

THE TOWN OF WEST GREENWICH
STATE OF RHODE ISLAND

RULES, REGULATIONS, POLICIES AND PROCEDURES
OF THE LICENSING BOARD
OF THE TOWN OF WEST GREENWICH

ADOPTED: OCTOBER 12, 1994
AMENDED: DECEMBER 14, 1994
AMENDED: MAY 13, 1998
AMENDED: JULY 8, 1998

ARTICLE I. AUTHORITY

A. Authorization for Issuance: Any and all alcoholic beverage licenses, so-called "liquor licenses", authorized by the General Laws of the State of Rhode Island, as amended and granted by the Town of West Greenwich, a body corporate and existing under such General Laws, shall be issued, governed, controlled and regulated by the Town Council of the Town of West Greenwich, as its Licensing Board (hereinafter referred to as the "Board"), in accordance with the following rules, regulations, policies and procedures.

These rules, regulations, policies and procedure are deemed to be in conjunction with the Rhode Island General Laws and the rules and regulations promulgated by the Liquor Control Administration.

B. Issuance and Revocation. The Board shall have the authority to approve, issue, renew, transfer, suspend or revoke any and all alcoholic beverage licenses under its control within the Town.

C. Meetings, Hearing, Rules and Records. The Board shall meet as part of the regularly scheduled meeting of the Town of West Greenwich Town Council in a section of the agenda specifically designated for such meeting or at such time and in such place as determined by the Board and duly noticed according to the Rhode Island Open Meetings Law. The Board shall keep proper and accurate records, which shall be in conformity with the provisions of the Rhode Island Public Records Act.

ARTICLE II. EFFECTIVE DATE

These rules, regulations, policies and procedures of the Town of West Greenwich Licensing Board shall become effective immediately upon passage by the Town Council of the Town of West Greenwich and shall be the official rules and regulations pertaining to the issuance of liquor licenses within the Town.

ARTICLE III. LICENSES, CLASS AND FEE

The fee to be paid to the Town of West Greenwich for the issuance of liquor licenses is as follows:

<u>Class of License</u>	<u>Fee</u>	
Class A	\$400.00	1
Class BV (Full)	\$400.00	2
Class BVL (Limited)	\$200.00	3
Class B-H	\$100.00	4
Class B-T	\$400.00	5
Class D (Full)	\$400.00	6
Class D (Limited)	\$100.00	7
Class F	\$ 15.00	8
Class F-1	\$ 35.00	9

1. Fee set by statute (§3-7-3)
2. Fee set by statute between \$400.00 - \$1,000.00 (§3-7-7)
3. Fee set by statute (§3-7-7)
4. Fee set by statute (§3-7-7.1)
5. Fee set by statute between \$400.00 - \$1,500.00 (§3-7-7)
6. Fee set by statute of no more than \$400.00 (§3-7-11)
7. Fee set by statute of no more than \$200.00 (§3-7-11)
8. Fee set by statute (§3-7-14)
9. Fee set by statute (§3-7-14.1)

ARTICLE IV. LICENSING APPLICATIONS

A. Application An application form must be obtained from the Town Clerk, who shall serve as the Clerk of the Licensing board (hereinafter referred to as "Clerk"). Such application shall be fully completed and returned to the Clerk together with all application processing documentation and required fee.

B. Completed Application

General Requirements

An application for liquor licenses must contain an exact description of the premises to be licensed, sufficient to identify the special location within the building and/or property grounds where liquor is to be served and shall include within the application a site plan of the location to be licensed and a landscaping plan of the grounds and property surrounding the licensed premises. The area to be licensed shall be clearly delineated as well as the seating area, service areas, exits and associated parking.

The Building Inspector and the Fire Chief shall inspect the premises and issue findings to the Town Council on the status of the premises. Applicants shall, before being issued a license or a renewal, correct any violation of the building, electrical, plumbing and fire codes which may exist.

The Chief of Police of the Town of West Greenwich shall review the completed application and make his report and/or recommendations to the Board prior to hearing on the application.

Applications for Class B and Class D licenses must contain a letter from the Building Inspector attesting to the conformity of the proposed location with applicable zoning regulations.

Class B. Licenses:

In addition, the following must be attached to an application for a Class B License:

- 1) Certified Copy of Articles of Incorporation if a corporation and Certificate of Good Standing issued by the Secretary of State; and if a partnership, copy of the partnership agreement and/or any documents pertinent thereto;
- 2) Tax Certificate issued by the Rhode Island Division of Taxation;
- 3) Tax Certificate issued by the Tax Collector of the Town of West Greenwich;
- 4) State of Rhode Island Health Department Certificate;
- 5) A copy of the menu to be utilized by the licensee at the premises.

Class D Licenses:

In addition, the following must be attached to an application for a Class D License:

Charter of the club applying for said license, whether it is a social, political or other private club of a nature, which charter sets forth, among other things, its notices of meeting and the manner of distribution of its funds.

Class F Licenses:

Proof of the organization's status as a Rhode Island non-business corporation, religious organization or political organization.

C. Incomplete Application. Applications not continuing all necessary and pertinent information as required within the application and these Rules and regulations shall be returned by the Clerk to the applicant until the necessary, required and appropriate information and documentation has been received in full.

D. Notice of Application. Notice of application must be given in accordance with Rhode Island General Laws to all owners of property within 200 feet of the place of business seeking the application by regular mail. The names and addresses of the abutters are to be submitted by the applicant to the Town Clerk on behalf of the Board and the cost thereof shall be paid by the applicant. The notice must state that remonstrants have a right to be heard and state the time and place of the hearing on the application. Written notice need not be given for temporary licenses.

E. Advertising. The Board must advertise the hearing time, date and place in a newspaper of general circulation serving the Town once a week for two (2) weeks. This requirement does not apply to temporary licenses. The initial advertisement must appear at least fourteen (14) days before the date of the scheduled hearing.

F. Basis for Denial.

(1) Objections made by owners of the greater part of the area within 200 feet of the premises where a Class BV or BVL is to be issued (R.I. General Laws §3-7-19). If the owner or owners of the majority of this area object, then the Board is without authority to issue the license. The area within 200 feet of the premises means the area within a line 200 feet in distance from every side of the proposed premises.

(2) Objection is made by owners of less than the greater part of the area within 200 feet of the premises where the license is to be issued. The Board has discretionary authority to either issue or deny the license.

(3) Premises are located within 200 feet of a school or place of public worship (R. I. General Laws §3-7-19). The 200 foot measurement shall be made from that point of the school or place of public worship.

(4) The Board has general discretionary authority to deny a license based upon criteria which it has established and fairly applies as well as a violation of any of the Rules and Regulations as herein promulgated. The following criteria have been established by the Board:

- (a) Compliance with all Town ordinances and Board rules, regulations, policies and procedures.
 - (b) Citizen reaction to the application.
 - (c) Proximity of location to residential area, commercial district, schools, churches and other establishments license for the sale of alcoholic beverages.
 - (d) Impact on traffic and parking.
 - (e) Impact on existing municipal services and requirements, if any, for new municipal services.
 - (f) Impact on public safety, health and welfare.
 - (g) Whether a license will be a major component of the business or an auxiliary use to an eating establishment.
 - (h) The history of operations at the premises for which a license is requested.
 - (i) Proportion of unsupervised patrons under 21 years of age.
 - (j) Effect on neighborhood real estate values.
 - (k) The performance of a criminal background investigation check of each applicant by the Police Department.
 - (l) Qualification of the applicant to hold and operate the license.
 - (m) Payment of taxes due Town.
 - (n) Such other health and safety factors as individual applications may present.
- 5) Failure of an applicant to comply with the requirements of Rhode Island General Laws, including, but not limited to:
- (a) Applicant must be a citizen and resident of Rhode Island, except that licenses may be issued to corporations in other states of the United States if they are authorized to transact business in Rhode Island (R. I. General Laws §3-5-10).
 - (b) Corporate applicants with 25 stockholder or less must provide a list of the names and addresses of all stockholders. Officers and members of the Board of directors and

each person listed must be a suitable person to hold a license within the discretion of the Board (R. I. General Laws §3-5-10).

- (c) Failure of a corporation to report the acquisition of a 10% interest and any change of officers or directors within thirty (30) days (R. I. General Laws §3-5-10).
- (d) Applicant has a criminal record or repeat violations of the alcoholic beverage laws (R. I. General Laws §3-5-10).

G. Notice on Suspension or Revocation:

Prior to the relocation or suspension of a license, the Board shall send notice by mail to the licensee and given the licensee the opportunity to show cause why the license should not be suspended or revoked. The notice shall provide:

1. The factual basis for the relocation or suspension.
2. The date on which the show cause hearing to be held.

ARTICLE V. LICENSE RENEWAL APPLICATION

A. All licenses, except Class F and F-1 licenses, shall be renewed on or before December 1 of each year in accordance with these Rules and Regulations and State Law.

B. License renewal applications shall be submitted on the same application form as an original application except that the application shall indicate that it is a renewal application. The license renewal application should be submitted by October 1st to allow time for processing and advertising. Failure to submit a timely license renewal application shall be grounds for denying renewal of the license.

C. A \$25.00 non-refundable processing fee shall be submitted with each application for renewal or a new license. (R. I. General Laws §3-7-6). The full license fee will be due and payable upon approval and delivery of the license.

D. Failure of the board to act on a license renewal application, timely submitted and fully completed and executed, shall cause the existing license to be extended until such time as the board acts on the application (R. I. General Laws §42-35-14).

E. The holder of a license is entitled to have the licenses renewed, provided:

1. The license renewal application is completed and timely submitted by October 1.
2. The applicant meets all the criteria for issuance of the initial license.
3. The Board may refuse to renew the license for cause. Cause shall include, but is not limited to:
 - (a) One or more incidents of disorderly conduct within the licensed premises or without the licensed premises if the conduct can be shown to have its genesis within the premises;
 - (b) Failure to comply with State or local health and safety laws, codes, ordinances, rules and regulations;
 - (c) Failure to comply with State and local alcoholic beverage laws, codes, rules and regulations;
 - (d) Delinquency of applicant in payment of municipal taxes and user fees due the Town of West Greenwich or any of its enterprise entities;
 - (e) Failure to furnish a Tax Certificate from the Rhode Island Division of Taxation.
5. The Licensing Board, upon its motion or upon the petition of a license holder or transferee who has filed an application for transfer of the license, if it is satisfied that the grounds which caused the imposition of the condition no longer exist, may in its sole discretion order their removal or modification.

F. Notice It shall not be necessary to provide notice by mail for abutting landowners for license renewals.

G. Advertisement The license renewal application shall be advertised in a newspaper of general circulation in the Town of West Greenwich. The advertisement shall provide the date and time of the meeting at which the renewal application shall be considered.

ARTICLE VI. RELOCATION OR TRANSFER OF BV OR BVL LICENSES

A. Relocation means the moving of the license to a new location; transfer means conveyance of the BV or BVL licenses to another person (R. I. General Laws §3-5-19). Class D, F and F-1 licenses are not transferable.

B. Notice of application of relocation must be treated simply as a new application in a new location.

C. No transfer to another person shall be permitted unless indebtedness of the license incurred in the operation of the license premises shall be paid to or released by an objecting creditor. If the debt is disputed, the transfer may be permitted on the sworn statement of the licensee that the debt is disputed and the dispute is not being raised to facilitate the transfer (R. I. General Laws §3-5-19). Creditors cannot object to a transfer resulting from a proceeding in bankruptcy, receivership, probate or other judicial process.

D. No transfer to another business shall be permitted unless a Certificate of Good Standing issued by the State of Rhode Island Division of Taxation indicating all state taxes have been paid.

1. Criteria for Relocation Applications:

- (a) Compliance with all town ordinances and Rules and Regulations of this Board;
- (b) Citizen reaction to the application;
- (c) Proximity of location to residential area, commercial districts, schools, churches and other establishments licensed for the sale of alcoholic beverages;
- (d) Impact on traffic and parking;
- (e) Impact on existing, municipal services and requirements, if any, for new municipal services;
- (f) Whether a license will be a major component of the business at the new location or an auxiliary use to an eating establishment.
- (g) Impact on public safety, welfare and health:
- (h) The history of the operation at both the old premises and the new location or an auxiliary use to an eating establishment;
- (i) The anticipated proportion of unsupervised patrons under 21 years of age at the new location;
- (j) Effect on neighborhood real estate values.

2. Criteria for Transfer Application:

- (a) Qualification of transferee to hold and operate the license;
- (b) Compliance with all town ordinances, Rules and Regulations;
- (c) Such other public health and safety factors as each individual application may present.

ARTICLE VII. LICENSE RESTRICTIONS

A. The Board shall have the authority to impose reasonable restrictions upon a license, whether newly issued, renewed, transferred or relocated, provided the restrictions are designed to promote the reasonable control of alcoholic beverage.

B. After a hearing, the Licensing Board may impose such other or further conditions upon a license holder or transferee, which may be necessary to the reasonable control of alcoholic beverages within the Town of West Greenwich or to protect the health, safety and welfare of the inhabitants of the community.

C. General Rules

The Licensing Board for the Town of West Greenwich, in order to promote the reasonable control of alcoholic beverages within the community, hereby enact the following conditions governing liquor license heretofore and hereafter issued, transferred or renewed within the town of West Greenwich. These conditions shall supplement all other applicable local and state laws, regulations, rules and requirements governing liquor licenses;

(1) A license must be posted in plain view and shown to any authorized person on demand. In addition, the licensee shall post the name of the Manager or person in charge of the license premises in plan view with the license at all times.

(2) The holder of a Class B license shall post in a conspicuous and visible area of copy of the current menu utilized by the holder of the Class B license, which menu shall be visible to patrons prior to entering the premises.

(3) The licensee shall designate the name and home address of two individuals, as representatives of the licensee, who shall be contacted by the Police department or other safety office within the Town, in the event of a complaint or other emergency.

(4) A telephone and sufficient number of restroom facilities, accessible to patrons and in good working order, must be maintained by all holders of Class BV, BVL, D and F licenses on the main floor within each licensed establishment.

(5) The licensee shall not allow the admittance of any person which would constitute overcrowding within the premises, based upon the seating capacity restrictions for the licensed premises.

(6) No alcoholic beverages shall be sold, served or dispensed after the legal closing hour. Pursuant to R. I. General Laws §3-7-7, the Board establishes the following times for the dispensing of Class B Alcoholic Beverages:

Monday through Saturday 6:00 a.m. to 1:00 p.m.; Sunday from 12:00 p.m. to 1:00 a.m. (§3-7-7).

The hours of dispensing and serving alcoholic Beverages by holders of Class F licenses shall be governed by R.I. General Laws §§ 3-7-14, 3-7-14.1.

(7) Consumption of alcoholic beverages is allowed only on the licensed premises and is prohibited from the parking area of Class B, D or F license holder.

(8) No patron shall be admitted on the premises after the legal closing hours.

(9) All patrons shall leave the licensed premises within one half (1/2) hour after the legal closing hour.

(10) All employees shall leave the licensed premises within one hour after the required closing time. However, the owner and/or general manager or bona fide employee of any establishment may remain on the premises for a period of no longer than two hours after the legal closing hour for the purpose of clean-up and maintenance. management and bond fide employees may not consume, dispense or open alcoholic beverages or beverage containers after the legal closing hour.

(11) In the event of extenuating circumstances, the licensee may required an extension of time for the commanding officer on duty at the West Greenwich Police Department. Such an extension, if granted, shall be for a specified time period.

(12) In all events, no person, other than an owner, manager, authorized employee, police and enforcement personnel shall be admitted to the premises after the required closing time.

(13) At all times which the premises are occupied, police and other enforcement official must be admitted and granted access to the entire licensed premises including the parking lot and other areas surrounding the building. No entrance prevention device such as bolts or other methods shall be allowed during business hours for the purpose of preventing other patrons or law enforcement officials from freely entering and exiting the premises.

(14) The licensed premises, associated parking and outside areas and the conduct of patrons thereon and therein shall be efficiently and affirmatively supervised by the licensee so as to preclude the annoyance or disturbance of the public persons residing in the surrounding area and to insure no patron, agent or employee is engaged in any unlawful activity.

(15) Parking for the licensed premises must comply with the ordinance of the Town of West Greenwich. The owner of the premises must provide for sufficient parking.

(16) With respect to all events and fund raisers sponsored by holder of Class F license, the licensee will be required to have on duty police officers for the purpose of monitoring parking and pedestrian traffic to and from the event, should such monitoring be necessary in the discretion of the Chief of Police.

(17) Patrons shall not be allowed to congregate or remain in the associated parking or outside areas longer than is reasonable necessary for them to go to the licensed premises from their vehicles or to their vehicles from the licensed premises.

(18) Patrons shall not be allowed to consume any alcoholic beverage in the associated parking areas or in any areas on the property other than the licensed premises as delineated in accordance with these rules and regulations. In no event shall alcoholic beverages or a container for alcoholic beverages as offered by the license holder of its patrons be permitted to be removed from the interior of the premises of the license holder.

(19) All fights, disturbances of any nature, violence or any other violation of the law in the licensed premises or adjacent areas under the control of the licensee shall immediately be reported to the West Greenwich Police department by management or employees. Copies of police reports on serious repeat offenders shall be delivered to the Licensing board such reporting by the management or employees shall be viewed positively when considering violations against the licensee.

(20) Adult entertainment shall not be permitted on any licensed premises. Adult entertainment is defined as exposure of the human genitals, pubic regions, buttocks, anus or female breasts below a point immediately above the tops of the aureole for viewing by patrons, or performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, oral copulation, bestiality, flagellation or sexual acts prohibited by law.

(21) No loud noises, music, amplified or not, or other nuisance shall be permitted to annoy and disturb nearby residents or persons on adjoining streets.

(22) Should a license be issued for a premises located within or adjacent to a residential neighborhood, then in such event the licensee may be required to provide sound-screening to the premises in order to avoid a noise disturbances within the residential neighborhood. In addition, the landscaping in the area of the licensed premises shall be maintained in conformity with the surrounding landscaping of the residential neighborhood.

(23) Parking areas and other outside areas associated with and used by the patrons and/or workers of the licensed premises shall be kept clean and free of litter and debris.

(24) The Licensing Board may, if it deems reasonable and necessary for public health and safety, require a license holder at its own expense, to provide security personnel and/or off-duty police officers at the licensed premises during certain specified times.

(25) All management and employee personnel of all liquor establishments within the Town shall have taken and been certified as having completed the alcoholic services program administered by appropriate and recognized agencies. Persons currently so certified will continue to be recognized as qualified. Any new employees or license holders shall be required to have completed such course within three months of employment or license award or transfer.

(26) In addition to the provisions as set forth in Article VIII, the License holder shall not allow minors to loiter in or around the premises. The License holder shall not permit the serving of alcoholic beverages to minors not shall they permit the serving of alcoholic beverages to persons who are intoxicated and in the licensee's judgment cannot reasonable be expected to be responsible for their own safety and the safety of others.

(27) The licensee shall not allow minors to be seated or dine in the area of the licensed premises designated at the "bar" area.

(28) Any attempt to utilized false identification must be immediately reported to the police.

(29) All License holders must strictly comply with the conditions pertaining t minors. In addition to penalties as mandated by State Law and as set forth in Article VIII< violations shall be considered cause for immediate suspension or revocation of the license.

(30) The licensee shall review the rules and regulations set forth in these conditions with all employees, agents, servants and representatives thereof.

(31) Such restrictions and regulations shall acknowledged by the license holder upon issuance of the license or any renewal thereof and shall be binding upon all persons to whom the license is transferred. Such licensee shall be bound and responsible for adherence hereto by all his/her employees, agents and assignees.

ARTICLE VIII. PENALTY FOR SERVING MINORS

A. Pursuant to §3-8-10, no alcoholic beverages shall be sold to any person under the age of 21 at the time of the purchase. All owners of alcoholic beverage establishments must utilized a so-called "minor's book" to register any individual purchasing or consuming alcoholic beverages whose appearance shall, to a prudent person, seem to rains doubt as to the veracity of a claim of being 21 years of age. Any attempt to utilize a false identification must be reported immediately to the police department. Minors shall not be permitted to loiter on or around the premises.

ARTICLE IX PENALTIES, GENERAL

Notwithstanding any penalties as established by Rhode Island General Laws and in addition to the suspension or revocation of the liquor license, as set forth herein, any applicant who violates the provision of the within rules and regulations and the conditions/restrictions as contained herein may be assessed a penalty in a sum of to exceed \$500.00 for each violation.

Acknowledgment of License Holder

The undersigned, holder of a Class ____ licensed issued by the Licensing Board of the Town of West Greenwich acknowledges the rules, regulations, policies and procedures as set forth within. The undersigned, as licensee, further acknowledged that said rules, regulations, policies and procedures as set forth herein are binding upon the license and the license is herewith responsible for adherence of these rules and regulations, policies and procedures by all its employees, agents and assignees.

Licensee:

Dated: _____

ARTICLE X LIMITS OF NUMBER OF LICENSES

Alcoholic beverage licenses within the town shall be limited in quantity as follows:

For Class A, there shall be a maximum of two (2) licenses.

For Class B- Limited, there shall be a maximum one (1) license.

For Class B Tavern, there shall be a maximum of two (2) licenses.

For Class B Hotel, there shall be a maximum of zero (0) licenses.

For Class B Victualer, there shall be a maximum of six (6) licenses.

For Class C, there shall be a maximum of zero (0) licenses.

For Class D, there shall be a maximum of one (1) license.

For Class D Limited, there shall be a maximum of zero (0) licenses.