

CITY OF EAST PROVIDENCE
 DOCKET-REGULAR COUNCIL MEETING
 TUESDAY, JANUARY 21, 2020
 CALL TO ORDER: 7:00 P.M.
Council May Call Executive Session in Room 101
 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 and requested the City Clerk, Samantha Burnett to roll call. All Councilors were present at the time for the exception of Councilman Cahoon, who joined just shortly after Executive Session began.

II. INVOCATION

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

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

Council Vice President Rodericks made the motion to move into Executive Session. Councilwoman Sousa seconded the motion. Motion passes unanimously, 4-0 with Councilman Cahoon not present for the vote.

a) Claims – FOR VOTE

1. **Diane Morissette – Claim No. 19-076**
Rhode Island General Laws §42-46-S (a) (2)

b) Water and Sewer Abatements – FOR VOTE

1. Cheryl Dery
2. James Hopkins, Jr.

c) Litigation

1. Collective Bargaining Agreement: Dependent health care benefits under East Providence Fire Fighters Local 850, International Association of Firefighters, AFL-CIO
 Rhode Island General Laws §42-46-S (a) (2)
FOR VOTE
2. Collective Bargaining Agreement: Dependent health care benefits under East Providence International Brotherhood of Police Officers Local 569
 Rhode Island General Laws §42-46-S (a) (2)
FOR VOTE
3. Status Update: LED Streetlight/PUC Litigation Update

III. OPEN SESSION 

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

IV. PLEDGE OF ALLEGIANCE – Led by Council President Britto.

VII. CONSENT CALENDAR 

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 the 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) TAX ABATEMENTS

YEAR	AMOUNT
2019 (Board of Assessment Review Meeting-Put To Decision)	\$539.00

YEAR	AMOUNT
2014	\$37.36

2015	\$27.41
2016	\$23.93
2019	\$433.77
TOTALS	\$522.47

b) Council Journals: Executive Session for January 7, 2020, Regular Session for January 7, 2020.

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

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

IX. LICENSING AND EVENT APPROVALS 

1. La Tavolo – Application for Victualing License
99 Hicks Street
Joseph Kilduff

Representative was present for this business. All paperwork has been turned in to the City Clerk and signed off on. Motion to approve by Councilman Mourato. Motion seconded by Council Vice President Rodericks. Motion passes unanimously.

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

2. La Tavolo – Application for Holiday Sales License
99 Hicks Street
Joseph Kilduff

Representative was present for this business. All paperwork has been turned in to the City Clerk and signed off on. Motion to approve by Councilwoman Sousa. Motion seconded by Council Vice President Rodericks. Motion passes unanimously.

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

XI. COMMUNICATIONS 

1. Billy Lewis – Sewer Fees and Usage for Restaurants

Mr. Lewis spoke on how a good amount of the water he uses for his restaurant does not go back into the sewer. The Council and Mr. Lewis spoke regarding a deduct meter and if that would be a solution to this issue. Council Vice President Rodericks requested the City Clerk, Samantha Burnett to add this as a Continued Business item for the next Council Meeting. The City Clerk obliged.

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.

There were no participants signed up to exercise Public Comment this meeting.

XII. MAYORAL APPOINTMENTS WITHOUT COUNCIL APPROVAL 

1. Ronald Narwoki – Tree Warden, City of East Providence
 Reappointment for one year term: 01/01/2020-12/31/2020
 No vote needed by the Council.

(Letter of Appointment to Council from Mayor DaSilva)

This was a letter of communication to the Council from the Mayor. No vote was needed. This was placed on the docket to the DEM requirement that the Council be aware of the appointment made.

XIII. COUNCIL COMMUNICATIONS 

1. Discussion: Synchronization of the Budget Year to the Tax Collection Cycle

Councilman Mourato

Councilman Mourato wanted to discuss the possibility of taking one month at a time each year to bridge the gap on the synchronization issue

between the budget year with the tax collection cycle. Paul Luba came to the podium to speak. Mr. Luba stated that he spoke with the Auditor General and there will be a meeting with the Mayor and Director of Finance in the future to learn more about this option. Mr. Luba did state that even if there is the synchronization, there will still be a need for borrowing TANs, (Tax Anticipated Notes)

**2. Discussion: 2019-2020 Budget Item Discrepancies of the Certified Budget
Human Resources**

Councilman Mourato

Councilman Mourato raised a question of if the budget is correct, as he noticed a few discrepancies and wanted to make sure all the information is correct before it is sent to print. One example was in Canvassing. He noticed that they voted for three part time positions, and not a full time position, but the certified budget is showing two full time positions.

3. Update and Discussion: Watchemoket Square Meeting, January 15, 2020

Council Vice President Rodericks

Council Vice President Rodericks stated the meeting was well attended. The meeting was held at Tockwotton. The meeting consisted of a complete presentation of all the plans. It is in early stages. One common denominator that many are concerned about is the traffic in the area. There is talk about a flashing light. Council Vice President Rodericks concluded that it was a good meeting.

4. Discussion: "Is Your Number Up" Public Safety Program in East Providence

Councilman Mourato

Councilman Mourato shared that this is in reference to your house number being where people, especially EMS, can see it and find your home quickly in case of an emergency. This is also a city ordinance, (Chapter 4) that also indicates the size, color and where your house number should be placed. Councilman Mourato also made mention to make sure that your house number is visible from the road. Council Vice President Rodericks also seconded this effort, and referenced how this was sometimes a challenge when he had to make house visits in a previous job.

5. Discussion: Additional Street Lights on Newport Avenue

Council President Britto

Council President Britto mentioned that there are missing lights on poles if you go down Newport Avenue. Council President Britto mentioned that there are many areas that have no lights at all and it is completely dark. He did mention that he believes someone was hit by a car and died last year in this area of Rumford. Council President Britto mentioned that this is a similar concern near Agawam as well. He wasn't sure if we contact National Grid or someone else. Councilwoman Sousa also mentioned she would be interested in finding out about this, so we can know if it is a light that is broken or if there is something else wrong with it.

6. Announcement for Community Meeting on January 23, 2020 regarding Grassy Plains Park

Councilman Mourato

Councilman Mourato made the general announcement of the meeting.

7. Ward 2 Community Meeting: February 25, 2020 at Weaver Library 6:00 p.m.

(Topics include but not limited to: 1. Rodents/Infestation, 2. Traffic/Speeding, 3. Roads and Sidewalks)

Councilwoman Sousa

Councilwoman Sousa made the general announcement of the meeting that will address issues that are going on in the community. There is no end time for this meeting, so Councilwoman Sousa encouraged the public to stop by after work. There also is a children's section in the library if one needed to bring their children in order to attend. She will keep people aware on social media as well.

XIV. CONTINUED BUSINESS 

1. Discussion and Vote Regarding Hunt's Mills Dog Park

Council Vice President Rodericks

Council Vice President Rodericks mentioned that this a reminder from the last meeting. Assistant Solicitor Dylan Conley mentioned that there is an advertisement that will need to post per the Charter, but will follow up with the Finance Director and other to ensure that we are following regulations set.

No vote was made.

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

2. Discussion and Vote Regarding Jones' Pond/Townie Freedom Park

Council Vice President Rodericks

Council Vice President Rodericks mentioned that this a reminder from the last meeting. Assistant Solicitor Dylan Conley mentioned that there is an advertisement that will need to post per the Charter, but will follow up with the Finance Director and other to ensure that we are following regulations set.

No vote was made.

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

3. Discussion and Update on Juvenile Hearing Board Appointments

Council Vice President Rodericks

a) Reports of Other City Officials

1. Dylan Conley, Assistant City Solicitor- Claims Committee Report
Assistant Solicitor Conley shared that the claims were approved unanimously.
2. Request for Approval: 480,722.00 from the FY 19-20 Capital Account for the purchase of *Physio Control heart monitor/defibrillators and NFPA 1221 compliant mobile and portable radio for the East Providence Fire Department*
Scriver’s error noted and agenda amended to \$40,722.00. Motion to amend the agenda made by Councilwoman Sousa. Motion seconded by Councilman Cahoon. Motion to amend the agenda passes unanimously.

Motion to approve the amount of \$40,722.00 made by Councilwoman Sousa. Motion seconded by Councilman Mourato. Motion passes unanimously.

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

3. Resolutions

a) RESOLUTION REGARDING TRAFFIC CONTROL AND SPEED CAMERAS

Council President Britto

Motion to approve made by Councilman Mourato. Motion seconded by Council Vice President Rodericks. Motion passes unanimously.

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

b) RESOLUTION REGARDING SUPPORT OF LEGISLATION FOR EXPANSION OF AUTOMATED TRAFFIC CONTROL SIGNALS/SPEEDING

Councilwoman Sousa

Motion to approved made by Council Vice President Rodericks. Motion seconded by Councilwoman Sousa. Motion passes unanimously.

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

c) RESOLUTION AUTHORIZING THE MAYOR TO PAY INVOICES FOR PRECONSTRUCTION EXPENSES FOR THE NEW EAST PROVIDENCE HIGH SCHOOL

Councilman Cahoon

Motion to approve made by Councilman Cahoon. Motion seconded by Councilman Mourato. Motion passes unanimously.

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

4. Introduction of Ordinances

1. INTRODUCTION AND FIRST PASSAGE

A) AN ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED, “ADMINISTRATION” (Article VII. Budget Ordinance)

Sponsored by: Councilman Mourato, Councilwoman Sousa and Councilman Cahoon

Full ordinance on Clerkbase, under 01/21/2020 agenda:

<https://clerkshq.com/EastProvidence-ri>

Motion tabled February 4, 2020 Council Meeting by Councilman Mourato. Motion seconded by Council Vice President Rodericks. Motion passes unanimously.

2) SECOND PASSAGE AND PUBLIC HEARING

A) 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" (MOBILE FOOD TRUCKS)

Sponsored by: Council President Britto and Councilman Mourato

Full ordinance on Clerkbase, under 01/21/2020 agenda:

<https://clerkshq.com/EastProvidence-ri>

Public Hearing was offered. No one exercised the right to speak during Public Hearing.

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

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

XVI. RECONVENE IN EXECUTIVE SESSION (if necessary)

XVII. ADJOURNMENT 

Member	Aye	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION REGARDING TRAFFIC CONTROL
AND SPEED CAMERAS**

WHEREAS, the Rhode Island Automated School Zone Speed Enforcement System Act of 2016 authorizes municipalities to install automated speed cameras in school zones;

WHEREAS, speeding within the City of East Providence continues to threaten the health, safety and welfare of residents and visitors;

WHEREAS, technology exists which can assist East Providence Police officers to enforce existing traffic laws and enhance the traffic safety of the City streets and roads;

NOW, THEREFORE, BE IT RESOLVED, that the members of the City of East Providence City Council support the use of automated speed cameras in school zones as a means of combatting excessive speeding within our City limits;

That the Administration, by working with the East Providence Police and School Department, identify suggested locations consistent with the provisions of the Rhode Island Automated School Zone Speed Enforcement Act, where automated speed cameras in school zones would be most beneficial; and

That the Administration is also encouraged to begin the process of getting all of the necessary approvals from the Director of Transportation for the operation of automated speed cameras on any state road or highway as well as determine the most expeditious manner of selecting an appropriate vendor for the identified locations.

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Council President Robert Britto

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION REGARDING SUPPORT OF LEGISLATION FOR EXPANSION OF
AUTOMATED TRAFFIC CONTROL
SIGNALS/SPEEDING**

WHEREAS, speeding on City road and in neighborhoods have been a constant complaint from constituents;

WHEREAS, Rhode Island law limits the use of speed cameras to area within ¼ of a mile from schools;

WHEREAS, state traffic laws need to be updated and expanded to allow municipalities to use speed cameras at other locations including intersections and throughways;

WHEREAS, technology exists that would allow traffic lights to also monitor vehicle speed and then automatically switch from green to yellow to red to help slow vehicle traffic.

NOW, THEREFORE, BE IT RESOLVED, that the members of the City of East Providence City Council support the use of automated speed/traffic lights within its municipality and further requests that members of the City's General Assembly delegation introduce and seek the passage of legislation that would permit the expansion of traffic control devices to be used by municipalities in our State.

Upon passage, the City Clerk is hereby instructed to transmit this Resolution to members of the General Assembly whom represent in whole or in part the City of East Providence

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Council Anna Sousa

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE MAYOR TO PAY INVOICES
FOR PRECONSTRUCTION EXPENSES FOR THE NEW
EAST PROVIDENCE HIGH SCHOOL**

WHEREAS, the voters of the City of East Providence approved the passage of a bond for the construction of a new high school on November 6, 2018 in the amount of \$189,500,000; and

WHEREAS, the City is in the process of issuing the bonds for said project; and

WHEREAS, prior to the bonds being sold, the City has incurred and will continue to incur preconstruction expenses related to design and architectural review; and

WHEREAS, the School Department has requested payment of invoices for December 2019 from Ai3 Architects, Inc. in the amount of \$1,152,334.10, the Peregrine Group (the owner's program manager) in the amount of \$59,000.00, Gilbane Building Company in the amount of \$1,018,673.10, Thielsch Engineering in the amount of \$32,475.00 and East Providence School Department in the amount of \$18,813.00 for a total amount of \$2,281,295.33; and

WHEREAS, the City will be reimbursed for any outlay of funds from the bond proceeds or bond anticipation notes.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence hereby authorizes the Mayor of the City of East Providence acting through and by the City Finance Director to pay the attached invoices not to exceed \$2,281,295.33.

Adopted by the City Council: _____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Councilman Nathan Cahoon

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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 XXIII. Mobile Food Establishment

Sec. 8-578. License Required. Any license required pursuant to Rhode Island General Laws § 5-11.1-1 *et seq.*, as may be amended from time to time, shall acquire a Mobile Food Establishment permit from the East Providence Board of Licenses.

Sec. 8-579. Definitions. As used in this article, the following terms shall have the meanings indicated:

Mobile Food Establishment. Pursuant to R.I.G.L., § 5-11.1-3(5), a food service operation that is operated from a movable motor-driven or propelled vehicle, portable structure, or watercraft that can change location. Mobile food establishments specifically includes, but is not limited to, food trucks, food carts, ice cream trucks/carts, and lemonade trucks/carts.

Mobile Food Establishment Operator. Pursuant to R.I.G.L., § 5-11.1-3(7), a person or corporate entity who or that owns, manages, or controls, or who or that has the duty to manage or control the operation of a mobile food establishment.

Mobile Food Establishment Vendor. Pursuant to R.I.G.L., § 5-11.1-3(8), a person who prepares, sells, cooks, or serves food or beverages from a mobile food establishment.

Mobile Food Permit. Pursuant to R.I.G.L. § 5-11.1-3(9) a, "municipal mobile food establishment permit" issued by the City to a mobile food establishment operator that possesses a current state mobile food establishment registration.

A. Mobile food permit issued to a mobile food establishment that temporarily parks on a public street or private property and engages in the service, sale or distribution of food, prepared on site, to the general public directly from the vehicle.

B. Mobile food transient permit issued specifically to an ice cream/lemonade truck or catering trucks, who sell pre-packaged or pre-prepared foods, who may travel in/into residential districts and are transient in nature, moving at least every 15 minutes.

Sec. 8-580. Scope.

The provisions of this article apply to mobile food establishments engaged in the business of cooking, preparing and/or distributing food or beverage with or without charge upon or in public and private restricted spaces.

Sec. 8-581. Permit process.

A. It shall be unlawful for any person to operate within the City a mobile food establishment without having obtained a permit from the City Clerk for that purpose.

B. A person desiring to operate a mobile food establishment shall apply for such permit or renewal of such permit to the City Clerk. The application for a permit or a renewal of permit shall be provided by the City Clerk and shall include the following:

(1) Name, phone number, e-mail contact and business address of the applicant.

(2) If utilizing private property, any mobile food establishment permitted under the provisions of this article must have a letter in their possession from the owner of the property on which he or she is selling authorizing the establishment to sell upon the property. This authorization must be current and must state for how long the permission is granted, but in no event will same authorization be valid for a period of more than one year. If participating in a licensed special event, then the event holder may be the one to hold this letter in their possession from the property owner for use of the private property.

(3) Copy of the Rhode Island Department of Business Regulations mobile food establishment registration.

(4) Any person applying for a permit under the provisions of this article shall sign a hold-harmless agreement indemnifying the City of East Providence, its officers, agents and employees from any liability arising out of or in the course of his or her business or the granting of a license for same.

Sec. 8-582. Hold-harmless agreement required.

It is further required that any person applying for a permit under the provisions of this article sign a hold-harmless agreement indemnifying the City of East Providence, its officers, agents and employees from any liability arising out of or in the course of his or her business or the granting of a permit for same.

Sec. 8-583. Issuance fee.

The fee for the issuance of a permit granted pursuant to this article shall be \$75.00. Each mobile food or stationary food establishment shall be separately permitted, and the permit fee chargeable hereunder shall be paid for each such establishment.

Sec. 8-584. Duration and expiration date of permit.

All permits issued under the provisions of this article shall be for a term consecutive with the state mobile food registration unless sooner revoked or voided under the provisions of this article.

Sec. 8-585. Personal nature of permit; non-transferability.

All permits issued under the provisions of this article shall authorize only the person named therein to sell and offer for sale as aforesaid. No permit issued under the provisions of this article shall be transferable. A permit is valid for one vehicle only and shall not be transferred between vehicles.

Sec. 8-586. Regulations.

A. No operator of a mobile food establishment shall park, stand or move a vehicle and conduct business within areas of the City where the permit holder has not been authorized to operate.

B. The customer service area for mobile food establishments shall be on the side of the truck that faces a curb, lawn or sidewalk when parked/stopped. No food service shall be provided on the driving-lane side of the truck. No food shall be prepared sold, or displayed outside the mobile food establishments.

C. No mobile food establishment shall provide or allow any dining area within 10 feet of the mobile food vehicle, including, but not limited to, tables and chairs, booths, stools, benches or stand-up counters on a sidewalk.

D. Customers shall be provided with single-service articles, such as plastic utensils and paper plates, and a waste container for their disposal. All mobile food establishments shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the mobile food operations shall be collected and disposed of offsite by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water, grease, or anything on the streets is allowed.

E. No mobile food establishment, mobile food operator or vendor shall make or cause to be made any unreasonable or excessive noise. The operation of all food vehicles shall meet the City noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.

F. No flashing or blinking lights or strobe lights are allowed by mobile food establishments or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque hood shields to direct the illumination downward.

G. Mobile food establishments, when parked on public streets, shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles.

H. Mobile food establishments shall be allowed to operate from 6:00 a.m. to 12:00 midnight, seven days a week, including holidays.

I. A mobile food establishment shall not:

(1) Be parked on the street overnight: or

(2) Be left unattended and unsecured at any time food is in the vehicle.

Any mobile food establishment found to be in violation of Subsection I (1) or (2) above shall be considered a public safety hazard and may be ticketed and towed away.

J. The issuance of a mobile food establishment permit does not grant or entitle the vendor to the exclusive use of any legal public spot within the prescribed territorial limits.

K. No mobile food establishment shall use external signage, bollard, or other equipment not contained within the vehicle. When extended, awnings for mobile food vehicles shall have minimum clearance which does not present a hazard to pedestrians.

L. Any power required for the mobile food establishment located on a public way shall be self-contained and a mobile food establishment shall not use utilities drawn from the public right-of-way. Mobile food establishments on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. All power sources must be self-contained. No power cable or equipment shall be extended at or across any City street, alley or sidewalk.

M. No mobile food establishments shall operate in violation of the land use, zoning or other ordinances of the City of East Providence.

Sec. 8-587. Territorial limits.

The following limits further define where a mobile food establishment can and cannot operate:

A. Not in a residential zone, unless part of a duly licensed special event or unless the operator has a peddler's license issued by the East Providence City Council.

B. Not within 200 feet of any open brick-and-mortar restaurant.

C. Not within 200 feet of any public or private school, or municipal park, without the corresponding property owner's written consent. However, nothing in this section shall be deemed or construed to be an exception to the rules and regulations of the Division of Parks and Recreation as the same pertain to vendors/concessionaires.

D. Not within 10 feet of driveways, bus stops or crosswalks.

E. Not in a handicap parking area or no-parking zone.

F. Not within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City unless the vendor has obtained permission from the event sponsor and is duly licensed or has a special event permit issued by the City of East Providence.

G. Not in an area where such operation is deemed by the Chief of Police, or his/her designee, to endanger or inconvenience the general public or where there is determined to be a disturbance of the peace.

H. Not on private property without the written permission of the owner of the property, and such permission shall be available at all times, unless permission was granted to the holder of a special event, and the special event holder has the written permission from the owner.

Sec. 8-588. Visibility of permit.

Each person granted a permit in accordance with the provisions of this article shall conspicuously exhibit the permit at all times while selling within the City limits.

Sec. 8-589. Violations and penalties.

A. Any person violating any of the provisions of this article may be subject to denial, suspension or revocation of the municipal permit after a hearing before the City Council.

B. Every individual sale or offer for sale made contrary to the provisions of this article shall be deemed and construed as a distinct and separate offense, and the person making the sale or offer of sale shall be prosecuted therefor in the manner herein prescribed.

C. Upon the cancellation or revocation of any permit, the person holding the permit shall surrender or return the same to the City Clerk or his/her designee.

Sec. 8-590. Severability.

If any provision of this article is to be held invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

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

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Council President Britto