

ARTICLE II ~~Sunday and Holiday Business~~ [Adopted 6-10-1930; amended 6-20-1961, 8-5-1963, 4-13-1982], and 5-11-1982 (Ch. 12, Art. III, of the 1985 Code of Ordinances)]

§ 236-5. Definitions. Editor's Note: State law references - Similar provisions, G.L. 1956, § 5-23-1; general holidays enumerated, G.L. 1956, § 25-1.1.

Whenever used in this article, the following terms shall have the meanings indicated:

HOLIDAY — Shall be deemed to include New Year's Day, Memorial Day, Fourth of July, Victory Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day (but only in such years as the Governor shall by public proclamation designate such as a legal holiday) and Christmas, or any day which any enumerated holiday is officially celebrated.

RETAIL ESTABLISHMENT — Includes any business making sales at retail, but this definition shall not include victualing houses principally serving prepared food for consumption on and off the premises, including those houses licensed under G.L. 1956, Title 5, Chapter 24.

§ 236-6. Violations and penalties.

Every person licensed under the provisions of this article and every servant or agent of this licensee, who shall violate any provisions of such license or any of the rules, regulations or any of the provisions of this article, shall be punished pursuant to the provision of § 5-23-6 of the Rhode Island General Laws.

§ 236-7. Licenses generally. Editor's Note: This section was originally adopted 4-3-1913.

- A. The Town Council may grant licenses for the sale by retail establishments at any places in the Town designated in such licenses, ~~on the first day of the week, commonly called Sunday, and on holidays enumerated in § 236-5,~~ **with the exception of December 25 of any year and Thanksgiving Day.**
- B. ~~Retail establishments licensed pursuant to this section may be permitted to open for business on Sundays between the hours of 12:00 noon and 5:00 p.m., except that pharmacies licensed under Chapter 19 of Title 5 of the Rhode Island General Laws and retail establishments which principally sell food products as defined in § 44-18-30(J) of the Rhode Island General Laws may be open during their normal working hours. Retail establishments licensed pursuant to this section may be permitted to open for business during holidays on their normal business working hours~~ **with the exception of December 25 of any year and Thanksgiving Day.**
- C. **No license shall be issued on December 25 of any year or on Thanksgiving Day, except to:**
 - a. **Pharmacies licensed under chapter 19.1 of this title; provided, however, that no drug (as defined in §5-19.1-2) or controlled substance (as defined in §5-19.1-2) requiring a prescription (as defined in §5-19.1-2) shall be dispensed or sold unless a licensed pharmacist-in-charge (as defined in §5-19.1-2) is available on the premises;**
 - b. **Retail establishments which principally sell food products as defined in §44-18-30(9) and which employ fewer than six (6) employees per shift at any one location;**

- c. Retail establishments principally engaged in the sale of cut flowers, floral products, plants, shrubs, trees, fertilizers, seeds, bulbs, and garden accessories;
 - d. Retail establishments principally engaged in the sale and/or rental of video cassette tapes; and
 - e. Retail establishments principally engaged in the preparation and/or sale of bakery products.
- D. A license is not required for the sale upon a holiday of gasoline, oil, grease, automotive parts, automotive servicing, or automotive accessories, or for the conduction on that day by any farmers' cooperative association of a wholesale auction market of fruit, vegetables, and farm products
- E. Any holiday license granted pursuant to this article shall not authorize any sale, rental or operation at any place not specified in the license.
- F. Any holiday license granted pursuant to this article shall be displayed in a conspicuous place on the premises licensed.
- C. ~~All retail establishments may sell any and all items sold in the ordinary course of business with the exception of alcoholic beverages after obtaining a license on those Sundays between Thanksgiving day and Christmas between the hours of 9:00 a.m. and 5:00 p.m.~~
- D. ~~Retail establishments engaged in the sale of plants, shrubs, trees, fertilizer, seeds, bulbs and gardening accessories, including any concession operated by or on the premises of a larger establishment, shall be licensed prior to the sale thereof in accordance with this section; provided, however, that the hours of operation on Sundays or holidays shall be between the hours of 9:00 a.m. and 5:00 p.m. Editor's Note: State law reference - Similar provisions, G.L. 1956, § 5-23-2.~~

§ 236-8. Fee; information provided; expiration. [Amended 1-7-1992]

Applicants requesting a Sunday **Holiday** sales license shall provide to the Town Clerk such information as he or she from time to time may require. The fee for such license shall be \$50 to be paid to the Town Clerk prior to the Town Council's action on the application. Such licenses at whatever time granted will expire on the Thursday next following the first Wednesday in April, but may at any time be revoked by the Town Council.

§ 236-9. Short-term license.

Applicants requesting Sunday **Holiday** sales licenses for periods of four days or less per annum may make application with the Town Clerk pursuant to the provisions of § 236-8. The fee for such license shall be ~~\$15~~ **\$25**.

§ 236-10. Display of license.

A license issued under this article shall be displayed in a conspicuous place on the premises licensed.