

LICENSING BOARD

RULES AND REGULATIONS

PROVINCETOWN LICENSING BOARD

LICENSING BOARD RULES AND REGULATIONS

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LICENSING BOARD RULES AND REGULATIONS

1.00 GENERAL RULES FOR ALL BUSINESSES

1.01 Definition

- a) The term “seasonal” shall only apply to seasonal liquor licenses.

1.02 Requirements of Licensure

- a) No individual or establishment may conduct any business which requires a license without first obtaining a valid license.

1.03 Conditions Imposed on Licenses

- a) At the discretion of the Licensing Board, conditions may be imposed upon the licensee to protect the public welfare.

1.04 Availability of Rules and Regulations

- a) All licensees shall be provided with a copy of the Rules and Regulations of the Licensing Board.

1.05 Posting Requirements

- a) Any business requiring a license from the Licensing Board shall operate with a valid license or licenses, which SHALL BE CONSPICUOUSLY POSTED.
- b) Each license shall state any conditions, which shall be conspicuously POSTED on or adjacent to the license.
- c) All cover charge or other admissions policies SHALL BE CONSPICUOUSLY POSTED.

1.06 Hours of Operation

- a) The hours of operation shall not exceed the hours approved by the Licensing Board.

1.07 Physical Premises

- a) No licenses shall be issued or shall be considered in good standing unless the licensed premises comply with all statutory requirements, including all applicable building codes, fire codes, health and safety regulations, state and local tax obligations and other government regulations and laws.

1.08 Environs of Licensed Premises

- a) It shall be the obligation of licensees to ensure that supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises, whether or not the licensee acted properly in the given circumstances.
- b) When any noise, disturbance, misconduct, disorder, act or activity occurs in the area of the licensed premises, which in the judgement of the Licensing Board adversely affects the protection, health, welfare, safety or repose of the residents of the area and/or the public good in which the licensed premises are located, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

1.09 Business Assignments of Licenses

- a) Assignment of the licenses for purposes of collateralizing loans or notes, etc. gives no right to the assignee to conduct the business of the licensee. Assignee must immediately notify the Licensing Board when the assignee forecloses under such assignment or when other proceedings are brought which affect the economic and financial rights and abilities of the licensee.

1.10 Responsibilities of License Holder

- a) Unless otherwise stated, licenses expire on December 31 of each year. Applicants are responsible for obtaining an approved license each year, prior to opening for business.
- b) Renewal Application to be submitted and all applicable fees paid before license expiration date. Licensees who fail to submit application before expiration date will be subject to additional fees as stated in Appendix A of the Licensing Board Rules & Regulations.

- c) The applicants will be responsible for obtaining any required Board approvals prior to applying for a license.
- d) No person or entity may obtain or renew a license unless the applicant has a legal right to occupy the licensed premises for the term of the license.
- e) The Licensing Board requires all new applicants and amended license applications to come before the board for approval, unless otherwise stated in Section 2.
- f) Applicants are responsible for providing either a Worker's Comp Certificate of Liability Insurance with the Town of Provincetown Licensing Board named as the certificate holder, or a Worker's Comp Insurance Affidavit. In addition, the applicant is responsible for completing and submitting a complete new business or renewal application, on-line or paper copy prior to being scheduled for any required inspections.
- g) The License holder is responsible for the proper management of the premises so that unlawful acts do not occur on the licensed premises.
- h) License holder will maintain the orderly appearance and operation of the premise with respect to litter and noise.
- i) All licenses shall be picked up within four weeks of approval, or the licenses will be void and the licensee will have to reapply; any fees already paid will be forfeited.
- j) No license is to be issued unless the fees as established by the Board of Selectmen and set forth in Appendix A, shall be paid at the time of application submission, and no license will be released until all fees have been paid.
- k) Use of outdoor speakers by any licensed establishment is prohibited between the hours of 10 p.m. and 8 a.m.

1.11 Enforcement and Penalties:

- a) The authority to inspect licensed establishments for compliance and to enforce these regulations shall be held by the Licensing Board, its designees and the Police Department.
- b) Any person may register a complaint with the Licensing Board under these regulations to initiate an investigation and/or request for enforcement.
- c) It shall be the responsibility of the Licensee and/or business agent to ensure compliance with all applicable sections of these regulations. Any Licensee found to be in violation of the provisions of these regulations may receive a written warning citation, a fine, a license suspension, or a license revocation.
- d) Any Licensee or any person or entity charged with violation of any provision of these regulations shall receive a notice of violation from the Licensing Board. Unless an appeal of such violation notice is waived by the Licensee, the Licensing Board shall conduct a hearing to determine the facts of the violation, the appropriate corrective actions, the terms of suspension, if any, and/or issue a license revocation order.

1.12 Show Cause Hearing

Prior to considering any suspension or revocation, the Licensing Board shall provide written notice of a hearing, which notice shall contain the reasons therefor and establish a time and date for such hearing, which date shall be no earlier than 7 days and no later than 45 days after the date of said notice. The Licensee shall have an opportunity to be heard at such hearing and shall be notified of the Licensing Board's decision and the reasons therefor in writing. After a hearing, the Provincetown Licensing Board shall issue a decision within 30 days of the close of the hearing and may suspend or revoke the license if the Licensing Board finds that a violation or violations of these regulation occurred.

1.13 Causes for Revocation, Suspension, and Modification

Any license issued may be modified, suspended, or revoked for any of the following causes:

- a) Violation by the licensee of any provision of the relevant General laws of the Commonwealth, or of any By-Law or rule or regulation or of any Board, Commission, or Committee of the Town of Provincetown.
- b) Failure to operate the premises covered by the license.
- c) Failure or refusal of the licensee to furnish or disclose any information required by any provision of State or Local law.
- d) Giving or offering any money or any article of value or pay or reimburse or forgive the debt for services provided to any employee, member or agent of the Licensing Board.
- e) Failure by the licensee to comply with the conditions of the license.

1.14 Suspension of Service Orders.

Suspended licenses must be surrendered to the Police Department for the time period of suspension.

1.15 Fines.

Alternatively, violations of these regulations may be enforced by non-criminal method of disposition as provided in General Laws Chapter 40, Section 21D and Chapter 2 of the Town's General Bylaws. The penalties for violations so enforced shall be first offense \$100; second offense \$200; third and subsequent offenses \$300. Each day on which a violation exists shall be deemed a separate offense, unless the licensee is cooperating with the Town to correct the violation in a timely manner.

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2.00 ABUTTER NOTIFICATION REQUIREMENTS

2.01 New Licenses Requiring Abutter Notification

Abutters within a 75 foot radius shall be notified via certified letter if any of the following are applied for:

- a) New **Common Victualers** licenses
- b) New **Entertainment** licenses
- c) New **Innholder** licenses
- d) New **Liquor** licenses
- e) New **Boarding, Lodging, Guest House, or Tourist Home** licenses
- f) New **Parking Lot** licenses
- g) New **Stable** licenses
- h) **Special Entertainment** licenses
- i) **Special Liquor** licenses

2.02 Other Transactions Requiring Abutter Notification

Abutter notification by the applicant via certified letter is required for the following liquor license transactions:

- a) Change of location
- b) Altering premises
- c) Change of seasonal to annual
- d) Addition of cordials and liqueur

2.03 Administrative Review

Abutter notification will not be required under the following circumstances and will be handled administratively before the Licensing Board with the Licensing Agent representing the Licensee:

- a) Amendment to an Entertainment, Innholder or Common Victualer license relating to a reduction in seating capacity
- b) Amendment to a Lodging License relating to a reduction in the number of lodging rooms.

LICENSING BOARD RULES AND REGULATIONS

3.00 ALCOHOLIC BEVERAGES LICENSES

3.01 General Provisions

- a) All applicants for the sale of alcoholic beverages are responsible for familiarizing themselves with the General Laws of Massachusetts pertaining to sale of Alcoholic Beverages: Massachusetts General Laws Chapter 138.
- b) The licensee is responsible for ensuring that all employees engaged in the service of alcoholic beverages read and understand the Rules and Regulations of the Licensing Board and comply with all rules and laws.
- c) Licensees, managers, and alcohol servers MUST be TIPS Certified.
- d) The hours of alcohol sales allowed at businesses with pouring licenses are between 8:00 a.m. and 1:00 a.m. weekdays and between 10:00 a.m. and 1:00 a.m. on Sundays, the last Monday in May and on Christmas Day or on the day following when said day occurs on Sunday, and shall be specified as the closing time stated in the license. The Licensing Board will vote to extend pouring licenses until 2:00 a.m. on New Year's Eve at the final meeting in November. Licensees do not need to attend meeting unless they are requested by the Licensing Board and will not be contacted unless permission is not being granted due to numerous violations.
- e) No minimum alcoholic beverage drinking requirement shall be imposed upon any customer. Any minimum non-alcoholic beverages requirement shall be clearly and conspicuously posted.
- f) Licensees may refuse entrance to the premises to a person who appears to be intoxicated.
- g) Alcoholic beverages licensees are forbidden to make a sale or delivery of alcoholic beverages or alcohol to a person who is intoxicated or appears to be intoxicated.
- h) Licensees shall not permit entrance to the premises by more persons than the posted number approved by the Community Development Department. Every room licensed for public occupancy shall be conspicuously posted at each entrance, clearly visible to patrons as they enter, with a statement of occupancy as determined by the Community Development Department. The statement must be clearly printed on permanent stock with white letters and numbers, no less than 3 inches high, printed on dark contrasting background. Handwritten statements or statements on paper or cardboard are not permitted. The statement shall be permanently affixed and secured and maintained in a clearly visible state. The statement shall contain the language "MAXIMUM OCCUPANCY OF THIS ROOM IS ____ PERSONS" and where applicable, "SEATING CAPACITY OF THIS ROOM IS ____" and also where applicable, "THEATER CAPACITY OF THIS ROOM IS ____".
- i) No licensee may exceed the approved number of occupancy or seats posted on the license. The seating capacity and occupancy are set by the Community Development Department or Board of Health. The occupancy, and if applicable, the seating capacity and, if applicable, the theater occupancy shall be posted on the license.
- j) The occupancy and capacities set for the premises by the Community Development Department and the Board of Health shall constitute the actual capacity of the premises and the amount approved by the Licensing Board and stated on the license shall not exceed this capacity.
- k) All alcohol must be consumed or disposed of within thirty (30) minutes of the closing time stated on the license, and in no case later than 1:30 a.m.
- l) All alcoholic beverage containers must be removed and disposed of from any area of service within thirty (30) minutes of the closing time stated on the license, and in no case later than 1:30 a.m.
- m) All patrons and guests must leave the premises within forty (40) minutes of the closing time stated on the license, but not later than 1:40 a.m.
- n) The Police must be notified if employees are going to remain after 2:45 a.m. for closing and/or cleaning.

- o) All licensees, except special liquor license applicants, shall provide to the Licensing Board an accurate floor plan outlining the position of all tables, chairs, booths, bars, counters, stools, barstools, dance floors, or areas, railing partitions, and other barriers at the premises. These plans shall be certified annually. Substantive renovations of any kind may not be made without notification to the Licensing Board and the approval of the Licensing Board. This includes substantial changes in the arrangement of moveable furniture.
- p) Until the application is complete, the application shall not be advertised or presented to the Licensing Board.
- q) In addition to the State fee, there is a liquor license application fee by the Town of Provincetown, of \$50.00 each.
- r) No licensee holding an alcoholic beverage license may pledge the stock in the licensed business or the license itself without the approval of the Licensing Board.
- s) Managers of premises, or in the case of Special Liquor Licenses, organizations holding an alcoholic beverage license must not be changed until the Licensing Board and if required, the Alcoholic Beverages Control Commission have approved such change.
- t) All licensees shall maintain a schedule of the prices charged for all drinks to be served and drunk on the licensed premises or in any room or part thereof. Such prices shall be effective for not less than one calendar week.
- u) No licensee or employee or agent of a licensee shall:
 - (1) Offer or deliver any free drinks to any person or group of persons;
 - (2) Deliver more than two drinks to one person at one time;
 - (3) Sell, offer to sell or deliver to any person or group of persons any drinks at a price less than the price regularly charged for such drinks during the same calendar week, except at private functions not open to the general public,
 - (4) Sell, offer to sell, or deliver to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
 - (5) Sell, offer to sell or deliver malt beverages or mixed drinks by the pitcher except to two or more persons at any one time;
 - (6) Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price regularly charged for such drink during the same calendar week;
 - (7) Encourage or permit, on the licensed premises, any game or contest which involves drinking or the awarding of drinks as prizes;
 - (8) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under this section.
- v) Licensees shall not permit opened alcoholic beverages to be brought onto the licensed premises by patrons or employees.
- w) Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages.
- x) No alcoholic beverages will be sold to minors. 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. Licensees who choose to permit minors on the premises are held accountable if minors are found to be drinking alcoholic beverages on the premises, whether or not the Board's agents are able to prove that the licensee actually served alcoholic beverages directly to the minor. Sufficient security personnel should be employed to monitor the premises to ensure that patrons do not pass alcoholic beverages to minors.
- y) Any person holding an alcoholic beverages license under sections 12, 14, or 15 of M.G.L. Chapter 138 who, directly or through any agent, employee or other person, dilutes or changes or substitutes or in any manner tampers with any alcoholic beverages authorized to be sold under such license so as to change its composition or alcoholic content (except that cocktails and other mixed drinks may be prepared on premises so licensed for the sale of alcoholic beverages) shall be punished by a fine, and if any holder of such a license is convicted of a

violation of the foregoing, his license shall forthwith be suspended for a period of not less than six months; provided that cocktails and other mixed drinks may be prepared on premises so licensed for the sale of alcoholic beverages. Licensees and their agents are prohibited from refilling any alcoholic beverage container, which has a Brand identification or a Brand label. Employees at premises which sell or serve alcoholic beverages for on-premises consumption or at package stores must be eighteen years of age except that such licensee may employ a person under the ages of eighteen who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.

3.02 Additional Provisions Specific to Seasonal Liquor Licenses

- a) Seasonal On-Premises Liquor Licenses shall be effective from April 1 to January 15.

3.03 Additional Provisions Specific to Annual Liquor Licenses

- a) All types of Annual Liquor License holders may close for a period of no more than thirty (30) days. Closure of an annual liquor licensed establishment, more than thirty (30) days, requires appearance from the manager named on the license at a public hearing for Licensing Board approval through a motion.

3.04 Additional Provisions for Package Store Licenses

- a) Hours of Operation

A package store license is permitted to make sales between 8:00 a.m. and 11:00 p.m. Monday through Saturday and between 8:00 a.m. and 11:30 p.m. on the day before a legal holiday, if the holiday doesn't fall on a Sunday, and on such other days and times which may be allowed by law and approved by the Licensing Board. No licensee may sell or deliver any alcoholic beverages on Memorial Day, Thanksgiving Day or Christmas Day (or the Monday following when Christmas Day occurs on a Sunday).

- b) Sunday Sales Permit

1. With Licensing Board approval, stores may open at 10 a.m., otherwise stores may not open before noon.
2. Stores shall close at 11P.M.
3. No sales may be made after 11:30P.M. on a Sunday that immediately precedes a legal holiday.
4. Employees must be paid at a rate not less than one and one half (1½) times the employees regular rate.
5. No employee shall be required to work, and refusal to work on a Sunday shall not be grounds for discrimination, dismissal, deduction of hours, or any other penalty.

- c) Records of Deliveries

Package store licensees are required to keep a written record of the name and address of every person to whom a delivery is made outside of the premises. Additionally, the record must include the information as to the amount of alcoholic beverages that were delivered, the date and time of delivery, and the signature of the person receiving the delivery. If such signature is illegible the licensee is required to have the patron print his or her name under said signature. Such records must be maintained for a period of not less than one year from the list entry therein and must be available to the Licensing Board and its agents for inspection at any time in a form suitable for easy inspection.

- d) Sale of Kegs

Licensees shall not sell or deliver malt beverages in kegs to any person unless that person presents a valid identification containing a picture of the holder. Licensees shall record the ID number, the name, address, date of birth, and expiration date from the ID. The date of the transaction and quantity of malt beverages and brand name shall be maintained by the licensee for a period of one year and shall be available for inspection by the Licensing Board, its agents or the police during usual business hours of the licensee.

3.05 Additional Provisions For Private or Public Club Licenses

- a) Issuance of License

1. The Licensing Board may grant a license to any organization, authorizing it to dispense food and alcoholic beverages to be consumed on its premises.

2. Private clubs licensed for the sale and service of alcoholic beverages may serve such beverages and may serve food to members and to guests of members and to no others.
- b) Lists of Members and Employees
For private clubs, a current list of employees and members and, if allowed, guests shall be available upon request of authorized agents of the Licensing Board.
- c) No Discrimination
No private club licensee shall make any distinction, discrimination or restriction on account of race, color, religious crowd, national origin, sexual orientation, sex or ancestry relative to the admission of treatment of any person.

3.06 Additional Provisions for Registered Pharmacists Alcoholic Beverages Licenses

- a) Issuance of License
A registered pharmacist who holds a certificate of fitness under M.G.L. Chapter 138, Section 30, may use alcohol for the manufacture of United States Pharmacopoeia or National Formulary preparations and all medicinal preparations unfit for beverage purposes, and may sell alcohol and upon the prescription of registered physician wines, malt beverages, and other alcoholic beverages, and a registered pharmacist may be licensed by the Licensing Board to sell alcoholic beverages for medicinal, mechanical or chemical purposes without a physician's prescription.
- b) Sundays and Legal Holidays
No licensee under this section shall sell any alcoholic beverages or alcohol without a physician's prescription on Sundays or legal holidays.
- c) Register to be Kept
Licensees under this section shall maintain a book in which each licensee shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said beverage, the purpose for which it was sold, and the residence by street and number, if any, of a physician; the book shall also contain the name of the physician and shall state the use for which said beverages is prescribed and the quantity to be used for such purpose

3.07 Special Liquor Licenses

- a) All applicants of a special license are responsible for the General Laws of Massachusetts pertaining to sale of Alcoholic Beverages: Massachusetts General Laws Chapter 138 and Provincetown Licensing Board's Rules and Regulations, Section Three (3).
- b) No person, corporation, partnership or association may be granted a special license for more than a total of 30 days per calendar year.
- c) No special license may be granted to any person, corporation, partnership or association while their application for an MGL. C.138, section 12 license is pending.
- d) No more than one license can be issued for a premise at one time. Therefore a special license cannot be issued for use in an existing or pending licensed premise.
- e) Special licenses for sale of beer and wine may be granted to for-profit and non-profit organizations.
- f) Special licenses for the sale of all alcohol beverages may only be granted to non-profit organizations.
- g) Application and Public Hearing Requirements
 1. Applications must be submitted no less than 30 days prior to the public hearing.
 2. The applicant must notify abutters by certified mail and return receipt, and submit the return receipts to the Licensing Agent at time of hearing. (The Licensing Board cannot approve an application without the return receipts as proof of abutter notification.) In addition, the application must be advertised in a newspaper for 14 days prior to the hearing date
 3. Application as a non-profit organization must submit a copy of Form 501(3)(c).
 4. For Profit applicants who are donating a percentage of profits to a non-profit organization must submit with application the exact amount of percentage of the profit being donated and a letter from each non-profit organization's president confirming the donation agreement. In addition, the applicant must submit to the Licensing Agent a receipt of each donation after said event.

5. The Police Department must certify approval of said application.
6. A floor plan shall be submitted with application specifying proposed areas of service and consumption, seating, tables, entrances/exits and entertainment (if applicable).
7. A security plan.

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3.50 MARIJUANA ESTABLISHMENT LICENSES

3.51 Purpose.

The purpose of these regulations is to provide oversight of state-licensed adult use and medical marijuana establishments operating within in the Town of Provincetown in accordance with applicable state laws and regulations and to impose reasonable safeguards to govern marijuana establishment operations to ensure public health, safety, and welfare. The prevention of the illegal sale and safe use of marijuana, and prohibiting such use by minors, is a public health priority.

3.52 Definitions.

For the purpose of these regulations, the definition of “Marijuana Establishment” shall refer to those uses defined as “Marijuana Establishment-Retailer” and “Marijuana Establishment – Industrial” as defined in the Town’s Zoning Bylaw.

3.53 General Provisions

- a. No person shall operate a Marijuana Establishment without first obtaining a license from the Licensing Board to operate pursuant to the requirements of these regulations.
- b. A separate local license shall be required for each type of Marijuana Establishment requiring a license from the Cannabis Control Commission, except that a Marijuana Establishment – Retailer selling both adult use and medical marijuana shall only require a single license.
- c. The licensee is responsible for ensuring that all employees engaged in the cultivation, production or sale of marijuana and marijuana products read and understand the Rules and Regulations of the Licensing Board and comply with all state and local rules and laws.
- d. All Marijuana Establishment Licenses shall expire annually on December 31st.

3.54 Application Requirements.

Applicants for a Marijuana Establishment license shall comply with the requirements listed below. No application shall be advertised or presented to the Licensing Board for its consideration until it is deemed complete by the Licensing Board or its designee. The Board may waive any of the requirements if thought to not apply based on the type of marijuana establishment being requested. Security, Operations, and Emergency Plans. All Marijuana Establishments shall file a Cannabis Control Commission approved security plan, operation and management plan, and emergency plan (or in the case of a renewal have on file an approved plan).

- a. Operation and Management Plan. All Marijuana Establishments shall submit an operations and management plan to the Licensing Board consistent with 935 CMR 500.105
- b. Security Plan. The security plan shall be submitted to the Provincetown Police Department for review and recommendation. The security plan shall include the details of all security measures for the site and the transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises property from theft or other criminal activity.
- c. Emergency Response Plan. All Marijuana Establishments shall submit an Emergency Response Plan to the Provincetown Fire and Police Departments pursuant to M.G.L.A. c. 94G, § 12.
- d. Signed Host Community Agreement with the Town of Provincetown.

3.55 Use Regulations.

The following regulations shall apply to all Marijuana Establishments:

- a. The licensee’s Host Community Agreement conditions shall be referenced in the license. It shall be the responsibility of the Marijuana Establishment Licensee and/or business agent to ensure compliance with all applicable sections of these regulations and the Host Community Agreement with the Town. Any Licensee found to be in violation of the provisions of these

regulations or Host Community Agreement may receive a written warning citation, a fine, a license suspension, or a license revocation.

- b. The licensee shall ensure that its (a) hours of operation, and its (b) hours and methods of transportation of product, shall not be a detriment to the surrounding area and nearby uses.
- c. The licensee's operations shall not result in illegal redistribution of marijuana or marijuana products obtained from the licensee, or in use of marijuana in any manner that violates State or local law.
- d. The licensee shall maintain compliance with a Town Police Department-approved security and public safety plan, including specification of video and lighting locations, and any other security measures as may be required at any time by the Police Department. Such measures may include, but are not limited to, measures relating to lighting, alarms, fencing, gates, traffic, delivery procedures, and if required by the Chief of Police, private duty police details.
- e. The licensee shall consent to unannounced, unscheduled, periodic inspections of the Marijuana Establishment by the Board and its designees on week-days during normal business hours to determine the licensee's compliance with applicable State and local laws and regulations, the license, and the Town's Planning and ZBA Special Permit (if issued). Inspections may be made at other times to investigate complaints or non-compliance issues. Inspections may include all areas occupied, used or controlled by the licensee.
- f. The licensee shall cooperate and comply with requests for information made by the Board and its agents. Corporate Management Team Members, Site Managers and key holders shall respond within twenty-four (24) hours of contact by a Town staff member.

3.56 Use Regulations - Retailers

The following regulations shall apply to Marijuana Establishment - Retailers:

- a. The hours of operation shall be set by the Licensing Board, but in no event shall a Marijuana Establishment – Retailer be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of 9:00 p.m. and 9:00 a.m.
- b. No licensee may exceed the occupancy limit posted on the license. The occupancy limit is set by the Building Commissioner, unless the Licensing Board finds that a more restrictive occupancy is necessary to maintain public safety.
- c. All patrons and guests must leave the premises at the closing time stated on the license, new customers shall not be allowed in the establishment 10 minutes prior to closing.
- d. The Police must be notified if employees are going to remain at the establishment more than two hours past closing.
- e. The licensee shall conspicuously post signage at any entrance actively used by the public indicating that entry into the premises of the Marijuana Establishment by persons not possessing valid identification is prohibited. The notice shall be no smaller than 8.5" by 11."
- f. The licensee shall manage its operations to protect against nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and at adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of cannabis, pedestrian or vehicular queuing that results in obstructions of the sidewalk or public ways, littering, loitering, illegal parking, loud noises, citations for violations of State traffic laws and regulations and/or Provincetown Parking Department Rules and Regulations directly attributed to Marijuana Establishment employees or patrons.

3.57 Restrictions and Prohibitions

- a. Licensees are forbidden to make a sale of marijuana or marijuana products to a person who is intoxicated or appears to be under the influence of alcohol or drugs.
- b. No odor from any Marijuana Establishments may be noxious or cause a public nuisance.
- c. No Marijuana Establishment shall be managed by any person other than the licensee or their assign. There shall be a designated manager on the premises during regular hours of

- operation and responsible for all activities within the licensed business and shall provide up to date emergency contact information to the Provincetown Police Department to have on file.
- d. No marijuana shall be smoked, inhaled, eaten, or otherwise consumed or ingested within any type of licensed Marijuana Establishment.
 - e. Out-of-Package Sales. The sale or distribution of edible marijuana products in any form other than an original factory-wrapped package is prohibited, including the repackaging or dispensing of any edible marijuana product for retail sale.
 - f. Self-Service Displays. All self-service displays or vending machines of marijuana products are prohibited.

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4.00 ENTERTAINMENT LICENSES

4.01 General Provisions

- a) No licensee may provide entertainment of the type that is required to be licensed, unless the licensee holds an entertainment license issued by the Licensing Board.
- b) No licensee may permit any coin-operated amusement devices to be on the premises unless such machines are properly licensed.
- c) Licensees shall not permit any games to be played at the premises for money or for a prize of alcoholic beverages or for any other prize or prizes; provided, however, that games may be played for money at certain fund-raising activities which have been approved by the Licensing Board and for which the licensee holds other appropriate licenses.
- d) All applications for entertainment licenses must be submitted in writing and shall fully and specifically describe the conditions of the proposed entertainment and the address of the premises on which the entertainment will take place. No entertainment shall be permitted without a valid entertainment license on the premises.
- e) The type of entertainment shall be specific on the application, and on any special license request. The following information shall be included: hours of entertainment, days of the week, description of the entertainment, use of amplification or not, contact person, and a program if possible.
- f) Any premise providing adult entertainment as defined in Provincetown Zoning By-Laws Article V Definitions must conspicuously post at the entrance that "adult entertainment" is within.

4.02 Special Entertainment Licenses

- a) Applications must be submitted no less than 30 days prior to the public hearing.
- b) The applicant must notify abutters by certified mail and return receipt, and submit the return receipts to the Licensing Agent at time of hearing. (The Licensing Board cannot approve an application without the return receipts as proof of abutter notification.)
- c) Application as a non-profit organization must submit a copy of Form 501(3)(c).
- d) For Profit applicants who are donating a percentage of profits to a non-profit organization must submit with application the exact amount of percentage of the profit being donated and a letter from each non-profit organization's president confirming the donation agreement. In addition, the applicant must submit to the Licensing Agent a receipt of donation after said event.
- e) The applicant shall further certify that the Police Department has been consulted with respect to the event and has approved said application.
- f) The Licensing Board does not have the authority to overturn or reverse a Zoning Board condition placed on an existing annual license holder's special permit 2460.
- g) No licensed entertainment shall be permitted in Town Hall after Midnight.

4.03 Definitions

Entertainment is defined by Massachusetts General Laws, Chapter 140, Sections 177A, 181 and 183A, and shall be understood to include all uses listed below:

- concert
- dance
- exhibition
- cabaret or public show of any description
- dancing by patrons
- dancing by entertainers or performers
- trivia and gambling or gaming devices
- darts

- recorded or live music
- use of an amplification system
- theatrical exhibition or play
- moving picture show
- floor show of any description
- light show of any description
- other dynamic audio or visual show whether live or recorded
- automatic amusement or gambling device (meaning mechanism whereby, upon the deposit of a coin or token, any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the playing, including, but not exclusively, such devices as are commonly known as pinball machines including free play pinball machines)
- pool tables
- ping pong tables

Activities not defined as entertainment and therefore not requiring an entertainment permit nor precluded after entertainment hours include:

- ambient sound or background music such as piped in radio, satellite radio, CD's or stereo
- television

LICENSING BOARD RULES AND REGULATIONS

5.00 COMMON VICTUALERS LICENSES

5.01 Kitchen Facilities

All common victualler licensees must have kitchen facilities at a standard determined by the Board of Health.

5.02 Alcoholic Beverages/Brown Bagging

Patrons are not permitted to bring alcoholic beverages on the premise for their own consumption. 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.

5.03 Food Service

Reasonable food service, with suitable food, must be available upon the request of a patron at a premise with a common victualer license.

5.04 Any minimum requirement for a non-alcoholic beverage shall be clearly and conspicuously posted.

5.05 Licensing Regulations Pertaining to the Licensing of Businesses with Food Service Permits Preamble

The following regulations are promulgated to protect Provincetown's municipal sewer system as well as private onsite sewage systems. Due to the nature of grease and its potential for clogging sewer and septic lines with the result of businesses and residences being shut down, The Provincetown Licensing Board recognizes the importance of the proper use and maintenance of grease catchment devices – including internal grease interceptors and external grease traps. Therefore, in support and cooperation with the Board of Health and the Water and Sewer Board the following regulations are being issued:

All business owners with a Common Victualer's License and a Food Service Permit from the Board of Health, other than a retail food service permit, and an external grease trap, whether connected to the municipal sewer or on a private septic system, are required to attend an educational class on Fats, Oils and Grease (FOG) offered free of charge by the Health Department. Each attendant will receive a Certificate of Completion which will act as proof of attendance of this class. Applicants shall be required to present this valid proof of attendance prior to receiving a Common Victualer's License.

All business owners with a Common Victualer's License, whether connected to the municipal sewer or on a private septic system, shall each year submit proof of compliance with a Health Department-approved grease management program (i.e. receipt from a licensed pumper or log of internal interceptor cleanings) for the previous year prior to issuance of any Business Licenses.

Failure to adhere to the above referenced regulations pertaining to compliance with a Health Department-approved grease management program may result in denial of a permit and referral of the case to the Water and Sewer Board for fining.

LICENSING BOARD RULES AND REGULATIONS

6.00 INNHOLDER LICENSES

6.01 Definition

Innholder shall mean a building or group of buildings with a minimum of twenty (20) separate guest units all situated upon one parcel of land and providing food and sleeping accommodations (but not individual cooking facilities) for persons lodged on a transient basis for compensation and offering as well off-street parking for the convenience of guests. For purposes of this Section 6.01, the term 'parcel' shall include contiguous lots of land held under common ownership.

6.02 Kitchen Facilities

All Innholders must have a food permit from the Board of Health.

6.03 Provisions for Strangers and Travelers

Every innholder shall at all time provide suitable food for strangers and travelers. Every innholder shall also have upon its premises suitable rooms, with beds and bedding, for the lodging of guests.

6.04 Maintaining a Register

Every innholder shall maintain a permanent register in which shall be recorded the name and residence of every person engaging or occupying a private room. Such register shall be retained by the holder of the license for a period of at least one year after the date of the last entry therein and shall be open to the inspection of the licensing authorities, their agents, and the police.

6.05 Any minimum requirement for a non-alcoholic beverage shall be clearly and conspicuously posted.

LICENSING BOARD RULES AND REGULATIONS

7.00 BOARDING, LODGING, GUEST HOUSE OR TOURIST HOME LICENSES

7.01 Definition

Boarding, Lodging, Guest House or Tourist Home shall mean a dwelling with a resident manager on the premises or associated with the business when the business occupies more than one parcel, plus accommodations, with or without meals, renting to more than three but fewer than twenty separate guest units.

7.02 Maintaining a Register

Every Boarding, Lodging, Guest House or Tourist Home keeper shall maintain a permanent register in which shall be recorded the name and residence of every person engaging or occupying a private room. Such register shall be retained by the holder of the license for a period of at least one year after the date of the last entry therein and shall be open to the inspection of the licensing authorities, their agents, and the police.

LICENSING BOARD RULES AND REGULATIONS

8.00 VEHICLE FOR HIRE REGULATIONS

8.01 VEHICLE FOR HIRE OWNERS

- a. No person shall engage in the business of transporting persons for hire in a vehicle without first having obtained a license from the Provincetown Licensing Board authorizing him/her to engage in such business.
- b. No vehicle for hire shall be operated unless a valid vehicle for hire vehicle license, operator license, and a current taxicab/livery registration from the Department of Motor Vehicles are in place.
- c. Pursuant to MGL Chapter 159A ½, none of the provisions of this section shall apply to validly certified state Transportation Network Companies.
 1. No vehicle for hire company and/or vehicle for hire vehicle may be issued a license under these regulations, and if a license is already issued it shall be revoked, if that company and/or vehicle are concurrently licensed or become concurrently licensed as a state certified Transportation Network Company and/or Transportation Network vehicle.
 2. A vehicle for hire license may be issued to a vehicle for hire operator who concurrently holds a state certified Transportation Network Company Operator License.
- d. Vehicle for hire owners must reside in the towns of Provincetown, Truro, or Wellfleet and vehicle for hire vehicle(s) must be registered to an address in the Town of Provincetown.
- e. The applicant must have a valid state inspection sticker prior to applying or being inspected by the Police Department in advance of receiving a license each year, and submit a Vehicle Condition Check-Off Form completed and supplied by the Police Department to the Licensing Agent upon filing an application.
- f. All licensed vehicle for hire vehicles must pass all items on the Vehicle Inspection Report checklist. There shall be periodic inspections and spot checks will occur during the license year.
- g. No vehicle for hire vehicle license shall be issued by the Licensing Board until the applicant has presented proof of the vehicle's insurance, that the insurance policy covers no more than eight passengers riding in the vehicle, and the applicant provides a Certificate of Vehicle Insurance naming the Provincetown Licensing Board as the certificate holder.
- h. When a vehicle for hire vehicle owner changes his/her address or the place at which a vehicle for hire vehicle owned by him/her is kept, the owner shall notify the Licensing Board within three days of such change.
- i. A vehicle for hire information placard/rate sheet, as issued by the Licensing Agent, shall be displayed so as to be clearly visible to the passengers at all times of operation.
- j. No vehicle will be licensed that carries more than the number of passengers which it is insured for and that number shall not exceed 8 total passengers (including the driver).
- k. All vehicle for hire vehicle lettering must be, when required, in the form of painted or self-adhesive contrasting lettering (magnetic or other removable signs are not permitted).
- l. Vehicle for hire vehicle licenses shall expire on December 31st of each year.
- m. A license issued for any vehicle for hire vehicle is not transferable.
- n. **ADVERTISING SIGNAGE:**
 1. Advertising signage placement shall be allowed on all parts of the vehicle including the roof, but must not block the license plate or vehicle for hire information.
 2. Signage on the roof shall be limited to one foot tall and cannot exceed the length of the roof of the vehicle.
 3. Signage on the rear cannot exceed the width of the vehicle.
 4. Advertising may not be placed on a vehicle for hire in any manner that may obstruct the operator's field of vision or in any way impede the operation of the vehicle.

5. The Provincetown Licensing Board and the Provincetown Police Department must approve any deviation allowed regarding size or placement of signage on the roof of the vehicle.
- o. All vehicle for hire drivers shall maintain a neat and clean vehicle for hire while on duty.
- p. The total vehicle for hire license fee is \$72 plus the application fee of \$30.
 - 1) An Application fee of \$30 will be charged for changes to the vehicle for hire license during the licensing year
- q. The Provincetown Police Department under supervision of the Chief of Police is hereby designated as the enforcement agency of Section 8 of the Rules & Regulations and shall file with the Licensing Board any alleged violation thereof. Taxicab owners/operators shall comply with Rules & Regulations including those of the Airport Commission and the Provincetown Public Pier Corporation. Any violation of the Licensing Board's Rules & Regulations, State and local laws may result in a suspension or revocation of license.
- r. Vehicle for hire owners shall notify the Licensing Board when drivers leave the company.
- s. VEHICLE FOR HIRE RATES: (TO BE VISIBLY POSTED IN VEHICLES)
 1. Fares:
 - a) Fares in Provincetown are per person.
 - b) Multiple fares may be carried concurrently
 2. Flat Rates:
 - a) To or from Airport or Race Point Beach = flat rate of \$9 per person.
 - b) To or from other National Seashore = flat rate of \$8 per person.
 - c) To or from MacMillan Pier or Fishermen's Wharf = flat rate of \$8 per person.
 - d) All other fares in Provincetown = flat rate of \$7 per person.
 - e) A maximum \$120.00 hourly rate in Provincetown.
 - f) Seniors (65 and older) rate \$6
 3. Stops:
 - a) Stops incur a maximum \$2 per minute waiting time charge.
 - b) All stops must be en route to final destination or they are considered a separate fare in addition to waiting time.
 4. Deliveries:
 - a) All deliveries = \$14 per drop-off.
 - b) All deliveries are subject to the waiting time charge.
 5. Bicycle Surcharge:
 - o) Transporting of bicycles = \$10 per bike.
 6. Excessive Luggage Surcharge:
 - a) Luggage in excess of 2 bags per person shall be subject to a \$6 per additional bag surcharge.
 7. Late Night Surcharge (1:00am-6:00am):
 - b) All fares are subject to an additional \$1 per person surcharge.
 8. A clean-up fee of up to \$250 may be applied for any incident leading to a taxicab/livery vehicle being taken out of service, resulting in a loss of income.
 9. Vehicle for hire drivers and companies may charge less than the approved rates only if the customer(s) have already requested transportation or boarded a vehicle for hire. No company or driver shall solicit business by advertising or offering a lower rate to a potential customer(s), nor shall any company or driver offer a lower priced ride on a future ride to any customer(s) during use of that company/driver's services.
- t. The Licensing Agent or Licensing Board is authorized to issue a temporary operator's license, and a temporary vehicle swap after a vehicle inspection by the designated officer. Temporary license may be valid for not more than thirty (30) days.
- u. No smoking is allowed in vehicle for hire vehicles at any time.
- v. Per MGL Ch. 138, Sec. 22, no person operating a vehicle for hire vehicle shall engage in the sale or transport of alcoholic beverages without a transportation permit issued by the ABCC.
- w. A driver may not discriminate based on race, sex, sexual orientation, age, or passenger destination. A driver is not required to transport:

1. Intoxicated persons.
 2. Disorderly persons.
 3. Passengers who are knowingly violating any federal, state, or local law.
 4. Passengers whom the driver has just cause to fear bodily injury to him/herself or damage to the vehicle.
 5. Habitual non-payers as identified and noted by the Licensing Agent or his/her designee.
- x. All drivers of public conveyances are required by M.G.L. c. 272, § 98A, to accept any blind, deaf or hearing impaired persons accompanied by a guide dog. A driver may request said guide dog to be properly muzzled.

8.02 VEHICLE FOR HIRE OPERATORS

- a. The applicant must provide a current photo (passport size) for placement on operator's license.
- b. The applicant must have a valid U.S. driver's license and present a copy to the Licensing Agent upon filing application.
- c. The applicant must obtain and provide a copy of his/her CORI report, which The Licensing Agent will submit, along with the application, to the Provincetown Police Chief, or his/her agent. The applicant agrees to provide his/her consent to allow the Provincetown Police Department, the Licensing Board, and/or the Licensing Agent the right to review and discuss his/her CORI report.
- d. Drivers with an out of state driver's license must provide corresponding driver's history from their corresponding state. To be eligible for a new license or the renewal of a license, the applicant must meet the following requirements:
 1. Notwithstanding for the foregoing, where the evidence shows that the applicant's or license holder's other activities or condition would, if combined with the use of a vehicle for hire operator license, present a danger to the health, safety and welfare of the inhabitants of Town of Provincetown or the general public.
 2. The decision to approve or reject an application for a vehicle for hire operator's license shall be made within ten (10) days after the filing of the application by the Licensing Agent with the Police Chief. The applicant shall be informed in writing of the specific reasons for the rejection, of his/her right to an informal conference with the Police Chief to review the decision, and of his/her right to appeal the Chief's determination at a hearing before the Licensing Board to review the decision.
 3. At a hearing upon the rejection of an application or the suspension or revocation of a license, the applicant or license holder will have the opportunity to present testimony and other evidence, confront and cross examine adverse witnesses, and be represented by a representative of his/her choice.
 4. The Licensing Board may suspend or revoke a license at any time for cause. "Cause" is defined as any reason which would allow the Licensing Board to reject an application as stated in § 8.02-D, or any violation of any section of these rules and regulations. A license holder shall receive written notice of a suspension or revocation. Such notice shall state the specific reasons relied on as a cause for revocation or suspension and inform the licensee of his/her rights to a hearing before the Licensing Board by applying to them in writing for said hearing. A revoked license shall not be reinstated or reissued until the licensee has reapplied for a license, and it is decided by the appropriate official or officials, that the licensee meets all the requirements for a license set forth in these regulations.
- e. A vehicle for hire operator shall conduct themselves in a courteous and professional manner at all times. A driver shall not interfere with the business transactions of another taxi/livery vehicle or engage in any activity which impedes the movement of vehicular or pedestrian traffic on a public way.
- f. When vehicle for hire operator changes his/her address, the operator shall notify the Licensing Board within three days of such change. A neat and clean appearance is expected of all vehicle for hire drivers while on duty.
- g. A neat and clean appearance is expected of all vehicle for hire drivers while on duty.
- h. Vehicle for hire Operators, while on duty and operating a vehicle for hire vehicle, must visibly post in the vehicle a valid Provincetown vehicle for hire operator's license. And Upon request, produce a valid Massachusetts State Driver's license.

8.03 VEHICLE FOR HIRE OPERATOR - DISQUALIFYING CONDITIONS

a) Violent Crimes

| | |
|-------------------------|---|
| <i>Definition</i> | Any violent crime, as defined in G.L. c. 140, §121, punishable by 10 years or more in state prison, or conspiracy, solicitation, attempt, or accessory to the same. |
| <i>Disposition</i> | Conviction or CWOFF |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | Unlimited |

b) Violent Crimes 2

| | |
|-------------------------|---|
| <i>Definition</i> | Any violent crime, as defined in G.L. c. 140, §121, or any assault or assault and battery, or any threat to commit such a crime, or any violation of a G.L. c. 209A restraining order, or any crime involving the illegal use or possession of weapons. |
| <i>Disposition</i> | Conviction or CWOFF |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | 7 years |

c) OUI

| | |
|-------------------------|---|
| <i>Definition</i> | G.L. c. 90, §24 (Operating M/V Under the Influence) |
| | G.L. c. 90, §24G (OUI motor vehicle homicide) |
| | G.L. c. 90, §24L (OUI causing serious bodily injury) |
| | G.L. c. 90B, §§ 8, 8A, 8B (operating watercraft under the influence) |
| | G.L. c. 90F, §11 (OUI by commercial operator) |
| | G.L. c. 265, §13½ (OUI manslaughter) |
| <i>Disposition</i> | Conviction or CWOFF |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | Unlimited for OUI/motor vehicle homicide, OUI/serious bodily injury, OUI/manslaughter 7 years for all others |

d) Multiple Serious Driving Offenses

| | |
|-------------------|--|
| <i>Definition</i> | Two or more convictions or continuations without a finding for operating |
|-------------------|--|

| | |
|-------------------------|---|
| | under the influence or leaving the scene, or any offense under G.L. c. 90, §24(2)(a), or any combination thereof. |
| <i>Disposition</i> | Conviction or CWOFF |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | Unlimited |

e) Reckless Operation of a Motor Vehicle

| | |
|-------------------------|---|
| <i>Definition</i> | G.L. c. 90, §24(2)(a) - reckless operation - negligent operation to endanger - leaving the scene of property damage - false statement to RMV - use without authority |
| | G.L. c. 90, §24(2)(a½)(1) (leaving the scene of an accident causing personal injury) |
| | G.L. c. 90, §24(2)(a½)(2) (leaving the scene of an accident causing death) |
| <i>Disposition</i> | Conviction or CWOFF |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | 7 Years |

f) Sex, Abuse, and Exploitation Offenses

| | |
|-------------------|--|
| <i>Definition</i> | “Sex Offense” as defined in G.L. c. 6, §178C (incl. conspiracy, solicitation, attempt, or accessory to same) |
| | G.L. c. 209A, §7 (Violation of an Abuse Prevention Order) |
| | G.L. c. 265, §13L (Child Endangerment) |
| | G.L. c. 265, §43 (stalking) |
| | G.L. c. 265, §43A (criminal harassment) |
| | G.L. c. 272, §6 (owner of place inducing or suffering person to resort in such place for sexual intercourse) |
| | G.L. c. 272, §7 (Support From, or Sharing, Earnings of Prostitute) |
| | G.L. c. 272, §8 (Soliciting for Prostitute) |
| | G.L. c. 272, §12 (Procuring Person to Practice, or Enter a Place for Prostitution; Employment Office Procuring Person) |

| | |
|-------------------------|--|
| | G.L. c. 272, § 13 (Detaining, or Drugging to Detain, Person in Place for Prostitution) |
| | G.L. c. 272, § 16 (Open and Gross Lewdness and Lascivious Behavior) |
| | G.L. c. 272, §53 (Indecent Exposure) |
| | G.L. c. 272, §53 (Accosting or Annoying a Person of the Opposite Sex) |
| | G.L. c. 272, §53A (Engaging in Sexual Conduct for a Fee) |
| | G.L. c. 272, §105 (Upskirting) |
| <i>Disposition</i> | Conviction or CWOFF |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | Unlimited |

g) Sex Offender Registration

| | |
|-------------------------|--|
| <i>Definition</i> | Required to register as a sex offender |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | Unlimited |

h) Felony Convictions

| | |
|-------------------------|--|
| <i>Definition</i> | Any offense with an available maximum penalty of more than 2½ years' imprisonment. |
| <i>Disposition</i> | Conviction |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | 7 years |

i) "Felony Robbery"

| | |
|-------------------|---|
| <i>Definition</i> | G.L. c. 265, §14 (armed burglary) |
| | G.L. c. 265, §17 (armed robbery) |
| | G.L. c. 265, §18 (assault to rob) |
| | G.L. c. 265, §19 (unarmed robbery) |
| | G.L. c. 265, §21 (stealing by confining or putting in fear) |
| | G.L. c. 265, §21A (carjacking) |

| | |
|-------------------------|--|
| | Attempt, solicitation or conspiracy to commit these offenses, or being an accessory thereto. |
| <i>Disposition</i> | Conviction or CWOFF |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | Unlimited |

j) **“Felony Fraud”**

| | |
|-------------------|---|
| <i>Definition</i> | G.L. c. 266, §§30 (Larceny – over \$250 only), 30B (unlawful possession of theft detection shielding device or deactivator), 30C (use of counterfeit receipt with intent to defraud), 30D (organized retail crime), 31 (obtaining signature by false pretenses), 32 (fraudulent conversion of property by captain of vessel), 33 (larceny by false pretenses relating to contracts, banking transactions or credit), 35A (false material statements in connection with mortgage lending), 37 (uttering fraudulent checks), 37C (fraudulent use of credit cards – felony form only), 40 (common and notorious thief), 39 (destruction or concealment of will), 50 (fraud or embezzlement by state treasury employee), 51 (fraud or embezzlement by city, town or county employee), 52 (fraud or embezzlement by bank officer or employee), 53A (misconduct by bank officer or employee), 55 (embezzlement by liquidating agent or receiver), 56 (embezzlement by broker or agent), 57 (embezzlement by fiduciary), 60A (buying or selling stolen trade secrets), 66 (fraudulent issue of stock), 67 (false entry in corporate books), 67A (false statement in procurement), 67B (presentation of false claims), 67C (false entry in records relating to capital construction projects), 73 (obtaining goods under false pretenses), 74 (fraudulent use of corporate credit), 75 (obtaining property by trick – over \$250 only), 76 (gross fraud or cheat at common law), 110 (false invoice of cargo), 111 (false affidavit or protest), 111A, 111B, 111C (insurance fraud) |
| | G.L. c. 267, §§1 (false or forged records), 2 (forged tickets), 3 (forged seal of land court), 4 (forged railroad company stamp), 5 (uttering false record), 6 (uttering forged ticket), 7 (forged bill of credit issued by treasurer), 8 (forged bank bill or note), 9 (possession of ten or more counterfeit notes), 10 (uttering counterfeit note), 11 (common utterer), 12 (possession of counterfeit notes), 13 (possession of tools for counterfeiting), 17 (possession of ten or more counterfeit coins), 18 (possession of fewer than ten counterfeit coins), 19 (common utterer of counterfeit coins), 20 (tools for making counterfeit coin), 27 (possession of worthless bank notes), 28 (uttering worthless bank notes). |
| | G.L. c. 268, §§1 (perjury), 2 (subornation of perjury), 3 (attempt to procure perjury), 6 (report before state departments), 13 (corrupting masters, auditors, jurors, arbitrators), 13B (willfully misleading to obstruct a criminal investigation), 13E (tampering with record document for use in judicial proceeding), 36 (compounding or concealing a felony), 39 (perjury related to motor vehicle theft) |

| | |
|-------------------------|--|
| | Or Attempt, Solicitation or Conspiracy to commit these offenses, or being an Accessory thereto |
| <i>Disposition</i> | Conviction or CWOFF |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | 7 years |

k) Habitual Traffic Offender

| | |
|-------------------------|---|
| <i>Definition</i> | G.L. c. 90, §24 (Habitual Traffic Offender) |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | 7 years |

l) Open or Unresolved Driving Infractions

| | |
|---------------------|--|
| <i>Definition</i> | Any outstanding or unresolved driving infractions that would result in a negative suitability determination by the Police Chief. |
| <i>Jurisdiction</i> | Any jurisdiction |

m) Suspension of Driver's License

| | |
|-------------------------|---|
| <i>Definition</i> | Any suspension of driver's license for reasons related to the operation of a motor vehicle. |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | 7 years |

n) Multiple Violations of Traffic Laws or At Fault Accidents

| | |
|-------------------------|---|
| <i>Definition</i> | More than 4 violations of the Traffic Laws and/or At Fault Accidents (211 CMR 134). |
| <i>Jurisdiction</i> | Any jurisdiction |
| <i>Look-back Period</i> | 3 years |

o) Interlock Device

| | |
|-------------------------|---|
| <i>Definition</i> | Interlock device present in an applicant's vehicle. |
| <i>Jurisdiction</i> | Massachusetts |
| <i>Look-back Period</i> | Present |

8.04 DEFINITIONS

- a) **Vehicle for Hire** – All vehicles with Taxi or Livery Massachusetts registration used in the transportation of passengers, excluding common carriers.
- b) **Vehicle for Hire Operator** – An operator of a vehicle for hire.
- c) **CWOF** – Continuance without a finding

LICENSING BOARD RULES AND REGULATIONS

9.00 **PEDICAB REGULATIONS**

9.01 **PEDICAB OWNERS**

- a. No person shall engage in the business of transporting persons for hire in a vehicle without first having obtained a license from the Provincetown Licensing Board authorizing him/her to engage in such business.
- b. Pedicab owner must reside in the town of Provincetown and pedicabs must be registered to a residential address in the Town of Provincetown.
- c. The applicant must have already had the pedicab inspected by a licensed bicycle shop in advance of receiving a license each year and submit a *Vehicle Condition Check-Off Form* completed by the licensed bicycle shop to the Licensing Agent upon filing an application.
- d. All licensed pedicabs must pass all items on the "Vehicle Condition Check-Off Form.
- e. No pedicab license shall be issued by the Licensing Board until the applicant has presented proof of the vehicle's insurance, that the insurance policy covers no more than four passengers, including the driver, riding in the vehicle, and the applicant provides a Certificate of Vehicle Insurance naming the Provincetown Licensing Board as the certificate holder.
- f. When a pedicab owner changes his/her address or the place at which a pedicab owned by him/her is kept, the owner shall notify the Licensing Board within three days of such change.
- g. All pedicabs shall have the business name and the business telephone number posted on rear of the cab in letters no less than three (3) inches high and one-half inch wide. All lettering must be in the form of painted or self-adhesive contrasting lettering (magnetic or other removable signs are not permitted).
- h. Hours of operation shall not exceed the hours of 6AM to 3AM daily. Hours of Operation for applicants less than 18 years of age will not exceed 10PM.
- i. Pedicab licenses shall be valid only during the calendar year for which they are issued.
- j. A license issued for any pedicab is not transferable.
- k. **ADVERTISING SIGNAGE:**
 1. Signage on the rear shall be limited to one foot tall, cannot exceed the width of the vehicle and must not block the vehicle's license plate or cab information.
 2. Advertising may not be placed on a taxi in any manner that may obstruct the operator's field of vision or in any way impede the operation of the vehicle.
 3. The Provincetown Licensing Board and the Provincetown Police Department must approve any deviation allowed regarding size or placement of signage.
- l. All pedicab drivers shall maintain a neat and clean pedicab while on duty.
- m. The total Pedicab License fee is \$44.00 plus the application fee of \$30.00.
- n. The Provincetown Police Department under supervision of the Chief of Police is hereby designated as the enforcement agency of the Rules & Regulations and shall file with the Licensing Board any alleged violation thereof. Pedicab owners/operators shall comply with Rules & Regulations. Any violation of the Licensing Board's Rules & Regulations, State and local laws may result in a suspension or revocation of license.
- o. Pedicab owners shall notify the Licensing Board when drivers leave the company.
- p. A fare shall be a person or persons picked up and dropped off together.
- q. **PEDICAB RATES: (TO BE VISIBLY POSTED)**

Rates are negotiated with driver.
- r. The Licensing Agent or Licensing Board is authorized after approval of the applicant by the Police Department, to issue a temporary vehicle swap after a vehicle inspection by the designated officer. Temporary license may be valid for no longer than till the next regularly scheduled meeting.
- s. No smoking is allowed in pedicabs at any time.

- t. Operating company will provide shift supervisor during evening hours and proof of radio contact upon request for juvenile manned shifts.

9.02 PEDICAB OPERATORS

- a. The applicant must be 18 years of age or older, or 16 years of age with parental/guardian permission.
- b. The applicant must have a valid State driver's license and/or internationally approved drivers license, and present a copy to the Licensing Agent upon filing application.
- c. A certificate of physical fitness issued by a practicing physician shall be mandatory to accompany all new applications for a pedicab operator's license. Please note that the licenses MUST be for consecutive years.
- d. Pedicab operator's license shall be valid only during the calendar year for which it is issued.
- e. When a pedicab operator changes his/her address, the operator shall notify the Licensing Board within three days of such change.
- f. A neat and clean appearance is expected of all pedicab drivers while on duty.
- g. The total Pedicab Operator fee is \$33.00 plus the application fee of \$30.00.
- h. The Licensing Agent or Licensing Board is authorized to issue a temporary operator's license once a completed application has been received. Temporary license may be valid for no longer than the next regularly scheduled meeting.
- i. Shall not, when otherwise available for hire, refuse to transport anyone requesting a ride except under the following circumstances:
 - 1. The transportation requested is such that the driver may not legally accept such passenger;
 - 2. The driver has reasonable cause to believe that the proposed passenger will refuse to pay or cannot pay the fare; or
 - 3. The proposed passenger is disorderly, engaged in the commission of any crime, or is otherwise unfit to be transported as a passenger.

9.03 OPERATING REGULATIONS

- a. It shall be unlawful for any person to operate a pedicab while under the influence of alcoholic beverages or controlled substances other than medication prescribed by a physician.
- b. To operate a pedicab in any manner which impedes or blocks the normal or reasonable movement of pedestrian or vehicular traffic unless such operation is necessary for safe operation or in compliance with law.
- c. To operate, or cause to be operated, any pedicab upon or along any route unless the Chief of Police first approves such route.
- d. To operate, or cause to be operated at night a pedicab without using headlights and taillights.
- e. There shall be no more than four passengers, including operator, to a pedicab at any one time who shall remain seated throughout the ride.

LICENSING BOARD RULES AND REGULATIONS

10.00 RENTAL OR LEASE OF BICYCLES, MOTORIZED BICYCLES AND SCOOTERS

10.01 RENTAL OR LEASE OF BICYCLES

No person, business or corporation shall engage in the business of renting, leasing or keeping for rent or lease any bicycles, without first being licensed by the Licensing Board in accordance with the following regulations:

- a. Application for a license under this regulation shall be filed with the Licensing Board and contain the following information:
 1. Proof of worker's compensation insurance and general liability insurance;
 2. Proposed total numbers of bicycles offered for rent or lease;
- b. Each licensee shall be required to affix a bike light to each bicycle, front and rear, and shall provide a helmet to all riders 16 and under.
- c. Each licensee shall be required to affix a warning device (e.g. bell or horn) to each bicycle.
- d. Licenses shall expire on December 31st of each year, and are required to be renewed before expiration for the following year before any rental activity may commence.
- e. Each licensee shall comply with Chapter 85 sec. 11B of the General Laws and any amendments thereto, any other statute, or any Town by-law and/or regulation.

10.02 RENTAL OR LEASE OF MOTORIZED BICYCLES AND SCOOTERS

No person, business or corporation shall engage in the business of renting, leasing or keeping for rent or lease any motorized two wheeled vehicles, motorized bicycles, motor scooters or mopeds without first being licensed by the Licensing Board in accordance with the following regulations:

- a. Application for a license under this by-law shall be filed with the Licensing Board and contain the following information:
 1. Proof of worker's compensation insurance and general liability insurance;
 2. Proposed individual vehicle information including total numbers, makes, and models for all vehicles.
 3. Proof of vehicle inspection and registration for each vehicle.
- b. Licenses shall expire on December 31st of each year, and are required to be renewed before expiration for the following year before any rental activity may commence.
- c. Each licensee shall maintain a complete register of daily rentals (including renters, accidents and Provincetown Police and EMT involvement) available to the Licensing Board and/or Board of Selectmen at all times-upon Board or Police Department request.
- d. Each licensee shall comply with Chapter 90 of the General Laws and any amendments thereto, any other statute, or any Town by-law and/or regulation.
- e. Motorized bikes may only be rented to operators with a valid driver's license or learner's permit.
- f. Every person engaged in the rental or offering for hire of motorized bicycles and/or motorized scooters shall provide to the person renting or hiring such vehicle a copy of Provincetown Traffic Regulations relating to the Use and Operation of Motorized Bicycles and shall require, as a condition of rental, that the person renting such vehicle sign an acknowledgement form stating that the person has read and acknowledges the Regulation.
- g. Each licensee shall be responsible for instructing every operator in the proper method of operation of the vehicle including providing a supervised test drive.
- h. Each licensee shall require that an operator have adequate footwear covering the entire foot (excluding thongs, sandals, slippers or other footwear which is unsubstantial). Each licensee shall provide the operator with a helmet and a bike light. Said helmet shall fit the person's head, and shall be secured to the person's head by straps while operating.

- i. Show Cause Hearing:
 - 1. Complaints about violations of these regulations will be received from any person by the Licensing Department in writing. Said complaints will be referred for investigation to the Police Department. Should said police Department or the Licensing Board determine that a hearing on an alleged violation is necessary, or that any further action might be deemed necessary, notification will be mailed by Certified Mail, return receipt requested, or hand delivered with receipt signature requested, to the most recent address of the licensee as shown by the records of the Licensing Board kept pursuant to this by-law. The notice shall provide at least seven days advance notice of the hearing date and time. The notice shall contain a brief description of the nature of the complaint. Mailing notice of hearing or complaints or other notices to the current mailing address on file with the Town using Certified Mail, return receipt requested, such mailing being made 10 days prior to any hearing, shall be prima facie evidence of due notice.
 - 2. At said hearing, the Licensing Board shall receive any oral statements and information relevant to the complaints. The licensee shall be entitled to present any information in its defense or in mitigation of the events it deems appropriate. The licensee shall have the right to be represented by counsel. The conduct of the hearing shall not be governed by formal rules of evidence or procedure and shall be governed by and the procedures followed shall be determined by the Licensing Board as is necessary to afford a full, fair, and complete hearing of the issues.
- j. Penalty.

If the Licensing Board finds, as a matter of fact, that a violation of this by-law has occurred and it is the first violation of the preceding twelve (12) months, the Licensing Board may impose a suspension of the license for any period of time up to one (1) week and in addition to or in substitution therefore, may impose a One Hundred dollar (\$100.00) fine. For any second finding of any violation of the by-law within the preceding twelve (12) months by the licensee, the Licensing Board may impose a suspension of the license for any period of time up to two (2) weeks and in addition to or in substitution therefore, may impose a Two Hundred Dollar (\$200.00) fine. For any third finding of any violation of the by-law within the preceding twelve (12) months by the licensee, the Licensing Board may impose a suspension of the license for any period of time up to four (4) weeks and in addition to or in substitution therefore, may impose a Three Hundred Dollar (\$300.00) fine. For any fourth finding of any violation of the by-law within the preceding twelve (12) months by the licensee, the Licensing Board may impose a revocation of the license for the balance of the licensing period. Any suspension of the license shall be for a specific time period, said period to be within twelve (12) months of the date of the violation
- k. Licenses are not transferrable.

11.00 MISCELLANEOUS LICENSES

11.01 Peddlers

- a) No person may sell or display wares in Provincetown without a Provincetown peddler license issued by the Licensing Board.
- b) No peddler may sell or display wares within 100 ft. of a store selling similar wares.
- c) No peddler except one doing business in Provincetown prior to May 24, 1971 may sell wares on any town wharf, town parking lot, or town way, other than Bradford Street, except that a peddler may sell wares on Commercial Street between October 1 and May 15 of each calendar year.
- d) Each peddler must follow the flow of traffic and must keep moving when not engaged in the process of selling.

11.02 Outdoor Artist or Sidewalk Artist

The Provincetown Board of Selectmen voted to establish a license category for outdoor artist. (7/24/86)

- a) Sidewalk artist engaged in commercial activity will be limited to six display paintings and one painting in progress.
- b) The artist shall solely offer his/her own work.
- c) A license can be granted only after zoning and electrical requirements are satisfied.
- d) No artist shall work after 11:00 p.m.
- e) These rules shall not apply to artists working in public, while not engaged in commercial activity.
- f) The display and work in progress should not impede motor or pedestrian traffic.

11.03 Retail Sales Licenses

- a) No retail business shall be carried on between the hours of 1:00 a.m. and 4:00 a.m. without approval from the Licensing Board.
- b) Types of Retail Sales Licenses
 1. Corporate & Year-Round Retail/Transient Vendor License
 2. Art Gallery License
 3. Class 1 and II Automobile Sales
 4. Junk Yard License

11.04 Other Licenses Issued by the Licensing Board

- a) Common Carrier License
- b) Fortune Teller License (Regulated by Mass. Gen. Law Ch. 140, Sec. 185I)
- c) Parking Lot License
- d) Stable License
- e) Special Liquor License
- f) Special Entertainment License
- g) Special Parking Lot License

APPENDIX A

= LICENSE FEES =

| LIQUOR LICENSES | Annual | Seasonal |
|---|---------------|-----------------|
| All Alcoholic Beverages Pouring License | 1,238.00 | 1,634.00 |
| All Alcoholic Package Store | 1,188.00 | 1,452.00 |
| Wines & Malt Beverages Pouring License | 1,089.00 | 1,452.00 |
| Wines & Malt Package Store | 1,040.00 | 1,270.00 |
| Druggist All Alcoholic Package Store | 440.00 | |
| Club (Non profit) All Alcoholic Beverages | 253.00 | |

| OTHER LICENSES | | |
|---|-------------|--------|
| Art Gallery (original works of art) | | 110.00 |
| Class I & 11 | | 110.00 |
| Auctioneer | | 50.00 |
| Common Carrier (transportation) | per vehicle | 28.00 |
| Common Victualer | | 55.00 |
| Flea Market | | 550.00 |
| Fortune Teller | | 50.00 |
| Innholder | | 55.00 |
| Lodging House | | 55.00 |
| Peddler | | 28.00 |
| Pedicab | | 44.00 |
| Pedicab Operator | | 33.00 |
| Parking Lots | | 39.00 |
| Rental of Bicycles, Motorized Bicycles and Motor Scooters | | 50.00 |
| Sidewalk Artist | | 11.00 |
| Taxicab | | 72.00 |
| Taxi operator | | 44.00 |
| Transient Vendor/Retail Shops | | 110.00 |
| Vending Machine | | 28.00 |
| | | |

| WEEKDAY ENTERTAINMENT LICENSES | | |
|--|------------|--------|
| a. Coin-operated amusement devices | per device | 110.00 |
| b. Dancing by patrons | | 28.00 |
| c. Live entertainment | | 110.00 |
| d. Live theater | | 110.00 |
| e. Movies | | 110.00 |
| SUNDAY ENTERTAINMENT LICENSES | | |
| a) ANNUAL REGULAR HOURS: 1:00 P.M. TO MIDNIGHT | | 50.00 |
| b) SPECIAL HOURS: MIDNIGHT TO 1:00 A.M. | | 100.00 |
| c) INDIVIDUAL SUNDAYS – REGULAR HOURS | | 2.00 |
| d) SPECIAL HOURS | | 5.00 |

Note: The above Sunday entertainment fee is paid to the Commonwealth of Massachusetts by bank or certified check - the municipal fee is half the State fee.

= ADDITIONAL FEES =

| BUILDING INSPECTION FEES | |
|---|---------------------------|
| Clubs, restaurants, inns (All food service establishments) | 40.00 |
| Lodging houses, camps, apartments, condos, motels, inns for first 5 units | 40.00 |
| each additional unit | 2.00 |
| Theater, entertainment areas | 100.00 |
| Retail shops, art galleries | 25.00 |
| Private schools | 40.00 |
| Other places of assembly | 40.00 |
| Stables | 30.00 |
| Fire inspection of all premises | 5.00 |
| Any reason for more than one inspection of the same establishment | Double the inspection fee |

| OTHER FEES: | |
|--|-------------------------------|
| Application for all types of licenses/Amendments/Transfers | 30.00 |
| Operating an establishment without a valid license | Double the total cost of fees |
| Legal advertisements | 25.00 |
| Registration of non-licensed business | 30.00 |
| Liquor application | 50.00 |
| Special liquor license to non-profit organization | 25.00 |
| Special liquor license to for-profit organization | 50.00 |
| Special entertainment license | 50.00 |