



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE BUSINESSES CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Businesses Ordinance of the Town be amended as follows:

Chapter 12 – BUSINESSES

ARTICLE II – LICENSES

- Sec 12-34 – 12-65 - Reserved shall be amended to reserve sections 12-49 – 12-65. Business licenses for theater shall be regulated as follows:

Sec. 12-41 – License for long-term theater.

Initial license fee for long-term theater shall be \$100.00 and shall be renewed annually by the town council.

The renewal fee shall be \$100.00.



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Businesses Ordinance of the Town be amended as follows:

Chapter 12 – BUSINESSES

ARTICLE II – LICENSES

- Sec 12-34 – 12-65 - Reserved shall be amended to reserve sections 12-49 – 12-65. Business licenses for gravel banks, natural material processing, stone crushing and sorting, mining, quarrying shall be regulated as follows:

Sec. 12-47 – License for gravel banks, natural material processing, stone crushing and sorting, mining, quarrying.

Initial license fee for gravel banks, natural material processing, stone crushing and sorting, mining, quarrying shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00. The initial license may be issued by the town council upon the conditional grant of a special-use permit by the planning board. The planning board's grant of any special-use permit for the above uses shall be conditioned upon subsequent grant of a license by the town council.

Prior to renewal of a license for the above uses, inspection of the premises shall be made by the Zoning Enforcement Officer to determine that the conditions of the special-use permit and of the soil erosion and sediment control plan are being complied with.

Forthwith following the denial of a license renewal under this section or the expiration or withdrawal of a permit or upon voluntary cessation of operations or upon completion of removal in a substantial area, that entire area shall be restored insofar as permitted by RIDEM as follows:

(1)

All land shall be so graded that no slope exceeds one foot vertical rise in three feet horizontal distance and shall be so graded as to safely provide for drainage without erosion.

(a) For operations conducted on previously existing natural slopes equal to or exceeding one foot vertical rise in one foot horizontal distance, all land shall be graded to restore the previously existing natural conditions as possible.

(2)

All boulders larger than 1/2 cubic yard shall be removed, buried or repurposed for a stone wall.

(3)

The entire area except exposed ledge rock shall be covered with not less than four inches of good quality loam, which shall be planted with cover vegetation adequate to prevent soil erosion, using either grasses or ground cover, depending upon conditions.

(4)

The performance bond shall not be released until sufficient time has lapsed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Businesses Ordinance of the Town be amended as follows:

Chapter 12 – BUSINESSES

ARTICLE IV – HAWKERS, PEDDLERS, ~~DOOR-TO-DOOR SALESPERSONS~~, AND MOBILE FOOD ESTABLISHMENTS

DIVISION 2 - LICENSE

- Sec 12-162 - License issuance; fees; limitations shall be amended as follows:

Sec. 12-162. - License issuance; fees; limitations.

(a) No license shall be issued under this article until such time that the town clerk receives all necessary approvals.

(b) Licenses shall be issued by the town clerk under this article upon town council approval:

- (1) Hawkers and peddlers. After a hearing and public notice given by publication of the application at least one week prior to the date of the hearing;
- (2) Mobile food establishments. After appearing in front of the town council during a regularly scheduled open meeting;
- (3) Any preconditions determined by the town council for a license application under this article must be satisfied prior to the license becoming active, and proof of completion of said preconditions must be furnished to the town no later than 14 days prior to the start date listed on the license, unless otherwise stated in the town council's decision. Failure to provide proof of completion of preconditions in the aforementioned timeframe may be cause for the revocation or forfeiture of said license and fees.

(c) No license issued pursuant to this article shall be transferable to any person other than the individual to whom it was issued and named therein to act thereunder; provided, however a licensee may hire a driver and such driver may operate on the license so long as the driver is registered with the town clerk as the driver pertaining to said license.

(d) A separate license shall be required for each vehicle, cart or pushcart. Every licensee shall carry said license while engaged in sales and produce the same upon request by an official of the town or any other person making said request. Failure to do so may be cause for the revocation of such license.

(e) For hawker and peddler applicants, the town clerk shall, in addition to the license specified above, issue an identification badge containing one of the photographs of the authorized individual along with the effective dates on the license and other such information as the town clerk shall deem appropriate. Every licensee shall wear the identification badge issued by the town clerk while engaged in any activity related to

this article. Such identification badge shall be worn so that it is clearly visible. Violation of this subsection shall be cause for the revocation of the license issued under this article.

(f) For mobile food establishment applicants and/or organizers of an event and/or temporary mass gathering with two or more mobile food establishments, the town clerk shall issue an event permit and/or a temporary mass gathering permit, as required by the town council, after a hearing and public notice given by publication of the permit application at least three weeks prior to the date of the hearing.

(1) For any event where an event organizer has arranged for the operation of two or more mobile food establishments at a gathering to be located on public or nonresidential property, the organizer shall obtain an event permit prior to the event.

a. A fee for this event permit shall be charged in accordance with the fee schedule prescribed in subsection (g) of this section.

b. Application for events and event permits must be received no later than 14 days prior to the proposed event. If the event organizer has reason to believe the proposed event may fall within the provisions of a temporary mass gathering, it shall be the sole responsibility of the event organizer to submit this application within the required time period outlined in subsection (f)(2) of this section.

c. Each event permit granted shall be accompanied by a contract between the event organizer and the town, which details the obligations and expectations of said event organizer for said event under this article.

d. If the town council, during a hearing related to the event permit, did not make a determination as to whether the permitted event is subject to a temporary mass gathering permit in addition to an event permit, the town council shall have the authority to require the event organizer to obtain a temporary mass gathering permit in addition to an event permit.

e. All events shall be in accordance with all stipulations of this article and any other land use or zoning ordinances of the town.

f. Mobile food establishment certificates for all mobile food establishments stated to be present at the event, must be submitted to the town prior to the town clerk issuing an event permit. It is the responsibility of the event organizer to ensure that said certificates have been provided to the town in accordance with this subsection.

(2) For any event where an event organizer reasonable anticipates an assembly of 500 or more people at an event that is expected to continue for two or more hours per day, or an event that requires a more extensive review to protect the public health and safety because the event's nature or conditions have the potential of generating environmental or health risks, the event organizer shall obtain a temporary mass gathering permit, in addition to an event permit, prior to the event.

a. This includes, but is not limited to, "special events" as defined in the Food Code Regulations promulgated by the Rhode Island Department of Health, as well as festivals and concerts.

b. This shall not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless said event is open to the public.

c. A fee for this temporary mass gathering permit shall be charged in accordance with subsection (g) of this section.

d. Applications for temporary mass gathering permits must be received a minimum of 30 days prior to the proposed event.

e. All events shall be in accordance with all stipulations of this article and any other land use or zoning ordinances of the town.

f. If the town council, during a hearing related to the event, did not make a determination as to whether the permitted event is subject to a temporary mass gathering permit in addition to an event permit, the town council shall have the authority to require the event organizer to obtain a temporary mass gathering permit in addition to an event permit.

g. Mobile food establishment certificates for all mobile food establishments stated to be present at the event, must be submitted to the town prior to the town clerk issuing a temporary mass gathering permit. It is the responsibility of the event organizer to ensure that said certificates have been provided to the town in accordance with this subsection.

(3) For any event where the Town, through a Department and/or Committee, is a sponsor and/or coordinator of the event, no public hearing shall be required for the issuance of any event or temporary mass gathering permit. The Town Council may issue such event and/or temporary mass gathering permit(s) at a regularly scheduled public meeting of the Town Council upon presentation by the Department and/or Committee associated with the event. Any application for an event and/or temporary mass gathering permit made by a Town Department and/or Committee is still subject to all other above-described requirements.

(g) Fee schedule:

(1)

	<u>Minimum</u>	<u>Maximum Fee</u>
Hawker	\$10.00	\$50.00 <u>100.00</u>
Peddler	\$10.00	\$50 <u>100.00</u>
Mobile food establishment	\$25.00	\$50.00* \$25.00**
Event permit	\$75.00	\$300.00
Event permit and m Mass g Gathering permit	\$100.00	\$300.00

* For single mobile food establishment

** For two or more mobile food establishments

(2) Hawker and peddler fees under this article shall be retained by the town whether such license is granted or denied.

(3) Mobile food establishment applicants licensed under this article shall pay a fee for a municipal mobile food establishment permit in an amount not to exceed \$50.00 at the time of initial application or application for renewal and said fee shall be retained by the town whether such license is granted or denied.

(4) Mobile food establishment applicants required by the town council to obtain an event permit or an event permit and a temporary mass gathering permit shall furnish proof thereof to the town clerk of said permit, a minimum of 14 days prior to the start date of the event as stated on the municipal mobile food establishment permit. Failure to comply with the aforementioned timeframe may be cause for the revocation or forfeiture of said municipal mobile food establishment permit and fees.

(5) The town council may waive the above fees at the hearing and/or meeting required by this article.

(6) These limitations, and any reduction in the number of authorized licenses thereof, shall not be deemed to affect the right of any current license holder to continue to renew the license annually.

(7) The town clerk shall maintain a list of persons interested in obtaining annual licenses under this article.
