

2021 -- S 0172

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO TOWNS AND CITIES

Introduced By: Senators Euer, DiPalma, Archambault, Pearson, Coyne, Sosnowski, and
Mendes

Date Introduced: February 05, 2021

Referred To: Senate Housing & Municipal Government

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 36.1

4 MUNICIPAL PUBLIC TRUST DEDICATION

5 **45-36.1-1. Legislative purpose.**

6 The purpose of this chapter is to provide a voluntary mechanism for cities and towns to use
7 to dedicate a park, conservation or other land that it owns as public trust land in perpetuity in order
8 to assure public access to the land for outdoor recreation and to assure that the land is not converted
9 to another use and remains predominantly undeveloped and provides open space benefits. People
10 rely on their parks and other public open spaces as stable, reliable places of comfort, rest, and
11 renewal in their lives. People make decisions on where to reside and work based on proximity to
12 these places. They expect that these places will always be there for them. This expectation is
13 supported by the Rhode Island Constitution, Article 1, Section 17, which states the people:

14 "shall be secure in their rights to the use and enjoyment of the natural resources of the state
15 with due regard for the preservation of their values; and it shall be the duty of the general assembly
16 to provide for the conservation of the air, land, water, plant, animal, mineral and other natural
17 resources of the state, and to adopt all means necessary and proper by law to protect the natural
18 environment of the people of the state by providing adequate resource planning for the control and
19 regulation of the use of the natural resources of the state and for the preservation, regeneration and

1 [restoration of the natural environment of the state.](#)

2 **45-36.1-2. Power to declare municipal land as public trust land.**

3 [Pursuant to the proper delegation of powers vested in the general assembly by the Rhode](#)
4 [Island Constitution, Article I, Section 17, cities and towns may formally dedicate any property they](#)
5 [hold as a public trust land, to be perpetually protected from conversion to another use and from](#)
6 [development that is inconsistent with the primary recreation, open space and natural resource](#)
7 [purposes as a natural resource land of the state and as a natural environment for the people of the](#)
8 [state and to reduce risks of confusion or misunderstanding regarding acceptable and non-acceptable](#)
9 [uses of land held by a municipality for outdoor recreation, open space benefits and natural resource](#)
10 [conservation.](#)

11 **45-36.1-3. Process for municipal declaration of municipal land as public trust land.**

12 [Cities and towns may formally dedicate any property they hold as a public trust land, to be](#)
13 [perpetually protected from conversion to another use and development that is inconsistent with its](#)
14 [primary purpose as a recreation, open space and/or natural resource land of the state and as a](#)
15 [natural-environment for the people of the state through a duly approved resolution of a city or town](#)
16 [council or through any other legally sufficient municipal process. Said resolution or other municipal](#)
17 [approval shall be recorded in the municipal land evidence records.](#)

18 **45-36.1-4. Restrictions applicable to municipal public trust land.**

19 [Once a city or town dedicates property it holds as a public trust land, such land shall be](#)
20 [perpetually protected from conversion to another use and development that is inconsistent with its](#)
21 [primary purpose as a recreation, open space and natural resource land of the state and as a natural](#)
22 [environment for the people of the state. Acceptable uses of the land so dedicated shall only be those](#)
23 [that perpetuate outdoor recreation, open space benefits and natural resource conservation on the](#)
24 [land.](#)

25 SECTION 2. 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

- 1 This act would create a voluntary mechanism for municipalities to use to dedicate a park,
- 2 conservation or other land they own as public trust land in perpetuity to protect and preserve its
- 3 future use.
- 4 This act would take effect upon passage.

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