

# **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) Whenever the word "licensee" is used herein it shall mean an individual licensee and may include officer, director or manager of a partnership or corporation.

#### **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 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.

**1.11 Suspension of Service Orders**

- a) Suspended licenses must be surrendered to the Police department for the time period of suspension.

**1.12 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) The applicants will be responsible for obtaining any required Board approvals prior to applying for a license. An exception is made in the event that a ZBA appeal period is in effect, at which time an applicant may advertise for a hearing for a license provided that the date of the license hearing occurs after the ZBA appeal period is ended.
- c) 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.
- d) The Licensing Board requires all new applicants and amended license applications to come before the board for approval.
- e) 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 all required forms (such as, but not limited to, application, new license or renewal affidavit, tax affidavit, business hours of operation, floor plans, fire alarm test reports) prior to being scheduled for an inspection.
- f) The License holder is responsible for the proper management of the premises so that unlawful acts do not occur on the licensed premises.
- g) All seasonal licenses shall be picked up within two weeks of approval and all annual 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.
- h) No license is to be issued unless the fees as established by the Board of Selectmen and set forth in Appendix A, have been paid.

# LICENSING BOARD RULES AND REGULATIONS

## **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 liqueurs

# LICENSING BOARD

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### 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) The hours of alcohol sales allowed at businesses licensed with pouring licenses are between 8:00 a.m. and 1:00 a.m. weekdays and between Noon and 1:00 a.m. Sundays. 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.
- d) No minimum alcoholic beverage drinking requirement shall be imposed upon any customer. Any minimum non-alcoholic beverages requirement shall be clearly and conspicuously posted.
- e) Licensees may refuse entrance to the premises to a person who appears to be intoxicated.
- f) 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.
- g) Licensees shall not permit entrance to the premises by more persons than the posted number approved by the Department of Regulatory Management. 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 Department of Regulatory Management. 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 \_\_\_\_".
- h) No licensee may exceed the approved number of occupancy or seats posted on the license. The seating capacity and occupancy are set by the Department of Regulatory Management or Board of Health or the Licensing Board. The occupancy, and if applicable, the seating capacity and, if applicable, the theater occupancy shall be posted on the license.
- i) The occupancy and capacities set for the premises by the Department of Regulatory Management 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.
- j) All alcohol must be consumed or disposed of by 1:30 a.m.
- k) All alcoholic beverage containers must be removed and disposed of from any area of service by 1:30 a.m.
- l) All patrons and guests must leave the premises within forty minutes of the closing time stated on the license.
- m) The Police must be notified if employees are going to remain after 2:00 a.m. for closing and/or cleaning.
- n) 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.
- o) Until the application is complete, the application shall not be advertised or presented to the Licensing Board.
  - p) In addition to the State fee, there is a liquor license application fee by the Town of Provincetown, of \$50.00 each.
  - q) 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.
  - r) 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.
  - s) 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.
  - t) 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.
  - u) Licensees shall not permit opened alcoholic beverages to be brought onto the licensed premises by patrons or employees.
  - v) Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages.
  - w) 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.
  - x) 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. 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 the sale of all alcohol beverages may be granted to Non-profit organizations only.

f) 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.

- g) A Special Liquor license may not be granted at any time by the Licensing Board for service and consumption at Town Hall.

# LICENSING BOARD RULES AND REGULATIONS

## **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.

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## **5.00 COMMON VICTUALERS LICENSES**

### **5.03 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 victualler license.

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

### **5.05 Proposed Licensing Regulations Pertaining to the Licensing of Businesses with Food Service Permits**

#### **Preamble**

**These following regulations are being 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 how crucial it is that the grease trap and pumping requirements addressed in 310 CMR Title 5, Section 15.351, Provincetown Sewer Regulations, Section 7 C, D, & G and Provincetown Board of Health Regulations Part VII, Article 1, Section 1 and Article 17 be strictly adhered to. While the failure of an onsite septic system only affects the business it serves, the clogging of a sewer line will affect all sewer users down gradient. 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 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 Agent. Each attendant will receive a Certificate of Completion which will act as proof of attendance of this class. Owners will be required to present this proof of attendance prior to renewing an existing Business Permit for the following year. Should a new business be constructed or an existing business be sold, the new owner(s) will be required to attend this educational class prior to beginning operation.

All business owners with a Food Service Permit and an external grease trap, whether connected to the municipal sewer or on a private septic system, will be required each year to present proof of having conducted the required pumping (i.e. receipt from a licensed pumper) for the previous year prior to issuance of the Business License.

Pumping requirements are as follows:

1. For external grease traps with the required monitor – A minimum of twice a year or whenever the monitor determines that the level of grease in the grease trap is at 25% capacity; whichever comes first.
2. For external grease traps not yet fitted with the required monitor – A minimum of every 90 days or when the level of grease is at 25% capacity; whichever comes first.

Failure to comply with these regulations will result in denial of a Business License.

Failure to adhere to the above referenced regulations pertaining to proper maintenance and pumping of external grease traps will result in the fines addressed in the Provincetown Sewer Regulations, Section 7 H being imposed.

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## **6.00 INNHOLDER LICENSES**

### **6.01 Definition**

Innholder shall mean a building or group of buildings with a minimum of twenty 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 kitchen facilities at a standard determined by 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 managing resident on the premises, plus accommodations, with or without meals, rented to more than two and fewer than twenty persons.

### **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

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### 8.00 TAXICAB/LIVERY REGULATIONS

#### 8.01 TAXICAB/LIVERY 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 taxicab/livery vehicle shall be operated unless a valid taxicab/livery vehicle license, taxi/livery operator license, and a current taxicab/livery registration from the Department of Motor Vehicles are in place.
- c) No livery vehicle may pick up a person in response to a street hail or may stand in special areas authorized for taxicabs. This type of vehicle must be rented by means of a telephone request or a contract arranged in advance of the time of the designated pickup.
- d) Taxicab/Livery owners must reside in the town of Provincetown and taxicabs/livery vehicle must be registered to a residential address in the Town of Provincetown.
- e) All licensed taxicabs must pass all items on the Vehicle Inspection Report checklist. There shall be periodic inspections and spot checks will occur during the license year.
- f) No taxicab 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.
- g) When a taxicab owner changes his/her address or the place at which a taxicab owned by him/her is kept, the owner shall notify the Licensing Board within three days of such change.
- h) A taxi information placard, as issued by the Licensing Agent, shall be displayed so as to be clearly visible to the passengers at all times of operation.
- i) No vehicle will be licensed as a taxicab 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)
- j) All taxicabs shall have the business name and the business telephone number posted on the two front doors along with a cab number, assigned by the Licensing Board, posted on the two front fenders and the rear of the taxicab in letters no less than three (3) inches high and one-half inch wide. In addition, minimally, the assigned cab number and the cab business name shall be posted on the rear of the cab also 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).
- k) Taxicab licenses shall be valid only during the calendar year for which they are issued.
- l) A license issued for any taxicab is not transferable.
- m) ADVERTISING SIGNAGE:
  1. Advertising signage placement shall be limited to the roof and rear of the vehicle.
  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 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.
  4. 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.
  5. The Provincetown Licensing Board and the Provincetown Police Department must approve any deviation allowed regarding size or placement of signage.
- n) All taxi drivers shall maintain a neat and clean taxicab while on duty.
- o) The total Taxicab License fee is \$71.50 plus the application fee of \$30.00.
- p) 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. Taxicab owners/operators shall comply with Rules & Regulations including those of the Airport Commission. Any violation of the Licensing Board's Rules & Regulations, State and local laws may result in a suspension or revocation of license.

- q) Taxicab owners shall notify the Licensing Board when drivers leave the company.
- r) TAXI RATES:
  - 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 \$7 per person.
    - b) To or from other National Seashore = flat rate of \$7 per person.
    - c) To or from MacMillan Pier or Fishermen's Wharf = flat rate of \$7 per person.
    - d) All other fares in Provincetown = flat rate of \$5 per person.
    - e) \$61.00 hourly rate in Provincetown.
  - 3. Stops:
    - a) Stops incur a \$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 = \$11 per drop-off.
    - b) All deliveries are subject to the waiting time charge.
  - 5. Bicycle Surcharge:
    - a) Transporting of bicycles = \$6 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):
    - a) All fares are subject to an additional \$1 per person surcharge.
- s) The Licensing Agent or Licensing Board is authorized to issue a temporary operators license, and a temporary vehicle swap after a vehicle inspection by the designated officer. Temporary license may be valid for not more than ten (10) days.
- t) No smoking is allowed in taxicabs at any time.
- u) No person operating a taxi vehicle shall engage in the sale or transport of alcoholic beverages without a transportation permit issued by the ABCC.

## **8.02 TAXICAB OPERATORS**

- a) The applicant must have a valid Massachusetts driver's license and present a copy to the Licensing Agent upon filing application.
- b) A certificate of physical fitness issued by a practicing physician shall be mandatory to accompany all new applications for a taxi/livery operator's license and must be obtained every three (3) years. Please note that the licenses **MUST** be for consecutive years. Taxicab operator's license shall be valid only during the calendar year for which it is issued.
- c) When a taxicab operator changes his/her address, the operator shall notify the Licensing Board within three days of such change.
- d) A neat and clean appearance is expected of all taxi drivers while on duty.
- e) The total Taxicab Operator fee is \$44.00 plus the application fee of \$30.00.
- f) Taxicab Operators, while on duty and operating a Taxicab, must visibly post in the vehicle a valid Provincetown Taxi Operators license. And Upon request, produce a valid Massachusetts State Drivers license.

# LICENSING BOARD RULES AND REGULATIONS

## 9.0 **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 2AM 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. No placards, banners, or advertisements of any description will be permitted upon the outside of any pedicab without the approval of the Licensing Board and/or special permit from the Zoning Board of Appeals.
- 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:**
  - Rate per passenger
    - 00:00:01 - 15 minutes - \$5.00
    - 16 – 30 Minutes - \$10.00
    - 31-60 Minutes - \$30.00
  - Small Baggage, Parcel or Object Charge
    - For each purse, briefcase, airline handbag, camera, grocery bag (less than 25-pound size) parcel less than four cubic feet in size or collapsible wheelchair – No Charge
  - Regular Baggage, Parcel or Object Charge

For each piece of baggage, parcel or object except those enumerated in subparagraph - \$1.00

Extra Large or Heavy Baggage, Parcel or Object Charge

For each piece of baggage, parcel or object, greater than 10 cubic feet in size, exceeding 80 pounds, or exceeding four feet in length, and for each surfboard or bicycle. - \$3.00

- u) 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.
- v) No smoking is allowed in pedicabs at any time.
- w) 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 after approval of the applicant by the Police Department, to issue a temporary operator's license. Temporary license may be valid for no longer than till 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

## **MISCELLANEOUS LICENSES**

### **10.01 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.

### **10.02 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.
- g) Approval for any type of art that touches the human body will be applied through the Board of Health.

### **10.03 Non-Intoxicating Beverages**

The Licensing Board will require a license for the retail sale of non-alcoholic beverages of any establishment not already licensed to sell food.

### **10.04 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. Transient Vendor License
  - 2. Art Gallery License
  - 3. Class 1 and II Automobile Sales
  - 4. Junk Yard License

### **10.05 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

<b>LIQUOR LICENSES</b>	<b>Annual</b>	<b>Seasonal</b>
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	

<b>OTHER LICENSES</b>		
Art Gallery (original works of art)		110.00
Class I & 11		110.00
Auctioneer		50.00
Common Carrier (transportation)	per vehicle	27.50
Common Victualer		55.00
Flea Market		550.00
Fortune Teller		50.00
Innholder		55.00
Lodging House		55.00
Peddler		27.50
Pedicab		44.00
Pedicab Operator		33.00
Parking Lots		38.50
Sidewalk Artist		11.00
Taxicab		71.50
Taxi operator		44.00
Transient Vendor		275.00
Vending Machine		27.50
Yard Sale		5.50

<b>WEEKDAY ENTERTAINMENT LICENSES</b>		
a. Coin-operated amusement devices	per device	110.00
b. Dancing by patrons		27.50
c. Live entertainment		110.00
d. Live theater		110.00
e. Movies		110.00
<b>SUNDAY ENTERTAINMENT LICENSES</b>		
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.

<b>LICENSES ISSUED BY BOARD OF HEALTH</b>	
Camps & Cabins	150.00
Renters Certification	120.00
each additional unit	50.00
Stable	50.00
Cart (Push/Mobile)	100.00
Caterer	100.00
Residential Kitchen: Continental Breakfast	50.00
Residential Kitchen: Full Breakfast	100.00
Food Service Establishments:	
No Seating	100.00
1-25 seats	200.00
26-50 seats	300.00
51+seats	400.00
Manufacturer of Candies	100.00
Manufacturer of Ice Cream	100.00
Retail Food Sales	100.00
Retail Food Sales/Food Service Combination	200.00

### **ADDITIONAL FEES**

<b>BUILDING INSPECTION FEES</b>	
Clubs, restaurants, inns (All food service establishments)	40.00
Lodging houses, camps, motels, inns	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

<b>OTHER FEES:</b>	
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