

2014 -- S 2718 SUBSTITUTE A

LC004815/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Senators Miller, Goodwin, and Goldin

Date Introduced: March 05, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24-60 of the General Laws in Chapter 45-24 entitled "Zoning  
2 Ordinances" is hereby amended to read as follows:

3 **45-24-60. Administration -- Violations.** -- (a) A zoning ordinance adopted pursuant to  
4 this chapter ~~provides~~ shall provide for a civil penalty for any violation of the zoning ordinance, or  
5 for a violation of any terms or conditions of any action imposed by the zoning board of review or  
6 of any other agency or officer charged in the ordinance with enforcement of any of its provisions.  
7 The amount of the penalty for the violation must reasonably relate to the seriousness of the  
8 offense, and shall not exceed ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) for each  
9 violation, ~~and each~~ Each day of the existence of any violation is deemed to be a separate  
10 offense. ~~Any fine inures to the city or town.~~

11 (b) Notwithstanding the provisions and limitations contained in subsection (a) of this  
12 section, a zoning ordinance may provide for a one-time civil penalty for a violation of a  
13 municipal ordinance pertaining to the removal of significant trees, in which case, the one-time  
14 civil penalty shall be established using the trunk formula method set forth in the latest edition of  
15 guide for plant appraisal authored by the council of tree and landscape appraisers, as well as the  
16 damage caused by the violation.

17 ~~(b)~~(c) The city or town may also cause suit to be brought in the supreme or superior  
18 court, or any municipal court, including a municipal housing court having jurisdiction, in the  
19 name of the city or town, to restrain the violation of, or to compel compliance with, the provisions

1 of its zoning ordinance. A city or town may consolidate an action for injunctive relief and/or [civil](#)  
2 fines under the ordinance in the superior court of the county in which the subject property is  
3 located.

4 [\(d\) Any and all penalties or fines imposed pursuant to this section shall inure to the city](#)  
5 [or town.](#)

6 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

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1           This act would amend the amount a city or town may charge as a daily penalty for  
2 violations of zoning ordinances from five hundred dollars (\$500) to one thousand dollars (\$1,000)  
3 and would provide for a one-time unlimited civil penalty for violations of a zoning ordinance  
4 pertaining to the removal of significant trees.

5           This act would take effect upon passage.

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