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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 -- RETAIL LICENSES

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

Date Introduced: January 27, 2016

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)(1) 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, unless a municipality authorizes that it be exempt from the provisions of
10 subsections (a)(1), (b), and/or (c) of this section, as provided for in subsection (a)(2), or as
11 otherwise authorized in this section. In the city of East Providence, retailer's Class A licenses
12 shall not be issued to authorize the sale of beverages in any building within five hundred feet
13 (500') of the premises of any public, private, or parochial school, or a place of public worship.

14 (2) On and after July 1, 2016, any city or town council of a municipality shall have the
15 authority to exempt the municipality in its entirety from the provisions of subsections (a)(1), (b),
16 and (c) of this section. A city or town council shall exercise this power by passing an ordinance
17 providing for said exemption. Provided, nothing herein shall be construed to direct a city or town
18 to pursue or enact such exemption.

19 (b) As used in this section, "private school" means any nonpublic institution of

1 elementary or secondary (K-12th Grade) education, accredited or recognized as a private school
2 by the department of elementary and secondary education or the school committee of the city or
3 town having jurisdiction over private schools.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Thence turning and running in a southeasterly direction ninety-eight and nine-tenths feet
25 (98.9') along the southwesterly border of land now or formerly owned by the Newport Historical
26 Society;

27 Thence turning and running in a southwesterly direction one hundred and twelve feet
28 (112') to Courthouse Street; and

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

31 (3) Notwithstanding the provisions of this section, the board of licenses of the town of
32 Warren shall, after application, have the authority to exempt from the provisions of this section
33 any proposed retailer Class B, C, or I license intended to be located within any zoning district in
34 the town of Warren which is designated as a limited business district or as a general business

1 district pursuant to the zoning ordinance of the town of Warren.

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

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

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

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

33 (8) Notwithstanding the provisions of this section, the board of licenses of the city of
34 Pawtucket 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 the following
2 described area in the city of Pawtucket:

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

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

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

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

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

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

33 (14) 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's Class B license intended to be located on tax assessor's plat 68, lot
2 732.

3 (15) Notwithstanding the provisions of this section, the board of licenses in the city of
4 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 105, lot 489, plat
6 105, lot 12 and plat 32, lot 232 of the applicable city of Providence tax assessment map.

7 (16) 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 5, lot 188 of the applicable city
10 of Central Falls tax assessment map.

11 (17) Notwithstanding the provisions of this section, the board of licenses of the town of
12 Portsmouth 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 37, lot 69 of the
14 applicable town of Portsmouth tax assessment map.

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

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

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

27 (21) 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 retailers class B license intended to be located on tax assessors plat 1, lot 2170 of
30 the applicable city of Cranston tax assessment map as of December 31, 2012.

31 (22) Notwithstanding the provisions of this section, the board of licenses in the city of
32 Providence 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 on tax assessor's plat 43, lot
34 211.

1 (23) Notwithstanding the provisions of this section, the board of licenses of the town of
2 North 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 Plat 22A, Lot 336, of the
4 applicable town of North Providence tax assessment map.

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

9 (25) Notwithstanding the provisions of this section, the board of licenses in the city of
10 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 at 1948-1950 Westminster
12 Street on plat 35, lot 359 of the applicable city of Providence tax assessment map.

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

17 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, 2016, 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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