

2024 -- S 2028

LC003529

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO TOWNS AND CITIES -- OUTDOOR DINING ACT

Introduced By: Senators DiMario, Bissaillon, F. Lombardi, Pearson, Raptakis, Lawson, Euer, Cano, and Murray

Date Introduced: January 10, 2024

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 45 of the General Laws entitled "TOWNS AND CITIES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 24.7

4 OUTDOOR DINING ACT

5 **45-24.7-1. Short title.**

6 This chapter shall be known and maybe cited as the "Outdoor Dining Act".

7 **45-24.7-2. Definitions.**

8 As used in this chapter, the following words and terms shall have the following meanings:

9 (1) "Food service establishment" means any fixed or mobile restaurant, coffee shop,
10 cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar,
11 cocktail lounge, night club, roadside stand, industrial feeding establishment, cultural heritage
12 education facility, private, public or nonprofit organization or institution routinely serving food,
13 catering kitchen, commissary or similar place in which food or drink is prepared for sale or for
14 service on the premises or elsewhere, and any other eating or drinking establishment or operation
15 where food is served or provided for the public with or without charge.

16 (2) "Outdoor dining" means the use of an adjacent, outside area by a food service
17 establishment for the same eating and drinking activities that occur within the establishment.

18 (3) "Outdoor dining area" means any designated area outside the principal building of a
19 food service establishment which is designed, established, or regularly used for consuming food or

1 drink. Outdoor dining areas do not include any unenclosed dining area at a private residence.

2 (4) "Restaurant" means an eating establishment, including, but not limited to, coffee shops,
3 cafeterias, and private and public school cafeterias, that give or offer for sale food to the public,
4 guests, or employees, as well as kitchens and catering facilities in which food is prepared on the
5 premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

6 **45-24.7-3. Outdoor dining compliance.**

7 (a) A food service establishment that offers outdoor dining shall:

8 (1) Comply with all accessibility requirements to which places of public accommodations
9 are subject; and

10 (2) Comply with the Rhode Island food code (216 RICR 50-10-1 et seq.), the Rhode Island
11 fire safety code (450 RICR 00-00-1 et seq.), and the Rhode Island building code (510 RICR 00-00-
12 7 et. seq.).

13 (b) All outdoor dining structures built on private property in compliance with § 45-24-46.5
14 which are inspected by February 15, 2025 and found to be in compliance with the Rhode Island
15 food code (216 RICR 50-10-1 et seq.), the Rhode Island fire safety code (450 RICR 00-00-1 et
16 seq.), and the Rhode Island building code (510 RICR 00-00-7 et seq.) shall be deemed approved,
17 and a governmental entity shall not require the removal of any alternations, modifications or
18 physical structures, or any retroactive or prospective applications, permits, fees, inspections or
19 approvals of such alterations, modifications or physical structures.

20 **45-24.7-4. Municipal regulation of outdoor dining.**

21 (a) A city or town may adopt ordinances that:

22 (1) Limit outdoor dining on public property;

23 (2) Limit capacity for outdoor dining; and

24 (3) Require barriers for outdoor dining that border parking lots or roadways.

25 (b) A city or town shall not:

26 (1) Adopt an ordinance prohibiting outdoor dining;

27 (2) Adopt an ordinance limiting the time of year when outdoor dining may be offered;

28 (3) Restrict outdoor dining operations between 7:00 a.m. and 10:00 p.m.; or

29 (4) Require new parking capacity standards on a food service establishment with an
30 outdoor dining area in excess of any standards in existence prior to March 1, 2020.

31 SECTION 2. Section 45-24-46.5 of the General Laws in Chapter 45-24 entitled "Zoning
32 Ordinances" is hereby amended to read as follows:

33 **45-24-46.5. Special provisions — Emergency declaration modifications.**

34 (a) A moratorium is hereby imposed on the enforcement of any municipal ordinance or

1 zoning regulation that would penalize any food business or food service establishment, as defined
2 in § 21-27-1, or bar as defined in § 23-20.10-2, for any alterations or modifications to its business
3 made in order to comply with any directives, executive orders, or restrictions issued by the
4 governor, principal executive officer of a political subdivision, or the director of the department of
5 health based upon an emergency declaration issued pursuant to § 30-15-9 or § 30-15-13.

6 (b) The moratorium imposed pursuant to this section shall continue throughout the
7 emergency declaration and shall remain effective until February 15, ~~2024~~ [2025](#). During this period,
8 all approved nonconforming uses adopted to comply with the emergency declaration shall be
9 permitted to continue.

10 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES -- OUTDOOR DINING ACT

- 1 This act would establish standards governing the municipal regulation of outdoor dining at
- 2 food service establishments.
- 3 This act would take effect upon passage.

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