

RHODE ISLAND

Here are potentially-relevant Land Use Laws from the RI General Statutes:

<http://www.rilin.state.ri.us/Statutes/Statutes.html>

CHAPTER 11-44

Trespass and Vandalism

SECTION 11-44-26

11-44-26 Willful trespass. Remaining on land after warning. Exemption for tenants holding over.

(a) Every person who willfully trespasses or, having no legitimate purpose for his or her presence, remains upon the land of another or upon the premises or curtilage of the domicile of any person legally entitled to the possession of that domicile, after having been forbidden to do so by the owner of the land or the owner's duly authorized agent or a person legally entitled to the possession of the premises, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or imprisonment for a term not exceeding one year, or both.

SECTION 11-44-30

11-44-30 Posting of signs. Types. Whenever any signs are required to be posted to indicate no trespassing, shooting, trapping, fishing, or the like, it shall be sufficient to post the land conspicuously with clear and legible signs which signs can be affixed with cloth, metal, or paperboard, or by conspicuously stencil-painting the word "Posted."

TITLE 24

Highways

CHAPTER 24-2

Highways by Grant or Use

SECTION 24-2-1

24-2-1 Creation of public highways by use. All lands which have been or shall be quietly, peaceably, and actually used and improved and considered as public highways for the space of twenty (20) years, and which shall be declared by the town council of the town wherein they lie to be public highways, shall be taken and considered as public highways to all intents and purposes as fully and effectually as if the lands had been regularly laid out, recorded and opened by the town council of the town where the lands may lie.

SECTION 24-2-8

24-2-8 Acceptance and opening of highway on land specially granted. Except as otherwise provided by special act concerning particular cities and towns, whenever the owner of any land shall make a deed thereof to the town in which the land lies, for the especial purpose of being used and improved as a public highway, and the deed shall have been duly acknowledged and recorded, the land shall be thenceforward a public highway to all intents and purposes, and be liable to be opened by the town council of the town where the land shall lie, in the same manner as highways which are laid out by the town council; but no town shall be liable to repair a highway, until the town council thereof shall decree and order that the highway shall be repaired at the expense of the town.

SECTION 24-2-9

24-2-9 Common law rights and remedies preserved. Nothing contained in this chapter shall be so construed as to hinder or prevent the public from acquiring, by dedication or user, lands or any interests in lands for highways or other public uses, according to the course of the common law, or to take away or abridge any legal or equitable remedy by the common or the general law provided in cases of injuries to, or obstructions to, the enjoyment of lands, or in any interest in lands thus or otherwise by law acquired by the public, or devoted to public uses.

CHAPTER 24-6

Abandonment By Towns

SECTION 24-6-1

24-6-1 Order of abandonment. Reversion of title. Notice.

(a) Whenever, by the judgment of the town council of any town, a highway or driftway in the town, or any part of either, has ceased to be useful to the public the town council of the town is authorized so to declare it by an order or decree which shall be final and conclusive; and thereupon the title of the land upon which the highway or driftway or part thereof existed shall revert to its owner, and the town shall be no longer liable to repair the highway or driftway; provided, however, that the town council shall cause a sign to be placed at each end of the highway or driftway, having thereon the words "Not a public highway", and after the entry of the order or decree shall also cause a notice thereof to be published in a newspaper of general circulation, printed in English at least once each week for three (3) successive weeks in a newspaper circulated within the city or town and a further and personal notice shall be served upon every owner of land abutting upon that part of the highway or driftway which has been abandoned who is known to reside within this state but nothing contained in this chapter shall in any manner affect any private right-of-way over the land so adjudged to be useless as a highway or driftway, if the right had been acquired before the taking of the land for a highway or driftway. Provided, however, that the town of Coventry and any community with a population of not less than one hundred thousand (100,000), receiving a request for the abandonment of a

highway or driftway from an abutting property owner, may sell the highway or driftway to the abutting owner at fair market value; and provided, further, that the town of North Providence, upon receiving a request for the abandonment of a highway or driftway from an abutting property owner may sell the highway or driftway to the abutting owner at fair market value; and provided, further, that the city of Cranston, upon receipt of a request for abandonment of a highway or driftway within the city of Cranston, where the sale of the highway or driftway to an abutting owner would result in the creation of a new lot which would be in compliance with the minimum area requirement for construction of a building which is a permitted use, may sell the highway or driftway to the abutting owner at fair market value.

(b) Provided further that nothing in this section shall apply to private ways regardless of their use or maintenance thereof by any municipal corporation.

SECTION 24-6-5

24-6-5 Abandonment by non-use. Notwithstanding the foregoing provisions of this chapter, when a public way of any kind in the town of Glocester has ceased to be used by the public and maintained by the town of Glocester for a period of twenty (20) years or more it shall be deemed abandoned and the abutting landowners shall not be entitled to recover damages against the city or town. Upon such abandonment the abutting landowners shall have a private right of access to their land along the abandoned way.

TITLE 32

Parks and Recreational Areas

CHAPTER 32-1

General Provisions

SECTION 32-1-3

32-1-3 Acquisition of land. Riparian rights. Control of land use. To more effectually carry out the purposes of this chapter and chapter 2 of this title, the department of the environment may acquire by purchase, gift, devise, or condemnation, lands, easements, rights, and interests in land for a park, recreation ground, or bathing beach in any part of the state, whether that property is situate in the cities or towns in which its powers may be exercised under the provisions of 32-2-1, or is situate in any other city or town; provided, that all property other than tide-flowed lands acquired by condemnation shall remain subject to all rights of riparian proprietors on any waters bordering upon the property, that no riparian rights shall be taken, destroyed, impaired, or affected by the condemnation, that all riparian proprietors shall have the right to continue to maintain, repair, or reconstruct dams and their appurtenances now existing on the waters bordering upon that property and for this purpose to enter upon that property, restoring it after repair or reconstruction to its previous condition as nearly as may be, and shall continue to enjoy the same rights of flowage with respect to that property which the riparian proprietors have heretofore used and enjoyed. Subject to the foregoing provisions of this section, the department may use, or permit the use of property, acquired by it under the provisions of this section and the waters bordering thereon, for bathing, boating, fishing, and skating, and shall have the same authority, supervision, and control over that property as it has over other property acquired by the department under other provisions of this chapter or any other law.

SECTION 32-1-19

32-1-19 Ten Mile River state park. Regulation of use and vehicles. Penalties for violations. No person shall stop, stand, or park any vehicle within the Ten Mile River state park between the hours of eleven p.m. (11:00 p.m.) and six a.m. (6:00 a.m.), nor shall any person enter or remain upon the premises of the Ten Mile River state park during those hours. No person shall operate, or be in actual physical control of, any motorcycle, motor scooter, or other motor driven cycle within the Ten Mile River state park except within the area designated for their use or parking. Every person convicted of any violation of this section shall be punishable by a fine of not less than five dollars (\$5.00) nor more than one hundred and fifty dollars (\$150) or by imprisonment for not more than ten (10) days.

CHAPTER 32-6

Public Use of Private Lands & Liability Limitations

SECTION 32-6-1

32-6-1 Purpose of chapter. The purpose of this chapter is to encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability to persons entering thereon for those purposes.

SECTION 32-6-2

32-6-2 Definitions. As used in this chapter:

- (1) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land;
- (2) "Land" means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty;
- (3) "Owner" means the private owner possessor of a fee interest, or tenant, lessee, occupant, or person in control of the premises including the state and municipalities;

(4) "Recreational purposes" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, horseback riding, bicycling, pleasure driving, nature study, water skiing, water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, and all other recreational purposes contemplated by this chapter; and

(5) "User" means any person using land for recreational purposes.

SECTION 32-6-3

32-6-3 Liability of landowner. Except as specifically recognized by or provided in 32-6-5, an owner of land who either directly or indirectly invites or permits without charge any person to use that property for recreational purposes does not thereby:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon that person the legal status of an invitee or licensee to whom a duty of care is owed; nor
- (3) Assume responsibility for or incur liability for any injury to any person or property caused by an act of omission of that person.

SECTION 32-6-4

32-6-4 Land leased to state. Unless otherwise agreed in writing, the provisions of 32-6-3 and this section shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision or agency thereof or land which the state or any subdivision or agency thereof possesses an easement for recreational purposes.

SECTION 32-6-5

32-6-5 Limitation on chapter. (a) Nothing in this chapter limits in any way any liability which, but for this chapter, otherwise exists:

- (1) For the willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity after discovering the user's peril; or
- (2) For any injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for the recreational use thereof, except that in the case of land leased to the state or a subdivision thereof, any consideration received by the owner for that lease shall not be deemed a "charge" within the meaning of this section.

(B) When the coastal resources management council designates a right-of-way as part of its designation process as specified in 46-23-6(5), or when the coastal resources management council stipulates public access as a condition of granting a permit, the landowner automatically will have "limited liability" as defined in this chapter, except as specifically recognized by or provided in this section.

SECTION 32-6-6

32-6-6 Construction of chapter. Nothing in this chapter shall be construed to:

- (1) Create a duty of care or ground of liability for an injury to persons or property;
- (2) Relieve any person using the land of another for recreational purposes from any obligation which he or she may have in the absence of this chapter to exercise care in his use of that land and in his or her activities thereon, or from the legal consequences of the failure to employ that care; or
- (3) Create a public or prescriptive right or easement running with the land.

CHAPTER 45-23.1

Mapped Streets

SECTION 45-23.1-1

45-23.1-1 Establishment of official maps. The city or town council of any city or town having a plan commission established pursuant to chapters 22 and 23 of this title or pursuant to any special act applicable to certain cities or towns, is authorized and empowered to establish an official map of the city or town identifying and showing the location of the streets of the city or town existing and established by law as public streets and the exterior lines of other streets deemed necessary by the city or town council for sound physical development. A public hearing in relation to the map shall precede the adoption, at which parties in interest and citizens shall have an opportunity to be heard. At least ten (10) days' notice of a public hearing shall be published in a newspaper of general circulation in the city or town. Before adoption of the ordinance, the city or town council shall refer the matter to the plan commission for a report on the map, but if the plan commission does not make its report within forty-five (45) days of the reference, the necessity for the report may be deemed to be waived. The city or town council shall certify the fact of the establishment of an official map to the city or town recorder.

SECTION 45-23.1-1.1

45-23.1-1.1 Establishment or opening of streets not implied. (a) The placing of any street or street line upon the official map does not in and of itself constitute nor is it deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes; provided, that in the town of North Kingstown, regularly performed maintenance by the town, upon any paved mapped street of at least forty feet (40') in width, for a period of not less than twenty (20) years, constitutes the opening or establishment of a street as a public way. (b) For the purposes of this section the term "regularly performed maintenance" is construed to include snow plowing and salting and sanding operations, and any type of

repair work regularly undertaken by the city or town.

SECTION 45-23.1-2

45-23.1-2 Additions and changes. (a) A city or town council is authorized and empowered to make, from time to time, additions to or modifications of the official map by placing on it the exterior lines of planned new streets or street extensions, widenings, narrowings, or vacations. (b) No changes become effective until after a public hearing in relation to the changes, at which parties in interest and citizens shall have an opportunity to be heard. (c) At least ten (10) days' notice of a public hearing shall be published in a newspaper of general circulation in the city or town. (d) Before making additions or changes, the city or town council shall refer the matter to the plan commission for a report, but if the plan commission shall not make its report within forty-five (45) days of the reference, the necessity for the report may be deemed to be waived. (e) The locating, widening, or closing, or the approval of the locating, widening, or closing of streets by the city or town, under provisions of law other than those contained in this chapter, are deemed to be changes or additions to the official map, and are subject to all the provisions of this chapter except provisions relating to public hearing and referral to the plan commission.

CHAPTER 45-36

Conservation of Open Spaces

SECTION 45-36-1

45-36-1 "Open space" defined. When used in this chapter "open space" means any space or area, the preservation or restriction of the use of which would:

- (1) Maintain or enhance the conservation of natural or scenic resources,
- (2) Protect natural streams or water supply,
- (3) Promote conservation of soils, wetlands, beaches, or tidal marshes,
- (4) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open areas and open spaces,
- (5) Afford or enhance public recreation opportunities,
- (6) Preserve historic sites,
- (7) Implement the recreation and open space plan adopted by the planning commission of the city or town, or
- (8) Promote orderly urban or suburban development.

SECTION 45-36-2

45-36-2 Conservation of open spaces. Any city, subject to the approval of its council, or any town, subject to the approval of the town council and financial town meeting, if it has one, may by purchase, bequest, gift, grant, devise, or lease, acquire land and improvements on it, rights of way, water riparian and other rights, easements, conservation easements, scenic easements, privileges, present and future estates, and interests of any kind or description in real property; and may enter into covenants and agreements with owners of land and owners of interests in land to maintain, improve, protect, and limit the future use of or otherwise conserve open spaces; and may enter into agreements or compacts with any other city or town for any purposes; provided, if an open space is to be acquired by the expenditure of public funds, the city or town shall, prior to the expenditure, obtain from the department of environmental management a statement, in writing, that the open space is not desired by the department for open space purposes.