

**CITY OF EAST PROVIDENCE**  
MINUTES—REGULAR COUNCIL MEETING  
TUESDAY, SEPTEMBER 3, 2019  
CALL TO ORDER: 6:30 P.M.  
*Council May Call Executive Session in Room 101*  
OPEN SESSION: 7:00 P.M.  
145 TAUNTON AVENUE – CITY COUNCIL CHAMBERS  
EAST PROVIDENCE, RHODE ISLAND

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

**I. CALL TO ORDER **

*Council President Britto called the meeting to order.*

**II. INVOCATION OF EXECUTIVE SESSION – FOR VOTE**

The City Council of East Providence may meet in Executive Session pursuant to Rhode Island General Laws §42-46-5 (a) (2), §42-46-5 (a) (5), § 42-46-5 (a) (1)

**a) SEWER CHARGE ABATEMENTS – FOR VOTE**

1. Michael Burns
2. Daniel Clayman
3. Gary Turner
4. Ronald Warr

**III. OPEN SESSION**

**IV. PLEDGE OF ALLEGIANCE**

*The Riverside Little League team led the Pledge of Allegiance.  
Moment of Silence for Greg Beardsley, Firefighter with the East Providence Fire Department  
Motion to seal the minutes from Executive Session by Councilman Cahoon. Motion seconded by Councilwoman Sousa. Motion passes unanimously.*

**V. APPROVAL OF CONSENT CALENDAR – FOR VOTE **

All items under, “Consent Calendar” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council members so requests, in which event the item will be removed from said Consent Calendar and will be considered in its normal sequence in the docket.

**a) Cancelation/Abatements (Assessor) – FOR VOTE**

2018	\$891.07
2019	\$176,106.53
<b>TOTALS</b>	<b>\$176,997.60</b>

*Motion to table for additional information made by Councilwoman Sousa. Seconded by Council Vice President Rodericks. Motion passes unanimously.*

*Citations were mentioned to go next before Item VI by Council Vice President Rodericks.*

**VI. LICENSES NOT REQUIRING PUBLIC HEARING – FOR VOTE **

1. Application for Hawker License  
Name of Applicant: Roxanne Gomes  
*Applicant present. Additional information was needed from the previous meeting. Ms. Gomes makes and sells her own jewelry. All paperwork is in, according to City Clerk, Samantha Burnett  
Motion to approve made by: Councilman Cahoon  
Seconded by: Councilwoman Sousa*
  
2. Application for Special Event – Alcoholic Beverage, Class F-1  
Name of Applicant: Kate Terrien  
Date: September 28, 2019  
Event: Saddlebags for Soldiers  
Location: Brightridge Club  
*Applicant was present. Non-profit. Items collected and sent to soldiers. Focus on veterans. Motion made by: Council Vice President Rodericks  
Seconded by: Councilman Cahoon  
Motion passes unanimously.*
  
3. Application for One Day Entertainment License  
Name of Applicant: Kate Terrien  
Date: September 28, 2019 1:00-5:00 P.M.  
Event: Saddlebags for Soldiers  
Location: Brightridge Club

Applicant was present. Non-profit. Items collected and sent to soldiers. Focus on veterans. Motion made by: Council Vice President Rodericks  
Seconded by: Councilman Cahoon  
Motion passes unanimously.

4. Application for License to Solicit (One Year)

Christopher A. Cottrell  
Trinity Solar

*Applicant was present. Councilman Mourato wanted to know of a time frame and will all names will be submitted to who is going out to solicit. Mr. Cottrell explained that he was only filing for himself and did not know of any other solicitors from the company.*

*Solicitor Marcello, at the request of Councilman Mourato, cited the city code. Councilman Cahoon requested Mr. Cottrell get acquainted with our ordinances before going out. Council President mentioned to be mindful when soliciting of people's privacy and their property. Mr. Cottrell did leave business cards for the Council to contact him.*

*Council Vice President Rodericks made the motion to approve. Council Cahoon seconded the motion.  
Motion passes unanimously.*

5. Application for Special Event – Alcoholic Beverage, Class F-1

Name of Applicant: Susan Costa

Date: September 29, 2019

Event: Tailgate Party

Location: EP Elks Lodge, 60 Berkeley Street 02914

*Ms. Costa had a scheduling conflict and was unable to attend. City Clerk Burnett responded to Council President's inquiry if all paperwork was in and the response was yes. Council Vice President had a clarifying question regarding Ms. Costa and her relationship with the Elks. City Clerk Burnett stated that she is the person who always coordinates these events.*

*Council Vice President Rodericks made a motion to approve. Councilwoman Sousa seconded the motion.  
Motion passes unanimously.*

6. Application for Special Event – Alcoholic Beverage, Class F

Name of Applicant: Reverend David E. Green

Date: September 28, 2019

Event: Talent Show and Dinner

Location: St. Martha's Church, 2595 Pawtucket Avenue 02914

*Reverend Green was not present. Council President Britto did state that he is a member of St. Martha's with any and all events they have had.*

*Councilwoman Sousa made a motion to approve by Councilman Cahoon.  
Motion passes unanimously.*

## VII. COMMUNICATIONS

a) Riverside Renaissance Movement and Roger Williams University Center for Workforce & Professional Development Partnership

Presented by: K. Eric Cook and Jason Rafferty

*Mr. Cook and Mr. Rafferty were both present, alongside with representatives from Roger William University. This was a presentation of bringing various classroom like programs to the local community.*

b) East Providence School Department Budget Presentation for the 2019-2020 Fiscal Year

Presented by: Superintendent Kathryn Crowley and Finance Director, Craig Enos

*Superintended Crowley addressed the Council.*

*Included in the report is all staff and salaries and benefits for the coming year. This was presented to the School Committee as 80% of their total budget. The second half of the budget, see what they used this year, and generate new line items as needed*

*The budget presented, which was also presented to the mayor a week before.*

*Council President recognized Superintendent Crowley as Rhode Island's Superintendent of the Year.*

*Mr. Enos addressed the Council in regards to requesting \$50,124,777 municipal appropriations. It is an increase of \$2,391,033 over the fiscal year 2019 appropriation. In comparison the previous year was \$2,018,022. This is an increase of \$282,311.*

*Budget goals are honoring our agreements with the collective bargaining agreements. For curricula, all has been updated and will be on a cycle for review. Electrical program at the CTC and a Pre-K program at Oldham were new this year.*

*For the increase they were requesting \$2,029,270 for contractual salary and benefit obligations. This leaves \$362,033 towards programming and the needs of the students.*

*Agreement for one year contract extension with Ocean State Transit at no cost to them. Extended over \$200,000 in unbudgeted transportation costs related to students in the care of DCYF this year.*

*This will be the third year that they have a district technology team. Staff was focused on streamlining technology this last year. Upgrading student devices. Updatng 50 classes with flat panel displays to replace the failing smart boards.*

*Last school year there were 30 out of district placements that is out of district.*

*There were up to 8 out of district with IEPs that cost about \$350,000 just for education costs for these students and that does not count transportation costs.*

*All of the larger projects are reimbursable at a rate of 54.5% through the Department of Education. Fire Life Safety at Silver Spring, Orlo and Kent Heights completed. LED projects were completed at most of the elementary schools. Completed a remodel of the exteriors sidewalks and parking lot at Silver Spring. Partial roof replacement at Kent Heights Full roof at Riverside School. The remainder of the presentation included Capital Project Plan as well.*

## PUBLIC COMMENT

All persons wishing to make public comment shall sign a public comment sheet stating their name, address and the subject of their docket related item to speak on. This sheet shall be available on a desk at the entrance of the City Hall Chambers no later than forty five (45) minutes before the call to order of any regularly scheduled council meeting and shall be delivered by the City Clerk to the presiding officer no earlier than five (5) minutes before the call to order of the meeting. 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.

1. Notarized Read In Letter from Wendy Caputo, read by City Clerk Samantha Burnet. This letter was addressed to Councilman Mourato. This was in regards to the Personnel Hearing Board and her response to Director of Personnel, Mr. Victor Santos.

## VIII. CITATIONS

1. Caesar "Sam" Monteiro  
Presented by: Council President Britto  
*Council President Britto recognized Mr. Monterio and will present the award to him personally.*
2. The 2019 Riverside Little League Minors Champion All-Stars  
Presented by: Council Vice President Rodericks  
*Council Vice President recognized the team for the minor championship.*

## IX. APPOINTMENTS – FOR VOTE

Traffic Control

Sean M Feeney

22 Lindy Avenue, 02915

Sponsored by: Councilwoman Sousa

*This item was in conjunction to Item X (b) at the consent of Council. Mr. Feeney has gone through all of the training and met all criteria. Motion made by Councilwoman Sousa to approve this appointment. Motion seconded by Councilman Mourato.*

*Motion passes unanimously.*

*The Mayor's office has been working on this for the last couple of months, but Councilwoman Sousa stated that the people who have been appointed are still not working and wondered what needed to be done in order for the Mayor's office to expedite this scenario.*

*Solicitor Marcello stated that there are other concerns and are in the process of drafting the different tiers and qualification that are needed to gain a consistent policy.*


*Councilwoman Sousa did state that they are, and have been, things in place that allows these appointees to work.*

*Councilman Mourato stated for traffic control for civilians they have different uniforms and don't carry firearms. Per charter, these retired police officers can carry firearms, and that they have to go through training annually.*

*Marc Furtado, through the Mayor's office, stated that he believes this is an issue due to the Trust insuring these individuals.*

*Councilman Mourato made reference to the Peace Officer Statute 12-7-21 Section 19.*

## X. COUNCIL MEMBER COMMUNICATIONS

- a) Discussion on Obtaining a City Council Solicitor  
Council Vice President Rodericks and Councilman Mourato  
*Discussion by Council Vice President Rodericks started the discussion on having a dedicated Council Solicitor, and perhaps having a total of three solicitors with the change of the form of government. Currently the Solicitor is only budgeted for 18 hours a week between serving the City. Councilman Mourato stated that we have a need to have someone specifically serve and work on behalf of the Council, to assist with Council needs such as ordinances, resolutions and other legislative needs. The Council discussed their options openly.*
- b) Traffic Control Appointment Discussion  
Councilwoman Sousa  
*This was addressed under Item IX.*
- c) Preparation and Submission of Budget, East Providence City Charter, Section 5-3  
Councilman Mourato  
*Discussion was had about arranging the dates so the legal and City Clerk can have a sound filing schedule through the budget season.*
- d) Plan to repair sidewalks along Pawtucket Avenue in Ward 3  
Councilman Cahoon  
*Director of DPW, Steve Coutu was present. He stated that there is a long history. Rhode Island has a Transportation Improvement Program. Pawtucket Avenue sidewalks has always been the top priority request for many years. The focus lately for the state has been the bridges, and the paving projects have been pushed back. He states it is a constant battle and the funding always is changing and shifting. Now with the 6-10 Connector, they are focusing on that and putting off the Pawtucket Avenue project even further out. Councilman Cahoon asked is it about a two year project? Mr. Coutu stated that sounds about right. Mr. Coutu stated there was a MOU presented that the City would fund the project, and then the DOT could reimburse the City. It went back and forth but did not move forward.*
- e) City Wide Paving Project Schedule  
Council Vice President Rodericks and Councilman Cahoon  
*See Item d above for notes.*
- f) Traffic/Speeding throughout the Community  
Council President Britto  
*Council President Britto addressed the real need for trying to enforce speeding, especially with school back in session. He is looking for ways to control the speeding in our city, whether it is speed bumps, speed cameras or rubber mats, as they have in Providence on Eddy Street.*
- g) Ordinance Pertaining to Section 2-9, entitled, "Powers" Item 7 of the Charter   
Councilman Mourato and Councilwoman Sousa  
*Councilman Mourato proposed to have a draft ordinance for the next Council meeting for first passage to revise "Powers" that gives Council the power to request department heads to attend meetings when dealing with Council inquiry for legislative purposes*

## XI. ORDINANCES

### 1. FIRST PASSAGE – FOR VOTE

- a) AN [ORDINANCE](#) IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, 1987, AS AMENDED, ENTITLED "VEHICLES AND TRAFFIC"  
Sponsored by: Councilman Cahoon  
*Ward 3 stop signs on Wanamoissett an Allerton that intersect with Bradford, creating a 4 way stop sign. Motion to approve made by Councilman Cahoon. Motion seconded by Councilwoman Sousa. Motion passes unanimously.*

- b) AN [ORDINANCE](#) IN AMENDMENT OF CHAPTER 3 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "ANIMALS" (Article 1)

Sponsored by: Council President Britto

*Discussion amongst the Council and City Solicitor was had based on the first half of this ordinance. Due to the brevity of the ordinance, it had to be placed in two increments. Councilwoman Sousa added comments and concerns over the proposed ordinance regarding penalties and violations, tying the dog up and defining humane treatments. Council President Britto suggested if there was an option of "flagging" a dog owner in our systems. Councilwoman Sousa mentioned the disposition of animals section and that the City shouldn't be involved in this practice and we should be focused on placement. She is not in favor of disposing of an animal because there is not enough room at the shelter. Motion to approve by Councilwoman Sousa excluding 3-24 and 3-26 from the ordinance, and everything else remains the same as presented. Seconded by Councilman Cahoon. Motion passes unanimously.*

## XII. OLD BUSINESS

### 1. Resolutions to Request Items through the Mayor's Office – Solicitor Interpretation

Councilman Mourato

*Councilman Mourato discussed 2-9 language that he feels the Council has a right through ordinance. Council was provided the Solicitor Interpretation.*

## XIII. NEW BUSINESS

### a. REPORTS OF OTHER CITY OFFICIALS

#### 1. Mayoral Communications

*Marc Furtado, of the Mayor's office, was present to speak and address the Council.*

a) National Grid Additional Roadwork – *This was addressed previously in the meeting by DPW Director, Steve Coutu.*

*Councilwoman Sousa asked if there was additional information for Ward 2. Mr. Furtado said he wasn't sure but will look into it.*

b) 2019 Firefighter Recruitment-Firefighter/EMT positions available. *Application period August 22-October 31<sup>st</sup> 2019 at noon. Requirements were shared with the public.*

c) Letter from the Mayor to the Council on MOU agreement/ Response to Council's Resolution for Special Election

*Solicitor Marcello stated that how the City is moving ahead regarding the special election, dates and if anything changes what rescinding the resolution. Mr. Furtado was asking the Council their feeling of the revised MOU. Council Vice President Rodericks stated that he is not exactly in favor of having a special election and that it would only be used as a last resort.*

*Motion to extend the meeting 15 minutes by Councilman Cahoon.*

*Seconded by Councilwoman Sousa. Motion passes unanimously.*

#### 2. City Solicitor, Michael J. Marcello - Claims Committee Report

*Solicitor Marcello gave his report based off the claims discussed in Executive Session.*

## XIV. RESOLUTIONS – FOR VOTE

### 1. [RESOLUTION](#) REQUESTING THAT THE RHODE ISLAND CONGRESSIONAL DELEGATION ASSIST IN DIRECTING THE REMOVAL OF ABANDONED PIERS AND THE INDIA POINT RAILROAD BRIDGE WITHIN THE EAST PROVIDENCE, RHODE ISLAND WATERFRONT

Sponsored by: Council Vice President Rodericks

SEE ATTACHED FOR FULL RESOLUTION

*Council Vice President Rodericks introduced the resolution to send a letter for help from the congressional delegation. He did receive unanimous support from the Waterfront Commission. He did receive over 60 responses through his Facebook posting in favor of this request.*

*Council Vice President Rodericks made the motion to approve the resolution. Motion seconded by Councilwoman Sousa. Motion passes unanimously.*

### 2. [RESOLUTION](#) TO AUTHORIZE THE COUNCIL PRESIDENT TO APPROVE THE CITY CLERK'S REQUEST OF EARNED TIME OFF

Sponsored by: Council President Britto, Council Vice President Rodericks, Councilwoman Sousa, Councilman Cahoon and Councilman Mourato

*This item was tabled.*

SEE ATTACHED FOR FULL RESOLUTION

## XV. Reconvene in Executive Session (if necessary) to Complete Items Under Section II, Executive Session

*This was not exercised.*

## XVI. [ADJOURNMENT](#) - FOR VOTE

*Councilman Cahoon made the motion to adjourn the meeting. Councilwoman Sousa seconded the motion.*

*Motion passes unanimously. Meeting is adjourned.*

***If communication assistance is needed or any other accommodations to ensure equal participation, please contact the City Clerk, Samantha Burnett at 401.435.7596***

**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.** Subsection (b) of Sec. 18-269 entitled “Stop and yield intersections designated; when stops required” is amended by adding thereto the following:

Allerton Avenue (eastbound traffic) at Bradford Avenue  
Wannamoisett Road (eastbound traffic) at Bradford Avenue

**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 7:00 p.m. for a hearing and  
consideration of final passage; and adopted \_\_\_\_\_

Attest:

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

Introduced by: Councilman Cahoon

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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.** 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:

**Article I. In General**

**Sec. 3-1. Definitions.**

**Sec. 3-2. Keeping animals, fowl, generally.**

**Sec. 3-3. Running at large.**

~~**Sec. 3-4. Entry upon posted land.**~~

**Sec. 3-4. Reserved.**

**Sec. 3-5. Keeping rabbits, hares or pigeons.**

~~**Sec. 3-6. Reserved.**~~

**Sec. 3-6. Kennels, Licensure and Inspection, Fees.**

**Sec. 3-6.1 Right of entry for inspection.**

**Sec. 3-6.2 Revocation of license.**

**Sec. 3-6.3 Penalties for operation of a kennel without a license.**

**Sec. 3-7. Impounding, reclaiming, destroying of animals.**

**Sec. 3-8. Impoundment fees.**

**Sec. 3-9. Certain dogs and other animals to be confined; keeping of wild animals.**

**Sec. 3-10. Nuisance abatement.**

**Sec. 3-11. Complaint procedure.**

**Sec. 3-12. Enforcement of chapter.**

**Sec. 3-13. Right of entry of officers.**

**Sec. 3-14. Interference with officer prohibited.**

**Sec. 3-15. Records of animal control officer.**

**Sec. 3-16. Penalty.**

**Sec. 3-17. Mandatory spaying and neutering of dogs and cats adopted from a licensed releasing agency.**

**Sec. 3-18. Forfeited deposits.**

**Sec. 3-19. Penalties for violations.**

**Sec. 3-20. Violation of persons feeding ~~waterfowl~~ wildlife.**

**Sec. 3-21. Euthanization by lethal injection only.**

**Sec. 3-22. Animal shelter.**

**Sec. 3-23. Giving false information – filing false report.**

**Sec. 3-24. Minimum care of animals.**

**Sec. 3-24.1 Abandonment of Animals.**

**Sec. 3-25. Penalties for violations.**

**Sec. 3-26. Disposition of animals.**

**Sec. 3-27. Keeping of potentially dangerous species.**

**Sec. 3-28. Owner turn-in fees and policies; deceased animal disposal fees.**

**Sec. 3-29. Animal confinement in motor vehicles prohibited - Transporting animals. Sec. 3-**

**Sec. 3-30. Devocalization prohibited.**

## ARTICLE I. IN GENERAL

### **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 twenty-four (24) hours at any interval.~~

*Adoptable animal* means any animal legally allowed to be kept in the custody of the East Providence Animal Control Center; (a) which has been held beyond the statutory period as set forth in G.L. 1956 §4-13-15 and §4-22-5 or section 3-26 of this Chapter; and (b) which has been deemed by the Animal Control Officer, under the direction of a veterinarian, to be of reasonably sound health; and (c) which does not pose a threat to public safety.

*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. *{Reference: article by Animal Behaviorist Dr. Nicholas Dodman "Aggression in Dogs" from Tufts University Veterinary School.}*

(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 unrestrained dog or other animal off the property of his owner. ~~and not under the control of a competent person.~~

*Breeder* means a person engaged in the propagation of purebred or crossbred dogs and/or cats for the purpose of improving and enhancing a breed recognized and registered by the American Kennel Club, American Field Stud Book, or other breed or kennel club, or a registered cat breed association, or for sale at wholesale or retail, unless otherwise exempted as a hobby breeder as defined below.

*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, address, and phone number of the owner or keeper distinctly impressed thereon.

*Disability* has the same meaning as set forth in the federal “Americans with Disabilities Act of 1990,” 42 U.S.C. Sec. 12101 et seq., as amended.

*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 and



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.

*Guardian* shall mean 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.

*Hobby breeder* means those persons whose regular occupation is not the breeding and raising of dogs or cats and whose method of sale is at retail only. A hobby breeder shall not exceed selling twenty (20) dogs or cats, or three (3) litters, whichever is greater, in a single calendar year. Any person who sells at retail a number in excess of these limits or who sells any number of pets commercially shall be considered a breeder.

*Kennel* means a place or establishment, other than a pound or animal shelter, or veterinary hospital that is housing animals during their treatment, where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee.

*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 section 3-24.

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

*Neutered Male* means any male animal surgically rendered unable to reproduce.

*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~~ pet is leashed, carried, contained in a crate or 'pet carrier' designed to hold animals, or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

*Service dog* has the same meaning as set forth in the implementing regulations of Title II and Title III of the federal “Americans with Disabilities Act of 1990”, 42 U.S.C. Sec. 12101 et seq.

*Service dog in training* means a dog or puppy that has been selected for service dog work and is being handled by a service dog trainer.

*Service dog trainer* means a competent dog trainer who is providing individual training of a dog or puppy with the intention of having the dog or puppy become a working service dog that will perform tasks for a disabled person.

*Spayed female* means any female ~~dog~~ animal 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.~~ the practice of fastening a dog to a stationary object or stake by a chain, rope or other cord type device as a means of controlling or restraining the dog. A dog being walked on a leash is not tethered.

*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.

**Cross References:** Definitions generally, G.L. §4-1-2; §4-13.1; 4-19.

### **Sec. 3-2. Keeping animals, fowl, generally.**

No owner or occupant of any dwelling shall keep or permit to be kept any sheep, hogs, goats, cattle, horses, fowl, geese or ducks in any dwelling house, cellar or garage, nor shall any person have any such animals kept within the city, except under such special conditions as may be

prescribed by the animal control officer.

### **Sec. 3-3. Running at large.**

It shall be unlawful for any horses, goats, hogs or cattle of any kind or for any geese, turkeys, hens, ducks or domestic fowl of any kind to go at large within the city.

### ~~Sec. 3-4. Entry upon posted land.~~

~~No person having charge or custody of any sheep, goats, cattle, horses, swine or fowl shall willfully suffer or permit them to enter, pass over or remain on any orchard, garden, mowing land or other improved or enclosed land of another after being forbidden in writing or by notice posted thereon by the owner or occupant thereof or by the authorized agent of such owner or occupant. (Rev. Ords. 1987, § 3-4)~~

~~State Law References: Damage by animals generally, G.L. 1956, §§ 4-14-1-4-14-19.~~

### **Sec. 3-4. Reserved.**

### **Sec. 3-5. Keeping rabbits, hares or pigeons.**

(a) No person shall keep, maintain, cause or permit to be kept or maintained more than three live rabbits or hares upon any lot, parcel or premises within the city.

(b) No person shall keep, maintain, cause or permit to be kept or maintained pigeons upon any lot, parcel or premises within the city which create a nuisance.

(1) A nuisance shall exist whenever it shall be affirmed in writing by one or more persons having separate residences or who are regularly employed in the neighborhood that the pigeons are a nuisance by reason of defecating on their property, cooing, or in any other manner causing undue annoyances.

(2) The animal control officer is empowered, if he finds such nuisance to exist, to serve verbal or written notice upon the owner or custodian that such nuisance must be abated.

(a) Should the nuisance continue unabated beyond a reasonable amount of time, set forth by the animal control officer, the owner of said animal may be punished by payment of the fines as set forth by ~~sub~~ **section 3-10(b)** and/or be required to remove the animals from the City.

(i) Each additional animal shall constitute a separate offense.

(ii) Each additional day that the nuisance continues unabated shall constitute a separate offense.

(c) The owner of any such animal convicted of violating this provision may be punished by payment of the fines as set forth by **section 3-10(b)**. Each additional animal shall constitute a separate offense.

### **Sec. 3-6. Kennels, Licensure and Inspection, Fees.**

All municipal kennel licenses shall expire annually on December 1. All license applications must be submitted to the office of the City Clerk.

(a) Kennel license fee \$100.00 Annually

- (1) All kennel licenses shall be approved by the City Council.
- (2) All kennels must be located in an area consistent with the East Providence Zoning Ordinances.
- (3) All kennels must be inspected by the Animal Control Officer (A.C.O) prior to the granting of a license by application, and annually thereafter upon renewal.
- (4) All kennels must also maintain a state license in accordance with G.L. 1956 §4-19-6.

(B) Animal control is hereby authorized and directed to make kennel inspections to protect the health, safety and welfare of the pets and of the general public.

(a) The A.C.O. shall make yearly inspections of kennels or locations applying for license renewal within the three-month period prior to effective license renewal date of December 1 of each year, or upon receiving a complaint.

(i) It shall be the responsibility of the property owner or his designated agent to arrange for inspections by the building inspector, minimum property inspector, animal control and the fire marshal.

(ii) It shall be the responsibility of the property owner to pay any fees incurred as a result of these inspections.

(iii) It shall be the responsibility of the property owner to present documentation of approved inspections from the building inspector, minimum property inspector, animal control, and fire marshal upon application for license or license renewal.

(b) Kennels shall be open to inspection at any time for the purpose of checking the well-being of pets being kept on the premises.

(b) Breeder permits as provided in section 3-62 of this Chapter.

#### **Sec. 3-6.1. Right of entry for inspection.**

The building inspection division or any person designated by it for that purpose, the fire marshal, and animal control are hereby authorized to enter and inspect all licensed kennels, animal day care, breeding or grooming facilities or those locations applying for such license.

### **Sec. 3-6.2. Revocation of license.**

A kennel licensee may have its license revoked at any time, after a hearing, for:

- (1) Failure to maintain a clean, safe environment for any animals in their care. The current Tufts Animal Care and Condition (TACC) or similar scale or the observations of the Animal Control Officer or other official may be used for determining the level of care.
- (2) Conviction or plea of nolo contendere of license holder or any staff member of any violation of R.I.G.L. Chapter 4-1 entitled Cruelty to Animals, or conviction of any animal cruelty statutes in other states, or conviction of any violations of Sections 3-14, 3-23, 3-24, 3-24.1, 3-29, 3-30.1, 3-41, 3-51, or 3-54 of this Chapter.
- (3) Failure to maintain proper state licensing.

### **Sec. 3-6.3. Penalties for operation of a kennel without a license.**

- (a) Any person or organization who operates as a kennel without a currently valid license shall, upon conviction, plea of guilty, or plea of nolo contendere, be subject to the penalties in section 1-16 of the Code of Ordinances. Each day of operation shall constitute a separate offense. Advertisement of services consistent with the operation of a kennel shall be sufficient evidence of operation of a kennel.
- (b) Any animals being held by any person or in any facility that is operating as an unlicensed kennel or whose license has been revoked, may be impounded for safekeeping.
  - (1) All pound fees and costs associated for the keeping of pets held due to violation of this section shall be paid by the operator or owner of the unlicensed entity. All fees to be recovered in the manner provided in section 3-8 of this Chapter.
  - (2) Any animals may be released to their owners upon providing proof of ownership.
  - (3) All pet dispositions shall be as provided in section 3-26 of this Chapter.

### **Sec. 3-7. Impounding, reclaiming, destroying of animals.**

(a) Any animal other than a dog found running at large within the city limits may be impounded or disposed of according to law when such action is required, either to protect the animal or to protect the residents of the city.

(b) Any animal other than a dog impounded under the provisions of this chapter may be reclaimed by the owner upon the payment of impoundment fees, unless the animal in question is one deemed to be unlawful to be kept, in which case the owner will have no claim to said animal, and the animal may be disposed of according to law. Owner shall be liable for all pound fees and costs associated with the impounding and disposition of said animal(s).

(c) Any animal other than a dog impounded under the provisions of this chapter and not reclaimed by its owner within five days may be humanely destroyed by the animal control officer, have its title transferred to the Society for the Prevention of Cruelty to Animals as provided for in section 3-32 or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this chapter and such other regulations as

shall be fixed by the city, provided that if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with.

### **Sec. 3-8. Impoundment fees.**

Any animal impounded under the provisions of this chapter may be reclaimed upon payment by the owner to the clerk, or animal control officer, at the animal control center the sum of \$20.00 and the additional sum of \$5.00 for each day such animal is kept. The owner shall be responsible for impoundment fees and any other additional fees incurred by the City; such payment shall be collected by the clerk or animal control officer at the animal control center. Any owner who refuses to pay or is unable to pay these fees and/or costs shall be given a court summons with the total amount owed for assessment and review by municipal court.

### **Sec. 3-9. Certain dogs and other animals to be confined; keeping of wild animals.**

(a) The owner of every fierce, dangerous, aggressive, or vicious dog or other animal shall confine such animal within a building or secure enclosure and not take it out of such building or secure enclosure except as provided in G.L. 1956, § 4-13.1-4.

(b) Every female dog or other animal in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such manner that such female dog or other animal cannot come in contact with another dog or animal, except for intentional breeding purposes.

(c) Any animal described in subsections (a) and (b) of this section found at large shall be impounded by the animal control officer and may not be reclaimed by the owner, keeper or person having charge or custody of the animal until payment to the clerk, or animal control officer, at the animal control center has been made as provided in section 3-8. Any dog or other animal may, the first time it is impounded for being a public nuisance, be reclaimed as provided in section 3-32, but such animal may not be reclaimed when so impounded on the second or subsequent occasions, unless such reclamation is authorized by a court having jurisdiction in the matter, provided that when in the judgment of the animal control officer or any police officer in the city an animal should be destroyed for humane reasons, such animal may not be reclaimed.

(d) No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the animal control officer, provided that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the animal control officer. Any wild animal that escapes and is found at large may be destroyed by the animal control officer or any police officer of the city.

(e) Any owner, custodian or person harboring any fierce, dangerous or vicious animal that shall bite or otherwise inflict any injury on any person shall be subject to a fine of \$125.00 for the first offense, a fine of \$150.00 and ten days in jail for the second offense, and a fine of \$175.00 and 30 days in jail for the third and any subsequent offense.

**Sec. 3-10. Nuisance abatement.**

(a) The keeping or harboring of any dog, other animal or fowl, whether licensed or not, which by howling, yelping, barking or other noise disturbs or annoys a surrounding neighbor is unlawful and is hereby declared to be a public nuisance; and each day shall constitute a separate offense.

(b) It shall be unlawful to allow or permit any animal to trespass on private or public property so as to damage or destroy any property or thing of value. The trespassing of any animal on private or public property is hereby declared to be a nuisance. The owner of any such animal convicted of violating this provision may be punished by payment of the following fine:

- (1) 1<sup>st</sup> offense \$50.00
- (2) 2<sup>nd</sup> offense \$75.00
- (3) Upon the 3<sup>rd</sup> offense, the owner must pay a \$100.00 fine and such animal may be impounded by the animal control officer.

(c) [Reserved.]

(d) Whenever it shall be affirmed in writing by one or more persons having separate residences or who are regularly employed in the neighborhood that any animal is a nuisance by reason of trespassing, howling, barking or other noise, damaging property, being vicious or by its actions potentially vicious, or in any other manner causing undue annoyance, the animal control officer, if he finds such nuisance to exist, shall serve verbal or written notice upon the owner or custodian that such nuisance must be abated.

(e) It shall be unlawful to allow or permit any animal to deposit feces on private or public property other than the property of the animal owner without immediately removing same. Any person that shall allow or permit any animal to deposit feces, without immediately removing same, on private or public property shall be punished by a fine of not less than \$50.00 for the first offense; not less than \$75.00 for the second offense; and not less than \$125.00 for the third and subsequent offense.

(1) Means of removal. The owner or custodian must carry on their person some means of feces removal when walking a dog off of the owner's property or on common property, whether it be a "pooper-scooper," plastic bag, latex or other type of glove, etc. Failure to carry means of removal will be considered the same as violating section 3-10(e) and penalties will be pursuant to section 3-10(e).

(2) Enforcement. Any resident who witnesses a violation of the above section on his/her property or on a public sidewalk adjacent to his/her property may file a complaint with East Providence Animal Control, providing all information necessary for a warning or citation to issue to the violator and promising to be available to testify in court should the complaint result in a citation being issued. The violator may receive a warning upon the first complaint. Upon the filing of a second or subsequent complaint against the same violator, a citation shall be issued, service of which shall be deemed sufficient if mailed to the last

known address of the violator. For the purposes of penalties, it shall be deemed a first offense when the first citation was issued.

(a) Failure to appear. Should any witness to a violation in this chapter who makes promise to testify in court for citation to be issued, who does not appear in court for the court date issued, in addition to any other penalties for failure to appear, shall be punished by a fine of \$50.00.

(f) It shall be unlawful to allow or permit any animal upon those areas of public parks designated as sport playing fields.

### **Sec. 3-11. Complaint procedure.**

All complaints made under the provisions of this chapter shall be made to the animal control officer and may be made orally, provided that such complaint is reduced to writing on forms provided by the animal control officer and signed by the complainant showing his address and telephone number, if any, within 48 hours.

### **Sec. 3-12. Enforcement of chapter.**

The provisions of this chapter shall be enforced by the animal control officer, who will, after appointment, become a special police officer of the city, and by any police officer of the city.

### **Sec. 3-13. Right of entry of officers.**

In the discharge of the duties imposed by this chapter, the animal control officer or any police officer of the city shall have the authority at all reasonable times to enter upon any premises to examine a dog or other animal that is allegedly in violation of a provision of this chapter. Such authority shall not include the right to enter any residence on the premises. Such officer shall have the further authority to take possession of any such dog or other animal and remove it from such premises.

### **Sec. 3-14. Interference with officer prohibited.**

No person shall interfere with, hinder or molest the animal control officer or any police officer of the city in the performance of his duties or seek to release any animal in the custody of the animal control officer or any police officer, except as provided in this chapter nor shall any person refuse to surrender an animal for quarantine. Any person who so interferes with, hinders, or molests any officer of the city or refuses to release a dog from quarantine shall be punished by a fine of two hundred dollars (\$200.00).

### **Sec. 3-15. Records of animal control officer.**

(a) It shall be the duty of the animal control officer to keep or cause to be kept, in an accurate and detailed manner, the following records:



- (1) The impoundment and disposition of all animals coming into his custody;
- (2) All bite cases reported to him and his investigation of these cases;
- (3) All impoundment and keeping fees received by the city.

(b) Such records shall be open to inspection at reasonable times by such persons responsible for similar records of the city and shall be audited by the city annually in the same manner as other city records are audited.

**Sec. 3-16. Penalty.**

(a) Except as otherwise provided in this chapter any person convicted of violating any provision of this chapter may be punished by payment of the following fine schedules:

- a. First offense..... \$30.00
  - b. Second offense within a year .....\$60.00
  - c. Third offence within a year ..... \$120.00
  - d. Fourth offence within a year ..... \$300.00
- (1) Allowing dog to run at large or harboring a dog which is a nuisance:
    - a. First offense ..... \$30.00
    - b. Second offense within a year ..... \$60.00
    - c. Third offence within a year .....\$120.00
    - d. Fourth offence within a year ..... \$300.00
  - (2) Harboring an unlicensed dog:
    - a. First offense ..... \$50.00
    - b. Second offense ..... \$200.00 & microchip of dog
    - c. Third offense ..... \$500.00 & microchip of dog  
 {State law reference R.I.G.L. §4-13.1-9(4)(d)(2)}
  - (3) Allowing a dog on school property ..... \$25.00

(b) The fine can be paid by mail within seven days to the clerk of the municipal court, or if not paid within a seven-day period, a court summons is to be issued in the municipal court.

**Sec. 3-17. Mandatory spaying and neutering of dogs and cats adopted from a licensed releasing agency.**

(a) (1) No licensed releasing agency shall release, sell, trade, give away, exchange, adopt out, or otherwise transfer with or without a fee any dog or cat that has not been spayed or neutered unless the adopting party executes a written agreement with the licensed releasing agency to have the dog or cat spayed or neutered within 30 days of the adoption date or within 30 days from the date that the dog or cat reaches sexual maturity, with the cost of the spaying or neutering to be the responsibility of the adopting party.

- (2) The written agreement must include the dog or cat's age, sex, and general description; the date of adoption and the date by which the dog or cat must be spayed or neutered; the adopting party's name, address, phone number, and signature; the licensed releasing agency's name, address, phone number, and the dollar amount of the deposit remitted.
- (3) There shall be a spay/neuter program at the city animal shelter for animals, which program shall be adopted by the animal control officer with the approval of the city manager. There shall be an adoption fee for animals adopted from the city animal shelter set by the animal control officer subject to the approval of the ~~city manager~~ Mayor.
- (4) Alternatively, the licensed releasing agency shall make appropriate arrangements for the spaying or neutering of the dog or cat by a licensed veterinarian and have the surgery completed before releasing the dog or cat to the adopting party.
  - (b) The following are exemptions from the provisions of subsection (a):
    - (1) a. A licensed releasing agency returns a stray dog or cat to its owner.
    - b. A licensed releasing agency receives a written report from a licensed veterinarian stating that the life of the dog or cat would be jeopardized by the surgery and that this health condition is likely to be permanent.
    - c. A licensed releasing agency receives a written report from a licensed veterinarian stating that there is a temporary health condition, including sexual immaturity, which would make surgery life threatening to the dog or cat or impracticable, in which instance the licensed releasing agency shall grant the adopting party an appropriate extension of time in which to have the dog or cat spayed or neutered based on the veterinarian's report.
    - d. A licensed releasing agency transfers a dog or cat to another licensed releasing agency.
  - (2) The exemptions provided in subsections (1)b. and (1)c. ~~of this section~~ above are only applicable if the licensed releasing agency receives a written report from a licensed veterinarian within the 30-day period during which the spaying or neutering would otherwise be required, or in the case of a report contemplated by subsection (1)b. ~~of this section~~, the report may be provided to the licensed releasing agency during any temporary extension period provided by ~~subdivision~~ subsection (1)c. if the health condition of the dog or cat has changed.
- (c) If requested to do so, a licensed releasing agency shall refund deposited funds to the adopting party upon reasonable proof being presented to the releasing agency by the adopting party that the dog or cat died before the expiration of the period during which the spaying or neutering was required to be completed.

- (d) Any and all licensed releasing agencies:
  - (1) May enter into cooperative agreements with each other and with veterinarians in carrying out this section; and
  - (2) Shall make a good faith effort to cause an adopting party to comply with this section.

**Sec. 3-18. Forfeited deposits.**

Deposits required by section 3-17 which are unclaimed after 60 days from the date of adoption or 60 days from when the dog or cat reaches sexual maturity, whichever is later, will be forfeited by the adopting party and retained by the licensed releasing agency and shall be used for the following purposes:

- (1) A public education program to prevent overpopulation in dogs and cats;
- (2) A program to spay and neuter dogs and cats that are available for adoption by the licensed releasing agency;
- (3) A follow-up program to assure that dogs and cats adopted from the licensed releasing agency are spayed or neutered; and
- (4) To defray additional costs incurred by the licensed releasing agency in complying with section 3-17.

**Sec. 3-19. Penalties for violations.**

(a) Violations of the provisions of section 3-17 or the written agreement executed pursuant to section 3-17 by an adopting party are punishable by a fine of \$50.00 for the first offense, \$150.00 for the second offense and \$400.00 for the third and subsequent offenses. Each and every incidence of non-compliance by an adopting party which continues unremedied for 30 days after written notice of a violation under this section constitutes a subsequent offense and the attendant penalties will apply. Second and subsequent offenses may constitute grounds for seizure and forfeiture of the dog or cat, which seizure will be conducted by a dog officer or a police officer for the city or town in which the adopting party resides, and the seized animal will be returned to the licensed releasing agency from which it was adopted, which licensed releasing agency will be free to adopt out or euthanize the seized dog or cat. The adopting party loses all ownership rights in the seized dog or cat, forfeits all rights to any fee or deposit paid for the dog or cat, and shall have no claim against the licensed releasing agency or any other person for any expenses incurred by the adopting party for the dog or cat's maintenance. The provisions of section 3-17 and section 3-19 will be enforced against an adopting party by a city dog officer or a police officer and prosecution shall be before the municipal court.

- (b) Violations of section 3-17 or section 3-18 by a licensed releasing agency are

punishable by a fine of \$100.00 for the first offense, \$250.00 for the second offense and \$500.00 for the third and subsequent offenses. The third and subsequent offenses may result in the temporary or permanent revocation of the licensed releasing agency's license to operate.

(c) All fines collected under subsection (a) will be remitted to the city clerk. These fines shall be used by the municipality only for enforcing animal control laws or ordinances or for programs to reduce the population of unwanted stray dogs and cats in the municipality, including humane education programs or programs for the spaying or neutering of dogs or cats. All fines collected under subsection (b) will be remitted to the general treasurer and placed in a separate fund within the general fund to be called the "animal health fund" which shall be administered by the general treasurer in the same manner as the general fund. All funds deposited in the "animal health fund" shall be made available to the department of environmental management division of agriculture to defray any costs or expenses incurred by the state veterinarian in the enforcement of G.L. 1956 §§ 4-19-16, 4-19-17 and 4-19-18.

### **Sec. 3-20. Violation of persons feeding ~~waterfowl~~ wildlife.**

(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 ~~waterfowl~~ or wildlife, 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~~ as provided in section 3-16 of this Chapter.

### **Sec. 3-21. Euthanization by lethal injection only.**

Within the city, any domestic animal subject to destruction under the laws of the state or the ordinances of the city shall be euthanized by lethal injection only. No animal, domestic or wild, may be destroyed by use of a gas chamber. In an emergency situation where the animal will needlessly suffer, the Animal Control Officer (ACO) ~~or any Police Officer~~, may at his discretion euthanize said animal by use of firearm.

### **Sec. 3-22. Animal ~~pound~~ shelter.**

The operation of the city animal ~~pound~~ shelter shall be under the supervision of the ~~public works~~ police department. The ~~public works~~ police department shall exercise such powers and duties as may be necessary to properly maintain and operate the animal ~~pound~~ shelter.

### **Sec. 3-23. Giving false information – filing false report.**

Every person who shall knowingly make or cause to be made a false statement, either oral or written, with intent that it be relied upon by animal control, including information giving regarding animal ownership, shall be deemed guilty of obstructing or hindering an officer and shall be punished by a fine of \$200.00.

### **Sec. 3-24. Minimum Care of Animals.**

(a) An owner or guardian of any animal must provide daily proper nourishment and access to adequate water at a drinkable temperature, quality and quantity as required by the species, breed, size, and age of the said animal, which will allow and foster normal growth and maintenance of body weight.

(b) An owner or guardian of any animal must maintain a sanitary environment, which is dry and free of accumulated feces, and free of debris and garbage that may clutter the environment so as not to inhibit comfortable rest, normal posture and range of movement or pose a danger to or entangle an animal, as set by the industry standard for the environmental health scale as set forth in the most recently adopted version of the Tufts Animal Care and Conditions Scale (TACC).

(c) An owner or guardian of any animal must maintain said animal's health with minimum veterinary care, and a healthy physical condition as set by the industry standard for the body condition scale, and physical care scale as set forth in the most recently adopted version of the Tufts Animal Care and Conditions Scale (TACC).

#### **Sec. 3-24.1. Abandonment of Animals.**

If any person having possession and/or control of an animal abandons that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure, in addition to any other lawful penalties, he or she shall pay a fine of \$200.00.

### **Sec. 3-25. Penalties for violations.**

(a) Any animal control officer may issue the person(s) in violation of sections 3-24; 3-25; 3-27; 3-41 a fine of \$100.00 for a first violation, \$200.00 and seizure of animal for a second violation, and \$400.00 and the seizure of the animal for a third violation. Second and subsequent violations of section 3-24 or section 3-41 may be considered violation of G.L. 1956 §4-1-2. In addition, for second and subsequent offenses, in the event a person is found guilty of a violation of this Chapter, they may not be permitted to own, keep or harbor or have custody of any animal for a minimum of one year.

(b) In the event that any animal is in conditions or in an environment that, by the discretion of the Animal Control Officer, may be harmful to the health and wellbeing of the animal, and for the first offense, the owner is not immediately available to correct the problem; the animal may be seized and impounded for safekeeping.

### **Sec. 3-26. Disposition of animals.**

- (a) Any animal seized in the enforcement of any law or court order that does not already have rules for the disposition of that animal shall be impounded and, if the identity of owner is known by animal control, the animal control officer shall make every possible, reasonable effort to notify the owners of such animals so impounded and to inform the those owners of the conditions whereby they may regain custody of their animal. Animal(s) seized will then be held for a period of 10 days, at the owner's expense, unless (i) a release is signed by owner or guardian relinquishing ownership of the animal to the City, (ii) the animal is euthanized for humane reasons or (iii), the owner remedies the problem for which the animal was seized, and the animal control officer sees it fit to return the animal to the owner upon payment of fees. Upon conclusion of the 10 day hold period, if the owner has not come forward, the animal may be humanely destroyed, have its title transferred to the Rhode Island S.P.C.A., or be placed in a suitable home or with a rescue group. The owner/guardian shall be accountable for all fines, fees, and costs to the city for the minimum care of the animal.
  
- (b) In addition to any other applicable law regarding the disposition of domestic animals, the animal shelter shall meet the following conditions before euthanizing an adoptable animal pursuant to this section:
  - (1) There are no empty cages, kennels, or other living environments in the shelter suitable for the animal; and
  - (2) Another municipal or private animal shelter or Rhode Island incorporated animal organization is unwilling to accept the animal; and
  - (3) The Animal Control Officer or manager of the animal shelter has certified that the above conditions have been met or that he/she has no reasonable alternative.
  
- (c) Section (b) above shall not apply under the following exceptions:
  - (1) There is an emergency situation where an animal will needlessly suffer. The Animal Control Officer (ACO) or any Police Officer may immediately, at his/her discretion, euthanize said animal by use of firearm.
  - (2) The existence of any law or court order that requires the euthanasia of an animal.
  - (3) A licensed veterinarian certifies that an animal must be euthanized for humane reasons.

### **Sec. 3-27. Keeping of potentially dangerous species.**

It shall be unlawful for any person to keep or permit to be kept any "potentially dangerous species," defined as any exotic mammals, birds, reptiles, or amphibians, or non-game species which, in the opinion of the city, is capable of inflicting serious or fatal injury or which has the potential to become an agricultural pest, or a menace to public health, or indigenous wildlife populations, including but not limited to the following:

CLASS/ ORDER	FAMILY
Primates	Cebidae--New world monkeys
Cercopithecidae--Old world monkeys	
Baboons	
Pongidae--Apes	
Carnivora	Canidae--Non-domestic dogs (or) domestic/non-domestic mixes
Urisdae--Bears	
Felidea--Non-domestic cats	
Saura (Venomous)	Helodermatidea--Gila monsters
Elapidae--Coral snakes and cobras	
Serpentes (Venomous)	Elapidae--Coral snakes and cobras
Viperidae--Vipers	
Crotalidae--Pit Vipers	
Crocodilla	Alligatoridae--Alligators & Caiman
Crocodylidae--Crocodiles	
Gavialidae--Gavials	
Psittaciformes (Quaker)	Myiopsitta spp.--Monk Parakeets
Rodentia	Spermophilus spp.--Ground squirrels

**Sec. 3-28. Owner turn-in fees and policies; deceased animal disposal fees.**

- (a) Owners who turn in animals over three months of age must have a current rabies vaccination as mandated by the state of Rhode Island’s Compulsory Rabies Vaccination Law (G.L. §4-13-30).
- (b) Animals which have bitten a human or domestic animal must be quarantined for a period of ten days or more.  
**Note:** The owner of the animal is responsible for the boarding and impoundment fees for the entire quarantine period (per G.L. §4-13-29). All fees for veterinary examination, decapitation for rabies testing at the state laboratory are also at the owners expense (G.L. §4-13-29). Fee for rabies quarantine is \$20.00 impoundment fee plus \$5.00 per day, and also any additional costs to the city.
- (c) Proof of ownership and East Providence residency are required to turn in an animal.
- (d) Turn-in fees and deceased animal disposal fees shall be set by the animal control officer subject to the approval of the ~~city manager~~ Mayor.

**Sec. 3-29. Animal confinement in motor vehicles prohibited - Transporting animals.**

- (a) No owner or person shall confine any animal in a motor vehicle in such a manner that places the animal in a life or health threatening situation by exposure to prolonged period of

extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer or law enforcement officer who has probable cause to believe that this section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.

(b) A law enforcement officer or animal control officer may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death. Nothing in this section shall prevent a law enforcement officer or animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

(c) A law enforcement officer or animal control officer who removes an animal in accordance with this section shall, in a secure and conspicuous location or within the motor vehicle, leave written notice bearing the officer's or agent's name and office and the address of the location where the animal may be claimed. The owner may claim the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

(d) A law enforcement officer or animal control officer who removes an animal from a motor vehicle pursuant to this section is immune from criminal or civil liability that might otherwise result from the removal.

(e) Any animal control officer may issue the person(s) in violation of this section a fine of \$100.00 for a first violation, \$200.00 and seizure of the animal for a second violation, and \$400.00 and the seizure of the animal for the third violation. Second and subsequent violations of this section may be considered a violation of G.L. 1956 § 4-1-2.

(f) It shall be unlawful for any person to transport any animal or animals either for business or pleasure on or in an open air motor vehicle unless the animal or animals being transported:

(1) Is kept in an enclosed area of the motor vehicle;

(2) The animal or animals are under the physical control of a person other than the operator of the motor vehicle; or

(3) The animal or animals are placed in the motor vehicle and safely restrained by a harness manufactured for the purpose of restraining animals by means other than neck restraints.

(4) Any person violating the provisions of this subsection shall be punished by a fine of not more than \$50.00 for a first offense, nor more than \$200.00 for each subsequent offense. (G.L. 1956 §31-22-28)



**Sec. 3-30. Devocalization prohibited.**

(a) No person shall surgically debark or silence a dog or cat, or cause the surgical debarking or silencing of a dog or cat, unless a veterinarian licensed in the State of Rhode Island has filed a written certification with the city animal control officer stating that the surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat medical harm or pain.

(b) The written certification described in subsection (a) shall contain the date and description of the veterinarian's examination and evaluation of the dog or cat, a statement certifying that surgical debarking or silencing is medically necessary to treat or relieve an illness, disease, or injury, or correct a congenital abnormality that is causing or will cause the dog or cat harm or pain; any supporting diagnosis and findings, the name and current address and telephone number of the dog or cat's owner or keeper, and the name and current address and telephone number, state license number, and signature of the veterinarian.

(c) No person except a veterinarian licensed in this state, using anesthesia, may surgically debark or silence a dog or cat.

(d) Any person in violation of this section shall be subject to the penalties in section 1-16 of the Code of Ordinances. The municipal court shall have jurisdiction to hear cases involving violations of this section. In addition to any other penalty provided by law, a person convicted under this section may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of ~~time up to one year, if deemed appropriate by the court, and required to take humane education, pet ownership and dog training classes as ordered by the court.~~ **time up to one year, if deemed appropriate by the court.**

(e) Any person or business selling a dog or cat for profit shall disclose whether or not the dog or cat has been surgically debarked or silenced and provide the purchaser with a copy of the veterinarian certification required by subsection (a) above.

**SECTION II.** 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 7:00 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: Council President Britto

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**CITY OF EAST PROVIDENCE**

**RESOLUTION NO.**

**RESOLUTION REQUESTING THAT THE RHODE ISLAND CONGRESSIONAL DELEGATION ASSIST IN DIRECTING THE REMOVAL OF ABANDONED PIERS AND THE INDIA POINT RAILROAD BRIDGE WITHIN THE EAST PROVIDENCE, RHODE ISLAND WATERFRONT**

**WHEREAS**, the City of East Providence and the East Providence Waterfront Special Development District Commission have been working to facilitate the transformation of the East Providence waterfront into a model of urban revitalization. Its work will help shape the East Providence waterfront for the next one hundred years; and

**WHEREAS**, the City and the Commission have been highly successful in advancing economic growth within the City of East Providence and the State of Rhode Island with completed developments such as:

**Kettle Point**

University Orthopedics hosted a ribbon cutting ceremony on May 23, 2018 to celebrate the opening of its most recent location at 1 Kettle Point Ave. The 90,000 s/f medical offices and surgery center offers the latest in orthopedic treatments. East Providence is proud to add University Orthopedics to its portfolio of high-profile medical offices and to welcome over 100 jobs.

Long Rock Cove LLC is proceeding with construction of phased development of 62 condominium units, with 15 units occupied by the end of FY18. Condos are 3-bedroom residences in duplex townhouses that average 2,100 square feet. Many have frontage on Long Rock Cove.

By the close of FY 18 AR Building Company began leasing the first of three apartment buildings. Apartments average 1,000 square feet. Phase I construction includes three four-story Class A apartment buildings totaling 135 units, a clubhouse, and car barns. Phase II construction is anticipated in 2019 to bring the total units to 228.

Public improvements completed in 2018 include access to the East Bay Bike Path, public open space and Squantum Woods, with direct access to the waterfront. The \$78 million project includes \$8.75 million in public improvements and marks the remediation and redevelopment of the former AMOCO-ARCO tank farm and fueling facility on the East Providence waterfront. Tax Increment Financing (TIF) was important to fund public infrastructure improvements.

### **Chevron**

In FY 18 the Chevron Land & Development Co. proceeded with plans to re-envision the Southern Waterfront as a mixed use, arts and entertainment district that extends north to the South Quay, Bold Point Park and Tockwotton. Discussion began regarding modification of the 2010 TIF to mimic the Kettle Point TIF terms. This will enhance development opportunities, enable construction of Waterfront Drive south from Bold Point Park, and assure public access to the waterfront.

### **Waterfront Productions/Live Nation**

RI Waterfront Events at Bold Point Park continued with year 2 of a 3-year City lease. Attendance tripled with 13 events scheduled. An average of 3,000 attended each event, a significant increase from the first year.

### **Baer Supply Company**

Located at 10 New Road in the Pawtucket Ave. Sub District is one of the nation's leading specialty wholesale distributors to the woodworking industry. Phase 1 of the project 90,000 square feet of warehouse space and 10,000 SF of office space was completed in 2009. Phase II, a 50,000 SF addition, was completed in early 2012.

The site is approximately seven acres, located adjacent to the former Fram building. The new 100,000 square foot building houses 90,000 SF of warehouse and 10,000 SF of office space with associated parking areas. The building is served by a new rail spur by Providence & Worcester Rail Road. Baer Supply Company is one of the nation's leading specialty wholesale distributors to the woodworking industry. They offer an extensive inventory of decorative and functional hardware and fittings, tools, shop supplies, surfacing materials, and board and panel products.

Baer Supply, acquired by the Wurth Group of Germany in 1997, is a multi-national distributor of fasteners, fittings and a wide variety of industrial products and is the world's largest fastener distribution. They have over 300 member companies in 80 countries on five continents.

### **Sky Zone Indoor Trampoline Park**

Jump City Providence LLC is a 25,000 square foot indoor trampoline park located in an existing building at 70 Pawtucket Ave. It features linked trampolines for open jumping, fitness classes, corporate events, team play and birthday parties. Sky Zone has hired approximately forty-six full- and part time employees, including four managers. The project received approval from the Waterfront Commission and opened in December 2012. Since opening, Sky Zone has donated hundreds of free passes to local youth and community groups and has spent tens of thousands of dollars on services provided by other East Providence businesses.

### **Eaton Corporation**

Eaton Corporation, a critical manufacturer of components used in the aerospace industry, is leasing approximately 145,000 SF of the existing 340,000 SF building at 10 New Rd. Eaton employs over 200 people at its East Providence facility and expect to add an additional fifty new employees in the next 3-5 years. Eaton Corporation opened in the East Providence Waterfront District in May of 2013. In September 2013 Eaton "adopted" the new Oldham

School in East Providence, providing volunteers and funding for on-going school projects. The East Providence Waterfront Development District Commission was awarded \$5 million in funding from the US Department of Commerce Economic Development Administration for renovations to the building that houses Eaton. The funding was part of a pool of funding that Senators Reed and Whitehouse helped to create to assist RI businesses that were hurt by the floods that devastated RI in March of 2010.

### **Ross Commons**

The first of the City's waterfront projects to receive City and State permits, including approval from the Waterfront District Commission. The approximately \$6 million project was developed by the Peregrine Development Group and New England Construction entails the construction of 54 condominiums consisting of one- and two-bedrooms, as well as 4,000 square feet of office space on four acres at the northwest corner of Bourne and Roger Williams Avenues. Six of the condominium units are priced as "affordable," as required by the Waterfront Development District Plan. The project started construction in October of 2004; the majority of the units are now occupied.

### **Aspen Aerogels, Inc.**

A nanotechnology company headquartered outside Boston, selected a property in the Dexter Road portion of the Waterfront District as the site of its new manufacturing facility in the 2005. Aspen spent \$30 million to retrofit a 140,000 square feet, formerly abandoned industrial plant to meet the needs of its commercial, military and aerospace customers. Aspen is a leading manufacturer of high performance insulating materials known as aerogels. Since 2005, the company has expanded numerous times, both on- and off-site.

Aspen is expanding with a \$30 million 3 project underway at its East Providence site. The new line is Aspen's first step in its long-term strategy to expand production capacity and will increase the facility's capacity by 25 percent to meet growing customer demand.

### **Squantum Woods**

Squantum Woods park recently underwent the construction of controls to improve the flow of storm water that currently runs through the park and causes flooding, scouring and erosion. Phase 1 of the project was completed in December of 2011: The park re-opened in 2013. The silt contained in the road runoff contributes to the growth of the invasive Phragmites plant: removing the silt will help keep the pond free of the plants. Phase 2 work included removing the Phragmites and dredging the pond and is being funded by the Village on the Waterfront project on the nearby Chevron property.

The project was funded by the US Environmental Protection Agency (EPA), through the efforts of Sen. Jack Reed. It was a cooperative project between the EPA, the Waterfront District Commission, the East Providence Parks Department, the East Providence Department of Public Works, and Chevron Land & Development Corp.

### **Tockwotton on the Waterfront, Assisted Living and Nursing Center**

Tockwotton on the Waterfront is a 156-unit assisted living facility with the look and feel of a seaside resort adjacent to Bold Point Park in the southern portion of the Waterfront District. The \$52.2-million nursing and assisted living center replaces its existing 140-year old building in the Fox Point neighborhood of Providence. The five-story structure has three

components: an assisted living area, a separate component for residents with Alzheimer's or impaired memory problems, and a skilled nursing care unit. The Tockwotton Home is 138,000 square feet and employs 100 people on a budget of \$8 million. Construction was completed in January of 2013.

**WHEREAS**, the potential for waterfront development in East Providence is very beneficial to the Rhode Island economy in terms of employment opportunities and tax base growth; and

**WHEREAS**, public waterfront development will provide the state with improved access to the coastline and economic development will stimulate both short and long term economic opportunities in East Providence and Rhode Island. The fiscal impact will have a positive impact on local and state government; and

**WHEREAS**, the mixed-use waterfront development will, in the aggregate, provide a self-sustaining mix of commercial, residential, institutional, light industrial, civic and recreational uses; and

**WHEREAS**, the decaying, old piers and the abandoned and rusting India Point Railroad Bridge, which has already been identified by the U.S. Coast Guard as a navigational hazard, remain a deterrent, obstruction and eyesore to further development of the East Providence waterfront, the following is noted:

- The India Point Railroad Bridge was a swing bridge which spanned the Seekonk River, connecting the City of Providence, Rhode Island at India Point to the City of East Providence at Watchemoket. It was last used in 1974, and the swing span was removed in 2001 leaving only two fixed truss spans.
- The original structure was a covered bridge built in 1835 by Thomas Hassard for the Boston and Providence Railroad. The bridge had a manually operated draw consisting of two parts located on the East Providence side of the bridge. In order to let a vessel pass, the eastern part had to be moved northward and the western part was moved into the vacated space. This draw was replaced in 1858 by one resting on a turntable providing a gap of 38 feet. In 1866, due to the bridge's piers being deemed unreliable, work began on a new bridge adjacent to the existing one that was to have a draw of at least 60 feet.
- Construction of an improved bridge began in 1901 and was completed in 1903. The iron swing section was replaced with fixed pony trusses in 1903. Both of these sections were built around the existing spans, so that rail and water traffic would not be interrupted. During peak working hours, trains could cross the bridge at an average rate of one every four minutes (Rhode Island Railroad Commissioner (1903). Report. E.L. Freeman Company, state printers).
- The bridge continued to operate until 1974. After its closing, the United States Coast Guard eventually determined the bridge to be a navigational hazard. In May 1990, they threatened to fine the City of Providence \$1000 for each day beyond one year from then that the bridge was neither removed nor illuminated. Though the deadline passed, the

Coast Guard delayed imposing any fines until at least 1993, when Federal money was to be made available for the bridge's removal. Under the plan, the Federal government and city were each to pay \$250,000 towards the cost of removing it. However, this plan was not executed. Also, the Water Resources Acts of 1986 and 1996 had each approved plans for removing the bridge, but these plans failed to come to fruition as well (Ken Mingis, Providence Journal, December 26, 1991. Providence Journal, September 14, 2001).

- On 18 December 2000, the Providence City Council approved the transfer of the bridge to the Federal Government. The United States Army Corps of Engineers then advertised to give the bridge to any organization that could demonstrate a suitable disposition for it. No claims were received, so demolition was scheduled to begin in October 2001. At the end of December 2001, the swing span had been dismantled. The final step was to remove the concrete platform measuring 34 feet in diameter that supported the swing section. As of November 2018, only the two fixed truss sections on the East Providence side remained.
- Today, Summer 2019, the bridge remains. In addition to being an eyesore, it is considered a navigational hazard and a barrier to further development in the pristine waterfront area being currently developed.
- Area waterfront businesses are obstructed by its presence and are limited in plans to expand recreational, business, boating and public access to the waterfront. An area Yacht Club has the bridge practically touching its recently renovated building, deck, docks and property. Open views of the waterfront are totally obstructed from many angles. The Yacht Club is prevented from expanding public access due to the bridge.

**WHEREAS**, removal of the unsafe piers and bridge remnant would greatly increase the quality of East Providence's waterfront development and the potential for an increase in Rhode Island tourism.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of East Providence, with unanimous support of the East Providence Waterfront Special Development District Commission, hereby supports the demolition and removal of these navigational hazards and respectfully requests the involvement of our Congressional Delegation.

**BE IT FURTHER RESOLVED** that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives and the Senators and Representatives from the City of East Providence, the Mayor of the City of East Providence, and the Chairman of the Waterfront Commission.

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

Attest:

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

Introduced by: Council Vice President and At-Large Member, Robert P. Rodericks

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION TO AUTHORIZE THE COUNCIL PRESIDENT TO APPROVE THE CITY CLERK'S REQUEST OF EARNED TIME OFF

WHEREAS, the City Council of East Providence appoints the City Clerk pursuant to Section 2-12 of the East Providence Home Rule Charter ; and

WHEREAS, the City Clerk is an Office of the City and is an unclassified employee as set forth in Article 1, section 11-1 of the East Providence Code of Ordinances;

WHEREAS, the City Clerk serves as the supervisor of the City Clerk's municipal service clerks and the Deputy City Clerk; and

WHEREAS, the City Clerk oversees the Probate Court, and is responsible for keeping and inspection of all records of the City;

WHEREAS, the City Clerk serves as the Clerk of the City Council;

WHEREAS, the City Council is desirous of establishing a procedure to allow for the supervision, recordation, and tracking of the City Clerk's earned time;

~~WHEREAS, the City Clerk shall be allowed access to resources within the City to research legislative and budgetary issues on behalf of the City Council; and~~

~~WHEREAS, the City Clerk shall only be removed by majority vote by the City Council or when the term has expired and there is no reappointment.~~

NOW, THEREFORE BE IT RESOLVED, that:

1. The City Council authorizes the City Council President to approve the discharge of any and all earned time of the City Clerk, including vacation, compensation, sick, and other such time;
2. Once approved, the City Clerk shall submit said approval in writing to the Director of Personnel who shall record said time;

This Resolution shall take effect upon passage.

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

**Commented [MJM1]:** Since this appears to be an expansion of the duties of the City Clerk, under section 2-12(3) of the Home Rule Charter, said duties can only be expanded via passage ordinance not a resolution.

**Commented [MJM2]:** Not sure this is necessary. The city code sets out the removal procedure of city officers apt by the City Council. And it is not by majority but by 4 out 5. The Res concerns the keep track of your time. Not sure why you need to state what the removal procedure is.



Attest:

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City Clerk of East Providence

Introduced by: Council President Britto, Council Vice President Rodericks, Councilwoman Sousa,  
Councilman Cahoon and Councilman Mourato

