CONDITIONS OF BEVERAGE LICENSES AND RULES AND REGULATIONS
TO BE OBSERVED BY ALL RETAIL LIQUOR LICENSEES

ADOPTED: November 1, 2018

1. All licenses expire December 1st. (RIGL 3-5-8)

2. The licensees and their authorized agents shall comply with all the laws and regulations of the State of R.I., together with such rules and regulations as may be promulgated by the Liquor Licensing Board which concern his premises and licenses.

3. Applicants for liquor license renewals shall not be required to be personally present or represented by an attorney or another person at the hearing on liquor license renewals. However, in the event questions arise during the hearing that require clarification, the hearing will be postponed and the applicant must attend a subsequent hearing. In the case of a transfer or a new application, the attendance of the applicant and transferor and transferee is mandated. Applicants seeking a new liquor license are required to be personally present or to be represented by an attorney or another person at the initial public hearing on the granting of the liquor license.

4. All corporate clubs and organizations, shall file with the Licensing Board Clerk prior to issuance of any license, a Certificate executed by the Secretary of State showing that the corporation is in good standing, as well as a Certificate of Ownership by corporations and individuals doing business under an assumed name (if not already on file). (Rule 37, DBR)

5. All applicants shall file a certificate executed by the State Tax Administrator that taxes due the State of R.I. have been paid. (RIGL 3-7-24)

   a. All applicants shall file with the application a certificate of insurance evidencing commercial, general-liability, liquor-liability, and property-damage coverage in the minimum amount of $300,000. (RIGL 3-7-29)

6. By August 30th of each year, notice of all applications for Liquor License renewals shall be sent to each licensee at the address listed for said licensee on his application, by the Licensing Board Clerk. Said application shall be filed by the applicant no later than October 1st of that year. **Each application must be signed by an authorized person before a Notary Public or a Witness of the Licensing Board.** Failure to file said application as required herein will prohibit the Licensing Board review of that application at the regularly scheduled re-license hearing. Upon the receipt by the Licensing Board Clerk of the applications hereinbefore enumerated, the Clerk shall submit referrals to the applicable authorities for their recommendation concerning the issuance or renewal of the license with respect to the action of the Licensing Board.

7. All lawful orders of the Town Manager (Dir. of Public Safety), Police Chief, Fire District Chief, Building Official and R.I. State Health Department shall be carried out. If any licensee has any objection to any order of R.I. State Health Department, the Town Manager (Dir. of Public Safety), Police Chief, Fire District Chief or Building Official, he is to carry out this order until it is changed by the Licensing Board. In the event that a licensee has any such objection he may request to the Licensing Board Clerk for a speedy hearing and such request will be reported to the Licensing Board within 48 hours.

8. All establishments are to have a current Minor book in a format detailed by the State Liquor Commissioner; all licensees and their authorized agents shall have their premises open for inspection by members of the Town Council, the Licensing Board, the Police Chief, R.I. Dept. of Health and the Public Safety Director, at all times during business hours. (RIGL 3-8-6)

9. All licensees shall submit to the Police Chief a list of the names and addresses of all employees working for the licensed establishment by November 15 of each year or five (5) days prior to opening. Such lists shall at all times be kept current by giving notice in writing to the Police Chief upon any change in employees.

10. Every applicant is required to submit to the local licensing board and keep current an accurate drawing of the licensed premises outlining and providing the dimensions of the area which is actually subject to the license. Any sale, service or storage of alcoholic beverages outside the licensed premises is a violation. (Rule 27, DBR) Said drawing shall include a clearly defined description of the area where alcoholic beverages are to be served and stored.

11. All applicants shall provide the Licensing Board with a current menu.

12. All delinquent and current Business and Real Estate Taxes, Water and Sewer Use Charges on real estate where the business is operated and the real estate is owned by the applicant, must be paid prior to the issuance of any license. In other instances, where the business is operated on real estate that is not owned by the applicant, delinquent and current business taxes, including water and sewer use charges for which the applicant may be responsible, must be paid prior to the issuance of any license. A license will not be transferred until the above requirements are complied with. (Code 158-2)

13. All Beverage License Transfers, which are granted, shall be subject to approval of said transfer by the RI Division of Taxation; therefore, no transferee shall be allowed to operate until said approval is received. However, the transferee may work under the transferor's license, provided the transferor remains on the premises with its license on display pending approval of said transfer by the RI Division of Taxation and issuance of the transferee's liquor license by the Town Clerk. A Certificate of Good Standing must be received from the Division of Taxation within thirty (30) days of the granting of the transfer by the Licensing Board, otherwise the transfer becomes null and void and the application process must be repeated. In addition, all current year taxes, Water and Sewer Use Charges due the Town of Westerly must be paid in full before issuance of the Beverage License Transfer. (Rule 44, DBR)

    a) No requests for the transfer of liquor licenses shall be granted during the months of September, October and November in each year.

14. No applicant shall be open for business without a valid license on the premise. Failure to have an approved license within thirty (30) days after the granting of a license will require the Town Clerk to notify the Licensing Board as to reasons why the applicant has not complied with requirements for said license. (Code 158-3, 4, State Law 3-5-18b)

15. All fees for Liquor Licenses or the renewal thereof shall be paid in full upon filing of the application and no application shall be considered until the fee for same has been received by the Clerk.

16. All liquor licenses shall be issued upon compliance and no later than December 1st. Only those licenses designated as "seasonal" shall be held by the Clerk until such time as the licensee, upon compliance, is ready to open for business. The Clerk shall notify the board of all licenses approved and not picked up within sixty (60) days.

17. The Licensing Board reserves the right to make such other and further rules and regulations as it may from time to time deem appropriate for the protection of the health, welfare and safety of the community.

18. The Licensing Board Clerk shall provide a copy of the above conditions, rules and regulations of licenses to each licensee upon the application of the license, and it is understood that the applicant hereby agrees to the above conditions in return for the privilege of the License.

19a. An applicant for a Class B Tavern license must satisfy to the Licensing Board that the Tavern is operating with reasonable sleeping accommodations as well as having a kitchen (where "kitchen" is defined in accordance with item19b, below) properly equipped and ready for use.

19b. An applicant for a Class B Victualer or B Limited alcoholic beverage license must demonstrate to the satisfaction of the Licensing Board that a satisfactory kitchen is established on the proposed premises. A kitchen is defined as a room or area that is a permanent part of the primary building in which food is cooked or prepared and contains a stove, sink with hot and cold running water, and a refrigerator. The applicant must show, to the satisfaction of the Licensing Board, that the establishment meets the requirement that a substantial part of the business is the furnishing of food for consumption on the premises. All kitchens must at all times meet the minimum requirements of the Department of Health and applicants must also obtain a certificate of occupancy from the Town of Westerly Building Inspector.

20. License fees shall be affixed in accordance with Chapter 121, Fee Schedule, of the Westerly Code of Ordinances.

The Licensing Board sets dates of all public hearings on all applications.

21. Renewals of Liquor Licenses shall not be considered as routine, but are contingent upon a full police report of any violations of the statutes or ordinances.

22. The Town Clerk shall retain a copy of all licenses issued by the Licensing Board.

23. All license holders shall be subject to all conditions of the Licensing Board. Each licensed establishment shall at all times remain open during the hours authorized under the laws of the State of R.I. and further no establishment shall close or shorten its hours without first obtaining special permission from the Licensing Board.

24. When an applicant has not served liquor or has not picked up a license that has been approved for over ten (10) months, the Licensing Board shall consider the license for a show-cause hearing as to why a license shall not be revoked.

25. Any applicant for whom a license has been granted by the Licensing Board, but not issued pending full compliance with conditions and criteria for same, shall have no more than one (1) year after the original granting of the license to meet all such conditions and

criteria set forth in the granting order. If the applicant does not comply within one (1) year, the license shall become null and void without further hearing by the Licensing Board. Said time period shall not be calculated when the license at issue is involved in litigation, from the date of the commencement of the action to final disposition. (Rule 14, DBR)

26. Any applicant for a new license or the upgrading of an existing license who, after a hearing, is denied a license or upgrading of a current license shall not be allowed to again request consideration at the same location for a period of one year after date of the Licensing Board decision.

27. There shall be no inside or outside entertainment at any establishment serving alcoholic beverages without prior approval of the Licensing Board. (RIGL 3-7-7.3)

28. No licensee shall suffer or permit any person to appear on licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, nor shall suffer or permit any female to appear on licensed premises in such manner or attire as to expose to view any portion of the breast below the top of the areola, or any simulation thereof. (Code 68-3)

29. All management and employee personnel of all liquor establishments within the Town of Westerly who serve or sell liquor shall have taken and been certified as having completed the alcoholic servers program administered by appropriate and recognized agencies. Persons so certified will continue to be recognized as qualified for three (3) years following certification. Any new employees or license holders shall be required to have completed such course within sixty (60) days of employment or license award or transfer. As a condition of license renewal, and as part of the license renewal application, each licensee must submit to the Town Clerk information verifying that all such personnel employed more than sixty (60) days in the past year have completed a certified program within the last three (3) years. (RIGL 3-7-6.1)

30. Upon notification to the Licensing Board of a violation of any of the above conditions, rules and regulations, such licensee shall be notified and a hearing shall be conducted before the Licensing Board within a reasonable time of such notice, at which time the Licensing Board may take such action as the circumstances may require, including a suspension or revocation of such license.

31. The aforesaid Conditions of Beverage Licenses and Rules and Regulations may be amended at any time by the Licensing Board.

RULES RELATING TO HEARINGS FOR LIQUOR VIOLATIONS AND APPLICATIONS

1. NOTICE: Any licensee alleged to be in violation of rules and/or regulations pertaining to retail liquor licenses, shall be served notice of said violation by the Town Sergeant, the Chief of Police, or one of his agents.

   Said notice shall contain written notification of the date, time, and place of the licensing board hearing to be held regarding said licensee, the offenses charged, and said hearing shall be scheduled within thirty (30) days of said service.

2. PARTIES: Any licensee shall be required to appear in person for said hearing and in the case of a corporation or group of persons, any officer, or member of the group of persons, shall be sufficient for compliance with this rule.

   Parties may, at their expense, be represented at said hearing by counsel.

3. BURDEN OF PROOF: The proof of an allegation of violation shall be subject to the clear and convincing standard, and if so proved, will create a rebuttable presumption of violation.

   The establishment of such a presumption will cause the burden of rebutting said presumption to be upon the licensee.

4. EVIDENCE: The Rules of Evidence for administrative procedures may be used, as far as is practicable.

   In instances considered impracticable, the Rules of Evidence adopted by the State of Rhode Island for District and Superior Court use, may be consulted and paralleled.

5. REQUIRED VOTE: There shall be required a majority vote of those members of the licensing board participating in the actual vote, to find a violation under these rules.

6. SANCTIONS: The licensing authority shall, within fourteen (14) days of the finding of a violation take such action as the circumstances may require on said license, including revocation, temporary suspension or other limitations, monetary fine, or both.

7. RECORD OF PROCEEDINGS: A stenographer/transcriptionist shall be retained by the Town for said hearings pertaining to liquor license violations and the cost of the said stenographer/transcriptionist shall be borne by the Town.