

2020 -- S 2407

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LC004475
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Senators Coyne, Seveney, and DiPalma

Date Introduced: February 13, 2020

Referred To: Senate 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) A zoning ordinance adopted pursuant to this chapter shall provide for the creation of a
6 zoning board of review and for the appointment of members, including alternate members, and
7 for the organization of the board, as specified in the zoning ordinance, or, in cities and towns with
8 home rule or legislative charters, as provided in the charter. A zoning ordinance may provide for
9 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 (b) The zoning board of review consists of five (5) members, each to hold office for the
15 term of five (5) years; provided, that the original appointments are made for terms of one, two (2),
16 three (3), four (4), and five (5) years, respectively. The zoning board of review also includes two
17 (2) alternates to be designated as the first and second alternate members, their terms to be set by
18 the ordinance, but not to exceed five (5) years. These alternate members shall sit and may actively
19 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
2 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 city or town charter, the zoning ordinance shall specify procedures for filling vacancies in
6 unexpired terms of 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)
9 years; provided, that the original appointments are made for terms of one, two (2), three (3), four
10 (4) and five (5) years respectively. The zoning board of review of the town of Jamestown also
11 includes three (3) alternates to be designated as the first, second, and third alternate members,
12 their terms to be set by the ordinance, but not to exceed five (5) years. These alternate members
13 shall sit and may actively participate in hearings. The first alternate shall vote if a member of the
14 board is unable to serve at a hearing; the second shall vote if two (2) members of the board are
15 unable to serve at a hearing; and the third shall vote if three (3) members of the board are unable
16 to serve at a hearing. In the absence of the first alternate member, the second alternate member
17 shall serve in the position of the first alternate. No member or alternate may vote on any matter
18 before the board unless they have attended all hearings concerning that matter. Where not
19 provided for in the town charter, the zoning ordinance shall specify procedures for filling
20 vacancies in unexpired terms of zoning board members, and for removal of members for due
21 cause.

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

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

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

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

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

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

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

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

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

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

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

8 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

1 This act would permit the town of Barrington to have three (3) alternate members on its
2 zoning board who may participate in the hearings and shall vote in the absence of other members
3 of the zoning board. Each member of the board may vote only if they attended all hearings
4 relative to the matter before the board.

5 This act would take effect upon passage.

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