

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2013-10

No. 174 **AN ORDINANCE** IN AMENDMENT OF CHAPTER 14, "LICENSES," OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ARTICLE X, "SHOWS AND AMUSEMENTS," DIVISION 4, "COMMERCIAL ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE"

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, Article X, Division 4, "Commercial Establishments Where Alcoholic Beverages are Offered for Sale," is hereby amended to add the following as section 14-233, "Event Promoter Licensing."

Section 1. Purpose.

The purpose of this section is to promote the general welfare of residents and visitors of the city of Providence, and to set guidelines regarding the safe enjoyment of promoted events at which alcohol is sold for consumption on the premises.

Section 2. Definitions.

Event means entertainment at a location licensed to sell alcohol for consumption on the premises, provided all of the following conditions are met:

- (1) Some portion of the event takes place between the hours of 9:00 p.m. to 2:00 a.m.;
- (2) The event is not a bona fide fundraiser. A bona fide fundraiser is held to raise funds for a charitable, political, religious, or similar purpose, and none of the proceeds can be used for any other purpose, except to cover costs incurred in holding the fundraiser, provided, however, that no proceeds of the fundraiser may inure to the benefit of the person promoting the event; if an event promoter is uncertain whether the event is a bona fide fundraiser, the event promoter shall inquire of the licensing administrator in advance of the event; and
- (3) The event is not one in which the City has a management role, either exclusively or in concert or partnership with a private individual or entity; and

Hold an Event means to take action to organize the event, arrange the program for the event, or encourage attendance at the event. To “hold an event” includes but is not limited to the following activities:

- (1) Contracting for or renting the event site;
- (2) Exercising some control over the event site during the event;
- (3) Selecting or contracting for entertainment for the event;
- (4) Advertising or publicizing the event to members of the public; or
- (5) Soliciting members of the public to attend the event.

Receives Compensation in Connection with the Event means one or more of the following:

- (1) Receiving or sharing in admission or entrance fees paid by those attending the event;
- (2) Receiving or sharing in compensation, revenue, or other consideration for holding the event; or
- (3) Receiving or sharing in revenue from food, beverages, or items sold at the event.

Event Promoter is any person who both “holds an event” and “receives compensation in connection with the event,” but does not include the following:

- (1) A liquor license holder, when the event is held at the licensed premises;
- (2) A print, broadcast, or internet medium that is paid solely for page space or broadcast time to advertise an event, but exercises no other responsibilities in connection with the event;
- (3) A ticket seller who sells admission tickets to an event from its own place of business, not at the site of the event and in advance of the event, but exercises no other responsibilities in connection with the event;
- (4) An entertainer or performer who is not compensated, or who is compensated solely for his or her performance or presentation of entertainment at the event, notwithstanding whether said compensation was derived from admission or entrance fees paid by those attending the event;
- (5) An agent, official, or employee of the City acting in the course of his or her position as an agent, official, or employee.

Section 3. - Event Promoter License Required

Any person who acts as an event promoter in the city shall first obtain a license from the board of licenses. The license shall be renewed annually. The fee for the license issued under this article shall be \$25 (twenty-five) dollars.

Section 4. License Application

A person submitting an event promoter license application shall provide the following information:

- (a) the applicant's full name, residence address, business address, business e-mail address, business telephone number and cell phone number;
- (b) proof that the applicant is at least 18 years of age;
- (c) a copy of any business filings with the Secretary of State;
- (d) a list of every jurisdiction and name under which the applicant, within the last five (5) years, has done business as an event promoter;
- (e) a statement that the applicant will comply with all state and local laws; and
- (f) any other information that the board of licenses may require.

Section 5. - Event promoter's contract-Required.

(a) No promoted event shall be presented at any location where alcohol is licensed to be sold for consumption on the premises, except pursuant to a written contract between the event promoter and the owner, lessee or manager of the establishment presenting such promoted event. Such contract shall include the following information:

- (1) a copy of the event promoter's license;
- (2) if any other license or permit is required for the promoted event, copies of the applicable license or permit;
- (3) the maximum capacity of the building, premises, room, floor or other area where the promoted event will be presented;
- (4) the estimated number of anticipated patrons that will be in attendance at the promoted event;
- (5) the name, address, and contact information of any chauffeured bus or limousine service that will be used in conjunction with the promotion of the event to transport patrons to and from the event;

- (6) the name and cell phone number of the event promoter's on-site representative(s);
- (7) the number of security personnel that will be present, if any, during the promoted event and the name of the employer of such security personnel;
- (8) the respective responsibilities, functions, duties and rights of the parties to the contract required by this section; and
- (9) the date or dates, and location and hours of operation, of the promoted event.

(b) A copy of the contract required by this section shall be kept at the site of the promoted event throughout the duration of such event.

(c) If the establishment presenting the event requires any other license or permit, a copy of the contract shall also be kept, for a period of not less than seven (7) days before and thirty (30) days after the event is presented, in the possession of the holder of such required license or permit, and in the possession of any person managing or directing the day-to-day operations of the establishment. Upon request, a copy of the contract required by this section shall be made available for inspection by any authorized city official.

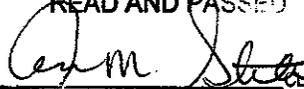
Section 6. License-Suspension or Revocation.

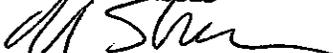
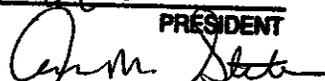
The violation of any provision of this chapter shall be subject to a fine, license suspension or license revocation in accordance with the powers and duties of the board of licenses.

Section 7. - Regulations.

The Board of Licenses shall have the authority to promulgate rules and regulations necessary to implement the requirements of this section.

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