

**TOWN OF CHARLESTOWN  
A RESOLUTION RELATIVE TO  
PUBLIC ACCESS TO THE SHORELINE**

**WHEREAS**, the Rhode Island Constitution at Article I, Section 16 and Section 17 provide, in relevant part that:

**§16. Compensation for taking of private property for public use — Regulation of fishery rights and shore privileges not public taking.**

Private property shall not be taken for public uses, without just compensation. The powers of the state and of its municipalities to regulate and control the use of land and waters in the furtherance of the preservation, regeneration, and restoration of the natural environment, and in furtherance of the protection of the rights of the people to enjoy and freely exercise the rights of fishery and the privileges of the shore, as those rights and duties are set forth in Section 17, shall be an exercise of the police powers of the state, shall be liberally construed, and shall not be deemed to be a public use of private property.

**§ 17. Fishery rights - Shore privileges - Preservation of natural resources**

The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this state, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore; and they 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.

**WHEREAS**, the Town Council of the Town of Charlestown (the "Town Council") is desirous to ensure that all rights to shore privileges contained and provided to the public under the Rhode Island Constitution at Article I, Section 16 and Section 17; and

**WHEREAS**, several attempts have been made in the General Assembly to clarify and protect these rights of the public from encumbrance, yet no bills introduced in this regard have been passed or made law; and

**WHEREAS**, the Town Council has determined that the uncertainty and conflicts involving the public's use and enjoyment of these Rhode Island Constitution provisions requires action by the General Assembly to pass new laws to end this uncertainty and prevent further conflict between the public's constitutionally provided use of the shoreline and private property owners' use and enjoyment of their property.

**NOW, THEREFORE, BE IT RESOLVED** that we, the Town Council of the Town of Charlestown, Rhode Island, respectfully requests that the General Assembly specifically pass legislation to clearly delineate public access to the shoreline that would guarantee the public's rights as provided in the Rhode Island Constitution, including but not limited to fishing from the shore, the gathering of seaweed, leaving the shore to swim in the sea and passage along the shore, and to be secure in their rights to use and enjoyment of the natural resources of the state with due regard for the preservation of their values.

**BE IT FURTHER RESOLVED** that the Town Clerk is hereby instructed to submit a copy of this resolution to both the President of the Senate and the Speaker of the House, and the Town of Charlestown's State Senators and State Representative in the Rhode Island General Assembly in consideration of their support to submit and act to pass this amendment to the General Laws.

**BE IT FURTHER RESOLVED** that the Town Clerk is instructed to submit a copy of this resolution to the City and Town Councils of the other 38 Cities and Towns of the State of Rhode Island along with a request for their support.

The **RESOLUTION** shall take effect on passage.

By resolution of the Charlestown Town Council at a meeting held on August 13, 2019.

Amy Rose Weinreich, CMC

Attested To By  
Amy Rose Weinreich, CMC Town Clerk

