

CITY OF EAST PROVIDENCE  
**DOCKET-REGULAR COUNCIL MEETING**  
TUESDAY, January 18, 2022  
CALL TO ORDER: 6:30 P.M.  
145 TAUNTON AVENUE-CITY COUNCIL CHAMBERS  
EAST PROVIDENCE, RHODE ISLAND

City Council:  
Council President, Robert Britto - Ward 1  
Council Vice-President: Bob Rodericks - At Large  
Councilwoman Anna Sousa - Ward 2  
Councilman Nate Cahoon - Ward 3  
Councilman Ricardo Mourato - Ward 4

City Solicitor, Michael J. Marcello  
Deputy City Clerk, Leah Stoddard

As a result of the COVID-19 pandemic, this meeting will be both in person and virtually,  
on an application called, "Zoom".

IN ORDER TO PARTICIPATE VIRTUALLY, USE THE FOLLOWING OPTIONS:

By phone:

Call the toll free number: 1-877-853-5247 (audio only) and enter the following information:  
MEETING ID: 885-6717-1685  
You do not need a meeting passcode.

By computer or smartphone (this is the audio and video option):

To participate visually (with audio) you will need to log into the following from your computer  
or smartphone, or tablet (with visual capabilities) to: <https://us06web.zoom.us/j/88567171685>  
Enter the following information when prompted  
MEETING ID: 885-6717-1685

If you wish to participate in public comment via zoom, you must use the "raise hand" function  
via zoom no later than 6:45 p.m. to be recognized by the moderator of the meeting.

**I. CALL TO ORDER**

Roll Call

Cahoon \_\_\_\_\_ Mourato \_\_\_\_\_ Rodericks \_\_\_\_\_ Sousa \_\_\_\_\_ Britto \_\_\_\_\_

**II. SALUTE TO THE FLAG**

**III. EXECUTIVE SESSION - None**

**IV. RECONVENE TO OPEN SESSION - None**

**V. MOTION TO SEAL EXECUTIVE SESSION MINUTES - None**

**VI. CONSENT CALENDAR**

**A. COUNCIL JOURNALS:**

1. Regular meeting minutes and Executive Session minutes December 21, 2021

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

2. Tax Abatements

Year	Amount
2017	\$55.95
2018	\$45.04
2021	\$1,209.78
Total	\$1,310.77

**VII. LICENSES**

**A. NON-PUBLIC HEARING**

1. Application for Victualling License – Class 3 - New

Applicant: Jared Houlihan

Business Name: The Hookah Trap

Business Address: 259 Waterman Avenue, 02914

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

2. Class F1 Application for Special Event – Alcoholic Beverage

Applicant: St. Francis Xavier Church

Location: 81 N. Carpenter Street, 02914

Date & Time of Event: January 29, 2022, 6:00pm

Type of Event: Parish Anniversary Dinner

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**B. PUBLIC HEARING**

**1. BV License – New**

Applicant: Jong Hun Lee

Business Name: Sun & Moon

Business Address: 95-99 Warren Ave 02914

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**VIII. PROCLAMATIONS & PRESENTATIONS - None**

**IX. COMMUNICATIONS - None**

*Any person who submits a communication to the Council and wishes to speak on it must indicate this in writing no later than 4:00 p.m. the Thursday prior to the next regularly scheduled Council meeting. A person who lists more than one topic on their communication will be allowed to speak on the first one listed.*

**X. PUBLIC COMMENT**

*All persons wishing to make public comment shall sign a public comment sheet stating their name, address and the subject of their comments. Each speaker will be limited to three (3) minutes. The order of speakers will be on a first come, first serve basis and the maximum time for public comment shall be limited to thirty (30) minutes per meeting.*

*If you wish to participate in public comment via zoom, you must use the “raise hand” function via zoom no later than 6:45 p.m. to be recognized by the moderator of the meeting.*

**XI. APPOINTMENTS – None**

**XII. COUNCIL MEMBERS**

- 1. Community meeting regarding the Flock Group Inc. automatic license plate detection cameras. Meeting will be held at the American Legion at 830 Willet Avenue on February 2, 2022 at 6pm. – Councilman Mourato – Discussion Only
  
- 2. Procedure for review and consideration of city clerk applications/timeline – Council President Britto – Discussion with possible vote

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**XIII. PUBLIC HEARINGS – Ordinance for second passage - None**

**XIV. CONTINUED BUSINESS - None**

**XV. NEW BUSINESS**

**A. MAYOR COMMUNICATIONS**

- 1. Appointment requiring Council confirmation
  - a. Maria Luci Stoddard, reappointment to Board of Assessment Review, Term 12/17/2019-12/16/2025

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

- 2. Appointment not requiring Council confirmation
  - a. John Faria, reappointment to East Providence Housing Authority, Term 12/20/2021-12/19/2024
  
- 3. Items for announcement/discussion
  - a. State of RI opens new COVID-19 testing site at Fuller Learning Center, 60 Dover Ave. The site will be open seven days per week from 8 a.m. to 6 p.m., beginning Wednesday, January 12, 2022

b. No more fines. The City of East Providence, together with the East Providence Public Library Board of Trustees, has announced that the East Providence Public Library will no longer be charging fines on overdue library materials. The elimination of overdue fines will be effective, January 7, 2022. The elimination of overdue fines is now being extended to all materials, including adult books, audiobooks, magazines, and DVD's. Eliminating fines ensures that everyone in the community has equal access to library books, materials, and services.

c. Closures. The City, through Executive Order 2021-018, closed the Senior and Recreation Centers and cancelled all programs until Jan. 14. The City, through Executive Order 2022-001, cancelled Probate and Municipal Courts and cancelled all in-person boards and commissions meetings for the same period Jan. 1- Jan. 14. Closures were reevaluated on Jan. 14 and will be discussed before the Council during Mayor Communications.

**B. REPORTS OF OTHER CITY OFFICIALS – None**

**C. RESOLUTIONS**

1. Resolution authorizing the Mayor to enter into an agreement with CDM Smith, Inc. for Professional Services for the study and report services phase related to the inspection of the East Providence water Supply Main Project

*Sponsor: Council Vice President Rodericks & Councilman Cahoon*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

2. Resolution authorizing the Mayor to enter into an agreement with CDM Smith, Inc. for professional services for the study and report services phase related to the Pawtucket Water interconnection Project

*Sponsor: Council Vice President Rodericks & Councilman Cahoon*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

3. Resolution authorizing the Mayor to enter into an interconnection operation agreement with the Bristol County Water Authority

*Sponsor: Council Vice President Rodericks & Councilman Cahoon*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

4. Resolution in support of Operation ZAP and encouraging East Providence residents to join the 50<sup>th</sup> anniversary of Operation ZAP

*Sponsor: Council President Britto*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

5. Resolution requesting the City of East Providence’s General Assembly Delegation to support the installation of a “Luso-Americans Veterans Monument” at the Rhode Island Veterans Memorial Cemetery

*Sponsor: Councilman Mourato & Councilwoman Sousa*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**D. INTRODUCTION OF ORDINANCES**

1. An ordinance in amendment of Chapter 9 of the revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Miscellaneous Offenses”

*Summary: Change the age to purchase tobacco products in the form of cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, electronic cigarettes or other forms of electronic nicotine delivery devices to 21 years of age.*

*Sponsor: Councilwoman Sousa*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

2. An ordinance in amendment of Chapter 13 of the revised ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places”

*Summary: Addition of other forms of electronic nicotine delivery devices, or the use of combustible cannabis*

*Sponsor: Councilwoman Sousa*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**XVII. ADJOURNMENT**

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

If communication assistance is needed or any other accommodations to ensure equal participation, please contact the City Clerk’s Office at 401.435.7596 at least 48 hours prior to the meeting date.



City of East Providence  
Office of the Mayor  
Roberto L. DaSilva  
Mayor

Jan. 11, 2022

Robert Britto  
Council President  
East Providence City Council  
145 Taunton Ave.  
East Providence, RI 02914

Re: Mayor Communications & Docket items – Jan. 11, 2022 Docket

Dear Council President Britto and Members of the Council,  
Please see information Mayor Communications and requests of the Administration before the Council:

Mayor Communications: Dir. Of Administration Napoleon Gonsalves

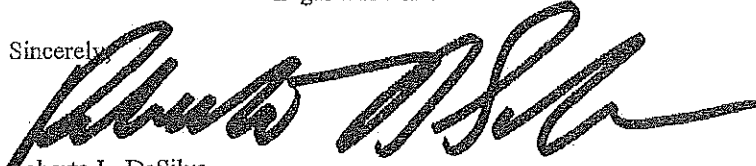
1. Appointment requiring Council Confirmation
  - Maria Luci Stoddard, reappointment to Board of Assessment Review (TERM:12/17/2019-12/16/2025)
2. Appointment not requiring Council Confirmation
  - John Faria, reappointment to East Providence Housing Authority (TERM: 12/20/2021-12/19/2024)
3. Items for announcement/discussion
  - State of RI opens new COVID-19 testing site at Fuller Learning Center 60 Dover Ave. The site will be open seven days per week from 8 a.m. to 6 p.m., beginning Wednesday, January 12, 2022.
  - No more fines. The City of East Providence, together with the East Providence Public Library Board of Trustees, has announced that the East Providence Public Library will no longer be charging fines on overdue library materials. The elimination of overdue fines will be effective, January 7, 2022. The elimination of overdue fines is now being extended to all materials, including adult books, audiobooks, magazines, and DVDs. Eliminating fines ensures that everyone in the community has equal access to library books, materials, and services.
  - Closures. The City, through Executive Order 2021-018, closed the Senior and Recreation Centers and cancelled all programs until Jan. 14. The City, through Executive Order 2022-001, cancelled Probate and Municipal Courts and cancelled all in-person boards and commissions meetings for the same period Jan. 1- Jan. 14. Closures were reevaluated on Jan. 14 and will be discussed before the Council during Mayor Communications.



4. Requests of the Administration before the Council for Council Action

- Legal will send.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roberto L. DaSilva', written over the word 'Sincerely,'.

Roberto L. DaSilva  
Mayor



City of East Providence  
Office of the Mayor  
Roberto L. DaSilva  
Mayor

January 11, 2022

Robert Britto  
Council President  
East Providence City Council  
145 Taunton Ave.  
East Providence, RI 02914

Dear Council President Britto:

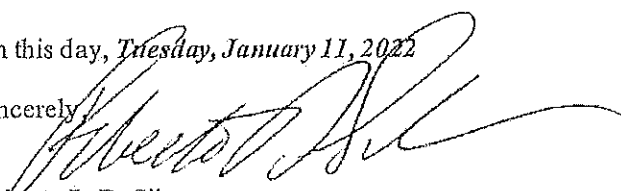
I hereby reappoint *John Faria* to the *East Providence Housing Authority* pursuant to Article III Sec. 3-5 (2) of the Charter of the City of East Providence. This appointment is made by the mayor. The term of each seat is three (3) years.

Pursuant to R.I.G.L. §45-25-10; R.I.G.L. §45-25-10.4; R.I.G.L. § 45-25-18.6

Term: 12/20/2021-12/19/2024

On this day, *Tuesday, January 11, 2022*

Sincerely,

  
Roberto L. DaSilva  
Mayor

CC://Leah Stoddard, Acting City Clerk



City of East Providence  
Office of the Mayor  
Roberto L. DaSilva  
Mayor

Jan. 11, 2022

Robert Britto  
Council President  
East Providence City Council  
145 Taunton Ave.  
East Providence, RI 02914

Dear Council President Britto:

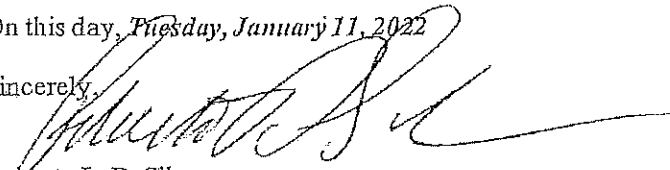
I hereby nominate *Maria Luci Stoddard* for re-appointment to the *Board of Assessment Review*. This nomination for re-appointment is made by Mayor and subject to approval by the City Council. The term of appointment for this board is two (2) years.

Pursuant to: The Charter of the City of East Providence, Sec. 4-12

Term: (12/17/2019-12/16/2025)

On this day, *Tuesday, January 11, 2022*

Sincerely,

  
Roberto L. DaSilva  
Mayor

CC: // Leah Stoddard, Acting City City Clerk

STATE OF RHODE ISLAND  
CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH CDM SMITH, INC. FOR PROFESSIONAL SERVICES FOR  
THE STUDY AND REPORT SERVICES PHASE RELATED TO THE INSPECTION OF  
THE EAST PROVIDENCE WATER SUPPLY MAIN PROJECT**

**WHEREAS**, the City wishes to enter into an agreement with CDM Smith, Inc. for professional services related to the inspection of the East Providence Water Supply Main; and

**WHEREAS**, the main objective as outlined in the agreement is to understand issues associated with obtaining alternate sources of drinking water supply other than from Providence, consider short-term use of Pawtucket water during emergencies, and longer-term use of Pawtucket water or a blend of Pawtucket/Providence water on a routine basis; and

**WHEREAS**, the cost of the agreement for professional services by CDM Smith, Inc. is \$72,500.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of East Providence hereby authorizes the Mayor to enter into an agreement with CDM Smith, Inc. in the amount of \$72,500 for professional services for the Study and Report Services phase related to the inspection of the East Providence Water Supply Main Project attached hereto as Exhibit A.

The administration is urged to use all available federal funds to pay for this project if and when available and if eligible.

This Resolution shall take effect upon passage.

Adopted by the City Council: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by: Council Vice President Rodericks  
Councilman Cahoon

STATE OF RHODE ISLAND  
CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN  
AGREEMENT WITH CDM SMITH, INC. FOR PROFESSIONAL SERVICES  
FOR THE STUDY AND REPORT SERVICES PHASE RELATED TO THE  
PAWTUCKET WATER INTERCONNECTION PROJECT

WHEREAS, the City wishes to enter into an agreement with CDM Smith, Inc. for professional services for the Study and Report Services Phase related to the Pawtucket Water Interconnection project; and

WHEREAS, CDM Smith's responsibilities include consulting with the City to clarify and define the requirements for the project, assist the City in obtaining data and services, evaluate various alternate solutions available to the City, and recommend those solutions that best meet the City's requirements for the project; and

WHEREAS, the cost of the agreement for professional services by CDM Smith, Inc. is \$175,000. The cost of the project will be split between the City and the Bristol County Water Authority.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of East Providence hereby authorizes the Mayor to enter into an agreement with CDM Smith, Inc. in the amount of \$175,000 for professional services for the Study and Report Services Phase related to the Pawtucket Water Interconnection Project attached hereto as Exhibit A.

The administration is urged to use all available federal funds to pay for this project if and when available and if eligible.

This Resolution shall take effect upon passage.

Adopted by the City Council: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by: Council Vice President Rodericks  
Councilman Cahoon

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN  
INTERCONNECTION OPERATION AGREEMENT WITH THE  
BRISTOL COUNTY WATER AUTHORITY**

**WHEREAS**, the Bristol County Water Authority ("BCWA") and the City of East Providence both rely on the Providence Water Supply Board to supply water to their respective customers; and

**WHEREAS**, the City obtains its water from Providence through twin 32" pipes identified as the Cross Bay Pipeline; and

**WHEREAS**, the BCWA obtains its water from Providence through an 18" pipe identified as the East Bay Pipeline; and

**WHEREAS**, the BCWA, the City, and their respective customers would be adversely impacted should there be a disruption in the water supply from Providence as the BCWA and the City do not have adequate backup water supplies; and

**WHEREAS**, the BCWA has constructed a pumping station located on Pawtucket Avenue which is to be transferred to the City; and

**WHEREAS**, the BCWA has installed a 16" interconnection to the City's water system at the pumping station and constructed a 24" interconnection between the BCWA water system at the Silver Spring Golf Course and the existing City system at the Kent Heights tank site; and

**WHEREAS**, the BCWA and the City are desirous of entering into an agreement for the operation of the pumping station, the 16" interconnection and the 24" interconnection to ensure that their use does not interfere with the operations of either system concerning pressure, flow and water quality.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of East Providence hereby authorizes the Mayor to enter into an Interconnection Operation Agreement with the Bristol County Water Authority.

This Resolution shall take effect upon passage.

Adopted by the City Council: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by: Council Vice President Rodericks & Councilman Cahoon

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION IN SUPPORT OF OPERATION ZAP AND ENCOURAGING  
EAST PROVIDENCE RESIDENTS TO JOIN THE 50<sup>TH</sup> ANNIVERSARY  
OF OPERATION ZAP

WHEREAS, *Operation ZAP* was organized in 1972; and

WHEREAS, *Operation ZAP* began the environmental movement in the Blackstone River Valley; and

WHEREAS, the Blackstone River became the first industrialized river and first polluted riverway in the Western Hemisphere; and

WHEREAS, Samuel Slater, on the Blackstone River in 1790, launched *the American Industrial Revolution*, and initiated economic freedom for the United States; and

WHEREAS, the use of the Blackstone River's waterpower offered the strength needed to power hundreds of textile mills along its 48 mile length; and

WHEREAS, these mills employed thousands of people that arrived from all over the world in search of their *American Dream*; and

WHEREAS, while this economic opportunity catapulted the Blackstone Valley businesses into a world economy for almost 200 years, it also left a legacy of environmental degradation; and

WHEREAS, this environmental condition has denied ten generations the use of the Blackstone River for drinking, swimming or eating its aquatic life; and

WHEREAS, the landscape along the Blackstone River has taken over five decades to attempt to bring back to health; and

WHEREAS, the mission of *Operation ZAP* in 1972 was to clean the Blackstone River making it possible for future generations to enjoy living along a clean river way; and

WHEREAS, *Operation ZAP* coincided with the founding of *Earth Day* and in the United States Congress' passage of the *Clean Air* and *Clean Water Acts*, and the founding of *Save the Bay*, which is dedicated to protecting and improving our Narragansett Bay and all the waters that flow into it; and

WHEREAS, *Operation ZAP* was conceived and organized by David M. Rosser of Pawtucket, Rhode Island, the then President of the *Blackstone River Watershed Association*; and

WHEREAS, on September 9, 1972 Mr. Rosser, with the help of hundreds of community leaders and businesses, organized more than 10,000 people to remove tons of refuse from the banks of the Blackstone River and begin the creation of riverfront parks; and

**WHEREAS**, since that time the Blackstone River has seen millions of dollars of federal, state and local money spent on continuing the clean-up efforts; and

**WHEREAS**, since that time the Blackstone River has become cleaner for fish and wildlife; and

**WHEREAS**, the *Blackstone Valley Tourism Council* is organizing an effort, with dozens of local volunteer groups and individuals, with the goal of organizing 10,001 people, to celebrate the people and groups that have helped clean the Blackstone River; and

**WHEREAS**, dozens of people have worked to develop a Blackstone River Watershed Needs Assessment that points to a future where residents will be able to eat the fish, drink the water and swim in the Blackstone River; and

**WHEREAS**, it is time to be a part of this environmental movement, this time Blackstone River Watershed-wide, to clean up and green up the 25 Blackstone River Watershed communities from Worcester, Massachusetts to Providence, Rhode Island; and

**WHEREAS**, the David Rosser family is working with the local organizers of ZAP50 to insure the environmental legacy is continued; and

**WHEREAS**, this will be a time to celebrate the people who worked on *Operation ZAP* in 1972 and the organizations and people who continue the work to bring the Blackstone River back to health.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of East Providence joins ZAP 50, to be with the 10,001 people that will assemble on August 27, 2022 to clean the Watershed and will assemble again on September 10, 2022 at the Old Slater Mill National Historic Site in Pawtucket, the base camp of Dave Rosser's headquarters for Operation ZAP in 1972 to celebrate.

**BE IT FURTHER RESOLVED**, that the City of East Providence commits its leadership, necessary resources, and participation to assist in mobilizing its citizens to "turn out" to join the 50th Anniversary of Operation ZAP. We call upon all to honor the work performed in 1972, honor the groups and agencies for the past and current ongoing efforts, and ensure that the Operation ZAP of 1972 goals are realized.

This Resolution shall take effect upon passage.

Adopted by the City Council: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by: Council President Britto



STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION REQUESTING THE CITY OF EAST PROVIDENCE'S GENERAL ASSEMBLY DELEGATION TO SUPPORT THE INSTALLATION OF A "LUSO-AMERICANS VETERANS MONUMENT" AT THE RHODE ISLAND VETERANS MEMORIAL CEMETERY**

- Whereas, The Rhode Island Day of Portugal is seeking to build and install a "Luso-Americans Veterans Monument" at the Rhode Island Veterans Memorial Cemetery; and
- Whereas, The monument is a small token to the Luso-Americans who live in the State of Rhode Island of making an attempt to repay the sacrifice and also to let people know how proud we are as Luso-Americans; and
- Whereas, The monument will reflect the respect and appreciation this community has for our past and present military men and women who sacrifice so much for our freedom; and
- Whereas, The design of the monument will be sent out asking the Portuguese architect community to design a monument that commands respect and dignity and speaks to the soul of the Portuguese heritage; and
- Whereas, The Rhode Island Day of Portugal is seeking financial support for the building and installation of the "Luso-Americans Veterans Monument"; and
- Whereas, Upon information and belief, the municipalities of West Warwick, Warwick, Cumberland, and Bristol are issuing comparable requests for support.

NOW, THEREFORE, BE IT RESOLVED, that the East Providence City Council requests the City of East Providence General Assembly Delegation to support the building and installation of the "Luso-Americans Veterans Monument" at the Rhode Island Veterans Memorial Cemetery; and

BE IT FURTHER RESOLVED, that the City Council of the City of East Providence hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives and the Senators and Representatives from the City of East Providence for consideration of a financial contribution from the State of Rhode Island for the building and installation of this monument.

This Resolution shall take effect upon passage.

Adopted: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk of the City of East Providence, RI

Introduced by: Councilman Mourato and Councilwoman Sousa

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 9 OF THE  
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,  
RHODE ISLAND, 1998, AS AMENDED, ENTITLED  
"MISCELLANEOUS OFFENSES"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

**SECTION I.** Subsection (a)(1) of Sec. 9-13 entitled "Sale of cigarettes by vending machine prohibited" of Chapter 9 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Miscellaneous Offenses" is amended to read as follows:

**Sec. 9-13. Sale of cigarettes by vending machine prohibited.**

- (a) No person, firm, corporation, establishment or agency shall engage in the operation of selling cigarettes by vending machine provided, however, that this section shall not apply to:
- (1) Cigarette vending machines in establishments where, as a condition of entry to the premises and access to the cigarette vending machine, persons are required to be at least ~~18~~ 21 years of age; or

**SECTION II.** Section 9-15 entitled "Purchase, sale or delivery of tobacco products to persons under 18 prohibited; notice of law to be posted" of Chapter 9 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Miscellaneous Offenses" is amended to read as follows:

**Sec. 9-15. Purchase, sale or delivery of tobacco products to persons under ~~18~~ 21 prohibited; notice of law to be posted.**

- (a) No person, or employee or agent of such person, shall sell or possess with the intention of selling, under 18 years of age shall purchase nor shall any person sell, give or deliver to any person under ~~18~~ 21 years of age any tobacco products in the form of cigarettes, cigars, pipe tobacco, chewing tobacco, or snuff, electronic cigarettes or other forms of electronic nicotine delivery devices (ENDS).
- (b) Any person, firm or corporation that owns, manages or operates a place of business in which tobacco products are sold including sales through cigarette vending machines, shall post notice of this law conspicuously in such place of business in letters at least three-eighths of an inch high. Signs required by this section may be provided by the department of health at cost.
- (c) Sale of flavored tobacco products prohibited. No licensee, or employee or agent of such licensee, shall sell any flavored tobacco product to a consumer. A non-cigarette tobacco

product is presumed to be a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees has:

(1) made a public statement or claim that the non-cigarette tobacco product has or produces a characterizing flavor, including, but not limited to, text and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate information about the flavor, taste, or aroma of a non-cigarette tobacco product; or

(2) taken action directed to consumers that would be reasonably expected to result in consumers believing that the non-cigarette tobacco product imparts a characterizing flavor. Each licensee shall maintain on the premises the original labeling and packaging provided by the manufacturer for all tobacco products that are sold or offered for sale by the licensee separately from the original packaging designed for retail sale to the consumer. The original labeling and packaging from which the contents are sold separately shall be maintained during such time as the contents of the package are offered for sale, and may be disposed of upon the sale of the entire contents of such package. Flavor is characterized by a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, minter or wintergreen, imparted either prior to or during consumption of a tobacco product or component thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverages, her, or spice; provided, however, that no tobacco product shall be determined to have charactering flavor solely because of the use of additives of flavorings or the provision of ingredient information.

This subsection (c) shall not apply to a smoking bar as defined in Section 23-20.10-2(15) of the Rhode Island General Laws.

"Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sales as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

~~(e)~~(d) Any person violating the provisions of this section shall be penalized as follows:

- (1) Such person shall be fined ~~\$200.00~~; \$250.00;
- (2) Any person violating this section a second time within 36 months of the first offense shall be fined ~~\$300.00~~; \$350.00;
- (3) Any person violating this section a third time within 36 months of the first offense shall be fined \$500.00 and may be ordered not to sell tobacco products for up to 90 days.
- (4) Any person violating this section may be ordered to complete tobacco retailer training as deemed appropriate by the local substance abuse task force (East Providence Prevention Coalition).

~~(d)~~(e) Any person violating this section shall be cited for such violation and may:

- (1) Pay the fine indicated on the citation either by mail or in person, within 20 days after receiving the citation; or
- (2) Shall be required to appear in the Municipal Court for the City of East Providence for a hearing on that citation.

(f) All fines collected by municipal court or the East Providence City Council sitting as the licensing commission hereunder shall be paid to the City of East Providence. It is the intent of this legislation that all fines collected by the City of East Providence hereunder shall be used for the purpose of the East Providence Police Department conducting tobacco produce compliance checks and the East Providence Prevention Coalition providing tobacco education.

**SECTION III.** This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Given first passage \_\_\_\_\_ and referred to \_\_\_\_\_ at 6:30 p.m. for a hearing and consideration of final passage; and adopted \_\_\_\_\_.

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by: Councilwoman Sousa

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 13 OF THE  
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,  
RHODE ISLAND, 1998, AS AMENDED, ENTITLED  
“PUBLIC PLACES”

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

**SECTION I.** Subsection (a) of Section 13-4 entitled “Smoking at public places” of Article I entitled “In General” of Chapter 13 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” is amended to read as follows:

**Sec. 13-4. Smoking at public places.**

- (a) Since smoking is a public nuisance and dangerous to public health, it shall be unlawful for any person to smoke in any form or otherwise use tobacco products, including electronic cigarettes, or other forms of electronic nicotine delivery devices (ENDS), or the use of combustible cannabis, in any public buildings, public parks or any other indoor or outdoor recreational areas or facilities owned by the city or leased by the city as lessee, and in all motor vehicles of any type or kind owned, rented, leased or used by the city or any of its departments, boards, or commissions.

**SECTION II.** This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Given first passage \_\_\_\_\_ and referred to \_\_\_\_\_ at 6:30 P.M. for a hearing and consideration of final passage and adopted \_\_\_\_\_.

Attest:

\_\_\_\_\_  
City Clerk of East Providence, Rhode Island

Introduced by: Councilwoman Sousa