditions upon an existing license upon finding, after a hearing preceded by ten days notice to the licensee, that conditions exist which would have justified imposition of the conditions upon the license when granted.

§4. (i) The Director may revoke or suspend a license for an exhibition, show, or amusement upon finding, after a hearing preceded by ten days notice to the licensee, that conditions exist which would have justified denial of the original application for such license.

(ii) The Director may, after a hearing preceded by ten days notice to the licensee, suspend or revoke a license for an exhibition, show, or amusement on a ground having to do with public morality or decency if there has been a final judicial determination that such exhibition, show, or amusement is obscene, or if there has been a final judicial determination that in the course of maintaining such exhibition show, or amusement the licensee has violated the provisions of section 29A or 29B of Chapter 272 of the Massachusetts General Laws.

(iii) The Director may, without any administrative hearing, utilize the standards established in Paragraphs (i) and (ii) above and suspend a license for an exhibition, show, or amusement for not more than three calendar days, provided that no such suspension shall be effective unless and until a judicial proceeding instituted by the Director or approves the validity of the license suspension. Such approval must take place within one working day of the day when the Director so suspends the license under this paragraph. If and when a judicial proceeding approves the license suspension, within one working day of such approval the Director shall hold a hearing to determine whether to continue the suspension. Notice of this hearing shall be given to the licensee in writing. If the Director after such a hearing decides to continue the suspension, such suspension may be continued for a period not to exceed eleven days from the day when the Director first suspended the license pursuant to this paragraph. Suspension of the license beyond this eleven day period may only take place pursuant to Paragraphs (i) and (ii) above.

§5. Boston Police Officers are authorized as agents of the Mayor's Office of Consumer Affairs and Licensing to inspect places of public entertainment licensed or required to be licensed by said office. Such officers may report to the Director such information as may be relevant to the standards and procedures outlined in this regulation.



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
THOMAS M. MENINO

EXECUTIVE ORDER

Addressing pyrotechnic use in Boston nightclubs

WHEREAS: On February 20, 2003, ninety seven people were killed and one hundred eighty six gravely injured as a result of one of the deadliest fires in United States history; and

WHEREAS: Less than one week prior, twenty one people were killed and fifty seven injured as a result of a stampede to exits in a Chicago nightclub; and

WHEREAS: The use of a pyrotechnic display during a performance was the cause of the nightclub fire in West Warwick, Rhode Island at The Station Nightclub; and

WHEREAS: Fires in nightclubs have shown to be some of the most deadly due to the combination of pyrotechnics and the large number of individuals in one space; and

WHEREAS: The National Fire Protection Association (NFPA) is conducting immediate reviews of relevant safety issues involved with the indoor use of pyrotechnics; and

WHEREAS: Section 183A of Chapter 140 of the General Laws provides for the Mayor's Office of Consumer Affairs and Licensing (MOCAL) as the entertainment licensing authority for the approximately two hundred ten nightclubs in the City of Boston; and

WHEREAS: "Nightclub" is defined as an establishment licensed by MOCAL for the primary purpose of live entertainment and dancing; and

WHEREAS: The City of Boston has a vital interest in the health, safety, and order of its citizens and visitors in all nightclubs;

NOW THEREFORE, pursuant to the authority vested in me as chief executive officer of the City of Boston by St. 1948, c. 452, § 11, and every other power hereto enabling, I hereby order and direct that:

1. Effective immediately, the use of all pyrotechnical displays at all nightclubs in the City of Boston is prohibited. This prohibition shall be implemented by MOCAL.
2. The City of Boston Fire Department and Inspectional Services Department shall conduct systematic inspections of all nightclubs within the City of Boston, to be completed within sixty days of the date hereof.
3. Thereafter, the City of Boston Fire Department and Inspectional Services Department shall continue to conduct regular inspections at random and with or without notice.

I further direct all Cabinet Officers, Department Heads and City Employees to render such aid and assistance as is required for the implementation of the foregoing



Thomas M. Menino
Mayor of Boston

Dated: March 3, 2003



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
THOMAS M. MENINO

EXECUTIVE ORDER

*Regarding Security Staff
At Nightclubs and Bars in the City of Boston*

WHEREAS: There have been recent reports of patrons of nightclubs and bars in the City of Boston being assaulted by security staff; and

WHEREAS: It has also been reported that some security staff in such premises have criminal records; and

WHEREAS: The City of Boston has a vital interest in the health, safety, and order of its citizens and visitors in all nightclubs and bars; and

WHEREAS: Section I83A of chapter 140 of the General Laws provides for the Mayor's Office of Consumer Affairs and Licensing (MOCAL) as the entertainment Licensing Authority in the City of Boston;

NOW THEREFORE, pursuant to the authority vested in me as the chief executive officer of the City of Boston by St. 1948 c. 452, § 11, and every other power hereto enabling, I hereby order and direct that, effective immediately:

1. All establishments which a). have been licensed to operate as a night-club, meaning they are licensed for the entertainment categories of dancing combined with live entertainment such as disc jockey or instrumental vocal music; or b). are licensed for non-live entertainment beyond the hours 12:00 a.m., are required to adhere to the requirement set forth below relative to the hiring, training, monitoring and supervision of their security staff. Security staff includes employees of licensed establishments who are primarily engaged in the monitoring of safety and order within the premises and at its door areas.
2. This order shall not apply to establishments that:
 - (a) are primarily engaged in offering athletic contests, motion pictures, stage plays or
 - (b) operate beyond the hour of 12:00 a.m. but operate as restaurant, i.e. all portions of their premises are primarily engaged in the service of food to patrons.
3. Every new employee who completes an employment application for a security position with the licensee must also file an authorization form that gives the licensee the ability to conduct a background investigation. In addition licensees are required to file documentation with the Licensing Authorities, describing the methods they use to screen and conduct background checks on security employees.
4. No licensee may employ as a security employee, any person who in prior years has been convicted in a state or federal court of the crimes of armed robbery, or any, without limitation, form of assault, battery, sexual assault, criminal harassment, kidnapping, manslaughter, mayhem, murder, rape or stalking without being cleared by both the Licensing Authorities and the Boston Police Department.
5. All licensees who have security personnel and fall into the above mentioned categories must provide training for their security staff before they are allowed to interact with patrons. Licensees must provide a written document to the Licensing Authorities describing their methods for training security staff.
6. Any entertainment licensee, regardless of their entertainment category, which receives more than one violation in eighteen (18) months, where

there has been a finding with proper notice and a hearing by either the Mayor's Office of Consumer Affairs and Licensing, (MOCAL) or The Licensing Board for the City of Boston, that an on duty security staff member assaulted a member of the public; will be required to complete at their own expense a 3rd party training for this particular security employee within ninety (90) days. Such training must include certification by the licensee to both Licensing Authorities, that there was successful training of the security member involved before reinstatement to work in the licensed premise.

I further direct all Cabinet Officers, Department Heads and City Employees to render such aid and assistance as is required for the implementation of the foregoing policy.

A handwritten signature in black ink, appearing to read "Thomas M. Menino". The signature is fluid and cursive, with a large initial "T" and "M".

Thomas M. Menino
Mayor of Boston

Dated: March 14, 2007



CITY OF BOSTON

Mayor's Office of Consumer Affairs and Licensing

January 26, 2007

Dear Licensee:

This letter is to inform you of a new Licensing Division directive relative to the offering of underage admission events in entertainment establishments in the City of Boston.

Experience has shown that underaged admission events at nightclub facilities create safety and order issues for the surrounding area, as the younger crowds have been associated with increased incidents of noise and disruption. This places significant additional burdens upon police resources in the late evening hours, which are already thinly stretched due to the proliferation of licensed establishments. As a result of these safety and order considerations, the practice of this Division has already been to strictly limit the granting of such events. However, in recent months, there has been an alarming increase in problems of this nature associated with these events in the City of Boston. Because of these specific concerns in this area, the Licensing Division is currently in the process of working with the Boston Police and obtaining their input on the issues of underaged admission evenings in public establishments. Until this process is completed, and the outstanding safety and order issues can be adequately addressed, **you, as a establishment licensed for the entertainment categories of disc jockey, dancing, and/or live music, are hereby directed not to operate any underage admission evenings at your facility, until further notice.**

As an exception to this directive, licensees will be allowed to feature live music concerts at which persons under the age of 21 may attend, pursuant to the following guidelines:

- I. Such live concerts events must end no later than 11:00 p.m., after which the establishment must enforce a "21 plus" admission policy, and ensure that patrons under the age of 21, including those that attended the concert, are not on the premises.
2. Licensees offering underage admission concerts may not offer another live concert of live instrumental and vocal music on the same day, but may offer the other approved categories of their entertainment license provided they have ensured patrons under the age of 21 are not on the premises as stated above.
3. Licensees must provide advance notice of at least 14 days to the Licensing Division and the applicable local police district for such events, and include details of their admission policy for the event. Licensees must obtain the approval of the Licensing Division for such events, and the Licensing Division in its discretion may set forth conditions for the operation of any such event, including conditions related to the service of alcohol. Licensees must also adhere to all of the requirements of Rule C(6) of the Rules and Regulations of the Mayor's Licensing Division, as well as adhere to all other applicable laws and requirements.
4. The licensee must have on file an approved plan that sets forth how they are to prevent patrons under the age of 21 from consuming alcoholic beverages at such events.
5. For any event where the proposed operational policy would vary from the above, a security plan and a detailed description of the admission policy and procedures must be included in the request.

This exception allowing for certain concerts to be held with an underage admission policy has been made as a result of the referenced work and input between the Licensing Division and Boston Police. The conclusion was thereby drawn that concerts pursuant to such restrictions would not result in the serious safety and order problems that have been referenced above, and such concerts could therefore be permitted. As for underage events involving primarily disc jockey and dancing, as well as underage events lasting beyond 11:00 p.m., it is the Division's intention to continue the referenced work with police in order to, where possible, allow for the resumption of such events in the future. Until such time as this is accomplished, licensees are directed to refrain from such underage

admission events other than the concerts described above. Failure to adhere to this directive would create significant public safety and order issues for the City. If you have any questions regarding these issues please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia A. Malone', with a large, sweeping flourish at the end.

Patricia A. Malone
Director