

**ORDINANCE REGARDING  
The Small Business Growth Act of 2015**

Introduced by Councilwoman Fonseca (by request)

Be it ordained that the City of Central Falls amends Chapter 12 “Businesses” as follows:

Section 1. Chapter 12 “Businesses” is hereby amended as follows:

**Sec. 12-1. Registration of business names.**

(a) Required. All retail, wholesale, commercial, professional, personal and contracting services and manufacturing businesses and establishments and any other enterprises, partnerships, corporations or proprietorships doing business in the city, except for those entities in subsection (b), shall, prior to their commencement of business within the city, register their trade, corporate agent, company or office name, home address and telephone number with the city clerk and the city assessor.

(b) Exceptions. This section shall in no way affect or apply to any corporation or limited partnership duly organized under the laws of the state, or to any corporation or limited partnership organized under the laws of any other state and lawfully doing business in this state, or to any partnership or joint venture, the name or designation of which includes the true or real surname of at least one individual who is a partner or joint venturer.

(c) Fee; certificate. The annual registration fee shall be ten dollars (\$10) and a certificate shall be issued containing the following information:

- (1) The trade name of the business, if held under a corporate name other than the name of the officers, and their addresses shall also be listed.
- (2) The name of the operator of the business shall also be indicated.
- (3) The type of business to be conducted.
- (4) The name and address of the registered agent and/or the business owner.

(d) Display, term and issuance of certificate. The certificate shall be placed in a conspicuous location in each firm or business location. For businesses that operate within City limits, no certificate shall be issued without proof of all taxes being paid to date and a certificate of occupancy issued by the building inspector. Home based occupations shall require a zoning determination issued by the Department of Code Enforcement, prior to issuance of certificate. The certificate period shall begin on December 1 and end on November 30 of the succeeding year.

(e) Restriction on use of same trade name. No other firm or business of the same trade name shall be allowed to register without the approval of the prior registrant in writing.

(f) Renewal. All firms and businesses shall be required to submit a renewal form from year to year.

(g) Transfer of certificate. No firm or business shall transfer this certificate unless he submits a request to the city clerk and that the person receiving such transfer adheres to all provisions of this section prior to issuance of the certificate of transfer.

**Sec. 12-2. Business hours restricted.**

No shop, store, place of trade or entertainment or place of business in the city shall be kept open between 12:00 midnight and 5:00 a.m. unless otherwise provided or as approved by the city council; however, pharmacists and assistant pharmacists may open their shops at any time for the purpose of selling medicines for the use of the sick.

**Sec. 12-3. Automobile body shops; closing time.**

Pursuant to R.I.G.L. § 23-19.2-7, no holder of an automobile body shop license shall do or suffer to be done automobile body repairs after 9:00 p.m.

**Sec. 12-7. Business Licenses, Nuisance.**

Any business license issued under this chapter may be revoked or suspended by the city council sitting as the board of license commissioners, for violations described in Sec. 12-4 and 12-6, for cause shown after a hearing of which the holder of the license receives notice and the opportunity to be heard.

**Sec. 12-8. Holiday Sales**

Pursuant to R.I.G.L. § 5-23-2, there shall be a holiday sales license for any retail establishment wishing to operate on holidays.

**Secs. 12-79—12-27. - Reserved.**

Section 2. Chapter 12 “Businesses” is hereby amended as follows:

**Sec. 12-28. - Personal services license.**

Pursuant to R.I.G.L. § 23-19.2-7 and for the prevention, suppression, or abatement of any nuisance as is described in R.I.G.L. §§ 11-30-1 or 11-30-2, there shall be established in the city a personal services license for the operation of any business related to massage parlors, bodyworks establishment or any business as determined by the Board of License Commissioners upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists or where intemperate, idle, dissolute, noisy, or disorderly persons are in the habit of resorting.

(a) *Massage Parlors.*

(b) *Definitions.* For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) *Employee.* Any person over 18 years of age, other than a massagist, who renders any service in connection with the operation of a massage business and receives compensation from the operator of the business or patrons.

(2) *Licensee.* The person to whom a license has been issued to own or operate a massage establishment as defined herein.

(3) *Massage*. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the human body with the hands or with the aid of any mechanical electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor.

(4) *Massage establishment*. Any establishment having a source of income or compensation derived from the practice of massage as defined in this section, and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities described in the definition of "massage." For purposes of this chapter only, the term "massage establishment" shall not include any business engaged in the practice of massage on the same premises where other professional health care services including, but not limited to, optical or chiropractic services, are offered.

(5) *Massagist, masseur or masseuse*. Any person who, for any consideration whatsoever, engages in the practice of massage as defined in this section.

(6) *Outcall massage service*. Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment as defined in this section.

(7) *Patron*. Any person over 18 years of age who receives a massage under such circumstances that it is reasonably expected that he or she will pay money or give any other consideration therefor.

(8) *Permittee*. The person to whom a permit has been issued to act in the capacity of a massagist (masseur or masseuse) as herein defined.

(9) *Person*. Any individual, partnership, firm, corporation, joint stock company, corporation or combination of individuals of whatever form or character.

(10) *Recognized school*. Any school or educational institution licensed to do business as a school or educational institution in the state in which it is located, or any school recognized by or approved by or affiliated with the American Massage and Therapy Association, Inc., and which has for its purpose the teaching of the theory, method, profession or work of massage, which school requires a resident course of study of not less than 70 hours before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning.

(11) *Sexual or genital area*. Genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

(c) *Violations and penalties.*

(1) Every person, except those persons who are specifically exempted by this chapter, whether acting as an individual owner, employee of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who gives massages or operates a massage establishment or any of the services defined in this chapter without first obtaining a license permit and paying a fee to do so from the city or shall violate any provisions of this chapter shall be guilty of a misdemeanor and upon conviction such person shall be punished by a fine not to exceed \$500.00 or by

imprisonment for a period not to exceed six months or by both such fine and imprisonment.

(d) *Exemptions.* This chapter shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions:

- (1) Physicians, surgeons, chiropractors, osteopaths or physical therapists who are duly licensed to practice their respective professions in the state;
- (2) Nurses who are registered under the laws of this state; and
- (3) Barbers and beauticians who are duly licensed under the laws of this state, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.

(e) *Register of employees.*

- (1) The licensee or person designated by the licensee of a massage establishment shall maintain a register of all persons employed at any time as masseurs or masseuses and their permit numbers. Such register shall be available at the massage establishment to representatives of the city during regular business hours.

(f) *Required facilities.*

- (1) No license to conduct a massage establishment shall be issued unless an inspection by the city reveals that the establishment complies with each of the following minimum requirements:
  - a. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the city building code. Plumbing fixtures shall be installed in accordance with the city plumbing code.
  - b. Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the city.
  - c. Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer, when such sewer is available. (Exception: Dry heat rooms with wooden floors need not be provided with pitched floors and floor drains).
  - d. A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.
  - e. The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.
  - f. Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage area.
  - g. Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.

- h. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels.
- i. All electrical equipment shall be installed in accordance with the requirements of the city building code.
- (g) *Operating requirements.*
- (1) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
  - (2) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
  - (3) All employees, including masseurs and masseuses, shall be clean and wear clean, nontransparent outer garments, covering the sexual and genital areas. A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall be open inward and shall be self-closing.
  - (4) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
  - (5) No massage establishment granted a license under the provisions of this chapter shall place, publish or distribute or cause to be placed, published or distributed any advertisement, picture or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.
- (h) *Minors on premises.*
- (1) No person shall permit any person under the age of 18 years to come or remain on the premises of any massage business establishment as masseur, employee or patron, unless such person is on the premises on lawful business.
- (i) *Alcoholic beverages.*
- (1) No person shall sell, give, dispense, provide, keep or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage business.
- (j) *Hours.*
- (1) No massage business shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m.
- (k) *Employment of massagist.*
- (1) No person shall employ as a massagist any person unless said employee has obtained and has in effect a permit issued pursuant to this chapter.
- (l) *Inspection required.*
- (1) The chief of police or his authorized representatives shall be authorized to make inspections of each massage business establishment for the purposes of determining that the provisions of this chapter are fully complied with. If in the opinion of the chief of police or his authorized representative there is probable cause to enter a massage establishment for the purpose of making inspections and examinations pursuant to this chapter, he shall request the owner or

occupant thereof to grant permission for such entry, and if refused, he shall inform the chief of police, and he, or his designee, a police officer, shall make application pursuant to the General Laws of Rhode Island, to a judge of the superior or district court for a search warrant showing the judge why the search warrant should be issued for the purposes set forth in this chapter.

(m) *Unlawful acts.*

(1) It shall be unlawful for any person in a massage parlor to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner or to massage, a sexual or genital part of any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

(2) It shall be unlawful for any person in a massage parlor to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person in a massage parlor to expose the sexual or genital parts, or any portions thereof, of any other person.

(3) It shall be unlawful for any person, while in the presence of any other person in a massage parlor, to fail to conceal, with a fully opaque covering, the sexual or genital parts of his or her body.

(4) It shall be unlawful for any person owning, operating or managing a massage parlor, knowingly to cause, allow or permit in or about such massage parlor, any agent, employee or any other person under his control or supervision to perform such acts prohibited in this section.

(5) It shall be further unlawful for any permittee under this chapter to administer massage on an "outcall" basis. Such person shall administer massage solely within an establishment licensed to carry on such business under this chapter. Any violation of these provisions shall be deemed grounds for revocation of the permit granted hereunder. The restriction on outcall massage shall not apply to a permittee who performs outcall massage as defined herein upon a customer or client who, because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage establishment. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered, as well as the nature of the physical defect, incapacity or illness of said client or customer shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of public health laws. The information furnished or secured as a result to any such inspection shall be confidential. Any unauthorized disclosure or use of such information by an employee of the business of the city shall be unlawful.

(6) It shall be unlawful for any massage service to be carried on within any cubicle, room, booth or any area within a massage establishment, which is fitted with a door capable of being locked. All doors or doorway coverings within a massage establishment shall have an unobstructed opening six inches in size capable of clear two-way viewing into and out of all cubicles, rooms or booths. The opening shall be not less than 4½ feet from the floor of the establishment nor more than 5½ feet from the floor. Toilets and cubicles used solely for the application of liquid and vapor baths shall have no such opening in the covering door or curtain, but shall be clearly marked as to purpose on the exterior door or curtain of said cubicle, room or booth. Nothing contained herein shall be

construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever the police or code departments deems such inspection necessary.

(n) *Massage business license and permit required.*

(1) *Business license.* No person shall engage in or carry out the business of massage unless he has a valid massage business license issued by the city pursuant to the provisions of this chapter for each and every separate office or place of business conducted by such person.

(2) *Massagist's permit.* No person shall practice massage as a massagist, employee or otherwise, unless he has a valid and subsisting massagist's permit issued to him by the city pursuant to the provisions of this chapter.

(o) *Application for massage business license.*

(1) Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application under oath with the city upon a form provided by the city clerk and pay a nonrefundable annual license fee, which shall be \$250.00 per year or any part thereof. The application, once accepted, shall be referred to the Central Falls Police Department for investigation. Copies of the application shall within five days also be referred to the building inspector, the fire department and the state health department. The departments shall within 30 days inspect the premises proposed to be operated as a massage establishment and shall make written verification to the city council concerning compliance with the codes of the city that they administer. The application shall further be referred to the police department for investigation of the applicant's character and qualifications. Each application shall contain the following information:

- a. A definition of service to be provided;
- b. The location, mailing address and all telephone numbers where the business is to be conducted;
- c. The name and residence address of each applicant. Hereinafter, all provisions which refer to applicant include an applicant which may be a corporation or partnership;
  1. If applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation, and the address of the corporation itself, if different from the address of the massage establishment;
  2. If applicant is a partnership, the names and residence addresses of each of the partners including limited partners, and the address of the partnership itself, if different from the address of the massage establishment;
- d. The two previous addresses immediately prior to the present address of the applicant;
- e. Proof that the applicant is at least 18 years of age;
- f. Individual or partnership applicant's height, weight, color of eyes and hair and sex;
- g. Copy of identification such as driver's license and social security card;
- h. One portrait photograph of the applicant at least two inches by two inches and a complete set of applicant's fingerprints which shall be taken by the chief of police or his agent. If the applicant is a corporation, one portrait photograph at least two inches by two inches of all officers and

managing agents of said corporation and a complete set of the same officers' and agents' fingerprints which shall be taken by the chief of police or his agent. If the applicant is a partnership, one front-face portrait photograph at least two inches by two inches in size of each partner, including a limited partner in said partnership, and a complete set of each partner or limited partner's fingerprints which shall be taken by the chief of police or his agents;

i. Business, occupation or employment of the applicant for the three years immediately preceding the date of application;

j. The massage or similar business license history of the applicant; whether such person, in previously operating in this or another municipality or state has had a business license revoked or suspended, the reason therefor and the business activity or occupation subsequent to such action of suspension or revocation;

k. A BCI check including all criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted;

l. The name and address of each massagist who is or will be employed in said establishment;

m. Applicant must furnish a diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught; provided, however, that if the applicant will not himself engage in the practice of massage as defined herein, he need not possess such diploma or certificate of graduation from a recognized school or other institution of learning wherein the method, profession and work of massage is taught;

n. The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection c. wherein the business or profession of massage is carried;

o. A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant;

p. Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;

q. Such other identification and information necessary to discover the truth of the matters hereinbefore specified as required to be set forth in the application;

r. The names, current addresses and written statements of at least three bona fide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the city, then the county, then the state and lastly from the rest of the United States. These references must be persons other than relatives and business associates.

(2) Upon the completion of the above provided form and the furnishing of all foregoing information the city council shall accept the application for the necessary investigations and consider whether to grant the license. The holder of a massage establishment license shall notify the city council of each change in any of the data required to be furnished by this section within ten days after such change occurs.



(p) *Application for massagist's permit.*

(1) An application for a massagist's business permit shall be made to the city council in the same manner as provided in this chapter for massage establishment licenses, accompanied by the annual nonrefundable massagist's permit fee of \$75.00 per year or part thereof. The application shall contain but not be limited to the following:

- a. The business address and all telephone numbers where the massage is to be practiced;
- b. Name and residence address, and all names, nicknames and aliases by which the applicant has been known, including the two previous addresses immediately prior to the present address of the applicant;
- c. Social Security number, driver's license number, if any, and date of birth;
- d. Applicant's weight, height, color of hair and eyes and sex.
- e. Written evidence that the applicant is at least 18 years of age;
- f. A BCI check including all criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted;
- g. Fingerprints of the applicant taken by the police department;
- h. Two front-face portrait photographs taken within 30 days of the date of application and at least two inches by two inches in size;
- i. The name and address of the recognized school attended, the dates attended and a copy of the diploma or certificate of graduation awarded the applicant showing the applicant has completed not less than 70 hours of instruction;
- j. The massage or similar business history and experience ten years prior to the date of application, including but not limited to whether or not such person in previously operating in this or another municipality or state under license or permit has had such license or permit denied, revoked or suspended and the reasons therefor, and the business activities or occupations subsequent to such action of denial, suspension or revocation;
- k. The names, current addresses and written statements of at least five bona fide permanent residents, other than relatives, of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the city, then the county, then the state and lastly from the rest of the United States;
- l. A medical certificate signed by a physician, licensed to practice in the state, within seven days of the date of the application. The certificate shall state that the applicant was examined by the certifying physician and that the applicant is free of communicable disease. The additional information required by this subsection shall be provided at the applicant's expense;
- m. Such other information, identification and physical examination of the person deemed necessary by the police chief in order to discover the truth of the matters hereinbefore required to be set forth in the application;
- n. Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit; and
- o. Written and declaration by the applicant, under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated and signed in the city.

(q) *Issuance.*

(1) The city may issue a license for a massage establishment or a permit for a masseur or masseuse after ratification by the city council, if all requirements for a massage establishment or massagist permit described in this chapter are met, unless it finds:

- a. The correct permit or license fee has not been tendered to the city, and, in the case of a check or bank draft, honored with payment upon presentation;
- b. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building or zoning, and the state's health regulations;
- c. Convictions.
  1. The applicant, if an individual, or any of the stockholders holding more than ten percent of the stock of the corporation, any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business and/or the equipment used therein; and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses or convicted of an offense without the state that would have constituted any of the following offenses if committed within the state:
    - A. An offense involving the use of force and violence upon the person of another that amounts to a felony;
    - B. An offense involving sexual misconduct; or
    - C. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony.
  2. The city may issue a license or permit to any person convicted of any of the crimes described in subsection c.1.A. or C. of this section if it finds that such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crime mentioned in this section;
- d. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the city in conjunction therewith;
- e. The applicant has had a massage business, masseur or other similar permit or license denied, revoked or suspended by the city or any other state or local agency within five years prior to the date of the application; or
- f. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.

(r) *Approval or denial of application.*

(1) The city shall act to approve or deny an application for a license or permit under this chapter within a reasonable period of time and in no event shall the city act to approve or deny said license or permit later than 90 days from the date

that said application was accepted by the city council. Every license or permit issued pursuant to this chapter will terminate at the expiration of one year from the date of its issuance unless sooner suspended or revoked.

(s) *Waiver of application requirements.*

(1) The city shall waive the requirements of (p)(i) if the applicant furnishes satisfactory evidence that he or she attended not less than 70 hours of instruction in a school within or without this state or in any foreign country that provides education substantially equal to or in excess of the educational requirements of this chapter.

(t) *Multiple massage establishments.*

(1) Should any massage business have more than one location where the business of massage is pursued, then a permit, stating both the address of the principal place of business and of the other locations, shall be issued by the chief of police upon the tender of a license fee of \$250.00. Licenses issued for other locations shall terminate on the same date as that of the principal place of business, regardless of the date of issuance.

(u) *Posting.*

(1) Every massagist shall post the permit required by this chapter in his working area.

(2) Every person licensed under this chapter shall display such license in a prominent place.

(v) *Transfer.*

(1) No license or permit issued under this chapter shall be transferable except with the consent of the city council. An application for such transfer shall be in writing and shall be accompanied by the \$250.00 fee prescribed for in this chapter. The written application for such transfer shall contain the same information as requested herein for initial application for the license or permit.

(w) *Revocation or suspension of massage establishment license.*

(1) Any license issued for a massage establishment may be revoked or suspended by the city after notice and a hearing, where any of the provisions of this chapter are violated or where any employee of the licensee, including a masseur or masseuse, is engaged in any conduct which violates any of the state or local laws or ordinances at the licensee's place of business and the licensee has actual or constructive knowledge by due diligence. Such permit may also be revoked or suspended by the city after notice and hearing, upon the recommendations of the state health department that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene.

(x) *Revocation or suspension of massagist's permit.*

(1) A masseur or masseuse permit issued under this chapter by the chief of police shall be revoked or suspended where it appears that the masseur or masseuse has been convicted of any offense which would be cause for denial of a permit upon an original application, has made a false statement on an application for a permit, or has committed an act in violation of this chapter.

(y) *Name and place of business.*

(1) No person granted a license pursuant to this chapter shall operate the massage establishment under a name not specified in his license, nor shall he conduct business under any designation or location not specified in his license.

(z) *Sale, transfer or change of location.*

(1) Upon the sale, transfer or relocation of a massage establishment, the license therefor shall be null and void; provided, however, that upon the death or incapacity of the licensee or any co-licensee of the massage establishment, any heir or devisee of a deceased licensee, or any guardian of an heir or devisee of a deceased licensee, may continue the business of the massage establishment for a reasonable period of time not to exceed 60 days to allow for an orderly transfer of the license.

### **Sec. 12-29. Automotive repair permit.**

There shall be established in the city an automotive repair ~~license~~ permit for the operation of any business related to automobile service stations, garage repair shop, lubrication shop, transmission shop, muffler and brake service, automobile upholstery shop, excluding automobile auto body shops.

### **Sec.12-30. Laundries**

There shall be established in the city a permit to operate a public laundry. The permit shall be issued upon any terms and subject to any rules and regulations not inconsistent with law, that the city council, sitting as the board of license commissioners, prescribes for the purpose of protecting the public health and the suppression of unsanitary conditions. The fee to be paid for each permit which shall not exceed ten dollars (\$10.00) for the term of one year or a pro rata sum for the unexpired portion of any year. Any permit issued may be revoked or suspended by the city council sitting as the board of license commissioners for cause shown after a hearing of which the holder of the permit receives notice and the opportunity to be heard.

### **Sec. 12-31. Instruction in jiu-jitsu or karate license**

There shall be established in the city a license for institutions offering instruction in jiu-jitsu and karate. The fee for this license shall not exceed twenty-five dollars (\$25.00); provided, that nonprofit organizations and governmental agencies shall be exempt from paying that fee. The city may impose a fine not in excess of twenty dollars (\$20.00) upon anyone convicted of offering instruction in jiu-jitsu or karate without that license.

### **Sec. 12-32. Private detective license**

There shall be established in the city a license for any person who wishes to be engaged as a private detective. The registration and license fee shall be one hundred and fifty dollars (\$150) and shall be renewed each year. The applicant must conform with the practices and procedures as outlined by R.I.G.L. § 5-5-1 et seq.

### **Sec. 12-33. Employment agency license**

There shall be established in the city a license for suitable persons as keepers of intelligence or employment offices for the purpose of obtaining employment, or furnishing information concerning places of employment, of domestics, servants,

laborers, and any other classes of employees, except seapersons, or for the purpose of procuring or giving information concerning those persons for or to employers, or for the purpose of procuring or giving information generally concerning employment in business.

**Secs. 12-34—12-54. – Reserved**

**Section 3.** Chapter 12 “Businesses” is hereby amended as follows:

**Sec. 12-82. Classes.**

(a) Victualling house licenses shall be classified as follows:

(1) Class A. Class A licenses shall apply to taverns, hotels, lunchrooms, restaurants, coffee shops, caterers, itinerant restaurants and traveling restaurants for the principal purpose to sell food and to serve food and such places of business shall be closed from 1:00 a.m. to 4:00 a.m. of the same day unless otherwise provided for by law.

(2) Class B. Class B licenses shall apply to such places only as are by law permitted to remain open to serve and sell food to 1:00 a.m., and such places of business shall be closed from 1:00 a.m. to 5:00 a.m. of the same day.

(3) Class C. Class C licenses shall apply to such places only as are by law permitted to remain open until 12:00 midnight of each day of business and shall apply principally to so-called variety stores.

(4) Class D. Class D licenses shall apply to such places whose principal purpose is to prepare and sell baked goods and such places of business shall be closed from 1:00 a.m. to 4:00 a.m. of the same day unless otherwise provided for by law.

(b) The license period for victualling house licenses shall begin on December 1 and end on November 30 of the succeeding year. The annual fee for such licenses shall be established by ordinance from time to time by the city council.

**Sec. 12-83. Fees.**

The fees for food establishment licenses issued under the provisions of this division shall be set from time to time by the council and a schedule of such fees is on file in the city offices.

**Sec. 12-84. Termination; conditions; revocation; transfer.**

(a) All victualling house licenses and tavern, hotel, lunchroom, lunch stand or lunch cart licenses granted under this division shall terminate on November 30 following the date thereof and shall be subject to such terms and conditions relating to the location and the manner and hours of conducting the business thereof, as the city council, sitting as Board of License Commissioners, shall, from time to time, generally or specially prescribe. Such licenses shall not be assigned or transferred without the approval of the city council, sitting as Board of License Commissioners. The city council, sitting as Board of License Commissioners may revoke any license for cause or may suspend any license for such time as they deem necessary or reasonable under the circumstances. No license shall be revoked or suspended until after a hearing before the city council, sitting as Board of License Commissioners, wherein the licensee has notice and the opportunity to be heard.

**Secs. 12-85—12-111. Reserved.**

## **ARTICLE IV. HAWKERS AND PEDDLERS**

### **Sec. 12-112. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hawker means any person selling or offering for sale any goods, wares or merchandise whatsoever, including any food or beverage, on any public street, highway or public right-of-way in the city from a stationary location.

Peddler means any person selling or offering for sale any goods, wares or merchandise whatsoever, including any food or beverage, from a vehicle, cart or any other conveyance which is not stationary.

### **Sec. 12-113. Fines.**

Any person who offers for sale as a hawker or peddler any goods, wares, merchandise, ice cream, fruit, vegetables or other articles or substances within the city without having been issued a license pursuant to this article, or who fails to lawfully display a badge pursuant to section 12-147 shall be subject to a fine of not less than \$100.00 nor more than \$200.00.

### **Sec. 12-114. Noise provisions.**

(a) No hawker or peddler shall ring or cause to be rung, any bell; or use or cause to be used any horn; or use or cause to be used any musical playing equipment; in any public street, highway or place in the city after 8:30 p.m.

(b) In addition, all hawkers and peddlers must be in accordance with sections 26-114 through 26-118.

(c) Penalties.

(1) First offense: \$100.00.

(2) Second offense: \$200.00.

(3) For each subsequent offense, it shall be a fine of no less than \$200.00 and/or suspension of their hawker's/peddler's license.

### **Sec. 12-115. Hours limited.**

No holder of a hawker's or peddler's license shall do or suffer to be done any hawking or peddling on any city street between the hours of 8:30 p.m. and 8:00 a.m.

**Secs. 12-117—12-145. Reserved.**

### **Sec. 12-146. Pre-licensing requirements.**

All hawkers and peddlers are required to acquire the following before a license shall be issued:

(1) A state sales tax permit (where applicable).

(2) A state department of health certificate (where applicable).

(3) Recommendation from the chief of police.

**Sec. 12-147. Badge.**

The city clerk shall issue a badge for each peddler or hawker bearing the license number and signatures of the city clerk ~~and chief~~. Such badge shall be worn by the licensee at all times when he is conducting business. The currently required fee for the badge shall be paid to the office of the city clerk.

**Sec. 12-148. Fees; Sunday sales.**

- (a) Licensees issued a license under this division shall pay the currently required fee to the city clerk. No fee shall be charged for the sale of religious books, publications, etc.
- (b) Provisions for selling on Sunday shall be the same as required by Sunday sales requirements as provided by ordinance.

**Sec. 12-149. Maximum number of licenses to be issued.**

The maximum number of hawker and peddler licenses which are authorized for issuance during the licensing year shall not exceed ten.

**Sec.12-150. One-day hawker license**

The City Clerk shall issue a hawker license valid for one day. No licensee shall be issued more than four said licenses per calendar year.

**Secs. 12-151~~0~~—12-166. Reserved.**

**Sec. 12-167. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caterers means establishments set up to prepare meals that will be transported and served at parties held on or off the premises.

Itinerant restaurant means a restaurant, such as a food truck, operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

Traveling restaurant means a restaurant which moves from place to place, such as a food truck, to operate, dispensing sandwiches, hot dogs, box lunches, pastry, coffee, beverages, ice cream, etc.

**Secs. 12-168—12-187. Reserved.**

**Sec. 12-188. Required; suspension; revocation.**

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Jukebox means any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.

Mechanical amusement device means any machine which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. The term "mechanical amusement device" includes such devices as marble machines, pinball machines, skill ball, mechanical grab machines, mechanical pool tables and all games, operations or transactions similar thereto under whatever name they may be described.

(b) It shall be unlawful for any person to operate any itinerant restaurant, traveling restaurant or catering service in the service in the city without first obtaining a license under this division from the city council and posting such license in a conspicuous place on the premises.

(c) The city council may at any time suspend any license for cause for such time as they may deem necessary or reasonable under the circumstances, not exceeding ten days. However, no license shall be revoked until after a hearing before the city council.

(d) Every person licensed under this division shall maintain good order in the building licensed and shall not allow any person in the licensed building to become intoxicated, nor shall he take in pawn or pledge any article whatsoever; neither shall he allow the licensed building to become frequented by any common drunkard or person addicted to the intemperate use of spirituous or intoxicating liquors, or by any person who is a disturber of the peace, or who is wasting his property or earnings and means of supporting himself and family, or by any person under lawful age.

#### **Sec. 12-189. Term; fees.**

(a) The license period for itinerant restaurants, traveling restaurants and caterers shall begin on December 1 and end on November 30 of the succeeding year.

(b) The annual fee for each itinerant restaurant, each traveling restaurant and caterers shall be set from time to time by the council and a schedule of such fees is on file in the city offices.

#### **Secs. 12-190—12-216. Reserved.**

### **ARTICLE VI. JUNK AND SECONDHAND DEALERS**

#### **Sec. 12-217. Article not applicable to certain shopkeepers.**

This article shall not apply to keepers of shops for the purchase, sale or barter of books, pamphlets, periodicals or household furniture.

#### **Sec. 12-218. Hours of business.**

No keeper of any junk shop, shop or storehouse shall do or suffer to be done any business therein between the hours of 7:00 p.m. and 7:00 a.m.; except, that a keeper in used and secondhand motor vehicle premises may do or suffer to be done business on such yard or premises for the purpose of buying, selling, trading or dealing at any and all reasonable times except between the hours of 11:00 p.m. and 7:00 a.m.



**Sec. 12-219. Dealing with minors.**

No person licensed under this article shall, directly or indirectly, either purchase or receive in barter or exchange any junk, old metals, motor vehicles, parts, accessories or secondhand articles from any minor, unless such minor is licensed in accordance with the provisions of this article.

**Sec. 12-223. Property not to be sold for ten days; to be kept separate and distinct during such period; exceptions.**

Every person licensed under this article shall keep any property purchased or received by him for a period of ten days from and after the report required to be made by him to the chief of police by section 12-222. During such period, such property shall be kept separate and distinct and shall not be disfigured or treated in any way by which its identity may be destroyed or affected; except, however, that any person licensed as a gatherer may at any time sell any such property to a keeper of a shop, yard, premises or storehouse or a foundryman within the city or other person licensed as provided in this article; and except that any keeper of a shop, yard, premises or storehouse or any foundryman or other person licensed under this article may dispose of, sell or melt such property within such period of ten days upon permission in writing from the chief of police or from such person as he shall designate to act for him. Such permission shall be given upon proof that the property is not stolen.

**Sec. 12-224. Gatherer's badge.**

- (a) Every gatherer of junk or secondhand articles, when licensed by the city council, shall obtain from the city clerk a badge and shall at all times wear such badge conspicuously.
- (d) Not to be worn after expiration or revocation of license. No person shall wear any gatherer's badge after the expiration or revocation of the license represented by it.
- (e) Use by another. Any licensed gatherer who shall suffer any badge issued to him to be used by another person for a purpose similar to that for which the badge was issued to him shall forfeit the badge, together with the license represented by it.

**Secs. 12-225—12-241. Reserved.****Sec. 12-242. Required.**

No person shall engage in the business of purchasing, selling, bartering, dealing or trading in junk, old metals, used and secondhand motor vehicles or any secondhand articles, whether as keeper of a shop, yard, premises or storehouse for the reception of the same or as a gatherer of the same in any bag, cart or conveyance, or as a foundryman or other person receiving the same for the purpose of melting the same or of converting the same into castings, or as a used parts dealer, or for the purpose of dismantling the same, unless such person shall be duly licensed by the city council by a license duly issued by the city clerk and subject to the conditions and restrictions provided in this article.

**Sec. 12-243. Application.**

(a) Every applicant for any license required by section 12-242 shall set forth, with full particulars upon a form to be furnished by the city clerk, the following information:

- (1) Name and address, both of residence and of business, of the applicant.
- (2) Age of the applicant.

(b) The application shall be referred to the chief of police for his approval or disapproval before being acted upon by the city council.

**Sec. 12-244. Advertising application; hearing.**

All applications for a license to keep a shop, yard, premises or storehouse regulated by this article shall be advertised, notice of hearing provided, and a hearing had thereon before the license shall be granted. The cost of such advertisement shall be paid by the applicant at the time of filing his application therefor.

**Sec. 12-245. Fees.**

(a) The fees for a junk or secondhand dealer's license shall be set from time to time by the council in accordance with state law and a schedule of such fees is on file in the city offices. (b) No rebate shall be made from the license fee provided for in this section for any license term less than one year.

(b) No rebate shall be made from the license fee provided for in this section for any license term less than one year.

**Sec. 12-246. Display.**

Every keeper of any junk shop or storehouse licensed under this division shall display, in a conspicuous place within his shop, yard, premises or storehouse, the license granted to him.

**Sec. 12-247. Expiration.**

All licenses granted under the provisions of this division shall expire on June 1 next succeeding the date of such license.

**Sec. 12-248. Revocation.**

The city council, sitting as Board of License Commissioners may revoke any license granted under the provisions of this division for any violation of the laws of the state or of this article or other ordinances of the city, or for any cause which the council considers to warrant such revocation. No such license shall be revoked, however, unless the holder thereof is given notice of the charge against him at least three days before the hearing thereon and the opportunity to be heard.

**Secs. 12-249—12-274. Reserved.**

## **ARTICLE VIII. PARKING LOTS**

**Secs. 12-325—12-351. Reserved.**

**Secs. 12-325—12-351. Reserved.**

**Sec. 12-352. Required.**

No person shall engage in the business or trade of parking motor vehicles for a fee, including the parking of such vehicles for temporary periods, unless such person shall be duly registered by the city council by a permit duly issued by the city clerk.

**Sec. 12-353. Terms and conditions.**

The permit required by section 12-352 shall be issued subject to such terms and conditions as may be prescribed by the city council.

**Sec. 12-354. Fee.**

The currently required fee for the permit required by this division shall be paid to the city clerk before the issuance thereof. No rebate shall be made from the ~~license~~ permit fee for any permit term less than one year.

**Sec. 12-355. Expiration.**

The permit granted under this division shall expire on June 1 next succeeding the date of such permit.

**Secs. 12-356—12-383. Reserved.**

**Sec. 12-384. Article not applicable to local churches and pastors.**

The provisions of this article shall not apply to any person organized and operated exclusively for religious or political advocacy purposes and not operated for the pecuniary profit of any such person, if the solicitations by such established person are conducted among the members thereof by other members or officers thereof voluntarily and without remuneration for making such solicitations, or if the solicitations are in form of collections or contributions at the regular assembly or services of any such person; provided further, however, that no person shall be deemed to be a member if such person is a member solely by reason of having made a contribution thereto.

**Secs. 12-385—12-411. Reserved.**

**Sec. 12-412. Required.**

No solicitations of any type from house to house, including sales for cash, credit or future delivery, alms for charitable organizations or otherwise, shall be made by any person unless a permit therefor is first obtained from the city.

**Sec. 12-413. Application.**

Application for the permit required by this division shall be filed with the city clerk.

**Sec. 12-414. Approval of application.**

No permit required by this division shall be issued until the application therefor is approved by the chief of police.

**Sec. 12-415. Term.**

All permits issued under the provisions of this division shall be for the term of 30 days, and the expiration date thereof shall be clearly indicated on the face of any such permit so issued.

**Sec. 12-416. Must be carried on person.**

The permit required by this division must be carried upon the person of the solicitor at all times as a means of identification.

**Article X. TOBACCO DEALERS**

**Sec. 12-417. Definitions.**

*Characterizing flavor* means a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint, or wintergreen, imparted either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.

*Cigar* means any roll of tobacco other than a Cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing more than four pounds per thousand.

*Cigarette* means: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (1) of this definition.

*Component part* means any element of a tobacco product, including, but not limited to, the tobacco, filter, and paper, but not including any constituent.

*Constituent* means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, which is added by the manufacturer to a tobacco product during the processing, manufacture, or packing of the tobacco product. Such term shall include a smoke constituent.

*Consumer* means a person who purchases a tobacco product for consumption and not for sale to another.

*Coupon* means any voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue; whether in paper, digital, or other form; used for commercial purposes to obtain an article, product, service, or accommodation without charge or at a discounted price.

*Distinguishable* means perceivable by an ordinary consumer by either the sense of smell or taste.

*Flavored tobacco product* means any tobacco product, other than a cigarette, that contains a constituent that imparts a characterizing flavor.

*Full retail price* means the higher of the price listed for a tobacco product on its packaging or the price listed on any related shelving, posting, advertising, or display where the tobacco product is sold or offered for sale, plus all applicable taxes and fees if such taxes and fees are not included in the listed price, and before the application of any discounts or coupons.

*Little cigar* means any roll of tobacco other than a Cigarette wrapped entirely or in part in tobacco or any substance containing tobacco and weighing no more than four pounds per thousand. “Little Cigar” includes, but is not limited to, tobacco products known or labeled as “small cigar” or “little cigar.”

*Non-cigarette tobacco product* means a tobacco product that is not a cigarette.

*Package or packaging* means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale to a consumer.

*Person* means any natural person, partnership, firm, joint stock company, corporation, or employee thereof, or other legal entity.

*Sale or sell* means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.

*Smoke constituent* means any chemical or chemical compound in mainstream or sidestream tobacco product smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

*Tobacco product* means: (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoke, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff; and (2) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah. Notwithstanding any provision of clauses (1) and (2) in this definition to the contrary, tobacco product includes any component, part, or accessory of a tobacco product, whether or not sold separately; tobacco product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

*Vending machine* means any mechanical, electric, or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

### **Sec. 12-418. License required.**

It shall be unlawful to sell or to possess with the intention of selling tobacco products within the city without having first obtained a tobacco dealer's license pursuant to this article. Such license shall be in addition to any other license required by state and/or federal law. A tobacco dealer's license is valid for one person at one location and may not be transferred from one person to another or from one location to another. Failure to obtain and maintain a valid license shall result in a fine of five hundred dollars (\$500). The fee for the tobacco dealer's license shall be one hundred dollars (\$100) per year. All licenses granted under the provisions of this article shall be displayed in a conspicuous place within the business so licensed.

### **Sec. 12-419. License eligibility.**

Licenses shall only be granted to authorize the sale of tobacco products within the city at a fixed location. For example, the sale of tobacco products by persons on foot or from vehicles is prohibited.

### **Sec. 12-420. License application; term.**

Application for a license shall be submitted to the Board of License Commissioners together with an application fee of one hundred dollars (\$100). A tobacco dealer's license shall be effective through the thirtieth day of November of the calendar year for which it is issued. No license shall be granted without proof that the applicant has obtained all necessary state licenses for the sale of tobacco products.

### **Sec. 12-421. Requirements and prohibitions applicable to licensees.**

- (a) No licensee, or employee or agent of such licensee, shall sell or possess with the intention of selling a tobacco product to another person who appears to be under the age of twenty-seven (27) years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the tobacco product.
- (b) *Display of price.* The price of each tobacco product offered for sale shall be clearly and conspicuously displayed to clearly indicate the price of the product.
- (c) *Packaging and labeling.* No licensee, or employee or agent of such licensee, shall sell any tobacco product unless such product: (1) is sold in the original manufacturer's packaging intended for sale to consumers; and (2) conforms to all applicable federal labeling requirements.
- (d) *Prohibition of tobacco coupons and discounts.* No licensee, or employee or agent of such licensee, shall:
  - (1) Accept or redeem, or offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco product to a consumer without charge or for less than the full retail price;

- (2) Sell any tobacco product to a consumer through a multiple-package discount (e.g., “buy-two-get-one-free”) or otherwise provide any tobacco product to a consumer for less than the full retail price in exchange for the purchase of any other tobacco product;
  - (3) Provide any free or discounted item to a consumer in exchange for the purchase of any tobacco product.
- (e) *Sale of flavored tobacco products prohibited.* No licensee, or employee or agent of such licensee, shall sell any flavored tobacco product to a consumer. A non-cigarette tobacco product is presumed to be a flavored tobacco product if a manufacturer or any of the manufacturer’s agents or employees has: (1) made a public statement or claim that the non-cigarette tobacco product has or produces a characterizing flavor, including, but not limited to, text and/or images on the product’s labeling or packaging that are used to explicitly or implicitly communicate information about the flavor, taste, or aroma of a non-cigarette tobacco product; or (2) taken action directed to consumers that would be reasonably expected to result in consumers believing that the non-cigarette tobacco product imparts a characterizing flavor. Each licensee shall maintain on the premises the original labeling and packaging provided by the manufacturer for all tobacco products that are sold or offered for sale by the licensee separately from the original packaging designed for retail sale to the consumer. The original labeling and packaging from which the contents are sold separately shall be maintained during such time as the contents of the package are offered for sale, and may be disposed of upon the sale of the entire contents of such package.

This subsection (e) shall not apply to a smoking bar as defined in Section 23-20.10-2(15) of the Rhode Island General Laws

#### **Sec. 12-422. Suspension or revocation of license – fines and costs.**

The Police Department and the City Solicitor shall enforce the provisions of this article. All licensees shall be subject to a compliance check at least two (2) times a year; violators shall be checked more frequently until two (2) consecutive compliance checks are completed without violation. If an alleged violation occurs, the Police Department shall issue a citation that will require the licensee to appear for a show cause hearing before the City Council sitting as the Board of License Commissioners. If, after a hearing, the board finds that a violation has occurred, the board may impose a civil fine of two hundred and fifty dollars (\$250) for the first offense, three hundred and fifty dollars (\$350) for the second offense, and five hundred dollars (\$500) for any subsequent offense. Additionally, the board may suspend or revoke the license or provide any other sanction authorized under the law. If a licensee maintains its license for thirty-six (36) consecutive months without a violation, any new violation shall be treated as a first offense. It is the intent of this ordinance that all fees and fines collected by the city hereunder shall be used by the Police Department for the purpose of conducting tobacco product and/or licensing compliance checks.

**Sec. 12-423. Use of premises during license suspension.**

During the period of any suspension of a tobacco dealer's license, the licensee shall remove all tobacco products from the retail display area of the location and secure them in a locked area for the duration of the suspension. If, at any time during the suspension period, the licensee is found to be selling, distributing, or delivering any tobacco products, the license shall be revoked.

**Sec. 12-424. Vending machines.**

Businesses which have vending machines shall be subject to the same fines and penalties as described in this article. In the event that a tobacco dealer's license is suspended or revoked, then the vending machine shall be removed from the licensed location for the period of suspension or revocation.

**Sec. 12-425. Severability.**

If any provision of this article, or application thereof to any person or circumstances, is held unconstitutional, illegal, or otherwise invalid, the remaining provisions of this article and the application of such provisions to other persons or circumstances, other than those to which it is held invalid, shall not be affected thereby.



SECTION FOUR. Chapter 6, "Amusements and Entertainment" is hereby amended as follows:

**Sec. 6-75. - Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Entertainment means any live production of music or sound by an individual, band, musician, any theatrical performance, show or exhibition or performance, including, but not limited to, karaoke, public roller skating in rinks or halls, dances and balls, wrestling, boxing or sparring matches, exhibition, activities of a palmist, phrenologist or fortuneteller or any other entertainment and amusements for a term not exceeding one year. Any music or sound provided by any mechanical, electronic or other means, such as a tape recorder, records or other audio or visual means. Individual business or establishment means any person, corporation, limited liability company, club, partnership, association, society or any other organized group of persons, including officers, directors and trustees of a corporation, club, association or society. Premises means any room, place or space in the city in which entertainment, as defined herein, is produced or provided to which the public may gain admission, either with or without the payment of a fee, including, but not limited to, any building, theater, hall or rink.

**Sec. 6-76. - Purpose.** It is the purpose of the city council in this article to adopt a specific distinguishable license for the operation of entertainment, as defined herein, as allowed by the laws of the state. It is the further purpose of this article to address the secondary effects of entertainment establishments and businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, which ~~was~~ has adverse impacts on the quality of life in the community. All mentioned secondary effect impacts are adverse to the public health, safety, and general welfare of the city and its residents.

**Sec. 6-77. - Hours and posting of license.**

(a) All individual or business establishments providing entertainment as defined herein, shall discontinue entertainment and be closed on or before 1:00 a.m. If said individual or business establishment does not have a liquor license, then the closing time will be set by the city council at the time the application is acted upon but shall not be later than 1:00 a.m.

(b) Each license issued hereunder shall be displayed in a conspicuous place at such location.

**Secs. 6-78—6-97. - Reserved.**

**Sec. 6-98. - Required.** It shall be unlawful for any individual or business establishment to conduct, maintain, operate or engage in the business of conducting entertainment as described herein without first obtaining a license in the manner prescribed herein.

**Sec. 6-99. - Application and fees.**

(a) Application form. The license shall be granted by the city council. Application for said license shall be made on a form containing such information as determined by the city clerk to be pertinent.

(b) Exclusions. Public and private schools, churches and/or religious functions in the form of entertainment as described herein and held on a school or church property are excluded from the application and license process.

(c) Fee. The fee for each license, or the renewal, if applicable, granted to the individual or business establishment shall not exceed one hundred dollars (\$100) per occurrence.

(d) Exceptions. The fee for such license as described herein may be waived, when the entertainment provided is sponsored by a religious, charity or nonprofit group.

**Sec. 6-100. - Issuance.** (a) All petitions for licenses shall be heard and determined by the city council. A license shall be issued to an individual or business establishment, for either an individual event or for a period of up to one year, only after the city council is satisfied that the applicant is a fit and proper person or business enterprise and shall have complied with all requirements set forth herein and set forth in the Rhode Island General Laws that apply including, but not limited to, an inspection to be made of the premises to be licensed and is satisfied that such premises complies with all laws, rules and regulations of the building official and fire division. As evidence of this, written certification is issued to the applicant by the building official and fire division. Said certification must be issued prior to final action of applicant's application. A license shall be effective for a term commencing on December 1 of a given year through November 30 of the following year or for the time approved by the City Council. (b) No license authorized by this division shall be issued or renewed unless the building official of the city and the fire division of the city shall inspect the premises and certify that the premises comply with all state and local requirements.

**Sec. 6-101. - Capacity.** If only certain rooms within the premises are to be utilized for entertainment, said applicant shall be required to indicate on the application the location of each and every room or space which is to be used for such purpose and the determination as to the maximum capacity of patrons shall be determined by the city fire division.

**Sec. 6-102. - Compliance with zoning ordinance.** In order to be granted a license, the applicant must obtain a certificate of zoning compliance from the code enforcement officer which states that the type of entertainment proposed is permitted in the zoning district where the premises is located.

**Sec. 6-103. - Transferability.** No license issued under the provisions of this division shall be transferred or assigned to any individual or business establishment or used by any individual or business establishment other than the licensee to whom it was issued, nor shall such license be used on any premises other than the premises stated in such license.

**Sec. 6-104. - Changes in corporate licenses.** If, during the term of the licensing period, one or more directors, stockholders, or officers of a corporate or members of a limited liability company license are substituted or added, each substituted or added director, stockholder, or officer shall, within five days of such change, file with the city clerk, an application for an approval of the change on such forms as are prescribed by the city clerk.

**Sec. 6-105. - Suspension or revocation.** After reasonable notice and a hearing, the city council shall have the right and authority to impose a fine, suspend or revoke any license granted under this division. Cause shall include but not be limited to, instances

when an establishment is shown to have become disorderly or to have otherwise adversely affected the quiet enjoyment or quality of life of residents or when state or local law has been violated.

**Secs. 6-106—6-123. - Reserved.**

**Sec. 6-124. - Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Amusement game means any mechanical, electric, video and electronic machine or device used or designed to be operated for entertainment or as a game by the insertion of money, tokens or other articles or by paying money to have it activated; such term shall include but not be limited to marble machines, pinball machines, skill ball, mechanical grab machines, video or computer type games, electronically operated or displayed games, air games and all operations similar thereto; such term shall not include any rides, bowling alleys, pool tables or any device maintained within a residence for the use of occupants thereof and their guests. Game room means any structure or portion of a structure or place containing four or more amusement games. Pool/billiard table means any oblong cloth-covered table with raised cushioned edges with or without side pockets on which the game commonly known as billiard or pool is played. Pool or billiards room means any building or room where four or more tables are kept for the use and entertainment of the public.

**Sec. 6-125. - Operation of game rooms, pool tables, billiards tables, pool rooms and billiards rooms.** Standards for the operation of game rooms, pool tables, billiards tables, pool rooms and billiards rooms shall be as follows: (1) The owner and operator of any game room, pool tables, billiards tables, pool rooms and billiards room shall comply with all provisions of law, ordinance, rule or regulation relating to the conduct of business and the use and maintenance of the premises. (2) The owner and operator of any game room, pool tables, billiards tables, pool rooms and billiards room shall cause the game room, pool tables, billiards tables, pool rooms and billiards room license to be posted at all times in a conspicuous place on the premises. (3) The owner and operator of any game room, pool tables, billiards tables, pool rooms and billiards room shall not permit such premises to be overcrowded. (4) The owner and operator of any game room, pool tables, billiards tables, pool rooms and billiards room and the members, officers, directors and holders of ten percent or more of the stock of any corporation, partnership or association owning or operating a game room, pool tables, billiards tables, pool rooms and billiards room shall not have been convicted of any crime that has a reasonable relationship to fitness to own or operate any game room, pool tables, billiards tables, pool rooms and billiards room. (5) The owner and operator of any game room, pool tables, billiards tables, pool rooms and billiards room shall maintain good order on the premises at all times. The lack of good order on the premises of a game room, pool tables, billiards tables, pool rooms and billiards room shall include but shall not be limited to the following: a. Fighting and rowdy behavior; b. Possession or consumption of alcoholic beverages, except within premises licensed for on-premises consumption of those beverages; c. Gambling; d. Permitting the use of marijuana or any controlled substance, the possession of which is prohibited by law. (6) The owner or operator of any game room, pool tables, billiards tables, pool rooms and billiards room shall not permit an amusement game, pool tables, billiards tables, pool rooms and billiards room therein to be played or operated after 10:00 p.m. by a person under the age of 16 years unless accompanied by and under the supervision of a parent or other guardian over the age of 18. (7) The owner or operator of a game room, pool tables,

billiards tables, pool rooms and billiards room shall not allow it to be open or used unless it is under the control of and supervision by a person at least 18 years of age who shall ensure that it is operated in compliance with law. (8) The owner and operator of a game room, pool tables, billiards tables, pool rooms and billiards room shall not allow it to be open or the amusement games, pool tables, billiards tables, pool rooms and billiards room therein played on any day between the hours of 10:00 p.m. and 10:00 a.m. during the months of July and August; except that, when school is in session, such prohibited hours will become 10:00 p.m. to 2:30 p.m. (9) The owner and operator of a game room, pool tables, billiards tables, pool rooms and billiards room shall not allow more amusement games, pool tables, billiards tables, pool rooms and billiards room than the number permitted in the license to be located therein at any time.

**Sec. 6-126. - Operation of amusement games, pool tables, billiards tables, pool rooms and billiards room.** Standards for the operation of amusement games, pool tables, billiards tables, pool rooms and billiards room shall be as follows: (1) The owner of any amusement game, pool tables, billiards tables, pool rooms and billiards room within the city shall comply with all provisions of law, ordinance, rule or regulation applicable thereto and relating to the conduct of the business in connection with which the game, pool tables, billiards tables, pool rooms and billiards room is used and the use and maintenance of the premises where it is located. (2) The owner of the game, pool tables, billiards tables, pool rooms and billiards room shall maintain good order on the premises at all times. The lack of good order on the premises shall include but not be limited to the following: a. Fighting and rowdy behavior; b. Possession or consumption of alcoholic beverages, except upon premises licensed for on-premises consumption thereof; c. Gambling; d. Permitting the use of marijuana or any controlled substance, the possession of which is prohibited by the law. (3) The owner of an amusement game, pool tables, billiards tables, pool rooms and billiards room shall not permit it to be played or operated after 10:00 p.m. by a person under the age of 16 years unless accompanied by and under the supervision of a parent or other guardian over the age of 18. (4) The owner of an amusement game, pool tables, billiards tables, pool rooms and billiards room shall not allow it to be available for use or used unless it is under the control of and supervision by a person at least 18 years of age, who shall ensure that it is operated in compliance with law. (5) No cash awards shall be offered or given in any contest, tournament, league or individual play on any amusement game, pool tables, billiards tables, pool rooms and billiards room, and no such game, pool tables, billiards tables, pool rooms and billiards room shall be permitted to operate if such game, pool tables, billiards tables, pool rooms and billiards room delivers or may readily be converted to deliver to the player any piece of money, coin, slug or token. (6) No credit, allowance, check, slug, token or anything of value shall be offered or given to any player of any amusement game, pool tables, billiards tables, pool rooms and billiards room as a result of plays made thereon.

**Sec. 6-127. - Inspections.** The premises of all game rooms, pool tables, billiards tables, pool rooms and billiards room in the city shall be subject to inspection by any peace officer acting pursuant to his special duties, or any police officer. Any other premises in the city containing amusement games, pool tables, billiards tables, pool rooms and billiards room shall be subject to inspection by any peace officer acting pursuant to his special duties, or any police officer.

**Sec. 6-128. - Gambling devices prohibited.** No machine or device, pool tables, billiards tables, pool rooms and billiards room which would constitute a gambling device

as defined by G.L. 1956, § 11-19-18, or any other section of the general laws, shall be licensed by the city.

**Secs. 6-129—6-154. - Reserved.**

**Sec. 6-155. - Required.** Every person maintaining or operating a game room or amusement device, pool tables, billiards tables, pool rooms and billiards room shall first obtain an annual license from the city.

**Sec. 6-156. - Application requirements.** (a) Types of establishments that may apply for mechanical and electronic amusement device, pool tables, billiards tables, pool rooms and billiards room licenses include any businesses whose primary business is entertainment or recreation during their regular business hours. (b) An application form for amusement game or game room, pool tables, billiards tables, pool rooms and billiards room licenses shall require the following information: (1) Name, age and address of applicant; and names and addresses of officers if a corporation or association; (2) The place where each machine or device, pool tables, billiards tables, pool rooms and billiards room is to be displayed or operated and the business conducted at such place; and (3) A description of the machine or machines, pool tables, billiards tables, pool rooms and billiards room to be covered by the license, the mechanical features and the serial numbers thereof.

**Sec. 6-157. - Qualifications of licensee.** No license under this division shall be issued to any individual unless he is over the age of 18 years and not an illegal alien.

**Sec. 6-158. - Term; fee.** Licenses granted under this division shall continue for a term not exceeding one year upon payment of the currently required amount for the license for a game room or amusement game, pool tables, billiards tables, pool rooms and billiards room and any renewal thereof.

**Sec. 6-159. - Display.** Every machine, pool tables, billiards tables, pool rooms and billiards room on display or operated under the terms of this division shall require a license, and such license shall be displayed on each machine, pool tables, billiards tables, pool rooms and billiards room so licensed or in a conspicuous place at such location.

**Sec. 6-160. - Payment of property tax prerequisite to issuance.** No license under this division shall be issued or renewed until such times as the personal property tax assessed against the game room or amusement game, pool tables, billiards tables, pool rooms and billiards room owned or kept according to the provisions of this division have been paid.

**Sec. 6-161. - Issuance; effective and expiration dates.** All applications for licenses under this division shall be made to the city clerk and shall become effective on December 1, and shall expire on November 30 of each year. All such licenses shall be issued by the city clerk after the application for such license shall have been approved by the city council and upon payment of the required fees and provided that all state and city requirements have been made.

**Sec. 6-162. - Suspension or revocation.** If the licensee shall permit the place where any game room or amusement game, pool tables, billiards tables, pool rooms and billiards room is located to become disorderly so as to annoy and disturb reasonable

persons of ordinary sensibilities inhabiting, working or residing in the neighborhood thereof, or shall permit any of the laws of the state or the city to be violated therein, in addition to any punishment or penalty which may be prescribed by statute for such offense, the licensee may be summoned before the city council, where the licensee and the witnesses for and against the licensee may be heard, and if it shall be made to appear to the satisfaction of the city council hearing such charges that the licensee has permitted to be done any of the things hereinbefore in this division mentioned, the city council may suspend or revoke such license or enter other orders thereon.

**Secs. 6-163—6-192. - Reserved.**

**Sec. 6-223. - Required.** It shall be unlawful for any person to operate or maintain a theater for the purpose of exhibiting moving pictures without a license from the city council.

**Sec. 6-224. - Application; issuance.** Application may be made and the city council may grant a license under this division at the first regular meeting of the council in December of each year or as soon thereafter as may be deemed practical.

**Sec. 6-225. - Fee.** The fee for the license required by this division shall be established from time to time by resolution of the city council and may be paid in quarterly installments.

**Sec. 6-226. - Term.** Licenses under this division shall be issued for a period of one year from January 1 to December 31.

SECTION FIVE. This ordinance shall take effect upon passage.

Introduction: August 12, 2015  
First Reading, First Passage: September 14, 2015  
Second Reading, Second Passage: October 14, 2015

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James A. Diossa  
Mayor

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Sonia Grace  
City Clerk