

INTRODUCTION

State law changes in Rhode Island impact many provisions in the ordinance codes of Rhode Island municipalities. This pamphlet is intended to assist municipal attorneys in the identification of provisions in ordinance codes that may require revision in light of state law. The information in this pamphlet is based upon the experience of the legal staff of Municipal Code Corporation in working with the ordinance codes of Rhode Island municipal codes.

This pamphlet is current through Chapter 542 of the January 2016 session,

Not all provisions of this pamphlet will apply to your Code, nor does this pamphlet purport to include all state laws that may somehow affect the language of your Code.

The provisions of this pamphlet are intended to assist municipal attorneys and are not intended to be a substitute for the advice of counsel.

It is not the intent of Municipal Code Corporation in publishing this pamphlet to provide legal advice. An attorney admitted to practice in Rhode Island must be consulted as to the applicability of a given statute or case to a particular situation.

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GENERAL PROVISIONS

1. *Penalties for violation of ordinances.* Per G.L. 1956, § 45-6-2, unless other penalties or penalties within other limits are specially prescribed by statute, town and city councils may impose penalties for the violation of ordinances and regulations as follows:

- a. A fine not exceeding \$500.00; or
- b. Imprisonment not exceeding 30 days in some jail or house of correction; and/or
- c. Restitution in cases involving property damage or personal injury in an amount up to \$2,500.00; and/or
- d. Voluntary community restitution for a town or city agency for not more than ten days for any one offense.

2. *State offenses preemptive.* No ordinance or regulation made by a town or city council may impose or at any time be construed to continue to impose any penalty for the commission or omission of any act punishable as a crime, misdemeanor, or offense by the statutory law of the state. See G.L. 1956, § 45-6-6.

ADMINISTRATION

1. *Residency as condition of employment by city or town.* Subject to one exception, residency (within the employing city or town) requirements are prohibited. See G.L. 1956, §§ 45-2-15.1, 45-2-15.2.

ADVERTISING

1. *Outdoor advertising.* The penalty for sign ordinances regulating outdoor advertising is limited. See G.L. 1956, § 5-18-4.

ALCOHOLIC BEVERAGES

1. *Indecent intoxication.* The penalty that may be imposed for violation of ordinances prohibiting indecent intoxication is restricted. G.L. 1956, § 45-6-3.

ANIMALS

1. *Penalty for violation of ordinances concerning dogs.* The penalty for violation of ordinances concerning dogs is restricted. See G.L. 1956, §§ 4-13-1, 4-13-15.1.

BUILDINGS AND BUILDING REGULATIONS

1. *State building code.* The Rhode Island State Building Code preempts local building codes. See G.L. 1956, § 23-27.3-100.1.7.

BUSINESSES

1. *Martial arts schools.* City and town council license fees for schools and other institutions offering instruction in jiu-jitsu and karate are limited. See G.L. 1956, § 5-43-1.

2. *Shooting gallery tax.* A tax in the amounts specified by statute, must be levied on every person who owns or keeps a pistol gallery, rifle gallery, or other like building, enclosure, or business. See G.L. 1956, § 5-2-6.

3. *Public laundries.* The fee that may be charged for a public laundry license is restricted. See G.L. 1956, § 5-16-2.

4. *Vending machines.* The penalty for violating a vending machine registration ordinance is restricted. See G.L. 1956, § 45-6-10.

5. *Spyware and notices to consumers from computer software providers regarding information collection.* Spyware and notices to consumers from computer software providers regarding information collection are preempted to the state. See G.L. 1956, § 11-52.2-7.

PARKS AND RECREATION

1. *Penalties.* The penalty for violation of ordinances, by-laws, and regulations regarding the care, management, and use of the public parks, squares, or grounds within the limits of their towns or cities is restricted. See G.L. 1956, § 32-3-1.

PEDDLERS AND SOLICITORS

1. *Hawkers and peddlers licenses.* Penalties for failure to obtain hawkers and peddlers licenses and the fees for such licenses are restricted. See G.L. 1956, § 5-11-18.

SECONDHAND GOODS

1. *Secondhand dealer licenses.* Penalties for failure to obtain licenses for selling, purchasing, bartering, and dealing in junk, old metals, and any other secondhand articles or establishing, operating, or maintaining automobile junkyards, and the fees for such licenses are restricted. See G.L. 1956, § 5-21-1.

UTILITIES

1. *Wastewater pretreatment programs.* Enhanced penalties are authorized for violations of

ordinances and regulations that implement a wastewater pretreatment program. See G.L. 1956, § 45-6-2.3.

WATERWAYS

1. *Regulation of vessels on state waterways.* Local regulation of vessels is restricted. See G.L. 1956, § 46-22-14.