

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2018-70

No. 547 AN ORDINANCE IN AMENDMENT OF CHAPTER 23 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "STREETS, SIDEWALKS AND PUBLIC PLACES," ADDING SECTION 23-144, "ERUV"

Approved November 20, 2018

*Be it ordained by the City of Providence:*

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 23, Entitled, "Streets, Sidewalks and Public Places," Article V, Entitled, "Poles, Wires and Conduits" is hereby amended to include Section 23-144, Entitled "Eruv" as follows:

Sec. 23-144 - Eruv

(a) *Preamble.* An "eruv" is a physical boundary-made out of wire and connected to preexisting overhead utility poles, streetlights, and other vertical posts, as required-that, in Jewish law, signifies the boundary within which activities usually forbidden to be done in public on the Jewish Sabbath-such as carrying keys and pushing a baby stroller-are permitted. The City of Providence currently contains an eruv (the "Eruv"). The Eruv is installed and maintained by the Providence Eruv Corporation (the "PEC"), a 501(c)(3) organization incorporated in the State of Rhode Island. The Eruv presently covers part of the City of Providence and part of the City of Pawtucket. As part of the boundary, the Eruv sometimes requires the use of public property to hang wires that will also extend across the public way.

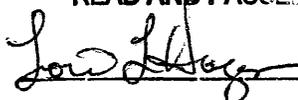
(b) To the extent permissible by law, the City of Providence allows the PEC to maintain, operate, replace, or remove the Eruv already in place to the extent that the PEC uses any City property (including, but not limited to, city buildings and poles) as part of the Eruv or has portions of the Eruv occupying the public way, subject to the following limitations:

1. Compliance with the Law. The PEC shall comply with all applicable federal, state, and local laws, ordinances, rules, and regulations, in the installation, maintenance, removal, and any other matter relating to the Eruv. This includes, but is not limited to, ensuring no obstruction to public rights of way, ensuring no disruption in utility or City services, and seeking permission of any and all other entities which may own or use the property that is used as part of the Eruv.
2. Eruv Maintenance. The PEC shall be solely responsible for the installation, maintenance, removal, costs associated therewith, and any other matters relating to the Eruv. Furthermore, the PEC shall install, maintain, remove, and otherwise operate the Eruv in such a way so as not to interfere with the structural integrity or the proper functioning of any of the City's property, as well as in such a way so as to not pose any danger to any of the City's employees or contractors, or the general public.
3. City's Right to Maintain its Property. Nothing in this Ordinance limits the right of the City, its employees, contractors, and servants to install, remove, maintain, repair, or otherwise care for its property, including property upon which the Eruv is affixed, as it deems fit. The City shall not be responsible for providing notice to the PEC of any such activity, nor shall it be responsible for providing notice of any interruption to the Eruv as a result of any such activity.

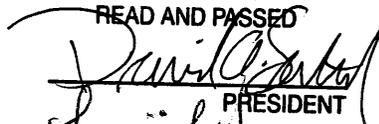
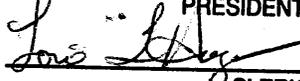
- 4. Damage or Theft. The City shall not be responsible for any damage, theft, or interruption of any kind relating to the Eruv. The City shall not be responsible for providing notice to the Corporation of any such damage, theft, or interruption of any kind.
- 5. Insurance Coverage. The PEC, shall secure a general liability policy, at its own expense, in an amount not less than one million dollars (\$1,000,000.00). Such policy shall name the City, its officers, employees, and servants as additional insureds and contain an endorsement extending coverage to the City, its officers, employees, and servants. Within thirty (30) days of obtaining such a policy, the PEC shall provide the City Clerk with a copy of the operative document showing that the City, its officers, employees, and servants are covered under the policy. At least thirty (30) days prior to the expiration of such policy, the PEC shall provide written notice to the City that the PEC and the City, its officers, employees, and servants will be insured for at least an additional six (6) months from the date of expiration of the policy. Such written notice shall include a copy of the new operative document showing that that the City, its officers, employees, and servants are covered under the policy.
- 6. Release. The PEC shall release, defend, and indemnify the City, its officers, employees, contractors, and servants from any and all liability relating to installation, maintenance, removal, and any other matter relating to the Eruv. The PEC further shall release, defend, and indemnify the City and its officers, employees, contractors, and servants from any and all liability relating to actions, causes of action, claims, demands, damages, costs, loss of services, expenses, compensation, third-party actions, suits at law or in equity, including claims or suits for contribution and/or indemnity, of whatever nature, and all consequential damages that are brought or may be brought against the City concerning the Eruv, as well as any actions or occurrences, whether negligent, intentional, or criminal, on or with respect to the Eruv, including, but not limited to, any claims for property damage, personal injuries, and damages or injuries of any kind. The Corporation further represents that all persons participating in the installation, maintenance, and/or removal of the Eruv assume the risk of any and all damages resulting from such actions, including any and all risks posed by City property.
- 7. Revocation. The City's Director of Public Works, or his or her designee, may revoke permission granted under this ordinance for any reason, at any time, with or without cause. Upon providing notice to the PEC of such revocation, the PEC shall, within twenty-four hours, remove, or have removed, the Eruv, or any portion thereof, hanging in the public way, using city property, or necessitating removal. The City's Director of Public Works, or his or her designee, may nullify his or her revocation at any time, allowing the Eruv to continue as it existed prior to the revocation by the Director, or his or her designee.

(c) Modification/Expansion. If the PEC intends to modify or expand the Eruv in any way, plans for that modification must be approved by the City's Director of Public Works before implementation.

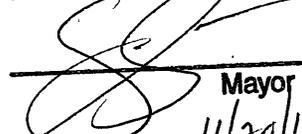
IN CITY COUNCIL  
 NOV 01 2018  
 FIRST READING  
 READ AND PASSED

 CLERK

IN CITY  
 COUNCIL  
 NOV 15 2018  
 FINAL READING  
 READ AND PASSED

 PRESIDENT  
 CLERK

I HEREBY APPROVE.

  
 Mayor  
 Date: 11/20/18