

**CITY OF PROVIDENCE
RHODE ISLAND**



IN CITY COUNCIL

OCT 4 1979

APPROVED:

Rose M. Mendonca CLERK

CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 20 City Council Regular Meeting, Thursday, September 20, 1979, 8:00 P.M. (E.D.T.)

**PRESIDING
COUNCIL PRESIDENT
RALPH FARGNOLI**

ROLL CALL

Present: Council President Fagnoli and Councilmen Addison, Almagno, Boyle, Councilwoman Brassil, Councilmen Cirelli, Cola, Dillon, Easton, Farmer, Flynn, Glavin, Griffin, Lynch, Mansolillo, Moise, O'Connor, Paolino, Pearlman, Penine, Petrosinelli, Salvatore and Snowden—23.

Absent: Councilmen Johnson, Stravato and Xavier—3.

6-11 P 100

INVOCATION

The Invocation is given by COUNCILMAN
CHARLES R. MANSOLILLO.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COUNCILMAN KENNETH E. SNOWDEN
leads the Members of the City Council and the
Assemblage in the Pledge of Allegiance to the
Flag of the United States of America.

APPROVAL OF RECORD

The Journal of Proceedings No. 19 of the Regular Meeting of the City Council held September 6, 1979 and Posted September 18, 1979, on that Bulletin Board located on the Ground Floor Level of City Hall, is Approved as Printed, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

APPOINTMENTS BY THE PRESIDENT OF THE CITY COUNCIL

Communication from Council President Ralph Fagnoli, dated September 12, 1979, Informing the Honorable City Clerk of His Appointments to the Special Committee for Christmas Day, December 25, 1979.

September 12, 1979

Mrs. Rose Mendonca
City Clerk
City Hall
Providence, RI 02903

Dear Mrs. Mendonca:

This is to advise that under the provisions of Resolution of the City Council No. 60, approved January 22, 1979, I hereby appoint the following to serve as Members of the Special Committee of the City Council for the purpose of planning

and conducting a proper observance of Christmas Day, December 25, 1979, viz:

Councilman Vincent J. Cirelli

Councilman Edward W. Xavier

Councilman Laurence K. Flynn

Councilman Robert F. Lynch

Councilman Anthony P. Pennine

Sincerely,

RALPH FARGNOLI
Council President

Received.

COUNCILMAN MOISE requests the Clerk to Read and Incorporate in the Record of this Meeting, a Communication from the U.S. Environmental Protection Agency, dated September 17, 1979, Which is as Follows:

September 17, 1979

U.S. Environmental Protection Agency
Region No. 1
John F. Kennedy Federal Building
Boston, Massachusetts 02203

RE: Proposed Providence Sewer Ordinance

Dear Sir:

I am writing to you with regard to the pro-

posed sewer use ordinance of the City of Providence which is presently before the Providence City Council's Ordinance Committee and which, if approved and implemented, would establish a broad new area of law pertaining to the regulation of sewage and its use in the City of Providence.

I understand that the City of Providence is required by the Federal Government, and specifically by your Agency to pass and establish a sewer use ordinance for the City as part of the City of Providence's compliance for upgrading its sewer system. As a member of the City Council, I have been very concerned and active in trying to receive input and contribute to the upgrading of the outmoded sewer system of our City. During this year alone, a first year in office for

myself and many of my colleagues on the Providence City Council, we have had to review and go over complex plans and proposals pertaining to its improvement.

As you are aware, those areas of concern involved among other matters the following:

1. Engineering and technological planning and scheduling for the improvement of the sewer system;
2. The repair of the sewage treatment plant;
3. Review of the sewer use ordinance referred to above;
4. Input on legislation proposed for the establishment of a Providence Sewer Authority;
5. Protection of our industry and particularly Providence jewelry manufacturing plants; and
6. Examination of the impact financially on the City of Providence and its taxpayers for the implementation of all matters related to improvements on the sewer system.

With all of these complex matters of concern and before the Providence City Council in just this past year and taking into consideration the expected tremendous financial burden to each family that the increased cost for fuel oil and energy has brought, it is my suggestion that the sewer use ordinance itself may need more time for study and examination. This proposal as you know is lengthy, complex and will be far reaching in its effect if enacted. It is my belief that while the City must continue to move expeditiously in improving all matters related to sewage treatment in Providence, on the complex sewer use ordinance proposed it needs more time for examination and in particular we must review and study closely the financial burden and impact it is expected upon manufacturers, homeowners and taxpayers generally in the City of Providence.

With these points in mind, I would like to ask your office for the following information:

1. Could you provide to me a copy of the orders presently in effect pertaining to the City of Providence on the improvement of its sewer system;
2. Could you provide a review of the past actions by your office and the City of Providence with regard to the implementation of the sewer use ordinance proposed;
3. Could you provide detailed comment pertaining to the proposed provisions and sections in the Providence Sewer Use Ordinance, noting the impact financially where appropriate upon the City and upon individual and business taxpayers;
4. Could you state whether and to what extent the sewer use ordinance may be amended and still comply with all federal orders;
5. Could you provide the time table as to when the sewer use ordinance must be implemented and what extensions, reasonably, may be granted.

I would like to receive a response and your opinions on this letter as soon as possible as the ordinance is now before the City Council of the City of Providence. I would also like to meet with a representative of your agency to go over in detail some of the amendments I am considering and may offer to the proposed sewer use ordinance. Because of time restraints on this, I would request that a staff person from your office call me at my home at 401-941-6347 so that we can discuss all of the matters set forth in this letter.

Thank you again for your assistance and cooperation on this matter.

Very truly yours,

WILLIAM J. MOISE
Councilman — Ward 10
Providence

ORDINANCE SECOND READING

**The following Ordinance was in City Council
June 4, 1979, Read and Passed the First Time,
and Is Returned for Passage the Second Time, as
Amended:**

An Ordinance Regulating the Use of Interceptors, Public and Private Sewers and Drains, the Installation and Connection of Building Sewers and Garbage Disposal Units, the Discharge of Water and Waste Waters Into the Public Sewerage System and Providing for the Enforcement of These Rules and Regulations and Cost Recovery Program in the City of Providence, County of Providence, State of Rhode Island and Providence Plantations, as Amended.

Be it ordained by the City of Providence:

ARTICLE I

PURPOSE

In order to insure proper removal and disposal of sewage wastes and wastewaters within the region; to provide waste disposal standards for the protection and propagation of indigenous and migratory populations of organisms and allow for safe recreational activities in and on the waters of upper Narragansett Bay; to insure the proper operation and maintenance of public sewers, drains, treatment facility and other drainage or sewerage works within the region; to encourage wastewater flow reduction to ensure adequate capacity of the Providence Sewerage System; and to provide for keeping adequate records of sewers, drains and appurtenances and connections thereto; and to set water quality standards within those allowed under the National Pollution Discharge Elimination System Permit; this Ordinance, regulating the construction, use, repair, alteration and discontinuance or abandonment of sewers, drains and appurtenances; the connections thereto, including drains and pipes discharging directly or indirectly into said sewers or drains; and the substances to be discharged

directly or indirectly into and through sewers, drains and appurtenances of the public sewerage system and storm drainage system of the region; and establishing a cost recovery program is hereby enacted by the Providence City Council, as provided by the Charter of the City of Providence, including special acts approved by the State of Rhode Island. All other municipalities discharging wastewater into the Providence Sewerage System shall be required under the terms of their sewerage contracts with the City of Providence to adhere to the provisions, requirements, rules and regulations contained within this Ordinance, and to prohibit any discharges into their sewers of types of wastewater that are defined herein as unacceptable discharges into the Providence System.

ARTICLE II

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Definitions:

Section 1. Applicant shall mean any person requesting approval to discharge wastewaters into municipal facilities or for a new connection to the public system.

Sec. 2. ASTM shall mean the American Society for Testing and Materials.

Sec. 3. Biochemical Oxygen Demand (BOD₅) shall mean the quantity of dissolved oxygen, expressed in milligrams per liter, used in the biochemical oxidation of organic matter in waste-

water averaged during five (5) consecutive work days at 20°C (68°F) under standard laboratory procedures, as determined by Standard Methods.

Sec. 4. Building Drain shall mean those drains referred to in Sec. 1701.0 of the Plumbing Code of the City of Providence and/or that part of the lowest horizontal piping of a sanitary wastewater system which receives the discharge from soil, waste and other sanitary pipes inside the walls of the building and conveys into the building sewer beginning five (5) feet (1.5 meters) outside from the inner face of the building wall.

Sec. 5. Building Sewer shall mean a pipe connecting a public sewer with a building for the purpose of conveying sewage of any kind from said building to the public sewer.

Sec. 6. Building Sewer Lateral shall mean a pipe or conduit laid incidental to the original construction of a public sewer, from that public sewer to some point at the side of the street, highway or similar location, and there capped, having been provided and intended for extension and for use at some time thereafter as part of a building sewer as defined in ARTICLE II, Section 5.

Sec. 7. Chemical Oxygen Demand (COD) shall mean the measure of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specific test and does not differentiate between stable and unstable organic matter; thus it does not necessarily correlate with biochemical oxygen demand.

Sec. 8. Chlorine Demand shall mean the amount of chlorine, expressed in milligrams per liter (mg/l) by weight, that is required to produce a residual of 0.5 (mg/l) of chlorine after fifteen (15) minutes contact of chlorine with sewage, as determined by Standard Methods.

Sec. 9. Combined Sewer shall mean a sewer intended to receive and convey both wastewater and surface runoff from storms.

Sec. 10. Combined Sewage or Combined Wastewater shall mean wastewater, water-carried wastes, or a mixture of them from residences, business buildings, institutions and industrial establishments together with such stormwater as may be present.

Sec. 11. Contamination shall mean the introduction of pathogenic or potentially pathogenic organisms, or of toxic or potentially toxic substances or any other factor into a watercourse that will render the water hazardous and, therefore, unfit for human consumption or for domestic usage of any kind or disrupt the ecology of the receiving water's indigenous or migratory organisms or prevent recreational activities in and on said water.

Sec. 12. Contractor shall mean either an individual, partnership or corporation, and the proper agents and representatives thereof, approved by the Director and to whom the Director shall have issued a license to install and repair sewers, during the period when such license is valid.

Sec. 13. Cooling Water shall mean the clean wastewater from air-conditioning, industrial cooling, condensing and similar apparatus, and from hydraulically powered equipment. Cooling water shall include only water which is sufficiently clean, uncontaminated, and unpolluted to admit of being discharged without treatment or purification, into any natural open stream or watercourse without offense.

Sec. 14. Dilution shall mean the reduction in concentration of an excessive waste substance to be discharged in accord with the best available technology, with priority given to decreasing the volume of effluent.

Sec. 15. Director shall mean the Director of Public Works in the City of Providence or his authorized deputy or representative.

Sec. 16. Drain — See Storm Sewer, ARTICLE II, Section 55.

Sec. 17. Easement shall mean the acquired legal right to use for a specific purpose land owned by others.

Sec. 18. Excessive shall mean the amounts or concentration of a constituent of a wastewater which in the judgment of the Municipality: (a) will cause damage to any facility, (b) will be harmful to a wastewater treatment process, (c) cannot be removed in the treatment works to the degree required by existing laws and regulations protecting upper Narragansett Bay water quality, (d) can otherwise endanger life or property, or (e) can constitute a nuisance.

Sec. 19. Floatable Oil is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Sec. 20. Flow Reduction shall mean reducing the volume of wastewater discharged into the public sewers.

Sec. 21. Garbage shall include the wastes resulting from the handling, preparation, cooking and serving of food, and from handling, storage, and sale of produce. It is composed largely of putrescible organic matter, usually with a high natural moisture content.

Sec. 22. Garbage Disposal Unit shall mean a mechanical device used for the grinding, shredding, or macerating of any kind of material or waste preparatory to disposal thereof into the public sewage system.

Sec. 23. Grease shall mean volatile and non-volatile residual fats, oils, fatty acids, soaps, waxes, mineral oils, and other materials of like repute.

Sec. 24. Grit shall mean heavy inorganic matter such as stones, gravel, cinders, sand, silt, ashes, or other inert materials.

Sec. 25. Incompatible Pollutant shall mean any pollutant other than biochemical oxygen demand, suspended solids, pH, coliform bacteria, or additional pollutants identified in the permit which the treatment works was not designed to treat and does not remove to a substantial degree which will adversely affect the efficiency of the treatment works, will cause contamination of the receiving water or would cause a violation of discharge as allowed under the City's NPDES Permit.

Sec. 26. Industrial Wastewater or Industrial Sewage shall mean any industrial waste product nor included within the definitions of sanitary sewage, stormwater or cooling water.

Sec. 27. Major Contributing Industry shall mean an industry that: (1) has a flow of 50,000 gallons or more per average work day; (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (3) has in its wastes a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Water Pollution Control Act as amended; or (4) has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of effluent from that treatment works.

Sec. 28. May is permissive (see "Shall", Section 52).

Sec. 29. Municipal or Municipality or any other word in common usage designating a legally constituted unit of local government or pertaining or belonging to said government shall mean the City of Providence, State of Rhode Island, hereinafter referred to as the City; and also shall mean the Towns of North Providence, Johnston, and Smithfield, State of Rhode Island, hereinafter referred to as the Town or Towns.

Sec. 30. Natural Outlet shall mean any outlet of surface water or groundwater into a watercourse, pond, ditch, lake, or other body.

Sec. 31. *Non-Structural* shall mean habits and methods that users can adopt to help reduce wastewater volume which do not require the purchase or addition of any equipment.

Sec. 32. *NPDES Permit* is the National Pollutant Discharge Elimination System permit issued by the Director of the Enforcement Division, Region I, U.S. Environmental Protection Agency, Boston Massachusetts.

Sec. 33. *Person* shall mean any individual, firm, company, association, society, corporation, group, trust, municipality, or governmental authority.

Sec. 34. *pH* shall mean the reciprocal of the logarithm (to the base ten) of the hydrogen ion concentration in grams per liter (gm/l) of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} (or 1/10,000,000).

Sec. 35. *Pollution* shall mean the introduction of substances of such character and of such quantity into a watercourse such that its natural quality is so altered as to impair its usefulness as an ecological habitat for the indigenous and migratory population of organisms or for recreational purposes in and on the water, to pose a health problem or to render the watercourse offensive to the senses of sight, taste, or smell.

Sec. 36. *Pretreatment* shall mean the application of physical, chemical and biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the publicly owned wastewater treatment system.

Sec. 37. *Pretreatment Standards* shall mean all applicable Federal rules and regulations implementing Section 307 of the Act, as well as any nonconflicting State or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

Sec. 38. *Private Drain* shall include any drain located on private property and not under the care and control of the City.

Sec. 39. *Private Sewer* shall mean any sewer located on private or public property that collects and conveys wastewater from one (1) or more building sewers, discharges into a public sewer, and is not under the care and control of the City.

Sec. 40. *Properly Shredded Garbage* shall mean solid wastes from the preparation, cooking, and dispensing food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Sec. 41. *Property Owner or Owner of Property or Owner*, as used herein, shall include both the owner of fee in any real estate and all tenants, lessees or others in control, or possession and use of the property in question, or having any interest therein, and his, her, its or their agents or representatives, as the interest, duties, powers or liabilities of each may be.

Excluded from the definition of a property owner or owner of property or owner is a mortgagee of said property unless said mortgagee exercises his rights and becomes an owner of property or owner.

Sec. 42. *Public Sewer* shall be used only with respect to the main line of pipe which is owned, controlled, and maintained by the City for the conveyance of waste or sewage from several properties, and shall not be understood to include the building sewers as defined in Section 5 of this ARTICLE.

Sec. 43. *Receiving Waters* shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface water or groundwater receiving discharge of wastewaters.

Sec. 44. *Recycle* shall mean methods to re-

use cooling or process waters rather than discharging once-used waters into the sewerage system.

Sec. 45. *Relief Sewer or Relief Drain* shall mean a sewer or storm drain constructed to supplement the capacity of an existing sewer or drain by conveying part of the wastes which would otherwise be discharged into and be conveyed by said existing sewer or drain. The particular wastes to be conveyed by any such relief sewer or drain shall be determined by the wastes for which it was designed, laid out or intended to receive and convey, as may appear in the records of the City or other body under which it was created.

Sec. 46. *Sanitary Sewer* shall mean a sewer intended to convey only sanitary sewage or, if so stipulated with respect to the particular sewer, sanitary sewage plus industrial or other wastes, but excluding storm, surface and ground waters.

Sec. 47. *Sanitary Wastewater or Sanitary Sewage* shall mean the common wastewater and water-carried wastes from residences, and from toilet and lavatory fixtures, commercial and non-commercial kitchens and laundries, car washes, and similar sanitary facilities of business and industrial buildings.

Sec. 48. *Seepage or Subsoil Drainage* shall mean water from soil percolating into subsoil drains and through foundation walls, basement floors, or underground pipes or from similar sources.

Sec. 49. *Sewage* shall be held to mean and to include any human or animal or vegetable matter, garbage, offal, filth, waste, chemicals, acid, dye-stuff, starch, coloring matter, oil and tar, radio-active substances, and any compound, solution, mixture or product thereof, and every substance which may be injurious to public health or comfort, or which would injuriously affect the natural and healthy propagation, growth, or development of any fish or shellfish in the waters of this state, or of the nourishment of the same, or which would injuriously affect the flavor,

taste, or value as food of any such fish or shellfish; or which would defile said waters or injure or defile any vessel, boat, wharf, pier, or any public or private property upon, in or under said waters, or any shore thereof. The preferred term is "wastewater". See ARTICLE II, Section 63.

Sec. 50. *Sewer* shall mean the main pipe or conduit, manholes and other structures and equipment appurtenant thereto, provided to carry sewage, industrial wastes, stormwater, cooling water or similar wastes, subject in each particular case to the purposes and limitations imposed upon the particular pipe or conduit.

Sec. 51. *Septic Tank* shall mean an approved type of watertight compartment made of concrete or other approved material into which the outflowing sewage from dwellings or other buildings may be discharged.

Sec. 52. *Shall* is mandatory. (See "May", Section 28.)

Sec. 53. *Slug* shall mean any discharge of water, wastewater, sewage, or industrial sewage or a quantity of flow, which causes a surcharge higher than the crown of a normally constructed sewer or which exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation or which in concentration of any given constituent or otherwise adversely affects the collection system and/or the performance of the wastewater treatment facility.

Sec. 54. *Standard Methods* shall mean the latest edition of "Standard Methods for the Examination of Water and Wastewater," as published by the American Public Health Association.

Sec. 55. *Storm Sewer or Storm Drain or Drain* shall mean a sewer provided and intended for the conveyance of stormwater with or without other clean wastewaters, as may be stipulated for any particular drain or sewer, but excluding sewage or contaminated or polluted industrial wastes.

Sec. 56. *Stormwater* shall include the run-off or discharge of rain and melted snow or other clean water from roofs, surfaces of public or private lands or elsewhere, and only such water which is sufficiently clean, uncontaminated and unpolluted to admit of being discharged, without treatment or purification, into any natural open stream or natural brook, rivulet or stream.

Sec. 57. *Suspended Solids (SS)* shall mean the solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering, as determined by Standard Methods.

Sec. 58. *Toxic* shall mean any material lethal to humans, animals, or to aerobic and anaerobic bacteria required for biological treatment processes.

Sec. 59. *Turbidity* shall include the following: (1) condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays, (2) measure of fine suspended matter in liquids, and (3) analytical quantity usually reported in arbitrary turbidity units determined by measurements of light diffraction.

Sec. 60. *Unpolluted Water* shall mean water of quality equal to or better than the effluent limitations in effect and/or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided and would not damage directly or indirectly the receiving waters either by physical, chemical or biological modification.

Sec. 61. *Wastes* shall mean substances in liquid, solid or gaseous form that can be carried in water.

Sec. 62. *Watercourse* shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

Sec. 63. *Wastewater* shall mean the spent water of a community. From the standpoint of

source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

Sec. 64. *Wastewater Facilities* shall mean all public facilities for collecting, pumping, treating and disposing of wastewater and for the control of water pollution.

Sec. 65. *Wastewater Treatment Facility* shall mean any arrangement of devices and structures used for treating wastewater and for the control of water pollution within regulation of the NPDES permit.

Sec. 66. *WPCF* is the abbreviation for The Water Pollution Control Federation.

ARTICLE III

BUILDING SEWERS AND CONNECTIONS

Local Building and Plumbing Codes

Section 1. The requirements of local building housing and plumbing codes shall be observed with respect to fixtures inside of and immediately adjacent to buildings and within the areas of jurisdiction of said several codes, subject only to the general requirements of this Ordinance. Pipe more than five (5) feet (1.5 meters) outside from the inner face of the building walls shall conform to the requirements of this Ordinance as to permits, materials and workmanship.

Permits

Sec. 2. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or drain or appurtenance thereof without first obtaining an appropriate written permit from the Director. Applicants shall apply for separate permits for sewers and drains.

Sec. 3. There shall be two (2) classes of

building sewer permits: Class A permits, which shall authorize the connection of establishments generating essentially sanitary wastewater, as defined in ARTICLE II, Section 47, to the public sewer; and Class B permits, which shall authorize the connection of establishments producing industrial wastewater, as defined in ARTICLE II, Section 26, to the public sewer.

Sec. 4. Application for a building sewer permit shall be made by a licensed plumber or licensed drain layer for the building to be connected and shall be made on an application form provided by the Director. Each application shall be supplemented with the plans and specifications for the sewer connection and such other information relating to the building and the wastes to be discharged as may be considered pertinent by the Director. At his discretion, the Director may also require that all plans, specifications, and data so submitted shall bear the seal and signature of a Professional Engineer registered in the State of Rhode Island. A permit and inspection fee of fifty dollars (\$50.00) for a Class A permit and of one hundred dollars (\$100.00) for a Class B permit shall be paid to the City at the time the application is filed.

Notification of Discharge

Sec. 5. Any person proposing any of the following shall notify the Director at least forty-five (45) days prior to the proposed change or connection:

(a) A new discharge into the system or a substantial change in the volume or character of pollutants over that being discharged into the system on (the date of issuance of the City's NPDES permit); or

(b) A new discharge into the public sewer of pollutants from any source which would be a new source as defined in Section 306 of the Federal Water Pollution Control Act as amended to date or hereafter, 33 U.S.C., if such source were discharging pollutants; or

(c) A new discharge into the public sewer of

pollutants from any source which would be subject to Section 301 of the Said Act, as amended to date or hereafter, if it were discharging such pollutants.

The Director shall notify the Regional Administrator of the Federal Environmental Protection Agency of any such discharge proposed as above within thirty (30) days after receipt of notification from the person so proposing.

Sec. 6. The Director shall be notified by the owner of the proposed discharge of water from a swimming pool to the public sewer. The Director shall have the right to approve or deny the request, designate the time and rate of flow permitted, and to enter upon the premises to inspect the project prior to and during the operation. If an owner fails to provide such notification or disregards instructions either accidentally or intentionally, the owner will be held responsible for any damage that may be caused from such discharge subject to the enforcement powers contained in these rules and regulations, and the Director shall not be held liable for said violation.

ARTICLE IV

PUBLIC SEWERS AND DRAINS

Requiring Building Sewer or Drain Connection

Section 1. The Director is hereby authorized, in all cases where there is a public sewer or drain in any street of the City or easement held by the City, to cause every owner of land adjoining such street, or easement, his agent, or tenant to provide, subject to the provisions of this Ordinance, a sufficient building sewer or drain from his house, yard, or lot, to and into such public sewer or drain, whenever, in the opinion of the Director the same shall be necessary for the protection of the public health, and shall, thereupon, give such owner, agent, or tenant notice in writing, specifying the time within which such building sewer or drain shall be constructed. The Director shall prohibit the maintenance of any privy or cesspool on any prem-

ises connected with a public sewer or drain. Any person who neglects to construct a building sewer or drain under the provisions of this Ordinance within the time specified in such notice to do so, or maintains a privy in violation of such prohibition, shall forfeit and pay a penalty of Two Hundred Dollars (\$200.00) for each violation per day. Said penalty may be waived at the discretion of the Director and/or City Solicitor.

Sec. 2. The owner of any house, building or property used for human occupancy, employment, recreation, or other purpose, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or in the future may be located a public sanitary sewer of the City, is hereby required at his expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is determined to be accessible and available by the Director and located within one hundred (100) feet to the property line. Extensions greater than ninety (90) days may be granted by the Director to individual property owners upon appeal. Said extension shall be granted only when it can be demonstrated that the connection to the public sewer system would create an undue financial hardship upon the owner and that an agreement between the owner and the Director be enacted. Said agreement shall be conditioned on the following:

(a) That the wastewater from the subject property not be discharged directly or indirectly through groundwater to receiving waters;

(b) That the property is served by an acceptable sub-surface disposal system, as determined by the Director;

(c) That the agreement is non-transferrable; that is, a new owner must connect up to the sewer system within ninety (90) days of the passing of papers;

(d) That the owner agrees to pay the City sewer assessment charge as determined by the City's Cost Recovery Program.

Procedure for Laying Out or Constructing New Public Sewers and Drains by the City

Sec. 3. Whenever the laying out or construction of a new public sewer or drain by the City is wanted, application therefor shall be made by petition in writing to the Mayor or City Council signed by not less than six (6) adjacent property owners within six hundred (600) feet of the construction or by the City Planning Director or by the City Engineer. Upon filing of said petition, the Mayor or City Council may refer the petition to the Department of Public Works for investigation, hearing and report thereon. Before holding any hearing on said petition, the Department of Public Works shall give all parties notice in the same manner as required by the Zoning Ordinance of the City of Providence.

After hearing all interested parties in the same manner as provided in the said Zoning Ordinance, the Department of Public Works shall report to the Mayor or City Council whether in the Director's opinion, the public convenience or the public health require the laying out or construction of a new public sewer or drain by the City.

Sec. 4.A. No new public sewer or drain shall be constructed by the City unless the question of such construction or making shall first be referred to the Department of Public Works, who shall report to the Mayor or City Council an estimate of its cost, the materials of which, and the manner in which the same should be constructed or made, and an estimate of the damage likely to be occasioned by construction, taking land, or encroachment of watercourses, and if the sewer or drain or any portion thereof shall be outside the limits of the streets, it shall not be constructed or made otherwise than by the consent of all persons interested, without the same proceedings being followed as are required for laying out streets.

B. In addition to the aforementioned procedure the Department of Public Works shall conduct a hearing for all interested parties, in accordance with the notification procedure set forth in the said Zoning Ordinance, after the estimate for damages and estimate of assessments is complete, but before final enactment by the City Council.

Sec. 5. Whenever any public drain or sewer is to be built, the Director shall make or cause to be made a plan of the same, showing the form, mode of construction, depth below the surface, relation of the sewer invert elevations to the City base, the alignment and general direction of the drain or sewer relative to the street lines or neighboring property, and the sill elevations of all houses to be served, which plan shall be kept on file in his office. This plan shall be the basis of the elevation and report by the Director required under Section 4 above.

Construction Requirements

Sec. 6. All public sewers which shall be ordered by Mayor and City Council in any street or highway shall, whenever practical, be laid out in such a way as to not hinder traffic and utilities in such street or highway, and shall be constructed of such materials and of such dimensions as the Director shall direct.

Sec. 7. Whenever any street shall be opened for the laying of pipes for water, gas or other purposes, or for the performance of any works of construction or repairs, such laying of pipes and repairs and work connected therewith, or such work of construction shall be executed so as not to obstruct the course, capacity or construction of a public sewer or drain, and whenever pipes for any purpose or any work of construction shall hereafter be found to exist at such depth or in such location as to interfere with any existing sewer or with the building of any public sewer of the required size, and at the proper depth and grades, the person maintaining the same shall, upon notice thereof, at once remove, change and alter such pipes or other works in such manner as the Director may direct. If

such person neglects to immediately remove, change or alter such pipes in accordance with the terms of notification, then the Director may make such removal, change or alteration, and the cost thereof shall be paid by such person.

ARTICLE V

USE OF PUBLIC SEWERS

Unpolluted Discharges

Section 1.A. All users who discharge sanitary wastewater to the public sewers shall take all reasonable steps to reduce the volume of their discharge. The Director, no later than October 1, 1981, shall prepare a list of devices for existing toilets, water closets, faucets, showerheads and toilet leak detection which can achieve significant flow reduction cost effectively and he shall also prepare information about non-structural methods for reducing such flows. He or his designee shall cause such list and information to be distributed to each user as soon as possible. He shall, subject to the approval of the City Council, develop and implement a distribution system for said devices no later than July 1, 1983.

B. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage to any sanitary sewer other than such discharge as is present at the time of passage of this Ordinance. All new or altered connections, excluding ordinary repairs, to the sanitary wastewater system shall conform with the provisions of this Ordinance.

C. Stormwater and all other unpolluted drainage shall be discharged to such drains as are specifically designated as storm drains or combined sewers or to a natural outlet approved by the Director. Industrial cooling water of proper temperature and volume or unpolluted process waters may be discharged on approval of the Director, to a storm drain, combined sewer, or natural outlet, only if in the opinion of the Di-

rector all reasonable attempts compatible with best practicable technology, have been taken to reduce such discharges by the use of recycling and reuse systems for such cooling or unpolluted process waters. However, no materials, the discharge of which into natural streams, ponds, lakes, or other natural bodies of water is prohibited by State or Federal law or regulation shall be discharged into any storm drain.

Discharge to a Natural Outlet

Sec. 2. The owner of any house, building or property or any industrial, business or commercial establishment situated within the City and presently discharging, either directly or indirectly, to any river, canal, stream, lake or other surface or subsurface watercourse within the City, any industrial wastewater, as defined in ARTICLE II, Section 26, or any polluted discharges described in ARTICLE V, Sections 6 and 7 shall, within ninety (90) days after the passage and adoption of this Ordinance file an application for a permit with the State Department of Environmental Management and the Environmental Protection Agency, and send a copy of the application to the Department of Public Works. The application shall be in conformance with the NPDES requirements.

Separate Sewer Usage

Sec. 3. No person shall discharge into or put into any public sewer or drain of the City, or into any sewer, drain, or fixture which thereafter discharges into any public sewer, drain or appurtenance thereof, any waste or substance other than such kinds or types of water or water-carried wastes for the conveyance of which the particular sewer, drain or appurtenance is intended, designed, and provided.

Sec. 4. Except as specifically provided with reference to some particular sewer, sanitary sewers shall be used for the conveyance and disposal of sanitary wastewater, as defined in ARTICLE II, Section 47 of this Ordinance, and for diluted, water-carried industrial sewage which is not objectionable as hereinafter provided. No sanitary

sewer shall be used to receive and convey or dispose of any storm or surface water (as defined in ARTICLE II, Section 56), subsoil drainage, any large continuous flow of water seeping into buildings or excavations from soils or other underground sources, flows of natural springs or groundwaters, surplus from flowing wells, the discharges from roofs, roof conductors, yard drains, street or highway drains, or of cooling water (as defined in ARTICLE II, Section 13).

Sec. 5. If the original proceedings for the layout and construction of any particular sewer or for its acquisition by the City did not indicate what kind of sewer or drain it was intended to be, or what wastewaters could or could not be discharged therein, the Director shall consider the pertinent facts and shall determine the kind of sewer or drain said sewer is for the purposes of this Ordinance and what waste or wastewaters shall be permitted to be discharged therein or be excluded therefrom.

Polluted Discharges — Prohibited

Sec. 6. No person(s) shall discharge or cause to be discharged any of the following described pollutants to any public sewers:

A. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas;

B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, create any hazard in the receiving waters of the wastewater treatment facility, or exceed the limiting standards issued from time to time under Section 307(a) of the Federal Water Pollution Control Act, 33 U.S.C. Sec. 1317 (a), as amended to date or hereafter.

C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to struc-

tures, equipment, and personnel of the wastewater works.

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

E. Any septic tank solids or pumpings.

F. In the case of a major contributing industry, as defined herein, any incompatible pollutant, as further defined herein, in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Sections 304, 306 and/or 307, of the Federal Water Pollution Control Act, 33 U.S.C., Sections 1314, 1316, 1317, as amended to date or hereafter.

Polluted Discharges — Restricted

Sec. 7. The following described substances, materials, waters, or waste shall be limited in discharges to public sewers to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving water's physical, chemical or biological components, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Director may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Director will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability of the waste in the wastewater treatment facility,

harmful effects on the ecology of the receiving water, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Director are as follows:

A. Wastewater having a temperature higher than 104° Fahrenheit (40° Celsius).

B. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin or containing substances which may solidify or become viscous at temperatures between 32° and 104° Fahrenheit (0° and 40° Celsius) or would cause obstruction to the flow in sewers or other interference with proper operation of the treatment works.

C. Wastewater from industrial plants containing floatable oils, fat, or grease in excess of 100 milligrams per liter.

D. Any garbage that has not been properly shredded (see ARTICLE II, Section 40). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.

E. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

F. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater treatment works exceeds the limits established by the Director for such materials.

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal Regulations.

H. Any noxious or malodorous gas or substance which is, in the opinion of the Director, capable of creating a public nuisance.

I. Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations as to exceed the limits established by the Director and/or the requirements of the State, Federal or other public agencies or jurisdictions for such discharge to the receiving waters.

J. Any wastes having a pH in excess of 9.0.

K. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Color or turbidity in such an amount that it will prevent the City from discharging a treated effluent in compliance with its NPDES permit (such as, but not limited to, dyewastes and vegetable tanning solutions).

(3) Unusual BOD concentrations, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the sewage treatment facilities and/or may cause the effluent limitations of the City's NPDES permit to be exceeded.

(4) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein (see ARTICLE II, Section 53).

(5) A potential to contaminate the sludge and contribute to sludge disposal problem.

L. Waters or wastes containing substances which are not amenable to treatment or reduc-

tion by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

M. Any water or wastes which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

N. Any water or waste which by interaction with other water or wastes either directly or indirectly causes the physical, chemical or biological structure of the receiving waters to be adversely affected, causes a health hazard, or disrupts recreational activities on or in the receiving water.

Options of Director

Sec. 8. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 7 of this ARTICLE, and which, in the judgment of the Director, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

A. Reject the wastes,

B. Require pretreatment to an acceptable condition for discharge to the public sewers,

C. Require control over the quantities and rates of discharge, and/or

D. Require payment to cover added cost of handling and treating the waste.

If the Director permits the pretreatment or equalization waste flows, the design and installation of the plants and equipment shall be sub-

ject to the review and approval of the Director and/or other regulatory agencies. Said review and approval shall include an analysis of whether all practical methods, compatible with the particular processes involved, have been taken to include a water recycling system and/or other flow reduction measures in the pretreatment or equalization system.

Excluding Polluted Discharges from Public Sewers

Sec. 9. In determining whether any waste discharged or proposed to be discharged into any public sewer or drain would have a deleterious effect as described in Section 8 of this ARTICLE, and therefore, should be excluded from the public sewers, consideration shall be given to the quantity, time, or times of discharge; rate and manner of discharge; dilution; the biological, chemical, and physical composition of the wastewater in question; the size of the sewer or drain into which it is or is to be discharged; the probable quantity of other sewage or objectionable wastes in said sewer or drain at the time of discharge; the effects on the receiving waters and other pertinent facts. Minute quantities of a waste which would be objectionable in larger quantity may be permitted upon specific permission of the Director if sufficiently diluted when and as discharged, or if the quantity discharged is very small in comparison to the receiving sewer and the flow therein at the time of discharge. Any permission to discharge minute quantities of an otherwise excluded waste shall be revocable at any time by the Director.

Pretreatment

Sec. 10. Where necessary, in the opinion of the Director, the owner shall, at his expense, provide such preliminary treatment as may be necessary to reduce such objectionable characteristics or constituents to within the maximum limits provided for in this ARTICLE, or to control the quantities and rates of discharge of such waters or wastewaters. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be

submitted to the Director for review and approval and no construction of such facilities shall be commenced until said approval is obtained in writing, provided that such agreements do not contravene any requirements of existing Federal Laws and are compatible with any User Charge and Industrial Cost Recovery System in effect.

Sec. 11. In all premises where wastes or substances specified to be excluded from sewers or drains by this Ordinance are customarily present and liable to be discharged directly or indirectly into any public sewer or drain, suitable and sufficient piping layouts, oil or grease traps or separators, screens, sedimentation chambers, diluting devices, storage and regulating, treatment, cooling or condensing equipment and similar devices or equipment shall be provided, maintained and operated, as required by the Director to insure that no waste, substance, or water required to be excluded from said sewer or drain shall be discharged therein in violation of the requirements of this Ordinance.

Accessibility, Operation and Maintenance of Pretreatment Facilities

Sec. 12. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in a condition satisfactory to the Director and be effectively operated by the owner at the owner's expense.

Sec. 13. Grease, oil and sand removal facilities (traps, etc.) shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this ARTICLE under Section 7.C, or any flammable wastes, sand, or other harmful ingredients; except that such facilities shall not be required for private living quarters or dwelling units. All facilities shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these facilities the owner(s) shall be responsible for the proper removal and disposal by ap-

propriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Director. Any removal and hauling of the collected materials not performed by the owner(s) must be performed by currently licensed waste disposal firms.

Measuring, Sampling and Other Devices

Sec. 14. At premises where any of the substances or wastes prescribed as being or to be excluded for any sewer or drain are present and liable to be discharged contrary to the limitations of this Ordinance, the Director may require that the owner of said premises provide, operate, and maintain a sampling well or wells, a flow measuring device, manholes, catch basins, or other suitable devices or treatment facilities on any or all building sewers or drains from said premises near the point or points where said sewers connect to any public sewer or drain. By means of said sampling well or wells, or other devices, the owner of said premises and the Director or any public officer charged with the duty of supervising the disposal of wastewaters, may secure samples of or examine the wastes and wastewaters discharged into said public sewer and measure the quantities thereof for the purpose of ascertaining the compliance or non-compliance with the requirements of this Ordinance. All such devices and facilities shall be installed by the owner at his expense and in accordance with plans approved by the Director, and shall be maintained by him so as to be safe and accessible at all times.

Description of Pretreatment Facilities and Measuring or Sampling Devices in Building Sewer Permit

Sec. 15. To facilitate compliance with the requirements of this ARTICLE, the Director shall require the owner applying for a permit to install a new connection to any sewer or drain, or to alter or extend an existing building sewer, in any case, where a sampling well, oil or grease trap or separator, diluting device or similar appurtenance is or may be required to furnish the

Director as part of the application for said permit a plan or satisfactory description, or both, of the device of whatever kind it is proposed to provide, and a description of the proposed operation thereof. Said plan, description, or both shall become part of said application and the installation of the device in accordance therewith shall be a condition attached to the granting of said permit.

Analyses of Industrial Wastewaters

Sec. 16.A. All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer or private sewer to the point at which the building sewer is connected.

B. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all discharges from the premises is appropriate or whether a grab sample or samples should be taken and analyzed. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

Sec. 17. Furnishing required analyses, flow date, etc., shall be the responsibility of the applicant. The Director will stipulate the minimum analyses and other data that shall be obtained and shall conduct such wastewater sampling and measuring programs as are requested by the ap-

plicant. Expenses thus incurred by the City shall be assessed to the applicant.

Sec. 18. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Director and/or other duly authorized employees of the City may reasonably require, including installation, use, and maintenance of monitoring to the Director. Such records shall be made available upon request by the Director or by other agencies having jurisdiction over discharges to the receiving waters.

Industrial Wastewaters — Treatment by City

Sec. 19. No statement contained in this ARTICLE shall be construed as preventing any agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern. Such agreement or arrangement shall first be approved by the Director, provided that arrangements do not contravene any requirements of existing Federal laws and are compatible with any user charge and industrial cost recovery system in effect.

Industrial User Permit

Sec. 20.A. Every industrial user shall be required to obtain a permit and shall, within ninety (90) calendar days of the promulgation of these regulations, complete and file at their own expense a permit application form with the Director wherein its discharge is located. All industrial users are required to apply for a permit. The Director shall evaluate the adequacy of data furnished in the application form. If insufficient data has been furnished, the Director will notify the industrial user to provide additional data within a specified time. After acceptance of data, the Director will issue the permit. The Director may stipulate special conditions and terms upon which the permit may be issued.

B. Each industrial permittee shall submit a duly signed semi-annual Discharge Report to the Director. The Director shall establish guidelines

which will specify the content of the Discharge Report.

C. The Director will evaluate the data furnished. If insufficient data has been furnished, additional information may be required.

D. Each industrial user shall monitor and analyze for the necessary parameters according to its Standard Industrial Classification (SIC) as established by the Director. SIC designation and parameters to be monitored and analyzed shall conform to approved EPA pretreatment standards and/or guidelines established by the Director.

E. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Ordinance or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Ordinance, shall upon conviction, be punished by a fine of not more than two hundred dollars (\$200.00) or by imprisonment for not more than six (6) months, or by both.

Intermunicipal Sewerage Connections

Sec. 21.A. A municipality which connects its sewers with the Providence Sewerage System shall do so subject to the direction, control and regulation of the Director and shall be referred to in this section as a "tributary municipality."

B. All tributary municipalities shall adopt, within 180 days of the adoption of this Ordinance, a sewer use ordinance no less restrictive than that of the Providence sewer use ordinance together with procedures and adequate resources for monitoring and enforcing compliance with such by-law or ordinance. All tributary municipal sewer use by-laws, ordinances and regulations shall be approved by the Director prior to their adoption by the tributary municipality.

C. Each tributary municipality shall obtain a permit from the Director for all connections

from that municipality to the Providence Sewerage System. A municipality proposing a new connection or the elimination of an existing connection to the Providence Sewerage System shall obtain an amendment to its permit prior to constructing or eliminating such discharge or connection.

The Director may change the conditions of a permit from time to time as circumstances, including law or regulations enacted or promulgated by the State or Federal Government or its agencies, may require.

D. Each tributary municipality shall within 180 calendar days of the promulgation of any such regulations by the Director under ARTICLE V, Section 7, complete and file at its own expense a "permit application form" with the Director which shall cover existing discharges and connections to the Providence Sewerage System. Permit application forms may be obtained from the Director.

E. The Director shall evaluate the adequacy of data furnished in the application form. If insufficient data has been furnished, the Director will notify the tributary municipality to provide additional data within a specified time. After acceptance of data the Director will issue the permit. The Director may stipulate special conditions and terms upon which the permit will be issued.

F. Each tributary municipality shall furnish all necessary information and data in accordance with any guidelines established by the Director.

ARTICLE VI

GARBAGE DISPOSAL UNITS

Permit

Section 1. No garbage disposal unit as defined in ARTICLE II, Section 22, shall be installed in a commercial or industrial establishment before

the owner thereof shall have obtained a permit from the Director. Any person desiring to install a domestic garbage disposal unit in a one or two-family dwelling unit does not need a permit unless the Director has previously, by legal public notice in a newspaper of general circulation, declared that the capacity of the public sewerage system in that particular sewer district is insufficient and that the installation of garbage disposal units is likely to impair such sewerage system.

Sec. 2. Any person desiring to install a garbage disposal unit shall first make application in writing to the Director upon a form provided by him for that purpose, which application shall state the name and address of the applicant, the address of the premises in which such installation is desired, and a general description of the premises and the existing sewerage system within the premises affected.

Sec. 3. Upon the filing of such application, the Director shall, within a reasonable time, cause the premises and the available sewer system to be inspected and surveyed and, from the findings so obtained, determine upon such change or alteration in such system as, in his opinion, shall be necessary before issuing an approval of the application. No such approval shall be issued in any instance where the capacity of the public sewerage system shall be insufficient, or where the additional demand and service caused by the use of such garbage disposal unit shall be likely to impair the efficiency of such sewerage system. A reasonable time in this case, shall be considered to mean no more than two (2) weeks from the date of application.

ARTICLE VII

VANDALISM

Protection from Damages

Section 1. No person(s) shall maliciously, willfully, or negligently break, damage, destroy,

uncover, deface, or tamper with or alter any structure, property, appurtenance or equipment; or dump garbage, refuse, or other objectionable material on or within land or right-of-way or sewerage structure which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest and the penalty upon conviction shall be a fine of Two Hundred Dollars (\$200) for each offense.

ARTICLE VIII

INSPECTION ON PRIVATE PROPERTY

Powers and Authority of the Director

Section 1. The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the easement pertaining to the private property involved.

Sec. 2. The Director or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry must justify any withholding of information by establishing that the revelation to the public of the information in question might result in an advantage to competitors and would not serve the purposes of this ARTICLE, and that the discharged effluent is not toxic or otherwise harmful, dangerous, difficult to treat, or likely to create obstructions in pipes or treatment tanks of the municipality or have adverse effects on the ecology of the receiving water.

Sec. 3. While performing the necessary work on private properties referred to in ARTICLE VIII, Section 1 above, the Director or duly authorized employees of the City shall observe all safety rules established by the company and applicable to persons within the premises.

Sec. 4. The Director shall be responsible for the operation and maintenance of the wastewater works, the administration of contracts and agreements between the City and municipalities and industries served by the City, and the administration of this Ordinance. He shall make all rules and regulations required to satisfactorily implement and enforce the provisions of this Ordinance and the intent thereof.

Sec. 5. Any industry discharging into the public sewer shall perform such monitoring of its discharge as the Director may reasonably require, including the installation, use, and maintenance of monitoring equipment and methods, to keep records of the results of such monitoring and to report the results of such monitoring to the Director.

Sec. 6. The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times for the purpose of inspection, examination and copying of any relevant records, monitoring equipment and methods, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance and any rules and regulations adopted pursuant hereto. Any person who applies for and/or receives services from this System under this Ordinance shall be deemed to have consented to inspections pursuant to this section, including entrance upon that person's property at reasonable times to make inspections. Inspections shall be conducted at least once a year for each industry.

ARTICLE IX

AUTHORIZED PERSONS ONLY TO CONSTRUCT AND REPAIR SEWERS AND DRAINS

Effect on Plumbers and Others

Section 1. The limitations as to person who may construct, alter or repair public sewers and drains, as provided in Section 6 of this ARTICLE shall not restrict the usual work of plumbers or others when operating in accordance with the plumbing and building codes of the City; provided no plumber or other person shall make any connection to a public sewer or drain of the City without a permit therefor, even if said sewer or drain is located under or immediately adjacent to any building or similar structure; and provided all drains and fixtures within said building or structures and all use made of them shall conform to the requirements of this Ordinance as to what may and may not be permitted to be discharged into public sewers and drains.

Building Sewer Application and Permit

Sec. 2. Every application for building sewer permit shall be made in writing on forms to be provided by the Director for that purpose and shall be signed by the licensed plumber or licensed drain layer. The application shall state the location and ownership of the property to be served by the sewer or drain in question, the post office address of said property owner, a brief description of the work to be done, and shall contain an agreement that the permittee will do the work in accordance with the local laws, ordinances, regulations and permits of the City as those local laws may apply to the particular location or work, and will save the City and others harmless from damages, loss, or damage claims of every name and nature, all in such form and detail as may be directed by the Director on the form provided. The Director in his discretion, may require, as a prerequisite to the issuance of any permit, that he be furnished evidence (1) that any and all permissions and necessary permits to open public streets, public or

private grounds or property have been or will be issued; (2) that the agent of the applicant is properly authorized to sign the application in question, (3) that the devices or provisions to prevent the entry into public sewers or drains of any substances forbidden entry by this Ordinance will be provided, maintained and operated or repaired by this Ordinance; and (4) any other information or proof pertinent to the particular job in question.

Sec. 3. Each permit to construct, alter or repair any sewer, building sewer, or drain under this ARTICLE shall be issued only after an application as hereinbefore provided has been made. It shall state the limit of time within which the work must be performed and at the expiration of which the privileges for construction under the permit shall terminate, unless such time limit shall have been extended in writing by the Director. Permits shall not be transferable or assignable by the permittee.

Authorized Persons

Sec. 4. To insure compliance with the foregoing ARTICLES and Sections of this Ordinance and to facilitate the supervision of the construction, operation, and repair of sewers and drains and the keeping of records thereof, no person other than those described in this ARTICLE, shall construct, repair, alter or remove any sewer, building sewer or drain connected to or with, or discharging directly or indirectly to or into any public sewer or drain of the City or intended to discharge thus, at some future time, regardless of whether said work is located in a public street or in public or private land.

Sec. 5. No person, other than those working for and under the direction of the Director, shall make any excavation for or construct, install, lay, repair, alter or remove any sewer, drain, sewer connection, or appurtenances thereof within the City which is in any way connected to or discharges directly or indirectly to or into any public sewer or drain of the City, or is intended at some future time to be so connected or to so discharge, until said person shall have

applied for and secured from the Director a permit for doing such work. Such permits may be issued only to those qualified to perform such work as provided in ARTICLE IX, Section 6.

Sec. 6.A. The following may, as indicated, construct, repair, alter or remove public sewers and drains, except building sewers, subject to supervision and approval by the Director.

1. Regular forces of a contractor employed by the City operating under orders of the Director and in the performance of work for the City.

2. Regular forces of the City or the Rhode Island Department of Health operating under and subject to permit for the particular job to be issued by the Director and while engaged in the regular operations of the Water Supply Board or the Department of Public Works.

3. Regular forces of any public utility corporation authorized by State law to construct, maintain and operate pipes or ducts within public highways within the City, while engaged in work incidental to the regular structures of said utility company and operating under and subject to the conditions of the permit for the particular job issued by the Director.

4. Any contractor or person who shall have been duly licensed by the Director to perform work of the type in question during the period provided in such license and when operating under and subject to the conditions of a permit for the particular job issued therefor, by the Director. Such licenses shall be valid for one year and subject to revocation for cause. Fees for such licenses shall be established by the Director and approved by the City Council.

B. The connection of all private drains or sewers within the street limits and all connections to any public drain or sewer shall be performed by the Director, or his agent, and all material therefore shall be furnished by the City,

and the cost thereof and of the labor of laying the same shall be included in the sum paid for the permit.

C. Building sewers must be constructed by a licensed plumber or licensed drain layer as outlined in ARTICLE III, Section 4.

Duties and Responsibility of the Contractor

Sec. 7. Each contractor or person shall be responsible for the faithful performance of all work performed under the license or permits issued and for the conduct of all work and all materials furnished on work by his employees or agents. No work shall be sublet by a contractor or person under any permit issued under such license in any manner to divest said contractor or person of full control and responsibility for all parts of said work. Only competent persons shall be employed on work performed under such license and only suitable material conforming to the standards established by the Director shall be furnished or used on such work.

Revoking Contract or License

Sec. 8. Should the Director find that any contractor or person has failed to conform to the requirements of this Ordinance and to the conditions of any permit issued thereunder, or that such contractor has not been faithful in the performance of work or furnishing of materials under his license, the Director may suspend, cancel or revoke such license and/or permit, and may extend the suspension of such license and/or permit for such period, or limit the activities of such contractor or person in such manner as may appear to be to the public interest after a duly conducted hearing before the Director and upon their direction. Suspension, cancellation, or termination of a permit shall not entitle the permittee to any compensation or reimbursement from the City or its agents for any alleged loss or expense incurred thereby, and licenses and permits shall be issued only on this condition.

ARTICLE X

OFFENSES

Violation, Notification, and Time Limit

Section 1. Any person found to be violating any provision of this Ordinance shall be served by the City Solicitor or his authorized agent or by the Director, with written notice stating the nature of the satisfactory correction thereof. A reasonable time limit shall be understood to be thirty (30) days from date of notice to correct. The offender shall, within the period of time stated in such notice, permanently cease all violations and take such action as is recommended or necessary to insure that there will be no recurrence of such violation. All such work in connection therewith shall be performed by said person without delay and without expense to the City, and in accordance with a permit to be applied for and obtained in the usual manner.

Liabilities

Sec. 2. Any person violating any of the provisions of the Ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation, so that if the Director shall have caused the disconnection of a building sewer or drain from the public sewerage system, the Director may collect the cost of making such disconnection from any person responsible for or willfully concerned in or who profited by such violation of the requirements of this Ordinance and may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation of this Ordinance until the claim of the City for the cost of making such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the City in connection therewith.

Penalties

Sec. 3. Any person who shall continue any violation beyond the time limit provided for in

ARTICLE X, Section 1 shall be assessed a fine in an amount not exceeding two hundred dollars (\$200.00). Each day in which such violation shall continue shall be deemed a separate violation for the purpose of applying the above assessments. In addition, the Director may direct the person to disconnect or otherwise act to prevent the building sewer, from the premises in which said violation of the requirements of this Ordinance shall have occurred, from discharging to the public sewerage system.

Sec. 4. If any person shall construct, install, alter, or repair any sewer or connection to any interceptor in violation of the requirements of these rules and regulations, the Director may, in his discretion, order or direct such person to uncover and fully expose any or all portions of such sewer or connection and afford the Director and his representatives adequate opportunity for examination and inspection of the work. If the sewer or connection and appurtenances thereof shall be found not to be in full accord with the requirements of these rules and regulations and the standards established under its provisions, then the Director may serve the violator with a written notice as provided in ARTICLE X, Section 1.

Accidental Discharge

Sec. 5. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance.

A. If, for any reason, a facility does not comply with or will be unable to comply with any

prohibition or limitations in this Ordinance, the facility responsible for such discharge shall immediately notify the Director so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the Director detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the non-complying discharge.

B. Such notification will not relieve users of liability for any expense incurred due to loss or damage to the public sewer system, wastewater treatment works, or treatment process.

C. In order that employees of users may be informed of City requirements, users shall make available to their employees copies of this Ordinance together with such other wastewater information and notices which may be furnished by the City, from time to time, directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Ordinance.

D. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Ordinance.

When the City finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations of this Ordinance, or the provisions of a Wastewater Discharge Permit, the Director may issue an order to cease and desist, and direct that those persons not complying with such prohibitions, limits, requirements, or provisions to:

a. Comply forthwith;

b. Comply in accordance with a time schedule set forth by the City, or

c. Take appropriate remedial or preventive action in the event of a threatened violation.

Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Director, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Director a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the ruling made by the Director is unsatisfactory to the person requesting reconsideration, he may within ten (10) days after notification of the action, file a written appeal to the City Council. The written appeal shall be heard by the City Council within thirty (30) days from the date of filing. The City Council shall make a final ruling on the appeal within fifteen (15) days of the close of the meeting. The Director's decision, action, or determination shall remain in effect during such period of reconsideration.

ARTICLE XI

INTERPRETATION OF REQUIREMENTS

Interpretation

Section 1. The provisions of these rules and regulations with respect to the meaning of technical terms and phrases, the classification of different kinds of types of sewers, the restrictions as to what wastes may be discharged into sewers, the regulations with respect to making connections to sewers and other technical matters shall be interpreted and administered by the Director. Details as to sewer use, sewer connections, etc., not otherwise regulated or described by some provision of these rules and regulations shall continue as heretofore established by local

custom and practice, as interpreted by the Director.

Appeals

Sec. 2. Any party aggrieved by any decision, regulation or provision under this Sewer Use Ordinance, as amended, from time to time, shall have the right of appeal within twenty (20) days of said decision to the Director who shall issue a decision within twenty (20) days. If said appeal is denied by the Director, then said aggrieved party shall have the right to appeal to the Superior Court for equitable relief, provided that said appeal is entered within thirty (30) days from the issuance of the decision of the Director.

ARTICLE XII

AMENDMENT TO RULES AND REGULATIONS

Section 1. The rules and regulations set down herein may be amended by the City Council of the City of Providence, in accordance with the City Charter.

Sec. 2. Prior to any change in this Ordinance, the City Clerk shall give notice of such public hearing by publication of the date, time and place of such hearing in a newspaper of general circulation in the City of Providence. Such notice shall appear at least one day each week for the four (4) weeks preceding such hearing.

ARTICLE XIII

VALIDITY

Section 1. All ordinances, rules and regulations or parts thereof in conflict herewith are hereby repealed.

Sec. 2. The invalidity of any section, clause, sentence, or provisions of these rules and regulations shall not affect the validity of any other

part of these rules and regulations which can be given effect without such invalid part or parts.

ARTICLE XIV

RATES

Section 1. The existing Ordinance dealing with sewer use rates, Sections 25-50, 25-52 and 25-63 of the Code of Ordinances of the City of Providence, as amended November 9, 1971, shall continue in effect until such time as the City Council shall enact such other ordinance or ordinances establishing new rates for private, commercial and industrial users.

ARTICLE XV

ORDINANCE IN FORCE

This Ordinance shall take effect upon its passage.

Read and Passed the Second Time, as Amended, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN, by the following Roll Call Vote:

Ayes: Council President Fagnoli and Councilmen Addison, Almagno, Councilwoman Brassil, Councilmen Cirelli, Cola, Dillon, Easton, Farmer, Flynn, Griffin, Mansolillo, Paolino, Pearlman, Pennine, Petrosinelli and Salvatore—17.

Noes: Councilmen Lynch and Moise—2.

Not Voting: Councilmen Boyle, Glavin, O'Connor and Snowden—4.

Absent: Councilmen Johnson, Stravato and Xavier—3.

The motion for Passage, the Second Time as Amended, is Sustained.

PRESENTATION OF ORDINANCES

COUNCILMAN DILLON, COUNCILMAN O'CONNOR, COUNCILMAN EASTON and COUNCILMAN FLYNN:

An Ordinance in Amendment of and in Addition to Chapter 16, Article I, Entitled, "Offenses and Miscellaneous Provisions" by Adding Section 16-18, as It Relates to Pandering.

Referred to the Committee on Ordinances, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer is Sustained.

COUNCILMAN FLYNN, COUNCILMAN DILLON, COUNCILMAN MOISE and COUNCILMAN PAOLINO (By Request):

An Ordinance in Amendment of Article I in General, by Adding Section 23-32 to be Entitled: "Consumption of Alcoholic Beverages on Any Public Street, Public Sidewalk, Public Way, or Any Grounds Owned by the City of Providence."

Referred to the Committee on Licenses, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer is Sustained.

COUNCILMAN MANSOLILLO:

An Ordinance Prohibiting Offenses Involving Prostitution in the City of Providence.

Referred to the Committee on Ordinances, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer is Sustained.

COUNCILMAN XAVIER and COUNCILMAN FLYNN (By Request):

An Ordinance in Amendment of and in Addition to Chapter 68-11 of the Ordinances of the City of Providence Entitled, "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Mount Hope Project No. R. I. R-18."

Referred to the Committee on Urban Redevelopment, Renewal and Planning, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT FARGNOLI (By Request):

Resolution Requesting the Traffic Engineer to Cause the Installation of "Four-Way Stop" Signs at the Intersections of Gention Avenue and Isabella Avenue.

Referred to the Committee on Public Works, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer is Sustained.

Resolution Requesting the Commissioner of Public Safety to Establish a Crossing Guard Post at the Intersection of Eaton Street and River Avenue.

Referred to the Committee on Finance, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer is Sustained.

Resolution Requesting the Committee on Naming of Buildings, Expressways, Bridges, Edifices and Other City Constructions, to Change the Name of the Providence Junior Police Camp to "Cronin Marine Learning Center."

Referred to the Committee on Naming of Buildings, Expressways, Bridges, Edifices and Other City Constructions, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN MANSOLILLO.

The motion to Refer is Sustained.

COUNCILMAN ALMAGNO and COUNCILMAN STRAVATO (By Request):

Resolution Requesting the Acting Public Service Engineer to Cause a Survey to be Undertaken of the Installation of Street Lights Where Deemed Advisable along Springfield Street, from Hartford Avenue to Its Termination.

Whereas, New homes are being erected along a portion of Springfield Street where street lights do not exist.

Now, Therefore, be it Resolved, That the Acting Public Service Engineer is requested to cause a survey to be undertaken and to install street lights, where deemed advisable along Springfield Street, from Hartford Avenue to its termination.

COUNCILWOMAN BRASSIL (By Request):

Resolution Requesting the Traffic Engineer to Prohibit Motor Vehicular Traffic along Kennedy Plaza to Accommodate National Solidarity Day on Saturday, October 20, 1979.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicular traffic along Kennedy Plaza, on Saturday, October 20, 1979, for the purpose of accommodating the Rhode Island Coalition for the Equality of the Disabled on National Solidarity Day, from 10:00 o'clock A.M. to 4:00 o'clock P.M., and

Be it further Resolved, In the event of inclement weather, the Rally will be held under the "Park and Lock" Terrace.

Severally Read and Collectively Passed, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion for Passage is Sustained.

COUNCILMAN COLA (By Request):

Resolution Requesting the Committee on Naming of Buildings, Expressways, Bridges, Edifices and Other City Constructions to Change the Name of Raritan Avenue to Gemma Court.

Referred to Committee on Naming of Buildings, Expressways, Bridges, Edifices and Other City Constructions, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN MANSOLILLO.

The motion to Refer is Sustained.

COUNCILMAN DILLON and COUNCILMAN FLYNN (By Request):

Resolution Requesting the Director of Public Works to Cause the Sewers Situated along Cranston Street, at Its Intersections with Waldo, Wadsworth and Benedict Streets, to be Cleaned.

Resolved, That the Traffic Engineer is requested to cause the Sewers situated along Cranston Street, at its intersections with Waldo Street, Wadsworth Street and Benedict Street, to be Cleaned.

COUNCILMAN DILLON, COUNCILMAN O'CONNOR, COUNCILMAN ADDISON, COUNCILMAN EASTON, COUNCILMAN GLAVIN, COUNCILMAN MANSOLILLO, COUNCILMAN MOISE and COUNCILMAN SNOWDEN (By Request):

Resolution Requesting Congress to Reconsider Their Opinion with Respect to New Regulations Concerning Reduced Mortgage Rates.

Whereas, The Rhode Island Housing and Mortgage Finance Corporation finances reductions in mortgage interest rates for owner-occupied dwellings through the issuance of tax exempt bonds, and

Whereas, These reduced interest rates have made it possible for many low income Rhode Islanders to purchase their own homes, and

Whereas, HR-3712 was reported out of the Ways and Means Committee of the United States House of Representatives, with recommendation that tax exempt status be limited to bonds issued to reduce interest rates on mortgages for single family owner-occupied dwellings exclusively, and

Whereas, Approximately Forty-Eight Percent (48%) of the homes in the City of Providence are two and three family structures many of which are at present, absentee-owned, and

Whereas, Owner occupants maintain their property better than absentee owners, and

Whereas, The ever increasing cost of gasoline encourages people to seek residences closer to their place of employment, and

Whereas, The rental income provided by two and three family houses makes these structures desirable to low income families who might not be able to afford a mortgage on a single family home, and

Whereas, The purchase of two and three family houses by owner occupants should be encouraged by all levels of government, and

Whereas, Vast amounts of local and federal funds have been expended in attempting to revitalize our Nation's Cities, and

Whereas, The ultimate success of these public efforts depends upon a similar investment by the private sector,

Now, Therefore, be it Resolved, That the City Council of the City of Providence respectfully requests that the Congress of the United States, in particular the Ways and Means Committee of the House of Representatives, reconsider its action on HR-3712 and amend said legislation to allow the Rhode Island Housing and Mortgage Finance Corporation to offer reduced mortgage interest rates to low income owner occupants of two and three family structures, and

Be it further Resolved, That the City Clerk is directed to cause a duly engrossed copy of this Resolution to be transmitted to the Honorable Chairman and Members of the Ways and Means Committee of the House of Representatives and the Honorable Members of the Rhode Island Congressional Delegation.

Severally Read and Collectively Passed, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion for Passage is Sustained.

COUNCILMAN MOISE:

Resolution Requesting the City Solicitor to Prepare, Cause to be Introduced and to Urge Passage at the Next Session of the General Assembly of An Act in Amendment of and In Addition to Section 11-9-12, of the General Laws of the State of Rhode Island, Entitled: "Penalty for Loitering on Curfew Streets".

Referred to the Committee on Public Welfare, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer is Sustained.

Resolution Requesting the City Solicitor to Submit an Opinion to the City Council, in Writing, as to Whether the Streets Layed Out and Designated on Recorded Plat Card 712, on April 16, 1896, on File in the Office of the Recorder of Deeds are in Full Force and Effect as of this Date.

Resolution Requesting the City Solicitor to Review the Access and Right-of-Way Problems of Drummond Field and to Report Back, in Writing, to the City Council.

Severally Referred to the Committee on City Property, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer is Sustained.

Resolution Requesting the Director of Public Property to Cause Drummond Field to be Cleaned of All Debris and to Cause the Installation of a Drinking Fountain.

Resolved, That the Director of Public Property is requested to cause Drummond Field to be cleaned of all Debris, and

Be it further Resolved, That a Drinking Fountain be installed in said Field.

COUNCILMAN MOISE (By Request):

Resolution Requesting the Supervisor of Environmental Control to Cause Those Lots Situated

at 196 Burnside Street and 63 Gallup Street to be Cleaned of All Debris and the Area Baited for Rodents.

Resolved, That the Supervisor of Environmental Control is requested to Cause those lots situated at 196 Burnside Street and 63 Gallup Street (rear) to be cleaned of all debris and the area be baited for rodents.

COUNCILMAN PEARLMAN and COUNCILMAN FARMER (By Request):

Resolution Requesting the Director of Public Works to Repair that Sidewalk Located along 33 Taft Avenue.

Resolved, That the Director of Public Works is

requested to cause that Sidewalk located along 33 Taft Avenue, to be Repaired.

Resolution Requesting the Director of Public Works to Repair that Sidewalk Located along 10 Hazard Avenue.

Resolved, That the Director of Public Works is requested to cause that Sidewalk located along 10 Hazard Avenue, to be Repaired.

Severally Read and Collectively Passed, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN DAVID G. DILLON, Chairman COMMITTEE ON CLAIMS AND PENDING SUITS

Transmits the following with Recommendation
the Same be Severally Approved for Cancellation:

Certificates from the City Assessor (1-E, 2-E, 4-E, 5-E, 7-E through 39-E Inclusive, 41-E, 42-E and 44-E through 50-E Inclusive) Recommending the Same be Severally Cancelled, Pursuant to the Provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, 1956, as Amended.

Severally Approved for Cancellation, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN, by the following Roll Call Vote:

Ayes: Council President Fagnoli and Councilmen Addison, Boyle, Councilwoman Brassil,

Councilmen Cirelli, Cola, Dillon, Easton, Farmer, Flynn, Glavin, Griffin, Lynch, Mansolillo, Moise, O'Connor, Paolino, Pennine, Petrosinelli, Salvatore and Snowden—21.

Absent: Councilmen Almagno, Johnson, Pearlman, Stravato and Xavier—5.

The motion to Approve is Sustained.

COUNCILMAN LAURENCE K. FLYNN, Chairman
COMMITTEE ON PUBLIC WORKS

Transmits the following with Recommendation
the Same be Severally Adopted:

Resolution Requesting the Traffic Engineer to Cause Fricker Street to be Closed to Traffic Forthwith from September to June of Each School Year, During School Hours.

The Resolution is thereupon Passed as the motion for Passage is Sustained.

Resolved, That the Traffic Engineer is hereby ordered to cause Fricker Street to be closed to Traffic forthwith, from September to June of each School Year, during School Hours and to erect barriers of a more permanent nature, and

Resolution Establishing Doubloon Street, from South Water Street to South Main Street as a One-Way Street, in an Easterly Direction.

Be it further Resolved, That if in the future, the Traffic Engineer deems this order a safety hazard to the citizens of the City of Providence he then inform the City Council, in writing, and upon receipt of same, the Committee on Public Works shall schedule a Public Hearing.

Resolved, That Doubloon Street is hereby established as a One-Way Street, in an easterly direction, from South Water Street to South Main Street.

COUNCILMAN ADDISON moves the Resolution be Read and Passed. This motion is seconded by **COUNCILMAN FLYNN**.

Resolution Converting a Portion of DePasquale Avenue, from the Southerly Line of Spruce Street to the Northerly Line of Atwells Avenue, to a Pedestrian Plaza.

A Division Vote being Requested is as follows:

Ayes: 13.

Noes: 5.

Not Voting: 1.

Resolved, That DePasquale Avenue, from the southerly line of Spruce Street, to the northerly line of Atwells Avenue, be converted to a Pe-

destrian Plaza, as outlined on the cross-hatched area on the accompanying plan entitled "Providence, Rhode Island, Department of Public Works — Engineering Office, Street Line Section Plan No. 063987 dated October 12, 1976", and that the vehicular access to abutting property will not be duly inconvenienced by said conversion.

Severally Read and Collectively Passed, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion for Passage is Sustained.

The following Is Transmitted with Recommendation that the Same be Denied:

Petition to Abandon as a Public Highway that Portion of New York Avenue, Fronting on Lot 289, Plat 56. The Portion to be Abandoned is 200 Feet by the Width of the Street.

Denied, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Deny is Sustained.

COUNCILMAN HARRY A. JOHNSON, Chairman
COMMITTEE ON CITY PROPERTY

Transmits the following with Recommendation
the Same be Severally Adopted:

Resolution Authorizing His Honor the Mayor to Execute a Deed of Conveyance to Arnold C. Holland, Sr., of 135 Abbott Street, Providence, Rhode Island of Lot 244, as Set Out and Delineated on City Assessor's Plat 5, Situated along Abbott Street.

Resolved, That His Honor the Mayor is hereby authorized to execute a Deed of Conveyance to Arnold C. Holland, Sr., or nominee, of 135 Abbott Street, Providence, Rhode Island, of that certain Lot or Parcel of Land comprising of approximately 3,599 square feet of land, more or less, situated on Lot 244, as set out and delineated on City Assessor's Plat 5, situated along Abbott Street for the sum of Seven Hundred Fifty Dollars (\$750.00) containing such terms and conditions as may be approved by His Honor the Mayor and the City Solicitor.

Read and Passed, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN, by the following Roll Call Vote:

Ayes: Council President Fagnoli and Councilmen Addison, Boyle, Councilwoman Brassil, Councilmen Cola, Dillon, Easton, Farmer, Glavin, Griffin, Lynch, Moise, O'Connor, Paolino, Penine, Petrosinelli, Salvatore and Snowden—18.

Absent: Councilmen Almagno, Cirelli, Flynn, Johnson, Mansolillo, Pearlman, Stravato and Xavier—8.

The motion for Passage is Sustained.

Resolution Authorizing His Honor the Mayor to Execute a Deed of Conveyance to Andrew J. Patrick, Jr., of 37 Potters Avenue, Providence, Rhode Island of Lot 390, as Set Out and Delineated on City Assessor's Plat 46, Situated along Potters Avenue.

Referred Back to the Committee on City Property, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer Back to Committee is Sustained.

Resolution Authorizing His Honor the Mayor to Execute a Renewal of an Option of a Lease to John J. Orr & Son, Inc., of that Certain Tract or Parcel of Land Situated in the Fields Point Area, as Set Out and Delineated on Lot 297, City Assessor's Plat 56, Comprising of 13.77 Acres of Land.

Resolved, That His Honor the Mayor be and he is hereby authorized to execute a Renewal of an Option to John J. Orr & Son, Inc., Municipal Pier, Providence, Rhode Island to lease that certain tract or parcel of land, consisting of 13.77 acres or 600,000 square feet of land, as set out and delineated on Lot 297, City Assessor's Plat 56, in accordance with lease dated February 5, 1970; said lease and option to be upon such terms and conditions as may be approved by His Honor the Mayor and the City Solicitor.

Read and Passed, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN, by the following Roll Call Vote:

Ayes: Council President Fagnoli and Councilmen Addison, Almagno, Boyle, Councilwoman Brassil, Councilmen Cola, Dillon, Easton, Farmer, Glavin, Griffin, Lynch, Mansolillo, Paolino, Pennine, Petrosinelli, Salvatore and Snowden—18.

Not Voting: Councilman Moise—1.

Absent: Councilmen Cirelli, Flynn, Johnson, O'Connor, Pearlman, Stravato and Xavier—7.

The motion for Passage is Sustained.

Resolution Authorizing His Honor the Mayor to Execute a Deed of Conveyance to the Department of Housing and Urban Development, of Those Certain Parcels of Land Located along Alpin Court.

Resolved, That His Honor the Mayor be and he is hereby authorized to execute a Deed of Conveyance to the Department of Housing and Urban Development, for those parcels of land designated as Lots 32, 31, 313, 314 and 320, as set out and delineated on City Assessor's Plat 8, being outlined on the accompanying map entitled, "Dedication of Pleasant Park, Mount Hope Urban Renewal Project," R. I. R-18, Providence Redevelopment Agency, Area A-D-E-F-G-K-A, Containing Approximately 14,023 square feet of land, more or less, and B-C-H-J-B, Containing Approximately 2,254 square feet of land, more or less, and a portion of Lot 263, as set out and delineated on City Assessor's Plat 8, outlined on accompanying map entitled, "Dedication of Pleasant Walkway, Mount Hope Urban Renewal Project, R. I. R-18," Providence Redevelopment Agency, Area A-B-C-D-A, Containing Approximately 2,203 square feet of land, more or less; said parcels to be incorporated as part of the Mount Hope Court Apartments.

Resolution Authorizing the Assignment of Tax Title for Lot 321, Plat 110, being Located along Prudence Avenue to Henry Calejchia, d/b/a Prudence Caterers.

Resolved, That the City Treasurer is authorized to assign tax title on Lot 321, Plat 110, to Henry Calecchia, d/b/a Prudence Caterers pursuant to the provisions of R.I. G.L. 1956, 44-9-18, an offer having been made to the City of Providence by Henry Calecchia, of a sum not less or more than the amount necessary for redemption; said sum totalling One Thousand, One Hundred Sixty Dollars, Ninety Cents (\$1,160.90). This Lot is a Vacant Lot adjoining the property of Prudence Caterers, located along Prudence Avenue.

Severally Read and Collectively Passed, on motion of **COUNCILMAN ADDISON**, seconded by **COUNCILMAN GLAVIN**, by the following Roll Call Vote:

Ayes: Council President Fagnoli and Councilmen Addison, Almagno, Boyle, Councilwoman Brassil, Councilmen Cola, Dillon, Easton, Farmer, Glavin, Griffin, Lynch, Mansolillo, Moise, O'Connor, Paolino, Pennine, Petrosinelli, Salvatore and Snowden—20.

Absent: Councilmen Cirelli, Flynn, Johnson, Pearlman, Stravato and Xavier—6.

The motion for Passage is Sustained.

Resolution Requesting His Honor the Mayor to Submit a Report to the Committee on City Property as to His Proposal with Respect to the Operation of Containerization at the Port of Providence, for Its Consideration and Review.

Whereas, The City Council through the Committee on City Property has, by virtue of the "Rules of the City Council", the authority to negotiate the sale, and/or lease of City owned property, and

Whereas, Recently, the Mayor has entered into negotiations with certain private parties relative

to operating a Container Terminal at the Port of Providence without any consultation with said Committee or the City Council, and

Whereas, To date, neither the Mayor nor those certain private parties have submitted any proposal for the aforementioned Container Terminal Operation to the Committee on City Property for their review and/or approval, and

Whereas, It appears that the Mayor and these private parties have negotiated agreements and/or leases for the use of City owned land at the Port of Providence with respect to the operation of a Container Terminal without the approval of the Committee on City Property or the City Council,

Now, Therefore, be it Resolved, That the Mayor is hereby requested to submit a report, in writing, to the Committee on City Property as to his proposal with respect to the operation of a Container Terminal at the Port of Providence for its consideration and review prior to entering into any agreements for the sale or leasing of City Owned property at the Port of Providence for the specific use of a Container Terminal.

Read and Passed, on motion of **COUNCILMAN ADDISON**, seconded by **COUNCILMAN MANSOLILLO**.

The motion for Passage is Sustained.

Resolution Rescinding Resolution No. 635, Approved July 13, 1979, Authorizing His Honor the Mayor to Execute a Deed of Conveyance to Joan Blais, or Nominee, 5 Mendon Street, Providence, Rhode Island, of Lot 302, as Set Out and Delineated on City Assessor's Plat 97, the Lot Number being in Error.

Resolved, That Resolution No. 635, Approved July 13, 1979, authorizing a Deed of Convey-

ance to Joan Blais, or nominee, 5 Mendon Street, Providence, Rhode Island, of that certain tract or parcel of land comprising of approximately 4,000 square feet of land, more or less, located along Mendon Street; being also Lot 302 as set out and delineated on City Assessor's Plat 97 for the sum of Five Hundred Dollars (\$500.00) be rescinded, the Lot Number being in Error.

Read and Passed, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN, by the following Roll Call Vote:

Ayes: Council President Fagnoli and Councilmen Addison, Almagno, Boyle, Councilwoman Brassil, Councilmen Cola, Dillon, Easton, Farmer, Glavin, Griffin, Lynch, Mansolillo, Moise, O'Connor, Paolino, Pennine, Petrosinelli, Salvatore and Snowden—20.

Absent: Councilmen Cirelli, Flynn, Johnson, Pearlman, Stravato and Xavier—6.

The motion for Passage is Sustained.

The following Is Transmitted with Recommendation the Same be Adopted as Amended:

Resolution Authorizing the City Treasurer to Assign Tax Title to Joseph Paolino for Lot 496, City Assessor's Plat 49, Located along 73 Mawney Street.

Resolved, That the City Treasurer be and he is

hereby authorized to assign tax title on Lot 496, on City Assessor's Plat 49, located at 73 Mawney Street, to Joseph Paolino, pursuant to the Provisions of R.I. G.L. 1956, 44-9-18, an offer having been made to the City of Providence by Joseph Paolino of Seven Thousand, Three Hundred Eight Dollars, Thirty-Two Cents (\$7,308.32), a sum not less or more than the amount necessary for redemption, and

Be it further Resolved, That said Lot 496 as set out on City Assessor's Plat 49, shall not be sold to a private institution or a non-profit organization following its conveyance to Joseph R. Paolino and that this stipulation be incorporated in the Deed of Conveyance.

Read and Passed as Amended, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN, by the following Roll Call Vote:

Ayes: Council President Fagnoli and Councilmen Addison, Almagno, Boyle, Councilwoman Brassil, Councilmen Cola, Dillon, Easton, Farmer, Glavin, Griffin, Lynch, Mansolillo, Moise, O'Connor, Pennine, Petrosinelli, Salvatore and Snowden—19.

Not Voting: Councilman Paolino—1.

Absent: Councilmen Cirelli, Flynn, Johnson, Pearlman, Stravato and Xavier—6.

The motion for Passage as Amended, is Sustained.

COMMUNICATIONS AND REPORTS

FROM EDWARD F. MALLOY, CHIEF JUDGE OF THE PROVIDENCE MUNICIPAL COURT

Communication, Informing the Honorable City Council that He has Appointed Stephen V. Ryan as Clerk of Said Court for the Term Ending on the First Monday of January, 1981 to Fill the Vacancy Caused by the Resignation of John S. Ziegelmayer.

Received.

\$17,000.00 to John Britto of 207 Wickenden Street, Providence, Rhode Island.

Referred to the Committee on Urban Redevelopment, Renewal and Planning, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer is Sustained.

FROM STATE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Notice, that the Application of Mr. Daniel Fer-ranti d/b/a D. & A. Electroplating Company, 150 Park Lane, Providence, Rhode Island, is Under Consideration to Alter a Freshwater Wetland Known as Mashapaug Pond, for the Purpose of Landscaping Alterations at the Rear of 150 Park Lane.

Received.

FROM THE CITY PLAN COMMISSION

Capital Improvement Program for 1979-1985.

Received.

FROM NORTH BURIAL GROUND

Annual Reports for 1977 and 1978.

Severally Received.

FROM THE PROVIDENCE REDEVELOPMENT AGENCY

Report, dated September 13, 1979, Informing the Honorable City Council of Its Proposed Sale of Real Property within the East Side Renewal Project R.I. R-4, viz:

The Agency proposes the sale of Parcel 109B (20 Schofield Street) consisting of 2,093± sq. ft. of land and a residential structure as delineated on the attached map for the disposition price of

FROM THE PROVIDENCE PUBLIC LIBRARY

Annual Report for the Year, 1979.

COUNCILMAN EASTON moves the Report Not be Received and that it be Referred Back to the Providence Public Library, due to the politicking of said report wherein the caption on Page 13 states:

"The Rochambeau Branch of the Providence

Public Library kept its doors open in late December when Mayor Vincent A. Cianci, Jr., promised financial support to the central Library and its eight branches. The Mayor's actions delayed the closing of all eight branches."

This motion being seconded by COUNCILWOMAN BRASSIL and COUNCILMAN LYNCH is Put to Vote and Passed, by the following Roll Call Vote:

Ayes: Council President Fargnoli and Councilmen Addison, Boyle, Councilwoman Brassil, Councilmen Dillon, Easton, Glavin, Lynch, Moise,

O'Connor, Petrosinelli and Salvatore—12.

Noes: Councilmen Almagno, Cola, Farmer, Griffin, Mansolillo, Paolino and Pennine—7.

Not Voting: Councilman Snowden—1.

Absent: Councilmen Cirelli, Flynn, Johnson, Pearlman, Stravato and Xavier—6.

The motion to Refer Back to the Providence Public Library is Sustained.

FROM THE CLERK'S DESK

Petition of Rene V. Dionne to Change the Name of Buell Court to Larson Court.

Referred to Committee on Naming of Buildings, Expressways, Bridges, Edifices and Other City Constructions, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN O'CONNOR.

The motion to Refer is Sustained.

Petitions for Compensation for Injuries and Damages, viz:

Allstate Insurance Co., as subrogee of Dr. Gabriel A. Najera

Avis Rent-A-Car

Venturia Brooks

Shirley Clift

Louis Contenti et ux Rose Contenti and Aida Maiorani JT

Rita Costa

Pearl Curran

Donald Gibbs

Augustine Hartington

Beverly A. Hourtal

Jacquie A. Johnson

Thomas C. Marcello

George H. Marshall

Eugenio Messoro

Nationwide Insurance Co., as subrogee of Leslie M. DiOrio

Rita Palombo

Gaetano B. Rizzo

Irving E. Rosen

James N. Salem

Rosa G. Sousa

Referred to Committee on Claims and Pending Suits, on motion of COUNCILMAN ADDISON, seconded by COUNCILMAN GLAVIN.

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

"In Congratulations"

COUNCIL PRESIDENT FARGNOLI and COUNCILMAN COLA:

Mr. and Mrs. Salvatore Persechino, Upon the Celebration of Their Sixtieth Wedding Anniversary.

Selected as Chairwoman of the National Advisory Panel on Financing Elementary and Secondary Education by President Jimmy Carter.

COUNCILMAN CIRELLI and COUNCILMAN COLA:

Mr. and Mrs. Hector Chabot Upon the Celebration of Their Fiftieth Wedding Anniversary.

COUNCILMAN PEARLMAN and COUNCILMAN FARMER:

Abraham Linder, Upon the Celebration of His Ninety-Ninth Birthday.

COUNCILMAN MOISE, COUNCILMAN O'CONNOR, COUNCILMAN ADDISON, COUNCILWOMAN BRASSIL, COUNCILMAN FARMER, COUNCILMAN PAOLINO, COUNCIL PRESIDENT FARGNOLI and COUNCILMAN SNOWDEN:

Representative Victoria Lederberg, Upon being

Rabbi Jacob Rubenstein, Congregation Sons of Zion, Upon his Faithful Service for the Last Two (2) Years.

Rabbi Morris Drazin, Congregation Sons of Jacob, for His Outstanding Service to the Community for Over Twenty-Six Years.

Rabbi Joshua Laufer of Chabot-Lubovitch,
Welcoming Him to that Community.

Severally Read and Collectively Passed, on
motion of COUNCILMAN ADDISON, seconded
by COUNCILMAN GLAVIN.

The motion for Passage is Sustained.

COUNCILMAN PEARLMAN, COUNCILMAN
FARMER and COUNCILMAN SNOWDEN:

Samuel Shlevin, the New Executive Director
of the Providence Hebrew Day School.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

COUNCIL PRESIDENT FARGNOLI and COUN- COUNCILMAN COLA:
CILMAN PETROSINELLI:

John Montecalvo.

Beth R. Knott.

COUNCIL PRESIDENT FARGNOLI and COUN-
CILMAN COLA:

May DeNicola.

Juliette C. Grenon.

COUNCILMAN COLA and COUNCILMAN PEN-
NINE:

Antonetta Gliottone.

COUNCILWOMAN BRASSIL, COUNCILMAN
O'CONNOR, COUNCILMAN SNOWDEN and
COUNCILMAN EASTON:

Jean Smith.

**COUNCILMAN COLA, COUNCILMAN MOISE,
COUNCILMAN BOYLE and COUNCILMAN
LYNCH:**

Nicholas E. O'Brien.

**COUNCILMAN PEARLMAN and COUNCILMAN
FARMER:**

Armando S. Testa.

**COUNCILMAN MOISE and COUNCILMAN
FLYNN:**

Grace M. Ricci.

**COUNCILMAN STRAVATO, COUNCILMAN
MOISE, COUNCILMAN ADDISON, COUN-
CILMAN MANSOLILLO, COUNCILMAN
COLA and COUNCILMAN ALMAGNO:**

George E. Conley.

Martha E., Eduardo and Israel Franco.

Severally Read and Collectively Passed, by a
Unanimous Rising Vote, on motion of COUNCIL-
MAN ADDISON, seconded by COUNCILMAN
GLAVIN.

The motion for Passage is Sustained.

**COUNCILMAN PEARLMAN, COUNCILMAN
FARMER and COUNCILMAN PAOLINO:**

Martha Cohen.

ADJOURNMENT

There being no further business, on motion of
COUNCILMAN ADDISON, seconded by COUN-
CILMAN GLAVIN, the City Council adjourns at
10:40 o'clock P.M. (E.D.T.) to meet again on
THURSDAY, OCTOBER 4, 1979 at 8:00 o'clock
P.M. (E.D.T.).

Rose M. Mendonca
City Clerk

September 20]

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[1979
