



# Committee on Ordinances

Regular Meeting

~ Meeting Minutes ~

Monday, January 27, 2020

5:00 PM

Committee "B" (City Hall)

PRESENT: Chairwoman Jo-Ann Ryan Chairwoman, Vice-Chairwoman  
Carmen Castillo, Councilman Nicholas J. Narducci, Jr. and Councilwoman  
Mary Kay Harris – 4.

ABSENT: Councilor Rachel M. Miller – 1.

Also present are Council President Pro Tempore Michael Correia;  
Councilman Pedro Espinal; Councilman James E. Taylor; Councilman David  
Salvatore; Etie-Lee Z. Schaub, Assistant City Solicitor, Law Department; Jordan  
Day, Deputy Director of Operations and Municipal Liaison, Mayor’s Office;  
Robert Azar, Deputy Director, Department of Planning and Development; Colonel  
Hugh T. Clements, Jr., Chief, Police Department; Erlin Rogel, Chief of Staff, City  
Council Office; Beshka Kandell, Research Analyst, City Council Office; Heather  
Kilkenny, License Administrator; Leo Perotta, Acting Director, Department of  
Public Works; Tina L. Mastroianni, First Deputy City Clerk and Jennifer L.  
Emidy, Assistant Clerk.

(Subsequently, Councilor Miller joins the meeting).

- Petition from Dylan Conley, Esquire, requesting to amend Article 4, Table 4-1, Entitled: "Residential District Dimensional Standards" of the Official Zoning Ordinance of the City of Providence, and also requesting a Zone Change for the property located on Assessor's Plat 28, Lot 932 (193 Vinton Street), from R-3 to R-4.**

Discussion was held relative to the foregoing matter.

<b>RESULT:</b>	<b>SET UP PUBLIC HEARING [UNANIMOUS]</b>
<b>MOVER:</b>	Councilwoman Harris
<b>SECONDER:</b>	Vice-Chairwoman Castillo
<b>AYES:</b>	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci and Councilwoman Harris – 4.
<b>ABSENT:</b>	Councilor Miller - 1

CHAIRWOMAN RYAN: Can I have a motion to take the agenda out of order and read agenda item number 6 into the record.

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Vice-Chairwoman Castillo
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller– 5.

**6. An Ordinance Amending Ordinance Chapter 11 “Harbor and Port, Section 11-1 “Harbormaster” adding clause (c) “Liquified Natural Gas and/or Liquified Petroleum Gas Deliveries”.**

Discussion was held relative to the foregoing matter.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilwoman Harris
<b>SECONDER:</b>	Councilor Miller
<b>AYES:</b>	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller– 5.

**2. An Ordinance Amending Chapter 13, of the Code of Ordinances of the City of Providence, Entitled: "Housing" to add Article VII - "Security in Housing Development for the Elderly and Persons with Disabilities".**

Discussion was held relative to the foregoing matter.

<b>RESULT:</b>	<b>CONTINUED WITH VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Narducci
<b>SECONDER:</b>	Vice-Chairwoman Castillo
<b>AYES:</b>	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller– 5.

**3. An Ordinance in Amendment of Chapter 2, "Administration", Article XXII of the Code of Ordinances, Entitled: "Art in City Life:, Amending Section 2-352 Definitions.**

Discussion was held relative to the foregoing matter.

<b>RESULT:</b>	<b>CONTINUED WITH VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Narducci
<b>SECONDER:</b>	Vice-Chairwoman Castillo
<b>AYES:</b>	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller– 5.

**4. An Ordinance in Amendment of Chapter 2 of The Code of Ordinances of the City of Providence, Entitled: "Administration," Section 2-14, "Mailing to Residents of Rental Units Required".**

Discussion was held relative to the foregoing matter.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Vice-Chairwoman Castillo
<b>SECONDER:</b>	Councilman Narducci
<b>AYES:</b>	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller– 5.

CHAIRWOMAN RYAN: Can I have a motion to take the agenda out of order and read agenda item number 7 into the record.

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Vice-Chairwoman Castillo
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci, Councilwoman Harris and Councilor Miller– 5.

**7. Petition from Dylan Conley, Esquire, LAMAR Outdoor Advertising, requesting to Amend Article 20, Section 2005, Entitled: "Nonconforming Signs".**

CHAIRWOMAN RYAN: Can I have a motion to enter Exhibit A into the record.

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Vice-Chairwoman Castillo  
**SECONDER:** Councilwoman Harris  
**AYES:** Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,  
Councilwoman Harris and Councilor Miller– 5.

CHAIRWOMAN RYAN: Can I have a motion to enter Exhibit B into the record.

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Vice-Chairwoman Castillo  
**SECONDER:** Councilwoman Harris  
**AYES:** Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,  
Councilwoman Harris and Councilor Miller– 5.

CHAIRWOMAN RYAN: Can I have a motion to enter Exhibit C into the record.

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Councilwoman Harris  
**SECONDER:** Councilman Narducci  
**AYES:** Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,  
Councilwoman Harris and Councilor Miller– 5.

CHAIRWOMAN RYAN: Can I have a motion to enter Exhibit D into the record.

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Vice-Chairwoman Castillo  
**SECONDER:** Councilwoman Harris  
**AYES:** Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,  
Councilwoman Harris and Councilor Miller– 5.

CHAIRWOMAN RYAN: Can I have a motion to enter Exhibit E into the record.

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Councilwoman Harris  
**SECONDER:** Vice-Chairwoman Castillo  
**AYES:** Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,  
Councilwoman Harris and Councilor Miller– 5.

CHAIRWOMAN RYAN: Can I have a motion to enter Exhibit F into the record.

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Vice-Chairwoman Castillo  
**SECONDER:** Councilman Narducci  
**AYES:** Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,  
Councilwoman Harris and Councilor Miller– 5.

Discussion was held relative to the foregoing matter.

**RESULT:** CONTINUED WITH VOTE [UNANIMOUS]  
**MOVER:** Vice-Chairwoman Castillo  
**SECONDER:** Councilwoman Harris  
**AYES:** Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,  
Councilwoman Harris and Councilor Miller– 5.

CHAIRWOMAN RYAN: Can I have a motion that we go back to agenda item number 3.

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Councilman Narducci  
**SECONDER:** Councilor Miller  
**AYES:** Chairwoman Ryan, Vice-Chairwoman Castillo, Councilman Narducci,  
Councilwoman Harris and Councilor Miller– 5.

**3. An Ordinance in Amendment of Chapter 2, "Administration", Article XXII of the Code of Ordinances, Entitled: "Art in City Life:, Amending Section 2-352 Definitions.**

Further discussion was held relative to the foregoing matter.


**RESULT:** APPROVED WITH VOTE [UNANIMOUS]  
**MOVER:** Councilman Narducci  
**SECONDER:** Councilwoman Harris  
**AYES:** Chairwoman Ryan, Councilman Narducci, Councilwoman Harris and Councilor Miller– 4.  
**ABSENT:** Vice-Chairwoman Castillo – 1.

**5. An Ordinance in Amendment of Chapter 12 of the Code of Ordinances of the City of Providence, Entitled: “Health and Sanitation,” Section 12-63, “Time to Place Waste for Collection; Duty to Remove after Collection” and Section 12-80 “Penalties For Littering Violations”.**

Discussion was held relative to the foregoing matter.

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Councilman Narducci  
**SECONDER:** Councilwoman Harris  
**AYES:** Chairwoman Ryan, Councilman Narducci, Councilwoman Harris and Councilor Miller– 4.  
**ABSENT:** Vice-Chairwoman Castillo – 1.

**ADJOURNMENT:** On motion of Councilwoman Harris, Seconded by Councilman Narducci, it is voted to adjourn the meeting at 6:40 o’clock P.M.

  
**First Deputy City Clerk**

  
**Assistant Clerk**

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

## CHAPTER

No. **AN ORDINANCE AMENDING CHAPTER 13, OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "HOUSING" TO ADD ARTICLE VII - "SECURITY IN HOUSING DEVELOPMENT FOR THE ELDERLY AND PERSONS WITH DISABILITIES"**

*Be it ordained by the City of Providence:*

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 13, "Housing," is hereby amended by adding an article, to be numbered VIII, which reads as follows:

**ARTICLE VIII. - SECURITY HOUSING DEVELOPMENTS FOR THE ELDERLY AND PERSONS WITH DISABILITIES**

Sec. 13-57. - Definitions.

*Building entrance* shall mean an entrance providing access from outside the building or from an entry vestibule to an interior corridor, lobby, or stairway which leads to an individual dwelling unit.

*Building permit* shall mean a permit granted by the Department of Inspection and Standards for the construction of any building or for any substantial alteration or addition thereto, as provided under the Rhode Island Building Code.

*Dwelling unit* means a structure or part of a structure that is designed or intended to be used as a home, residence, or sleeping place by one or more persons.

*Elderly person* shall mean any person who is at least sixty-two (62) years of age.

*Elderly/disabled multi-family housing development* shall mean any building, structure, development, or complex of ten (10) or more dwelling units under common ownership, rented or offered for rent for dwelling purposes within the City of Providence, which is specifically designed or designated for rental by elderly or disabled persons.

*Landlord* shall mean the individual who holds title to any elderly/disabled multi-family housing development including, without limitation, a partnership, corporation, or trust. For purposes of this section, the rights and duties of the landlord hereunder shall be the obligation of anyone who manages, controls, or customarily accepts rent on behalf of the landlord.

*Person with a disability* shall mean any person with any condition or characteristic whether physical or mental which renders them disabled as defined by 42 U.S.C. § 12102, commonly referred to as the "Americans with Disabilities Act of 1990."

*Safety officer* shall mean a police officer of the City of Providence, or a special police officer appointed pursuant to applicable law to protect persons or property in public or subsidized housing, or a person employed as a guard or investigator by a duly licensed watch, guard, or patrol agency.

*Security plan* shall mean a plan for providing security for the tenants of an elderly/disabled multi-family housing development, based upon a crime prevention survey, which meets the criteria set forth in section 13-59 and which has been developed according to the process set forth in subsection 13-60.

*Tenant* shall mean a tenant, subtenant, lessee, sublessee, or other person, entitled under

the terms of a rental housing agreement to the use and occupancy of any dwelling unit in an elderly/disabled multi-family housing development.

Sec. 13-58. - Security Requirements for Elderly/Disabled Multi-family Housing Developments.

The director of the Department of Inspections shall promulgate regulations. These regulations shall require that every landlord of an elderly/disabled multi-family housing development, within thirty (30) days of receipt of notice from the director, either elect to

(a) Provide safety officers for such development on a twenty-four (24) hour per day, seven (7) day per week basis. The safety officers' duties shall include, without limitation, the monitoring of all building entrances in such elderly/disabled development; or

(b) Provide security measures as identified in a security plan which has been developed and approved in compliance with the provisions of subsections 13-59 and 13-60.

Thereafter, once a landlord has elected to either provide safety officers as provided above or to provide a security plan, the landlord shall have the continuing duty to provide such officers or to provide the security measures identified in the security plan. A landlord may choose, after initially electing one of the above alternatives, to switch to the other with approval of the Department of Inspections and Standards, but must continue to provide safety officers or the security measures mandated by the security plan pending such approval. The landlord's submission seeking approval for a switch in alternatives must be carried out in accordance with subsections 13-59 and 13-60. Failure to continue to provide safety officers or the security measures mandated by a security plan shall constitute a violation of this section and shall be subject to enforcement under subsection 13-62.

The director shall, within ninety (90) days of the effective date of this section, identify all elderly/disabled developments within its scope. In identifying these developments, the director shall notify all landlords of elderly/disabled housing developments of the operation of this section, and of their duty to elect to either provide safety officers on a 24-hour basis, or to request a crime prevention survey. Such notices shall be sent out on a phased basis so that, within a twelve-month period, all elderly/disabled housing developments within the City of Providence shall have received such notices. Copies of this section and the director's regulations shall be provided at no cost whenever an applicant seeks a building permit for an elderly/disabled housing development covered by this section.

If, within thirty (30) days after receipt of a notice under this subsection or a notice of non-compliance under subsection 13-62 for failure to provide security officers or have an approved security plan, a landlord has requested a crime prevention survey by the Providence Police Department, triggering the first stage in the provision of a security plan, the landlord shall be relieved of the responsibility of providing safety officers as required above unless and until a security plan has been approved.

Sec. 13-59. - Criteria for a Security Plan.

A security plan shall be based upon a crime prevention survey which has been completed by the Providence Police Department, and shall incorporate all of the elements recommended by the crime prevention survey for the adequate protection of the tenants of the elderly/disabled development, except as otherwise provided in subsection 13-60. Each crime prevention survey shall include both findings as to the security needs of the tenants of the development and recommendations as to how such needs shall be met through existing or new security measures, such as lighting, locks, safety officers, security stations, security systems, or other equipment, personnel, or programs. Each survey shall also include a one-page summary, on official Police Department stationery, itemizing the elements recommended.

A new crime prevention survey must be performed every three (3) years. If a building permit is required by the Department of Inspections and Standards for substantial structural



changes in the building entrances to an elderly/disabled development before the expiration of the three-year period since a survey was last performed, a new crime prevention survey must be performed upon submission of the building permit application.

The landlord shall be responsible for arranging for a crime prevention survey by the Providence Police Department, and shall notify the director of the Department of Inspections and Standards in writing at the same time that the landlord requests the survey from the Providence Police Department. No fee shall be assessed to the landlord for any survey. The Providence Police Department shall carry out such crime prevention survey and provide a copy of the same to the landlord and the Department of Inspections and Standards upon completion. Such surveys shall be carried out on a phased basis parallel to that of the notices sent under subsection 13-58 by the director of Inspection and Standards. Such surveys shall be completed within thirty (30) days of receipt of the landlord's request for a crime prevention survey.

Sec. 13-60. - Process for Approval.

(a) *Approval of Security Plan Incorporating Security Measures Recommended by Crime Prevention Survey.* Within thirty (30) days of the receipt of the crime prevention survey, the landlord shall prepare a security plan for approval by the director of Inspections and Standards. Such plan shall be deemed to be in full compliance with this section provided that: (1) the security plan mandates, at the very least, the provision of the security measures recommended in the crime prevention survey; and (2) the tenants have not articulated security needs which are not adequately addressed by the survey or the plan. If the crime prevention survey indicates that no security measures are needed additional to those already in effect at the development, the security plan shall be deemed to be sufficient so long as the landlord, in such plan, agrees to keep in effect all existing security measures. In all cases, the tenants must be given the opportunity to present their views to the director at a hearing before the plan is accepted.

Following the posting of notice to tenants as provided in paragraph (c) below, the landlord shall submit the plan to the director for approval. The director shall notify all affected parties of the date of the hearing on the plan. Such hearing shall take place within thirty (30) days of the director's receipt of the plan, and notice of the hearing date shall be given to all parties at least ten (10) days in advance of the hearing date. Notice of the hearing date shall be given to any tenant organization which exists in the development and shall be posted by the landlord at the development in a conspicuous location. At the hearing, the landlord and the tenants shall be given an opportunity to be heard, to present witnesses, or to submit documentary evidence, as to why the security plan should be approved or modified.

Following the hearing, the director shall approve or modify the security plan, consistent with the recommendations of the crime prevention survey and the security needs articulated by tenants. In reviewing the adequacy of the plan and reaching a decision thereon, the director shall consult with the Providence Police Department. The director's approval or modification shall be in the form of a written decision, and shall be furnished to all affected parties within ten (10) days of the hearing date.

(b) *Petition for a Modified Security Plan; Approval Process.* Within thirty (30) days of receipt of the crime prevention survey, if the landlord of an elderly/disabled multi-family development disputes the need for any of the specific security measures recommended by the crime prevention survey, or the method or the timetable for carrying out security measures, based on the fiscal or contracting constraints that apply to the particular development, or if the landlord and/or tenants of an elderly/disabled multi-family development believes that the additional security measures mandated by the crime prevention survey are such as to be cost-prohibitive, given the economic circumstances of the tenants of the development and the inability of the landlord and/or the

tenants to obtain sufficient funding, equipment, or services to cover the costs of such additional measures despite best efforts, as provided for in subsection 13-61, then the landlord and/or tenants can petition the director for permission to submit a modified security plan which does not encompass all of the security measures mandated by the crime prevention survey. Such petition shall be accompanied by a proposed security plan. A landlord may only claim that the elements mandated by the crime prevention survey are cost-prohibitive if the increased costs must be passed along to the tenants of the development and absorbed by the tenants in the tenants' share of the rent. In all cases under this subsection, the tenants must be given the opportunity to present their views to the director at a hearing before the petition and plan is accepted.

Following the posting of notice as provided in paragraph (c), below, the landlord shall submit the petition for a modified security plan to the director for approval. The director shall notify all affected parties of the date of the hearing on the petition. Such hearing shall take place within thirty (30) days of the director's receipt of the petition, and notice of the hearing date shall be given to all parties at least ten (10) days in advance of the hearing date. Notice of the hearing date shall be given to any tenant organization which exists in the development and shall be posted by the landlord at the development in a conspicuous location. At the hearing, the landlord and affected tenants shall be given an opportunity to be heard, to present witnesses, or to submit documentary evidence, as to why the petition should be approved or modified.

If a landlord submits a petition for a modified security plan, the landlord shall have the burden to show how any of the specific security measures recommended in the crime prevention survey are unnecessary, or, given the fiscal or contracting constraints particular to the development, how changes are needed in the method or timetable for implementation of security measures. In the event that a party claims that the costs of the additional security measures are cost-prohibitive, the landlord shall state what the estimated costs of the security measures are. In such cases, the landlord shall also substantiate his/her current and projected operating expenses and revenues, and shall show what efforts s/he has made to otherwise cover the costs, as provided in subsection 13-61.

Following the hearing, if the director finds that:

- i. Any of the specific security measures recommended in the crime prevention survey are unnecessary to meet security needs at the particular development; or
- ii. Within the fiscal or contracting constraints that apply to the particular development, the landlord's proposed plan will provide a reasonable method or timetable for meeting security needs; or
- iii. The costs required to undertake the improvements mandated by the crime prevention survey as such as to make a security plan cost-prohibitive, the director shall either approve the petition for a modified security plan or make such modifications to the plan as are necessary.

In ruling on a petition where it is claimed that a security plan is cost-prohibitive, the director shall be guided by the principle, consistent with the security objectives articulated in the crime prevention survey, that the impact on tenants' rents should be minimized so that the cost of additional security measures will not have the likely effect of displacing elderly/disabled tenants due to the excessive rent increases. In such cases, the director shall consider reasonable alternatives to the security measures called for by the crime prevention survey.

In reviewing the adequacy of the plan and reaching a decision thereon, the director shall consult with the Providence Police Department. Such approval or modification shall be in the form of a written decision, and shall be furnished to all affected parties within ten (10) days of the hearing date.

(c) *Tenant Participation Requirements in Conjunction with Submission of Security Plans.* The landlord shall post a notice that s/he intends to submit a security plan or a petition for a modified

security plan to the Department of Inspections and Standards in a conspicuous location within the development. This notice shall be in a form established by the director. Such notice shall inform the tenants of the development that they may review and obtain copies of the landlord's security plan upon request, as well as the materials in support of the plan, and shall also notify them of their right to participate in hearings at the Department of Inspections and Standards concerning such plan. Such notice shall first be posted at least ten (10) days prior to the submission of the security plan or petition to the Department of Inspections and Standards under paragraph (a) or (b), above. Such notice shall remain posted until such time as the Department has made its final determination. It shall be deemed a violation of this section, enforceable under subsection 13-62, for any landlord to fail to post such a notice in a conspicuous location or to intentionally or willfully cause such notice to be defaced, destroyed, or removed. If such a notice is defaced, destroyed, or removed by a third party, it shall be the landlord's obligation to immediately post a copy of the original notice.

If any tenant requests a copy of the proposed plan, it shall be provided by the landlord to the tenant, together with:

- i. A copy of the findings and recommendations of the crime prevention survey (or the official Police Department summary); and
- ii. If applicable, a summary of the landlord's reasons for disputing the findings and recommendations of the crime prevention survey, for seeking alterations in the method or timetable for implementation of security measures, or for claiming that the additional security measures mandated by the crime prevention survey are cost-prohibitive, including a summary of the financial alternatives that s/he has explored to cover costs.

Such notice shall be required, and such documents shall be available upon request, even if the survey and the plan do not recommend additional security measures.

#### Sec. 13-61. - Protection from Rent Increases.

Additional costs incurred by landlords in complying with the requirements of this section and implementing security measures additional to those already provided or required in such developments shall not be passed on to elderly or disabled tenants of elderly/disabled multi-family housing developments unless the landlord has exhausted all reasonable alternatives to the passing on of such costs. In pursuing such alternatives, the landlord of an elderly/disabled multi-family housing development shall use best efforts to seek and obtain such funding, grants, or donations of funds, equipment, or services, as may lessen or eliminate such additional costs. Such reasonable alternatives shall also include the seeking of relief from cost-prohibitive security measures as provided for under subsection 13-60(b). The costs incurred in complying with the requirements of this section and implementing security measures additional to those already provided or required may be considered to be reasonable or necessary operating or capital expenses in any application for additional subsidy or financing from the United States, the State of Rhode Island, or any authority created under the laws thereof.

#### Sec. 13-62. - Enforcement.

The director shall notify the landlord of an elderly/disabled multi-family housing development in the event the development is found to be in noncompliance with the provisions of this section and shall order compliance. Said landlord shall have thirty (30) days from the date of notification in which to achieve compliance with the director's order. Upon the expiration of the thirty (30) day period, the landlord of a housing development still in violation of the order shall be subject to a fine of one hundred fifty (\$150.00) dollars. Each day's failure to comply

with the order thereafter shall constitute a separate violation of the director's order. Tenants and/or tenant organizations of elderly/disabled multi-family housing developments shall have the right to request investigation by the director if they believe that their landlords have failed to comply with the provisions of subsection 13-57 through subsection 13-61.

Sec. 13-63. - Non-liability of the City of Providence.

The provisions of this section shall not be construed to establish any duty on the part of the City of Providence greater than the City's general public duty to protect its citizens' health, safety, security, and well-being. No determination by the director of Inspections and Standards or the Providence Police Department as to the adequacy of a landlord's security measures shall be construed as a warranty or guarantee of such security, and the sole responsibility for insuring that security measures are adequate to protect tenants from foreseeable harm or risk shall rest and remain with the owner of such property.

Sec. 13-64. - Severability.

The provisions of this section are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions which shall remain in full force and effect.

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 2, “ADMINISTRATION”, ARTICLE XXII OF THE CODE OF ORDINANCES, ENTITLED “ART IN CITY LIFE”, AMENDING SECTION 2-352 “DEFINITIONS”**

*Be it ordained by the City of Providence:*

**SECTION 1:** Section 2-352 of the Code of Ordinances of the City of Providence, entitled “Definitions”, is hereby further amended by making the following changes to the Definitions of Article 22, Section 2-352 with additions underlined and deletions struck out:

2-352 DEFINITIONS

[As used in this article:]

*Art in city life plan* means the plan required by section 2-355.

~~*Capital improvement program* means any city department's program for advance planning of capital developments.~~ *General Municipal Budget* means department budgets which include capital development and improvements.

*Commission* means the art in city life commission.

*Commission of artists* means engagement of an artist either to construct a new work or to provide an existing work of art for a specified site.

*Construction project* means any capital project paid for wholly or in part by the City of Providence to construct or remodel any building, decorative or commemorative structure, park, street, sidewalk, parking facility or utility or any portion thereof within the City of Providence.

*Eligible fund* means money, regardless of source, for construction projects, from which art is not precluded.

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

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

**CHAPTER ORD-2020-9**

No.      **AN ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "ADMINISTRATION," SECTION 2-14, "MAILING TO RESIDENTS OF RENTAL UNITS REQUIRED"**

*Be it ordained by the City of Providence:*

**SECTION 1:** Sec. 2-14. - Mailing to residents of rental units required.

- (a) Whenever the city or any of its agencies requires that a notice be sent to property owners regarding matters including, but not limited to, licensing, zoning or historic districts, the city shall require the applicant to send courtesy notices to each legal residential and commercial unit in the area that is the subject matter of the notice, within a two hundred-foot radius.
- (b) Notices to residential and commercial units required pursuant to this section shall be sent via "first class" mail, and be addressed to the "Current Occupant" of each relevant address.
- (c) This section shall not be construed so as to impart upon residents and business owners any legal remonstrance or other standing not already due them as of the date of passage of this section, nor shall the failure to notify any tenant render the notice defective.
- (d) The applicant shall be required to demonstrate proof of compliance. The respective departments will promulgate rules in accordance with this section.

(Ord. 2005, ch. 05-24, § 1, 4-25-05)

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

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

**CHAPTER ORD-2020-10**

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "HEALTH AND SANITATION," SECTION 12-63, "TIME TO PLACE WASTE FOR COLLECTION; DUTY TO REMOVE AFTER COLLECTION" AND SECTION 12-80 "PENALTIES FOR LITTERING VIOLATIONS"**

*Be it ordained by the City of Providence:*

**Section 1:** Sec. 12-63. - Time to place waste for collection; duty to remove after collection.

- (a) The owner of any dwelling shall be deemed to have allowed an unsanitary condition and a nuisance to exist whenever garbage, trash or debris at that dwelling is placed out early for municipal collection. "Early" shall mean prior to 4 p.m. on the day preceding the date of garbage collection.
- (b) The owner of any dwelling shall be deemed to have allowed 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.
- (c) 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.
- (d) Upon the first violation of this article, the owner of the subject dwelling shall be issued a warning by public works director or his/her duly authorized agent notifying the owner of the violation. Penalties for violation of subsection (b) shall not be assessed at more than one thousand five hundred dollars (\$1,500.00) cumulatively per calendar year for each individual dwelling. For all violations that occur after a warning is issued to a particular owner for a specific property: The penalty shall not exceed twenty-five dollars (\$25.00) for the first violation, fifty dollars (\$50.00) for the second violation, and one hundred dollars (\$100.00) for all subsequent violations occurring within a calendar year. Occupants of non owner-occupied dwellings shall be issued a notice that informs the dwelling's occupant of the violation.
- (e) Chronic violators. Whoever shall be found in violation of the provisions of this article on four or more occasions within the calendar year shall be deemed a chronic violator and shall be summoned to the City of Providence Municipal Court.

Sec. 12-80. - Penalties for littering violations.

- (a) Unless otherwise specified, the penalty for violation of any provision set forth herein shall be one dollar (\$1.00) to five thousand dollars (\$5,000.00), provided, however, that any individual electing to admit the violation charged and electing to appear before the clerk of the court or to mail notice of violation shall be penalized as follows:

Offense	Fine	Code section
Improper storage of residential trash	\$50.00	Sec. 12-61
Early storage of residential trash	50.00	Sec. 12-63
Late removal of residential containers	See 12-63(d & e)-	Sec. 12-63 (d)-(e)
Unscreened container(s)	50.00	Sec. 12-63
Trash hauling without license	200.00	Sec. 12-65
Violation of dumpster ordinance	150.00	Sec. 12-61.1
Litter less than one (1) cubic yard	250.00	Sec. 12-61
Litter greater than one (1) but less than two (2) cubic yards	500.00	Sec. 12-89.2
Litter between two (2) to (3) cubic yards	800.00	Sec. 12-89.2
Litter over three (3) cubic yards	1,000.00	Sec. 12-89.2
A person convicted of a second or subsequent violation of Sec. 12-89.2	5,000.00	Sec. 12-89.2
Littering	50.00	Sec. 12-57
Depositing garbage in container of another	50.00	Sec. 12-57(e)
Scavenging of certain white goods	150.00	Sec. 12-87.1
Violation of recycling ordinance	50.00	Sec. 12-61.2
Animal control	100.00	Secs. 12-89.3 or 12-89.4
Continuing public environmental nuisance	500.00	Sec. 12-85
Scavenging	50.00	Sec. 12-87
Commercial trash violation	250.00	Sec. 12-61.1

(b) In the event that any of the foregoing fines are not paid, or a plea of not guilty to the citation is not entered prior to the fourteenth day after the date the violation was postmarked, said fines shall be doubled. In the event that any of the foregoing stated fines are not paid, or a plea of not guilty to the citation is not entered subsequent to the fourteenth day and prior to the twenty-eighth day after the date of the violation, said fines shall be tripled.

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



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

**CHAPTER**

No. **AN ORDINANCE AMENDING ORDINANCE CHAPTER 11  
“HARBOR AND PORT, SECTION 11-1 “HARBORMASTER”  
ADDING CLAUSE (C) “LIQUIFIED NATURAL GAS AND/OR  
LIQUIFIED PETROLEUM GAS DELIVERIES”**

*Be it ordained by the City of Providence:*

**Section 1:** Sec. 11-1. Of the Code of Ordinances of the City of Providence, entitled “Harbormaster”, is here by amended by adding a clause C

- (a) *Appointment.* In accordance with R.I.G.L. § 46-4-2, the city council shall appoint a harbormaster for the harbor of the city, defined as all the public waters westerly of the easterly sides of the ship channels in the Seekonk River, Providence River and Harbor and Narragansett Bay from the Pawtucket-Providence city line southerly to the point of intersection of the ship-channel side with a straight line drawn from Rumstick Point on the east shore to Rocky Point on the west shore, excluding that area subject to the jurisdiction of Cranston. The harbormaster shall report to the commissioner of public safety.
- (b) *Powers and duties.* The powers and duties of the harbormaster shall include, but are not limited to, administering and enforcing the harbor management plan, enforcing all federal, state, and local laws pertaining to activity in the harbor, recommending rules, regulations, and ordinances pertaining to the harbor to the city council, serving as an ex-officio member of the harbor commission, and carrying out all other powers and duties authorized to the harbormaster under various state and federal marine laws.
- (c) *Liquified Natural Gas and/or Liquified Petroleum Gas Deliveries.* Upon being informed by the United States Coast Guard that a shipping freight of liquified natural gas and/or liquified petroleum gas is cleared to dock at the Port of Providence, the Harbormaster shall request a full police detail to be present for the duration of said delivery.

**Section 2** - This Ordinance shall take effect upon passage.