

**CHAPTER 2022-31**

**No. 224 AN ORDINANCE IN AMENDMENT OF CHAPTER 14 "LICENSES", OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE TO ADD ARTICLE XVII "NEIGHBORHOOD EVENTS"**

**Approved June 27, 2022**

*Be it ordained by the City of Providence:*

Section 1.

The Code of Ordinances of the City of Providence, Chapter 14 "Licenses," is hereby amended to add Article XVII "Neighborhood Events" as follows:

Article XVII. - Neighborhood Events

Sec. 14-339. Policy

The COVID-19 Pandemic has had a devastating impact on the hospitality industry in the City of Providence. As the City begins to climb out from the pandemic it is imperative that the City work with local neighborhood businesses and organizations to provide avenues for rebuilding our local economy. The purpose of this Article is to assist local event series by standardizing the delivery of city services and committing all City Departments to a spirit of cooperation with local events that are integral to the social and economic fabric of our City's neighborhoods.

Sec. 14-340. Eligibility of Neighborhood Events

Any Non-Profit Community or Neighborhood Organization located within the City of Providence may petition the Board of Licenses for a determination of eligibility of their event(s) to receive City Services as outlined in Section 14-341. The petition shall include an approval letter issued by the Department of Arts, Culture, and Tourism as well as an anticipated list of all city services that may be necessitated by such event(s).

Upon receipt of a complete petition, the Board of Licenses may make the finding that the organization is eligible to receive the services as outlined in Section 14-341, provided that such finding is made during a public meeting in compliance with the State's Open Meetings laws.

Sec. 14-341 City Services for Neighborhood Events.

All Neighborhood Events approved pursuant to this Article shall receive the following City services:

1. Police and Fire details as necessitated by the approved petition, shall be provided with no charge to the applicant outside of the administrative costs of providing such services;
2. The assistance of the Department of Public Works in street closures for the event dates and times as outlined in the approved petition;
3. The full cooperation of all other City departments as necessitated by the approved petition at no charge to the applicant outside of the administrative costs of providing such services.

The reduced costs outlined in this Section shall only apply to the services outlined in the petition approved by the Board of Licenses. All changes made subsequent to Board approval shall require additional authorization or will be charged at full cost.

Section 2. This Ordinance shall take effect immediately upon passage and sunset on December 31, 2026.

In City Council  
MAY 11 2022  
Read and Passed the First Time  
And Referred to the Committee  
On Ordinances Tina L. Mastromarino  
Clerk  
ACTING

IN CITY  
COUNCIL  
JUN 16 2022  
FINAL READING  
READ AND PASSED  
John J. Iglizzi  
JOHN J. IGLIOZZI, PRESIDENT  
Tina L. Mastromarino  
ACTING CLERK

I HEREBY APPROVE.

[Signature]  
Mayor  
Date: 6/27/22

# Article XVII: Neighborhood Events Ordinance

## Statement of Opposition

John Heaney  
24 Dale Street, Providence  
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[jsheaney@SolidObject.com](mailto:jsheaney@SolidObject.com)

June 7, 2022

### 1.1. History of Ordinance

The proposal for this ordinance stems from my efforts to resolve an issue I discovered with the permitting of public property last year (2021). Here is a chronology of my experience. Note that this issue actually began in 2020 in response to COVID, but that was before the vaccine, so people largely avoided crowds and the issue went undetected.

My wife and I live on the corner of Spruce and Dale on Federal Hill and have been since 2014. We are adjacent to the Route 6/10 connector. We are used to living near loud noise from the highway. We are used to our corner being busy with traffic in the summer due to the restaurants on Atwells Avenue. We accept that Atwells Avenue was closed one weekend a year (twice beginning in 2019) for Columbus Day, even though it puts a great burden on us. We have also experienced a handful of isolated cases of loud music coming over the highway from the Valley District. There has been one annual outdoor music event from Dusk (a nightclub on Harris Avenue) and two isolated instances of loud music at the Steel Yard on Sims Avenue, which has not happened again since 2018.

All of this changed last year. It began with closing Atwells Avenue every weekend. When that happens, a tremendous amount of car traffic is routed past our house. There are many attendant burdens that result. Additionally, Dusk started having outdoor performances regularly, not just once a year. Finally, a new establishment opened on Sims Avenue called Revival Brewery and Lost Valley Pizza. The main establishment posed no problems for us, but they set up a stage in a back parking lot and started holding live music performances. The stage happens to be aligned with a driveway between two buildings that forms a giant megaphone directed at the edge of our property, which causes an intolerable amount of noise. That problem demanded so much of our attention, involving many visits to Board of License meetings, that we did not spend much time addressing the other two issues.

Over the winter, I endeavored to determine how it was that Dusk was able to close a public street every week. I also discovered that this was happening across the city. I determined that the use of city property is managed by the Department of Arts, Culture and Tourism (ACT), as

per ordinance 23-36, Special Event Permits. According to subsection 23-36(b)(2), the use of public property, including street closures, for commercial profit is forbidden. I communicated with Lizzie Araujo, who is responsible for vetting special events involving city services, which includes street closures. She specifically pointed to subsection 23-36(b) as giving them discretion in these cases. However, I quickly determined that she was using the original ordinance ratified in 2012. That ordinance was changed in 2015 to remove that discretion.

I have listened to the March 9, 2015 meeting where the ordinance change was heard and approved in committee. The meeting was chaired by Vice-Chairman Bryan Principe and approved unanimously by all commissioners, including Councilwoman Carmen Castillo and Councilwoman Mary Kay Harris. The ordinance was sponsored by Councilman Michael Correia on behalf of city services departments specifically because the ACT was mismanaging the permit process using their discretion under the existing law. It was deemed necessary to remove that discretion from the ACT. Although the ordinance took effect April 13, 2015, the ACT never adopted it, continuing to use the original version of the ordinance.

Since January of this year, after alerting Lizzie Araujo to this mistake, I attempted to get some policy statement about future permitting well before it would be an issue for the 2022 season of outdoor activity. At some point, the City Solicitor Mario Martone was given the responsibility to make a legal determination of the applicability of the current ordinance. In my private conversations with him, he validated my interpretation. And yet, permits continue to be issued in violation of the current law.

Ultimately, Councilwoman Rachel Miller introduced the new ordinance under discussion, which effectively permits the activity banned by the existing ordinance.

## 1.2. Opposition to the Neighborhood Event Ordinance

There are many reasons to oppose the new ordinance. Those reasons are enumerated here.

### 1.2.1. Creating a Standardized Process

The new ordinance intends to standardize “the delivery of city services”, but that process already exists under the current ordinances. This ordinance makes no mention of that existing process, so it is unclear whether the new ordinance is supposed to override the existing process or should, in some fashion, supplement it.

It should be noted that the new ordinance includes a policy statement declaring its intentions, which is unusual (I cannot find another example). Generally, policy statements are made as a preamble to the ordinance readout, as is the case with the original 23-36 ordinance defining special event permitting, which includes the following:

*WHEREAS, A streamlined special event permit application process would enable the City to provide improved public safety and traffic control, and also simplify special event planning for individuals and organizations.*

The new ordinance will surely create confusion and conflict with the existing ordinances.

1.2.2. Process is Essentially Unchanged

The new ordinance generally establishes that an event application is first vetted and approved by the ACT and then appears before the Board of Licenses (BOL) for a public hearing and then approval. That is the same process as it exists under the current ordinances. Section 23-36 establishes that the ACT will approve the plans for city services and approve the issuance of permits, as needed. The applicant then applies to the BOL for a special event license under section 14-197. Although that ordinance does not explicitly require a public hearing, all new applications do require a public hearing. A special event is, by definition, always a new application.

1.2.3. Policy Statement is Obsolete

The policy statement in section 14-339 makes it clear that the purpose of the new ordinance is in response to the “devastating impact” of COVID on the hospitality industry and suggests the city is just starting to “climb out from the pandemic.” That is contrary to the current situation. According to the Providence Journal, 2022 is slated to be a high-water mark for restaurants and related businesses. Atwells Avenue has more open, operating restaurants now than at any time in history.

1.2.4. Defining Events as Series

The policy statement in section 14-339 introduces a new term, “local event series.” This is problematic. Events traditionally are occasional and should be annual, if repeated. One of the most significant problems today is that the ACT and BOL have approved “events” that are repeated on a weekly basis for the entire warm weather season. Al fresco dining on Atwells Avenue implements a street closing every weekend for 21 weekends of the year. That is no longer an event by any reasonable definition of the word. That is a wholesale taking of the main street in Federal Hill for the benefit of commercial profit. This should not be enshrined in a new ordinance.

1.2.5. Neighborhood Cooperation

The policy statement in section 14-339 speaks to “a spirit of cooperation with local events that are integral to the social and economic fabric of our City’s neighborhoods.” If only that were true! The Federal Hill al fresco dining event is a glaring example of just how one-sided the spirit of cooperation really is. The new ordinance does not define any new process that would involve neighborhoods in the planning of special events that are really initiated by businesses. In truth, the application process is designed for applicants, not residents of neighborhoods in which the “events” take place.

There is no outreach to residents when applying for an event license. This year, there was a public meeting for the ACT and the Federal Hill Commerce Association to present the event plans to residents. This was unheard of and only occurred because a few residents made vociferous complaints about it. Even so, the meeting did not solicit suggestions from the residents, it merely allowed the city and the event planners to tell the residents what was going to happen. And many residents complained about those plans. Two days later, the ACT

reviewed the plans, and the residents were able to witness the meeting, but were not allowed to make any suggestions. They were only allowed to submit questions.

Moreover, having become very familiar with permitting and licensing processes, it is extremely difficult for the public to have any input into these events as they arise. Applicants must follow the process, but residents are not part of that process. Residents only become involved when problems occur after the fact.

#### 1.2.6. Eligibility

The new ordinance gives the BOL explicit authorization to determine what applicants are eligible for city services. It does not provide any guidance or eligibility requirements. Nor does the BOL have the tools for making such determinations. If the ACT approves the plan and supports the permitting of city services then the BOL will approve the application. That is not hypothetical. That is exactly what happens now. If there are no reasons for denying an application then the BOL will approve the application. Typically, they will approve event application regardless of any resident concerns. I have yet to see the BOL deny an application of any kind in response to resident concerns.

There must be explicit restrictions for denying an event.

#### 1.2.7. Applicants

The new ordinance defines applicants as "Any Non-Profit Community or Neighborhood Organization". This is a huge loophole for businesses. The current ordinance defines eligibility around the design of the event itself. These permits are supposed to be denied for events designed for commercial profit. The use of public property is intended for the public, not for business expansion.

Most applications for business use are currently fronted by non-profit merchant associations. This adds a veneer intended to allow businesses to use public property. I have seen applications where there was literally one restaurant represented by a merchant association. In fact, it is illegal, according to section 23-36(b)(2), but these establishments have been skirting the issue because the ACT has continued to use the original 2012 version of the ordinance.

Using the non-profit status of the applicant simply creates a layer of private shadow bureaucracy. It can only be described as corruption.

#### 1.2.8. Cost

Section 14-341 states that city services are to be provided for events at cost. While this seems like a good policy for true neighborhood events hosted by residents, it is really a giveaway to businesses. Restaurants and lounges are closing streets around the city on a weekly basis. These uses have nothing to do with neighborhoods. It is simply businesses using public resources to make more money and reducing their cost is not in the public interest.

#### 1.2.9. Residents vs. Business

The real problem with the existing process for using public property is that it has been coopted by businesses. It was the clear intent that businesses should not be profiting from the use of

public property, but that intent has been subverted by the ACT and the BOL. They have literally been ignoring the law. The proper response is not to change the law to endorse that behavior. Rather, the language of the existing ordinances should be tightened even further to eliminate any ambiguity being exploited by those departments and boards.

It must be recognized that street closings place all the burdens on surrounding neighborhoods, while all the benefits go to the businesses.

#### 1.2.10. Sunset Clause

The new ordinance includes a sunset clause with a duration of five years. The state passed a COVID related law last year to aid restaurants by easing restrictions on outdoor dining. That law was passed again this year by extending the same law by one year. In effect, they have been using a one-year sunset. Providence should use the same policy. A five-year sunset puts the scope of the law well outside the intent of responding to COVID.

#### 1.3. Conclusion

Although this analysis focuses most of the attention on closing Atwells Avenue for al fresco dining, this is an issue across the city. There are many bars or lounges that are closing streets to hold outdoor live music events. No consideration for the residents is being made by either the ACT or the BOL, even though they are mandated to do so by the ordinances. There is simply no regard for the impact these events have on nearby residents.

The COVID response may have been necessary to save the restaurants, bars and lounges, but that time is over. The residents have borne the brunt of these policies and it is past time to restore the natural order. The residents have the right to peaceful enjoyment of their home, according to the US Constitution. The hospitality industry is not the only industry in the city. It is not even the most important. The residents that live here represent the economic engine of the city. It is the doctors, lawyers, engineers, insurance agents, brokers, clerks, teachers, et al that drive our economy. Many of these people work remotely from home for at least some part of the work week. Home is more important than ever and more than ever it is a true violation when residents cannot insulate themselves from outside activity.

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**Sec. 14-197. Exception—Special event entertainment.**

- (a) No entertainment license shall be approved for special events, as described in section 23-36 of the Code of Ordinances, unless the applicant has followed the city's guidelines for special events, and has filed a special event application. The board of licenses shall establish application requirements and license conditions for special event entertainment licenses distinct from those required in section 14-195 and section 14-196, respectively.
- (b) Notwithstanding the provisions of this division, no entertainment event held or promoted by a public, private, or parochial primary or secondary school shall require an entertainment license in accordance with this division.

(Ord. 2013, ch. 2013-58, § 1, 11-26-13)

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## Sec. 23-36. Special event permits.

- (a) Events including, but not limited to, parades, performances, athletic competitions, community or charitable events, block parties, or fairs, which take place, in whole or in part, on public property require a special event permit. A special event permit may be issued according to the following requirements:
- (1) Applications for events with five hundred (500) or fewer participants must be filed at least sixty (60) calendar days before the date of the event, and require a special event permit fee of fifty dollars (\$50.00). Applications received fewer than sixty (60) calendar days before the date of the event shall accrue an additional fee of ten dollars (\$10.00) per day (for example, applications received fifty-nine (59) days before the date of the event shall accrue an additional ten dollars (\$10.00) fee.) Applications for events with one hundred (100) or fewer participants may apply for an expedited application as established by regulation for a fee of twenty-five dollars (\$25.00).
  - (2) Applications for events with more than five hundred (500) participants must be filed at least ninety (90) calendar days before the date of the event, and require a special event permit fee of seventy-five dollars (\$75.00). Applications received fewer than ninety (90) calendar days before the date of the event shall accrue an additional fee of ten dollars (\$10.00) per day (for example, applications received eighty-nine (89) days prior to the date of the event shall accrue an additional ten dollars (\$10.00) fee.).
  - (3) Proof of liability insurance shall be required prior to the issuance of a special event permit.
    - a. Events with fewer than five thousand (5,000) participants shall require one million dollars (\$1,000,000.00) in liability insurance; and
    - b. Events with more than five thousand (5,000) participants shall require five million dollars (\$5,000,000.00) in liability insurance.
    - c. The liability insurance policy shall name the City of Providence as an additional insured.
  - (4) Additional fees shall be assessed for street closures, traffic control, police or fire detail, or other services from city departments that are necessary to carry out the special event.
  - (5) The department of arts, culture, and tourism, or any other department as may be designated by the mayor, shall develop special event guidelines in accordance with this section. The department shall accept and review applications for special event permits, and will inform the applicant of additional requirements including services, permits, and licenses. The department will refer the applicant to the appropriate departments to comply with such requirements.
  - (6) Events to be held in city parks. In addition to the requirements provided in this section, an event to be held in a city park or parks shall require a park permit. The superintendent of parks shall review and act upon park permit applications. Park permit applications must be approved by the superintendent prior to the issuance of a special use permit by the department of arts, culture, and tourism.
- (b) A special event permit shall be denied under the following circumstances:
- (1) The location of the event is already reserved for use on the date and approximate time requested in the application. In such case, the city will attempt to provide the applicant with an alternate site, route, time, or date for the special event.
  - (2) The activity is to be held for the primary purpose of advertising products or goods, and/or is designed to be held for commercial profit.
  - (3) The superintendent of parks or the director of arts, culture and tourism determines that the proposed attendance, duration, and/or usage of sound amplification equipment would constitute a disturbance of the surrounding neighborhood, and would violate the noise control regulations of the city ordinance

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or of state law. If the applicant's request is denied, the superintendent and/or director will make reasonable efforts to offer an alternative location acceptable to the applicant.

- (4) The applicant and/or its principal or affiliate is more than 60 (sixty) days delinquent in payments to the city for police and fire details, or other city services, as provided for in section 16-27.

(Ord. 2012, ch. 2012-4, § 1, 1-5-12; Ord. 2012, ch. 2012-40, § 1, 6-21-12; Ord. No. 2015-6, § 1, 4-13-15)

**City of Providence**

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**CHAPTER 2012-40**

**No. 348**

**AN ORDINANCE AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 23, "STREETS, SIDEWALKS AND PUBLIC PLACES" BY ADDING THERETO THE FOLLOWING SECTIONS:**

*Approved June 22, 2012*

***Be it ordained by the City of Providence:***

WHEREAS, Special events are an integral part of the cultural life of Providence; and

WHEREAS, Events such as fairs, festivals, charitable fundraisers, athletic competitions, and block parties attract visitors, build community, support local businesses, and energize our capital city; and

WHEREAS, The majority of such special events take place on public property, including streets, sidewalks and parks; and

WHEREAS, The City of Providence has an obligation to ensure public safety during special events that take place on public property; and

WHEREAS, Planning and staffing such events requires allocating substantial resources of city departments, including police, public works, and others; and

WHEREAS, Individuals and organizations holding special events are required to complete several applications with various City departments prior to hosting such activities; and

WHEREAS, A streamlined special event permit application process would enable the City to provide improved public safety and traffic control, and also simplify special event planning for individuals and organizations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROVIDENCE that:

SECTION 1. The Code of Ordinances of the City of Providence, Article VI, of Chapter 23 is hereby amended by adding thereto the following:

Sec. 23-36. – Special Event Permits.

(a) Events including, but not limited to, parades, performances, athletic competitions, community or charitable events, block parties, or fairs, which take place, in whole or in part, on public property require a special event permit. A special event permit shall be issued according to the following requirements:

- (1) Applications for events with five hundred (500) or fewer participants must be filed sixty (60) days or more before the date of the event, and require a special event permit fee of fifty dollars (\$50). Applications received fewer than sixty (60) days prior to the date of the event shall accrue an additional fee of ten dollars (\$10) per day. Applications for events with one hundred (100) or fewer participants may apply for an expedited application as established by regulation for a fee of twenty five dollars (\$25.00).
- (2) Applications for events with more than five hundred (500) participants must be filed ninety (90) days prior to the date of the event, and require a special event permit fee of seventy-five dollars (\$75). Applications received fewer than ninety (90) days prior to the date of the event shall accrue an additional fee of ten dollars (\$10) per day.
- (3) Proof of liability insurance shall be required prior to the issuance of a special event permit.
  - a. Events with fewer than five thousand (5,000) participants shall require one million dollars (\$1,000,000), in liability insurance; and
  - b. Events with more than five thousand (5,000) participants shall require five million dollars (\$5,000,000) in liability insurance.
- (4) Additional fees shall be assessed for street closures, traffic control, police or fire detail, or other services from City departments that are necessary to carry out the special event.

- (5) The department of arts, culture, and tourism, or any other department as may be designated by the mayor, shall develop special event guidelines in accordance with this section. The department shall accept and review applications for special event permits, shall issue special event permits, and shall inform applicant of additional requirements including services, permits, and licenses, and shall refer the applicant to the appropriate departments to comply with such requirements
- (6) Events to be held in City parks require, in addition to the other requirements provided in this section, the completion of a park permit application, which must be reviewed by the superintendent of parks. Park permit applications must be approved by the superintendent prior to the issuance of a special use permit by the department of arts, culture, and tourism.

(b) A special event permit may be denied according to the following guidelines:

- (1) The location of the event is already reserved for another use at the day and hour requested in the application. In such case, the City will attempt to provide an alternate site, route, time, or day to the applicant.
- (2) The activity is to be held for the sole purpose of advertising products or goods, and/or is designed to be held purely for commercial profit; or
- (3) The proposed attendance, duration, and/or usage of sound amplification equipment would constitute a disturbance of the surrounding neighborhood, and would violate the noise control regulations of this Code or of state law. If the applicant's request is denied, every effort shall be made to offer an alternative location acceptable to the applicant.
- (4) The applicant has an outstanding balance more than 60 (sixty) days delinquent for police and fire details, or other city services, as provided for in Section 16-27.

SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL  
 JUN 07 2012  
 FIRST READING  
 READ AND PASSED  
 \_\_\_\_\_ CLERK

IN CITY COUNCIL  
 JUN 21 2012  
 FINAL READING  
 READ AND PASSED  
 \_\_\_\_\_ PRESIDENT  
 \_\_\_\_\_ CLERK

I HEREBY APPROVE.  
 \_\_\_\_\_ Mayor  
 Date: 6/22/12