

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2002-3

No. 45

AN ORDINANCE RELATING TO GARBAGE, TRASH AND DEBRIS, AS AMENDED

Approved February 13, 2002

Be it ordained by the City of Providence:

Section 1. Preamble: The advancement of the public health, safety and welfare is the highest purpose to which the municipality can aspire. Among such concerns, the control of trash and litter, the suppression of vermin and the protection of the environment are, perhaps, the greatest challenges confronting a densely populated urban center. A modern metropolitan area demands the enactment of law which ensures the collection and disposal of trash in a safe and orderly manner, which safeguards the citizens from the clear dangers of an unchecked vermin population and which demands the safe removal of environmentally harmful toxins. The enactment and enforcement of such laws will result in a cleaner, safer, healthier and aesthetically more pleasing city to both residents and visitors.

Section 2. The owner of any dwelling shall be deemed to have allowed an unsanitary condition and a nuisance to exist whenever garbage, trash or debris at that dwelling is not contained. Contained shall mean placed in a commercially available, watertight covered container generally designed for the purpose of holding such garbage, trash, or debris. This section shall not apply to the collection of yard waste, which shall continue according to regulations promulgated by the Resource Recovery Corporation and the State of Rhode Island. Garbage, trash or debris placed only in a plastic "bag" or a bag of similar material is not "contained" within the meaning of this section.

Section 3. The owner of any dwelling shall be deemed to have allowed an unsanitary condition and a nuisance to exist whenever garbage, trash or debris, at that

No.

CHAPTER
AN ORDINANCE

THE COMMITTEE ON
ORDINANCES
Approves Passage of
The Within Ordinance, *as amended*

Barbara A. Corwin
Clerk
Jan. 29, 2002

IN CITY COUNCIL
SEP 6 2001

FIRST READING
REFERRED TO COMMITTEE ON
ORDINANCES

Michael P. Cleveland
Clerk

THE COMMITTEE ON

Ordinances
Recommends *Substituted*

Claire E. Bottum
Clerk
Nov. 26, 2001

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance, *as amended*

Claire E. Bottum
Clerk
Jan. 12, 2002

THE COMMITTEE ON

Ordinances
Recommends *Substituted*

Claire E. Bottum
Clerk
Jan. 9, 2002
Jan. 23, 2002

Councilwoman DeBuzzo (By Request)

dwelling is placed out early for municipal collection. "Early" shall mean prior to 4 p.m. on the day preceding the date of garbage collection.

Section 4. The owner of any dwelling shall be deemed to have allowed an unsanitary condition and a nuisance to exist whenever containers used for the deposit of garbage, trash or debris at that dwelling are not removed from the public way by midnight of the designated collection day for that particular area of the city.

Section 5. Except for the placement of containers on the public way for trash collection, an owner of any dwelling shall be deemed to have allowed an unsanitary condition and nuisance to exist at that dwelling whenever containers for the storage of garbage, trash or debris are not screened or are otherwise viewable from the street. This provision shall not apply to non-residential uses.

Section 6. Unless licensed to do so by the State of Rhode Island, any person who, whether or not for profit, damages or parts out, or in any way permits the release of any gaseous or liquid substance from any refrigerator, freezer, air conditioner or other appliance normally and usually designed to contain freon, shall be deemed to have created an unsanitary condition and a nuisance.

Section 7a. The owner shall provide not fewer than two designated water tight containers per unit for each dwelling unit.

Section 7b. Any person who litters or otherwise places or disposes of garbage, trash or debris in any manner except in a commercially available, covered, watertight container suitable for the purpose, shall be deemed to have created an unsanitary condition and a nuisance.

Section 8. The owner of any premises who deposits or suffers the depositing or accumulation of more than one (1) cubic yard of uncontained trash, refuse or debris shall be deemed to have allowed an unsanitary condition and a nuisance to exist at those premises. "Contained" shall mean placed in a commercially available, watertight, covered container generally designed for the purpose of holding such garbage, trash or debris. Garbage, trash or debris placed in a plastic "bag" or bag of similar material is not "contained" within the meaning of this section. "Suffer" shall be deemed to include an individual having knowledge of the existence of said garbage, trash or debris.

Knowledge may be actual or may be inferred from the existence of trash, refuse or debris on the premises for two (2) consecutive days without removal.

Section 9. Any owner who allows the overgrowth of land so as to permit the creation or continuation of harborage for vermin shall be deemed to have allowed an unsanitary condition and a nuisance and such overgrowth shall be deemed to be an unsanitary condition and a nuisance.

Overgrowth shall mean the growth of weeds or of other ground cover to a height of 12" or more and which is generally considered undesirable.

Section 10. The owner of any premises which allows said premises to be infested by rodents or other vermin shall be deemed to have created an unsanitary condition and a nuisance. Premises shall be rebuttably deemed to be "infested by rodents," whenever an inspection of the premises reveals rodent holes, droppings, carcasses or other evidence, that manifests based on the totality of the circumstances, the existence of rodent habitation as opposed to mere rodent trespass. Observations may be made by individuals who, based upon their training and experience, possess sufficient knowledge of animal behavior so as to discriminate between evidence of rodent infestation from evidence of activity by animals other than rodents.

Upon determination that any such premises are rodent infested, the Director of Public Works or his or her designee shall order the abatement of the same within seventy-two (72) hours. In the event that such abatement does not occur, or that the owner does not otherwise comply with the order of the Director, the Director shall abate the nuisance and shall lien the premises for the costs of said abatement.

Provided, however, in order to facilitate the promotion of the public health, the Director may design a program wherein, and upon the execution by the owner of a form of consent within seven (7) days of notification of said nuisance by the Director, the Director may, at the City's costs, provide required baiting. The Director may provide baiting for not more than two (2) instances of rodent nuisance. For the purposes of such a program, execution of form of consent for the initial two (2) instances shall be presumptively deemed to be abatement of the determined nuisance.

Section 11. Any person who shall dispose of heavy litter other than at a solid waste management facility licensed by the Director of the Department of Environmental

Management of the State of Rhode Island shall be deemed to have created an unsanitary condition and a nuisance.

The phrase "dispose of heavy litter," as prohibited herein, refers to the depositing, casting, throwing, leaving or abandoning of a quantity greater than one (1) cubic yard and less than three (3) cubic yards at any location other than a said waste management facility or at a location approved for such disposal by the City. Used asphalt, concrete, Portland concrete, tree stumps, and other solid waste held or stored in a vehicle or proper receptacle at a licensed place of business of a licensed solid waste hauler for a period not to exceed seventy-two (72) hours shall not be considered heavy litter for purposes of this act.

Section 12. Any person who shall allow any animal within his or her control to defecate in any private or public place without removing and disposing of same in a commercially available watertight, covered container suitable for said purpose shall be deemed to have created an unsanitary condition and a nuisance.

Section 13. The owner of any premises who shall fail to maintain said premises free of animal excrement shall be deemed to have created an unsanitary condition and a nuisance by contributing to the propagation of rodents.

Section 14. Unless otherwise specified, the penalty for violation of any provision set forth herein shall be \$1.00 to \$500.00, provided, however, that any individual electing to admit the violation charged and electing to appear before the Clerk of the Court or to mail notice of violation shall be penalized as follows:

Offense	Fine	
Improper storage of residential trash	\$50.00	Sections 2 or 7 herein
Early storage of residential trash	\$50.00	Section 3 herein
Late removal of residential containers	\$50.00	Section 4 herein
Unscreened Container(s)	\$50.00	Section 5 herein
Trash hauling without license	\$200.00	Sec. 12-65
Violation of dumpster ordinance	\$150.00	Section 16 herein
Litter equal to or greater than one (1) cubic yard	\$250.00	Section 8 herein
Littering	\$50.00	Sec. 12-57
Depositing garbage in container of another	\$50.00	Sec. 12-57 (e)

Scavenging of certain white goods	\$150.00	Sec. 12-87.1
Violation of recycling ordinance	\$50.00	Sec. 12-86
Animal control	\$100.00	Sections 12 or 13 herein
Continuing public environmental nuisance	\$500.00	Sec. 12-85
Scavenging	\$50.00	Sec. 12-87
Commercial trash violation	\$250.00	Sec. 12-61.1

Section 15. Any person who, within the previous 12 months of said notice, has been convicted of any violations of this article or has pending a violation of this article shall not be eligible for the provisions of Section 14.

Section 16. Any person engaged in the business of providing dumpsters to others shall, prior to placing a dumpster on public or private property for any period of time, shall first obtain a permit from the director of public works. Said permit shall specify the size and location of the dumpster and the length of time that said dumpster may be used on the said public property.

(a) *Minimum standards.* Any dumpster used in the city shall meet the following standards:

- (1) The dumpster shall be painted so as to be reasonably resistant to rust and corrosion.
- (2) The name and telephone number of the dumpster owner shall be clearly painted on at least two sides of the dumpster.
- (3) Dumpsters less than twenty (20) cubic yards in size shall be capable of being closed on all sides, except when opened for deposit or servicing.
- (4) Dumpsters greater than twenty (20) cubic yards in size shall be capable of being secured so as to prevent the spillage of refuse, waste or garbage from the container.

(5) No dumpster located within two hundred (200) feet of a residential zone property shall be serviced between the hours of 11:00 p.m. and 7 a.m.

(b) *Use.* Any dumpster used in the city shall be maintained and serviced with a frequency sufficient to prevent spillage from overflow, to prevent the buildup of offensive odors, and to prevent a public hazard. The responsibility for the maintenance and servicing of dumpsters shall rest with the owner of the dumpster. The maintenance of dumpsters shall include the cleanup and removal of all litter thrown or left on the dumpster premises to prevent litter from drifting or blowing on to adjacent premises. Any dumpster regularly used to contain decomposable matter or other odor-generating waste shall be steam cleaned with disinfectant on a monthly basis. Drain holes in dumpsters shall be maintained to prevent leakage of waste fluids and to prevent entry by rodents.

(c) *Illumination or reflectorization of trash containers.* All commercial garbage and/or trash containers or dumpsters so-called located within the City of Providence on any part or portion of the public right-of-way, that is, sidewalk, pedestrian footpath, or roadway shall be illuminated with flashing beacon lights affixed thereto or in the absence of beacons, sheeted/affixed with high intensity reflectorized orange and silver construction work-zone sheeting pursuant to regulations specified by the Traffic Engineer.

All dumpsters shall be illuminated or reflectorized twenty-four (24) hours daily. The traffic engineer shall cause to be printed and have available for inspection and distribution the aforecited regulations concerning specifications for beacon illumination or sheeting reflectorization.

(d) *Placement and screening on private property.* Dumpsters on private property shall not be placed within twenty feet of the public right-of-way or city street line. All dumpsters shall be screened from public view on at least three (3) sides by a solid wall, opaque fence, or compact planting screen of at least five (5) feet in height if such area is not within an enclosed building or structure. Screening shall be constructed in a manner to allow inspection and shall be the responsibility of the property owner.

Provided, however, that upon permit from the Director of Public Works or his/her designee, this requirement may be waived. In approving or rejecting said application, the Director shall determine, based upon the totality of the circumstances, whether or not said permit shall be granted. Among the factors the Director shall consider are (a) the proximity of the dumpster to the street line, (b) the availability of other space for on-site placement, (c) the impact, if any, such requirement will have on available on-site parking, and (d) the availability and proximity of alternative off-street, parking.

(e) Violations and penalties. Any person who shall violate any provision of this section, or any provisions of any rule or regulation adopted pursuant to authority granted by this section, shall upon conviction, be punished by a fine of \$1.00 up to and including \$500.00. That upon determination by the Director of Public Works or his/her designee, that the public health, safety and welfare would be better served, the Director may give notice of such violation and abate said condition according to statute or give notice of said violation and petition the Municipal Court for an order to abate any such violation.

(f) Enforcement. The provisions of this section shall be enforced by the Director of Public Works who shall promulgate such rules as they may be necessary to effect the purposes of this Ordinance. Additionally, said Director shall take reasonable steps to notify residents and owners of the requirements of this Ordinance and the scheduled days of trash and of the scheduled days of trash and white goods collection.

Section 17. This Ordinance shall take effect upon passage.

IN CITY COUNCIL
DEC 20 2001
FIRST READING
READ AND PASSED

AS AMENDED, AND REFERRED BACK TO THE
COMMITTEE ON ORDINANCES
Michael R. Clement CLERK

APPROVED

FEB 13 2002
Vernice Cianni
MAYOR

IN CITY
COUNCIL

FEB 7 2002
FINAL READING
READ AND PASSED

Dalbert Young
ACTING PRESIDENT
Michael R. Clement CLERK