

2016 -- S 2702 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO ALCOHOLIC BEVERAGES

Introduced By: Senators Goodwin, Ruggerio, Metts, and Goldin

Date Introduced: March 08, 2016

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-5-21 of the General Laws in Chapter 3-5 entitled "Licenses
2 Generally" is hereby amended to read as follows:

3 **3-5-21. Revocation or suspension of licenses -- Fines for violating conditions of**
4 **license. --** (a) Every license is subject to revocation or suspension and a licensee is subject to fine
5 by the board, body or official issuing the license, or by the department or by the division of
6 taxation, on its own motion, for:

7 (1) Breach ~~breach~~ by the holder of the license of the conditions on which it was issued; or
8 ~~for~~

9 (2) Violation ~~violation~~ by the holder of the license of any rule or regulation applicable; ;
10 or ~~for breach~~

11 (3) Breach of any provisions of this section; ; or

12 (4) Any fraudulent act or "material misrepresentation" made by an applicant for a license
13 or a licensee, including, but not limited to, any misrepresentation or information upon which the
14 licensing board reasonably relies in rendering any decision concerning a license, licensee or
15 establishment; or

16 (5) Breach of any provisions of this chapter; or

17 (6) Operating in any manner inconsistent with the license, or in any manner consistent
18 with another class license without first coming before the board for a new license application.

19 (b) Any fine imposed pursuant to this section shall not exceed five hundred dollars (\$500)

1 for the first offense and shall not exceed one thousand dollars (\$1,000) for each subsequent
2 offense. For the purposes of this section, any offense committed by a licensee three (3) years after
3 a previous offense shall be considered a first offense.

4 (c) In the event that a licensee is required to hire a police detail and the police refuse to
5 place a detail at the location because a licensee has failed to pay outstanding police detail bills or
6 to reach a payment plan agreement with the police department, the license board may prohibit the
7 licensee from opening its place of business until such time as the police detail bills are paid or a
8 payment plan agreement is reached.

9 (d) Upon any violation by a licensee under §3-5-21, the local licensing board, at its sole
10 discretion, may impose a limitation on the hours of operation of the licensee, regardless of the
11 license type, and notwithstanding any prior approval of an application for a later closing time.

12 SECTION 2. Sections 3-7-7.3, 3-7-8, 3-7-16.6 and 3-7-19 of the General Laws in
13 Chapter 3-7 entitled "Retail Licenses" are hereby amended to read as follows:

14 **3-7-7.3. Class B licenses -- Restriction on entertainment.** -- (a) Notwithstanding any
15 provision of this chapter or in the Rhode Island general laws to the contrary, in the case of any
16 city or town which issues any retailer's Class B license this city or town may restrict or prohibit
17 entertainment at these licensed facilities, in accordance with objective standards adopted by the
18 municipality and approved by the department of business regulation, provided that any standard
19 shall be applied uniformly to all of these licensed facilities.

20 (b) The licensing board for the city of Providence is authorized to immediately suspend
21 or revoke the license or exercise other remedies, in accordance with proper due process owed to
22 the licensee, with respect to:

23 (1) Any Class B licensee that provides entertainment without an entertainment license
24 issued by the city of Providence pursuant to its authority under chapter 22 of title 5; and/or

25 (2) Any Class B licensee that engages in activities exceeding those permitted by a Class
26 B license, unless such licensee has obtained any additional license permitting such activities,
27 including, but not limited to, a Class N license.

28 **3-7-8. Class C license.** -- (a) A retailer's Class C license authorizes the holder of the
29 license to keep for sale and to sell beverages at retail at the place described in the license and to
30 deliver those beverages for consumption on the premises where sold. No beverages shall be sold
31 or served after twelve o'clock (12:00) midnight nor before six o'clock (6:00) a.m., except as
32 provided in subsection (e) herein. Local license boards in the several cities and towns may fix an
33 earlier closing time within their discretion. The license authorizes the holder to keep for sale and
34 sell beverages, including beer in cans, at retail at the place described in the license and to deliver

1 those beverages for consumption on the premises.

2 (b) The license authorizes the holder to sell pre-packaged foods prepared off the
3 premises with beverages but prohibits the preparation and serving of foods cooked on the
4 premises. The holder of the license may serve with beverages and without charge popcorn,
5 crackers, bread, pretzels, sausage of any type, pickles, sardines, smoked herring, lupino beans,
6 and potato chips. No food shall be cooked on the premises but pre-packaged foods prepared and
7 cooked off the premises and purchased by the holder from a supplier may be warmed and sold on
8 the premises in their original packaging, and all foods shall be covered in accordance with the
9 regulations of the state department of health. The annual fee for the license is four hundred
10 dollars (\$400) to eight hundred dollars (\$800), prorated to the year ending December 1 in every
11 calendar year.

12 (c) The town councils of the towns of Coventry, Scituate and South Kingstown are
13 authorized to prohibit by ordinance the issuance of Class C licenses. Upon prohibiting Class C
14 licenses, the license board of the towns of Coventry, Scituate and South Kingstown shall issue
15 Class B licenses to the holder of all Class C licenses in those towns. The Class B licenses may be
16 issued to the holders of Class C licenses notwithstanding any requirements of § 3-7-7. The
17 holders of Class C licenses shall have the full privileges of a Class B license and shall pay the
18 annual fee provided for Class B licenses.

19 (d) Notwithstanding any prohibitions on the preparation and serving of foods cooked on
20 the premises contained in paragraph (b) herein, the holders of Class C licenses in the city of
21 Newport are authorized to prepare and serve foods cooked on the premises. The holders of Class
22 C licenses in the city of Newport shall be deemed to be victualling houses for purposes of § 3-8-
23 1.

24 (e) Any holder of a Class C license may, upon the approval of the local licensing board
25 and for the additional payment of two hundred dollars (\$200), sell or serve beverages on Fridays
26 and Saturdays and the night before legal state holidays until one o'clock (1:00) a.m. All requests
27 for a one o'clock (1:00) a.m. license shall be advertised, at the applicant's expense, by the local
28 licensing board in a newspaper with a general statewide circulation or having a general
29 circulation in the city or town where the establishment applying for the license is located.

30 (f) The licensing board for the city of Providence is authorized to immediately suspend or
31 revoke the license or exercise other remedies, in accordance with proper due process owed to the
32 licensee, with respect to:

33 (1) Any Class C licensee that provides entertainment without an entertainment license
34 issued by the city of Providence pursuant to its authority under chapter 22 of title 5; and/or

1 (2) Any Class C licensee that engages in activities exceeding those permitted by a Class
2 C license, unless such licensee has obtained any additional license permitting such activities,
3 including, but not limited to, a Class N license.

4 **3-7-16.6. Class N nightclub license. --** (a) Notwithstanding any provision of this title to
5 the contrary, any town or city council, by ordinance, may authorize the licensing authorities
6 designated as having the right, power, and jurisdiction to issue licenses under this title pursuant to
7 § 3-5-15 to designate and issue a special class of Class N nightclub licenses within its
8 jurisdiction. In the city of Providence, the license authorizes the holder to keep for sale and sell
9 beverages including beer in cans, at retail at the place described and to deliver them for
10 consumption on the premises or place where sold. It also authorizes the charging of a cover,
11 minimum, or door charge. The amount of the cover, or minimum, or door charge is posted at the
12 entrance of the establishments in a prominent place.

13 (b) A Class N license, when so authorized, shall be required by each establishment
14 within the jurisdiction which:

15 (1) Has as its primary source of revenue the sale of alcoholic beverages and/or cover
16 charges;

17 (2) Holds a Class B or Class ED license except in the city of Providence;

18 (3) Has a fire department occupancy permit of no less than two hundred (200) persons
19 and no greater than ten thousand (10,000) persons; or any establishment with a fire department
20 occupancy permit of less than two hundred (200) persons that holds an entertainment license.

21 (c) Any establishment with a Class N license which admits patrons under twenty-one
22 (21) years of age on the premises of the establishment when alcoholic beverages are being sold,
23 served, or permitted on the premises shall, during the time the patrons are permitted on the
24 premises:

25 (1) Require one form of identification. The identification shall contain the bearer's
26 photograph, and must be one of the following: state driver's license, US military identification,
27 state issued identification card, or passport, from every person claiming to be twenty-one (21)
28 years of age or older;

29 (2) Identify patrons over twenty-one (21) years of age with both an identifiable hand
30 stamp and a bracelet and shall require every patron to show both hand stamp and bracelet before
31 purchasing an alcoholic beverage;

32 (3) Sell not more than one alcoholic beverage to an eligible patron in a single
33 transaction, and shall prohibit a patron from carrying more than one alcoholic beverage from a
34 bar or drink dispensing location;

1 (4) Not permit any patron who leaves the premises to be readmitted prior to closing
2 without payment of the same admission or cover charge required of patrons entering the premises
3 initially.

4 (d) The licensing authority of each town or city shall set the closing time for each
5 establishment holding a Class N nightclub license within its jurisdiction pursuant to § 3-7-7(a)(1)
6 and (a)(4), and notwithstanding other provisions of those subdivisions, an establishment holding a
7 Class N nightclub license which is permitted to remain open until two o'clock (2:00) a.m., shall
8 not admit patrons after one o'clock (1:00) a.m.

9 (e) The licensing authority of each town or city will establish the cost and duration of all
10 Class N nightclub licenses issued by that authority.

11 (f) Notwithstanding the provisions of § 3-5-17, no licensing authority may issue a Class
12 N nightclub license unless the following notice requirements have been met:

13 (1) Any establishment applying for a Class N nightclub license, or the renewal of that
14 license, or which is the subject of a hearing relating to its Class N nightclub license, must provide
15 the general public with notice of its application by posting a twenty-four (24) inch by thirty-six
16 (36) inch notice on its premises, in a manner clearly visible to the general public, at least thirty
17 (30) days prior to the hearing date before the licensing authority for the license, and at least thirty
18 (30) days prior to hearings related to the license on appeal to the director. If any hearing is
19 scheduled to occur in less than thirty (30) days, the applicant or Class N nightclub license holder
20 must post this notice within three (3) business days after its receipt of notification of that hearing
21 from the licensing authority or the director.

22 (2) The notice shall contain the name of the applicant and a description by street and
23 number or other plain designation of the particular location for which the Class N nightclub
24 license is requested. The notice shall state that remonstrants are entitled to be heard at the hearing
25 on the Class N nightclub license, and shall provide the time and place of that hearing.

26 (g) Any establishment that holds a Class N nightclub license must:

27 (1) Comply with local ordinances governing noise levels;

28 (2) Cooperate with law enforcement officials;

29 (3) Provide private security for the safety of patrons both inside and outside the
30 establishment, which private security must be certified by TIPS or a similar agency approved by
31 the licensing authority; and

32 (4) Collect trash generated by the establishment every night that the establishment is
33 open in an area surrounding the premises that is reasonable and prudent, given the size of the
34 establishment.

1 (h) The licensing authority of each town or city will develop requirements for police
2 details for the purposes of public safety and traffic control in and around the premise of each
3 establishment holding a Class N nightclub license.

4 (i) (1) The licensing authority which has issued a license under this section may ban the
5 admittance of persons under the age of twenty-one (21) on the licensee's premise:

6 (i) On certain nights; or

7 (ii) At certain times; or

8 (iii) At all times.

9 (2) Provided however, any ban under this subsection herein shall be supported by a
10 finding that:

11 (i) The licensee has failed to implement measures designed to prevent underage
12 drinking; and

13 (ii) The licensee has multiple violations of the provisions of one or more of the following
14 sections: 3-8-1, 3-8-4 and/or 3-8-10.

15 (j) Upon the approval and designation of a district or districts by the board of licenses of
16 the city of Providence, the board of licenses of the city of Providence may issue to any holder of a
17 Class N license an extended hours permit to extend closing hours on Thursdays, Fridays and
18 Saturdays, the night before a legal state holiday or such other days as determined by the board of
19 licenses of the city of Providence, for one hour past such license holder's legal closing time as
20 established by the license holder's license or licenses including, but not limited to, those issued
21 pursuant to subsection (d) of this section. The extended hours permit shall not permit the sale of
22 alcohol during the extended one-hour period and shall prohibit the admittance of new patrons in
23 the establishment during the extended one-hour period. The designation of such district shall be
24 for a duration of not less than six (6) months. Prior to designating any such district, the board of
25 licenses of the city of Providence shall hold a hearing on the proposed designation. The proposed
26 designation shall include the boundaries of the proposed district, the applicable days for the
27 extended hours, and the duration of the designation and the conditions imposed. The proposed
28 designation shall be advertised at least once per week for three (3) weeks prior to the hearing in a
29 newspaper in general circulation in the city of Providence. The city of Providence shall establish
30 an application process for an extended hours permit for such license holder and may adopt rules
31 and regulations to administer the permit.

32 **3-7-19. Objection by adjoining property owners -- Proximity to schools and**
33 **churches. --** (a) Retailers' Class B, C, N and I licenses, and any license provided for in §3-7-16.8
34 of ~~under~~ this chapter shall not be issued to authorize the sale of beverages in any building where

1 the owner of the greater part of the land within two hundred feet (200') of any point of the
2 building files with the body or official having jurisdiction to grant licenses his or her objection to
3 the granting of the license, nor in any building within two hundred feet (200') of the premises of
4 any public, private, or parochial school or a place of public worship. In the city of East
5 Providence, retailer's Class A licenses shall not be issued to authorize the sale of beverages in any
6 building within five hundred feet (500') of the premises of any public, private, or parochial
7 school, or a place of public worship.

8 (b) As used in this section, "private school" means any nonpublic institution of
9 elementary or secondary (K-12th Grade) education, accredited or recognized as a private school
10 by the department of elementary and secondary education or the school committee of the city or
11 town having jurisdiction over private schools.

12 (c) This section shall not apply to any Class B or C license holder whose license was
13 issued prior to January 1, 1978, nor shall this section apply to, or constitute the basis of, an
14 objection to, or disapproval of, the transfer of a Class B or C license where the location of the
15 licensed establishment predates the location of the public, private, or parochial school, or place of
16 public worship.

17 (d) (1) Notwithstanding the provisions of this section, the board of licenses of the city of
18 Providence shall, after application, have the authority to exempt from the provisions of this
19 section any proposed retailer Class B, C, or I license intended to be located within the following
20 described area(s) in the city of Providence:

21 (A) Beginning at a point, that point being the intersection of the southerly line of Smith
22 Street and the easterly taking line of Interstate Route 95;

23 Thence running in a general southwesterly direction along the easterly taking line of
24 Interstate Route 95 to the center line of Kingsley Avenue;

25 Thence turning and running northwesterly in part along the southerly line of Kingsley
26 Avenue to its intersection with the southerly line of Harris Avenue;

27 Thence turning and running westerly along the southerly line of Harris Avenue to its
28 intersection with the southerly line of Atwells Avenue;

29 Thence turning and running easterly along the southerly line of Atwells Avenue to the
30 easterly taking line of Interstate Route 95;

31 Thence turning and running in a general southerly and southeasterly direction along the
32 easterly taking line of Interstate Route 95 to the center line of Pine Street;

33 Thence turning and running northeasterly along the northerly taking line of I-195 to its
34 intersection with the northerly taking line of I-195;

1 Thence turning and running northeasterly along the northerly taking line of I-195 to its
2 intersection with the westerly shore line of the Providence River;

3 Thence turning and running northerly along the westerly shore line of the Providence
4 River to its intersection with the southerly line of Crawford Street;

5 Thence running northwesterly across Dyer Street to the intersection of the westerly line
6 of Dyer Street to the southerly line of Custom House Street;

7 Thence running northerly in part along the southerly line of Dyer Street and in part along
8 the westerly line of Market Square to its intersection with the westerly line of Canal Street;

9 Thence turning and running northerly along the westerly line of Canal Street to its
10 intersection with the southerly line of Smith Street;

11 Thence turning and running westerly along the southerly line of Smith Street to the point
12 and place of beginning.

13 (B) Beginning at a point, that point being the intersection of the westerly line of Brook
14 Street and the northerly line of Wickenden Street;

15 Thence running in a general westerly direction along the northerly line of Wickenden
16 Street to the intersection of Wickenden Street and Benefit Street;

17 Thence running in a general northerly direction along the easterly line of Benefit Street
18 to the intersection of Benefit Street and Sheldon Street;

19 Thence turning and running in an easterly direction along the southerly line of Sheldon
20 Street to the intersection of Sheldon Street and Brook Street;

21 Thence turning and running in a general southerly line to the intersection of Brook Street
22 and Wickenden Street that being the point of beginning.

23 (2) Notwithstanding the provisions of this section, the board of licenses of the city of
24 Newport shall, after application, have authority to exempt from the provisions of this section any
25 proposed retailer Class B license intended to be located within the following described area in the
26 city of Newport:

27 Beginning at a point, that point being the intersection of the southerly line of Broadway
28 and the easterly line of Courthouse Square;

29 Thence running in a general northeasterly direction along the southerly line of Broadway
30 a distance of one hundred and two feet (102') to a point at the southeasterly corner of land now or
31 formerly owned by the Newport Historical Society;

32 Thence turning and running in a southeasterly direction ninety-eight and nine-tenths feet
33 (98.9') along the southwesterly border of land now or formerly owned by the Newport Historical
34 Society;

1 Thence turning and running in a southwesterly direction one hundred and twelve feet
2 (112') to Courthouse Street; and

3 Thence turning and running in a generally northwesterly direction along Courthouse
4 Street for a distance of ninety feet (90') to the point and place of beginning.

5 (3) Notwithstanding the provisions of this section, the board of licenses of the town of
6 Warren shall, after application, have the authority to exempt from the provisions of this section
7 any proposed retailer Class B, C, or I license intended to be located within any zoning district in
8 the town of Warren which is designated as a limited business district or as a general business
9 district pursuant to the zoning ordinance of the town of Warren.

10 (4) Notwithstanding the provisions of this section, the board of licenses of the town of
11 Bristol shall, after application, have the authority to exempt from the provisions of this section
12 any proposed retailer Class B license intended to be located on lot 34 of tax assessors plat 10 of
13 the Bristol tax assessors map as of December 31, 1999, including that portion of the public
14 sidewalk contiguous to said lot.

15 (5) Notwithstanding the provisions of this section, the board of licenses for the city of
16 Newport shall, after application, have the authority to exempt from the provisions of this section
17 as to places of public worship any proposed sidewalk cafe as defined in the Codified Ordinance
18 of the city of Newport, provided that the applicant be an existing holder of a Retailers' Class B
19 license.

20 (6) Notwithstanding the provisions of this section, the board of licenses of the city of
21 Providence shall, after application, have the authority to exempt from the provisions of this
22 section any proposed retailer Class B license intended to be located on lot 131 of tax assessors
23 plat 68 of the Providence tax assessors map as of December 31, 1999 and any proposed retailer
24 Class B license intended to be located on lot 21 of the tax assessors map plat 49 and any proposed
25 retailer class BV license intended to be located on lots 3 and 5 of tax assessors map plat 35 of the
26 Providence tax assessors map as of December 31, 2003.

27 (7) Notwithstanding the provisions of this section, the board of licenses of the city of
28 Cranston shall, after application, have the authority to exempt from the provisions of this section
29 any proposed retailer Class B license intended to be located on either lot 160 of tax assessor's plat
30 9, and/or on lot 152 of tax assessor's plat 9, of the Cranston tax assessor's map as of December 31,
31 2002; provided, however, as to the subsequent transfer of said Class B license issued by the city
32 of Cranston under this exemption, whether said transfer is attributable to the holder's death or
33 otherwise, any person desiring to become the potential transferee of said Class B license shall
34 comply with those restrictions as to its use (and shall refrain from those activities which result in

1 its reversion) set forth in the city of Cranston Memorandum of Understanding dated May 13,
2 2003 and, in addition, those requirements applicable to anyone who desires to become a
3 transferee of a validly issued and outstanding Class B license designated for use in any location in
4 the state of Rhode Island. Neither the exemption granted herein nor any future exemption granted
5 hereafter shall be effective until the proposed Class B license and the underlying property owner
6 is certified to be current in the payment of any and all local and state taxes.

7 (8) Notwithstanding the provisions of this section, the board of licenses of the city of
8 Pawtucket shall, after application, have the authority to exempt from the provisions of this section
9 any proposed retailer Class B, C, or I license intended to be located within the following
10 described area in the city of Pawtucket:

11 Beginning at the point of intersection of Dexter Street and the Central Falls line, then
12 east along the Central Falls line to the Blackstone River, then north along the city boundary on
13 the Blackstone River to the Cumberland line, then west along the Pawtucket city boundary line to
14 I-95, then south along I-95 to Pine Street, then north on Pine Street to AMTRAK Right of Way,
15 then northwest along the AMTRAK Right of Way to Dexter Street, then north on Dexter Street to
16 the Central Falls line.

17 (9) Notwithstanding the provisions of this section the town council of the town of Little
18 Compton, after application, is authorized to exempt from the provisions of this section relating to
19 places of worship any class B license limited to malt and vinous beverages intended to be located
20 on Plat 30, Lot 33 of the town of Little Compton tax assessment map existing as of December 31,
21 2004.

22 (10) Notwithstanding the provisions of this section, the board of licenses of the town of
23 Bristol shall, after application, have the authority to exempt from the provisions of this section
24 any proposed retailers' Class B license intended to be located on lots 3, 18, and 19 of tax
25 assessors plat 10 of the Bristol tax assessors map as of December 31, 2007.

26 (11) Notwithstanding the provisions of this section the town council of the town of
27 Smithfield, after application, is authorized to exempt from the provisions of this section, any class
28 B, C, or I license intended to be located on Plat 45, Lot 042 of the town of Smithfield, tax
29 assessment map existing as of December 31, 2007; provided, however, said exemption shall
30 apply only to any renewal of any class B, C, or I license issued for use at the said premises
31 located on plat 45, lot 042 as of December 31, 2011. In the event said license is not renewed, then
32 this exemption is hereby repealed in its entirety.

33 (12) Notwithstanding the provisions of this section, the board of licenses of the city of
34 Providence shall, after application, have the authority to exempt from the provisions of this

1 section any proposed retailer Class B license intended to be located on plat 13, lots 31 and 32 of
2 the applicable city of Providence tax assessment map.

3 (13) Notwithstanding the provisions of this section, the board of licenses of the town of
4 Tiverton shall, after the application, have the authority to exempt from the provisions of this
5 section a proposed retailer's Class BV license for a restaurant located on tax assessor's plat 181,
6 lot 1A.

7 (14) Notwithstanding the provisions of this section, the board of licenses of the city of
8 Providence shall, after application, have the authority to exempt from the provisions of this
9 section any proposed retailer's Class B license intended to be located on tax assessor's plat 68, lot
10 732.

11 (15) Notwithstanding the provisions of this section, the board of licenses in the city of
12 Providence shall, after application, have the authority to exempt from the provisions of this
13 section any proposed retailer's Class B license intended to be located on plat 105, lot 489, plat
14 105, lot 12 and plat 32, lot 232 of the applicable city of Providence tax assessment map.

15 (16) Notwithstanding the provisions of this section the city council of the city of Central
16 Falls, shall, after application, have the authority to exempt from the provisions of this section any
17 proposed retailer's Class B license intended to be located on plat 5, lot 188 of the applicable city
18 of Central Falls tax assessment map.

19 (17) Notwithstanding the provisions of this section, the board of licenses of the town of
20 Portsmouth shall, after application, have the authority to exempt from the provisions of this
21 section any proposed retailer's Class B license intended to be located on plat 37, lot 69 of the
22 applicable town of Portsmouth tax assessment map.

23 (18) Notwithstanding the provisions of this section, the board of licenses of the town of
24 North Providence shall, after application, have the authority to exempt from the provisions of this
25 section any proposed retailer's Class B license intended to be located on plat 23A, lot 98 of the
26 applicable town of North Providence tax assessment map.

27 (19) Notwithstanding the provisions of this section, the board of licenses of the city of
28 Cranston shall, after application, have the authority to exempt from the provisions of this section
29 any proposed retailer's Class B license intended to be located on Plat 11, lot 3558 of the
30 applicable city of Cranston tax assessment map.

31 (20) Notwithstanding the provisions of this section, the town council of the town of
32 Smithfield, after application, is authorized to exempt from the provisions of this section, any
33 Class B or C license intended to be located on Plat 6, Lot 54 of the town of Smithfield tax
34 assessors map as of December 31, 2012.

1 (21) Notwithstanding the provisions of this section, the board of licenses of the city of
2 Cranston shall, after application, have the authority to exempt from the provisions of this section
3 any proposed retailers class B license intended to be located on tax assessors plat 1, lot 2170 of
4 the applicable city of Cranston tax assessment map as of December 31, 2012.

5 (22) Notwithstanding the provisions of this section, the board of licenses in the city of
6 Providence shall, after application, have the authority to exempt from the provisions of this
7 section any proposed retailer's Class B license intended to be located on tax assessor's plat 43, lot
8 211.

9 (23) Notwithstanding the provisions of this section, the board of licenses of the town of
10 North Providence shall, after application, have the authority to exempt from the provisions of this
11 section any proposed retailer's Class B license intended to be located on Plat 22A, Lot 336, of the
12 applicable town of North Providence tax assessment map.

13 (24) Notwithstanding the provisions of this section, the city council of the city of Central
14 Falls shall, after application, have the authority to exempt from the provisions of this section any
15 proposed retailer's Class B license intended to be located on plat 1, lot 164 of the applicable city
16 of Central Falls tax assessment map.

17 (25) Notwithstanding the provisions of this section, the board of licenses in the city of
18 Providence shall, after application, have the authority to exempt from the provisions of this
19 section any proposed retailer's Class B license intended to be located at 1948-1950 Westminster
20 Street on plat 35, lot 359 of the applicable city of Providence tax assessment map.

21 (26) Notwithstanding the provisions of this section, the town council of the town of
22 Middletown, after application, is authorized to exempt from the provisions of this section, any
23 proposed retailer's Class BV license intended to be located on Plat 107 NW, Lot 55 of the town of
24 Middletown's tax assessor's maps as of December 31, 2014.

25 SECTION 3. Chapter 3-7 of the General Laws entitled "Retail Licenses" is hereby
26 amended by adding thereto the following section:

27 **3-7-16.8. Additional license -- City of Providence. --** In addition to the licenses
28 provided for in this chapter, the board of licenses of the city of Providence is authorized to
29 establish and issue the following license. Before granting a license to any person under the
30 provisions of §3-7-16.8, the board of licenses of the city of Providence shall give notice by
31 advertisement published once a week for at least two (2) weeks in a newspaper of general
32 circulation published in the city of Providence. The advertisement shall contain the name of the
33 applicant and a description by street and number or other plain designation of the particular
34 location for which the license is requested. Notice of the application shall also be given, by mail,

1 to all owners of property within two hundred feet (200') of the place of business seeking the
2 application. The cost of the application shall be borne by the applicant. The notices shall state that
3 remonstrants are entitled to be heard before the granting of the license, and shall name the time
4 and place of the hearing. At the time and place, the remonstrants shall be granted a full
5 opportunity to make their objections before the licensing board acts upon the application.

6 (1) Class S license - Supper club - Food and Nightclub. -

7 (i) A retailer's Class S license is issued only to a licensed bona fide tavern keeper or
8 victualer whose tavern or victualing house may be open for business and regularly patronized at
9 least from nine o'clock (9:00) a.m. to seven o'clock (7:00) p.m. provided no beverage is sold or
10 served after one o'clock (1:00) a.m., nor before six o'clock (6:00) a.m. The licensing board may
11 fix an earlier closing time, at its discretion. The annual license fee for a Class S license shall be
12 four hundred dollars (\$400) to two thousand five hundred dollars (\$2,500).

13 (ii) The license authorizes the holder to keep for sale and sell beverages including beer in
14 cans, at retail at the place described and to deliver them for consumption on the premises or place
15 where sold, but only at tables or a lunch bar where food is served. It also authorizes the charging
16 of a cover, minimum, or door charge. The amount of the cover, or minimum, or door charge is
17 posted at the entrance of the establishments in a prominent place.

18 (iii) Any holder of a Class S license may file an application with the licensing board to
19 open for business and serve or sell beverages until two o'clock (2:00) a.m. on Fridays and
20 Saturdays and the night before legal state holidays. The fee for such application shall be between
21 two hundred dollars (\$200) and one thousand dollars (\$1,000). All requests for a two o'clock
22 (2:00) a.m. license shall be advertised by the board of licenses in a newspaper of general
23 circulation published in the city of Providence.

24 (iv) Subject to the provisions of the Providence zoning ordinance, a holder of a retailer's
25 Class S license is allowed to erect signs advertising their business and products sold on the
26 premises, including neon signs, and is allowed to light those signs during all lawful business
27 hours, including Sundays and holidays.

28 (v) The holder of a Class S license may convert their establishment from a supper club to
29 a nightclub between designated hours, upon approval by the board of licenses at the time of the
30 original application. The applicant shall provide to the board the designated hours it will operate
31 as a nightclub, and all other information as required by the board of licenses for approval of a
32 Class N license. Upon approval of such application, the licensee shall adhere to all conditions
33 required for a Class N license holder. Provided a Class S license holder has applied for and been
34 approved for this additional nightclub format and a violation subsequently occurs, the board may

1 choose to impose a penalty on the supper club operation or the nightclub operation, or both, as
2 determined by the format in operation at the time of the violation.

3 SECTION 4. Chapter 5-22 of the General Laws entitled "Shows and Exhibitions" is
4 hereby amended by adding thereto the following section:

5 **5-22-1.1. Live entertainment -- City of Providence. --** The board of licenses for the city
6 of Providence is authorized to license, regulate or prohibit "live entertainment" in the city of
7 Providence including, but not limited to, live performances of music or sound by individuals,
8 bands, musicians, disc jockeys, dancing, or karaoke, with or without charge, provided that
9 "incidental entertainment" be permitted as of right, and no license shall be required. "Incidental
10 entertainment" means background music provided at a restaurant, bar, nightclub, supper club or
11 similar establishment, limited to the following format:

12 (1) Live music performance limited to no more than a maximum of three (3) acoustic
13 instruments which shall not be amplified by any means, electronic or otherwise; or

14 (2) Prerecorded music or streamed music played over a permanently installed sound
15 system. If a bar or restaurant includes incidental entertainment, it cannot charge a cover charge,
16 shall not allow dancing by patrons of the establishment, cannot employ flashing, laser or strobe
17 lights, and the maximum volume, irrespective of the format, is limited solely to the boundaries of
18 the premises at all times, and shall permit audible conversation among patrons of the
19 establishment.

20 SECTION 5. This act shall take effect upon passage.

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LC005190/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ALCOHOLIC BEVERAGES

1 This act would clarify Class B, C and N liquor licenses to authorize the board of licenses
2 for the city of Providence to take action with respect to licensed entities providing entertainment
3 without a proper license; and would also establish a new (Supper Club) license. This act would
4 also permit licensing boards to suspend or revoke a license for misrepresentations and failure to
5 cooperate with an investigation. This act would further authorize the city of Providence to
6 regulate live entertainment.

7 This act would take effect upon passage.

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LC005190/SUB A
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