

CHAPTER 2025-6

No. 138 AN ORDINANCE AMENDING CHAPTER 12, "HEALTH AND SANITATION", ARTICLE III, "GARBAGE, TRASH, AND REFUSE", SEC. 12-46 "DEFINITIONS", SEC. 12-57 "LITTERING", AND SEC. 12-80 "VIOLATIONS AND PENALTIES" OF THE PROVIDENCE CODE OF ORDINANCES

Approved March 24, 2025

Be it ordained by the City of Providence:

Section 1. Chapter 12, "Health and Sanitation", Article III, "Garbage, Trash, and Refuse", Sec. 12-46, Sec. 12-57, and Sec. 12-80 are hereby amended to read as follows:

§ 12-46. Definitions.

(a) *Household* rubbish shall include all noncombustible refuse, incidental to the ordinary conduct of the household, including without limiting the generality of the foregoing, tin cans, tinware, bottles, glassware, earthenware, metal articles, ashes from coal, coke and other fuel and mineral substances, such as ordinarily accumulate in the maintenance of dwellings. Refuse incurred in the operation of an industrial or commercial establishment shall not be included within the meaning of this section.

(b) Waste *materials* shall be deemed to mean and include commercial refuse and garbage, combustible waste, noncombustible waste, ordinary waste, ordinary commercial waste or industrial waste.

(c) *Dwellings* shall mean a building arranged, intended or designated to be occupied by one (1) or more families living independently of each other and doing their cooking upon the premises, or occupied by one (1) or more individuals or groups of individuals as their home.

(d) Litter shall mean any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, magazines, glass, metal, plastic or paper containers or other packaging, construction material, motor vehicle parts, furniture, oil, carcass of dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard or anything else of an unsightly nature, which has been discarded, abandoned or otherwise disposed of improperly.

(e) *Dumpster* shall mean any bulk container with a capacity greater than one (1) cubic yard constructed and placed for use as a depository for refuse, trash or garbage.

(f) *Heavy debris/large items* shall include debris, goods and items weighing in excess of twenty-five (25) pounds; or stoves, washers, dryers, refrigerators, freezers, boilers, furnaces, water heaters, furniture, bedding, mattresses, tires, engines, transmissions, radiators, automobile or truck parts, including but not limited to, doors, roofs, fenders, bumpers and frames, construction debris including but not limited to wood, plaster, masonry and like items.

(g) *Recyclables* shall include those materials which are required to be removed and separated from the municipal solid waste at the source and placed in or on top of the set-out container, provided by the state, for transport to the nearest materials recovery facility (MRF) for recycling. Recyclable materials shall include glass, food and beverage containers, newspaper, tin-coated steel cans, steel cans, aluminum, white goods (stoves, refrigerators, washers, dryers, plastic H.D.P.E. milk jug(s) type and plastic P.E.T. soft drink type beverage containers). Additional materials may be declared to be recyclables by the director of the Rhode Island Department of Environmental Management at a later date, pending new technology, economic conditions, waste stream characteristics, environmental effect, or mutual agreement between state and city.

(h) *Swill* or garbage shall mean any kitchen or market refuse of an organic nature, including but not limited to food waste.

(i) *Roll-off container* shall mean an open top dumpster characterized by a rectangular footprint, utilizing wheels to facilitate rolling the dumpster in place. The container is designed to be transported by special roll-off trucks.

(j) *Contained* shall mean placed in a city-approved, watertight covered container designed for the purpose of holding garbage, trash, or debris. Garbage, trash or debris placed only in a plastic bag or a bag of similar material is not contained-within the meaning of this section.

(k) Garbage *receptacle* shall refer to a container equipped with handles, tight fitting covers, and that has the capacity specified by the department of public works.

(l) Watershed shall mean any area of land where precipitation collects and drains into a common water body, such as a river, lake, or reservoir, including both surface and groundwater flows, that contributes to the water quality and ecosystem health of the receiving body.

§ 12-57. Littering.

(a) *Littering on private property prohibited; exceptions.* No person shall dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property in this city, or upon or into any river, lake, pond or other stream or body of water in this city unless:

(1) The property has been designated by the city for the disposal of litter;

(2) The litter is placed in a receptacle or other container intended by the owner or tenant of that property for the deposit of litter.

(b) *Littering on public ways or public property; improper use of public receptacles.* No person shall dump, deposit, drop, throw, discard or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream or body of water in this city except as permitted by law, nor shall any person transport by any means garbage or refuse from any dwelling, residence, place of business, farm or other site to and deposit such material in, around or on top of trash barrels or other receptacles placed along public streets or in public parks or in, around or on top of trash barrels or other receptacles of another person without the consent of the owner or person in control of such trash barrel or receptacle.

(c) *Owner to keep premises free of litter.* The owner or person in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation or as a public way and including but not limited to restaurants, shopping centers, fast-food outlets, convenience stores, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, construction sites, loading and unloading docks, gas stations, and hospitals and clinics shall take all reasonably necessary measures including daily cleanup of the premises to prevent litter from drifting or blowing to adjoining premises, and if necessary, to maintain receptacles for and to deposit properly such litter in receptacles.

(d) *Owner to provide litter receptacles.* The owner or person in control of any property which is held out to the public as a place for assemblage, for the transaction of business, for recreation or as a public way shall provide and conspicuously identify receptacles for the disposal of litter.

(e) *Litter to be disposed of in receptacles.* It shall be unlawful for any person going upon the premises of another to dispose of litter while on such premises except in receptacles provided for such purposes without the consent of the owner or person in control of such receptacle.

(f) *Litter on vacant land.* The owner or person in control of a vacant or unimproved land shall maintain said land reasonably free of litter, debris, or other offensive material.

(g) **Littering in a Watershed.** No person shall dump, deposit, drop, throw, discard, or otherwise dispose of litter in any area of land that is part of a watershed, as defined in § 12-46, or into any river, lake, pond, stream, or body of water that is part of such a watershed. This includes both surface and groundwater flows that contribute to the water quality and ecosystem health of the receiving body. Littering in a watershed shall carry an increased fine due to the special environmental impact of such actions.

§ 12-80. Violations and Penalties.

Littering	100.00	Sec. 12-57
Littering in a Watershed	250.00	Sec. 12-57 (g)

IN CITY COUNCIL
MAR 06 2025
FIRST READING
READ AND PASSED

Ina L. Mastrosianni
CLERK

IN CITY COUNCIL
MAR 20 2025
FINAL READING
READ AND PASSED

Rachel M. Miller
RACHEL M. MILLER, PRESIDENT
Ina L. Mastrosianni
CLERK

I HEREBY APPROVE.

Brett P. Smiley
Mayor

Date: 3/24/25