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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO TOWNS AND CITIES

Introduced By: Senators Lynch, Doyle, Sosnowski, and Miller

Date Introduced: March 06, 2013

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 45-6-1 of the General Laws in Chapter 45-6 entitled "Ordinances"  
2 is hereby amended to read as follows:  
3           **45-6-1. Scope of ordinances permissible.** -- (a) Town and city councils may, from time  
4 to time, make and ordain all ordinances and regulations for their respective towns and cities, not  
5 repugnant to law, which they deem necessary for the safety of their inhabitants from fire,  
6 firearms, and fireworks; to prevent persons standing on any footwalk, sidewalk, doorstep, or in  
7 any doorway, or riding, driving, fastening, or leaving any horse or other animal or any carriage,  
8 team, or other vehicle on any footwalk, sidewalk, doorstep, or doorway within the town or city, to  
9 the obstruction, hindrance, delay, disturbance, or annoyance of passersby or of persons residing  
10 or doing business in this vicinity; to regulate the putting up and maintenance of telegraph and  
11 other wires and their appurtenances; to prevent the indecent exposure of any one bathing in any of  
12 the waters within their respective towns and cities; against breakers of the Sabbath; against  
13 habitual drunkenness; respecting the purchase and sale of merchandise or commodities within  
14 their respective towns and cities; to protect burial grounds and the graves in these burial grounds  
15 from trespassers; and, generally, all other ordinances, regulations and bylaws for the well  
16 ordering, managing, and directing of the prudential affairs and police of their respective towns  
17 and cities, not repugnant to the constitution and laws of this state, or of the United States;  
18 provided, however, that local ordinances, regulations and bylaws shall not set forth any standards  
19 and/or requirements for the location, design, construction, or maintenance of on-site sewage

1 disposal systems and/or wetland setbacks or requirements which are inconsistent with or in  
2 excess of the standards imposed:

3 (1) By the director of the department of environmental management (“director”) under  
4 authority given to the director as set forth in section 42-17.1-2; or

5 (2) By the coastal resources management council pursuant to its authority to regulate  
6 coastal wetlands and freshwater wetlands in the vicinity of the coast pursuant to and in  
7 accordance with subparagraph 46-23-6(2)(iii)(E). Current state regulations governing septic  
8 systems and wetlands shall be deemed exclusive and adequate for the protection of the state’s  
9 water resources, notwithstanding any local regulations to the contrary.

10 (b) Town and city councils shall furnish to their senators and representatives, upon  
11 request and at no charge, copies and updates of all ordinances and regulations.

12 (c) In lieu of newspaper publication, advance notice of proposed adoption, amendment,  
13 or repeal of any ordinance or regulation by a municipality may be provided via electronic media  
14 on a website maintained by the office of the secretary of state.

15 SECTION 2. Section 45-23-30 of the General Laws in Chapter 45-23 entitled  
16 "Subdivision of Land" is hereby amended to read as follows:

17 **45-23-30. General purposes of land development and subdivision review ordinances,**  
18 **regulations and rules.** -- Land development and subdivision review ordinances, regulations and  
19 rules shall be developed and maintained in accordance with this chapter and with a  
20 comprehensive plan which complies with chapter 22.2 of this title and a zoning ordinance which  
21 complies with section 45-24-27 et seq. Local regulations shall address the following purposes:

22 (1) Providing for the orderly, thorough and expeditious review and approval of land  
23 developments and subdivisions;

24 (2) Promoting high quality and appropriate design and construction of land  
25 developments and subdivisions;

26 (3) Promoting the protection of the existing natural and built environment and the  
27 mitigation of all significant negative impacts of any proposed development on the existing  
28 environment;

29 (4) Promoting design of land developments and subdivisions which are well-integrated  
30 with the surrounding neighborhoods with regard to natural and built features, and which  
31 concentrate development in areas which can best support intensive use by reason of natural  
32 characteristics and existing infrastructure;

33 (5) Encouraging local design and improvement standards to reflect the intent of the  
34 community comprehensive plans with regard to the physical character of the various

1 neighborhoods and districts of the municipality;

2 (6) Promoting thorough technical review of all proposed land developments and  
3 subdivisions by appropriate local officials;

4 (7) Encouraging local requirements for dedications of public land, impact mitigation, and  
5 payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and  
6 administered; and

7 (8) Encouraging the establishment and consistent application of procedures for local  
8 record-keeping on all matters of land development and subdivision review, approval and  
9 construction. Provided, however, that local regulations shall not set forth any standards and/or  
10 requirements for the location, design, construction, or maintenance of on-site sewage disposal  
11 systems and/or wetland setbacks or requirements, which are inconsistent with or in excess of the  
12 standards imposed:

13 (1) By the director of the department of environmental management (“director”), under  
14 the authority given to the director as set forth in section 42-17.1-2; or

15 (2) By the coastal resources management council pursuant to its authority to regulate  
16 coastal wetlands and freshwater wetlands in the vicinity of the coast pursuant to and in  
17 accordance with subparagraph 46-23-6(2)(iii)(E). Current state regulations governing septic  
18 systems and wetlands shall be deemed exclusive and adequate for the protection of the state’s  
19 water resources, notwithstanding any local regulations to the contrary.

20 SECTION 3. Section 45-24-30 of the General Laws in Chapter 45-24 entitled "Zoning  
21 Ordinances" is hereby amended to read as follows:

22 **45-24-30. General purposes of zoning ordinances.** -- Zoning regulations shall be  
23 developed and maintained in accordance with a comprehensive plan prepared, adopted, and as  
24 may be amended, in accordance with chapter 22.2 of this title and shall be designed to address the  
25 following purposes. The general assembly recognizes these purposes, each with equal priority and  
26 numbered for reference purposes only.

27 (1) Promoting the public health, safety, and general welfare.

28 (2) Providing for a range of uses and intensities of use appropriate to the character of the  
29 city or town and reflecting current and expected future needs.

30 (3) Providing for orderly growth and development which recognizes:

31 (i) The goals and patterns of land use contained in the comprehensive plan of the city or  
32 town adopted pursuant to chapter 22.2 of this title;

33 (ii) The natural characteristics of the land, including its suitability for use based on soil  
34 characteristics, topography, and susceptibility to surface or groundwater pollution;

- 1 (iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and  
2 freshwater and coastal wetlands;
- 3 (iv) The values of unique or valuable natural resources and features;
- 4 (v) The availability and capacity of existing and planned public and/or private services  
5 and facilities;
- 6 (vi) The need to shape and balance urban and rural development; and
- 7 (vii) The use of innovative development regulations and techniques.
- 8 (4) Providing for the control, protection, and/or abatement of air, water, groundwater,  
9 and noise pollution, and soil erosion and sedimentation.
- 10 (5) Providing for the protection of the natural, historic, cultural, and scenic character of  
11 the city or town or areas in the municipality.
- 12 (6) Providing for the preservation and promotion of agricultural production, forest,  
13 silviculture, aquaculture, timber resources, and open space.
- 14 (7) Providing for the protection of public investment in transportation, water, stormwater  
15 management systems, sewage treatment and disposal, solid waste treatment and disposal, schools,  
16 recreation, public facilities, open space, and other public requirements.
- 17 (8) Promoting a balance of housing choices, for all income levels and groups, to assure  
18 the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and  
19 sanitary housing.
- 20 (9) Providing opportunities for the establishment of low and moderate income housing.
- 21 (10) Promoting safety from fire, flood, and other natural or unnatural disasters.
- 22 (11) Promoting a high level of quality in design in the development of private and public  
23 facilities.
- 24 (12) Promoting implementation of the comprehensive plan of the city or town adopted  
25 pursuant to chapter 22.2 of this title.
- 26 (13) Providing for coordination of land uses with contiguous municipalities, other  
27 municipalities, the state, and other agencies, as appropriate, especially with regard to resources  
28 and facilities that extend beyond municipal boundaries or have a direct impact on that  
29 municipality.
- 30 (14) Providing for efficient review of development proposals, to clarify and expedite the  
31 zoning approval process.
- 32 (15) Providing for procedures for the administration of the zoning ordinance, including,  
33 but not limited to, variances, special-use permits, and, where adopted, procedures for  
34 modifications.

1 (16) Providing opportunities for reasonable accommodations in order to comply with the  
2 Rhode Island Fair Housing Practices Act, chapter 37 of title 34, the United States Fair Housing  
3 Amendments Act of 1988 (FHAA), the Rhode Island Civil Rights of Persons with Disabilities  
4 Act, chapter 87 of title 42, and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C.  
5 section 12101 et seq.

6 Provided, however, ~~that any zoning ordinance ordinances in which a community sets~~  
7 shall not set forth any standards or requirements for the location, design, construction, or  
8 maintenance of on-site sewage disposal systems ~~shall first be submitted to the director of the~~  
9 ~~department of environmental management and the department of health for approval as to the~~  
10 ~~technical merits of the ordinance. In addition, any zoning ordinance in which a municipality sets~~  
11 ~~forth standards regarding wetland setbacks or requirements, shall first be submitted to the director~~  
12 ~~of the department of environmental management for approval as to the technical merits of the~~  
13 ~~ordinance.~~ and/or wetland setbacks or requirements, which are inconsistent with or in excess of  
14 the standards imposed:

15 (1) By the director of the department of environmental management (“director”), under  
16 the authority given to the director as set forth in section 42-17.1-2; or

17 (2) By the coastal resources management council pursuant to its authority to regulate  
18 coastal wetlands and freshwater wetlands in the vicinity of the coast pursuant to and in  
19 accordance with subparagraph 46-23-6(2)(iii)(E). Current state regulations governing septic  
20 systems and wetlands shall be deemed exclusive and adequate for the protection of the state’s  
21 water resources, notwithstanding any local regulations to the contrary.

22 SECTION 4. This act shall take effect on July 1, 2015.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO TOWNS AND CITIES

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1           This act would establish a single set of environmental standards for the state while  
2 reducing local regulatory burden and would prohibit cities and towns from enacting future  
3 ordinances which are more restrictive than regulations established by the department of  
4 environmental management or the coastal resources management council.

5           This act would take effect on July 1, 2015

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