

**RESOLUTION OF THE BRISTOL TOWN COUNCIL**

**ADOPTING A POLICY ON**

**THE TIMELINESS OF LIQUOR LICENSE APPLICATIONS**

**LEGAL REGULATORY BACKGROUND**

WHEREAS, from the very earliest period of Rhode Island’s colonial history, there have been liquor licensing laws that delegated local control over where or whether an establishment would be allowed to serve alcohol, and in the first meeting of Rhode Island’s colonial General Assembly in 1647, the following provision was enacted:

*“Ale Houses*

It is ordered by the authority of the present Assembly, that no tavern, ale house, or victualling house, shall be kept throughout the whole Colony without license or allowance; . . .

*Licenses*

Be it also enacted by the authority of the present Assembly, that each town shall have power to allow taverns, ale houses and victualling houses, within its own precincts; . . .”<sup>1</sup>

WHEREAS, 379 years later, the cities and towns continue to issue licenses for those who sell alcoholic beverages under authority from the State.

WHEREAS, that State authority has become significantly circumscribed by the General Assembly over the centuries, and particularly in the last century since the repeal of Prohibition by the 21<sup>st</sup> Amendment. The State now regulates alcoholic beverages through the Department of

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<sup>1</sup> The Proceedings of the First General Assembly of “The Incorporation of Providence Plantations,” and The Code of Laws adopted by that Assembly in 1647, with notes historical and explanatory by William Staples (1847), pp. 45-46 (available at [https://sosri.access.preservica.com/uncategorized/IO\\_a5c75086-ccbe-4392-9e35-de47750ff54d/](https://sosri.access.preservica.com/uncategorized/IO_a5c75086-ccbe-4392-9e35-de47750ff54d/)) (last checked 10/22/24).

Business Regulation (“DBR”), which has promulgated rules to interpret and enforce the many laws that the General Assembly has passed.

WHEREAS, the key Rule addressed by this resolution is Section 1.4.44(A)(1) as set forth below:

#### 1.4.44 Certificate of Good Standing Compliance

A. In order to ensure compliance with R.I. Gen. Laws § 3-7-24, the following procedures will apply to the renewal and transfer of alcoholic beverage licenses:

1. Renewals: Every licensee must provide the local licensing authority with a Certificate of Good Standing from the Division of Taxation by November 30 of each calendar year. If the Certificate of Good Standing is not provided by November 30 the licensee shall be closed on December 1 and thereafter until said Certificate is so provided. The local authority should inform licensees upon commencement of the renewal process that the Division of Taxation requires a minimum of fifteen (15) days to process and issue requests for a Certificate of Good Standing. (*Emphasis added.*) <https://rules.sos.ri.gov/Regulations/Part/230-30-10-1>

WHEREAS, as set forth in this Rule above, there is no discretion afforded to the city or town to allow an establishment to remain open (selling alcohol) after November 30 of each year if the establishment has not provided a Certificate of Good Standing from the RI Division of Taxation by such date.

#### **BRISTOL BACKGROUND**

WHEREAS, for many years, a few restaurants in Bristol that have Class B alcoholic beverage licenses have failed to provide the Certificate of Good Standing on a timely basis. In all such cases, this is because the licensees have not applied to and/or paid their State taxes on a timely basis. The Rule itself even requires the local authority to “inform licensees that the

Division of Taxation requires a minimum of fifteen (15) days to process and issue requests for a Certificate of Good Standing” (“Certificate”). The Town Clerk starts sending notices to licensees in August of each year. Furthermore, this November 30 deadline has remained the same for every single licensee in the State for decades. There is no excuse for not complying with this rule.

WHEREAS, year after year, several Bristol restaurants do not have their Certificates of Good Standing by November 30, and their licenses are therefore NOT issued to them, pending receipt of the Certificate of Good Standing and any other outstanding materials. However, the restaurants continue to operate and sell alcoholic beverages without their licenses in hand, some of the time into January or February.

WHEREAS, this creates a fundamental issue of unfairness to all of the other liquor license holders who get their paperwork done and submitted on time.

WHEREAS, this also creates potential liability issues for the Town and for the establishments that are serving alcohol without a validly issued license.

### **SOLUTION – POLICY**

NOW, THEREFORE: the Bristol Town Council hereby adopts the following policy, and directs the Town Clerk, the Town Administrator, and through the Town Administrator the Chief of Police to enforce such policy:

1. At the November meeting of the Town Council, or the first November meeting if there be more than one in any November, the Town Clerk shall publicly inform the Town Council of any liquor license renewal applicants who have not submitted all required documents,

including without limitation the Certificate from the RI Division of Taxation. The Clerk shall further specifically indicate those licensees who are missing the Certificate.

2. For any licensee without the Certificate, the Town Council shall NOT grant a renewal of the license for a whole year to the next November 30. However, the Town Council, if it otherwise decides to renew the license, shall only grant the renewal until the date of the Town Council's first meeting in December. The Town Clerk shall place on the Agenda for the first Town Council meeting in December, as a holding place, a continuation of the Public Hearing for renewal of all of the licenses which are missing the Certificate. The Town Clerk shall also notify such licensees of the continued Public Hearing and request their presence in person with a notation that the license may not be renewed if all requirements are not met on time. The Town Council may, at its discretion, apply this same procedure to other licensees who have the Certificate in hand, but may be missing other items necessary to complete their license applications.
3. At the close of business on November 30 of each year, or on the last weekday prior to the 30<sup>th</sup> if the 30<sup>th</sup> should fall on a weekend, the Town Clerk shall notify the Chief of Police in writing of any alcoholic beverage licensee who has not been issued his/her license because of a failure to provide the Certificate.
4. A uniformed police officer shall visit each of the licensees identified in Section 3 above, not later than noon on December 1 of each year, or by noon of the first day such business is open after December 1 if closed on December 1. The police officer shall order that the

sale of all alcoholic beverages be stopped immediately, and that all alcoholic beverages of any type shall be removed from the premises by 5:00 PM of that day.

5. If all alcoholic beverages are removed by 5:00 PM of the date set forth in Section 4 above, then the establishment may continue to sell ONLY food if it holds a valid victualing license. If all alcoholic beverages are not removed from the premises by 5:00 PM, then the establishment shall be closed and locked and not even food sales shall be allowed until such time as the police department confirms that all alcoholic beverages have been removed from the entire premises.
6. At the first meeting in December of the Town Council, the Town Council shall offer the opportunity to be heard at the Public Hearing for those licenses that were continued to such date. The Town Council may decline to take further action on such licenses, and they shall thereupon automatically expire, and the license become available for any applicant. Alternatively, for good cause shown, the Town Council may vote to renew the license to some further date for a report on status. However, notwithstanding any such renewal by the Town Council, if the licensee does not meet all legal requirements, the Town Clerk shall NOT issue the license, and NO alcoholic beverage sales shall be allowed and NO alcoholic beverages shall be kept or stored on the entire premises until such time as the license is validly issued.

7. This policy may be amended from time to time or repealed, provide however that such amendment or repeal shall be properly placed on the Town Council Agenda in advance of a meeting in compliance with the Open Meeting Act.

ATTEST:

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Melissa Cordeiro  
Town Clerk

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