

2020 -- H 7849

LC004389

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES

Introduced By: Representatives Mendez, Blazejewski, McKiernan, and Slater

Date Introduced: February 26, 2020

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 Licenses"
2 is hereby amended to read as follows:

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

4 (a) Retailers' Class B, C, N and I licenses, and any license provided for in § 3-7-16.8 of
5 this chapter, shall not be issued to authorize the sale of beverages in any building where the owner
6 of the greater part of the land within two hundred feet (200') of any point of the building files with
7 the body or official having jurisdiction to grant licenses his or her objection to the granting of the
8 license, nor in any building within two hundred feet (200') of the premises of any public, private,
9 or parochial school or a place of public worship. In the city of East Providence, retailer's Class A
10 licenses shall not be issued to authorize the sale of beverages in any building within five hundred
11 feet (500') of the premises of any public, private, or parochial school, or a place of public worship.

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

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

1 worship.

2 (d)(1) 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 section
4 any proposed retailer Class B, C, or I license intended to be located within the following described
5 area(s) in the city of Providence:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Thence running in a general westerly direction along the northerly line of Wickenden Street

1 to the intersection of Wickenden Street and Benefit Street;

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

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

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

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

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

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

17 Thence turning and running in a southeasterly direction ninety-eight and nine-tenths feet
18 (98.9') along the southwesterly border of land now or formerly owned by the Newport Historical
19 Society;

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

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

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

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

34 (5) Notwithstanding the provisions of this section, the board of licenses for the city of

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

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

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

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

29 Beginning at the point of intersection of Dexter Street and the Central Falls line, then east
30 along the Central Falls line to the Blackstone River, then north along the city boundary on the
31 Blackstone River to the Cumberland line, then west along the Pawtucket city boundary line to I-
32 95, then south along I-95 to Pine Street, then north on Pine Street to AMTRAK Right of Way, then
33 northwest along the AMTRAK Right of Way to Dexter Street, then north on Dexter Street to the
34 Central Falls line.

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

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

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

17 (12) 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 section
19 any proposed retailer Class B license intended to be located on plat 13, lots 31 and 32 of the
20 applicable city of Providence tax assessment map.

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

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

27 (15) Notwithstanding the provisions of this section, the board of licenses in the city of
28 Providence 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 105, lot 489, plat 105, lot 12
30 and plat 32, lot 232 of the applicable city of Providence tax assessment map.

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

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

5 (18) Notwithstanding the provisions of this section, the board of licenses of the town of
6 North 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 23A, lot 98 of the
8 applicable town of North Providence tax assessment map.

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

13 (20) 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 or C license intended to be located on Plat 6, Lot 54 of the town of Smithfield tax assessors map
16 as of December 31, 2012.

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

21 (22) Notwithstanding the provisions of this section, the board of licenses in the city of
22 Providence 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 tax assessor's plat 43, lot 211.

24 (23) Notwithstanding the provisions of this section, the board of licenses of the town of
25 North Providence 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 on Plat 22A, Lot 336, of the
27 applicable town of North Providence tax assessment map.

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

32 (25) 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 section
34 any proposed retailer's Class B license intended to be located at 1948-1950 Westminster Street on

1 plat 35, lot 359 of the applicable city of Providence tax assessment map.

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

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

10 (28) Notwithstanding the provisions of this section, the board of licenses of the city of
11 Providence shall, after application, have the authority to exempt from the provisions of this section
12 any proposed retailer's Class BV license intended to be located at 226 and 230 Dean Street on plat
13 25, lot 44 of the applicable city of Providence tax assessment map.

14 (29) Notwithstanding the provisions of this section, the board of licenses of the town of
15 East Greenwich 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 219 Main Street on map/lot
17 085 001 212 0000 of the applicable town of East Greenwich tax assessment map.

18 (30) Notwithstanding the provisions of this section, the board of licenses of the town of
19 East Greenwich shall, after application, have the authority to exempt from the provisions of this
20 section any proposed retailer's Class B license intended to be located at 137 Main Street on map/lot
21 085-001-412; 59 Main Street on map/lot 085-001-236; 555 Main Street on map/lot 075-003-084;
22 74 Cliff Street on map/lot 075-003-040; 609 Main Street on map/lot 075-003-080; 241 Main Street
23 on map/lot 085-001-208; 155 Main Street on map/lot 085-001-222; 149 Main Street on map/lot
24 085-001-223; and 2 Academy Court on map/lot 085-001-211 of the applicable Town of East
25 Greenwich tax assessment map.

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

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

34 (33) Notwithstanding the provisions of this section, the board of licenses in the city of

1 Providence shall, after application, have the authority to exempt from the provisions of this section
2 any proposed retailer's Class B license intended to be located at 100-102 Hope Street on plat 16,
3 lot 263 of the applicable city of Providence tax assessment map.

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

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

13 (36) Notwithstanding the provisions of this section, the city council in 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, of Lot 171 of the applicable
16 city of Central Falls tax assessment map.

17 (37) 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 section
19 any proposed retailer's Class BV and Class BX license intended to be located at 161 Douglas
20 Avenue on plat 68, lot 201 of the applicable city of Providence tax assessment map.

21 (38) Notwithstanding the provisions of this section, the board of licenses in the city of
22 Providence shall, after application, have the authority to exempt from the provisions of this section
23 any proposed retailers' Class B license intended to be located at 1007 Broad Street, Plat 53, Lot 192
24 of the applicable city of Providence tax assessment map and 1017 Broad Street Plat 53, Lot 582 of
25 the applicable city of Providence tax assessment map.

26 (39) Notwithstanding the provisions of this section, the city council in the city of
27 Woonsocket shall, after application, have the authority to exempt from the provisions of this section
28 any proposed retailer's Class B license intended to be located at 122 North Main Street, Map/Lot
29 130-125-005 of the applicable city of Woonsocket tax assessment map.

30 (40) Notwithstanding the provisions of this section, the city council of the city of
31 Woonsocket, after application, is authorized to exempt from the provisions of this section, any
32 proposed retailers' class BV and class BM license intended to be located between 2 Main Street
33 (tax assessor's plat 14, lot 284) and 194 Main Street (tax assessor's plat 14, lot 139).

34 (41) Notwithstanding the provisions of this section, the board of licenses in the city of

1 Providence shall, after application, have the authority to exempt from the provisions of this section
2 any proposed retailers' Class B license intended to be located at 375 Smith Street, Plat 68, Lot 132
3 of the applicable city of Providence tax assessment map.

4 (42) 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 section
6 any proposed retailers' Class B license intended to be located at 671 Broadway Street, Plat 35, Lot
7 566 of the applicable city of Providence tax assessment map.

8 (43) Notwithstanding the provisions of this section, the board of licenses in the city of
9 Providence shall, after application, have the authority to exempt from the provisions of this section
10 any proposed retailers' Class B license intended to be located at 464-468 Wickenden Street, also
11 identified as 8 Governor Street, Plat 17, Lot 179 of the applicable city of Providence tax assessment
12 map.

13 (44) Notwithstanding the provisions of this section, the board of licenses of the city of
14 Providence shall, after application, have the authority to exempt from the provisions of this section
15 any proposed retailer Class BL license intended to be located at 601 Hartford Avenue, Plat 113,
16 Lot 50 of the applicable city of Providence tax assessment map.

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

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LC004389
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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 board of licenses to grant an exemption from
2 the provisions of this section with regard to the proximity to schools and churches relating to the
3 issuance of an alcoholic beverage retail license for property located at 601 Hartford Avenue,
4 Providence, RI.

5 This act would take effect upon passage.

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