

2018 -- H 7332

LC004178

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Representatives Cunha, Shekarchi, Shanley, and Barros

Date Introduced: January 31, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24-56 of the General Laws in Chapter 45-24 entitled "Zoning  
2 Ordinances" is hereby amended to read as follows:

3 **45-24-56. Administration -- Zoning board of review -- Establishment and**  
4 **procedures.**

5 (a)(1) A zoning ordinance adopted pursuant to this chapter shall provide for the creation  
6 of a zoning board of review ~~and for the appointment of members, including alternate members,~~  
7 and for the organization of the board, as specified in the zoning ordinance, or, in cities and towns  
8 with home rule or legislative charters, as provided in the charter. A zoning ordinance may provide  
9 for remuneration to the zoning board of review members and for reimbursement for expenses  
10 incurred in the performance of official duties. A zoning board of review may engage legal,  
11 technical, or clerical assistance to aid in the discharge of its duties. The board shall establish  
12 written rules of procedure, a mailing address to which appeals and correspondence to the zoning  
13 board of review are sent, and an office where records and decisions are filed.

14 (2) The procedure for the appointment of members in all cities or towns, except for the  
15 town of North Providence, shall be as follows:

16 (i) If the city or town has a mayor, the mayor shall appoint the members;

17 (ii) If the city or town has no mayor, the city or town council shall appoint the members;

18 (b) The zoning board of review consists of five (5) members, each to hold office for the  
19 term of five (5) years; provided, that the original appointments are made for terms of one, two (2),

1 three (3), four (4), and five (5) years, respectively. The zoning board of review also includes two  
2 (2) alternates to be designated as the first and second alternate members, their terms to be set by  
3 the ordinance, but not to exceed five (5) years. These alternate members shall sit and may actively  
4 participate in hearings. The first alternate shall vote if a member of the board is unable to serve at  
5 a hearing and the second shall vote if two (2) members of the board are unable to serve at a  
6 hearing. In the absence of the first alternate member, the second alternate member shall serve in  
7 the position of the first alternate. No member or alternate may vote on any matter before the  
8 board unless they have attended all hearings concerning that matter. ~~Where not provided for in~~  
9 ~~the city or town charter, the~~ The zoning ordinance shall specify procedures for filling vacancies in  
10 unexpired terms of zoning board members in accordance with subsection (a)(2) of this section,  
11 and for removal of members for due cause where not provided for in the city or town charter.

12 (c) Notwithstanding the provisions of subsection (b), the zoning board of review of the  
13 town of Jamestown consists of five (5) members, each to hold office for the term of five (5)  
14 years; provided, that the original appointments are made for terms of one, two (2), three (3), four  
15 (4) and five (5) years respectively. The zoning board of review of the town of Jamestown also  
16 includes three (3) alternates to be designated as the first, second, and third alternate members,  
17 their terms to be set by the ordinance, but not to exceed five (5) years. These alternate members  
18 shall sit and may actively participate in hearings. The first alternate shall vote if a member of the  
19 board is unable to serve at a hearing; the second shall vote if two (2) members of the board are  
20 unable to serve at a hearing; and the third shall vote if three (3) members of the board are unable  
21 to serve at a hearing. In the absence of the first alternate member, the second alternate member  
22 shall serve in the position of the first alternate. No member or alternate may vote on any matter  
23 before the board unless they have attended all hearings concerning that matter. ~~Where not~~  
24 ~~provided for in the town charter, the~~ The zoning ordinance shall specify procedures for filling  
25 vacancies in unexpired terms of zoning board members in accordance with subsection (a)(2) of  
26 this section, and for removal of members for due cause where not provided for in the town  
27 charter.

28 (d) Members of zoning boards of review serving on the effective date of adoption of a  
29 zoning ordinance under this chapter are exempt from the provisions of this chapter respecting  
30 terms of originally appointed members until the expiration of their current terms.

31 (e) The chairperson, or in his or her absence, the acting chairperson, may administer  
32 oaths and compel the attendance of witnesses by the issuance of subpoenas.

33 (f) Notwithstanding the provisions of subsection (b) of this section, the zoning board of  
34 review for the town of Little Compton shall consist of five (5) members, each to hold office for

1 the term of five (5) years. The zoning board of review for the town of Little Compton shall also  
2 include three (3) alternates to be designated as the first, second and third alternate members, their  
3 terms to be set by the ordinance, but not to exceed five (5) years. These alternate members shall  
4 sit and may actively participate in the hearings. The first alternate shall vote if a member of the  
5 board is unable to serve at a hearing; the second shall vote if two (2) members of the board are  
6 unable to serve at a hearing; and the third shall vote if three (3) members of the board are unable  
7 to serve at a hearing. In the absence of the first alternate member, the second alternate member  
8 shall serve in the position of the first alternate. No member or alternate may vote on any matter  
9 before the board unless they have attended all hearings concerning that matter. ~~Where not~~  
10 ~~provided for in the town charter, the~~ The zoning ordinance shall specify procedures for filling  
11 vacancies in unexpired terms of zoning board members in accordance with subsection (a)(2) of  
12 this section, and for removal of members for due cause where not provided for in the town  
13 charter.

14 (g) Notwithstanding the provisions of subsection (b) of this section, the zoning board of  
15 review for the town of Charlestown shall consist of five (5) members, each to hold office for the  
16 term of five (5) years. The zoning board of review for the town of Charlestown shall also include  
17 three (3) alternates to be designated as the first, second, and third alternate members, their terms  
18 to be set by the ordinance, but not to exceed five (5) years. These alternate members shall sit and  
19 may actively participate in the hearings. The first alternate shall vote if a member of the board is  
20 unable to serve at a hearing; the second shall vote if two (2) members of the board are unable to  
21 serve at a hearing; and the third shall vote if three (3) members of the board are unable to serve at  
22 a hearing. In the absence of the first alternate member, the second alternate member shall serve in  
23 the position of the first alternate. No member or alternate may vote on any matter before the  
24 board unless they have attended all hearings concerning that matter. ~~Where not provided for in~~  
25 ~~the town charter, the~~ The zoning ordinance shall specify procedures for filling vacancies in  
26 unexpired terms of zoning board members in accordance with subsection (a)(2) of this section,  
27 and for removal of members for due cause where not provided for in the town charter.

28 (h) Notwithstanding the provisions of subsection (b) of this section, the zoning board of  
29 review for the town of Scituate shall consist of five (5) members, each to hold office for the term  
30 of five (5) years. The zoning board of review for the town of Scituate shall also include three (3)  
31 alternates to be designated as the first, second and third alternate members, their terms to be set  
32 by the ordinance, but not to exceed five (5) years. These alternate members shall sit and may  
33 actively participate in the hearings. The first alternate shall vote if a member of the board is  
34 unable to serve at a hearing; the second shall vote if two (2) members of the board are unable to

1 serve at a hearing; and the third shall vote if three (3) members of the board are unable to serve at  
2 a hearing. In the absence of the first alternate member, the second alternate member shall serve in  
3 the position of the first alternate. No member or alternate may vote on any matter before the  
4 board unless they have attended all hearings concerning that matter. ~~Where not provided for in~~  
5 ~~the town charter, the~~ The zoning ordinance shall specify procedures for filling vacancies in  
6 unexpired terms of zoning board members in accordance with subsection (a)(2) of this section,  
7 and for removal of members for due cause where not provided for in the town charter.

8 (i) Notwithstanding the provisions of subsection (b) of this section, the zoning board of  
9 review of the town of Middletown shall consist of five (5) members, each to hold office for a  
10 term of five (5) years. The zoning board of review of the town of Middletown shall also include  
11 three (3) alternates to be designated as the first (1st), second (2nd) and third (3rd) alternate  
12 members, their terms to be set by ordinance but not to exceed (5) years. These alternate members  
13 shall sit and may actively participate in the hearing. The first alternate shall vote if a member of  
14 the board is unable to serve at the hearing; the second alternate shall vote if two (2) members of  
15 the board are unable to serve at the hearing; and the third alternate shall vote if three (3) members  
16 of the board are unable to serve at the hearing. In the absence of the first alternate member, the  
17 second alternate member shall serve in the position of the first alternate. No member or alternate  
18 may vote on any matter before the board unless they have attended all hearings concerning that  
19 matter. ~~Where not provided for in the town charter, the~~ The zoning ordinance shall specify  
20 procedures for filling vacancies in unexpired terms of zoning board members in accordance with  
21 subsection (a)(2) of this section, and for removal of members for due cause where not provided  
22 for in the town charter.

23 (j) Notwithstanding the provisions of subsection (b) of this section, the zoning board of  
24 review of the city of Cranston shall consist of five (5) members, each to hold office for a term of  
25 five (5) years. The zoning board of review of the city of Cranston shall also include four (4)  
26 alternates to be designated as the first (1st), second (2nd), third (3rd), and fourth (4th), alternate  
27 members, to be appointed for a term of one year. These alternate members shall sit and may  
28 actively participate in all zoning hearings. The first alternate shall vote if a member of the board  
29 is unable to serve at the hearing; the second alternate shall vote if two (2) members of the board  
30 are unable to serve at the hearing; the third alternate shall vote if three (3) members of the board  
31 are unable to serve at the hearing; and the fourth alternate shall vote if four (4) members of the  
32 board are unable to serve at the hearing. In the absence of the first alternate member, the second  
33 alternate member shall serve in the position of the first alternate. No member or alternate may  
34 vote on any matter before the board unless they have attended all hearings concerning that matter.

1 ~~Where not provided for in the town charter, the~~ The zoning ordinance shall specify procedures for  
2 filling vacancies in unexpired terms of zoning board members in accordance with subsection  
3 (a)(2) of this section, and for removal of members for due cause where not provided for in the  
4 city charter.

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

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LC004178  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

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1           This act would place the power of appointment of members of the municipal zoning  
2 boards in the mayor of a city or town or in the town or city council if there is no mayor except for  
3 the town of North Providence.

4           This act would take effect upon passage.

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