

Bond Case Briefs

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ZONING & LAND USE - RHODE ISLAND

State ex rel. Town of Tiverton v. Pelletier

Supreme Court of Rhode Island - December 15, 2017 - A.3d - 2017 WL 6395807

Following bench trial, landowners were convicted in the Superior Court of violating zoning ordinance by manufacturing compost on residential property. Landowners appealed.

The Supreme Court of Rhode Island held that:

- Convictions were supported by sufficient evidence;
- Manufacture of compost was not permitted as “accessory use” under ordinance; and
- Omission of definitions of “manufacturing” and “compost” in ordinance did not render ordinance unconstitutionally vague.

Landowners’ convictions of violating zoning ordinance by manufacturing compost on residential property were supported by sufficient evidence, including uncontradicted evidence that landowners procured truckloads of waste materials to be transported to their property, actively combined these materials with heavy industrial equipment, and produced large quantities of finished compost that were ultimately used off-site.

Manufacture of compost on residential property was not permitted as “accessory use” under zoning ordinance, where ordinance expressly prohibited manufacturing, storing, processing, and fabricating activities.

Omission of definitions of “manufacturing” and “compost” in zoning ordinance prohibiting manufacture of compost on residential property did not render ordinance unconstitutionally vague, since such terms had plain and common sense meanings.