



Special Committee on Public Safety

Public Hearing

~ Meeting Minutes ~

Wednesday, January 29, 2020

5:30 PM

City Council Chamber (3rd Floor)

The Special Committee on Public Safety meets this day at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall, at which time a Public Hearing is held in accordance with the accompanying advertisement.

CITY OF PROVIDENCE RHODE ISLAND PUBLIC HEARING BEFORE THE SPECIAL COMMITTEE ON PUBLIC SAFETY

Notice is hereby given pursuant to Rhode Island General Laws 45-32-11 that a Public Hearing will be held by the City Council Special Committee on Public Safety on Wednesday, January 29, 2020 at 5:30 o'clock P.M. in the Chamber of the City Council, City Hall, Providence, Rhode Island, relative to the following matters:

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. (This Ordinance Change would prevent Alcoholic Beverage Sales in C-1, C-2 And C-3 Zones in Bars and Restaurants between 1:00 A.M. and 6:00 A.M.)

The proposed Ordinances listed here may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

Individuals requesting interpreter services for the hearing impaired must notify the Mayor's Center for City Services at (401) 680-5221 not less than 48 hours in advance of the hearing date.

All persons or agencies interested in the above listed Ordinances will have an opportunity to be heard and/or to submit communication in writing. Copies of the proposed Ordinances and information thereon may be obtained prior to the Hearing at the City Clerk's Office, Providence, City Hall, 25 Dorrance Street, Providence, Rhode Island, 02903 between the hours of 8:30 o'clock A.M. and 4:00 o'clock P.M. on regular business days.

PER ORDER THE SPECIAL COMMITTEE ON PUBLIC SAFETY
Councilman James E. Taylor, Chairman
Councilman Michael J. Correia, Vice-Chairman
Councilman Nicholas J. Narducci, Jr.
Councilwoman Mary Kay Harris
Councilwoman Rachel M. Miller

SHAWN SELLECK
CITY CLERK

Format: 8.11 in

PRESENT: Chairman James E. Taylor, Vice-Chairman Michael J. Correia, Councilman Nicholas J. Narducci, Jr., Councilwoman Mary Kay Harris and Councilor Rachel M. Miller – 5.

Also present are Council President Sabina Matos; Mario Martone, Associate City Solicitor, Law Department; Steven Nelson, Associate City Solicitor, Law Department; Erlin Rogel, Chief of Staff, City Council Office; Billy Kepner, Deputy Chief of Staff, City Council Office; Sean Bouchard, Director of Policy and Research, City Council Office; Robert Azar, Deputy Director, Department of

Planning and Development; Sarah Bratko, Ted Newcomer, Chris Tarro, Michael Sears, Brian Bishop, Leah Anderson, James Walloff, Jennifer Hayes Walloff, Chris Simonelli, Arlindo Alves, Anthony Santuri, Rick Sunderland, Oscar Worthington, Eleanor Coyne, James Marsh, Heather Burbach, Gregory Rourke, Max Mendoza, Michael Nelehart, Richard DeSilva, Aaron Jaehnig, Brian Bishop, Jeffrey Durand, Maurice Collins, Brian Bishop, Shaun Schillberg, James March, Daniel Beckon, Sheri A. Petronio, Second Deputy City Clerk and Jennifer L. Emidy, Assistant Clerk.

- 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”.**

CHAIRMAN TAYLOR: Can I have a motion to Substitute the foregoing Ordinance.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Vice-Chairman Correia
SECONDER:	Councilwoman Harris
AYES:	Chairman Taylor, Vice-Chairman Correia, Councilman Narducci Councilwoman Harris and Councilor Miller – 5.

CHAIRMAN TAYLOR: Can I have a motion to enter Exhibit 1 into the record.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Vice-Chairman Correia
SECONDER:	Councilman Narducci
AYES:	Chairman Taylor, Vice-Chairman Correia, Councilman Narducci Councilwoman Harris and Councilor Miller – 5.

CHAIRMAN TAYLOR: Can I have a motion to enter Exhibit 2 into the record.

RESULT: PASSED [UNANIMOUS]
MOVER: Vice-Chairman Correia
SECONDER: Councilman Narducci
AYES: Chairman Taylor, Vice-Chairman Correia, Councilman Narducci
Councilwoman Harris and Councilor Miller – 5.

RESULT: PUBLIC HEARING HELD

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.

CHAIRMAN TAYLOR: Can I have a motion to Substitute the foregoing Ordinance.

RESULT: PASSED [UNANIMOUS]
MOVER: Vice-Chairman Correia
SECONDER: Councilman Narducci
AYES: Chairman Taylor, Vice-Chairman Correia, Councilman Narducci
Councilwoman Harris and Councilor Miller – 5.

RESULT: PUBLIC HEARING HELD

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.

CHAIRMAN TAYLOR: Can I have a motion to Substitute the foregoing Ordinance.

RESULT: PASSED [UNANIMOUS]
MOVER: Vice-Chairman Correia
SECONDER: Councilman Narducci
AYES: Chairman Taylor, Vice-Chairman Correia, Councilman Narducci
Councilwoman Harris and Councilor Miller – 5.

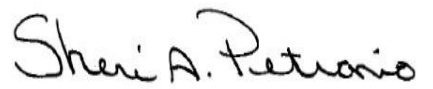
CHAIRMAN TAYLOR: Can I have a motion to enter Exhibit 1 into the record.

RESULT: PASSED [UNANIMOUS]
MOVER: Vice-Chairman Correia
SECONDER: Councilman Narducci
AYES: Chairman Taylor, Vice-Chairman Correia, Councilman Narducci
Councilwoman Harris and Councilor Miller – 5.

RESULT: PUBLIC HEARING HELD

Public comment was heard relative to the foregoing matters.

The Public Hearing concluded at 8:09 o'clock P.M.


Second 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 BX Licensed Establishments

- 1) Any holder of a Class BX 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 ingress and egress as well as any points of sale within the establishment. 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)~~ seven (7) 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.~~
 - b) 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.
 - 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) If a class BX 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.
 - e) A certification of compliance with this section must be provided to the Licensing Board at the time of application for, or renewal of, a BX license.

Section 2: This ordinance shall take effect ~~upon~~ five months from the date of 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:

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

Section 350. Nightclubs

- 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.~~
- 1) Any establishment that is determined to be a Nightclub by the Providence Zoning Officer may only locate in those zones where Nightclubs are permitted in the Providence Zoning Ordinance.
- 2) Those establishments may not permit patrons into the establishment past 1:00 AM.
- 3) 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~~ shall 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~~-all licenses

- 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 fine ~~of~~ not to exceed \$1000
 - 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 fine not to exceed \$1000 and/or 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 (this section specifically does not include possession of alcohol by a minor without evidence of a sale, which shall be penalized at the discretion of the Board in conformance with State law):
 - 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 fine not to exceed \$1000 and/or 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

In the event that there are no offenses in three (3) successive years from the date of the last offense, then the next offense shall be treated as a first offense.

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-1A	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-MU	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. 1202.D</u>
Restaurant - more than 3,500sf GFA							S	P	P	P			P		P	P	P				<u>Sec. 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.

1204 USE DEFINITIONS

Nightclub. An establishment that provides entertainment, including live music and disc jockeys (DJs), and an area for dancing by patrons of the establishment. A nightclub has as its primary source of revenue the sale of alcoholic beverages and/or cover charges. Portions of the floor area may be set up for alcohol service, including a bar counter, with or without stools, and other seating areas. A nightclub is only open to the public when it is providing such entertainment and admission (cover charge) is generally charged for admittance. Furthermore, the Zoning Officer

shall have the discretion to classify any establishment, including but not limited to, any restaurant, tavern, or bar serving alcohol as a nightclub if the Zoning Officer determines that the establishment is no longer operating solely within the use for which it was originally certified. In making said determination, the Zoning Officer shall consider, but not be limited to, the following factors:

- a) Providing Entertainment after 1:00 AM 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) Failing to offer food for sale for the entire duration of opening/operation,
- c) Charging a cover charge or any fee for admission to the establishment,
- d) Use of laser or strobe lighting,
- e) Presence of a stage, raised platform, or a DJ booth for use by a DJ
- f) Utilization of promoters
- g) Alcohol sales comprising 50% or more of total revenue
- h) Existence of Prior violations of licensing requirements

SECTION 2: This ordinance shall take effect upon passage.