

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1992-52

No. 621 **AN ORDINANCE** AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, SECTIONS 12-56, 12-57, 12-58, 12-80, 12-117 AND 12-117.1, AS AMENDED

Approved December 28, 1992

Be it ordained by the City of Providence:

SECTION 1. Article III of Chapter 12 of the Code of Ordinances of the City of Providence is hereby amended in part to read as follows:

Section 12-56. Placing combustible refuse on vacant land, dumping ground.

No person shall place or deposit, or cause to be placed or deposited, upon any vacant land or upon premises used as a dumping ground any mattress, bedding, wood shavings, excelsior, paper, cardboard, cartons, empty boxes, crates or barrels, or other similar combustible rubbish, except that when such combustible material is of value and can be salvaged and sold, it may be placed on the surface of the land in places provided for such purpose and approved by the Director of Public Works and within a period of not more than three (3) days shall be moved into sheds or other buildings for storage until sold, and such residue therefrom as cannot be salvaged may be disposed of in such manner as not to cause a nuisance.

Section 12-57. Littering.

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

- (1) The property has been designated by the city for the disposal of litter, and
- (2) The litter is placed in a receptacle or other container intended by owner or tenant of that property for the deposit of litter.

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

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Be it ordained by the City of Providence:
Approved

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

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

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

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

Section 12-58. Deposits of decomposable animal, vegetable, other offensive matter.

(a) No person shall place or deposit, or cause or permit to be placed or deposited upon any premises anywhere within the limits of the city any decomposing or decomposable animal or vegetable matter or any other offensive matter or substance of any sort except by permission of the director of the department of public works or his designee, under such regulations as may be adopted by the director of public works. Every owner, lessee or occupant of such land, or any person hereafter placing or depositing, or causing or permitting to be placed or deposited, any such matter or substance as aforesaid, shall remove said matter or substance from said land.

(b) No person shall place or deposit, or cause or permit to be placed or deposited anywhere within the limits of the city any motor vehicle gasoline tank or diesel fuel tank or other container used for the storage of gasoline or other such combustible fluids unless such deposit is permitted by the Director of the Department of Public Works.

Section 12-80. Schedule of Fines.

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

	<u>Offense</u>	<u>Fine</u>
01	Early or improper storage of household trash	25.00
02	Early or improper storage of commercial trash	50.00
03	Deposit of gasoline tanks	500.00
04	Trash hauling without license	200.00
05	Violation of dumpster ordinance	50.00
06	Littering	50.00
07	Depositing garbage in container of another	50.00
08	Illegal dumping of over one cubic yard of litter	500.00

09	Illegal dumping of heavy litter	500.00
10	Violation of recycling ordinance	25.00
11	Scavenging	25.00
12	Other	25.00

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

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

SECTION 2. Article V of Chapter 12 of the Code of Ordinances of the City of Providence is hereby amended in part to read as follows:

Section 12-117. Throwing rat or vermin harborage on vacant lands, streets, lakes, other property prohibited - Enforcement against owners and tenants.

No person shall throw, place or deposit or permit any tenant or person under his control or employment to throw, place or deposit any putrid substance, night soil, filth of any kind, garbage, rubbish, refuse, piles, old lumber or other rat or vermin harborage or any unwholesome material, in or upon any land, vacant land, alley, lane, sidewalk or street, canal, lake or river, or upon any private land or public land or park within the city without the consent of the director of public works.

No person or person shall allow any land, vacant land, alley, lane sidewalk or street, canal, lake or river owned by them to become covered with any putrid substance, night soil, filth of any kind, garbage, rubbish, refuse piles, old lumber or other rat or vermin harborage or any unwholesome material which endangers the general health and welfare of the public.

The director of public works shall cause to be examined all land, vacant land, alleys, lanes, sidewalks and streets, canals, lakes or rivers, private land and public lands or parks within the limits of the city. When said director finds any putrid substance, night soil, filth of any kind, garbage, rubbish, refuse piles, old lumber or other rat or vermin harborage or any unwholesome material placed or deposited upon any land, vacant land, alleys, lanes, sidewalks and streets, canals, lakes or rivers, private land and public lands or parks which endangers the general health and welfare of the public, he shall order the owner or owners or tenant or tenants to remove said materials, and if the said owner or owners or tenant or tenants refuse to remove said materials within three (3) days, said Director may cause the same to be removed at the expense of the owner and/or tenant or tenants. Thereupon, said Director shall place a lien upon the land for the cost of removing the materials.

No owner or owners or tenant or tenants shall neglect or refuse to remove therefrom any materials, after being ordered to do so by the Director of Public Works, or obstruct any member under the control of the Director of Public Works in the discharge of their duties. Every day, in excess of three (3), that any such owner or owners or tenant or tenants shall neglect or refuse to remove therefrom any materials after being ordered to do so by the Director of Public Works shall be deemed and regarded as a separate offense under this section.

Service of any order authorized by this section shall be made upon the owner or owners in one of the following manners:

- (a) By leaving with said owner or owners personally a copy of said order;
- (b) By leaving at the last-known abode of said owner or owners

with a person of suitable age and discretion a copy of said order;

- (c) By tacking or affixing to the front door of the last-known abode of said owner or owners a copy of said order;
- (d) By mailing to the owner or owners at his/her/their last-known abode a copy of said order. Said mailing shall be by certified mail, return receipt requested, and by regular mail, postage prepaid; or
- (e) By publication in a newspaper of general circulation in the City of Providence.

Any order herein made shall be subject to appeal by the owner or owners within forty-eight (48) hours after service of the order. Said appeal shall be taken by filing a petition with the Providence Municipal Court praying a review of such order and it shall be the duty of such court to hear the same within three (3) days from the time the petition is filed, and to make such order in the premises as right and justice may require. The party or parties appealing to the Providence Municipal Court shall file with said court within two (2) days of said appeal a bond in an amount to be fixed by the court, conditioned to pay all the costs of such appeal in case such appellant fails to sustain his appeal or the same be dismissed for cause.

SECTION 3. Section 12-117.1 of Article V of the Code of Ordinances shall be deleted in its entirety.

SECTION 4. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL
DEC 3 1992
FIRST READING
READ AND PASSED

Michael R. Clement
CLERK

IN CITY COUNCIL

DEC 17 1992
FINAL READING
READ AND PASSED

Evelyn J. Fargnoli
SICING PRESIDENT
Michael R. Clement
CLERK

APPROVED
DEC 28 1992
Jeanette A. Craven
MAYOR

No.

CHAPTER

AN ORDINANCE AMENDING CHAPTER
12 OF THE CODE OF ORDINANCES
OF THE CITY OF PROVIDENCE, SECTIONS
12-56, 12-57, 12-58, 12-30, 12-117 AND
12-117.1, AS AMENDED

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance, *As Amended*

Barbara A. Poeris
Chairman

11/17/92 Clerk

NOV 19 11 00 AM '92

CLERK

IN CITY COUNCIL

April 16, 1992

FIRST READING
REFERRED TO COMMITTEE ON
ORDINANCES

Michael J. Chant
CLERK

THE COMMITTEE ON

ORDINANCES

Recommends *Continued*

Barbara A. Poeris
Clerk

10/6/92

THE COMMITTEE ON

ORDINANCES

Approves Passage of
The Within Ordinance, *As Amended*

Barbara A. Poeris
Chairman

10/22/92 Clerk

THE COMMITTEE ON

ORDINANCES *That the within*

Recommends *Ordinance be*

Barbara A. Poeris
Clerk

10/28/92 Clerk *Comm.*

Councilman Agiozzi (By request)