

RESOLUTION OF THE CITY COUNCIL

No. 294

Approved June 17, 1996

RECEIVED TO CONTROLLER
OFFICE OF THE CITY CLERK
JUN 17 1996

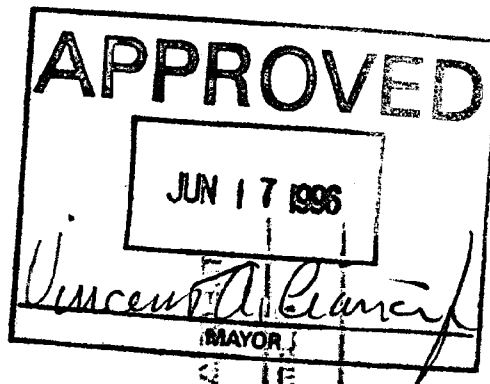
RESOLVED, That the City Council opposes passage by the General Assembly of House Bill 96-H 8382 and Senate Bill 96-S 2748 relating to "An Act relating to Alcoholic Beverages--Retail Licenses" in substantially the form attached.

IN CITY COUNCIL

JUN 6 1996
READ AND PASSED

Thelma V. Fargnoli
ACTING PRES.

Michael R. Clement
CLERK



RECEIVED TO CONTROLLER
OFFICE OF THE CITY CLERK
JUN 17 1996

IN CITY COUNCIL
MAY 16 1996

FIRST READING
REFERRED TO COMMITTEE ON
Jesse M. Longshore CLERK

Special Committee on
State Legislation

THE COMMITTEE ON

Recommendations

Special Committee on State Legislation

Approved

Clerk

Michael R. Cleaver

May 26, 1996

Concurrence (By Request)

RS1157

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1996

96-S 2748

A N A C T

RELATING TO ALCOHOLIC BEVERAGES --
RETAIL LICENSE

96-S 2748

Introduced By: Senator Domenic A. DiSandro

Date Introduced: February 6, 1996

Referred To: Senate Committee on
Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 3-7 of the general laws entitled "Retail
2 Licenses" is hereby amended by adding thereto the following section:
3 3-7-3.1. Limited Class A licenses. -- Limited Class A licenses
4 may be issued by the department of business regulation to any person,
5 firm or corporation owning one (1) or more convenience stores (as
6 hereinafter described) authorizing the holder to keep for sale and to
7 sell at the place therein described malt and vinous beverages (but not
8 beverages consisting in whole or in part of alcohol produced by dis-
9 tillation and not for consumption on the premises where sold) at
10 retail in conjunction with and in addition to the sale of nonalcoholic
11 beverages, foodstuffs, newspapers, magazines and other convenience
12 store items. Limited Class A licenses may be granted only to conven-
13 ience stores having retail space of no less than eight hundred (800)
14 square feet and no more than three thousand five hundred (3,500)
15 square feet. The provisions of sections 3-7-4 and 3-5-11 shall not
16 apply to the holders of such limited Class A licenses provided, how-
17 ever, the closing hours set forth in section 3-7-23 and the prohibi-

1 tions on Sunday and holiday sales set forth in section 3-8-1 shall
2 apply to the holders of limited Class A licenses (at which times and
3 on which days all malt and vinous beverages shall be segregated from
4 other merchandise and clearly marked as not available for sale). The
5 annual fee for a limited Class A license shall be fifteen hundred
6 dollars (\$1,500) prorated to the year ending December 1 in every cal-
7 endar year.

8 SECTION 2. Section 3-7-23 of the general laws in chapter 3-7
9 entitled "Retail Licenses" is hereby amended to read as follows:

10 3-7-23. Closing hours for Class A licenses. -- The following
11 closing hours shall be observed by all Class A license and limited
12 Class A license holders:

13 (a) November 1 to May 31 -- No holder of a Class A license and
14 limited Class A license shall sell or deliver beverages under said li-
15 cense between the hours of 11:00 p.m. and 7:00 a.m. (local time),
16 except on legal holiday eves at which time the closing hour shall be
17 11:00 p.m. When a legal holiday is celebrated on a Monday, the pre-
18 ceding Saturday shall be considered the holiday eve.

19 (b) June 1 to October 31 -- No holder of a class A license or
20 limited Class A license shall sell or deliver beverages under said li-
21 cense between the hours of 11:00 p.m. and 7:00 a.m. (local time).

22 SECTION 3. Section 3-8-1 of the general laws in chapter 3-8
23 entitled "regulation of Sales" is hereby amended to read as follows:

24 3-8-1. Sales on Sundays and holidays -- Sales to underage per-
25 sons, intoxicated persons, and persons of intemperate habits. --

26 Licenses issued under the provisions of this title shall not authorize
27 the sale or service of beverages on Sunday, except as herein provided,
28 &nor on Christmas day excepting licensed taverns, clubs, victualing
29 houses and retail Class F licensed places when served with food to
30 guests, and except in places operated under a retail Class E license
31 described above, and excepting the sale of wine or winery products at
32 retail pursuant to section 3-6-1.1(d)(4) by holders of farmer-winery
33 licenses and the serving of complimentary samples pursuant to section

1 3-6-1.1(f) by holders of farmer-winery licenses, and except in cars or
2 on passenger-carrying marine vessels operated by holders of Class G
3 licenses; provided that the department may limit the sale of beverages
4 on passenger-carrying marine vessels to the hours from 6:00 p.m. to
5 8:00 o'clock a.m. on those days; nor shall they authorize the sale or
6 delivery to any underaged person as defined in this title for purposes
7 of sale, possession and consumption of alcoholic beverages, either for
8 his own use or for the use of his parents, or of any other person; nor
9 the sale of beverages to any intoxicated persons or to any person of
10 notoriously intemperate habits; and, provided further, places oper-
11 ating under a retail Class C license shall be authorized to be open
12 for the sale of alcoholic beverages upon Columbus day, Armistice day,
13 Victory day, provided however, that local board of license may author-
14 ize places operating under a Class C license to be open on New Year's
15 day; and provided further, places operating under a retail Class A
16 license shall not be authorized to be open for the sale of alcoholic
17 beverages upon Thanksgiving day and New Year's day; and provided
18 further places operating under a limited Class A retailer's license
19 shall be authorized to be open for the sale of alcoholic beverages on
20 Sundays after Thanksgiving day prior to New Year's day.

21 SECTION 4. Sections 3-5-12, 3-5-14, 3-5-17 and 3-5-20 of the
22 general laws in chapter 3-5 entitled "Licenses Generally" are hereby
23 amended to read as follows:

24 3-5-12. Licenses to keep or sell legal beverages only -- Minimum
25 size of containers. -- Only beverages which have been legally manu-
26 factured and on which all taxes and charges, federal and state, have
27 been paid, shall be kept for sale or sold by a licensee. Holders of
28 Class B, C, D, I and J licenses shall not have on the licensed prem-
29 ises distilled or vinous beverages in the containers, nor bottles,
30 flasks or containers of less capacity than twenty-three ounces (23
31 oz.). Holders of Class B wholesaler's licenses, Class G retailer's
32 licenses, Class B-H retailer's licenses, limited Class A retailer's
33 licenses and Class A retailer's licenses are authorized to keep for

1 sale and to sell distilled beverages in containers of a minimum capac-
2 ity of fifty milliliters (50 mls.) or one and seven tenths (1.7)
3 ounces.

4 3-5-14. Licenses issued by department of business regulation. --

5 The right, power and jurisdiction to issue manufacturer's,
6 wholesaler's or retailer's limited Class A, Class G and Class I
7 licenses shall be solely in the department of business regulation,
8 provided, that before the department shall issue any Class I license
9 it shall first receive the approval of the licensing authority of the
10 town or city in which the premises covered by the Class I license are
11 located; and provided, further, that the number of Class I licenses in
12 the state shall be limited to one (1) to each twenty-five thousand
13 (25,000) of its inhabitants as determined by the latest census taken
14 under the authority of the United States or of this state.

15 3-5-17. Notice and hearing on licenses. -- Before granting a li-
16 cense to any person under the provisions of this chapter and title the
17 board, body or official to whom application for the license shall be
18 made, shall give notice by advertisement published once a week for at
19 least two (2) weeks in some newspaper published in the city or town
20 where the applicant proposes to carry on business, or, if there be no
21 newspaper published in a town, then in some newspaper having a general
22 circulation in the city or town; provided, that applications for
23 retailer's limited Class A, Class F and Class G licenses need not be
24 advertised. The advertisement so published shall contain the name of
25 the applicant and a description by street and number or other plain
26 designation of the particular location for which the license is
27 requested. Notice of the application shall also be given to all owners
28 of property within two hundred feet (200') of the place of business
29 seeking the application, by mail. The notice shall be given by the
30 board, body or official to whom the application is made, and the cost
31 thereof shall be borne by the applicant. The notices shall state that
32 remonstrants are entitled to be heard before the granting of the li-
33 cense, and shall name the time and place of the hearing. At the time

1 and place a fair opportunity shall be granted the remonstrants to make
2 their objections before acting upon the application.

3 3-5-20. Rules and regulations -- Notice and procedure. -- All
4 licenses to be issued hereunder shall be in such form as shall be pre-
5 scribed by the department of business regulation; and the license
6 shall be held under such rules and regulations as the department shall
7 impose, establish and authorize; (including, but not limited to rules
8 and regulations regarding the training of those employees of holders
9 of limited Class A licenses entitled to make sales of malt and vinous
10 beverages); and the department is hereby authorized to establish rules
11 and regulations and to authorize the making of such rules and regula-
12 tions by the licensing authority of the several towns and cities as in
13 their respective discretions in the public interest shall seem proper
14 to be made. Notwithstanding any of the foregoing provisions of this
15 section, the adoption or authorization of rules and regulations by the
16 department and the modification or repeal of any rules and regulations
17 previously adopted shall be by written order of the department and
18 adopted in accordance with the provisions of chapter 35 of title 42.

19 SECTION 5. This act shall take effect upon passage.

RS1157

96-S 2748

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO ALCOHOLIC BEVERAGES --
RETAIL LICENSE

- 1 This act would permit the department of regulation to issue
- 2 limited Class A licenses to convenience stores allowing the sale
- 3 of beer and wine only and in the same manner as other licensed
- 4 retail establishments and to promulgate regulations regarding the
- 5 same.
- 6 This act would take effect upon passage.

RS1157

ES1273

STATE OF RHODE ISLAND

96-H 8382

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1996

A N A C T

RELATING TO ALCOHOLIC BEVERAGES --
RETAIL LICENSES

96-H 8382

Introduced By: Reps. Kennedy, Reilly,
Quick, Lombardo
Date Introduced: February 6, 1996

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 3-7 of the General Laws entitled "Retail
2 Licenses" is hereby amended by adding thereto the following section:
3 3-7-3.1. Limited Class A licenses. -- Limited Class A licenses
4 may be issued by the department of business regulation to any person,
5 firm or corporation owning one (1) or more convenience stores (as
6 hereinafter described) authorizing the holder to keep for sale and to
7 sell at the place therein described malt and vinous beverages (but not
8 beverages consisting in whole or in part of alcohol produced by dis-
9 tillation and not for consumption on the premises where sold) at
10 retail in conjunction with and in addition to the sale of nonalcoholic
11 beverages, foodstuffs, newspapers, magazines and other convenience
12 store items. Limited Class A licenses may be granted only to conven-
13 ience stores having retail space of no less than eight hundred (800)
14 square feet and no more than three thousand five hundred (3,500)
15 square feet. The provisions of sections 3-7-4 and 3-5-11 shall not
16 apply to the holders of such limited Class A licenses provided, how-
17 ever, the closing hours set forth in section 3-7-23 and the prohibi-

1 tions on Sunday and holiday sales set forth in section 3-8-1 shall
2 apply to the holders of limited Class A licenses (at which time and on
3 which days all malt and vinous beverages shall be segregated from
4 other merchandise and clearly marked as not available for sale). The
5 annual fee for a limited Class A license shall be fifteen hundred
6 dollars (\$1,500) prorated to the year ending December 1 in every cal-
7 endar year.

8 SECTION 2. Section 3-7-23 of the General Laws in Chapter 3-7
9 entitled "Retail Licenses" is hereby amended to read as follows:

10 3-7-23. Closing hours for Class A licenses. -- The following
11 closing hours shall be observed by all Class A license and limited
12 Class A license holders:

13 (a) November 1 to May 31 -- No holder of a Class A license or
14 limited Class A license shall sell or deliver beverage under that li-
15 cense between the hours of 10:00 p.m. and 7:00 a.m. (local time),
16 except on legal holiday eves at which time the closing hour shall be
17 11:00 p.m. When a legal holiday is celebrated on a Monday, the pre-
18 ceding Saturday shall be considered the holiday eve.

19 (b) June 1 to October 31 -- No holder of a class A license or
20 limited Class A license shall sell or deliver beverages under said li-
21 cense between the hours of 11:00 p.m. and 7:00 a.m. (local time).

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23 entitled "Regulation of Sales" is hereby amended to read as follows:

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25 sons, intoxicated persons, and persons of intemperate habits. --
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27 the sale or service of beverages on Sunday, nor on Christmas day
28 excepting licensed taverns, clubs, victualing houses and retail Class
29 F licensed places when served with food to guests, and except in
30 places operated under a retail Class E license described above, and
31 excepting the sale of wine or winery products at retail pursuant to
32 section 3-6-1.1(d)(4) by holders of farmer-winery licenses and the
33 serving of complimentary samples pursuant to section 3-6-1.1(f) by

1 holders of farmer-winery licenses, and except in cars or on passenger-
2 carrying marine vessels operated by holders of Class G licenses; pro-
3 vided that the department may limit the sale of beverages on
4 passenger-carrying marine vessels to the hours from 6:00 p.m. to 8:00
5 o'clock a.m. on those days; nor shall they authorize the sale or
6 delivery to any underaged person as defined in this title for purposes
7 of sale, possession and consumption of alcoholic beverages, either for
8 his own use or for the use of his parents, or of any other person; nor
9 the sale of beverages to any intoxicated persons or to any person of
10 notoriously intemperate habits; and, provided further, places oper-
11 ating under a retail Class C license shall be authorized to be open
12 for the sale of alcoholic beverages upon Columbus day, Armistice day,
13 Victory day, provided however, that local board of license may author-
14 ize places operating under a Class C license to be open on New Year's
15 day; and provided further, places operating under a retail Class A
16 license shall not be authorized to be open for the sale of alcoholic
17 beverages upon Thanksgiving day and New Year's day; and provided fur-
18 ther places operating under a limited Class A retailer's license shall
19 be authorized to be open for the sale of alcoholic beverages on Sun-
20 days after Thanksgiving day prior to New Year's day.

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27 been paid, shall be kept for sale or sold by a licensee. Holders of
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9 it shall first receive the approval of the licensing authority of the
10 town or city in which the premises covered by the Class I license are
11 located; and provided, further, that the number of Class I licenses in
12 the state shall be limited to one (1) to each twenty-five thousand
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19 least two (2) weeks in some newspaper published in the city or town
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21 newspaper published in a town, then in some newspaper having a general
22 circulation in the city or town; provided, that applications for
23 retailer's limited Class A, Class F and Class G licenses need not be
24 advertised. The advertisement so published shall contain the name of
25 the applicant and a description by street and number or other plain
26 designation of the particular location for which the license is
27 requested. Notice of the application shall also be given to all owners
28 of property within two hundred feet (200') of the place of business
29 seeking the application, by mail. The notice shall be given by the
30 board, body or official to whom the application is made, and the cost
31 thereof shall be borne by the applicant. The notices shall state that
32 remonstrants are entitled to be heard before the granting of the li-
33 cense, and shall name the time and place of the hearing. At the time

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8 rules and regulations regarding the training of those employees of
9 holders of limited Class A licenses entitled to make sales of malt and
10 vinous beverages); and the department is hereby authorized to estab-
11 lish rules and regulations and to authorize the making of such rules
12 and regulations by the licensing authority of the several towns and
13 cities as in their respective discretions in the public interest shall
14 seem proper to be made. Notwithstanding any of the foregoing provi-
15 sions of this section, the adoption or authorization of rules and
16 regulations by the department and the modification or repeal of any
17 rules and regulations previously adopted shall be by written order of
18 the department and adopted in accordance with the provisions of chap-
19 ter 35 of title 42.

20 SECTION 5. This act shall take effect upon passage.

ES1273

96-H 8382

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO ALCOHOLIC BEVERAGES --
RETAIL LICENSES

- 1 This act would permit the department of business regulation
- 2 to issue limited Class A licenses to convenience stores allowing
- 3 the sale of beer and wine only and in the same manner as other
- 4 licensed retail establishments and to promulgate regulations
- 5 regarding the same.
- 6 This act would take effect upon passage.

ES1273

City of Pawtucket.

RESOLUTION OF THE CITY COUNCIL.

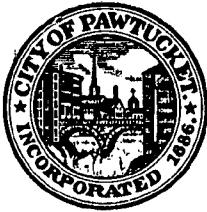
WHEREAS, *the following legislation has been introduced into the General Assembly: bill No. 96-H 8382 and 96-S 2748, both entitled, "AN ACT RELATING TO ALCOHOLIC BEVERAGES— RETAIL LICENSES; and*

WHEREAS, *these bills would permit the Department of Business Regulation to issue limited Class A licenses to convenience stores allowing the sale of beer and wine only and in the same manner as other licensed retail establishments and to promulgate regulations regarding the same; and*

WHEREAS, *both pieces of legislation do not represent the best interests of the City of Pawtucket because both create a lack of control with regard to community; create variances regarding hours of operation; and delete the role of the local licensing board; and*

WHEREAS, *the City of Pawtucket believes that this legislation would be detrimental to the residents of the City and thereby encourages defeat of both proposed measures in the General Assembly.*

NOW, THEREFORE, BE IT RESOLVED, THAT THE PAWTUCKET CITY COUNCIL, AT THE REQUEST OF COUNCILOR WILLIAM D. VIEIRA, SR., DOES NOT HEREBY SUPPORT 96-H 8382 AND 96-S 2748, "AN ACT RELATING TO ALCOHOLIC BEVERAGES-- RETAIL LICENSES AND DOES HEREBY REQUEST THAT THE PAWTUCKET DELEGATION TO THE GENERAL ASSEMBLY WORK DILIGENTLY FOR THEIR DEFEAT.



CITY COUNCIL

CITY OF PAWTUCKET

RHODE ISLAND 02860

JOHN J. BARRY III
PRESIDENT

M E M O

TO: All Rhode Island City and Town Clerks
FROM: Richard J. Goldstein, City Clerk
DATE: May 7, 1996
SUBJECT: RESOLUTION

I am enclosing a certified copy of the following entitled resolution passed by the Pawtucket City Council at its regular session held Wednesday, April 10, 1996, and approved by His Honor, Mayor Robert E. Metivier, on April 11, 1996:

RESOLUTION OPPOSING 96-H 8382 AND 96-S 2748, "AN ACT RELATING TO ALCOHOLIC BEVERAGES--RETAIL LICENSES."

Richard J. Goldstein, Clerk
Clerk of the Pawtucket City Council

RJG/iw

Enclosure

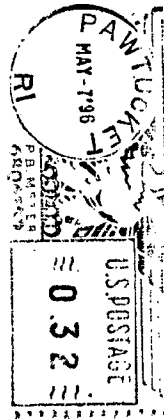
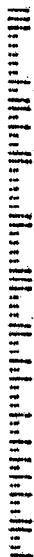


CITY COUNCIL
CITY HALL
PAWTUCKET, RHODE ISLAND 02860

City Hall
25 Dorrance Street
Providence, RI 02903

ATTN: Michael R. Clement

02903-1787 38



FILED

MAY 19 9 46 AM '96

**DEPT. OF CITY CLERK
PROVIDENCE, R. I.**

RAYMOND DETTORE, JR.
Chairman and Secretary

VINCENT A. CIANCI, JR.
Mayor



ARLINE FELDMAN
Vice-Chairman

TERESA ORABONA
ALAN COSTANTINO
MARGARET DEFELICE

Board of Licenses
"Building Pride In Providence"

April 2, 1996

Honorable Representative Gerard Martineau
Chairman, House Corporations Committee
State House
Providence, Rhode Island 02908

RE: 96H-8382/Class A Limited Licenses

Dear Representative Martineau:

I write to you to express the opposition of the City of Providence and the Board of Licenses to the above captioned legislation.

We object on two major points.

First, this new retail license should be administered by local jurisdiction. All other retail licenses are, and for good reason. Who better than the local authorities, has the understanding of the potential impact of a liquor license on the neighborhood where it is proposed.

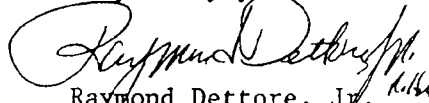
Secondly, to allow loosely supervised convenience stores to sell liquor would be an enforcement nightmare.

Our police department is already over-burdened, and to add additional liquor license enforcement duties would reduce its effectiveness.

We urge you and your colleagues to defeat this legislation.

Thanking you for your cooperation in this matter.

Very truly yours,


Raymond Dettore, Jr.
Chairman & Secretary

RDjr/llh

CC: Mayor Vincent A. Cianci, Jr.
Colonel Urbano Prignao, Providence Police Department
Sgt. David Lapatin, License Enforcement Division
Richard H. Aitchison, License Administrator, Board of Licenses