

**CITY OF PROVIDENCE  
RHODE ISLAND**

IN CITY COUNCIL  
OCT 3 1974



APPROVED:

*Vincent Vespa*  
CLERK

**CITY COUNCIL  
JOURNAL OF PROCEEDINGS**

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No. 83 City Council Regular Meeting, Thursday, September 19, 1974, 8:00 P.M. (DST)

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**PRESIDING  
COUNCIL PRESIDENT  
ROBERT J. HAXTON**

**ROLL CALL**

**Present: Council President Haxton and Councilmen Addison, Ahern, Beatini, Bradshaw, Brown, Cirelli, Cola, Darigan, Fagnoli, Johnson, Kelly, Lynch, McKiernan, Moran, J. Murphy, Payne, Pearlman, Pisaturo, Storti, and Xavier—21.**

**Absent: Councilmen Crowley, DeVito, Lorenzo and W. Murphy—4.**

## INVOCATION

The Invocation is given by COUNCILMAN  
FRANCIS J. DARIGAN, JR.

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

COUNCILMAN RAYMOND COLA 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. 82 of the  
Regular Meeting of the City Council held Sep-  
tember 5, 1974, and Posted September 16, 1974,  
on that Bulletin Board located on the ground  
floor of the City Hall, is approved as printed,  
on motion of COUNCILMAN LYNCH, seconded  
by COUNCILMAN KELLY.

## APPOINTMENT BY HIS HONOR THE MAYOR

### MEMBER OF THE PROVIDENCE REDEVELOPMENT AGENCY

In Accordance with the Provisions of Chapter 97 of the Public Laws of 1972, His Honor Mayor Joseph A. Doorley, Jr., Notifies the City Council, in writing, that he has on September 16, 1974 reappointed Mr. Stanley P. Blacher of 229 Carpenter Street, Providence, Rhode Island, as

a Member of the Providence Redevelopment Agency for a term to expire July 31, 1979, and Respectfully Submitting the Same for Approval.

Communication Read and Appointment Approved, on motion of COUNCILMAN LYNCH, seconded by COUNCILMEN KELLY and XAVIER.

## SCHEDULE OF BILLS

### FROM ACTING PUBLIC SERVICE ENGINEER

Street Lighting Bill for August, 1974 in the Amount of \$79,616.55.

Approved, on motion of COUNCILMAN LYNCH, seconded by COUNCILMAN KELLY, by the following Roll Call vote:

Ayes: Council President Haxton and Council-

men Addison, Ahern, Beatini, Bradshaw, Brown, Cirelli, Cola, Darigan, Fagnoli, Johnson, Kelly, Lynch, McKiernan, Moran, J. Murphy, Payne, Pearlman, Storti and Xavier—20.

Noes: None.

Absent: Councilmen Crowley, DeVito, Lorenzo, W. Murphy and Pisaturo—5.

## ORDINANCES SECOND READING

The following Ordinances were in City Council September 5, 1974, Read and Passed the First Time and Are Returned for Passage the Second Time:

An Ordinance in Amendment of and In Addition to Chapter 1972-74 of the Ordinances of the City of Providence, Approved September 11, 1972, and Entitled "An Ordinance of the City Council of the City of Providence Approving the Redevelopment Plan and Feasibility of Relocation for the Comstock Redevelopment Plan."

*Be it ordained by the City of Providence:*

1. That Chapter 1972-42 of the Ordinances of the City of Providence, approved September 11, 1972, and entitled, "An Ordinance of the City Council of the City of Providence Approving the Redevelopment Plan and the Feasibility of Relocation for the Comstock Redevelopment Plan" be and is amended as follows:

A. Delete Section 1.—the following: "This Redevelopment Area, generally bounded by Prairie Avenue, Chester Avenue, Taylor Street and Blackstone Street, lies entirely within the Model Cities Neighborhood."

Insert the following: "This Redevelopment Area, generally bounded by Blackstone Street, the rear lot lines of those lots fronting on the easterly side of Prairie Avenue, Chester Avenue, Taylor Street and Comstock Avenue, lies entirely within the Model Cities Neighborhood."

B. Delete Section A. Paragraph 1. the following:

Line 7—Delete "5.2 acres" and insert "9.8 acres"

Line 8—Delete "2.5 acres" and insert "3.0 acres"

Line 8—Delete "49%" and insert "or approximately 33%"

Line 9—Delete "26 structures" and insert "29 structures"

Line 11—Delete "10" and insert "11"

C. Section A. Paragraph 2. Line 2—Delete "Prairie Avenue on the east" and insert "the rear lot lines of those lots fronting on Prairie Avenue"

D. Insert after Section B. 2.k. the following section 1.: "To offer for sale to area residents on a first priority basis land and buildings for development of both residential and commercial uses."

E. Delete on Page 5 Section "1." and re-label it "m."

F. Delete on Page 5 Section "m." and re-label it Section "n."

G. Add Section "o." as follows: "To provide land or facilities for a Neighborhood Service Center and general neighborhood commercial uses."

H. Section D. 1.—Insert after the word "rehabilitate," the following: "The exception is the Martin Luther King Shopping Center which will if feasible be rehabilitated, to serve as a Neighborhood Service Center."

I. After Section E.1. 11) insert the following:

"(2) C-2 General Commercial Zone

(a) Permitted Uses:

C-2 General Commercial Uses of the Zoning Ordinance shall be permitted except for: Club, Lodge or Fraternal Association, Package Liquor Store, Apartment Hotel or Hotel, Bar, Rescue or Temporary Revival Mission, Wholesale Merchandise Broker, Restaurant Serving Liquor, Upholstering Shop (Furniture and Automobiles).

(b) Development Controls for C-2 Uses

1) Lot Coverage, Building Setback, Building Height, Building construction shall be governed by the applicable controls of the Zoning Ordinance for C-2 Uses.

2) Permitted Signs: A maximum of two (2) signs shall be permitted, including any plaques and any signs which are a part of the building's architecture. This limitation shall not include directional signs permitted below. Signs shall pertain only to the identification of the business conducted within the building, to the products sold and to the direction of visitors. No pictures or samples shall be permitted on a sign except as part of a trademark. No flashing or animated signs shall be permitted. In multiple-unit buildings, the same number of signs will be allowed for each business, subject to the controls for multiple-unit buildings stated below. No signs shall extend above the roof or parapet, and no sign shall be attached to, sit upon or be painted on the roof or canopy. No free-standing sign shall be permitted, except for visitor directional signs allowed below. Only the following types of signs shall be permitted namely:

(1) Horizontal or vertical wall signs, otherwise known as belt or face signs, excluding signs painted on the wall, itself.

(2) Plaques, attached to the face of the building in close proximity to the main en-

trance and bearing the name or trademark of the firm.

(3) All necessary directional signs shall be located on the lot occupied by the building to which the signs pertain. All signs shall be integrated with the architectural design, style and facia of the building to the exclusive satisfaction of the Agency. No sign shall exceed a maximum surace area of (3) square feet for each linear foot of that face of the building displaying such sign. No sign shall project more than (12) inches from the face of the building on which said sign is displayed. No plaque shall exceed (8) square feet in surface area. Any spot-light or similar illumination shall be so directed and shielded that the light source is not visible from any adjacent street or from any adjacent properties. In addition to all the sign controls, the following sign regulations shall pertain to multiple-unit buildings, namely: those signs pertaining to a given individual unit (within a multiple-unit building) shall not extend beyond that portion of the face of the building which directly encloses that given individual unit. The Agency in its sole and absolute discretion shall have the final right of approval.

3) Off-Street Parking: The redeveloper shall demonstrate that off-street parking is adequate in number, size, location, access and arrangement to meet the operational requirements of the land and building uses proposed. However, in lieu of such demonstration, for each one (1) square foot of gross floor area, there shall be provided at least one (1) square foot of off-street parking lot area; but in no event shall the number of parking spaces be less than the minimum required by the Zoning Ordinance. The Agency in its sole and absolute discretion shall have the final right of approval.

4) Off-Street Loading: At least one (1) off-street loading space measuring (10) feet by (25) feet by (14) feet high, if covered (for access, maneuverability and operational use) shall be provided for each 20,000 square feet of floor area, or fraction thereof, over 4,000

square feet of floor area, devoted to a use that involves the receipt or distribution by vehicles of material or merchandise. If this requirement is waived by the Zoning Board of Review there shall be reserved such additional off-street loading spaces as are required by this provision. The site plan, as submitted, shall show the full number of required off-street loading spaces and shall designate the landscaped area as reserved for off-street loading. In no case shall a site plan be acceptable which includes proposals providing for off-street loading spaces either to be developed for current use or to be reserved for future use which will adversely interfere with the Area's vehicular circulation pattern. No off-street loading shall be permitted between the street and the front of the building.

5) **Parking Space Construction:** All off-street parking and loading areas, including drives and other accessways, shall be adequately paved with bituminous or cement concrete or other equivalent surfacing material and shall be provided with appropriate bumper and wheel guards where needed. The parking area shall be screened as stated in paragraph (6). The parking area shall be landscaped such that for every 2,000 square feet of gross parking area there shall be at least one (1) live tree which shall be at least (15) feet high at the time of planting and which will attain a height of at least (20) feet, and there shall be an area of at least (200) square feet which shall be planted and permanently maintained in grass. Illumination shall be so arranged as to shield the light source from the view of all adjoining lots and from all abutting streets. The Agency in its sole and absolute discretion shall have the final right of approval.

6) **Screening:** Except for that portion of a driveway or accessway which opens directly into a public right-of-way, outdoor parking and loading areas shall be screened from view of all adjoining residential uses and from all adjacent streets by means of a uniform growth of evergreen plant materials at least (4) feet wide and at least (4½) feet high at the time

of planting (measured at the edge of the street right-of-way, in the case of parking areas located at or below the street grade; and measured at the edge of the parking area pavement, in the case of parking areas located above the street grade) and which is of a variety that will attain a height of at least (6) feet. With the approval of the Agency, the following types of screening may also be permitted, namely: (1) masonry wall, which shall not be greater in height than (4½) feet nor less than (4) feet, measured as above for evergreens, which shall be of uniform appearance, and which shall be integrated with the architectural design, style and facia of the proposed buildings as well as with the architecture(s) of adjacent, existing buildings. A uniform appearing, adequate, year-round screen shall be approved by the Agency. On that portion of a lot in the triangle formed by the lines of streets intersecting at an angle of less than (135) degrees and a line joining points on such lines (15) feet distant from their point of intersection, screening shall be provided at a height of (3½) feet. The Agency in its sole and absolute discretion shall have the final right of approval.

7) **Landscaping and On-Site Improvements and Maintenance:** The entire site shall be properly graded and drained. All unbuilt areas of the site shall be provided, where needed, with suitable walks and access drives which are properly designated and constructed. All unbuilt and unpaved areas of the site shall be planted and permanently maintained with grass, shrubs and trees, except that subject to review and approval by the Agency, an area not in excess of 10% of the unbuilt and unpaved portion of the site, may be maintained in a landscaping material other than grass, shrubs and trees. After fully developed, the land, buildings and other improvements to all sites in the project area shall be maintained in good repair and in clean and sanitary conditions. Sufficient and suitable refuse and garbage storage and disposal facilities, including structural enclosures where appropriate, shall be provided and properly maintained. The Agency in its sole and absolute

discretion shall have the final right of approval."

J. Section F. 3.—Delete the words "Twenty-three" and insert the words "Twenty-seven."

K. On page 17, line 1 delete the words "Seven businesses" and insert the words "Thirteen businesses."

L. Section F. 4.—Delete the following:

*Eligible Program Costs*

Gross Program Cost	\$774,481
Land Proceeds	—30,000
Net Cost	\$744,481
Supplemental Funds—75%	\$558,361
City Share—25%	\$186,120

*Provisions of Local Grant*

The City share of \$186,120 will be met by a cash contribution. Insert the following:

*Eligible Program Costs*

Gross Program Cost	\$ 1,116,889.00
Less Land Proceeds	—70,000.00
Net Program Cost	1,096,889.00
Model Cities Share	896,935.00
City Share	199,954.00
Contingencies	\$+74,268.50 (1)

(1) A contingency item in the amount of \$74,268.50 (¼ of 297,074.00) is added to the City's share, to be used only if the \$297,074.00 provided by Model Cities is not adequate.

M. Exhibit A—Delete the second, third, fourth, fifth and sixth paragraphs and insert the following paragraphs:

"Thence, running generally southeasterly along the centerline of Blackstone Street to its intersection with the projected easterly lot line of Lot 828 in A.P. 45:

Thence, turning and running generally southerly along the easterly lot line of lots

828, 827, 826, 825, 824, 823, 822, 821, 820, 819, 818, 817, 816, 815, 814, 813, 812, 811, 810, 809, 808, 807, 806 and 799 in A.P. 45 to its intersection with the northerly lot line of lot 456 in A.P. 45:

Thence turning and running generally northeasterly along the northerly lot line of 456, 455 and 454 in A.P. 45 to its intersection with the easterly lot line of 454 in A.P. 45:

Thence turning and running generally southerly along said lot line and its projection to its intersection with the centerline of Chester Avenue:

Thence, turning and running generally westerly along the centerline of Chester Avenue to the intersection of the easterly lot line of 464 in A.P. 45:"

N. Delete Maps numbered 1, 2, 3, 4, and 5 and insert Maps numbered 1, 2, 3, 4, and 5 all dated 8 May 1974.

2. That said Chapter 1972-42 of the Ordinances of the City of Providence as adopted be and the same is hereby ratified and affirmed in all respects.

3. All parts of Chapter 853 of the Ordinances of the City of Providence approved May 20, 1954, and entitled, "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Willard Center Unit Two Project Area D2-A2," as amended heretofore, which are inconsistent with anything herein contained are hereby repealed.

4. That this Ordinance shall take effect on its passage and shall be filed with the City Clerk who is hereby authorized and directed to forward a certified copy thereof to the Providence Redevelopment Agency.

(Related maps attached to original Ordinance.)

An Ordinance Amending the Appropriation Ordinance Chapter 1974-19, Approved June 19, 1974 by Appropriating the Sum of Three Hundred, Seventy Four Thousand, Three Hundred Ninety Seven and 72/100 Dollars (\$374,397.72) to Pay Various Claims to Certain Retired School Teachers, in Accordance with a Court Order and Judgment.

*Be it ordained by the City of Providence:*

Section 1. Chapter 1974-19 of the Ordinances of the City of Providence, approved June 19, 1974, entitled, "An Ordinance Making Appropriation of \$85,823,307.71 for the Support of the City Government for the Fiscal Year Ending June 30, 1975," is hereby amended by appropriating the sum of Three Hundred Seventy Four Thousand, Three Hundred Ninety Seven and 72/100 Dollars (\$374,397.72) for the purpose of paying various claims of certain retired school teachers, in accordance with a Court order and Judgment:

Item 0	Increase	\$374,397.72
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Sec. 2. The said sum of Three Hundred Seventy Four Thousand, Three Hundred Ninety Seven and 72/100 Dollars (\$374,397.72) as thus added and appropriated shall be obtained by authorizing and directing the City Controller and City Treasurer to transfer the said sum from the Reserve for Extraordinary Expenditures Account to the Receipts Account.

Sec. 3. This Ordinance shall take effect upon its passage.

An Ordinance Amending Chapter 1974-20, Entitled "An Ordinance Establishing a Compensation Plan for the City of Providence," as Approved June 19, 1974, Relative to Members of the Fire Department.

*Be it ordained by the City of Providence:*

Section 1. Section 1 of the Ordinances of

the City of Providence approved June 19, 1974, is hereby further amended as follows:

	<i>Change:</i>	<i>From</i>	<i>To</i>
1)	Fire Chief	\$16,805.36	\$18,824.00
2)	Assistant Fire Chief	14,560.00	16,380.00
3)	Deputy Ass't Fire Chief	13,438.88	15,184.00
4)	Fire Battalion Chief	12,624.56	14,300.00
5)	Fire Marshal	12,480.00	14,300.00
6)	Fire Equipt. Supt. II	13,572.00	16,380.00
7)	Fire Equipt. Supt. I	12,480.00	14,300.00
8)	Fire Captain	11,648.00	12,688.00
9)	Fire Lieutenant	10,972.00	11,960.00
10)	Fireman	9,516.00)	10,348.00)
		9,724.00)	10,608.00)
		9,880.00)	10,764.00)
11)	Fire Chief Dispatcher	11,648.00	12,688.00
12)	Radio Engineer	11,648.00	12,688.00
13)	Rescue Man in Charge	10,972.00	11,960.00
14)	Rescue Truck Driver	10,556.00	11,492.00
15)	Man in Charge—Bureau of Operational Control	10,972.00	11,960.00
16)	Man in Charge—Carpenter Shop	11,648.00	12,688.00

Sec. 2. This Ordinance shall be retroactive to July 1, 1974.

An Ordinance in Amendment of and in Addition to Chapter 1079 of the Ordinances of the City of Providence, 1956, as Amended, Relative to Flood Plain Land Use and Structure Control.

*Be it ordained by the City of Providence:*

Section 1. Chapter 1079 of the Ordinances

of the City of Providence, 1956, as amended, is hereby further amended by adding Article 21 to the Building Code of the City of Providence, in accordance with City Council Resolution 282, approved July 8, 1970.

## ARTICLE 21

### A. INTRODUCTION

A. 1. Flood Plain Land Use and Structure Control Measures for the City of Providence are set up for the public purpose of contributing to overall community and areawide social and economic development goals by:

- a. Diverting unwarranted and inappropriate development away from flood-prone areas;
- b. Encouraging flood control and flood damage prevention efforts through public and private means;
- c. Deterring the inappropriate development of public utilities and public facilities in flood-prone areas;
- d. Requiring such construction and land use practices as will reduce, to the maximum practicable extent, flooding from surface runoff, improper drainage, or inadequate storm sewers; and by
- e. Protecting the storage and absorption capacity of flood plains and to assure retention of sufficient floodway area to convey flood flows.

A. 2. The public policy of the City of Providence is hereby declared, to encourage only that development of flood-prone areas which:

- a. is appropriate in the light of the probability of flood damage and the need to reduce flood losses;
- b. represents an acceptable social and economic use of the land in relation to the hazard involved; and

- c. does not increase the danger to human life; and to discourage all other development

### B. GENERAL DEFINITIONS:

As used in this Ordinance:

B. 1. "Flood" or "flooding" means the general and temporary condition of partial or complete inundation of normally dry land areas: (a) from the overflow of streams, rivers, or other inland water, or (b) from tidal surges, abnormally high tidal water, tidal waves, or rising coastal waters resulting from hurricanes, tsunamis, or other severe storms.

B. 2. "Flood plain" means an area: (a) Usually a relatively flat or low land area adjoining a river, stream, watercourse, marsh, swamp, ocean, bay, pond or lake, which has been in the past or can reasonably be expected in the future to be covered temporarily by flood or (b) subject to unstable surface soil in which the history of instability, the nature of the geology, the structure of the soil, or the climate indicate a relatively high potential for mudslides (caused by the action of surplus water accumulated above or below the ground) to inundate normally dry land surfaces.

B. 3. "Flood-prone area" means any area which is subject to periodic flooding with an estimated average frequency of at least once in 100 years. For the purposes of this Ordinance it is the area within the City of Providence delineated on the Official Citywide Flood-Prone Area Map.

B. 4. "100-year flood" means a flood of such height or magnitude as may reasonably be expected to occur on an average of once every 100 years; the term also means that level of flooding having a 1 per cent probability of occurrence in any year.

B. 5. "Substantial improvement" means any repair, reconstruction, or improvement of a property, the cost of which exceeds 33 per cent of the fair market value of the property either (a) before the improvement is started or (b) if the

property has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any wall, ceiling, floor, or other structural part of the building or any necessary excavation therefor, commences.

B. 6. "Land use and structure control measures" means zoning ordinances, subdivision regulations, building ordinances, health regulations, and other applications and extensions of the normal police power to provide safe standards of occupancy for, and prudent use of, flood-prone areas.

B. 7. "Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to properties and structures primarily for the reduction or elimination of flood damage to lands, water, and sanitary facilities, structures, and contents of buildings.

B. 8. "Coastal high hazard area" means a special district subject to high velocity waters, including hurricane wave wash.

B. 9. "Floodway" means the minimum areas of a riverine flood plain reasonably required for passage of 100-year flood waters. The limits of the floodway will vary according to conditions within the flood plain.

B. 10. "Floating, submerged and submersible structures" means those structures which cannot be damaged or undesirably affected by flooding and cannot damage other structures, properties, and human life due to flooding, and are in touch with water permanently or when flooding occurs.

B. 11. "The Official Citywide Flood-Prone Area Map for the City of Providence" is based on the topographic maps produced in a 1966 photogrammetric survey by Charles A. Maguire & Associates for the Providence City Plan Commission. On the map are defined, on the basis of estimated 100-year flood levels, the following three different types of flood plains:

a. The Coastal High Hazard Areas have been determined as the areas whose surface ele-

vations are below the Floodway Encroachment Line, 16.0 feet above mean sea level.

b. The River Floodway Areas (Moshassuck and Woonasquatucket Rivers) are determined from the basin profiles of both rivers. The floodway areas of the West River and that part of the Woonasquatucket River extending upstream from Valley Street have been determined from the normal water level at each particular point along the streams by reference to topography and to other stream locations where the 100-year flood level is known. It ranges from 7 feet to 13 feet above each river's normal water level at various points

c. Depression Areas are described as potential areas of flooding, up to the spillover levels opening to some free drainage routes. Here the assumption involves the stoppage of artificial drainage inlets within such areas.

For flood-prone areas within the City of Providence, the following regulations shall apply:

#### C. DEVELOPMENT PLANNING REQUIREMENTS:

C. 1. All new construction or substantial improvement of construction on properties are prohibited within any flood-prone areas indicated by the Citywide Flood-Prone Area Map.

Exceptions: improvements and construction in which first floor levels are elevated at least 2 feet above the 100-year flood level as indicated for that particular area on the Flood-Prone Area Map, and except such structures as anchored floating, anchored submerged, or anchored submersible structures. Both exceptions shall have special building permits from the City of Providence.

C. 2. No area in a flood-prone zone shall be developed unless:

a. Structures are so required to be elevated on poles or piles that the supporting beams for the first floor level will be above the wave

actions accompanying the 100-year flood, and securely anchored to piles or piers, and (b) spaces are left below first floors adequate to pass the impact of waves accompanying flood waters. First floor level applies to the lowest area of a structure occupied by human beings as living or working space.

C 3. Existing nonconforming uses in the flood-prone areas may be modified, altered, or repaired to incorporate flood-proofing measures, but such nonconforming uses shall not be expanded. If such use is discontinued for twelve (12) consecutive months, any future use of the building and premises shall conform to this Ordinance. The City Assessor shall notify the Director of Building Inspection in writing of instances of nonconforming uses which have been discontinued for a period of twelve (12) months. Uses or adjuncts thereof which are nuisances shall not be permitted to continue as nonconforming uses.

C 4. Designated floodways shall remain free of encroachments that would raise the flood crest profile or otherwise would impair their ability to carry and discharge the waters resulting from the 100-year flood. An applicant for such land use may be required by the Building Inspector to furnish specific information as to the effect of his proposed action on future flood heights.

C 5. No relocation or realignment of a river or stream channel shall be permitted if it would reduce the valley storage capacity of the area with respect to the 100-year flood.

C 6. No proposed land fill including structures, dumping, excavating or transferring of any earth material, shall be permitted within any riverine flood-prone area if such proposed use, in conjunction with all other uses permitted since enactment of the ordinance, would increase water surface elevations of the 100-year flood. An applicant for such land use may be required by the Building Inspector to furnish specific information as to the effect of his proposed action on future flood heights.

C 7. In Depression Areas, no new development or substantial improvement shall be permitted until each depression area is filled up.

C 8. Lands within a flood-prone area shall not be subdivided where the cost of providing municipal utilities and governmental services in the area would pose an unreasonable economic burden.

#### D. BUILDING CODE REQUIREMENTS

The Providence Building Ordinance, Chapter 1079 of 1956 as amended, is hereby further amended by the addition within Article 8 of a new Part D subtitled "STRUCTURES WITHIN FLOOD-PRONE AREAS," which shall read as follows:

##### SEC. 890.0—STRUCTURES AND CONTENTS

Proposed improvements and developments within each property located within a flood-prone area (as defined in the Flood Plain Land Use and Structure Control Ordinance of 1974 as amended), shall be designed to provide the following flood damage prevention measures:

SEC. 890.1—FOUNDATIONS. Structures shall be designed to prevent undesirable flotation and collapse and to prevent damage to nonstructural elements. The foundations shall be so designed and protected as to prevent their being undermined by flood waters. All mobile homes not mounted on wheels or on boat or barge hulls and all frame structures, including prefabricated houses, shall be securely anchored to foundations in order to prevent flotation and lateral movement. Mobile homes mounted on boat or barge hulls shall be securely moored so as to prevent lateral movement by flotation of such magnitude as to allow contact with other structures either fixed or afloat.

##### SEC. 890.2—MATERIALS BELOW FIRST FLOOR.

.21—*Thermal Insulation.* Thermal insulation used at or below the first floor level shall be of a type that does not absorb water.

.22—*Holding Materials.* Adhesives or other fastenings used at or below the first floor level shall be of such composition or design that their bonding or holding strength will be adequate to prevent movement and unaffected by inundation.

.23—*Plywood.* Plywood used at or below the first floor level in any existing or new structure shall be of an "exterior" or "marine" grade and of a water-resistant or waterproof variety.

.24—*Finishes.* Paints or other finishes used at or below the first floor level shall be capable of surviving inundation.

.25—*Doors.* Doors and all wood trim at or below the first floor level shall be sealed with a waterproof paint or similar product.

.26—*Surfaces.* Wall and floor surfaces shall be finished in a manner permitting cleaning or hosing after a flood with a minimum of damage and deterioration.

.27—*Expansion of Flooring.* Wood flooring used at or below the first floor level in any existing or new structure shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

#### SEC. 890.3—BASEMENTS

.31—*Residential.* No basement shall be permitted in any residential structure constructed after the effective date of this ordinance.

.32—*Nonresidential.* Basements shall be permitted in nonresidential structures only if they are designed to preclude inundation by the 100-year flood, either by (a) the required elimination of exterior openings below the 100-year flood level; or by (b) the required use of water-tight closures, such as bulkheads and flood shields. However, no basements shall be permitted in soils whose permeability meets or exceeds the minimum standards of permeability established for installation of individual sewage disposal systems.

.33—*Ceilings.* Basement ceilings installed after the effective date of this ordinance shall have sufficient wet strength so as to survive inundation.

#### SEC. 890.4—MECHANICAL INSTALLATIONS

.41—*Utilities.* Water heaters, furnaces electrical distribution panels, and other critical mechanical or electrical installations shall be prohibited from levels at or below first floor. Separate electrical circuits shall serve each level and shall be dropped from levels above first floor. The containment of sewage and the safety of gas, electric, fuel and other utilities shall be adequately protected from breaking, leaking, polluting, short-circuiting, grounding, igniting, electrocuting or any other nuisances or dangers due to flooding.

.42—*Ducts, Pipes and Tanks.* All air ducts, large pipes, and storage tanks located at or below the first floor level in new construction, and in existing structures within one year after the effective date of this ordinance, shall be firmly anchored to prevent flotation. Tanks shall be vented only through openings located at least 2 feet above the 100-year flood level, provided that in existing structures such tanks shall be so vented within one year after such effective date.

#### SEC. 890.5—CONTENTS

The storage or processing of materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, shall be at least 2 feet above the 100-year flood levels.

#### SEC. 890.6—UTILITY CONNECTIONS

The location, elevation and construction of all new public utilities and facilities, such as sewer, gas, electrical, and water systems, streets and private connections to all utility systems shall be designed to prevent flotation or other damage by flooding, including backflow of flood water,

sewage and other drainage fluids under flood pressures into utility lines and properties.

#### E. GENERAL REGULATIONS

E 1. In any part of a flood-prone area, before any construction, excavation, filling or grading is begun an application for building permit shall be submitted by the owner to the director of the Department of Building Inspection of the City of Providence and shall be examined for compliance with this ordinance. Application therefor, including four (4) copies of a Site Development Plan, shall include but shall not necessarily be limited to plans for the total site development, existing and proposed buildings, original grade elevations, proposed final grade elevations, definition of methods of grading and filling, drainage system layouts, and septic system plans.

E 2. The application for appeal shall be submitted to the Building Board of Review or Zoning Board of Review depending on the matter of appeal. Application for appeal shall be submitted and handled in accordance with this ordinance and in accordance with the Building Ordinance and/or the Zoning Ordinance of the City of Providence.

E 3. Within the flood-prone area the provision of this ordinance concerning flood plains, flood proofing, floodway preservation, and other measures designed to reduce flood losses shall take precedence over any conflicting provision in other ordinances.

E 4. The flood-prone areas regulated under this ordinance are superimposed over any other district established by law within the City of Providence.

E 5. This ordinance shall not be construed to imply that areas outside flood plain zoning district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages.

E 6. No provision of this ordinance shall be construed to create a liability on the part of or

a cause of action against the City of Providence or any office or employee thereof for any flood damages that may result from reliance on this ordinance.

E 7. Where there is a conflict between the flood plain boundary illustrated on the map and actual field conditions, the person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the City Council and to submit his own technical evidence if he so desires. The City Council shall not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect. The City Council may request and consider information on the question from any other public official, board or agency.

E 8. Nothing contained in this ordinance shall limit the authority of the City Council nor affect the general applicability of the Ordinances of the City of Providence.

E 9. The City of Providence designates the Department of Building Inspection as the enforcement agency for the purposes of this ordinance, and for submission of an annual report to the Federal Insurance Administrator. The Annual Report shall describe the progress that has been made during the past year within the area in the development and implementation of flood plain area land management measures. The report shall be submitted on September 11, the anniversary date of the City of Providence's initial eligibility in 1970 for participation in the Federal Flood Insurance Program authorized by the National Flood Insurance Act of 1968.

E 10. The Official Citywide Flood-Prone Area Map for the City of Providence dated \_\_\_\_\_, and all explanatory matter thereon is hereby adopted and made a part of this Ordinance.

Sec. 2. This Ordinance shall take effect upon its adoption by the City Council and approval by the Mayor.

Severally Read and Collectively Passed, the Second Time, on motion of COUNCILMAN LYNCH, seconded by COUNCILMAN KELLY by the following Roll Call vote:

Lynch, McKiernan, Moran, J. Murphy, Payne, Pearlman, Storti and Xavier—20.

Noes: None.

Ayes: Council President Haxton and Councilmen Addison, Ahern, Beatini, Bradshaw, Brown, Cirelli, Cola, Darigan, Fagnoli, Johnson, Kelly,

Absent: Councilmen Crowley, DeVito, Lorenzo, W. Murphy and Pisaturo—5.

## PRESENTATION OF RESOLUTIONS

### COUNCILMAN CIRELLI:

Resolution Requesting the Installation of "Dead End" Sign, Along Baltimore Street, at its Intersection With Manton Avenue.

*Resolved*, That the Traffic Engineer is requested to cause a "Dead End" sign be erected along Baltimore Street, at its intersection with Manton Avenue.

an electric street light on Pole No. 10, located at 100 Freese Street.

Severally Read and Collectively Passed, on motion of COUNCILMAN LYNCH, seconded by COUNCILMEN CIRELLI, FARGNOLI and KELLY.

### COUNCILMAN LYNCH and COUNCILMAN KELLY (By Request):

Resolution Declaring the City's Intent to Pay Certain Debts of the Providence Civic Center Authority.

Referred to Committee on Finance, on motion of COUNCILMAN LYNCH, seconded by COUNCILMAN KELLY.

### COUNCILMAN FARGNOLI and COUNCILMAN LYNCH (By Request):

Resolution Requesting Street Light at 100 Freese Street.

*Resolved*, That the Acting Public Service Engineer is requested to order the installation of

## REPORTS FROM COMMITTEES

### COUNCILMAN ROBERT F. LYNCH, Chairman COMMITTEE ON FINANCE

Transmits the following with Recommendation  
the Same be Severally Adopted:

An Ordinance Amending the Appropriation Ordinance Chapter 1974-19, Approved June 19, 1974, by Transferring Certain Sums of Money Within the Department of Planning and Urban Development.

An Ordinance Amending the Appropriation Ordinance Chapter 1974-19, Approved June 19, 1974, by Appropriating the Sum of Fifty-Five Thousand Dollars (\$55,000.00) for the City of Providence's Food Stamp Program.

Severally Read and Collectively Passed the First Time, on motion of COUNCILMAN LYNCH, seconded by COUNCILMAN KELLY, by the following Roll Call vote:

Ayes: Council President Haxton and Councilmen Addison, Ahern, Beatini, Bradshaw, Cirelli, Cola, Darigan, Fagnoli, Johnson, Kelly, Lynch, McKiernan, Moran, Payne, Pearlman, Storti and Xavier—18.

Noes: None.

Absent: Councilmen Brown, Crowley, DeVito, Lorenzo, J. Murphy, W. Murphy and Pisaturo—7.

Resolution from the City Collector, with Accompanying Certificates, Numbered 2584 through 2641, Except Numbers 2584, 2590, 2606, 2611, 2614, 2638 and 2651, Refunding Specified Amounts of Overpayments of City Taxes for the Years 1972, 1973 and 1974.

*Resolved*, That the accompanying certificates, numbers 2584 through 2651 (except Nos. 2584, 2590, 2606, 2611, 2614, 2638, and 2651) representing overpayment of City Taxes for the Years 1972, 1973 and 1974 are hereby refunded in the amounts overpaid. (Related Certificates attached and in Files of City Council.)

Severally Read and Collectively Passed, on motion of COUNCILMAN LYNCH, seconded by COUNCILMAN KELLY, by the following Roll Call vote:

Ayes: Council President Haxton and Councilmen Addison, Ahern, Beatini, Bradshaw, Cirelli, Cola, Darigan, Fagnoli, Johnson, Kelly, Lynch, McKiernan, Moran, Payne, Pearlman, Pisaturo, Storti and Xavier—19.

Noes: None.

Absent: Councilmen Brown, Crowley, DeVito, Lorenzo, J. Murphy and W. Murphy—6.

**COUNCILMAN THOMAS L. PAYNE, Chairman  
COMMITTEE ON PUBLIC WORKS**

**Transmits the following with Recommendation  
the Same Be Adopted:**

Resolution Granting Accompanying Petition of John William Snekser, et al, to Clean by Sandblast Process the Interior of the First Floor of 23 Peck Street.

ing located at 23 Peck Street, Providence, the same having been approved by the Director of the Department of Building Inspection, August 20, 1974, is hereby granted.

*Resolved*, That the accompanying petition of John William Snekser, et als, for permission to sandblast the interior of the first floor of build-

**Read and Passed, on motion of COUNCILMAN LYNCH, seconded by COUNCILMEN KELLY, J. MURPHY and XAVIER.**

**COMMUNICATIONS AND REPORTS**

**FROM DIRECTOR OF DEPARTMENT OF  
NATURAL RESOURCES**

Communication Transmitting Preliminary Determination of Applicability of Fresh Water Wetlands Act for Proposed "Merino Bridge," and of Proposed Construction, West Bank of Moshassuck River, South of Stevens Street.

**Referred to Committee on Public Works, on motion of COUNCILMAN LYNCH, seconded by COUNCILMAN KELLY.**

**FROM CITY ASSESSOR**

Certificates,  
(19-L, Page 1 to 20, Inclusive;  
20-L, Page 1 to 26, Inclusive;  
22-L, Page 1 to 22, Inclusive;  
23-L, Page 1 to 22, Inclusive;  
26-L, Page 1 to 23, Inclusive;  
28-L, Page 1 to 14, Inclusive;  
30-L, Page 1 to 26, Inclusive), Requesting the Same be 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 Referred to the Committee on Claims and Pending Suits, on motion of COUNCILMAN LYNCH, seconded by COUNCILMAN KELLY.**

## FROM THE CLERK'S DESK

**Petitions for Compensation for Injuries and Damages, viz:**

Insurance Company of North America as subrogee of Carpenter Jenks Funeral Home.

Liberty Mutual Insurance Co. as subrogee of Adelard T. Desrosier.

Lillian Martin.

People's Savings Bank.

Teresa Petrella.

Royal Globe Insurance Co. as subrogee of Stephen P. Morse.

Robert J. Shaw.

Emma T. Tancredi.

Severally Referred to Committee on Claims and Pending Suits, on motion of COUNCILMAN LYNCH, seconded by COUNCILMAN KELLY.

## PRESENTATION OF RESOLUTION

### "In Memoriam"

**COUNCILMAN AHERN for Himself and COUNCILMAN CROWLEY, In Absentia:**

Resolution of Sympathy Upon the Passing of Florence A. Selwyn.

*Whereas*, Almighty God, in His Divine Wisdom, has taken unto Himself the soul of Florence A. Selwyn, and

*Whereas*, During her life-time, Mrs. Selwyn has contributed much to the community in which she lived and raised a fine family,

*Now, Therefore Be It Resolved*, That His Honor Mayor Joseph A. Doorley, Jr. and the

Members of the City Council do hereby express and extend, to her children, Mrs. Joan S. Arrigan and Raymond W. Selwyn, their heartfelt sympathy, in this period of their bereavement, and further offer prayers for her eternal repose, and

*Be It Further Resolved*, That the City Clerk is directed to cause a duly engrossed copy of this Resolution to be transmitted, upon its adoption, to her son and daughter.

**Read and Passed, by a Unanimous Rising Vote, on motion of COUNCILMAN LYNCH, seconded by COUNCILMEN AHERN and KELLY.**

## ADJOURNMENT

There being no further business, on motion of COUNCILMAN LYNCH, seconded by COUNCILMAN KELLY, the City Council adjourns at 8:32 o'clock P.M. (DST), to meet again on THURSDAY, OCTOBER 3, 1974, at 8:00 o'clock P.M. (DST).

*Vincent Capria*

City Clerk

September 19]

1725

[1974

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