

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

ORD 23-25

TOWN OF CUMBERLAND

An Ordinance: AMENDING THE CODE OF ORDINANCES RELATING TO ENTERTAINMENT LICENSES

SECTION 1: Chapter 8 of the Town of Cumberland Code of Ordinances is hereby amended as follows.

§ 8-28 Entertainment license.

- (a) Establishment. There is hereby established a yearly entertainment license which shall authorize a licensed liquor establishment or a nonalcohol serving establishment in the Town to provide entertainment to its customers. The license will permit both live ~~and/or recorded music~~ or any form of live performance.
- (b) Special license. When a licensed liquor establishment does not possess a yearly entertainment license, such an establishment shall be allowed to obtain a special limited license to host a specific event for a limited period of time. Said license will only be issued by special permission of the Town Council after hearing thereon.
- (c) Special event entertainment license. When any person, firm, corporation or association hosts an event for a limited period where there will be entertainment and/or vendors present, host shall apply for a special event entertainment license with the Town Clerk. Special events are described as, but not limited to, concerts, fairs, circuses, carnivals, festivals, or parades. Host of said event shall be responsible for providing a list of vendors in a form prescribed by the Town Clerk to include a copy of any Rhode Island vendor's valid sales tax permits unless exempt, and where necessary a valid department of health permit. Additionally, the host must ensure that all out-of-state vendors obtain a temporary retail sales permit according to and in compliance with Rhode Island General Law §§ 44-19-1 and 44-18-15.1.
- (d) Fees. There is hereby established an annual entertainment license fee of \$200. The fee for any special license issued after approval by the Town Council shall be \$35 per day. Fees shall be paid at the time of the issuance of, or renewal of the license and shall be subject to review by the Town Council.
- (e) Public safety review. No entertainment license shall be issued until the owner or host of the establishment or venue to be licensed presents evidence under this section that the establishment is in compliance with all local and state fire code provisions. It shall be the duty of the applicant for the license to obtain such a compliance report from the chief of the

39 fire district where the establishment or venue is located. In addition, any applicant for an
40 entertainment license under this section shall obtain the approval of the Town Police Chief
41 and the director of rescue services, or his/her designee, to hold a special event. Approval
42 shall only be granted after the applicant has provided the Chief of Police with information,
43 including, but not limited to, the nature and location of the event, estimated number of
44 people attending, and plans for directing traffic and crowd control to ensure the public
45 health, safety and welfare of the Town's inhabitants is protected.

46 (f) Nonprofit organizations. Any nonprofit organization which possesses a valid tax exempt
47 certificate and which is in good standing with the Internal Revenue Service and State of
48 Rhode Island Division of Taxation will be exempt from the payment of any fees in
49 Subsection (d) above, but will be required to comply with all other provisions of this
50 section.

51 (g) Insurance bond. Applicants must provide a copy of an insurance bond naming the Town of
52 Cumberland as additional insured in a form and in an amount approved by the solicitor.

53 (h) Any person or business who violates any of the provisions of this section shall be subject to
54 a fine of \$100 per day for each violation and shall be subject to the forfeiture of any license
55 granted.

56 **SECTION 2:** This Ordinance shall become effective immediately upon passage.

57 **LEGISLATIVE EXPLANATION**

58 This Ordinance removes the requirement that an establishment providing recorded music
59 to its patrons must obtain an entertainment license.

60

**ON A MOTION BY COUNCILOR MAGILL, SECONDED BY COUNCILOR SCHMITT, IT WAS
UNANIMOUSLY VOTED TO APPROVE, BY A ROLL CALL. VOTE 6/0.**

Date Adopted: **October 18, 2023**



Jeffrey J. Mutter, Mayor

A True Copy, ATTEST:



Michael L. Kinch, President



Sandra M. Giovanelli, Town Clerk