

DEPARTMENT OF CITY CLERK

CITY HALL

SEPTEMBER 17, 2003

The Committee on Ordinances meets this day at 6:00 o'clock P.M., in the Conference Room, Department of City Clerk, Third Floor, City Hall.

PRESENT: Chairwoman Rita M. Williams, Councilwoman Balbina A. Young and Councilman David A. Segal.

ABSENT: Vice-Chairman Patrick K. Butler and Councilman Terrence M. Hassett.

ALSO PRESENT: Adrienne Southgate, Assistant City Solicitor, Anna M. Stetson, Second Deputy City Clerk and Jennifer L. Emidy, Assistant Clerk.

AN ORDINANCE AMENDING SECTION 16-97, ARTICLE III OF THE CODE OF ORDINANCES FOR THE CITY OF PROVIDENCE, ENTITLED "NOISE CONTROL".

CHAIRWOMAN WILLIAMS: We have three items on the agenda this evening and the first one is a continuation from the, actually we talked about this Noise Control Ordinance four separate times. I believe that the City Solicitor was going to work on it and report back to us, I will turn it over to you Adrienne.

MS. SOUTHGATE: In your packet behind the article from back in May 2001, is a draft Ordinance. At the discussion in April focused on appropriate hours of use and I believe Councilman Butler was particular concerned that the services that come in and handle leaf blowing and so forth need to be able to operate on the weekend hours. We tried to set some appropriate parameters for that, for weekdays and Saturdays and also to limit the hours on Sundays so it would not conflict with peoples weekend time and church time. That is sort of the minimalist approach. An alternative would be to try and regulate specifically the decible level and levels of machinery and I haven't done the research to do that but this is sort of a first cut at it.

CHAIRWOMAN WILLIAMS: What we have before us is on except for what is underlined?

MS. SOUTHGATE: That is correct.

CHAIRWOMAN WILLIAMS: What is on the books is fine as it stands. You don't think that needs to be revised.

MS. SOUTHGATE: I do not think that needs to be revised.

CHAIRWOMAN WILLIAMS: I like it.

COUNCILMAN SEGAL: Is there anything else on the books that addresses noise or is this entire Ordinance?

MS. SOUTHGATE: This is the entire Ordinance as it is directed at machinery equipment, fans and air conditioning. There are other considerations that have to do with amplified music.

COUNCILMAN SEGAL: What about motorcycles?

MS. SOUTHGATE: Off the top of my head I can't recall it. It seems to me that there is something addressing motorcycle noise but I think that not because I did an independent investigation but because David Braset called me and talked about a motorcycle free zone, and said that there had been something in Council to discuss that.

CHAIRWOMAN WILLIAMS: This would not apply to motorcycles, wouldn't that be considered a piece of machinery? One of the problems I think with the motorcycles is that what I have heard is the police don't all have the decible meters so it is very difficult for them to cite them. Also there is something about the first time that it happens they have to just give them a warning and give them time to fix them. Sometimes I think they can be too loud even if they are not altered. They can still be too loud for the neighborhood. That is a big problem on the East Side. We have to do one thing at a time.

MS. SOUTHGATE: I frankly don't think that motorcycles will be covered under this Ordinance, simply because they "say or similar mechanical device..."

and they are tending to limit it to fairly small things. I would be happy to follow up on that and see.

CHAIRWOMAN WILLIAMS: I really like that it is addressing leaf blowing equipment in particular. This is going to help me a lot. One weeknight just two weeks ago at 7:00 o'clock p.m. I was sitting in my living room on the phone and I could not hear the person that I was talking to because two houses down they had a leaf blower. I could not hear the person on the phone, and so I hung up and I went down and yelled at them. I told them that they should not be doing this and that we have a Noise Ordinance. Based on what we had at 7:00 o'clock p.m. they would have been okay, but this now will make sure that after 6:00 o'clock p.m. in the evening when you are trying to have some peace and quiet the leaf blowers at least will not bother us.

COUNCILWOMAN YOUNG: That is one call I don't get any complaints about. My calls are more like gun fire. Keep that gun fire down a little bit.

CHAIRWOMAN WILLIAMS: Councilman Segal said he doesn't have a lot of trees.

COUNCILWOMAN YOUNG: I have trees but no one complains about them.

MS. SOUTHGATE: Anna are we supposed to move to accept this.

MS. STETSON: Yes.

MS. SOUTHGATE: Anna advises me that we need to accept this.

CHAIRWOMAN WILLIAMS: Is there any other comments on what we have before us? If there are none then we need to accept this Ordinance as amended.

On motion of Councilwoman Young, seconded by Councilman Segal it is voted to amend the foregoing Ordinance.

CHAIRWOMAN: All in favor.

Motion carries.

On motion of Councilwoman Young, seconded by Councilman Segal it is voted to approve the foregoing Ordinance as amended.

CHAIRWOMAN: All in favor.

Motion carries.

RESOLUTION REQUESTING THE COMMITTEE ON ORDINANCES TO AMEND THE NOISE ORDINANCE TO ADDRESS RESIDENTIAL NOISE.

CHAIRWOMAN WILLIAMS: The next item is also relating to noise, but we don't have anything but this one heading?

MS. STETSON: I believe this is the one that was introduced by Councilman Deluca going back.

CHAIRWOMAN WILLIAMS: We don't really know the specifics of what it was that he had in mind.

MS. SOUTHGATE: Would you like me to check back with him?

CHAIRWOMAN WILLIAMS: Maybe what we could do if you wouldn't mind is speak with Councilman Deluca to remind him that he had introduced this in August of 2000, which was three years ago.

MS. SOUTHGATE: Oh it wasn't this August.

CHAIRWOMAN WILLIAMS: If he can remember what it was about. If not maybe we have addressed those issues over the past few years. If he has nothing more to add then what we can do is have this on our list for the next meeting and continue it indefinitely.

MS. SOUTHGATE: Okay.

On motion of Councilwoman Young, seconded by Councilman Segal to continue the foregoing Ordinance.

CHAIRWOMAN: All in favor.

Motion carries.

RESOLUTION IN OPPOSITION TO THE USA PATRIOT ACT.

CHAIRWOMAN WILLIAMS: This is the new version of the US Patriot Act that was an issue in City Council July 3, 2003 by Councilman Segal. Did we continue the other one.

COUNCILMAN SEGAL: Yes.

CHAIRWOMAN WILLIAMS: What we have before us is a shorter Ordinance.

COUNCILWOMAN YOUNG: What has changed? What is different than the original one?

COUNCILMAN SEGAL: The original one asked specific departments and city agencies to act in a particular manners and it had provisions of requesting that the Providence Police not infer with immigration matter, not deal with immigration matters at all. That is the purview of the Feds. It had provision requesting that the libraries post notices that indicate that records, that people library records are subject to review by the Feds potentially if that information is requested. This is more of a City Council concern about the Patriot Act.

CHAIRWOMAN WILLIAMS: This is more general. I have concerns about telling the Police Department not to obey federal laws.

COUNCILMAN SEGAL: It wasn't asking them, it was a change in policy that they are not supposed to voluntarily do these things.

CHAIRWOMAN WILLIAMS: It did have that flavor that I was uncomfortable with. I think that the general statement that have been made here and especially in light of the fact that they are trying to put more restrictions in place it certainly does make sense for us to have a public discussion about this. Councilman is requesting that we have a Public Hearing.

COUNCILWOMAN YOUNG: I support that.

COUNCILMAN SEGAL: My first request is amending that. This was in part at least plagiarized from, it is a combination of provisions that have been

found in other cities or Resolutions. There are 100 cities now with the Patriot Act and one clause is taken from Philadelphia.

CHAIRWOMAN WILLIAMS: It is paragraph 7.

COUNCILMAN SEGAL: You can change the word Philadelphia to Providence.

COUNCILWOMAN YOUNG: It makes sense.

CHAIRWOMAN WILLIAMS: You are amending it. Delete Philadelphia and replace it with Providence. Any other amendments?

COUNCILMAN SEGAL: That is it.

On motion of Councilman Segal, seconded by Councilwoman Young it is voted to amend the foregoing Ordinance.

CHAIRWOMAN: All in favor.

Motion carries.

CHAIRWOMAN WILLIAMS: Do we need to have a motion made, or can we just direct the Clerk.

MS. STETSON: You can direct the Clerk.

CHAIRWOMAN WILLIAMS: As Chairwoman I will direct the Clerk to set up a Public Hearing of the Ordinance Committee to discuss this Resolution.

COUNCILMAN SEGAL: I has been requested that it be held the first full week in October. We only have to advertise once.

CHAIRWOMAN WILLIAMS: Instead of three ads we only need one. That gives us more time. The week of the 6th I am looking at. It can not be the 8th that is the John Hope Settlement dinner.

COUNCILWOMAN YOUNG: That is when it is.

CHAIRWOMAN WILLIAMS: We only need one ad because we are not mandated it to advertise this. We only need to advertise the Public Hearing once. We will have it here at City Hall. We are looking at possibly the first week of October either the Tuesday or the Thursday. Is there a preferable?

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COUNCILMAN SEGAL: I have no preference.

CHAIRWOMAN WILLIAMS: How about October 7th at 6:00 o'clock p.m.
that shouldn't be a problem. You don't have anything else on that date.

MS. STETSON: No, there is nothing scheduled.

CHAIRWOMAN WILLIAMS: Very good. So it will be three weeks away.
Is there any other business before the Committee?

ADJOURNMENT: On motion of Councilwoman Young, seconded by
Councilman Segal it is voted to adjourn the meeting at 6:23 o'clock p.m.



SECOND DEPUTY CITY CLERK



ASSISTANT CLERK