

City of Providence
Board of Licenses
Providence City Hall
Providence, Rhode Island 02903
LICENSING RULES

OPERATIONS AND PROCEDURE

1. **Enforcement.** The following parties are authorized to investigate complaints:
 - Providence Solicitor's Department
 - Providence Licensing Department
 - Providence Police Department Licensing Unit

2. **Violations.** If there is sufficient evidence to support a finding of a violation, then the Providence Licensing Department, or the Providence Police Department Licensing Unit, in conjunction with and through the Office of the City Solicitor, shall:
 - a. File a Notice of Violation with the Licensing Department which shall place such Notice of Violation on the record of the License, such Notice of Violation shall include:
 - i. The date(s) of the alleged violations
 - ii. The nature of the alleged violations
 - iii. The section of code pertinent to any alleged violation
 - iv. The date of a show cause hearing before the Board of Licenses, shall not be more than sixty (60) days from the date of the violation. Permission of the Board shall be needed to go beyond said sixty (60) day deadline unless if bringing forth a violation would impede a criminal investigation.
 1. During this window, a pre-hearing conference shall be scheduled.

 - b. Upon recording such Notice of Violation in the Licensee's history, the Licensee shall be served with a copy of said Notice of Violation.

 - c. The Licensing Administrator shall supply the Board of Licenses Chair and legal counsel to the Board a list of all pending notices of violation including the date of the alleged violation on or before the first Friday of each month.

3. **Pre-Hearing Procedure.** Once served with a Notice of Violation, the Licensee may agree to an imposition of a penalty without requiring a show cause hearing before the Board of Licenses. All penalties must include a permanent recording of the violation. All penalties and agreements must be recorded in writing and placed in the Licensee's file. The following process shall be implemented in all cases, in this order:
 - a. **Limited Sanctions against the License.** The Providence Police Department Licensing Unit and/or the Providence Licensing Department may agree with the Licensee to an imposition of a financial penalty or a closure up to a period of two (2) days. If such a sanction is agreed upon, it shall be served and recorded on the licensee's history.

 - b. **Conditions upon the License.** If the Licensee and the Providence Police Department Licensing Unit do not come to an agreement on a limited sanction, the Solicitor's office

is empowered to agree with the licensee to an imposition of a fine and/or an imposition of conditions on the License.

- c. Show Cause Hearing. If no mutual agreement is reached between the Licensee and the City within sixty (60) days from the date of the alleged violation, the Board of Licenses, in its quasi-judicial capacity, shall preside over the matter at a public meeting.
4. Show Cause Hearing. The Show Cause Hearing shall follow an adversarial procedure whereby the Providence Solicitor's Office shall present evidence to the Board of Licenses to substantiate an alleged violation, and the Licensee shall have the opportunity to rebut such evidence or to introduce evidence of mitigating factors.
 - a. Conduct. Hearings shall be as formal as may be reasonable and appropriate under the circumstances. All Parties, witnesses and other Persons at a hearing shall conduct themselves in a manner consistent with the standards of decorum commonly observed in any courtroom. Where such decorum is not observed, the Board may take appropriate action including ejection or adjournment, if necessary.
 - b. Duties of Chairperson. The Chairperson shall conduct the hearing, make all decisions regarding admission or exclusion of evidence or any other procedural matters and either administer oaths to all witnesses or ask the stenographer to do so. The Chair, in his or her discretion, may direct any question of procedure or law to board counsel to assist in evidentiary and legal matters which may arise during the course of proceedings.
 - c. Rights of Parties. Parties shall have the right to present evidence, cross-examine witnesses, object, and make motions and present arguments.
 - d. Discovery. If the Licensee appears for its pre-hearing conference, then the Solicitor's Office shall provide the Licensee with a copy of all evidence the Solicitor may use to support a finding that the alleged violations did occur prior to the show cause hearing. If the Licensee fails to appear for its pre-hearing conference, it is the obligation of the Licensee to request any such evidence in advance of the Show Cause Hearing.
 - i. Any Party, by written request served upon all other Parties, may request the other Party to produce for inspection, copying or photocopying document, object or tangible things which are relevant to the subject matter of the hearing.
 - ii. Written Discovery. Written discovery as set forth in Super. R. Civ. P. 26, et seq. is allowed but may be limited by the Board.
 - iii. Types of Discovery. Any other types of discovery as set forth in Super. R. civ. P. 26, et seq. may be allowed in the discretion of the Board.
 - iv. Discovery Disputes. Objections to discovery requests shall be made pursuant to Super. R. Civ. P. 26, et seq. If there is a dispute between the Parties relating to a Party's failure to respond to discovery, the Party requesting the discovery shall comply with Super. R. Civ. P. 37(a)(2) prior to filing a Motion to Compel Discovery with the Board.
 - e. Appearance. The Licensee is required to appear at the Show Cause Hearing. A continuance may only be granted prior to the publishing of agenda, and shall only be

- granted for cause. Appearance by legal counsel as provided by state law shall be permitted.
- i. Default. If the Licensee fails to appear at the Show Cause Hearing, the Licensee shall be determined to be in default and the Licensee shall be deemed to have committed all allegations contained in Notice of Violation.
 - ii. Corporations. If the Licensee is a corporation, the person appearing on behalf of the corporation must have written authority to appear on behalf of the corporation.
- f. Sua Sponte. In addition to the charges set forth in the Notice of Violation, the Board may, *sua sponte*, make inquiry of the Licensee concerning any violation which has been presented to the Board or concerning any other matter or violation which the Board, in its discretion, considers to be relevant to the proceeding before it. Said inquiry shall be confined to the incident at issue before the Board.
- g. Motions. Any Party may request that the Board enter any order or action not inconsistent with law, rules promulgated by the Department of Business Regulation, or these Rules. The types of motions made shall be those which are permissible under these Rules and the Rhode Island Superior Court Rules of Civil Procedure (“Super. R. Civ. P.”). (Ref. 10.1 for ruling.)
- i. Presentation/Objections to Motions. Motions may be made in writing at any time before or after the commencement of a Show Cause Hearing, and/or they may be made orally during a Show Cause Hearing. Each motion shall set forth the grounds for the desired order or action and state whether oral argument is requested. All written motions and objections shall be accompanied by a written memorandum specifying the legal and factual basis for the Party’s position.
 - ii. The Chairperson of the Board, with the advice of Board Counsel, shall rule on all motions.
- h. Evidence. Irrelevant, immaterial or unduly repetitious evidence shall be excluded in all proceedings wherein evidence is taken. While the rules of evidence as applied in civil cases in the Superior courts of this state shall be followed to the extent practicable, the Board shall not be bound by the technical evidentiary rules. Evidence not otherwise admissible may be admitted, unless expressly precluded by statute, when necessary to ascertain facts not reasonably susceptible of proof under the rules, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The rules of privilege recognized by law shall apply. Objections to evidentiary offers may be made and shall be noted in the record.
- i. In all proceedings, the Board shall take administrative notice of its records.
 - ii. All testimony shall be under oath or by affirmation.
 - iii. A Show Cause Hearing or other adjudicatory proceeding before the Board is an administrative hearing. Notwithstanding whether or not the Person is a Party to the proceeding, no Person called to appear before the Board, or compelled by subpoena to do so, may refuse to appear and provide testimony in response to examination by the Board, Police, or any Party. At the discretion of the

Board, an adverse inference may be drawn by an assertion by a witness or a Party of his/her Fifth Amendment rights under the U.S. Constitution.

- iv. In all cases wherein evidence is taken, exhibits may be introduced in the form of copies or excerpts, if the original is not readily available. Upon request, a Party shall be given an opportunity to compare the copy with the original.
 - v. In all proceedings wherein evidence is taken, notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Board's specialized knowledge. The Chairperson's and Commissioners' experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.
 - vi. The Board may employ the use of employees, agents and consultants of the City of Providence to assist it in the evaluation of any evidence introduced at the hearing. In the Board's discretion, it may allow the presence of these persons at the hearing.
- i. Closing Argument. At the conclusion of oral argument, the Chairperson may, in his/her discretion, permit the Parties and, in the case of Show Cause Hearings, the Police, to argue orally and/or to submit written briefs. The record in the proceeding shall close after oral argument, the deadline for the filing of the briefs or upon such date as may be set by the Chairperson. No evidence shall be admitted thereafter, unless otherwise ordered by the Board for cause.
- j. Imposition of Penalty. In determining the appropriate penalty to impose on a Party found to be in violation of a statute(s), ordinance(s), rule(s) or regulation(s), the Board shall look to its past precedence as well as the past precedence of the courts, and, in matters concerning liquor licensing, of the Department of Business Regulation for guidance and may consider any mitigating or aggravating circumstances. The Board embraces a policy of progressive discipline generally. However, this policy in no way restricts the Board from imposing more or less stringent or even the maximum penalties permissible by law for any violation at any time. The Board retains complete discretion in determining appropriate penalties and while it is guided by past precedence and a policy of progressive discipline, penalties imposed in the Party's prior disciplinary history, or the disciplinary history of other holders of the same license as the Party, are in no way predictive or determinative of future penalties.
- i. Mitigating Factors. The Board shall consider mitigating factors before the imposition of any penalty, including but not limited to the Licensee's cooperation with the City, the Licensee's history, and any other such mitigating factor as may be presented by the licensee.
 - 1. Mistake of law is not a mitigating factor.
 - ii. Aggravating Factors. The Board shall take note of patterns of poor performance of operations under the license, lack of cooperation with public safety personnel, the extent to which the violation occurred under the control of the Licensee or its agents, the extent to which the violation threatens public health and safety.

5. Service. Unless otherwise ordered or authorized by the Board, service under these Rules shall be made upon a Party or upon the Party's attorney by first class mail postage prepaid, certified mail or hand delivery to his or her place of business, home address or other address supplied by the Party. Service upon persons who have not yet made an appearance shall be at the last address on file with the Board for any licensee. For non-licensees, service shall be at the last known address which the Board reasonably believes will result in actual delivery to the non-licensee. Service by mail is complete upon mailing.
6. Subpoenas. Requests for discovery in any proceeding before the Board to a Party shall be in the form of a subpoena or subpoena duces tecum pursuant to the Board's subpoena authority as set forth in Providence Home Rule Charter § 1102. In cases where a subpoena or subpoena duces tecum is not honored, the Board may direct the party requesting said subpoena to make said application to the State of Rhode Island Superior Court. When the Board directs a party to initiate contempt proceedings with Superior Court, the Board shall stay the adjudicatory proceeding pending before the Board and may suspend all licenses held by the licensed Party until such time as the person who failed to honor the subpoena honors the subpoena or is found to be in contempt by the Court and ordered to honor the subpoena or the subpoena is quashed, whichever occurs first. The Board may, sua sponte, or on motion of any of the Parties or witnesses, issue such protective orders, grant such motions to quash and grant other motions as justice or fairness may require.
7. Public Hearings. Except as required by law, all hearings are to be open to the public. In general, any Person who is not a Party to a proceeding may, in the discretion of the Chairperson, be permitted to make oral or submit written statements on any issues relevant to the proceeding, limited within discretion.
8. Decisions. All decisions rendered and orders issued by the Board in open forum at the conclusion of a hearing shall be provided to the Parties in writing within three (3) business days thereof. The decision and order shall be delivered to the Parties with a notice indicating the right to appeal in accordance with Rhode Island Law.
9. Commissioner Participation.
 - a. Disqualification. Any Party may make a motion to the Board requesting that it disqualify or remove the Chairperson or one or more Commissioner(s) from the proceeding. The motion shall be accompanied by an affidavit setting forth the reasons for the disqualification. In the event that the motion to disqualify is granted, the remaining members of the Board shall adjudicate the matter.
 - b. Incapacity or Recusal. When a member of the Board becomes incapacitated or unavailable to complete a hearing and/or render a decision, or when a member of the Board recuses him/herself from the hearing due to a perceived conflict of interest, the hearing shall be conducted and/or the decision shall be rendered by the remaining members of the Board so long as said remaining members are of a sufficient number to reach a quorum. If any Party objects to the completion of the proceeding absent the incapacitated Board member, that Party must prove prejudice by presentation of argument and evidence to the remaining Board members. If the remaining Board

members find that the objecting Party will be prejudiced, the remaining Board members will issue an order making such findings and will hear the matter de novo.

10. Appointment and Removal of Officers of the Board.

- a. Election of Chair. In accordance with the provisions of the City of Providence Home Rule Charter, a chairperson shall be chosen at the first meeting following qualification of the member appointed for that year.
- b. Vacancy. In the event of a vacancy in the office of chairperson or secretary, the board shall fill the vacancy for the balance of the term. Said election is in the ordinary course of business and shall be chosen by a simple majority vote.
- c. Removal of Officers. Notwithstanding the foregoing, in the event that a member or members of the board seek to change or remove the chair or any officers of the board as a result of a vote of no confidence or otherwise, a motion may be made by said member or members which shall set forth the reasons for said change in officers and upon second by another member, a vote to appoint a successor officer shall be held. A majority vote by four (4) members of the board is required to change or replace the existing chair or officer.

11. Miscellaneous.

- a. Intervention. Any Person claiming a right to intervene or an interest of such a nature that intervention is necessary or appropriate to the administration of the law, rule or regulation under which the proceeding is brought may seek to intervene in any proceeding. Intervention may be initiated by filing a motion to intervene with the Board. The motion shall set out clearly and concisely the facts from which the nature of the movant's alleged right of interest can be determined, the grounds for the proposed intervention and the position of the movant in the proceeding.
- b. Consolidation. The Chairperson may, in his/her discretion, consolidate or combine two (2) or more matters for purposes of hearing or other proceedings, when he/she finds that sufficient common issues of fact or law or both are involved or that administrative efficiency is best served by such consolidation.
- c. Plural. Words in the singular number include the plural, and vice-versa, except where the context otherwise requires or where a contrary result appears from necessary implication.

12. Board Counsel. The Board shall have outside counsel, recommended by the Board of Licenses subject to the approval of the Solicitor's Office, for the purpose of advising the Board upon all questions involving its official actions and business. Board Counsel shall be the legal representative and advisor to the Board. At the discretion of the Chairperson, said legal advisor may also appear before the Department of Business Regulation and in litigation in which the Board is a party.

13. Requirements of Commissioners.

- a. Training.
 - i. New members of the Board. Any new member of the Board of Licenses shall be required to receive professional certified training on all relevant State statutes, City ordinances, and relevant rules and regulations, as well as ethics

training and training on the Board of Licenses' Operations and Procedures Manual prior to their first meeting as a member of the board.

- ii. Annual training. All members of the Board of Licenses and all paid staff of the Office of the Board of Licenses shall be required to receive annual training in ethics and all relevant policies, procedures, laws, and ordinances.

14. Applicable Law. The hierarchy below shall be controlling:

- a. Applicable State Law includes but is not limited to the following:
 - i. Title 3, Title 5 and any additional applicable Titles of the Rhode Island General Laws of 1956 as amended.
- b. Applicable State Regulations include but is not limited to the following:
 - i. Any and all regulations and procedures mandated by the Rhode Island Department of Business Regulation, including but not limited to, 230-RICR-30-10-1 and any subsequent amendments or modifications.
- c. Applicable provisions of the Providence City Charter include but are not limited to the following:
 - i. Article XI.
- d. Applicable sections of the Providence Code of Ordinances include but are not limited to:
 - i. Chapter 14 Licenses and all related Articles contained therein.

15. Application for a Class B liquor license (BV)

1. All applications for a BV license shall be accompanied by a proposed menu for the establishment and must delineate a specific area for a kitchen which shall be approved by the State Department of Health prior to any preparation or sale of food or liquor on the premises.
 - a. For purposes of these rules a kitchen is defined as a designated space or area within the physical confines of the establishment which is used for the preparation, storage and cooking of food for service to the patrons of the establishment as set forth in the menu provided.
 - b. Said designated space shall meet all of the standards established by the state and local health departments as evidence by a permit or certificate of inspection from the applicable authority.
 - c. The afore-referenced kitchen shall be sufficient to prepare, store and cook the items set forth in the menu proposed by the applicant and shall be subject to review by the Board of Licenses based upon sufficiency for the food service proposed and capacity of the establishment.
2. The applicant shall provide a floor plan delineating the specific area in the establishment for the location of the kitchen and said plan shall include the total square footage of the area within the establishment and include the specific size of said kitchen area as well as the placement of any cooking, refrigeration, cleaning and storage appliances, including but not limited to any exhaust fans or hoods, stoves or cooktops and refrigerators or freezers within

the establishment.

3. All applications for a BVX license shall be accompanied by a proposed menu expressly delineating which food will be available from 12:00am - 2:00am, how it will be prepared, the job position(s) responsible for preparing the food during that time period, and the equipment that will be maintained in operable condition such that any food order can be met in a timely fashion.
 4. As a condition of renewal, any licensee that does not have the above information on file with the Board of Licenses shall be required to submit this information to the Board of Licenses on or before January 1, 2025. Failure to do so on or before June 30, 2025, shall constitute a breach of the conditions upon which the license was renewed and/or granted.
16. **BX License Applications.** In accordance with R.I.G.L. §3-7-7(a)(4), a holder of a B License may file application to open for business at twelve o'clock (12:00) p.m. and on Fridays and Saturdays and the night before legal state holidays may close at two o'clock (2:00) a.m. Said application will be permitted only by a licensee (or principal owner of a licensee) that has held the aforesaid B license within the City of Providence for a period of twelve (12) months prior to the date of application. Further, in addition to the advertising requirement contained in R.I.G.L. §3-7-7, any such application shall be subject to the notice requirements and procedure set forth herein.
- a. If the applicant has not held aforesaid B license within the City of Providence for a period of twelve (12) months prior to the date of application, the Board may only probationally grant a BX License while giving great consideration to any material objection from residential abutters entitled to notice.

17. **Management level employees.**

Alcoholic beverages:

1. All persons involved in the management or supervision of alcohol service and sales must be certified and in accordance with TIPS or other certification method and said certification must be presented to the Board of Licenses. The licensee shall notify the Board in writing of any changes in management personnel within 5 business days of said change.
2. Each licensee shall provide the name and address of any proposed manager as part of its application for issuance or renewal of any liquor license. Further, any written management agreement shall be provided to the Board upon execution by the parties.

18. **Food Service:**

1. A manager certified in food safety is required by the Department of Health and is required for all BV establishments.
2. Each licensee shall provide the name and address of any proposed manager as part of its application for issuance or renewal of any liquor license. Further, any written management agreement shall be provided to the Board upon execution by the parties.

3. During the entire period that food is being served, a person lawfully capable of preparing and/or serving that food must be present.

19. Violations in the sole control of the Licensee. The Board of Licenses, absent a finding that the Licensee has shown good cause for the violation, shall abide by the following minimum penalties for the following violations which are in the sole control of the Licensee. Beginning with violations that occur on or after January 1, 2020, any violations and/or sanctions shall be recorded as part of the violation history of the licensee and shall be limited to a three (3) year look back period (from the date of the imposition of penalty) for purposes of any progressive discipline imposed by the Board. If a Licensee operates for a full year without any such violation, then it shall be subject to the penalty standard as if there were one (1) fewer violation in the past three (3) years.

a. Entertainment without the Proper Zoning.

- i. First Violation – Warning.
- ii. Second Violation – Reduction of hours of operation for a period not to exceed ninety (90) days.
- iii. Third Violation – Permanent reduction of hours of operation to 11:00pm on weekdays and 12:00pm on weekends.

b. Entertainment without a license after 11:00pm on weekdays and 12:00pm on weekends.

- i. First Violation – Warning.
- ii. Second Violation – Reduction of hours of operation for a period not to exceed thirty (30) days.
- iii. Third Violation – Reduction of hours of operation for a period not to exceed six (6) months.
- iv. Fourth Violation – Permanent reduction of hours of operation to 11:00pm on weekdays and 12:00pm on weekends.

c. Adult Entertainment without a License.

- i. First Violation – Warning.
- ii. Second Violation – Reduction of hours of operation for a period not to exceed ninety (90) days.
- iii. Third Violation – Permanent reduction of hours of operation to 11:00pm on weekdays and 12:00pm on weekends.

d. Bottle Service.

- i. First Violation – Warning.
- ii. Second Violation – Reduction of hours of operation for a period not to exceed fifteen (15) days.
- iii. Third Violation – Reduction of hours of operation for a period not to exceed ninety (90) days.
- iv. Fourth Violation – Permanent reduction of hours of operation to 11:00pm on weekdays and 12:00pm on weekends.

20. Entertainment Licenses.

- a. Ancillary Entertainment. The Board of Licenses shall only require an entertainment license for entertainment ancillary to the primary use of the establishment if the sound will be heard outside the four walls of the building after 11:00pm.
- b. Recurring Applications. In the discretion of the Board, if there is no objection from the public, the City, or the Police Department, the Board may delegate the City of Providence License Administrator the authority to approve recurring entertainment license applications without public posting until any complaint is made regarding any such entertainment.
- c. Nuisance Mitigation. In instances where cause is shown by and through some evidence of unreasonable or uncommon or otherwise unforeseeable noise related nuisance is occurring through otherwise lawful entertainment, the Board may increasingly require noise mitigation. The Board shall make every effort that noise mitigation requirements of lawful entertainment are not unreasonable. Such requirements may include:
 - Licensee control over sound systems
 - Adjustments to the manner in which speakers are installed or pointed
 - Closing of windows
 - Sound insulation improvements
 - Two sets of doors for vestibule style entryways
 - Other Industry best practices for sound control and noise related mitigation

21. Special Events Applications.

- a. College or University Organized Events. Any application by a college or university for a special event shall be placed on the consent agenda if said institution guarantees in writing that it is providing its own security and personnel to manage the event and that such event will end before 11:00pm on a Weekday or 12:00am on a Weekend.
- b. Religious Events. Any application by a place of worship for a special event at the location of the place of worship's regular place of worship shall be placed on the consent agenda so long as the event will end before 11:00pm on a Weekday or 12:00am on a Weekend.
- c. City Services Approval. If an applicant before the Board of Licenses requires approval from the department of Arts Culture and Tourism, the applicant should have its City Services Meeting prior to their appearance before the Board of Licenses. The conditions set at the City Services Meeting shall be submitted to the Board of Licenses in writing, by the applicant.

Upon receipt of the written conditions set by the City Services Meeting, the applicant shall be placed on the Consent Agenda and shall not be required to appear before the Board of Licenses unless there is an objection at the public meeting, and any approval by the Board of Licenses is conditional on the written conditions imposed at the City Services Meeting.

22. Agenda. The Agenda for the Board of Licenses should be ordered as follows:

- a. Public Comment.
- b. Consent Agenda.
 - i. These items do not require the appearance of the applicant.
 - ii. So long as there is no objection to the grant of any item on the Consent Agenda

during Public Comment, all items on the Consent Agenda may be passed by a single motion.

- iii. Such Items may include but are not limited to:
 - 1. New
 - a. Vendors
 - b. Holiday
 - c. Food
 - d. Raffles
 - e. Tobacco – no consumption on premises
 - 2. Monthly blanket entertainment
 - a. Roger Williams Casino
 - b. Botanical Center
 - c. Events in public parks with the written approval of the parks department
 - 3. Temporary seasonal expansion
 - 4. Events with written approval from an Arts Culture and Tourism City Services meeting
 - 5. Reoccurring Special Events sponsored by a Religious Institution
 - 6. Events subject to Section 21. “Special Event Applications”
 - 7. Renewals in compliance with state and local laws in the absence of any objection from the City
- c. Public Hearings.
 - i. These are items that require a public hearing under state law or other controlling authority.
 - ii. Such items may include but are not limited to:
 - 1. All advertised hearings
 - 2. Liquor – new, transfers, renewals
 - 3. Motor vehicle repair, sales etc. – new only
 - 4. Second-hand – new only
 - 5. Amusement – new only
 - 6. Adult entertainment – new only
 - 7. 1AM to 4AM
- d. Matters not requiring a Public Hearing.
 - i. Any item that does not fall under the Consent Agenda and does not require a Public Hearing.
- e. Items not required for placement on an agenda.
 - i. Any item that is in compliance with state and local laws that is not objected to by the City.
 - ii. Such items may include but are not limited to:
 - 1. Mobile food establishment
 - 2. Renewals – all except liquor
 - 3. Yard sales
 - 4. Ancillary Entertainment that cannot be heard outside the four walls of the premises
 - 5. Reoccurring monthly entertainment in the discretion of the Board

23. Insurance. Any insurance required by Rhode Island Law must run concurrent with the effective dates of any license issued or must be accepted in writing by the License Administrator.
24. Remonstrance. It is the duty of the applicant to provide the City with an accurate radius map. The applicant is liable for any error in the radius map. If an objector argues that a remonstrance exists. All objections must be submitted before the conclusion of the public hearing. The License Administrator in conjunction with Board Counsel may make a determination as to the existence of a legal remonstrance. In making said determination, all objections submitted prior to any public hearing on issuance of a license as well as any objection made during the applicable public hearing shall be considered. Additionally, any impediment to the issuance of a license pursuant to R.I.G.L. §3-7-19 shall be considered and presented to the Board. Upon making said determination, the Board shall be advised in writing as to the condition establishing any such remonstrance.
25. Public Comment. There shall be an opportunity at the outset of every meeting for the public to comment on any matter, except:
 - a. No member of the public may comment regarding a pending show cause hearing
 - b. If the public comment is relevant to a matter set down for public hearing, the Board requests that the member of the public reserve their comment until such public hearing.
 - c. Public Comment shall be limited to three (3) minutes per person.
 - d. Public Comment in the context of a Public Hearing may be extended with the permission of the Chair if there is a reasonable cause to grant further time, such as the testimony of experts, argument of attorneys, or concerns of direct abutters.
26. Record of Proceedings. All Show Cause hearings and Public Hearings shall have a full and accurate record of the proceedings, whether by stenographic means or other recording. All records of the proceedings shall be accessible to the public either through the Office of the Board of Licenses or online immediately following the conclusion of a hearing. The Board shall be provided with the original of the stenographic record and Board counsel, upon request, shall be provided with a copy at no cost. Any Party may on his, her or its own initiative order a stenographic record made of the proceedings. The requesting Party shall incur all costs associated therewith.
27. Material Misrepresentation and Change of Business Model.
 - a. Material Misrepresentation. When the Board of Licenses grants a license, it does so based on a specific presentation regarding business model, management, marketing, security, and nuisance mitigation. If a licensee departs from the business model presented to the Board of Licenses, it may be subject to appropriate sanctions.
 - b. Change of Business Model. A licensee may change its business model without applying for a new license, however, it must present the Board of Licenses with a presentation regarding the new business model prior to enactment. Failure to present the Board of Licenses with the new business model may result in a finding of material misrepresentation and corresponding sanctions.
 - i. Material Change in Externalities. If the Board of Licenses finds that the proposed change in business model will cause a material change in externalities imposed on immediate abutters, then the Board of Licenses shall require the

applicant to provide written notice by certified and standard mail to all abutters within 200' of the four walls of the premises. The applicant may rely on the City's GIS generated abutter's list to identify all parties requiring such notice.

28. Consumption on Premises Permit. No licensee in the City of Providence shall allow consumption of alcohol on its premises without a license allowing for such. Any licensed establishment that does not wish to serve alcohol, but does wish to allow for consumption of alcohol on its premises must acquire a Consumption on Premises Permit.
 - a. Requirements:
 - i. The Licensee must present to the Board of Licenses a copy of an insurance certificate showing coverage for consumption of alcohol on premises.
 - ii. A TIPS certified staff member shall be on the premises at any time alcohol is being consumed.
 - iii. A Staff member must check the identification and confirm that any persons consuming alcohol meet legal age requirements.

29. Split Detail. Two or more licensed establishments may request a single police detail for a limited area. The Providence Police Department has sole discretion as to how many police officers are required to cover the area requested by licensees. The licensees shall be joint and severally liable for all detail expenses, said expenses may be split according to the fire capacity of the licensees.

30. Parking. Anytime there is an area of parking that the Licensee should reasonably be aware is regularly used by its Patrons, the Licensee shall make reasonable efforts to maintain cleanliness of that parking area and to mitigate any nuisances, in particular noise. Repeated failure to reasonably address patron behavior in a parking area may result in sanctions against liquor licenses.

31. Disbursement and Loitering. Any establishment that remains open past 11:00pm on Weekdays and 12:00am on Weekends shall make an active effort to facilitate a quiet and nuisance free of disbursement of guests such that patrons leaving their establishment do not cause a material nuisance including but not limited to any substantial change in the noise levels in the area surrounding the establishment and any parking area related to the establishment.

32. Security. If there is a show cause hearing where it is established that the operation of licenses within the City is at least in part causal to an act of violence, or some other substantial disturbance, such that the Board of Licenses finds that proactive measures to mitigate the potential for future violence is in the public's interests, then the Board of Licenses may require the licensee to hire a third-party security company that meets the following conditions:
 - a. The Security Company must be registered with the Board of Licenses, such registration shall include the following:
 - i. A current list of all employees or independent contractors providing security by or through the Security Company.
 - ii. All persons providing security by or through the Security Company must have an active Floor Host License.
 - iii. The Security Company shall have an active insurance policy sufficiently

covering the potential necessity for physical intervention by security personnel. The sufficiency of this coverage shall be determined by the City Solicitor's Office, appeals from any such determination shall be heard by the Board of Licenses.

33. Pilot Programs. The following are Pilot Programs designed to increase opportunity for local business while mitigating nuisance and increasing public safety. The following licenses are only probationary for the duration of the Pilot Period and may be denied or revoked at any time without cause.

a. Soft Closing License. A soft closing license is not a right. It is a privilege extended by the grace of the Board of Licenses and may be revoked at any time without cause. In an effort to mitigate nuisances and increase public safety, the Board of Licenses may grant a soft closing license pursuant to Rhode Island General Laws §3-7-7(b)(1).

i. Soft Closing District, as Defined by RIGL§3-7-7(b)(1) is equal to the boundaries of the City of Providence

ii. A soft closing license requires the following:

1. Alcohol Service. No service of alcohol during the soft closing time period.

2. Sound. Calming, soft, quiet background music starting at the conclusion of liquor sales and continuing for a period of forty-five (45) minutes, then no music at all for the remainder of the soft closing period.

3. Loitering. Patrons are not allowed to loiter outside of the establishment. Licensees are encouraged to use staff to manage ride share and taxi access and support in a manner that minimizes noise outside of the establishment.

4. Security. Security personnel on premises before the start of the soft closing must remain on the premises for the duration of the soft closing. The security plan must either include police detail or a security team that meets all the conditions of Section 30(a) herein, excepting that the security team may not have to be a third-party corporation.

5. Whatever conditions the Board of Licenses deems relevant to the goal of decreasing neighborhood nuisance and increasing public safety, including but not limited to the requirement that exit vestibules are built to minimize noise and cameras are installed to increase security.

6. Application. Any establishment seeking a soft closing license shall submit an application to the Board of Licenses which includes the following:

a. A nuisance mitigation plan that clearly describes how the Licensee will comply with the above requirements and outlining how the use of the soft closing license will decrease neighborhood noise.

b. A security plan that outlines how the use of a soft closing license will increase public safety.

b. Combined Expansion of Premises. Two (2) or more Licensees may jointly apply for a

shared but limited expansion of premises permit.

- i. Application. Such an application shall include:
 1. Written City Services approval from Arts Culture and Tourism.
 2. Map of the joint expansion of premises, any exterior service centers, toilet areas, security, and entry/exit points
 - a. If the joint expansion of premises makes any use of public property, a copy of the appropriate approvals for such usage.
 3. Security Plan detailing how entry and exit from the joint expansion of premises shall occur and how liquor consumption will be regulated.
 4. Nuisance Mitigation Plan detailing how sound will be managed in the outdoor space.
 5. Public Health statement detailing how access to rest areas will be adequately met and the timeline for cleaning the subject joint expansion area.
 6. Insurance Certificate holding the City of Providence harmless for all liability arising from the use of the expansion of premises.
 7. Compliance with Providence Code of Ordinances §23-32.
- ii. All licensees to the application are jointly and severally liable for any violations resulting therefrom.

34. Abandonment. Nonoperation of a license for a period of greater than one (1) year is subject to the Solicitor bringing a charge of abandonment. Abandonment of the License shall be upheld if the Board of Licenses finds that the lack of operation is at least in part due to the actions or omissions of the licensee.

35. Issuance of a License. All approvals of the Board of Licenses are subject to a ninety (90) day review. Anytime a licensee has failed to effectuate the conditions of the grant of a license for a period of more than ninety (90) days, the License Administrator shall require them to appear before the Board of Licenses.

36. Licensee Initiatives. The Board of Licenses encourages licensees to pursue certifications and processes that may help in the Board of Licenses goal to improve both Patron and Community Experiences. Accordingly, the Board of Licenses shall favorably consider licensee initiative, including the following:

- a. Licensee cooperation with the Providence Police Department and the Board of License and the Providence Licensing Department.
- b. Licensee acquisition of safety certifications, in particular any certifications recognized by insurance agencies as beneficial to mitigating risk.
- c. Any joint efforts by groups of licensees to aid each other in the management of the night time economy and night time patrons.
- d. Licensee communication with immediate abutters regarding safety and nuisance concerns

37. Effective Date. Subsequent to the initial adoption and promulgation, the Board will schedule an annual review for discussion and/or modification of these the Operations and Procedures set forth herein. Said discussion and review will be scheduled annually on the earliest practicable date subsequent to the first meeting following qualification of a member of the board appointed in accordance with Section 1102 (a) of the Providence City Charter.

38. **Renewal.** If a Licensee shall fail to complete all conditions necessary for a renewal on or before the first Friday of January, that shall constitute sufficient cause for denial of the renewal. Beginning the second week of January, the Board of Licenses, in its discretion, may impose and fines, conditions, sanctions, suspensions, or other penalties up to and including denial of renewal regarding any and all licensees that have failed to complete all conditions of renewal.
39. **Severability.** If any provision of these Rules or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of these Rules which can be given effect without the invalid or unconstitutional provision or application, and to this end the provision of these Rules are severable.
40. **Parties providing information before the Board.** All parties providing comment, evidence or information before the Board shall be sworn and any such presentation shall be made under the penalties of perjury. Said provision shall include members of the general public appearing in opposition or support of any license. Legal counsel shall be exempt from this requirement.
41. **Non-Tobacco Hookah License**
1. Any licensee wishing to serve non-tobacco hookah shall apply for a license from the Board of Licenses. This license shall be approved administratively to all licensees in good standing. This license may be limited, suspended or revoked for cause in the normal course of a Show Cause process.

Effective Date, January 1, 2025.