

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2007-47

No. 426

AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES ENTITLED "HEALTH AND SANITATION," SECTIONS 12-80, 12-82, 12-86, 12-87 AND 12-89.1

Approved JULY 31, 2007

Be it ordained by the City of Providence:

SECTION 1. Chapter 20 of the Code of Ordinances of the City of Providence is hereby amended in part to read as follows:

Sec. 12-80. Penalties for littering violations.

(a) Unless otherwise specified, the penalty for violation of any provision set forth herein shall be one dollar (\$1.00) to five hundred dollars (\$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:

TABLE INSET:

Offense	Fine	Code Section
Improper storage of residential trash	\$ 50.00	Sec. 12-61
Early storage of residential trash	50.00	Sec. 12-63
Late removal of residential containers	50.00	Sec. 12-63
Unscreened container(s)	50.00	Sec. 12-63
Trash hauling without license	200.00	Sec. 12-65
Violation of dumpster ordinance	150.00	Sec. 12-61.1
Litter equal to or greater than one (1) cubic yard	250.00	Sec. 12-61
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	<u>12-61.2</u>
Animal control	100.00	Sec. 12-89.3/Sec. 12-89.4
Continuing public environmental nuisance	500.00	Sec. 12-85
Scavenging	50.00	Sec. 12-87
Commercial trash violation	250.00	Sec. 12-61.1

(b) In the event that any of the foregoing fines are not paid, or a plea of not guilty to the citation is not entered prior to the fourteenth day after the date the violation was postmarked, said fines shall be doubled. In the event that 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 the date of the violation, said fines shall be tripled.

(Ord. 1988, ch. 88-18, § 1, 6-22-88; Ord. 1989, ch. 89-3, § 1, 4-17-89; Ord. 1992, ch. 92-52, § 1, 12-28-92; Ord. 2002, ch. 02-3, § 16, 2-13-02)

Sec. 12-81. Payment of fines--Generally.

A person charged with the violation of any litter regulation relating to this section and notified by the director of public works to appear to answer such charge before the Providence Municipal Court may, in lieu of such appearance, elect to appear in person or by one duly authorized by him in writing, before the clerk of said court, admit the truth of said charge, and pay to said clerk the designated fine; provided that such appearance admission and payment be made at the office of said clerk during regular business office hours, within sixty (60) days of such notification, and failure to so appear shall be deemed a waiver of the right to dispose of such charge without ~~personnel~~ personal appearance in court.

(Ord. 1988, ch. 88-18, § 1, 6-22-88)

Sec. 12-82. Same--Payment by mail.

(a) Any person charged with any violation relating to litter, except as otherwise provided, may elect to mail in said violation tag to the clerk of the Providence Municipal Court, accompanied by payment of the designated fine, and the name and address of the violator. Such privilege of paying the fine by mail shall be exercised within sixty (60) days from the date of the offense by depositing the designated payment of such fine in a depository maintained by the United States Post Office Department for the collection mails and the postage cancellation shall be prima facie evidence of the time of deposit.

(b) In those cases where mail is used for payment of such fine, the payment may be by check or by money order, and in those cases where payment is attempted with a check drawn against insufficient funds, an additional payment of twenty-five (\$25.00) dollars shall be imposed against the violator to defray administrative costs.

(Ord. 1988, ch. 88-18, § 1, 6-22-88)

Sec. 12-83. Same--Effect of payment.

The payment of a fine to the clerk of the municipal court as herein provided, for the violation of a litter regulation relating to this section shall operate as a final disposition of the charge and such proceedings shall not be deemed criminal.

(Ord. 1988, ch. 88-18, § 1, 6-22-88)

Sec. 12-84. Same--Notice requirements.

Notice of any litter violation relating to this section shall indicate the offense charged, schedule of fines for such violation, the time within which the privilege of paying such fine by mail may be exercised, the place to which such fine may be mailed and such other information as will enable the person charged to take advantage of the provisions hereof.

(Ord. 1988, ch. 88-18, § 1, 6-22-88)

Sec. 12-85. Effect of multiple violations relating to litter regulations.

Notwithstanding anything herein contained, disposition of litter violation charge relating to this section without personal appearance in the municipal court may not be exercised by any person who in the consecutive period of twelve (12) months next preceding such charge has been three (3) times in the aggregate adjudged guilty by the municipal court of any violation of any regulation relating to this section or has admitted the truth of charges made against him under the provisions hereof.

(Ord. 1988, ch. 88-18, § 1, 6-22-88)

Sec. 12-86. Failure to comply.

Any person charged with the violation of any litter regulation relating to this section as outlined in section 12-80(a) of the Code of Ordinances, who fails to make payment within sixty (60) days as required, may, in the discretion of any justice of Providence Municipal Court, be charged an additional sum twenty-five (\$25.00) to cover administrative costs which shall be payable to the clerk of said court.

(Ord. 1988, ch. 88-18, § 1, 6-22-88)

Sec. 12-87. Scavenging of household rubbish, garbage and recyclables.

No person shall scavenge household rubbish, garbage or recyclables within the city limits.

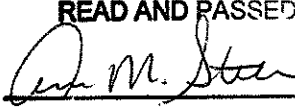
(Ord. 1989, ch. 89-3, § 3, 4-17-89)

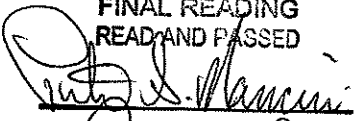
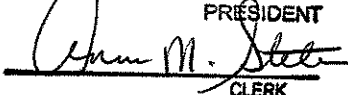
Sec. ~~12-89.1~~ 12-87.1 Release of gaseous or liquid substance from appliances.

Unless licensed to do so by the state, 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.

(Ord. 2002, ch. 02-3 § 6, 2-13-02)

SECTION 2. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL
JUL 25 2007
FIRST READING
READ AND PASSED
 CLERK

IN CITY
COUNCIL
JUL 27 2007
FINAL READING
READ AND PASSED
 PRESIDENT
 CLERK

APPROVED

MAYOR 7/31/07