

ORDINANCE AMENDMENT

IT IS HEREBY ORDAINED BY THE TOWN OF SMITHFIELD AS FOLLOWS:

CHAPTER 236. LICENSING, BUSINESS

ARTICLE I Miscellaneous Provisions (§ 236-1 — §236-5)

§ 236-1 When fees paid.

Except as otherwise provided in this Code, all fees and charges for licenses granted by the Town Council shall be paid to the Town Clerk at the time of application. The Town Clerk shall not refer to the Council any license application until all fees and charges therefor have been paid in full.

§ 236-2 Palmistry; phrenology.

No person shall practice or continue to practice or hold himself or herself out to practice palmistry or phrenology or any other occult science in the Town, unless said person shall first obtain a license from the Town Council. The annual fee under this section shall be \$100.

§ 236-3 Victualing License; hours generally.

(a) Unless an earlier closing time is required by the terms of a liquor license, every person owning, leasing, occupying or keeping an establishment for which a victualing license has been issued under the provisions of Rhode Island General Laws, Section 5-24-1 shall close and keep closed such establishment between the hours of 2:00 a.m. and 6:00 a.m. and shall not serve food or beverages of any kind therein between the hours of 2:00 a.m. and 6:00 a.m. without a special permit authorizing said activity issued by the Town Council.

(b) The Town Council may issue a special permit to any person to whom a victualing license has been issued to keep open the licensed establishment at a later or earlier hour than set forth in subsection (a) above upon application in writing by such person stating the reasons therefor and the hours during which such person wishes to keep open such establishment.

(c) No special permit shall be granted pursuant to subsection (b) above to any person making application therefor until after a public hearing has been held upon the question of the granting of the permit before the Town Council. The Council shall first give notice of such public hearing, specifying the time and place of the hearing, by publication in a newspaper published and circulated in Providence County at least once each week for three consecutive weeks. The cost of advertising such notice shall be paid by the person making application for the permit at the time of the application. At the hearing, opportunity shall be given all persons interested to be heard upon the matter of the special permit. The Town Council may issue the special permit only upon a showing by the applicant of public convenience and necessity.

§ 236-4 Trucking and terminal uses.

It shall be unlawful for any person to operate or cause to operate any trucking or terminal use so that it causes noise in excess of the limits set forth in the Town's Noise Ordinance, Chapter 252 of the Code of Ordinances.

§ 236-5 Inspection rights; penalty for noncompliance.

(a) Whenever inspection of the premises used for or in connection with the operation of a licensed business is required by ordinance or by the Town Council, or is reasonably necessary to secure compliance with any ordinance or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer or employee of the Town who is authorized or directed to make such inspection at any reasonable time that admission is requested.

(b) In addition to any other penalty which may be provided, the Town Council may suspend or revoke the license it has issued to any business in the Town which refuses to permit any such authorized officer or employee to make the inspection, or which interferes with such officer or employee while in the performance of his or her duty in making such inspection.