

2011 -- S 1007

LC02777

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- RETAIL LICENSES IN THE CITY OF PROVIDENCE

Introduced By: Senators Jabour, Pichardo, Ruggiero, and Goodwin

Date Introduced: June 01, 2011

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.** -- (a) Retailers' Class B, C and I licenses under this chapter shall not be issued to
5 authorize the sale of beverages in any building where the owner of the greater part of the land
6 within two hundred feet (200') of any point of the building files with the body or official having
7 jurisdiction to grant licenses his or her objection to the granting of the license, nor in any building
8 within two hundred feet (200') of the premises of any public, private, or parochial school or a
9 place of public worship. In the city of East Providence, retailer's Class A licenses shall not be
10 issued to authorize the sale of beverages in any building within five hundred feet (500') of the
11 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
13 elementary or secondary (K-12th Grade) education, accredited or recognized as a private school
14 by the department of elementary and secondary education or the school committee of the city or
15 town having jurisdiction over private schools.

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

1 licensed establishment predates the location of the public, private, or parochial school or place of
2 public worship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Beginning at a point, that point being the intersection of the northerly line of Touro
14 Street and the easterly line of Spring Street;

15 Thence running in a general easterly direction along the northerly line of Touro Street
16 distance of sixty-two and one-tenth feet (62.1');

17 Thence turning and running northerly to the southerly line of Barney Street a distance of
18 one-hundred four and two-tenths feet (104.2');

19 Thence turning and running westerly along the southerly line of Barney Street a distance
20 of sixteen and five-tenths feet (16.5');

21 Thence turning and running southerly a distance of twenty-nine feet (29');

22 Thence turning and running southwesterly to the easterly line of Spring Street, a distance
23 of sixty-four feet (64');

24 Thence turning and running southerly along the easterly line of Spring Street a distance
25 of fifty-six and eight-tenths feet (56.8') 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.

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

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

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

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

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

1 then northwest along the AMTRAK Right of Way to Dexter Street, then north on Dexter Street to
2 the Central Falls line.

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

8 (10) Notwithstanding the provisions of this section, the board of licenses of the town of
9 Bristol 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 on lots 3, 8, and 19 of tax
11 assessors plat 10 of the Bristol tax assessors map as of December 31, 2007.

12 (11) Notwithstanding the provisions of this section the town council of the town of
13 Smithfield, after application, is authorized to exempt from the provisions of this section, any class
14 B, C or I license intended to be located on Plat 45, Lot 042 of the town of Smithfield, tax
15 assessment map existing as of December 31, 2007.

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

20 (13) Notwithstanding the provisions of this section, the board of licenses of the town of
21 Tiverton shall, after the application, have the authority to exempt from the provisions of this
22 section a proposed retailer's Class BV license for a restaurant located on tax assessor's plat 181,
23 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
26 section any proposed retailer's Class B license intended to be located on tax assessor's plat 68, lot
27 732.

28 (15) Notwithstanding the provisions of this section, the board of licenses in 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 plat 105, lot 489 and plat
31 35, lot 12 of the applicable city of Providence tax assessment map.

32 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 IN THE CITY OF
PROVIDENCE

1 This act would enable the city of Providence's board of licenses to approve the liquor
2 license applications for two (2) businesses located in the Olneyville section of Providence which
3 are located within two hundred feet (200') of a private school.

4 This act would take effect upon passage.

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