

2014 -- S 2749 SUBSTITUTE A

LC005006/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS -- AUTHORIZING THE TOWN OF SMITHFIELD TO IMPOSE A BUSINESS REGISTRATION FEE

Introduced By: Senator Stephen R. Archambault

Date Introduced: March 06, 2014

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-31.3 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 **45-2-31.3. Business registration fee -- Town of Smithfield.** -- (a) ~~All~~ Unless otherwise
4 provided herein, the owner and operator of each wholesale, retail, commercial, professional
5 service, ~~or~~ and manufacturing ~~businesses~~ business, whether sole proprietorships, partnership,
6 corporations, or any business entity, shall register their business, ~~company, trade or office~~ situated
7 in the town of Smithfield with the ~~town clerk~~ tax assessor of the town of Smithfield. Each
8 registration shall contain the name of the ~~firm or~~ business, the name of the owner(s) ~~or~~ and
9 operator(s) of the ~~firm or~~ business, the type of business to be conducted, and other basic
10 information as required by said tax assessor.

11 (b) There shall be a fee for each registration and for each annual renewal thereof. The
12 registration fee shall be five (\$5.00) dollars. It shall be unlawful for a person to own or operate a
13 business, described herein in the town of Smithfield without a registration certificate issued
14 hereunder.

15 (c) Upon proper registration of a business, a registration certificate shall be issued to the
16 registrant by the tax assessor. No other business of the same trade name shall be allowed to
17 register once a certificate of registration has been issued without the approval of the prior
18 registrant in writing. Every registration certificate shall expire the 31st day in December and shall

1 be renewed annually upon payment of the required fee. No certificate shall be issued or renewed
2 if the business fails to provide proof from the tax collector that all municipal taxes assessed to the
3 business, including municipal taxes assessed to any prior business owned or operated by one or
4 more of the principals of the registrant at the same physical location, have been paid to date.
5 Every certificate of registration shall be kept in a conspicuous location on the premises of each
6 business establishment.

7 (d) Any business required to obtain a liquor, victualing, or any other license to operate
8 under any other section of the general laws, a condition of which is the prior payment of
9 Smithfield municipal taxes, shall be exempt from the requirements of this statute.

10 (e) Any person, whether as principal, agent, employee, or otherwise, who violates any of
11 the provisions of this chapter, shall be fined not to exceed twenty-five dollars (\$25.00) for each
12 month or fraction thereof that the violation continues; provided, however, that the fine shall not
13 exceed three hundred dollars (\$300). ~~Any fine imposed under this statute and/or the ordinance~~
14 ~~promulgated by the town council pursuant to this section may be appealed to the Smithfield~~
15 ~~municipal court.~~ The Rhode Island district court and the Smithfield municipal court shall have
16 concurrent jurisdiction to enforce the provisions of this statute. In addition to imposing the fines
17 provided for herein, the Rhode Island district court and the Smithfield municipal court may order
18 the closure of any business described herein until a registration certificate is obtained. The fines
19 shall inure to the town.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would make it unlawful for a person to own or operate a business in the town of
2 Smithfield without a registration certificate, requiring that municipal tax liens be paid prior to the
3 issuance of such a certificate, and would provide for jurisdiction to have enforcement actions
4 based on this law in both the Rhode Island district court and the Smithfield municipal court.

5 This act would take effect upon passage.

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