

Chapter 8

LICENSES AND BUSINESS REGULATIONS

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ARTICLE I In General

§ 8-1. through § 8-15. (Reserved)

ARTICLE II Amusements

State law reference – Shows and exhibitions, G.L. 1956, § 5-22-1 et seq.

§ 8-16. **Definitions.** [Ord. No. 2012-8, November 5, 2012]

When used in this article, the following words and phrases shall have the following meaning:

GAME ROOM — A public place, building or room where three or more gaming devices, machines, or apparatuses, including but not limited to pinball machines, computer gaming devices, electronic gaming devices, and video game machines, are available for the use and entertainment of the public and where public use of the devices, machines, or apparatuses for a fee is the principal source of income.

GAMING DEVICE — A machine, apparatus, computer component or item or items of electronic equipment, connected to an electrical outlet by one cord, which upon the insertion of a coin, slug, token, plate, disc, or card may be operated by the public generally for the use of a mechanical, electronic, video, or other game or amusement, whether or not it registers a score and whether or not the operation involves skill.

TABLE GAME — A game played on a horizontal surface, including but not limited to a billiard table, a bagatelle table, a pool table, or a scippo table, that is available for the use and entertainment of the public.

State law reference – Authority to regulate, G.L. 1956, § 5-2-1; local license required, G.L. 1956, § 5-2-10; fees, G.L. 1956, § 5-2-11.

§ 8-17. License required. [Ord. No. 2012-8, November 5, 2012]

No person, corporation, or business shall keep or allow to be kept a gaming device or a table game for public use without first obtaining a license for each such gaming device or table game from the town council.

§ 8-18. License conditions. [Ord. No. 2012-8, November 5, 2012]

- (a) The term of each license shall be one year. Each license shall expire on the 30th day of June.
- (b) The fee for each license is on file in the town clerk's office.
- (c) No more than two licenses shall be issued for one establishment, business, or premises.
- (d) No license shall be transferable to a different location or a different licensee.

§ 8-19. Application. [Ord. No. 2012-8, November 5, 2012]

The application for such license shall contain the following information:

- (a) The name, address, and telephone number of the business applying for the license;
- (b) The name, address, and telephone number of the property owner;
- (c) Place where the gaming device or table game will be located and the type of business conducted at that location;
- (d) A description of each gaming device or table game, including the manufacturer and serial number.

§ 8-20. Inspections required. [Ord. No. 2012-8, November 5, 2012]

No license shall be issued until the premises has been inspected by the zoning enforcement officer and determined to be in compliance with the zoning ordinance.

§ 8-21. License restrictions. [Ord. No. 2012-8, November 5, 2012]

- (a) No licensee under this article shall permit a person under 12 years of age to use or operate a gaming device or table game without adult supervision.
- (b) No licensee under this article shall permit a person under 18 years of age to use or operate a gaming device or table game at a location where alcoholic beverages are sold.
- (c) No license shall be issued for any game room or for any electronic game of chance or sweepstakes played on computer hardware.

§ 8-22. Suspension or revocation of license. [Ord. No. 2012-8, November 5, 2012]

- (a) If a licensee violates any terms or conditions of this article or of the license, the town council may compel the licensee to show cause why the license should not be suspended or revoked.
- (b) The town clerk shall notify the licensee by certified mail of the date, time, and location of the show cause hearing. The hearing shall be advertised in a newspaper in general circulation in the town at least seven days in advance.
- (c) The licensee shall be allowed to present any evidence or testimony on his or her behalf. If the town council determines that such a violation has occurred, it may take whatever action it deems appropriate, including but not limited to suspension or revocation of the license.

§ 8-23. Violation and penalties. [Ord. No. 2012-8, November 5, 2012]

Every person who operates a gaming device or table game without a license issued in accordance with this article may be punished by a fine of \$20 for each offense. Each day the gaming device or table game is operated without a license shall constitute a separate offense.

§ 8-24. through § 8-55. (Reserved)

ARTICLE III
Hotels, Restaurants, Inns

State law reference – Hotels' keeping of valuables, G.L. 1956, §§ 5-14-1, 5-14-2; hotels and motels, G.L. 1956, § 23-28.7-1 et seq.; recreational facilities including hotels and motels, G.L. 1956, § 23-21-1 et seq.; boarding homes, state licenses required, G.L. 1956, § 23-28.13-26.1; boarding homes, regulations, G.L. 1956, § 23-28.13-1 et seq.; rooming homes, G.L. 1956, § 23-28.14-1 et seq.; power of town council to license taverns, victualling houses, cook shops and oyster houses, G.L. 1956, § 5-24-1; term and duration of license, G.L. 1956, § 5-24-2; penalty for not obtaining license, G.L. 1956, § 5-24-3; licensing and regulation of taverns, G.L. 1956, § 5-24-1 et seq.

§ 8-56. License required. [Rev. Ords. 1989, § 8-56]

No person shall keep a restaurant, bakery shop, coffeeshop, oyster house or victualling house, hotel, roominghouse or boardinghouse within the town without first having obtained a license from the town clerk.

§ 8-57. License fee; issuance of license. [Rev. Ords. 1989, § 8-57]

- (a) The town clerk is hereby authorized to issue numbered licenses, to expire on December 1 next following the date of the license or whenever revoked by the council, to such persons as may apply to keep a restaurant, bakery shop, coffeeshop, oyster house or victualling house upon payment of the sum which is on file in the town clerk's office for every establishment serving liquor, and the sum which is on file in the town clerk's office for all other establishments. The license shall be posted in a conspicuous place within the premises.
- (b) The town clerk is authorized to issue numbered licenses in like manner to such persons as may apply to keep and operate a hotel, roominghouse or boardinghouse upon payment of the sum which is on file in the town clerk's office. The license shall be posted in a conspicuous place in the hotel, roominghouse or boardinghouse.

§ 8-58. Sanitation regulations. [Rev. Ords. 1989, § 8-58]

- (a) All establishments described in sections 8-56 and 8-57 shall maintain the premises and surrounding areas in a clean and orderly manner, and containers with suitable covers shall be provided for rubbish, trash and discarded containers. No trash, rubbish, cans, bottles, plastic or paper containers or paper goods shall be allowed to remain or accumulate on or around the premises and such items shall be collected, kept and transported in covered containers or covered trucks.
- (b) Every person licensed under the provisions of this chapter shall provide, as a condition of its license, suitable toilet and washroom facilities for its patrons and shall keep such facilities in a safe and sanitary condition. However, this section shall not apply either retroactively or prospectively to any premises which were the location of a victualling license prior to September 14, 1989.

§ 8-59. Minimum housing standards. [Rev. Ords. 1989, § 8-59]

- (a) No owner, operator or other person of an establishment required to be licensed under this article shall rent any dwelling, dwelling unit or structure unless it and the premises are clean, sanitary, safe and fit for human occupancy and comply with the Rhode Island Housing Maintenance and Occupancy Code, G.L. 1956, § 45-24.3-1 et seq., and/or G.L. 1956, §§ 23-20-1 – 23-20-4.
- (b) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system or septic tank approved by the health officer and in good working condition, shall be supplied for each six persons or fraction thereof residing therein.
- (c) In every commercial dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain at least 70 square feet of floorspace for the first occupant

and at least 50 square feet of floorspace for each additional occupant.

- (d) The operator of a roominghouse shall ascertain that stoves, refrigerators and/or similar devices are safe and efficient.
- (e) Every rooming unit above the first floor shall have immediate access to two or more safe, unobstructed means of egress, appropriately marked.
- (f) Every room for human occupancy shall meet the minimum standards for house equipment and facilities as specified in the Rhode Island Minimum Housing Law, G.L. 1956, § 45-24.2-1 et seq.
- (g) Inspection, prior to issuance of a license, will be made at the convenience of the operator, by the minimum housing standards inspector or such town officer that the town council designates.

§ 8-60. Enforcement. [Rev. Ords. 1989, § 8-60]

The minimum housing inspector, health officer or such other officer as the town council may designate shall be charged with inspection and enforcement of this article. The officer shall have all powers and authority granted to such officers by G.L. 1956, § 45-24.3-15. Notice of noncompliance, hearing, penalties and right of appeal shall be given in accordance with G.L. 1956, §§ 45-24.3-17 and 45-24.3-21.

§ 8-61. Nudity on premises where alcoholic beverages are offered for sale. [Ord. of 9-17-1997]

- (a) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment located within the town 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 female 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) of this section.
 - (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 or cleavage.
 - (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, anus, anal cleft or cleavage.
- (b) Any person who shall violate any provision of this section shall be guilty of an offense against the town, punishable as provided in § 1-15.

§ 8-62. through § 8-75. (Reserved)

ARTICLE IV
Motorized Cycle Rental

§ 8-76. Definitions. [Rev. Ords. 1989, § 8-76; Ord. of 6-28-2006(1), § 8-76]

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

MOTOR SCOOTER — A motor-driven cycle with a motor rated not more than 4.9 horsepower and not greater than 50 cubic centimeters, which is capable of a maximum speed of not more than 30 miles per hour.

MOTORIZED CYCLE — Two wheel vehicles which may be propelled by human power or helper power, or both, with a motor rated not more than 4.9 horsepower and not greater than 50 cubic centimeters, which are capable of a maximum speed of not more than 30 miles per hour.

MOTORIZED TRICYCLE — Tricycles which may be propelled by human power or helper motor, or by both, with a motor rated no more than 1.5 brake horsepower which is capable of a maximum speed of not more than 30 miles per hour.

RENTAL OR LEASE OF MOTORIZED BICYCLES, MOTORIZED TRICYCLES OR MOTOR SCOOTERS — The use of motorized bicycles, motorized tricycles or motor scooters where compensation in any form is received directly or indirectly by the person who is the registered owner, lessor or sublessor of such vehicle from the person using, hiring, leasing or renting such vehicle.

§ 8-77. License – Required. [Rev. Ords. 1989, § 8-77; Ord. of 6-28-2006(1), § 8-77]

No person, firm, or corporation shall, or offer for rent or lease or allow to be rented or leased any motorized bicycle, motorized tricycle or motor scooter within the Town unless and until the Town Council issues a license in accordance with the provisions of this article. Each licensee and applicant shall comply with all applicable Town ordinances and laws of state.

§ 8-78. Same – Application. [Rev. Ords. 1989, § 8-78; Ord. of 10-21-1992(1); Ord. of 6-28-2006(1), § 8-78; amended 2-19-2020 by Ord. No. 2020-01; 3-4-2021 by Ord. No. 2021-02]

Any person requesting a license hereunder shall make application to the Town Council upon the following form, to be supplied by the Town Clerk:

License Application – Rental of Motorized Bicycles, Motorized Tricycles and/or Motorized Scooters

1. Applicant: _____
 - () Natural person(s)
 - () Corporation
 - () Partnership
 - () Other _____
 - (Specify)
2. Business address: _____

3. If applicant is a corporation:

State of incorporation _____

Officers: President _____
Vice President _____
Secretary _____
Treasurer _____

Directors _____

Shareholders (and percent interest of each shareholder):

If applicant is a Rhode Island Corporation, attach a certificate of good standing from the Rhode Island Secretary of State. If applicant is a foreign corporation, attach a certificate of good standing from the state of incorporation and a certificate of authority to transact business in Rhode Island from Rhode Island Secretary of State.

4. If applicant is a partnership, list all general and limited partners: _____

5. Operating location: _____
 - a. The operating location shall be identified by submitting a site plan, drawn to an acceptable engineering scale and containing: parcel identification (Tax Assessor's Map and Lot); ownership; zoning classification; and identification of the exact location on the premises and a GIS map of the premises where vehicles are to be rented or leased. If applicant has entered into a lease for the property from which mopeds, tripedes, and scooters are to be rented, attach a copy of the lease agreement. (Note: If license is issued, it will be issued for this location only.)
 - b. The vehicle proficiency area shall be identified by submitting a site plan, drawn to an acceptable engineering scale and containing: parcel identification (Tax Assessor's Map and Lot); ownership; zoning classification; and identification of the exact location on the premises and a GIS map of the premises where the applicant proposes to operate a vehicle proficiency area where renters practice using the vehicle before going onto state or Town roads.
 - c. The applicant's plan for the off-season storage of vehicles that complies with state law and Town ordinances.
6. Insurance coverage for operators of rented mopeds, tripedes, and scooters and insurance coverage for any liability of the applicant/lessor for personal injury and/or property damage by reason of the rental of the applicant's/lessor mopeds, tripedes, or scooters, not less than \$10,000 coverage for property damage per accident, \$25,000 for injury or death sustained by

one person, and \$50,000 for all personal injuries or deaths resulting from one accident:

Name of insurance carrier _____

Property damage _____

Personal damage _____

7. Describe type of (a) mopeds, (b) tripeds and (c) motor scooters applicant intends to rent:

8. (a) Number of vehicles and registration numbers as issued by the State of Rhode Island and the Vehicle Identification Number as issued by the manufacturer of each vehicle applicant intends to rent: _____

(b) As to each such vehicle, a certificate by duly authorized state inspection facility indicating that any such vehicle passed an annual inspection, as governed by rules promulgated by the Rhode Island State Department of Transportation. _____

9. Does applicant or any officer, director, shareholder or partner thereof or any entity in which applicant is an ownership interest or if applicant is an individual, any member of applicant's immediate family have any other license to rent mopeds tripeds, or motor scooters in the Town of New Shoreham or have any interest, direct or indirect, in any other such license issued or applied for?

Yes _____ If yes, give details of license: _____

No _____

10. If applicant is a corporation, do any shareholders own shares of, or have any direct or indirect interest in, an existing corporation licensee, or a corporation for which a license has been applied for?

Yes _____ If yes, name existing license: _____

No _____

11. If applicant is a corporation, is any officer or director thereof, an officer or director of an existing licensee?

Yes _____ If yes, name existing license and office or directorship held. _____

No _____

12. Has applicant been convicted of any felony or misdemeanor within the past five years?

Yes _____ If yes, specify: _____

No_____

13. Has applicant been found to have violated any motor vehicle law or code within the past five years?

Yes_____ If yes, specify:_____

No_____

14. Has applicant been found to be in violation of any ordinances of New Shoreham within the past five years?

Yes_____ If yes, specify:_____

No_____

15. Does applicant give the Town Council permission to contact state municipal authorities and applicant's insurance agent, broker, or carrier to obtain information relating to this application? Yes_____ No_____

16. If applicant has been issued a license by the State of Rhode Island or the Town Council hereunder to rent motorized bicycles, motorized tricycles or motor scooters the previous year, attach a copy of applicant's financial statements. If applicant has been previously issued a license by the State of Rhode Island or by the Town Council hereunder, attach a copy of the license. If applicant has not previously been issued a license, attach a copy of applicant's pro forma financial statements.

17. Is this an () original application?

() renewal application?

§ 8-79. Procedure for issuance of license. [Rev. Ords. 1989, § 8-79; Ord. of 6-28-2006(1), § 8-79]

- (a) Within 30 days of the filing of an application for a license hereunder, whether an original or renewal license, the Town Council shall take action on the application pursuant to G.L. 1956, § 31-19.3-6 et seq. The Town Council shall consider the applications in the order in which they are completed in accordance with this article.
- (b) Applicants who are denied licenses due to unavailability because of the issuance of the maximum number hereunder as hereafter provided for in § 8-78 or such other number as the Town Council may determine shall be placed on the waiting list as provided in § 8-85.
- (c) In determining the fitness of the applicant to be licensed, hereunder, the Town Council shall consider all information set forth in the application to be filed pursuant to § 8-78 and the solvency, financial standing, insurance coverage and any other matter which the Town Council deems pertinent to safeguard the public interest, including without limitation, the condition of the applicant's premises for which a license is sought, the applicant's compliance with Town ordinances and the laws of Rhode Island and the safety record of persons renting mopeds, tripeds, or motor scooters from the applicant.

- (d) Each license shall permit the rental or lease of such vehicles at one geographic location in which the rental of such vehicles is a permitted use. Each license issued by the Town Council shall be valid unless sooner revoked or suspended until the end of the calendar year for which it is issued.

§ 8-80. Review of application by Town Clerk. [Rev. Ords. 1989, § 8-80; Ord. of 6-28-2006(1), § 8-80]

Upon the filing of an application for a license hereunder or renewal thereof, the Town Clerk shall determine whether the application is complete in accordance with the terms of this chapter. If the application is incomplete, the Town Clerk shall forthwith notify the applicant at the address contained in the application. When the application is complete, the Town Clerk shall forward it to the Town Council for action.

§ 8-81. License contents. [Rev. Ords. 1989, § 8-81; Ord. of 6-28-2006(1), § 8-81]

- (a) Each license issued by the Town Council shall specify:
 - (1) The name and address of the license holder;
 - (2) The type of vehicle(s) which the licensee is authorized to rent or lease;
 - (3) The location of the premises from which the licensee is authorized to rent or lease vehicles;
 - (4) The total number of motorized bicycles, motorized tricycles, and/or motorized scooters which the licensee is authorized to rent or lease; and
 - (5) Such provisions or stipulations which shall be included in the lease agreement that the lessee has been informed of the Town's ordinance prohibiting use of the vehicle on unpaved roads and other applicable Town ordinances and state laws and regulations relating to operation of motorized bicycles, motorized tricycles, and motorized scooters.
- (b) Prior to issuance of the license, the licensee shall present to the Town Clerk a certificate stating that the licensee has insurance coverage in effect in the amounts required by § 8-78. If such coverage is cancelled by the licensee's insurer, the licensee or its insurer shall promptly notify the Town Clerk.

§ 8-82. Tags. [Rev. Ords. 1989, § 8-82; Ord. of 6-28-2006(1), § 8-82]

Each licensee shall be issued an identification tag for each authorized motorized bicycle, motorized tricycle, or motorized scooter which tag shall be affixed to an authorized vehicle in a conspicuous place. Each tag shall contain the Town license number and, at the option of the Town, the name of the licensee and the licensee's vehicle number. No vehicle shall be rented or leased unless one of the tags is affixed thereto.

§ 8-83. License – Renewal. [Rev. Ords. 1989, § 8-83; Ord. of 6-28-2006(1), § 8-83; amended 2-19-2020 by Ord. No. 2020-01]

- (a) Each license may be renewed on or after the first of each year, by application made as

provided in (b) below. An applicant who is granted a license shall obtain the license from the Town Clerk within 30 days of the granting of same or May 1 of the year for which the license is granted, whichever is later. Otherwise the license may be revoked by the Town Council.

- (b) Each licensee who seeks to renew a license shall submit an application in the form set out in § 8-78 between November 15 and December 1 of the year in which the license was issued. Licensees seeking renewal of their licenses and who comply with this section in a timely fashion shall be given preference for the following year over applicants on the waiting list.
- (c) In determining the fitness of the applicant to have the applicant's license renewed hereunder, the Town Council shall consider all information set forth in the application to be filed pursuant to § 8-78 and the solvency, financial standing, insurance coverage and any other matter which the Town Council deems pertinent to safeguard the public interest, including without limitation, the condition of the applicant's premises for which a license is sought, the applicant's compliance with Town ordinances and the laws of Rhode Island and the safety record of persons renting mopeds, tripedes, or motor scooters from the applicant.

§ 8-84. Same – Fee. [Rev. Ords. 1989, § 8-84; Ord. of 6-28-2006(1), § 8-84]

Upon issuance of any new license or renewal of any license, the licensee shall pay to the Town a fee which is on file in the Town Clerk's office per authorized motorized bicycle, motorized tricycle and motorized scooter.

§ 8-85. Waiting list. [Rev. Ords. 1989, § 8-85; Ord. of 6-28-2006(1), § 8-85]

The Town shall maintain a waiting list of applicants for licenses under this article. Applicants who are denied licenses because of the unavailability of additional licenses to be issued under this article shall be placed on the waiting list in the order in which applications are acted upon by the Town Council. When a license becomes available, the applicant first on the waiting list shall be considered next for a license, subject to the provisions of this article limiting the number of licenses which may be issued hereunder as shall then be effective. During the month of November of each year, the Town Clerk shall contact each applicant on the waiting list at the address as given on the application to determine whether the applicant still seeks a license. The application shall be updated each year on or before December 1.

§ 8-86. Number of licenses. [Rev. Ords. 1989, § 8-86; Ord. of 2-21-1996(2); Ord. of 6-28-2006(1), § 8-86]

The number of licenses for rental of motorized bicycles, motorized tricycles, and motorized scooters to be issued by the Town shall not exceed five per year.

§ 8-87. Number of vehicles per license. [Rev. Ords. 1989, § 8-87; Ord. of 10-17-1994; Ord. of 7-24-1997; Ord. of 6-28-2006(1), § 8-87]

The number of motorized bicycles, motorized tricycles or motorized scooters which a licensee shall be permitted to rent or lease shall not exceed 34 in total.

§ 8-88. Hours of operation. [Rev. Ords. 1989, § 8-88; Ord. of 10-5-1992; Ord. of 6-28-2006(1), § 8-88; amended 2-19-2020 by Ord. No. 2020-01]

Editor's Note: Pursuant to case # WC-2021-0063, Ord. No. 2021-02 was removed from this section.

Motorized bicycles, motorized tricycles and motorized scooters may be rented or leased only between the hours of 9:00 a.m. and 6:00 p.m. and operation of these vehicles may only occur between the hours of 9:00 a.m. and 8:00 p.m.

§ 8-89. Registration. [Rev. Ords. 1989, § 8-89; Ord. of 6-28-2006(1), § 8-89]

All motorized bicycles, motorized tricycles, and motorized scooters offered for rent or lease by a licensee hereunder shall be registered in the Town at the licensee's business address on Block Island.

§ 8-90. Safety. [Rev. Ords. 1989, § 8-90; Ord. of 11-18-1992; Ord. of 6-28-2006(1), § 8-90; amended 2-19-2020 by Ord. No. 2020-01]

Editor's Note: Pursuant to case # WC-2021-0063, Ord. Nos. 2021-02 and 2021-03 were removed from this section.

Each licensee shall make available to persons renting motorized bicycles, motorized tricycles, and motorized scooters eye protection and helmets of the type approved by the state as set forth in rules and regulations promulgated in accordance with G.L. 1956 § 31-10.1-4. Each licensee shall comply with § 18-24 of this ordinance, and all applicable laws and regulations of the State and its agencies including Rhode Island General Laws §31-41.1-4, which provides: any passenger on a motorcycle, motor scooter, or motor-driven cycle must be provided with a separate rear seat, a separate foot-rest, and an appropriate handlebar or grip for his or her use, and must wear a properly fitting helmet of a type approved by the division of motor vehicles. No person shall operate a motorcycle, motor scooter, or motor-driven cycle unless any passenger on it wears a helmet and is able to rest his or her feet upon a foot-rest. Any passenger on a motorcycle, motor scooter, or motor-driven cycle under twelve (12) years of age must have a properly secured back-rest or equivalent, shall have his or her feet placed upon the foot-rest, and shall be seated behind the operator unless a side car is provided. When, however, a side car is provided this age requirement shall not apply to any passenger(s) in the side car. Violations of this section are subject to fines enumerated in § 31-41.1-4.

§ 8-91. Driver's license required for rental. [Rev. Ords. 1989, § 8-91; Ord. of 6-28-2006(1), § 8-91]

No person shall rent or lease a motorized bicycle, motorized tricycle, or motorized scooter unless they have a valid operator's license under G.L. 1956, § 31-10-1 or similar laws of another jurisdiction.

§ 8-92. Transferability. [Rev. Ords. 1989, § 8-92; Ord. of 6-28-2006(1), § 8-92]

A license issued pursuant to this article is not transferable.

§ 8-93. Procedures for denial, etc., of license. [Rev. Ords. 1989, § 8-93; Ord. of 6-28-2006(1), § 8-93]

THE PROCEDURES SET FORTH IN G.L. 1956, § 31-19.3-6 — 31-19.3-10 shall apply to the denial, suspension or revocation of licenses. If the Town Council shall deny an application for renewal of a license or shall suspend or revoke a license, no license in the place and stead of such license shall be issued until all appeals from such action of the Town Council shall be finally determined.

§ 8-94. Limitations on licenses. [Rev. Ords. 1989, § 8-94; Ord. of 6-28-2006(1), § 8-94]

No person shall hold more than one license for the rental of motorized bicycles, motorized tricycles, and motorized scooters. No officer, director, shareholder, partner or member of the immediate family of an existing licensee or any person who has an ownership interest, direct or indirect in an existing license shall be granted a license hereunder. No license shall be issued to a corporation if an officer, director or shareholder of the applicant is also an officer, director or shareholder of an existing corporate license.

§ 8-95. Enactment. [Ord. of 6-28-2006(1), § 8-95]

This ordinance shall take effect upon passage.

§ 8-96. through § 8-109. (Reserved)

ARTICLE V
Hawkers and Peddlers

[Rev. Ords. 1989; Ord. No. 2012-8, November 5, 2012; Ord. No. 2013-09, September 18, 2013; Ord. No. 2014-11, November 3, 2014; Ord. No. 2016-01, January 4, 2016; amended 11-20-2019 by Ord. No. 2019-07]

State law reference – Peddlers, G.L. 1956, § 5-11-1 et seq.

§ 8-110. Definitions.

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

HAWK — To sell or to offer for sale any goods, wares, or merchandise, including any food or beverage, on any public street, highway, or public right of way in the state from a stationary location.

HAWKER — Any person selling or offering for sale any goods, wares, or merchandise, including any food or beverage, on any public street, highway, or public right of way in the state from a stationary location.

PEDDLE — To sell or to offer for sale any goods, wares, or merchandise from a vehicle, cart, or any other conveyance that is not stationary; provided, however, that "peddle" shall not include activities conducted by Mobile Food Establishments registered pursuant to Title 5, Chapter 11.1 of the Rhode Island General Laws entitled: the "State Mobile Food Establishment Registration Act," and Mobile Food Establishments are not regulated under this Article V.

PEDDLER — Any person selling or offering for sale any goods, wares, or merchandise from a

vehicle, cart, or any other conveyance that is not stationary; provided, however, that "peddler" shall not include Mobile Food Establishments registered pursuant to Title 5, Chapter 11.1 of the Rhode Island General Laws entitled: the "State Mobile Food Establishment Registration Act," and Mobile Food Establishments are not regulated under this Article V.

§ 8-111. License required.

- (a) No person shall hawk or peddle on any public or private street, lane or road within the town or upon any undeveloped property or upon any area designed primarily for pedestrian passage without first having obtained a license issued by the town council pursuant to the provisions of this Article V.
- (b) At no time shall a peddler operate on town-owned roads, rights-of-way, town property, beaches, shorelines or open space lands without the specific special permission of the town council.

§ 8-112. Application for license; fee; holding multiple licenses; transfer.

- (a) All hawkers and peddlers shall make application on a form provided by the town clerk, to the town council for a license. The town council may approve or disapprove the issuance of any license, having in mind the location of the operation, the type, form and size of the structure or vehicle, cart or any other conveyance which is not stationary, and the safety and welfare of the public at large. The town council shall set the limits of the operating hours for each license.
- (b) If approved by the town council, the town clerk shall issue a license upon the payment of a fee of \$50. Licenses shall be issued in the name of one individual and for one location, if stationary, or one vehicle, cart or other conveyance if not stationary. No license where food products are involved shall be issued until all approvals required by the state department of health are obtained.
- (c) No more than one license may be issued to any one individual and no such license may be transferred to any other individual, nor may it be used at more than one location; provided, however, that any individual currently holding a license or an individual applying for a license may apply to the town council for permission to operate at a different location under the license during the period commencing November 1 and ending March 31.
- (d) To be qualified, an applicant must prove that he or she meets the following criteria, in addition to any other criteria that may be imposed by regulations promulgated pursuant to this article:
 - (1) The applicant must have been a resident of the town as defined in Chapter 2, § 2-2, for five consecutive years prior to the date of the original application.
 - (2) The applicant must have been a qualified elector of the town for five consecutive years prior to the date of application, unless ineligible by reason of age.
- (e) No license shall be issued without the hawker or peddler providing proof that he or she has been issued a permit to make sales at retail by the division of taxation.

§ 8-113. Exemptions.

- (a) No license shall be required of any person selling religious books and publications on behalf of Bible, tract or other religious or moral societies for the purpose of promoting religious or moral improvement, which items are sold for that purpose and not for any pecuniary profit, nor of any person peddling or selling any articles of wearing apparel manufactured with his or her own hands.
- (b) The provisions of this article are not intended to apply to individuals 14 years of age or younger so long as they are not operating in the employ of someone over the age of 14.
- (c) No license shall be required under § 8-111 of any person catering a private function on private property within the town.

§ 8-114. Term of license.

Any license issued shall be valid for not more than one year and shall expire at the end of the calendar year in which it is issued unless sooner revoked or suspended.

§ 8-115. Limited licenses for nonprofit corporations.

Nonprofit organizations shall be allowed to apply under the same terms contained herein for a one-day license. If approved by the town council, the town clerk shall issue a license upon the payment of a fee in accordance with the then applicable licensing fee schedule as adopted by the town council and on file with the town clerk. The maximum number of licenses referred to in § 8-118 shall not apply to these one-day licenses.

§ 8-116. Penalty for not obtaining license.

Anyone who sells or offers for sale any goods, wares or merchandise whatsoever, including food or beverages, without first obtaining a license from the town council as provided in this article shall be subject to a fine of \$200.

§ 8-117. Suspension or revocation of license.

A license issued under the provisions of this article may be suspended or revoked for just and good cause after notice and hearing before the town council.

§ 8-118. Maximum number of licenses.

Under the provisions of this article, the town council shall be authorized, but not obligated, to issue a maximum of three licenses in any one year. The maximum number of licenses for the following calendar year shall be set by the town council at the first Monday town council meeting which occurs in November.

§ 8-119. Restrictions on operation.

- (a) No hawker or peddler or tradesman of any kind shall sell or offer for sale food or merchandise of any kind except in the permissible operation areas designated by the town council on the list on file with the town clerk. The permissible operation areas for the

following calendar year shall be set by the town council at the first Monday town council meeting which occurs in November.

- (b) The chief of police shall, from time to time, submit to the town council streets which, in his opinion, because of excess traffic and congestion, are unsafe for the selling or offering for sale of merchandise by hawkers, peddlers and the like.
- (c) At no time shall a hawker, peddler or the like impede the free flow of pedestrian traffic or vehicular traffic. The chief of police is hereby authorized to suspend the operation of hawkers, peddlers or the like at any time and for such periods of time on streets and areas where conditions exist that require him, in his opinion, in the interest of public safety, to do so without a prior request to the town council.
- (d) No license holder shall operate under a license issued herein except during the hours set by the town council in connection with the issuance of the license.
- (e) Every individual license holder must be physically present onsite to operate and conduct the activities permitted by the license for a minimum of 75% of the actual hours of operation. Upon just and good cause shown and upon application to the town council, the town council may waive, reduce or otherwise alter this requirement.

§ 8-120. Procedure for issuance of license.

- (a) Within 30 days of the filing of an application for a license hereunder, whether an original or renewal license, the town council shall take action on the application and shall consider the applications in the order in which they are completed in accordance with this article.
- (b) Applicants who are denied licenses due to unavailability because of the issuance of the maximum number hereunder as provided for in § 8-118 or such other number as the town council may determine shall be placed on the waiting list as provided in § 8-123.
- (c) In determining the fitness of the applicant to be licensed, hereunder, the town council shall consider all information set forth in the application to be filed and the solvency, financial standing, liability insurance coverage and any other matter which the town council deems pertinent to safeguard the public interest, including without limitation, the applicant's compliance with town ordinances.
- (d) Each license shall permit the sale of goods, wares or merchandise, including, if applicable, any food or beverage, at one geographic location in which the plan referenced in § 8-119 permits.

§ 8-121. Review of application by town clerk.

Upon the filing of an application for a license hereunder or renewal thereof, the town clerk shall determine whether the application is complete in accordance with the terms of this chapter. If the application is incomplete, the town clerk shall forthwith notify the applicant at the address contained in the application. When the application is complete, the town clerk shall forward it to the town council for action.

§ 8-122. License – Renewal.

- (a) Each license may be renewed on or after the first of each year, by application made as provided in paragraph (b) below. An applicant who is granted a license shall obtain the license from the town clerk within 30 days of the granting of same or May 1 of the year for which the license is granted, whichever is later. Otherwise the license may be revoked by the town council.
- (b) Each licensee who seeks to renew a license shall submit an application between November 15 and December 1 of the year in which the license was issued. Licensees seeking renewal of their licenses and who comply with this section in a timely fashion shall be given preference for the following year over applicants on the waiting list.

§ 8-123. Waiting list.

The town shall maintain a waiting list of applicants for licenses under this article. Applicants who are denied licenses because of the unavailability of additional licenses to be issued under this article shall be placed on the waiting list in the order in which applications are acted upon by the town council. When a license becomes available, the applicant first on the waiting list shall be considered next for a license, subject to the provisions of this article limiting the number of licenses which may be issued hereunder as shall then be effective.

§ 8-124. Single events. [Ord. No. 2016-02, February 17, 2016, § 8-124]

Any individual holding a license may apply to the town council for permission to operate for one day at a different location other than the location authorized by the license in connection with single events.

§ 8-125. through § 8-135. (Reserved)

ARTICLE VI
Human- or Animal-Drawn Transportation

State Law reference – Animal-drawn transportation, G.L. 1956, § 31-12-10.

§ 8-136. Purpose. [Rev. Ords. 1989, § 8-136; Ord. of 8-3-1998, § 8-136]

It is the purpose of this article to regulate all forms of human- or animal-drawn transportation intended for the conveyance of passengers for hire in the town. To that end this article is applicable to all wagons, buggies, coaches, rickshaws whether powered by a human's running or cycling and the like drawn by humans, horses or other animals, utilized for the conveyance of passengers for hire.

§ 8-137. License required; nonissuance. [Rev. Ords. 1989, § 8-137; Ord. of 8-3-1998, § 8-137]

- (a) No person shall keep for hire, operate or lease any of the forms of animal-powered transportation in § 8-136 for the conveyance of passengers in the town for hire without first having obtained a license for such forms of animal-powered transportation issued by the town council.

- (b) No license shall issue for a rickshaw whether powered by a human's running or cycling. A rickshaw, also known as a pedicab, is defined as a cab powered by a human runner or human-powered cycle with wheels operated by one individual for the purpose of or capable of transporting passengers in seats or a platform made a part of the rickshaw.

§ 8-138. Contents of application for license; renewal. [Rev. Ords. 1989, § 8-138; Ord. of 3-4-1996]

- (a) Applications for a license or renewal shall be available at the office of the town clerk. Each application shall be completed by the proposed operator and owner of the transportation and shall include the following:
 - (1) The names and addresses of the proposed operator and the names and addresses of the owners of the equipment and the animals, if different from the operator.
 - (2) A brief statement of experience for the proposed operators, including experience in offering such transportation in other areas and background and experience in handling animals.
 - (3) A picture and description of the mode of transportation to be utilized, including measurements of the size of same, together with a description of the types and numbers of animals to be employed, the age of the animals and any other prior experience these animals possess in transporting passengers on public streets.
 - (4) If the applicant is a corporation, the names and addresses of all officers and directors of the corporation, together with a certificate of good standing from the secretary of state's office.
 - (5) A statement as to whether or not the applicant has been convicted of any violations of the state motor vehicle laws or codes within the past five years and an explanation of the same if answered affirmatively.
 - (6) A copy of the applicant's pro forma financial statements.
 - (7) A copy of an insurance policy or proof of liability insurance in the amount of \$50,000 in the case of license renewal or acknowledgment that the license will not be issued unless proof of insurance in that amount is presented to the town clerk prior to the issuance of the license in the case of initial application.
 - (8) A statement describing how the license will be used and the scope of its use.
 - (9) A description of arrangements made for veterinary care and farrier care during the period of operation, a certificate of good health together with signed acknowledgments from the same, and a health certificate for one animal by a veterinarian and any state department of health certificates that may be required.
 - (10) An acknowledgment that all horses or other animals used shall be equipped with manure bags and that the operator is responsible for any cleaning of the streets.
- (b) Those applicants who held a license pursuant to this section in the previous year may apply for a renewal by indicating there have been no material changes in the operation since the previous year and submitting the full application fee to the town clerk. In the event of a

material change, a statement in keeping with subsection (a) as to that material change only must be provided.

- (c) Each licensee who seeks to renew a license and all applicants for new licenses shall submit an application in the form provided by this article between March 1 and March 31. Licensees seeking renewal of existing licenses, and who apply for the renewal between March 1 and March 31 of the year in which the license was issued, shall be given preference for the following year over applicants newly applying. As stated in this article, no waiting list shall survive from year to year.
- (d) Upon the filing of an application for a license or renewal thereof, the town clerk shall determine whether the application is complete in accordance with the terms of this article. If the application is incomplete, the town clerk shall forthwith return the application to the applicant at the address contained in the application with an explanation of the incompleteness. When an application is deemed to be complete, it shall be forwarded to the town council for action.

§ 8-139. Total number of licenses; number of vehicles per license; review of applications; authority to restrict area of operation. [Rev. Ords. 1989, § 8-139; Ord. of 5-19-1993; Ord. of 6-6-1994]

- (a) In an attempt to reconcile the quaint and appealing aspect of such a mode of transportation with the narrowness of the roads and the congestion that exists during the summer months, the town council shall be authorized to approve not more than three such licenses to be in operation at the same time.
- (b) Each license shall provide authority for the operation of one vehicle as defined in § 8-136 except that any licensee may put one additional vehicle on the road for a specific wedding or similar private event to be described on the applications; provided, however, that any such license is good only for a specific event and time as listed on the license.
- (c) Any license application, whether for a full license or the one additional vehicle license described in subsection (b) of this section, must be reviewed by the chief of police or his or her designee, who must notify the town clerk before issuance.
- (d) The police chief, by special order, may restrict licensees from any area of town during any times if he deems it necessary for the public safety and welfare.

§ 8-140. Issuance of license; waiting list; term; maximum number of passengers. [Rev. Ords. 1989, § 8-140; Ord. of 5-19-1993; Ord. of 6-6-1994]

- (a) The town council, after reviewing the application as presented, shall approve or disapprove the issuance of a license in accordance with the provisions of this article. If no license as outlined in this article is available, the applicant shall be notified that he or she was denied on this basis. Licenses denied on the basis of unavailability shall be kept on file in the town clerk's office during that period of time. No waiting list shall extend beyond the yearly license period as established by this article. For the purposes of this article, licenses shall be issued for one-year periods extending from May 1 to the following April 30. Prior to the issuance of any license approved by the town council, the licensee shall present to the town clerk a certificate stating that the licensee has insurance coverage in effect in the amount

required by this article. If the coverage is cancelled by the licensee or its insurer, they shall promptly notify the town clerk.

- (b) No vehicle with a seating capacity of more than 12 persons shall be licensed.
- (c) No vehicle shall be operated with more persons than its rated capacity.

§ 8-141. License fee; filing of application. [Rev. Ords. 1989, § 8-141; Ord. of 6-6-1994]

- (a) Upon issuance of any new license or renewal of any license, the licensee shall pay to the town a fee of \$50.
- (b) In the event one already licensed, pursuant to the terms of this article, applies for a license to put one additional vehicle on the road, subject to the limitations stated, the application must be accompanied by an additional fee as posted with the town clerk.
- (c) A completed application for a license, including the one additional vehicle license, must be filed 48 hours before the applicant may pick it up, if issued.

§ 8-142. Suspension or revocation of license. [Rev. Ords. 1989, § 8-142]

The procedures set forth in the G.L. 1956, §§ 31-19.3-6 – 31-19.3-10, shall apply to the denial, suspension, or revocation of the license under this article. If the town council shall deny an application for renewal of a license or shall suspend or revoke a license, no license in the place and stead of the same shall be issued until all appeals from such action of the town council shall be finally determined. Licenses shall be denied or revoked only upon showing a good cause; the grounds shall include, but not be limited to:

- (1) Misrepresentation of material facts on the application.
- (2) Complaints verified by the police department as to traffic congestion and unsafe operation.
- (3) Any material deviation from routes, types of transportation or changes in equipment varying the terms of the application.
- (4) Complaints verified by on-site examination as to the care and handling of the animals involved in the operation.
- (5) Cancellation of insurance coverage.
- (6) Relevant violations of motor vehicle laws or evidence of poor character bearing upon the proposed operation or any violations of the terms of this article.

§ 8-143. Posting of rates. [Rev. Ords. 1989, § 8-143]

Every person holding a license granted under the terms of this article shall cause to be posted in a conspicuous place in the vehicle employed for transportation a printed copy of the rates as approved by the town council.

§ 8-144. Restrictions on operation. [Rev. Ords. 1989, § 8-144]

Open drinking of alcoholic beverages, noise from electronic devices or radios, and live music of

any kind is prohibited in the vehicles licensed under this article.

§ 8-145. through § 8-160. (Reserved)

ARTICLE VII
Motor Vehicles for Hire

State law reference – Authority, G.L. 1956, §§ 39-14-23, 45-6-2.1.

§ 8-161. Commission on motor vehicles for hire. [Ord. of 12-17-1997(2), § 8-161; Ord. of 12-7-1998(1), § 8-161; Ord. of 4-3-2000; Ord. of 8-5-2002, § 8-161; Ord. of 8-18-2004, § 8-161; Ord. of 2-2-2005(2), § 8-161; Ord. No. 2016-03, March 16, 2016, § 8-161; amended 7-15-2020 by Ord. No. 2020-03; 6-21-2021 by Ord. No. 2021-04; 6-21-2021 by Ord. No. 2021-05]

- (a) The town council shall appoint an advisory commission to be called the commission on motor vehicles for hire. This commission shall consist of five voting members as follows:
 - (1) Two persons who shall not be licensees under this article, and shall not be licensed as chauffeurs under this article;
 - (2) Two persons who shall be licensees; and
 - (3) One person who shall not be a licensee under this article and who shall not be licensed as a chauffeur under this article, appointed by the town council from a list of no more than four names to be provided by the Block Island Chamber of Commerce and New Shoreham Tourism Council, each of which will submit no more than two names.
- (b) Each member shall be appointed for a period of three years. At the commission's inception, two members shall be appointed for three-year terms, and two members shall be appointed for two-year terms.
- (c) The commission shall have the following duties:
 - (1) To draft and forward regulations for the operation of motor vehicles for hire in the town in keeping with public convenience and necessity, including rates for the hiring of such motor vehicles to the town council for its approval. Motor vehicles for hire are further defined as follows:
 - a. Taxis are herein defined as motor vehicles for hire with a seating capacity, including the driver, of no more than 15, or the manufacturer's seating specifications, whichever is less, which may pick up or discharge upon solicitation anywhere within the town. Taxis are permitted to provide vehicular tours of Block Island. This amendment shall take effect upon passage.
 - b. Limousines are herein defined as motor vehicles for hire with a seating capacity, including the driver, of no more than 12, or the manufacturer's seating specification, whichever is less, that can only transport passengers at their request, and such request must be made at the office of the owner of the vehicle by phone or in person. Limousines are prohibited from providing vehicular

tours of Block Island to visitors and from general pickup of passengers.

- c. Charter buses are herein defined as motor vehicles for hire with a seating capacity of more than 20 that can only transport passengers by their request, and such request must be made at the office of the owner of the vehicle by phone or in person. Charter buses are permitted to provide vehicular tours of Block Island to visitors.
 - d. The commission has no jurisdiction over motor vehicles for hire which are not provided with a driver.
- (2) To maintain a list of applicants for new licenses for operation of motor vehicles for hire.
 - (3) To receive and investigate complaints lodged by members of the public or the commission regarding the operation of motor vehicles for hire, to impose fines and to suspend a license for a period of not more than five days for violations of this article and/or the regulations, pursuant to the procedure provided for in § 8-170. All such suspensions shall be for the period between June 15 and September 15.
- (d) The commission shall meet regularly to conduct such business as may be presented before them.

§ 8-162. Definitions and license requirements. [Ord. of 12-17-1997(2), § 8-162; Ord. of 8-5-2002, § 8-162; Ord. of 8-18-2004, § 8-162; Ord. 2015-04, April 15, 2015, § 8-162; amended 6-21-2021 by Ord. No. 2021-06]

- (a) For purposes of this article pertaining to Motor Vehicles for Hire, the following definitions shall apply:
- (1) **MOTOR VEHICLE** - Means every vehicle that is self-propelled or designed for self-propulsion. Except as otherwise provided, for the purposes of this article, any device which is a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.
 - (2) **OPERATION OR USE OF A MOTOR VEHICLE FOR HIRE** - Means the transporting of a passenger or passengers in any motor vehicle in the Town of New Shoreham to such points as may be directed by the passenger for compensation for the service, directly or indirectly.
 - (3) **OPERATION OR USE OF A MOTOR VEHICLE FOR HIRE IN A POINT-TO-POINT PROGRAM** - means the transporting of a passenger or passengers in any motor vehicle in the Town of New Shoreham to preset, designated drop off and pickup locations as determined by motor vehicle for hire operators for compensation for the service, directly or indirectly. This amendment shall take effect upon passage
- (b) No person shall transport passengers for hire in any motor vehicle, without first obtaining a New Shoreham taxi, charter bus or limousine license from the town clerk, upon approval of the town council. The license shall be visibly displayed in any vehicle for hire at all times the vehicle is being operated for hire, and shall be produced upon request of any law

enforcement official or passenger.

§ 8-163. Total number of licenses; transfer; renewal; eligibility. [Ord. of 12-17-1997(2), § 8-163; Ord. of 8-5-2002, § 8-163; Ord. No. 2013-12, December 2, 2013, § 8-163; Ord. No. 2014-01, January 15, 2014, § 8-163]

- (a) The total number of licenses under this article shall be as follows:
 - (1) Thirty-two taxicab licenses.
 - (2) Two limousine licenses.
 - (3) Two charter bus licenses.
 - (3) The town council may, by majority vote, increase or decrease the number of licenses in any and all categories.
 - (3) In the event that the town council votes to decrease the number of licenses in any category or in the event that this ordinance is amended to reduce the number of licenses in any category, such reduction shall be implemented by attrition and not by cancelling a license held by any individual. For purposes of this paragraph, attrition means the death of a license holder (unless the deceased license holder's spouse applies for the cancelled license as provided in paragraph (b) of this § 8-163), the revocation of a license, and/or the failure of a license holder to renew a license.
- (b)
 - (i) A license shall be canceled 24 hours following the death of a licensee who, at the time of the licensee's death, does not have a surviving spouse. Except as provided in paragraph (a) involving reduction of licenses by attrition, upon such cancellation, the license shall become available to the next qualified applicant.
 - (ii) During the thirty-day period following the death of a licensee who, at the time of the licensee's death, does have a surviving spouse, the decedent's legally married spouse may apply for the decedent's license. The decedent's spouse, if qualified, shall be entitled to receive the license, notwithstanding that the spouse may not have had a Rhode Island operator's license or chauffeur's license with a New Shoreham address for at least five years prior to the date of the application. In the event that the decedent's spouse does not apply for the decedent's license within the thirty-day period following the death of the licensee, or, in the event that the decedent's spouse at any time during such thirty-day period declines in writing to exercise the right to apply for such license, such license shall be canceled. Except as provided in paragraph (a) involving reduction of licenses by attrition, upon such cancellation, the license shall become available to the next qualified applicant.
- (c) Only natural persons shall be eligible for licenses granted under this article. No license shall be granted to a corporation, partnership, or other business entity. No person shall hold more than one license in any one category. No married couple shall hold more than one license in any one category. Licenses shall be nontransferable.
- (d) All licenses shall be issued for a one-year period beginning on May 15 of each year.

Applications for renewals of licenses shall be received by the town clerk by April 15 of each year. Any existing licenses not renewed by the town council prior to May 15 of each year, and not issued by the town clerk in exchange for receipt of the required fee prior to June 30 of each year, shall become available to the next qualified applicant on the list maintained by the commission.

- (e) Each license shall be for one vehicle only.

§ 8-164. Application for license; qualifications of applicants. [Ord. of 12-17-1997(2), § 8-164; Ord. of 8-5-2002, § 8-164; Ord. of 8-18-2004, § 8-164; Ord. of 9-15-2004, § 8-164]

- (a) Applications for new licenses shall be submitted to the commission, which shall determine qualification for the license. The names of qualified applicants shall be forwarded to the town council.
- (b) The commission on motor vehicles for hire shall maintain a waiting list of those who wish to be considered for a license as they become available and shall provide the names of those on the list who continue meeting the criteria set forth in subsection (c) of this section to the council on an annual basis.
- (c) To be qualified, an applicant must prove he or she meets the following criteria, in addition to any other criteria that may be imposed by regulations promulgated pursuant to this article:
 - (1) The applicant must be of good moral character.
 - (2) The applicant must have been a resident of the town as defined in § 2-2, for five consecutive years prior to the date of the original application.
 - (3) The applicant must have been a qualified elector of the town for five consecutive years prior to the date of application, unless ineligible by reason of age.
 - (4) The applicant must have held a Rhode Island operator's license, chauffeur's license or a commercial driver's license with appropriate passenger endorsement with a New Shoreham address for five consecutive years prior to the date of application.
- (d) Before forwarding any application for motor vehicles for hire to the town council for possible granting, the commission on motor vehicles for hire shall ascertain that each of these criteria have continued to be met during such time the application was awaiting town council action or that, in case of renewal, the applicant continues to meet the criteria set forth in subsections (c)(1), (c)(2) and (c)(3) of this section. For renewal of a New Shoreham charter bus license, except a license granted under § 8-163(b), the applicant must hold a valid state commercial driver's license with appropriate passenger endorsement, and must obtain a New Shoreham chauffeur's license each year. No application can be forwarded to the town council for granting of a new or renewal license that does not meet this criteria nor can the town council grant a New Shoreham charter bus license to any person who does not meet this criteria. These applications will be received and acted upon at a hearing before the commission on motor vehicles for hire open to the public and the results will be forwarded immediately to the town council.
- (e) If the commission finds that an applicant for a new license, a renewal or a position on the

waiting list does not meet the criteria in subsection (b) of this section, it shall so notify the applicant in writing by registered or certified mail stating its reasons in detail. An applicant found unqualified shall have the right to request a hearing before the commission. Such a hearing must be requested in writing within 30 days of receipt of the commission's decision. A hearing so requested shall be conducted within 30 days of the date the request is received, and the commission's decision shall be issued within 30 days after the hearing is concluded and an automatic appeal will be taken to the town council and placed on the first available agenda.

§ 8-165. License fee. [Ord. of 12-17-1997(2), § 8-165; Ord. of 8-5-2002, § 8-165]

- (a) The fee for licenses issued under this article shall be set annually by the town council and kept on file in the town clerk's office.
- (b) The fee for charter buses arriving from the mainland will be set by the town council per landing in addition to the per capita landing fee for passengers. The fee for charter buses whose operators meet the criteria of § 8-164(c) shall be set annually by the town council and kept on file in the town clerk's office.
- (c) The fee for a license issued under this article shall be paid to the town clerk before the license is issued.

§ 8-166. License requirements for drivers; town chauffeur's license. [Ord. of 12-17-1997(2), § 8-166; Ord. of 6-19-2002, § 8-166; Ord. of 8-5-2002, § 8-166; Ord. of 8-18-2004, § 8-166; Ord. of 5-19-2010, § 8-166(d); 6-19-2019 by Ord. No. 2019-03; amended 7-15-2020 by Ord. No. 2020-03]

- (a) No person shall transport passengers for hire in any motor vehicle for hire, without first obtaining a New Shoreham chauffeur's license from the town clerk. The license shall be visibly displayed in any motor vehicle for hire at all times the vehicle is being operated for hire, and shall be produced upon request of any law enforcement official or passenger.
- (b) No person who does not hold a valid chauffeur's license issued pursuant to Title 31, Chapter 10 of the Rhode Island General Laws or issued elsewhere but approved by the Rhode Island Registry of Motor Vehicles or commercial driver's license with appropriate passenger endorsement shall be licensed to operate, or shall operate, a motor vehicle for hire in the Town of New Shoreham.
- (c) Any taxi, limousine or bus licensee must provide the town clerk with a current list of drivers and a photocopy of their licenses prior to a license being issued and must advise the commission and town clerk of any additions or deletions in writing or by email within 24 hours.
- (d) The town clerk is hereby authorized to issue to any person who meets the criteria of this article and who is authorized by a taxi license holder a New Shoreham chauffeur's license.
- (e) The town chauffeur's license shall expire May 15 next succeeding the date of issuance.

§ 8-167. Liability insurance. [Ord. of 12-17-1997(2), § 8-167; Ord. of 7-6-1998(1), § 8-167; Ord. of 8-5-2002, § 8-167]

- (a) The town clerk shall not issue or renew any license under this article until the applicant furnishes proof of adequate liability insurance. Each licensee is required to carry liability insurance with a minimum coverage of \$250,000 per occurrence for motor vehicles other than charter buses which are to carry liability insurance with a minimum coverage of \$1,000,000 per occurrence. The coverage shall remain in full force and effect during the term of any license issued pursuant to this article, unless the licensee notifies the commission and the town clerk, in writing, that the license is not being utilized.
- (b) Each licensee shall notify the commission and the town clerk of cancellation or change in the terms of the licensee's liability insurance coverage. Notification shall take place, in writing, within 72 hours of the receipt by the licensee of notice of such cancellation or change.

§ 8-168. Taxicab rates. [Ord. of 12-17-1997(2), § 8-168; Ord. of 8-5-2002, § 8-168; Ord. of 8-18-2004, § 8-168; amended 6-21-2021 by Ord. No. 2021-06]

- (a) A rate card reflecting the schedule of rates approved by the council on the recommendation of the commission shall be conspicuously displayed in every taxicab for hire.
- (b) Licensees under this article are prohibited from charging passengers rates different from those approved by the commission.
- (c) A list of current rates shall be conspicuously posted in the town hall by the town clerk.
- (d) Taxis for hire are prohibited from taking multiple fares when there are other taxis readily available; provided, however, that this prohibition does not apply to a motor vehicle for hire while operating in a Point-to-Point Program. This amendment shall take effect upon passage.

§ 8-169. Intoxicating beverages prohibited. [Ord. of 12-17-1997(2), § 8-169; Ord. of 8-5-2002, § 8-169]

- (a) No licensee under this article shall operate a motor vehicle for hire while intoxicated, nor shall any licensee operate a motor vehicle for hire while carrying an open container containing an intoxicating beverage.
- (b) No licensee under this article shall knowingly permit any passenger of a motor vehicle for hire to carry an open container containing an intoxicating beverage.

§ 8-170. Suspension, fines of taxi, limousine or charter bus license. [Ord. of 12-17-1997(2), § 8-170; Ord. of 8-5-2002, § 8-170; Ord. of 8-18-2004, § 8-170; Ord. of 2-2-2005(2), § 8-170; amended 7-15-2020 by Ord. No. 2020-03]

- (a) The commission or the town clerk shall have the authority to receive and the commission shall have the authority to investigate complaints lodged by members of the public or the commission against licensees under this article. When after investigation, the commission has cause to believe an infraction of this article or its regulations has taken place and that suspension of the license and/or a fine may be appropriate, the commission shall schedule a hearing within 30 days following conclusion of the investigation. At least ten days before the hearing date, the commission shall notify the licensee by mail, in writing, of the nature

of the complaint, the provision of this article and/or the regulations allegedly violated, and the date and time of the hearing. At the hearing, any interested party may present testimony or evidence. At the conclusion of the hearing, the commission shall vote to sustain or dismiss the complaint, and may impose a license suspension of up to five days and/or a fine. Three affirmative votes of the commission shall be necessary to sustain a complaint. The commission's decision shall be in writing and shall be mailed to the licensee.

- (b) Any licensee aggrieved by a decision of the commission shall have the right to appeal to the town council. An appeal shall be made in writing within 30 days of the date of the commission's written decision. The town council shall set a date and time for hearing on the appeal, and shall notify the licensee by mail, in writing, at least ten days prior to the hearing date. At the hearing, any interested party may present testimony or evidence. At the conclusion of the hearing, the town council may vote to affirm, reverse, or modify the commission's decision. A quorum of at least three town council members must be present to hear and vote on the appeal by majority vote. In the event of a tie vote by the town council, the commission's decision shall be upheld. The decision of the town council shall be in writing and shall be mailed to the licensee. A licensee aggrieved by a decision of the town council shall have the right to appeal any such decision reviewed in the manner and to the extent provided by law.

§ 8-171. Revocation of license; hearing. [Ord. of 1-19-2000, § 8-171; Ord. of 8-5-2002, § 8-171; Ord. of 8-18-2004, § 8-171; amended 7-15-2020 by Ord. No. 2020-03]

- (a) The town council, upon request of the motor vehicle for hire commission, may revoke any taxi license for any one or more of the following reasons:
 - (1) When the taxi so licensed does not operate as a taxi for at least 40 hours per week from July 1 to Labor Day of any year. Any taxi license holder may petition the motor vehicle for hire commission for relief under this section stating substantial cause for failure to use the license.
 - (2) When the operator(s) of the taxi so licensed collectively violate any provision of this article and/or the regulations on more than two occasions.
 - (3) When the town council determines that a taxi so licensed is being operated in a manner which is detrimental to the health, welfare and/or safety of the general public.
- (b) The town council shall set a date and time for hearing and shall notify the licensee by mail, in writing, at least ten days prior to the hearing date. At the hearing, any interested party may present testimony or evidence. At the conclusion of the hearing, the town council may vote revoke the license, may vote to impose a lesser penalty such as suspension and/or fine, or may vote to take no action. A quorum of at least three town council members must be present to hear and vote by majority vote. In the event of a tie vote by the town council, no action shall be taken. The decision of the town council shall be in writing and shall be mailed to the licensee. A licensee aggrieved by a decision of the town council shall have the right to appeal any such decision in the manner and to the extent provided by law.
- (c) If a person has permanently lost his/her Rhode Island chauffeur's license or commercial driver's license for any criminal activity, it will result in permanent loss of a New

Shoreham taxi, limousine or charter bus license.

§ 8-172. Penalties for violation. [Ord. of 12-17-1997(2), § 8-172; Ord. of 8-5-2002, § 8-172; amended 7-15-2020 by Ord. No. 2020-03]

In addition to the provisions in this article and the regulations regarding suspension and revocation of license, any person found guilty of violating any provision of this article and/or the regulations shall be liable for fines in accordance with the amounts established by the regulations. Each day of such violation shall constitute a separate offense.

§ 8-173. through § 8-199. (Reserved)

ARTICLE VIII Bicycle Rental

§ 8-200. License required. [Ord. of 5-21-1997(2); Ord. of 9-19-2007, § 8-200]

No person, firm or corporation shall hire out, rent or lease, or allow to be rented or leased from their property, any bicycle to any members of the general public without first having obtained a license from the town clerk.

§ 8-201. License application and fees. [Ord. of 5-21-1997(2); Ord. of 9-19-2007, § 8-201]

- (a) Application for a bicycle rental license shall be made on a form to be supplied by the town clerk.
- (b) The fee for a license shall be set by the town council.

§ 8-202. Expiration. [Ord. of 5-21-1997(2); Ord. of 9-19-2007, § 8-202]

Any and all licenses issued under this article shall expire December 1 of each calendar year unless renewed.

§ 8-203. "Bicycle" defined. [Ord. of 11-1-2006; Ord. of 9-19-2007, § 8-203]

For the purposes of this article, the term "bicycle" means a vehicle with wheels propelled solely by human muscular power with no other means of power provided. This article shall not apply to rental of vehicles propelled in whole or in part by other means of power when such vehicles replace motorized vehicles authorized in article IV of this chapter, motorized bicycles, motorized tricycles, or motor scooters, commonly called "mopeds."

State law reference – Bicycle safety, G.L. 1956, § 31-19-1 et seq.

§ 8-204. Equipment and repair. [Ord. of 5-21-1997(2); Ord. of 9-19-2007, § 8-204]

Any bicycle rented, or offered for rent, under the license issued under this article, shall be properly equipped, as required by G.L. 1956, § 21-19-10, and shall be maintained in proper adjustment and repair.

§ 8-205. Helmets. [Ord. of 5-21-1997(2); Ord. of 9-19-2007, § 8-205]

- (a) A person, firm or corporation engaged in the business of renting bicycles shall provide protective bicycle helmets as defined by subsection (b) of this section, to any person who will operate the bicycle, or who will be a passenger on a bicycle, if such person does not have a helmet in his or her possession.
- (b) For purposes of this section, an "approved protective helmet" is defined as follows: The helmet shall fit the person's head and shall be secured to the person's head by straps. The helmet shall meet the standards for helmets established by the Snell Memorial Foundation's 1984 standard for use in bicycling or subsequent standards; standards established by the American Society for Testing and Materials (ASTM) or subsequent standards; or standards established by the United States Consumer Product Safety Commission (CPSC) or subsequent standards. In no event shall failure to wear a helmet be considered as contributory or comparative negligence, nor shall the failure to wear a helmet be admissible as evidence in the trial of any civil action.
- (c) A violation of this section shall carry a penalty of \$50 for the first offense and \$100 for each subsequent offense.

State law reference – Helmet requirement, G.L. 1956, § 31-19-2.1.

§ 8-206. Display. [Ord. of 9-19-2007, § 8-206]

A person, firm or corporation engaged in the business of renting bicycles shall post literature explaining rules of the road for bicycle use and listing state and town laws regarding bicycles.

§ 8-207. through § 8-249. (Reserved)

ARTICLE IX
Outdoor Entertainment

§ 8-250. Purpose. [Ord. of 4-6-2005(1), § 8-250]

The purpose of this article is to establish standards to provide limited recurring outdoor entertainment which is traditional in a summer resort and at the same time provide an opportunity for the town to know in advance about outdoor entertainment and to take precautions for orderliness, safety, pedestrian traffic in and around an establishment, and noise levels.

§ 8-251. Definitions. [Ord. of 4-6-2005(1), § 8-251]

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

OUTDOOR ENTERTAINMENT — Means and includes but is not limited to singing, playing of musical instruments, recitations, drama productions, or playing recorded music, whether amplified or not, beyond the exterior walls of any building or structure.

§ 8-252. Limitations. [Ord. of 4-6-2005(1), § 8-252]

- (a) All outdoor entertainment will be strictly limited to performances on porches, patios or decks physically attached to the licensed premises, or within 25 feet of the principal structure.
- (b) Such entertainment or amplification will strictly be limited to a precise area on the premises as described in the application and as expanded or contracted by the town council at the hearing on the license.
- (c) To limit projection of sound, any amplification or projection of any sounds shall be inward towards the building space and not towards other properties.

§ 8-253. Exceptions. [Ord. of 4-6-2005(1), § 8-253]

This article shall not apply to:

- (1) Religious events sponsored by a religious organization, and
- (2) An event authorized by a license for a special event.

§ 8-254. License required. [Ord. of 4-6-2005(1), § 8-254]

- (a) Any establishment offering or holding outdoor entertainment shall apply for a license for outdoor entertainment in the office of the town clerk.
- (b) Only the owner of the property to be licensed or the authorized agent of the owner may apply for and hold a license for outdoor entertainment.
- (c) The fee for such license shall be on file in the town clerk's office.
- (d) All licenses are issued for a period of no more than one year and shall be renewable on December 1 of each year.
- (e) The holder of a license is entitled to have the license renewed, provided the license renewal application is complete and timely and submitted by October 1.
- (f) The board of license commissioners must advertise the hearing once a week for two weeks in a newspaper of local circulation with the cost paid by the applicant, as per G.L. 1956, § 3-5-17. The initial advertisement must appear 14 days or more before the scheduled hearing date.
- (g) Prior to the board of license commissioners hearing to consider issuing any new outdoor entertainment license, notice of the application must be given by regular mail to all owners of property within 200 feet of the premises seeking the application. The notice is to be given by the town clerk's office and the cost paid by the applicant. The notice must state that remonstrants have a right to be heard and specify the time and place of the hearing.

§ 8-255. Restrictions on hours. [Ord. of 4-6-2005(1), § 8-255]

To provide hours of respite from outdoor sound, outdoor entertainment shall be strictly limited to the hours of 12:00 p.m. through 9:00 p.m.

§ 8-256. Compliance. [Ord. of 4-6-2005(1), § 8-256]

The holder of a license for outdoor entertainment shall comply with all provisions in any ordinance of the town.

§ 8-257. Sound amplification. [Ord. of 4-6-2005(1), § 8-257]

To limit the projection of sound beyond the property line, any amplification equipment or projection of sound shall be directed away from abutting properties. The holder of a license shall cooperate with any official of the town in the collection of accurate noise data.

§ 8-258. Violation. [Ord. of 4-6-2005(1), § 8-258]

- (a) Any license holder who violates the terms of the license, or any ordinance of the town, shall be subject to a fine. The amount of such fine shall be on file in the town clerk's office.
- (b) In addition, the town council may revoke a license for the calendar year, or suspend it, or reissue it conditionally, or deny an application for a subsequent calendar year, after notification has been given and a duly advertised show cause hearing has been convened by the town council acting as board of license commissioners.

§ 8-259. through § 8-299. (Reserved)

**ARTICLE X
Special Events**

§ 8-300. Purpose. [Ord. of 4-6-2005(2), § 8-300]

- (a) The purpose of this article is to establish standards for persons and organizations to hold special events:
 - (1) That are not part of the ordinary use of commercial or residential properties;
 - (2) That may use more than one property;
 - (3) That may use public roads or town property; or
 - (4) That warrant special attention by the police department or other town offices because of their size or extraordinary nature.
- (b) A special event is an infrequent occurrence that by its nature may be offered on a one-time or experimental basis.

§ 8-301. Definitions. [Ord. No. 2014-06, June 18, 2014, § 8-301]

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

SPECIAL EVENT — Any event that the applicant or sponsor knows or should know by promotion, public announcements, or past experience will attract more than 250 persons or 50 motor vehicles in the commercial zones, or 75 persons or 30 motor vehicles in the residential zones, or will require services beyond those that are regularly provided by the town such as

additional police services, traffic control, fire and emergency and medical planning or services, street closures, or trash clean up.

- (b) Special events may include parades, dances, concerts, fairs, parties, traveling shows or exhibits, road races, fireworks display, triathlons, biathlons, decathlons, bicycle races, amplified music and performances.
- (c) Special events shall include:
 - (1) An event that requires the partial or full closure of a road or street.
 - (2) An event that will attract 100 or more persons at one time to use the Fred Benson Town Beach or other state- or town-owned property at one time.
 - (3) A wedding, party, or other event held in a residential zone, if the owner knows or has reason to know that the event will attract more than 75 persons or 30 motor vehicles.

§ 8-302. License required. [Ord. of 4-6-2005(2), § 8-302; Ord. No. 2014-06, June 18, 2014, § 8-302]

- (a) It shall be unlawful for a person or organization to sponsor, promote, engage in, or hold a special event within the town without having first obtained a license for a special event from the office of the town clerk.
- (b)
 - (i) In a residential zone, only the owner of the property to be licensed may apply for and hold a license for a special event. In the event that the owner of the property is a legal entity, only a stockholder, member, partner or other owner of such legal entity may apply on behalf of such legal entity for a license for a special event.
 - (ii) In all zones other than a residential zone, only the owner of the property to be licensed or the authorized agent of the owner may apply for and hold a license for a special event.
- (c) An applicant shall file with the town clerk on a form provided the following information: name and address of the applicant; a description of the proposed event; Assessor's Plat and Lot number and fire number, dates and times of the event; an estimate of the expected attendance and expected number of motor vehicles; the identity of the owner and agent and telephone number by which they may be contacted during the event; a statement by the owner of any private property to be used for which the owner accepts liability for violations of town ordinances and that the owner or an authorized agent of the owner will be present during the event; a statement by the applicant that he or she has made provisions for medical and emergency assistance, protection of neighboring property, litter control and cleanup, septic waste disposal, parking and traffic control, and compliance with all town ordinances including the noise ordinance and all state laws, including those on liquor sales and fire protection.
- (d) The fee for the license shall be set annually by the town council, and will be on file in the town clerk's office. The fee is nonrefundable. There shall be no fee for nonprofit organizations. An applicant shall file the form at least 30 days before an event.

- (e) An applicant in a commercial zone may apply for and hold no more than 20 licenses for a special event in any calendar year, of which not more than four shall be open to the public. The town council reserves the right to limit events based on past history.
- (f) An owner in a residential zone may apply for and hold no more than four licenses for special events in any calendar year; provided, however, that for good cause shown, the town council, in consideration of matters pertaining to health, safety, economics, general welfare, and such other matters as the town council shall deem appropriate, may grant an owner an additional license(s) above the four license maximum during any calendar year.
- (g) To the extent that legal pre-existing non-conforming commercial uses exist in residential zones and mixed use zones, applicants on behalf of such uses shall conform to the requirements of 8-301, concerning the number of people expected at the event, and 8-302(e), concerning the maximum number of licenses in a calendar year.
- (h) Outdoor events open to the public for which admission is charged shall end at 5:00 p.m.

§ 8-303. Review. [Ord. of 4-6-2005(2), § 8-303]

- (a) Departmental review may be required by some or all of the following: office of wastewater management, building official, harbor master, police chief, highway supervisor, and the volunteer fire department and rescue squad.
- (b) An application may be denied if:
 - (1) The applicant has not complied with 8-302(b) above;
 - (2) The event will present an actual danger to the public health, safety or welfare; or
 - (3) The event will unreasonably disrupt traffic or cause a burden on normal use.
 - (4) If the police chief determines that multiple licenses issued on the same day will create an extraordinary burden on town services.
- (c) An applicant whose permit application is denied may appeal to the town council.

§ 8-304. Violations. [Ord. of 4-6-2005(2), § 8-304]

- (a) Any license holder who violates the terms of the license, or any ordinance of the town, shall be subject to a fine, on file in the office of the town clerk.
- (b) In addition, the town council, if it determines that a license applicant has violated town ordinances or the terms of the license, may revoke a license for the calendar year, or suspend it, or reissue it conditionally, or deny an application for a subsequent calendar year, after notification has been given and a duly advertised show cause hearing has been convened by the town council acting as board of license commissioners.

§ 8-305. Exceptions. [Ord. of 4-6-2005(2), § 8-305]

Following are the exceptions to the provisions of this article:

- (1) Events sponsored by the town or the school committee.

- (2) The traditional town sanctioned Fourth of July Parade.
- (3) The town sanctioned Fourth of July fireworks display on Crescent Beach.
- (4) Religious events sponsored by a religious organization.
- (5) Funerals and funeral processions.
- (6) Events sponsored by or for 26 USC § 501(c)(3) nonprofit charitable organizations shall not be counted against the limit on licenses in a calendar year.

ARTICLE XI
Mobile Food Establishments
[Adopted 11-20-2019 by Ord. No. 2019-06]

§ 8-306. Purpose.

The purpose of this article is to provide for the issuance of municipal permits for the operation of mobile food establishments within the town in conformance with Title 5, Chapter 11.1 of the Rhode Island General Laws entitled: the "State Mobile Food Establishment Registration Act."

§ 8-307. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

DEPARTMENT — The department of business regulation.

MOBILE FOOD ESTABLISHMENT — A food service operation that is operated from a movable motor-driven or propelled vehicle, portable structure, or watercraft that can change location. Mobile food establishments specifically includes, but is not limited to, food trucks, food carts, ice-cream trucks/carts, and lemonade trucks/carts.

MOBILE FOOD ESTABLISHMENT OPERATOR — A person or corporate entity who or that owns, manages, or controls, or who or that has the duty to manage or control the operation of a mobile food establishment.

MOBILE FOOD ESTABLISHMENT VENDOR — A person who prepares, sells, cooks, or serves food or beverages from a mobile food establishment.

§ 8-308. Permit required.

No person shall operate a mobile food establishment within the town without first having received a registration from the department and a permit issued by the town council.

§ 8-309. Application for permit; fee; expiration; renewal.

- (a) In order to obtain a permit to operate a mobile food establishment with the town, application for the permit shall be made to the town council on an application form provided by the town clerk. In conjunction with the application, the mobile food establishment operator shall provide proof of having a state mobile food establishment registration.

- (b) If approved by the town council, the town clerk shall issue the permit upon the payment of a fee which shall be equal to the maximum fee as set by the department and established regulations. The permit shall set the location(s) and times of operation for the mobile food establishment.
- (c) The permit issued by the town shall expire on the date that the state mobile food establishment registration expires.
- (d) The same procedure as set out in this section for the issuance of a permit shall apply to the renewal of a permit to operate a mobile food establishment.

§ 8-310. Restrictions on operations: number of permits.

The maximum number of permits for the following calendar year shall be set by the town council at the first Monday town council meeting which occurs in November.

§ 8-311. Restrictions on operations: location of operation.

- (a) The permissible operation areas for the following calendar year shall be set by the town council at the first Monday town council meeting which occurs in November.
- (b) No mobile food establishment operator or vendor shall operate under a permit issued herein except at the location(s) set by the town council in connection with the issuance of the permit.
- (c) The chief of police shall, from time to time, submit to the town council streets which, in the police chief's opinion, because of excess traffic and congestion, are unsafe for the operation of a mobile food establishment.
- (d) At no time shall a mobile food establishment operator or vendor impede the free flow of pedestrian traffic or vehicular traffic.

§ 8-312. Restrictions on operations: hours of operation.

No mobile food establishment operator or vendor shall operate under a permit issued by the town except during the hours set by the town council in connection with the issuance of the permit.

§ 8-313. Suspension or revocation of permit.

- (a) Upon the town receiving notice that the department has suspended or revoked a state mobile food establishment registration, a permit issued under this provision of this article shall be immediately suspended or revoked depending on the action taken by the department.
- (b) A permit issued under the provisions of this article may be suspended or revoked for cause after notice and hearing before the town council if the operation of the registrant within the town violates the town's land use regulations, zoning or other ordinances in relations to the operation of a mobile food establishment.

§ 8-314. Conflict with state law or regulation.

In the event of a conflict between the provisions of this article and state law or regulation, state law or regulation shall supersede the provisions of this article.

§ 8-315. Transition period.

A person holding a current hawkers/peddlers license issued by the town council who is considered to be a mobile food establishment operator under Title 5, Chapter 11.1, may renew the town license by submitting a renewal application to the town clerk on a renewal application form provided by the town clerk prior to December 31, 2019. In conjunction with the renewal application, the mobile food establishment operator must provide written proof of having applied for a state mobile food establishment registration prior to the submission of the renewal application; provided, however that the municipal mobile food establishment permit shall not issue until such time as the mobile food establishment operator provides the town clerk with proof of having received a state mobile food establishment registration prior to March 31, 2020. In the event that such proof is not provided prior to March 31, 2020, the renewal application shall be denied.

§ 8-316. through § 8-319. (Reserved)