

DEPARTMENT OF CITY CLERK

CITY HALL

JANUARY 12, 1993

The Committee on Ordinances meets this day at 5:00 o'clock p.m., in Committee Room "A", City Clerk's Department, City Hall.

PRESENT: Chairman Igliazzi, Councilman Clarkin and Councilman Fenton.

ABSENT: Vice-Chairwoman Williams and Councilwoman DiRuzzo.

Also present are John D'Amico, Deputy City Solicitor; Merlin DeConti, Director of Inspections and Standard; April Wolfe, Deputy Director of Inspections and Standards and Lionel Delaney of the Department of Inspections and Standards. (Barbara A. Poirier, Second Deputy City Clerk and Lesley M. Albanese, Assistant Clerk)

AN ORDINANCE AMENDING SECTION 14-88 ENTITLED: "OPERATION WITHOUT LICENSE PROHIBITED".

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to amend the foregoing Ordinance.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to Continue the foregoing Ordinance.

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 2 OF THE CODE OF ORDINANCES.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to approve the foregoing Ordinance.

AN ORDINANCE AMENDING CITY OF PROVIDENCE ORDINANCE CHAPTER 1991-29 APPROVED OCTOBER 24, 1991.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to Continue the foregoing Ordinance.

AN ORDINANCE IN AMENDMENT OF SECTION 27-2 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, AS AMENDED, INCREASING THE FILING FEE FOR PETITIONS TO THE ZONING BOARD.

On motion of Councilman Clarkin, seconded by Councilman Fenton, it is voted to Continue the foregoing Ordinance.

RESOLUTION REQUESTING THE DISTRICT JUDGES TO SENTENCE ALL THOSE CONVICTED OF PROSTITUTION AND SOLICITATION TO COMMUNITY SERVICE SUCH AS THE CLEANING OF VACANT LOTS.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to Continue the foregoing Ordinance.

ADJOURNMENT: On motion of Councilman Clarkin, seconded by Councilmen Fenton, it is voted to Adjourn at 5:35 P.M.


CLERK


Assistant Clerk
(Tapes available in City Clerk's Department)

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DEPARTMENT OF CITY CLERK

CITY HALL

JANUARY 26, 1993

The Committee on Ordinances meets this day at 5:00 p.m., in Committee Room "A", City Clerk's Department, City Hall.

PRESENT: Chairman Iglizzi, Vice-Chairwoman Williams, Councilwoman DiRuzzo and Councilman Clarkin.

ABSENT: Councilman Fenton.

Also present are John D'Amico, Deputy City Solicitor; Merlin DeConti, Director of Inspections and Standards; Lionel Delany, Inspections and Standards and Councilman David Dillon with John Houston of the Justice Assistance Program. (Barbara A. Poirier, Second Deputy City Clerk and Lesley M. Albanese, Assistant Clerk)

RESOLUTION REQUESTING THE DISTRICT JUDGES TO SENTENCE ALL THOSE CONVICTED OF PROSTITUTION AND SOLICITATION TO COMMUNITY SERVICE SUCH AS THE CLEANING OF VACANT LOTS.

On motion of Councilwoman DiRuzzo, seconded by Councilman Clarkin, it is voted to approve the foregoing Resolution.

AN ORDINANCE IN AMENDMENT OF SECTION 27-2 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, AS AMENDED, INCREASING THE FILING FEE FOR PETITIONS TO THE ZONING BOARD.

On motion of Councilwoman DiRuzzo, seconded by Councilman Clarkin, it is voted to Continue the foregoing Ordinance.

AN ORDINANCE AMENDING SECTION 14-88 ENTITLED: "OPERATION WITHOUT LICENSE PROHIBITED".

On motion of Vice-Chairwoman Williams, seconded by Councilman Clarkin, it is voted to Continue the foregoing Ordinance.

ADJOURNMENT: On motion of Councilman Clarkin, seconded by Councilwoman DiRuzzo, it is voted to Adjourn at 6:10 p.m.

Barbara A. Poirier
CLERK

Lesley M. Albanese
Assistant Clerk

(Tapes available in the City Clerk's Department)

DEPARTMENT OF CITY CLERK

CITY HALL

JANUARY 12, 1993

The Committee on Ordinances meets this day at 5:00 o'clock p.m., in Committee Room "A", City Clerk's Department, City Hall.

PRESENT: Chairman Igliazzi, Councilman Clarkin and Councilman Fenton.

ABSENT: Vice-Chairman Williams and Councilwoman DiRuzzo.

Also present is John D'Amico, Deputy City Solicitor; Merlin DeConti, Director of Inspections and Standards; Barbara A. Poirier, Second Deputy City Clerk and Lesley M. Albanese, Assistant Clerk.

AN ORDINANCE AMENDING SECTION 14-88 ENTITLED: "OPERATION WITHOUT LICENSE PROHIBITED".

CHAIRMAN IGLIOZZI: I think number one is the matter that you are concerned about, Josh. Do you want to testify on this?

COUNCILMAN FENTON: Well, let me just go over it briefly.

CHAIRMAN IGLIOZZI: Is this the one that Merlin is coming here on?

COUNCILMAN FENTON: Yes, do you have some amendments on it?

MR. DECONTI: We re-wrote the whole ordinance.

COUNCILMAN FENTON: Let me just go over the issue itself. There is an ancient provision from 1927 which said if you have a boiler for - - you have to have a boiler man on 24 hours a day. Well, now a days you don't need a boiler man around the clock. There is actually a state law that says you don't have to have it but just to clean this thing up. This is just to clean this up. The phone company asked that is be put in they are just going to reassign the guy who is the boiler man.

CHAIRMAN IGLIOZZI: For the record marked this proposed amendment to the - - can we do it as sub A.

MR. DECONTI: What I did is that I prepared this ordinance or something similar to this ordinance approximately a year ago. There was a time when the Mayor had asked Tom Rossi to sponsor any legislation that was necessary at the State House. I wrote to Tom and asked him whether or not the State needed to give us the power to do this to license individuals to operate boilers. Let me give you a little background. The orginial ordinance to license boiler operators, refrigeration, technician etc. it was enacted in 1943. It was later

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amended when the City of Providence came up with their own building code in 1957. It was put under the mechanical section. In 1975 the State of Rhode Island created its own building code and it took away the powers of all the municipalities to enact any building ordinance for the contrary. Now, since there was no licensing ordinance in the State building code and it wasn't conflicting with anything that the State enacted. We have continued to pass this- - . So, the question that I came up with at the time was check with the City Solicitor see if we need any enabling legislation, if not I recommend we adopt a change to this ordinance in this type of form. Recently, I wrote to John when this .. when I received a call from you and the telephone company and when John told me about this proposed change to this ordinance, I said lets see if we can change this whole ordinance around and get it the way it should be. Because as you know 1943 to 1993, 50 years things have changed a little, you know. John is still doing the research to determine if we have the authority to enact this and in the meantime instead of working on a small change, we would like to propose this entire package in its place. Briefly, the first section was never there before and it never really said you needed a license to operate things. So, we made that very clear, we have outlined the different licenses. Stationery engineer license which is like a top license, the boiler operators and the refrigeration machine operators license each one for their perspective equipment and then there is like an apprentice license. Which allows people to train under these individuals and get their own license.

COUNCILMAN FENTON: These are all keeping with national standards.

MR. DECONTI: Right. We classified the refrigerants and we have upgraded those, right Lionel to reflect the new and modern refrigerants. And then we talked about the authority to licenses in article 6, an examination which is given every Tuesday and Thursday by Lionel. As we do right now, we give this examination twice a week and we license all sorts of individuals in the City. We have added a section on revokation on a license, if there is a complaint filed. the Director would have the opportunity to hold a hearing to determine if there has been any action that was fraudulent or endanger to

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public safety. And we also talk about renewals and fees for renewals which are substantially higher and what we feel will offset the cost of any two morning a week with doing this work.

COUNCILMAN FENTON: What is it now?

MR. DELANEY: \$10.00 for Stationary, \$8.00 for Boiler Operator and refrigeration machine operator.

COUNCILMAN FENTON: How many people are licensed?

MR. DELANEY: In the city? It is around 3,000.

COUNCILMAN FENTON: So, you will make some decent money out of this.

MR. DECONTI: We will come up with a form similar to a license with a picture on it. In Section 6.7 requires the display of the license and then Section 7 talks about when a operator is required, Section 8 talks about temporary boiler which are exempt from this section. Nine talks about housekeeping and ten is the new section we put in for new computer operation. Which allows computer based system to operate the boilers in the evening without anyone there. But, during the day someone has to be on site. We put down the hours and I also allow the hours to vary depending upon the intent here and I put intent is to not require a license operator on site when the occupancy in the building is at a minimum. So, therefore, the hours could be varied. This is the rough draft of it, we kind of darken it up a little bit. I don't believe anyone has a problem with this.

COUNCILMAN FENTON: Have you talked to the Telephone Company?

MR. DECONTI: I don't think they have seen this new version. They saw a draft version which....

COUNCILMAN FENTON: I'll talk to them.

CHAIRMAN IGLIOZZI: When do you think this will be in ordinance form, John?

MR. D'AMICO: When we get through the rest of tonights agenda, I have metally thought to myself that perhaps we could have a meeting in two weeks and we would be able to wrap up a remainder of what is pending in this file and I'll have that form either in form for the Committee to vote on or an opinion indicating that I don't think it is appropriate

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CHAIRMAN IGLIOZZI: Can you work on this by next week, John? That is what he is asking.

COUNCILMAN FENTON: It doesn't matter two weeks is fine. If you have a state of the art boiler system now or computer monitor wired into the fire station and all the rest, would you still need an operator on there?

MR. DECONTI: We feel during the day you should have an operator not necessarily in the room but on the site. Someone that would be able to respond quickly to make necessary corrections to revert disaster or sooting.

COUNCILMAN FENTON: It says in the building on this.

MR. DECONTI: We had site on there and I didn't know if site was appropriate.

COUNCILMAN FENTON: That might be better because say you had Rhode Island Hospital.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to amend subject to the language submitted by the Director of Inspections and Standards.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to Continue the foregoing Ordinance.

CHAIRMAN IGLIOZZI: I am going to take some items out of order.

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 2 OF THE CODE OF ORDINANCES.

CHAIRMAN IGLIOZZI: Please state your name and title for the record.

APRIL WOLF (DEPUTY DIRECTOR OF INSPECTIONS AND STANDARDS): The point of this is we were experiencing a problem with the housing court and that we were taking cases into court and prosecuting them and spending a great deal of money and time. At the end of a court case, if the person was even if we had gone all way through to contempt and the court did not choose to fine them anything the person would leave the Housing Court perhaps six months to a year and owe the City \$19.00 for a service fee. We thought that was somewhat of a problem and it also creates a lack of incentive to not go to court. You might as well go to court because it buys you a good six months at least and it only costs you \$19.00. So, we wanted to create some kind of incentive to say if you force

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us to take you to court to get you to start to comply with us, we want you to owe us something. We discussed with the courts for a while trying to collect the amount of court case cost in preparation in things. We got the opinion that that was not legal correct that you do not charge for what it costs you. But, that in other courts they have a filing fee and that filing fee is written and we actually copied this out of the General Laws in the way as what you do is you say that we are going to charge a filing fee and then we are going to exempt ourselves from paying it but we are still allowed to collect it. And that is what we have tried to do here so that it also gives us at the end of a case the other problems was you indicate someone having walks away having spent six months to a year of your time and they owe you \$19.00, well how much money are you going to spend trying to pursue that \$19.00. It is never worth it but if you make it - - they would still be liable for the \$19.00 but it would be a \$119.00 and that makes it worth requesting a execution from the court and filing a lien against the property with a constable. Up until now for those small fees it ends up being that we would say forget the \$19.00, forget the \$38.00 because it is not worth collecting. Because we have to get individual service by a constable on the recorder of deeds, we have to pay \$19.00 to collect \$19.00. So, the piont of this is to increase that fee, to increase collections and also to create an insentive something that we can tell people. If you make us take this next step, if you don't get in here and talk to us your going to owe a \$100.00.

COUNCILMAN FENTON: I don't suppose you could charge two fees, one for owner occupied and one for a higher level for

MS. WOLF: The thing to remember is that the Housing Courts real power as I understand is a willfull contempt. If you got a owner occupant who ends up in and we slow this down to a --degree we try to find the owner occupant who can't afford it and we deal with them administratively, they have a right to come in and work out negotiations with us and we won't take them to court. It still happens that owner occupant don't answer and end up in court. When they end up in court, if we do not find them in willfull contempt of court they really are not liable for all of this. They can be - -

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all the fees can be waived. So, our first attempt would not to take that person in, second one would be if the person comes in and says listen I didn't understand, I don't have the money. The court has the full power to waive that \$100.00 fee and the person would not be held liable for it anyway. I don't think, I am sure but I don't think you can legally say owner occupant is one thing and absentee landlord something. Although we do agree.

COUNCILWOMAN NOLAN: I didn't agree to many things in Susan McGuire's annual report from the Housing Court, in fact I was somewhat shocked by a lot of it. But, one thing that we did mention was the \$100 dollar fee and

COUNCILMAN FENTON: It is a good idea. Because you are paying the \$19.00 for the first place for the constable to serve them with the papers.

CHAIRMAN IGLIOZZI: John, did you prepare this?

COUNCILWOMAN NOLAN: Patricia McLaughlin did.

MR. D'AMICO: I know that has gone through the office prior to

CHAIRMAN IGLIOZZI: They have approved it in form.

MR. D'AMICO: That would be my understanding.

CHAIRMAN IGLIOZZI: Just so you know all ordinances that come out of this committee, we are trying to make sure that they go through the law department.

COUNCILWOMAN NOLAN: I can assure you that Patricia wrote this. I had written it in a different form and Patricia redid it in this form.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to approve the foregoing ordinance.

AN ORDINANCE AMENDING CITY OF PROVIDENCE ORDINANCE CHAPTER 1991-29 APPROVED OCTOBER 24, 1991.

MR. D'AMICO: What the pending ordinance does is it changes to a special exemption.

COUNCILWOMAN NOLAN: What was it before?

MR. D'AMICO: It was - - - permitted use.

CHAIRMAN IGLIOZZI: Now you want them to come before the Zoning Board.

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COUNCILMAN FENTON: Is that consistent with State law?

MR. DECONTI: To my knowledge there is no requirement from the States that we have to allow it or not allow it. I think if you didn't permit something totally you might have a problem. We do permit it in certain zones by special permit.

CHAIRMAN IGLIOZZI: The State doesn't really except in situations where you have some sort of and I am thinking primarily of the new housing appeals board. Other than the Housing Appeals board the State doesn't really regulate.

MR. DECONTI: What we should do is in the new enabling legislation Mr. Chairman, is that they specifically say family group homes - have to be allowed everywhere, community residences and they have to be allowed, homes for the mentally retarded can be no more than eight can be allowed. And they made that retroactive to January 1, 1992 so that is overwritten our Zoning ordinance. But, they specifically did not address alcohol and drug treatment centers.

CHAIRMAN IGLIOZZI: This requires a public hearing.

MR. D'AMICO: I have discussed with Barbara the public hearings for the committee.

CHAIRMAN IGLIOZZI: There were three things left for public hearing there was this and two others as I recall.

MRS. POIRIER: The date is February 9th

CHAIRMAN IGLIOZZI: For all three of them?

MRS. POIRIER: For all three of them at 6:00 o'clock. The open space at 6:00, we have the one that you just spoke about at 6:15 and at 6:30 we have the security alarms.

CHAIRMAN IGLIOZZI: John, anything else in the committee that needs public hearing?

MR. D'AMICO: Not to my knowledge.

On motion of Councilman Fenton, seconded by Councilman Clarkin, it is voted to continue the foregoing Ordinance.

AN ORDINANCE IN AMENDMENT OF SECTION 27-2 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, AS AMENDED, INCREASING THE FILING FEES FOR PETITIONS TO THE ZONING BOARD.

MR. DECONTI: I wish I knew that was on I could address that. I have a bunch of information in the office on what they use in other communities. What I tried to do is try to come up with something that

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would give some reimbursement for the expenses that we go through.

CHAIRMAN IGLIOZZI: Did you participate in preparing this ordinance?

MR. DECONTI: I drew it up.

CHAIRMAN IGLIOZZI: I saying if you did, do you feel that this covers everything that you need covered?

MR. DECONTI: It seems to. I didn't know how you feel about the fees, they are high.

COUNCILMAN FENTON: They are not that high.

MR. DECONTI: Other communities they are high too. It won't even cover the whole expense for the Zoning Board.

CHAIRMAN IGLIOZZI: It has been my experience that anybody that is in business and is looking to try and get something done a few hundred dollars is not a big deal. Are you satisfied that this is the ordinance that would satisfy your department?

MR. DECONTI: That would bring in some serious money but it won't cover the cost of the whole board.

COUNCILMAN FENTON: Did you estimate what it would bring in, \$50,000?

MR. DECONTI: No it is going to bring in more than that. I did this three months ago.

CHAIRMAN IGLIOZZI: Do you want us to continue it or do you want us to move on it, Mr. DeConti?

MR. DECONTI: I felt comfortable when I set forward. I was a little hestiate about the

CHAIRMAN IGLIOZZI: Has it been reviewed by the Law Department?

MR. D'AMICO: It is my understanding that both Ms. McLaughlin and David Salvatore worked on this. I didn't participate in that. Why don't we continue this?

On motion of Councilman Clark, seconded by Councilman Fenton, it is voted to continue the foregoing Ordinance.

RESOLUTION REQUESTING THE DISTRICT JUDGES TO SENTENCE ALL THOSE CONVICTED OF PROSTITUTION AND SOLICITATION TO COMMUNITY SERVICE SUCH AS THE CLEANING OF VACANT LOTS.

CHAIRMAN IGLIOZZI: This was orginial an ordinance, is that right?

MR. D'AMICO: That is my recollection.

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CHAIRMAN IGLIOZZI: Why don't you explain it.

MR. D'AMICO: Essentially there has been an ordinance introduced or if it were a resolution the intent of which was to have Judges impose community service on certain offenders, particularly prostitutes or those who seek prostitutes. Basically, what I have done is that I have done some rewording of it. It is still in a resolution. It asks the judges of the respective courts to consider prostitutes or "Johns" as their called to due community service. What I have attempted to do is basically a language redraft of that. I have submitted a copy to the committee earlier, I know Barbara has one in her file and essentially that is what.....

COUNCILWOMAN NOLAN: That goes hand and hand with a ordinance that Pat McLaughlin and I are writing to go after the "Johns" on a second conviction. Their cars would be taken and a very large fine would be paid.

CHAIRMAN IGLIOZZI: First, we need a motion to amend the resolution in the form attached prepared by the City Solicitor.

COUNCILMAN FENTON: I'm not crazy about this idea and I wasn't crazy about it when it came it. I don't think it is appropriate for either "Johns" or prostitutes to be given community service. I don't In the case of the Juvenile Hearing Board, I see a connection between a community service type of sentence and a young person. These are people who know whats going on and some guy from Barrington wants to drive into Providence. I just don't see what community service has to do with the penalty of the crime. There is already a lot of - - - between the way the prostitutes are treated and the way "Johns" are treated. I can just seeing this as having it - - which is the Judges in each in case give the prostitutes the jail time and give the "Johns", oh well Providence said they want community service we'll let this guy go clean-up a lot.

COUNCILWOMAN NOLAN: There are 60 prostitutes in the ACI and there isn't one "John" to my knowledge.

CHAIRMAN IGLIOZZI: Just so the record is clear this is a resolution. I thought it came in as a form of a ordinance, I guess I was wrong. I wouldn't be supporting it if it was an ordinance because I don't think we have the power to dc that.

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COUNCILWOMAN NOLAN: I have a serious problem with my neighborhood and I think that anything that you can do to stop the customer from coming in

COUNCILMAN FENTON: I like the idea of your ordinance far better than this and I can it having really a negative effect.

COUNCILWOMAN NOLAN: And get the Police Department to actually go after them.

CHAIRMAN IGLIOZZI: So, what we should do is continue it so that Councilman Dillon to come before the committee.

On motion on Councilman Fenton, seconded by Councilman Clarkin, it is voted to continue the foregoing resolution.

CHAIRMAN IGLIOZZI: We are all set on public hearings, John?

MR. D'AMICO: Yes.

CHAIRMAN IGLIOZZI: When do you want to meet in two weeks to finish up whatever is pending. Two weeks, 26th at 5:00 p.m.

ADJOURNMENT: On motion of Councilman Clarkin and Councilman Fenton, it is voted to adjourn at 5:35 p.m.

Lesley M Albanese
Assistant Clerk

Barbara A. Carver

CLERK