



Special Committee on Public Safety

Regular Meeting

~ Meeting Minutes ~

Thursday, January 9, 2020

5:30 PM

Committee "B" (City Hall 3rd Floor)

PRESENT: Chairman James E. Taylor, Councilman Nicholas J. Narducci, Jr., and Councilor Rachel M. Miller – 3.

ABSENT: Vice-Chairman Michael J. Correia and Councilwoman Mary Kay Harris – 2.

Also present are Council President Sabina Matos; Councilman John J. Igliazzi; Erlin Rogel, Chief of Staff, City Council Office; Billy Kepner, Deputy Chief of Staff-Communications, City Council Office; Steve Nelson, Assistant City Solicitor, Law Department; Monsurat Ottun, Assistant City Solicitor, Law Department; Dylan Conley, Chairman, Board of Licenses; Heather Kilkenny, License Administrator, Board of Licenses; Sergeant David Tejada, Board of Licenses; Robert Azar, Deputy Director, Department of Planning and Development; Nicholas J. Hemond, Esquire; Carlos Then, Knight Life Security; Anthony Santurri, Co-owner, Colosseum; Jesus Titin, Club Owner; John Martinez; Luis Estrada; Tina L. Mastroianni, First Deputy City Clerk and Jennifer L. Emidy, Assistant Clerk.

CHAIRMAN TAYLOR: Can I have a motion to waive the reading of agenda items number one, two and three and take them up together.

COUNCILMAN NARDUCCI: So moved.

COUNCILOR MILLER: Seconded.

On motion of Councilman Narducci, Seconded by Councilor Miller it is voted to waive the reading of agenda items, one, two and three.

CHAIRMAN TAYLOR: All those in favor say aye.

COMMITTEE: Aye.

CHAIRMAN TAYLOR: All those opposed. The motion carries.


1. **An Ordinance in Amendment of Chapter 10, “Food and Food Products”, Article II, Entitled: “Food Establishments” of the Code of Ordinances of the City of Providence, by adding Section 10-39, “Video Surveillance for Class B Licensed Establishments”.**
2. **An Ordinance in Amendment of Chapter 14, “Licenses” of the Code of Ordinances of the City of Providence, by Adding Article XVII Entitled: “Nightclub” and Sections 14-350-360.**
3. **An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: “The City of Providence Zoning Ordinance,” Approved November 24, 2014, As Amended, to change certain text in Article 12 Regarding Alcoholic Beverage Sales in Bars and Restaurants.**

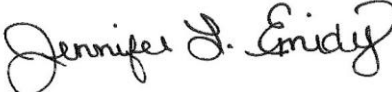
RESULT:	SET UP PUBLIC HEARING [UNANIMOUS]
MOVER:	Councilman Narducci
SECONDER:	Councilor Miller
AYES:	Chairman Taylor, Councilman Narducci and Councilor Miller – 3.
ABSENT:	Vice-Chairman Correia and Councilwoman Harris – 2.

4. **Discussion relative to Night Life Safety.**

Discussion was held relative to the foregoing matter and no votes were taken.

ADJOURNMENT: On motion of Councilman Narducci, Seconded by Councilor Miller, it is voted to adjourn the meeting at 6:47 o’clock P.M.


First Deputy City Clerk


Assistant Clerk

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 10, “FOOD AND FOOD PRODUCTS”, ARTICLE II, ENTITLED: “FOOD ESTABLISHMENTS” OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, BY ADDING SECTION 10-39, “VIDEO SURVEILLANCE FOR CLASS B LICENSED ESTABLISHMENTS”**

Be it ordained by the City of Providence:

Section 1: Sec. 10-39. ~~Reserved~~ Video Surveillance for Class B Licensed Establishments

- 1) Any holder of a Class B license must have a video surveillance system that captures all areas of the premises in which patrons regularly occupy, including but not limited to the exterior of the premises where patrons enter and exit. This requirement shall include any areas in which patrons are patted down and areas in which patrons must pass through metal detecting devices, including but not limited to metal detecting wands. This section specifically excludes surveillance of restroom facilities. The establishment must also comply with the following:
 - a) The video surveillance system must be continuously functioning during the regular business hours of the establishment and have recording capability which shall include storage of said video for a minimum of fourteen (14) days.
 - b) The police may inspect the establishment any time during regular business hours and at any time the establishment is open, including opening for general cleaning, maintenance and other business-related functions to ensure compliance with this requirement.
 - c) Any non-compliance of this section may result in a violation of the conditions for issuance of the establishment’s liquor license after a hearing and determination by the Board of Licenses.
 - d) Provide the name, address, telephone number and any other pertinent contact information for the person or entity responsible for the control and/or maintenance of said video surveillance system.
 - e) If a class B license holder does not have a functioning video surveillance system in place they may be prohibited from operation until a showing before the Board of Licenses that an operational video surveillance system is installed that satisfies the requirements of this section.

Section 2: This ordinance shall take effect upon passage.

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 14, "LICENSES" OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, BY ADDING ARTICLE XVII ENTITLED: "NIGHTCLUB" AND SECTIONS 14-350-360**

Be it ordained by the City of Providence:

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Section 1: Article XVII - Nightclubs, Sections 350-360

Section 350. Definition of Nightclub

- 1) A nightclub is any establishment holding a class N license. Any establishment, including but not limited to, any restaurant, tavern, bar serving alcohol shall also be classified as a nightclub if it allows any combination of two or more of the following:
 - a) provides entertainment as referenced by R.I.G.L. §5-22-1.1 and/or Providence City Code §14-194, whether or not it has a valid entertainment license,
 - b) allows for dancing by patrons,
 - c) does not offer food for sale for the entire duration of opening/operation,
 - d) charges a cover charge or any fee for admission to the establishment,
 - e) employs low level lighting, and/or laser or strobe lighting,
 - f) plays, performs or provides amplified music at a volume in which an audible conversation cannot occur.
- 2) Any establishment that meets this definition may only locate in those zones where Nightclubs are permitted in the Providence Zoning Ordinance.
- 3) Those establishments may not permit patrons into the establishment past 1:00 AM.
- 4) Those establishments must present to the Board of Licenses a business plan, security plan, and nuisance mitigation plan, which must be recertified on a yearly basis.

Section 351: Penalties and Fees

WHEREAS, the City of Providence has determined that there are certain licensing violation wholly within the control of the owner of an establishment;

WHEREAS, the City of Providence has determined that these violations should be penalized in a consistent manner;

WHEREAS, the City of Providence City Council has determined that the following violations should be penalized as follows:

Any violation of:

- 1) Entertainment without a license in accordance with RIGL §5-22-1.1 and/or Providence Code of Ordinances 14-193:
 - a) First Offense - a fine not to exceed \$500
 - b) Second Offense - a fine not to exceed \$1000
 - c) Third Offense - a suspension not to exceed five (5) days
 - d) Fourth Offense - a reduction in hours as determined by the Board not to exceed 60 days
 - e) Fifth Offense - Revocation of entertainment license for at least one year
- 2) Bottle service prohibited in accordance with RIGL §3-8-14 and RI Department of Business Regulations Commercial Licensing Regulation 8 Section 1.4.11:
 - a) First Offense - a \$1000 fine
 - b) Second Offense - a suspension not to exceed two (2) days

- c) Third Offense - a suspension not to exceed ten (10) days
 - d) Fourth Offense - a reduction in hours as determined by the Board of Licenses not to exceed 60 days
 - e) Fifth Offense - Revocation of all licenses
- 3) Hours of Operation based on the general laws of the State of Rhode Island:
- a) First Offense - a warning
 - b) Second Offense - a suspension not to exceed two (2) days
 - c) Third Offense - a suspension not to exceed ten (10) days
 - d) Fourth Offense - a reduction in hours as determined by the Board of Licenses not to exceed 60 days
 - e) Fifth Offense - Revocation of all licenses
- 4) Sale of Alcohol to underage pursuant to RIGL §3-8-1 per incident date:
- a) First Offense - a fine not to exceed \$1000 per count
 - b) Second Offense - a suspension not to exceed two (2) days
 - c) Third Offense - a suspension not to exceed ten (10) days
 - d) Fourth Offense - a reduction in hours as determined by the Board of Licenses not to exceed 60 days
 - e) Fifth Offense - Revocation of all licenses
- 5) Permitting smoking in a public place pursuant to RIGL §23-20.10:
- a) First Offense - a warning
 - b) Second Offense - a suspension not to exceed two (2) days
 - c) Third Offense - a suspension not to exceed ten (10) days
 - d) Fourth Offense - a reduction in hours as determined by the Board of Licenses not to exceed 60 days
 - e) Fifth Offense - Revocation of all licenses

Section 352-360. -- Reserved

Section 2: This ordinance shall take effect upon passage.

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: “THE CITY OF PROVIDENCE ZONING ORDINANCE,” APPROVED NOVEMBER 24, 2014, AS AMENDED, TO CHANGE CERTAIN TEXT IN ARTICLE 12 REGARDING ALCOHOLIC BEVERAGE SALES IN BARS AND RESTAURANTS**

Be it ordained by the City of Providence:

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, Entitled “The City of Providence Zoning Ordinance,” Approved November 24, 2014, As Amended, is hereby further amended by making the following changes, with additions underlined and deletions struck out:

ARTICLE 12. USES

1201 USE MATRIX

Table 12-1: Use Matrix Key: P = Permitted // S = Special Use																					
Use	R - 1 A	R - 1	R - 2	R - 3	R - 4	R P	C - 1	C - 2	C - 3	D - 1	W - 2	W - 3	M - 1	M - 2	M - M U	I - 1	I - 2	P S	O S	C D	Use Standard
Restaurant - 3,500sf or less GFA							P	P	P	P	P	P	P	P	P	P	P				<u>Sec.</u> <u>1202.D</u>
Restaurant - more than 3,500sf GFA							S	P	P	P			P		P	P	P				<u>Sec.</u> <u>1202.D</u>

1202 PRINCIPAL USE STANDARDS

D. Bar and Restaurant

1. When a bar is a special use, the following elements of operation shall be considered:
 - a. Days and hours of operation.
 - b. The size of the establishment.
 - c. Maximum occupancy loads.
 - d. Exterior lighting design.
2. If outdoor seating is part of the establishment, a site plan shall be submitted indicating the total floor area of outdoor seating, and the general location of seats, tables, and other furniture proposed for outdoor seating.
3. In the C-1, C-2 and C-3 zones, no bar or restaurant shall serve alcoholic beverages between the hours of 1:00 A.M. and 6:00 A.M.

SECTION 2: This ordinance shall take effect upon passage.