

2017 -- S 0296

LC000582

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Introduced By: Senators P Fogarty, Doyle, McCaffrey, Felag, and Lombardi

Date Introduced: February 15, 2017

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-7-19 of the General Laws in Chapter 3-7 entitled "Retail
2 Licenses" is hereby amended to read as follows:

3 **3-7-19. Objection by adjoining property owners -- Proximity to schools and**
4 **churches.**

5 (a)(1) Retailers' Class B, C, N and I licenses, and any license provided for in § 3-7-16.8
6 of this chapter, shall not be issued to authorize the sale of beverages in any building where the
7 owner of the greater part of the land within two hundred feet (200') of any point of the building
8 files with the body or official having jurisdiction to grant licenses his or her objection to the
9 granting of the license, nor in any building within two hundred feet (200') of the premises of any
10 public, private, or parochial school or a place of public worship, unless a municipality authorizes
11 that it be exempt from the provisions of subsections (a)(1), (b), and/or (c) of this section, as
12 provided for in subsection (a)(2), or as otherwise authorized in this section. In the city of East
13 Providence, retailer's Class A licenses shall not be issued to authorize the sale of beverages in any
14 building within five hundred feet (500') of the premises of any public, private, or parochial
15 school, or a place of public worship.

16 (2) On and after July 1, 2017, any city or town council of a municipality shall have the
17 authority to exempt the municipality in its entirety from the provisions of subsections (a)(1), (b),
18 and (c) of this section. A city or town council shall exercise this power by passing an ordinance
19 providing for said exemption. Provided, nothing herein shall be construed to direct a city or town

1 [to pursue or enact such exemption.](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Thence turning and running in a southeasterly direction ninety-eight and nine-tenths feet
27 (98.9') along the southwesterly border of land now or formerly owned by the Newport Historical
28 Society;

29 Thence turning and running in a southwesterly direction one hundred and twelve feet
30 (112') to Courthouse Street; and

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

33 (3) Notwithstanding the provisions of this section, the board of licenses of the town of
34 Warren shall, after application, have the authority to exempt from the provisions of this section

1 any proposed retailer Class B, C, or I license intended to be located within any zoning district in
2 the town of Warren which is designated as a limited business district or as a general business
3 district pursuant to the zoning ordinance of the town of Warren.

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

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

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

21 (7) Notwithstanding the provisions of this section, the board of licenses of the city of
22 Cranston shall, after application, have the authority to exempt from the provisions of this section
23 any proposed retailer Class B license intended to be located on either lot 160 of tax assessor's plat
24 9, and/or on lot 152 of tax assessor's plat 9, of the Cranston tax assessor's map as of December 31,
25 2002; provided, however, as to the subsequent transfer of said Class B license issued by the city
26 of Cranston under this exemption, whether said transfer is attributable to the holder's death or
27 otherwise, any person desiring to become the potential transferee of said Class B license shall
28 comply with those restrictions as to its use (and shall refrain from those activities which result in
29 its reversion) set forth in the city of Cranston Memorandum of Understanding dated May 13,
30 2003 and, in addition, those requirements applicable to anyone who desires to become a
31 transferee of a validly issued and outstanding Class B license designated for use in any location in
32 the state of Rhode Island. Neither the exemption granted herein nor any future exemption granted
33 hereafter shall be effective until the proposed Class B license and the underlying property owner
34 is certified to be current in the payment of any and all local and state taxes.

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

5 Beginning at the point of intersection of Dexter Street and the Central Falls line, then east
6 along the Central Falls line to the Blackstone River, then north along the city boundary on the
7 Blackstone River to the Cumberland line, then west along the Pawtucket city boundary line to I-
8 95, then south along I-95 to Pine Street, then north on Pine Street to AMTRAK Right of Way,
9 then northwest along the AMTRAK Right of Way to Dexter Street, then north on Dexter Street to
10 the Central Falls line.

11 (9) Notwithstanding the provisions of this section the town council of the town of Little
12 Compton, after application, is authorized to exempt from the provisions of this section relating to
13 places of worship any class B license limited to malt and vinous beverages intended to be located
14 on Plat 30, Lot 33 of the town of Little Compton tax assessment map existing as of December 31,
15 2004.

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

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

27 (12) Notwithstanding the provisions of this section, the board of licenses of the city of
28 Providence shall, after application, have the authority to exempt from the provisions of this
29 section any proposed retailer Class B license intended to be located on plat 13, lots 31 and 32 of
30 the applicable city of Providence tax assessment map.

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

1 (14) Notwithstanding the provisions of this section, the board of licenses of the city of
2 Providence shall, after application, have the authority to exempt from the provisions of this
3 section any proposed retailer's Class B license intended to be located on tax assessor's plat 68, lot
4 732.

5 (15) 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 plat 105, lot 489, plat
8 105, lot 12 and plat 32, lot 232 of the applicable city of Providence tax assessment map.

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

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

17 (18) Notwithstanding the provisions of this section, the board of licenses of the town of
18 North 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 on plat 23A, lot 98 of the
20 applicable town of North Providence tax assessment map.

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

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

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

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

1 section any proposed retailer's Class B license intended to be located on tax assessor's plat 43, lot
2 211.

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

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

11 (25) 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 at 1948-1950 Westminster
14 Street on plat 35, lot 359 of the applicable city of Providence tax assessment map.

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

19 (27) Notwithstanding the provisions of this section, the board of licenses of the city of
20 Providence shall, after application, have the authority to exempt from the provisions of this
21 section any retailer Class B, C or I license intended to be located on Plat 109, Lot 289, of the
22 applicable city of Providence tax assessor's map.

23 (28) Notwithstanding the provisions of this section, the board of licenses of the city of
24 Providence shall, after application, have the authority to exempt from the provisions of this
25 section any proposed retailer's Class BV license intended to be located at 226 and 230 Dean
26 Street on plat 25, lot 44 of the applicable city of Providence tax assessment map.

27 (29) Notwithstanding the provisions of this section, the board of licenses of the town of
28 East Greenwich shall, after application, have the authority to exempt from the provisions of this
29 section any proposed retailer's Class B license intended to be located at 219 Main Street on
30 map/lot 085 001 212 0000 of the applicable town of East Greenwich tax assessment map.

31 (30) Notwithstanding the provisions of this section, the board of licenses of the town of
32 East Greenwich shall, after application, have the authority to exempt from the provisions of this
33 section any proposed retailer's Class B license intended to be located at 137 Main Street on
34 map/lot 085-001-412; 59 Main Street on map/lot 085-001-236; 555 Main Street on map/lot 075-

1 003-084; 74 Cliff Street on map/lot 075-003-040; 609 Main Street on map/lot 075-003-080; 241
2 Main Street on map/lot 085-001-208; 155 Main Street on map/lot 085-001-222; 149 Main Street
3 on map/lot 085-001-223; and 2 Academy Court on map/lot 085-001-211 of the applicable Town
4 of East Greenwich tax assessment map.

5 (31) Notwithstanding the provisions of this section, the board of licenses of the town of
6 Lincoln shall, after application, have the authority to exempt from the provisions of this section
7 any proposed retailers' Class B license intended to be located on tax assessor's plat 10, lot 108, of
8 the Lincoln tax assessor's map as of December 31, 2015.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

- 1 This act would provide that on and after July 1, 2017, any city or town council would
2 have the authority to exempt said city or town from the prohibition against the issuance of certain
3 alcoholic beverage licenses within two hundred (200') feet of a school or place of public worship.
4 This act would take effect upon passage.

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