

2021 -- S 0654

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO TOWNS AND CITIES -- SMALL BUSINESSES -- ZONING ORDINANCES

Introduced By: Senators DiMario, Valverde, Kallman, Raptakis, Murray, Pearson,  
Quezada, and Mendes

Date Introduced: March 18, 2021

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

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

3 **45-24-46.5. Special provisions -- Emergency declaration modifications.**

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

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12 declaration has been rescinded.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

14 (c) During the moratorium period established pursuant to subsection (b) of this section, all  
15 municipalities shall, as soon as practical, conduct a review for possible amendment of all policies,  
16 practices, and nonconforming uses employed by food businesses, food service establishments and  
17 bars which enabled them to function within the promulgated emergency guidelines. Municipalities  
18 shall conduct hearings to review zoning or municipal code amendments to provide for the  
19 codification and adoption of safe policies, practices, or nonconforming uses which were authorized

1 for use during the emergency declaration; provided, however, no policy, practice or nonconforming  
2 use shall be adopted or codified where there is a legitimate prevailing public safety concern  
3 regarding continuation of the policy, practice, or nonconforming use. Upon determination by the  
4 applicable state or local officials that the nonconforming use is a public safety concern, the food  
5 business, food service establishment or bar shall, following the decision to discontinue the policy,  
6 practice, or nonconforming use, have thirty (30) days to discontinue the policy, practice, or  
7 nonconforming use.

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

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO TOWNS AND CITIES -- SMALL BUSINESSES -- ZONING ORDINANCES

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

10           This act would take effect upon passage.

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