

LICENSING

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION ESTABLISHING THE LANGUAGE OF PROPOSED AMENDMENTS TO THE EAST PROVIDENCE CITY CHARTER AS WILL BE VOTED ON AT THE SUBSEQUENT CHARTER REFERENDUM

WHEREAS, the Home Rule Charter for the City of East Providence was originally adopted by the Town of East Providence in September 1954; and

WHEREAS, Article XIII, Sec. 8 of the Rhode Island Constitution allows for the legislative body of any city or town to propose amendments to the Charter, which amendments shall be submitted for approval to the qualified electors of the City at a general or special election; and

WHEREAS, the City Council desires to amend the City Charter as follows with regard to Licensing:

Sec. 2-9. Powers.

The legislative powers of the City shall be vested in the Council. Without limitation of the foregoing, the Council shall have power to:

- (1) Determine its own rules and order of business and keep a journal of its proceedings which shall be open to public inspection in the office of the City Clerk;
- (2) Establish administrative departments and distribute the work of divisions;
- (3) Adopt the budget of the City;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Provide for an independent audit;
- (6) Inquire into the conduct of any office, department or agency of the City and make investigation as to municipal affairs and, for such purposes, the Council may subpoena witnesses and require the production of records if a simple majority of at least three (3) Council Members passes a resolution which shall state, with sufficient particularity, the legitimate public purpose for the issuance of any such subpoena and the scope of said subpoena;
- (7) Adopt ordinances for the government of the City which have to do with records, franchises, finance, personnel, civil service or merit system, pensions and retirement systems, public works, public safety, public welfare, public health, City planning, zoning, parks and playgrounds, and safe and sanitary housing, public utilities and other municipal functions not in conflict with the constitution and laws of the state;

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~~(8) Grant, suspend or revoke licenses, or, by ordinance, delegate to the Mayor the power to grant, suspend or revoke licenses or classes of licenses, except licenses permitting the sale of alcoholic beverages. The City Council or the Mayor may require an inspection, investigation and report by any department on any license or application for a license. If any applicant, licensee or citizen of the City is aggrieved by the decision of the Mayor in granting, refusing to grant, suspending or revoking any license or application for a license, he or she may appeal from such decision to the City Council.~~

Sec. 2-17. Board of licenses.

*may be Sec. 2-18 if new "Sec. 2-17 Subcommittees" is approved as a Charter Change

The City Council is hereby vested with the power to control licensure within the City by means of the creation of a Board of Licenses, which may be comprised partially or wholly by the members of the City Council. All businesses operating in the City may be subjected to the oversight of the Board of Licenses by and through the passage of an ordinance to that effect.

- (1) Any ordinances relating to the operation of a license within the City shall be generally applicable to all licenses and may only have specific provisions for specific categories of licenses if state law expressly defines a type of license or the zoning code expressly defines a type of business, or the protection of the public welfare requires such further designation.
- (2) All prospective licensees and present licensees are entitled to due process. The Board of Licenses shall not make any arbitrary or capricious decisions. Conditions placed on a license shall be reasonably related to proven negative externalities. Actions against any license shall be for cause and the penalties shall be commensurate with the harm done, excepting that any pattern of harm may constitute grounds for revocation of any license regardless of the extent of the harm of any single incident.
- (3) The City Council may delegate the authority of the Board of Licenses to municipal personnel through the passage of a City Ordinance, so long as that ordinance expressly established the right of appeal to the Board of Licenses from any decision by municipal personnel.

NOW, THEREFORE, BE IT RESOLVED that these proposed Charter amendments be summarized on the ballot in the next special election.

BE IT FURTHER RESOLVED that the ballot question expressly state that these amendments shall become effective upon passage without further action insofar as the Rhode Island Constitution's Home Rule Charter provisions allow.

Adopted by the City Council:

Attest:

City Clerk of East Providence, Rhode Island