

I. Chapter 32 Code of ordinances: Discussion of current land development and subdivision ordinances and potential options for amendments/additions.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISIONS REGULATIONS CODE OF THE TOWN OF FOSTER**

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

Chapter 32– SUBDIVISION REGULATIONS

ARTICLE II – ADMINISTRATION

DIVISION 1 - GENERALLY

- Sec 32-43 – Administrative fees shall be amended as follows:

Sec. 32-43. - Administrative fees.

The following administrative fees are required to be paid by an applicant for approval of any subdivision and land development project, for the adequate review and hearing of applications, issuance of permits and the recording of the decisions thereon:

(1) Administrative subdivision:

a. The application fee for an administrative subdivision-fee shall be \$100.00.

b. If approved, the recording fee shall be \$49.00

(2) Minor land development and minor subdivision fees shall be as follows:

a. ~~Preapplication meeting and concept review~~ The application fee for a minor land development or subdivision (preliminary and final plan) shall be: ~~\$100.00~~400.00 in the event that one lot is proposed to be created.

b. ~~Preliminary: \$200.00, plus \$20.00 per unit~~ For minor subdivisions proposing the creation of more than one lot, \$150.00 shall be required for each additional lot proposed to be created.

c. ~~Final: \$100.00, plus \$20.00 per unit~~ If approved, the recording fee shall be \$49.00.

d. If approved and land is not being dedicated to the public, the fee-in-lieu of land dedication shall be \$1,335.00 for each lot created.

e. The stenographer fee shall be \$250.00. A stenographer fee shall be required for all minor subdivision applications, pursuant to Sec. 38-67.

(3) Major land development and major subdivision fees shall be as follows:

- a. ~~Preapplication meeting and concept review: The application fee for a major land development or subdivision (master, preliminary and final plan) shall be \$100.00~~ 1,500.00 in the event that ten lots are proposed to be created.
- b. ~~Master plan: \$200.00, plus \$20.00 per unit~~ For major subdivisions proposing the creation of more than ten lots, \$250.00 shall be required for each additional lot proposed to be created.
- c. ~~Preliminary: \$200.00, plus \$20.00 per unit~~ If approved, the recording fee shall be \$49.00.
- d. ~~Final: \$100.00, plus \$20.00 per unit~~ If approved and land is not being dedicated to the public, the fee-in-lieu of land dedication shall be \$1,335.00 for each lot created.
- e. The stenographer fee shall be \$250.00. A stenographer fee shall be required for all minor subdivision applications, pursuant to Sec. 38-67.

(4) ~~The fee for recording of a subdivision plan shall be as provided in G.L. 1956, § 34-13-1 et seq.~~

(5) Inspection fees shall be two percent of the total amount of the original performance bond including all required improvements. In the absence of a performance bond, inspection fees in the amount of two percent of the total estimated cost of all required improvements as estimated in accordance with the procedure established in [section 32-258](#).



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISIONS REGULATIONS CODE OF THE TOWN OF FOSTER**

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

**Chapter 32- SUBDIVISION REGULATIONS
ARTICLE III – GENERAL REQUIREMENTS**

- Sec 32-106 – Standards applicable to all land developments and subdivisions shall be amended as follows:

Sec. 32-106. - Standards applicable to all land developments and subdivisions.

The requirements listed in this section shall be applicable to all land developments and subdivisions submitted for approval, unless otherwise specifically provided. Prior to approval of any subdivision or land development project, (if planning board approval is required) the planning board shall address each of the general purposes stated in RIGL 45-23-30 and make positive findings on all of the standards listed in this section, as part of the proposed project's record. If a negative finding for any of the following standards is made, the planning board shall have grounds for denial of the project design:

- (1) Each land development or subdivision shall be consistent with the requirements of the town comprehensive community plan and/or shall satisfactorily address the issues where there may be inconsistencies.
- (2) Each lot in the land development or subdivision shall conform to the standards and provisions of the town zoning ordinance; provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of the zoning ordinance, provided that:
- a. A notation is shown on the recorded plat that the lot being created is not a buildable lot; and
 - b. A conservation or preservation easement pursuant to G.L. 1956, § 34-39-1 et seq. is granted to the town prohibiting any such present or future development.
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.
- (4) The land development or subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. See the definition of the term "buildable lot," as provided in [section 32-5](#). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.
- (5) All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public ~~road~~ street. Lot frontage on a public ~~road~~ street without physical access shall not be considered compliance with this requirement.
- (6) Each land development or subdivision shall provide for safe circulation of pedestrian and vehicular traffic, for adequate surface water runoff, for suitable building sites and for preservation of natural, historical or cultural features that contribute to the attractiveness of the community.
- (7) The design and location of roads, building lots, utilities, drainage improvements and other improvements in each land development or subdivision shall minimize flooding and soil erosion.
- (8) The design shall allow for the adequate delivery of municipal services including, but not limited to: fire vehicle access, safety, rescue, solid waste and recyclables collection, school bus service and road maintenance/snow plowing.

Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.

J. Chapter 32 Code of ordinances: Discussion of current land development and subdivision ordinances and potential options for amendments/additions.



ORDINANCE NO. _____

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

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

Chapter 32 – SUBDIVISION REGULATIONS

ARTICLE VII – PHYSICAL DESIGN STANDARDS

- Sec 32-222: Road; road design standards shall be amended to promote the creation of private roads:

Sec. 32-222. - Road; road design standards.

The arrangement, character, extent, width, grade and location of all roads shall conform to the circulation plan of the town and to the typical roadway sections in this chapter, and shall be considered in their relation to existing and planned roads, to topographical conditions and public convenience and safety, to road classifications for use and to the proposed uses of the land to be served by such roads.

(1) *Frontage.* Each lot in the subdivision shall abut on a public or private road having access to an existing town or state road. Where a subdivision abuts ~~an existing or proposed~~ state or federal highway, the planning board may require access roads parallel or perpendicular to the state or federal highway, or such other treatment as may be necessary for adequate protection of properties and for separation of through and local traffic.

(2) *Intersections and centerlines.* Road intersection centerlines shall coincide precisely or be offset by at least 150 feet. Road centerlines shall intersect as nearly at right angles as practicable. No intersection shall contain an angle of less than 60 degrees. Where a deflection angle occurs along the centerline of a road, a centerline curve having a radius of not less than 300 feet shall be introduced. Corners at intersections shall be rounded to provide right-of-way radius of not less than 20 feet.

(3) *Road classification.* Road design within a proposed subdivision shall conform to a street hierarchy system as established in this article. Requirements for right-of-way and pavement width, on-street parking, drainage and other utilities, sidewalks, bicycle path and other design standards shall be tailored to road function. Road classification shall be determined by the planning board. The following references are used in making the determinations:

- a. Technical Paper Number 130 Highway Functional Classification System For the State of Rhode Island 1995-2005 (Adopted May 1988), October 1988, Division of Planning, Rhode Island Department of Administration, 265 Melrose Street, Providence, RI 02907.
- b. A Policy on Geometric Design of Highways and Streets 1990. American Association of State Highway and Transportation Officials.
- c. Recommended Guidelines for Subdivision Streets. Institute of Transportation Engineers, Washington, D.C.: ITE, 1984.
- d. Trip Generation, 1987 edition, Washington, D.C.: Institute of Transportation Engineers.

(4) *Major categories of road classification.* The following major categories of road classification are established:

a. *Arterial*. A major public road that serves as an avenue for the circulation of traffic into, out of or around the town and carries high volumes of traffic and provides for high levels of mobility.

b. *Collector*. A public road the principal function of which is to carry traffic between local roads and arterial roads but that may also provide direct access to abutting properties. These roads provide a balance between land access and mobility.

c. *Local access*. Public roads the primary function of which is to provide access to abutting properties.

d. ~~Minor subdivision~~ *Local access, private: Private, unimproved R* roads the primary function of which is to provide access to abutting properties. Roads ~~within created or extended as part of a~~ minor residential or major subdivisions serving ~~up to five~~ residential dwellings on a private road also fall within this classification.

(5) *Roadway typical sections and design criteria*. Roadway typical sections and design criteria are as follows:

a. Specific design criteria will be determined by the board on a case-by-case basis, in consultation with the director of public works. Refer to [section 32-223\(5\)](#) entitled "Surface and Subsurface Drainage" for more specific design guidelines.

b. Right-of-way width, pavement width, and pavement type vary depending upon the number of lots served, the potential for future access and slope.

Table 1

	Figure No.
Collector	1
Local Access	2
Minor Subdivision <i>Local access, private</i>	3

(6) *Geometric data*. Tables 2 and 3 shall be used as a guide in designing roads within a subdivision as follows:

Table 2

	Collector Public	Local Access Roads	Minor Subdivision <i>Local Access, private</i>
R.O.W. width	50 feet	50 feet	40 50 feet
Pavement width (includes berms)	Varies, see table no. 3 below		
Maximum grades			
Centerline	9 percent	10 percent	10 percent
Within 150 feet of centerline intersections	2.5 percent	N/A	N/A
Minimum grades			

Centerline	1 percent	0.5 percent	0.5 percent
Minimum length for vertical curves	100 feet*	As determined by DPW	
Minimum radius of	150 feet and a minimum of 100 foot tangent between curves	100 feet	100 feet
Centerline curve minimum sight distance	200 feet	100 feet	100 feet
Cul-de-sac turnaround			
R.O.W. diameter	N/A	100 feet	100 feet
Pavement diameter**	N/A	80 feet	80 feet
Maximum grade	N/A	4.5 percent	4.5 percent
Minimum grade	N/A	2.0 percent	2.0 percent
Intersection fillet curve			
R.O.W. minimum radius	15 feet	15 feet	10—15 feet
Pavement minimum radius	25 feet	25 feet	25 feet
Pavement crown	5 inches	3 inches	3 inches

*Less than 30 feet for each one percent algebraic difference in grade

**Where approved by the planning board, cul-de-sacs may be designed with a circle with a 40-foot unpaved center. The board will determine landscape requirements for the unpaved center.

Table 3

	# of Units Served			
	<5	5—15	15—50	>50
Pavement width	18 feet	20 feet	22 feet	24 feet

(7) *Road layout and arrangement.* The arrangement of roads shall be considered in relation to the existing road system, and to existing topographic and natural conditions. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical circulation pattern; to respect natural features and topography; and to create an attractive streetscape. Wherever possible in residential subdivisions, the road system shall be designed to serve the needs of the neighborhood. However, in major subdivisions, access

shall be designed to avoid road systems which have only one principal means of egress. In order to provide for alternative access, at least two vehicular access roads may be required by the planning board, in major subdivisions when determined by the board to be feasible. Proposed roads within a major subdivision shall provide for their continuation or projection to intersect with principal roads on the perimeter of the subdivision or with adjacent vacant property in order that the roads may be extended at a future time.

(8) *Private roads.* Private roads shall ~~not~~ be permitted pursuant to 32-297(c), 32-299, and 38-359. After January 1, 2024 all roads created or extended by subdivision shall be privately created, owned and maintained unless a fee is paid annually to the Town. See Sec. 32-297(c), 32-299 and 38-359.

(9) *Dead-end roads (cul-de-sacs).* All dead-end roads shall end in a cul-de-sac, modified cul-de-sac, hammerhead or turnaround constructed according to the table of geometric data in table 4, and shall be clearly marked at their entrances. The planning board may limit the length of the dead-end road (cul-de-sac), where necessary, to ensure the adequate and safe circulation of vehicular traffic. ~~Dead-end roads shall not be more than 1,200 feet in length.~~ Where a dead-end road is to provide access to adjacent property, the planning board may require provision for a temporary turnaround or tee until such time as the adjacent tract is developed and the road is extended. Reservation of strips of land, or any physical barrier controlling access to a road, will not be permitted.

(10) *Road names.* An extension of an existing road shall have the same name as the existing road. Names of other proposed roads shall be substantially different from any existing road name in the town.

(11) *Access to adjoining property.* When considered desirable by the planning board to provide access to adjoining property, proposed roads shall be continued and improved to the property line. The reservation of strips of land preventing such access shall not be permitted. The planning board may require provision of a temporary turnaround until such time as the adjacent tract is developed. An improvement guarantee may be required to ensure completion of the road or construction of a permanent cul-de-sac within a reasonable period of time. Access to adjoining property for pedestrian and/or bicycle circulation shall be required wherever the planning board determines that such connection will increase accessibility between adjoining subdivisions, to existing or proposed sidewalks or bicycle paths, from subdivisions to major public or private schools, recreation areas or other facilities or where the public safety will be significantly enhanced by such pedestrian and/or bicycle connections.

(12) *Road grades.* Grades of minor roads shall not be less than 0.5 percent. Arterial roads shall not exceed five percent in grade nor be less than 0.5 percent in grade.

(13) *Pedestrian rights-of-way.* Where it is deemed appropriate to the design, the planning board may require provisions for pedestrian rights-of-way. All such rights-of-way shall be ten feet in width and shall be conveyed to the town.



ORDINANCE NO. _____

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

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

Chapter 32 – SUBDIVISION REGULATIONS
ARTICLE IX – SPECIAL PROVISIONS

Sec 32-297: Minor subdivision involving road creation or extension shall be amended to provide special provisions for minor subdivisions involving creation or extension of roads, to promote the creation of private roads, and to come into compliance with RIGL:

Sec. 32-297. - Minor subdivisions involving road creation or extension.

Any subdivision of a parcel of land ~~into at least two but creating~~ no more than ~~five~~ nine (9) lots ~~for the purpose of development~~ and which requires the creation or extension of a public or private road shall be considered a minor subdivision and shall be reviewed by the planning board in accordance with the procedures set forth in section 32-161. Standards for the design and required improvements of such minor subdivisions shall be as follows:

(1) *Creation or extension of a public or private road.* Creation or extension of a public or private road shall be effected as follows:

a. Any minor subdivision which proposes the ~~creation or~~ extension of a public road shall be required to meet the design improvement standards for public roads as provided in article VII of this chapter. After January 1, 2024 all roads created or extended by subdivision shall be privately created, owned and maintained unless a fee is paid annually to the Department of Public Works. Any minor subdivision that proposes the creation of a private road shall be required to meet design improvement standards to the satisfaction of the building official and department of public works.

b. In minor subdivisions ~~of three to five~~ creating two (2) or more lots, the board may require a road right-of-way width of 50 feet if it is determined by the board that the potential for additional development on adjacent property exists and that access through the minor subdivision to such adjacent property is necessary or desirable.

c. In minor subdivisions, the board may require that every ___ feet a road right-of-way width of ___ feet is provided as a turnaround for emergency vehicles.

(2) *Frontage on ~~improved~~ roads.* The area to be subdivided shall have frontage on an ~~existing, improved~~ public or private or unimproved road. If such an ~~existing~~ road has not been improved to the standards and specifications as required in this chapter, the board may require the subdivider to make certain improvements along the part of the road abutting the property or leading to the property being subdivided where necessary for drainage, safety, traffic or other reasons as deemed proper by the board.

For purposes of this chapter, roads platted, but not officially accepted by the town, shall ~~not~~ be considered existing. ~~unimproved~~ public private roads. Where these roads are incorporated within the subdivision, they shall ~~be require a maintenance plan submitted improved~~ by the developer to meet the ~~chapter standards~~ satisfaction of the planning board and the zoning-enforcement officer.

(3) Creation or extension of a private, unimproved road. Creation or extension of a private, unimproved road shall require a maintenance plan be submitted for approval by the planning board and the zoning-enforcement officer. Once approved, the road shall be maintained according to the approved plan. If the road is not maintained according to the approved plan, this shall constitute a violation of this chapter under Sec. 32-45. The developer shall have the option to pay the annual maintenance fee, stated in subsection (1)(a) of this section to alleviate the violation.

(4) Vested rights – Substantial completion. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.

Any minor subdivision involving road creation or extension shall require review as a Land Development Project pursuant to Article VIII of chapter 38.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SUBDIVISIONS REGULATIONS CODE OF THE TOWN OF FOSTER**

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

Chapter 32 – SUBDIVISION REGULATIONS

ARTICLE IX – SPECIAL PROVISIONS

Sec 32-299: Major subdivision involving road creation or extension shall be added to provide special provisions for major subdivisions involving creation or extension of roads, to promote the creation of private roads, and to come into compliance with RIGL:

Sec. 32-299 – Major subdivision involving road creation or extension

Any subdivision of a parcel of land creating more ten (10) or more lots and which requires the creation or extension of a public or private road shall be considered a major subdivision and shall be reviewed by the planning board in accordance with the procedures set forth in Article VI and this section. Standards for the design and required improvements of such major subdivisions shall be as follows:

(1) Creation or extension of a public or private road. Creation or extension of a public or private road shall be effected as follows:

a. Any major subdivision which proposes the extension of a public road shall be required to meet the design improvement standards for public roads as provided in article VII of this chapter. After January 1, 2024 all roads created or extended by subdivision shall be privately created, owned and maintained unless a fee is paid annually to the department of public works. Any major subdivision that proposes the creation of a private road shall be

required to meet design improvement standards to the satisfaction of the building official and department of public works.

b. In major subdivisions, the board may require a road right-of-way width of 50 feet if it is determined by the board that the potential for additional development on adjacent property exists and that access through the major subdivision to such adjacent property is necessary or desirable.

c. In major subdivisions, the board may require that every _____ feet a road right-of-way width of _____ feet is provided as a turnaround for emergency vehicles.

(2) Frontage on roads. The area to be subdivided shall have frontage on a public or private or unimproved road. If such a road has not been improved to the standards and specifications as required in this chapter, the board may require the subdivider to make certain improvements along the part of the road abutting the property or leading to the property being subdivided where necessary for drainage, safety, traffic or other reasons as deemed proper by the board.

For purposes of this chapter, roads platted, but not officially accepted by the town, shall be considered existing, unimproved private roads. Where these roads are incorporated within the subdivision, they shall require a maintenance plan submitted by the developer to meet the satisfaction of the planning board and the zoning-enforcement officer.

(3) Creation or extension of a private, unimproved road. Creation or extension of a private, unimproved road shall require a maintenance plan be submitted for approval by the planning board and the zoning-enforcement officer. Once approved, the road shall be maintained according to the approved plan. If the road is not maintained according to the approved plan, it shall constitute a violation of this chapter under Sec. 32-45. The developer shall have the option to pay the annual maintenance fee, stated in subsection (1)(a) of this section to alleviate the violation.

(4) Vested rights – Substantial completion. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.

Any major subdivision involving road creation or extension shall require review as a Land Development Project pursuant to Article VIII of chapter 38.

K. Chapter 26 Code of ordinances: Discussion of current soil erosion and sediment control ordinances and potential options for amendments.



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
THE SOIL EROSION AND SEDIMENT CONTROL CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Soil Erosion and Sediment Control Ordinance of the Town be amended as follows:

ARTICLE III. – PLAN

Sec. 26-121. – Site plan review fees

Sec 26-121 – Site plan review fees shall be amended to state the following:

• **Sec. 26-121. - Site plan review fees.**

(a) ~~Single family s~~Subdivision site plan review fees shall be according to the number of lots as follows:

One ~~(1)~~ lot~~\$100.00~~400.00

Two ~~(2)~~—~~four~~nine (9) lots~~150.00~~ \$150.00 shall be required for each additional lot proposed to be created above one (1) and up to nine (9)

~~Five—nine~~ lots~~275.00~~

Ten—~~15~~ lots~~400.00~~ or more lots..... \$1,500.00 in the event that ten lots are proposed to be created. \$250.00 shall be required for each additional lot proposed to be created.

~~16—25~~ lots~~525.00~~

~~26—50~~ lots~~675.00~~

~~51—100~~ lots~~825.00~~

~~100+~~ lots~~825.00~~

~~Plus \$20.00/lot for each lot over 100~~

(b) Site plan fees for multifamily, commercial, industrial, parking lot, pipeline, utility, land grading, quarrying, mining, landfill and demolition areas shall be according to the acreage as follows:

Up to 30,000 square feet\$150.00

30,000 square feet, 1.5 acres200.00

Two acres - five acres275.00

Six acres—ten acres400.00

11 acres—20 acres525.00

21 acres—50 acres675.00

51 acres—75 acres875.00

76+ acres875.00

Plus \$20.00/acre for each acre over 75 acres

L. Chapter 8 Code of ordinances: Discussion of current animals ordinances and potential options for amendment



ORDINANCE NO. _____

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

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

Chapter 8 – ANIMALS

ARTICLE IV – KENNELS

- Sec 8-221 - Fees shall be amended as follows:

Sec. 8-221. - Fees.

Each applicant for the initial issuance of a kennel license shall pay to the town clerk, upon filing ~~his~~ their application, a license fee of ~~\$25.00~~100.00 for such license if the number of dogs to be kept does not exceed ten or a license fee of \$200.00 if the number of dogs to be kept is equal to or exceeds ten. Each applicant for the initial issuance of a kennel license shall also pay upon filing the sum of ~~\$25.00~~100.00 ~~to defray the costs of giving notice and conducting the hearing as required by the application fee for a formal development plan review (see Sec. 38-394).~~



ORDINANCE NO. _____

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

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

Chapter 8 – ANIMALS

ARTICLE IV – KENNELS

- Sec 8-222 - Renewal shall be amended as follows:

Sec. 8-222. - Renewal.

Application for the renewal of a kennel license shall be ~~made to~~ heard by the town ~~clerk~~ council during a public hearing on or before April 1 in each year. The application shall be submitted to the town clerk no later than March 1 in each year. Public notice of application for kennel licenses and public hearing thereof shall adhere to the provisions of Sec. 38-38(b) and 32-50(b). Such application shall contain the same information as the application for the initial issuance of a kennel license as set forth in section 8-218. Upon receipt of a proper and timely application, and upon the payment of a license fee of ~~\$25.00~~100.00, if the number of dogs to be kept does not exceed ten and a license fee of ~~\$25.00~~200.00 if the number of dogs to be kept is equal to or exceeds ten, the town ~~clerk~~ council shall issue an annual renewal of the kennel license to the applicant. All fees so collected by the town clerk shall be paid over by ~~him~~ the clerk to the town treasurer. Renewals of kennel licenses shall not require a formal development plan review by the planning board nor public notice to be issued.

M. Chapter 12 code of ordinances: Discussion of current businesses ordinances and potential options for amendment



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 III – FIREARMS DEALERS
DIVISION 2 - LICENSE**

- Sec 12-96 – Application fee; renewal fee shall be amended as follows:

Sec. 12-96. - Application fee; renewal fee.

The application for a license under this article shall be accompanied by an application fee of ~~\$75.00~~100.00. A fee of \$5.00 shall be to the town clerk paid upon issuance of license by the town council. The renewal license fee, as prescribed by G.L. 1956, § 11-47-39 et seq., shall be \$5.00.



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 IV – HAWKERS, PEDDLERS, DOOR-TO-DOOR SALESPERSONS, AND MOBILE FOOD ESTABLISHMENTS

DIVISION 2 - LICENSE

- Sec 12-162 - License issuance; fees; limitations shall be amended as follows:

Sec. 12-162. - License issuance; fees; limitations.

(a) No license shall be issued under this article until such time that the town clerk receives all necessary approvals.

(b) Licenses shall be issued by the town clerk under this article upon town council approval:

(1) Hawkers and peddlers. After a hearing and public notice given by publication of the application at least one week prior to the date of the hearing;

(2) Mobile food establishments. After appearing in front of the town council during a regularly scheduled open meeting;

(3) Any preconditions determined by the town council for a license application under this article must be satisfied prior to the license becoming active, and proof of completion of said preconditions must be furnished to the town no later than 14 days prior to the start date listed on the license, unless otherwise stated in the town council's decision. Failure to provide proof of completion of preconditions in the aforementioned timeframe may be cause for the revocation or forfeiture of said license and fees.

(c) No license issued pursuant to this article shall be transferable to any person other than the individual to whom it was issued and named therein to act thereunder; provided, however a licensee may hire a driver and such driver may operate on the license so long as the driver is registered with the town clerk as the driver pertaining to said license.

(d) A separate license shall be required for each vehicle, cart or pushcart. Every licensee shall carry said license while engaged in sales and produce the same upon request by an official of the town or any other person making said request. Failure to do so may be cause for the revocation of such license.

(e) For hawker and peddler applicants, the town clerk shall, in addition to the license specified above, issue an identification badge containing one of the photographs of the authorized individual along with the effective dates on the license and other such information as the town clerk shall deem appropriate. Every licensee shall wear the identification badge issued by the town clerk while engaged in any activity related to this article. Such identification badge shall be worn so that it is clearly visible. Violation of this subsection shall be cause for the revocation of the license issued under this article.

(f) For mobile food establishment applicants and/or organizers of an event and/or temporary mass gathering with two or more mobile food establishments, the town clerk shall issue an event permit and/or a temporary mass gathering permit, as required by the town council, after a hearing and public notice given by publication of the permit application at least three weeks prior to the date of the hearing.

(1) For any event where an event organizer has arranged for the operation of two or more mobile food establishments at a gathering to be located on public or nonresidential property, the organizer shall obtain an event permit prior to the event.

a. A fee for this event permit shall be charged in accordance with the fee schedule prescribed in subsection (g) of this section.

b. Application for events and event permits must be received no later than 14 days prior to the proposed event. If the event organizer has reason to believe the proposed event may fall within the provisions of a temporary mass gathering, it shall be the sole responsibility of the event organizer to submit this application within the required time period outlined in subsection (f)(2) of this section.

c. Each event permit granted shall be accompanied by a contract between the event organizer and the town, which details the obligations and expectations of said event organizer for said event under this article.

d. If the town council, during a hearing related to the event permit, did not make a determination as to whether the permitted event is subject to a temporary mass gathering permit in addition to an event permit, the town council shall have the authority to require the event organizer to obtain a temporary mass gathering permit in addition to an event permit.

e. All events shall be in accordance with all stipulations of this article and any other land use or zoning ordinances of the town.

f. Mobile food establishment certificates for all mobile food establishments stated to be present at the event, must be submitted to the town prior to the town clerk issuing an event permit. It is the responsibility of the event organizer to ensure that said certificates have been provided to the town in accordance with this subsection.

(2) For any event where an event organizer reasonable anticipates an assembly of 500 or more people at an event that is expected to continue for two or more hours per day, or an event that requires a more extensive review to protect the public health and safety because the event's nature or conditions have the potential of generating environmental or health risks, the event organizer shall obtain a temporary mass gathering permit, in addition to an event permit, prior to the event.

a. This includes, but is not limited to, "special events" as defined in the Food Code Regulations promulgated by the Rhode Island Department of Health, as well as festivals and concerts.

b. This shall not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless said event is open to the public.

c. A fee for this temporary mass gathering permit shall be charged in accordance with subsection (g) of this section.

d. Applications for temporary mass gathering permits must be received a minimum of 30 days prior to the proposed event.

e. All events shall be in accordance with all stipulations of this article and any other land use or zoning ordinances of the town.

f. If the town council, during a hearing related to the event, did not make a determination as to whether the permitted event is subject to a temporary mass gathering permit in addition to an event permit, the town council shall have the authority to require the event organizer to obtain a temporary mass gathering permit in addition to an event permit.

g. Mobile food establishment certificates for all mobile food establishments stated to be present at the event, must be submitted to the town prior to the town clerk issuing a temporary mass gathering permit. It is the responsibility of the event organizer to ensure that said certificates have been provided to the town in accordance with this subsection.

(g) Fee schedule:

(1)

	<u>Minimum</u>	<u>Maximum Fee</u>
Hawker	\$10.00	\$50.00
Peddler	\$10.00	\$50.00
Mobile food establishment	\$25.00	\$50.00* \$25.00**
Event permit	\$75.00	\$300.00
Event permit and mass gathering permit	\$100.00	\$300.00

* For single mobile food establishment

** For two or more mobile food establishments

(2) Hawker and peddler fees under this article shall be retained by the town whether such license is granted or denied.

(3) Mobile food establishment applicants licensed under this article shall pay a fee for a municipal mobile food establishment permit in an amount not to exceed \$50.00 at the time of application and said fee shall be retained by the town whether such license is granted or denied.

(4) Mobile food establishment applicants required by the town council to obtain an event permit or an event permit and a temporary mass gathering permit shall furnish proof thereof to the town clerk of said permit, a minimum of 14 days prior to the start date of the event as stated on the municipal mobile food establishment permit. Failure to comply with the aforementioned timeframe may be cause for the revocation or forfeiture of said municipal mobile food establishment permit and fees.

(5) The town council may waive the above fees at the hearing and/or meeting required by this article.

(6) These limitations, and any reduction in the number of authorized licenses thereof, shall not be deemed to affect the right of any current license holder to continue to renew the license annually.

(7) The town clerk shall maintain a list of persons interested in obtaining annual licenses under this article.
