

CITY OF EAST PROVIDENCE  
**DOCKET-REGULAR COUNCIL MEETING**  
 TUESDAY, APRIL 19, 2022  
 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

**Notice:** The meeting will also be viewable live at:  
<https://www.youtube.com/channel/UC0YEW6s1RpicKR47VMil1LA>

City Council:

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

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

**I. CALL TO ORDER**  
 Roll Call

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

**II. SALUTE TO THE FLAG**

**III. EXECUTIVE SESSION**

The City Council of East Providence may meet in Executive Session, pursuant to RIGL §42-46-5 (a)(2) litigation and collective bargaining

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

A. Claims

- 1. Manuel Teixeira
- 2. Tracey Holmes

B. Review, discussion and possible vote relating to a Memorandum of Understanding between the City and IBPO Local 569 concerning Patrol K-9 and Therapy/Comfort K-9 compensation related to care and comfort.

C. Pursuant to R.I. Gen. Laws 42-46-5(a)(2) Litigation - Cheryl Curti vs. City of East Providence, R.I. Commission for Human Rights, RICHR No. 21 ESE 071-05/03 Discussion, update and possible vote to authorize compromise

**IV. RECONVENE TO OPEN SESSION**

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

**V. MOTION TO SEAL EXECUTIVE SESSION MINUTES**

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**VI. CONSENT CALENDAR - For discussion and possible vote**

**A. COUNCIL JOURNALS**

- 1. Executive session minutes April 5, 2022
- 2. Regular meeting minutes April 5, 2022
- 3. Special meeting minutes April 7, 2022

**B. TAX ABATEMENTS**

Year	Amount
2016	\$58.99
Total	\$58.99

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**VII. LICENSES - For discussion and possible vote**

**A. NON-PUBLIC HEARING**

1. One Day Entertainment License - New  
 Applicant: Alexandra Goldberg Kavanagh  
 Location: Bay View Academy, 3070 Pawtucket Ave 02915  
 Date & Time of Function: April 29, 2022, 6:00pm-1:00am  
 Type of Entertainment: Play – Back to the Bay Weekend

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

2. One Day Entertainment License – New  
 Applicant: Connie McNally  
 Location: Pierce Field, 201 Mercer Street  
 Date & Time of Function: June 26, 2022, 9AM-9PM  
 Type of Entertainment: Community Music Festival Fundraiser

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

3. Class F1 Application for Special Event – Alcoholic Beverage  
 Applicant: Martinah Javid  
 Location: Pierce Field, 201 Mercer Street  
 Date & Time of Function: June 26, 2022, 9AM-9PM  
 Type of Entertainment: Community Music Festival Fundraiser

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

4. One Day Entertainment License

Applicant: Holy Ghost Brotherhood of Charity

Location: 59 Brightridge Avenue 02914

Date & Time of Event: July 15 4PM-10PM, July 16 5PM-11PM, July 17 4PM-8PM

Type of Entertainment: DJ

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

5. Class F Application for Special Event – Beer and Wine

Applicant: Holy Ghost Brotherhood of Charity

Location: 59 Brightridge Avenue 02914

Date & Time of Event: July 15 4PM-10PM, July 16 5PM-11PM, July 17 4PM-8PM

Type of Event: Feast

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

6. Class F1 Application for Special Event – Alcoholic Beverage

Applicant: Alexandra Goldberg Kavanagh

Location: Bay View Academy, 3070 Pawtucket Ave 02915

Date & Time of Function: April 29, 2022, 6:00pm-1:00am

Type of Event: Play – Back to the Bay Weekend

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

7. Road Race

Applicant: Claire Akin

Location: 1 Kettle Point Ave

Date & Time of Event: September 18, 2022 9am- 10:30am

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

8. Application for Victualing License – Class 3 – Transfer

Transfer from: Riverside Nutrition

Transfer to: Kimberly Starks-Mello/DN Holdings LLC dba Riverside Nutrition

Location: 15-19 Forbes Street, 02915

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

9. Application for Holiday Sales - New

Applicant: Alex Mutzabaugh

Business Name: Keystone Novelties Distributors

Business Address: 1235 Wampanoag Trail, 02915

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

10. Application for Hawker License

Applicant: Alex Mutzabaugh

Business Name: Keystone Novelties Distributors

Business Address: 1235 Wampanoag Trail, 02915

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

11. Application for Holiday Sales - New  
 Applicant: Alex Mutzabaugh  
 Business Name: Keystone Novelties Distributors  
 Business Address: 40 Highland Ave., 02914

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

12. Application for Hawker License  
 Applicant: Alex Mutzabaugh  
 Business Name: Keystone Novelties Distributors  
 Business Address: 40 Highland Ave., 02914

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

13. Mobile Food Establishment License/Permit  
 Applicant: A. Russell Spellman  
 Business Name: Incredabowl Food Company  
 Business Address: 1075 S Broadway 02914

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

14. Application for Victualing – Class 2- New  
 Applicant: Tiffany Barrera  
 Business Name: Rhody Hen Café  
 Business Address: 611 Waterman Ave., 02914

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

15. Application for Holiday Sales- New  
 Applicant: Tiffany Barrera  
 Business Name: Rhody Hen Café  
 Business Address: 611 Waterman Ave., 02914

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

16. Application for Victualing – Class 1- New  
 Applicant: Joseph Cantone  
 Business Name: Moving Dough Pizza Co  
 Business Address: 99 Hicks Street, 02914

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

17. Application for Victualing – Class 1- New  
 Applicant: Yet Sau Yung  
 Business Name: Dragon of Riverside, LLC  
 Business Address: 181 Willett Ave., 02915

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

18. Application for Holiday Sales- New  
 Applicant: Yet Sau Yung  
 Business Name: Dragon of Riverside, LLC  
 Business Address: 181 Willett Ave., 02915

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

19. Application for Victualing – Class 2- New  
 Applicant: Wellington DeOliveira  
 Business Name: Imperial Picanha, LLC  
 Business Address: 99-101 Waterman Street

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

20. Application for Holiday Sales- New  
 Applicant: Wellington DeOliveira  
 Business Name: Imperial Picanha, LLC  
 Business Address: 99-101 Waterman Street

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**B. PUBLIC HEARING**

1. BV Liquor License – New  
 Applicant: Yet Sau Yung  
 Business Name: Dragon of Riverside, LLC  
 Business Address: 181 Willett Ave., 02915

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

2. BV Liquor License – New  
 Applicant: Wellington DeOliveira  
 Business Name: Imperial Picanha, LLC  
 Business Address: 99-101 Waterman Street

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		



**VIII. PROCLAMATIONS & PRESENTATIONS - None**

**IX. COMMUNICATIONS**

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

1. Bullocks Point Avenue tree planting – JT Spurr
2. Storefront Façade Improvements – Melissa Linhares

**X. PUBLIC COMMENT**

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

**XI. APPOINTMENTS – None**

**XII. COUNCIL MEMBERS – None**

**XIII. PUBLIC HEARINGS – Ordinance for second passage - For discussion and possible vote**

1. An ordinance in amendment of Chapter 13 of the revised ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Public Places” (amending section 13-4a entitled “Smoking at public places”)  
*Summary: Prohibits the use of electronic nicotine delivery devices, or the use of combustible cannabis in public spaces*  
*Sponsor: Councilwoman Sousa*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

2. An ordinance in amendment of Chapter 9 of the revised ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Miscellaneous Offenses” (amending section 9-13 entitled (Sale of cigarettes by vending machine prohibited)

*Summary: Prohibits the sale of tobacco products from vending machines to conform with State law.*

*Sponsor: Councilwoman Sousa*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

3. An ordinance in amendment of Chapter 9 of the revised ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Miscellaneous Offenses” (amending section 9-15 entitled “Purchase, sale or delivery of tobacco products to persons under 18 prohibited; notice of lase to be posted”

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

*Sponsor: Councilwoman Sousa*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

4. An ordinance in amendment of Chapter 8 of the revised ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses And Business Regulations”

*Summary: Establishes and requires all State license tobacco retailers in the City of East Providence to also obtain a City issued annual tobacco license with other posted notice requirements and penalties for violations*

*Sponsor: Councilwoman Sousa*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**XIV. CONTINUED BUSINESS – None**

**XV. NEW BUSINESS**

**A. MAYOR COMMUNICATIONS**

- 1. Appointment requiring Council Confirmation
  - a. Martha Wallick to the East Providence Canvassing Board, term 03/01/2022 – 02/28/2028

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**B. REPORTS OF OTHER CITY OFFICIALS**

- 1. Report of the City Solicitor
  - a. Claims Committee Report

**C. RESOLUTIONS - For discussion and possible vote**

- 1. Joint resolution supporting Rhode Island Senate Bill S2596, capital development programs for education – Stateside Referendum  
*Sponsor: Council Vice President Rodericks, School Committee Chairman Monteiro, and Councilman Cahoon*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**D. INTRODUCTION OF ORDINANCES - For discussion and possible vote (First Passage)**

1. An ordinance in amendment of Chapter 3 of the revised ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Animals"  
*Summary: To allow the keeping and housing of chickens in a residential neighborhood by permit*  
*Sponsor: Councilman Cahoon and Councilwoman Sousa*

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

**XVII. ADJOURNMENT**

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

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

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

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

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

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

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

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

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

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

Attest:

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

Introduced by: Councilwoman Sousa

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

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

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

**SECTION I.** Section 9-13 entitled “Sale of cigarettes by vending machine prohibited” of Chapter 9 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Miscellaneous Offenses” is amended to read as follows:

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

~~(a) No person, firm, corporation, establishment or agency shall engage in the operation of selling tobacco products, including cigarettes and electronic nicotine delivery systems by vending machine provided, however, that this section shall not apply to:~~

~~(1) Cigarette vending machines in establishments where, as a condition of entry to the premises and access to the cigarette vending machine, persons are required to be at least twenty one (21) years of age; or~~

~~(2) Vending machines equipped and used with operating lock box or similar control device which requires intervention of an adult to obtain cigarettes from the vending machine.~~

~~(b) Any person, corporation, establishment or agency that shall engage in the operation of selling cigarettes by vending machine, except as provided above, shall be punished by a fine of not less than two hundred fifty dollars (\$250) for the first offense, not less than three hundred fifty dollars (\$350) for the second offense, and not less than five hundred dollars (\$500) for the third and subsequent offense.~~

(a) No cigarettes, nor any other tobacco product, nor electronic nicotine-delivery system product shall be sold from any device or vending machine that is in an area not continuously supervised and in direct line of sight of an authorized person employed by the person, firm, or corporation that owns the business occupying the premises in which the device or vending machine is located, nor shall any tobacco product, nor electronic nicotine-delivery system product be sold from any device or vending machine that is in an area supervised by such an authorized person unless the device or vending machine is equipped with an electronic locking device that will not allow the device or vending machine to dispense a pack of cigarettes, or any other tobacco product, or electronic nicotine-delivery system product unless it is electronically unlocked from a secured position inaccessible to the public and under the supervision of an authorized person employed by the person, firm, or corporation that owns the business occupying the premises in which the device or vending machine is located. “Direct line of sight” means that the vending machine and the purchaser



of cigarettes or electronic nicotine-delivery system product must be visible to the authorized person pressing the unlock button while the unlock button is being activated. Provided a locking device shall not be required in an establishment licensed to sell alcoholic beverages that limits access to persons over the age of twenty-one (21) years.

- (b) No cigarettes, nor any other tobacco product, nor electronic nicotine-delivery system product shall be sold from any device or vending machine from which non-tobacco products are sold.

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

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

Attest:

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

Introduced by: Councilwoman Sousa

STATE OF RHODE ISLAND

CITY OF EAST PROVIDENCE

CHAPTER

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

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

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

**Sec. 9-15.1. Definitions.**

*"Bidi cigarette"* means any product that (i) contains tobacco that is wrapped in temburni or tender leaf, or that is wrapped in any other material identified by rules of the Department of Health that is similar in appearance or characteristics to the temburni or tender leaf, and (ii) does not contain a smoke filtering device.

*"Characterizing flavor"* means a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint, or wintergreen, imparted either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.

*"Court"* means any appropriate district court of the state of Rhode Island and/or municipal court of the City of East Providence.

*"Dealer"* is synonymous with the term "retail tobacco products dealer."

*"Department of behavioral healthcare, developmental disabilities and hospitals"* means the state of Rhode Island behavioral healthcare, developmental disabilities and hospitals department, its employees, agents or assigns.

*"Department of taxation"* means the state of Rhode Island taxation division, its 13 employees, agents, or assigns.



"License" is synonymous with the term "retail tobacco products dealer license" or "electronic nicotine-delivery system license or any license issued under chapter 20 of title 44 or 16 chapter 1 of title 23" of Rhode Island General Laws

"License holder" is synonymous with the term "retail tobacco products dealer" or "electronic nicotine-delivery system license or any licenses issued under chapter 20 of title 44 or 19 chapter 1 of title 23" of Rhode Island General Laws.

"Person" means any individual person, firm, fiduciary, partnership, trust, association, or corporation licensed as a retail dealer to sell tobacco products within the state.

"Retail tobacco products dealer" means the holder of a license to sell tobacco products at retail and shall include holders of all other licenses issued under chapter 20 of title 44 or chapter 1 of title 23 of Rhode Island General Laws.

"Retail tobacco products dealer license" means a license to sell tobacco products at retail as issued by the State of Rhode Island Department of Taxation.

"Spitting tobacco" also means snuff, powdered tobacco, chewing tobacco, dipping tobacco, pouch tobacco, or smokeless tobacco.

"Tobacco product(s)" means any product(s) containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a little cigar as defined in Rhode Island General Laws Section § 44-20.2-1, and any and all products as defined in Rhode Island General Law Section § 44-20-1, electronic nicotine-delivery system products, or any added substance that may be aerosolized, vaporized, or otherwise delivered by such an electronic nicotine-delivery system device, whether or not that substance contains nicotine.

"Tobacco product(s)" does not include drugs, devices, or combination products intended to treat tobacco or nicotine dependence that are authorized by the United States Food and Drug Administration, as those terms are defined in the federal Food, Drug and Cosmetic Act. Nor does it include such authorized drugs, devices or combination products with such treatment purpose by individuals under age twenty-one (21) if prescribed by a licensed prescriber such as a physician, nurse practitioner or physician assistant.

"Underage individual" or "underage individuals" means any child individual under the age of twenty-one (21).

"Little cigars" means and includes any roll, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of whether the tobacco is flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of tobacco wrapped in leaf tobacco or any substance containing tobacco paper or any other material, and where such roll has an integrated filter, except where such wrapper is wholly or in greater part made of tobacco and where such roll has an integrated filter and weighs over four (4) pounds per thousand (1,000).

*"Electronic nicotine-delivery system"* means an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic little cigars, electronic pipe, or electronic hookah, "heat not burn products," e-liquids, e-liquid products, or any related device and any cartridge or other component of such device.

*"Electronic nicotine-delivery system product"* means any combination of electronic nicotine-delivery system and/or e-liquid and/or any derivative thereof, and/or any e-liquid container. Electronic nicotine-delivery system products shall not include hemp-derived consumable cannabidiol (CBD) products as defined in Rhode Island General Laws Section § 2-26-3.

*"E-liquid"* and *"e-liquid products"* means any liquid or substance placed in or sold for use in an electronic nicotine-delivery system which generally utilizes a heating element that aerosolizes, vaporizes, or combusts a liquid or other substance containing nicotine or nicotine derivative:

- i. Whether the liquid or substance contains nicotine or a nicotine derivative; or
- ii. Whether sold separately or sold in combination with a personal vaporizer, electronic nicotine-delivery system, or an electronic inhaler.

*"Flavored tobacco product"* means any tobacco product, other than a cigarette, that contains a constituent that imparts a characterizing flavor.

*"Package or packaging"* means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane) in which a tobacco product is sold or offered for sale to a consumer.

*"Person"* means any natural person, partnership, firm, joint stock company, corporation, or employee thereof, or other legal entity.

*"Sale or sell"* means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.

*"Tobacco product"* means: (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoke, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff; and (2) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah. Notwithstanding any provision of clauses (1) and (2) in this definition to the contrary, tobacco product includes any component, part, or accessory of a tobacco product, whether or not sold separately; tobacco product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

*"Vending machine"* means any mechanical, electric, or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

**Sec. 9-15.2. Purchase, sale or delivery of tobacco products to persons under twenty-one (21) prohibited; notice of law to be posted.**

- (a) No person under shall purchase, nor shall any person sell, give, or deliver to any individual under twenty-one (21) years of age, any tobacco product in the form of cigarettes, bidi cigarettes, cigars, little cigars, flavored cigars known as "blunts," unflavored "blunts," flavored and unflavored blunt wraps, cigarette rolling papers of any size or composition, cigarillos and tiparillos, pipe tobacco, chewing tobacco, snuff, electronic nicotine-delivery system products, vaping devices or any and all products as defined in Rhode Island General Laws § 44-20-1.
- (b) The distribution and/or redemption of free tobacco products, including electronic nicotine-delivery system products or coupons or vouchers redeemable for free or discounted tobacco products, including electronic nicotine-delivery system products, to any individual under twenty-one (21) years of age shall be prohibited. Further, the distribution and/or redemption of free tobacco products, including electronic nicotine-delivery systems system products or coupons or vouchers redeemable for free or discounted tobacco products, or including electronic nicotine-delivery system products, shall be prohibited, regardless of the age of the individual to whom the products, coupons, or vouchers are distributed, within five hundred feet (500') of any school. The East Providence police department, or their officers or agents, shall bring an action for any violation of this section. Every separate, free or discounted tobacco product, including an electronic nicotine delivery system product or coupon or voucher redeemable for a free or discounted tobacco product, including an or electronic nicotine-delivery system or product, in violation of this section shall constitute a separate offense subject to a fine of five hundred dollars (\$500). The penalty shall be assessed against the person or individual responsible for initiating the distribution of the free or discounted tobacco products, including electronic nicotine-delivery systems system products or coupons or vouchers redeemable for free or discounted tobacco products, including electronic nicotine-delivery system products, and/or against the person or individual responsible for the redemption of such coupons or vouchers.
- (c) Sale of flavored electronic nicotine system delivery products and non-cigarette tobacco products prohibited. No licensee, or employee or agent of such licensee, shall sell any flavored tobacco product to a consumer. A non-cigarette tobacco product is presumed to be a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees has: (1) made a public statement or claim that the non-cigarette tobacco product has or produces a characterizing flavor, including, but not limited to, text and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate information about the flavor, taste, or aroma of a non-cigarette tobacco product; or (2) taken action directed to consumers that would be reasonably expected to result in consumers believing that the non-cigarette tobacco product imparts a characterizing flavor.

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

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

**Sec. 9-15.3. Nature and size of penalties.**

- (a) The license holder is responsible for all violations of this section that occur at the location for which the license is issued. Any license holder who or that violates the prohibition of Sec. 9-15.2 shall be subject to civil fines as follows:
  - (1) A fine of two hundred fifty dollars (\$250) for the first violation within any thirty-six month (36) period;
  - (2) A fine of five hundred dollars (\$500) for the second violation within any thirty-six month (36) period;
  - (3) A fine of one thousand dollars (\$1,000) and a fourteen-day (14) suspension of the license to sell tobacco products or electronic nicotine-delivery systems for the third violation within any thirty-six-month (36) period;
  - (4) A fine of one thousand five hundred dollars (\$1,500) and a ninety-day (90) suspension of the license to sell tobacco products or electronic nicotine-delivery systems for each violation in excess of three (3).
- (b) All fines collected by municipal court or the East Providence City Council sitting as the licensing commission hereunder shall be paid to the City of East Providence. It is the intent of this legislation that all fines collected by the City of East Providence hereunder shall be used for the purpose of the East Providence Police Department conducting tobacco produce compliance checks and the East Providence Prevention Coalition providing tobacco education.
- (c) Any person violating this section shall be cited for such violation and may:

(1) Pay the fine indicated on the citation either by mail or in person, within 20 days after receiving the citation; or

(2) Shall be required to appear in the Municipal Court for the City of East Providence for a hearing on that citation.

(d) The Board of Licenses may suspend the imposition of a license suspension of the license secured from the city for a violation of sections 9-15.3(a)(3) and 9-15.3(a)(4) of this section if the board finds that the license holder has taken measures to prevent the sale of tobacco products, including electronic nicotine-delivery system products, to an underage individual and the license holder can demonstrate to the court that those measures have been taken and that employees have received training. No person or individual shall sell tobacco products, including electronic nicotine-delivery system products, at retail without first being trained in the legal sale of tobacco products, including electronic nicotine-delivery system products. Training shall teach employees what constitutes a tobacco product, including an electronic nicotine-delivery system product; legal age of sale; acceptable identification; how to refuse a direct sale to an underage individual or secondary sale to an individual twenty-one (21) years or older; and all applicable laws on tobacco sales and distribution. Dealers shall maintain records indicating that the provisions of this section were reviewed with all employees who conduct, or will conduct, tobacco product sales, including electronic nicotine-delivery system product sales. Each employee who sells or will sell tobacco products, including electronic nicotine-delivery system products, shall sign an acknowledgement form attesting that the provisions of this section were reviewed with him or her. Each form shall be maintained by the retailer for as long as the employee is so employed and for no less than one year after termination of employment. The measures to prevent the sale of tobacco products, including electronic nicotine-delivery system products, to underage individuals shall be defined by the department of behavioral healthcare, developmental disabilities and hospitals in rules and regulations.

This ordinance shall become effective on \_\_\_\_\_.

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

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

Attest:

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

Introduced by: Councilwoman Sousa

**STATE OF RHODE ISLAND**

**CITY OF EAST PROVIDENCE**

**CHAPTER**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE  
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,  
RHODE ISLAND, 1998, AS AMENDED, ENTITLED  
“LICENSES AND BUSINESS REGULATIONS”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:**

**SECTION I.** Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is hereby amended by adding thereto the following:

**ARTICLE XXIV. TOBACCO LICENSE**

**Sec. 8-591. License required.**

It shall be unlawful to sell or to possess with the intention of selling tobacco products within the city without having first obtained a tobacco dealer’s license pursuant to this article. Such license shall be in addition to any other license required by state and/or federal law. A tobacco dealer’s license is valid for one person at one location and may not be transferred from one person to another or from one location to another. Failure to obtain and maintain a valid license shall result in a fine of five hundred dollars (\$500). The fee for the tobacco dealer’s license shall be one hundred dollars (\$100) per year. All licenses granted under the provisions of this article shall be displayed in a conspicuous place within the business so licensed.

**Sec. 8-592. License eligibility.**

Licenses shall only be granted to authorize the sale of tobacco products within the city at a fixed location. For example, the sale of tobacco products by persons on foot or from vehicles is prohibited.

**Sec. 8-593. License application; term.**

Application for a license shall be submitted to the board of licensees together with an application fee of one hundred dollars (\$100). A tobacco dealer’s license shall be effective through the thirty-first day of December of the calendar year for which it is issued. No license shall be granted without proof that the applicant has obtained all necessary state licenses for the sale of tobacco products.

**Sec. 8-594. Requirements and prohibitions applicable to licensees.**

- (a) No person, or employee or agent of such person, shall sell or possess with the intention of selling, give or deliver to any person under 21 years of age any tobacco products in the form of cigarettes, cigars, pipe tobacco, chewing tobacco or snuff, electronic cigarettes, e-liquids or other forms of electronic nicotine delivery systems.
- (b) No licensee, or employee or agent of such licensee, shall sell or possess with the intention of selling a tobacco product to another person who appears to be under the age of twenty-seven (27) years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the tobacco product.
- (c) *Display of price.* The price of each tobacco product offered for sale shall be clearly and conspicuously displayed to clearly indicate the price of the product.
- (d) *Packaging and labeling.* No licensee, or employee or agent of such licensee, shall sell any tobacco product unless such product: (1) is sold in the original manufacturer's packaging intended for sale to consumers; and (2) conforms to all applicable federal labeling requirements.
- (e) *Prohibition of tobacco coupons and discounts.* No licensee, or employee or agent of such licensee, shall:
  - (1) Accept or redeem, or offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco product to a consumer without charge or for less than the full retail price;
  - (2) Sell any tobacco product to a consumer through a multiple-package discount (e.g., "buy-two-get-one-free") or otherwise provide any tobacco product to a consumer for less than the full retail price in exchange for the purchase of any other tobacco product;
  - (3) Provide any free or discounted item to a consumer in exchange for the purchase of any tobacco product.
- (f) *Sale of flavored electronic nicotine delivery system products and non-cigarette tobacco products prohibited.* No licensee, or employee or agent of such licensee, shall sell any flavored tobacco product to a consumer. A non-cigarette tobacco product is presumed to be a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees has: (1) made a public statement or claim that the non-cigarette tobacco product has or produces a characterizing flavor, including, but not limited to, text and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate information about the flavor, taste, or aroma of a non-cigarette tobacco product; or (2) taken action directed to consumers that would be reasonably expected to result in consumers believing that the non-cigarette tobacco product imparts a characterizing flavor. Each licensee shall maintain on the premises the original labeling and packaging provided

by the manufacturer for all tobacco products that are sold or offered for sale by the licensee separately from the original packaging designed for retail sale to the consumer. The original labeling and packaging from which the contents are sold separately shall be maintained during such time as the contents of the package are offered for sale, and may be disposed of upon the sale of the entire contents of such package.

This subsection (f) shall not apply to the following businesses:

- (1) A smoking bar as defined in Section 23-20.10-2(15) of the Rhode Island General Laws
- (2) Hookah Lounge

**Sec. 8-595. Suspension or revocation of license – fines and costs.**

The East Providence Police Department shall enforce the provisions of this article. All licensees shall be subject to a compliance check at least two (2) times a year; violators shall be checked more frequently until two (2) consecutive compliance checks are completed without violation. If an alleged violation occurs, the East Providence Police Department shall issue a citation that will require the licensee to appear for a show cause hearing before the board of licensees. If, after a hearing, the board finds that a violation has occurred, the board shall impose a civil fine of two hundred fifty dollars (\$250) for the first offense, three hundred fifty dollars (\$350) for the second offense, and five hundred dollars (\$500) for any subsequent offense. Additionally, the board may suspend or revoke the license and/or any person violating this section may be ordered to complete tobacco retailer training as deemed appropriate by the local substance abuse task force (East Providence Prevention Coalition). If a licensee maintains its license for thirty-six (36) consecutive months without a violation, any new violation shall be treated as a first offense. It is the intent of this legislation that all fines collected by the city hereunder shall be used by the East Providence Prevention Coalition and the East Providence Police Department for the purpose of conducting tobacco product compliance checks.

Upon the issuance of any citation by the East Providence Board of Licenses, the City Clerk shall notify the state tax administrator as defined by R.I.G.L. § 44-20-1(1).

**Sec. 8-596. Use of premises during license suspension.**

During the period of any suspension of a tobacco dealer's license, the licensee shall remove all tobacco products from the retail display area of the location and secure them in a locked area for the duration of the suspension. If, at any time during the suspension period, the licensee is found to be selling, distributing, or delivering any tobacco products, the license shall be revoked.

**Sec. 8-597. Required signage.**

All license holders within the City shall post within their businesses signs provided by the department of behavioral healthcare, developmental disabilities which shall contain the following information.



(a) THE SALE OF CIGARETTES, TOBACCO PRODUCTS, INCLUDING CIGARETTES AND ELECTRONIC NICOTINE-DELIVERY SYSTEM PRODUCTS TO PERSONS INDIVIDUALS UNDER THE AGE OF 21 IS AGAINST RHODE ISLAND LAW 29 (§ 11-9-13.8(1), Rhode Island Statutes) PHOTO ID FOR PROOF OF AGE IS REQUIRED FOR PURCHASE.

(1) Contain the phone number at the department of behavioral healthcare, developmental disabilities and hospitals, where violations of Rhode Island General Law §§ 11-9-13.2 through 11-9-13.19 and City Ordinance Section 9-15.2 can be reported, in addition to any other information required by the department of behavioral healthcare, developmental disabilities and hospitals.

(2) Be displayed prominently for public view, wherever tobacco products, including electronic nicotine-delivery system products, are sold at each cash register, each tobacco and/or product vending machine, including each electronic nicotine-delivery systems system product vending machine, or any other place from which tobacco products, including electronic nicotine delivery system products, are sold. The signs shall be electronically available in both English and Spanish online at the department of behavioral healthcare, developmental disabilities and hospitals' website.

(b) Signs provided by the department of behavioral healthcare, developmental disabilities and hospitals, or an exact duplicate of it made privately, shall:

(1) Contain red bold lettering a minimum of one-quarters of an inch (1/4") high on a white background the following wording, in both English and Spanish: **WARNING: SMOKING CIGARETTES CONTRIBUTES TO LUNG DISEASE, CANCER, HEART DISEASE, STROKE AND RESPIRATORY ILLNESS AND DURING PREGNANCY MAY RESULT IN LOW BIRTH WEIGHT AND PREMATURE BIRTH.**

(2) The signs shall also include information regarding resources available to Rhode Island residents who would like to quit smoking.

(3) The signs shall be displayed prominently for public view wherever tobacco products are sold at each cash register, each tobacco vending machine, or any other place from which tobacco products are sold. The signs shall be electronically available in both English and Spanish online at the department of behavioral healthcare, developmental disabilities and hospitals' website.

(4) The department of behavioral healthcare, developmental disabilities and hospitals shall have the power and authority to develop and disseminate signs pursuant to the requirements of this section for other tobacco products, including electronic nicotine-delivery system products. The messaging included in the signs shall be based on the most current scientific evidence.

(c) Conforming signs under paragraph (a) or (b) may also be provided by the East Providence Prevention Coalition to any license holder.

**Sec. 8-598. Prohibitions applicable to license holders and their employees and agents.**

A person holding a license issued under Rhode Island General Law Chapter 20 of Title 44 and/or § 23-1-56 and Sec. 8-591, or an employee or agent of that person, is prohibited from selling, distributing, or delivering a tobacco product, including an electronic nicotine-delivery system product:

- (1) To any individual who is under twenty-one (21) years of age; or
- (2) In any form other than an original, factory-wrapped package as sealed and certified by the manufacturer; or
- (3) As a single-cigarette sale (Rhode Island General Law § 44-20-31) or as a sale of cigarettes by the individual piece known as "loosies."

**Sec. 8-599. Penalty, sign violations, other.**

- (a) Any person or individual license holder who violates a requirement of Sec. 9-15.2(b) or Sec. 9-15.2(c) shall be subject to a fine in court of not less than thirty-five dollars (\$35.00), nor more than five hundred dollars (\$500) per civil violation.
- (b) Any person who or that violates a prohibition of Sec. 8-598(3), sale of single cigarettes; or Sec. 8-598(2), regarding factory-wrapped packs as sealed and certified by the manufacturer; shall be subject to a penalty of five hundred dollars (\$500) for each violation.

This ordinance shall become effective on \_\_\_\_\_.

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

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

Attest:

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

Introduced by: Councilwoman Sousa



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

April 13, 2022

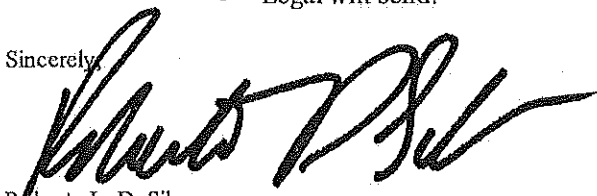
Robert Britto  
Council President  
East Providence City Council  
145 Taunton Ave.  
East Providence, RI 02914

Re: Mayor Communications & Docket items – April 19, 2022 Docket

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

1. **Appointment requiring Council Confirmation**
  - Request to appoint Martha Wallick (R) to East Providence Canvassing Board Appointment No. 4 (Alternate) Vacant seat. Term : 03/01/2022 -2/28/2028
2. **Appointment not requiring Council Confirmation**
  - None
3. **Items for announcement/discussion**
  - None
4. **Requests of the Administration before the Council for Council Action**
  - Legal will send.

Sincerely,



Roberto L. DaSilva  
Mayor



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

April 13, 2022

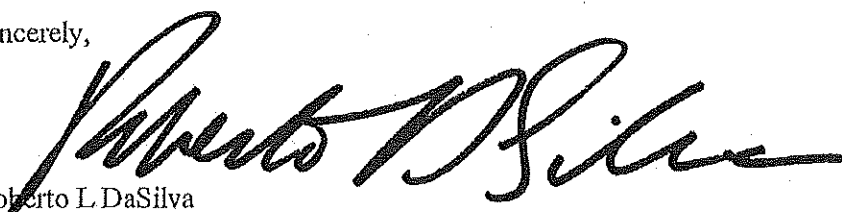
Robert Britto  
Council President  
East Providence City Council  
145 Taunton Ave.  
East Providence, RI 02914

Dear Council President Britto:

I hereby nominate Republican *Martha Wallick* to the *East Providence Canvassing Board* pursuant to **R.I. Gen. Laws § 17-8-1**. Ms. Wallick will be taking appointment number 4 (alternate) replacing a vacant seat. This appointment is a six-year term. This appointment is nominated by the mayor and subject to approval by the City Council. If approved by the Council, Ms. Wallick's appointment would be effective immediately.

Term: 03/01/22-02/28/2028

Sincerely,

  
Roberto L. DaSilva  
Mayor

CC:// Leah Stoddard  
Deputy Clerk

STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

JOINT RESOLUTION NO.

JOINT RESOLUTION SUPPORTING RHODE ISLAND SENATE BILL S2596, CAPITAL  
DEVELOPMENT PROGRAMS FOR EDUCATION -- STATEWIDE REFERENDUM

**WHEREAS**, numerous studies have identified tens of millions of dollars worth of necessary renovations and new construction to bring East Providence school facilities into the twenty-first century; and

**WHEREAS**, the Rhode Island Senate is currently considering Senate Bill S2596, which would provide for a statewide voter referendum seeking approval of capital development bonds for direct funding for foundational level school housing aid and the school capital building authority fund in the amount of three hundred million dollars (\$300,000,000); and

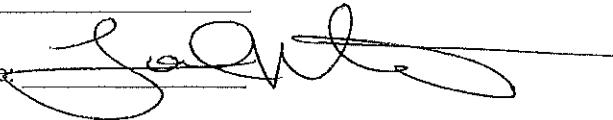
**WHEREAS**, funding provided by the State of Rhode Island by way of a similar program was integral to the construction of the new East Providence High School;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of East Providence and the East Providence School Committee hereby support Senate Bill S2596.

This resolution shall take effect upon passage.

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

Adopted by School Committee: \_\_\_\_\_



Attest:

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

Introduced by: Council Vice President Rodericks, School Committee Chairman Monteiro, and  
Councilman Cahoon

**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.** 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" is amended by adding thereto the following:

Sec. 3-4. Residential chicken hens permit.

The owner of any dwelling may obtain a permit to keep chicken hens, up to one (1) hen per one thousand (1,000) square feet of total lot area, with a maximum of six (6) chicken hens on any lot, provided that:

- (1) No person shall keep any rooster;
- (2) All chicken hens must be provided with both a hen house (coop) and a fenced outdoor enclosure, subject to the following provisions:
  - a. The hen house must be covered, predator resistant, and well-ventilated;
  - b. The hen house must provide a minimum of two (2) square feet per chicken;
  - c. The hen house must be kept clean, dry, and sanitary at all times; manure must be composted in enclosed bins;
  - d. The hen house and fenced outdoor enclosure must be located upon a permeable surface that prevents waste run-off;
  - e. The hen house, fenced outdoor enclosure and manure compost bins shall be located at least twenty (20) feet from any dwelling and five (5) feet from abutting property lines, and further should be located in such a manner to minimize potential nuisance or other impact(s) upon any abutter or abutting property;
  - f. The fenced outdoor enclosure must adequately contain the chicken hens;
  - g. The fenced outdoor enclosure must be kept clean and sanitary at all times; manure must be composted in bins sufficiently enclosed to prevent any odor and further prevent any other animals or vermin from accessing the manure;
  - h. The hen house must provide the chicken hens with adequate protection from the elements and inclement weather and provide for the chicken hens good health and prevent any unnecessary or unjustified suffering; and
  - i. The owner of the hen(s) must be a resident of said dwelling.

- (3) No hen house (coop) shall be built onto any shared fence;
- (4) No chicken hens may be kept or raised within the dwelling;
- (5) All chicken hen feed must be stored securely;
- (6) No chicken hen may be slaughtered at the premises;
- (7) All chicken hens are subject to any and all nuisance and zoning provisions; and
- (8) All chicken hens must be confined between the hours of 9:00 p.m. and 8:00 a.m.
- (9) The raising of chicken hens shall be restricted to back yards or side yards; chicken hens shall not be permitted, at any time, on the part of the property directly abutting a road.
- (10) The keeping of chicken hens pursuant to this section shall be primarily for the purpose of raising chicken hens and collecting the eggs produced thereof; this section shall not be construed to allow for the commercial slaughter and sale of any chicken hens for any purpose.
- (11) Necessary euthanasia of chicken hens shall be performed by a veterinarian licensed to practice in the State of Rhode Island.
- (12) Permit. The Animal Control Officer may only provide a Residential Chicken Hens Permit if the applicant provides the following:
  - a) Authorization. Authorization for the keeping of residential chicken hens from the owner of the subject property.
  - b) Notice. A certification that the applicant has personally given notice to all abutting neighbors of the intent to keep residential chicken hens at the property. Proof of such notice shall be provided by certificate of mailing. Such notice shall include the contact information for the East Providence Animal Control and shall further inform the abutters that if they have an objection to the keeping of chicken hens on the property their objection must be submitted to East Providence Animal Control within thirty (30) days of the post marked date. A copy of said notice shall be attached to the certification.
    - (a) Any objection by a party entitled to notice may be deemed sufficient cause for denial of a permit.
  - c) Plans. A written plan describing how the applicant will keep the chicken hens, the location of the coop, and the precautions being taken to maintain cleanliness and avoid the creation of nuisances or the disturbance of abutters.
- (13) Revocation. The Animal Control Officer may revoke the permit to keep chicken hens for any violation of the standards herein, or upon a request from the building official, minimum housing official, zoning official or police department for any cause deemed proper and just by said parties. Such revocation shall state the cause for said revocation.
  - (a) Appeal. Any revocation may be appealed to the East Providence Municipal Court. Such an appeal must be filed within seven (7) days of delivery of a revocation notice. An appeal will only stay a revocation order for a period of thirty (30) days from the date of delivery of a revocation notice unless such stay is extended by order of the municipal court.

(b) Removal. If, after thirty-one (31) days following delivery of a revocation notice, the chicken hens remain on the property, the Animal Control officer has the authority to enter the property and remove all animals on the property in violation of this chapter.

(c) The Animal Control Officer may place conditions on the permit to keep chicken hens in any manner the Animal Control Officer deems fit to manage health and safety matters as well as any nuisance.

(14) Violations. Each violation of this section may be fined in an amount up to five hundred dollars (\$500). Each day that a violation exists after delivery of a notice of violation shall constitute a separate violation. Any violation that is not paid within thirty (30) days shall be recorded as a lien against the subject property.

(a) Appeal. Any violation may be appealed to the East Providence Municipal Court. Such an appeal must be filed within seven (7) days of delivery of a notice of violation. An appeal will not stay the violation, only a finding of the municipal court that no violation occurred shall eliminate any fines related to a notice of violation.

(15) Zoning. The possession of an active permit in good standing to keep chicken hens shall be an absolute defense to any alleged zoning violation related to keeping chicken hens in a residential zone. The Animal Control Officer shall review any zoning matters and may place conditions on the permit to keep chicken hens to abate any nuisance. Prior to issuing any zoning violation related to the keeping of chickens, the Zoning Officer shall confirm if there is an active permit in place. If there is an active permit in place the Zoning Officer shall not issue a violation and shall instead refer the matter to the Animal Control Officer.

**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 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 & Councilwoman Sousa