

THE CITY OF WARWICK  
STATE OF RHODE ISLAND

RESOLUTION OF THE CITY COUNCIL

NO. \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED \_\_\_\_\_ MAYOR

**A RESOLUTION REQUESTING THE GENERAL ASSEMBLY ENACT LEGISLATION  
REQUIRING MUNICIPAL NOTICE AND OPPORTUNITY TO JOIN AS A THIRD  
PARTY BENEFICIARY TO CONTRACTS BETWEEN THE STATE AND  
PROPERTY OWNERS OR OPERATORS THAT USE A PROPERTY  
IN VIOLATION OF MUNICIPAL ZONING**

**Resolved that,**

WHEREAS, the health, safety and welfare of the citizens of Warwick are matters of paramount importance to the City Council; and

WHEREAS, on August 19, 2021, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws in Title 30, Chapter 15 entitled “Emergency Management”, Governor McKee declared a new state of emergency for new Covid-19 variants, which has been extended through subsequent executive orders until February 4, 2022; and

WHEREAS, R.I.G.L. § 30-15-7 establishes that the Governor is primarily responsible for emergency management in the state and provides additional general powers of the Governor for carrying out Emergency Management obligations; and

WHEREAS, R.I.G.L. § 30-15-4 establishes limitations on Emergency Management authority; and

WHEREAS, the State of Rhode Island has disbursed substantial sums of Federal Emergency Management Agency disaster assistance funding relative to COVID-19 to support many critical public health, welfare and safety programs, including the Consolidated Homeless Fund Program at the State of Rhode Island Office of Housing and Community Development; and

WHEREAS, it has come to the attention of the Warwick City Council that the state contracted with an operator using federal disaster assistance COVID-19 funding for critical public health, welfare and safety programs at a property in the City in a manner that presents potential violations of the Warwick Zoning Ordinance; and

WHEREAS, the Warwick City Council desires that the General Assembly provide notice and opportunity to participate as a third party beneficiary in contracting between the state and

1 property owners or operators when emergency management authority or resources are being used  
2 in a manner that presents potential or actual violations of local zoning ordinances, by limiting the  
3 statutory emergency management authority accordingly.  
4

5 NOW, THEREFORE, BE IT RESOLVED, the Warwick City Council hereby respectfully  
6 requests the General Assembly to enact legislation requiring municipal notice and opportunity to  
7 join as a third party beneficiary to contracts between the state and property owners or operators  
8 that use a property in violation of municipal zoning, by amending R.I.G.L. § 30-15-4 as follows:  
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10 **§ 30-15-4. Limitations.**  
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12 Nothing in this chapter shall be construed:  
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14 (1) To interfere with the course or conduct of a labor dispute except that actions  
15 otherwise authorized by this chapter or other laws may be taken when necessary to  
16 forestall or mitigate imminent or existing danger to public health or safety;  
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18 (2) To interfere with dissemination of news or comment on public affairs; but any  
19 communications facility or organization (including, but not limited to, radio or television  
20 stations, wire services, and newspapers) may be required to transmit or print public  
21 service messages furnishing information or instructions in connection with a disaster  
22 emergency;  
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24 (3) To affect the jurisdiction or responsibilities of police forces, firefighting forces, or  
25 units of the armed forces of the United States, or of any personnel thereof, when on active  
26 duty; but state and local disaster emergency plans shall place reliance upon the forces  
27 available for performance of functions related to disaster emergencies; ~~or~~  
28

29 (4) To limit, modify, or abridge the authority of the governor to proclaim martial law or  
30 exercise any other powers vested in the governor under the constitution, statutes, or  
31 common law of this state independent of, or in conjunction with, any provisions of this  
32 chapter; or  
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34 (5) To allow for any contract that causes a property to be used in a manner that is in  
35 violation of municipal zoning ordinance, unless the chief executive officer of the city or  
36 town in which the property is located is provided advanced notice of the contract and the  
37 option to be added to the contract as a third party beneficiary, providing the city or town:  
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39 (i) The right, but not the obligation, to enforce rights, remedies, powers and privileges  
40 under the contract; and  
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42 (ii) Compensation amounting to three percent (3%) of the total consideration of the  
43 contract, provided, however, that the city or town shall not be obligated to use such  
44 compensation to mitigate the impact of the use of the property.  
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1 BE IT FURTHER RESOLVED, that the City Clerk send a copy of this Resolution to the  
2 Representatives and Senators in the Rhode Island General Assembly from the City of Warwick.

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4 This Resolution shall take effect upon passage.

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6 SPONSOR: COUNCILMAN SINAPI

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8 COMMITTEE: INTERGOVERNMENTAL