2021 -- H 6119

STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2021

A N   A C T
RELATING TO TOWNS AND CITIES -- SMALL BUSINESSES--ZONING ORDINANCES

Introduced By: Representatives McEntee, Costantino, Caldwell, Cortvriend, Phillips, Carson, Cassar, Giraldo, Casimiro, and Slater
Date Introduced: March 11, 2021
Referred To: House Small Business

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 45-24 of the General Laws entitled "Zoning Ordinances" is hereby amended by adding thereto the following section:

45-24-46.5. Special provisions -- Emergency declaration modifications.

(a) A moratorium is hereby imposed on the enforcement of any municipal ordinance or zoning regulation, that would penalize any food business or food service establishment, as defined in § 21-27-1, or bar as defined in § 23-20.10-2, that has made alterations or modifications to the business in order to comply with any directives, executive orders or restrictions issued by the governor, principal executive officer of a political subdivision or the director of the department of health upon an emergency declaration pursuant to §§ 30-15-9 or 30-15-13.

(b) The moratorium imposed pursuant to this section shall continue throughout the emergency declaration and shall remain effective for a period of one year after the emergency declaration has been rescinded. During this period all approved nonconforming uses adopted to comply with the emergency declaration shall be permitted to continue.

(c) During the moratorium period established pursuant to subsection (b) of this section, all municipalities shall, as soon as practical, conduct a review for possible amendment of all policies, practices, and nonconforming uses employed by food businesses, food service establishments and bars which enabled them to function within the promulgated emergency guidelines. Municipalities shall conduct hearings to review zoning or municipal code amendments to provide for the codification and adoption of safe policies, practices, or nonconforming uses which were authorized
for use during the emergency declaration; provided, however, no policy, practice or nonconforming
use shall be adopted or codified where there is a legitimate prevailing public safety concern
regarding continuation of the policy, practice, or nonconforming use. Upon determination by the
applicable state or local officials that the nonconforming use is a public safety concern, the food
business, food service establishment or bar shall, following the decision to discontinue the policy,
practice, or nonconforming use, have thirty (30) days to discontinue the policy, practice, or
nonconforming use.

(d) Notwithstanding any other law to the contrary, every municipality shall adopt an
application procedure which provides for any food business, food service establishment or bar to
petition the municipality for a license, permit or authorization to continue to utilize an alteration or
modification, instituted to comply with an emergency declaration, after the expiration of the
moratorium period. The municipality may grant the license, permit, or authorization upon a
showing that no public safety shall be adversely effected or impacted by granting the license, permit
or authorization.

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N  A C T
RELATING TO TOWNS AND CITIES -- SMALL BUSINESSES--ZONING ORDINANCES

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This act would impose a moratorium on the enforcement of any municipal ordinance or zoning requirement that would penalize owners of food service establishments and bars for any modifications or alternations to their premises in response to an emergency declaration by the governor or local municipal officials. The moratorium shall be effective during the period of emergency and for one year after the emergency declaration is rescinded. Cities and towns shall conduct a review of all permitted nonconforming uses provided to food service establishments and bars for potential adoption and codification. Additionally, cities and towns shall adopt an application procedure for food service establishments to petition for authorization to allow the nonconforming use after the moratorium.

This act would take effect upon passage.

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