

2018 -- H 8142

LC005546

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

Introduced By: Representatives Lima, and Williams

Date Introduced: April 27, 2018

Referred To: House Municipal Government

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) Retailers' Class B, C, N and I licenses, and any license provided for in § 3-7-16.8 of
6 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. In the city of East Providence,
11 retailer's Class A licenses shall not be issued to authorize the sale of beverages in any building
12 within five hundred feet (500') of the premises of any public, private, or parochial school, or a
13 place of public worship.

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

18 (c) This section shall not apply to any Class B or C license holder whose license was
19 issued prior to January 1, 1978, nor shall this section apply to, or constitute the basis of, an

1 objection to, or disapproval of, the transfer of a Class B or C license where the location of the
2 licensed establishment predates the location of the public, private, or parochial school, or place of
3 public worship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (B) Beginning at a point, that point being the intersection of the westerly line of Brook

1 Street and the northerly line of Wickenden Street;

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

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

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

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

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

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

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

19 Thence turning and running in a southeasterly direction ninety-eight and nine-tenths feet
20 (98.9') along the southwesterly border of land now or formerly owned by the Newport Historical
21 Society;

22 Thence turning and running in a southwesterly direction one hundred and twelve feet
23 (112') to Courthouse Street; and

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

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

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

1 sidewalk contiguous to said lot.

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

7 (6) 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 Class B license intended to be located on lot 131 of tax assessors
10 plat 68 of the Providence tax assessors map as of December 31, 1999 and any proposed retailer
11 Class B license intended to be located on lot 21 of the tax assessors map plat 49 and any proposed
12 retailer class BV license intended to be located on lots 3 and 5 of tax assessors map plat 35 of the
13 Providence tax assessors map as of December 31, 2003.

14 (7) Notwithstanding the provisions of this section, the board of licenses of the city of
15 Cranston shall, after application, have the authority to exempt from the provisions of this section
16 any proposed retailer Class B license intended to be located on either lot 160 of tax assessor's plat
17 9, and/or on lot 152 of tax assessor's plat 9, of the Cranston tax assessor's map as of December 31,
18 2002; provided, however, as to the subsequent transfer of said Class B license issued by the city
19 of Cranston under this exemption, whether said transfer is attributable to the holder's death or
20 otherwise, any person desiring to become the potential transferee of said Class B license shall
21 comply with those restrictions as to its use (and shall refrain from those activities which result in
22 its reversion) set forth in the city of Cranston Memorandum of Understanding dated May 13,
23 2003 and, in addition, those requirements applicable to anyone who desires to become a
24 transferee of a validly issued and outstanding Class B license designated for use in any location in
25 the state of Rhode Island. Neither the exemption granted herein nor any future exemption granted
26 hereafter shall be effective until the proposed Class B license and the underlying property owner
27 is certified to be current in the payment of any and all local and state taxes.

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

32 Beginning at the point of intersection of Dexter Street and the Central Falls line, then east
33 along the Central Falls line to the Blackstone River, then north along the city boundary on the
34 Blackstone River to the Cumberland line, then west along the Pawtucket city boundary line to I-

1 95, then south along I-95 to Pine Street, then north on Pine Street to AMTRAK Right of Way,
2 then northwest along the AMTRAK Right of Way to Dexter Street, then north on Dexter Street to
3 the Central Falls line.

4 (9) Notwithstanding the provisions of this section the town council of the town of Little
5 Compton, after application, is authorized to exempt from the provisions of this section relating to
6 places of worship any class B license limited to malt and vinous beverages intended to be located
7 on Plat 30, Lot 33 of the town of Little Compton tax assessment map existing as of December 31,
8 2004.

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

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

20 (12) 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 plat 13, lots 31 and 32 of
23 the applicable city of Providence tax assessment map.

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

28 (14) Notwithstanding the provisions of this section, the board of licenses of the city of
29 Providence shall, after application, have the authority to exempt from the provisions of this
30 section any proposed retailer's Class B license intended to be located on tax assessor's plat 68, lot
31 732.

32 (15) Notwithstanding the provisions of this section, the board of licenses in the city of
33 Providence shall, after application, have the authority to exempt from the provisions of this
34 section any proposed retailer's Class B license intended to be located on plat 105, lot 489, plat

1 105, lot 12 and plat 32, lot 232 of the applicable city of Providence tax assessment map.

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

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

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

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

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

22 (21) Notwithstanding the provisions of this section, the board of licenses of the city of
23 Cranston 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 tax assessors plat 1, lot 2170 of
25 the applicable city of Cranston tax assessment map as of December 31, 2012.

26 (22) Notwithstanding the provisions of this section, the board of licenses in the city of
27 Providence shall, after application, have the authority to exempt from the provisions of this
28 section any proposed retailer's Class B license intended to be located on tax assessor's plat 43, lot
29 211.

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

34 (24) Notwithstanding the provisions of this section, the city council of the city of Central

1 Falls shall, after application, have the authority to exempt from the provisions of this section any
2 proposed retailer's Class B license intended to be located on plat 1, lot 164 of the applicable city
3 of Central Falls tax assessment map.

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

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

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

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

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

24 (30) Notwithstanding the provisions of this section, the board of licenses of the town of
25 East Greenwich shall, after application, have the authority to exempt from the provisions of this
26 section any proposed retailer's Class B license intended to be located at 137 Main Street on
27 map/lot 085-001-412; 59 Main Street on map/lot 085-001-236; 555 Main Street on map/lot 075-
28 003-084; 74 Cliff Street on map/lot 075-003-040; 609 Main Street on map/lot 075-003-080; 241
29 Main Street on map/lot 085-001-208; 155 Main Street on map/lot 085-001-222; 149 Main Street
30 on map/lot 085-001-223; and 2 Academy Court on map/lot 085-001-211 of the applicable Town
31 of East Greenwich tax assessment map.

32 (31) Notwithstanding the provisions of this section, the board of licenses of the town of
33 Lincoln shall, after application, have the authority to exempt from the provisions of this section
34 any proposed retailers' Class B license intended to be located on tax assessor's plat 10, lot 108, of

1 the Lincoln tax assessor's map as of December 31, 2015.

2 (32) Notwithstanding the provisions of this section, the board of licenses of the city of
3 Providence shall, after application, have the authority to exempt from the provisions of this
4 section any proposed retailer's Class C license intended to be located at 215 Dean Street on plat
5 28, lot 961 of the applicable city of Providence tax assessment map.

6 (33) Notwithstanding the provisions of this section, the board of licenses in the city of
7 Providence shall, after application, have the authority to exempt from the provisions of this
8 section any proposed retailer's Class B license intended to be located at 100-102 Hope Street on
9 plat 16, lot 263 of the applicable city of Providence tax assessment map.

10 (34) Notwithstanding the provisions of this section, the board of licenses in the town of
11 Cumberland shall, after application, have the authority to exempt from the provisions of this
12 section any proposed retailer's Class B license intended to be located at 88 Broad Street on Lots
13 32, 51, and 52 of Plat 2 Cumberland tax assessor's map as of December 31, 2016.

14 (35) Notwithstanding the provisions of this section, the board of licenses in the city of
15 Providence shall, after application, have the authority to exempt from the provisions of this
16 section any proposed retailer's Class B license intended to be located at 11 Lowell Avenue, 191
17 Pocasset Avenue and 187 Pocasset Avenue on Lots 22, 23 and 24 of Plat 108 Providence tax
18 assessor's map as of December 31, 2017.

19 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 allow the city of Providence to exempt 11 Lowell Avenue, 187 Pocasset
2 Avenue and 191 Pocasset Avenue from the provisions of § 3-7-19 which would prohibit the retail
3 sale of alcoholic beverages at that location.

4 This act would take effect upon passage.

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