

**Bristol Town Council
RESOLUTION 2023-03**

**RESOLUTION OF THE TOWN OF BRISTOL PETITIONING THE HONORABLE GENERAL
ASSEMBLY TO ENACT LEGISLATION PROVIDING MUNICIPALITIES WITH RELIEF FROM
EXCESSIVE STATE BUILDING PERMIT FEES**

WHEREAS, RIGL 23-27.3-108.2 gives the State Building Code Commissioner with jurisdiction over “any structures or buildings or parts thereof that are owned or are temporarily or permanently under the jurisdiction of the state or any of its departments, commissions, agencies, or authorities established by an act of the general assembly, and as to any structures or buildings or parts thereof that are built upon any land owned by or under the jurisdiction of the state”; and

WHEREAS, the Office of the State Building Code Commissioner has recently begun using this authority to charge state permitting fees for projects that nominally fall within the above-referenced language, but in actuality fall under the authority of a municipality, either because of an agreement between the State of Rhode Island and the municipality, or because of licensing or permitting authorization from the State of Rhode Island providing the municipality authority over the local project; and

WHEREAS, such instances include, for example, when there is an agreement between the Rhode Island Department of Environmental Management (DEM) and a municipality for the municipality to take care of or manage a park or recreational land, when there is an assent from the Rhode Island Coastal Resources Management Council (CRMC) authorizing a municipality to construct and manage a public amenity below the mean high tide mark, or when the Rhode Island Department of Transportation (DOT) and a municipality form an agreement for the municipality to maintain certain infrastructure; and

WHEREAS, these state permitting fees can often be excessive, as such fees are determined by a percentage of the value of the project and not by the cost of the actual work completed by the Office of the State Building Code Commissioner; and

WHEREAS, when state permitting fees are charged by the Office of the State Building Code Commissioner in these circumstances, it imposes an unnecessary expense on municipal taxpayers, as the taxpayers are already funding construction of the municipal project, and the local municipal building official can handle inspections and code compliance without charging any additional permitting fee to the local taxpayers; and

WHEREAS, the Town of Bristol believes that RIGL 23-27.3-108.2 should be amended to eliminate this unnecessary expense on all of Rhode Island’s municipal taxpayers, and a proposed amendment is enclosed herewith.

NOW, THEREFORE, BE IT RESOLVED that the Town of Bristol, by and through the Bristol Town Council, respectfully requests that the Honorable General Assembly amend RIGL 23-27.3-108.2 to eliminate this unnecessary expense on municipal taxpayers, along the lines provided in the proposed amendment enclosed with this Resolution.

ATTEST:



Melissa Cordeiro, Council Clerk

