

GENERAL



RULES

***LICENSING BOARD
FOR THE
CITY OF BOSTON***

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MESSAGE FROM THE BOARD

The Licensing Board for the City of Boston has prepared the following compendium of its general rules-for the benefit of all licensees in the City, for members of the Boston Police and Fire Departments, and for the general public.

The booklet is divided into eleven sections and is indexed for easy reference. Copies of the booklet are to be kept at each licensed premises and are to be available for perusal at all times. The Board also requires that all employees of its licensees be familiar with the rules contained herein as well as the obligations mandated by them.

In issuing this booklet, the Board is attempting to make these rules as accessible as possible and to aid in the general understanding of the Board's role and function.

Any correspondence concerning these rules should be addressed to the Board's Executive Secretary in Room 809, Boston City Hall, One City Hall Plaza, Boston, MA 02201, telephone #. 635-4170.

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2.02 Alcoholic Beverages

- A. Patrons are not permitted to bring alcoholic beverages on the premises 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. The Board will, in its discretion, determine what is reasonable for this purpose and whether or not it is customary in the preparation of such specialty foods.

2.03 Food Service

- A. Some type of food must be available upon the request of a patron at a premises with a common victualler license during all operating hours; provided, however, that the full dining menu does not need to be available at all times.

2.04 Applicable Rules

- A. Licensees under this section are subject to all applicable general rules for licensees set out in section 1, above, with the exception of those parts that refer to the sale of alcoholic beverages.

SECTION THREE: SPECIAL ADDITIONAL RULES FOR INNOLDERS

3.01 Provisions for Strangers and Travelers

- A. Every innholder shall at all times be provided with 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.
- B. An innholder who upon request refuses to receive and to make suitable provision for a stranger or traveler shall be punished by a fine of not more than fifty dollars and shall be subject to proceedings for suspension, modification or revocation of its license.

3.02 Immorality on the Premises

- A. Whoever being licensed as an innholder, or being in actual charge, management or control of the premises for which the license is issued, knowingly permits the premises under his or her

control to be used for the purpose of immoral solicitation, immoral bargaining or immoral conduct, including prostitution, drugs or gambling, shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment and shall be subject to disciplinary proceedings against the license.

3.03 Maintaining a Register

- A. 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.

3.04 Applicable rules

- A. Licensees under this section are subject to all applicable general rules for licensees set out in Section One, above, with the exception of those parts that refer to the sale of alcoholic beverages if the innholder does not hold an alcoholic beverages license.

SECTION FOUR: SPECIAL ADDITIONAL RULES FOR LODGING HOUSE LICENSES

4.01 Definition

- A. "Lodging house" shall mean a house where lodgings are let to four or more persons not within the second degree of kindred to the person conducting it and shall include fraternity houses and dormitories of educational institutions, but shall not include dormitories of charitable or philanthropic institutions or convalescent or nursing homes licensed under section 71 of Chapter 111 of the General Laws or rest homes so licensed, or group residences licensed or regulated by agencies of the Commonwealth; provided, however, that the Board will grant dormitory licenses under a separate category within the lodging house license category.

4.02 Cooking Facilities

- A. A lodging house where lodgings are let to more than five but less than twenty persons may furnish individual cooking facilities for the preparation, serving, eating and storage of food; provided that no such facility shall be furnished in a room having an area of less than one hundred fifty square feet. Such facilities shall, in a single room, consist of a gas or electric plate, a refrigerator and storage area for food. Any facilities furnished under this section shall comply with the Building Code.

4.03 Immorality On the Premises

- A. Whoever being licensed as a lodging house keeper or being in actual charge, management or control of such lodging house, knowingly permits the property under his or her control to be used for the purpose of immoral solicitation, immoral bargaining or immoral conduct, including criminal activities such as prostitution, use and sale of drugs, possession of drugs, and gambling, shall be subject to disciplinary proceedings against the license and shall be subject to a fine and imprisonment as set out by statute.

4.04 Maintaining a Register

- A. Every lodging house keeper shall keep or cause to be kept, in permanent form, a register in which shall be recorded the true name and residence of every person engaging or occupying a private room averaging less than four hundred square feet floor area. Such register shall be kept for a period of one year after the last entry therein, and shall be open to the inspection of the licensing authorities, their agents and the police.

4.05 Rooms to Be Let to Persons Only

- A. Whenever the Board issues a lodging house license, the licensee may let individual rooms to individual persons only and may not contract out rooms to an entity or institution which intends to choose lodgers for the rooms. Such conduct will be held to constitute leasing out of the license and is prohibited. Violation of this rule may result in suspension or revocation of the license.

4.06 Lodging House License Not to Coexist with Dormitory

- A. A lodging house license may not coexist with or include a license for a dormitory operation in which one or more rooms are assigned to students from a particular educational institution and may not exist in the same building with another lodging house license except upon special permission of the Board.

4.07 Applicable Rules

- A. Licensees under this section are subject to all applicable general rules for licensees set out in section 1, above, with the exception of those parts that refer to the sale of alcoholic beverages.

SECTION FIVE: SPECIAL ADDITIONAL RULES FOR DORMITORY LICENSES
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5.01 Special Class of Lodging House Licenses

- A. Subject to the provisions of General Laws, Chapter 140, sections 22 et seq., the Board will provide educational institutions with the opportunity to apply for a separate class of lodging house license to be known as a Dormitory License and such licenses shall be available for dormitories of any size and configuration or building designation not inconsistent with the provisions of General Laws, Chapter 140, sections 22 et seq.
- B. An educational institution may not lease rooms in a lodging house from a lodging house licensee but must apply in its own name for a Dormitory License for a building or for units within a building when the educational institution intends to let such units to four or more persons or to direct another party to let such units to four or more persons who are registered students at the educational institution.

5.02 Supervision of Dormitory

- A. The conduct of students while within the units of the dormitory must be subject to the rule-making, supervisory and disciplinary powers of the educational institution.

5.03 Applications for Dormitories

- A. No application for a Dormitory License will be processed by the Board unless it is accompanied by proof of approval of occupancy by the Building Department (1) as a "dormitory," where more than fifty percent of the building is intended to be occupied by registered students only; or (2) as a "lodging house," where fifty percent or less of the building is intended to be occupied by registered students only; or (3) for some other designation of occupancy which would permit the building or the units to be used by the educational institution to let residential units to four or more students registered at the educational institution where fifty percent or less of the building is intended to be occupied by registered students only; provided, however, that in the event that the Building Department changes its rule for designation of dormitories to include buildings or units in buildings which are let by an educational institution to four or more persons who are students registered at the educational institution whether or not such students comprise any particular percentage of the total occupancy of the building, then the Board will require approval for such dormitory occupancy by the Building Department prior to processing any application for a Dormitory License.
- B. No new license for a dormitory and no expansion of a dormitory license will be granted or denied by the Board except after a public hearing at which evidence may be presented bearing on the fitness of the applicant, the record of the applicant in running dormitories, the plans of