



Committee on Ordinances Regular Meeting

~ Agenda ~

Tuesday, June 21, 2016

5:00 PM

Committee "A" (City Hall 3rd Floor)

1. An Ordinance Amending Chapter 23, "Streets, Sidewalks, and Public Places," to add Section 37, "No Smoking in the Public Way."
2. An Ordinance in Amendment of Chapter 14, Article V of the Code of Ordinances, Entitled: "Engineers and Boiler Operators," to change Section 14-95, delete Section 14-101, and add Sections 14-103 through 14-107.

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 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~~ The use of tobacco products 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) 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; provided, however, that such term shall not include any product that has been approved by the U.S. Food and Drug Administration as a tobacco cessation product. "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- The use of any and all tobacco products is prohibited on all non-enclosed sidewalks and other pedestrian areas, including alleys, accessible to the public anywhere inside the boundary lines contained in paragraph (c) of this section. Where the boundary lines contained in paragraph (c) of this section coincide with streets, highways, expressways, easements, or waterways, the boundary lines are construed to be the centerline of the right-of-way. ~~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.~~~~

- ~~i. Beginning at the intersection of Francis Street and Exchange Terrace, running easterly along Exchange Terrace to the intersection of Exchange Terrace and Exchange Street.~~
- ~~ii. From the intersection of Exchange Terrace and Exchange Street, running northerly along Exchange Street to the intersection of Exchange Street and Memorial Boulevard.~~
- ~~iii. From the intersection of Exchange Street and Memorial Boulevard, running easterly along Memorial Boulevard to the intersection of Memorial Boulevard and Westminster Street.~~
- ~~iv. From the intersection of Memorial Boulevard and Westminster Street, running southerly along Westminster Street to the intersection of Westminster Street and Dorrance Street.~~
- ~~v. From the intersection of Westminster Street and Dorrance Street, running westerly along Dorrance Street to the intersection of Dorrance Street and Francis Street.~~
- ~~vi. From the intersection of Dorrance Street and Francis Street, running northerly along Francis Street to the point and place of beginning.~~

(d) ~~Locations where smoking the use of tobacco products is permitted.~~

~~Smoking~~ The use of tobacco products is permitted in private residences and in private vehicles. ~~Smoking~~ The use of tobacco products is permitted on private property unless the owner prohibits ~~smoking the use of tobacco products~~ 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.~~of the restrictions created by this section.

(f) Penalties.

For the first offense, the violator will receive a warning. ~~All subsequent offenses are hereby declared to be public nuisances punishable by a civil fine of fifty dollars (\$50.00) per violation. Each violation shall be deemed a separate violation, and each violation shall be subject to a separate fine. 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 IN AMENDMENT OF CHAPTER 14, ARTICLE V OF THE CODE OF ORDINANCES, ENTITLED: "ENGINEERS AND BOILER OPERATORS," TO CHANGE SECTION 14-95, DELETE SECTION 14-101, AND ADD SECTIONS 14-103 THROUGH 14-107**

Be it ordained by the City of Providence:

SECTION 1. Chapter 14-95 in Chapter 14, "Licenses," Article V, "Engineers and Boiler Operators," of the Code of Ordinance of the City of Providence is hereby amended as follows:

Sec. 14-95. - Same-Fees.

Each applicant for a stationary engineer, boiler operator, apprentice boiler operator, or refrigeration engineer license, and each application for renewal shall pay to the director, at the time of application, the following fee:

<u>Bi-annual License</u>	<u>Fee</u>
Stationary engineer	\$ 100 50.00
Boiler operator	80 40.00
Apprentice boiler operator (6 month license only)	20.00
Refrigeration machine operator	80 40.00

SECTION II. Chapter 14, "Licenses," Article V, "Engineers and Boiler Operators," of the Code of Ordinance of the City of Providence is hereby amended to delete the following section:

~~Sec. 14-101. - Computer-operated equipment.~~

~~(a) Any boiler, refrigeration machinery, turbine, air conditioning system, diesel generator or gas generator which is monitored by a computer based system shall not require an on-site licensed operator during the hours of 6:00 p.m. and 6:00 a.m.; a time when most building occupancy is at a minimum. From 6:00 a.m. to 6:00 p.m., a licensed operator shall be on the site at all times and in the vicinity of the boiler or equipment rooms; or shall be in a remote area which is provided with alarms in monitoring gages that are both visible and audible. Any such remote area must be approved by the director or the chief mechanical inspector. These~~

~~hours may be changed with the approval of the chief mechanical inspector to correspond to the actual work hours of an establishment.~~

~~(b) Computer based monitoring control systems shall maintain a print out [of] the following data:~~

~~(1) For all boilers: steam pressure, water temperature, high pressure steam, low and high water level, low and high water temperature, start stop and low fuel supply.~~

~~(2) For diesel generators: start stop and engine low fuel supply.~~

~~(3) For refrigeration machinery, air conditioning systems and gas generators: start stop.~~

~~(e) Records of data printout shall be kept for a period of three (3) years from the date of the recording. Records shall be available for onsite inspection by the director or an authorized representative.~~

SECTION III. Chapter 14, "Licenses," Article V, "Engineers and Boiler Operators," of the Code of Ordinance of the City of Providence is hereby amended to add the following sections:

Sec. 14-103. - Criteria for authorization of computerized monitoring systems: monitors and indicators.

The director of inspections and standards is authorized to permit computerized monitoring systems under certain circumstances.

a. For a boiler, a 24-hour computerized monitoring system and automatic controls shall qualify if it meets the requirements of this section.

b. For a boiler operating at 30 to 299 horsepower, the system shall monitor and indicate:

- (1) Stack flue gas temperature;
- (2) Burner status, including "on" and "off" indicators;
- (3) Flame safety control status, including "normal" and "flame failure" indicators; and
- (4) One of the following, as applicable:

(a) For steam boilers:

(i) Pressure; and

(ii) Water level; or

(b) For hot water boilers, temperature.

c. For a boiler operating at 300 horsepower or more, the system shall monitor, indicate, and record:

- (1) Stack flue gas temperature;

- (2) Burner status, including "on" and "off" indicators;
- (3) Flame safety control status, including "normal" and "flame failure" indicators; and
- (4) One of the following, as applicable:
 - (a) For steam boilers:
 - (i) Pressure; and
 - (ii) Water level; or
 - (b) For hot water boilers:
 - (i) Pressure; and
 - (ii) Temperature.

Sec. 14-104. - Alarm.

A computerized monitoring system shall be equipped with an alarm that will activate when:

- a. The stack flue gas reaches a high temperature;
- b. The burner status indicator indicates the burner is "off";
- c. The flame safety control status indicates a "flame failure"; and
- d. One of the following occurs, as applicable:
 - (1) For steam boilers, the:
 - (a) Steam reaches low or high pressure; or
 - (b) Water reaches low or high level;
 - (2) For a hot water boiler operating at 30 to 299 horsepower, the water reaches low or high temperature; or
 - (3) For a hot water boiler operating at 300 or more horsepower the water reaches low or high:
 - (a) Pressure;
 - (b) Temperature; or
 - (c) Level.

Sec. 14-105. - Automatic Shutdown.

A computerized monitoring system shall be equipped with an automatic burner shutdown mechanism that will activate when:

- a. Stack flue gas reaches high temperature; and
- b. One of the following occurs, as applicable:
 - (1) For a steam boiler:

- (a) Steam reaches high pressure; or
 - (b) Water reaches Low or high level;
- (2) For a hot water boiler operating at 30 to 299 horsepower, water reaches high temperature; or
- (3) For a hot water boiler operating at 300 or more horsepower, water reaches:
- (a) High pressure;
 - (b) High temperature; or
 - (c) Low level.

Sec. 14-106. - Manual Reset.

a. Subject to Sec. 14-106(b), manual reset following an automatic shutdown as set forth in this section requires that a licensee or the licensee's designee shall physically inspect the boiler and appurtenances prior to restart.

b. Notwithstanding Sec. 14-106(a), the licensee shall be responsible for the safe operation of a boiler at all times.

Sec. 14-107. - Miscellaneous Provisions.

The director of inspections and standards may accept an alternate computerized monitoring system if the system is equipped with features that provide a comparable level of safety, monitoring, and control to those required by this ordinance, in the opinion of the director.

SECTION IV. These amendments shall take effect upon passage.