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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES--ZONING BOARD OF
REVIEW

Introduced By: Representatives McEntee, Fogarty, and Filippi

Date Introduced: February 02, 2022

Referred To: House Municipal Government & Housing

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 procedures.**

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

13 (b) The zoning board of review consists of five (5) members, each to hold office for the
14 term of five (5) years; provided, that the original appointments are made for terms of one, two (2),
15 three (3), four (4), and five (5) years, respectively. The zoning board of review also includes two
16 (2) alternates to be designated as the first and second alternate members, their terms to be set by
17 the ordinance, but not to exceed five (5) years. These alternate members shall sit and may actively
18 participate in hearings. The first alternate shall vote if a member of the board is unable to serve at

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

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

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

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

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

1 of the first alternate. No member or alternate may vote on any matter before the board unless they
2 have attended all hearings concerning that matter. Where not provided for in the town charter, the
3 zoning ordinance shall specify procedures for filling vacancies in unexpired terms of zoning board
4 members, and for removal of members for due cause.

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

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

31 (i) Notwithstanding the provisions of subsection (b) of this section, the zoning board of
32 review of the town of Middletown shall consist of five (5) members, each to hold office for a term
33 of five (5) years. The zoning board of review of the town of Middletown shall also include three
34 (3) alternates to be designated as the first (1st), second (2nd) and third (3rd) alternate members,

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

10 (j) Notwithstanding the provisions of subsection (b) of this section, the zoning board of
11 review of the city of Cranston shall consist of five (5) members, each to hold office for a term of
12 five (5) years. The zoning board of review of the city of Cranston shall also include four (4)
13 alternates to be designated as the first (1st), second (2nd), third (3rd), and fourth (4th), alternate
14 members, to be appointed for a term of one year. These alternate members shall sit and may actively
15 participate in all zoning hearings. The first alternate shall vote if a member of the board is unable
16 to serve at the hearing; the second alternate shall vote if two (2) members of the board are unable
17 to serve at the hearing; the third alternate shall vote if three (3) members of the board are unable to
18 serve at the hearing; and the fourth alternate shall vote if four (4) members of the board are unable
19 to serve at the hearing. In the absence of the first alternate member, the second alternate member
20 shall serve in the position of the first alternate. No member or alternate may vote on any matter
21 before the board unless they have attended all hearings concerning that matter. Where not provided
22 for in the city charter, the zoning ordinance shall specify procedures for filling vacancies during
23 the unexpired terms of zoning board members and for removal of members for due cause.

24 (k) Notwithstanding the provisions of subsection (b) of this section, the zoning board of
25 review for the town of Barrington shall consist of five (5) members, each to hold office for a term
26 of five (5) years. The zoning board of review for the town of Barrington shall also include three (3)
27 alternates to be designated as the first, second, and third alternate members, their terms are to be
28 set by ordinance but not to exceed five (5) years. These alternate members shall sit and may actively
29 participate in the hearing. The first alternate member shall vote if a member of the board is unable
30 to serve at the hearing; the second alternate shall vote if two (2) members of the board are unable
31 to serve at the hearing; and the third alternate member shall vote if three (3) members of the board
32 are unable to serve at the hearing. In the absence of the first alternate member, the second alternate
33 member shall serve in the position of the first alternate. No member or alternate may vote on any
34 matter before the board unless they have attended all the hearings concerning that matter. Where

1 not provided for in the town charter, the zoning ordinance shall specify procedures for filling
2 vacancies in unexpired terms of zoning board members, and for removal of members for due cause.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES--ZONING BOARD OF
REVIEW

- 1 This act would authorize the town of South Kingstown to enact a local ordinance which
- 2 increases the number of alternates on their zoning board of review from two (2) to three (3).
- 3 This act would take effect upon passage.

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