



## Committee on Ordinances

### Regular Meeting

~ Agenda ~

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Wednesday, March 16, 2016      Upon the Rise of the 5:30 PM      Committee "A" (3rd Floor)  
Committee on Ordinances Public Hearing

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1. An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled "The City of Providence Zoning Ordinance," Approved November 24, 2014, as Amended, to Change the Zoning District Designation of Plat 8, Lot 218 (53 Doyle Avenue) from R-3 to R-4.
2. An Ordinance Amending Chapter 16, Section 16-129, Entitled: "False Alarm Assessment Schedule."
3. An Ordinance Amending Chapter 9, Section 9-94, Entitled, "Excessive Avoidable False Fire Alarm Fees."
4. An Ordinance Amending Chapter 23, "Streets, Sidewalks, and Public Places," to add Section 37, "No Smoking in the Public Way."
5. An Ordinance Amending Chapter 12, "Health and Sanitation," Article III, "Garbage, Trash, and Refuse," Section 64, "Frequency and Method of Removal of Wastes and Section 61.1, "Use of Dumpsters."

**PER ORDER THE COMMITTEE ON ORDINANCES**  
Councilman Terrence M. Hassett, Chairman

The foregoing Committee may seek to enter into Executive Session.

Offices and City Council Chambers are accessible to individuals with disabilities. If you are in need of interpreter services for the hearing impaired, please contact the Office of Neighborhood Services at 421-7768 not less than 48 hours in advance of the hearing date.

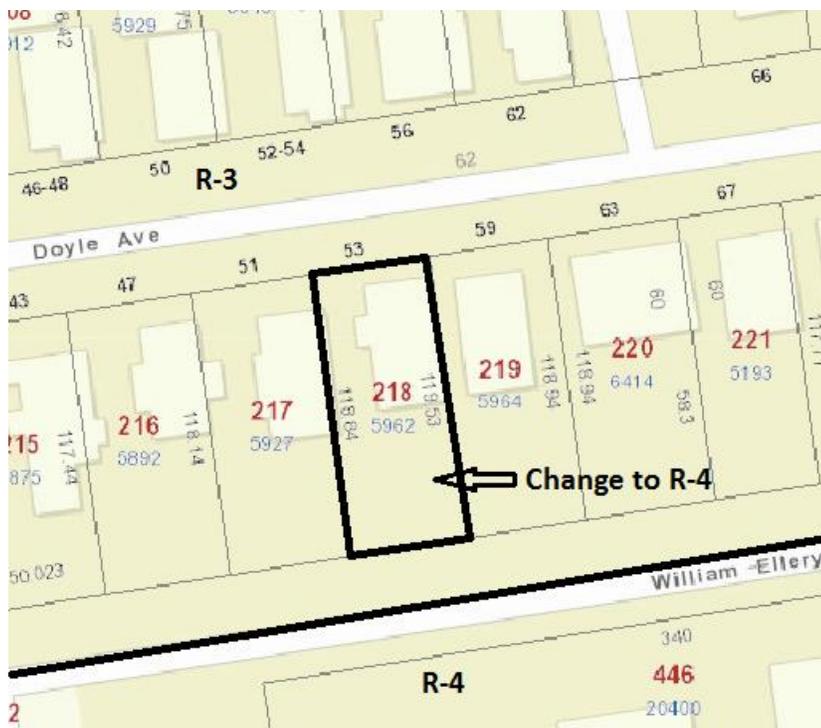
**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER

No.      **AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED “THE CITY OF PROVIDENCE ZONING ORDINANCE,” APPROVED NOVEMBER 24, 2014, AS AMENDED, TO CHANGE THE ZONING DISTRICT DESIGNATION OF PLAT 8, LOT 218 (53 DOYLE AVENUE) FROM R-3 TO R-4**

*Be it ordained by the City of Providence:*

**SECTION 1:** Chapter 27 of the Code of Ordinances of the City of Providence, entitled “The City of Providence Zoning Ordinance,” Approved November 24, 2014, as Amended, is hereby further amended to change the zoning district designation of Plat 8, Lot 218 (53 Doyle Avenue) from R-3 to R-4, as shown on the accompanying map.



**SECTION 2:** This ordinance shall take effect upon passage.

**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER

No.        **AN ORDINANCE AMENDING CHAPTER 16, SECTION 16-129,  
ENTITLED: "FALSE ALARM ASSESSMENT SCHEDULE"**

*Be it ordained by the City of Providence:*

SECTION 1. Chapter 16, Section 16-129, "False alarm assessment schedule," is hereby amended as follows:

Sec. 16-129. - False alarm assessment schedule.

(a) After ~~three (3) separate~~ one (1) security alarm system false alarms from an individual user at a single address have been placed in the file, the alarm user will be notified by the chief of police via first class mail that subsequent false alarms will cause the alarm user to be assessed monetary charges as follows: ~~\$50.00~~ \$100.00 for each subsequent false alarm in the fiscal year (beginning July 1 through June 30).

(b) All charges assessed hereunder shall be made payable to the city for deposit into the general fund.

(c) The provisions of this section shall not apply to security alarm systems owned and/or operated by agencies of the city.

(d) A grievance board will be formed consisting of two members of the city police department designated by the chief of police, one (1) member of the city council designated by the president of the council, and two (2) members of the Alarm Association of Rhode Island designated by the Alarm Association, to review any appeals related to the enforcement of false alarms. If an alarm user has a grievance with the city police department, the user must have his or her alarm servicing company transmit a letter to the grievance board verifying that the alarm company is making every effort to resolve the false alarm problem.

(e) The board shall have the authority to promulgate rules and regulations as needed.

(f) The provisions of this section shall not apply to security alarm systems owned and/or operated by any governmental agencies.

SECTION 2. This ordinance shall take effect upon passage.

**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**CHAPTER**

No. **AN ORDINANCE AMENDING CHAPTER 9, SECTION 9-94, ENTITLED, "EXCESSIVE AVOIDABLE FALSE FIRE ALARM FEES"**

*Be it ordained by the City of Providence:*

SECTION 1. Chapter 9, Section 9-94, "Excessive avoidable false fire alarm fees," is hereby amended as follows:

Sec. 9-94. - Excessive avoidable false fire alarm fees.

(a) Findings.

- (1) The city council finds that high incidence of false alarms and/or malfunctions causes a significant diversion of the manpower and resources of the fire department by causing the dispatch of units to the scene of a false alarm or alarm malfunction which renders them out of service and unavailable to respond to legitimate emergency situations.
- (2) The city council finds that the continued high incidence of false alarms and/or malfunctions are a threat to the health, safety and welfare of the citizens of the city.
- (3) The city council finds that a revision of the procedures to control excessive multiple false alarms and alarm malfunctions would serve the public health, safety and welfare.

(b) Definitions.

(1) *Avoidable false alarm* mean the activation of any alarm which results in the response of the fire department and is caused by the negligence or intentional misuse (including such activation caused by heat, smoke or fire) of the system by the owner or his/her/its employees, servants, agents or guests or any other activation including activation caused by heat, smoke or fire, but shall exclude a false alarm malfunction as defined below.

(2) *Avoidable fire alarm malfunction* means the activation of any alarm which results in the response of the fire department and such activation is caused by mechanical failure, malfunction, improper installation or lack of proper maintenance; and for any other response for which the fire department personnel are unable to gain access to the premises for any reason, or are unable to determine, after reasonable inquiry, the apparent cause of the alarm activation.

(c) The owner of any premises shall be responsible for any avoidable false alarms and avoidable false alarm malfunctions occurring at those premises. Incidents shall be cumulative for all realty held in that name. The following fees shall be assessed for avoidable false alarms and avoidable false alarm malfunctions, per annum:

Incidents	Fees
0-10	<del>\$0.00</del> <u>\$100.00</u> per incident
11-20	<del>50.00</del> <u>\$150.00</u> per incident
<u>21</u> -50	200.00 per incident
In excess of 50	300.00 per incident

SECTION 2. This ordinance shall take effect upon passage.

**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**CHAPTER**

No. **AN ORDINANCE AMENDING CHAPTER 23, "STREETS, SIDEWALKS, AND PUBLIC PLACES," TO ADD SECTION 37, "NO SMOKING IN THE PUBLIC WAY"**

*Be it ordained by the City of Providence:*

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 23, Section 37 is hereby amended by adding thereto the following:

Sec. 23-37. No Smoking in the Public Way.

(a) Purpose

- (1) The use of tobacco for smoking purposes is being found to be increasingly dangerous, not only to the person smoking but also to the nonsmoking person who is required to breathe the contaminated air. A pervasive intrusion of the nonsmoker's rights to unpolluted air space is the uncontrolled smoking in downtown Providence.
- (2) The City of Providence is committed to keeping its downtown clean, safe, healthy and pleasant for everyone.
  - i. Smoking is hazardous to health and numerous studies have shown that secondhand smoke is a significant public health hazard;
  - ii. Smoking in public places endangers children and others by exposing them to secondhand smoke;
  - iii. The United States Environmental Protection Agency has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen;
  - iv. The United States Centers for Disease Control and Prevention (CDC) has found that secondhand smoke causes children to suffer from lower respiratory tract illnesses, such as bronchitis and pneumonia, exacerbates childhood asthma and increases the risk of chronic middle ear infection in children;
  - v. Discarding cigarette butts, cigar butts and tobacco waste on sidewalks and streets is unsightly, unclean and particularly hazardous to small children who handle and sometimes ingest them;
  - vi. Cigarette butts do not biodegrade and they contain two hundred (200) known poisons, sixty-three (63) of which are known to cause cancer;
  - vii. Prohibiting smoking and the improper disposal of tobacco products in downtown Providence is necessary to protect the public health, safety and welfare of all residents and visitors. The City of Providence intends, by the enactment of this chapter, to protect the health and atmospheric environment of the nonsmoker by regulating smoking in downtown Providence.

(b) Definitions

- (1) “Smoking” or to smoke or smoke means and includes inhaling, exhaling burning or carrying of any lighted smoking equipment or paraphilia including electronic smoking devices.
- (2) For the purposes of this section, “Tobacco product,” means any product containing tobacco or nicotine, including but not limited to cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products and electronic smoking devices, further defined in Section 3 of Definitions.
- (3) “Electronic smoking devices” means any electronic oral device such as one composed of heating element, battery and/or electronic circuit which provides a vapor of nicotine, vapor of a solution including nicotine, or aerosol of a solution including nicotine or any other substance for inhalation. This term shall include every variation and type of such devices whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pen, an electronic pipe or an electronic hookah or any other name or descriptor. The term “electronic smoking device” does not include any device specifically approved by the United States Food and Drug Administration for use in reducing, treating or eliminating nicotine or tobacco dependence, or for any other medical purposes, when such a device is being marketed and sold solely for such approved purpose.

(c) Smoking Prohibited.

Smoking is prohibited on all non-enclosed sidewalks and other pedestrian areas, including alleys, accessible to the public anywhere in downtown Providence designated as within the boundaries of the Downtown Providence District Management Authority (DPDMA) as established by City and State entities doing business as the Downtown Improvement District (DID), the Capital Center District (excluding any State owned properties), and North and South Main from Park Row to Transit Street and South Water Street.

(d) Locations where smoking is permitted.

Smoking is permitted in private residences and in private vehicles. Smoking is permitted on private property unless the owner prohibits smoking on that private property.

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(e) Posting of signs.

The mayor or his or her designee shall post signs that adequately inform the public of the ban of smoking on all downtown non- enclosed sidewalks or other pedestrian areas, including alleys, accessible to the public anywhere in downtown Providence designated as within the boundaries of the Downtown Improvement District, the Capital Center District (excluding the State House and adjoining State properties), North and South Main from Park Row to Transit Streets and South Water Street.

(f) Penalties.

For the first offense, the violator will receive a warning. Second offenses and onward will carry a fine. Every person convicted of a violation of subsection of this ordinance shall be guilty of a misdemeanor and subject to a mandatory fine of fifty dollars (\$50) upon a first conviction; by a mandatory fine of one hundred dollars (\$100) upon a second conviction; and by a mandatory fine of two hundred and fifty dollars (\$250) upon a third or subsequent convictions.

SECTION 2. This ordinance shall take effect upon passage.

**City of Providence**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**CHAPTER**

No. **AN ORDINANCE AMENDING CHAPTER 12, "HEALTH AND SANITATION," ARTICLE III, "GARBAGE, TRASH, AND REFUSE," SECTION 64, "FREQUENCY AND METHOD OF REMOVAL OF WASTES AND SECTION 61.1, "USE OF DUMPSTERS."**

*Be it ordained by the City of Providence:*

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 12, Section 64 is hereby amended by adding thereto the following:

Sec. 12-64. Frequency and method of removal of wastes.

- 1) All household rubbish, garbage and recyclables shall be removed from the curbside in front of or near such dwelling in accordance with the other sections of this article, and the department of public works shall only be required to pick up such household rubbish, garbage and recyclables as is placed on or near the curbside in front of or near each such dwelling.
- 2) Such regular weekly removals and pickups by the department of public works or any private entity under contract with the city shall be carried out only on the days of Monday, Tuesday, Wednesday, Thursday and Friday of each week. When a holiday falls on the normally scheduled collection day for a given street or neighborhood, collection for that street or neighborhood shall occur on the following day. Each normally scheduled collection day thereafter in that week shall be postponed by one day.
- 3) Collection of household rubbish, garbage and recyclables by the department of public works or any private entity under contract with the city shall begin no earlier than 7 a.m. and shall be completed by 5 p.m. of the designated pickup day. The provisions of Section 12-64 (3) shall be enforced by the director of public works who shall:
  - a. promulgate such rules as they may be necessary to effect the purposes of Section 12-64 (3); and
  - b. be empowered to assess fines up to five hundred dollars (\$500) for each violation.
- 4) The requirements of Section 12-64 shall be included in the formal agreement between the city and any private entity contracted to conduct regular weekly removal and pickup of household rubbish, garbage, and recyclables.
- 5) No person shall operate any trash, rubbish, garbage, or recycling collection activities within any residentially zoned district, within one thousand (1,000) feet of any residentially zoned district or within ~~three~~ two hundred (200) feet of a residential structure between the hours of ~~10:00~~ 11:00 p.m. and 7:00 a.m.

SECTION 2. The Code of Ordinances of the City of Providence, Chapter 12, Section 61.1 is hereby amended as follows:

Section 12-61.1.- Use of Dumpsters.

Any person engaged in the business of providing dumpsters to others shall, prior to placing a dumpster on public or private property for any period of time, shall first obtain a permit from the director of public works. Said permit shall specify the size and location of the dumpster and the length of time that said dumpster may be used on the said public property.

- (1) Minimum standards. Any dumpster used in the city shall meet the following standards:
  - (a) The dumpster shall be painted so as to be reasonably resistant to rust and corrosion.

(b) The name and telephone number of the dumpster owner shall be clearly painted on at least two (2) sides of the dumpster.

(c) Dumpsters less than twenty (20) cubic yards in size shall be capable of being closed on all sides, except when opened for deposit or servicing.

(d) Dumpsters greater than twenty (20) cubic yards in size shall be capable of being secured so as to prevent the spillage of refuse, waste or garbage from the container.

(e) No dumpster located within two hundred (200) feet of a residential ~~zone~~ property located in a zone in which dwellings are permitted, shall be serviced between the hours of 11:00 p.m. and 7:00 a.m.

(2) *Use.* Any dumpster used in the city shall be maintained and serviced with a frequency sufficient to prevent spillage from overflow, to prevent the buildup of offensive odors, and to prevent a public hazard. The responsibility for the maintenance and servicing of dumpsters shall rest with the owner of the dumpster. The maintenance of dumpsters shall include the cleanup and removal of all litter thrown or left on the dumpster premises to prevent litter from drifting or blowing on to adjacent premises. Any dumpster regularly used to contain decomposable matter or other odor-generating waste shall be steam cleaned with disinfectant on a monthly basis. Drain holes in dumpsters shall be maintained to prevent leakage of waste fluids and to prevent entry by rodents.

(3) *Illumination or reflectorization of trash containers.* All commercial garbage and/or trash containers or dumpsters so-called located within the city on any part or portion of the public right-of-way, that is, sidewalk, pedestrian footpath, or roadway shall be illuminated with flashing beacon lights affixed thereto or in the absence of beacons, sheeted/affixed with high intensity reflectorized orange and silver construction work-zone sheeting pursuant to regulations specified by the traffic engineer.

All dumpsters shall be illuminated or reflectorized twenty-four (24) hours daily. The traffic engineer shall cause to be printed and have available for inspection and distribution the aforesaid regulations concerning specifications for beacon illumination or sheeting reflectorization.

(4) *Placement and screening on private ~~property~~ property.* Dumpsters on private property shall not be placed within twenty (20) feet of the public right-of-way or city street line. All dumpsters shall be screened from public view on at least three (3) sides by a solid wall, opaque fence, or compact planting screen of at least five (5) feet in height if such area is not within an enclosed building or structure. Screening shall be constructed in a manner to allow inspection and shall be the responsibility of the property owner.

Provided, however, that upon permit from the director of public works or his/her designee, this requirement may be waived. In approving or rejecting said application, the director shall determine, based upon the totality of the circumstances, whether or not said permit shall be granted. Among the factors the director shall consider are (a) the proximity of the dumpster to the street line, (b) the availability of other space for on-site placement, (c) the impact, if any, such requirement will have on available on-site parking, and (d) the availability and proximity of alternative off-street, parking.

(5) *Violations and penalties.* Any person who shall violate any provision of this section, or any provisions of any rule or regulation adopted pursuant to authority granted by this section, shall upon conviction, be punished by a fine of one dollar (\$1.00) up to and including five hundred dollars (\$500.00). That upon determination by the director of public works or his/her designee, that the public health, safety and welfare would be better served, the director may give notice of such violation and abate said condition according to statute or give notice of said violation and petition the municipal court for an order to abate any such violation.

(6) *Enforcement.* The provisions of this section shall be enforced by the director of public works who shall promulgate such rules as they may be necessary to effect the purposes of this chapter. Additionally, said director shall take reasonable steps to notify residents and owners of the requirements of this chapter and the scheduled days of trash and of the scheduled days of trash and white goods collection.

SECTION 3. This ordinance shall take effect upon passage.