



ORDINANCE NO. _____

AN ORDINANCE IN AMENDMENT TO
THE AMUSEMENTS CODE OF THE TOWN OF FOSTER

Chapter 6 - AMUSEMENTS

ARTICLE II – OPEN RECREATIONAL EVENTS AND AMUSEMENTS

DIVISION 2. – LICENSE

Sec. 6-51 is not moving forward with recommendation.

Sec. 6-51. - Required.

It shall be unlawful to conduct or operate a recreational event or amusement within the town which is open to the general public where a fee is charged without having first obtained a license therefor from the town council.



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Sec. 6-52. – ~~Relief from zoning board of review required prior to acceptance of application.~~

Sec. 6-52 shall be removed. The zoning board of review hears applications for long-term uses of land, rather than applications for temporary events.

~~If the proposed event is not a permitted use as of right under the town zoning ordinance (chapter 38), then the applicant must first obtain the necessary relief from the town zoning board of review before his license application shall be accepted.~~



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Sec. 6-54 shall be amended to give abutting property owners notice further in advance than is currently provided, to clarify that an application is heard at a public hearing, and to specify requirements for proof of mailing.

Sec. 6-54. - Notice to nearby property owners of meeting.

(a) Upon receipt of such application, the town clerk shall schedule the application to be brought before the town council at a ~~regular council meeting~~ public hearing. A notice shall be sent by regular mail at least ~~one~~ two weeks prior to the ~~scheduled meeting~~ public hearing to the owners of all properties within 300 feet of the perimeter of the premises in or on which the entertainment is ~~sought to be located~~ proposed. Proof of mailing shall be presented at the meeting. The application and time and location of the meeting ~~should also~~ shall be advertised in a newspaper of general circulation in the town at least ten (10) days prior to the meeting by the town clerk. The applicant shall be responsible for the cost of advertising and notice to abutters.

(b) For reoccurring special events, with no change in request from the previous year, the town council, by a majority vote, shall have the authority to waive the current year's public hearing and all associated notices if no complaints, issues, or questions have been presented to said town council as a result of the previous year's event.

(c) For events proposed to be located on town-owned property, the town council, by a majority vote, shall have the authority to waive the public hearing and all associated notices.



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Sec. 6-55 shall be amended to assign the responsibilities of the building official to a fire chief. The amendment also specifies that recommendations made by the fire and police chief will be forwarded to the town council prior to the hearing on an application.

Sec. 6-55. - ~~Notice to chief of pPolice and building inspector of meeting; purpose fire approval.~~

~~The town clerk shall also give similar notice to the chief of police and building inspector at least one week prior to the meeting so that the application and the provisions set forth in section 6-52 can be reviewed. At least two weeks prior to the public hearing, all complete applications will be forwarded by the town clerk to the police chief and the fire chief of the respective fire company based on the event's proposed location for their consideration. All recommendations and/or comments will be forwarded to the town council prior to the public hearing. If town council determines that a police and/or fire detail shall be a stipulation of the license, the applicant shall be responsible for said detail fees.~~



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DIVISION 2. – LICENSE

Sec. 6-56 shall be amended to provide an option to waive the application fee and to specify that fees found in other parts of Division 2 of Article II of Chapter 6 are applicable.

Sec. 6-56. - Fees.

Each applicant for a license to operate a recreational event or amusement shall pay the town clerk, upon filing the application, a ~~license~~ fee of \$25.00, ~~plus in addition to~~ the cost of mail and advertising. Any additional fees specified in this division shall be paid prior to the date on which the event or amusement is proposed to be held.



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DIVISION 2. – LICENSE

Sec. 6-57 shall be amended to specify that applications for open recreational events and amusements are heard during a public hearing. The recommendation proposes that the town council finds all requirements in the checklist to have been met. The police chief's responsibilities are covered in Sec. 6-55. The amendment assigns the responsibilities of the building official to a fire chief.

Sec. 6-57. - Review of application; approval or approval with conditions.

The town council shall review each license application at a ~~regular town council meeting~~ public on the date scheduled by the town clerk, unless waived. If the public hearing is waived, the event or amusement shall be deemed approved. The application may be approved, approved with conditions, or denied by the town council ~~or approved with conditions.~~ If the application is approved with conditions by the town council, conditions ~~which~~ may include, but not be limited to, hours of operation and duration of the event. The town clerk may grant such license only if the town council shall find that the proposed entertainment would not constitute a public nuisance and that the chief of police finds all requirements set forth in section 6-53 have been met. The council shall not consider an application for the issuance of a license before the ~~building inspector and chief of police~~ chief and fire chief of the respective fire company based on the event's proposed location have reviewed the application as evidenced by their signatures on the application checklist. Should the license be approved, the license shall reflect any and all restrictions, stipulations, or terms as imposed by the town council.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE MANUFACTURED HOMES AND TRAILERS CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Manufactured Homes and Trailers Ordinance of the Town be amended as follows:

Chapter 16 – MANUFACTURED HOMES ~~AND TRAILERS~~

ARTICLE II – MOBILE HOMES AND HOUSE TRAILERS

Sec. 16-31 shall be amended to make clear distinctions between manufactured homes, house trailers and mobile homes.

Sec. 16-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, ~~except where the context clearly indicates a different meaning:~~

House trailer. Any temporary structure, with or without a permanent foundation that is used as a temporary residence following an unexpected event.

Manufactured Home. A manufactured home shall have the same definition as in 42 U.S.C. §5402, meaning a structure, transportable in one or more sections, which, in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or

more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development (HUD) and complies with the standards established under chapter 70 of Title 42 of the United States Code; and except that such term shall not include any self-propelled recreational vehicle.

~~Trailer~~Mobile home. means any portable structure, mobile home, or vehicle designed to be drawn by vehicles or self-propelled and occupied as a dwelling or used for sleeping purposes. Any structure meeting the definition of manufactured home, herein, not having a permanent foundation and that was built prior to June 15, 1976.



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AN ORDINANCE IN AMENDMENT TO
THE MANUFACTURED HOMES AND TRAILERS CODE OF THE TOWN OF FOSTER

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Manufactured Homes and Trailers Ordinance of the Town be amended as follows:

Chapter 16 – MANUFACTURED HOMES AND TRAILERS

**ARTICLE II – ~~MOBILE HOMES AND HOUSE TRAILERS~~ MANUFACTURED HOMES
DIVISION 2. - INSTALLATION PERMIT**

Sec. 16-57. Procedure for applying for installation permit shall be amended to meet the requirements of RISBC-2.

Sec. 16-57. - Procedure for applying for installation permit for manufactured home.

(a) Application for an installation permit for a manufactured home shall ~~town council and shall be filed with the town clerk at least four weeks prior to the regularly scheduled town council meeting at which hearing on such application is sought.~~

~~(b) Such application shall contain the following information:~~

~~(1) The name and address of the applicant.~~

~~(2) The name and address of the owner of the trailer.~~

~~(3) The name and address of the owner of the proposed location of such trailer.~~

~~(4) A metes and bounds description of the proposed location of such trailer.~~

~~(c) Such application shall be accompanied by the following:~~

~~(1) A plat of the proposed location of such trailer prepared by a licensed surveyor showing the area of such location and the names and addresses of all property owners adjoining or within 200 feet of the proposed location.~~

~~(2) An application fee of \$100.00 to defray the expense of administering this article.~~

~~(d) The town clerk shall refuse to accept any application not containing the information specified in subsection (b) of this section or not accompanied by the plat and fee specified in subsection (c) of this section.~~

~~(e) Upon receipt of a proper application, the town clerk shall send, by regular mail, notice of such application and the date, time and place of the hearing thereon to each of the property owners adjoining or within 200 feet of the proposed location, as shown on the plat accompanying the application. Such notice shall be sent at least three weeks prior to the town council meeting at which such application is to be considered. The town clerk shall also cause such application to be advertised in a newspaper of general circulation in the county once a week during the two weeks prior to the town council meeting at which such application is to be considered. follow the procedures established in RISBC-2 – R102.5 Appendices, Appendix E.~~



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Manufactured Homes and Trailers Ordinance of the Town be amended as follows:

Chapter 16 – MANUFACTURED HOMES AND TRAILERS

ARTICLE II – ~~MOBILE HOMES AND HOUSE TRAILERS~~ MANUFACTURED HOMES

DIVISION 2. - INSTALLATION PERMIT

Sec. 16-58. Standards to govern issuance of installation permit shall be amended to create reduced liability for the Town.

Sec. 16-58. - Standards to govern issuance of installation permit for manufactured home.

No such installation permit shall be issued unless the ~~following~~ standards found in RISBC-2 – R102.5 Appendices, Appendix E are met:

~~(1) The proposed location shall not be within 1,500 feet of any church, school, library, park, recreation area or municipal building.~~

~~(2) The proposed location shall have an area of at least 40,000 square feet.~~

~~(3) The proposed location shall have a frontage on an established public road of at least 175 feet.~~

Installation permits for manufactured homes shall follow the procedures established in RISBC-2 – R102.5 Appendices, Appendix E.



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Chapter 16 – MANUFACTURED HOMES AND TRAILERS

ARTICLE II – ~~MOBILE HOMES AND HOUSE TRAILERS~~ MANUFACTURED HOMES

DIVISION 2. - INSTALLATION PERMIT

~~Sec. 16-59. Hearing on issuance of installation permit; issuance or denial of permit shall be removed. No hearing is required for installation of a manufactured home.~~

~~Sec. 16-59. – Hearing on issuance of installation permit; issuance or denial of permit.~~

~~(a) Hearings on the issuance of an installation permit shall be held at regularly scheduled town council meetings. After hearing, the installation permit shall be issued forthwith if the standards outlined in section 16-58 are met and the proposed location of the trailer is found to be compatible with the character and land use of the surrounding neighborhood; otherwise, the application shall be denied.~~

~~(b) Installation permits shall automatically expire six months after they are granted unless a trailer is located on the property and a license granted for the use of said trailer within said six month period. Installation permits shall not be transferable and any attempt to transfer the same shall result in automatic revocation thereof.~~



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Chapter 16 – MANUFACTURED HOMES AND TRAILERS

ARTICLE II – ~~MOBILE HOMES AND HOUSE TRAILERS~~ MANUFACTURED HOMES

DIVISION 2. – INSTALLATION PERMIT

- Sec. 16-60 – Temporary permits shall be removed to meet the provisions of Sec. 38-280:

Sec. 16-60. - Temporary permits – following damage.

The ~~town council building official~~ may issue a temporary permit following damage for the location and use of a house trailer as a dwelling unit while a dwelling house is under construction at the same location temporary substitute residence following damage, arising from fire, windstorm or sudden casualty to a permanent residence which has made such permanent residence uninhabitable pursuant to RISBC-1, 1.22 Chapter 31: Special Construction, Section 3103.0 – Temporary Structures. Such permit shall expire ~~six months~~ one year after its issue and shall not be extended or renewed. ~~On~~ Upon the expiration of such temporary permit or termination of such temporary permit by the building official, the house trailer must be removed or demolished, as determined by the building official. ~~Such permit shall be issued only after the town council is satisfied that the applicant is acting in good faith and will remove the trailer on the expiration of the temporary permit.~~



ORDINANCE NO. _____

AN ORDINANCE IN AMENDMENT TO THE ZONING CODE OF THE TOWN OF FOSTER

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE I. – IN GENERAL

Sec. 38-2 – Definitions

- Sec. 38-2 – Definitions shall be amended to make clear distinctions between manufactured homes, house trailers and mobile homes.

House trailer. Any temporary structure, with or without a permanent foundation that is used as a temporary residence following an unexpected event.

Manufactured Home. A manufactured home shall have the same definition as in 42 U.S.C. §5402, meaning a structure, transportable in one or more sections, which, in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development (HUD) and complies with the standards established under chapter 70 of Title 42 of the United States Code; and except that such term shall not include any self-propelled recreational vehicle.

Mobile home. Any structure meeting the definition of manufactured home, herein, not having a permanent foundation and that was built prior to June 15, 1976.

ORDINANCE NO. _____

AN ORDINANCE IN AMENDMENT TO
THE ZONING CODE OF THE TOWN OF FOSTER

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-272 – ~~Yard Setback~~ Exceptions.

- Sec. 38-272 – Setback Exceptions regulations shall be amended as follows to account for the amendments to the zoning map.

The space in a ~~required~~ front, side or rear ~~yard setback~~ shall be open and unobstructed with the following exceptions:

- (1) An unenclosed porch may extend up to ten feet into a side or rear ~~yard setback~~.
- (2) Ordinary projections of windowsills, cornices and other ornamental features may extend up to five feet into ~~a yard any setback~~.
- (3) Landscape features such as trees, shrubs and terraces may be placed in any ~~yard area setback~~. Fences shall be set a minimum of five feet back from the road line.
- (4) In GB and HC2 districts an outdoor telephone booth may be located in front ~~yard area setback~~, provided it is adjacent to a permitted parking area.



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-280 – ~~House trailers or mobile Manufactured~~ homes

Sec. 38-280 – House trailers or mobile homes shall be amended to permit new individual trailers while prohibiting trailer parks.

Sec. 38-280. - ~~House trailers or mobile~~ Manufactured homes.

~~House trailers or mobile~~ Manufactured homes, ~~so-called as defined in Sec. 38-2, whether on wheels, temporary foundations or permanent foundations~~ shall not be permitted within the town AR, GB, and HC2 zoning districts as a single family detached dwelling, ~~except~~ Exceptions, whereby a manufactured home is permitted without a permanent foundation are as follows: ~~trailers mobile homes~~ that were lawfully located in the town as of July 1, 1971, and ~~replacements for such trailers; camping trailers, so-called; and house trailers~~ when used as a temporary substitute residence following damage, arising from fire, windstorm or sudden casualty to a permanent residence which has made such permanent residence uninhabitable pursuant to RISBC-1, 1.22 Chapter 31: Special Construction, Section 3103.0 – Temporary Structures. Such temporary use of a house trailer shall continue only during repairs to the permanent residence and shall, in no event, continue for a period of more than one year from the date of the ~~zoning and building permit~~ temporary permit allowing its location. Such temporary house trailer shall be located only on the same lot as the damaged permanent residence is located and shall comply with all dimensional requirements of the district where located. Such temporary house trailers shall be promptly removed as soon as the permanent residence shall be habitable and, in any event, within one year of the date of the temporary permit for its location. ~~This section shall apply only to damage to a permanent residence occurring on and after January 1, 1974. Camping trailers shall be permitted to be located within the town. Camping trailers shall not be used as a residence under any circumstances. This section shall not be construed to permit manufactured home parks. Trailer parks and manufactured home parks are prohibited pursuant to Sec. 16-121.~~
