

Title 45

Towns and Cities

Chapter 36.1

Municipal Public Trust Dedication

R.I. Gen. Laws § 45-36.1-1

§ 45-36.1-1. Legislative purpose.

The purpose of this chapter is to provide a voluntary mechanism for cities and towns to use to dedicate a park, or other conservation land that it owns, as public trust land in perpetuity in order to ensure preservation of the natural environment and public access to the land for outdoor recreation and to ensure that the land is not converted to a use other than the use for which it was originally obtained and remains predominantly undeveloped and continues to provide open space benefits. People rely on their parks and other public open spaces and conservation land as stable, reliable places of comfort, rest, and renewal in their lives. People make decisions on where to reside and work based on proximity to these places. They expect that these places will always be there for them. This expectation is supported by R.I. Const., Art. I, § 17, which states the people:

"shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state."

History of Section.

P.L. 2021, ch. 135, § 1, effective July 3, 2021; P.L. 2021, ch. 136, § 1, effective July 3, 2021.

§ 45-36.1-2. Power to declare municipal land as public trust land.

Pursuant to the proper delegation of powers vested in the general assembly by R.I. Const., Art. I, § 17, cities and towns may formally dedicate any property they hold that was donated to the city or town, or acquired by the city or town for use as a park or for other conservation purposes as a public trust land, to be perpetually protected from conversion to a use other than the use for which it was originally obtained and from development that is inconsistent with the primary recreation, open space, and natural resource purposes as a natural resource land of the state and as a natural environment for the people of the state and to reduce risks of confusion or misunderstanding regarding acceptable and non-acceptable uses of land held by a municipality for outdoor recreation, open space benefits, and natural resource conservation.

§ 45-36.1-3. Process for municipal declaration of municipal land as public trust land.

Cities and towns may formally dedicate any property they hold for use as a park or for other conservation purposes as a public trust land, to be perpetually protected from conversion to a use other than the use for which it was originally obtained and development that is inconsistent with its primary purpose as a recreation, open space, and/or natural resource land of the state and as a natural environment for the people of the state through a duly approved resolution of a city or town council or through any other legally sufficient municipal process. The resolution or other municipal approval shall be recorded in the municipal land evidence records.

§ 45-36.1-4. Restrictions applicable to municipal public trust land.

Once a city or town dedicates property it holds as a public trust land, the land shall be perpetually protected from conversion to a use other than the use for which it was originally obtained and development that is inconsistent with its primary purpose as a recreation, open space, and natural resource land of the state and as a natural environment for the people of the state. Acceptable uses of the land so dedicated shall only be those that perpetuate outdoor recreation, open space benefits, and natural resource conservation on the land.