

COUNCIL ADOPTED 3/9/2015

An ordinance in amendment of the Code of the Town of Tiverton, Chapter 6. The Town Council of the Town of Tiverton hereby ordains as follows: That Chapter 6 of the Code of the Town of Tiverton is hereby amended to add the following sections:

Article I IN GENERAL

Sec. 6-1—6-9. Reserved.

Sec. 6-1. Power of liquor license commissioners to issue licenses.

The right, power and jurisdiction to issue liquor licenses authorized by G.L. 1956, title 3 shall vest in the town council. In conformity with G.L. 1956, § 3-5-15 and for the purposes of this article and the issuance of such licenses, the town council is hereby constituted as the license commissioners, and the town clerk is hereby appointed and designated as clerk of the license commissioners. The town council, acting as the town's license commissioners, shall have the full power to hear all applications made for liquor licenses within the town and shall have the power to deny or grant such licenses pursuant to and in compliance with state General Laws and the rules and regulations of the liquor control administrator for the state. The town clerk, acting as the clerk of the license commissioners, shall have the responsibility to oversee the filing of liquor license applications and petitions to the town council and shall be responsible for notification and advertising in connection with such license applications, together with all other duties and responsibilities consistent with the laws of the state and the rules and regulations of the liquor control administrator for the state.

Sec. 6-2 – 6-9. Reserved.

ARTICLE IV – BYOB LICENSE FOR VICTUALING ESTABLISHMENTS

Sec. 6-54. Purpose and intent.

A. The Council of the Town of Tiverton hereby declares that the purpose of this article is to preserve the health, safety and welfare of its residents by ensuring that the public consumption of alcohol is carried out responsibly at victualing establishments that allow patrons to bring their own alcoholic beverages.

B. It is the Council's intent to ensure that those establishments that allow the general public to consume alcohol on their premises are properly trained to inspect photo identification to prevent underage drinking, as well as to regulate the amount

of alcohol consumption that occurs on these aforementioned premises to promote the health and safety of the Town of Tiverton and to reduce the prominence of drinking and driving therein.

Sec. 6-55. Definitions.

A. As used in this article, the following terms shall the meanings indicated:

ALCOHOLIC BEVERAGES

Any and all intoxicating beverages that contain alcohol, liquor or such other intoxicating substances as are further defined in R.I.G.L. § 3-1-1.

BYOB

Also known as a bring-your-own-beer, bring-your-own-bottle, bring-your-own-wine, or carry-in establishment. The practice of allowing individuals to bring and consume alcohol on the premises of a victualing house.

BYOB ESTABLISHMENT

Any victualing house, operated for profit or pecuniary gain, which is not licensed by the State of Rhode Island Liquor Control Board wherein patrons may consume alcoholic beverages which said patrons have carried or brought into the premises.

BYOB LICENSE

A BYOB license shall be understood as a limited, nonretail, Rule 5 Class B-V license as defined by the State of Rhode Island Department of Business Regulation. As such, licensee is bound to all limitations and regulations as set forth therein and otherwise contained within Rhode Island General Laws Title 3, Alcoholic Beverages. A BYOB license maintains all the requirements set forth by the State of Rhode Island Department of Business Regulation but does not confer the right to retail sales. A BYOB license will be understood as a Class B-V liquor license for the purpose of regulation under Town of Tiverton Code of Ordinances Chapter 6.

CORKAGE FEE

A convenience charge allowable only under a BYOB license for the labor and services incurred by the BYOB establishment for the consumption of alcoholic beverages on its premises.

PHOTO IDENTIFICATION DOCUMENT

Any permissible form of legal identification that is provided in R.I.G.L. § 3-8-6.

VICTUALING HOUSE

Also known as a “victualer.” Any shop or place where a substantial part of the business is the furnishing of food for consumption at the place where it is furnished.

B. All other terms used throughout this article shall have their normal and ordinary meaning and shall be construed in the context in which they are provided.

Sec. 6-56. General rule.

It shall be unlawful for any tavern or victualing house in the Town of Tiverton that does not have a Class B liquor license pursuant to R.I.G.L. § 3-7-7, but otherwise may qualify to possess one pursuant to Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license, to operate as a BYOB establishment as herein defined, or to allow the practice of BYOB to occur on its premises, without first obtaining a BYOB license issued by the Tiverton Town Council.

Sec. 6-57. BYOB license for alcoholic beverages at victualing houses.

A. The Town of Tiverton may grant a BYOB license to any establishment qualifying for a license under Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5. This license shall confer the limited right for consumption but not the retail of intoxicating beverages on the victualer’s premises as defined by R.I.G.L. Title 3, Alcoholic Beverages, as it would be applicable to a Rhode Island. Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license.

B. Application for a BYOB license shall be made to the Tiverton Town Council at the time of the initial or renewal application for a BYOB license. The determination whether to grant a BYOB license is solely in the Tiverton Town Council’s discretion.

C. No BYOB license shall be issued for any premises until the Town Clerk receives the following:

- (1) A certification from the Tax Collector that all real and tangible personal property taxes and assessments pertaining to the premises and the property on which the premises is located and for which a BYOB license is to be issued are current and that no such taxes or assessments are then due and owing; and
- (2) A certification from the Building/Zoning Official that the property is in compliance with applicable statutes, regulations, and ordinances; and
- (3) A certification from the Fire Department that the property has been inspected and is in compliance with applicable statutes, regulations, and ordinances; and;
- (4) A completed BCI and background check from the Police Department; and
- (5) Any other items reasonably required to be furnished by the Town Council as part of its determination of fitness to hold the license.

D. Approval of a BYOB license under this policy shall not create any property rights; any further transfer or conferral of the BYOB license is limited to the provisions set forth under R.I.G.L. § 3-5-19 and any other limitations as would be applicable to a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license.

E. A BYOB license is only permitted for victualing houses, as defined herein, that neither have nor are currently in the process of applying for, a liquor license as found in R.I.G.L. § 3-7-7 and otherwise fulfills the requirements of Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5.

F. A BYOB license shall not be issued to any establishment, person, or corporate entity whose liquor license has been suspended or revoked in any jurisdiction.

G. Before approving or renewing a BYOB license, the Tiverton Town Council may cause an examination or examinations to be made of the premises of the applicant or may otherwise review such evidence as the Tiverton Town Council deems necessary pursuant to R.I.G.L. Title 3, Alcoholic Beverages, or Rhode Island Department of Business Regulation Commercial Licensing Regulation 8 as if the BYOB license were a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license.

Sec. 6-58. Obligations of BYOB establishment.

A. Any victualing house approved for a BYOB license shall at all times comply with any provisions set forth under Rhode Island Department of Business

Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license and more generally any other applicable conditions under R.I.G.L. Title 3, Alcoholic Beverages, or Rhode Island Department of Business Regulation Commercial Licensing Regulation 8 as if the BYOB license were a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license.

B. Pursuant to compliance with standards delineated herein, any BYOB licensed establishment must serve any alcoholic beverage in the possession of patrons to said patrons before patrons are permitted to consume said beverage on the victualer's premises. Accordingly, all requirements of proper service of beverages contained within Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, including but in no way limited to Rule 43 Alcohol Server Training Program Certification, which includes training in preventing consumption of alcohol by underage drinkers and training in refusing service to intoxicated patrons, must be met under R.I.G.L. Title 3, Alcoholic Beverages.

C. Employees who have not been certified by an eligible alcohol server training program are not permitted to handle alcohol. Certified employees are permitted to handle alcoholic beverages for the purposes of chilling, uncorking, pouring, verifying its contents, and discarding leftover alcoholic beverages, but under no circumstances are employees permitted to store or consume alcoholic beverages.

D. The establishment may charge a corkage fee for the service of intoxicating beverages belonging to patrons.

E. No glasses or opened bottles containing alcoholic beverages are permitted off the premises, except if the establishment utilizes the same procedures as permitted for liquor licensees under R.I.G.L. § 3-8-16.

F. No person waiting to be seated for service may consume or possess an open container of an alcoholic beverage.

G. Patrons who desire to consume alcoholic beverages on the premises shall bring such beverages with them to the establishment. Patrons shall not be permitted to deliver alcoholic beverages to the premises in advance or to leave alcoholic beverages on the premises to be consumed or to be picked up at a later time. No delivery of alcoholic beverages by any person, including a licensed alcoholic beverage establishment, shall be permitted.

H. Alcoholic beverages shall not be permitted to be stored, displayed or maintained on a service bar or service table and must be kept by the patron at the table at which the patron is seated.

I. No BYOB licensee shall permit a patron, customer, or any other person to bring or deliver to the premises a large quantity of alcoholic beverages intended for consumption at a party or other special event to be attended by more than one table of patrons.

J. BYOB licensees are not permitted to promote or conduct the tasting or sampling of alcoholic beverages.

L. No BYOB establishment shall allow any alcoholic beverages on any deck, patio, verandah, balcony or appurtenant area outside of its business structure without first including a detailed plan for such area with the license application.

Sec. 6-59. Fees, Fines, Suspension, Revocation, etc., of BYOB license.

The BYOB license is subject to the same fees, advertising costs, fines, limitations, revocations, suspensions or any other conditions as if said BYOB license was a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license.

Sec. 6-60 – 6-75. Reserved.

Article V – BYOB LICENSE FOR PUBLIC ENTERTAINMENT EVENTS

Sec. 6-76. Purpose and Intent.

A. The Council of the Town of Tiverton hereby declares that the purpose of this article is to preserve the health, safety and welfare of its residents by ensuring that the public consumption of alcohol is carried out responsibly at public entertainment events at which attendees may bring their own alcoholic beverages for consumption at those events.

B. It is the Council's intent to ensure that the organizers of public entertainment events at which attendees may bring their own alcoholic beverages for consumption at those events are properly trained to inspect photo identification to prevent underage drinking, as well as to regulate the amount of alcohol consumption that occurs during these aforementioned public entertainment events to promote the health and safety of the Town of Tiverton and to reduce the prominence of drinking and driving therein.

Sec. 6-77. Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGES

Any and all intoxicating beverages that contain alcohol, liquor or other such intoxicating substances as are further defined in R.I.G.L. § 3-1-1.

BYOB LICENSE FOR PUBLIC ENTERTAINMENT EVENT

A license issued by the Town Council which permits the holder to hold a public entertainment event, as herein defined, at which attendees may bring their own alcoholic beverages for consumption at that event. This license is distinct from a BYOB license for a victualing house, as defined in Sec. 6-55.

PUBLIC ENTERTAINMENT EVENT

Any event at which music or entertainment is provided by live performances or prerecorded means or a show or exhibition which is held indoors or out of doors to which members of the public are invited or admitted for a charge, or free of charge, by any person (including a corporation or commercial business) or organization residing or doing business in the town. This does not include adult entertainment which is otherwise regulated by zoning ordinance and this Code.

Sec. 6-78. General Rule.

No business, organization, or individual shall maintain, operate, or conduct any public entertainment event at which attendees may bring their own alcoholic beverages for consumption at that event without first obtaining a license from the town council as set forth herein.

Sec. 6-79. BYOB License Required for Public Entertainment Events.

The town council has the authority to issue BYOB licenses for public entertainment events. Applications for such license must be filed with the town clerk in conjunction with the filing of an application for a public entertainment license, as provided in Chapter 51 of this Code.

Sec. 6-80. BYOB License Required for Public Entertainment Events – Term of License.

The town council may issue a BYOB license on an annual basis for public entertainment events that take place year-round. The town council may also issue a BYOB license on a temporary basis for public entertainment events that take place seasonally or for public entertainment events of a shorter duration. The applicant shall indicate on the application form whether an annual or temporary license is requested. In accordance with Sec. 51-22(a)(1), the applicant shall indicate the days and hours during which the proposed public entertainment is to be conducted.

Sec. 6-81. Conditions for issuance.

(1) The applicant must provide proof that there will be an individual at the public entertainment event who holds a currently active certified alcohol server training program certificate as defined by R.I.G.L. § 3-7-6.1 and Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 43. The certified individual is responsible for supervising the consumption of alcoholic beverages at the public entertainment event.

(2) Applicant, if an individual, or the responsible party if an organization, shall have no criminal convictions or alcohol-related dispositions at the Rhode Island Traffic Tribunal.

(3) If the applicant is not the owner of the premises where the event will be held, the property owner must provide the town with written permission for the event to be held and permission for the issuance of the BYOB license.

(4) Applicants must receive approval for the BYOB license from the chief of the town police department.

Sec. 6-82. Fees, Fines, Suspension, Revocation, etc., of BYOB license.

The BYOB license is subject to fees and advertising costs set from time to time by the town council; and also to the same fines, limitations, revocations, suspensions or any other conditions as if said BYOB license was a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license. Partial year license fees may be prorated by the clerk.

Sec. 6-83 – 6-100. Reserved.