

CITY OF EAST PROVIDENCE
JOURNAL/MINUTES-REGULAR COUNCIL MEETING
TUESDAY, JANUARY 19, 2021
CALL TO ORDER: 6:30 P.M.
145 TAUNTON AVENUE-CITY COUNCIL CHAMBERS
EAST PROVIDENCE, RHODE ISLAND
EXECUTIVE SESSION: CONFERENCE ROOM A

RE-OPEN SESSION TO BE IMMEDIATELY FOLLOWED AFTER EXECUTIVE SESSION AT APPROXIMATELY 6:45 P.M.

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
City Clerk, Samantha N. Burnett

As a result of the COVID-19 pandemic, this meeting will be both in person and virtually, through 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: 993-0796-0324
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 smart phone, go to: www.zoom.us
Enter the following information when prompted
MEETING ID: 993-0796-0324
Once entered, you will be able to join the meeting. At the appropriate time for public comment the moderator will allow you to provide comment at the meeting.
The meeting will also be available live on our city website, located at:
http://www.clerkbase.com/RI_EastProvidence_Live_CityCouncil.html

In addition, written public comment on any agenda item can be submitted by 4:00 p.m. on Tuesday, January 19, 2020 in the following delivery methods:

Email the City Clerk: sburnett@eastprovidenceri.gov

Mailed/dropped off at: City Hall, Attention: City Clerk, 145 Taunton Avenue - East Providence, Rhode Island 02914

I. CALL TO ORDER 

II. VOTE TO GO INTO EXECUTIVE SESSION PURSUANT TO R.I.G.L. 42-46-5(a)(1), (a)(2) and(a)(5) as noted below.

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | | |
| Mourato | | |
| Rodericks | | |
| Sousa | | |
| Britto | | |

A) Litigation

Litigation strategy/update and acquisition of private property by Eminent Domain

The City Council may go into executive session pursuant to R.I.G.L. 42-46-5(a)(1) and (5) related to an update from special counsel related to litigation status and update on potential eminent domain proceedings related to former Metacomet Golf Club and Facility located at 500 Veterans Memorial Parkway, East Providence, 02914

The City Council may go into executive session pursuant to R.I.G.L. 42-46-5(a)(2) litigation and potential litigation to discuss the following items:

New Claims


1. Patti Moniz

B) Sewer Abatements


1. Suzanne Grossman
2. Umah Camara
3. Judith Wesley

III. OPEN SESSION - CALL TO ORDER - Council President Britto called the meeting to order. Roll call vote was requested by Council President. City Clerk, Samantha Burnett conducted roll call. Councilwoman Sousa was not present.

IV. PLEDGE OF ALLEGIANCE - Council President Britto led the pledge of allegiance and called for a moment of silence for Mr. Castro and Mr. Sousa.

V. MOTION TO SEAL MINUTES FROM EXECUTIVE SESSION - Motion to seal the minutes form executive session. Seconded by Councilman Mourato. Motion passes unanimously. 4-0 with Councilwoman Sousa absent for vote. 

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | | |
| Britto | X | |

VI. **CONSENT CALENDAR – TAX ABATEMENTS AND COUNCIL JOURNALS** - Motion to approve consent calendar from Councilman Mourato. Seconded by Councilman Cahoon. Motion passes unanimously 4-0, with Councilwoman Sousa absent for vote. 


TAX ABATEMENTS:

| YEAR | AMOUNT |
|----------------|-------------------|
| 2014 | \$271.02 |
| 2015 | \$710.10 |
| 2016 | \$202.61 |
| 2017 | \$53.94 |
| 2018 | \$236.06 |
| 2019 | \$238.98 |
| 2020 | \$746.59 |
| TOTALS: | \$2,459.31 |

COUNCIL JOURNALS:

NOVEMBER 10, 2020, NOVEMBER 24, 2020, DECEMBER 8, 2020, DECEMBER 15, 2020, DECEMBER 22, 2020, JANUARY 6, 2021

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | | |
| Britto | X | |

PUBLIC COMMENT - Councilman Britto called for public in the audience and online. No response. Councilman Britto closed public comment. 

Each speaker will be limited to three (3) minutes. The order of the 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. Public comments must pertain to a docket item.

Councilman Cahoon asked that Ms. Smalley be allowed to speak as she has prepared a statement against this resolution. Councilman Britto approved. Ms. Smalley is speaking against the resolution brought forward by Councilman Cahoon. She does not feel that passing this resolution does not anything productive to provide economic relief to the bar and restaurant owners and increases fundamental misunderstanding about public health and causes mistrust toward our government. Ms. Smalley proceeds to state statistics about curfews.

VII. LICENSES NOT REQUIRING PUBLIC HEARING 

1. APPLICATION FOR VICTUALING LICENSE, CLASS 3 – Wise Guy Deli, 467 Willett Avenue, 02915

Applicant present. City Clerk, Samantha Burnett confirmed all paperwork has been submitted. No questions from the council.

Motion to approve made by Councilman Cahoon
 Seconded by Councilman Mourato
 Motion passes unanimously, 4-0 with Councilwoman Sousa absent for the vote.

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | | |
| Britto | X | |

2. HOLIDAY SALES – Wise Guy Deli, 467 Willett Avenue, 02915

Applicant present. City Clerk, Samantha Burnett confirmed all paperwork has been submitted. No questions from the council.

Motion to approve made by Councilman Cahoon
 Seconded by Councilman Mourato
 Motion passes unanimously, 4-0 with Councilwoman Sousa absent for the vote.

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | | |
| Britto | X | |

VII. LICENSES REQUIRING PUBLIC HEARING 

1. APPLICATION FOR VICTUALING LICENSE-CLASS 1, TRANSFER – PUBLIC HEARING

APPLICANT: Manuel Sousa, Little Lucy’s Lunch, LLC DBA Red Bridge Tavern, 22 Waterman Avenue 02914
TRANSFER TO: JOSEPH F. PEREIRA, JR.

Applicant attorney present. City Clerk, Samantha Burnett confirmed all paperwork has been submitted. No questions from the council.

Motion to approve made by Councilman Mourato
 Seconded by Councilman Cahoon
 Motion passes unanimously, 4-0 with Councilwoman Sousa absent for the vote.

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | | |
| Britto | X | |

2. BV LICENSE – PUBLIC HEARING

APPLICANT: BERTA’S RESTAURANT TAPAS AND BAR INC. DBA BERTA’S RED BRIDGE TAVERN, WATERMAN AVENUE, 02914 (BERTA BORGES AND JOSEPH F. PEREIRA)

Applicant attorney present. City Clerk, Samantha Burnett confirmed all paperwork has been submitted. No questions from the council.
 Motion to approve made by Councilman Rodericks
 Seconded by Councilman Mourato
 Motion passes unanimously, 4-0 with Councilwoman Sousa absent for the vote.

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | | |
| Britto | X | |

VIII. APPOINTMENTS

1. Comprehensive Plan Advisory Plan Committee: Renee Chicoine (Sponsored by: Councilman Cahoon)

Councilman Cahoon shared with the Council that Ms. Chicoine is a long time East Providence resident that moved away and came back. He shared that she enjoys government, to include planning, development.
 Motion to approve by Councilman Cahoon
 Seconded by Councilman Mourato
 Motion passes unanimously, 4-0 with Councilwoman Sousa absent for the vote.

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | | |
| Britto | X | |

IX. NEW BUSINESS

a) COUNCIL COMMUNICATIONS

1. Discussion: Tree Ordinance and Tree Commission – Councilwoman Sousa
 Councilwoman Sousa speaks about the ordinance referencing the Tree Commission. This Commission would consist of members of the community, they would work congruently with other commissions and committees in the city. This commission is required to maintain the tree city status for East Providence. She states this is a Mayoral appointment per the charter.
2. Discussion: East Providence Small Business Symposium/Meeting - Councilman Cahoon, Councilwoman Sousa, Councilman Mourato
 Councilwoman Sousa addressed business owners airing grievances and short comings and how the council can assist them. She asks council for dates and to advertise in the post to give those who want to attend can make the arrangements.
 Councilman Britto suggests utilizing the Chamber of Commerce.
 Councilman Cahoon would like to hear from the businesses and the community as a whole about ideas to help in this. He would like to send out a survey
 Councilman Mourato is reviewing licensing ordinances to figure out where to start and get ideas. Utilize City Clerk for business contact information.
 Councilman Rodericks wanted to clarify that he is involved with this even though his name is not on it. He believes the questions and comments should come from the businesses.
3. Discussion: Comprehensive Plan Workshop/Update for February 2, 2021 meeting – Councilman Mourato
 Councilman Mourato asked to move item 3 next. He is requesting from the Chief of Staff an update from the comprehensive plan company to give a timeline moving forward and how to incorporate the comprehensive advisory board.
4. Discussion: Request for Update on February 2, 2021 Council meeting regarding Capital Projects – Councilman Mourato
 Councilman Mourato states he will be requesting through the proper ordinance form to have an update on the Riverside tree project on Bullocks Point, the wire drop and the Carousel projects at the next council meeting.
 Councilman Rodericks ask to add the progress on the project behind the Riverside Middle School and the Riverside Rec field.

b) COMMUNICATIONS – OFFICE OF THE MAYOR


Joyce May addresses Council in regards to the Library. She states that the library is not closed and their services have not stopped. They are providing a pick-up service by appointment. Addressed programs that are available to the community.

1. **Executive Order-2021-002:** Extending order 2020-004, dated March 15, 2020, Entitled, “Declaration of State of Municipal Emergency”
 Chief of Staff, Napoleon Gonsalves presents the extension of Executive Order 2020-004 to February 16, 2021
 No questions from the council.
 Motion to approve made by Councilman Cahoon
 Seconded by Councilman Rodericks
 Motion passes unanimously 5-0

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | X | |
| Britto | X | |

2. **Executive Order-2021-003:** Extension of FFCRA (Federal Families First Coronavirus Response Act) Benefits
 Napoleon Gonsalves states this Executive order is informational only. This extends the FFCRA to March 31, 2021, to enable to use sick leave for corona virus related reasons. If the state of emergency would end, this would end at the time of the state of emergency.
3. **Executive Order-2021-005:** Extending Executive Order 2020-047, dated November 24, 2020 and extending Executive Order 2020-049, dated November 25, 2020 entitled, “Supplemental Declaration of State of Emergency”
 Councilman Britto states the council will not be voting on this item. Informational only.

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | | |
| Mourato | | |
| Rodericks | | |
| Sousa | | |
| Britto | | |

4. Presentation of FY 2018-2019 Audit (conducted by BlumShapiro) and Workshop Discussion 
 Napoleon Gonsalves confirmed the council received their audit books.
 Councilman Mourato asked Finance Director Malcolm Moore when the 2020 audit will be completed. Mr. Moore states roughly October of 2021.
 Councilman Mourato would like a draft without pension numbers to review a more current audit.
 Mr. Moore stated a draft should be available May or June of 2021.

- 5. Appointment Letter - Tree Warden Announcement, Ronald Nawroki
 No questions from the Council. Councilman Britto points out this is the current tree warden and that this is a Mayoral appointment.
- 6. Appointment Letter - Acting DPW Director Announcement, Erik Skadberg
- 7. East Providence Water Workshops Request Letter - Communication and Discussion

Mayor Dasilva speaks to water rate analysis, he refers to the city of East Providence ordinance 17-36 we are required to analyze the water rates to determine if a modification is required for subsequent years. He speaks to the Bristol County Water Authority water main leak in April of 2019, it is important to inspect the structural integrity of our water pipe line.
 The Mayor would like to make a presentation/workshop to the Council to discuss setting the water rate. Part of the workshop would be discussing East Providence partnering with the Bristol County Water Authority in connecting to Pawtucket as an emergency water back up.
 The Mayor would like to update the council at the next council meeting having the consultant brief the council on Suez contract negotiations.
 Councilman Britto sets the meeting for February 22, 2021.
 Councilwoman Souza asks that this be penciled in and tentative, asks for the potential of February 24, 2021.

c) REPORTS OF OTHER CITY OFFICIALS 

1.) City Solicitor's Claims Report

Solicitor Michael J. Marcello
 City Solicitor Marcello shared the status of what was voted on in the Executive Session
 Claims
 Patty Moniz – approved
 Wesley – approved
 Sewer Abatement
 Susan Grossman – approved
 Camara – approved

2.) Monthly Business Licensing Status Report

City Clerk, Samantha Burnett
 Councilman Britto asked the City Clerk, Samantha Burnett, to speak to Assistant Solicitor Dylan Conley before submitting the report.

d) RESOLUTIONS

1. RESOLUTION REQUESTING THE GOVERNOR AND THE GENERAL ASSEMBLY TO TAKE ACTION TO ADJUST CLOSING TIMES FOR BUSINESSES IN EAST PROVIDENCE TO PROVIDE ALL POSSIBLE ECONOMIC RELIEF TO THESE BUSINESSES

Sponsored by: Councilman Cahoon
 Full Resolutions on Clerkbase, under 01/19/2021 agenda: https://clerkshq.com/Content/Attachments/EastProvidence-ri/210119_01.pdf?clientSite=EastProvidence-ri
 Councilman Cahoon asked that Ms. Smalley be allowed to speak as she has prepared a statement against this resolution. Councilman Britto approved.
 Councilman Cahoon compared the restrictions from each state for restaurants and compared data per state.
 Motion to approve by Councilman Cahoon
 Seconded by Councilman Rodericks
 Motion passes unanimously 5-0

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | X | |
| Britto | X | |

e) ORDINANCES

1. ORDINANCES FOR FIRST PASSAGE

A) AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "VEHICLES AND TRAFFIC"

Section 18-307

Sponsored by: Council Vice President Rodericks
 Councilman Rodericks states this is a continuation of a previous action the council has taken. Behind self help building Pawtucket Avenue.
 Councilman Rodericks would like make a motion that the revised ordinance amendment would grant no parking on Pawtucket Ave west side from Atlantis extending north a distance of 115 feet. This would be first passage
 Motion to approve made by Councilman Rodericks
 Seconded by Councilman Mourato
 Motion passes unanimously 5-0

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | X | |
| Britto | X | |

B) AN ORDINANCE IN AMENDMENT OF CHAPTER 7 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "HEALTH AND SANITATION"

Article V, Sections 7-81 to 7-88

Sponsored by: Council President Britto and Council Vice President Rodericks
 Councilman Britto introduced the ordinance to the Council, addressing donation bins.
 Councilman Rodericks listed other donations options other than bins.
 Councilman Mourato stated his concern is geared toward the donation box company, this should also make the property housing the bin be held responsible also.
 Solicitor Marcello points out the ordinance 7-85.6, the penalty responsibility is shared by the operator and the property owner.
 Councilwoman Sousa addressed the council stating she has worked on this previously. She addresses the Savers dumpster and the issues revolving around that.

Motion to approve made by Councilman Rodericks
Seconded by Councilwoman Sousa
Motion passes unanimously 5-0

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | X | |
| Britto | X | |

X. RECONVENE IN EXECUTIVE SESSION (if necessary)

No need to reconvene

XI. ADJOURNMENT

Motion to approve made by Councilwoman Sousa
Seconded by Councilman Rodericks
Motion passes unanimously 5-0

| Member | Aye | Nay |
|-----------|-----|-----|
| Cahoon | X | |
| Mourato | X | |
| Rodericks | X | |
| Sousa | X | |
| Britto | X | |

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

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**STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS**

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION REQUESTING THE GOVERNOR AND THE GENERAL ASSEMBLY
TO TAKE ACTION TO ADJUST CLOSING TIMES FOR BUSINESSES IN EAST
PROVIDENCE TO PROVIDE ALL POSSIBLE ECONOMIC RELIEF TO THESE
BUSINESSES**

WHEREAS, in response to the global pandemic related to COVID-19 the State of Rhode has implemented a number of executive orders and health directives to control the rate of infection; and

WHEREAS, one such measure of November 8, 2020, mandates closing times for businesses of 10:00pm on weekdays and 10:30pm on weekends; and

WHEREAS, while these measures were well-intentioned, the East Providence City Council has not been presented with any report, study, or scientific evidence indicating that such measures effectively control the spread of the Coronavirus, or reduce the rate of positive COVID-19 tests, or related hospitalizations and deaths; and

WHEREAS, East Providence businesses are compelled to implement all enacted measures related to facial coverings; social distancing; etc., regardless of their hours of operation; and

WHEREAS, restrictions on closing times have caused significant harm to East Providence businesses already reeling from the economic impacts of COVID-19;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Providence hereby urges the Governor and the Rhode Island General Assembly to take immediate action to allow East Providence businesses to resume normal operating hours, in accordance with state law; and that the Governor and General Assembly take immediate action to provide additional, substantial financial relief to those East Providence businesses impacted by the COVID-19 pandemic, and the resulting prevention measures.

This resolution shall take effect upon passage.

Adopted by City Council: _____

Attest:

City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilman Cahoon

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

**AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“VEHICLES AND TRAFFIC”**

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Section 18-307 entitled “Parking prohibited at all times” of Article X entitled “Stopping, Standing and Parking” of Chapter 18 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Vehicles and Traffic” is amended by adding thereto the following:

Pawtucket Avenue (west side) from Ailanthus Street extending north a distance of 115 feet

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: Council Vice President Rodericks

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

**AN ORDINANCE IN AMENDMENT OF CHAPTER 7 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“HEALTH AND SANITATION”**

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Chapter 7 of the Revised Ordinances of the City of East Providence, Rhode Island 1998, as amended, entitled “Health and Sanitation” is amended by adding thereto the following:

ARTICLE V. REGULATION OF UNATTENDED DONATION BOXES

Sec. 7-81. Purpose and intent.

The purpose of this article is to regulate the placement of unattended donation boxes within the city. The procedures and requirements of this article are enacted to:

- (a) Promote the community’s health, safety, and welfare by regulating unattended donation boxes for clothing or other salvageable personal property within the city;
- (b) Ensure that unattended donation boxes do not pose a hazard to pedestrian and vehicular traffic;
- (c) Ensure that material is not allowed to accumulate outside of the unattended donation boxes where it can be scattered by adverse weather conditions, animal contacts and human activities; and
- (d) Establish criteria that avoid attracting vermin, unsightliness, and public health hazard.

Sec. 7-82. Definitions.

Operator means a person, entity, association or organization who places, maintains or operates unattended donation box(es) to solicit donations of salvageable personal property.

Permittee means the property owner who is issued a permit authorizing placement of unattended donation box(es).

Unattended Donation Box means any unattended container, receptacle, or similar device that is located on any property within the city used for soliciting and collecting donations of clothing or other salvageable personal property.

Sec 7-83. Permits.

(a) It shall be unlawful for any person, firm, or corporation to erect, place, maintain or operate any collection bin without first obtaining a permit issued by the Building Official.

(b) A permit issued under this article shall be valid for one year and renewable for one-year periods thereafter.

(1) Annual permit fee: \$50.00, plus a \$100.00 refundable deposit.

(c) The Building Official shall not issue a permit unless:

(1) The applicant has submitted a complete and accurate application accompanied by the applicable fee;

(2) The operator who will maintain or operate the unattended donation box is qualified to solicit donations of salvageable personal property pursuant to Rhode Island General Laws as amended;

(3) The proposed location and placement of the unattended donation box on the property owner's real property is in compliance with all applicable laws and will not impede pedestrian, bicycle, site distances onto adjacent streets or vehicular traffic.

(d) If the Building Official denies an application, the Building Official shall state, in writing, the specific reasons for denial.

(e) Permits issued hereunder shall be valid for one unattended donation box. Multiple unattended donation boxes shall have their own individual permits.

(f) No person or operator to whom a permit has been issued shall transfer, assign, or convey such permit to another person or operator.

(g) Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Building Official in writing of the intent to cancel the permit. The permit shall become void upon the Building Official's receipt of a written notice of intent to cancel the permit.

Sec. 7-84. Renewal of permits.

(a) A permittee may apply for permit renewal by submitting to the Building Official, before the expiration of the permit, a renewal application and applicable fee.

(b) The Building Official shall either approve or deny the renewal of a permit within thirty (30) days of receipt of the complete renewal application and payment of the renewal fee.

(c) The Building Official shall approve the renewal of a permit if he or she finds that no circumstances existed during the term of the permit, existed at the time of submission of an

application for renewal, or existed at any time during the review of the application for renewal that are inconsistent with any finding required for approval of a new permit or that would justify the revocation of the permit.

Sec. 7-85. Requirements and maintenance.

(a) A permittee shall operate and maintain or cause to be operated and maintained all unattended donation boxes located in the city as follows:

(1) Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;

(2) Unattended donation boxes shall be locked or otherwise secured;

(3) Unattended donation boxes shall contain the following contact information in two-inch type visible from the front of each unattended donation box: the name, address, email, and phone number of both the permittee and operator;

(4) Unattended donation boxes shall be serviced and emptied as needed, but at least once per month, or within five business days of a request by the Building Official.

(5) The permittee shall maintain or cause to be maintained the area surrounding the unattended donation boxes free of any junk, garbage, trash, debris or other refuse material.

(6) The permittee and operator shall be individually and severally responsible, including all costs, for abating and removing all junk, garbage, trash, debris and other refuse material in the area surrounding the unattended donation boxes within twenty-four hours of written or verbal notice from the city.

(b) It shall be unlawful for any property owner or operator to place an unattended donation box in any residential district.

(c) No more than two unattended donation boxes shall be placed on each parcel of real property.

(d) Permittee and/or operator shall report the amount of tonnage collected annually to the Department of Public Works.

Sec. 7-86. Revocation of permit, removal of unattended donation boxes and liability.

The Building Official shall have the right to revoke any permit issued hereunder if any of the grounds upon which he or she may refuse to issue an initial permit exists. In addition, the failure of the permittee to comply with the provisions of this article or other provisions of this code or other law shall also constitute grounds for revocation of the permit. The Building Official shall provide a written notification to the permittee stating the specific grounds for revocation. Upon revocation, the unattended donation box shall be removed from the permittee's real property within

thirty (30) calendar days and, if not removed within this time period, the city may remove, store and dispose of the unattended donation box at the permittee's sole cost and expense. Upon revocation, a permittee shall be prohibited from applying for a permit for a period of one year. Any violation of the provisions of this article is a public nuisance subject to abatement pursuant to this code or as otherwise permitted by law.

Sec. 7-87. Violation--Penalty.

(a) In addition to any other penalties or remedies authorized by the laws of this state or city, any person who violates any provision of this article shall be punished by a fine as follows:

1. First Offense – Loss of Deposit (\$100.00)
2. \$100.00 for each subsequent violation, plus any cost incurred by the city for cleanup if needed.

(b) If a permittee is found to have willfully violated or ignored the provisions of this article, or is found to have perpetrated fraud regarding the operation and use of the collection bin, the permittee shall be fined and will be deemed ineligible to place, use or employ a collection bin pursuant to this article, and may have any or all bins removed by the city.

Sec. 7-88. Exemption.

Unattended donation boxes located entirely within the interior of a building are exempt from the requirements of this article.

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: Council President Britto & Council Vice President Rodericks