

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1979-38

No. 1197 AN ORDINANCE

IN AMENDMENT OF ARTICLE I,
IN GENERAL BY ADDING SECTION 23-32 TO BE ENTITLED:
"CONSUMPTION OF ALCOHOLIC BEVERAGES ON ANY PUBLIC
STREET, PUBLIC SIDEWALK, PUBLIC WAY, OR ANY GROUNDS
OWNED BY THE CITY OF PROVIDENCE," AS AMENDED.

Approved December 28, 1979

Be it ordained by the City of Providence:

WHEREAS, Repeated incidents which threaten the public peace, property, health and safety have occurred in the City, most specifically in the downtown area in recent days, and

WHEREAS, The situations have been seriously contributed to by public drinking by numerous individuals on the sidewalks, streets and parking lots downtown and throughout the City of Providence, and

WHEREAS, The Police Department has found it increasingly difficult to cope with the situation due to the lack of any ordinance prohibiting the public consumption of alcoholic beverages, and

WHEREAS, In the interest of public peace, health and safety and the protection of public and private property, the City Council of the City of Providence does hereby enact the following Ordinance:

SECTION 1. Article I, In General, is hereby amended by adding Section 23-32 entitled: consumption of Alcoholic Beverages on any Public Street, Public Sidewalk, Public Way, or any Grounds owned by the City of Providence, or on any licensed parking lot or land. It shall be unlawful for any person to possess, consume from and/or transport an open container of alcoholic beverages on any public street, public sidewalk, or public way or on any grounds owned by the City or on any licensed parking lot or land, within the limits of the City, except that it shall not be unlawful to so possess, consume from and/or transport such an open container at any event or festival duly licensed by the Bureau of Licenses which permits such possession, and/or consumption and/or by any restaurant, and/or licensed establishment patron while on the premises covered by said license, where said restaurant or other licensed establishment has obtained the proper permits as required and/or as prescribed by the City Charter of the City of Providence and/or the Ordinances of the

No.

CHAPTER

AN ORDINANCE

City of Providence and/or the General Laws of the State of Rhode Island.

SECTION 2. Any person who commits any of the aforesaid offenses shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment of not less than One (1) Day nor more than Thirty (30) Days or by both such fine and such imprisonment. Each day any violation of this Ordinance shall continue, shall constitute a separate offense.

SECTION 3. This Ordinance shall take effect immediately upon its passage and approval by His Honor, the Mayor.

IN CITY COUNCIL

DEC 6 1979
FIRST READING
READ AND PASSED

Jose M. Mendonca CLERK

IN CITY COUNCIL

DEC 20 1979
FINAL READING
READ AND PASSED

Ralph Tagnoli PRESIDENT
Jose M. Mendonca CLERK

APPROVED

MAYOR

Vincent A. Cianci, Jr.

DEC 28 1979

Councilman Easton

100 50 00

RECEIVED

~~100 50 00~~

100 50 00

CITY SOLICITOR
RONALD H. GLANTZ



MAYOR
VINCENT A. CIANCI, JR.

LAW DEPARTMENT

December 3, 1979

LEGAL OPINION

TO: COUNCILMAN PAOLINO
FROM: RONALD H. GLANTZ

A handwritten signature in cursive script, appearing to read "R. Glantz".

Re: No Drinking Bill

Councilman Paolino has inquired of this Department whether two passages of the so-called "No Drinking Bill" is required.

The facts upon which this opinion is predicated are:

An ordinance prohibiting the consumption of alcoholic beverages on the streets, sidewalks, other public ways and public property of the City is scheduled to be proposed at the next City Council meeting. The proposed ordinance is offered as an emergency measure.

The question presented is whether an emergency ordinance requires one or two readings and passages.

Section 3-15 of the Charter of the City of Providence mandates that any proposed ordinance be read and passed two times before its submission to the Mayor to become law. However, that section makes exception for those ordinances passed as "emergency ordinances." In that event, the normally required second reading and passage may be dispensed with upon vote of three-fourths (3/4) of all the members of the Council.

Hence, if the so-called "No Drinking Bill" were approved on its first reading, there would be no requirement of a second reading and approval upon a vote of three-fourths (3/4) of the Council to eliminate the second reading and approval.