

CITY OF EAST PROVIDENCE
DOCKET-REGULAR COUNCIL MEETING
 TUESDAY, JUNE 15, 2021
 CALL TO ORDER: 6:30 P.M.
 145 TAUNTON AVENUE-CITY COUNCIL CHAMBERS
 EAST PROVIDENCE, RHODE ISLAND
 EXECUTIVE SESSION: CONFERENCE ROOM A
OPEN SESSION WILL IMMEDIATELY FOLLOW EXECUTIVE SESSION

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

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

I. CALL TO ORDER –

Meeting was called to order by Council President Britto. City Clerk, Samantha Burnett, produced a roll call. All Council members were present.

II. INVOCATION OF EXECUTIVE SESSION

Council may meet in Executive Session, pursuant to RIGL 46-45 (a)

Motion to move into Executive Session made by Councilman Cahoon. Motion seconded by Council Vice President Rodericks. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

III. EXECUTIVE SESSION - Pursuant to R.I.G.L. § 42-46-5(a) 2

- 1) Review, discussion and potential vote to ratify the collective bargaining agreement between the United Steelworkers Local 15509 and the City of East Providence - Effective 11/01/2020 to 10/31/2023
2. CLAIMS
 - A) OCTAVIO CUNHA
 - B) OSTENDORF LAW GROUP LLC (FOR ASHLEY, ELLA & SOPHIA OSTENDORF)
 - C) PAUL J. RHINLINGER
 - D) ELIZABETH ZUCCHI

IV. OPEN SESSION –

The Council returned back from Executive Session and began the Open Session.

V. PLEDGE OF ALLEGIANCE –

Council President Britto led the Pledge.

Immediately following the Pledge, the Council President requested the City Clerk to produce a roll call. All Council members were present.

VI. MOTION TO SEAL THE MINUTES FROM EXECUTIVE SESSION

Motion to seal the minutes from Executive Session made by Council Vice President Rodericks. Motion seconded by Councilman Cahoon. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

VII. APPROVAL OF THE CONSENT CALENDAR

1. COUNCIL JOURNALS: JUNE 1, 2021 – REGULAR MEETING
2. JUNE 1, 2021 - EXECUTIVE SESSION MINUTES

TAX ABATEMENTS:

2019	\$55.26
2020	\$715.68
2021	\$2,988.43
TOTALS	\$3,759.37

Motion to approve the Consent Calendar made by Councilman Cahoon. Motion seconded by Councilwoman Sousa. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

Council President Britto requested to move a docket item up due to Chief Nebus needing to attend an event this evening. There were no issues from the Council. Please see the item listed as,

“AN ORDINANCE IN AMENDMENT OF CHAPTER 12 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “POLICE” (Amending Section 12-18-6 related to minimum education requirements for police officers) (Council Vice President Rodericks)”

Following the above item was completed, Council President requested to move up the Communications item, entitled, “Nick Rabar, Community Family Friendly 5K walk/run Sunday, September 26, 2021 – 9:00 a.m. Start and Finish location: Greenwood Avenue at Rumford Center” Please see below for notes.

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.

Name:	Docket Item:
Candy Seel	Open Space Zone Change Review Process
Julie Lauterbach-Colby	First Street Bike Project
Heather Andrade	Zone Ordinance
Anne Teipei (sp)	Open Space/Zone Review Process
Mike Teipei (sp)	Open Space/Zone Review Process
Chrissy Rossi	Has Something on Her Mind <i>(Clerk Note: as written by commenter)</i>
James Cunningham	Zone Ordinance without a Traffic Study
Kathleen Gannon	First Street Bike Project
Steven Schuman	Councilwoman Sousa’s Zoning Proposal
Diane Petrella	Councilwoman Sousa’s Zoning Proposal

VIII. COMMUNICATIONS

- Nick Rabar, Community Family Friendly 5K walk/run Sunday, September 26, 2021 – 9:00 a.m.
Start and Finish location: Greenwood Avenue at Rumford Center

Nick Rabar and Kerry Taylor from 212 Health and Performance, hosts of the event, were in attendance.

Motion to approve made by Councilman Cahoon.

Motion seconded by Councilwoman Sousa. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

VIII. COUNCIL APPOINTMENTS WITHOUT MAYORAL APPROVAL 

- Waterfront Commission Appointment - Manny Barrows effective July 1, 2021
(Council President Britto)

Council President Britto spoke regarding Mr. Barrows and his qualifications. This seat is available due to Mr. Paul Moura’s seat becoming available.

Motion to approve made by Council Vice President Rodericks. Motion seconded by Councilman Cahoon. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

IX. MAYORAL APPOINTMENTS WITH COUNCIL APPROVAL 

- Matthew Dawson – Personnel Hearing Board (12/17/2019-12/6/2025)

Director Gonsalves was available to speak to the Council. Councilwoman Sousa needed clarification of the appointment dates, and Solicitor Marcello and Director Gonsalves provided additional answers for her.

Motion to approve by Councilman Cahoon. Motion seconded by Council Vice President Rodericks. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

X. MAYORAL APPOINTMENTS NOT REQUIRING COUNCIL APPROVAL 

A) Eileen Bowden – East Providence Housing Authority (10/18/2020-10/17/2023)

Council Vice President Rodericks requested Director Gonsalves to share some background on this applicant. Director Gonsalves did not have it. The Council came back later in the meeting to see if Director Gonsalves found the information, and he was without it.

XI. LICENSES NOT REQUIRING PUBLIC HEARING 

A) Block Party Applications

1) Applicant: Jeanne Rego

Road Closure Request: Arlington Street, 02914 (From the intersection of Juniper Street and Fort Street) Time: July 3, 2021 from 1:00 p.m.-11:00 p.m.

Motion to approve made by Council Vice President Rodericks. Motion seconded by Councilwoman Sousa. Motion passes unanimously, 5-0

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

B) One Day Entertainment Licenses

1) Applicant: Samantha Burnett, Organization: Rumford Little League

Location: Kimberly Rock Field, Time: Friday, June 25th 6:00-10:00 p.m.

Type of Entertainment: BBQ and Movie Night

Motion to approve made by Council Vice President Rodericks. Motion seconded by Councilwoman Sousa. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

C) License to Solicit Applications

1) Applicant: Kendra Ricci, Business: Trinity Solar (West Wareham, 02576)

Applicant not present. Motion to approve by Councilman Cahoon. Motion seconded by Councilwoman Sousa. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

D) Victualing Licenses

1) Class 3 Applicant: Dennis Rodriguez, Business: InProgress Nutrition, LLC, Address: 1086 Willett Avenue, Unit 6

Motion to approve by Councilman Cahoon. Council Vice President Rodericks. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

2) Class 3 Applicant: Antonio Lopes, Business: Taste of Island, Address: 2777 Pawtucket Avenue

Motion to approve by Councilwoman Sousa. Motion seconded by Councilman Cahoon. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

E) 60 Day Hawker Licenses

1) Applicant: Keith Lambert, Business: New England Novelty, Address: 500 Taunton Avenue

Motion to approve by Councilwoman Sousa. Motion seconded by Council Vice President Rodericks. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	

Rodericks	x	
Britto	x	

F) Holiday Sales

1) Applicant: Keith Lambert, Business: New England Novelty, Address: 500 Taunton Avenue

Motion to approve by Councilwoman Sousa. Motion seconded by Councilman Cahoon. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

2) Applicant: Dennis Rodriguez, Business: InProgress Nutrition, LLC., Address: 1086 Willett Avenue, Unit 6

Motion to approve by Councilwoman Sousa. Motion seconded by Councilman Cahoon. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

XII. LICENSES REQUIRING PUBLIC HEARING

1) Application for Liquor License: BV (Beer and Wine Service)

Applicant: Ruarri Miller, Business: Prould Mary’s DBA: Union Burrito, 332 Bullocks Point Avenue

Solicitor Marcello shared with the Council the updates regarding the legislative course that Mr. Miller was seeking approval to hold a full liquor license. The legislation passed in the House that same day of the Council meeting. This was still needing the Governor’s signature. Once signed by the Governor, this item will be then have a public hearing. NO MOTION. NO VOTE.

Member	Aye	Nay
Sousa		
Cahoon		
Mourato		
Rodericks		
Britto		

XIII. NEW BUSINESS

A) COUNCIL COMMUNICATIONS

1. Discussion: Supplemental Declaration Municipal Emergency, outdoor dining permit. Temporary to permanent (Councilman Britto)

Possibility of making this permanent in East Providence. Zoning laws were brought up by Councilman Cahoon and the possibly amended them. Councilman Mourato made mention of the Town of Bristol. Council Vice President made mention of reaching out to the Assistant City Solicitor Conley for additional guidance, based on his experience. Councilwoman Sousa made mention of the temporary/permanent permits and how it applies to the current Executive Order for the City.

2. Review, discussion and final ratification of the collective bargaining agreement between the United Steelworkers Local 15509 and the City of East Providence - Effective 11/01/2020 to 10/31/2023

City Solicitor Marcello briefed the public of the specificities of the contract and those involved in the process. Directors Gonsalves, Moore, Santos, Solicitor Marcello were involved in the process. New City Hall hours, with 60 day notice. Motion to approve made by Councilwoman Sousa. Motion seconded by Councilman Cahoon. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

3. Discussion: Bold Point Park Road Conditions and RFP for Park Improvements. (Councilwoman Sousa)

Councilwoman Sousa was present for this discussion item and addressed the public.

4. Discussion and Update: monies allocated to the City of East Providence Coronavirus State and Local Fiscal Recovery Funds, (also known as the American Recovery Act (Councilman Mourato)

Councilman Mourato was present for this discussion item and addressed the public. Finance Director Moore and Gonsalves were also available.

5. Discussion: Summit Street Traffic Study Report (Councilwoman Sousa)

Councilwoman Sousa was present for this discussion item and addressed the public. DPW Director Daniel Borges was available.

6. Discussion: First Street Bike Line Pilot Project and Alternatives (Councilwoman Sousa)

Councilwoman Sousa was present for this discussion item and addressed the public. DPW Director Daniel Borges was available.

7. Referral to the planning board for the following ordinance:

AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “ZONING”

(Councilwoman Sousa) Section 19-453 (Open space zone change review process)

Councilman Mourato was present for this discussion item and addressed the public. DPW Director Daniel Borges was available for conversation.

Councilman Cahoon asked Solicitor Marcello asked if we can get input from DPW. Solicitor Marcello made the recommendation vote to refer this to the Planning Board for recommendation.

Motion to refer for advisory opinion to the Planning Board by Councilwoman Sousa. Motion seconded by Councilman Cahoon. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	

Mourato	x	
Rodericks	x	
Britto	x	

B) COMMUNICATIONS – OFFICE OF THE MAYOR

1) Discussion Items

A) May 2021 – Capital/Expense Report Updates (Director Moore)

Mr. Moore was available for the Council and provided updates for the capital and expense report.

B) Sabin Point Water Quality/Improvements (Deputy DPW Director Skadberg)

Mr. Skadberg was present for the Council and provided updated regarding this topic.

C) Rose Larisa Seawall – *FR Engineering was present for the Council and provided a presentation regarding the seawall.*

D) First Street Project Presentation

Planning Director, William Fazioli, and DPW Director Borges were present and available for the Council, and provided a presentation.

E) Day of Portugal Proclamation (Director Gonsalves)

Announcement made by Mr. Gonsalves

F) Juneteenth Proclamation (Director Gonsalves)

Announcement made by Mr. Gonsalves

G) [Executive Order 2021-013](#) Extension of Municipal Emergency – FOR VOTE

Motion to approve by Councilman Cahoon. Motion seconded by Council Vice President Rodericks. Motion passes 3-2.

Member	Aye	Nay
Sousa		x
Cahoon	x	
Mourato		x
Rodericks	x	
Britto	x	

C) REPORTS OF OTHER CITY OFFICIALS

1. Auditing Standard No. 114 “The Auditors Communication with Those Charged with Governance” regarding audit of City of East Providence, RI (Malcolm Moore, Finance Director) - Attachment

Document accepted and acknowledged by Council.

2. City Solicitor’s Report (Michael J. Marcello, City Solicitor)

City Solicitor Marcello briefed the public of the Executive Session claims report.

3. Boards and Commissions Report (Samantha Burnett, City Clerk)

Clerk, Samantha Burnett, updated the Council of recent application activity regarding the City’s Boards and Commissions.

D) RESOLUTIONS

1. [RESOLUTION](#) DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY (Councilman Cahoon)

Motion to approve made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

Motion to extend meeting another 15 minutes by Councilman Mourato. Motion seconded by Councilwoman Sousa. Motion passes unanimously, 5-0. Meeting extended 15 minutes.

2. [RESOLUTION](#) REQUESTING RELIEF FOR SMALL BUSINESSES AND ENTREPREUERS IN THE HOSPITALITY INDUSTRY (Councilman Mourato)

Motion to approve made by Councilman Mourato. Motion seconded by Councilwoman Sousa. Motion passes unanimously, 5-0. Councilman Mourato requested the City Clerk, Samantha Burnett to forward this to the elected officials within East Providence.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

3. [RESOLUTION](#) REQUESTING IMPROVEMENTS TO PEDESTRIAN, CYCLIST AND DRIVER SAFETY IN THE WATCHMOKET HISTORIC DISTRICT (Councilwoman Sousa)

Unanimous consent given to move this up on the docket in alignment with the Council Communication Item #6. DPW Director, Dan Borges contributed to the conversation.

Motion to approve made by Councilwoman Sousa. Motion seconded by Councilman Mourato.

Councilwoman Sousa requested that this be sent to the Rhode Island Traffic Commission and state representatives. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

4. [RESOLUTION](#) PURSUANT TO EAST PROVIDENCE CITY ORDINANCE SEC. 18-248 ENTITLED “AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS” REGARDING THE FIRST STREET BIKE LANE PILOT PROJECT (Council Vice President Rodericks)

Motion to approve resolution, not to exceed 30 days by Council Vice President Rodericks. Motion seconded by Councilman Cahoon. Motion passes 3-2.

Member	Aye	Nay
Sousa		x
Cahoon	x	

Mourato		x
Rodericks	x	
Britto	x	

E) ORDINANCES FOR FIRST PASSAGE

Full ordinances on ClerkBase, under 06/15/2021 agenda: <https://www.clerkshq.com/eastprovidence-ri>

1. 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: 18-12 and 18-76 (Councilwoman Sousa)

No vote was taken and Councilwoman Sousa requested this be continued to the July 20, 2021 meeting.

Member	Aye	Nay
Sousa		
Cahoon		
Mourato		
Rodericks		
Britto		

2. AN **ORDINANCE** IN AMENDMENT OF CHAPTER 3 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “ANIMALS” (Coyotes) Section 3-1 (Councilman Cahoon)

Adds Article VI

Motion to approve by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

3. AN **ORDINANCE** IN AMENDMENT OF CHAPTER 12 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “POLICE” (Amending Section 12-18-6 related to minimum education requirements for police officers) (Council Vice President Rodericks)

Council Vice President Rodericks was present to introduced the ordinance and stated that he sponsored this ordinance for discussion purposes and doesn't reflect of his approval or disapproval of the ordinance. Equal Opportunity and Affirmative Action Officer, Elmer Pina, was present for the Council. Captain Floyd Gardner was present for the Council. Police Chief William Nebus was present for the Council.

Motion to approve for first passage was made by Council Vice President Rodericks. Motion seconded by Councilman Cahoon. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

F) ORDINANCES FOR SECOND, FINAL PASSAGE AND PUBLIC HEARING

1. AN **ORDINANCE** IN AMENDMENT OF CHAPTER 2 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND 1998A S AMENDED, ENTITLED “ADMINISTRATION” (Council President Britto)

Public Hearing offered both on Zoom and in person. No one came forward to speak. Public Hearing was closed. Motion to approve made by Councilman Cahoon. Motion seconded by Councilwoman Sousa. Motion passes unanimously, 5-0.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	x	
Britto	x	

XI. RECONVENE IN EXECUTIVE SESSION (if necessary)

Council did not see it necessary to reconvene.

XII. ADJOURNMENT

Motion to adjourn made by Council Vice President Rodericks. Motion seconded by Councilman Cahoon. Motion passes unanimously, 5-0. Meeting adjourns.

Member	Aye	Nay
Sousa	x	
Cahoon	x	
Mourato	x	
Rodericks	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.

STATE OF RHODE ISLAND
CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
"ZONING"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS

SECTION 1. Article VIII entitled "Development Plan Review" of Chapter 19 entitled "Zoning" of the Revised Ordinances of the City of East Providence, 1998, is amended by adding thereto the following to **Section 19-453. Procedure**:

(d) Supporting documentation.

- (1) An impact assessment shall be prepared in support of all applications in which a petition is made to redesignate an O-1 Open Space district to any other district designation, including Residential, Commercial, Industrial, or Business/Technology, except that the DPR, as part of a preapplication review, may decide that the project is not of a size or nature requiring an impact assessment or may scope an impact assessment focusing on one or more significant impacts. If the DPR decides that the project is not of a size or nature requiring an impact assessment, the DPR shall provide the East Providence City Council with written justification as to why any element of the impact assessment is being waived. Such a decision regarding the scope of the impact assessment shall be rendered by the applicant within 45 days of the preapplication conference.

Where the project will involve obtaining a CRMC assent, the applicant will be encouraged to integrate documentation. The DPR shall provide the applicant with written justification as to why each element of the impact assessment is being required and will coordinate with the CRMC to consolidate information requirements to the greatest practicable extent.

The impact assessment must be prepared by recognized professionals; the names, education, disciplines and experience of whom shall be included in the report.

The assessment will include an evaluation of all influences, both positive and negative, which can be expected to affect the natural and manmade environment in the vicinity of the proposed project, or will demonstrate the lack of any such impact. Both direct and indirect impacts shall be evaluated. A traffic impact study, as described below, must be included as part of the impact assessment. Other impacts which shall be considered as part of the impact assessment are environmental, waterfront protection and access, scenic, view corridor protection,

use-compatibility, noise, air quality and similar such items, including municipal services, public safety, and education resources.

Methods designed to mitigate, and where appropriate, monitor the impacts shall be proposed; the party responsible for implementing the mitigation and monitoring shall be identified. The DPR may require the applicant to pay the reasonable costs of such consultants as the DPR may deem reasonably necessary to assist in the evaluation of the impact assessment. The consultant shall be selected only after consultation with the applicant, and only upon the joint review and approval of the experience and qualification of the consultant, and joint review and approval of the proposed scope of work and cost estimate. A written report of such consultant review shall be provided to the commission and the applicant.

To provide assurances that performance standards are not to be exceeded, the DPR may require, as a condition of the plan approval, that independent environmental monitoring be conducted periodically; the DPR shall approve the monitoring firm and such monitoring will be supervised by the DPR and carried out at the expense of the applicant. The applicant, as part of its application, shall propose appropriate monitoring activities consistent with the foregoing.

It is suggested that an outline of the impact assessment be submitted for review during the preapplication meeting.

- (2) A traffic impact study (TIS) analyzing both on-site and off-site conditions as they affect surrounding areas. The TIS shall be prepared by a firm that is licensed to do work as an engineer in the state. The purpose of a TIS is to review impacts of the proposed development on the local and state highways system. The evaluation should consider traffic capacity, signalization and safety issues. This report will be used to determine the needed improvements in the vicinity of the site access and provide data to the commission, the city and RIDOT on what off-site improvements need to be considered.

Once it is determined that an impact study is required, a scoping meeting may be held with the developer or his consultant and the appropriate representatives of the city and or DPR. It will be the responsibility of the consultant to initiate this meeting, working through these development requirements. The purpose of this meeting is to discuss site specific information concerning the development. All interested parties should receive copies of the minutes from this meeting.

The study area should generally be in accordance with generally accepted practices for traffic impact studies; however, in all cases the network should be analyzed to the nearest signalized public street intersection in all directions from each access point; generally not greater than one mile from the access point(s).

An impact study report should include the following information:

- a. Table of contents.
- b. Introduction with and explanation of the project, purpose of the report, and an area map showing site location.
- c. A description of existing conditions, including traffic counts and analysis, and sketches of existing roadway configurations.
- d. Background conditions without site development, including annual growth in traffic to build year, if appropriate, Traffic generated by other approved developments, and a background analysis (with background traffic equal to existing traffic plus growth in existing traffic and that of other approved developments in the area), and background analysis with approved/funded highway projects.
- e. Projected conditions, with development of the site, including: traffic generated by the proposed development (i.e. site generated traffic) at build out, and/or at any significant stage of development, total traffic analysis (where total traffic is equal to existing traffic plus background growth plus additional approved development in the area and proposed site generated traffic; and, an analysis of total traffic with improvements.
- f. Conclusions/Recommendations that explain the results of analysis, and consultant/developer or RIDOT suggestions for reasonable improvements to mitigate the site traffic impacts (The level-of-service (LOS) standard that should be achieved at state intersections is "D.")
- g. Appendix, including all work sheets, traffic counts and pertinent correspondence.

The following is a more detailed explanation of the various aspects involved in preparing the report:

- a. Existing traffic shall include traffic counts performed at each intersection to be analyzed, if current turning movement counts are not available. The most recent traffic volume counts, whether by RIDOT, consultant or the city, may be used for the study. Counts should, as a rule, not be more than one year old from when the report is prepared. Counts between one and three years old may be used if factored to the current year. Counts older than three years will not be accepted.

Peak hour counts are acceptable at intersections, generally from 7:00 to 9:00 a.m. and from 4:00 to 6:00 p.m.

Counts are not to be taken on state or federal holidays.

The presence of schools in the area must be considered when determining the date of counts.

- b. Analysis of all intersections will be analyzed using the Highway Capacity Manual (HCM) at the most up to date version at the time.
- c. Trip generation and distribution should use local trip generation rates. If local rates are not available, the latest ITE trip generation rates should be used. In the event ITE does not address the development, or is of a limited sample size, studies of similar uses may be used. Documentation of these studies should be submitted for verification. There must be some discussion of the assumptions behind the distribution of generated trips (both for the site and other approved developments in the area). The methodology to be used should be discussed at the scoping meeting.
- d. Growth in existing traffic. Growth in existing traffic is described as a factor representative of travel growth outside the study area. This factor should be applied to the existing through traffic, and appropriate turning movements, before approved development traffic is applied. The volume should be compounded to the reasonable build out years, typically 3—10 years, depending on the build out schedule. For developments with a build out of less than 3 years, growth in existing traffic need not be applied. If the city does not require growth in existing traffic, then this factor should not be applied.
- e. Approved development traffic. Approved development traffic is described as traffic generated by all approved developments within the area at the time of the report preparation. These sites can be obtained from the city and should be documented in the TIS.
- f. Background analysis. Background analysis includes existing traffic, plus growth in existing traffic, plus approved development. This analysis should take into consideration all transportation improvements expected to be in place within the study area. These improvements should include those which are already programmed or bonded by the state, the city or developer(s). These improvements should be documented in the TIS.
- g. Projected conditions shall include traffic which will be generated by the development and total traffic calculated after the site traffic is projected. After total traffic is developed, an analysis of traffic operations, with projected future roadway improvements in place (i.e. improvements addressed in the background analysis), is to be performed.

After the analysis of total traffic is completed, all intersections and/or links within the study area resulting in a level-of-service worse than "D" must be identified and improvement(s) recommended.

- h. Conclusions/recommendations should identify any improvement suggested as being implemented by "others" and should indicate by whom. If the improvements are funded by a public agency (i.e. the RIDOT), then a copy of the page from the appropriate document should be included in the report. If funded by another developer, then documentation should likewise be included.

There must be some discussion of the feasibility of constructing any recommended improvements. While detailed construction plans are not expected, some discussion of any obvious constraints is necessary.

Consideration should be given to providing improvements at locations that experience a significant decrease in capacity due to the proposed development. A final analysis of the study area must be performed to include any recommended improvements. If a traffic signal is to be proposed, then a signal warrant analysis must be performed in accordance with RIDOT's warrant analysis procedures, and included in the report. After review of this analysis, RIDOT may require additional study, including exploring other alternatives to signalization, before reaching a final determination on the need for a signal.

The report should include a discussion of the improvements that the developer will construct and/or fund as part of the, development proposal.

- (3) The location and size of any common or public open space, including public access to and along the waterfront, and the form of organization proposed to own and maintain any common or public open space areas. The proposed organization shall include provisions which recognize the right of the DPR or the city to enforce the maintenance of common open space in reasonable order and condition and to assess the property owners for the cost of such maintenance in the event of the failure of the organization to maintain the common open space. Such assessment shall become a lien on the properties. This will be carried out in conjunction with Rhode Island Coastal Resources Management Council policies and decisions on public access and rights-of-way to the shore.
- (4) A copy of any covenants, deed restrictions or conditional provisions that are intended to cover all or any part of the tract.
- (5) A survey prepared by a licensed professional land surveyor in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations shall accompany the site plan and shall show the boundaries of the parcel and the limits of all proposed streets,

recreation areas, and other property to be dedicated to public use. Appropriate assurances shall be provided by the applicant to the commission indicating that all private roads and other applicable facilities will be maintained, and other supplementary services will be provided by the applicant or successors and assigns.

NOTE: Subsequent lettered items (d) through (g) will be updated to (e) through (h).

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

Given first passage _____ and referred to _____ at _____ p.m. for a hearing and consideration of final passage and adopted

Attest:

City Clerk, City of East Providence, Rhode Island

Introduced by: Councilwoman Anna Sousa



*City of East Providence
Office of the Mayor*

**DECLARATION OF MUNICIPAL EMERGENCY
EXECUTIVE ORDER 2021-013
JUNE 15, 2021**

*EXTENDING EXECUTIVE ORDER 2020-004, DATED MARCH 15, 2020, ENTITLED,
DECLARATION OF STATE OF MUNICIPAL EMERGENCY*

WHEREAS, on March 9, 2020, the State of Rhode Island Governor, Gina M. Raimondo, issued Executive Order 20-02 declaring a state of emergency due to the outbreak of COVID-19 as has been extended on December 22, 2020 (Executive Order 2020-109), which remains in effect; and

WHEREAS, on March 15, 2020, I, Mayor Roberto L. DaSilva, issued Executive Order 2020-004 declaring a state of municipal emergency due to the outbreak of COVID-19; and

WHEREAS, the East Providence City Council ratified the Declaration of Municipal Emergency at a meeting on March 17, 2020 and authorized its extension through June 15, 2021; and

WHEREAS, the COVID-19 pandemic continues to remain a serious threat to both the health and safety of the residents of East Providence; and

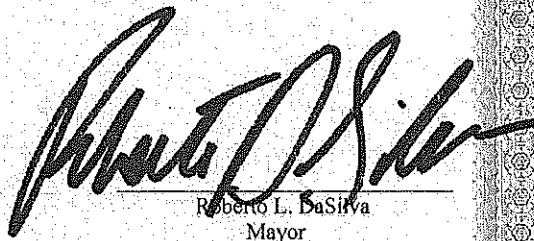
WHEREAS, pursuant to R.I.G.L. § 30-15-9(b), I, in my capacity as chief executive officer of the city, have not judged the danger posed by the COVID-19 pandemic to have passed or the disaster to have been dealt with to the extent that emergency conditions no longer exist and the state of municipal emergency can be terminated.

NOW, THEREFORE, I, Mayor Roberto L. DaSilva, by virtue of the authority vested in me as the Mayor of the City of East Providence, pursuant to the Rhode Island General Laws and the Home Rule Charter of the City of East Providence, do hereby order and direct the following:

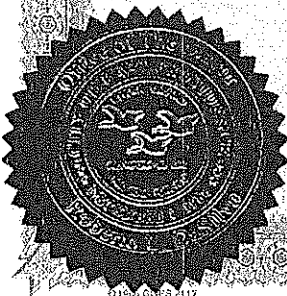
1. Executive Order 2020-004, entitled "Declaration of State of Municipal Emergency," declared March 15, 2020, and ratified by the East Providence City Council on March 17, 2020, as amended, is hereby extended.

This Order shall take effect on June 15, 2021 and remain in full force and effect through July 20, 2021, unless rescinded or further extended by and with the consent of the City Council.

So Ordered:



Roberto L. DaSilva
Mayor



STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY

WHEREAS, every day, more than 100 Americans are killed by gun violence, alongside more than 230 who are shot and wounded, and on average there are more than 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, Rhode Island experiences 46 gun deaths every year, with a rate of 4.1 deaths per 100,000 people; and

WHEREAS, gun homicides and assaults are concentrated in cities, with more than half of all firearm related gun deaths in the nation occurring in 127 cities; and

WHEREAS, cities across the nation, including in East Providence, are working to end the senseless violence with evidence-based solutions; and

WHEREAS, protecting public safety is an elected official's highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, In January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 4, 2021 to recognize the 24th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to Hadiya Pendleton and other victims of gun violence; and the loved ones of those victims; and

WHEREAS, by wearing orange on June 4, 2021 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Providence hereby declares the first Friday in June, June 4, 2021, to be National Gun Violence Awareness Day.

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
CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION REQUESTING RELIEF FOR SMALL BUSINESSES AND
ENTREPRENEURS IN THE HOSPITALITY INDUSTRY**

- WHEREAS, Rhode Island General Laws §3-7-19, "Objection by adjoining Property Owners—Proximity to schools and churches" makes it illegal to have a restaurant that serves alcohol within two hundred feet (200') of a school or a church; and
- WHEREAS, R.I.G.L. §3-7-19 was first adopted in 1933, the same year that Prohibition ended; and
- WHEREAS, Large sections of the Cities of Providence, Newport, and Pawtucket have been exempted from this prohibition; and
- WHEREAS, The Town of Warren is exempted from this prohibition; and
- WHEREAS, Newport sidewalks are exempted from this prohibition; and
- WHEREAS, Approximately sixty-six (66) other premises have been exempted from this prohibition; and
- WHEREAS, An exemption from this prohibition is discretionary, requires a full act of the Rhode Island General Assembly, and commonly takes more than one (1) year to acquire; and
- WHEREAS, It is an unfair burden on small businesses operating within the hospitality industry to acquire an amendment to a state law in order to be able to serve alcohol in a manner identical to their competition in the same immediate area; and
- WHEREAS, Each Rhode Island municipality reviews and approves liquor licenses on a regular, year-round basis; and
- WHEREAS, Rhode Island State Senators and Representatives have critical, complicated, and far ranging duties and responsibilities that impact the entire state with limited time to review and debate and legislate; and
- WHEREAS, Each Rhode Island municipality's local liquor approval personnel have more local knowledge of their own municipality, neighborhoods, streets, and hospitality industry concerns than senators or representatives that do not represent the municipality; and

WHEREAS, Prohibition Era "Blue Laws" damage the Rhode Island economy and are an unnecessary burden on small local businesses that no longer serve the public's greatest interest; and

WHEREFORE, It is hereby resolved that the City Council of the City East Providence requests:

- The Honorable Members of the Rhode Island General Assembly to amend Rhode Island General Laws §3-7-19, "Objection by adjoining Property Owners—Proximity to schools and churches" in a manner akin to the proposal attached hereto such that each municipality is empowered to pass its own ordinance regarding the issuance of liquor licenses within two-hundred feet (200') of a school or regular place of worship.

This Resolution shall take effect upon passage.

Adopted: _____

Attest:

City Clerk of the City of East Providence, RI

Introduced by: Councilor Mourato

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO. _____

RESOLUTION REQUESTING IMPROVEMENTS TO PEDESTIAN, CYCLIST, AND DRIVER SAFETY IN THE WATCHEMOKET HISTORIC DISTRICT

WHEREAS, The City Council of the City of East Providence wishes to facilitate pedestrian, cyclist, and vehicle safety throughout the City;

WHEREAS, the continued successful development of the Watchemoket Square Historic District has caused an increase in usage of the City's pedestrian, cyclist, and vehicle infrastructure;

WHEREFORE, It is hereby resolved that the City of East Providence does hereby request that the areas identified within the exhibit attached hereto be considered for the installation of appropriate speed bumps and or traffic lights and or signage such that the safety interests of pedestrian's, cyclists, and drivers is improved; and

That this Resolution be delivered by Certified Mail Return Receipt Requested to the following:

- o Representative Katherine S. Kazarian, State House, 82 Smith Street, Providence, RI 02903
- o Representative Brianna E. Henries, State House, 82 Smith Street, Providence, RI 02903
- o Representative Gregg Amore, State House, 82 Smith Street, Providence, RI 02903
- o Representative Liana Cassar, State House, 82 Smith Street, Providence, RI 02903
- o Senator Valerie Lawson, State House, 82 Smith Street, Providence, RI 02903
- o Senator Cynthia Mendes, State House, 82 Smith Street, Providence, RI 02903
- o Senator Cynthia Amour Coyne, State House, 82 Smith Street, Room 311, Providence, RI 02903
- o R.I. State Traffic Commission, Two Capitol Hill, Providence, RI 02903

This Resolution shall take effect upon passage.

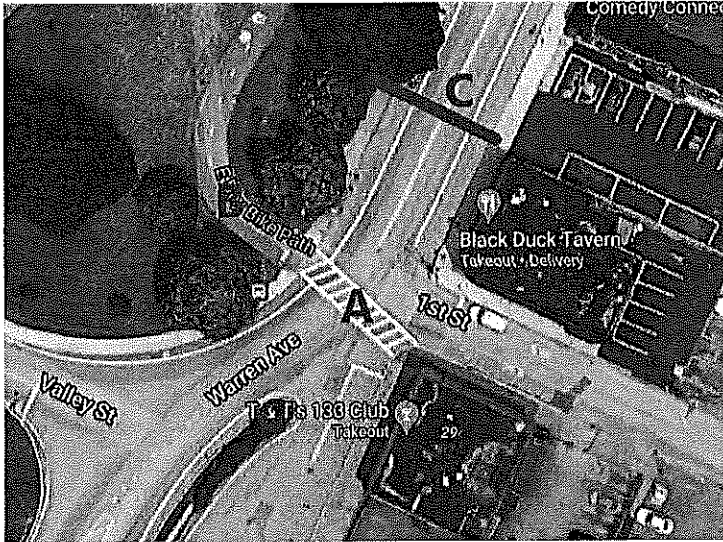
Adopted: _____

Attest:

City Clerk of the City of East Providence, RI

Introduced by: Councilor Sousa

Exhibit A



A. Potential raised crosswalk

B. Grated Surface to indicate alertness and a request to slow down or other comparable signage or indicator to bring attention to the upcoming intersection

C. Blinking Yellow Caution Indicators or Potential stop signs if Blinking Caution Indicator not used

STATE OF RHODE ISLAND
CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION PURSUANT TO EAST PROVIDENCE CITY ORDINANCE
SEC. 18-248 ENTITLED "AUTHORITY TO RESTRICT DIRECTION
OF MOVEMENT ON STREETS DURING CERTAIN PERIODS"
REGARDING THE FIRST STREET BIKE LANE PILOT PROJECT**

WHEREAS, the City is launching the First Street Bike Lane Pilot Program which is a temporary bike lane filling the gap between Warren Avenue and Veterans Memorial Parkway along First Street; and

WHEREAS, First Street will become a one-way street northbound from Veterans Memorial Parkway to Mauran Avenue and southbound from Warren Avenue to Mauran Avenue for vehicular traffic with the introduction of a two-way on street protected bike lane; and

WHEREAS, East Providence City Ordinance Sec. 18-248(b) states that "The director of the department of public works, upon request of the city council, may designate a street or streets and parts of such streets, upon which vehicular traffic shall proceed in one direction for a temporary period not to exceed 30 days."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence hereby designates First Street as a one-way street for vehicular traffic for a temporary period not to exceed 30 days for the purpose of the First Street Bike Lane Pilot Project.

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

STATE OF RHODE ISLAND

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. Article I entitled "In General" 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:

Sec. 18-12. Changes to Traffic Patterns.

No change to traffic patterns, such as the addition or loss of a lane of traffic or the conversion of a two-way street to a one-way street, except as otherwise may be expressly authorized by the code of ordinances, shall occur without the express consent of the City Council.

SECTION II. Section 18-76 entitled "Authority to install traffic control devices" of Article IV entitled "Traffic Signals" of Chapter 18 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Vehicles and Traffic" is amended to read as follows:

Sec. 18-76. - Authority to install traffic control devices.

- (a) A city engineer designated by the public works director shall place and maintain traffic control signs, signals, and devices only when and as required under the traffic ordinances of this city to make effective the provisions of such ordinances, and he or she may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under the traffic ordinances of this city, under the state law or to guide or warn traffic.
- (b) No sign, whether covered or uncovered, may be installed without the express consent of the City Council as may be derived from the Ordinances of the City, except in the following circumstances excluding those listed in Sec. 18-12:
 1. Temporary Signage. The City Council, by Resolution, may allow for temporary signage to be installed for a time period up to the next regularly scheduled council meeting.
 2. Emergency Signage. If the city engineer deems that signage is needed to be installed to avoid or otherwise mitigate a clear and immediate threat to health and safety, such signage may be installed for a time period up to the next regularly scheduled council meeting.

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: Councilor Sousa

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 3 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED "ANIMALS"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Section 3-1 entitled "Definitions" of Article I entitled "In General" of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Animals" in amended to read as follows:

Sec. 3-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means the relinquishment of all right, title, claim, or relinquishment of possession of an animal with the intention of not reclaiming it or resuming its ownership or possession.

Adequate food means the provision at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a sanitized receptacle, dish, or container.

Adequate shelter means access a structure that is the proper size for the dog, impervious to moisture, has protection from the direct rays of the sun, and has a wind break at the entrance. This includes but is not limited to a dog house, barn, garage, shed or other structure sufficient to protect the animal from wind, rain, snow, or sun that has adequate bedding to protect against cold and dampness.

Adequate water means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed 24 hours at any interval.

Aggressive dog means:

(1) Any dog which makes (or poses) a threat of harmful behavior directed at a person or domestic animal. This includes, but is not limited to, such behavior as snarling, growling, snapping, nipping biting, and lunging.

(2) Any dog which is deemed to be a potential threat to public safety, due to aggressive behavior observed by the animal control officer.

Ambient temperature means the temperature surrounding the animal.

Animal control officer means the person employed by the city as its enforcement officer, including any police officer of the city.

At large means any dog or other animal off the property of his owner and not under the control of a competent person.

Attractant means any substance which could reasonably be expected to attract, or does attract, coyotes or other non-domesticated animals, including but not limited to, garbage, food products, pet food, carcasses, feed, grain.

Common property or common area means:

(1) Real property owned by "tenants in common", who each have an "undivided interest" in the entire property.

(2) Property managed by a homeowners association in a condominium project or a subdivision development, which all owners may use and each owns a percentage interest.

(3) Lands owned by the government for public (common) use, like parks and national forests.

(4) Any area where access is permitted and/or necessary by more than one resident of a property, or an area of shared property, i.e., a single yard at a two-family house, or the grounds of a housing or condominium complex, or a hallway of an apartment building.

Collared means the wearing around the neck of a collar with a dog license attached and a valid rabies tag attached and/or a separate tag with the name of the owner or keeper distinctly impressed thereon.

Dog pound means any premises designated by action of the city for the purpose of impounding and caring for all animals found running at large in violation of this chapter. The terms pound, animal pound, animal control center will have the same meaning as dog pound; these terms may be used interchangeably.

Enclosure means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine an aggressive or vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the aggressive or vicious dog. Such enclosure shall be securely enclosed and locked.

Exposed to rabies shall be defined by the current legal guidelines set forth by the Rhode Island Rabies Management Protocol.

Feeding means:

(1) to give food to, or the act of giving sustenance or nourishment to,

(2) the leaving of food of any kind where it is accessible to coyotes or other non-domesticated animals.

Food means:

- (1) any nutritious substance that animals eat or drink in order to maintain life and growth, for the context of Article VI, all substances consumed by humans or animals for nourishment except grass and other vegetation, growing crops, and food that is canned or stored in sealed or closable containers.

Guardian means a person(s) having the same rights and responsibilities of an owner, and both terms shall be used interchangeably. A guardian shall also mean a person who possesses, has title to or an interest in, harbors or has control, custody or possession of an animal and who is responsible for an animal's safety and well-being.

Kennel means any person engaged in the commercial business of breeding, buying, selling or boarding dogs.

Leashed means a dog has a cord or chain, no longer than six feet in length, attached to its collar or harness and is held in the hand by the owner or a competent person leading such dog.

Minimum care means care sufficient to preserve the health and well-being of an animal and, except for emergency circumstances beyond the reasonable control of the owner and/or guardian, includes, but is not limited to the requirements set forth in Sec. 3-24.

Minimum veterinary care means veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect, or disease.

Owner means:

- (1) Any person who keeps, has permanent custody, owns, maintains, harbors, provides care or sustenance for, has control or charge of or responsibility for an animal or permits an animal to habitually remain on or be lodged or fed within such person's property or premises, and

- (2) Any person who refuses to permit any animal control officer to impound such animal shall be deemed as evidence of ownership unless ownership of the animal by another party is established.

Restraint means when a dog is leashed, carried or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

Spayed female means any female dog which has been operated upon to prevent conception.

Tether means a rope to chain or otherwise halter a dog allowing in a reasonable range in which to move.

Veterinarian means a person licensed to engage in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate of an accredited veterinary medical, surgical, and dental school or college of a standard recognized by the Rhode Island Veterinary Medical Association.

Vicious dog means:

(1) Any dog that, when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, common property or common area, or any public grounds or places, or which has been determined to be vicious according to G.L. § 4-13.1-11.

(2) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals, or which has been determined to be vicious according to G.L. § 4-13.1-11.

(3) Any dog that bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private or common property or which has been determined to be vicious according to G.L. § 4-13.1-11.

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

SECTION II. Section 3-20 entitled “Violation of persons feeding waterfowl” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” in amended to read as follows:

Sec. 3-20. - Violation of persons feeding waterfowl.

(a) No persons shall deposit, place, distribute, or leave any food items of any kind or nature on public property or property subject to the city right-of-way, or property subject to easement or other agreement giving the city control or use of the property, save and except in a receptacle provided by the city for that purpose.

(b) No person shall feed any animal, including but not limited to, birds or waterfowl, on public property, or property subject to the city right-of-way, or property subject to easement or other agreement giving the city control or use of the property.

(c) Any person who shall violate or fail to comply with any provision of this section shall be punished by a ~~fine of not more than ten dollars~~ the manner prescribed in Sec. 3-73.

SECTION III. Section 3-41 entitled “Care of dogs” of Article I entitled “In General” of Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Animals” in amended to read as follows:

Sec. 3-41 - Care of dogs.

(a) It shall be a violation of this section for an owner or keeper to:

(1) Keep any dog on a permanent tether that restricts movement of the tethered dog to an area less than 113 square feet, or less than a six foot radius at ground level.

(2) Tether a dog with a choke-type collar, head collar, or prong-type collar. The weight of any chain or tether shall not exceed one-eighth of the dog's total body weight.

(3) Keep any dog tethered for more than ten hours during a twenty-four-hour period or keep any dog confined in an area or primary enclosure for more than 14 hours during any twenty-four-hour period, and more than ten hours during a twenty-four-hour period, if the area is not greater than that which is required under the most recently adopted version of the department of environmental management's rules and regulations governing animal care facilities.

(4) Tether a dog anytime from the hours of 10:00 p.m. to 6:00 a.m., except for a maximum of 15 minutes.

(5) Keep any dog outside, either tethered or otherwise confined, when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recent adopted version of the Tufts Animal Care and Condition Weather Safety Scale (TACC).

(6) No person shall allow a dog to be kept outside tethered, penned, caged, fenced, or otherwise confined for more than 30 minutes without access to adequate shelter or adequate water for use by such dog.

(b) It shall be a violation of this section for an owner or keeper to fail to provide a dog with adequate feed, adequate water, or minimum adequate veterinary care as those terms are defined in Sec. 3-1. G.L. § 4-19-2; ~~provided however, that adequate veterinary care may be provided by an owner using acceptable animal husbandry practices.~~

(c) Exposing any dog to adverse weather conditions strictly for the purpose of conditioning shall be prohibited.

(d) The provisions of this section, as they relate to the duration and timeframe of tethering or confinement, shall not apply:

(1) If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is provided;

(2) If tethering or confinement is authorized in writing by an animal control officer, or duly sworn police officer assigned to the animal control division, for the purposes, including, but not limited to, hunting dogs, dogs protecting livestock, and sled dogs. Written authorization must be renewed annually. The written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept shall be considered valid in every other political subdivision of the state. The written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept is revocable by that animal control officer or police officer if there are any conditions present that warrant revocation. The conditions include, but are not limited to, changes in the number or type of dogs, changes in the facility structure or safety, and changes in the health of the dog;

(3) To any entity licensed by the state pursuant to Chapter 19 of Title 4 of the Rhode Island General Laws, or any veterinary facility; or

(4) To an exhibitor holding a class C license under the Animal Welfare Act (7 U.S.C. § 2133) that are temporarily in the state, if authorized by the department of environmental management (DEM);

(e) Any person in violation of this section shall be fined in accordance with Sec. 3-25. Each day of violation shall constitute a separate offense.

(f) General agents or special agents of the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) are hereby authorized to enforce the provisions of this chapter in cooperation with animal control officers and the department of environmental management (DEM).

SECTION IV. Chapter 3 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Animals" in amended by adding thereto the following:

ARTICLE VI. – FEEDING NON-DOMESTICATED ANIMALS

Sec. 3-70. - Purpose.

The purpose of this Article is to protect the health and safety of residents in the City of East Providence with respect to dangers associated with coyotes and other non-domesticated animals by minimizing opportunities for such animals to obtain food from sources controlled or controllable by humans.

Sec. 3-71. - Prohibitions.

(a) No person shall feed or in any manner provide an attractant to coyotes or other non-domesticated animals; provided that domestic animals are not attractants, and feeding pets outdoors does not create an attractant if the pet eats all of the food immediately, or the remaining food is removed as soon as the pet stops eating, or the pet is fed in a secure cage or other enclosure.

(b) No person shall leave, store, or maintain any food or attractant in a manner, area, or location accessible to coyotes or other non-domesticated animals.

Sec. 3-72. - Exceptions.

(a) Food for birds that is in a feeder located within 100 feet of the resident of the person establishing the feeder and elevated to be inaccessible to coyotes and other non-domesticated animals.

(b) Any lawful trapping by a property owner, licensed nuisance wildlife control specialist (NWCS), Animal Control Officer or RI DEM official or other purpose approved by the Animal Control Officer.

Sec. 3-73. - Penalty for violation.

Violations of any provisions of this Article are punishable by a fine of \$100.00 for the first offence and \$500.00 for second and subsequent offences; each day of violation shall constitute a separate offence.

SECTION V. This ordinance shall take effect upon its second passage and all ordinances and 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 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 12 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED "POLICE"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Subsection (6) of Section 12-18 entitled "Qualifications for appointment" of Article I entitled "In General" of Chapter 12 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Police" is hereby amended to read as follows:

(6) The applicant must have an education at least equal to ~~the completion of an associate degree (60 credit hours) from an accredited college or university~~ a high school diploma or GED. ~~Two years of honorable active military service or four years of reserve or national guard duty may be substituted for the educational requirements. Likewise, certification from the state municipal police academy as municipal police officer, or three years of satisfactory employment as a correctional officer may be substituted for the educational requirement.~~

SECTION II. This ordinance shall take effect upon second passage and all ordinances and 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 the City of East Providence, RI

Introduced by: Council Vice President Rodericks

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
"ADMINISTRATION"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Article VI entitled "Municipal Court" of Chapter 2 entitled "Administration" of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended by adding thereto the following:

Sec. 2-283. Building Code Violation Fines, Zoning Code Violation Fines, Minimum Housing Code Violation Fines.

- a) There is hereby created a reserve fund account whereby all revenues generated by fines resulting from Building Code Violations, Zoning Code Violations, and/or Minimum Housing Code Violations shall be deposited. Such funds shall only be used in the manner prescribed as follows:
 - a. Low-income homeowner loans. The Director of Finance shall create a loan program for the benefit of persons appearing before municipal court related to Building Code Violations, Zoning Code Violations, and/or Minimum Housing Code Violations. Such program will require the following:
 - i. The applicant must be before the Municipal Court for Building Code Violations, Zoning Code Violations, and/or Minimum Housing Code Violations; and
 - ii. The applicant must be an individual person, and not a corporation of any form; and
 - iii. The property to benefit must be owned by an individual person, and not a corporation of any form; and
 - iv. The property to benefit must be the primary residence of the owner; and
 - v. The property owner must qualify for the loan by way of a means test whereby applicants shall only qualify if they fall below income thresholds to be annually established by the Director of Finance; and
 - vi. The loan shall be a low interest loan; and
 - vii. The loan shall be secured by a lien against the property; and
 - viii. The loan may only be used to cure any and all Building Code Violations, Zoning Code Violations, and/or Minimum Housing Code Violations; and
 - ix. The loan must effectively cure all Building Code Violations, Zoning Code Violations, and Minimum Housing Code Violations at the property.
 - b. Capital Improvements Budget. The Director of Finance may, annually at the time

