

2011 -- H 5311

LC00921

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Introduced By: Representatives Petrarca, JP O'Neill, and Ucci

Date Introduced: February 09, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-7-16.6 of the General Laws in Chapter 3-7 entitled "Retail
2 Licenses" is hereby repealed.

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

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

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

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

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

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

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

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

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

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

14 ~~-(d) The licensing authority of each town or city shall set the closing time for each~~
15 ~~establishment holding a Class N nightclub license within its jurisdiction pursuant to section 3-7-~~
16 ~~7(a)(1) and (a)(4), and notwithstanding other provisions of those subdivisions, an establishment~~
17 ~~holding a Class N nightclub license which is permitted to remain open until two o'clock (2:00)~~
18 ~~a.m., shall not admit patrons after one o'clock (1:00) a.m.~~

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

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

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

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

1 ~~on the Class N nightclub license, and shall provide the time and place of that hearing.~~

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

3 ~~-(1) Comply with local ordinances governing noise levels;~~

4 ~~-(2) Cooperate with law enforcement officials;~~

5 ~~-(3) Provide private security for the safety of patrons both inside and outside the~~
6 ~~establishment, which private security must be certified by TIPS or a similar agency approved by~~
7 ~~the licensing authority; and~~

8 ~~-(4) Collect trash generated by the establishment every night that the establishment is~~
9 ~~open in an area surrounding the premises that is reasonable and prudent, given the size of the~~
10 ~~establishment.~~

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

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would repeal all Class N nightclub licenses which allow persons under the age of
- 2 twenty-one (21) on the premises of an establishment where alcoholic beverages are served.
- 3 This act would take effect upon passage.

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