

2012 -- S 2089

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LC00356
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO TAXATION - WEST GREENWICH

Introduced By: Senators Maher, Shibley, and Kettle

Date Introduced: January 18, 2012

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 44-3 of the General Laws entitled "Property Subject to Taxation" is
2 hereby amended by adding thereto the following section:

3 **44-3-9.8. West Greenwich - Exemption or stabilization of tax on qualified property**
4 **used for manufacturing or commercial purposes in the town of West Greenwich. -- (a)**

5 Except as provided in this section, the town council of the town of West Greenwich may vote to
6 authorize, for a period not exceeding ten (10) years, and subject to the conditions provided in this
7 section, to exempt from payment, in whole or part, real and personal property used for
8 manufacturing or commercial purposes, or to determine a stabilized amount of taxes to be paid on
9 account of the property, notwithstanding the valuation of the property or the rate of tax; provided,
10 that after public hearings, at least ten (10) days' notice of which shall be given in a newspaper of
11 general circulation in the town, the town council determines that:

12 (1) Granting of the exemption or stabilization of taxes will inure to the benefit of the
13 town by reason of:

14 (i) The willingness of the manufacturing or commercial concern to locate in the town; or

15 (ii) The willingness of a manufacturing firm to expand facilities with an increase in
16 employment or the willingness of a commercial or manufacturing concern to retain or expand its
17 facility in the town and not reduce its work force in the town; or

18 (iii) An improvement of the physical plant of the town that will result in long-term
19 economic benefits to the town and the state.

1 (2) Granting of the exemption or stabilization of taxes will inure to the benefit of the
2 town by reason of the willingness of a manufacturing or commercial firm or concern to replace,
3 reconstruct, expand or remodel existing buildings, facilities, fixtures, machinery, or equipment
4 with modern buildings, facilities, fixtures, machinery, or equipment, resulting in an increase in,
5 plant or commercial building investments by the firm or concern in the town.

6 (b) Should the town council make the determination in paragraphs (a)(1)(i) -- paragraphs
7 (a)(1)(iii), or subdivision (a)(2) of this section, an exemption or stabilization may be granted for
8 existing buildings, property, machinery, or facilities owned by businesses already located in the
9 town of West Greenwich on January 1, 2011.

10 (c) For the purposes of this section, "real property used for manufacturing or commercial
11 purposes" includes any building or structure used for offices or commercial enterprises including
12 without limitation any building or structure used for wholesale, warehouse, distribution, and/or
13 storage business, used for service industries, or used for any other commercial business and the
14 land on which the building or structure is situated and not used for residential purposes.

15 (d) For purposes of this section, "personal property used for manufacturing or
16 commercial purposes" means any personal property owned by a firm or concern occupying a
17 building, structure, and/or land used for commercial purposes and used by such firm or concern in
18 its commercial enterprise including, without limitation, furniture, fixtures, equipment, machinery,
19 stock in trade, and inventory.

20 (e) Except as provided in this section, property for which taxes have been exempted in
21 whole or in part, or stabilized pursuant to this section, shall not, during the period for which taxes
22 have been exempted or stabilized, be further liable to taxation by the town so long as the property
23 is used for the manufacturing or commercial purposes for which the exemption or stabilization
24 was granted.

25 (f) Notwithstanding any vote of, or findings by the town council, the property shall be
26 assessed for, and shall pay, that portion of the tax, if any, assessed by the town for the purpose of
27 paying the indebtedness of the town and the indebtedness of the state or any political subdivision
28 of the state, to the appropriation to any sinking fund of the town, which portion of the tax shall be
29 paid in full, and the taxes so assessed and collected shall be kept in a separate account and used
30 only for that purpose.

31 (g) Any application for tax exemption or stabilization submitted pursuant to this section
32 shall be submitted before an application for development plan review is submitted to the West
33 Greenwich planning board, as applicable, or for other such permits and/or approvals that may be
34 required from any other town board or commission.

1 (h) Any tax exemption or stabilization granted by the town council pursuant to this
2 section shall be applicable for a period beginning on the first day of the fiscal year in which the
3 exemption or stabilization is granted.

4 (i) If a property owner whose property tax has been exempted or stabilized pursuant to
5 this section becomes delinquent in the payment of its property taxes, or transfers ownership of its
6 business, the town council shall have the authority to review and terminate the tax exemption or
7 stabilization agreement.

8 SECTION 2. If any provision of this act, or the application thereof to the town of West
9 Greenwich or to any person or circumstances, is deemed invalid for any reason, the remainder of
10 this act, or the application of such provision to said town or other persons or circumstances, shall
11 not be affected thereby and, to this end, the provisions of this act are declared to be severable.

12 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TAXATION - WEST GREENWICH

1 This act would permit the West Greenwich town council to exempt or stabilize taxes on
2 qualified property used for manufacturing or commercial purposes in the town of West
3 Greenwich.

4 This act would take effect upon passage.

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