

**THE CITY OF PROVIDENCE**  
**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

# **RESOLUTION OF THE CITY COUNCIL**

**No. 338**

**Approved June 10, 2011**

WHEREAS, The Providence City Council recognizes the problem of underage consumption of alcoholic beverages and the resulting violence associated with certain nightclubs within the City of Providence; and

WHEREAS, The City of Providence Board of Licenses can address this problem by restricting the patrons of certain nightclubs to persons that have reached the age of twenty-one (21); and

WHEREAS, Senate Bill 2011 –S 0488 gives the Licensing authority the ability to ban the admittance of persons under the age of twenty-one (21) to certain nightclubs, when that ban is supported by specific findings that:

(i) the licensee has failed to implement effective preventative measures which have resulted in multiple violations based on alcohol being served to minors at the licensed premises over the period of one year; or



(ii) The licensee's patrons were responsible for repeated crimes of violence on the premises, which were due to the licensee's negligence, and which substantially endangered or victimized persons under the age of twenty-one (21).

NOW, THEREFORE, BE IT RESOLVED, That the Members of the Providence City Council Endorse and Urge Passage by the General Assembly of Senate Bill 2011-S 0488, An Act relating to Alcoholic Beverages – Licenses Generally, which amends Rhode Island General Laws Sections 3-5-19 and 3-5-21.

**IN CITY COUNCIL**

**JUN - 2 2011**

**READ AND PASSED**

  
**PRES.**  
  
**CLERK**

**APPROVED**



**MAYOR**

6-10-11

2011 -- S 0488

LC01555

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- LICENSES GENERALLY

Introduced By: Senators Metts, Jabour, and Doyle

Date Introduced: March 10, 2011

Referred To: Senate Special Legislation

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 3-5-19 and 3-5-21 of the General Laws in Chapter 3-5 entitled  
2   "Licenses Generally" are hereby amended to read as follows:  
3           **3-5-19. Transfer or relocation of license.** – (a) The board, body or official which has  
4   issued any license under this title may permit the license to be used at any other place within the  
5   limits of the town or city where the license was granted, or, in their discretion, permit the license  
6   to be transferred to another person, but in all cases of change of licensed place or of transfer of  
7   license, the issuing body shall, before permitting the change or transfer, give notice of the  
8   application for the change or transfer in the same manner as is provided in this chapter in the case  
9   of original application for the license, and a new bond shall be given upon the issuance of the  
10   license provided, that notice by mail need not be made in the case of a transfer of a license  
11   without relocation. In all cases of transfer of license, indebtedness of the licensee incurred in the  
12   operation of the licensed premises shall be paid to or released by an objecting creditor before the  
13   issuing body permits the transfer. In cases of dispute as to the amount of indebtedness, the issuing  
14   body, may, in its discretion, permit the transfer upon statement of the licensee, under oath, that  
15   the claim of indebtedness is disputed and that the statement of dispute is not interposed for the  
16   purpose of inducing transfer of the license. No creditor is allowed to object to the transfer of a  
17   license by a receiver, trustee in bankruptcy, assignee for the benefit of creditors, executor,  
18   administrator, guardian or by any public officer under judicial process. In case of the death of any  
19   licensee, the license becomes part of the personal estate of the deceased. The holders of any retail

1 Class A license within the city or town issuing or transferring a Class A license have standing to  
2 be heard before the board, body, or official granting or transferring the license.

3 (b) The transfer of a license is contingent upon the full payment of outstanding police  
4 detail bills.

5 (c) The transferee of a license assumes all penalties that the license board has imposed  
6 upon the transferor of the license.

7 **3-5-21. Revocation or suspension of licenses -- Fines for violating conditions of**  
8 **license.** -- (a) Every license is subject to revocation or suspension and a licensee is subject to fine  
9 by the board, body or official issuing the license, or by the department or by the division of  
10 taxation, on its own motion, for breach by the holder of the license of the conditions on which it  
11 was issued or for violation by the holder of the license of any rule or regulation applicable, or for  
12 breach of any provisions of this section.

13 (b) Any fine imposed pursuant to this section shall not exceed five hundred dollars  
14 (\$500) for the first offense and shall not exceed one thousand dollars (\$1,000) for each  
15 subsequent offense. For the purposes of this section, any offense committed by a licensee three  
16 (3) years after a previous offense shall be considered a first offense.

17 (c) In the event that a licensee is required to hire a police detail and the police refuse to  
18 place a detail at the location because a licensee has failed to pay outstanding bills to the police  
19 department, the licensee shall not be allowed to open its place of business.

20 SECTION 2. Section 3-7-16.6 of the General Laws in Chapter 3-7 entitled "Retail  
21 Licenses" is hereby amended to read as follows:

22 **3-7-16.6. Class N nightclub license.** -- (a) Notwithstanding any provision of this title to  
23 the contrary, any town or city council, by ordinance, may authorize the licensing authorities  
24 designated as having the right, power, and jurisdiction to issue licenses under this title pursuant to  
25 section 3-5-15 to designate and issue a special class of Class N nightclub licenses within its  
26 jurisdiction.

27 (b) A Class N license, when so authorized, shall be required by each establishment  
28 within the jurisdiction which:

29 (1) Has as its primary source of revenue the sale of alcoholic beverages and/or cover  
30 charges;

31 (2) Holds a Class B or Class ED license;

32 (3) Has a fire department occupancy permit of no less than two hundred (200) persons  
33 and no greater than ten thousand (10,000) persons; or any establishment with a fire department  
34 occupancy permit of less than two hundred (200) persons that holds an entertainment license.

1 (c) Any establishment with a Class N license which admits patrons under twenty-one  
2 (21) years of age on the premises of the establishment when alcoholic beverages are being sold,  
3 served, or permitted on the premises shall, during the time the patrons are permitted on the  
4 premises:

5 (1) Require one form of identification. The identification shall contain the bearer's  
6 photograph, and must be one of the following: state driver's license, US military identification,  
7 state issued identification card, or passport, from every person claiming to be twenty-one (21)  
8 years of age or older;

9 (2) Identify patrons over twenty-one (21) years of age with both an identifiable hand  
10 stamp and a bracelet and shall require every patron to show both hand stamp and bracelet before  
11 purchasing an alcoholic beverage;

12 (3) Sell not more than one alcoholic beverage to an eligible patron in a single  
13 transaction, and shall prohibit a patron from carrying more than one alcoholic beverage from a  
14 bar or drink dispensing location;

15 (4) Not permit any patron who leaves the premises to be readmitted prior to closing  
16 without payment of the same admission or cover charge required of patrons entering the premises  
17 initially.

18 (d) The licensing authority of each town or city shall set the closing time for each  
19 establishment holding a Class N nightclub license within its jurisdiction pursuant to section 3-7-  
20 7(a)(1) and (a)(4), and notwithstanding other provisions of those subdivisions, an establishment  
21 holding a Class N nightclub license which is permitted to remain open until two o'clock (2:00)  
22 a.m., shall not admit patrons after one o'clock (1:00) a.m.

23 (e) The licensing authority of each town or city will establish the cost and duration of all  
24 Class N nightclub licenses issued by that authority.

25 (f) Notwithstanding the provisions of section 3-5-17, no licensing authority may issue a  
26 Class N nightclub license unless the following notice requirements have been met:

27 (1) Any establishment applying for a Class N nightclub license, or the renewal of that  
28 license, or which is the subject of a hearing relating to its Class N nightclub license, must provide  
29 the general public with notice of its application by posting a twenty-four (24) inch by thirty-six  
30 (36) inch notice on its premises, in a manner clearly visible to the general public, at least thirty  
31 (30) days prior to the hearing date before the licensing authority for the license, and at least thirty  
32 (30) days prior to hearings related to the license on appeal to the director. If any hearing is  
33 scheduled to occur in less than thirty (30) days, the applicant or Class N nightclub license holder  
34 must post this notice within three (3) business days after its receipt of notification of that hearing

1 from the licensing authority or the director.

2 (2) The notice shall contain the name of the applicant and a description by street and  
3 number or other plain designation of the particular location for which the Class N nightclub  
4 license is requested. The notice shall state that remonstrants are entitled to be heard at the hearing  
5 on the Class N nightclub license, and shall provide the time and place of that hearing.

6 (g) Any establishment that holds a Class N nightclub license must:

7 (1) Comply with local ordinances governing noise levels;

8 (2) Cooperate with law enforcement officials;

9 (3) Provide private security for the safety of patrons both inside and outside the  
10 establishment, which private security must be certified by TIPS or a similar agency approved by  
11 the licensing authority; and

12 (4) Collect trash generated by the establishment every night that the establishment is  
13 open in an area surrounding the premises that is reasonable and prudent, given the size of the  
14 establishment.

15 (h) The licensing authority of each town or city will develop requirements for police  
16 details for the purposes of public safety and traffic control in and around the premise of each  
17 establishment holding a Class N nightclub license.

18 (i) (1) The licensing authority which has issued a license under this section may ban the  
19 admittance of persons under the age of twenty-one (21) on the licensee's premise:

20 (i) On certain nights; or

21 (ii) At certain times; or

22 (iii) At all times.

23 (2) Provided however, any ban under this subsection herein shall be supported by a  
24 findings that:

25 (i) the licensee has failed to implement effective preventative measures which have  
26 resulted in multiple violations based on alcohol being served to minors at the licensed premises  
27 over the period of one year; or

28 (ii) The licensee's patrons were responsible for repeated crimes of violence on the  
29 premises, which were due to the licensee's negligence, and which substantially endangered or  
30 victimized persons under the age of twenty-one (21).

31 SECTION 3. 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 -- LICENSES GENERALLY

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1           This act would require liquor licenses to pay police detail bills in full before they are  
2   allowed to operate and would also make the transferee of a liquor license assume all previous  
3   penalties imposed. This act would also provide a mechanism by which the licensing authority  
4   may limit admittance of person under twenty-one (21) years of age to certain nightclub  
5   establishments.

6           This act would take effect upon passage.

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