

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2013-11

No. 175

AN ORDINANCE IN AMENDMENT OF CHAPTER 14,
"LICENSES," OF THE CODE OF ORDINANCES OF THE CITY
OF PROVIDENCE, ARTICLE X, "SHOWS AND AMUSEMENTS"

EFFECTIVE ~~XXXXXX~~ April 15, 2013

Be it ordained by the City of Providence:

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 14, "Licenses," Article X, "Shows and Amusements," is hereby amended as follows:

ARTICLE X. - SHOWS AND OTHER AMUSEMENTS

DIVISION 1. - LICENSE REQUIRED

Sec. 14-193. - License required. No person, corporation or entity shall publicly or for pay, or for any profit or advantage, exhibit, promote, take part in, conduct, engage in or give any "entertainment event" without an entertainment license from the board of licenses.

Sec. 14-194. -Definitions.

For purposes of this Article, the following definitions shall apply:

"Entertainment Event" means any theatrical performance, or rope or wire dancing or other show or performance, wrestling, boxing, or sparring match or exhibition, public roller skating in rinks or halls, or any dance or ball.

Sec. 14-195. Entertainment License – Application, and hearing required.

(a) No entertainment license shall be granted by the board of licenses without first receiving an application therefor by the person, corporation, or entity seeking the license, and without first holding a hearing on such application. The license application for a new entertainment license shall be submitted to the board of licenses at least seven days prior to the first time appointed for the initial exhibition of the performance, show or exhibition. In determining the seven-day period herein set forth, Saturdays, Sundays and legal holidays shall not be counted. The license application shall include the following information:

- (1) The applicant's business name and address, and the address of the venue for which the applicant seeks an entertainment license;
 - (2) The name, residence address, and business contact information of an individual the applicant has authorized to serve as the point of contact for the license;
 - (3) The names and residence addresses of every officer and partner of the applicant and every person with 10 percent or larger ownership interest in the applicant;
 - (4) The name and residence address of the individual(s) whom the applicant has authorized to manage, direct, or control the operations of the venue for which the applicant seeks an entertainment license;
 - (5) For all individuals listed in subsections (1) through (4), a completed criminal background check through the department of police. The department of police may register an objection to the application with the board of licenses where such information gives rise to a public safety concern;
 - (6) If the applicant does not own the premises for which the applicant seeks an entertainment license, the name, business address and contact information of the owner, and documentation demonstrating the nature of the applicant's interest in the premises;
 - (7) A copy of all permits and approvals from all necessary city divisions and departments including fire, inspection and standards, traffic engineering, and zoning;
 - (8) A copy of any business filings with the Rhode Island Secretary of State;
 - (9) A copy of the floor plan for the venue, allowable occupancy according to the fire marshal, and location and number of parking spots to be utilized by patrons the venue;
 - (10) A copy of the business plan describing the nature of the proposed business to be conducted at the venue for which the applicant seeks an entertainment license;
 - (11) Certificates of workers' compensation insurance, where required by the General laws of the State of Rhode Island, and endorsements evidencing insurance including the amounts and coverages;
 - (12) A copy of the security plan for the event;
 - (13) The address, date, time, and anticipated number of attendees at the event;
 - (14) A description of the type and nature of entertainment intended during the event;
 - (15) The name and address of the person authorized to accept service of process for the applicant; and
 - (16) Any other information that the board of licenses finds reasonably necessary.
- (b) Notwithstanding any other provision in this section, the application for an entertainment license renewal shall be submitted to the board of licenses at least forty-eight (48) hours prior to the first time appointed for the initial exhibition of the performance, show or exhibition. In determining the forty-eight (48) hour period herein set forth, Saturdays, Sundays and legal holidays shall not be counted. The entertainment license renewal application shall include an affirmation that the information provided in connection with the licensee's original entertainment application, in accordance with the enumerated items in subsection (a) of this section 14-195, remains unchanged at the time of renewal.

The licensee shall be required to supplement any information which has changed since the original application was approved. The entertainment license renewal application must be submitted no later than seven days following the expiration of the licensee's current entertainment license.

(c) The first entertainment license application received from any applicant following the effective date of this ordinance shall be considered a new entertainment license application, notwithstanding whether the applicant was the holder of an entertainment license prior to the effective date of this ordinance. Subsequent applications received by the same applicant for the following months shall be considered renewal applications, subject to the provisions in subsection (b) of section 14-195.

Sec. 14-196. - Entertainment license conditions.

The board of licenses, pursuant to Title 5, Chapter 22, of the General Laws of Rhode Island, may place reasonable conditions on the issuance of an entertainment license having due regard for the public convenience, welfare and safety of its residents.

(a) Entertainment Description. Any application for an entertainment license shall identify the specific types and nature of entertainment intended, as well as specifically delineating and defining through an attached plan, the location of the proposed entertainment. The approval of an entertainment license shall allow for those specific types of entertainment for which an application has been completed, and no other.

(b) Hours of entertainment. If an entertainment license is granted to the holder of a victualing license or alcoholic-beverage license, the license granted hereunder shall not permit such entertainment event to extend beyond the authorized serving time of such victualing or alcoholic-beverage license. Outside entertainment that involves amplification shall cease at eleven p.m., Sunday to Thursday, and at midnight on Fridays, Saturdays and Sundays before holidays. In all other instances where an entertainment license is issued, the hours of entertainment to be held shall be as determined by the board of licenses, having due regard for the public convenience, welfare, health and safety.

(c) Noise. The board of licenses may specifically require the use of sound buffering and sound modification equipment including audio speakers with short throw symmetrical coverage unidirectional patterns and baffling to contain and mitigate the dispersion of amplified sound as a condition to the issuance or renewal of an entertainment license.

(d) The following conditions shall apply to entertainment licenses for establishments licensed to sell alcohol for consumption on the premises:

- (1) The establishment shall implement a security plan that includes, but is not limited to, the use of security cameras, and a description of type and number of security staffing, and shall provide a copy of such plan to the board of licenses;
- (2) The establishment shall use only those event promoters who possess an event promoter's license issued by the board of licenses;

- (3) The entertainment venue shall implement a 'code of conduct' for its employees and patrons, and submit a copy of such to the board of licenses; and
- (4) Any other such conditions the board of licenses deems necessary for the public convenience, welfare, health, and safety.
- (e) Police and fire detail. Whenever an entertainment license is granted by the board of licenses, it shall be the duty of the board, with the recommendation of the commissioner of public safety or his or her designee, to determine whether or not the assignment of detail police officer(s) or detail fire fighter(s) is needed. Upon receipt of an application for an entertainment license, the license administrator shall also notify the department of public safety.
- (f) Operation in accordance with law. Full compliance with all federal and state laws, municipal ordinances, and all applicable rules and regulations shall be an express condition of every entertainment license issued by the board of licenses. It is the responsibility of the license applicant to determine whether the applicant's intended use of the premises is permissible under the Zoning Ordinance. In no event shall an entertainment license permit the occurrence of any nonconforming use.
- (g) No performance in any hall, theater, or building, used as a place of exhibition, shall be permitted upon any rope, wire or trapeze, strung or suspended in the auditorium of such place of exhibition, unless a net shall be placed under such rope, wire or trapeze, or other suitable provisions be made to protect the audience from danger of falling bodies. The commissioner of public safety, the chief of police, or any member of the police force, are hereby authorized and directed to cause any such exhibition to be suspended until such safeguard shall be provided.

Sec. 14-197. -Exception—Special Event Entertainment

- (a) No entertainment license shall be approved for special events, as described in Section 23-36 of the Code of Ordinance, unless the applicant has followed the city's guidelines for special events, and has filed a special event application. The board of licenses shall establish application requirements and license conditions for special event entertainment licenses distinct from those required in Section 14-195 and Section 14-196, respectively.
- (b) Notwithstanding the provisions of this division, no entertainment event held or promoted by a public, private, or parochial primary or secondary school shall require an entertainment license in accordance with this division.

Sec. 14-198. - Fees for designated licenses; additional charges and costs.

- (a) Fees. The following fees are established for the issuance of licenses:

- (1) Shooting galleries: Ten dollars (\$10.00) per day.
- (2) Show and dance: Ten dollars (\$10.00) per day.
- (3) Athletic exhibitions on Sundays:

Amateur: One dollar (\$1.00) per day.

Professional: Ten dollars (\$10.00) per day.

Athletic exhibitions on week days:

Amateur or professional: Two dollars (\$2.00) per day.

(4) Motion pictures: Ten dollars (\$10.00) per day.

(5) Circus, rodeo, closed-circuit television, traveling shows, special events and other shows, performances and exhibitions: The fee shall be determined by the board of licenses upon application, and shall not exceed the sum of one hundred dollars (\$100.00).

(6) Notwithstanding any other provision in this section, the fee for the issuance of a new entertainment license for four (4) or fewer events shall be fifty dollars (\$50.00) for the month.

(b) Charges. All charges and costs with respect to reviewing circuses, rodeos, traveling shows, special events, and other shows, performances and exhibitions, including motion pictures, shall be borne by the applicant.

Sec. 14-199. License expiration. Any entertainment license issued in accordance with the provisions of this division shall expire on the last day of the month, and shall be renewed by the licensee subject to a completed application and the payment of the appropriate fee as established by ordinance.

Sec. 200- RESERVED

Sec. 14-201. - Investigation of show or exhibition; report of investigation; action on report.

(a) The members of the bureau of licenses shall cause a preliminary investigation to be made by the amusement inspector of the City of Providence to determine the legitimacy pursuant to the General Laws of Rhode Island of said show or exhibition and shall cause a report to be made by the amusement inspector forthwith.

(b) Said investigation by the amusement inspector of the City of Providence shall consist of:

(1) Review of the applicants;

(2) Review of the title of the show or exhibition;

(3) Said investigation of the show or exhibition shall be made by a review of the available theatrical trade papers, theatrical trade periodicals, and theatrical publications not respecting those of any religious group.

(c) Said amusement inspector shall upon completion of his investigation forward to the bureau of licenses a report containing the compilation of critical review from various theatrical critics. In the event that said report reflects said show or exhibition to be controversial with regard to obscenity, or if the report indicates that the show or exhibition has not been reviewed and there is no available information relating to the content of said show or exhibition, said bureau of licenses may cause a view of said performance, show or exhibition prior to its licensing.

(d) A view of said questionable performance, show or exhibition shall be made by the commissioners of the bureau of licenses, the amusement inspector, and an attorney of the law department of the said City of Providence.

(e) Said members of the bureau of licenses shall determine whether or not there is a probable cause of obscenity. Said determination of probable cause of obscenity shall be based upon whether to the average person applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest and has no social redeeming value.

(f) In the event that the said members of the bureau of licenses are of the opinion that the said license should not be granted on the ground that the said performance, show or exhibition is obscene, the bureau of licenses shall within forty-eight (48) hours of the filing of such application commence an action in the Superior Court for Providence and Bristol Counties pursuant to the provisions of Section 5-22-5 of the General Laws of the State of Rhode Island, 1956, as amended.

DIVISION 2. - BILLIARD PARLORS, POOLROOMS, BOWLING ALLEYS, SHOOTING GALLERIES AND AMUSEMENT CENTERS

Sec. 14-202. - License required. No person shall engage in the business of an amusement center or the keeping of bagatelle, billiards, pool or sippio tables or any mechanical amusement device as defined in section 14-202.1 for public hire, or in the business of keeping such persons shall be duly licensed by the bureau of licenses.

Sec. 14-202.1. - Amusement centers and mechanical amusement devices—Definitions. For the purposes of section 14-202, the following definitions of mechanical amusement device and amusement center shall apply.

(a) Amusement center: Any place having two (2) or more mechanical amusement devices for public hire.

(b) Mechanical amusement devices: 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 or amusement whether or not registering a score and whether its operation demands skill or chance or both. It shall include but not be limited to such devices as marble machines, mechanical pool tables, pinball machines, skill ball, mechanical grab machines, video or computer-type games, electronically operated or displayed games, air games such as air hockey, and all games, operations or transactions similar thereto under whatever name they may be called.

Sec. 14-202.2. - Same—Distance of licensee from school.

No license for either an amusement center or a mechanical amusement device shall be issued to any premises any point of which is within one thousand two hundred (1,200) feet of any point on the property of any school, public or private, unless said license provides that said center or device may not be operated until 4:00 p.m. on days in which any school within said one thousand two hundred-foot area is in session; provided, however, that any establishment having a B, C, D, or J liquor license issued by the bureau of licenses shall not be subject to this section.

Sec. 14-203. - Application for license. Every applicant for a license required in section 14-202 shall set forth, upon a form to be furnished by the bureau of licenses, his name and address, and the address where the business for which a license is being sought is to be operated, and any other pertinent information required by the bureau of licenses.

Sec. 14-204. - Notice, opportunity to object to issuance of license to be afforded. The bureau of licenses, before granting a license required in section 14-202, shall give notice of application therefor by advertising once a week for at least two (2) successive weeks in some newspaper published in the city. The advertisement so published shall contain the name of the applicant and a description by street and number or other designation of the particular location for which the license is requested. Said notice shall state that remonstrants are entitled to be heard before granting of such license, and shall name the time and place of hearing. At such time and place a fair opportunity shall be granted the remonstrants to make their objections before acting upon said application.

Sec. 14-205. - Effect of objections to issuance of license. A license to engage in a business for which a license is required by this division shall not be issued to an applicant where the owners of the greater part of the land within two hundred (200) feet of the premises sought to be licensed shall file with the bureau of licenses their objections to the granting of such license.

Sec. 14-206. - License fees for bagatelle, billiard, pool or sippio tables and amusement centers. The annual fees for licenses to keep bagatelle, billiard, pool or sippio tables or an amusement center shall be as follows:

- (a) For one such table\$ 50.00
- (b) For each additional table in the same premises30.00
- (c) For amusement centers400.00

Sec. 14-207. - License fees for bowling alleys, shooting galleries. The annual fees for licenses to keep bowling alleys or shooting galleries for public hire, shall be ten dollars (\$10.00).

Sec. 14-208. - License year; prorating license fees. Licenses issued as provided in this division shall expire on June 30th next following the date of their issue, and license fees payable therefor shall be prorated to the year ending on said date.

Sec. 14-209. - Renewal of licenses. Licenses issued as provided in this division shall be renewable beginning July 1st in each year, under the same restrictions and requirements as apply to an original application for license.

Sec. 14-210. - Posting and display of license. Every person licensed under the provisions of this division shall display the license issued to him in a conspicuous place in the premises operated hereunder.

Sec. 14-211. - Transferability of license. No license to engage in a business for which a license is required under the provisions of this division, shall operate to authorize any person other than the person named therein to act thereunder, and no such license shall be transferable.

Sec. 14-212. - Restrictions upon licenses. Licenses issued pursuant to this division shall be granted subject to the condition that the licensed premises shall be open to the inspection of the police department at all times during business hours, and subject to the provisions of Chapter 363 of the General Laws and any act in amendment thereof or in addition thereto.

Sec. 14-213. - Revocation of license. Any person licensed under the provisions of this division, who shall violate any of the conditions or restrictions imposed upon the issuance of such license, or any rules and regulations pertaining thereto which have been established by the bureau of licenses, shall suffer revocation of his license; in addition such license may be revoked at any time for causes other than those above specified, including violation of any other provision of this Code of Ordinances. Said penalties shall be in addition to any other penalty which may be imposed as a result of violation of this Code of Ordinances.

Sec. 14-214. - Rules and regulations governing licensed premises. The bureau of licenses shall establish rules and regulations for the operation and maintenance of premises used for the businesses for which a license is required under the provisions of this division.

Secs. 14-215—14-219. - Reserved.

DIVISION 3. - TRAMPOLINES

Sec. 14-220. - License required for operation. No person shall engage in the business of operating trampolines unless such person shall be duly licensed by the bureau of licenses.

Sec. 14-221. - Application for license. Every applicant for a license required in section 14-220 shall set forth, upon a form to be furnished by the bureau of licenses, his name and address, and the address where the business of operating trampolines is sought to be located, and any other needful information as required by the bureau of licenses. A fee of ten dollars (\$10.00) shall be paid by the applicant upon the filing of such application.

Sec. 14-222. - Notice, opportunity to object to issuance of license to be afforded. The bureau of licenses, before granting a license required in section 14-220 shall give notice by advertising once a week for at least two (2) successive weeks in some newspaper published in the city. The advertisement so published shall contain the name of the applicant and a description by street and number or other plain designation of the particular location for which the license is requested. Said notice shall state that remonstrants are entitled to be heard before the granting of such license, and shall name the time and place of hearing.

At such time and place a fair opportunity shall be granted the remonstrants to make their objections before acting upon said application.

Sec. 14-223. - Effect of objections to issuance of license. A license to engage in the business of operating trampolines shall not be issued to an applicant where the owners of the greater part of the land within two hundred (200) feet of the place shall file with the bureau of licenses their objection to the granting of such license.

Sec. 14-224. - Fee for license; prorating fee. The annual fee for a license hereunder shall be twenty-five dollars (\$25.00). Such fee shall be prorated to the year ending June 30 in each calendar year.

Sec. 14-225. - Expiration, renewal of license. A license granted to an applicant hereunder shall be in effect for the period ending June 30 and shall be renewable each year beginning July 1 under the same requirements as an original application.

Sec. 14-226. - Posting and display of license. Every person licensed under the provisions of this division shall display the license issued to him in a conspicuous place in the premises operated hereunder.

Sec. 14-227. - Transferability of license. No license issued under the provisions of this division shall operate to authorize any person other than the person named therein, to act thereunder, and no such license shall be transferable.

Sec. 14-228. - Revocation of license. Any person licensed under the provisions of this division, who shall violate any of the conditions or restrictions imposed upon the issuance of such license, or any rules and regulations pertaining thereto which have been established by the bureau of licenses, shall suffer revocation of his license; in addition such license may be revoked at any time for causes other than those above specified, including violation of any other provision of this Code of Ordinances. Said penalties shall be in addition to any other penalty which may be imposed as a result of violation of this Code of Ordinances.

Sec. 14-229. - Rules and regulations governing places used. The bureau of licenses shall establish rules and regulations for the operation and maintenance of places used for the business of operating trampolines.

DIVISION 4. - COMMERCIAL ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE

Sec. 14-230. - Nudity on premises where alcoholic beverages are offered for sale.

(a) It shall be unlawful for any person maintaining, owning, or operating any commercial eating and/or drinking establishment, whether or not entertainment is provided, and at which alcoholic beverages are offered for sale for consumption on the premises to suffer or permit:

(1) Any female person, while on the premises of the commercial establishment, to expose to the public view that area of the human breast at or below the areola thereof.

(2) Any female person, while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast as described in subsection (a)(1) above.

(3) Any person, while on the premises of the commercial establishment, to expose to public view his or her genitals, pubic area, anus or anal cleft.

(4) Any person while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft.

(b) It shall be unlawful for any female person, while on the premises of any commercial eating and/or drinking establishment, whether or not entertainment is provided, and at which alcoholic beverages are offered for sale for consumption on the premises, to expose to the public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance of or simulate such areas of the female breast as described herein.

(c) It shall be unlawful for any person, while on the premises of any commercial eating and/or drinking establishment, whether or not entertainment is provided, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, anus or anal cleft or buttocks, or to employ any device or covering which is intended to give the appearance or simulate the genitals, pubic area, buttocks, anus or anal cleft.

(d) Any person who shall violate any provision of this section shall be guilty of an offense against the city punishable as provided in section 1-10 of this Code, and by a fine of not less than five hundred dollars (\$500.00) for each offense or by imprisonment of not less than thirty (30) days. The provisions of this section shall be enforced by the city police department.

(e) Any "adult entertainment" establishment, as provided for and defined in the city zoning ordinance, as amended, which was lawfully existing prior to the passage of this section, is exempt from the provisions of this section.

Sec. 14-231. - Minors prohibited in certain establishments.

(a) It shall be unlawful for any licensee, establishment, or employee of a licensee or establishment:

(1) To allow a minor to provide entertainment or to serve food or beverages at any establishment or business that provides adult entertainment as defined in the Zoning Ordinance, Ch. 27, Art. X, Sec. 1000.8.

(2) To allow a minor to provide entertainment or to serve food or beverages at any establishment or business, whether or not alcoholic beverages are served, that features any of the following:

- a. Persons who appear in a state of nudity or a state of dress in which opaque clothing covers not more than the genitals, public region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices; or
- b. Live performances that are characterized by the exposure of the cleft of the buttocks, anus, male or female genitals, or the female breast, or by sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.

(b) A minor commits an offense if the minor provides entertainment or serves food or beverages at any establishment or business referenced in subsection (a).

(c) Any person who shall violate any provision of this section shall be guilty of an offense against the city, punishable, for each offense, as provided in section 1-10. The provisions of this subsection shall be enforced by the police department.

(d) Any licensee who violates any provision of this section shall be punished by a fine not to exceed five hundred dollars (\$500.00) for the first offense and not to exceed one thousand dollars (\$1,000.00) for each subsequent offense. The provisions of this subsection shall be enforced by the board of licenses.

Sec. 14-232. - Restricting the presence of patrons under age of 18 in Class N liquor establishments when entertainment is offered.

(a) No person or legal entity possessing a Class N liquor license shall permit any patron below the age of eighteen (18) years on the licensed premises while alcoholic beverages are being served with entertainment being offered. Any Class N liquor license wishing to provide entertainment while alcoholic beverages are being served must:

(1) Before entertainment shall commence, the license holder or license holder's agent must check the age of patrons already within the licensed premises to ensure that all are eighteen (18) years or older.

(2) Once entertainment commences, the license holder or license holder's agent shall post an employee at the entrance of the licensed premises to check the identification of any patron wishing to enter. The employee present at the entrance of the licensed premises must be a registered door keeper pursuant to section 14-14 and must have completed training on detecting fraudulent identification.


(b) The board of licenses may, after reasonable notice and opportunity to be heard, fine the license holder a minimum of one hundred dollars (\$100.00), suspend or revoke the license for violations of this section.


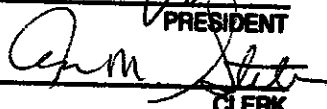
(c) The board of licenses shall maintain a list of "live music" concert venues within the city.

- (1) The board of licenses shall have the authority to determine what establishments qualify as "live music" concert venues and shall establish a protocol for holding concerts at which patrons below the age of eighteen (18) may be in attendance.
- (2) The board of licenses shall have discretion to waive the requirements of this section for such "live music" concert venues provided that the licensee provide a minimum of forty-eight (48) hours notice to the board of licenses before each scheduled concert date at which patrons below the age of eighteen (18) may be in attendance.
- (3) Notification by a "live music" concert venue shall include agreement by licensee to follow protocol established by the board of licenses with regard to patrons below the age of eighteen (18).
- (4) The board of licenses shall, after reasonable notice and opportunity to be heard, fine the license holder a minimum of one hundred (\$100.00) dollars for the first violation of this subsection. The board of licenses, upon subsequent violations by the license holder, may fine, suspend the license holder for a period of up to thirty (30) days or revoke the license.

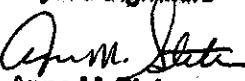
Secs. 14-233—14-235. - Reserved.

Section 2. This ordinance shall take effect within 180 days of passage.

IN CITY COUNCIL
MAR 21 2013
 FIRST READING
 READ AND PASSED

 CLERK

IN CITY COUNCIL
APR 04 2013
 FINAL READING
 READ AND PASSED

 PRESIDENT

 CLERK

**Effective without the
 Mayor's Signature**


 Anna M. Stetson
 City Clerk