

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1989 - 3

No. 144 **AN ORDINANCE** AMENDING ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, SECTIONS 12-46, 12-48, 12-61, 12-63, 12-64, 12-69, 12-68 AND 12-80, DELETING SECTIONS 12-51 AND 12-52, AND ADDING NEW SECTIONS 12-61.2, 12-70.1 AND 12-87, AS AMENDED.

Approved April 17, 1989

Be it ordained by the City of Providence:

SECTION 1. Article III of the Code of Ordinances of the City of Providence is hereby amended in part to read as follows:

Sec. 12-46. The following words, whenever used in this article, shall have the following meanings, unless the context clearly requires otherwise:

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

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

(f) Heavy Debris/Large Items. "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. "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 material 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. "Swill or Garbage" shall mean any kitchen or market refuse of an organic nature, including but not limited to food waste.

Sec. 12-48. Scope of authority of director of public works.

The Director of Public Works is hereby authorized and directed to license persons engaged in collecting and transporting waste materials in the city whether for profit or not; to prepare and promulgate from time to time, rules and regulations governing the collection, conveyance and disposal of waste materials; and to establish a system of rates and fees for the disposal of wastes.

Sec. 12-61. Use of garbage receptacles.

(a) Required. The owner or occupant of any premises where swill or garbage shall accumulate shall provide at least one covered watertight receptacle per unit on said premises for such swill or garbage and shall deposit or cause to be deposited all such swill or garbage in said receptacle unless said premises is more than six (6) units. If said premises contains more than six (6) units, then the owner or occupant shall provide an appropriate covered watertight receptacle(s) for storage of said swill or garbage prior to disposal, as is prescribed by the director of public works.

(b) Use. Said swill or garbage before being so deposited shall be thoroughly drained and wrapped and tied in substantial paper. Said owner or occupant shall not locate such receptacle in any place which is not satisfactory to the director of public works. No person shall deposit any garbage in any place other than a garbage receptacle as is herein prescribed, and no person shall deposit any dishwater or liquid refuse or any ashes, bottles, broken glass or crockery, or any refuse other than garbage in any garbage receptacle.

Sec. 12-63. Time to place waste for collection duty to remove after collection.

No person placing or causing to be placed household rubbish, garbage, recyclables, construction waste or other litter in receptacles or otherwise on a street, sidewalk, alley or public place for the purpose of having the same collected at a regularly scheduled

or special collection shall do so before sunset of the day prior to such scheduled collection, nor shall such person allow such matter or the receptacles thereof to remain upon such street, sidewalk, alley or public place after the end of the day of such scheduled collection.

Sec. 12-64. Frequency and method of removal of wastes.

All household rubbish, garbage and recyclables shall be removed from the curbside in front of or near such dwelling in accordance with the other sections of this article, and the department of public works shall only be required to pick up such household rubbish, garbage and recyclables as is placed on or near the curbside in front of or near each such dwelling. Such regular weekly removals and pickups by the department of public works shall be carried out only on the days of Monday, Tuesday, Wednesday, Thursday and Friday of each week.

Sec. 12-67. Same - Fee for license, renewal.

The annual fee for a license to transport garbage, combustible waste, noncombustible waste, ordinary waste, ordinary commercial or industrial waste, or for a renewal of such license, shall be as follows:

(a) Where the licensee is transporting waste for profit the annual fee for such license or renewal thereof shall be fifty dollars (\$50.00) plus fifty dollars (\$50.00) for each waste conveyance vehicle in excess of one (1) operated pursuant to such license.

(b) If the licensee is not transporting for profit the annual fee for such license, or renewal thereof, shall be ten dollars (\$10.00) plus five dollars (\$5.00) for each waste conveyance vehicle in excess of one (1) operated pursuant to such license.

Sec. 12-68. Same - Expiration, renewal.

Any expired license issued pursuant to Section 12-66 may be renewed under the same conditions applicable to the issuance of an original license. A license or renewal thereof shall expire on June 30th next following its issuance.

Sec. 12-80. Penalties for littering violations.

(A) Generally. The general penalties provided for by Sec. 1-10 of the Code of Ordinances shall apply to violations of this Chapter or any regulations made thereunder except that any person electing to appear before the Clerk of Court, or mailing the same, in lieu of a personal appearance before the Providence Municipal Court and admitting the violation charged, shall be penalized by a fine as hereinafter respectively set forth:

	<u>OFFENSE</u>	<u>FINE</u>
01	Early or Improper Storage of Household Trash	\$25.00
02	Early or Improper Storage of Commercial Trash	\$50.00
03	Trash Disposal Without Permit	\$50.00
04	Dumpster Without or in Violation of Permit	\$50.00
05	Illegal Dumping of Over One (1) Cubic Yard Trash/Debris	\$300.00
06	Illegal Dumping of Heavy Debris/Large Items	\$300.00
07	Littering	\$15.00
08	Other	

In the event any of the foregoing stated fines are not paid or a plea of not guilty to the citation is not entered prior to the fourteenth day after date of violation, said fines shall be doubled.

In the event 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 date of violation, said fines shall be tripled.

SECTION 2. Sections 12-51 and 12-52 of Article III shall be deleted in their entirety.

SECTION 3. Sections 12-61.2, 12-70.1 and 12-87 shall be added to Article III, as follows:

Sec. 12-61.2. Use of Recyclable Receptacles.

(a) Required. The owner or occupant of any premise or dwelling unit where recyclables shall accumulate shall store said recyclables in the state provided special container/receptacle on

said premises. Said owner or occupant shall deposit recyclables by placing them in or on top of the container.

(b) Use. Said owner or occupant shall not locate such container/ receptacle in any place which is not satisfactory to the director of public works. No person shall deposit recyclables in any other place other than such a recyclable receptacle as herein prescribed. No person shall deposit nonrecyclable materials in the special state provided container.

(c) Violations and Penalties. Any person who shall violate any provision of this section, or any provision of any rule or regulation adopted pursuant to authority granted by this section, shall upon conviction, be punished as provided in section 1-10 of this Code of Ordinances.

(d) Enforcement. The provisions of this section shall be enforced by the director of public works.

Sec. 12-70.1. Same - Transport/License to Keep Segregated Recyclables separate from Municipal Solid Waste.

Any person operating under a license to transport household rubbish or waste material pursuant to Section 12-66 shall keep segregated recyclables separate from the municipal solid waste which they collect or haul; maintain any separated recyclables which are brought to state-owned recycling facilities to be delivered in processable condition; and, deliver to state-owned recycling facilities all separated recyclables which are designated by the director of public works to go to such facility. Failure to comply with this 12-70.1 may result in revocation of license pursuant to Section 12-69.

Sec. 12-87. Scavenging of Household rubbish, Garbage and Recyclables.

No person shall scavenge household rubbish, garbage or recyclables within the city limits.

Section 4. This Ordinance shall take effect upon its passage, except that Sections 12-61.2 and 12-70.1 shall take effect on July 15, 1989.

IN CITY COUNCIL
FEB 16 1989
FIRST READING
READ AND PASSED

IN CITY COUNCIL
APR - 6 1989
FINAL READING
READ AND PASSED

APPROVED
APR 17 1989
MAYOR

Rosetta Mendonca CLERK

Richard W. Egan PRESIDENT

Rosetta Mendonca CLERK

John J. Papp MAYOR

NO.

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FILED

MAR 31 - 4 13 PM '89

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

COMMON
M 011

THE COMMITTEE ON

ORDINANCES

Approves Passage of
The Within Ordinance, as amended

Rose M. Mendonca
Clerk Chairman

January 30, 1989

IN CITY COUNCIL

MAR 2 1989

Second FIRST READING
REFERRED TO COMMITTEE ON ORDINANCES

Rose M. Mendonca CLERK

March 2, 1989

THE COMMITTEE ON

ORDINANCES

Approves Passage of
The Within Ordinance, the Second Time

Rose M. Mendonca
Clerk Chairman

March 30, 1989



Department of Public Works

"Building Pride In Providence"

MEMORANDUM

TO: Rose Mendonca, City Clerk
FROM: B. James Suzman, Director
DATE: March 1, 1989
RE: Addition/correction to proposed ordinance regarding recycling

The RI Dept. of Environmental Management requests that we add the following language to the proposed ordinance on recycling under proposed Section 12-46 (g) recyclables.

Delete proposed last four words ("plastic bottles and jugs") and change as follows:

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.

I concur with this recommended change.

BJS:cs

cc: Judy Cole, Asst. City Solicitor