



CITY OF BOSTON

Mayor's Office of Consumer Affairs and Licensing

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

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 Mayor 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 Mayor, 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 Mayor until the applicant completes a written application and written questionnaire and provides proof satisfactory to the Mayor 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 Mayor 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 Mayor 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 Mayor 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 Mayor 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 Mayor 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 Mayor 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 Mayor approves the validity of the license suspension. Such approval must take place within one working day of the day when the Mayor 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 Mayor 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 Mayor 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 Mayor 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 Mayor such information as may be relevant to the standards and procedures outlined in this regulation.