

## **THE TOWN OF HOPKINTON, RHODE ISLAND**

**IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOPKINTON, RHODE ISLAND AS FOLLOWS:**

### **TEMPORARY EMERGENCY MORATORIUM ON THE ACCEPTANCE OF NEW DEVELOPMENT APPLICATIONS**

#### **Section 1: Preamble and Declaration of Emergency**

The Hopkinton Town Council, upon due and proper consideration, hereby finds as follows and hereby ordains that:

- Section 3220 of the Town Charter grants the Town Council the power to enact ordinances in the event of an emergency “affecting the public peace, health, safety, comfort or welfare of the inhabitants of the Town and for the protection of persons and property.”
- The Town Manager has advised, and the Council hereby finds, that an emergency currently exists as a result of the recent resignations of the Town Planner, Planning Board Solicitor, and five volunteer members of the Town’s Planning Board.
- At the time of his resignation the Town Planner was the only staff member in the Town’s Planning Department and the Town Planner’s resignation will temporarily prevent the day-to-day work of the Planning Department from being accomplished in a timely manner and in accordance with the requirements of the Development Review Act.
- The Planning Board consists of five members and two alternates and the sudden resignation of five members will create a temporary hardship that will likely prevent the Planning Board from conducting effective and timely public meetings and hearings and from reviewing development applications as may be required by the Development Review Act.
- The lack of professional staff and volunteer Board members creates substantial risk that deadlines could expire, that applications could be approved by default, and that development projects could be approved that are not consistent with the Town’s Land Development and Subdivision Regulations and/or Comprehensive Plan and which may be detrimental to the health, safety and welfare of the public.
- The Town Manager and Town Council are taking all reasonable and timely steps to staff the Planning Department and appoint volunteers to the Planning Board so that the work of the Planning Department and Planning Board can resume with as little interruption as possible.
- The above-described circumstances constitute an emergency and an imminent threat to the public peace, health, safety, comfort and welfare of the inhabitants of the Town and a temporary Emergency Moratorium Ordinance is necessary for the protection of persons and property as described herein and in accordance with Section 3220 of the Town Charter.

## Section 2: Enactment

- In accordance with the above-stated findings and declaration of emergency, and to the maximum extent permitted by law, this Emergency Ordinance is hereby adopted imposing a temporary moratorium on the acceptance of new development applications by the Planning Department, including but not limited to all types of development applications described in R.I.G.L. §§ 45-23-36(a), 45-23-38(a), 45-23-39(b), and 45-23-50 and the Planning Department and Planning Board are instructed that they shall not accept any new applications as described herein while this Emergency Ordinance remains in effect.
- This Emergency Ordinance is not intended to deprive any applicant of any rights that may have vested prior to the date of its enactment nor is it intended to prevent any public meetings or hearings from taking place that were scheduled prior to the date of its enactment.
- The Planning Board and Planning Department may, notwithstanding anything contained in this Emergency Ordinance, take whatever steps are necessary to prevent the expiration of any pending deadlines imposed by the Development Review Act and to prevent any applications from being granted by default.
- Any provisions of the Town's land use ordinances and regulations that may be inconsistent with the terms of this Emergency Ordinance are hereby stayed and suspended while this Emergency Ordinance remains in effect except as otherwise specified herein.

## Section 3: Effective Date

This Ordinance shall take effect upon passage. It shall remain in effect for sixty (60) days from the date of its enactment or until the Town Council declares that the emergency described herein no longer exists, whichever occurs first, and without prejudice to the Town Council's right to re-enact the Ordinance in accordance with Charter Section 3220.

Introduced by Michael Geary.

Introduced on October 6, 2023.

Passed by vote of the Town Council on October 6, 2023.

Maिता D Munay  
Town Clerk

Michael Geary  
Town Council President

