

**CHAPTER 2014-35**

**No. 405 AN ORDINANCE IN AMENDMENT OF CHAPTER 14, "LICENSES," OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ARTICLE I, "IN GENERAL," SECTION 14-17, "PROHIBITED CONDUCT**

**Approved August 14, 2014**

*Be it ordained by the City of Providence:*

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 14, "Licenses," Article I, "In General," is hereby amended by adding thereto the following section:

Sec. 14-17 Prohibited conduct.

(a) The following definitions shall apply to this section:

- (1) "Worker" shall mean, describe, and pertain to any person who performs any service on the premises of a licensed business, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Worker does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.
- (2) "Floor Space" means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.
- (3) "Licensee" means a person in whose name a license has been issued by the City of Providence Board of Licenses, as well as the individual or individuals listed as an applicant on the application for the license, and all individuals with ownership of a financial interest of ten percent (10%) or more of a licensed business or of any class of voting securities of a licensed business, and all individuals holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity in which name a license has been issued by the City of Providence.
- (3) "Nude" means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.
- (4) "Operator" means any person on the premises of a licensed business who manages, supervises, or controls the business or a portion thereof including, but not limited to, persons deemed to be a manager, supervisor, owner, part owner, or licensee of the business.
- (5) "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (6) "Premises" means the real property upon which the licensed business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the licensed business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the license application.
- (7) "Prostitution" means the act of engaging, agreeing or offering to engage in sexual conduct (as defined in R.I.G.L. § 11-34.1-2) with another person in return for a fee.
- (8) "Loitering for prostitution" means the act of standing or wandering in or near any public highway or street, or any public or private place, and attempt to engage passersby in conversation, or stop or attempt to stop motor vehicles, for the purpose of prostitution or other commercial sexual activity (as defined in R.I. Gen. 11-34.1-4).
- (9) "Pandering" means the act of causing, inducing, persuading, or encouraging a person, by any promise or threat, by abuse of person, or by any other device or scheme, to become a prostitute or to come into this state or leave this state for the purpose of prostitution or the act of receiving or giving, or agreeing to receive or give, any money or thing of value for procuring or attempting to procure any person to become a prostitute or to come into this state or leave this state for the purpose of prostitution.
- (10) "Semi-nude" means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of

the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

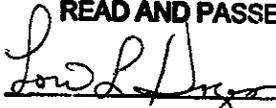
(b) Notwithstanding any provision in this chapter to the contrary, it shall be unlawful for a licensee, or any licensed business, or any Worker of a licensee or licensed business to:

(1) engage in or permit prostitution, loitering for prostitution, or pandering on the premises;

(2) allow a person under the age of eighteen (18) years to be or remain on the premises of a licensed business where one or more Workers are permitted by the licensee or an operator thereof to appear semi-nude or nude on the premises.

(c) If, after a hearing before the Board of Licenses in accordance with its rules and regulations, a licensee or operator of a licensed business is found to have violated the regulations in this section or allowed a Worker or any other person to violate the regulations in this section, if it is determined after hearing that such violations resulted from the gross negligence of the licensee or operator of a licensed business, in addition to any punishment or penalties that may be prescribed by statute for that offense, the Board of Licenses shall immediately revoke all licenses held by the licensee.

SECTION 2. This ordinance shall take effect upon passage.

**IN CITY COUNCIL**  
**AUG 07 2014**  
**FIRST READING**  
**READ AND PASSED**  
  
CLERK  
**ACTING**

**IN CITY COUNCIL**  
**AUG 12 2014**  
**FINAL READING**  
**READ AND PASSED**  
  
PRESIDENT  
  
CLERK  
**ACTING**

I HEREBY APPROVE.

  
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Mayor

Date: 8/14/14