Click here to view the portion of the meeting prior to Executive Session.

Click here to view the portion of the meeting after Executive Session.

Click any video icon below to jump to that section of the meeting.

CITY OF EAST PROVIDENCE

JOURNAL-REGULAR COUNCIL MEETING TUESDAY, JULY 7, 2020 CALL TO ORDER: 6:00 P.M. 145 TAUNTON AVENUE - CITY COUNCIL CHAMBERS EAST PROVIDENCE, RHODE ISLAND EXECUTIVE SESSION: CONFERENCE ROOM A

RE-OPEN SESSION TO BE IMMEDIATELY FOLLOWED AFTER EXECUTIVE SESSIONAT APPROXIMATELY 6:15 P.M.

City Council:

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

> City Solicitor, Michael J. Marcello City Clerk, Samantha N. Burnett

REGARDING PUBLIC COMMENT DURING THE COVID-19 EPIDEMIC:

IF YOU WOULD LIKE TO BE HEARD DURING PUBLIC COMMENT, BUT CANNOT ATIEND IN PERSON, PLEASE SUBMIT YOUR STATEMENT TO THE CITY CLERK VIA CITY DROP BOX OR EMAIL

AT: SBURNETT@EASTPROVIDENCERI.GOV

NO LATER THAN 4:00 P.M. ON TUESDAY, JULY 7, 2020

You can also call (audio conference) in during the meeting (during Public Comment or Public Hearing)

Phone Number: 877.853.5247 Conference ID: 2080709330 No Passcode is Needed

I. CALL TO ORDER – Council President Britto called the meeting to order. Roll call vote was requested by the Council President. City Clerk, Samantha Burnett conducted a roll call. All Councilmembers were present.

II. INVOCATION 🕨

The City Council of East Providence may meet in Executive Session pursuant to Rhode Island General Laws §42-46-5 a(2) Motion to enter into Executive Session made by Councilman Cahoon. Seconded by Council Vice President Rodericks. Motion passes unanimously.

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

- a) Claims
 - 1. Mary Durfee
 - 2. Sarah Willimann
- b) Review, Discussion and Vote:

Proposed Memorandum of Agreement between the City of East Providence and East Providence Fire Fighters Local 850, International Association of Fire Fighters AFL-CIO regarding overtime in Private's rank

Member	Ауе	Nay
Cahoon		
Mourato		
Rodericks		
Sousa		
Britto		

III. OPEN SESSION

IV. PLEDGE OF ALLEGIANCE 돈

V. MOTION TO SEAL MINUTES FROM EXECUTIVE SESSION

Motion to seal the minutes from Executive Session made by Council Vice President Rodericks. Seconded by Councilwoman Sousa. Motion passes unanimously.

Member	Aye	Nay

Cahoon	Х	
Mourato	Х	
Rodericks	Х	
Sousa	Х	
Britto	Х	

VI. 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 member 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) COUNCILJOURNALS/MINUTES OF THE MEETING

1. City Council Meeting: Open and Executive Session on June 16, 2020.

b) TAX ABATEMENTS

2019	\$7,231.06
2020	\$20,002.67
TOTALS	\$27,233.73

Motion to approve the Councilwoman Sousa. Seconded by Councilman Cahoon. Motion passes unanimously.

Member	Ауе	Nay
Cahoon	Х	
Mourato	Х	
Rodericks	Х	
Sousa	Х	
Britto	Х	

VII. COMMUNICATIONS 🕨

- a) Kevin Lewis: Open Fire Burning
- Mr. Lewis exercised the opportunity to speak regarding his opposition to the ordinance regarding fire pits in East Providence. b) Candy Seel: Metacomet Development
 - Ms. Seel spoke in favor to preserve natural space of Metacomet.

PUBLIC COMMENT

*See Page 1 regarding log in instructions to participate.

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. Ron Colantano spoke on the Metacomet Development and his concerns, including traffic studies been conducted for this area. The Council indicated they had not read the traffic study Mr. Colantano was referring to. Council President did state that he would request a new traffic study.
- James P. Cunningham, Jr. stated to keep these decisions in our City regarding the Metacomet Development within our City.

VIII. APPOINTMENTS 🕨

- a) Mayoral Appointments with Council Approval
 - William C. Maaia, Associate Municipal Court Judge Councilman Cahoon recused himself from this vote. Motion to approve made by Councilwoman Sousa. Seconded by Council Vice President Rodericks. Motion passes 4-0. Councilman Cahoon did not vote.

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

 Sandy Forand, Juvenile Hearing Board Motion to approve made by Councilman Cahoon. Seconded by Councilwoman Sousa. Motion passes unanimously.

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

 Joseph Sousa, Personnel Hearing Board Motion to approve made by Council Vice President Rodericks Seconded by Councilman Cahoon. Motion passes unanimously.

Member	Ауе	Nay
Cahoon	Х	
Mourato	Х	
Rodericks	Х	

Sousa	Х	
Britto	Х	

IX. COUNCIL COMMUNICATIONS 🕨

- a) Resumption of Council Meetings in the Chamber
 - Council President Britto

Discussion with Council regarding Metocomet property development and it would not be conducive to have the meeting/public hearing in the Council Chambers and be able to adhere to the social distancing guidelines. The Council vetted out options and found the best would be Martin Middle School in the cafeteria, as there is air conditioning and able to maintain the 6 feet distancing. City Solicitor Mike Marcello did advise the Council of the social distancing and the need to advertise in the paper for three consecutive weeks. He advised that they could set two dates, and if they did not need a secondary date, they could always cancel it. Mr. Marcello also mentioned that this public hearing could be held via online/Zoom.

Councilman Cahoon mentioned the abutters notices mailed out at least two weeks before the meeting.

Councilwoman Sousa stated that at minimum they should have at two meetings, but three preferred due to the brevity of this project. Please see the Item IX (c) and (f).

Council Vice President thanked the Council President Britto and City Clerk, Samantha Burnett for their commitment to getting the meetings back and running.

- b) Status Update: W/MBE East Providence High School Oversight Committee Council President Britto Not addressed.
- c) Discussion and Possible Vote: Public hearing(s) dates and location regarding Metacomet Country Club Redevelopment Plan Council President Britto

Combination of Item IX (a) included this item. Please refer above for notes.

August 6th and 11th were the dates the Council agreed to hold public meetings, 6:00 p.m. and they are tentatively planning the Martin Middle School cafeteria.

Motion that public hearings on the Metacomet Development Plan for August 6th and 11th both to start at 6:00 p.m. tentatively set for Martin Middle School by Council Vice President Rodericks.

Council President checked with attorney, Zachary Darrow (for Marshall Development) to ensure the times and dates worked for his client. Mr. Darrow stated it will work for them.

Seconded by Councilwoman Sousa.

Motion passes unanimously.

Member	Ауе	Nay
Cahoon	Х	
Mourato	Х	
Rodericks	Х	
Sousa	Х	
Britto	Х	

d) Staggered City Council Terms - Discussion Only

Council President Britto

Council President mentioned beginning to have the conversation of looking at the option of staggered terms, top three Council members with the highest number of votes, would serve a three year term, and the bottom two would serve a two year term. Council President wanted to bring it up to have the Council think about and possibly consider.

Councilman Cahoon stated that he was in favor of the staggered terms.

Councilman Mourato suggested reconvening the Charter Commission and have them decide.

Council Vice President Rodericks stated that he is in favor of staggered terms as well, he just isn't sure how to get there right now.

e) Fireworks Restrictions - Discussion Only

Council Vice President Rodericks

Council Vice President Rodericks chose to hold off on this discussion, as the City Solicitor and Policy Director are working on a revision of an ordinance.

- f) Public Communication/Notification on Important Issues- Discussion Only
 - Council Vice President Rodericks

This was a part of the conversation in Item IX (a) and (c).

Council Vice President suggested a robo-call to keep the public informed of meetings, especially these hearings, as not everyone reads or receives the local newspapers. People can opt out if they do not want to receive these calls. It would be simple, quick and the notice would get out there.

 g) Capital Improvement Status Update on Outstanding Projects - Discussion Only Councilman Mourato

Councilman Mourato asked Finance Director, Malcom Moore, if the Council can get a list of the projects and numbers, broken out by fiscal year, with updates on the status of the projects.

Mr. Moore stated yes, he can provide this.

Councilman Mourato asked what happens to the money in the Capital Projects if the projects were never complete. Mr. Moore responded that if the money wasn't used, then it would be returned back to the Capital Improvement Fund.

X. NEW BUSINESS 🕨

a) Mayor Communications

1. EXECUTIVE ORDER 2020-035: EXTENSION OF STATE OF MUNICIPAL EMERGENCY TO AUGUST 5, 2020

Councilwoman Sousa had several questions in regards to the rationale to extend the Executive Order and would like to see a plan regarding re-opening.

Councilman Mourato made mention that there are town halls open currently.

City Solicitor, Mike Marcello, made mention that there are PPE issues that are not in order to keep employees safe.

Council Vice President Rodericks mentioned that he received calls where people could not receive VIN checks and they have to go to the registry.

Mayor Dasilva approached the podium stating that the EO is the umbrella for the exceptions, like outside dining, etc. to continue to occur. Mayor Dasilva stated that he will follow up on the VIN checks and he doesn't want to the public or the City's own members at risk. In addition, he mentioned that the glass barriers are planning to go up, and the little plexi glass doesn't provide much protection. Councilwoman Sousa asked about people working from home and the Workshare program. Mayor Dasilva stated that the City did not learn about this until, "late in the game". Councilwoman Sousa asked about the length of this arrangement. Mayor Dasilva stated that it is sometime in September, but could be extended by the federal government.

Councilman Mourato asked what line item would they see the savings of \$390,000, from Workshare. Mayor Dasilva stated that this would be found on the salary line item in the budget.

Mayor Dasilva stated that Microsoft Surface tablets were purchased for employees to work from home, and the City just found out that they would be reimbursed for these through the RIEMA at 75% reimbursement rate.

Councilwoman Sousa stated that residents are requesting receipts mailed back to them for verification of payment but have been told that City Hall doesn't do that. Mayor Dasilva stated that he instructed the collections department to provide receipts when requested. Councilman Cahoon made the motion to extend the Executive Order. Seconded by Council Vice President Rodericks. Motion passes unanimously.

passes unanimously.		
Member	Aye	Nay
Cahoon	х	
Mourato	х	
Rodericks	х	
Sousa	х	
Britto	х	

2. <u>RESIGNATION</u>: THE HONORABLE GEORGE E. FURTADO, ESQ. AS ASSOCIATE MUNICPAL COURT JUDGE (COMMUNICATION ITEM ONLY) Item noted and recognized by the Council. Resignation will be included as the permanent record with the Council journal. Council Vice President Rodericks requested the City Clerk to send a thank you note to Judge Furtado thanking him for his service.

b) Reports of Other City Officials

City Solicitor's Report Claims Committee Report City Solicitor, Mike Marcello Durfee: denied Williamson: approved

c) Review, Discussion and Vote:

Proposed <u>Memorandum</u> of Agreement between the City of East Providence and East Providence Fire Fighters Local 850, International Association of Fire Fighters AFL-CIO regarding overtime in Private's rank This was voted in Executive Session and passed unanimously, which was included with the City Solicitor's Claims Committee Report (Item b, Reports of Other City Officials)

d) Resolutions

1. <u>RESOLUTION</u> AUTHORIZING THE CITY OF EAST PROVIDENCE TO JOIN THE BLACKSTONE VALLEY TOURISM COUNCIL TO EXPLAND TOURISM ACTIVITIES IN THE CITY

Sponsored by: Councilman Cahoon

Director of Administration, Napoleon Gonsalves addressed the Council regarding this resolution. Planning Director, William Fazioli was available by telephone to answer additional questions from the Council. This revenue generated is from the hotel tax. There is not minimum amount of hotels that the City needs to have.

Motion to approve made by Councilman Cahoon.

Seconded by Councilwoman Sousa.

Motion passes unanimously.

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

2. <u>RESOLUTION</u> AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CALSON CONSTRUCTION COPRORATION FOR THE INSTALLATION OF THE KENT HEIGHTS EMERGENCY GENERATOR

Sponsored by: Councilman Cahoon

This is to replace the current generator. This went out for proposal. There was one submitted. Councilman Mourato asked what fund this came out of. Councilman Cahoon stated this comes out of the Water Fund. Councilman Cahoon mentioned that the amount is 157,465.00 for the installation of the Kent Heights emergency generator.

1	installation of the Kent heights entergen		
	Member	Aye	Nay
	Cahoon	Х	
	Mourato	Х	
	Rodericks	Х	
	Sousa	Х	
	Britto	Х	

3. RESOLUTION ACCEPTING 2.9 ACRES OF LAND AND A 600 FOOT FISHING PIER LOCATED AT MAP 109, BLOCK 1, PARCEL 1 AND

OWNED BY KETTLE POINT, LLC.

Sponsored by: Council Vice President Rodericks

Council Vice President Rodericks stated that this is a win/win scenario, as for 75 years, the public did not have any access to this property.

Motion to approve made by Council Vice President Rodericks.

Seconded by Councilwoman Sousa.

Motion passes unanimously.

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

e) INTRODUCTION OF ORDINANCES

Full ordinance on ClerkBase, under 07/07/2020 agenda: https://clerkshq.com/EastProvidence-ri

1. ORDINANCES FOR FIRST PASSAGE

A. AN <u>ORDINANCE</u> IN AMENDMENT OF CHAPTER 2 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED, "ADMINISTRATION"

Article VII

Sponsored by: Councilman Mourato, Councilwoman Sousa and Councilman Cahoon

The only change from the previous ordinance is giving the administration additional time to submit the budget to the Council. Motion to approve made by Councilman Mourato.

Seconded by Councilwoman Sousa.

Motion passes unanimously.

Member	Ауе	Nay
Cahoon	Х	
Mourato	Х	
Rodericks	Х	
Sousa	Х	
Britto	Х	

B. AN <u>ORDINANCE</u> IN AMENDMENT OF CHAPTER 5 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTILTED "FIRE PREVENTION"

Section 5-2

Sponsored by: Councilman Cahoon and Councilman Mourato

Councilman Cahoon thanked the Fire Department and the Mayor's administration for their assistance in the language of this ordinance.

Amendments/improvements to be made are that the City of East Providence adopts the Rhode Island National Fire Codes and speaks to individuals exceptions of how we are going to handle that locally.

Additions:

Allow recreational outdoor wood burning fires.

Pits must include a cover.

The diameter must not exceed 3 feet no higher than 2 feet in height.

Approved fire pits or fireplaces must have spark arrested caps.

Councilwoman Sousa asked if the measurements given were standard to what you would buy in a store. Councilman Cahoon was not sure, but Councilman Mourato said it was standard, as he has one.

Under Item C, addresses seasoned, dry wood for at least six months.

Fire must be 30 feet from a building or a road.

All fires must be fully extinguished if it is causing a nuisance.

Single family or duplexes are allowed to have outdoor wood burning fire pits or fireplaces.

Wood burning shall not be allowed if winds are over 15 mph.

First violation in a year – citiation, Second violation in a year is \$100 fine. Third violation in a year is \$200. Everything after in a year can be up to a \$500 fine.

Owner occupied wording would be changed as well.

Multi-family housing will continue to not be allowed in this ordinance.

Councilman Cahoon made the motion to approve the amendments as read and to be distributed by the City Clerk.

More discussion was had to clarify the verbiage of the ordinances and the amendments made by the Council.

Seconded by Councilman Mourato.

Motion passes unanimously.

Member	Ауе	Nay
Cahoon	Х	
Mourato	Х	
Rodericks	Х	
Sousa	Х	
Britto	х	

Motion to approve first passage as amended by Councilman Cahoon. Seconded by Council Vice President Rodericks. Motion passes unanimously.

otion	passes unan	imousl	y.	
	Member	-	Aye	Nay

Cahoon	Х	
Mourato	Х	
Rodericks	Х	
Sousa	Х	
Britto	Х	

C. AN <u>ORDINANCE</u> IN AMENDMENT OF CHAPTER 7 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED, "HEALTH AND SANITATION" **>**

Section 7-30

Sponsored by: Councilwoman Sousa

Councilwoman Sousa stated that over the past two years there has been an influx of complaints about rat infestation and dumping/littering throughout the community. This ordinance is in response to that and addresses who is held responsible for addressing any infestation that is found reported on their property or in their home.

Councilwoman Sousa made the motion to approve the ordinance. No amendments were made to the ordinance submitted.

Seconded by Councilman Cahoon.

Motion passes unanimously.

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

D. AN <u>ORDINANCE</u> IN AMENDMENT OF CHAPTER 6 OF THE REVISED ORDINACES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "GARBAGE AND REFUSE"

Article III and IV

Sponsored by: Councilwoman Sousa

Councilwoman Sousa introduced the ordinance as clarification of the new garbage and recyclable materials (pick-up standards), including fines and enforcement.

Amendments made:

Section 6-45 and 6-47: "subject to fee" increases to \$25.00 or the amount incurred by the City to remove larger items, (mattresses, refrigerators, other items as listed in the ordinance), whichever is greater. This replaces the language stating a \$15.00 as a fixed fee.

Motion to approve amendments as presented by Councilwoman Sousa.

Seconded by Councilman Cahoon.

Motion passes unanimously.

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

Motion to approve the ordinance as amended made by Councilwoman Sousa.

Discussion by Council to clarify language of the ordinance regarding the "large items" fees. Seconded by Council Vice President Rodericks.

Motion passes unanimously.

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

E. AN <u>ORDINANCE</u> IN AMENDEMENT OF CHAPTER 7 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED, "HEALTH AND SANITATION" Article III

Sponsored by: Councilwoman Sousa

Councilwoman Sousa introduced the ordinance to the Council.

No amendments were proposed.

Councilwoman Sousa made the motion to approve the amendment as presented.

Seconded by Council Vice President Rodericks.

Motion passes unanimously.

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

F. AN <u>ORDINANCE</u> IN AMENDEMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTILTED "VEHICLES AND TRAFFIC"

Section 18-315

Sponsored by: Councilwoman Sousa

Councilwoman Sousa introduces the ordinance to the Council, as it pertains to handicapped parking. This ordinance has two parts: addresses that were previously approved, but the need no longer stands, (death, moved, etc).

The second part affects the approval process, adding a few additional standards. This included the size of the parking spot and the needs of space.

Councilman Cahoon mentioned the last section that is showing stricken and the Council did discuss this language. It was found by the City Solicitor that clarified though he did not write this ordinance, it was stricken due to the language that prefaced this section, where it would contradict itself if it wasn't stricken.

Discussion was had by the Council and the City Solicitor to clarify the language of the ordinance.

AMENDMENTS MADE:

Striking number 1 under Section C.

Unstrike the stricken language and adding proof of registration as provided by RIDMV as a handicapped vehicle, at the end of the Section 3.

Councilwoman Sousa made the motion to approve the amendments.

Seconded by Councilman Mourato.

Motion passes unanimously.

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

Motion to approve the ordinance for first passage as amended made by Councilwoman Sousa. Seconded by Councilman Mourato.

Motion passes unanimously.

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

G. AN <u>ORDINANCE</u> IN AMENDMENT OF CHAPTER 4 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "BUILDINGS AND BUILDING REGULATIONS"

Sections 4-140, 4-161, 4-331

Sponsored by: Councilwoman Sousa

Councilwoman Sousa introduced the ordinance to the Council.

Councilwoman Sousa made the motion to approve the ordinance for first passage.

No amendments made.

Seconded by Councilman Cahoon.

Motion passes unanimously.

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

H. AN <u>ORDINANCE</u> IN AMENDMENT OF CHAPTER 6 OF THE REVISED ORDINACES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "GARBAGE AND REFUSE"

Article III, IV, V

Sponsored by: Councilman Cahoon Motion to table indefinitely by Councilman Cahoon. Seconded by Councilman Cahoon. Motion passes unanimously.

1513.	
Aye	Nay
Х	
Х	
Х	
Х	
Х	

I. TWO HOUR PARKING ORDINANCE FOR J. MEDEIROS WAY Section 18-312

Sponsored by: Council Vice President Rodericks

Council Vice President Rodericks introduced this ordinance to the Council. This was brought to the attention by residents to both himself and Councilwoman Sousa. This brings this location to the same conditions in the immediate area so that there is a parking limit and prohibits tractor trailers to park their trucks and leave them. It will make things consistent for the area. Councilwoman Sousa added to the discussion saying this is where people who are drivers in the industry park their trucks when they are home for a couple of days. She did mention that is a public road and if you cannot park it at your residence, this is an option for them as they are residents of the city. Mayor Dasilva, with permission, addressed the Council with his perspective. Council Vice President Rodericks amended the ordinance reflect 8:00 am. – 6:00 p.m. enforcing the two hour parking, except Sundays and holidays. This asides two both sides of the street (directional to be determined).

Motion to amend the ordinance by Council Vice President Rodericks. Seconded by Councilwoman Sousa. Motion passes unanimously.

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

Motion to pass the ordinance as amendment made by Councilwoman Sousa. Seconded by Council Vice President Rodericks.

Motion passes unanimously.

percent and an and a set of the		
Member	Ауе	Nay
Cahoon	Х	
Mourato	Х	
Rodericks	Х	
Sousa	Х	
Britto	Х	

2. ORDINANCES FOR SECOND PASSAGE (PUBLIC HEARING)

A. AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINACES OF THE CITY OF EAST PROVDINCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "VEHICLES AND TRAFFIC"

Section 18-307, Greenwood Avenue (south side)

Sponsored by Council President Britto

Council President Britto announced the ordinance and open the public hearing portion. No one came forward and the City Clerk made the announcement that no one was on the audio call and requested to speak.

Council Vice President Rodericks made the motion to approve the ordinance for second passage.

Seconded by Council Vice President Rodericks.

Motion passes unanimously.

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

XI. RECONVENE IN EXECUTIVE SESSION (if necessary)

This was not needed.

XII. ADJOURNMENT

Motion to adjourn made by Councilwoman Sousa.

Seconded by Councilman Cahoon.

Discussion asked by Council Vice President Rodericks.

Prior to the meeting being adjourned, Council Vice President Rodericks requested to adjourn in memory of former Police Chief Colonel Anthony DeCastro who passed away yesterday.

Motion passes unanimously.

Meeting adjourned.

neu.		
Member	Ауе	Nay
Cahoon	Х	
Mourato	Х	
Rodericks	Х	
Sousa	Х	
Britto	х	

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

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East Providence City Hall 145 TAUNTON AVENUE EAST PROVIDENCE, RHODE ISLAND 02914-4505 TEL. (401) 435-7521 FAX (401) 438-1719 TDD (401) 431-1633 www.EastProvidenceRI.net

Jun. 24, 2020

Robert Britto President East Providence City Council 145 Taunton Ave. East Providence, RI 02914-4505

Dear Council President Britto,

I hereby nominate *William C. Maaia* as *Associate Municipal Court Judge* pursuant to *Article XIV Sec. 14-2.(2)* of the Charter of the City of East Providence.

This appointment is nominated by the Mayor and subject to the approval of the City Council.

The term of this office runs concurrent with that of the Mayor and City Council.

On this day, Wednesday, Jun. 24, 2020.

Sincerely

Mayor Roberto L. DaSilva CC:/Samantha Burnett, City Clerk



East Providence City Hall 145 TAUNTON AVENUE EAST PROVIDENCE, RHODE ISLAND 02914-4505 TEL. (401) 435-7521 FAX (401) 438-1719 TDD (401) 431-1633 WWW.EASTPROVIDENCERI.NET

Jun. 24, 2020

Robert Britto President East Providence City Council 145 Taunton Ave. East Providence, RI 02914-4505

Dear Council President Britto,

I hereby appoint *Sandra Forand* to the **Juvenile Hearing Board** pursuant to Article III Sec. 3-5(b) of the Charter of the City of East Providence.

Pursuant to: 2-179 through Sec. 2-183.

On this day, Wednesday, Jun. 24, 2020.

Sincerely

Mayor Roberto L. DaSilva CC:/Samantha Burnett, City Clerk



East Providence City Hall 145 TAUNTON AVENUE EAST PROVIDENCE, RHODE ISLAND 02914-4505 TEL. (401) 435-7521 FAX (401) 438-1719 TDD (401) 431-1633 WWW.EASTPROVIDENCERI.NET

Jun. 30, 2020

Robert Britto President East Providence City Council 145 Taunton Ave. East Providence, RI 02914-4505

Dear Council President Britto,

I hereby nominate Joesph Sousa to the Personnel Hearing Board pursuant to Article IX Sec. 9-1.(2) of the Charter of the City of East Providence.

Pursuant to: Rev. Ords. Chapter 11 Art. II §11-26 to §11-28

On this day, Tuesday, Jun. 30, 2020.

Sincerely,

1/L

Mayor Roberto L. DaSilva CC:/Samantha Burnett, City Clerk



City of East Providence Office of the Mayor

SUPPLEMENTAL DECLARATION OF MUNICIPAL EMERGENCY EXECUTIVE ORDER 2020-035 JUNE 30, 2020

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

WHEREAS, on March 9, 2020, the State of Rhode Island Governor, Gina M. Raimondo, issued Executive Order 20-02 declaring a state of emergency due to the outbreak of COVID-19; and

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

WHEREAS, the East Providence City Council ratified the Declaration of Municipal Emergency at a meeting on March 17, 2020 and authorized its extension through July 8, 2020; and

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

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

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

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

This Order shall take effect on July 8, 2020 and remain in full force and effect through August 5, 2020, unless rescinded or further extended by and with the consent of the City Council.

So Ordered:



Roberto L. DaSilva Mayor

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East Providence City Hall 145 TAUNTON AVENUE EAST PROVIDENCE, RHODE ISLAND 02914-4505 TEL. (401) 435-7521 FAX (401) 438-1719 TDD (401) 431-1633 WWW.EASTPROVIDENCERI.NET

Jun. 24, 2020

Robert Britto President East Providence City Council 145 Taunton Ave. East Providence, RI 02914-4505

Dear Council President Britto and Honorable members of the City Council,

Associate Municipal Court Judge George E. Furtado, Esq. chose to resign as a judge for the East Providence Municipal Court. Mr. Furtado served as the Municipal Court Judge from 2012 until 2018 and as Associate Municipal Court Judge from 2019 until 2020.

In addition to being a practicing attorney for over 35 years, Mr. Furtado also served as chair of the East Providence Juvenile Hearing Board from 1993 until 2006.

During his long and dedicated years of service to the city, Mr. Furtado has demonstrated an enduring commitment towards the pursuit of justice for all East Providence residents.

It is with great honor that I thank Mr. Furtado for all the work he has done for East Providence, and commend him for his service to our city.

Sincerely

Mayor Roberto L. DaSilva CC:/Samantha Burnett, City Clerk

Memorandum of Agreement

This Memorandum of Agreement is entered into between the City of East Providence, Rhode Island (hereinafter referred to as the "city") and the East Providence Fire Fighters, Local 850, International Associations of Fire Fighters, AFL-CIO. (hereinafter referred to as the "local"), and collectively referred to as the ("parties" and/or "party").

WHEREAS, the parties acknowledge that a collective bargaining agreement between the parties exists dated November 1, 2017 to October 31, 2022; and

WHEREAS, the parties acknowledge that currently there is a large number of vacancies existing within the private ranks in the fire department; and

WHEREAS, the parties acknowledge that the city is attempting to fill the above-cited vacancies within the department but due to delays associated with COVID 19, these vacancies will not be filled until 2021; and

WHEREAS, the parties acknowledge that there is a safety concern within the department due to the fact of the large number of vacancies that exists within the private positions, forcing the personnel in the private ranks to work a large amount of hours above their normal work schedule to fulfill the minimum staffing requirements of the collective bargaining agreement; and

WHEREAS, the parties acknowledge that in an effort to mitigate the safety concerns of having personnel in the private ranks work excessive hours to fill the above-cited vacancies, the parties have agreed to enter into this memorandum of agreement.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein and intending to be legally and equitably bound hereby, the city and the local agree as follows:

- 1. The parties agree that all vacancies within the "private ranks" of the department shall be filled first by utilizing the personnel within the private ranks of the department in accordance with the collective bargaining agreement and the overtime rules of the department.
- 2. The parties agree that <u>after</u> the "privates" within the department have filled the vacancies as cited-above, then the Lieutenants and Captains shall be voluntarily offered the opportunity to work overtime in the remaining "private rank" positions. The Lieutenants and Captains shall not be allowed to displace, move, bump, etc. any private who is either in his or her bid position.
- 3. The parties agree that the Lieutenants and Captains shall be offered the opportunity to work overtime in the "private rank" positions by seniority and in accordance with the overtime rules in place within the department, except for the terms in this memorandum of agreement.

- 4. The parties agree that if a Lieutenant and/or Captain are offered overtime in a "private rank" position, said Lieutenant and/or Captain shall be subject to the overtime rules of the department (i.e. overtime shall be charged and counted refusal and acceptance, etc.).
- 5. The parties agree that any and all overtime worked by Lieutenants and Captains in the "private rank" positions shall not be counted for equalization purposes between officers (Lieutenants & Captains) and the privates.
- 6. The parties agree that if Lieutenants and Captains work overtime in the "private rank" position, they will be compensated at an overtime rate of the rank that they hold within the department (i.e. Lieutenant or Captain).
- 7. The parties agree that in the event a Lieutenant and/or Captain sustain an "occupational injury and/or illness" while in the performance of his or her duties while working overtime in a "private rank" position, said Lieutenant and/or Captain shall receive compensation and benefits in accordance with their rank within the department (i.e. Lieutenant or Captain).
- 8. The parties agree that Lieutenants and Captains who work in a "private rank" position as cited-above, shall assume all of the station duties (i.e. station cleaning and chores, etc.) as a private position within the department is obligated to perform.
- 9. The parties agree that this memorandum of agreement is temporary in nature and shall immediately expire and become void and non-binding upon the parties as soon as the city hires personnel to fill the private vacancies within the department, and the personnel become sworn Probationary Firefighters.
- 10. The parties agree that only while this memorandum of agreement is in effect, that only 10 personnel will be allowed to take time off (i.e. Vacation, Comp-time, or Personal Day) per shift instead of 13 which is allowed in the current CBA.
- 11. The parties agree that only while this memorandum of agreement is in effect, that Staff Lieutenants, Staff Captains and Battalion Chief 's time off (i.e. vacation, comp-time or personal day) will not be included in the 10 personnel allowed to take time off per shift described in section 10 of this memorandum of agreement.
- 12. The parties agree that the Staff Lieutenants and Captains will not be charged for missed overtime opportunities when working their normal shifts (Monday through Friday 8am-4pm).
- 13. The parties agree that this memorandum of agreement shall not constitute a past practice by either party and shall not be used by either party in any legal venue and/or any forum for any reason, this is including but not limited to court, arbitration, labor board hearings, etc., except for the enforcement of this memorandum of agreement.

- 14. The parties agree that this memorandum of agreement shall be subject to the grievance and arbitration provisions of the collective bargaining agreement between the parties for the said enforcement of this agreement. The parties further agree that this said agreement shall be permitted to be used in arbitration only for the enforcement of said terms of this agreement.
- 15. The parties agree that upon written notification from one party to the other party, that at any time this memorandum of agreement can be terminated if so desired for any reason, at which time this agreement shall become void and non-binding upon the parties.

IN WITNESS WHEREOF, the city and the local have caused this memorandum of agreement to be executed by their respective representatives who have actual authority to bind and enter into the various obligations set forth herein.

FOR THE CITY

ATTEST

Roberto DaSilva, Mayor East Providence, Rhode Island

FOR THE LOCAL

ATTEST

David daFonseca, President Local 850, I.A.F.F., AFL-CIO.

DATE

CITY OF EAST PROVIDENCE

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RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY OF EAST PROVIDENCE TO JOIN THE BLACKSTONE VALLEY TOURISM COUNCIL TO EXPAND TOURISM ACTIVITIES IN THE CITY

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WHEREAS, the Blackstone Valley and the City of East Providence share the Pawtucket and Seekonk rivers and share many historic, cultural and economic connections; and

WHEREAS, the City of East Providence has been part of the Blackstone Valley National Heritage Corridor since its inception in 1986; and

WHEREAS, the Educational Vessel Blackstone Valley Explorer operated by the Blackstone Valley Tourism Council has worked in and out of East Providence since 1994; and

WHEREAS, the Blackstone Valley Tourism Council Inc. provided a tourism analysis for East Providence in 2016; and

WHEREAS, the City of East Providence and the communities of the Blackstone Valley have partnered on many occasions, are contiguous, and share many of the same values, cultures, and interests in tourism development and self-actualization; and

WHEREAS, the Blackstone Valley Tourism Council has partnered with the East Providence Chamber of Commerce on several projects over the past decade; and

WHEREAS, the state of Rhode Island has been holding in escrow tax revenue funds generated in the City of East Providence to be allocated to a tourism council for the express purpose of the support of tourism activities benefiting the City of East Providence; and

WHEREAS, the City of East Providence seeks to join the Blackstone Valley Tourism Council Inc. for the express purpose of expanding upon tourism activities in East Providence and throughout the Blackstone Valley region; and

WHEREAS, the City of East Providence seeks to put the tax revenue previously generated and held in escrow by the state of Rhode Island to work for the direct benefit and support of tourism activities within the City of East Providence.

NOW, THEREFORE, BE IT RESOLVED, that the East Providence City Council authorizes the City of East Providence to enter into a Memorandum of Agreement with the Blackstone Valley

Tourism Council Inc. to accomplish a vision that will improve the shared interests in our ten (10) communities and allow the Blackstone Valley Tourism Council access to the previously held funds to promote tourism activities.

This Resolution shall take effect upon passage.

Adopted by the City Council:_____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Councilman Cahoon



CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CALSON CONSTRUCTION CORPORATION FOR THE INSTALLATION OF THE KENT HEIGHTS EMERGENCY GENERATOR

WHEREAS, the City recently issued a Request for Proposals for the replacement of the Kent Heights Emergency Generator; and

WHEREAS, the City received one proposal from Calson Construction Corporation in the amount of \$157,465.00; and

WHEREAS, funding for this project is available through the Water Enterprise Fund Capital Account; and

WHEREAS, while there was only one bidder for this project, Calson recently successfully and professionally installed generators at City Hall, the Senior Center, and the Department of Public Works garage; and

WHEREAS, the generator will replace an aging and unreliable generator which can no longer carry the full electrical load under emergency power at the Kent Heights Water Pumping Station and storage facilities.

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 to enter into a contract with Calson Construction Corporation for the installation and replacement of the Kent Heights emergency generator.

Adopted by the City Council:_____

Attest:

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City Clerk of East Providence, Rhode Island

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Introduced by: Councilman Cahoon



City of East Providence Department of Public Works

ROBERTO L. DASILVA MAYOR STEPHEN COUTU DIRECTOR

TO: Mayor Roberto DaSilva

FROM: Stephen H. Coutu, Director of Public Works Jim Marvel, Water Superintendent

DATE: June 26, 2020

RE: Kent Heights Emergency Generator Bid and Contract Award Recommendation

The DPW Water Division recently issued a RFP for the Kent Heights Emergency Generator. One proposal was received on June 15, 2020 for this project with the result as follows (bid sheet attached):

Calson Construction Corp. \$157,465.00

Upon review, it is recommended that a contract award be made to the sole bidder, Calson Construction Corp. for the amount of \$157,465.00

While there was only one bidder for this RFP, it is noted that Calson recently installed (3) generators at three other locations for the City: City Hall, Senior Center, and DPW. All three were successfully and professionally installed.

This generator will replace an aging and unreliable generator which can no longer carry the full electrical load under emergency power at the Kent Heights Water Pumping Station and Storage Facilities. A reliable emergency generator is critical to sustain water system operations during a power outage.

Funding for this project is available in the Water Enterprise Fund's Capital Account.

Cc: Michael Marcello, City Solicitor Malcolm Moore, Finance Director



BID TABULATION: F DATE: June 15, 2020 at 11:00 a	RFP - Design Build Se BID NO., I	PENING rvices for Kent Heig EP19/20 - 17		erator ater Department	
BIDDER	Labor	Generator	Other Materials	Other Direct Costs	TOTAL
1 Calson Construction Corp, 34 Oakdale Ave, Johnston, RI 02919 G. Alfred Calcagni Jr. 401-272-1100	21,333.00	73,700.00	22,367.00	40,065.00	157,465.00
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OMMENDATION:	
CIVILLIADATION.	

ACCOUNT NUMBER:

1-12000-690-57405

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Roberto A. DaSilva Mayor	Date
540 1	
Malcolm A. Moore	Date
Finance Director	

Jim Marvel Date SHOWIDENCE, FL LOV5 Water Superintendent Stephen Coutu Public Works Director ate 930 101 - 5 64 2:31

CITY OF EAST PROVIDENCE

RESOLUTION NO.

RESOLUTION ACCEPTING 2.9 ACRES OF LAND AND A 600 FOOT FISHING PIER LOCATED AT MAP 109, BLOCK 1, PARCEL 1 AND OWNED BY KETTLE POINT LLC

WHEREAS, the subject property is located on the shoreline of the Providence River immediately west of the East Bay Bike Path; and

WHEREAS, for over 75 years, the site has been in private ownership with the public prohibited from entering the site; and

WHEREAS, both pedestrian and vehicle access to the parcel is provided; and

WHEREAS, it is the City's intent to obtain ownership of the parcel to serve as a City park that would provide opportunities for fishing and scenic views of the upper Narragansett Bay; and

WHEREAS, the land and pier were part of the development of Kettle Point and pledged to the City to be used as a public park.

NOW, THEREFORE, BE IT RESOLVED, that the East Providence City Council authorizes the acceptance of the deed and pier by the City of East Providence and further authorizes the Law Department to take all necessary steps to perfect the transfer, including the execution, recording, and acceptance of all necessary documents to complete the transfer of land and ownership of the pier by the City.

This Resolution shall take effect upon passage.

Adopted by the City Council:_____

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Council Vice President Rodericks

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CITY OF EAST PROVIDENCE

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

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

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

Article VII. Budget Ordinance

Sec. 2-283. Timelines for Presentation and Passage of the Budget Ordinance.

- A. The Mayor shall submit to the Council a budget and explanatory message to the Council at least seventy (70) days prior to the beginning of the next fiscal year. Upon written request of the Mayor, the City Council may grant the Mayor additional time to submit the budget proposal for good cause shown and upon the affirmative vote of (4) four council members.
- B. The City Council shall take a final action on the budget ordinance at least fourteen (14) days prior to the end of the fiscal year.
 - 1. A "final action" is defined as a vote by a quorum of the Council at a duly noticed public meeting.
- C. The Council shall be furnished with a final updated copy of the certified budget within thirty (30) days passage of the budget ordinance.

Sec. 2-284. Financial Review Committee.

- A. There shall be a Financial Review Committee whose duty shall be to review the financial records, budgetary concerns, and other issues of fiscal import.
 - 1. The Financial Review Committee shall take no actions that are binding upon the City.
 - 2. The Financial Review Committee shall have the authority to seek the expertise of consultants
 - i. Any expenditure of funds related thereto must be approved by the Mayor or the Council
 - 3. The Financial Review Committee may make requests of the Mayor or the Council for information, including but not limited to requests that the Mayor or the Council make certain personnel available to give presentations regarding fiscal issues.
- B. The Financial Review Committee shall meet at least quarterly.
- C. The Financial Review Committee shall publicly issue a quarterly update regarding status of capital projects and requests for capital funding.
- D. The Financial Review Committee shall be comprised of the following:

- 1. The Mayor or the Mayor's Designee
- 2. The Council President or the Council President's Designee
- 3. The Finance Director
- 4. The Planning Director

Sec. 2-285. Annual Capital Projects Presentation.

- A. The Financial Review Committee shall make an annual presentation to the Council at least ninety (90) days prior to the end of the fiscal year. During said presentation, the Financial Review Committee shall:
 - 1. Provide a status report as to all Capital Projects
 - 2. For any completed Capital Projects, present the Council with a Resolution that closes out said completed project, de-authorizes any remaining appropriations, and appropriately transfers all remaining unspent funds.
 - 3. Make proposals as to future Capital Projects.

SECTION II. This ordinance shall take effect November 1, 2020 and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Given first passage and referred to consideration of final passage; and adopted

at 6:00 p.m. for a hearing and

Attest:

City Clerk of East Providence, Rhode Island

Requested by: Councilman Cahoon, Councilman Mourato, Councilwoman Sousa

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CITY OF EAST PROVIDENCE

CHAPTER

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AN ORDINANCE IN AMENDMENT OF CHAPTER 5 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "FIRE PREVENTION"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Sec. 5-2 entitled "Amendments" of Article I entitled "In General" of Chapter 5 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Fire Prevention" is amended to read as follows:

Sec. 5-2. Amendments.

The Rhode Island Fire Safety Code, as adopted by section 5-1, is hereby amended, deleted from and added to as follows:

(NFPA 1) 10.11 Open Flame, Candles, Open Fires, and Incinerators.

(NFPA 1) 10.11.1 Permits. (Amd)

Permits, where required, shall comply with Section 1.12 of NFPA 1 (2012 edition).

(NFPA 1) 10.11.1.1 (Amd)

Permits shall not be required for cooking and recreational fires. All other types of fire require a permit (see 10.11.4.2.1 (Add))

(NFPA 1) 10.11.1.2

Where burning is conducted on public property or the property of someone other than the permit applicant, the permit applicant shall demonstrate that permission has been obtained by the appropriate government agency, the owner, or the owner's authorized agent.

(NFPA 1) 10.11.1.3

When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions.

(NFPA 1) 10.11.1.4

Instructions or stipulations of permit shall be followed.

(NFPA 1) 10.11.2



The AHJ shall have the authority to prohibit any or all open flames, candles, and open, recreational, and cooking fires or other sources of ignition, or establish special regulations on the use of any form of fire or smoking material where circumstances make such conditions hazardous.

(NFPA 1) 10.11.3 Outdoor Fires.

(NFPA 1) 10.11.3.1

Outdoor fires shall not be built, ignited, or maintained in or upon hazardous fire areas, except by permit from the AHJ.

(NFPA 1) 10.11.3.2

Permanent barbecues, portable barbecues, outdoor fireplaces, or grills shall not be used for the disposal of rubbish, trash, or combustible waste material.

(NFPA 1) 10.11.4 Open Fires.

(NFPA 1) 10.11.4.1

Permitted open fires shall be located not less than 50 feet (15m) from any structure.

(NFPA 1) 10.11.4.2 (Amd)

Burning hours shall be daylight until 11:00 PM.

(NFPA 1) 10.11.4.2.1 (Add)

No person shall kindle or maintain (without permit) any fire or authorize any such fire to be kindled or maintained with the following exceptions:

1. Cooking of food on barbecues or charcoal grills. Cooking on these devices shall be in preparation of a meal.

2. Propane/natural gas fire places/pits officially designed and listed as an outdoor fire place/pit shall be permitted. Fire places/pits shall be operated according to manufactures manufactures' instructions in a safe manner.

A. Fire places/pits shall not be left unattended.

- B. Adult supervision is required at all times.
- C. Propane tanks shall be listed, in good condition and have a current certification.

3. Residential outdoor recreational wood-burning fires, which shall meet the following requirements:

- A. All residential outdoor recreational clean wood-burning fires shall be kindled and maintained within a designated fire place/pit, purchased or constructed, that is wholly constituted of non-flammable material, and does not exceed three (3) feet in diameter, as determined by the East Providence Fire Chief or designee. Commercially purchased fire places/pits shall be operated according to manufacturers' instructions in a safe manner.
- B. All residential outdoor recreational clean wood-burning fires shall burn exclusively "clean wood." No other wood or material may be burned. "Clean wood" means natural wood or pellets, made therefrom that has not been painted, stained, coated, preserved or treated with a synthetic substance, including, but not limited to, copper chromium arsenate, creosote, or pentachlorophenol. "Clean wood" does not include driftwood, and does not include construction or demolition debris, nor wood that contains any glue or resin, as in plywood or other composite wood products.
- C. All residential outdoor recreational clean wood-burning fires must be located at least thirty (30) feet away from any abutting property owner's dwelling or structure, as determined by the East Providence Fire Chief or designee. Such fires must not cause noxious emissions on the property of others, or other nuisance or hazard to surrounding persons or property, as determined by the East Providence Fire Chief, or designee, or other duly constituted authority.
- D. The use of accelerants to kindle or maintain residential outdoor recreational clean woodburning fires is prohibited. Accelerants include, but are not limited to, gasoline, diesel fuel, kerosene, turpentine, butane, lighter fluid and other flammable solvents. Further, all residential outdoor recreational clean wood-burning fires must be kindled and maintained at a minimum distance of fifty (50) feet from any storage receptacle containing an accelerant.
- E. A competent person of at least eighteen (18) years of age, possessing access to a source of water (e.g. a garden hose connected to a water supply) sufficient to extinguish such fire shall constantly attend such fire until the fire is extinguished.
- F. All residential outdoor recreational clean wood-burning fires shall be immediately and entirely extinguished upon the direction of a member of the East Providence Fire Department, the East Providence Police Department, or other duly constituted authority.

3.4. Fires authorized by the fire department for the purpose of training firefighters and retarding the spread of fire.

4.5. Ceremonial burning. Burning that is an integral part of a religious or fraternal organization's ceremonies, by permit, issued by the city fire marshal.

5.-6. Live fires for the purpose of training employees in the use and operation of fire extinguishers and fire equipment shall be authorized upon approval of the fire chief and the state department environmental management. Such live fire training shall be in accordance with all applicable National Fire Protection Agency standards. A certified fire extinguisher instructor shall be present at all times during the training for instruction in the use and operation of fire extinguishers and fire equipment.

(NFPA 1) 10.11.4.3

Recreational fires shall not be located within 25 feet (7.6m) of a structure or combustible material unless contained in an approved manner.

(NFPA 1) 10.11.4.4

Conditions that could cause a fire to spread to within 25 feet (7.6m) of a structure shall be eliminated prior to ignition.

(NFPA 1) 10.11.5 Fire Attendant.

(NFPA 1) 10.11.5.1

Open, recreational, and cooking fires shall be constantly attended by a competent person until such fire is extinguished.

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(NFPA 1) 10.11.5.2

This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use.

(NFPA 1) 10.11.6 Cooking Equipment.

(NFPA 1) 10.11.6.1

For other than one- and two-family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 feet (3m) of any structure.

(NFPA 1) 10.11.6.2

For other than one-and two-family dwellings, no hibachi, grill, or other similar devices used for cooking shall be stored on a balcony.

(NFPA 1) 10.11.6.3

Listed equipment permanently installed in accordance with its listing, applicable codes, and manufacturer's instructions shall be permitted.

(NFPA 1) 10.11.7 Installation of Patio Heaters.

(NFPA 1) 10.11.7.1

Patio heaters utilizing an integral LP-Gas container greater than 1.08 lb (0.49 kg) propane capacity shall comply with 10.11.7.2 and 10.11.7.3. [58:6.20.2.1]

(NFPA 1) 10.11.7.2

Patio heaters shall be listed and used in accordance with their listing and the manufacturer's instructions. [58:6.20.2.2]

(NFPA 1) 10.11.7.3

Patio heaters shall not be located within 5 feet (1.5m) of exits from an assembly occupancy. [58:6.20.2.3]

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(NFPA 1) 10.11.8 Incinerators and Fireplaces.

(NFPA 1) 10.11.8.1

Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained without prior approval of the AHJ.

(NFPA 1) 10.11.8.2

Incinerators, outdoor fireplaces, permanent barbecues, and grills shall be maintained in good repair and in a safe condition at all times.

(NFPA 1) 10.11.8.3

Openings in incinerators, outdoor fireplaces, permanent barbecues, and grills shall be provided with an approved spark arrester, screen, or door.

(NFPA 1) 10.11.9 Open-Flame Devices.

(NFPA 1) 10.11.9.1

Welding torches, tar pots, decorative torches, and other devices, machines, or processes liable to start or cause a fire shall not be operated or used in or upon any areas, except by permit from the AHJ.

(NFPA 1) 10.11.9.2

Flame-employing devices, such as lanterns or kerosene road flares, and fuses shall not be operated or used as a signal or marker in or upon any areas unless at the scene of emergencies or railroad operations. *(See Chapter 16 and Chapter 65 for additional guidance.)*

(NFPA 1) 10.11.10 Discontinuance.

The AHJ shall be authorized to require any fire to be immediately discontinued if the fire is determined to constitute a hazardous condition.

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 of final passage; and adopted

at 7:00 p.m. for a hearing and consideration

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Councilman Cahoon

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CITY OF EAST PROVIDENCE

CHAPTER

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

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Sec. 7-30 entitled "Duty of owner upon receipt of notice of rodent infestation" of Article II entitled "Rodent Control" of Chapter 7 of the Revised Ordinances of the City of East Providence, Rhode Island 1998, as amended, entitled "Health and Sanitation" is amended to read as follows:

Sec. 7-30. Duty of owner upon receipt of notice of rodent infestation.

After the owner or occupant of any premises found to be rodent infested has been notified by the director of environmental control or his duly authorized representative that such premises are rodent infested, it shall be the duty of such owner or and_occupant to take immediate measures to remedy the condition by rat eradication, rat proofing or such other action as may be necessary.

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

Given first passage and referred to and consideration of final passage and adopted

at 7:00 p.m. for a hearing

Attest:

City Clerk of the City of East Providence, RI

Introduced by: Councilwoman Sousa

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CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 6 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "GARBAGE AND REFUSE"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Sec. 6-37 entitled "Use of Rubbish Receptacles" of Article III entitled "Rubbish" of Chapter 6 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Garbage and Refuse" is amended to read as follows:

Sec. 6-37. When receptacles subject to removal as rubbish Use of Rubbish Receptacles.

All containers for rubbish, unless such containers are metal cans or properly tagged, will be regarded as rubbish and are subject to being carted away to the landfill area.

a. <u>Rubbish and/or household trash shall be deposited within a trash container provided by the</u> <u>City and bearing the City seal and shall at all times have a secure cover and/or the lid closed.</u> There <u>shall not be overflowing rubbish nor trash bags on the ground nor any items improperly placed on</u> the curb or sidewalk next to the trash container.

b. <u>The City shall supply every household in the City with (1) one 95-gallon rubbish</u> receptacle. Said 95-gallon rubbish receptacle may be substituted with one 65-gallon rubbish receptacle upon request. Additional containers may be purchased at cost by the resident or property owner.

c. <u>The owner of any dwelling shall be deemed to have allowed an unsanitary condition and</u> nuisance to exist whenever garbage, trash, discarded debris at the owners dwelling is not contained within a City approved rubbish receptacle. This section shall not apply to the collecting of yard waste.

Sec. 6-37.1 Bulky Waste/ Collection Fee.

a. <u>Bulky waste constitutes items including, but not limited to: mattresses, discarded furniture, appliances, computers, televisions, rugs and carpets cut to 4-feet in length rolled, folded, and tied, and other household waste items that will not fit within the rubbish receptacle.</u>

b. Such items shall be picked up by appointment and may be subject to a fee as determined by ordinance or as determined by the director of the department of public works to cover disposal expenses.

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Sec. 6-37.2. - Time to place rubbish for collection; duty to remove after collection.

- (a) No placing or causing to be placed household rubbish, or other litter in receptacles or otherwise on the street, sidewalk, alley or public place for the purpose of having the same collected at a regularly scheduled or special collection shall do so before 3:00 p.m. of the day prior to such scheduled collection, nor shall such person allow such material or receptacles thereof to remain upon such street, sidewalk, alley or public place after the end of the day of such scheduled collection., nor shall such person allow an unsanitary condition and a nuisance to exist whenever containers used for the deposit of garbage, trash or debris at that dwelling are not removed from the public way by midnight of the designated collection day for that particular area of the city.
- (b) Except for the placement of containers on the public way for trash collection, an owner of any dwelling shall be deemed to have allowed an unsanitary condition and nuisance to exist at that dwelling whenever containers for the storage of garbage, trash or debris are not screened or are otherwise viewable from the street. This provision shall not apply to nonresidential uses

Sec. 6-37.3. Violation of article; penalty.

- (a) Any person who violates this article, who shall fail, neglect or refuses to comply with the provisions of this article shall be issued a warning notice of violation by public works director or his/her duly authorized agent. Any person who violates this article, who shall fail, neglect or refuse to comply with the provisions of this article after such warning notice shall be punished and may be subject to by a fine of \$50 dollars; if persons who violates this article fails, neglects or refuse to comply with the provisions set forth, of five dollars. Each day such violation of this article shall constitute a separate offense.
- (b) In addition to the penalty hereinabove provided any condition caused or permitted to exist in violation of this article shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.
- (c) If a person fails to comply with the violation notice, the City may cause the nuisance and unsanitary health condition to be removed; and all expenses incurred by the City shall be paid by the property owner who caused or permitted the refuse and/or solid waste to be recovered in an action brought in the name of the City, including placing a lien on the property for all expenses and related costs incurred.

SECTION II. Sections 6-39, 6-40, 6-43, 6-45, 6-47, and 6-53 of Article IV entitled "Recyclables" of Chapter 6 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Garbage and Refuse" are amended to read as follows:

Sec. 6-39. Recyclable materials established.

The following recyclable materials are established: <u>All recyclable materials to be placed within</u> <u>city-issued recycling receptacles shall be in accordance with the guidelines established by the</u> <u>Rhode Island Resource Recovery Corporation.</u>

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(1) Material to be placed in the <u>city issued recycling receptacles:</u>

- a. Glass. Rinsed whole bottles and jars with caps or lids removed.
- b. *Aluminum*. Rinsed aluminum cans, containers or foil and extruded aluminum, such as used for furniture or cooking utensils.
- c. Tin cans. Rinsed steel and tin-coated cans.
- d. *Plastic containers*. All number 1 and number 2 plastic containers, rinsed with caps or lids removed; excepting tub containers of those which carried automotive fluids.
- e. *Aseptic packages*. All milk and juice cartons and drink boxes, rinsed and flattened, free of contaminants.
- f. *Small scrap metal.* Scrap metal objects no longer than 30 inches nor heavier than 35 pounds. Objects may be placed next to the blue bin if necessary.
- g. Mixed paper. Mail, envelopes, magazines, catalogs, phone books, paperback books, writing paper, paper bags and other such paper products free of oil, grease, water or other such contaminants.
- h. Paperboard. Thin cardboard or paperboard such as food boxes or paper towel rolls flattened and free of oil, grease, water or other such contaminants.
- i. Newspaper. All newspaper sections.
- j. Cardboard. All such boxes and other corrugated cardboard.

(3) Materials to be placed next to the recycling bins:

j. Cardboard. All such boxes and other corrugated cardboard three feet by three feet, free of oil, grease, water or other such contaminants, flattened and tied in bundles.

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- (4) <u>Miscellaneous items:</u>-Items that constitute recyclable materials, but shall not be placed in city issued recycling receptacles include, but are not limited to the following:
 - k. *White goods*. Household appliances such as washing machines, clothes dryers, cooking stoves, refrigerators, freezers, water heaters, and other large metal items designated by the director of public works to have similar recyclable properties.
 - 1. Used motor oil and filters. Materials used in connection with personal automobiles or noncommercial trucks. Such materials shall not be collected at curbside but shall be recycled at a collection point designated by the director of public works.
 - m. *Mattresses, box springs and other bedding materials.* All residential bedding materials such as mattresses, box springs or other items with similar characteristics as determined by the director of public works shall be collected by the municipal refuse collection contractor as scheduled by the public works department and separated to be recycled at the Rhode Island Resource Recovery Corporation facility.

Sec. 6-40. Disposal of Recyclables.

Recyclables will be placed at curbside in containers provided by the City or other clearly marked durable containers free from rubbish on designated collection day.

Sec. 6-43. Violation of article; penalty.

- (a) Any person who violates this article, who shall fail, neglect or refuses to comply with the provisions of this article shall be issued a warning notice of violation by public works director or his/her duly authorized agent. Any person who violates this article, who shall fail, neglect or refuse to comply with the provisions of this article after such warning notice shall be punished and may be subject to by a fine of \$50 dollars; if persons who violates this article fails, neglects or refuse to comply with the provisions set forth. of five dollars. Each day such violation of this article shall continue shall constitute a separate offense.
- (b) In addition to the penalty hereinabove provided any condition caused or permitted to exist in violation of this article shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

Sec. 6-45. White goods collection fee.

The fee for collection of white goods, as defined in section 6-39, is hereby fixed at \$25.00 for each item.

Sec. 6-47. Mattress, box spring, bedding material collection fee.

The fee for collection of a mattress, box spring or other bedding material, as defined in section 6-39, is hereby fixed at <u>\$25.00</u> for each item.

Sec. 6-53. Violation of article; penalty.

- (a) Any person who violates this article, who shall fail, neglect or refuses to comply with the provisions of this article shall be issued a warning notice <u>of violation</u> by public works director or his/her duly authorized agent. Any person who violates this article, who shall fail, neglect or refuse to comply with the provisions of this article after such warning notice shall be punished and may be subject to by a fine of \$50 dollars; if persons who violates this article fails, neglects or refuse to comply with the provisions set forth. of five dollars. Each day such violation of this article shall continue shall constitute a separate offense.
- (b) In addition to the penalty hereinabove provided any condition caused or permitted to exist in violation of this article shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.



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

Given first passage and referred to hearing and consideration of final passage; and adopted

at 7:00 P.M. for a

Attest:

City Clerk of the City of East Providence, RI

Introduced by: Councilwoman Sousa


CITY OF EAST PROVIDENCE

CHAPTER

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

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

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SECTION I. Article III entitled "Litter" of Chapter 7 of the Revised Ordinances of the City of East Providence, Rhode Island 1998, as amended, entitled "Health and Sanitation" is amended to read as follows:

Sec. 7-51. - Definitions.

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

Authorized private receptacle means a litter storage and collection receptacle.

Garbage means decomposable animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Litter means garbage, refuse and rubbish, as defined in this section, and all other waste material which, if thrown or deposited as prohibited in this article, tends to create a danger to public health, safety and welfare.

Park means a park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city, and devoted to active or passive recreation.

Private premises means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch or steps belonging or appurtenant to such dwelling, house, building or other structure.

Public place means any street, sidewalk, boulevard, alley or other public way and any public park, square, space, grounds or building.

<u>Rat or vermin harborage means any material, substance, food, trash, debris or other objects</u> that supports rats or other vermin.

Refuse means all decomposable and non-decomposable solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, abandoned automobiles and solid market and industrial wastes.

Rubbish means all non-putrescible solid waste, excluding ashes, consisting of both combustible wastes such as paper, cardboard, plastic containers, yard clippings, wood and noncombustible wastes such as tin cans, glass and crockery.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

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Sec. 7-52. - Depositing on streets, sidewalks, etc.

No person shall throw or deposit litter <u>or rat or vermin harborage</u> in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection or in official city dumps or sanitary landfill areas.

Sec. 7-53. - To be placed in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

- a. <u>All persons must place litter or other rat or vermin harborage on their property within</u> <u>public or authorized private receptacles.</u>
- b. <u>Both the present occupant and the property owner of all properties within the City of East</u> <u>Providence are jointly and severally liable for any violation of this provision.</u>

Sec. 7-54. - Sweeping into gutters prohibited; sidewalks in front of privately owned premises to be kept free of litter.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

Sec. 7-55. - Merchants to keep sidewalks free of litter.

No person owning or occupying a place of business, golf course or country club shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business, golf courses or country clubs within the city shall keep the sidewalk in front of their business premises, golf course or country club free of litter.

Sec. 7-56. - Throwing, depositing from vehicles prohibited.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city or upon private property.

Sec. 7-57. - Truckloads causing litter.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place, nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind. Sec. 7-58. - Depositing in parks.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article.

Sec. 7-59. - Depositing on occupied private property.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

Sec. 7-60. - Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter, provided that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Sec. 7-61. - Depositing on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not.

Secs. 7-62. Streets, alleys, lanes, sidewalks, streets, rivers, lakes, ponds, private land or public parks.

(a) No person shall throw, place or deposit or permit any tenant or person under his control or employment to throw, place or deposit any putrid substance, night soil, filth of any kind, garbage, rubbish, refuse, piles, old lumber or other rat or vermin harborage or any unwholesome material, in or upon any land, vacant land, alley, lane, sidewalk or street, lake or river, or upon any private land or public land or park within the city without the consent of the director of public works or minimal housing officer.

(b) No person or persons shall allow any land, vacant land, alley, lane, sidewalk or street, lake or river owned by them to become covered with any putrid substance, night soil, filth of any kind, garbage, rubbish, refuse piles, old lumber or other rat or vermin harborage or any unwholesome material which endangers the general health and welfare of the public.

(c) The director of public works or his/her designee shall cause to be examined all land, vacant land, alleys, lanes, sidewalks and streets, lakes or rivers, private land and public lands or parks within the limits of the city. When said director or designee finds any putrid substance, night soil, filth of any kind, garbage, rubbish, refuse piles, old lumber or other rat or vermin harborage or any unwholesome material placed or deposited upon any land, vacant land, alleys, lanes,

sidewalks and streets, lakes or rivers, private land and public lands or parks which endangers the general health and welfare of the public, he or she shall order, in writing, the owner to remove said materials, and if the said owner refuse to remove said materials within three (3) days, said director or designee may cause the same to be removed at the expense of the owner. Thereupon, said director or designee shall place a lien upon the land for the cost of removing the materials.

(d) No owner shall neglect or refuse to remove therefrom any materials, after being ordered to do so by the director of public works, or obstruct any member under the control of the director of public works in the discharge of their duties. Every day, in excess of three (3), that any such owner or owners or tenant or tenants shall neglect or refuse to remove therefrom any materials after being ordered to do so by the director of public works or his/her designee shall be deemed and regarded as a separate offense under this section.

(e) Service of any order authorized by this section shall be made upon the owner in one (1) of the following manners:

(1) By leaving with said owner personally a copy of said order;

(2) By leaving at the last-known abode of said owner with a person of suitable age and discretion a copy of said order;

(3) By tacking or affixing to the front door of the last known abode of said owner a copy of said order;

(4) By mailing to the owner at his/her/their last known abode a copy of said order. Said mailing shall be by certified mail, return receipt requested, and by regular mail, postage prepaid; or

(5) By publication in a newspaper of general circulation in the city.

(f) Any order herein made shall be subject to appeal by the owner within ten (10) days after service of the order. Said appeal shall be taken by filing a petition with the East Providence municipal court.

Secs. 7-63. Violations.

- (a) <u>Any violation of this section may be appealed to municipal court. The penalties for</u> violations of this section are as follows:
 - (1) First offence. Community service of twenty-five (25) hours of cleaning public spaces and repayment of any cost incurred by the City to remediate the littering or other violation of this section.
 - (2) Second offense. Community service of fifty (50) hours of cleaning public spaces and a penalty of three times (3x) any cost incurred by the City to remediate the littering or other violation of this section.

(3) <u>Subsequent offenses. Community service of one-hundred (100) hours of cleaning public spaces and a penalty of ten times (10x) any cost incurred by the City to remediate the littering or other violation of this section.</u>

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

Given first passage and referred to hearing and consideration of final passage and adopted

at 7:00 p.m. for a

Attest:

City Clerk of the City of East Providence, RI

Introduced by: Councilwoman Sousa



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CITY OF EAST PROVIDENCE

CHAPTER

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

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Section 18-315 entitled "Same–Handicapped parking" of Article X entitled "Stopping, Standing and Parking" of Chapter 18 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Vehicles and Traffic" is amended to read as follows:

Sec. 18-315. - Same—Handicapped parking.

- (a) It shall be unlawful for the operator of any vehicle to stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers, within the following areas designated as handicapped parking areas:
- Agnes Street (south side), in front of house number 115, from a point 187 feet west of the North County Street intersection westerly 27 feet.

Allen Avenue, (south side) in front of house number 77.

Arcadia Avenue (north side), in front of house number 43.

Arcadia Avenue (south side), in front of house number 22, from a point 320 feet east of Campbell Avenue Arcadia Avenue intersection easterly for a distance of 35 feet.

Arlington Street, in front of house number 104.

Borden Street (west side), in front of house number 31.

Burgess Avenue in front of house number 121.

Circuit Drive, in front of house number 119.

City View Avenue (south side), in front of house number 55.

Cornell Avenue (east side) in front of house number 33.

- East Providence Police Station as shown on the plan, entitled "Handicap Parking Layout, East Providence Police Station, 750 Waterman Ave., East Providence, R.I., scale: 1 inch = 20 feet," on file in the office of the city clerk.
- Fifth Street (east side), from a point 35 feet south of the Warren Avenue intersection southerly for a distance of 20 feet.

Gurney Street (west side) in front of house number 5.

Juniper Street, in front of house number 221.

Juniper Street, (north side) in front of house number 136.

Juniper Street, (north side) in front of house number 249.

Metacomet Avenue, in front of house number 42.

North Carpenter Street, (west side) in front of house number 48, from a point 84 feet north of the Freeborn Avenue intersection northerly for a distance of 20 feet.

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- North Rose Street (west side), from a point 92 feet south of the intersection with Grosvenor Avenue for a distance of 20 feet.
- Orchard Street (north side), in front of house number 62, from a point 210 feet east of the Purchase Street intersection, easterly for a distance of 20 feet.
- Park Square Avenue (east side) in front of house number 24.
- Russell Avenue (north side), in front of house number 58, from a point 210 feet west of the John Street intersection, westerly for a distance of 20 feet.

Seventh Street (east side) in front of house number 50/52.

- Summit Street (west side), in front of house number 106, from a point approximately 180 feet south off Summit Street Cross Street intersection southerly for a distance of 40 feet.
- Summit Street (west side), in front of house number 124, from a point 106 feet south of the Summit Street Cross Street intersection southerly 46 feet.
- Viola Avenue (east side), from Crescent View Avenue northerly for a distance of approximately 40 feet.

Walnut Street, in front of house number 25-27.

Warren Avenue (south side), from a point 40 feet west of Fourth Street.

Wheldon Avenue (north side), in front of the westerly entrance of Taunton Plaza from a point 290 feet east of Taunton Avenue easterly for a distance of 40 feet.

Williams Avenue, in front of house number 15.

Williams Avenue, in front of house number 112.

Wilmarth Avenue (south side), in front of house number 171 from a point 375 feet east of the Wilmarth Avenue Dourado Lane intersection easterly 50 feet.

- (b) It shall be unlawful for the operator of any vehicle to stand or park a vehicle, whether occupied or not, in all other areas in the city whether on public or private property when the parking space is within the purview of the state building code and is designated as a "disability parking space."
- (c) Handicapped parking areas on public rights of way may be created according to the following process. Such signage will be removed if any of the parking spaces no longer meet the elements below:

(1) At the request of the City Council, the Director of Public Works may establish a handicapped parking space under the following conditions:

(i) The handicapped parking space shall be no larger than the space necessary for a van with handicapped accommodations.

(ii) The person the handicapped parking space is designed to accommodate must provide proof of residency adjacent to the requested parking space location.

(iii) The person the handicapped parking space is designed to accommodate must provide a copy of an active Rhode Island Department of Motor Vehicles issued disability parking placard, or if the handicapped parking space is requested to accommodate usage of a bus, then written documentation of the bus stop is sufficient.

The director of public works, with prior approval of the city council, is hereby authorized to designate handicapped parking areas and shall review same biennially so as to determine if a previously designated area should be removed. The director of public works is also hereby authorized to remove a handicapped parking area with prior approval of the city council.

(d) Disability parking space shall be designated and identified by the posting of signs above ground level incorporating the international symbol of access of white and blue, and the words "Handicapped Parking," "Disability Parking," "Disabled Parking" or "Reserved Parking."

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 and consideration of final passage; and adopted

at 7:00 p.m. for a hearing

Attest:

City Clerk of East Providence, Rhode Island

Introduced by: Councilwoman Sousa

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CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 4 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "BUILDINGS AND BUILDING REGULATIONS"

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THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Section 4-140 entitled "Rodent, pest, etc., extermination" of Division 5 entitled "Minimum Residential Standards" of Article III entitled "Minimum Property Standards" of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Buildings and Building Regulations" is hereby amended to read as follows:

Sec. 4-140. - Rodent, vermin, pest, control, extermination, etc., extermination.

- (a) Every occupant and owner of a dwelling containing a single dwelling unit shall be jointly and severally responsible for the extermination of any rodents, vermin or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested, except that whenever such infestation is caused by the failure of the owner to carry out the provisions of this article, extermination shall be the responsibility of the owner.
- (b) Any property owner who allows the overgrowth of land so as to permit the creation or continuation of harborage for rodents, vermin, or other pests shall be deemed to have allowed an unsanitary condition and a nuisance and such overgrowth shall be deemed to be an unsanitary condition and a nuisance. "Overgrowth" shall mean the growth of weeds or of other ground cover to a height of six (6) inches or more and which is generally considered undesirable.
- (c) The owner of any premises which allows said premises to be infested by rodents or other vermin shall be deemed to have created an unsanitary condition and a nuisance. Premises shall be rebuttably deemed to be "infested by rodents," whenever an inspection of the premises reveals rodent holes, droppings, carcasses or other evidence, that manifests based on the totality of the circumstances, the existence of rodent habitation as opposed to mere rodent trespass. Observations may be made by individuals who, based upon their training and experience, possess sufficient knowledge of animal behavior so as to discriminate between evidence of rodent infestation from evidence of activity by animals other than rodents. Upon determination that any such premises are rodent infested, the director of public works or his or her designee shall order the abatement of the same within seventy-two (72) hours. In the event that such abatement does not occur, or that the owner does not otherwise comply with the order of the director, the director shall abate the nuisance and shall lien the premises for the costs of said abatement. Provided,

however, in order to facilitate the promotion of the public health, the director may design a program wherein, and upon the execution by the owner of a form of consent within seven (7) days of notification of said nuisance by the director, the director may, at the city's expense, provide required baiting. The director may provide baiting for not more than two (2) instances of rodent nuisance. For the purposes of such a program, execution of form of consent for the initial two (2) instances shall be presumptively deemed to be abatement of the determined nuisance.

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SECTION II. Section 4-161 entitled "Rubbish disposal facilities" of Division 5 entitled "Minimum Residential Standards" of Article III entitled "Minimum Property Standards" of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Buildings and Building Regulations" is hereby amended to read as follows:

Sec. 4-161. Rubbish disposal facilities.

Every dwelling, apartment, apartment complex, rooming house, etc., shall have adequate rubbish storage facilities. Containers or container enclosures shall be maintained in a clean sanitary condition by the owner or and occupant.

- (1) *Metal containers*. If metal containers are used, they shall be in a sound condition with a tightly fitted weatherproof metal cover.
- (2) *Plastic trash bags.* If plastic trash bags are used, they shall not be stored outside, unless enclosed with a fence or in a bin not less than three feet high, with openings not more than three inches wide. No opening to the enclosure from grade to the bottom of the fence or bin shall exceed three inches.
- (3) Location of containers and enclosures. Metal containers shall not be kept in the front yard area or sidewalk area. Containers and/or enclosures shall be stored or placed in an inconspicuous location on the premises. Containers shall be returned to their designated location on scheduled trash pickup for that area when completed.
- (4) Nonresidential dumpsters, trash containers. Nonresidential dumpsters and trash containers shall comply with sections 4-330 and 19-261.

SECTION III. Section 4-331 entitled "Dumpsters, trash containers" of Division 5 entitled "Minimum Residential Standards" of Article III entitled "Minimum Property Standards" of Chapter 4 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Buildings and Building Regulations" is hereby amended to read as follows:

Sec. 4-331. Dumpsters, trash containers.

(a) The operator or owner of every establishment of which the use necessitates the need for a dumpster or trash container to dispose of waste or materials other than putrescent matter, shall provide a covered container. No material or waste shall be allowed to be accumulated on the ground or allowed to overflow the dumpster. The operator or owner of the establishment shall make private arrangements to have the container emptied, with a schedule that shall assure that at no time the container will be allowed to overflow. All

containers shall be in good operating condition, such as tops or doors operating with ease and a periodic painting schedule to eliminate an unsightly condition.

- i. The owner shall provide at least one (1) garbage receptacle per unit for each dwelling unit, and shall be jointly responsible with the occupant for maintaining all garbage receptacles in a good, neat and sanitary condition at all times.
- ii. The owner and occupant of any dwelling shall be deemed to have allowed an unsanitary condition and a nuisance to exist whenever garbage, trash or debris at the dwelling is not contained, with the exception of roll-off container.
- (b) If it shall become necessary for the building inspector or his appointee to issue a violation notice in writing to any operator or owner of any establishment that such owner or operator has caused a container to overflow, become inoperable or unsightly, such owner or operator shall be granted three days to have the dumpster emptied and/or repaired. Failure to comply with the violation notice will necessitate legal action.
- (c) If it shall become necessary for the building inspector or his appointee to issue a second violation notice, within 18 months of the first violation notice, to the operator or owner of the establishment that he/she has caused a trash container to overflow, become inoperable or unsightly, he/she shall be ticketed by a police officer at the request of the building inspector or his appointee. The fine for such violation of this section shall be \$50.00 per day and \$50.00 for each day the violation exists, with the police officer issuing a ticket daily until the violation has been rectified.
- (d) If it shall become necessary for the building inspector or his appointee to issue a third violation notice within two years of the first violation notice, to the operator or owner of the establishment that he/she has caused a trash container to overflow, become inoperable or unsightly, he/she shall be ticketed by a police officer at the request of the building inspector or his appointee. The fine for such violation of this section shall be \$100.00 per day and \$100.00 for each day the violation exists, with the police officer issuing a ticket daily, until the violation has been rectified. In addition, upon the third notice of violation, the building inspector or his appointee can order that a six-foot stockade fence or other suitable fencing or enclosure be erected around three sides of the dumpster within 30 days of the third notice of violation.
- (e) Fencing or an enclosure will not be required if at the discretion of the building inspector or his appointee, suitable land area is not available or that an enclosed dumpster will eliminate required parking spaces previously required by the zoning board of review, or that the enclosure would be within five feet of a property line. The building inspector or his appointee shall then require that the dumpster be removed from the property within five days, and that the operator or owner of the establishment obtain metal containers with tightly fitted weatherproof metal covers. The approved metal containers shall be placed in an inconspicuous place on the property under the direction of the building inspector or his appointee. Approved-type metal containers can and may be requested upon the first complaint of a dumpster overflowing, if in the opinion of the building inspector or his appointee, a dumpster will not conform with the intent of this section. Metal-type containers must be emptied before they overflow.

SECTION IV. 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 consideration of final passage; and adopted

at 7:00 p.m. for a hearing and

Attest:

City Clerk of the City of East Providence, RI

Introduced by: Councilwoman Sousa

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CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 6 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED "GARBAGE AND REFUSE"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Article III entitled "Rubbish" of Chapter 6 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Garbage and Refuse" is amended to read as follows:

ARTICLE III. RUBBISH

Sec. 6-31. Definition of rubbish.

Sec. 6-32. Refuse disposal division to engage in removal; regulations to effect removal.

Sec. 6-33. Disposal of trade and hazardous wastes.

Sec. 6-34. Disposal of construction refuse.

Sec. 6-35. Removal of rubbish before vacating building, lot, etc.

Sec. 6-36. Disturbing contents of receptacles.

Sec. 6-37. When receptacles subject to removal as rubbish.

Sec. 6-37.1. Time to place rubbish for collection; duty to remove after collection.

Sec. 6-37.2. Violation of article; penalty.

Sec. 6-31. Definition of rubbish.

"Rubbish" means that residential material generated in the course of daily living designated as worthless and non-recyclable.

Sec. 6-32. Refuse disposal division to engage in removal; regulations to effect removal.

The refuse disposal division or any private concern engaged by the city council for the removal of rubbish in conjunction with the department of public works shall attend to the periodic collection and disposal of rubbish, and the director of public works shall formulate such regulations as may be necessary to properly effect the collection and disposal of rubbish.

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Sec. 6-33. Disposal of trade and hazardous wastes.

All accumulations of rubbish and wastes at industrial or business establishments resulting from the manufacture, storage or sale of any article shall not be collected by the city. Such materials which are known as trade waste, commercial waste or hazardous waste as outlined in section 19-1 shall be disposed of by the persons, industry or business enterprise responsible for their production in a manner and at a place approved by the building inspection division. Such trade waste shall include among others: Meat market wastes, animal wastes, vegetable and fruit wastes, packing, paper, excelsior, straw, cartons, boxes, acids, oil, greases, tires, auto parts and bodies, discarded machinery, defective or broken merchandise, glass, crockery, ashes and cinders, or any ignitable, corrosive, reactive, or toxic wastes.

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Sec. 6-34. Disposal of construction refuse.

All refuse resulting from construction operations, including among others: Earth, plaster, metal, tile, brick, concrete, terracotta, slate, shingles, tin, iron, metals and construction litter in general, shall be removed and disposed of at the expense of and by the person responsible for its production in a manner and at places approved by the building inspection division.

Sec. 6-35. Removal of rubbish before vacating building, lot, etc.

Any person occupying or controlling any lot, building or structure of any kind or description whatsoever or any portion thereof shall remove or cause to be removed therefrom before vacating the lot, building or structure, all rubbish, provided that the contents of cans or containers containing rubbish shall not be removed or disposed of except at the places provided for the disposal of municipal rubbish by the city.

Sec. 6-36. Disturbing contents of receptacles.

No person other than the owner thereof or a duly authorized agent of the city shall examine, disturb, interfere with or remove any of the contents of any can, box or receptacle containing rubbish placed by such owner upon the sidewalks or highways of the city for collection and removal by either the refuse disposal division of the city or any private collector engaged by the city for such removal.

Sec. 6-37. When receptacles subject to removal as rubbish Use of Rubbish Receptacles.

All containers for rubbish, unless such containers are metal cans or properly tagged, will be regarded as rubbish and are subject to being carted away to the landfill area.

- (a) Rubbish and/or household trash shall be deposited within a trash container provided by the City and bearing the City seal and shall at all times have a secure cover and/or the lid closed. There shall not be overflowing rubbish nor trash bags on the ground nor any items improperly placed on the curb or sidewalk next to the trash container.
- (b) The City shall supply every household in the City with (1) one 95-gallon rubbish receptacle. Said 95-gallon rubbish receptacle may be substituted with one 65-gallon rubbish receptacle upon request. Additional containers may be purchased by the resident or property owner.

(c) The owner of any dwelling shall be deemed to have allowed an unsanitary condition and nuisance to exist whenever garbage, trash, discarded debris at the owners dwelling is not contained within a City approved rubbish receptacle. This section shall not apply to the collection of yard waste.

Sec. 6-37.1. Bulky Waste/ Collection Fee.

- (a) *Bulky waste* constitutes items including, but not limited to: mattresses, discarded furniture, appliances, computers, televisions, rugs and carpets cut to 4-feet in length rolled, folded, and tied, and other household waste items that will not fit within the rubbish receptacle.
- (b) Such items shall be picked up by appointment and may be subject to a fee as determined by the director of the department of public works.

Sec. 6-37.1. Time to place rubbish for collection; duty to remove after collection.

No placing or causing to be placed household rubbish, or other litter in receptacles or otherwise on the street, sidewalk, alley or public place for the purpose of having the same collected at a regularly scheduled or special collection shall do so before 3:00 p.m. of the day prior to such scheduled collection, nor shall such person allow such material or receptacles thereof to remain upon such street, sidewalk, alley or public place after the end of the day of such scheduled collection.

Sec. 6-37.2. Violation of article; penalty.

- (a) Any person who violates this article, who shall fail, neglect or refuses to comply with the provisions of this article shall be issued a warning notice of violation by public works director or his/her duly authorized agent. Any person who violates this article, who shall fail, neglect or refuse to comply with the provisions of this article after such warning notice shall be punished and may be subject to by a fine of \$50.00 dollars of five dollars. Each day such violation of this article shall continue shall constitute a separate offense.
- (b) In addition to the penalty hereinabove provided any condition caused or permitted to exist in violation of this article shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.
- (c) If a person fails to comply with the violation notice, the City may cause the nuisance and unsanitary health condition to be removed; and all expenses incurred by the City shall be paid by the property owner who caused or permitted the refuse and/or solid waste to be recovered in an action brought in the name of the City, including placing a lien on the property for all expenses and related costs incurred.

(d) The director of public works or his/her designee shall be responsible for issuing notices of violations of this section.

SECTION II. Article IV entitled "Recyclables" of Chapter 6 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Garbage and Refuse" is amended to read as follows:

ARTICLE IV. RECYCLABLES

Sec. 6-38. Definition of recyclable material.

Sec. 6-39. Recyclable materials established.

Sec. 6-40. Disposal.

Sec. 6-41. Collection.

Sec. 6-42. Tampering with recyclable material.

Sec. 6-43. Violation of article; penalty.

Sec. 6-44. Time to place recycling material for collection; duty to remove after collection.

Sec. 6-45. White goods collection fee.

Sec. 6-46. Mandatory recycling.

Sec. 6-47. Mattress, box spring, bedding material collection fee.

Secs. 6-48-6-49. Reserved.

Sec. 6-38. Definition of recyclable material.

Recyclable material means all substances or objects established by the state department of environmental management or the city recycling coordinator found to have significant reusable value or need, or found to have detrimental impact on the environment when disposed of in the regular manner of rubbish.

Sec. 6-39. Recyclable materials established.

The following recyclable materials are established: All recyclable materials to be placed within city-issued recycling receptacles shall be in accordance with the guidelines established by the Rhode Island Resource Recovery Corporation.

- (1) Material to be placed in the blue bin:
 - a. Glass. Rinsed whole bottles and jars with caps or lids removed.
 - b. *Aluminum*. Rinsed aluminum cans, containers or foil and extruded aluminum, such as used for furniture or cooking utensils.
 - c. Tin cans. Rinsed steel and tin-coated cans.
 - d. *Plastic containers.* All number 1 and number 2 plastic containers, rinsed with caps or lids removed; excepting tub containers of those which carried automotive fluids.
 - e. *Aseptic packages*. All milk and juice cartons and drink boxes, rinsed and flattened, free of contaminants.
 - f. Small scrap metal. Scrap metal objects no longer than 30 inches nor heavier than 35 pounds. Objects may be placed next to the blue bin if necessary.
- (2) Material to be placed in the green bin:
 - g. *Mixed paper*. Mail, envelopes, magazines, catalogs, phone books, paperback books, writing paper, paper bags and other such paper products free of oil, grease, water or other such contaminants.

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- h. *Paperboard*. Thin cardboard or paperboard such as food boxes or paper towel rolls flattened and free of oil, grease, water or other such contaminants.
- i. *Newspaper*. All newspaper sections, dry and tied, in bundles of 12 inches or less, with string placed in brown paper bags or placed in the green bin.
- (3) Materials to be placed next to the recycling bins:
 - j. *Cardboard*. All such boxes and other corrugated cardboard three feet by three feet, free of oil, grease, water or other such contaminants, flattened and tied in bundles.
- (4) *Miscellaneous items:* Items that constitute recyclable materials, but shall not be placed in city issued recycling receptacles include, but are not limited to the following:
 - k. *White goods*. Household appliances such as washing machines, clothes dryers, cooking stoves, refrigerators, freezers, water heaters, and other large metal items designated by the director of public works to have similar recyclable properties.
 - 1. Used motor oil and filters. Materials used in connection with personal automobiles or noncommercial trucks. Such materials shall not be collected at curbside but shall be recycled at a collection point designated by the director of public works.
 - m. *Mattresses, box springs and other bedding materials.* All residential bedding materials such as mattresses, box springs or other items with similar characteristics as determined by the director of public works shall be collected by the municipal refuse collection contractor as scheduled by the public works department and separated to be recycled at the Rhode Island Resource Recovery Corporation facility.

Sec. 6-40. Disposal of Recyclables.

Recyclables will be placed at curbside in containers provided by the City or other clearly marked durable containers free from rubbish on designated collection day.

Sec. 6-41. Collection.

Periodic collection of recyclable material will be the responsibility of the public works department or its duly authorized agent or may be designated as a drop off item to be recycled at a designated recycling location.

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Sec. 6-42. Tampering with recyclable material.

No person other than the owner thereof or a duly authorized agent of the city shall examine, disturb, interfere with or remove any of the contents of any can, box, bag or receptacle containing recyclable materials placed by such owner at curbside for collection and removal by the public works department or its duly authorized agent.

Sec. 6-43. Violation of article; penalty.

(a) Any person who violates this article, who shall fail, neglect or refuses to comply with the provisions of this article shall be issued a notice of violation by public works director or his/her duly authorized agent. Any person who violates this article, who shall fail, neglect or refuse to comply with the provisions of this article after such warning notice shall be

punished by-may be subject to a fine of \$50.00 dollars of five dollars. Each day such violation of this article shall continue shall constitute a separate offense.

(b) In addition to the penalty hereinabove provided any condition caused or permitted to exist in violation of this article shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

Sec. 6-44. Time to place recycling material for collection; duty to remove after collection.

- (a) No placing or causing to be placed recyclables in receptacles or otherwise on the street, sidewalk, alley or public place for the purpose of having the same collected at a regularly scheduled or special collection shall do so before 3:00 p.m. of the day prior to such scheduled collection, nor shall such person allow such material or receptacles thereof to remain upon such street, sidewalk, alley or public place after the end of the day of such scheduled collection.
- (b) Any person who has placed so-called white goods or appliances on the street, sidewalk or alley or public place for the purpose of having the same collected pursuant to permission granted by the public works department, shall be excused from the time restrictions established herein.

Sec. 6-45. White goods collection fee.

The fee for collection of white goods, as defined in section 6-39, is hereby fixed at ten dollars for each item. shall be determined by the director of the department of public works.

Sec. 6-46. Mandatory recycling.

- (a) Any person who generates municipal solid waste or accepts responsibility for collecting, storing, or disposing of municipal solid waste shall segregate their solid waste.
- (b) The city reserves the right to deny collection of municipal solid waste from any household that shall not comply with segregated recycling regulations and/or shall not set out for collection recyclable containers with required segregated materials therein.

Sec. 6-47. Mattress, box spring, bedding material collection fee.

The fee for collection of a mattress, box spring or other bedding material, as defined in section 6-39, is hereby fixed at \$15.00 for each item. shall be determined by the director of the department of public works.

SECTION III. Article V entitled "Yard Waste" of Chapter 6 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled "Garbage and Refuse" is amended to read as follows:

ARTICLE V. YARD WASTE

Sec. 6-50. Definition of yard waste.

Sec. 6-51. Disposal. Sec. 6-52. Collection.

Sec. 6-53. Violation of article; penalty.

Sec. 6-50. Definition of yard waste.

Yard waste means organic material such as but not limited to leaves, grass cuttings, brush and branches one inch in diameter or less, and other small vegetative material such that may be naturally biodegradable.

Sec. 6-51. Disposal.

Yard waste will be placed at curbside in municipally approved recyclable, reusable, or disposable biodegradable containers for collection separate and apart from other disposable and recyclable material.

Sec. 6-52. Collection.

Periodic collection of yard waste material will be the responsibility of the public works department or its duly authorized agent.

Sec. 6-53. Violation of article; penalty.

- (a) Any person who violates this article, who shall fail, neglect or refuses to comply with the provisions of this article shall be issued a warning notice of violation by public works director or his/her duly authorized agent. Any person who violates this article, who shall fail, neglect or refuse to comply with the provisions of this article after such warning notice shall be punished by may be subject to a fine of five dollars \$50.00 dollars. Each day such violation of this article shall continue shall constitute a separate offense.
- (b) In addition to the penalty hereinabove provided any condition caused or permitted to exist in violation of this article shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

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

Given first passage and referred to hearing and consideration of final passage; and adopted

Attest:

City Clerk of the City of East Providence, RI

Introduced by: Councilman Cahoon



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. Sec. 18-312 entitled "Same—120 minutes" of Article X entitled "Stopping, Standing and Parking" of Chapter 18 entitled "Vehicles and Traffic" is amended by adding thereto the following:

J. Medeiros Way (both sides), from Commercial Way to Almeida 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 consideration of final passage; and adopted

at 7:30 p.m. for a hearing and

Attest:

City Clerk of the City of East Providence

Requested by: Council Vice President Rodericks

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