

This matter was reconsidered at the Dec. 16, 2004 Council Meeting and referred to the Ordinance Committee.

DAVID N. CICILLINE
Mayor



ANDREW J. ANNALDO
Chairman & Secretary

ARLINE FELDMAN
Vice-Chairman

JOAN BADWAY
ARYS BATISTA
STEPHEN DANIELS

BOARD OF LICENSES
Building Pride in Providence

November 19, 2004

City Council President John Lombardi
City Council
25 Dorrance Street
Providence, Rhode Island 02903

RE: NEW CLASS N LICENSE
RULES AND REGULATIONS

Dear Council President Lombardi:

Pursuant to the Rhode Island General Laws, 3-7-16.6 and City Ordinance number 820 of Chapter 2003-79, the Providence Board of Licenses after adopting the Rules and Regulations at its hearing on November 17, 2004, hereby submits to the City Council for your ratification said Rules and Regulations.

If you should have any questions, please feel free to contact this office.

Very truly yours,

Richard H. Aitchison
Richard H. Aitchison,
License Administrator

CC; Andrew J. Annaldo, Chairman & Secretary
Andrian Southgate, Law Department
City Clerk's Office

IN CITY COUNCIL

DEC 2 2004

**READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE REFERRED**

Michael A. Clement
CLERK

CITY OF PROVIDENCE
BOARD OF LICENSES

RULES AND REGULATIONS FOR NIGHTCLUBS

Public Hearing: March 22, 2004

Passage by BOL: November 17, 2004

Ratification Date by Providence City
Council:

Effective Date:

RULES AND REGULATIONS FOR NIGHTCLUBS

I. Introduction.

These Rules and Regulations are promulgated for those holding Class B or Class ED licenses through the Board of Licenses (Board) of the City of Providence (City), who meet the statutory qualifications for holders of a Class N nightclub licenses, as further defined in R.I.G.L. § 3-7-16.6 (Statute).

The City's primary goal in imposing high standards on nightclub owners is to assure the public safety and welfare. In particular, the Statute imposes new responsibilities on licensees, discourages under-age drinking, reduces the incidence of "last call in Providence", reduces problems with litter and noise, and improves license administration, while creating revenue for the City.

II. Applicability.

Class N licenses shall be required by establishments within the City which:

1. Have as the primary source of revenue the sale of alcoholic beverages and/or cover charges; and
2. Hold a Class B or Class ED license; and
3. Have a fire department occupancy permit of no less than two hundred (200) persons and no greater than ten thousand (10,000) persons; or, if they have a fire department occupancy permit of less than two hundred (200) persons, hold an entertainment license.

III. Special Restrictions for Nightclubs Admitting Underage Patrons

Any establishment with a Class N license which admits patrons under twenty-one (21) years of age on the premises of the establishment when alcoholic beverages are

being sold, served, or permitted shall, during the time the patrons are on the premises, comply with all of the following regulations.

1. Require a form of identification, containing the bearer's photograph, from every person claiming to be twenty-one (21) years of age or older. The following forms of identification are acceptable: a state driver's license, US military identification, Rhode Island-issued identification card, or passport.

2. When alcohol is for sale, identify patrons over twenty-one (21) years of age with both an identifiable hand stamp and an identification bracelet which cannot be removed intact. Every patron must be required to show both hand stamp and bracelet before purchasing an alcoholic beverage. The hand stamp and identification bracelet are not required for purchases other than alcohol.

3. Not more than one alcoholic beverage may be sold to an eligible patron in a single transaction. Patrons shall be prohibited from carrying more than one alcoholic beverage from a bar or drink dispensing location.

4. No patron who leaves the premises may be readmitted prior to closing without payment of the same admission or cover charge required of patrons entering the premises initially.

IV. Cost and Duration of License.

1. An N-license may be issued on fulfilling the requirements of these rules and regulations and payment of a fee, as follows:

- a. For a capacity of 499 persons or less, \$500.00
- b. For a capacity of 500 persons or more, \$1000.00.

2. An N-license shall be effective annual from December 1 through November 30.

V. Notice Requirements.

The Board will not issue a Class N nightclub license unless the following notice requirements have been met:

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

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

3. Notwithstanding the foregoing provisions, the Board will not mandate adherence to the notice requirements in connection with the implementation of the

ordinance for current holders of Class B or Class ED licenses who are applying for Class N licensure at the same location.

VI. General Requirements.

Any establishment that holds a Class N nightclub license must:

1. Comply with the City ordinance governing noise levels;
2. Cooperate with City and law enforcement officials;
3. Provide private security for the safety of patrons both inside and outside the establishment, including any parking areas under the control of the establishment;
4. Collect trash generated by the establishment every night that the establishment is open in an area surrounding the premises that is reasonable and prudent, given the size of the establishment; and
5. Provide a mandatory police detail in a number and in a manner as required at the discretion of the Board of Licenses, or the Commissioner of Public Safety in an emergency situation, or his/her designee;
6. For any establishment which is permitted to remain open until two o'clock (2:00) a.m., refuse to admit patrons after one o'clock (1:00) a.m.

VII. Penalties.

In addition to any penalties otherwise provided under State law, violation of any provision of these Rules and Regulations will result in the imposition of the maximum fines allowed under R.I.G.L. § 3-5-21:

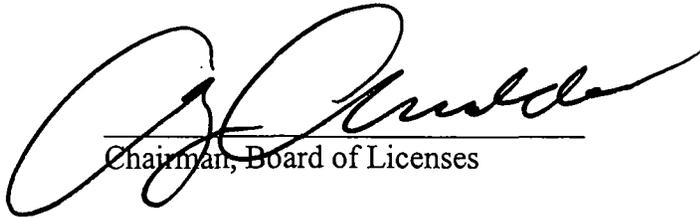
1. For a first violation of the any provision, a fine of up to \$500.00, or such higher amount if allowed under R.I.G.L. § 3-5-21.

2. For a second violation of any provision, a fine of up to \$1,000.000, or such higher amount if allowed under R.I.G.L. § 3-5-21.

3. For a third violation of any provision, a penalty to be imposed in the discretion of the Board, up to and including permanent loss of Class B or ED licensure.

The foregoing Rules and Regulations shall become effective upon ratification by the Providence City Council.

Dated: November 17th, 2004



Chairman, Board of Licenses

Witness:



Dated: 11/19/04

TITLE 3

Alcoholic Beverages

CHAPTER 3-7

Retail Licenses

SECTION 3-7-16.6

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

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

- (1) Has as its primary source of revenue the sale of alcoholic beverages and/or cover charges;
- (2) Holds a Class B or Class ED license;
- (3) Has a fire department occupancy permit of no less than two hundred (200) persons and no greater than ten thousand (10,000) persons; and
- (4) Any establishment with a fire department occupancy permit of less than two hundred (200) persons that holds an entertainment license.

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

- (1) Require one form of identification. The identification shall contain the bearer's photograph, and must be one of the following: state driver's license, US military identification, state issued identification card, or passport, from every person claiming to be twenty-one (21) years of age or older;
- (2) Identify patrons over twenty-one (21) years of age with both an identifiable hand stamp and a bracelet and shall require every patron to show both hand stamp and bracelet before purchasing an alcoholic beverage;
- (3) Sell not more than one alcoholic beverage to an eligible patron in a single transaction, and shall prohibit a patron from carrying more than one alcoholic beverage from a bar or drink dispensing location;
- (4) Not permit any patron who leaves the premises to be readmitted prior to closing without payment of the same admission or cover charge required of patrons entering the premises initially.

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

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

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

- (1) Any establishment applying for a Class N nightclub license, or the renewal of that license, or which is the subject of a hearing relating to its Class N nightclub license, must provide the general public with notice of its application by posting a twenty-four (24) inch by thirty-six (36) inch notice on its premises, in a manner clearly visible to the general public, at least thirty (30) days prior to the hearing date before the licensing authority for the license, and at least thirty (30) days prior to hearings related to the license on appeal to the director. If any hearing is scheduled to

occur in less than thirty (30) days, the applicant or Class N nightclub license holder must post this notice within three (3) business days after its receipt of notification of that hearing from the licensing authority or the director.

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

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

- (1) Comply with local ordinances governing noise levels;
- (2) Cooperate with law enforcement officials;
- (3) Provide private security for the safety of patrons both inside and outside the establishment, which private security must be certified by TIPS or a similar agency approved by the licensing authority;
- (4) Collect trash generated by the establishment every night that the establishment is open in an area surrounding the premises that is reasonable and prudent, given the size of the establishment; and
- (5) For any establishment which admits patrons under twenty-one (21) years of age on the premises, provide a mandatory police detail of not less than two (2) police officers, on those nights when patrons under twenty-one (21) years of age are admitted, and that detail shall continue until at least one hour after closing.

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

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2003-79

No. 820 AN ORDINANCE AUTHORIZING THE CREATION OF A CLASS "N" RETAIL LIQUOR LICENSE

ORDINANCE REFERRED TO COMMITTEE ON FIRST READING IN CITY COUNCIL

Approved December 22, 2003

Be it ordained by the City of Providence:

The Providence City Council hereby authorizes the Bureau of Licenses of the City of Providence to establish regulations, which must be submitted to the Council for approval prior to implementation, for the designation and issuance of a special class of Class N nightclub licenses within the City of Providence, as prescribed in R.I.G.L. Title 3, Section 3-7-16.6 "Class N nightclub license."

IN CITY COUNCIL NOV 6 2003 FIRST READING READ AND PASSED

Michael A. Clement CLERK

IN CITY COUNCIL DEC 18 2003 FINAL READING READ AND PASSED

President: [Signature] Clerk: Michael A. Clement

ORDINANCE REFERRED TO COMMITTEE ON FIRST READING IN CITY COUNCIL

APPROVED

[Signature]

DEC 22

MAYOR

NO READING SERVICES TO BE HELD ON

TITLE 3

Alcoholic Beverages

CHAPTER 3-7

Retail Licenses

SECTION 3-7-16.6

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

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

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

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

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

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

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

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

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

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

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

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

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