



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE IN AMENDMENT TO  
THE PLANNING CODE OF THE TOWN OF FOSTER**

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

**Chapter 24 – PLANNING**

**ARTICLE II – PLANNING BOARD**

Sec 24-35 - Organization shall be amended to adopt procedures necessary for the performance of the duties prescribed in Article II of chapter 24:

**Sec. 24-35. - Organization.**

Following the annual financial town meeting, the planning board shall organize by electing a chairperson, a vice-chairperson and a secretary. The secretary need not be a member of the planning board. The planning board shall adopt any procedural rules and procedures deemed necessary for to the performance of the discharge of its duties prescribed in this article. The planning board shall hold regularly scheduled meetings ~~once~~ a maximum of twice per month. Special meetings shall be held at the call of the chairperson or upon the request of two of the planning board members.



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~~ AND MOBILE HOMES**

**ARTICLE I – IN GENERAL**

Sec. 16-1 – Sec. 16-30 shall be removed because it is obsolete:

**~~ARTICLE I. - IN GENERAL~~**

~~Secs. 16-1—16-30.—Reserved.~~

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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~~ AND MOBILE HOMES

ARTICLE II – MOBILE HOMES AND HOUSE TRAILERS

DIVISION 2. – INSTALLATION PERMIT

- Sec. 16-61 shall be added to meet the provisions of Sec. 38-280:

**Sec. 16-61. - Temporary permits following damage.**

The town council may issue a temporary permit for the location and use of a trailer 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. 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 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 permit for its location. This section shall apply only to damage to a permanent residence occurring on and after January 1, 1974.

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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~~ AND MOBILE HOMES

ARTICLE II – MOBILE HOMES AND HOUSE TRAILERS

**DIVISION 3 – TRAILER LICENSES**

Sec. 16-81 – Unlicensed trailers prohibited shall be amended to state that no person shall maintain or use any trailer as a dwelling unit without exceptions:

**Sec. 16-81. - Unlicensed trailers prohibited.**

No person shall maintain or use any trailer as a dwelling unit within the town without a license for the same ~~except as provided in this article.~~



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~~ AND MOBILE HOMES**

**ARTICLE II – MOBILE HOMES AND HOUSE TRAILERS**

**DIVISION 3 – TRAILER LICENSES**

Sec. 16-82 – Procedure for applying for initial trailer license shall be removed because it is obsolete:

**Sec. 16-82. - Procedure for applying for initial trailer license.**

~~(a) Application for the initial issuance of a trailer license shall be made in writing to the town council and shall be filed with the town clerk at least two weeks prior to the regularly scheduled town council meeting at which hearing on such application is sought.~~

~~(b) Such application shall contain a statement that the standards outlined in section 16-83 are met.~~

~~(c) Such application shall be accompanied by the installation permit previously issued by the town council under section 16-59.~~

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



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~~ AND MOBILE HOMES**

**ARTICLE II – MOBILE HOMES AND HOUSE TRAILERS**

**DIVISION 3 – TRAILER LICENSES**

Sec. 16-83 Standards to govern issuance of initial trailer license shall be removed because it is obsolete. The provisions shall be added to Sec. 16-85 – Previously located trailers:

**Sec. 16-83. - Standards to govern issuance of initial trailer license.**

~~No such initial trailer license shall be issued unless the following standards are met:~~

~~(1) The trailer must be set back at least 30 feet from the road on which it is located and 50 feet from adjoining lot lines.~~

~~(2) The trailer must have its own individual or municipal water supply and its own septic tank, not used by any other dwelling unit.~~



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~~ AND MOBILE HOMES**

**ARTICLE II – MOBILE HOMES AND HOUSE TRAILERS**

**DIVISION 3 – TRAILER LICENSES**

Sec. 16-84 – Hearing on issuance of initial trailer license; issuance or denial of license shall be removed because it is obsolete:

**Sec. 16-84. - Hearing on issuance of initial trailer license; issuance or denial of license.**

~~Hearings on the issuance of an initial trailer license shall be held at regularly scheduled town council meetings. After hearing, the initial trailer license shall be issued forthwith upon payment of the \$10.00 annual license fee, if the standards outlined in section 16-83 are met; otherwise, the application shall be denied.~~

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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~~ AND MOBILE HOMES

ARTICLE II – MOBILE HOMES AND HOUSE TRAILERS

DIVISION 3 – TRAILER LICENSES

Sec. 16-85 – Previously located trailers shall be amended to state that all previously located trailers must comply with regulations in effect at the time of the initial trailer being located in the town. Additionally, the provisions of section 16-83 are added to this section, stating clearly the rules in existence in 1965 as those rules pertained to issuing initial trailer licenses:

**Sec. 16-85. - Previously located trailers.**

Trailers located in the town before the effective date of this article must comply with the provisions of any ordinance regulating trailers, including provisions for licensing such trailers, in effect at the time of their location, and must also comply with the provisions of ~~section 16-83 subsections (a) and (b) of this section (relating to individual water supply and septic tank) and the provisions of section 16-86 (relating to annual license fees).~~

(a) The trailer must be set back at least 30 feet from the road on which it is located and 50 feet from adjoining lot lines.

(b) The trailer must have its own individual or municipal water supply and its own septic tank, not used by any other dwelling unit.



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~~ AND MOBILE HOMES

ARTICLE III – LICENSES

## DIVISION 1. - GENERALLY

- Sec. 16-121 – 16-126 shall be removed. A trailer park can no longer be created in Foster pursuant to Sec. 38-280:

### ~~Sec. 16-121. -- 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:~~

~~Collector means the tax collector of the town.~~

~~Health officer means the duly appointed health officer of the town or his deputy.~~

~~Licensee means any person receiving a license to conduct, operate or maintain a mobile home or trailer park or individual mobile home, or trailer, as the case may be.~~

~~Licensing authority means the town council.~~

~~Mobile home means a unit or any vehicle used for sleeping or living quarters, permanent or temporary, which is equipped with running water, bath facilities, flush toilet, and appropriate sanitary conditions.~~

~~Mobile home park or trailer park means privately owned land upon which two or more mobile homes or trailers are or are intended to be used and occupied as sleeping or living quarters, permanent or temporary.~~

~~Trailer means any house, car, or automobile trailer, other than a mobile home, used for or adaptable for use as living quarters, permanent or temporary.~~

### ~~Sec. 16-122. -- General requirements for operation of a mobile home or trailer park.~~

~~(a) The park shall be located on a site graded to ensure drainage of surface and subsurface water, sewerage, and freedom from stagnant pools.~~

~~(b) A minimum lot size of 10,000 square feet shall be provided for each mobile home or trailer lot of space.~~

~~(c) There shall be a minimum of 80 feet clearance between each mobile home or trailer.~~

~~(d) All mobile home or trailer lots shall abut on a roadway of not less than 30 feet width where off road parking is provided or 40 feet where no off road parking is provided.~~

~~(e) All roads within the park shall be well drained, provided with hard surface, shall be maintained in good condition by the owner or licensee of the mobile home park or trailer park.~~

~~(f) No mobile home or trailer shall be located closer than 50 feet from the traveled portion of any public highway.~~

~~(g) Streetlights of not less than 1,000 lumens each shall be installed at intervals of not more than 200 feet apart.~~

~~(h) The park shall be properly landscaped.~~

**~~Sec. 16-123. -- Sanitary requirements for operation of mobile home or trailer parks.~~**

~~(a) An adequate and potable supply of water with a minimum of 25 pounds per square inch pressure at all times shall be provided for each mobile home or trailer space or lot. The water source shall be capable of producing 300 gallons of potable water per mobile home or trailer lot per day from a source approved by the health officer.~~

~~(b) No part of the sewerage disposal leaching field system shall be located within 250 feet of any mobile home or trailer park well water supply.~~

~~(c) Where the sewer lines of a mobile home park or trailer park are not connected to a public sewer, the means of disposal of all sewerage must be approved by the state board of health.~~

~~(d) Each mobile home or trailer lot shall be provided with an approved electrical connection.~~

~~(e) Licensees shall furnish at least two refuse cans with tightfitting covers for each occupied mobile home or trailer lot or use any approved collection method in accordance with the state health sanitation laws. Refuse shall be collected and removed regularly and in such manner that no nuisance shall be maintained; it shall be the responsibility of each licensee to maintain proper sanitary conditions with respect to waste and refuse disposal.~~

**~~Sec. 16-124. -- Registration of mobile homes or trailers.~~**

~~(a) Each licensee shall keep a register in which the following information shall be recorded forthwith upon the lettering of each mobile home or trailer lot. Such information shall be furnished to the licensing authority by filing same with the town clerk.~~

~~(1) Full name of mobile home or trailer owner.~~

~~(2) Make, model, size, serial number, and year of manufacture of mobile home or trailer.~~

~~(3) State in which registered and registration number, if any.~~

~~(b) Each licensee shall keep or cause to be kept, for taxation purposes, the following information:~~

~~(1) The name of the state and the registration or license number of each vehicle;~~

~~(2) The make, year, length, serial and license number of each mobile home or trailer stationed, maintained, occupied or registered at the mobile home park or trailer park on December 31 of each year.~~

~~Such information shall be filed with the board of tax assessors of the town between January 1 and January 15 in each year.~~

**~~Sec. 16-125. -- Existing land and area requirements.~~**

~~The provisions of sections 16-122 and 16-152, except 16-152(a) and (d) shall not apply to any mobile home or trailer site located within the town prior to the effective date of the ordinance from which this article derives.~~

~~**Sec. 16-126. -- Penalties for violation.**~~

~~Any person who shall violate any provision of this article shall, upon conviction, be fined not more than \$25.00 for each offense. Each day a violation shall continue shall be deemed a separate offense.~~



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~~ AND MOBILE HOMES**

**ARTICLE III – LICENSES**

**DIVISION 2. - LICENSE**

Sec. 16-151 – 16-152 shall be removed. A trailer park can no longer be created in Foster pursuant to Sec. 38-280:

~~**Sec. 16-151. -- Required.**~~

~~No person shall maintain or operate a mobile home park or trailer park without having first obtained a license from the licensing authority. These regulations shall apply forthwith to all existing mobile home or trailer parks; provided, however, that the licensing authority shall, upon application, grant such extension of time or waive such requirements (other than sanitary requirements) as may in its judgment be required by the specific circumstances.~~

~~**Sec. 16-152. -- Application.**~~

~~(a) An application for a mobile home park or trailer park license shall contain the following:-~~

~~(1) Name and address of the applicant, and name and address of real party in interest if other than the applicant.~~

~~(2) A plot plan made by a licensed surveyor under seal showing the site of the mobile home park or trailer park, roads, location, size, shape and identification number of the mobile home or trailer lots or spaces, locations of sanitary provisions and the name of abutting property owners according to the records of the board of tax assessors.~~



~~(3) Certificate of approval of the health officer as to compliance with the sanitary requirements set forth.~~

~~(4) The initial fee for a permit for a mobile home park or trailer park shall be \$125.00 payable to the town clerk. Any renewal of such permit thereafter shall be \$125.00 per year.~~

~~(5) Proof of ownership, option or valid lease of the premises to be used as a mobile home park or trailer park.~~

~~(6) Approval of the planning board.~~

~~(b) No original license for a mobile home or trailer park shall be granted or issued until a public hearing advertised at least once a week for three successive weeks in a public newspaper published in the county shall be held by the licensing authority.~~



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE IN AMENDMENT TO  
THE SUBDIVISION REGULATIONS OF THE TOWN OF FOSTER**

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

**Chapter 32 – SUBDIVISION REGULATIONS**

**ARTICLE II – ADMINISTRATION**

**DIVISION 1. – GENERALLY**

Sec. 32-45 shall be amended to meet the criteria of RIGL 45-23-59:

**Sec. 32-45. - Enforcement; penalties for violation of chapter.**

(a) *Violations.* Any person who fails or refuses to adhere to ~~all any of the~~ terms ~~and or~~ conditions of any ~~subdivision of land or development plan that has been approved~~ action imposed by the planning board or of the any other agency or administrative officer charged in the regulations with enforcement of any of the provisions shall be in violation of this chapter. Violation of the regulations include any action related to the transfer or sale of land in unapproved subdivisions. Any owner or agent of the owner, who transfers, sells or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved by the planning board and recorded in the land evidence records, ~~shall be is~~ in violation of this chapter and subject to the penalties described in this chapter. Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision or development, or constructs any structure or improvement on the parcel, without having first received approval from the planning board or the administrative officer, shall be in violation of this chapter.

(b) *Penalties for violation.* Any person adjudged in violation of this chapter shall be liable for penalties not to exceed \$500.00 per day, and each day of existence of a violation shall be deemed a separate offense. Any fine shall inure to the municipality.

(c) *Injunctive relief.* The town shall have the authority to bring suit in the county superior court to restrain the violation of, or to compel compliance with, the provisions of this chapter. An action for injunctive relief and/or fines under this chapter brought by the town in the county superior court may be consolidated with an action seeking penalties for violations of this chapter.

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE IN AMENDMENT TO  
THE SUBDIVISION REGULATIONS OF THE TOWN OF FOSTER**

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

**Chapter 32 – SUBDIVISION REGULATIONS  
ARTICLE IX – SPECIAL PROVISIONS**

**Sec. 32-301. – Construction Timetable - Extension.**

Sec. 32-301\* shall be added to allow for reasonable exceptions to the timeframes related to commencement and completion of land development projects and improvements associated with subdivisions that are set forth in various sections of chapter 32 pursuant to RIGL 45-23-32(51).

**Sec. 32-301. – Construction timetable - Extension.**

All timeframes that are set forth by vested rights provisions and that are related to commencement and completion of any project that has been approved under this chapter, also known as the construction timetable, may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the planning board.

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE IN AMENDMENT TO  
THE BUSINESSES CODE OF THE TOWN OF FOSTER**

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

Chapter 12 – BUSINESSES  
ARTICLE II – LICENSES

- Sec 12-48- Businesses - Dumpsters shall be added to require all businesses have dumpsters.

**Sec. 12-48 – Businesses – Dumpsters.**

a. Dumpster permit. All businesses shall require a dumpster on the premises. Any person engaged in the business of providing dumpsters to others shall, prior to placing a dumpster on public or private property for any period of time, first obtain a permit from the building official. Said permit shall specify the size and location of the dumpster and the length of time that said dumpster may be used on the said public property.

b. Dumpster required for issuance/renewal of business license. No license for any business under this chapter shall be issued or renewed unless evidence has been provided that a dumpster or similar storage container is placed on the premises, meeting the requirements of Sec. 18-1. Proof of such dumpster or similar storage container shall be provided to the town council upon renewal or issuance of business license. Dumpsters shall not be required for business uses conducted as home occupations/offices or for agricultural uses.



ORDINANCE NO. \_\_\_\_\_

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

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

Chapter 12 – BUSINESSES

ARTICLE I – ~~IN GENERAL ENFORCEMENT~~

- Sec 12-1- Penalty for violation of chapter shall be added to provide a one hundred dollar (\$100.00) fine as a penalty for violation of this chapter.

**Sec. 12-1. Penalty for violation of chapter; authority.**

Any person violating this article shall be fined an amount not exceeding \$100.00. The building official shall be responsible for enforcement of this chapter.

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ORDINANCE NO. \_\_\_\_\_

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

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

CHAPTER 18 – NUISANCES

ARTICLE I – ~~IN GENERAL DUMPSTERS AND RECYCLING~~

- Sec 18-1- Dumpsters shall be added to require all businesses have dumpsters.

**Sec. 18-1. - Dumpsters.**

All businesses shall require a dumpster on the premises. Any person engaged in the business of providing dumpsters to others shall, prior to placing a dumpster on public or private property for any period of time, shall first obtain a permit from the building official. Said permit shall specify the size and location of the dumpster and the length of time that said dumpster may be used on the said public property.

(1) Minimum standards. Any dumpster used in the town shall meet the following standards:

a. The dumpster shall be painted so as to be reasonably resistant to rust and corrosion.

b. The name and telephone number of the dumpster owner shall be clearly painted on at least two (2) sides of the dumpster.

c. Dumpsters less than twenty (20) cubic yards in size shall be capable of being closed on all sides, except when opened for deposit or servicing.

d. Dumpsters greater than twenty (20) cubic yards in size shall be capable of being secured so as to prevent the spillage of refuse, waste or garbage from the container.

e. No dumpster located within two hundred (200) feet of a residential property located in any zoning district, shall be serviced between the hours of 9:00 p.m. and 7:00 a.m.

(2) Use. Any dumpster used in the town shall be maintained and serviced with a frequency sufficient to prevent spillage from overflow, to prevent the buildup of offensive odors, and to prevent a public hazard. The responsibility for the maintenance and servicing of dumpsters shall rest with the owner of the dumpster. The maintenance of dumpsters shall include the cleanup and removal of all litter thrown or left on the dumpster premises to prevent litter from drifting or blowing on to adjacent premises. Any dumpster regularly used to contain decomposable matter or

other odor-generating waste shall be steam cleaned with disinfectant on a monthly basis. Drain holes in dumpsters shall be maintained to prevent leakage of waste fluids and to prevent entry by rodents.

(3) *Illumination or reflectance of trash containers.* All commercial garbage and/or trash containers or dumpsters so-called located within the town on any part or portion of a public right-of-way or road shall be illuminated with flashing beacon lights affixed thereto or in the absence of beacons, sheeted/affixed with high intensity reflectorized orange and silver construction work-zone sheeting pursuant to regulations specified by the traffic engineer.

All dumpsters shall be illuminated or reflectorized twenty-four (24) hours daily. The traffic engineer shall cause to be printed and have available for inspection and distribution the aforementioned regulations concerning specifications for beacon illumination or sheeting reflectance.

(4) *Placement and screening on private property.* Dumpsters on private property shall not be placed within twenty (20) feet of a public-of-way or road line. All dumpsters shall be screened from public view on at least three (3) sides by a solid wall, opaque fence, or compact planting screen of at least five (5) feet in height if such area is not within an enclosed building or structure. Screening shall be constructed in a manner to allow inspection and shall be the responsibility of the property owner.

Provided, however, that upon permit from the building official or his/her designee, this requirement may be waived. In approving or rejecting said application, the director shall determine, based upon the totality of the circumstances, whether or not said permit shall be granted. Among the factors the director shall consider are:

- (a) The proximity of the dumpster to the right-of-way or road line
- (b) The availability of other space for on-site placement,
- (c) The impact, if any, such requirement will have on available on-site parking, and
- (d) The availability and proximity of alternative off-street, parking.

(5) *Violations and penalties.* Any person who shall violate any provision of this section, or any provisions of any rule or regulation adopted pursuant to authority granted by this section, shall upon enforcement, be punished by a fine of one dollar (\$1.00) up to and including one hundred dollars (\$100.00). That upon determination by the building official or his/her designee, that the public health, safety and welfare would be better served, the director may give notice of such violation and abate said condition according to statute or give notice of said violation and petition the court of appropriate jurisdiction.

(6) *Enforcement.* The provisions of this section shall be enforced by the building official who shall promulgate such rules as they may be necessary to effect the purposes of this chapter.

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ORDINANCE NO. \_\_\_\_\_

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

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

CHAPTER 18 – NUISANCES

ARTICLE I – ~~IN GENERAL DUMPSTERS AND RECYCLING~~

- Sec 18-2- Recyclable receptacles shall be added to require all premises accumulating recyclables to store such recyclables in a container or receptacle.

Sec. 18-2. – Recyclable receptacles.

a) Required. The owner or occupant of any premise or dwelling unit where recyclables shall accumulate shall store said recyclables in the state-provided special container/receptacle on said premises. Said owner or occupant shall deposit recyclables by placing them in or on top of the container.

(b) Use. Said owner or occupant shall not locate such container/receptacle in any place which is not satisfactory to the building official. No person shall deposit recyclables in any other place other than such a recyclable receptacle as herein prescribed. No person shall deposit non-recyclable materials in the special state-provided container.

(c) Violations and penalties. Any person who shall violate any provision of this section, or any provision of any rule or regulation adopted pursuant to authority granted by this section, shall, upon enforcement, be punished as provided in section 18-32 of this chapter.

(d) Enforcement. The provisions of this section shall be enforced by the building official.



ORDINANCE NO. \_\_\_\_\_

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

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

CHAPTER 18 – NUISANCES

**ARTICLE II – NOISE**

- Sec 18-32- Penalty for violation of article shall be amended to encompass violations of chapter 18.

**Sec. 18-32. - Penalty for violation of ~~article~~ chapter; authority.**

Any person violating this ~~article~~ chapter shall be fined an amount not exceeding \$100.00. The building official shall be responsible for enforcement of this chapter.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE IN AMENDMENT TO  
THE TAXATION CODE OF THE TOWN OF FOSTER**

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

**Chapter 34 – TAXATION**

**ARTICLE III – TAX STABILIZATION INCENTIVE FOR INDUSTRIAL, COMMERCIAL,  
AND MANUFACTURING FACILITIES**

Sec 34-51 – 34-60: shall be amended because the sections have expired. Sec. 34-51 – 34-60 shall be amended to create a partial tax exemption increasing at a rate of 25% of the post-improvement property value annually, following issuance of certificate of occupancy after a new structure for commercial use, manufacturing use, or use which underwent environmental remediation is built or an existing use listed above is expanded:

**ARTICLE III. -- PARTIAL TAX STABILIZATION INCENTIVE  
EXEMPTION FOR INDUSTRIALLY ENVIRONMENTALLY  
REMEDIED, COMMERCIAL AND MANUFACTURING  
FACILITIES**

**Sec. 34-51. - Authorization.**

The town council has the authority under G.L. 1956, § 44-3-9 to exempt from tax payment, in whole or in part, real and personal property which has undergone environmental remediation, or is used for manufacturing or commercial purposes, or to determine a stabilized amount of taxes to be paid on account of the property, notwithstanding the valuation of the property or the tax rate.

**Sec. 34-52. - Purpose.**

In order for the town to grow economically, it must incentivize new commercial and manufacturing development on vacant/underutilized space as well as support the rehabilitation and reuse of real property

~~which has undergone environmental remediation as well as~~ existing commercial and ~~industrial manufacturing~~ buildings, ~~as well as incentivize new construction on vacant/unused space~~, in order to return ~~them such buildings and properties~~ to productive use. The purpose of this article is to provide the town with a tool to promote and encourage the use of vacant and underutilized space through new construction and development and the expansion, relocation, or renovation of ~~industrial environmentally remediated~~, commercial and manufacturing facilities in the town through partial tax stabilization exemption with the goal of continuing the town's revitalization and promoting job creation. The high cost of rehabilitating, developing and/or remediating these buildings or parcels for productive use is prohibitively expensive and cannot be achieved without both private and public investment. It is therefore in the public interest to provide property tax incentives for owners of qualifying properties in order that there may be substantial redevelopment of the properties for ~~industrial environmentally remediated~~, manufacturing and commercial uses, and the commercial portion of mixed use developments. This will result in an improved physical plant for the town and long term economic growth and benefits, including job creation.

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### **Sec. 34-53. - Definitions.**

Any capitalized terms used herein but not separately defined herein shall have the definition set forth in the Rules and Regulations for the Tax Stabilization Incentive Program promulgated by the Rhode Island Commerce Corporation pursuant to RIG-L: 1956, tit. 42, ch. 64.22 ~~(the "Commerce Corporation Rules and Regulations")~~.

*Cost* means expenses by a developer incurred after an application for a tax stabilization agreement for:

- (1) Site preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property; and/or
- (2) Obtaining and installing furnishings and machinery, apparatus, or equipment, including but not limited to material goods for the operation of a business on real property or in a building, structure, facility, or improvement to real property.

The term "cost" includes any capital investment, as such term is defined in the Commerce Corporation Rules and Regulations.

*Developer* means the owner, prospective owner, or tenant for life or for a term of ten or more years that is deemed to be the owner for the purposes of taxation under G.L. 1956, § 44-4-6, proposing to construct a Project on a Property.

*Project* means the expansion of an existing facility, or construction of a new facility, or renovation work, to be performed on a property.

*Property* means the following types of real property: An industrial, commercial or manufacturing facility, or vacant parcel, located in the Town of Foster where a partial tax stabilization exemption agreement is being sought.

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### **Sec. 34-54. - Eligibility/criteria.**



(a) For a property to be eligible for this partial tax-stabilization exemption program, the project must be:

- (1) Eligible for tax relief under RIG-L-1956, § 44-3-9;
- (2) Located in the general business ~~mixed-use, manufacturing industrial~~ or neighborhood highway commercial 2 zoning district or an environmentally remediated property;
- (3) Unimproved or in need of substantial rehabilitation or construction, ~~and/~~ or vacant for a period of 12 months. Rehabilitation and construction shall be considered "substantial" if the cost of such rehabilitation or construction is greater than or equal to the lesser of: (a) 25 percent of the ~~then~~ current pre-improvement assessed value of the property (as assessed by the town), or (b) \$100,000.00; and
- (4) The developer of the property must begin construction of the project within 12 months of the granting of the subject ~~stabilization partial exemption~~ agreement, and must complete construction of the project and obtain a certificate of occupancy for such construction within ~~36 60~~ months of the granting of the ~~stabilization partial exemption~~ agreement. Construction commencement and completion timetables may be extended for a longer period, for cause shown, if requested by the application in writing, and approved by the town council. Developers of the property that fail to meet these deadlines will be required retroactively to pay the difference between their actual stabilized partially exempted tax payments and what they would have the full post-improvement assessed rate paid if ineligible for the specified tax considerations ~~(unless granted an extension of such applicable deadline due to events of force majeure, as determined by the town council).~~

(b) Notwithstanding anything contained herein to the contrary, the following types of projects are ineligible for this partial tax-stabilization exemption program:

- (1) Projects that would have a material adverse impact on the environment, as determined by ~~the town council~~ RIDEM in its sole discretion;
- (2) Residential projects which did not undergo environmental remediation;
- ~~(3) New retail construction, including without limitation so-called "big box" stores, as well as new restaurants, but excluding the expansion or rehabilitation of existing retail stores or restaurants, the construction of a restaurant as part of a larger, mixed-use development under section 34-57(e) below, the construction of one or more grocery stores or food markets, or stores selling second-hand or artisan-produced goods;~~
- ~~(4) Projects that, once completed, would render the property exempt from taxation under RIG-L-1956, § 44-3-3; and~~
- ~~(5) Renewable energy systems that are potentially eligible for exemption under RIG-L-1956, § 44-3-21.~~

(c) As set forth in section 34-56 below, the tax assessor shall process applications made under this article. To qualify for partial tax-stabilization exemption under this article, the finance director must certify that the applicant and its affiliates owning property in the town are current with regard to all taxes and assessments due and payable to the town. The tax assessor will concurrently confirm the then current pre-construction improvement assessed value of land and building at the time of application (based on the applicable assessment at the time).

(d) Projects consisting of multiple buildings on one lot, or multiple buildings on multiple lots, where such projects are being performed by the same developer, can be consolidated and treated as one project for the purposes of this article and the requirements hereof. For the purposes of this article, a project involving multiple buildings on one lot shall be deemed "completed" as of the date of issuance of the final building certificate of occupancy.

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## Sec. 34-55. - Conditions.

~~Partial tax-stabilization exemptions~~ for eligible properties shall be bound to the applicant for such partial tax exemption run with the land and shall not be transferable to new owners or tenants, ~~but~~ †The duration of the tax consideration period shall not be extended (unless otherwise approved by the town council). If the applicant ~~(or the successor fee owner of a property subject to a stabilization agreement granted hereunder)~~ defaults on any quarterly tax or other payment due and payable to the town (i.e., real estate, motor vehicle, or personal property) that is not the subject of a lawful and unresolved appeal process, the town council may, after a 30-day notice and cure period, order the subject ~~stabilization~~ partial tax exemption agreement be terminated. In the event that the town council shall terminate a ~~stabilization~~ partial tax exemption agreement for such failure to pay taxes (after applicable notice and cure periods), the applicant ~~(or then current owner, if the applicant is no longer the fee owner)~~ shall thereafter be required to repay all of the taxes which it did not pay as a result of the ~~stabilization~~ partial tax exemption agreement granted under this article. The applicant, on its behalf ~~and the behalf of its successors and assigns~~, shall agree in the applicable ~~stabilization~~ partial tax exemption agreement to permit the town to place a lien against the subject property immediately following any such termination by the town council for all such unpaid amounts. Furthermore, the partial tax ~~stabilization~~ exemption shall cease immediately upon the vacating of the property or if the ~~industrial~~environmentally remediated, commercial or manufacturing facility ceases operation; and if the property is vacated or operations cease prior to the expiration of the ~~stabilization~~ partial tax exemption period, the applicant shall owe the town all of the taxes, and interest thereon which it did not pay as a result of the partial tax ~~stabilization~~ exemption granted under this article. The applicant, ~~its successors and assigns~~ agrees to allow the town to place an annual lien against the property which is benefitting from partial tax ~~stabilization~~ exemption to secure any taxes and interest owed if the property is vacant or operations cease prior to the expiration of the ~~partial~~stabilization exemption period.

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## Sec. 34-56. - Procedure.

Any developer may apply for partial tax ~~stabilization~~ exemption at the office of the tax assessor. The tax assessor and finance director shall develop such forms and additional procedures consistent with this article, as the tax assessor deems necessary and proper to effectuate their respective obligations under the terms and provisions contained herein. The procedure for eligible properties under this article shall be as follows:

(1) No person shall be entitled to any exemption herein authorized without first filing an application for partial tax ~~stabilization~~ exemption at the office of the tax assessor. No application shall be considered unless:

a. The application is filed prior to the issuance of a certificate of occupancy (or temporary certificate of occupancy);

b. The applicant certifies that the project will involve "substantial construction or rehabilitation" (as defined in this article) of an eligible property; and

c. A non-refundable application fee in the amount of one-hundredth of a percent of the estimated cost of the project is paid to the town;

(2) Within fifteen (15) days of receipt of a completed application (together with the application fee), the tax assessor shall forward a copy of such application to the finance director, the town building official, the town zoning enforcement officer and the town council. The town council shall review the application and direct the appropriate town departments to conduct required due diligence. All due diligence must be completed within thirty (30) days of the completed application's submission to the tax assessor.

(3) If the town building official reports a violation of the town or state building code with respect to the subject property, said violations shall be reported to the town council and notice shall be given to the applicant within thirty (30) days of the report of the violation to the town council. If the town zoning enforcement officer reports a violation of the town zoning ordinance with respect to the subject property, said violations shall be reported to the town council and notice shall be given to the applicant within thirty (30) days of the report of the violation to the town council. If the town administrative officer reports a violation of the town land development/subdivision ordinance with respect to the subject property, said violations shall be reported to the town council and notice shall be given to the applicant within thirty (30) days of the report of violation to the town council. No partial tax-stabilization exemption agreement shall be issued unless and until any and all such violations have been cured, or unless the plans for such project establish that such violation will be cured in connection with such work (and such stabilization exemption agreement shall state that such work shall be a condition of such agreement continuing).

(4) If the town finance director reports that an applicant owes taxes to the town with respect to the subject property which the partial tax-stabilization exemption agreement would apply, notice of the taxes owed shall be given to the town council. Notice shall be given to-and the applicant within thirty (30) days of the date which the notice was given to the town council. The applicant shall have thirty (30) days from receipt of notice to make the required tax payment(s). Failure by the applicant to cure any tax deficiencies associated with the subject property shall result in cancellation of the application as an incomplete application (unless an extension is granted by the town council) without a prejudicial effect as to the ability of the applicant to reapply.

Note: Steps (3) and (4) shall be performed concurrently.

(5) The town council shall review each application and, if all eligibility requirements established in this article are satisfied, shall authorize the tax assessor to grant a partial tax-stabilization exemption for the subject property in accordance with the guidelines set forth below. Without limiting the foregoing, and notwithstanding anything contained herein to the contrary, prior to granting a partial exemption or a stabilization of taxes, the town council shall determine that:

(Aa) gGranting of the exemption or stabilization of taxes will inure to the benefit of the town by reason of:

(i) tThe willingness of the manufacturing or commercial firm concern to locate in the town, or of individuals to reside in such an area; or

(ii) tThe willingness of a manufacturing firm to expand facilities with an increase in employment or the willingness of a commercial or manufacturing firm or concern to retain or expand its facilities in the town and not substantially reduce its work force in the town with an increase in employment, or the willingness of a commercial or manufacturing

~~concern to retain or expand its facility in the city or town and not substantially reduce its work force in the city or town; or~~

(iii) ~~a~~An improvement of the physical plant of the town which will result in a long-term economic benefit to the town and state; or

(iv) ~~a~~An improvement which converts or makes available land or facility that would otherwise be not developable or difficult to develop without substantial environmental remediation; or

(b) ~~g~~Granting of the exemption ~~or stabilization~~ of taxes will inure to the benefit of the town by reason of the willingness of a manufacturing or commercial or residential firm or property owner to construct new ~~ore~~concern to replace, reconstruct, convert, expand, retain, or remodel existing buildings, facilities, ~~fixtures~~, machinery, or equipment with modern buildings, facilities, fixtures, machinery or equipment resulting in an increase or maintenance in plant, residential housing, or commercial building investment by the firm or ~~concern~~ property owned in the town.

**Sec. 34-57. - ~~Stabilization~~ Partial tax exemption amounts.**

~~(a) Projects between \$100,000.00 — \$1,000,000.00. If the cost of a project is over \$100,000.00, but less than \$1,000,000.00, the effect of the tax stabilization shall be to exempt from taxation, according to the guidelines set forth herein, a percent of the increase in value over the assessed value of the property prior to the commencement of the project. The number of tax stabilization agreements issued in connection with this subsection shall be limited to 20. The following tax stabilization guidelines shall apply to applicants who meet the criteria contained herein and is granted tax stabilization pursuant to this subsection:~~

Partial tax exemptions shall not take effect until a certificate of occupancy is issued by the building official. The amount to be exempted from the post-improvement property tax following completion of construction and obtaining a certificate of occupancy as described in Sec. 34-54 (a)(4) shall be as follows:

	<u>Percentage of increase in value post-improvement property tax exempt from taxation</u>
Year 1	<u>100%</u>
Year 2	<u>75%</u>
Year 3	<u>50%</u>
Year 4	<u>25%</u>
Year 5	<u>0%</u>

~~(b) Projects between \$1,000,000.00 — \$10,000,000.00. If the cost of the project is over \$1,000,000.00, but less than \$10,000,000.00, or if the cost of the project is over \$10,000,000.00, but the project does not result in the creation of at least 50 new full-time jobs or is otherwise ineligible for the tax stabilization incentives set forth in the commerce corporation rules and regulations, the effect of the tax stabilization shall be to exempt from taxation, according to the guidelines set forth herein, a percent of the increase in value over the assessed value of the property prior to the commencement of the project. The number of tax stabilization agreements issued under in connection with this subsection shall be limited to ten. The following tax stabilization guidelines shall apply to applicants who meet the criteria contained herein and is granted tax stabilization pursuant to this subsection:~~

	<u>Percent of Increase in Value Exempt from Taxation</u>
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Year 1	100
Year 2	87.5
Year 3	75
Year 4	62.5
Year 5	50
Year 6	37.5
Year 7	25
Year 8	12.5
Year 9	0

*(c) Projects above \$10,000,000.00.* If the project results in the creation of at least 50 new full-time jobs, and the developer has committed a capital investment of not less than \$10,000,000.00 towards the project cost, and the project otherwise meets the eligibility criteria set forth in the commerce corporation rules and regulations, the effect of the tax stabilization shall be to exempt from taxation, according to the guidelines set forth herein, a percent of the increase in value over the assessed value of the property prior to the commencement of construction of the project. The number of tax stabilization agreements issued in connection with this subsection shall be limited to five. The following tax stabilization guidelines shall apply to applicants who meet the criteria contained herein and is granted tax stabilization pursuant to this subsection:

	Percent of Increase in Value Exempt from Taxation
Year 1	100
Year 2	100
Year 3	100
Year 4	90
Year 5	80
Year 6	70
Year 7	60
Year 8	50
Year 9	40
Year 10	30
Year 11	20
Year 12	10
Year 13	0

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**Sec. 34-58. - Revocation.**

The town council shall terminate an exemption granted hereunder prior to the expiration thereof in the event of fraud or misrepresentation by an applicant regarding any statements or representations contained in the application or the materials provided therewith.

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**Sec. 34-59. - Number of projects.**

The number of ~~partial tax-stabilization exemption~~ agreements issued under or in connection with this article shall be limited as set forth in each subsection above. Applications shall be considered on a first come, first serve basis (considering only those applications that are deemed complete by the town council). The tax assessor shall keep a list of all applications filed, and shall remove applications that are deemed incomplete

by the town council. Upon removal of an incomplete application, the tax assessor shall provide the applicant with notice of such action. The applicant shall not be prejudiced from reapplying for tax consideration.

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**Sec. 34-60. - Sunset limitation.**

Owners of qualifying properties shall have ~~48~~ 60 months from the effective date contained herein to apply to the town council for partial tax-stabilization exemption under this article by submitting an application to the tax assessor. The application must be certified as complete by the tax assessor on or before the aforementioned date in order to be considered by the town council.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE IN AMENDMENT TO  
THE TAXATION CODE OF THE TOWN OF FOSTER**

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

**Chapter 34 – TAXATION**

**ARTICLE IV – PARTIAL TAX EXEMPTION FOR EXISTING COMMERCIAL,  
MANUFACTURING, AND ENVIRONMENTALLY REMEDIATED FACILITIES**

Sec 34-61 – 34-70: shall be added to create a partial tax exemption for expansions and/or intensifications of existing commercial and manufacturing uses or uses of property which underwent environmental remediation. Taxes would remain at the pre-improvement rate for three years following expansion or intensification of any use listed above.

**ARTICLE IV – PARTIAL TAX EXEMPTION FOR EXISTING  
COMMERCIAL, MANUFACTURING, AND ENVIRONMENTALLY  
REMEDiated FACILITIES**

**Sec. 34-61. - Authorization.**

The town council has the authority under G.L. 1956, § 44-3-9 to exempt from tax payment, in whole or in part, real and personal property which has undergone environmental remediation, or is used for manufacturing or commercial purposes, or to determine a stabilized amount of taxes to be paid on account of the property, notwithstanding the valuation of the property or the tax rate.

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**Sec. 34-62. - Purpose.**

In order for the town to grow economically, it must incentivize expansions and intensifications of existing commercial, manufacturing, and environmentally remediated uses and spaces. The purpose of this article is to provide the town with a tool to promote and encourage improvements to existing businesses and properties that have undergone environmental remediation. Such promotion and encouragement seeks to serve both short-term and long-term mutual benefits to the business owner and to the town. Through this temporary partial tax exemption, the goals of continuing the town's revitalization and promoting job creation are more achievable. High construction costs have made construction and development prohibitively expensive, causing feasibility to be reduced without both private and public investment. It is therefore in the public interest to provide property tax incentives for owners of qualifying properties in order that there may be substantial growth of the properties for environmentally remediated, manufacturing and commercial uses, and the commercial portion of mixed use developments. This will result in an improved physical plant for the town and long term economic growth and benefits, including job creation.

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### **Sec. 34-63. - Definitions.**

Any capitalized terms used herein but not separately defined herein shall have the definition set forth in the Rules and Regulations for the Tax Stabilization Incentive Program promulgated by the Rhode Island Commerce Corporation pursuant to RIGL 42-64.22.

Cost means expenses by a developer incurred after an application for a partial tax exemption agreement for:

- (1) Site preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property; and/or
- (2) Obtaining and installing furnishings and machinery, apparatus, or equipment, including but not limited to material goods for the operation of a business on real property or in a building, structure, facility, or improvement to real property.

The term "cost" includes any capital investment, as such term is defined in the Commerce Corporation Rules and Regulations.

Developer means the owner, prospective owner, or tenant for life or for a term of ten or more years that is deemed to be the owner for the purposes of taxation under G.L. 1956, § 44-4-6, proposing to construct a Project on a Property.

Project means the expansion of an existing facility, or construction of a new facility, or renovation work, to be performed on a property.

Property means the following types of real property: An industrial, commercial or manufacturing facility, or vacant parcel, located in the Town of Foster where a partial tax exemption agreement is being sought.

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### **Sec. 34-64. - Eligibility/criteria.**

(a) For a property to be eligible for this partial tax exemption program, the project must be:

- (1) Eligible for tax relief under RIGL 44-3-9;



(2) Located in the general business or highway commercial 2 zoning district or an environmentally remediated property;

(3) Existing and operating as a commercial use, manufacturing use, or any use on a property which has undergone environmental remediation.

(4) The developer of the property must begin construction of the project within 12 months of the granting of the subject partial exemption agreement, and must complete construction of the project and obtain a certificate of occupancy for such construction within 60 months of the granting of the partial exemption agreement. Construction commencement and completion timetables may be extended for a longer period, for cause shown, if requested by the application in writing, and approved by the town council. Developers of the property that fail to meet these deadlines will be required retroactively to pay the difference between their actual partially exempted tax payments and the full post-improvement assessed rate if ineligible for the specified tax considerations.

(b) Notwithstanding anything contained herein to the contrary, the following types of projects are ineligible for this partial tax exemption program:

(1) Projects that would have a material adverse impact on the environment, as determined by RIDEM in its sole discretion;

(2) Residential projects which did not undergo environmental remediation;

(3) Projects that, once completed, would render the property exempt from taxation under RIGL 44-3-3; and

(4) Renewable energy systems that are potentially eligible for exemption under RIGL 44-3-21.

(c) As set forth in section 34-56, the tax assessor shall process applications made under this article. To qualify for partial tax exemption under this article, the finance director must certify that the applicant and its affiliates owning property in the town are current with regard to all taxes and assessments due and payable to the town. The tax assessor will concurrently confirm the then current pre-improvement assessed value of land and building at the time of application (based on the applicable assessment at the time).

(d) Projects consisting of multiple buildings on one lot, or multiple buildings on multiple lots, where such projects are being performed by the same developer, can be consolidated and treated as one project for the purposes of this article and the requirements hereof. For the purposes of this article, a project involving multiple buildings on one lot shall be deemed "completed" as of the date of issuance of the final building certificate of occupancy.

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## **Sec. 34-65. - Conditions.**

Partial tax exemptions for eligible properties shall be bound to the applicant for such partial tax exemption and shall not be transferable to new owners or tenants. The duration of the tax consideration period shall not be extended (unless otherwise approved by the town council). If the applicant defaults on any quarterly tax or other payment due and payable to the town (i.e., real estate, motor vehicle, or personal property) that is not the subject of a lawful and unresolved appeal process, the town council may, after a 30-day notice and cure period, order the subject partial tax exemption agreement be terminated. In the event that the town council shall terminate a partial tax exemption agreement for such failure to pay taxes (after applicable



notice and cure periods), the applicant shall thereafter be required to repay all of the taxes which it did not pay as a result of the partial tax exemption agreement granted under this article. The applicant, on its behalf, shall agree in the applicable partial tax exemption agreement to permit the town to place a lien against the subject property immediately following any such termination by the town council for all such unpaid amounts. Furthermore, the partial tax exemption shall cease immediately upon the vacating of the property or if the environmentally remediated, commercial or manufacturing facility ceases operation; and if the property is vacated or operations cease prior to the expiration of the partial tax exemption period, the applicant shall owe the town all of the taxes, and interest thereon which it did not pay as a result of the partial tax exemption granted under this article. The applicant agrees to allow the town to place an annual lien against the property which is benefitting from partial tax exemption to secure any taxes and interest owed if the property is vacant or operations cease prior to the expiration of the partial exemption period.

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### **Sec. 34-66. - Procedure.**

Any developer may apply for partial tax exemption at the office of the tax assessor. The tax assessor and finance director shall develop such forms and additional procedures consistent with this article, as the tax assessor deems necessary and proper to effectuate their respective obligations under the terms and provisions contained herein. The procedure for eligible properties under this article shall be as follows:

(1) No person shall be entitled to any exemption herein authorized without first filing an application for partial tax exemption at the office of the tax assessor. No application shall be considered unless:

a. The application is filed prior to the issuance of a certificate of occupancy (or temporary certificate of occupancy); and

b. A non-refundable application fee in the amount of one-hundredth of a percent of the estimated cost of the project is paid to the town;

(2) Within fifteen (15) days of receipt of a completed application (together with the application fee), the tax assessor shall forward a copy of such application to the finance director, the town building official, the town zoning enforcement officer and the town council. The town council shall review the application and direct the appropriate town departments to conduct required due diligence. All due diligence must be completed within thirty (30) days of the completed application's submission to the tax assessor.

(3) If the town building official reports a violation of the town or state building code with respect to the subject property, said violations shall be reported to the town council and notice shall be given to the applicant within thirty (30) days of the report of the violation to the town council. If the town zoning enforcement officer reports a violation of the town zoning ordinance with respect to the subject property, said violations shall be reported to the town council and notice shall be given to the applicant within thirty (30) days of the report of the violation to the town council. If the town administrative officer reports a violation of the town land development/subdivision ordinance with respect to the subject property, said violations shall be reported to the town council and notice shall be given to the applicant within thirty (30) days of the report of violation to the town council. No partial tax exemption agreement shall be issued unless and until any and all violations have been cured, or unless the plans for such project establish that the violation(s) will be cured in connection with such work (and such exemption agreement shall state that such work shall be a condition of such agreement continuing).

(4) If the town finance director reports that an applicant owes taxes to the town with respect to the subject property which the partial tax exemption agreement would apply, notice of the taxes owed shall be given to the town council. Notice shall be given to the applicant within thirty (30) days of the date which the notice was given to the town council. The applicant shall have thirty (30) days from receipt of notice to make the required tax payment(s). Failure by the applicant to cure any tax deficiencies associated with the subject property shall result in cancellation of the application as an incomplete application (unless an extension is granted by the town council) without a prejudicial effect as to the ability of the applicant to reapply.

Note: Steps (3) and (4) shall be performed concurrently.

(5) The town council shall review each application and, if all eligibility requirements established in this article are satisfied, shall authorize the tax assessor to grant a partial tax exemption for the subject property in accordance with the guidelines set forth below. Without limiting the foregoing, and notwithstanding anything contained herein to the contrary, prior to granting a partial exemption of taxes, the town council shall determine that:

(a) Granting of the exemption taxes will inure to the benefit of the town by reason of:

(i) The willingness of the manufacturing or commercial concern to locate in the town, or of individuals to reside in such an area; or

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

(iii) An improvement of the physical plant of the town which will result in a long-term economic benefit to the town and state; or

(iv) An improvement which converts or makes available land or facility that would otherwise be not developable or difficult to develop without substantial environmental remediation; or

(b) Granting of the exemption of taxes will inure to the benefit of the town by reason of the willingness of a manufacturing or commercial or residential firm or property owner to construct new or to replace, reconstruct, convert, expand, retain, or remodel existing buildings, facilities, machinery, or equipment with modern buildings, facilities, fixtures, machinery or equipment resulting in an increase or maintenance in plant, residential housing, or commercial building investment by the firm or property owned in the town.

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### **Sec. 34-67. - Partial tax exemption amounts.**

Following issuance of a certificate of occupancy, the pre-improvement assessed value shall be used to calculate property taxes for three (3) years. Following expiration of the three year partial tax exemption, the property shall be taxed based on the post-improvement assessed value.

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**Sec. 34-68. - Revocation.**

The town council shall terminate an exemption granted hereunder prior to the expiration thereof in the event of fraud or misrepresentation by an applicant regarding any statements or representations contained in the application or the materials provided therewith.

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**Sec. 34-69. - Number of projects.**

The number of partial tax exemption agreements issued under or in connection with this article shall be limited as set forth in each subsection above. Applications shall be considered on a first come, first serve basis (considering only those applications that are deemed complete by the town council). The tax assessor shall keep a list of all applications filed, and shall remove applications that are deemed incomplete by the town council. Upon removal of an incomplete application, the tax assessor shall provide the applicant with notice of such action. The applicant shall not be prejudiced from reapplying for tax consideration.

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**Sec. 34-70. - Sunset limitation.**

Owners of qualifying properties shall have 60 months from the effective date contained herein to apply to the town council for partial tax exemption under this article by submitting an application to the tax assessor. The application must be certified as complete by the tax assessor on or before the aforementioned date in order to be considered by the town council.

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